

**PLANNING BOARD MEETING - March 6, 2023**  
**CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

**PRESENT**

Wayne Johnson, P.E. Acting Chair  
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, Director of Planning & Zoning.

**MEMBERS ABSENT**

Denise Mayrer, Chairwoman

**APPROVAL OF THE DRAFT MINUTES FOR — February 6, 2023**

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

5 Ayes. Noes. Motion carried.

Ayes: D'Angelo, Johnson, Leonard, Shaughnessy

Abstain: Aubin, LaVoie

Mr. Johnson stated the notice of decision for Pappas we need to come up with a decision on the evergreen trees and adjust the 10 trees at 8-foot height.

Mrs. Leonard stated she thought they were doing it on behalf of the neighbor.

Mr. Johnson stated but that was something the solar company agreed to without their applicant knowledge and that is a huge expense for the homeowner. There is nothing there now, so he was thinking 10 - 3-foot trees or maybe 25 seedlings and replace what dies with more seedlings.

Aubin moved; Leonard seconded to amend the previous decision from 10 - 8-foot trees to 25 seedlings to be planted for screening along the neighboring property line.

**PUBLIC COMMENT**

None

**Recommend to the ZBA**

Servidone

Z811.23/HC/210.-7-2

1366 US Rt. 9

Proposed - new building office & storage.

**RECOMMENDATIONS TO THE ZBA**

Aubin moved; Leonard seconded a "NO" recommendation to the Zoning Board of Appeals.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

**Recommend to the ZBA**

Robert Day

Z812-23/HC/200.-7-38.1 & 38.2

373 Shufelt Rd & 3997 US Rt. 20

Proposed - 2 lot sub & lot line.

**RECOMMENDATIONS TO THE ZBA**

Aubin moved; Leonard seconded a "NO" recommendation to the Zoning Board of Appeals.

6 Ayes, 0 Noes. Motion carried.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

**Subdivision / Lot Line & Site Plan / Special Permit**

KME Property Development

2023-6/HC/189-10-42.12&42.2&41

1764 Columbia Turnpike

Proposed - Lot line adjustment.

Tim Freitag, Bohler Engineering was present for this meeting.

Mr. Freitag stated the applicant is looking to a 3-lot consolidation , there is a parcel in the front corner towards the trailer park and a parcel next to Rt. 150. Both being merged to the 14 acres that is the rest of the project acreage. So far the applicant hasn't found any tenants in the front part of the property but they do plan to proceed with development in the back of the property. since the SEQRA determination was granted, they had continued correspondence with DOT (department of transportation). The master plan showed 2 driveways out to Columbia Tpke. DOT wanted the entrance and exit moved as far

away from the intersection as possible that would maximiz left turn into the site, moving the entrance made them adjust the building in the back. They had proposed a 3-story 60k storage building to the north and a 10,800 sq. ft. mixed use, restaurant, office, retail space in the front, they have now reduced the building size and coverage in the back of the site to one building that is now 20k sq. ft. designed to be storage space for 2 tenants rather than the 3 story self-storage that was proposed.

Mr. D'Angelo asked if they had a tenant for the storage spaces.

Mr. Freitag stated there is no tenant, yet they plan to build the facility and market it. they anticipate it to be overflow storage or contractor use and not a distribution.

Mr. Johnson asked if there was a reason they cant have an access to Rt. 150

Mr. Freitag stated the access to Rt. 150 was constrained to location they showed on the master plan, that was the only spot deemed acceptable site line visibility, that access is better served the pad site in the front of the property next to Columbia Tpke.

Mr. Laberge stated the original plan had apartments above the retail space in the back of the property that would require a PD (planned development) overlay approval.

Mr. Johnson asked about the plan for D&B Acoustical,

Mr. Freitag stated that is the property survey.

Mr. Johnson stated on the lot line survey they do not show all the acreages on the plan, you need to note the area for D&B Acoustical lot and the other lot that is being merged on the plan so that later when someone is looking at the plan they can see what you are doing, listing the 3 lots acreage and the final acreage is what should be shown.

Mr. Freitag stated an updated survey and legal description will need to be prepared.

Mr. Johnson asked if the plan before the board is the actual final map.

Mr. Freitag stated it is not the plot that will be filed. This is just the updated plan showing what they are planning to do.

Mr. Johnson asked about the page C301 of the site plan, there is a dotted line, what is that.

Mr. Freitag stated that is the limit of ground disturbance for the new plan.

Mr. Johnson stated your showing a 10-foot-wide water easement and asked Mr. Laberge if that was adequate.

Mr. Laberge stated 10 feet is a little tight for a water easement to run to Lauster Terrace, its normally 20 to 30 feet but he has not reviewed this set of plans being proposed he wanted to wait for the board to review and ask questions and make some adjustments if needed. He asked Mr. Freitag to describe what is in this site plan other than was already discussed.

Mr. Freitag set up the color plan for the board to view and discussed what the different colors stood for. There is a main access coming off of Columbia Tpke. coming in and leaving the site, this will not be a right only exit. DOT is putting in a center turning lane and extending the right turn only lane back towards the trailer park. As for the proposed new building there will be truck access to the back of the building, they will be overhead doors to get into the space. There will be pavement around the perimeter of the site to maintain vehicle and fire access. There will be entry doors in the front, looking like a store front with a small office space should the user need one. 20 parking spaces along the side of the building that meets code for this use. This will be a gravel area for additional parking and of truck turning if needed. Storm water management areas off the west and east sides of the site, the green space will also be in this area.

Mr. Laberge asked if the stormwater area was also out by Columbia Tpke. along the entrance and exit to the site.

Mr. Freitag stated correct.

Mr. Johnson stated he didn't see a pipe going from drainage swale out to the stream. And will you have to put something in for overflow.

Mr. Freitag stated their grading and drainage plan has some contours that show perimeter swales there will be a new culvert under the driveway. So, they wouldn't be increasing any flow.

Mr. Laberge asked about the area in the front of the site and if there would be any mass grading done.

Mr. Freitag stated yes on the submitted grading and drainage plan it shows the limits of disturbance. And use some of the fill to level out the site.

Mr. Laberge asked about their plan to connect to sewer.

Mr. Freitag stated yes, they plan to connect at the corner of Rt. 150 and Columbia Tpke.

Mrs. Leonard asked about the traffic plan, Rt. 150 would be ok but there is no additional traffic light on Columbia Tpke. its enter and exit at your own risk?

Mr. Freitag stated a full traffic study was prepared for the overall master development, DOT came back and wanted the driveway to be moved back as close to the property line to the trailer park and that allows them to install a left turn lane from the center stripping lane that exists on Columbia Tpke. and full movement out of the site.

Mr. Johnson asked to have the DOT letter submitted to the planning office for the files.

Mr. Freitag stated the site plan and lot line approvals can be completed at the same time.

There were no more questions for the applicant.

**Site Plan / Special Permit**

Mirabito

2022-21/LB/210-7-41.15 & 41.16

16 Business Blvd.

Proposed - Office & Bulk Propane Plant

Stacy Silvers, Hiltz Propane Systems and Jeff Stone, Mirabito Propane Safety, Training and Compliance Manager, were present for this meeting.

Mr. Laberge stated this project is in pretty good shape, he received the fire flow information today, His letter of the 28<sup>th</sup> (see below) are recommending a negative declaration and approval of the water quality control act permit and also the special permit for the use and then approve the site plan condition upon #'s 3. 4. & 5 of his letter. He feels the applicant has addressed everything our board asked and asked Ms. Silvers if there was anything she wanted to add.

Ms. Silvers stated she was here to answer anything questions from the board.

Mr. Johnson stated looking at the plans and knowing that propane is heavier than air, and it looks like the tanks are proposed to sit in a depression to keep the gas from leaving the site, but should there be a leak what is there to prevent the gas from reaching Rt.9.

Ms. Silvers stated there are no berms the tanks are skid mounted on concrete piers with gravel around the area and then they are built NFPA58 standards the 2017 version which allows all the internal valving to shut down in case of a leak.

Mr. Johnson stated just a note for the landscaping at the bottom of page C2 of the site plans, also letters were sent to the fire chiefs on the available training, and you have an

email stating you are offering to send fire fighters to NYS Fire Training in Montour Falls NY next September, did that go to all the fire chiefs.

Ms. Silvers stated no, that email went out when it was first mentioned in the beginning of this process, and then sent when Melissa in the planning office asked for letters to go to each of the fire chiefs, Mirabito provides training for first responding fire department at Montour Falls but they have offered all 7 fire department the ability to attend the training on site and in a class room setting once the facility is built.

Mr. Stone stated the training at Montour Falls is only offered in September they send people to it every year from fire companies that need the training. With volunteer fire companies it is hard because they have to take vacation time from their jobs to attend. Chances are when the fire industry attending not all personnel from the fire companies can attend.

Mr. Johnson asked if all the fire chiefs were offered the training.

Mr. Stone stated they will send another letter to all 7 fire chiefs about attending the Montour Falls propane safety course. And add a disclaimer as to how many seats are available and first come first served.

Mr. Johnson stated most of the fire department have Tuesday night drills you might think about that when making your training available.

Mr. Laberge stated if the board agreed to augment the conditions in his letter to include the onsite training be offered to all 7 fire company members and schedule as requested by the fire departments over the course of the next year. one of the condition for approval to get your site plan signed, the second condition would be for a second letter stating first come first served basis that Mirabito would pay for up to 4 people to attend the training in September at Montour Falls. Add these two conditions to letter "D" of his letter dated February 28, 2023, another condition to be added is that the fuel oil vehicles stored on site will be empty. And 100 x 100 area designated for only reusable tanks on site and no storage of unusable tanks on the property.

Mr. D'Angelo asked if anyone other than Tom Davis returned a call to you.

Ms. Silvers stated no he is the only one to contact us.

Mr. D'Angelo stated you might want to physically go to the fire stations on their training night and speak to the members and not rely on them to contact you back via voice mail.

Ms. Silvers stated the call and leaving a voice mail was the first contact then they sent the letters out.

Mr. D'Angelo stated even if you went to their pizza night anything other than a voice mail.

Mr. Stone stated they will look into it and Ms. Silvers lives 7 hours away.

Mr. Aubin asked if there were discussions on the storage of tanks?

Mr. Stone stated the first meeting the storage tanks were discussed and currently the tanks are stored off site.

Mr. Laberge stated he had the applicant remove all vehicles and other items that was needed to clean up the site.

Mr. Stone stated the new tanks will be stored behind the fence.

Mr. Albin stated they should be fenced in.

Mr. Laberge stated they maybe want to fence in the area, but he is not sure from a safety standpoint if they are all sitting on the ground it may not be necessary.

Mr. Johnson asked if this was going to be the new site plan, because on the first plan they showed an area for the fuel delivery trucks and this plan doesn't show anything specifically for the fuel trucks. Part of the condition was the trucks were to come in empty at the end of the day and that should be part of the conditional approval.

Mr. Stone stated at the end of the day they come back empty,

Mr. Laberge stated the empty tanks should not have to be fenced in .

There were no more questions for the applicant.

### **LEAD AGENCY**

Shaughnessy moved D'Angelo seconded for the planning board be lead agency.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

### **NEGATIVE DECLARATION UNLISTED Action**

LaVoie moved, D'Angelo seconded that the Planning Board **NEGATIVE DECLARATION**

### **UNLISTED Action**

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

### **WATER QUALITY CONTROL-**

LaVoie moved Aubin seconded that the **SPECIAL PERMIT** under the Water Quality Control Act - Chapter 223 be granted; for an initial period of eighteen (18) months.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

### **SPECIAL PERMIT FOR THE USE**

Shaughnessy moved D'Angelo seconded that the **SPECIAL USE PERMIT** for a period of **2 years**. (see approval on the March 20, 2023 minutes)

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

### **SITE PLAN- APPROVAL**

LaVoie moved, Aubin seconded that the following approved site plan be adopted with the following conditions.

- # 3 - 4 - 5 of the Laberge letter dated February 28, 2023.
- On site training coordination
- Montour Falls training coordination up to 4 people.
- 100 x 100-foot area for new or reusable tanks to be fenced in with no storage of un-useable tanks.
- Fuel oil trucks only to be stored on site - empty. And shown on the site plan.

6 Ayes, 0 Noes. Motion carried.

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

Oppose: None

Absent: Mayrer

### **Laberge Letter Dated February 28, 2023**

Re: Preliminary Plan Review

Mirabito Site Plan

SPB # 2022-21



We are in receipt of the following for the above referenced application:

- Letter by Napierala Consulting dated February 9, 2023 with responses to the Laberge Group review letter of January 4, 2023 provided by the applicant.
- Copies of various outreach attempts and documentation of repeated efforts by Mirabito to the following Fire Departments:
  1. Castleton Fire Department.
  2. East Greenbush Fire Department.
  3. East Schodack Fire Department.
  4. Nassau Fire Department.
  5. Schodack Landing Fire Department.
  6. Schodack Valley Fire Department; and
  7. South Schodack Fire Department.
- Plans as follows as prepared by Napierian Consulting dated December 27, 2022 revised to February 10, 2023:
  - Sheet C-1 Site Plan; and
  - Sheet C-2 and C-3 Details.

As previously noted, this project is proposing to supplement its retail operations with the installation of two 30,000-gallon liquid propane gas (LPG) storage tanks and appurtenances for the temporary storage and retail sale of LPG along with site improvements such as a gravel pad, fence enclosure and site bollards to protect tanks and equipment from accidental vehicle damage.

With this in mind, we offer the following comments on the materials submitted and on the requirements of applicable Town Local Law: Zoning §219; and §223 Water Quality Control:

1. The project requires:
  - a) Special Permit for WQCA.
  - b) Special Permit for Outdoor Storage of Fuel; and
  - c) Site Plan Approval.
2. The project is an Unlisted Action under SEQR. The Planning Board declared its intent to seek Lead Agency on November 7, 2022. A Determination is still needed.
3. While the applicant has revised the plans to include a screening fence with a height of 8-feet, and the details call for a 28-inch fence extension, the site plan should also note the fence extension. Both the detail and site plans should note the privacy slats are to extend to include both sections of the fence.
4. The applicant has cited the "Fire Safety Analysis" by Hiltz Propane in confirming that sufficient fire flow is available at the hydrants to provide tank cooling and fire suppression during an emergency. While the applicant has provided a response that confirms South Schodack Fire Department's understanding of the available fire flow from a nearby hydrant, the applicant should still provide the fire flow test results to confirm per the requirements of the analysis provided.
5. Water Quality Control §223 Plate 1: Aquifer Protection Zones indicates that the project is located within the Schodack Terrace Aquifer and is also located within

the Well Head Protection.

- a. The applicant has included a note on Sheet C-2 in a plan insert that calls for removing non-working vehicles and obsolete equipment from the area adjacent to the proposed tanks to be established with grass. However, the note should be reworded to be applicable to the entire site.
- b. Assuming the applicant revises the aforementioned note, the proposed rain garden should be revised as follows:
  - i. Since stormwater runoff will be from a hotspot the practice requires redundant non-infiltrating pretreatment;
  - ii. The practice should have a designed overflow.
  - iii. The 90% rainfall amount shown in the calculations should be 1.2";
  - iv. The 12,000 square foot area used in the calculation should be shown on a drainage analysis map.
  - v. The design should provide the required elements per the New York State Stormwater Management Design Manual Chapter 6: Performance Criteria Section 6.4 Stormwater Filtering Systems.

We recommend the Planning Board consider the following actions:

- A. Complete the SEQRA review and issue a Negative Declaration for the Un-listed action. Enclosed for your use is the Short Environmental Assessment Form Parts 1, 2 and 3.
- B. Approve a Special Permit under the WQCA subject to: an initial permit term of 18 months from issuance of Certificate of Occupancy.
- C. Approve a special permit for the use.
- D. Approve the Site Plan conditioned upon the following being satisfied:
  - a. Numbers 3, 4, & 5 above.
- E. All other outstanding administrative items.

Please contact us with any questions on the above.

Very truly yours,  
LABERGE GROUP

C: Stacy Silvers, Hiltz Propane (via email only)  
Brett Hughes, Mirabito Energy, (via email only)

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**Site Plan / Special Permit**

J.C. Structures

2023-7/HC/210.-7-39.13

1293 US Rt.9

Proposed - storage and distribution of bread products.

Nick Costa, Advance Engineering and Survey, was present for this meeting.

Mr. Costa stated J.C Structures has owned this property for 10 years and there is an existing structure on the 4.61 acres that is used by a bread company to store and distribute their products and what Joe would like to do is to add a couple of buildings totaling 28 thousand sq. ft. which would also include 6900 sq. ft. of cold storage. There is currently access to the site from Rt.9 and they are looking to add another access further up the property to Rt. 9. The plan shows the existing gravel and paved areas, there is more area on site that would be converted to additional green space. There is water along Rt.9 that is already utilized for the current building and will be extended to the 2 proposed buildings, there are no tenants as of yet, the owner will market it after they are built.

Mr. Johnson stated he does not see truck bays on the plans

Mr. Costa stated no loading docks, the trucks are mostly small box trucks and vans.

Mr. Johnson asked about the cold storage, it's not a freezer just cold.

Mr. Costa stated cold storage is used for anything that is not climate controlled.

Mr. Johnson stated the plans don't show anything for parking, unloading.

Mr. Costa stated people would pull up to their units with the overhead doors in the front either unload or fill up.

Mr. Laberge asked if there a number of units planned for the building.

Mr. Costa stated no, there is a variety of ways to lay out the units such as 10 x 10 or 8 x 8 and so on.

Mr. Laberge stated he was wondering on the overhead door size like and 8x8 foot wide door which would give you about 25 storage units.

Mr. D'Angelo asked if any of the new building will be distributing bread.

Mr. Costa stated he didn't know it is all for future tenants.

Mr. Laberge asked about the septic system, is it existing.

Mr. Costa state yes, it is existing.

Mr. Laberge spoke about stormwater and screening for trees planted prior and future plantings for the proposed new buildings.

Mrs. Leonard stated the tree screening look fantastic.

Everyone agrees to send this too Rich for engineering.

### **219-99 (A) (1) Local Law**

Change in local law 219-99(A) (1) non-Conforming use in a HC zone (See Backup). We need to give the town board any thoughts or changes to this.

Aubin moved: D'Angelo seconded a favorable recommendation to the Town Board for the changes to local las 219-99 (A) (1)

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

Oppose: None

Absent: Mayrer

### **ADJOURN**

Leonard moved; Shaughnessy seconded that the Planning Board meeting be adjourned. There being no objections, Acting Chair Johnson adjourned the meeting at 8:30 p.m.

Respectfully submitted,  
Melissa Knights  
Director of Planning & Zoning