

**PLANNING BOARD MEETING - APRIL 17, 2023**  
**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.  
Melissa Knights, Acting Director Planning & Zoning

**MEMBERS ABSENT**

Richard Laberge  
P.E. Planning Board Engineer

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

Johnson moved, LaVoie seconded that the draft minutes be approved as the official minutes of this meeting.

7 Ayes. Noes. Motion carried.

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

Oppose:

Abstain:

: note for reference : March 6<sup>th</sup> minutes were deferred to the April 3<sup>rd</sup> meeting for approval.  
April 3<sup>rd</sup> meeting was cancelled, this is the reason March 6, 2023 minutes were approved at tonight's meeting.

**APPROVAL OF THE DRAFT MINUTES FOR — March 20, 2023**

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

6 Ayes. 0 Noes. Motion carried.

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

Abstain: Shaughnessy

**PUBLIC COMMENT**

None

**Subdivision / Lot Line**

Robert Day  
373 Shufelt Rd & 3997 US Rt. 20  
Proposed - 2 lot sub & lot line.  
PB 4/17/23

2023-5/HC/200.-7-38.1 & 38.2

51-2023

Robert Day, the applicant, was present at this meeting.

Mr. Day stated he had just gone through the ZBA process and was approved with the changes they asked for. And he is here tonight looking for approval from this board.

Mr. Johnson stated there is a water and electric service easement, asked if we have the paperwork for that easement, and do we require it before we vote on this application. And what is the width of the easement going to be.

Attorney Crist asked Mr. Johnson if he would explain the easement to Mr. Day.

Mr. Johnson asked if he was aware an easement is needed for this lot.

Mr. Day stated yes, and his attorney will be adding it to the new deed.

Attorney Crist stated we can approve but the board should not stamp the plans as approved until he has the easement to review and approved.

#### **LEAD AGENCY**

Leonard 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**

D'Angelo moved; Aubin seconded that the board resolves to issue a **TYPE II ACTION** for this action.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

#### **LOT LINE ADJUSTMENT**

Leonard moved; LaVoie seconded subject to attorney of the Planning Board approval on the proposed easement, 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.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

**Subdivision / Lot Line**

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

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

Applicant was not the meeting.

**Subdivision / Lot Line**

Richard Hilbert  
Carney Road  
Proposed - lot line adjustment.

2023-9/RA/199.-6-26 & 209.-2-10.121

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

Mr. Van Alstyne stated the applicant has 3 parcels and they are looking to add a small section of land to the large vacant parcel from the residential lot. There is an issue with the county, somewhere along the line two lots were merged, and they only receive 2 tax bills. The applicant purchased the 3 lots in 3 separate transactions and the deeds reflect that. The county mixed up somewhere.

Mr. Johnson asked if the applicant has been paying taxes on all the land. He asked to have the landowners listed on each lot along with the tax map number.

Mr. Van Alstyne stated he will fix that.

Mr. Aubin stated the acreage on the house parcel is not changing, correct.

Mr. Van Alstyne stated no it is increasing by the small parcel in back with the solar array, and they are transferring a sliver off of the back of the parcel to the larger lot. The original deed already has the piece of property listed on the larger lot, but the county tax map is incorrect, we are here fixing that issue so in the future the land can be sold with everything listed correctly.

**LEAD AGENCY**

Aubin moved; D'Angelo 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**

PB 4/17/23

53-2023

Leonard moved; Johnson seconded that the board resolves to issue a **TYPE II ACTION** for this action.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

### **LOT LINE ADJUSTMENT**

Leonard moved; Shaughnessy seconded subject to attorney of the Planning Board approval, 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.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: none

### **Subdivision / Lot Line**

Edward Brazinet

2023-8/RA/201-7-30

54 Loweree Road

Proposed - 2 lot Sub.

Cindy Elliot, Land Surveyor, was present for this meeting.

Mrs. Elliot stated the applicant purchased this 100-acre lot and what he would like to do is cut off the house with the required code requirements, the remaining lands has an easy access road plus 2 other points of access if needed. His goal is to sell off the house lot and build a home some day on the large lot.

Mr. Aubin asked where the septic is located.

Mrs. Elliot stated it is shown on detail A, it is approximately where the (o) is in the word gazebo.

Mr. Johnson asked to have the tax map number and the original acreage added to lot 2 along with what you already have listed as acreage after the subdivision is complete.

Mrs. Elliot stated she would do that.

Mr. Johnson stated on the note in the lower left corner, it states that 60 thousand square feet is required for a residential lot in the (RA) residential/agricultural zone, that 60 thousand square feet is not being used elsewhere on the property. correct?

Mrs. Elliot stated correct the road is a user road and she wanted to make sure that if it was fully dedicated to the town, she wanted to make sure that area yield 60K sq/ ft/ if that was taken away.

Mr. Johnson asked what is 60k in acres.

Mrs. Elliot stated it is 1.37 of an acre and they are at 1.62. She has taken the road frontage at 24.75 as a user road at the center line and made sure it is a clean 60k sq. ft.

### **MINOR SUBVISION**

D'Angelo moved; LaVoie 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

Johnson moved; Aubin 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

Leonard moved; Johnson seconded that the following resolution be adopted:

**WHEREAS** a formal application was submitted to the Planning Board on: **April 17, 2023**, for approval of a 2-lot subdivision entitled, **Edward Bazinet**, map prepared by: **Cynthia Elliott, April 26, 2023**, and

**WHEREAS** a public hearing was held on the subdivision application and plat at the Schodack Town Hall on **April 17, 2023 at 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 **Edward Bazinet** 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; D'Angelo seconded, **TO APPROVE THIS MINOR SUBDIVISION** Motion carried.

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

Oppose: none

**Resolution Granting Site Plan Approval to Valerie Feldman**

Valerie Feldman

2022-8/R20/190.1-9-1

2368 E.

Schodack Road

Proposed - the Halcyon Center

**WAIVE THE READING**

LaVoie moved; Leonard seconded; to waive the reading.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**RESOLUTION GRANTING SITE PLAN APPROVAL TO VALERIE FELDMAN;  
FILE NO.: 2022-8**

**WHEREAS**, the Applicant, Valerie Feldman (hereinafter "Applicant"), by Site Plan Application dated April 20, 2022, detailed that the "Existing Use(s)" of the subject property, which is located at 2368 E. Schodack Road, as "HOW", Religious/church/synagogue/thrift store" and detailed that the "Intended Use(s)" for the subject property as "both public and private gatherings and events." Applicant further detailed in the submitted SEAF that the name of the project is "The Halycon Center"; and

**WHEREAS**, Applicant has also submitted a Building and Zoning Permit Application setting forth the Intended Use as "church/club/lodge" and stating that \$15,000 would be the "Estimated Cost of Construction"; and

**WHEREAS**, a "Statement of Intent" authored by SG Sharma Bums LLC and Valerie Feldman and submitted to the Town provides, in part:

This proposed project is for "The Halycon Center," the intention for this space is to continue to use as a "House of Worship" by Stable Gate Dharma Collective Ltd (a 501c3) as well as be used for both Public and Private events run by Stable Gate Farm and Winery. ... Parking diagram is attached and shows enough room for 9 parked cars. That would certainly accommodate the majority of our events as we anticipate events on average to be anywhere from 20-30 people. If that would not be amply parking, we also operate Stable Gate Farm, which is less than 1 mile from this location, and we would encourage carpooling ..."

**WHEREAS**, in additional supporting documents, Applicant states that the "will be used for a variety of things including but not limited to: Educational Programming, Weekly Workshops, Holistic Trainings, Corporate Wellness Retreats, Eco-Tourism, Public + Private Events, Yoga Shala, Non-Denominational Ceremony Space";

**WHEREAS**, Applicant also submitted a "Stable Gate Farm Parking Space Rental Agreement," mutually executed March 15, 2023, between Landlord Steven Feldman and

Applicant as Tenant, leasing “the parking lot located at the premises described above,” which as stated therein is “From Rt 150 ½ way down property on the R;”

**WHEREAS**, by letter dated March 17, 2023, Building Inspector/CEO King determined “After reviewing your application and based off the subsequent information and documents you provided, it is my opinion that your proposed use of the property located at 2368 East Schodack Road qualifies as a church under our code,” and provided an occupancy load for each room and the schedule of required parking;

**WHEREAS**, section 219-78 of the Code of the Town of Schodack (“Town Code”), entitled “Referral to Planning Board” provides: “Prior to the issuance of a building permit or certification of occupancy in any district, except for one-family dwelling and related accessory uses or a general farming or nursery use permitted by right, the Director of Planning and Zoning shall refer the site plan to the Planning Board for its review and approval in accordance with the standards and procedures set forth in this article,” a review many times referred to by this Board as change in tenancy review;

**WHEREAS**, the subject property is located in an R-20 zone;

**WHEREAS**, section 219-78 of the Town Code requires the referral to, and review by, the Planning Board “in accordance with the standards and procedures set forth in this article,” with that article being Article XI, entitled “Site Plan Review;”

**WHEREAS**, the aforementioned approval is the only approval before this Board at this time;

**WHEREAS**, section 219-81 of the Town Code provides that the “preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations.

- (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
- (2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of Pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) The location, arrangement, size design and general Site compatibility of buildings, lighting and signage.
- (5) The adequacy of stormwater and drainage facilities.
- (6) The adequacy of water supply and sewage disposal facilities.
- (7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual

and/or noise deterring buffer between the applicant s and adjoining lands, including the maximum retention of existing vegetation.

- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of unable open space for play areas and informal recreation.
- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.”

**WHEREAS**, this matter was discussed at length at the March 20, 2023 meeting of this Board. At that meeting this Board found and determined the action to be a Type 2 action under SEQRA and authorized conditional site plan approval pursuant to the terms set forth herein;

**NOW THEREFORE BE IT RESOLVED THAT** the Board determines the following according to the aforementioned factors:

(1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

\* Provided the on-site and off-site parking is coordinated as Applicant has represented, it is the expectation of this Board that there will be safe access to, and egress from, the site. This expectation is based upon the represented number of site visitors and events being at the numbers represented by Applicant to the Board. Once again, Applicant has represented that there will be on average 6-7 events per month and 20-20 attendees per event. Notably, Applicant states in supporting documents that it has submitted to this Board that it seeks to put on “intimate traditional non-denominational ceremonies.”

If on-site parking and off-site parking is not effectively coordinated in the manner as represented by Applicant there are concerns that it may lead to traffic situations at or near the site. This is a significant concern to this Board and is also discussed below. This will be monitored to make sure that it occurs as represented.

(2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

\* As represented by Applicant, there will be no on-street parking and off-site parking will be utilized with transport to and from the site via carpool. Applicant represented to the Board that the off-site parking has 100 spaces for her to use.



(3) The location, arrangement, appearance and sufficiency of off-street parking and loading.

\* As detailed above, this is a significant concern. Applicant has represented that it has nine spaces on-site and significant off-site parking that will be utilized and the subject of effective coordination. Applicant has represented that there will be no on-street parking. This is a matter that this Board wishes to monitor.

(4) The location, arrangement, size design and general site compatibility of buildings, lighting and signage.

\*Applicant represents that the subject building has three rooms and will not exceed the occupancy loads for each room. Again, Applicant represents that 20-30 people are expected for its events.

(5) The adequacy of stormwater and drainage facilities.

\*As designed, it does not appear that there will be any increase in the need for or modifications to existing stormwater and drainage facilities.

(6) The adequacy of water supply and sewage disposal facilities.

\* This is a concern. Applicant has represented that it has a functioning septic system and that potable water will be present on the site even if it has to be transported onto the site. It is the expectation of this Board that the property will have to comply with current Department of Health standards and will reviewed and permitted by Rensselaer County Department of Health.

(7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant and adjoining lands, including the maximum retention of existing vegetation.

\* The site is being landscaped consistent with other properties in the vicinity.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

\*Not applicable.

(9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

\*No material exterior renovations are proposed that are projected to result in increased noise, glare, unsightliness or other objectionable features. It is again noted that Applicant has represented to this Board that Stable Gate Dharma Collective has been operating for five years and that most events are for 20-30 people and not large crowd gatherings.

(10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

\*The site design appears to provide adequate fire lanes and emergency zones for emergency personnel to access the facility.

(11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

\*Applicant has represented that all on-site drainage will flow down and away from the building and towards the transformer area.

**NOW THEREFORE BE IT FURTHER RESOLVED THAT** the Board hereby finds and determines that approval for the site plan is **GRANTED**, conditioned upon Applicant satisfying all of the following conditions:

1. the handicap access ramp shall be brought up to code;
2. a handicap parking space shall be designated;
3. on-site parking is not to exceed nine vehicles for any event;
4. parking of the side of the property is to be for vendors and staff;
5. overflow parking is to be held at the Stable Gate Farm;
6. The term of this approval is for six months expiring September 20, 2023, and therefore requiring a renewal request in six months, therefore.

Motion by Leonard, seconded by D'Angelo.

| <u>NAME</u> | <u>YES</u> | <u>NO</u> | <u>ABSENT</u> |
|-------------|------------|-----------|---------------|
| AUBIN       | X          |           |               |
| D'ANGELO    | X          |           |               |
| JOHNSON     |            | X         |               |
| LAVOIE      | X          |           |               |
| MAYRER      | X          |           |               |
| LEONARD     | X          |           |               |
| SHAUGHNESSY | X          |           |               |

PLEASE NOTE that this determination does not obviate Applicant/property owner from having to obtain any other permits or approvals.

D'Angelo moved; Leonard seconded to approve this document as written.

6 Ayes. 0 Noes. Motion carried.

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

Oppose: Johnson

### ADJOURN

Leonard moved, LaVoie 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  
Director of Planning & Zoning

+Pursuant to the regulations of the Americans with Disabilities Act (Public Law 101-336), the Town of Schodack will provide auxiliary aids or please notify the Town Clerk's Office at 477-7590 so arrangements can be made for requested services. Please forward written comments to: Planning & Zoning, Schodack Town Hall, 265 Schuurman Road, Castleton, NY 12033, Planning Office Telephone: 518-477-7938, Fax: 518-477-7983, members Denise Mayrer, Chairman, Wayne Johnson, John Lavoie, Lawrence D'Angelo, Andrew Aubin, James Shaughnessy, Stephanie Leonard Attorney: Craig Crist, Esq