

**PLANNING BOARD MEETING - SEPTMEBER 19, 2016  
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:02 p.m.**

**PRESENT**

**Denise Mayrer, Chairwoman  
Wayne Johnson  
John LaVoie  
Lawrence D'Angelo  
Paul Puccio  
Andrew Aubin  
James Shaughnessy  
Nadine Fuda, Director  
Attorney Robert Linville, Esq.  
Richard Laberge, Planning Board Engineer**

**MEMBERS ABSENT**

**APPROVAL OF MINUTES — AUGUST 15, 2016**

Puccio moved, Shaughnessy seconded that the minutes be approved as amended.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, Puccio, Shaughnessy

Abstain : LaVoie

**PUBLIC COMMENT**

Resident spoke about Roderick Valente project, stating there is no reason to remove any material from this parcel for any type of development. Over the years a number of geological studies stating if you do go down 10 or 20 feet you're going to hit water. That is our drinking water.

Resident spoke about Roderick Valente project, hopes the Town Board is insightful and skeptical on this project. He believes it is a ruse and is just a mining project and nothing will be built on this site

Resident spoke about Roderick Valente project, stated Mr. Valente wanted to remove this gravel once before and ship it's down river to cover up NYC garbage, what a waste of good Schodack soil. We need to have a performance bond set in place to make sure that he followed through and builds and not just remove the gravel.

Resident spoke about Roderick Valente project, number one he asked about 4 months ago are we by any chance any closer in defining the difference between distributions centers is, not likely but are we.

Chairwoman Mayrer stated the definition has not changed from what it was a month ago.

Resident stated they are looking on redefending it.

Chairwoman Mayrer stated they did not.

Resident nothing changed, is the zoning finished, is there an end product

Chairwoman Mayer stated no change to it.

Resident stated that does no answer my question. Is that same as before. They were going to review it and do all the zoning regulations over again.

Chairwoman Mayrer stated that is still in the process.

Resident stated he would like the town to reconsider this project and the impact it has to the community.

**Public Hearing/Subdivision**

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**Nadine Fuda read the hearing notice(s) as published in the Troy Record:  
Title of the project published Month Day, 2015  
Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing  
record(s).**  
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Public Hearing Opened at 7:20 p.m.

Public Hearing Closed at 7:20 p.m.

Heumann Subdivision 2016-28/RA-R40/191.2-5.1  
Boyce Rd  
Proposed- 2 lot Subdivision Approved

Allen Homestead was present for Mr. Heumann at this meeting.

Mr. Homestead stated there is 97 acre parcel split by Boyce Road they are creating a lot to the east roughly 67 acres and one to the west about 29 acres.

Mr. Heumann stated a portion west side of Boyce road his driveway not on lot # 2 so that is also going to be addressed.

There were no more questions for the applicant.

**SUBDIVISION**

Puccio moved, LaVoie seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes. 0 Noes . Motion carried. **CONDITIONED: on new maps**  
Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Puccio, Shaughnessy  
Oppose: None

Puccio moved, D'Angelo seconded a **NEGATIVE DECLARATION**.  
7 Ayes. 0 Noes. Motion carried.  
Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Puccio, Shaughnessy  
Oppose: None

LaVoie moved, Puccio seconded that the following resolution be adopted:  
**WHEREAS**, a formal application was submitted to the Planning Board on: August 11, 2016,  
for approval of a 2 -lot subdivision entitled, "Heumann Subdivision East", map prepared by:  
David A. Vredenburg , dated "September 12, 2016", and

**WHEREAS**, a public hearing was held on the subdivision application and plat at the  
Schodack Town Hall on September 19, 2016 at 7:15 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 William Heumann 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.

7 Ayes. 0 Noes. Motion carried.  
Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Puccio, Shaughnessy  
Oppose: None

**Subdivision/ Lot line**

Brehm Lot Line 2016-29/PD-3/200.-6-16/200.-6-17  
North Hillcrest Rd  
Proposed - Lot Line send to ZBA

Peter Bertram was present for this meeting representing Mrs. Brehm.

Mr. Bertram explained the property is owned by his mother in law who lives in the house on  
North Hillcrest Rd and she is looking to do a lot line adjustment. The house closes to Route  
9 is on an ( L ) shape lot and her lot on North Hillcrest is on a small square lot on. Mrs.  
Brehm is in the process of selling the house in on Rt.9 but the current the current use of

the front lot is being used by the house in the back. So they are looking to move the line to the east so she can continue to use the property.

Mr. Johnson stated the map is showing the parcels with the acreage after the lot line adjustment it should show existing acreage as well.

Mr. Bertram stated he will bet it fixed before the ZBA meeting.

Mr. Shaughnessy asked why this was going to the ZBA.

Mrs. Fuda stated it is pre-existing non-conforming. And the lot line will be increasing the non-conforming lot. And then they will have to come back to planning for the lot line approval.

There were no more question for the applicant.

### **RECOMMENDATIONS TO THE ZBA**

LaVoie moved, Puccio seconded a **"FAVORABLE"** recommendation to the Zoning Board of Appeals.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

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

Scaccia Commercial Building

2016-30/HC/211.-2-24.2

US Rte. 20

Proposed- New Building (Chuck Scott Auto)

Todd Scaccia, applicant was present for this meeting.

Todd stated he is purchased the old Millbrook property and has subdivide a couple of lots and didn't really know what to do with them, He is now looking to build 18 by 120 building and going to lease it to Chuck Scott Auto for auto repair and sales the property is directly across from Jets Auto.

Mr. Johnson asked about the auto sales part of this application. And weather it is permitted.

Mr. Puccio stated this is just a relocation of an existing business that included sales, and asked how long they have been in business.

Mr. Scaccia stated 3 to 4 years.

Mr. Johnson stated they have not had a permit to do sales at their current location. It was originally Bert's Transmissions and recall ever seeing this come through the planning board for a change in tenancy or for sales.

Chairwoman Mayrer stated this is going to engineering and this will be addressed through that process.

There were no more questions and all agreed to send this to engineering.

Janice Thomas  
1930 Rte.9 (was USDA building)  
Proposed - 2<sup>nd</sup> hand shop  
Change in Tenancy

2016-31/HC/189.-9-3.1

Janice Thomas, applicant was present for this meeting

Ms. Thomas stated she is renting a building on Route 9 (USDA) from Herb Neiman, and is looking to do a second hand shop with vendors setting up tables and would only be open two weekdays and weekends.

Mr. Puccio asked if they were going to lease the whole building.

Ms. Thomas stated yes

Chairman Mayrer asked do you know which weekdays the hours of operation.

Ms. Thomas stated 2:00 to 6:00 Thursday and Friday and 8:00 to 4:00 on Saturday and Sunday.

Mrs. Fuda stated the parking lot is existing and not sure what the limit is.

Ms. Thomas stated they have parking all along the back of the building as well, probably 50 cars, and we would never have a need for that many.

Mrs. Fuda stated you can have a banner over the existing sign stating grand opening for 60 days.

### **CHANGE IN TENANCY**

Puccio moved, D'Angelo seconded APPROVAL of a change in tenancy at "1930 Rte.9 (was USDA building)  
7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

With Conditions :

- 1.. No outside drop off bins,
- 2.. No outside sales tables
- 3.. No dumpsters
- 5.. No Banners

Ardi Cec

2016-32/HC/200.-9-30

1685 US Rte. 9 (Dal'z Dawgs)

Proposed - Restaurant

Change in Tenancy        approved

Ardi Cec, Applicant was present for this meeting.

Mr. Cec stated he is reopening Dal'z Dawgs he is going to do a similar business, nothing is changing with the building just the food, he is doing pizza, deli, delivery, take out along with inside eating.

Chairwoman Mayrer asked if he is new to the area.

Mr. Cec stated no he is part owner in Zia's in Nassau, he owns two more restaurants one in Schroon Lake they have Drakes Restaurant, Mercato's 3 is in Saranac Lake, and they have Fox Creak Market.

### **CHANGE IN TENANCY**

Aubin moved, Puccio seconded APPROVAL of a change in tenancy at "1930 Rte.9 (was USDA building)

7 Ayes. 0 Noes. Motion carried.

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

Oppose : None

Roderick Valente

2016-16/PD-3/189.-10-40.131

1710 Schodack Valley Road

Proposed - Site Plan Modification        rich

Eric Redding, Bergman Associates was present for this meeting

Mr. Redding stated they are here just for an update, since the last meeting they have submitted a full set of plans and a swipp report, they have also made application to the DEC for the Mine land reclamation permit construction exemption and he has followed up

with them today and they are still reviewing it but are hoping to make a determination on the application by the end of next week. They have also completed the required infiltration test pits in the storm water management areas. They are hoping to have the results back this week. Tonight they are requesting the board to declare lead agency.

Chairman Mayrer stated to the board that this just an update. But we do need to declare ourselves lead agency.

Puccio moved, LaVoie seconded that the Planning Board be **LEAD AGENCY**.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Mr. Johnson asked Mr. Laberge if the board could get a clarification on what the time limits are on the mining reclamation request, it has to start and finish in a certain time frame and the board should know what that time set will be. The letter stated that the material removal needs to be completed in two years not the project needs to be done in that time frame. She needs to adjust that sentence to make clear.

Mr. Laberge stated he will confirm time frames and get back to the board.

Mr. Puccio asked Mr. Laberge for definitions on the items he is referring to tonight like reclamation and so forth.

Mr. Laberge said he will get it in one of his letters for the record.

All agree to have this continue with engineering.

### **MEMBER DISCUSSION**

Mr. Laberge spoke about E.W Birch Letter (Strawberry Fields Subdivision) phase 1 This is basically built out now and the subdivision code calls for street trees at 100 foot intervals and 3 feet inside of the right a way line on the private parcels as part of the plan. And to his knowledge none of the trees were planted in the locations that were specified in the plans. The project is trying to get closed out.

Birch builders is looking to not plant the extra street trees and instead they are offering a donation to the parkland fund of \$4000.00. and it is this board's decision to either have the builder honor the agreement or to allow him to pay the \$4000.00 instead. Now the other issue is the lots are all privately owned and he would need permission from the home owner to plant the new trees. And some of them may not even want the trees anymore.

Mr. Shaughnessy asked if the home owners buy these trees as part of their contract.

Mr. Laberge stated he is unaware of what the contract stated.

Mrs. Fuda stated that Birch Builders property plans were different from what approved and in the planning office.

Attorney Linville stated when discussing this with Laberge from the onset was money be held for street tree planting before the project was finished and the developer have correspondence going back to November 2013. Now they take the position that the properties have been sold their going to have difficulty putting the trees in. it's better for the town that they be held to the agreement that was made and it is important that all other applicants in the future recognize that the building inspector will be working off a check list of things needed to be done prior to an issuance of a CO.

Mr. Puccio asked if someone was to approach the homeowners and say there is a possibility that is funds available to plant a tree. And under the performance requirements there is a tree due to be planted on their land at such and such location. Who would be responsible to inform the land owners, the building inspector?

Attorney Linville stated the builder (E.W.Birch) has the burden of corresponding with the land owners.

Mr. Puccio asked if the homeowners decided not to have more trees,

Attorney Linville stated if they decline, they decline

Chairwoman Mayrer stated that it should have been the building inspector that said no CO until the trees are planted and that didn't happen. Birch wants a reduction in the bond from 12,000.00 to 4000.00. and that is not what was approved, he needs to go to the homeowners see if they want the trees and meet their responsibilities. If he homeowner does not want the trees then that money goes to the parkland fund.

Puccio moved, D'Angelo seconded that E.W.Birch is to honor the \$12,000.00 either in trees for the homeowners or the money to be put to the parkland fund.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Discussion on **BREWER ENGINEERING ASSOCIATES, P.C.** Letter for Spinney sidewalks.  
See Below:

Mr. Laberge stated to summarize the Brewer letter stating that the sidewalks plan in phase 1 did not come as intended. It was suggested the sidewalk be separate from the wing curb so it did not look part of the road. The plans showed road they three feet of grass and then the sidewalk in reality what is out there is about somewhere between 14 and 20 inches of space instead of the 3 feet grassy area.

Spinney says that the people do not use the sidewalks they tend to walk in the road, and he has to say that in his drive through the Spinney site this evening there were people walking in the road and someone riding their bike on the sidewalk. So the really the request is to pull up the asphalt sidewalk in phase 1 and the bigger request is to eliminate they all together in phase 2 which is currently under construction. He feels if it is on the plans it should be built.

Chairwoman Mayrer asked Mr. Laberge to check on the wing curb. And she feels the developer needs to keep the sidewalks and feels we should tighten the requirements and make the green space a little larger and real concrete sidewalks.

There was no motion this item will be revisit this at the October 3, 2016 Planning Board meeting.

**Letter dated September 22, 2016**

**BREWER ENGINEERING ASSOCIATES, P.C.**  
CONSULTING ENGINEERS, PLANNERS  
743 COLUMBIA TURNPIKE  
EAST GREENBUSH  
NEW YORK 12061  
(518) - 477-5253 - 477-5273

Re: "THE SPINNEY AT POND VIEW - PHASE 2"  
BUILDING RELOCATION

Dear Chairperson Mayrer and Planning Board Members:

Construction of the Phase 2 apartment buildings and the Community Center proceeds apace. The Community Center's exterior is completed and the interior is nearing completion. Occupancy of the Center is expected by the first week in October.

Construction of the Community Center did serve to point out a project layout problem that was not evident earlier. When the building to contain apartments 90 A/B through 93 A/B was located for excavation this past August 29<sup>th</sup>, it became apparent that the close proximity of the building to the Community Center would result in a very unappealing view

from unit 93A. In essence, the future occupants of this unit would cast their gaze in that direction upon little more than the southerly wall of the Community Center, a mere 30 feet away.

The motive for locating the two buildings as on the original approved plan was to minimize the necessity for excavation of the rock that was believed to lie under the surface in the area of the western end of Dieppe Road. Soon after site work commenced, however, it became apparent that a significant amount of rock underlay the entire Phase 2 site. As a result, the developers were left with a doubly poor situation. Not only were these two apartment buildings in a poor aesthetic location, the very reason for their having been located there; the assumed lack of subsurface rock; turned out to not be the case after all.

After conferencing with the developer, we determined the best solution in mitigation of this problem to be a slight revision to the project layout. Moving by 32 feet to the west the buildings containing apartments 90A/B through 93A/B and 85A/B through 89A/B would open up the view from unit 93A. The change would also provide the collateral benefit of enabling a relocation of unit 93B's driveway outlet from Leiden Drive to Dieppe Road for easier access.

Faced with this unexpected problem, we developed some fixes to the plan to deal with it. In doing so, we endeavored greatly to preserve the approved plan and avoid making any change that we thought the board might be reluctant to approve. Mrs. Fuda and Mr. Laberge were offered an opportunity to comment on the plan fixes and neither voiced any. Mr. Laberge was further contacted on the relocation of stormwater drainage necessitated by moving the apartment buildings. After reviewing our revised piping plan, Mr. Laberge agreed with our conclusion that it would cause no material change in the drainage design and that the system would function as originally intended. At that point, it was decided to move forward with these planned changes in the field. To date, the stormwater drainage piping to be removed as part of the 'fix' has been removed and will be reinstalled in its new location when appropriate (with this part of the drainage system not presently in service, installation is not an imperative).

Naturally, the Board is entitled to an explanation for our proceeding with these changes absent its prior approval. The answer is simply one of time. To have waited for the next following board meeting on September 19<sup>th</sup> would have required a further three-week delay during the latter part of the construction season.

We hope the Board concludes that we proceeded reasonably under the circumstances and will ratify those changes we made in good faith, believing them to be in the best interest of bringing a well-designed and executed project to the Town of Schodack. Attached is a site plan showing the revised apartment building locations. On the plan we have indicated in

dashed red line the approved apartment building location footprint. Indicated in solid red line is the original stormwater drainage piping that was earlier installed and then removed. The relocated line is indicated between units 89 and 90.

Should the Board wish the applicants and/or members of Brewer Engineering to appear before the Board to answer questions, we will be only to happy to do so.

Thank you and the other members of the Board for your and their attention in this matter.

Richard Tice  
Project Manager

**ADJOURN**

LaVoie 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,  
Nadine Fuda  
Director of Planning & Zoning