



TOWN OF POESTENKILL

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Planning Board

PLANNING BOARD July 7, 2020 Minutes

Attendees:

Tom Russell, Chairman
Jeffrey Briggs
Harvey Teal
Robert Dore
Don Heckelman
Steve Valente

Non-Voting:

Robert Ryan, Esq.
Lynn E. Kane, Clerk

Absent:

William Daniel
Judy Grattan

Chairman Russell called the meeting to order at 7:30 pm with the Pledge of Allegiance and introduced Board Member. Due to current NYS Executive Order with regards to COVID, meeting was held at the Poestenkill Fire House.

Applicants:

Joseph Hitchcock
137.-1-23.12

Informal Conference – SUP (Sawmill)
160 Lynn Rd.

Mr. Hitchcock and his attorney, Linda Mandel-Clemente, were in attendance. Ms. Mandel-Clemente explained to the Board Members that the application for a Special Use Permit was based on the “retail use” of Mr. Hitchcock and explained that there was “cutting of wood for packaging” taking place on site. Ms. Mandel-Clemente further offered to the Board that this operation should be considered as one would for the sale of fudge – the cutting of fudge to be packaged – and that the operation as it stands today is that of “sale of goods”. Chairman Russell stated while he understood the Applicant’s thoughts of retail, he disagreed with the premise due to the quantity and quality of noise, objectional operation, that the operation is not performed under agricultural codes. Chairman Russell further stated that given the manner in which the business is run, it does not meet the criteria for consideration of a Special Use Permit. Member Briggs stated that comparing the slicing of sandwich meats to be equal to the preparation of the logs into firewood is inappropriate, that the equipment is much different (bigger, noisier), the material is in a different form, there is substantially greater quantity of the wood product and that in fact, this operation is a commercial light industry in a Residential zone Ms. Mandel-Clemente requested the Planning Board continue to discuss this operation as a “retail” business and noted that Mr. Hitchcock used timber from the property, he would have qualified under the agricultural codes.

Member Valente disclosed that Mr. Hitchcock is a competitor, has nothing against the Applicant and that he would recuse himself if the Board Members wanted him to but felt he could consider the application without any bias. Member Dore disclosed that Mr. Hitchcock is a customer (sharpening of blades) and he would be recusing himself. There were no issues from the rest of Board. Member Valente stated he feels the operation is a retail business. Chairman Russell disagreed and much discussion ensued. Chairman Russell made a motion to send an Interpretation Request to the Zoning Board of Appeals to read as - "At the July 7, 2020 Planning Board meeting, the Board reviewed the Special Use Application submitted by Joseph Hitchcock for a "Retail Business or Service" in a RR1 zone for the wood processing located at 160 Lynn Road. The Planning Board is seeking an interpretation of the definition of "Retail Business or Service" and whether wood processing and sale would fall within such definition." Motion seconded by Board Member Briggs and approved by a vote of five (5) ayes; zero (0) nays and one (1) abstentions – Member Dore.

Resolution: Referred to Zoning Board of Appeals for Interpretation

Victor Gush
124.-10-5

Informal Conference-Major Subdivision-8 lots
Cooper Hill Rd/Rt. 355

In attendance for this project was Ray Naly, Project Partner and Bob Davis, Engineer, Advance Engineering & Surveying. Chairman Russell stated that the needed Subdivision with Vanderheyden Hall was issued at the May 26, 2020 Special Meeting of the Planning Board. Chairman Russell asked the gentlemen to please give the Board an overview of the proposed project and current activities. Mr. Davis stated he has followed up with DEC on some issues, that the stormwater on the property is to be designed and will likely be directed to the culvert under Rt. 355. The swales would send the storm water to the back of the properties, along common lot lines.

Member Teal stated that the creation of a "Drainage District" was needed and would be overseen by the Town Board. Member Teal further stated the full sewer design and tie-in with the Town's Water system would need to be designed and shown on the Preliminary Plat, that the project requires SWIPP and all documents needed to be reviewed by the Town Engineer prior to next meeting. Member Teal stated that with the completed Preliminary Plat submission, the time of sixty-two (62) days would begin per Code. Chairman Russell opened a comment period for the audience. A gentleman from the audience stated that "6 more driveways on that curve will be dangerous and this issue needs to be looked at and considered before approval. Motion made by Member Teal to re-classify this project as an eight (8) Lot Major Subdivision. Motion seconded by Board Member Briggs and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Resolution: Classified as an 8 Lot Major Subdivision

Kara & Curt Seifridsberger
135.-4-7

Informal Conference-Referred by Town Board
63 Snyders Corner Road

Chairman Russell stated the Town Board has referred this Applicant to the Planning Board for consideration of a Natural Products mining application. He asked the Applicant to come forward and explain situation. The Applicant recounted that a large tree crashed through their home last year and did considerable damage. This home was originally the Grandparent's home. Due to the remaining trees on the property, they are unable to obtain homeowner's insurance. They approached Mr. Fane to mine approximately two (2) acres worth of material in rear of property in exchange for removing all the trees (88-102 trees). There would be no exchange of money and they are working with Greg Fane and his attorney to coordinate application to New York State Department of Environmental Conservation. They stated that All Phase Contracting will remove trees for a fee of \$85,000 and that the gravel will be removed from the steep bank. There is discussion of water run-off from the hill and the need for abutting neighbors to be on-board with this proposal. Member Teal stated a detailed grading plan needed to be submitted and the Board needed to know how much gravel would be removed. Mrs. Seifrisberger referred to the letter from Griggs-Lang Consulting letter dated May 21, 2020, stating that approximately 9,000 cubic yards (to equal 2 acres) of material would be removed. Applicant will obtain needed items and return to the Board hopefully next month.

Applicant to obtain detailed grading plan, apply for Natural Product authority

George & Jenna Czerno
138.-1-7.111

2 lot Minor Subdivision
547 Oak Hill Rd.

Applicants reviewed their current rehabilitation of the existing residence and wish to convey Lot 1 of approximately three point one three (3.13) acres of land to close personal friends to build a home and retain the remaining lands for Lot 2 with forty point eight seven (40.87) acres. The Board questioned previous subdivisions of lands. Surveyor Kevin McGrath stated the first subdivision was in 1994 and the last subdivision was in 2005. The Applicants do not anticipate future subdivisions.

Motion made by Member Briggs to classify this project as a two (2) Lot Minor Subdivision. Motion seconded by Board Member Heckelman and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Motion made by Member Briggs to schedule a Public Hearing for Tuesday, August 4, 2020. Motion seconded by Board Member Dore and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Resolution: Public Hearing scheduled for August 4, 2020

Ernest Molina
125.-11-11

Special Use Permit – Nonfarm Animals
1 Clement Drive

Applicant and his husband, Kevin Simsuangco, reviewed for the Board their wish to have two (2) Alpacas as pets, (no breeding), on their approximately 0.75 acre lot located at 1 Clement Drive. They have done a great deal of research, have visited Tybush Mountain alpaca facility and stated that the animals are very cold tolerant but need protection from the sun and heat. A three-sided lean-to or shed would be acceptable, that there would be no noise or smell issues and will have their entire yard fenced in with 5' fence. Chairman Russell confirms there will only be two alpacas and there will be no breeding. There was discussion regarding location of animal enclosure, possibly under a second-floor deck and Applicant was advised to contact Town Building Inspector to comply with codes for structure and fencing. Applicant has spoken to one direct neighbor, who has no issue to proposal.

Motion made by Member Valente to forward Applicant to the Zoning Board of Appeals for an Area Variance. Motion seconded by Board Member Heckelman and was approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Resolution: Applicant referred to ZBA for Area Variance

Public Comments: Chairman Russell asks if there are any issues or comments from the public. As there are none, the Public Comments portion is closed.

Minutes: Meeting minutes of June 9, 2020 were reviewed. Member Valente requested “Mess Deck” be changed to “Mess Hall”. Motion to accept the Minutes with correction was made by Board Member Briggs, seconded by Chairman Russell and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Organizational:

Chairmen Russell advised the Board that the Shuharts are currently working with DOT. Chairman Russell also advised that after review with Attorney Ryan, he is rewriting Sections 195.11 and 195.20 of the Town Code for the Green Space proposal to the Town Board.

A motion to adjourn the meeting at 9:25 pm was made by Member Briggs, was seconded by Member Dore and approved by a vote of six (6) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane,
Planning Board Clerk