

**PLANNING BOARD MEETING - NOVEMBER 21, 2022
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

**Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
John LaVoie
Stephanie Leonard
Lawrence D'Angelo
Andrew Aubin, P.E.
James Shaughnessy, P.E.
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Planning & Zoning Office**

MEMBERS ABSENT

APPROVAL OF DRAFT MINUTES — NOVEMBER 7, 2022

Johnson moved, D'Angelo seconded that the minutes be approved as amended, as the official minutes of this meeting.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

PUBLIC COMMENT

NONE

Melissa Knights read the hearing notice(s) as published in the Troy Record:

Lindemann Solar published November 12, 2022

Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).

Public Hearing Opened at 7:10 p.m.

Public hearing held open

Lindemann Solar
2729 Brookview Road
Proposed - Ground Mount Solar

2022-30/RA/177.-8-7.1

LaVoie moved; D'Angelo seconded to hold open this public hearing until applicant is available

7 Ayes. 0 Noes. Motion carried

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

Site Plan / Special Permit

Nadide's Eatery

2022-29/HC/178.-12-11

1607 Columbia Tpke

Proposed - Restaurant and Drive Through

Tony Trimarchi, Engineer, and Havzi Ipek applicant were present for this meeting.

Mr. Shaughnessy asked if this was an actual drive thru, like at a fast-food business where you drive up place an order and then drive up to a pickup window, or is this just a pickup window for orders that were called in.

Mr. Havzi stated he would like the food handed through a window to make it more expedient.

Mrs. Mayrer asked if the food would be called in before they pull up to the window.

Mr. Ipek stated he would like to have the orders called in for pick up.

Mr. Johnson asked is there enough room for someone to park to pick up food and to have someone get by and not block Krug Road.

Mr. Havzi stated his engineer took measurements of Krug Road, there are two residents in the back that use this road. this should not be a problem.

Mr. Johnson stated the plans show he is removing parking spaces, so where will the CBD store have parking.

Mr. Havzi stated for safety reasons they plan to remove the front parking area and landscape that area, the CBD store will have to park in the parking lot for restaurant.

Mr. Trimarchi stated eliminating the two spots in the front will benefit the people leaving and merging onto Route 9&20. The total number of parking spaces is 15 that stays the same. And should be enough the CBD store and the apartment because of the drive through, if more is needed there is land in the back where he can add more parking. But

once they find out if the drive through window is going to work, then he can then work on the extra parking if needed.

Mr. Johnson stated the presented plan needs to show everything, parking, the window, the driveway and so on.

Mr. Laberge stated what Mr. Johnson is talking about is just put a parking analysis on the plans as well as the apartment parking, the sq. ft. of the store (CBD shop) and the restaurant, this is what drives the parking requirements, so we need to have that data before deciding.

Mr. Trimarchi stated he was just looking at the dining area which he has 850 sq. ft. so once the improvement are done that leaves enough space for maybe 4 tables.

Mr. Johnson stated he just wants to make sure there is enough parking with out backing up on Columba Turnpike or blocking Krug Road.

Mr. Laberge stated that would be best if you look at the town code, the restaurant, CBD store and the apartment all need to be added to the parking proposal. You also may need to do an interior drawing showing what improvements as well as the seating.

Mr. Trimarchi stated he will do all of that, his main concern is the drive-up window.

Mr. Laberge asked why the east entrance not both an entrance and exit, it is wide enough to accommodate both.

Mr. Johnson state with the drive-up window it will be difficult to have the exit and entrance both on the one side of the lot, but if they can show how it will work, we will look at it. you just need to make sure that people will use it correctly and not drive around the back of the building and exit onto Krug Road,

Mr. Laberge asked the applicant to refine the plan with their exact request with location points, everything to scale showing the drive lanes the parking analysis and submit some evidence that Krug Road is theirs to use as they wish for the proposed window.

The applicant agrees to work on the new drawing and get it back to us before the next meeting.

Site Plan / Special Permit

Socaris Woodworking

2022-31/RA/189.-14-3

1491 Schodack Valley Road

Proposed - storage and woodworking shop

Spiro Socaris, applicant was present for this meeting.

Mr. Socaris read his narrative to the board which explains what it is he is looking to do on this piece of property. (See File)

Chairperson Mayrer asked about the number of people will be working at the shop, and what facilities do you have in the building.

Mr. Socaris stated none, its just him, he uses some subcontractors occasionally, but they wouldn't be. The only time someone would show up would be to talk to him and he would use the existing office. but he has never had employees. There are no facilities in the building he lives just down the road and goes home. The previous owner never had facilities in the 40 years he owned the building.

Mr. Johnson asked if there was paving for parking around the side or in the back at all.

Mr. Socaris stated no, in the back of the building the property goes straight up to the golf course. There is paving on the right side and the front of the building.

Mr. Socaris stated he would like to keep the existing sign, just wants to change the lettering.

LEAD AGENCY

Shaughnessy moved, LaVoie seconded, that the Planning Board be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

TYPE II ACTION

LaVoie moved, D'Angelo seconded, that the board resolves to issue a **TYPE II ACTION**

7 Ayes. 0 Noes. Motion carried

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

CHANGE IN TENANCY

Leonard moved; Johnson seconded **APPROVAL** of a change in tenancy at

"1491 Schodack Valley Road" also approved is the change in lettering on the existing sign

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

Site Plan / Special Permit

Van Hoesen Station

2021-24/PD3/189.-10-3

1735 Richwood Drive

Proposed - PD2 site plan

Morgan Ruthman, applicant was present for this meeting.

Mr. Laberge stated just to give a quick background the chair and the board-certified PD application as complete at the October 3, 2022 meeting and there is a 60-day deadline for the board to act or it presume it to be a favorable report to the town board. There is a draft resolution that has been put together by the board's attorney Mr. Crist and himself for the board's consideration. The letter goes through the planned development (PD) codes. The verbiage the town board would be most interested in is on the last page.

Chairperson Mayrer stated to the members this is the first time you are seeing this draft; she is giving them a few minutes to read and comment on the application.

Mr. Shaughnessy asked where are we on our timeline for the 60 days.

Mr. Laberge stated the board doesn't have enough time to wait until the next meeting which is on December 5, 2022.

The board discussed the option to have a special meeting or review the information and vote tonight.

Chairperson Mayrer stated the board will be taking the time to read the draft resolution and will be making a formal decision at tonight's meeting. whether to adopt it or modify it or take extra action.

Mr. Ruthman spoke about the process that he has been through including the many site plan changes that were requested by the planning board and is concerned that the recommendation to the town board reflects the board desire for more changes, including another percentage of reduction in density.

Several members spoke up about the need for this project to be less dense throughout several prior meetings, which were met with the applicant submitting revised plans showing some reduction in density, the members thought there should have been more reduction in the numbers of units being proposed, per the prior comment.

Chairperson Mayrer stated to the applicant you need to get the district approved, without it there is no project, but this document will be recommended to the town board with the

suggestion to consider the district and that this be a less dense project, if the town board approves the change in district, then you come back, and we start the process again.
Chairperson Mayrer read the last paragraph of the resolution for the members to vote on.

Shaughnessy moved; D'Angelo seconded to wave the reading of the resolution to the town board for PD decision.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

Aubin moved; LaVoie seconded to approve this resolution as drafted

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

RESOLUTION RECOMMENDING APPROVAL OF THE PROPOSED VAN HOESEN STATION PLANNED DEVELOPMENT DISTRICT, WITH MODIFICATIONS

WHEREAS, Applicant has made application for a proposed planned development district, which would be a residential multi-family project, comprised entirely of rentals, dominated by eight-unit multi-family apartment buildings, with 24 such buildings proposed. In addition, 40 resident storage units, eight single-family residential dwellings, and other amenities for use by residents are proposed ("Project");

WHEREAS, the proposed Project would be located next to a residential neighborhood, with predominately single-family homes, and is located in a PD-3 zone, a zone that does not allow the proposed use and thus the basis for the application for a PD-2 Planned Development.

WHEREAS, section of the 219-95 of the Code of the Town of Schodack ("Town Code") provides for Planning Board review of Applicant's proposed sketch plan and submission of a report to the Town Board, which report "shall approve, approve with modifications or disapprove the sketch plan ..."

WHEREAS, the Planning Board has served as lead agency under SEQRA and previously issued a Negative Declaration;

NOW THEREFORE BE IT RESOLVED THAT the Planning Board, per § 219-95(C)(3) of the Town Code, recommends approval of the proposed sketch plan, but with the modifications set forth herein;

(a) *Conform to the Town's Comprehensive Plan*

The Town's Comprehensive Plan notes the "four decades of plans, reports, and studies completed for and by the Town" (p. 2) and contains, among other things, a limited list of five

“Fundamental Guiding principles” and a Vision Statement. The Guiding Principles and Vision Statement are the backbone of the Comprehensive Plan. The Vision Statement begins by stating:

The Town of Schodack will continue to be a desirable place to live, work and recreate, offering an excellent quality of life for residents and visitors. The Town will encourage its growth to preserve its historical, cultural and natural resources for this and future generations. Schodack will retain its ‘small-town feel’ by encouraging the preservation of prime farmland and agriculture ...

(Comprehensive Plan, p. 3).

Guiding Principle #1 is “In recognition of the historically rural nature of Schodack, protect and conserve open space and agricultural land as much as reasonable and economically feasible”). Subparagraph B thereof states: “Consistent with the historical rural character of Schodack, residential developments should be structured to create small communities or hamlets which can be integrated with open space conservation efforts and with recreational and leisure use features which promote community or hamlet life.” (Comprehensive Plan, p. 7).

Also relevant to the subject application is Guiding Principle #2. It states: “Promote quality of life assets in the Town which are consistent with the rural nature of the Town and which maximize use of its natural resource features, assets, and history.” Subparagraph C thereof provides: “Major residential development sponsors+ should be routinely asked to consider inclusion of a variety of recreational and leisure times uses coupled with open space preservation—including but not limited to sidewalks, ‘mini-parks,’ bikes and hiking paths, etc.”. (Comprehensive Plan, p. 8).

Additionally, Section V of the Comprehensive Plan, titled “Prior Comprehensive Plan Reports,” provides the following, which Applicant has cited in support of its application:

The Growth Analysis committee found that the Town may be in position to encourage affordable senior housing in the future due to the fact that the median age rose considerably in the 1990’s, more than 70% of Town residents in 2000 were living in the house as they were in 1995 (demonstrating community “attachment”); and the fact that there was little rental housing located within the Town beyond the Village of Castleton. The study also outlined several factors that should be considered in any future senior housing development endeavors. These included: accessibility to public transportation and public roads; proximity (within walking distance) to essential services, compact and flat site development; and cost effective water and septic (or sewer) provision. The Growth Analysis committee listed both the advantages and disadvantages associated with allowing the free market to continue to influence Schodack’s residential development ...”

(Comp. Plan, p. 54).

In support of its argument that this factor favors approval applicant states in its June 14, 2021 and July 28, 2021 Project Narrative submissions that the proposed use is an “appropriate transitional use of the property” and that there is a need for rental property in the Town.

The Comprehensive Plan notes there is a general need for rental housing in the Town and that the flexible land use mechanism of planned development districts is to be encouraged, as more fully detailed below. However, this Board further interprets and applies same that it has the objective of attempting, if possible, especially with residential properties, to maintain a “small-town feel” and that recreational opportunities should be created for the use of all town residents, thus warranting modifications to the sketch plan as proposed.

(b) Meet the intent and objectives of a planned development as stated in this Article

Article XII, “Planned Developments” at section 219-90, “Purposes,” provides the following as the intent of the Town’s planned development process:

- A. The planned development (PD) procedure provides a flexible land use and design regulation through the use of performance criteria so that developments may be matched with sensitivity to the unique characteristics of their site. This procedure recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulations of land use in areas substantially developed, these controls represent a type of regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned development concept. Conventional area and density specifications set forth by other sections of this chapter are intended to be replaced by application of the planned development procedure and resulting PD-2 District, as provided for herein, to lands upon which the approved plan becomes the basis for control and development.
- B. While flexibility in substantive regulations is encourage, it is intended that uniform procedure and the required conformance with the Town Comprehensive Plan and municipal service capability shall ensure the general welfare through equal treatment under the law as well as precise control of all aspects of the development as approved.

It is noted that in recent years, this procedure has mostly been utilized for the location and permitting of utility solar projects in town and a small scale business park. The Board acknowledges the aforementioned criteria and believes that the proposed type of use is an appropriate use but not at the density proposed.

Additionally, Article XII, section 219-92 of the Town Code, titled “Objectives,” provides: “In order to carry out the intent of this article, the application of PD shall achieve the following objectives; it shall:”

- A. *Contain an adequate and integrated system of open space and recreation areas designed to tie the PD together internally and link it to the larger community.*

The sketch plan, last revised September 28, 2022, provides some open space as well as a trail system located wholly within the proposed development along with a sidewalk along US Route 9.

- B. *Preserve trees, outstanding natural topography and geologic features, while preventing soil erosion and uncontrolled surface water drainage.*

Although 38% of the property will remain natural areas and the wetlands and ponds are another 7% of the property, most of same is located on land that is difficult to develop and is located on the perimeter of the development. Of the area to be developed, most of the topography and trees will be altered. Soil erosion and surface water discharge will be managed on-site.

- C. *Preserve and integrate historically significant structures and sites into viable adaptive uses.*

There are no historically significant structures or sites on the subject property.

- D. *Use land efficiently, resulting in smaller networks of streets and utilities and thereby lower development and maintenance costs.*

An interior loop road is proposed to service the proposed development and appears to provide adequate vehicular circulation. However, since municipal wastewater disposal is not available at this time, a significant amount of land area is being utilized for subsurface wastewater disposal.

- E. *If residential in land use, provide a maximum choice in occupancy tenure (e.g. individual ownership, leaseholds, condominiums), type of housing (e.g., detached houses, townhouses, garden apartments), lot size and community facilities available to existing and potential Town residents.*

As proposed, all units, apartment and single-family residence are to be rentals and there is no choice in occupancy tenure. As proposed, as noted above, it is predominantly multi-family housing. There is no subdivision proposed and therefore no transfer of ownership to customers, even as to the eight proposed single-family residential strictures. The use of the facilities is limited to residents of the proposed development only, and not available to Town residents who do not live there.

- F. *Possess creative design and site planning of a quality that will produce a more desirable environment through improved functional relationships between buildings and uses.*

The sketch plan, as presented, is functional but similar to other large scale apartment complexes throughout the region. As to functional relationships, virtually all of the on-site amenities are located in one portion of the site.

- G. Provide more convenience in the location of accessory commercial and service areas.

There are no accessory commercial, and services areas proposed.

- H. *Provide an orderly transition of land from rural to urban uses.*

The proposed use provides a transition between commercial and residential land uses. Once again, it is located between a predominantly single-family neighborhood and commercial uses.

- I. *Produce a development pattern in harmony with the goals and objectives of the Town.*

Applicant has cited and discussed the portion of the Comprehensive Plan noting “there was little rental housing located with the Town beyond the Village of Castleton” and the need for market rate housing. This is more fully discussed above and is therefore incorporated herein by reference.

(c) *Meet the general criteria stated in this Article*

Such criteria, including that contained in Town Code section 219-93, titled “Standards for Determination” have been the subject of extensive review by the Planning Board and its consultants. The engineer for the Planning Board has issued numerous review letters, carefully examining such criteria, all of which are incorporated herein by referenced and will therefore not be repeated. It also is noted that three board members are professional engineers.

(d) *Achieve conceptual soundness in the it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system and scale of its elements, individually and to one another.*

The Project meets a local need for the addition of rental housing. It conforms to accepted design principles in the proposed functional roadway and pedestrian system, including the sidewalks whose addition to the proposed sketch plan was encouraged by this Board. The land use configuration, as proposed to be modified herein, is more consistent with current land use development patterns in the Town. In furtherance thereof, the open space system provides the potential for outside residential use, especially if amenities are added for use by residents outside of the proposed planned development district. As proposed to be modified, the scale of its elements, individually and to one another is in greater harmony with the surrounding land uses.

(e) *Provide adequate physical and human protective services and utilities available or proposed to be made available in the constriction of the development.*

As designed, the Project provides adequate physical and human protective services. As noted herein, Applicant proposes on-site septic due to the unavailability of municipal sanitary sewer capacity. There is adequate energy and communication available. Water is available but only if the Town Board grants approval of a water district extension.

Factoring in all of the above, it is the belief of this Board that the Town may benefit from the addition of residential housing, and that the sketch plan as recommended to be modified below provides both a type and amount of housing that is recommended by this Board.

Recommended Modifications

THEREFORE, IT IS FURTHER RESOLVED THAT the Planning Board recommends approval of the sketch plan but with the following recommended modifications:

1. The number of units be reduced by approximately forty (40) to fifty (50%) percent, depending upon the final mix of housing unit types. It is further recommended that this reduction be effectuated in part by adding additional single-family homes on the southern portion of the interior loop road, across from the eight single family homes that are proposed. In furtherance thereof, it is also recommended that townhomes should be added to the mix of unit types and be placed in an area removed from the existing neighborhood.

2. The project should be approved and constructed in such a way that construction of the second and subsequent phases of residential units, which shall not be less than fifty percent of the total residential units, shall not be commenced until there is demonstrated ninety percent leasing of the preceding phases.

3. The eight-unit buildings are to be arranged in a such a manner that up to three buildings may share a common parking lot.

Moved By Aubin; seconded by LaVoie, and the Board voted as follows:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MAYRER	X		
JOHNSON	X		
LAVOIE	X		
D'ANGELO	X		
AUBIN	X		
SHAUGHNESSY	X		
LEONARD	X		

this resolution was officially submitted to the town clerk and stamped, dated November 22, 2022. Then given to Supervisor Peter same day.

ADJOURN

Leonard moved; D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:40 p.m.

Respectfully submitted,
Melissa Knights
Planning & Zoning