

DATE: AUGUST 27, 2015

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DONNA L. CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: FRANCIS CURTIS
JAMES E. BULT
SCOTT SWARTZ

MEMBERS ABSENT: MICHAEL KENNEY

ATTORNEY:

OTHERS PRESENT: NADINE FUDA, PLANNING & ZONING DIRECTOR

Supervisor Dowds called the August 27, 2015 meeting to order at 7:05 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Briefing of Resolution Agenda

Board discussion was held regarding resolution [2015-187]. Since Primary Day will be held on a Thursday, September 10th, and the date is the same as the scheduled Board meeting, some Board members felt it would be better to reschedule the meeting rather than cancel it. After review of the calendar and not finding an evening that the meeting room was not in use that worked within their individual calendars, and assurance that bills could be pre-paid by the Comptroller without any negative fiscal impact, it was the consensus of the Board to let the resolution stand as written.

Adoption of Resolutions

EXPLANATION: Bracketed and strikethrough indicates language that was stricken from the resolution when adopted. Underlined indicates language that was added to the resolution when adopted. A WITHDRAWN resolution is so noted and italicized.

C. Curtis made a motion to adopt the following resolution, seconded by C. Bult:

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

2015-187) Amend resolution 2015-002 as adopted January 8, 2015, and cancel the Regular Town Board meeting for September 10, 2015 at 7 p.m.
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, S. Swartz, D. Dowds. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by S. Dowds:

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

2015-188) Adopt the fee schedule for Fall Clean-Up Days (October 15, 16 & 17) at the Transfer Station as follows:

Refrigerators, freezers, air conditioners & dehumidifiers	\$ 6.00
Tires, rimless (maximum size 16")	\$ 2.00
Larger and rimmed tires	price by size
TVs, computer monitors	FREE
Propane Tanks	FREE
Furniture	FREE
Metal goods	FREE
Push mowers	FREE
Gas grills	FREE
Bicycles	FREE

*******Please note: all other pricing remains the same*******

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, S. Swartz, D. Dowds. Noes – 0.

C. Bult made a motion to adopt the following resolution, seconded by C. Curtis:

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

2015-189) WHEREAS, it is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as *Constitution Week*,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack does hereby proclaim the week of September 17 through 23 as *Constitution Week* and urges all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, S. Swartz, D. Dowds. Noes – 0.

Discussion Items:

Zoning Update: Nadine Fuda, a member of the Zoning Review Committee (ZRC), said that Paul Puccio, Planning Board Member, David Calarco, Zoning Board Chair, and she, have been working with the Laberge Group to draft amendments to the Zoning Laws (per directive from the Town Board – August 2014). She noted that Lawrence Howard,

Esq., the attorney the Board hired, is working out very well with the group. The following is an update regarding the amendment process, the tasks completed, and the proposed next steps:

Article X. Special Use Permits – The Zoning Review Committee has reviewed Article X, Special Use Permits, and removed all references to specific uses. Any specific uses have been moved to Article V Supplemental Regulations. In addition, language has been recommended to this Article to clarify the intent of the special use general provisions, the special permit application procedures, the special use permit application process, special use permit standards, and the special use approval process.

Article V. Supplemental Regulations – This article has been updated to include all supplemental regulations that pertain to a permitted or specially permitted use. The ZRC is currently in the process of reviewing and updating language to be consistent with best practices as well as the Schedule of Use Regulations. It is anticipated that there may be additional revisions to the Schedule of Use Regulations as the ZRC continues with the amendment process. Categories are noted below.

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| ❖ Accessory Apartments | ❖ Motor Vehicle Sales Establishments |
| ❖ Day-Care Centers, Child & Adult | ❖ Shopping Centers |
| ❖ Agriculture & Livestock | ❖ Motor Vehicle Service Stations |
| ❖ Development near streams & wetlands | ❖ Storage of construction & related vehicles |
| ❖ Camps and Campgrounds | ❖ Multi-family dwellings |
| ❖ Car Wash | ❖ Swimming Pools |
| ❖ Excavation as part of site preparation | ❖ Nursing Home, health & medical facilities (for discussion) |
| ❖ Clothing Bins | ❖ Towers and Antennas |
| ❖ Fences and Walls | ❖ Off-street parking & loading |
| ❖ Permitted accessory parking | ❖ Townhouses |
| ❖ Fuel Sales | ❖ Oil & Gas exploration |
| ❖ Religious & educational uses | ❖ Truck or Railroad Freight terminals |
| ❖ Home occupations | ❖ Outdoor storage of building supplies |
| ❖ Roadside stands | ❖ Two-Family Dwellings |
| ❖ Kennels | ❖ Personal wireless telecommunications service facilities |
| ❖ Sanitary Sewage Disposal | ❖ Veterinarian Hospitals & Animal Hospitals |
| ❖ Medical Facilities | ❖ Windmills and wind generators |
| ❖ Screening | |
| ❖ Membership clubs | |
| ❖ Landscaping standards | |
| ❖ Mining & Excavation | |
| ❖ Senior Citizen Housing | |

Ms. Fuda added that they are trying to streamline many of the definitions and will be adding a lot more. C. Curtis suggested that they add condos to the category of townhouses. In finishing her report, she said the next step will be to finalize the supplemental uses.

On other matters related to zoning, she stated that they received a letter from some of the people living near Love Lutheran Church, requesting that the ZRC review the zones

and permitted uses in that area. She stated that as part of the ZRC process they will be reviewing all the permitted uses in all the zones. Also, the Zoning Board received a letter from some of the residents of Birchwood Estates (Richwood Drive area), Phase I, asking that they be considered as Phase II, which includes Variance #5. The Zoning Board will be considering that request and what processes may be allowed at their meeting on September 14th. S. Dowds clarified that Phase II was essentially granted RA status, but not the five parcels in Phase I. Ms. Fuda said she believed that occurred because Phase I was built before the Town had a zoning law.

R. Lemka asked if there was a timetable for completion of the Zoning Review. Ms. Fuda said no; when they have everything ready, they will present it to the Board. Mr. Lemka questioned the meeting schedule. Ms. Fuda explained that they just resumed meeting due to vacation scheduling. Besides the vacation conflicts, another issue that put them behind was all the work they did on the recently adopted solar law which took them approximately 3 months. C. Bult asked if they have been posting their completed work on line so residents have the opportunity to look at it and make comment. Ms. Fuda said no. They thought they would do that when they have completed certain segments. She explained that when they are reviewing they tend to move back and forth between the sections - uses, special uses, definitions, etc. because they are all interrelated. It is difficult to take one heading and complete it because many of the categories are interlaced. C. Curtis suggested that, in response to public inquiries, they post their meeting schedule and agendas on the website. Ms. Fuda said she would post tonight's report on the website. S. Dowds said people have asked when they will have an opportunity to comment on the revisions. He realized it was a difficult task but urged them to develop some kind of time frame. Ms. Fuda said she understood, but explained that sometimes it is difficult. They can be discussing something they think should be changed and then the attorney reminds them that whatever they do needs to be done so it is defensible in court. To build on what other Board members have said, C. Bult said if they were able to post some of the draft work on the website, it would give the public an opportunity to comment via email and good suggestions might come in that they hadn't thought of, so in the end, it might actually expedite the process.

Transfer Station: The Board discussed improving the sanitary facilities at the transfer station. Currently, they rent a port-a-john, and there is no sink. Given what the employees handle during the day, the Board agreed that something more appropriate needed to be considered. Different options were talked about, which included purchasing a winterized trailer that contained a toilet and sink (approximate cost \$20,000.00); installing a well and a septic (possibly just a pump-out tank) with a small structure being built on top of the area (approximate cost – unknown); or a complete self-contained restroom with a black-water tank and a gray water tank (approximate cost - \$33,000.00). There were many factors to consider, such as costs involved with bringing in water and pump-outs for the mobile units, renting a wash station vs. purchasing a wash station (short-term) and reacting to the immediate need vs. developing a long-term solution. C. Bult suggested that until a decision is made they could use the facilities in the town park until the lines are drained for the winter. It was his opinion that they should take a more comprehensive approach to the entire operation. A few years ago they discussed upgrading the retaining wall and doing some other capital improvements, so perhaps this could be part of a larger project. Bruce Goodall, Director of Transfer Station Operations, agreed. C. Bult felt it was good to be

discussing this at budget so they can plug in some numbers for a long-term strategy for the entire site, both in upgrading the retaining wall and providing better sanitary facilities for the workers. S. Dowds felt there were several ways they could approach this - they could bring in an outside firm to develop a comprehensive plan (long-term) and also temporarily bring in a toilet and sink (short-term). C. Bult asked if there were any grants available for this type of project. Ms. Fuda said she believed there was grant money for transfer stations and would ask Laberge about it. The Supervisor asked her to provide that information to Mr. Goodall and then asked Mr. Goodall to provide an analysis for both the short-term need as well as a long-term solution.

Old Business:

Stewarts: The Supervisor said the Village of Nassau is amenable to providing water to Stewarts, which will be located in the Town of Schodack. The Village wants to come up Route 20 and on to New Rd. The Supervisor said one of the caveats is that the Town Board only wants to address this as a single user extension (Stewarts). In order to address the billing, he felt it should be an extension to Consolidated Water District 101 and they should bill the Town. Additionally, he felt that the infrastructure becomes the property of the Town of Schodack. C. Bult felt it was important for the Town to maintain ownership of that mechanism so if the district were to expand in that area there would not be any ownership problems. Stewarts will be paying for the hard and soft costs for the capital project.

Kinder Morgan Pipeline: The Supervisor stated that he forwarded an agreement provided by B.C.K. Law firm (Berkshire Group) to the Town Attorney, for his review, regarding representing the County of Rensselaer, towns of Schodack, Nassau, Stephentown and the counties, towns and fire districts in MA. At this point there is no cost associated with the agreement. It simply gives the Berkshire Group the ability to represent the entities noted. He felt they should sign the agreement. Initially, Rensselaer County paid for the representation of area towns. He believes that once the Berkshire Group gets Intervener status and are representing all the entities in the group, known as the Pipeline Group, we will be asked to pay our fair share. At this point, he has no idea what those costs will be, but as long as it is reasonable, he did not think it would be beneficial to the Town to forgo being part of the consortium. In an updated report, he provided the following information:

- 1) It is anticipated that Kinder Morgan still intends to file the official application by the end of October 2015. It takes about 1 year from submission of the application to get approval from FERC.
- 2) Kinder Morgan is still looking at all three routes- the northern, the southern and the Berkshire Spur. They may not know which route is selected until the end of the process (after they file the application). C. Curtis asked who makes the decision about the route. The Supervisor said it is between FERC and Kinder Morgan. FERC directed Kinder Morgan to do an analysis on all three routes and if none of those routes work they have to come up with another alternative.
- 3) The comment period will definitely be extended, but he has not been told, yet, for how long.

The Supervisor felt the Town should also apply for Intervener status so they will get all the information.

ADJOURNMENT

As there was no further business before the Board, C. Bult made a motion to adjourn the 08/27/15 Town Board meeting at 7:50 p.m., seconded by C. Curtis. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/RMC/CMC