

**PLANNING BOARD MEETING - DECEMBER 19, 2022
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

PRESENT

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

MEMBERS ABSENT

APPROVAL OF THE DRAFT MINUTES FOR — DECEMBER 5, 2022

Johnson moved, Shaughnessy 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

Abstain: Mayrer

PUBLIC COMMENT

Resident spoke about the application # 2022-35 & 2022-36

Melissa Knights read the hearing notice(s) as published in the Troy Record:
Melissa Hackart & Dustin Swan published December 9, 2022
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).

Public Hearing Opened at 7:20 p.m.

Public Hearing Closed at p.m.

Melissa Hackart & Dustin Swan
372 Clove Road
Proposed - 2 Lot Subdivision

2022-34/RA/209.-11-25.133

Paul Baker from SY Kim Land Surveying and Dustin and Melissa Swan, applicant were present for this meeting.

Mr. Baker stated this is a straightforward subdivision and they are looking to divide their property into two parcels of 24 & 53 acer lots and use the existing driveway with an easement to the larger lot.

Mr. Johnson stated he doesn't see tax map numbers for the existing lot.

Mr. Baker stated in the notes we would find the tax map numbers at the bottom of the map.

Mr. Johnson explained the board likes to see on the map the property owner's name printed on the lot, the original acreage, and the remaining acreage for both lots. So, the county can apply a new tax map number when filed. Also, the board normally looks for 60-foot easements.

Mr. Baker stated the easement is 30 feet.

Mr. Johnson stated there is enough space to do a 60-foot easement if required.

Mr. Baler stated he will look into it.

Close Public Hearing

LaVoie moved; D'Angelo seconded to close the public hearing.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

LEAD AGENCY

Johnson moved; Aubin seconded that the Planning Board declare itself to be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

TYPE II

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

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

SUBDIVISION APPROVAL

Moved seconded that the following resolution be adopted:

WHEREAS a formal application was submitted to the Planning Board on: **December 2, 2022**, for approval of a 2-lot subdivision entitled, Melissa Hackart & Dustin Swan, map prepared by: **S.Y. Kim Land Surveyor** Date of **September 30, 2022**, and

WHEREAS a public hearing was held on the subdivision application and plat at the Schodack Town Hall on **December 19, 2022 @ 7:00 p.m.**, and

WHEREAS the requirement of the subdivision regulations of the Town of Schodack have been met by said subdivision plat and application.

NOW, THEREFORE, BE IT RESOLVED, that the application of **Melissa Hackart & Dustin Swan** be **APPROVED CONTINGENT UPON** submission of final maps, payment of fees and before building permits can be issued, permits to construct well and septic must be obtained from the Rensselaer County Health Department.

Johnson moved; LaVoie seconded, To **APPROVE THIS MINOR SUBDIVISION** based on the changes stated at this meeting.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

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

Kurt Nusbaum published December 9, 2022

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

Public Hearing Opened at 7:42 p.m.

Public Hearing Closed at p.m

Kurt Nusbaum

2022-35/R40/178.-11-27.1

1550 Columbia Tpke

Proposed - 2 Lot Subdivision

Kurt Nusbaum, applicant was present for this meeting.

The board and the applicant came to a decision that this applicant was not a subdivision but to be added to the lot line that is the next application.

Moved; seconded to close this public hearing and proceed with the lot line adjustment.

Kurt Nusbaum
1550 Columbia Tpke
Proposed - lot line adj

2022-36/R40/178.-11-27.1

Kurt Nusbaum, applicant was present for this meeting.

Mr. Johnson stated the lot line for the house lot looks fine, all the numbers match but what really needs to be seen is the 1.814-acre lot is added to 7.321-acre lot which creates the lot for the house of 9.135. he suggested to combine all the lot lines onto one map and include the easement for the land locked piece in the back of the site.

Mr. Nusbaum stated the main thing he is looking for is to get the house off the property and make it, its own lot.

Mr. Aubin stated this can all be done on one map.

Mr. Nusbaum stated ok that's not a big deal.

Mr. Aubin stated make a table on the map that explains the new lot lines and the acreage before and after the adjustment. The math works it just needs to be cleaned up. Less confusing.

Mr. Nusbaum stated he doesn't understand how the back property is land locked.

The board and applicant discussed all the proposed lot lines and worked with Mr. Nusbaum to get the lots correct and he is to contact his surveyor and have the map changed and resubmitted for the next meeting on January 9, 2023.

It was also discussed that the easement is subject to Planning Board approval review and approval.

All agree to review the new map for the next meeting.

Site Plan / Special Permit

Nadide's Eatery
1607 Columbia Tpke
Proposed - Restaurant and Drive Through

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

The applicant will be out of town, and will try to be here for January 9, 2023 meeting.

Site Plan / Special Permit

Thomas Driscoll
30 Commercial Drive
Proposed - Change in Tenancy

2022-38/HC/210.-7-41.23

Thomas Driscoll, applicant, was present for this meeting.

Mr. Driscoll stated he has been training individuals for the past 20 years on things from sports, photography, and gun safety classes, he will not be requiring more parking, this is currently a part time endeavor should it become full time then he would have to revisit his options, currently he is looking for more office space a place and to move this off of his property.

Mr. Johnson stated he was reviewing the applicant's description of the proposed actions and there is Photography, such as photo and video editing, computer classes, firearm safety, volleyball and basketball training, trades, and career retraining. So, it sounds like there will be a lot of people coming in to train, how will the parking work for this.

Mr. Driscoll stated these are not teams coming in to train, it is an individual coming into train on something specific - it is a one on one.

Mr. Johnson stated if there is a situation where more than one individual needs training the parking need to be able to handle the parking needs rather than having cars and other vehicles parking along the road. if there is going to be a need it now is that we need to address this not.

There was board discussion on the code on the parking requires.

Mr. Aubin asked if there were more parking spaces other than the 17 shown on the map.

Mr. Driscoll stated that the 17 spaces are plenty, but the one side of the building has 2 rows of parking spaces, one against the building and the other behind that row. Usually there is about 15 people are in attendance at one time and some carpool and this is done after hours and on weekends, so there is no conflict with the parking lot.

The board asked the applicant to write a statement on what he plans to do and the times so the board can have a better understanding on the site and parking as a whole.

Mr. Driscoll agreed to come back with a better description at the next meeting in January.

Site Plan / Special Permit

PB 12/19/22

183-2023

Andrew Pappas Solar
1312 Muitzeskill Road
Proposed - Ground Mount solar

2022-37/RA/ 208.-1-12

Kyle Wojna, Empire solar was present for this meeting

Mr. Wojna stated there are no residence close to this structure, there will be no trees taken down, no wetlands that will be disturbed for this project.

Chairperson Mayrer asked how many panels will be on this array.

Mr. Wojna stated the array will have 48-panels.

There were no questions for the solar company all agree to send this for a public hearing on January 9, 2023

MEMBER DISCUSSION

Adoption of the Lindemann solar 2729 Brookview Road

The board discussed that this is a written decision for Lindermann that needs to be adopted by the board.

Wave the reading of the Special Use Permit

Aubin moved; Shaughnessy seconded to wave the reading of the Special Use Permit.

7 Ayes. 0 Noes. Motion carried.

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

Oppose, none

Mr. Johnson asked for the (Year) to be written in for the special permit, the board agreed to (20-years).

Approval of the written decision for Lindermann Ground Mount Solar.

LaVoie moved; D'Angelo seconded to approve the special permit for William Lindemann, of a ground mount solar, location 1312 Muitzeskill Road.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

STATE OF NEW YORK
TOWN OF SCHODACK

PLANNING BOARD

PB 12/19/22

184-2023

In the Matter of the Application

Of

NOTICE OF DECISION

WILLIAM LINDEMANN

File No. 2022-30

For a Special Permit and Site Plan Approval.

WHEREAS, the Applicant, WILLIAM LINDEMANN, applied for a Special Permit to operate a ground mounted 9.6 kW solar system at 2729 Brookview Road in the Town of Schodack (Tax Map No. 177.-8-7.1), which property is within a Residential (RA) District on land owned by WILLIAM LINDEMANN, thereby seeking to establish a ground mount solar use at the property, and

WHEREAS, the Zoning Schedule of Use Regulations of the Town Code permits such activity within a RA District by special permit; and

WHEREAS, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on December 20, 2021; and

WHEREAS, at its November 21, 2022 meeting thereafter, the Planning Board found and determined the following:

1. The Applicant proposes a ground-mounted solar collector on property located at 2729 Brookview Road in the Town of Schodack (Tax Map No. 177.-8-7.1), which property is within a Residential (RA) District.
2. The subject property, per Applicant's representations to the Board, is proposed to contain a ground-mounted solar system on the property with 24 panels as represented in the plans submitted to this Board.
3. Section 219-39.2(2)(c) of the Town Code provides that a "Special use permit from the Planning Board is required for all ground-mounted racks and freestanding solar collectors greater than 10 feet in height or greater than 20 feet in length or if the solar array surface area is greater than 200 square feet in the aggregate in all residential zoning districts. All other ground-mounted racks and freestanding solar collectors shall follow the standard building permit process."
4. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed special permit use is in harmony with the development of the district, will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof, will not affect existing traffic access ways or parking, is generally in harmony with the character and appearance of the surrounding neighborhood, will not be more objectionable to nearby properties than other permitted uses, and will not adversely affect the general welfare of the inhabitants of the Town of Schodack; and

WHEREAS, the Planning Board previously resolved to declare itself Lead Agency under the State Environmental Quality Review Act ("SEQRA"),

WHEREAS, following the aforesaid public hearing at which no opposition to the proposed special permit was shown, at its November 21, 2022 meeting the Planning Board resolved to declare itself Lead Agency under SEQRA:

1. to issue a Negative Declaration for the proposed action under SEQRA, and
2. that the application for the Special Use Permit be granted for an initial period of (20) years on the express conditions set forth herein:
 - A. *All conditions, approvals as well as all representations and promises made by applicant and/or its agents to either Laberge Group or this Board shall be adhered to.*
 - B. *Comply with the provisions of Section 219-39.2 of the Town Code.*
 - C. *Prior to the commencement of construction the applicant shall demonstrate to the Town's Building Department that the proposed foundations(s) meet all applicable setback requirements.*
3. That the Site Plan as presented to this Board is hereby approved.

THEREFORE, PLEASE TAKE NOTICE THAT, the Planning Board of the Town of Schodack has **GRANTED** the Applicant a Special Use Permit and Site Plan approval to allow operation of a solar farm on the subject property as proposed in the application.

Dated: December 5, 2022

CO-Chairman – Wayne Johnson

Applicant— William Lindemann

ADJOURN

D'Angelo moved; Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:10 p.m.

Respectfully submitted,
Melissa Knights
Planning & Zoning