

PLANNING BOARD MEETING- April 21, 2008

CALLED TO ORDER BY: CHAIRMAN PETER GOOLD AT: 7:00 p.m.

PRESENT

Peter Goold, Chairman  
G. Jeffrey Haber  
Sylvester Kedzierski  
John LaVoie  
Denise Mayrer, Vice Chairman  
Nadine Fuda, Director  
Timothy Nugent, Esq.  
Richard Laberge, Planning Board Engineer

MEMBERS ABSENT

Wayne Johnson  
Paul Puccio

**APPROVAL OF MINUTES—APRIL 7, 2008**

Haber moved, LaVoie seconded that the minutes be approved as amended.

4 Ayes. 0 Noes. Motion carried.

Ayes: Goold, Haber, LaVoie, Mayrer

Oppose: None

Abstain: , Kedzierski

**PUBLIC COMMENT:**

Mrs. Gable, resident asked if Mr. Laberge had time to visit Blueberry Meadows.

Mr. Laberge stated yes he did visit the site along with planning board member Wayne Johnson and highway superintended Ken Holmes. They compared the site to the map and they don't think it is built as designed, they then contacted Mr. Hirschberg the design engineer, he is going to visit the site and report his findings back to Mr. Laberge.

Lands of Godfrey                      2008-13/PD- 4/219.-1-32                      **SUBDIVISION**  
Daniel Sanchez  
Veering Lane and South Schodack Rd  
Proposed - 2 Lot Subdivision

Daniel Sanchez, Applicant was present for this meeting.

Chairman Goold asked if the members had any questions.

Mr. Haber questioned if homes are permitted in a PD-4 zone. And states that in this area the PD-4 zone should be considered commercial due to the rail road, When single family homes are built these homeowners would be opposed to a business that would want rail road access. He feels this is something that needs to be looked into.

Members agree to a public hearing on May 5. 2008

Theodore Martin 3159 NY Rt. 150 Proposed - 2 Lot Subdivision	2008-16/RA/179.-5-24.3	<b>Subdivision</b>
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Ray Smith, Surveyor was present for this meeting.

Mr. Smith stated this is a simple two lot subdivision.

Chairman Goold asked for comment from the members.

Members agree to send this for a public hearing in May 5, 2008

Schodack Landing Estates Schodack Landing Rd and Muitzeskill Rd Proposed 31- Lot Subdivision	2006-11/RA/226.-1-16.11	<b>Subdivision</b>
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Lynn Sipperly, developer and Edward Boll, applicant were present for this meeting.

Mr. Sipperly stated this is a 29 lot subdivision on 144 acres in a cluster design. There is frontage on Schodack Landing and on Muitzeskill Roads. They are proposing two streets in the development, one is called Liberty Drive and the other is Oakdale Drive. They have completed the following.

- Hydro geological survey - to determine if there is a sufficient water supply to support the new homes.
- Wetlands survey - the wetland are Army Corp of Engineers federal wet lands as showed on the map in a dot pattern. There are no state wetlands.
- Archeological study - a total of 7 hundred test shovels were done on the proposed development area. This resulted in 2 reports, one was the culture resources report which found no artifacts on the site, the second was a view shed anslis, this looks at the part of the development that is in the

## Schodack Landing Estates Cont...

Muitzeskill historic district. And the lots that are affected in this area are lots 24, 25, 27 and part of lot 28. The archeologist suggested and it was agreed on by Mr. Boll that a buffer be put in between the new homes and the historic homes in the area.

- Changes to plans - Mr. Hodges and Mr. Boll have been in negotiations the parcel behind Mr. Hodges property is to be turned over to him. And Mr. Hodges is asking to purchase lots 27 and 28 the map shows this area in brown shading. Due to this request this subdivision will go from 29 to 27 lot. The cemetery - there was a survey done to see how big the cemetery is, the alignment of the graves an index of people who are buried there. There a deeded right a way to the cemetery through Mr. Hodges property. And there will be a 35-foot access strip off the end of Liberty Drive just as a back up.
- Green Space - as part of the subdivision they are setting aside 38 acres which is about 25% of the project, as green space. It is to be owned and cared for by the homeowners association.

There are only one or two items that require further examination on their part and that is on the storm water management system.

Mr. Laberge stated the other comments the planning board has to consider, pertain to the following.

- The instillation of dry sewer mains and his recommendation to the planning board is to waive the requirement for the dry sewer.
- The ownership of the green space, under the cluster subdivision regulations it is up to the town to decide who they want to own space, it could be the town it self, a non profit organization or it could be the homeowners association. There was some concern at the public hearing about the green space staying on the tax rolls. Should the homeowners association retain ownership, the land would be left in the tax base and they would be responsible to pay all taxes. He has recommended to the board that the homeowners association be put in charge of the property.
- He also recommends to have all bed rock wells installed, this is where the surplus of water was found.
- The only other comment is that they just have to clean up the last issues in his letter, and then they will be ready for the planning board's final determination.

Chairman Goold asked if anyone had questions or comments.

Schodack Landing Estates Cont...

Mr. Haber stated that as a board they should discuss the issue of dry sewers before they wave the item.

Chairman Goold asked if there were any more comments before this is passed back to the developer to finish up with the Laberge letter.

Mr. Laberge stated most of the issues are cut and dry with a few technical items that need to get settle. They should be ready by next meeting.

Chairman Goold asked Mr. Sipperly if it was two or three lots being sold to Mr. Hodges. And if he considered to do a lot line adjustment

Mr. Sipperly stated it would be three lots. And he was thinking of requesting a lot line adjustment.

Attorney Nugent stated that he was going to suggest to make it all one parcel instead of four. This would be best for providing screening between Mr. Hodges and the development.

Mr. Boll stated that was his intention to make it all one lot and one deed for Mr. Hodges. And asked Mr. Hodges if that was what he also wanted.

Mr. Hodges stated yes, he would like the property to be all one lot.

Mr. Boll stated that it has been six months since he has been before the planning board and a lot has been done to get things ready, he worked with Mr. Hodges to try to address the historical district by selling these properties to him. He wants to get this project going; he agrees with the fire district to have a pond installed for fire use. He also feels that if a dry sewer is needed then he would have to change the density of the development. He is looking to have it-approved contingent upon Laberge's letter, so he would feel confident that this is moving forward and he can start building this year.

Mr. Haber stated that he was not ware that they were ready to grant any kind of approval. He then spoke about the dry sewers he did not want to see Mr. Boll to have to fill systems. And asked if they pert on there own.

Mr. Sipperly stated that yes, more then half are conventional lots, 6 are shallow trench and 6 lots that are fill system.

Schodack Landing Estates Cont...

Mr. Haber stated that if there will never be a water or sewer line going in this developments direction then he would agree to wave the item of installing the dry sewers.

Mr. Sipperly stated he has spent a lot of time with Rensselaer County Health Department on site doing soil testing, and conventional systems will work very well.

Mr. Haber asked Mr. Hodges that he would not be selling off the two lots he is purchasing. Because they should stay the same size, if he is not going to sell the property then a lot line would be best and make this all one lot.

Chairman Goold asked Mr. Laberge if by next meeting will they be ready for some type of approval.

Mr. Laberge stated it is his belief that this will be ready by next meeting for a contingent approval.

The applicant agrees to be ready by ether May 5, 2008 or May 19, 2008 meeting.

### **Public Hearing**

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**Nadine Fuda read the hearing notice(s) as published in the Troy Record:**

**Title of the Spinney @ Pond View published April 17,2008**

**Chairman Goold directed the affidavit(s) of publication be made part of the hearing record(s).**

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Spinney @ Pond View	72-2005/R-40/178.-4-2.1	<b>Public Hearing</b>
Pond View Road		
Proposed - Adult Community		
Special Use Permit (R- 40)		

Richard Tice, Brewer Engineering, and Rex Ruthman, applicant were present for this meeting.

Chairman Goold opened the public hearing at 7:48 p.m.

Spinney @ Pond View Cont...

Chairman Goold stated this is a public hearing on the special use permit, If there is anyone here with comments or questions to limit them as this meeting which is on the residential units which is for seniors

Mrs. Gable asked the applicant about the cost of rent for each unit.

Mr. Rothman stated that these would be rental units at the cost of a \$1 dollar to a \$1 dollar and 15 cents per square foot depending on the cost of development, approximately \$850.00, to \$1200.00 a month.

Mrs. Gable stated she drives past the senior living facility on Route 150 and it stands mostly vacant, what would happen if in the future they were unable to rent all the units, what recourse would the town have at that point.

Chairman Goold stated that the Planning Board has been quite clear on that subject, and we do not wish to entertain any request to lift the age restrictions and the applicant is under full agreement to comply.

Mr. Ruthman stated that is a very good question; there have been a series of on going studies over the last decade, on the changing face of America, which finds that at least 20% of each town are seniors. So the market is there. These seniors have reached the point in their lives where the children are grown and they do not want the up keep of a family home. And why he thinks this will work in this area is because there is a general need in the market for middle a-value affordable housing for people who want to stay in the community and still have a home but not the responsibility. This is a community intended to create a social, economic and age related similarity's that will bring people together.

Mrs. Gable states that in this area we have a real world demonstration of what the market would bare. And the place on 150 that have the same amenities sits mostly vacant. And she worries that this community would morph into something else. She questions the number of units in total.

Mr. Ruthman stated there are 186 total units, They have already committed to 20 units taken, and this is before construction has even started.

Mr. Haber stated that this board has been very sensitive the issue of age limits and that this development stays a senior community, This board will not allow a project of this type to change directions.

Spinney @ Pond View Cont...

Mr. Tice stated there will be 186 units that will be developed in two phases; the reason for this is the concern of occupancy, There will be 116 units in phase one, 102 units will be built first and the 14 units on the cul-de-sac will be built last.

Chairman Goold asked if there were any more questions or comments on the Use of this development.

Carolyn Naumburg, 13 old Miller Road, She states that she has lived in her house for 35 years and she is tired, she does not want to mow, rake, she does not want any one living over her and not smell anyone's cooking. This development is perfect for her and she has already picked out her unit. As for the place on Rt. 150 the garages are separate from the building, here she will be able to park and walk right into her home. This is perfect for those of us who just don't want or cant keep up with a home. Any she can not wait to move in.

Chuck Boyd, 259 Miller Road stated that Mr. Laberge was on site, and he let see the water situation on his property. He was wondering because of the shallow wells that most of them have where is the water going, back into the ground or to the pond. He is concerned the wells will go dry and how can they guarantee this will not happen.

Mr. Laberge Stated this project is on public water and will not be drawing from any ground water.

Mr. Boyd stated that they are taking their ground water away.

Mr. Laberge stated the flooding problems that are along Miller Road are there today. He, Mr. Johnson and Mr. Holmes visited the site and talked about the flooding issues and how to handle them. The entire Pond View project is down stream from Miller road so the water would naturally flow in that direction. In general this project will have no impact on the Miller Road wells.

Mr. Boyd asked if this could be looked into before it does affect the wells.

Mr. Laberge stated this is the first time he has herd of this concern.

Mrs. Mayrer asked Mr. Boyd how deep is his well.

Mr. Boyd stated the well is maybe 80 feet.

Spinney @ Pond View Cont...

Chairman Goold stated that the town and project engineer will look into the ground water issue.

Mr. Boyd asked about the swales and if they had any information on this item.

Mr. Laberge stated that the issue of drainage along Miller Road is being looked at to see how this project could help the existing drainage problems, One idea to get the water off the road back into the project. And when Mr. Johnson returns they are going to discuss this again .

Mr. Haber stated that this public hearing is on the use permit not the site permit.

Fran Bonner, 221 Miller Road wanted to know if the items that were discussed at the prior meeting have been looked at or addressed. As for the wells and the septic systems, this seems to be a health and safety issue and experts in the field should have done studies on the impact to this area.

Chairman Goold stated that Rensselaer County Health Department has a contract to administer the state health code. This project can not progress forward with out their approval.

Mrs. Bonner stated that Mr. Tice is not an expert in the field he said he does not understand what the impact would be.

Chairman Goold stated that Mr. Tice was referring to the surface water issue.

Mrs. Bonner question the distinction between use and site approval.

Chairman Goold explained the difference between use and site public hearings.

Mr. Haber stated that tonight's public hearing is on the use of this site and if you have negatives or positive opinion on the proposed senior living community.

Mrs. Bonner asked what happened to all the item brought up at the previous meeting.

Chairman Goold stated that the prior items are being reviewed by the towns engineer. Normally the complaints we get are on the flooding, to much water as a result of a project like this. Mr. Boyd's concern is that the ground water is filling his well then what would happen if the water goes away.

Spinney @ Pond View Cont...



Mrs. Bonner asked about the Rensselaer County Health Department and if they have conducted their study on the project.

Chairman Goold stated we do not know what they have or have not done. They are aware of this project and they will give their approval as they see fit.

Mrs. Bonner asked if they are considering a review of this project regardless of the neighbor hood and the wells.

Mr. Laberge stated that the health department looks at the health and safety of the public. Again this project is on public water and sewer, and because of these services there reviews are limited. The issues that we have heard tonight on the wells will be looked into, but right now he does not have a lot of information.

Mrs. Bonner asked for explanation on his usage of "down stream" .

Mr. Laberge stated that the flooding is trapped in pockets along Miller Road and is unable to get through. When he was out there a week ago with Mr. Johnson and Mr. Holmes they were looking at ways to improve the drainage on Miller Road. This project is not effecting the flooding along Miller Road.

Mrs. Bonner asked how does he know that this project is not effecting the standing water on Miller Road and what is he basing his opinion on.

Mr. Laberge stated that this site is down hill and the water would normally flow in that direction.

Mrs. Bonner questions his ability on answering the drainage and flooding issues.

Mr. Laberge stated that he is a professional engineer who has worked in site and land development for over 18 years. And he feels that storm water is not going to be an issue.

Mrs. Bonner asked is the town liable if things do go wrong with the wells and if not who is.

Chairman Goold stated that if problems should occrue then they will take measures to prevent them.

Mrs. Bonner questions the privacy factor and the fact that trees will be planted.  
Spinney @ Pond View Cont...

Chairman Goold stated that there is a buffer plan in place.

Mr. Tice stated the trees are spaced 20 foot on center and in two rows that makes them 10 feet apart.

Mrs. Bonner stated in other developments that at least half the trees that were planted for a buffer did not survive. What plans are there to take care of that situation say a year or two down the road when the trees die?

Mr. Tice stated the use permit will state what type of the conditions they have to adhere to. Such as if the trees should die then if the special use permit states the developer is responsible to replace them then that is what will happen.

Dianne Hutchinson, 244 Miller Road how would a home owner find out what the resolution is on the flooding and standing water issue brought up by Mr. Boyd.

Chairman Goold stated that when the project engineer is finished looking into this situation he then would forward his findings to Mr. Laberge for his review. It would then come back to this board as a recommendation.

Mrs. Hutchinson asked if they should see Mrs. Fuda on the outcome of this issue.

Chairman Goold stated once they have a recommendation it is then briefly discussed at the meeting and then the board acts on the recommendation. But if someone would like to know before hand they could see Mrs. Fuda in the planning office.

Ray Lempka stated at the last meeting he brought up the issue of adult community and that it stays an adult community, and if it will be a special condition on the use permit.

Chairman Goold stated this was already discussed and would be part of the permit.

Jim Morris, 245 Miller Road asked about the name on the building, It now states "Pond View Professional Arts Building" medical is no longer part of the name, does this mean that lawyers and accountants will be able to move in.

Mr. Ruthman stated that last year they requested a change in the special permit to from Medical to professional arts. They want to put the community center, which would include a welcome center and exercise center, there will be a meeting place Spinney @ Pond View Cont...

for 150 people with a kitchen as well a swimming pool in the back, all on the first floor of the building. To do this the use had to be changed. And yes if an accountant or a lawyer wants to help people in this community then they are more than welcome to join in with the doctors and therapist that will be working for Pond View. This building is to help the individuals living in this community, so instead of having 6 dentist they would welcome an insurance sales man, accountant, lawyer, hair dresser. That way the people would not have to travel into Troy or Albany to address there needs.

Mr. Morris asked if the board has approved this change in name and occupancy.

Chairman Goold stated yes, that they approved an amendment to the special permit.

Mr. Morris questioned the age of the building. And stated that the only reason the building exist is because it was listed as medical, now that is not so. Everything seems to change. He also complained about the public hearings, no one knows when they are. It was not listed on the web site. Why don't they receive letters when thing like this is coming to the board.

Chairman Goold stated that is incorrect. This was sent to the web master and was not listed.

Mr. Morris asked about letters to announce what is happening.

Mrs. Fuda stated that only for a variance do letters go out. For example your neighbors shed, this project does not require a variance.

Mrs. Gable stated this is in response to Mr. Haber's early comment on the water and that it was not applicable under this use permit. And she feel that a use of this magnitude defiantly impact water. She states that in the past, residents well's were definitely effected during and after construction. She also questions the Pond View site, and the large wooded area facing Miller Road . And asked Mr. Tice, if they would leave the trees along the border instead of planting smaller trees as a buffer.

Mr. Tice stated they plan to put in trees that are 12 feet tall.

Mr. Ruthman stated the homes are all cottage style and the roofline in back of the homes is 20 feet and in the front is 10 feet so trees of that size would block most of the view of these homes. In order for us to help the neighbors with their  
Spinney @ Pond View Cont...

flooding and grading needs the natural tree line will have to be disturbed. If the water was not such an issue for both them and the residents on Miller Road then he would agree that leaving the natural barrier would be something they would look into but that is not the case.

Mr. Haber stated he wanted to add to the record that he has had many people of his age state that they are looking forward to a nice community like this. In addition, have asked how things were going with this project, they are very interested in it. He feels this is conceptually wise in terms of use, all these problems aside he thinks this project is something the town can be proud of.

Chairman Goold closed the public hearing at 8:39 p.m.

### **ADJOURN**

Mayrer moved, Haber seconded that the Planning Board meeting be adjourned. There being no objections, Chairman Goold adjourned the meeting at p.m.8:40

Respectfully submitted,

Nadine Fuda  
Director of Planning & Zoning