

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

**PRESENT**

Denise Mayrer, Chairwoman  
Wayne Johnson, P.E.  
Lawrence D'Angelo  
James Shaughnessy, P.E.  
Stephanie Leonard  
Attorney Craig Crist, Esq.  
Richard Laberge, P.E. Planning Board Engineer  
Melissa Knights, Director  
Erika Pratt, Security to Planning & Zoning

**MEMBERS ABSENT**

John LaVoie  
Andrew Aubin, P.E.

**APPROVAL OF THE DRAFT MINUTES OF THE — July 17, 2023 MEETING AS THE OFFICIAL MINUTES**

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

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

**PUBLIC COMMENT**

Resident 131 Schuurman Road: Senior Housing Complex access road, and headlights in windows. Proposed a "Y" in road to avoid headlights in his windows. His second concern is walkers, stated the speed limit is too high and there are no sidewalks for them to walk on.

**Public Hearing**

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

**Title of the project published July 28, 2023**

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

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Public Hearing Opened at 7:10 p.m.

Public Hearing Closed at 7:38 p.m.

Schodack Golf Senior Housing  
92 Schuurman Road  
Proposed- Senior Housing

2023-11/RA-R20/188.-5-5.11

Mr. Steve Hart- Hart Engineering was present for this meeting.

Mr. Hart, on behalf of Schodack Golf, a proposed senior housing project called Golf Haven Senior community on Schuurman Road.

Mr. Hart stated the site is about 26.9 acres in size and the intent is to put about 20 different buildings (6 plex) single-story buildings within the 26.9 acres. With the construction of two crossroads along the property. Townhouse style with a single garage for each unit. More residential in style single story in nature. The center four buildings will be 4 plex's. All asphalt paving. The "Y" comment may be a feasible approach.

Mr. Hart stated that there have been fire flow studies conducted and plans will be submitted to the Planning Board and Laberge Group will show all the different fire flows, adequate pressures, and fire demand that will be able to service this development.

Mr. Hart said a waterline will run from Schuurman Road down into the site, and have the entire waterline throughout the development, and then tie into Prestwick Drive and loop the two systems together.

Mr. Hart said that there is no sewer in any of the proposed buildings, and each of the buildings would have their own septic system.

Mr. Hart stated the amenities that will go along with the project will consist of a club house, swimming pool, possible community gardens and pickle ball courts, which would be looped with sidewalks.

Mr. Hart said that the goal is to keep existing vegetation along the perimeters for protection for the homeowners.

Ms. Mayrer Let's start with the public. Anyone want to have questions or comments for the applicant.

### **PUBLIC COMMENT**

Resident current house in Byers Estates over 40 years.

Resident 41 Bellwood Lane

Resident 22 Bellwood Lane

Resident 129 Schuurman Road

Resident 85 Schuurman Road

Resident 1347 Schodack Valley Road

Resident Byers Estates

Resident 20 Circle Drive

Mr. Johnson added there is a 10-day grace period to make public comments, they can write a letter to the planning board and that will become part of the record.

Ms. Lenoard, if no significant changes per Steve hart, we can close the public hearing.

Attorney Crist noted that, there are an additional 10 days for written comments.

#### **ACTION TO CLOSE THE PUBLIC HEARING**

Lenoard motioned, D'Angelo second.

5 Ayes. 0 Noes. Motion carried.

Ayes: Johnson, Mayrer, Shaughnessy, D'Angelo, Lenoard

Oppose: none

#### **Recommendation to the ZBA**

Victorian Motel

Z816-23/HC/178.9-1-5

752 Columbia Tpke.

Proposed - Use Variance

Dan Coffman, professional engineer was present for this a meeting.

Mr. Coffman stated he is representing Salman Khushwood. Mr. Khushwood wants to convert the motel into apartments. Presently the rear building has 11 hotel units and would be converted into 5 apartment units and a laundry facility on the ground floor. He said it fits within the unique clause of the use variance. Apartments meet one of the clauses because there are no apartments in this highway zone.

Mr. D'Angelo asked if right now there a functioning septic system there?

Mr. Coffman stated that right now there is a holding tank there, it was set up for the 11 motel units and the building on the front of the property. Possibly the town can put an alarm system on that tank, I can design that for the tank. There is not room for a field due to the wetlands behind the property. The holding tank is approximately 5 years old. The usage will be reduced from 11 units to only 5 units. The tank is emptied once a year on a clockwork basis.

Mr. Johnson asked if the front unit has adequate parking for it and the 5 units in the rear?

Mr. Coffman said per the site plan there are only 3 units in the front building, and they park in the front and the apartment of this proposed size would only be required to have 1.5 parking spaces per unit. The site plan is providing 8 spaces total.

Mr. Johnson asked are making a change to an existing site? And we do not know how many parking spaces are required for that use.

Mr. Coffman said the front building is being left alone and already has the parking allotted to it.

Mr. Johnson stated the applicant is changing the back building and we can assume that it will be taking up parking spaces that were used before by the unit in the front, which has 3 establishments in it. The site plan doesn't show another 6 or 8 parking spaces and we have no idea what the uses are and how many spaces are required according to our code. He stated that in his opinion there is no way we can make a recommendation to approve, because we don't have enough information. Maybe provide more information so the zoning board can make that determination.

Mr. Coffman stated he can provide what parking spots are needed for the whole establishment.

Mr. Johnson states that the parking is a change to the site, and it's not a big site to begin with. This must be made a point to go along with the change to apartment use.

#### **UNFAVORABLE RECOMMENDATION TO THE ZBA**

Johnson motioned, D'Angelo second.

5 Ayes. 0 Noes. Motion carried.

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

Oppose: none

#### **Site Plan / Special Permit**

Mark Nusbaum

2023-17/HC/178.9-3-6

1518 Columbia Tpke

Proposed - Change in Tenancy

Mark Nusbaum, applicant and Michael Yelverton, tenant, were present for this meeting.

Mr. Nusbaum just a change in tenancy to Michael Yelverton.

Ms. Mayer asked if Mr. Yelverton is going to do auto repairs?

Mr. Yelverton said yes.

Mr. Johnson asked if the pervious notice of decision has been seen for the garage.

Mr. Nusbaum states that it was made part of the lease.

Mr. Johnson would like to know if Mr. Yelverton is aware of the elements of the decision?

Mr. Yelverton said he was aware of the elements of the decision.

Mr. Johnson said he must be aware he doesn't exceed the number of cars and address the storing of fluids on site.

Mr. Nusbaum stated it was the first thing he went over with Mr. Yelverton and it is in the lease.

#### **LEAD AGENCY**

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

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

#### **TYPE II ACTION**

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

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

#### **SITE PLAN SPECIAL PERMIT**

Motion to grant site plan and special permit approval, subject to all existing permitting conditions.

Shaughnessy moved; Johnson seconded

5 Ayes. 0 Noes. Motion carried.

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

Oppose: None

#### **Site Plan / Special Permit**

Pilot  
995 Rt. 9  
Proposed - EV Charging w/Canopy.

2023-15/HC/220.-2-14.1

Ray McNeill, Owl Services for Pilot was present for this meeting.

Mr. McNeill Owl Services stated that his company is the one that will construct the EV charging station with canopy.

Mr. Laberge states that there are now 6 parking spaces, and the tractor trailers use it for some parking. It was not originally intended for tractor trailer use as they were trying to separate the autos from tractor trailers. Will the new station be just for automobiles or tractor trailers also?

Mr. McNeill stated that the new charging station is for automobiles only.

Mr. Laberge said the canopy height is high at 12 feet.

Mr. McNeill said the height of the canopy is to match the other exiting canopies on the site.

Mr. Laberge states that it would be beneficial to add to the plan that this new station and canopy is for automobiles only.

Mr. Laberge states that the board is having difficulties locating the approvals of 18-20 years ago regarding the parking analysis, and it is unknown if there are extra parking spaces or not, but the new plan is taking 6 spaces to create the new station. Is there any other space, as the site still must meet the minimum parking requirements still. Can 2 more parking spaces be created somewhere else on the site?

Mr. McNiell said, I do not know. I am the contractor who applied for the construction. Pilot Flying J is responsible for the site.

Mr. Laberge said parking is a suggestion not a requirement regarding the 2 deleted spaces. Suggest the island could have 2 spaces along it, and this would take care of keeping the total number of parking spaces the same. The town has requested a utility strip easement across the front of the property for future water main extension. He recommends to the board the easement be graded 20 feet for utilities.

Mr. Johnson asked if the charging stations serve 2 spaces?

Mr. McNiell stated that was correct.

Mr. Johnson asked why not call it 4 charging stations?

Mr. Mc Niell said that in the industry its 4 ports, but the actual dispensary is a single unit with two port coming out of each.

Mr. Johnson stated thank you.

Mr. McNiell said the power cabinets are also singular one and two, so two chargers with four stalls.

Mr. Johnson asked if the canopy has two columns to hold up the entire canopy? and is that a danger if being hit by cars or trucks? Is this the best design they have come up with?

Mr. McNiell states that Pilot went across the country and set this as a standard. Construction is set for wind load from hurricanes and tornados.

Mr. Johnson asked if solar was an option for on top of the new canopy?

Mr. Mc Neill said he didn't know of that ever being considered as an option and that would be a Pilot decision.

Mr. Laberge asked if Mr. McNiel has the authority to agree to the conditions discussed.

Mr. McNiell said he has authority to bring the questions back to Pilot.

Ms. Mayrer states that this is not for approval tonight and she would like to see an updated drawing.

Mr. Laberge stated that there is a site drawing and the things he discussed tonight should probably be added to them. To rehash: automobiles only signage, two more parking spaces added to the site, and the third showing the easement on the drawing.

Ms. Mayrer said Mr. McNeill needs to have it on paper and submit and reappear with the proposed changes.

Mr. McNiell agreed to come to the next planning board meeting August 21, 2023, with the items requested by the board.

#### **Approval Of NOD as defined**

Bob Day, to approve the Notice of Decision.

Bob Day / Mike Slauson  
3997 UD Rt. 20  
Proposed - Change in Tenancy

2023-12/HC/220.-7-38.1

Leonard moved; Shaughnessy seconded.  
5 Ayes. 0 Noes. Motion carried.  
Ayes: Johnson, Mayrer, D'Angelo, Shaughnessy, Lenoard  
Oppose: None

#### **APPROVAL OF NOD AS PRESENTED TO THE BOARD IN WRITING**

Attorney Crists stated, so it is clear what is being approved is the NOD that Mr. Wayne Johnson will be executing, as the Chairperson for that meeting.

Mr. Johnson said he was told he executed the document before the meeting.

Attorney Crist stated he then recommends a motion to ratify Wayne Johnson execution of the NOD.

#### **RATIFY EXECUTION OF THE NOD BY WAYNE JOHNSON**

D'Angelo moved; Leonard seconded.  
4 Ayes. 0 Noes. Motion carried.  
Ayes: D'Angelo, Johnson, Leonard, Shaughnessy  
Oppose: None  
Abstaining: Mayrer

Attorney Crist said, there is a matter that may come before this board again, it's the Gregory Solar matter. That will be handled by the town attorney not Mr. Crist when it comes back to the board.

#### **ADJOURN**

Leonard moved; D'Angelo seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:12 p.m.

Respectfully submitted,  
Erika Pratt  
Secretary to Planning & Zoning