

**PLANNING BOARD MEETING - JANUARY 8, 2024
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:03 p.m.**

PRESENT

**Denise Mayrer, Chairwoman
Wayne Johnson, P.E.
John LaVoie
Lawrence D'Angelo
Andrew Aubin, P.E.
James Shaughnessy, P.E.
Stephanie Leonard
Attorney Craig Crist, Esq.
Richard Laberge, P.E. Planning Board Engineer
Melissa Knights, Acting Director of Planning & Zoning
Erika Pratt, Administrative Assistant to Building, Planning & Zoning**

MEMBERS ABSENT

APPROVAL OF THE DRAFT MINUTES OF THE — DECEMBER 18, 2023 MEETING AS THE OFFICIAL MINUTES

Johnson moved, LaVoie seconded that the draft minutes of the December 18, 2023 meeting be approved as amended, as the official minutes of this meeting.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

Chairwoman Mayrer states the second item on the agenda is the period of public comment. It is a 15 minute period for any member of the public to make a comment on any item on the agenda this evening. She wants to make note that the Sharon Lane project application has been amended to single family homes, and no longer multifamily dwellings. In case anyone isn't aware of that change. Two single family homes on two lots. Any member of the public wish to make comment on any item on the agenda this evening.

PUBLIC COMMENT

Don Weichold 11 Hy Drive, wasn't happy with the idea of two family houses. It's nice that its now going to be 2 one family homes, but it's still going to be one driveway which is an issue and is not safe.

Oliver Riley 28 Hillview Street, as he understands the purpose of the Planning Board is to provide for future growth and development of our community. In his opinion it will be impossible to provide adequate facilities for the housing development proposed due to the

nature of access to the property. Furthermore, the project as proposed would have a negative effect on the comfort, safety, and welfare of the current population of HY Drive, Sharon Lane, and Hillview Street, especially for the Faran's. Additionally, it is his understanding that an area variance must be granted for the subdivision to occur, and it is his opinion it is impossible for the zoning board of appeals to grant the area variance due to the detrimental effect on properties and environment.

Alice Senrick 36 Hy Drive, she would like to know if the NYS Environmental Department has looked into this project? As well as the State Department of Fire and Safety?

Chairwoman Mayrer asked if the resident was aware the project is now single-family homes?

Alice said yes, she is aware, but still wants to know.

Chairwoman Mayrer stated they must follow SEQRA, so yes per the process everyone gets notified of the proposal.

Resident asks to see the actual reports from DEC and Fire and Safety?

Richard Laberge stated that it is not typical for DEC to comment on a project unless there is a permit to be issued by them. Fire and safety would be addressed with the building department when the permit is issued. There are also design recommendations to be followed so emergency vehicles can have access. It's not typical for DEC to do any type of review without a permit being needed by them.

Resident states there is no fire hydrant access and only water access is wells unless they use the pond. It's all a bad idea. The plow can't even maneuver. All bad idea.

Jen Forand 30 Hillview Street, she states she is probably the most affected by all this. She has an issue with the paper road, which goes the entire length of her property. The private drive is going to affect the drainage onto her parcel. The location of the private drive and how it's being constructed is her main concern. A single driveway causes her no safety concerns, as there is already a path where they have cut through to do the testing. She has maintained the ditch for 15 years and doesn't want to lose access to it. Her other question is what kind of road is going in there? Will it be gravel? Rocks will fly and she lives right next to it. Rocks could hit her house kids or herself.

Robert Folkl 50 Sharon Lane, it's the last house on the right going up across from Jen. His issue is drainage. The water as it is goes into his property. The leaves clog under his driveway and the water washes across his driveway and to where his well is. This is going to

make it worse. He is a snowbird and doesn't want more drainage issues from this proposed construction.

Chairwoman Mayrer stated there is time for one more resident, as the period of public comment closes at 15 minutes.

Michael Lauer 30 Hy Drive, he has two concerns. First, looking from his back yard he can see the half acre behind him which is an area where they want to build one of these homes. The elevation from his house to the first half acre. It goes up 40-50 feet. He isn't sure they are going to dig a ditch between the two properties, so the runoff doesn't go into his yard more then it does now. He personally dug a ditch between his house and the neighbors to reduce the water issues. The proposed construction will remove soil, trees, and vegetation. One you come into the road the projected first driveway off the left goes up hill. The septic and where the leach field will drain? Make sure it doesn't come towards my house.

Chairwoman noted the period of public comment is now closed.

Site Plan / Special Permit

Thomas Paonessa

2023-17/RA/179.-5-30

Sharon Lane

Proposed - 2 lot sub. for 2 flag lots.

Mr. Gavin Vuillaume, RLA for Environmental Design Partnership, LLP was present for this meeting.

Mr. Gavin Vuillaume stated he was in front of the planning board about two months ago and presented the plans a duplex on the proposed lots, after that we took the comments and went to the ZBA presented there and received additional comments from ZBA regarding mostly the duplexes and the subdivision driveway. So, the plan was modified, and added topography to the plan due to the storm water and driveway concerns. They do not intend to change the ditch in any way but do intend to work with the drainage. The driveway will now slide over due to the ditch. They have a good solution for the shared driveway and will not affect the ditch that is already there. It will be graded, and all the runoff from the project goes to the edge of the driveway on the west side and we propose a stormwater pipe that will go under the new driveway to the existing ditch.

Chairwoman Mayrer asked members if they have any questions.

Wayne Johnson asked if there is any info on the cross section of the paved driveway that is going to be built.

Mr. Gavin Vuillaume states it's going to be a private driveway, but it has to support a firetruck, so usually they are 18" of stone to support it.

Wayne Johnson Asked if there will be a turnaround for the firetruck?

Mr. Gavin Vuillaume said yes, two 60-foot turnaround legs as part of the shared driveway.

Wayne Johnson said he's concerned about having the driveway all on one parcel. It proposed to be split so that each parcel has its own 25 feet. But then you are putting a majority of the driveway on parcel 1. Someone coming out of parcel 2 is immediately trespassing on parcel 1. So, it doesn't make sense.

Mr. Gavin Vuillaume noted that it's not trespassing, because they will have an easement over it.

Wayne Johnson said why do you need an easement when they have their own private ownership of 25 feet access to the road.

Mr. Gavin Vuillaume stated in other projects they have had shared driveways completely on one other lot and then they break off and go out to the other lot.

Wayne Johnson noted that he was saying. Why not have a 50-foot easement or access to a driveway and have an easement for lot 2 but ownership by lot 1. It's the same thing except you are not dividing the access to Sharon Lane.

Mr. Gavin Vuillaume asked if he would rather have the whole driveway on one lot.

Wayne Johnson said he's been saying that from the beginning. It doesn't need to be split up and looks foolish and if someone has a ridiculous argument that they don't want neighbors driving on their property, then you will have problems. If you have an easement from the beginning its dual ownership.

Mr. Gavin Vuillaume said he would agree to put it on one lot.

Wayne Johnson said to him personally it must be that way.

James Shaughnessy said if he is understanding, it all will go on lot 1 because you can't touch the ditch, so it has to go further west.

Wayne Johnson said there shouldn't be a parcel division line going down the middle. The 50 feet should be all part of lot 1 and then let lot 2 have access with an easement.

Mr. Gavin Vuillaume stated then lot 2 would not have legal access.

Wayne Johnson states an easement the same as you are proposing, what is the difference? I don't know, can our attorney expound on that.

Mr. Gavin Vuillaume said typically you want to have legal frontage of some sort.

Attorney Crist said he will have to look at it. You can have an easement over something, but you don't have to have ownership, you can have an easement over something of course that you do not own.

Wayne Johnson said they have done this before, it's not like it's a new thing. And it's something he's been saying should be done from the beginning, but he doesn't know if it's going to make an effect on what the Zoning Board thinks or what the rest of this board thinks.

Mr. Gavin Vuillaume said he thinks it might, because the Zoning Board is asking the applicant to get a variance from 50 feet to 25 feet.

Attorney Crist said the Zoning Board is not asking for that, it's the Building Code that requires it.

Wayne Johnson said you will still need a variance because you have two parcels getting access off one road. It's just the way it's going to be mapped and it doesn't make sense to map it the way you are showing and have an easement in addition to dividing the parcel. Now the ditch is going to be on lot 2 and lot 1 doesn't have any say about that unless you put an easement in for drainage for lot 1 to have input into the drainage. He said I don't know how many easements you are going to need between the two parcels to make it work. To him it makes more sense to have one parcel all belonging to lot 1 and lot 2 have an easement to get access. And I would like to see how the road is going to be built.

Mr. Gavin Vuillaume said he is going to get more information a blow up of the area with details on the driveway.

Wayne Johnson said maybe you should have something like that for the zoning Board to see.

James Shaughnessy asked is it going to be asphalt pavement or gravel.

Mr. Gavin Vuillaume said right now it's going to be gravel, and, in the future, it could become paved later on but initially just gravel.

Wayne Johnson stated the plan you show is paved, is there a difference in the plan.

Mr. Gavin Vuillaume said the material would be gravel.

Wayne Johnson asked if they had any input if it was going to be paved or gravel.

Richard Laberge said they are at the beginning of the process with drainage and know it's a concern. The process for everyone is, this must come back if the Zoning Board grants something, it comes back to this board for subdivision approval at that time it would be appropriate to go through all the issues of drainage etc. The neighbors have spoken about it. This may not be the final design for optimal drainage.

Wayne Johnson said if you are going to be showing a 2% slope on the driveways to make sure the water goes to west. To maintain that 2% you should probably pave the driveway for the first 200 feet.

Chairwoman Mayrer ask members if they have anything else?

Richard Laberge said in my letter of January 4th where SEQRA was reviewed and the short form that was submitted for this unlisted action. In terms of SEQRA there are no impacts that rise to a moderate to large impact, so we are recommending a negative declaration that this board adopt as lead agency on this unlisted action.

MOTION TO INTEND TO ADOPT THE SHORT ENVIRONMENTAL ASSESSMENT FORM PART II AUTHORIZING THE ISSURACE OF A NEGATIVE DECLARATION TO BE DRAFTED BY THE ATTORNEY AND ENGINEER FOR THE BOARD AND THE WRITTEN VERSION TO BE ADOPTED AT THE NEXT MEETING

Aubin moved; Johnson seconded the motion to intend to adopt part II of the short environmental assessment form authorizing the issuance of a negative declaration to be drafted by the attorney and engineer for the board and the written version to be adopted at the next meeting.

at the Planning Board authorized to adopt a negative declaration.

7 Ayes. Noes. Motion carried.

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

Oppose: None

Attorney Crist states that he and Mr. Laberge will draft the negative declaration and present it to be adopted and signed at the next meeting.

Wayne Johnson asks if they are going to make a recommendation at the next meeting before the ZBA meeting?

Chairwoman Mayrer said yes this is going to hold over to basically February in the end. That the negative declaration means that overall engineering review provided that the Environmental Impact was completed and that it over all has a mitigated impact. That being said with the intention of the engineer that would be approved tonight and sent to it over. But we can't because it's not drafted.

Richard Laberge said now we know the board's intent and we will draft it up and do it next meeting and then the ZBA will have to wait until after the next planning board meeting.

Wayne Johnson said before they come back can we get an idea from the board if they agree with what he was saying, so that he can make a change to the plans before it goes to the ZBA or are we going to make a recommendation on the plan we see tonight.

Richard Laberge said we should probably get a representative of each board together and have a general discussion.

Wayne Johnson said maybe it would be nice to know how many board members think alike on this.

Andy Aubin asked if anyone on the board has an opinion as to one way or another?

Chairwoman Mayrer said she would like to know why the ZBA feel strongly about the 25 feet. The chairman has a strong opinion about that.

Andy Aubin said they want to give the least amount of relief, so in this case they are looking at it like if its only 25-foot relief it is less than 50 foot of relief.

Wayne Johnson stated that the Planning Board will still see this again before it goes to the ZBA? Next month and expected to make a recommendation. Maybe we should be looking at something we would recommend or if the rest of the board wants to leave it the way it is, he can vote against it.

Stephanie Leonard asks if the driveway is going to be all on lot 1 then that owner has the burden of keeping that driveway clear?

Mr. Gavin Vuillaume said no, there is an easement, so they both will be taking care of the driveway.

Attorney Crist said it would all depend on the terms of the easement. The easement would provide maintenance obligations and so forth.

Stephanie Leonard said whether it's shared or one person?

Attorney Crist said that is correct.

Andy Aubin asked if our counsel would review those agreements?

Attorney Crist said he reviews them but he doesn't approve them. That's why people have their own attorneys and so forth.

Stephanie Leonard asks is there any way for these houses to have separate driveways?

Andy Aubin said he thought he heard something about 2 driveways and was a little confused.

Mr. Gavin Vuillaume stated no there is really only room for one driveway.

See attached approval.

Golf Haven

2023-11/RA-D188.-5-5.11

19 Schuurman Road

Proposed - senior housing.

Steve Hart, Hart Engineering was present for this meeting.

Steven Hart stated that he addressed the latest Laberge letter, not the one that came out a few days ago, but back in December when they had to address the comment letter the Laberge Group had come up with. And recently received a letter back with about ten remaining comments on it. We agree with those and basically want to make one more last set of modifications based on those comments and if the Planning Board members had any additional comments. He presents with a drawing of the proposed project showing the board what it will look like. The drawing also depicts the plantings along the front of the building. To make sure the elevation matches what the landscape plan is going to be showing.

Wayne Johnson said he read they didn't propose to have lighting on the sidewalks.

Steven Hart said no, we do have lighting on the sidewalks. Most the buildings are 6 plex a couple 4 plex.

Richard Laberge said his letter of January 3rd states down to some final details that the board would normally condition approvals on. The second page of the letter states that the projects ready to proceed with conditional approvals and SEQRA has not been completed yet. They do have the full EAF and negative declaration. If the boards are so inclined, we recommend to proceed.

Chairwoman Mayrer said OKAY members.

Stephanie Leonard said thanks for doing the artwork.

WAIVE THE READING OF THE DRAFT RESOLUTION PRESENT BEFORE THE BOARD FOR GOLF HAVEN

Matter: (1) Resolution to adopt negative declaration; (2) Resolution Authorizing Jurisdiction Authorizing subdivision approval; (3) Resolution Authorizing Site Plan Approval.

Aubin moved; LaVoie seconded; to waive the reading of all documents.

7 Ayes. 0 Noes. Motion carried.

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

Oppose: None

RESOLUTION ADOPTING NEGATIVE DECLARATION FEAF PARTS II AND III --SCHODACK GOLF, LLC—GOLF HAVEN SENIOR COMMUNITY; File No.: 2023-11

WHEREAS, this Board has previously resolved to serve as lead agency for the aforementioned project and has classified the action as a Type I action pursuant to SEQRA;

WHEREAS, Applicant seeks major subdivision approval, a special use permit and site plan approval from this Board as well as approvals from among other entities, the NYSDEC and Rensselaer County Department of Health in furtherance of its application to develop a senior housing project consisting of 112 units on what it seeks to be 26.5 acres of subdivided land at 92 Schuurman Road (tax map parcel: 188.-5-5.11) (the "Project site"), a project it has named "Golf Haven Senior Community" (the "Project");

NOW THEREFORE BE IT RESOLVED THAT the Board hereby adopts EAF Part II and Part III with full force and effect.

Motion By: LaVoie

Second By: Leonard

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
AUBIN	X		
D'ANGELO	X		
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
SHAUGHNESSY	X		
LEONARD	X		

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION**

**NOTICE OF FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROPOSED ACTION
IMPACTS AND DETERMINATION OF NON-SIGNIFICANCE**

January 8, 2024

This Notice is issued pursuant to Article 8 of the Environmental Conservation Law and Title 6 NYCRR Part 617, the Implementing Regulations pertaining to said Article, together known as the State Environmental Quality Review Act (“SEQRA”).

The Planning Board of the Town of Schodack (“Planning Board”) acting as Lead Agency in a Coordinated Review, has determined that the Proposed Action described below is a Type I action under SEQRA and, after evaluating potential adverse environmental impacts, has determined that the Proposed Action described below will not have any significant adverse impacts on the environment and that a Draft Environmental Impact Statement need not be prepared. The Planning Board therefore issues this Negative Declaration for the reasons described below.

Name of Action: Schodack Golf, LLC Senior Housing (“Golf Haven Senior Community”)

Location: 92 Schuurman Road
Town of Schodack, Rensselaer County, New York
Tax IDs: 188.-5-5.11

SEQRA Status: Type I Action

**Conditioned
Negative Declaration:** No

Lead Agency: Town of Schodack Planning Board

PB 1/8/24

10-2024

Description of Proposed Action:

Schodack Golf, LLC (the “Project Sponsor”) has applied to the Planning Board for subdivision approval, site plan approval and a special use permit for Senior Housing in connection with the proposed construction of 112 senior housing apartments and associated improvements, including parking, lighting, stormwater management facilities, and off-site sidewalk and water improvements (the “Proposed Action”) at 92 Schuurman Road in the Town of Schodack, Rensselaer County, New York (Tax ID: 188.-5-5.11) (the “Property”). The facility will operate twenty-four hours a day, seven days a week as Senior Housing apartments.

The entire Property consists of approximately 278 acres of vacant land and a golf course. Portions of the Property are currently used for golf course operation. The Property is located both in the Town’s Residential Agriculture (RA) and Residential (R20) zoning districts, where senior housing is permitted with site plan approval and a special permit.

The Proposed Action includes associated on-site roadways, parking, utility infrastructure, landscaping, and stormwater management facilities. There will be two (2) driveway entrances to the site off the existing golf course access road and an emergency access off of Schuurman Road. All parking for residents and visitors will be on-site and no off-site parking will be required. Approximately 259 parking spaces will be provided for residents and visitors with 112 of those being provided in garages attached to each unit.

The Proposed Action is consistent with the current RA and R20 zoning designations, and the Proposed Action is an allowable use under current zoning by special permit. The Proposed Action will be serviced by public water and data and electric utilities. Stormwater and wastewater will be managed on-site.

The Proposed Action is a Type I action under SEQRA. At a meeting held on July 17, 2023, the Planning Board expressed its desire and intention to serve as lead agency under SEQRA and, subsequently, circulated its lead agency intent to all interested and involved agencies. No objections were received.

Reasons Supporting this Determination: See the attached Environmental Assessment Form (EAF) Part 3, Reasons Supporting SEQRA Negative Declaration, which details the Planning Board's analysis, reasoning, and conclusions in making its determination of environmental significance. The Planning Board has carefully considered the criteria for determining significance as set forth in the SEQRA regulations at 6 NYCRR § 617.7, and has thoroughly evaluated the Proposed Action’s potential environmental impacts as identified in Full EAF Parts 2 and 3.

Lead Agency:

Town of Schodack Planning Board
265 Schuurman Road
Castleton, NY 12033

For Further Information:

Contact Person: Melissa Knights, Planning and Zoning Department
Address: 265 Schuurman Road, Castleton, NY 12033
Telephone: (518) 477-7938

Copies of this Notice have been sent to:

Town of Schodack Highway Department
Rensselaer County Planning Board (Economic Development and Planning)
Rensselaer County Health Department
New York State Department of Environmental Conservation
Schodack Valley Fire Company
Environmental Notice Bulletin

FULL ENVIRONMENTAL ASSESSMENT FORM PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROPOSED ACTION
IMPACTS AND DETERMINATION OF SIGNIFICANCE
REASONS SUPPORTING SEQRA NEGATIVE DECLARATION

Introduction

The Planning Board, acting as SEQRA Lead Agency, undertook a coordinated review of the Proposed Action, a Type 1 action, consisting of the construction of 112 Senior Housing apartments and associated improvements, including parking, lighting, stormwater management facilities, and off-site sidewalk and water improvements (the “Proposed Action”) at 92 Schuurman Road in the Town of Schodack, Rensselaer County, New York (Tax ID: 188.-5-5.11) (the “Property”). The proposed Senior Housing apartments will be constructed in two phases. The facility will operate twenty-four hours per day, seven days a week as Senior Housing apartments.

The Planning Board notes that the Project Sponsor revised the site plan for the Proposed Action in its application submissions and throughout the Planning Board review. The Project Sponsor modified certain design elements in response to comments from Planning Board members, including but not limited to with respect to the configuration of the emergency entrance, landscaping, and lighting. The Senior Housing apartment design was placed on the Property to provide buffer distance to the residential areas, to provide decentralized stormwater infiltration, and to minimize tree clearing.

Application History

- On May 1, 2023, the Project Sponsor submitted the concept plan, the EAF Part 1 a traffic study, and the applications for subdivision site plan and special permit to the Planning Board.

- On June 19, 2023 the applicant appeared before the Planning Board with plan revisions based upon the Board’s prior feedback.
- On July 17, 2023, the Planning Board continued their review of the plans and declared their intent to be lead agency and scheduled a public hearing for August 7, 2023. No involved agencies objected to the Planning Board being lead agency.
- On August 7, 2023 a public hearing was held. Neighbors voiced concerns about needing a sewer system for the area, possible contamination of groundwater, types of units, the condition of Schuurman Road, and privacy across from the emergency access.
- On August 20, 2023, the Project Sponsor submitted an updated Environmental Assessment Form to reflect the change made to the project since the original application was made.
- On September 6, 2023 Laberge Group issued a review letter regarding the revised preliminary plan submittal and other documents.
- On November 29, 2023 Laberge Group issued a review letter regarding the revised preliminary plans and other documents.
- On December 4, 2023 the applicant cared to discuss plan revisions in response to the Laberge Group comment letters.
- On January 3, 2023, Laberge Group submitted to the Planning Board comment letter regarding the final plans, recommending conditional approvals.
- In accordance with New York General Municipal Law § 239-m, the Schodack Planning Board referred the application materials to the Rensselaer County Bureau of Economic Development and Planning (“RCBEDP”). The RCBEDP has had the opportunity to participate in review of the Proposed Action, and “has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail” per RCBEDP Director Robert L. Pasinella, Jr.’s notification of zoning review action letter.

Discussion of Potential Environmental Impacts

The Planning Board has carefully considered all potential environmental impacts associated with the Proposed Action. Below is a discussion of those potential impacts, set forth in the order in which they appear in the New York State Department of Environmental Conservation's (“NYSDEC”) SEQRA Full EAF Part 2 and as such adopts said FEAF Part II.

The Proposed Action is a SEQRA Type I action. NYSDEC's SEQR Handbook specifically addresses whether an environmental impact statement (“EIS”) is always required for a Type I action. According to NYSDEC, “the lead agency must evaluate information contained in the EAF,

and additional applications, filings or materials, against the criteria in [6 NYCRR] 617.7 to make a determination of significance for each Type I action. SEQR responsibilities for Type I actions may be met by a well-documented, well-reasoned negative declaration.”

The materials submitted in support of the Project Sponsor’s applications were generated by licensed engineers and qualified consultants. The conclusions and suggested impact avoidance measures proffered by these professionals were based on established engineering principles, industry standards, NYSDEC and technical data, which have been reviewed by the Planning Board’s own professional engineer. The Planning staff and the Planning Board members, several of whom are professional engineers, also reviewed the application and the EAR, including the technical reports.

During the course of the Proposed Action's SEQRA review, the Planning Board, the public, and the Project Sponsor’s representatives engaged in an active and comprehensive evaluation of the submissions. As stated by the NYSDEC SEQR Handbook, “the lead agency may make a request for any additional information reasonably necessary to make its determination.” Questions were asked, clarifications were requested, and responses were provided.

The Planning Board and its consulting engineer have assessed each of the potential SEQRA-related impacts, identified its magnitude, and determined the potential impact's importance.

Lastly, the Planning Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the Full EAF, confirms the Planning Board's conclusion that a Negative Declaration of Significance should be issued for the Proposed Action.

Discussion of 6 NYCRR Part 617 Criteria For Determining Significance

The Planning Board has evaluated the Proposed Action using the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). NYSDEC's SEQR Handbook provides “that not every conceivable impact needs to be considered; speculative impacts may be ignored.”

As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Proposed Action will not have a significant adverse impact on the environment.

6 NYCRR 617.7(c)(1) Criteria

(i) A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board finds that the Proposed Action is not likely to cause significant adverse changes to existing air quality, ground or surface water quality/quantity, noise levels, level of solid

waste production, and potential for erosion, flooding, leaching or drainage problems, *See* corresponding sections below for a detailed discussion of these factors.

As discussed below, the Project Sponsor has prepared a Traffic Impact Study indicating only minor traffic impacts. Although there is a projected increase in the level of traffic in the area related to the Proposed Action, they are minimal.

(ii) The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.

Due to the existing nature of the Property, and in particular the previous disturbance of the Property in connection with its prior use as part of a golf course operation, the Proposed Action will not have a significant impact on the environment: (a) by removing or causing the destruction of large quantities of vegetation or fauna; (b) by creating substantial interference with the movement of any resident or migratory fish or wildlife species; (c) by creating impacts on a significant habitat area; (d) by creating substantial adverse impacts on threatened or endangered species of animal or plant, or the habitat of such a species; or (e) by causing other significant adverse impacts to natural resources. *See Impact on Land; Impact on Plants and Animals*, and other related impact sections below.

(iii) The impairment of the environmental characteristics of a Critical Environmental Area.

The Proposed Action will not cause impairment to the characteristics of a Critical Environmental Area as designated under 6 NYCRR § 617.14(g) insofar as the Property is not located in a NYS Critical Environmental Area. *See Impact on Critical Environmental Areas* section below.

(iv) The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Proposed Action does not present a conflict with the Town of Schodack's Comprehensive Plan or either the RA or R20 zoning district. *See Impact on Zoning and Impact on Comprehensive* section below.

(v) The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

The Proposed Action will not impair the character or quality of historical, archeological, architectural, or aesthetic resources. *See Impact on Historic Resources* section below.

(vi) A major change in the use of either the quantity or type of energy.

The Proposed Action will not create a major change in the quantity of electricity or natural gas to be used in the region and will not affect the community's sources of fuel or energy supply. *See Impact on Energy* section below.

(vii) The creation of a hazard to human health;

The Proposed Action will not create a hazard to human health. *See Impact on Human Health* section below.

(viii) A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Proposed Action will result in a change of use and/or intensity of use within and consistent with the RA and R20 districts. Portions of the Property have previously been disturbed for use as a golf course. The Proposed Action will not have an effect on recreational resources as the land is privately owned and not available for public use. *See Impact on Open Space and Recreation* below. Further, a significant portion of the Property will remain undeveloped due to the positioning of the proposed senior housing. Therefore, the Proposed Action aligns with the community plans as expressed in the RA and R20 zoning districts, and no significant adverse impacts are reasonably expected.

(ix) The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

It is expected that senior housing apartments such as the one proposed by the Project Sponsor will attract residents. The area population is not expected to increase significantly, nor will the Proposed Action create a substantial adverse change in traffic volume in the surrounding area based on the traffic studies conducted and traffic mitigation package proposed by Project Sponsor. *See Impact on Transportation* below. Therefore, no substantial adverse impact is expected related to attraction of people to the area.

(x) The creation of a material demand for other actions that would result in one of the above consequences.

The Proposed Action is not expected to create any significant increased demand for other actions (e.g., additional public services) that would result in significant adverse consequences as described by the above criteria. In evaluating the Proposed Action, the Planning Board determined that a development such as the Proposed Action is appropriate for the area in which it is being proposed, and that the uses will not result in a material demand for other actions that might result in adverse environmental impacts.

(xi) Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The Planning Board finds that the Proposed Action does not create impacts to two or more elements of the environment that, collectively, would result in substantial adverse impact to the environment. The Planning Board has conducted a full review of all elements and the potential impacts from the Proposed Action, and has been informed by its consulting professional engineers

as to the coordination of those elements. The Planning Board has, for example, evaluated the combined effects of: (i) traffic in relation to noise, odors, air quality, and community character; (ii) parking lot areas in relation to storm water management, lighting, safety, handling of employees; and (iii) community character in relation to noise, odors, air quality, traffic, architecture, and aesthetics.

This list is by no means an exhaustive of the potential impacts/changes considered in tandem with other impacts/changes during the Planning Board's consideration of the Proposed Action over the past several months, but is only provided as an example of the hard look taken by the Planning Board to ensure that the potential effects of the Proposed Action, considered individually or together, would not result in a substantial adverse impact.

In addition, any future projects within the Town resulting from the Proposed Action will be required to undergo review pursuant to SEQRA and, therefore, will be subject to review as to any potential environmental impacts.

(xii) Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The proposed Action did not show the potential for cumulative effects based on the Planning Board's comprehensive review of the entirety of the Proposed Action. References are included throughout the discussion below to such potential cumulative effects, and no significant impact on the environment will be caused from the potential cumulative effects considered. In adopting this Negative Declaration this Board notes it has considered the impacts from the previously approved nearby single-family development.

Discussion of Part 2 of Full EAF, Potential Proposed Action Impacts

The Planning Board has evaluated the Proposed Action's potential impacts as identified in Part 1 and Part 2 of the Full EAF, and has determined that the Proposed Action will not result in any significant adverse environmental impacts, and that a Negative Declaration of Significance is warranted.

- 1) **Impact on Land:** Portions of the Property have previously been disturbed for use as a golf course. The remainder of the Property is currently an active golf course. The proposed construction of paved areas and buildings will result in alteration of the existing ground. Approximately ±27 acres of the present ground cover will be disturbed during construction. The development of the Property will require that some fill material (e.g., driveway and parking stone sub-base) be imported to the Property to achieve the proposed grades.

In general, the majority of on-site soils are types of soils that are adequate for supporting the Proposed Action. Where unsuitable soils are encountered, they will be removed and relocated in accordance with all local, state, county, and federal regulations, as may be applicable.

All erosion and sediment control measures will be constructed in accordance with the latest edition of the New York State Standards and Specifications for Erosion and Sediment Controls. Common industry practices, such as the spraying of water to control dust and confining construction work periods to those permitted by the Town, will further mitigate the normal and unavoidable short-term impacts associated with construction. Accordingly, the Planning Board finds that the Proposed Action will not result in any significant adverse impacts to land.

- 2) **Impact on Geological Features:** There are no unique or unusual landforms on the Property that will be impacted by the Proposed Action. No significant surface or shallow bedrock exists on the Property. Test pits provided by the Project Sponsor confirmed that there is no rock shown at the depths expected for building, pavement, or pond excavation, and therefore no blasting of rock is expected. If blasting is deemed necessary, all required permits will be applied for and obtained, including from the Town of Schodack and any necessary County of Rensselaer permits and/or approvals.
- 3) **Impact on Wetlands:** The Proposed Action will not have any significant adverse impact on wetlands. There are no mapped state-regulated (i.e., NYSDEC) wetlands on the Property.

Accordingly, the Planning Board finds that the Proposed Action will not adversely impact any wetlands or waterbodies under the jurisdiction of the USACOE or the NYSDEC.

- 4) **Impact on Stormwater:** The construction of buildings and paved areas is expected to increase the rate and volume of stormwater run-off. The increase in run-off will be mitigated by the inclusion of stormwater management facilities designed to temporarily detain and infiltrate stormwater run-off during storm events and slowly release and/or infiltrate stormwater after a storm event. These facilities will be designed in accordance with the NYSDEC Stormwater Design Manual and consist of a pre-treatment prior to discharging into subterranean Infiltration Basins that will provide stormwater detention and water quality treatment.
- 5) Stormwater run-off from the building, driveways and parking areas will be collected in a series of catch basins and directed through a piping network to the stormwater management facilities. The stormwater infiltration structures are sized to mitigate the Water Quality Volume (WQv), the Runoff Reduction Volume (RRv), the Channel Protection Volume (CPv), the Overbank Flood (Qp), and the Extreme Storm (Qf).

This Proposed Action will be required to comply with the State Pollutant Discharge Elimination System (SPDES) Phase II General Permit for Stormwater Discharges from Construction Activities (GP-0-20-002). As part of these requirements, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared describing erosion and sedimentation control measures. The Town of Schodack is an MS4 community and therefore this Proposed Action will comply with the NYSDEC Phase II stormwater regulations and will incorporate Best Management Practices (BMP's) to ensure that water quality on Property will be protected. The BMP's to be employed will, at a minimum, include:

- Temporary Erosion and Sediment Control Measures shall include:
 - Silt fencing placed around construction areas prior to grading activities;
 - Diversion Channels to prevent runoff from leaving the site;
 - Land clearing activities shall be done only in areas where earthwork will be performed and shall progress as earthwork is needed;
 - Permanent seeding and planting of all unpaved areas using the hydro-mulching grass seeding technique;
 - Mulching exposed areas, where specified;
 - Temporary seeding and planting of all unpaved areas using the hydro-mulching grass seeding technique within 14 days of disturbance;
 - Frequent watering to minimize wind erosion during construction; and
 - Rock check dams.

- Permanent structural practices for this site shall include:
 - Outlet protection using stone riprap as specified;
 - Utilize storm sewer collection system that will be tested for water tightness;
 - Sedimentation basins will also serve as a temporary sediment basin;
 - Vegetated and/or riprap lined swales.

All erosion and sediment control measures will be designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Controls. The contractor will be required to adhere to all erosion and sediment control measures as defined in the MS4 approved SWPPP. The project will be constructed in two phases.

Accordingly, the Planning Board finds that there will not be a significant impact on stormwater runoff from the Proposed Action.

- 6) **Impact on Water:** The Proposed Action will be connected to the Town’s municipal water supply and will not use groundwater resources. Extension of the water district was approved in 2021 to encompass the Property. The water district has sufficient capacity to meet the projected water demand of 18,500 gallons per day for the Proposed Action. Therefore, the Planning Board finds that the Proposed Action will not have a significant impact on the Town’s municipal water system.

- 7) **Impact on Sewer:** The Proposed Action will use septic systems or subsurface wastewater disposal systems. The systems will be clustered and be designed to gain approval of the Rensselaer County Department of Health. Therefore, the Planning Board finds that the Proposed Action will not have any significant impacts associated with wastewater.

- 8) **Impact on Flooding:** The Property is located outside any designated flood hazard area and is in an area where there is minimal flooding during 100-year and 500-year storm events. As such, the Planning Board finds that the Proposed Action will not have any adverse impacts associated with flooding.

9) **Impact on Groundwater Aquifer:** Portions of the Property lie in the Town's Direct Recharge Area and Wellhead Protection Area. As such, the Property is subject to the requirements of Chapter 223 of the Town's Water Quality Control Law. Provided below is a summary of the requirements that are or may be perceived to be applicable to the development of the Proposed Action, followed by either how the Project complies with the requirement or justification as to why the requirement is not applicable.

- a. *Uses permitted under the Town of Schodack Zoning Law (Chapter 219) are permitted in the Water Quality Control District subject to the provisions of Chapter 223 Water Quality Control (223-6.C.1).*

Senior Housing is an allowed use within the RA and R20 districts by special permit.

- b. *Permits for wastewater disposal shall be obtained from the Rensselaer County Department of Health (RCDOH) or the New York State Department of Environmental Conservation (NYSDEC) as required and provided to the Town (223-6.C.1.c).*

Appropriate approvals will be obtained from the RCDOH and/or the NYSDEC, as applicable. All wastewater will be collected and be treated in approved on site subsurface disposal fields.

- c. *There shall be no open storage of hazardous materials or petroleum (223-6.C.1.f).*

There will be no open storage of petroleum or hazardous materials.

- d. *Hazardous material storage for commercial/industrial uses that is not regulated by NYSDEC shall only occur on an enclosed, impervious surface that is bermed or otherwise constructed to contain spills or leaks (223-6.C.1.h).*

The operator intends to contract out property maintenance. As such, there will be no such hazardous material storage for maintenance uses. See section c, above.

- e. *Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have a secondary containment with a minimum capacity equal to that of the tanks (223-6.C.1.i).*

Petroleum will not be stored on-site, and therefore this section is not applicable to the Proposed Action.

- f. *For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least five days per week, or at vehicle washing facilities, gasoline*

sales and motor vehicle service stations, an impervious surface (e.g., asphalt or concrete) with water flow directed towards an appropriately sized and maintained oil/water separator or water quality inlet structure shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/water separators or water quality inlet structures for other uses where petroleum is stored or transferred or where less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a NYSDEC SPDES permit (223-6.C.1.j).

The Proposed Action will employ infiltration as part of the stormwater management system design. As such, recharge of the groundwater aquifer will be promoted. The project will receive stormwater SPDES permit coverage under the MS4 program.

- g. Excavations or cut-ins that expose groundwater within the Wellhead Protection Area are prohibited. This provision does not apply to temporary (less than 60 days) construction-related excavations or cut-ins (223-6.C.1.m).***

No excavations or cut-ins that would expose groundwater within the Wellhead Protection Area are proposed or contemplated.

The Proposed Action will fully comply with the NYSDEC Stormwater Design Manual which has been developed by NYSDEC to ensure that development projects use infiltration practices to continue to introduce, post-construction, stormwater into the groundwater system. Additionally, the NYSDEC Stormwater Design Manual also ensures that projects, such as the Proposed Action, incorporate extensive treatment measures into the design of the project so that stormwater is appropriately treated before discharge back into the groundwater, which measures will be replicated by the Proposed Action.

Accordingly, the Planning Board finds that the Proposed Action will comply with all applicable requirements of the Town's Water Quality Control Law, and that the Proposed Action will not have any significant adverse impacts on the Town's groundwater aquifer.

- 10) Impact on Air Quality:** The Proposed Action does not include a State regulated air emission source, and no fixed-point source emissions are anticipated as part of the Proposed Action. Heating will be supplied by natural gas and electricity, which is a clean burning fuel. Therefore, any potential impacts on air quality would be limited to emissions from car and truck traffic associated with the proposed facility. It is anticipated that there would be a maximum of 103 passenger vehicle trips during the weekday PM peak hours including those from the operating golf course.

The facility does not produce significant air emissions from the buildings themselves. Such emissions are generally limited to exhaust from air conditioning units, and other appliances. However, as noted above, vehicle traffic is a potential source of air quality impacts at such locations. The Project Sponsor has provided documentation on the Project's possible traffic impacts. Peak-hour counts and level of service projections show that the potential traffic

volume increases related to the Project will not be great enough to significantly impact air quality on or around the Property.

Therefore, the Planning Board finds that Proposed Action will not have any significant impacts on air quality.

- 11) **Impact on Plants & Animals:** The Planning Board finds that the Proposed Action will not have any significant adverse impacts on plants and animals. The New York State Natural Heritage Program was contacted and confirmed that there are no known species or unique communities in and around the Property.
- 12) **Impact on Agriculture:** The Property is not located in an agricultural district and will not cause any adverse impacts to agricultural resources or impact soils that are either in prime farmland or potentially prime farmland. The Proposed Action will not interrupt any existing farm operations. Accordingly, the Planning Board finds that the Proposed Action will not have a significant adverse impact to agricultural resources.
- 13) **Impact on Aesthetic Resources:** The Project Sponsor provided a visual impacts assessment that identified the inventoried aesthetic resources within a five-mile radius of the Property. The closest of the listed resources within a five-mile radius is adjacent (Old Post Road Golf Club). With the area's hilly topography and vegetation, the Proposed Action is not expected to be visible from any historical places.

In addition, the Planning Board commented on the landscaping plans with some suggestions for additional landscaping as well as the types of plants to be used. The Project Sponsor incorporated these suggestions and updated the landscaping plans accordingly. Accordingly, the Planning Board finds that the Proposed Action will not have any adverse impacts on aesthetic and/or visual resources.

- 14) **Impact on Historic Resources:** The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) reviewed the Property and determined that development of the site will not result in any significant impacts to cultural resources, nor is the Property eligible for inclusion in the State and National Register of Historic Places. Therefore, the Planning Board finds that the Proposed Action will not have a significant adverse impact on historic resources.
- 15) **Impact on Open Space & Recreation:** The Proposed Action will disturb approximately ± 27 acres, out of a total $278 \pm$ acres. Of the ± 27 acres disturbed, ± 7.8 acres will be buildings and roads, and the remaining ± 19.1 acres will be restored to lawn area. Overall, ± 19 acres of the 27 acres will remain as open green space. Although the construction of the Proposed Action will result in the reduction of current open space. The Property is privately owned and maintained and does not currently provide a recreational benefit to the community. In addition, the development of this land is compatible with the Town's Zoning Code and Comprehensive Plan. Therefore, the Planning Board finds that the Proposed Action will not have any significant adverse impacts on open space or recreation.

16) **Impact on Critical Environmental Areas:** The Property is not located in a NYS Critical Environmental Area. Therefore, the Planning Board finds that the Proposed Action will not have any adverse impacts on critical environmental areas.

17) **Impact on Transportation:** The Planning Board has carefully reviewed and considered potential impacts to transportation in general and to local traffic in particular. A Traffic Impact Study was prepared by the Project Sponsor's consultants.

The increase in the volume of traffic versus traffic levels when the golf course previously operated (2) 18 hole golf courses is negligible, the Planning Board finds that the Proposed Action will not have a significant impact on transportation.

i. Parking

The amount of parking proposed is a reasonable amount of parking for the Proposed Action and complies with the Zoning Code. All parking for employees, trucks, and other vehicles will be on-site and no off-site parking will be required. As such, the Planning Board finds that the Proposed Action will not have any significant environmental impacts associated with parking.

18) **Impact on Energy:** National Grid (NG) currently provides natural gas and electricity in the Town of Schodack. It is anticipated that the Proposed Action will utilize National Grid for these services. All work will be designed in accordance with the NYS Energy Code. Accordingly, the Planning Board finds that the Proposed Action will not have any significant adverse environmental impacts associated with energy use.

19) **Impact on Odor:** The Proposed Action will not result in any noxious odors. Refuse and recycling will be contained until pickup for disposal on a regular basis in appropriate containers. In addition, the Project does not include any fixed-point source of air emissions that would cause any odor. Accordingly, the Planning Board finds that the Proposed Action will not have any significant adverse environmental impacts associated with odor.

20) **Impact on Light:** Lighting will be provided for the buildings and along the driveways. The lighting will consist of energy-efficient LED light fixtures with a color temperature of 3000k or less. The light fixtures will be mounted on poles and on the buildings ranging in height from 8 to 15 feet. All lighting will comply with the Town Code and be to the minimum extent necessary to ensure safety and security around the Property. Accordingly, the Planning Board finds that the Proposed Action will not have any significant adverse environmental impacts associated with lighting.

21) **Impact on Noise:** The Project is residential in nature and will produce noise at levels similar to the surrounding neighborhoods.

Based on the above, the Planning Board finds that the Proposed Action will not result in any significant adverse environmental impacts associated with noise.

- 22) **Impact on Community Services:** The Proposed Action will not have any significant adverse impacts on emergency services including police and fire protection. The Proposed Action has been designed to comply with all applicable building and fire codes. Adequate emergency access drives will be constructed.

Therefore, the Planning Board finds that the Proposed Action will not result in any significant adverse environmental impacts associated with community services.

- 23) **Impact on Human Health:** No significant impacts to human health are anticipated from the Proposed Action because all renovation and operational activities will be undertaken in accordance with and in compliance with all pertinent environmental and land development regulations and related permit and approval procedures and requirements.

The Property is not currently undergoing remediation related to any environmental contamination, nor was it in need of remediation in the past. In addition, the Proposed Action will not result in the unearthing of solid or hazardous waste. Accordingly, the Planning Board finds that the Proposed Action will not result in any significant adverse environmental impacts related to human health.

- 24) **Impact on Economic/Fiscal Benefits:** The Proposed Action will help encourage economic development in the Town by generating new jobs and increasing the tax base for the Town, County, and school district.

- 25) **Impact on Zoning:** The Proposed Action is consistent with the Town's Zoning Code. The Property is located in areas zoned, respectively, Residential Agricultural (RA) and Residential (R20), and the proposed use as senior housing is a permitted use by special permit in both zoning districts subject to site plan approval. The Proposed Action is therefore compliant with the Zoning Code in all respects.

Therefore, the Proposed Action is permitted in the PD-3 district as a sales distribution center.

- 26) **Impact on Comprehensive Plan:** The Proposed Action is consistent with the Town of Schodack Comprehensive Plan (January 2011).

The RA and R20 zoning included senior housing by special permit, indicating it was planned to allow such facilities in these zones in the Town of Schodack. The Proposed Action will be a benefit to economic development in the Town and County. Therefore, the Planning Board finds that the Proposed Action is consistent with, and will not have any adverse impacts on, the Town's land use, development trends, and community plans.

- 27) **Cumulative Impacts:** Under SEQRA, cumulative impacts can occur "when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions." NYSDEC SEQRA Handbook, at 84. Because there is no past, present, or reasonably foreseeable future actions that may rely on the same resources as the

Proposed Action, the Planning Board finds that the Proposed Action will not result in any cumulative impacts.

Therefore, the Planning Board finds that the Proposed Action will not result in any cumulative impacts.

Conclusion:

The Planning Board, acting as Lead Agency in a Coordinated Review under SEQRA, has thoroughly evaluated all aspects of the Proposed Action and has carefully reviewed all materials. For the reasons set forth above, the Planning Board has determined that the Proposed Action will not have a significant adverse impact on the environment. As a result, a Negative Declaration will be filed and distributed pursuant to SEQRA regulations, and a Draft Environmental Impact Statement need not be prepared.

RESOLUTION AUTHORIZING SUBDIVISION APPROVAL—SCHODACK GOLF, LLC—GOLF HAVEN SENIOR COMMUNITY; File No.: 2023-11

WHEREAS, the Applicant, SCHODACK GOLF, LLC, has applied for Major Subdivision Approval in furtherance of its application to develop a senior housing project consisting of 112 units on what it seeks to be 26.5 acres of subdivided land at 92 Schuurman Road (tax map parcel: 188.-5-5.11) (the “Project site”), a project it has named “Golf Haven Senior Community” (the “Project”);

NOW THEREFORE BE IT RESOLVED THAT such major subdivision approval is granted as depicted on the maps submitted to this Board.

Motion By: D’Angelo

Second By: Leonard

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
AUBIN	X		
D’ANGELO	X		
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
SHAUGHNESSY	X		
LEONARD	X		

STATE OF NEW YORK
TOWN OF SCHODACK

PLANNING BOARD

In the Matter of the Application

of

NOTICE OF DECISION/RESOLUTION

SCHODACK GOLF, LLC

File No. 2023-11

188.-5-5.11

For a Special Use Permit

WHEREAS, Applicant, SCHODACK GOLF, LLC (“Applicant”) applied for a special use permit/special permit (“special permit”) to allow the construction and operation of 112 senior housing apartments and associated improvements to be located at 92 Schurrman Road in the Town of Schodack, Tax Map 188.-5-5.11, which property is located within a Residential Agricultural (RA) District and an R-20 Residential District and for the project it calls “Golf Haven Senior Community”; and

WHEREAS, the Zoning Schedule of Use Regulations of the Town Code permits such activity within such districts by special permit; and

WHEREAS, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on August 7, 2023; and

WHEREAS, at its January 8, 2024 meeting, the Planning Board resolved to issue a Negative Declaration for the proposed action under SEQRA, to grant major subdivision approval, and to grant site plan approval, the contents of all of which are incorporated herein with full force and effect; and

WHEREAS, the procedural history of the application is more fully set forth in the adopted Negative Declaration;

NOW THEREFORE BE IT RESOLVED THAT THE PLANNING BOARD FINDS AS FOLLOWS:

1. Applicant proposes to establish and operate a senior housing apartment community at 92 Schuurman Road in the Town of Schodack, Tax Map 188.-5-5.1, which is to be constructed in two phases. The property consists of 278 acres consisting of a golf course and vacant land of which 26.5 acres is to be used for the senior housing use and related appurtenances. The property is located within both Residential Agricultural (RA) District and R-20 Residential Districts. Such activity is permitted at such location by special permit. As noted above, the procedural history is also set forth, at least in part, in the Negative Declaration and is therefore incorporated herein by reference.

2. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed special permit use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood.

3. It is hereby determined that the proposed area and usage thereof is in harmony with the development of the district, will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof. At a minimum, the objectives as set forth in Section 219-71 and 219-72 are met, in that it is determined that the subject use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular, all for the reasons set forth herein, as well as the reasons set forth in the accompanying contemporaneous other decisions/resolutions and determinations made. Notably the Board has especially considered the following statutory criteria (in bold) and makes the determinations set forth herein:

The Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of

the immediate neighborhood in particular. The Planning Board may attach such reasonable conditions and safeguards as it deems appropriate as part of its approval. The Board shall take into account the special conditions set forth in this Article for any use requiring Planning Board authorization in addition to the following general objectives:

A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to the existing or future streets providing access shall be in harmony with the orderly development of the district. *As more fully detailed in the Negative Declaration, the Board finds the subject operation of the proposed senior housing apartment complex is not intense, especially factoring in the size and location of the parcel of land involved. The average of 4.2 units per acre constitutes appropriate density considering adjacent zoning classifications. Two looped entrances are provided off the existing golf course access drive with an emergency connection to Schuurman Road. In addition, a pedestrian access is being built to connect to the adjoining residential neighborhood.¹ It is noted that a portion of the property has previously been disturbed for use as a golf course. It is also noted that a significant portion of the property will remain undeveloped due to the positioning off the proposed senior housing.

B. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. *The proposed building heights are similar to the adjacent single-family homes. The four and six unit buildings are appropriately spaced, compared to single family residential development. The Board finds the use will blend in on the property and will be in harmony with the orderly development of the district especially because it adjoins the open space of the golf course and the nearby single-family homes.

C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and meet similar safety considerations. *The Board finds the accessways, which are looped and connect with each other, both adequate and not excessive. It is noted that the main access is the longstanding golf course accessway.

D. Adequate off-street parking and loading spaces shall be provided to prevent parking in public streets of vehicles of persons connected with or visiting the use and the interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and loading. *All parking will be on-site and adequate parking has been provided,

¹ The procedural history and the findings and determinations in the Negative Declaration and Determination of Environmental Non-Significance and all other contemporaneously adopted resolutions/determinations and decisions concerning the property that is the subject of this application are incorporated herein with full force and effect.

including overflow parking areas for guests. It is noted that a significant portion of parking will be in garages which are part of each building.

E. All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent possible. *The site layout and landscaping and signage will not be more objectionable to nearby properties than other permitted uses, and will not adversely affect the general welfare of the inhabitants of the Town of Schodack, including those of the neighborhood. The landscaping has been designed to provide vegetative screening for adjoining neighbors.

F. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the Town of Schodack. *The proposed use is in general harmony with the surrounding neighborhood and is very similar in nature as to the noise, fumes, vibrations associated with other nearby uses. The Board, as more fully detailed in the Negative Declaration/Determination of Environmental Non-Significance, which is again incorporated herein, finds that there will not be objectionable noise. Moreover, all exterior lighting is full cutoff downlighting. It is noted that the additional traffic will have minimal impact on the level of service on Schuurman Road. The landscaping plan has been detailed in Applicant's submission.

G. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection. This Board, as well as the engineer for the Board, has reviewed the proposed plans for the subject project and determined that it is readily accessible by all emergency vehicles, including the fire and police.

THEREFORE, PLEASE TAKE FURTHER NOTICE THAT, the Planning Board of the Town of Schodack has for the foregoing reasons **GRANTED** Applicant a Special Use Permit to allow the construction and utilization of the subject property as a 112 unit senior housing community with associated improvements subject to the following conditions:

- i. that the application for a Special Use Permit be granted for an initial period of thirty-six (36) months on the express conditions set forth herein, including:

- a. that the operation conform and be conducted in the manner set forth in, and consistent with the plans, submission and all narratives made by Applicant, including, but not limited to the following age related restrictions: all residents shall be 55 years of age or older with the following exceptions:
 - i. A husband or wife under the age of fifty-five (55) who is residing with his or her spouse who is fifty-five (55) years of age or older.
 - ii. Children and grandchildren residing with their parents or grandparents where one of the said parents or grandparents with the child or children or grandchild or grandchildren is/are residing is fifty-five (55) years of age or older, provided that child or children or grandchild or grandchildren are over the age of twenty-five (25).
 - iii. The amount of children or grandchildren that would be allowed to reside would be limited to a maximum of two (2).
- b. all conditions and requirements as set forth in the letters from Laberge Group to Denise Mayrer, Chair of the Planning Board, including but not limited to the January 3, 2024, November 29, 2023 letters, September 6, 2023 and June 6, 2023 letters, including, but not limited to, the submission of draft easements for water and access to be reviewed and approved by the attorney for this Board or the Attorney for the Town and the submission of draft maintenance agreements for water mains and the sidewalk connection to Prescott Drive for the review and approval by Laberge Group;
3. Compliance with all codes, laws, rules and regulations as well as all conditions and requirements of all Laberge Group review letters and all resolutions/decisions and

determinations of this or any other board or governing body affecting the subject property.

Motion By: LaVoie
Second By: Shaughnessy

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
AUBIN	X		
D'ANGELO	X		
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
SHAUGHNESSY	X		
LEONARD	X		

Dated: January 8, 2024

DENISE MAYRER, CHAIRPERSON
SCHODACK PLANNING BOARD

APPLICANT

RESOLUTION AUTHORIZING SITE PLAN APPROVAL—SCHODACK GOLF, LLC—GOLF HAVEN SENIOR COMMUNITY; File No.: 2023-11

WHEREAS, the Applicant, SCHODACK GOLF, LLC, has applied for Site Plan Approval in furtherance of its application to develop a senior housing project consisting of 112 age-restricted senior housing apartment units and related improvement on 26.5 acres of subdivided land at 92 Schuurman Road (tax map parcel: 188.-5-5.11) (the “Project site”), a project it has named “Golf Haven Senior Community” (the “Project”); and

WHEREAS, the related improvements include lighting, parking, stormwater management facilities and off-site sidewalk and water improvements, to be with two driveway entrances to the site off of the existing golf course access road and an emergency access off of Schuurman Road;

WHEREAS, the apartments are to be located in four or six unit clusters;

WHEREAS, all parking for residents and visitors will be on-site and no off-site parking will be required, with 112 of the 259 total parking spots being provided in the garages attached to each unit;

WHEREAS, the Project has municipal water and will have subsurface sanitary disposal all of which are required to meet NYSDEC SWPPP standards; and

WHEREAS, the proposed Project required/requires the following approvals: (1) subdivision approval; (2) a special use permit by the Planning Board; (3) site plan approval issued

by the Planning Board; (3) permits for septic and a permit to construct a water main extension, both from the Rensselaer County Department of Health; and (4) DEC stormwater SPDES permit; and

WHEREAS, numerous design modifications were made by Applicant in response to comments from Planning Board members, including, but not limited to configurations of the emergency entrance, landscaping and lighting;

WHEREAS, at the January 8, 2023 meeting, this Board resolved to issue a Negative Declaration for the Project, the contents of which are adopted and incorporated herein; and

WHEREAS, section 219-78 of The Code of the Town of Schodack (“Town Code”) requires the referral to, and review by, this Board for such a project “in accordance with the standards and procedures set forth in this article,” with that article being Article XI, entitled “Site Plan Review”; and

WHEREAS, section 219-81 of the Town Code provides that the “preliminary site plan shall include, as appropriate, but is not limited to, the following:

A. General considerations.

- (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
- (2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of Pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
- (3) The location, arrangement, appearance and sufficiency of off-street parking and loading.
- (4) The location, arrangement, size design and general Site compatibility of buildings, lighting and signage.
- (5) The adequacy of stormwater and drainage facilities.
- (6) The adequacy of water supply and sewage disposal facilities.
- (7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
- (8) In the case of an apartment complex or other multiple dwelling, the adequacy of unobstructed open space

for play areas and informal recreation.

- (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
- (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.”

and;

WHEREAS, all required notices and other procedures have been followed, including, but not limited to, the supplying of all required information, and a public hearing, on appropriate and timely notice, was held on August 7, 2023; and

NOW THEREFORE BE IT RESOLVED THAT the Board determines to grant site plan approval based upon considering the Project as a whole and the aforementioned considerations, as well as consideration of the following factors:

(1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.

*As more fully detailed in the adopted Negative Declaration, the proposed Project will not have any appreciable effect on traffic or create any noise issues. The proposed hours of construction are Monday- Saturday 7:00 a.m. to 5:00 p.m. The traffic to be generated from the project will not affect the level of service on Schuurman Road. The roads are designed to current standards. The Board has carefully reviewed Applicant’s Traffic Impact Study which finds only minor traffic impacts.

(2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

*The site has been arranged to give adequate safety and visibility to pedestrians. It is noted the Project includes an internal pedestrian sidewalk separated from the driveways.

(3) The location, arrangement, appearance and sufficiency of off-street parking and loading.

* See response (1) above which is incorporated herein; also, the site has been designed to provide sufficient off-street parking and loading. Based upon the information submitted, there are adequately designed automobile and minimal need for truck parking/loading areas. The arrangement of the spaces is in accordance with standards.

(4) The location, arrangement, size design and general site compatibility of buildings, lighting and signage.

* The site is compatible with the nearby single-family homes and the golf course. All lighting is full cutoff downlighting and pedestrian lighting is a maximum of fifteen feet in height. It is also noted that the Project was designed to provide buffer distance to the residential areas and to minimize tree clearing.

(5) The adequacy of stormwater and drainage facilities.

*The Town is an MS-4 community. The proposed project has been designed to have no effect on ground or surface water quality or quantity. The project will be required to meet NYSDEC SWPP standards. A Stormwater Pollution Prevention Plan was prepared. Site specific stormwater and drainage facilities have been designed adequately to address the increase of impervious surfaces being proposed by the Project; see also Response 11.

(6) The adequacy of water supply and sewage disposal facilities.

*The Project will be serviced by municipal water and will have its own private septic systems, the latter of which shall require the approval of the Rensselaer County Department of Health.

(7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant and adjoining lands, including the maximum retention of existing vegetation.

As noted in the Negative Declaration, the redevelopment includes a landscaping plan, derived with input from neighboring property owners, which will provide vegetative screening and provide an environment similar to that provided by adjoining residential neighborhoods. The proposed Project includes landscaping and planting design features intended to significantly screen the Project from neighboring residences, and lighting design features intended to minimize offsite glare, thereby avoiding significant visual impacts.

(8) In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.

*The project provides adequate open space for play areas and informal recreation and provides an internal sidewalks, pool, and courts and garden areas.

(9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

*The Project has incorporated protection of adjacent and neighboring properties including, but not limited to, the following methods:

- a. Plantings of fauna and all plantings per the Landscaping Plan;
- b. Creation of a limit of disturbance line in order to preserve existing vegetation;
- c. The height of the exterior lighting has been kept to a minimum; and
- d. The lighting utilizes full cut off down lighting;

Specifically as to noise, as is more fully detailed in the Negative Declaration, this Project will not result in any substantial adverse changes in existing noise levels.

(10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

*The site design provides adequate circulation for emergency vehicles.

(11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

*Stormwater management plans and the grading of the site have been designed using best management practices for erosion control for the size and type of the project, both during and after construction. The Project has been designed in accordance with the NYS DEC Stormwater Design Manual. Said plans manage the stormwater so as to minimize erosion, ponding and flooding. Stormwater is being infiltrated on site and will therefore not result in any erosion, flooding, leaching or drainage issues. In fact, after completion stormwater runoff and peak flows will be equal to or less than existing conditions.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Board hereby finds and determines that approval for the site plan as referenced in the Laberge Group letter dated January 3, 2024 to Chairwoman Denise Mayrer (the "Site Plan") is **GRANTED**, conditioned upon applicant satisfying all conditions set forth in the aforementioned letter as well as all review letters, as well as all other administrative matters, from the Laberge Group to Denise Mayrer, Chair of the Town of Schodack Planning Board, all of which are incorporated herein by reference with full force and effect, plus the following conditions:

1. all draft easements and maintenance agreements are required for review and subsequent filing with the Rensselaer County Clerk's Office;
2. an approvable SWPPP;
3. it is noted that the project will require approvals/permits by the following agencies: Rensselaer County DOH: permit for septic and water main extension; NYSDEC for stormwater;
4. all other administrative items be resolved;
5. The creation of an engineering escrow for general site construction review;
6. Subject to any terms and conditions of the heretofore issued Special Permit by the Zoning Board of Appeals pursuant to Chapter 223 of the Town Code, Water Quality Control and the special permit by this Board, issued contemporaneously herewith, also pursuant to Chapter 223 of the Town Code.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this Board makes this determination based upon the opinions offered by the Town's reviewing engineer, the adopted Negative Declaration and all findings made pursuant thereto; and

THEREFORE, PLEASE TAKE NOTICE AND BE IT FURTHER RESOLVED THAT the Planning Board of the Town of Schodack has **GRANTED** the Application for Site Plan Approval to allow the construction of a 112 unit age restricted senior housing apartment complex

as proposed in the application with the aforementioned conditions and restrictions and also conditioned upon the Applicant satisfying the outstanding issues identified in the aforementioned letter by the following vote:

Motion By: LaVoie

Second By: Shaughnessy

<u>NAME</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
AUBIN	X		
D'ANGELO	X		
JOHNSON	X		
LAVOIE	X		
MAYRER	X		
SHAUGHNESSY	X		
LEONARD	X		

Richard Laberge asks Mr. Hart if he hasn't submitted the elevation to the planning board if he could for the file and to his office also.

George Barna

2024-1/HC/200.-7-28

4087 Rt. 20

Proposed - 1 family to 2 family - garage.

4k sq. ft. commercial bldg. w/apartments

George Barna, applicant was present for the meeting.

George Barna said he is proposing a building on the site of 4087 Route 20. It's a 4,000 SF footprint, two stories would be 8,000 SF. The first floor would be a commercial space and he's requesting two apartments and an office on the second floor.

Chairwoman Mayrer asked the members if they have questions.

Director Melissa Knights states she was asked to tell the applicant that this is a use variance and that you cannot expand on what already existing, so what's a single family needs to stay a single family. If he decides to go to a two family, then he must go for a variance. But you have to prove that everything on Highway Commercial cannot be used in that space.

Attorney Crist states that a use variance has a very high standard to be met which is very difficult to meet.

Director Knights said that also included the apartments above the proposed construction.

George Barna said if he wanted two apartments above that commercial space its an uphill battle. Okay.

Richard Laberge said he's trying to understand what the application is.

Chairwoman Mayrer said when she sees a business that has an apartment above it does that mean its grandfathered in somehow?

Director Knights said the site plan application states single family home two bay garage, vacant land, intended use two one-bedroom apartments, two bay garage, 4,000 SF print shop. Attorney Crist states it may be an advantage to Mr. Barna to sit down with the building inspector and determine exactly what approvals are needed going both ways, it may help him phrase his application.

George Barna said he doesn't feel strongly about converting the single-family house to two apartments, but he recalls he thought if he built a commercial building on this space, he would be allowed two apartment units above that building.

Chairwoman Mayrer said they are going to have to do some investigation. They can't do anything about it as it contradicts itself.

Wayne Johnson said he has a question about the two trailers on the plan. Are they existing or are you bringing them in?

George Barna said there was trailers when he purchased the property, but he has since removed them.

Jim Shaughnessy asked if its currently one single family home two stories.

George Barna said no it's a single-family ranch and a two-bay garage.

Jim Shaughnessy said this is a new building that is being proposed.

Chairwoman Mayrer said they are going to get clarification for the applicant then they are going to have him amend the application so that it reflects exactly what you are trying to do based on what you can do.

Needs to have application adjusted before lead agency.
If going to ZBA - **do not do lead agency.**

ADJOURN

Leonard moved, Aubin seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Melissa Knights, Director Planning and Zoning

Erika Pratt Assistant to Planning - Zoning & Building