

1 TOWN OF SCHODACK COUNTY OF RENSSELAER  
2 PLANNING BOARD  
3 \*\*\*\*\*  
4 STEWART'S SHOPS  
5 US 9 & 20 AND SUNSET ROAD  
6 \*\*\*\*\*  
7 THE STENOGRAPHIC MINUTES of the above entitled  
8 Matter by NANCY L. STRANG, a Shorthand Reporter, on  
9 August 5, 2019 at 7:31 p.m. at Town Hall, 265 Schuuman  
10 Road, Castleton-On-Hudson, New York 12033  
11 BOARD MEMBERS:  
12 Denise Mayrer, Chairperson  
13 Wayne Johnson  
14 Paul Puccio  
15 John LaVoie  
16 James Shaughnessy  
17 Lawrence D'Angelo  
18 Andrew Aubin  
19 ALSO PRESENT:  
20 Nadine Fuda, Director of Planning and Zoning  
21 Craig Crist, Esq., Counsel to the Zoning Board of  
22 Appeals  
23 Richard Laberge, PE  
24 Charles Marshall, Stewart's Shops  
25

1 CHAIRPERSON MAYRER: Okay, item 5 is Stewart's.

2 MR. MARSHALL: Good evening, my name is Chuck  
3 Marshall I am from Stewart's Shops.

4 As you are aware, in June of this year this Board  
5 granted site plan approval and a special use permit for  
6 the redevelopments of the corner of Sunset Road and  
7 Columbia Turnpike in the Town.

8 Upon that approval, an Article 78 was submitted  
9 challenging the determination of the Zoning Board of  
10 Appeals. The emphasis for the Article 78 was the Zoning  
11 Board of Appeals segmentation of SEQRA. So, the Zoning  
12 Board of appeals has rescinded the variance from the  
13 Town's Water Quality Act that was issued in February.

14 Tonight we are just here to request the Planning  
15 Board to recirculate for lead agency status, reaffirm  
16 its negative declaration and resend us to the Zoning  
17 Board of Appeals for the variance from the Water Quality  
18 Control Act or Section 223 of the Town Code.

19 I do have plans with me, if there were any  
20 questions. We have not resubmitted plans stemming from  
21 the June approval. I didn't think it would be  
22 appropriate to renew plans without having them reviewed  
23 by Mr. Laberge or other facets of the Town. We will  
24 submit those for the coming meetings and we think that  
25 this clarifies any technical elements regarding the

1 SEQRA handling of the project.

2 I think under SEQRA the biggest element is the hard  
3 look in the number of approvals and re-submissions that  
4 we have had. I think that both you and the Zoning Board  
5 had undertaken a qualitative review. So, it is Stewart's  
6 position that this approval or these approvals were  
7 lawfully granted, but if this satisfies the technical  
8 concerns, we just want to go through the process.

9 CHAIRPERSON MAYRER: Members, questions?

10 MR. JOHNSON: Are we supposed to vote on a neg dec  
11 tonight?

12 CHAIRPERSON MAYRER: No.

13 MR. JOHNSON: That's after the Zoning Board does  
14 their part.

15 MR. MARSHALL: No.

16 MR. CRIST: The determination - I think the  
17 initial step in the SEQRA process is the Board to seek  
18 lead agency. I don't think were going to be making an  
19 environmental determination tonight.

20 MR. MARSHALL: Whoever is the lead SEQRA agent,  
21 would then have to make its SEQRA determination before  
22 a subsequent Board can make a determination. So, we  
23 can't go to the Zoning Board for a determination until  
24 the SEQRA lead agent makes its determination.

25 MS. FUDA: Members, just as in the past, if you're

1       inclined to seek lead agency, you would instruct a  
2       motion and second to instruct myself to send out the  
3       letters and the 239 to the county to undergo the lead  
4       agency declaration to declare yourselves lead agents,  
5       if you are so inclined.

6               CHAIRPERSON MAYRER: So, that's what we are doing  
7       tonight. We are reaffirming our intention to seek lead  
8       agency.

9               MR. JOHNSON: Looking into the future, were going  
10      to have to vote on SEQRA before a Zoning Board  
11      approves - -

12              MR. CRIST: Before there's any decisions on  
13      anything, were going to have to have an environmental  
14      review completed first.

15              MR. JOHNSON: So, isn't the Zoning Board doing  
16      part of that environmental review?

17              MR. CRIST: What we are doing - - I think what  
18      Nadine said is that we are looking for - what would  
19      have to happen to initiate the SEQRA process is a  
20      motion to request that she circulate the notices so  
21      that this Board seeks lead agency status.

22              MR. JOHNSON: I'm just confused. So, the Zoning  
23      Board could nullify our negative declaration.

24              MR. CRIST: No, they can't do that.

25              MS. FUDA: No, they can't do that. They can

1 nullify their own negative declaration.

2 MR. CRIST: Here's the short of it. If this Board  
3 seeks lead agency status, this is the only Board that  
4 will be seeking - that will be making that  
5 environmental determination under SEQRA.

6 MR. JOHNSON: What happens if the Zoning Board  
7 denies the Water Quality -

8 MR. CRIST: Then, the water quality permit is  
9 denied. I would suggest that we take this one step at a  
10 time.

11 MR. JOHNSON: That has nothing to do with our  
12 determination.

13 CHAIRPERSON MAYRER: That's right. They are  
14 separate actions.

15 MR. JOHNSON: Okay, thank you.

16 CHAIRPERSON MAYRER: Okay, so, where we are at is  
17 a motion to seek lead agency status.

18 MR. LAVOIE: I'll make that motion.

19 CHAIRPERSON MAYRER: Second?

20 MR. PUCCIO: Second.

21 CHAIRPERSON MAYRER: All in favor?

22 (Ayes were recited.)

23 Opposed?

24 (There were none opposed.)

25 Now, the letters go out. That's it for tonight.

1                   MR. MARSHALL:   Thank you.

2                   (Whereas the above entitled proceeding was  
3                   concluded at 7:38 p.m.)

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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and Notary  
Public in and for the State of New York, hereby CERTIFY  
that the record taken by me at the time and place noted  
in the heading hereof is a true and accurate transcript  
of same, to the best of my ability and belief.

\_\_\_\_\_  
NANCY L. STRANG

Dated \_\_\_\_\_

