

**Town of Schodack
Town Board Meeting
March 9, 2023**

Public Session - 7 p.m.

Call to Order

Pledge of Allegiance

Roll Call

Public Hearings-

Watch via livestreaming <https://townhallstreams.com/towns/schodack>

Public Comment

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF SCHODACK DOES HEREBY:

2023-122 **WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for public hearing to be held by said Town on February 23, 2023 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 5 of 2023 Amending **Chapter 219 § 99(A)(1) entitled Nonconforming uses in the Town of Schodack, and**

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on February 13, 2023 and advertised in the February 13, 2023 edition to THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on February 23, 2023 at 7:05 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed local law or any part thereof, it is hereby

WHEREAS, that Town Board of the Town of Schodack, after due deliberation finds that it is in the best interest of the Town to adopt said local law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack hereby adopts Proposed Local Law Number 5 of 2023 (P5-2023) to be known as Local Law 2 of 2023 Nonconforming uses in the Town of Schodack, and

BE IT FURTHER RESOLVED, that the Town Clerk, be and is hereby directed to enter said local law into the Code of the Town of Schodack and to give due notice to said local law to the Secretary of State.

2023-123 Authorize Brian Brahm and Charles Halvax Water Operators to attend 44th Annual New York Rural Water Association’s Technical Conference, May 22nd through May 24th at the Lake Placid Conference Center, Lake Placid, NY. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2022 adopted Town Budget, with are estimated cost of \$1,316.00.

2023-124 The Town of Schodack imposes the following conditions, on the management of water/sewer lines located along water main from Graw Road travelling east through the lands of Kristina Macyowskie and Scott Simpson within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an

agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

2023-125

WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located, and

WHEREAS, notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board, and

WHEREAS, the Town of Schodack has on the 27th day of February, 2023 received notice that Thomas Choquette, operating manager of the business known as Olde Post Golf Club is applying for an on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said application to the Schodack Town Board, the Schodack Police Department and the Schodack Building Department and no adverse comments or recommendations of any kind were received,

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an applicant must give the municipality thirty (30) day notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Schodack, that with respect to the application submitted by Ryan Hoffman doing business as Olde Post Golf Club at 92 Schuurman Road, Schodack, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Schodack Town Board does express a favorable opinion, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Schodack hereby waives the thirty (30) day notice period in regard to Olde Post Golf Club at 92 Schuurman Road, Schodack, New York allowing an earlier submission of the liquor license application.

2023-126

Authorize Supervisor Peter to contract with musicians to perform at the 2023 Music in the Park as follows:

Gone Grey	May 30 th (rain date 5/31/23)	\$500.00
-----------	--	----------

Peaceful Country Band	June 6 th (rain date 6/7/23)	\$575.00
Triskele	June 13 th (rain date 6/14/23)	\$950.00
Eric Peter Band	June 20 th (rain date 6/21/23)	\$800.00
Yankee Doodle Band	June 27 th (rain date 6/28/23)	\$600.00
Kyle Bourgault Band	August 1 st (rain date 8/2/23)	\$800.00
Jarrold	August 8 th (rain date 8/9/23)	\$500.00
Sundown Express	August 15 th (rain date 8/16/23)	\$500.00

2023-127 **WHEREAS**, the Town Board delegated its annual auditing responsibilities pursuant to Section 123 of Town Law to the Town Comptroller, and

WHEREAS, the Town Comptroller performed the audit in accordance with the guidelines provided by the New York State Office of the State Comptroller as published in the Local Government Management Guide – Fiscal Oversight Responsibilities,

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts the audit report submitted for Justice Court for the fiscal year 2022.

2023-128 Appoint Bridget Baptiste as Sub-Registrar of Vital Statistics pursuant to Section 4122 of the Public Health Law at salary set forth in resolution 2022-352.

2023-129 Authorize wing-persons that have worked twelve (12) consecutive hours to receive up to twenty (\$20.00) dollars meal allowance with receipt, or eight (\$8.00) dollars without receipt. Additionally, in the event that a wing-person is called in on the weekend or on a holiday, s(he) shall receive the above-entitled meal allowance after six (6) hours.

2023-130 Authorize Debra Curtis, Town Clerk, to attend the annual New York State Town Clerk’s Association Conference in Syracuse, New York, April 23 through April 26, 2023. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2023 adopted Town Budget, which are estimated to be \$1,136.09, as budgeted [A1410.4]

2023-131 Authorize Town Clerk to publish a notice for a public hearing to seek public comment on Proposed local law No. 7 of 2023 to establishing a moratorium for Battery energy storage systems in the Town of Schodack. Said hearing to be held on Thursday, March 23, 2023 at the Schodack Town Hall at 7:15 p.m.

2023-132 Authorize Supervisor Peter to execute and administer the Intermunicipal PILOT Agreement for payments in-lieu of taxes on real property that contains Solar energy system by and between the Town of Schodack, Rensselaer County, Schodack Central School District and Green Dale Solar, LLC County Route 32.

2023-133 Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #23-0319 to 23-0413 on Abstract No. 2023-03, in the amount of \$819,117.26 including the claims paid \$28,197.05.

2023-134 Authorize the February 2023 budget modifications, interfund loans and interfund transfers as provided in document dated March 2023 and recommended by the Comptroller.

Motion to Adjourn

Pursuant to the regulation of the Americans with Disabilities Act (Public Law 101-336), the Town of Schodack will provide auxiliary aids or special services for persons with disabilities. Please notify the Town Clerk's Office at 477-7590 so arrangements can be made for requested services.

Please forward correspondence regarding Town matters to:
Supervisor Charles J. Peter
Town of Schodack, 265 Schuurman Road
Castleton-on-Hudson, New York 12033-9622
or call the Supervisor at 518-477-7918

1/9/2018 1:52 PM