



2022-358

RESOLUTION RECOMMENDING APPROVAL OF THE PROPOSED VAN HOESEN STATION PLANNED DEVELOPMENT DISTRICT, WITH MODIFICATIONS

WHEREAS, Applicant has made application for a proposed planned development district, which would be a residential multi-family project, comprised entirely of rentals, dominated by eight-unit multi-family apartment buildings, with 24 such buildings proposed. In addition, 40 resident storage units, eight single-family residential dwellings, and other amenities for use by residents are proposed ("Project");

WHEREAS, the proposed Project would be located next to a residential neighborhood, with predominately single-family homes, and is located in a PD-3 zone, a zone that does not allow the proposed use and thus the basis for the application for a PD-2 Planned Development;

WHEREAS, section of the 219-95 of the Code of the Town of Schodack ("Town Code") provides for Planning Board review of Applicant's proposed sketch plan and submission of a report to the Town Board, which report "shall approve, approve with modifications or disapprove the sketch plan ..."

WHEREAS, the Planning Board has served as lead agency under SEQRA and previously issued a Negative Declaration;

NOW THEREFORE BE IT RESOLVED THAT the Planning Board, per § 219-95(C)(3) of the Town Code, recommends approval of the proposed sketch plan, but with the modifications set forth herein;

(a) Conform to the Town's Comprehensive Plan

The Town's Comprehensive Plan notes the "four decades of plans, reports, and studies completed for and by the Town" (p. 2) and contains, among other things, a limited list of five "Fundamental Guiding principles" and a Vision Statement. The Guiding Principles and Vision Statement are the backbone of the Comprehensive Plan. The Vision Statement begins by stating:

The Town of Schodack will continue to be a desirable place to live, work and recreate, offering an excellent quality of life for residents and visitors. The Town will encourage its growth to preserve its historical, cultural and natural resources for this and future generations. Schodack will retain its 'small-town feel' by encouraging the preservation of prime farmland and agriculture ...

(Comprehensive Plan, p. 3).

Guiding Principle #1 is "In recognition of the historically rural nature of Schodack, protect and conserve open space and agricultural land as much as reasonable and economically feasible". Subparagraph B thereof states: "Consistent with the historical rural character of Schodack, residential developments should be structured to create small communities or hamlets which can

be integrated with open space conservation efforts and with recreational and leisure use features which promote community or hamlet life.” (Comprehensive Plan, p. 7).

Also relevant to the subject application is Guiding Principle #2. It states: “Promote quality of life assets in the Town which are consistent with the rural nature of the Town and which maximize use of its natural resource features, assets, and history.” Subparagraph C thereof provides: “Major residential development sponsors+ should be routinely asked to consider inclusion of a variety of recreational and leisure times uses coupled with open space preservation—including but not limited to sidewalks, ‘mini-parks,’ bikes and hiking paths, etc.”. (Comprehensive Plan, p. 8).

Additionally, Section V of the Comprehensive Plan, titled “Prior Comprehensive Plan Reports,” provides the following, which Applicant has cited in support of its application:

The Growth Analysis committee found that the Town may be in position to encourage affordable senior housing in the future due to the fact that the median age rose considerably in the 1990’s, more than 70% of Town residents in 2000 were living in the house as they were in 1995 (demonstrating community “attachment”); and the fact that there was little rental housing located within the Town beyond the Village of Castleton. The study also outlined several factors that should be considered in any future senior housing development endeavors. These included: accessibility to public transportation and public roads; proximity (within walking distance) to essential services, compact and flat site development; and cost effective water and septic (or sewer) provision. The Growth Analysis committee listed both the advantages and disadvantages associated with allowing the free market to continue to influence Schodack’s residential development ...”

(Comp. Plan, p. 54).

In support of its argument that this factor favors approval applicant states in its June 14, 2021 and July 28, 2021 Project Narrative submissions that the proposed use is an “appropriate transitional use of the property” and that there is a need for rental property in the Town.

The Comprehensive Plan notes there is a general need for rental housing in the Town and that the flexible land use mechanism of planned development districts is to be encouraged, as more fully detailed below. However, this Board further interprets and applies same that it has the objective of attempting, if possible, especially with residential properties, to maintain a “small-town feel” and that recreational opportunities should be created for the use of all town residents, thus warranting modifications to the sketch plan as proposed.

(b) Meet the intent and objectives of a planned development as stated in this Article

Article XII, "Planned Developments" at section 219-90, "Purposes," provides the following as the intent of the Town's planned development process:

- A. The planned development (PD) procedure provides a flexible land use and design regulation through the use of performance criteria so that developments may be matched with sensitivity to the unique characteristics of their site. This procedure recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulations of land use in areas substantially developed, these controls represent a type of regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned development concept. Conventional area and density specifications set forth by other sections of this chapter are intended to be replaced by application of the planned development procedure and resulting PD-2 District, as provided for herein, to lands upon which the approved plan becomes the basis for control and development.
- B. While flexibility in substantive regulations is encourage, it is intended that uniform procedure and the required conformance with the Town Comprehensive Plan and municipal service capability shall ensure the general welfare through equal treatment under the law as well as precise control of all aspects of the development as approved.

It is noted that in recent years, this procedure has mostly been utilized for the location and permitting of utility solar projects in town and a small scale business park. The Board acknowledges the aforementioned criteria and believes that the proposed type of use is an appropriate use but not at the density proposed.

Additionally, Article XII, section 219-92 of the Town Code, titled "Objectives," provides: "In order to carry out the intent of this article, the application of PD shall achieve the following objectives; it shall:"

- A. *Contain an adequate and integrated system of open space and recreation areas designed to tie the PD together internally and link it to the larger community.*

The sketch plan, last revised September 28, 2022, provides some open space as well as a trail system located wholly within the proposed development along with a sidewalk along US Route 9.

- B. *Preserve trees, outstanding natural topography and geologic features, while preventing soil erosion and uncontrolled surface water drainage.*

Although 38% of the property will remain natural areas and the wetlands and ponds are another 7% of the property, most of same is located on land that is difficult to develop and is located on the perimeter of the development. Of the area to be developed, most of the topography and trees will be altered. Soil erosion and surface water discharge will be managed on-site.

- C. *Preserve and integrate historically significant structures and sites into viable adaptive uses.*

There are no historically significant structures or sites on the subject property.

- D. *Use land efficiently, resulting in smaller networks of streets and utilities and thereby lower development and maintenance costs.*

An interior loop road is proposed to service the proposed development and appears to provide adequate vehicular circulation. However, since municipal wastewater disposal is not available at this time, a significant amount of land area is being utilized for subsurface wastewater disposal.

- E. *If residential in land use, provide a maximum choice in occupancy tenure (e.g. individual ownership, leaseholds, condominiums), type of housing (e.g., detached houses, townhouses, garden apartments), lot size and community facilities available to existing and potential Town residents.*

As proposed, all units, apartment and single-family residence are to be rentals and there is no choice in occupancy tenure. As proposed, as noted above, it is predominantly multi-family housing. There is no subdivision proposed and therefore no transfer of ownership to customers, even as to the eight proposed single-family residential structures. The use of the facilities is limited to residents of the proposed development only, and not available to Town residents who do not live there.

- F. *Possess creative design and site planning of a quality that will produce a more desirable environment through improved functional relationships between buildings and uses.*

The sketch plan, as presented, is functional but similar to other large scale apartment complexes throughout the region. As to functional relationships, virtually all of the on-site amenities are located in one portion of the site.

- G. Provide more convenience in the location of accessory commercial and service areas.

There are no accessory commercial and services areas proposed.

- H. *Provide an orderly transition of land from rural to urban uses.*

The proposed use provides a transition between commercial and residential land uses. Once again, it is located between a predominantly single-family neighborhood and commercial uses.

- I. *Produce a development pattern in harmony with the goals and objectives of the Town.*

Applicant has cited and discussed the portion of the Comprehensive Plan noting “there was little rental housing located with the Town beyond the Village of Castleton” and the need for market rate housing. This is more fully discussed above and is therefore incorporated herein by reference.

(c) *Meet the general criteria stated in this Article*

Such criteria, including that contained in Town Code section 219-93, titled “Standards for Determination” have been the subject of extensive review by the Planning Board and its consultants. The engineer for the Planning Board has issued numerous review letters, carefully examining such criteria, all of which are incorporated herein by referenced and will therefore not be repeated. It also is noted that three board members are professional engineers.

(d) *Achieve conceptual soundness in the it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system and scale of its elements, individually and to one another.*

The Project meets a local need for the addition of rental housing. It conforms to accepted design principles in the proposed functional roadway and pedestrian system, including the sidewalks whose addition to the proposed sketch plan was encouraged by this Board. The land use configuration, as proposed to be modified herein, is more consistent with current land use development patterns in the Town. In furtherance thereof, the open space system provides the potential for outside residential use, especially if amenities are added for use by residents outside of the proposed planned development district. As proposed to be modified, the scale of its elements, individually and to one another is in greater harmony with the surrounding land uses.

(e) Provide adequate physical and human protective services and utilities available or proposed to be made available in the constriction of the development.

As designed, the Project provides adequate physical and human protective services. As noted herein, Applicant proposes on-site septic due to the unavailability of municipal sanitary sewer capacity. There is adequate energy and communication available. Water is available but only if the Town Board grants approval of a water district extension.

Factoring in all of the above, it is the belief of this Board that the Town may benefit from the addition of residential housing, and that the sketch plan as recommended to be modified below provides both a type and amount of housing that is recommended by this Board.

Recommended Modifications

THEREFORE, IT IS FURTHER RESOLVED THAT the Planning Board recommends approval of the sketch plan but with the following recommended modifications:

1. The number of units be reduced by approximately forty (40) to fifty (50%) percent, depending upon the final mix of housing unit types. It is further recommended that this reduction be effectuated in part by adding additional single-family homes on the southern portion of the interior loop road, across from the eight single family homes that are proposed. In furtherance thereof, it is also recommended that townhomes should be added to the mix of unit types and be placed in an area removed from the existing neighborhood.

2. The project should be approved and constructed in such a way that construction of the second and subsequent phases of residential units, which shall not be less than fifty percent of the total residential units, shall not be commenced until there is demonstrated ninety percent leasing of the preceding phases.

3. The eight-unit buildings are to be arranged in a such a manner that up to three buildings may share a common parking lot.

Moved By Aubin ; seconded by LaVoie, and the Board voted as follows:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MAYRER	X		
JOHNSON	X		
LAVOIE	X		
D'ANGELO	X		
AUBIN	X		
SHAUGHNESSY	X		
LEONARD	X		

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Ransomware

A hacker has encrypted all of your files and won't unlock them until you pay a ransom. Not to worry, we'll cover the costs to restore your data and get you up and running again.



Wire Fraud & Social Engineering

A funds transfer request is sent to your controller by someone pretending to be your CEO. The funds may be out the door, but at least you're not out of pocket — we've got you covered.



Phishing and Data Breaches

A hacker gains access to an employee's email or breaches your network. We'll cover costs to fix the problem and breach related expenses such as credit monitoring and regulatory penalties.



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— *[Name]*, *[Company]*

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*Consult your quote or policy for specific carrier information.



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COALITION CYBER POLICY QUOTATION

Please be advised this quotation is for surplus lines coverage. Compliance with applicable laws and payment of taxes and fees is the responsibility of the Insured, Insurance Agent, or Insurance Broker. Upon binding of this account, we must receive a signed application from the Insured.

Subject to the terms and conditions contained herein, Coalition Insurance Solutions ("Coalition") agrees to issue to the below Named Insured the following quotation for insurance coverage:

Coalition Quote No.: C-4LPL-104606-CYBER-2022

Named Insured Town of Schodack
Address 265 Schuurman Road
 Castleton, NY 12033

Policy Period From: December 30, 2022 (Effective Date)
 To: December 30, 2023 (Expiration Date)
 Both dates 12:01 A.M. at the Named Insured's address above.

Policy Premium

Premium without TRIA	\$4,995.00
TRIA Premium	\$5.00
Total Premium	\$5,000.00

Aggregate Policy Limit of Liability \$500,000 *Premium does not include 3.77% NY Surplus Lines Tax and \$150 Filing Fee*

Coverage under this policy is provided only for those Insuring Agreements for which a limit of liability appears below. If no limit of liability is shown for an Insuring Agreement, such Insuring Agreement is not provided by this policy. The Aggregate Policy Limit of Liability shown above is the most the Insurer(s) will pay regardless of the number of Insured Agreements purchased.

THIRD PARTY LIABILITY COVERAGES

Insuring Agreement	Limit / Sub-Limit	Retention / Sub-Retention
A. NETWORK AND INFORMATION SECURITY LIABILITY	\$500,000	\$25,000
B. REGULATORY DEFENSE AND PENALTIES	\$500,000	\$25,000
C. MULTIMEDIA CONTENT LIABILITY	\$500,000	\$25,000
D. PCI FINES AND ASSESSMENTS	\$500,000	\$25,000

FIRST PARTY COVERAGES

Insuring Agreement	Limit / Sub-Limit	Retention / Sub-Retention
E. BREACH RESPONSE	\$500,000	\$25,000
F. CRISIS MANAGEMENT AND PUBLIC RELATIONS	\$500,000	\$25,000
G. CYBER EXTORTION	\$500,000	\$25,000
H. BUSINESS INTERRUPTION AND EXTRA EXPENSES	\$500,000	\$25,000
		i. Waiting period: 8 hours
		ii. Enhanced waiting period: 8 hours
I. DIGITAL ASSET RESTORATION	\$500,000	\$25,000



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J. FUNDS TRANSFER FRAUD	\$250,000	\$25,000
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Coverages by Endorsement	Limit / Sub-Limit	Retention / Sub-Retention
CR. COMPUTER REPLACEMENT ENDORSEMENT	\$500,000	\$25,000
SF. SERVICE FRAUD	\$100,000	\$25,000
RHL. REPUTATIONAL HARM LOSS	\$500,000	Waiting period: 14 days
REPUTATION REPAIR ¹	\$500,000	\$25,000

Pre-Claim Assistance \$1,250 *Pre-claim assistance is a benefit included as part of the premium. See Section V, CLAIMS PROCESS, PRE-CLAIM ASSISTANCE of the Policy for more details.*

Insurers and Quota Share Percentage

Insurer	Policy No.	Quota Share % of Loss	Quota Share Limit of Liability	Premium
Arch Specialty Insurance Company		30%	\$150,000	\$1,500.00
Fireman's Fund Indemnity Corporation		25%	\$125,000	\$1,250.00
Ascot Specialty Insurance Company		25%	\$125,000	\$1,250.00
Fortegra Specialty Insurance Company		20%	\$100,000	\$1,000.00

Retroactive Date Full Prior Acts Coverage

Continuity Date December 30, 2022

Endorsements and Forms Effective at Inception

POLICY DECLARATIONS	SP 14 797 0221
SIGNATURE PAGE ALLIANZ - NY OR CA	CYUSP-00NT-000002-0622-00
SIGNATURE PAGE ARCH	CYUSP-00NT-000006-0922-00
SIGNATURE PAGE ASCOT	CYUSP-00NT-000004-0922-00
SIGNATURE PAGE FORTEGRA	CYUSP-00NT-000003-0922-00
COALITION CYBER POLICY	SP 14 798 0419
QUOTA SHARE ENDORSEMENT	SP 15 629 0218
SERVICE OF SUIT ENDORSEMENT	SP 14 927 0219
COMPUTER REPLACEMENT ENDORSEMENT	SP 17 514 0419
REPUTATIONAL HARM LOSS	SP 16 383 0718
REPUTATION REPAIR ENDORSEMENT	SP 14 802 1117
SERVICE FRAUD ENDORSEMENT	SP 16 183 0518
CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM	SP 17 252 0219
DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT	SP 17 255 0220
NEW YORK CHANGES	SP 19 042 1020
REGULATORY COVERAGE ENHANCEMENT ENDORSEMENT -- CCPA AND GDPR	SP 17 147 1119
COURT ATTENDANCE COST REIMBURSEMENT ENDORSEMENT	SP 16 777 0918
CRIMINAL REWARD COVERAGE	SP 16 670 0818
DUTY TO COOPERATE ENDORSEMENT	SP 17 274 0219

¹ REPUTATION REPAIR ENDORSEMENT amends F. CRISIS MANAGEMENT AND PUBLIC RELATIONS; use of this limit reduces limit for F.



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YOUR OBLIGATIONS AS AN INSURED ENDORSEMENT	SP 17 275 0219
INVOICE MANIPULATION ENDORSEMENT	SP 17 813 0819
MISCELLANEOUS AMENDATORY (ARC) ENDORSEMENT	SP 20 290 0422
MULTI-FACTOR AUTHENTICATION (MFA) RETENTION REDUCTION	SP 17 814 0819
PHISHING (IMPERSONATION) AND PROOF OF LOSS PREPARATION EXPENSE ENDORSEMENT	SP 18 435 0720
WRONGFUL COLLECTION EXCLUSION	SP 18 324 0521
\$0 RETENTION FOR SERVICES FROM COALITION INCIDENT RESPONSE	SP 18 395 0620

Conditions:

This quotation expires within sixty (60) days or on the expiration date of the current coverage, whichever comes first.

This quotation for insurance coverage is issued based on the truthfulness and accuracy of the responses to the questions on the insurance application entered into our underwriting system.

If between the date of the quotation and the Effective Date of the proposed insurance contract, there is a material change in the condition of the Named Insured or if any notice of claim or circumstance giving rise to a claim is reported prior to the Effective Date of the proposed insurance contract, then the Named Insured must notify Coalition. Whether or not this quotation has already been accepted by the Named Insured, Coalition reserves the right to rescind this indication as of its Effective Date or to modify the final terms and conditions of the quotation upon review of the information. Coalition also reserves the right to modify the final terms and conditions upon review of the information received in satisfaction of the aforementioned conditions.

This quotation is also subject to our review and acceptance of responses to the following conditions:

- An authorized representative of the Named Insured signs the Coalition application within ten (10) days of the issuance of a binder or insurance coverage will not take effect.

Please note this quotation contains only a general description of coverage provided. For a detailed description of the terms, you must refer to the insurance contract itself and the endorsements listed herein.



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The most innovative and comprehensive coverage available

Coalition covers more of the financial, tangible, and intangible exposures your business faces as than any other insurance company.



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A funds transfer request is sent to your controller by someone pretending to be your CEO. The funds may be out the door, but at least you're not out of pocket — we've got you covered.



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Don't just protect your network, protect your business

We offer a full suite of security apps including 24/7 security monitoring, automated threat and intelligence alerts, DDoS mitigation, security benchmarking, ransomware protection, employee training, patch reminders, and more — included with each policy at no additional cost.



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— RALPH COOPER, CEO, XING.COM

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Subject to the terms and conditions contained herein, Coalition Insurance Solutions ("Coalition") agrees to issue to the below Named Insured the following quotation for insurance coverage:

Coalition Quote No.: C-4LPL-104527-CYBER-2022

Named Insured Town of Schodack
Address 265 Schuurman Road
 Castleton, NY 12033

Policy Period From: December 30, 2022 (Effective Date)
 To: December 30, 2023 (Expiration Date)
 Both dates 12:01 A.M. at the Named Insured's address above.

Policy Premium

Premium without TRIA	\$9,990.00
TRIA Premium	\$10.00
Total Premium	\$10,000.00

Aggregate Policy Limit of Liability \$1,000,000 *Premium does not include 3.77% NY Surplus Lines Tax and \$250 Filing Fee*

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THIRD PARTY LIABILITY COVERAGES

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RHL. REPUTATIONAL HARM LOSS	\$1,000,000	Waiting period: 14 days
REPUTATION REPAIR ¹	\$1,000,000	\$25,000

Pre-Claim Assistance \$2,500 *Pre-claim assistance is a benefit included as part of the premium. See Section V, CLAIMS PROCESS, PRE-CLAIM ASSISTANCE of the Policy for more details.*

Insurers and Quota Share Percentage

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Arch Specialty Insurance Company		30%	\$300,000	\$3,000.00
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Retroactive Date Full Prior Acts Coverage

Continuity Date December 30, 2022

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This quotation expires within sixty (60) days or on the expiration date of the current coverage, whichever comes first.

This quotation for insurance coverage is issued based on the truthfulness and accuracy of the responses to the questions on the insurance application entered into our underwriting system.

If between the date of the quotation and the Effective Date of the proposed insurance contract, there is a material change in the condition of the Named Insured or if any notice of claim or circumstance giving rise to a claim is reported prior to the Effective Date of the proposed insurance contract, then the Named Insured must notify Coalition. Whether or not this quotation has already been accepted by the Named Insured, Coalition reserves the right to rescind this indication as of its Effective Date or to modify the final terms and conditions of the quotation upon review of the information. Coalition also reserves the right to modify the final terms and conditions upon review of the information received in satisfaction of the aforementioned conditions.

This quotation is also subject to our review and acceptance of responses to the following conditions:

- An authorized representative of the Named Insured signs the Coalition application within ten (10) days of the issuance of a binder or insurance coverage will not take effect.

Please note this quotation contains only a general description of coverage provided. For a detailed description of the terms, you must refer to the insurance contract itself and the endorsements listed herein.