

**PLANNING BOARD MEETING - DECEMBER 5, 2022
CALLED TO ORDER BY: ACTING CHAIR WAYNE JOHNSON AT 7.00 p.m.**

PRESENT

Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
Andrew Aubin, P.E.
James Shaughnessy, P.E.
Stephanie Leonard
Nadine Fuda, Director
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Assistant to Director

MEMBERS ABSENT

Denise Mayrer, Chairwoman

APPROVAL OF THE DRAFT MINUTES FOR — NOVEMBER 21, 2022

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

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

PUBLIC COMMENT

None

Public Hearing

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 11/21/22 @ 7:00 p.m. Public Hearing Closed at 12/5/22 7:10 p.m.

Lindemann Solar

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

2729 Brookview Road

Proposed - Ground Mount Solar

Ben Potiker, PLUGPV, LLC solar company was present for this meeting.

Chairman Johnson asked if all the setbacks and offsets were applied to this array.

There were no questions for the applicant.

Shaughnessy moved; Aubin seconded to close the public hearing.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

D'Angelo moved; Shaughnessy seconded that the Planning Board be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

LaVoie moved, Aubin seconded that the Planning Board declared this a **TYPE 2 action**

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

LaVoie moved, D'Angelo seconded that the **SPECIAL PERMIT** be **GRANTED** pursuant to a decision to be drafted and adopted by this board

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

Subdivision / Lot Line

Staats & Allen

2022-33/RA/190.-11-23.1 & 23.2

257 & 319 Beaver Road

Proposed - Lot Line Adj.

Pete Van Alstyne, Land Surveyor, was present for this meeting.

Mr. Van Alstyne stated he is presenting a lot line adjustment on Beaver Road, the map shows that the Staats went over onto the neighbor's property with the neighbor's approval, but now it is time to make things official, there is a sliver of land that will be transferred to the Staats. Asked if the board had any questions.

Mr. Johnson stated he didn't see any issues with the map.

LEAD AGENCY

D'Angelo moved; LaVoie seconded that the Planning Board declare itself to be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

TYPE 2 ACTION

Shaughnessy moved; Aubin seconded that the Planning Board hereby classifies the proposed action as a **Type 2 under SEQRA**.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

LOT LINE ADJUSTMENT

LaVoie moved, D'Angelo seconded that the lot-line adjustment be accepted and approved. A public hearing is not required. The property will be conveyed to the adjacent landowner and become part of that existing parcel.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

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. Trimarchi stated at the last meeting he provided the board with the deed for the property showing they have a right-a-way on Krug Lane. The parking calculations which he said was very generous, the parking spots are 10x20. They are showing a south side of the property with an in and out driveway, they want to use the Krug Lane as a drive-up window only, with the residents being able to leave the site the same way past the drive thru. The drive thru will have a menu board and an intercom station before you drive to the pickup window. They are eliminating the two parking spots in the front, in front of the CBD store for site distance. He asked the board if they had any questions.

Mr. D'Angelo asked the board attorney Mr. Crist about the business having a right-a-way on Krug Road by this deed that was presented.

Attorney Crist stated he would have to closely examine the wording of the document. And this board is not in the practice of giving title opinions.

Mr. D'Angelo stated the intercom for the drive thru is on the wrong side of the drive-up lane. And the in and out arrows at the entrance is wrong they need to be switched.

Mr. Trimarchi stated correct that makes sense. And he will switch the in and out arrows.

Attorney Crist stated what was submitted is a warranty deed dated March 23, 2022 and what it is referring to the legal description in which describes the property it doesn't show any evidence of rights of access to Krug Road, the document is simply a deed description. That mentions that road as a boundary.

Mr. Trimarchi stated at the bottom of the deed is a new description,

Attorney Crist stated the part of the document you are referring to stated "more modernly described" that does not provide a right of way for the legal use of the road.

Attorney Crist spoke with some board members (also are engineers) about the document to get their interpretation on the last paragraph.

Mr. Johnson stated all he could read on the deed description was a starting point for the property line that was purchased it doesn't actually give anyone any rights to that right-a-way.

Mr. Trimarchi stated he will contact Mr. Ipek's attorney and see what he can do to help on this issue.

The applicant and the board agreed to have the proposed deed to be looked into by the applicant's attorney. And contact the board with their findings

Site Plan / Special Permit

Jennifer Fegan

2022-32/HC/189.-3-3

1676 Columbia Tpke.

Proposed - Change in Tenancy

Jennifer Fegan, applicant was present for this meeting.

Ms. Fegan stated she is a license midwife and looking to open her practice at this location.

Ms. Knights asked if she planned on keeping the sign the same size and just re-lettering it and having it lighted from the inside.

Ms. Fegan stated yes, she plans to keep the sign the same size and just re-lettering it.

Chairman Johnson stated the parking looks adequate, asked if there will be much traffic coming and going from the property.

Ms. Fegan stated probably 3 to 4 cars at a time, it is by appointment only.

LEAD AGENCY

LaVoie moved; D'Angelo seconded that the Planning Board declare itself to be **LEAD AGENCY**.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

TYPE 2 ACTION

Shaughnessy moved; Aubin seconded that the Planning Board hereby classifies the proposed action as a **Type 2 under SEQRA**.

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

CHANGE IN TENANCY

LaVoie moved, D'Angelo seconded APPROVAL of a change in tenancy at "1676 Columbia Tpke"

6 Ayes. 0 Noes. Motion carried.

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

Absent: Mayrer

ADJOURN

Leonard moved, Aubin seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Melissa Knights

Planning & Zoning