



Planning Board

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210
Poestenkill, NY 12140
(518) 283-5100 Phone
(518) 283-7550 Fax

**PLANNING BOARD
September 1, 2020 Minutes
@ Poestenkill Fire Hall**

Attendees:

Tom Russell, Chairman
Jeffrey Briggs
Harvey Teal
Judy Grattan
Robert Dore
Don Heckelman
William Daniel

Non-Voting:

Robert Ryan, Esq.
Lynn E. Kane, Clerk

Chairman Russell called the meeting to order at 6:30 pm with the Pledge of Allegiance and introduces the Members of the Board.

Public Hearing:

Ernest Molina
125.-11-11

Special Use Permit
1 Clemente Drive

The Secretary read the Public Hearing notice into the record and advises the Board of the Zoning Board of Appeal's issuance of an Area Variance with conditions. Applicants reviewed their desire to have two (2) alpacas as pets at their home in a Residential zone.

The SEQRA portion of the public hearing began with Chairman Russell reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. Motion made by Member Teal that the proposed action will not result in any significant adverse environmental impact and that therefore, a negative declaration should be issued. Seconded by Board Member Dore and was approved by a vote seven (7) ayes; zero (0) nays and zero (0) abstentions.

Chairman Russell asked if any member of the public in favor of the application wishes to speak – there is none. Chairman Russell asks if any member of the public in opposition of the application wishes to speak – there is none. Chairman Russell closes the public hearing with “There being no further comments, the public hearing is closed.”

Motion made by Member Heckelman to approve a Special Use Permit, said Permit to run concurrent with Area Variance from the Zoning Board of Appeals. Motion was seconded by Member Teal and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

Resolution: Special Use Permit granted.

<u>Noelle Hardy</u>	<u>Special Use Permit</u>
136.-8-13	8905 Rt. 66

The Secretary read the Public Hearing notice into the record. Applicant reviewed her desire to open a restaurant. Property owner, Valerie Bendetti, also appeared.

The SEQRA portion of the public hearing began with Chairman Russell reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. Motion made by Member Teal that the proposed action will not result in any significant adverse environmental impact and that therefore, a negative declaration should be issued. Seconded by Board Member Dore and was approved by a vote seven (7) ayes; zero (0) nays and zero (0) abstentions.

Chairman Russell asked if any member of the public in favor of the application wishes to speak. Abutting land owner, Steven R. Valente, stated he was in favor of the application. Chairman Russell asks if any member of the public in opposition of the application wishes to speak – there is none. Chairman Russell closes the public hearing with “There being no further comments, the public hearing is closed.”

Motion made by Member Dore to approve a Special Use Permit Motion was seconded by Member Briggs and approved by a vote of seven (7) ayes, zero (0) nays and zero (0)

Resolution: Special Use Permit granted.

<u>Boys Scouts/Twin Rivers</u>	<u>2 Lot Minor Subdivision</u>
115.-3-6.1	240 Davitt Lake Road

The Secretary read the Public Hearing notice into the record. Applicant reviewed their wish to convey Lot 1 of approximately ten point twenty-seven (10.27) acres of land to abutting land owner, James Colanari and retain the remaining lands for Lot 2 with four hundred _____ (_____) acres. The Applicant does not anticipate future subdivisions.

The SEQRA portion of the public hearing began with Chairman Russell reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. Motion made by Member Teal that the proposed action will not result in any significant adverse environmental impact and that therefore, a negative declaration should be issued. Seconded by Board Member Daniel and was approved by a vote seven (7) ayes; zero (0) nays and zero (0) abstentions.

Chairman Russell asked if any member of the public in favor of the application wishes to speak. Resident, Patty Scott, asked the Applicant’s Representative what was the purpose of the application. Mark Switzer stated that James Colanari had approached the Boy Scouts to buy land to add to his parcel. Mr. Colanari stated he wasn’t going to develop the land, just more forest. Chairman Russell asks if any member of the public in opposition of the application wishes to speak – there is none. Chairman Russell closes the public hearing with “There being no further comments, the public hearing is closed.”

Motion made by Member Teal to approve the 2 lot Minor Subdivision. Motion was seconded by Member Daniel and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

Resolution: 2 Lot Minor Subdivision approved.

Applicants:

Anthony Alberino	Special Use Permit
125.-1-23	273 Main Street

Mr. Alberino was not in attendance due to miscommunication. Member Grattan questions what is the Applicant’s desire for the structure, what kind of design will it have, etc. Secretary Kane relates conversation with Mr. Alberino, that he wishes to build a garage for storage and have a shop where he could work on carpentry (he is a finish carpenter) to install on his jobs. Member Grattan questions where will the parking required by Code be situated. Zoning Board of Appeals Chairman, Paul Jamison, also questions application as Home Occupancy in an accessory structure it not allowed in a Residential zone. This application will be heard at next Planning Board Meeting.

Resolution: To be heard on October 8, 2020.

Minutes: Meeting minutes of August 11, 2020 were reviewed. Motion to accept the Minutes was made by Board Member Teal, seconded by Board Member Dore and approved by a vote of six (6) ayes; zero (0) nays and one (1) abstention by Member Grattan.

Public Comment Period:

Chairman Russell asked those in attendance if anyone has any comments they wish to share. Town Board Member, June Butler, distributed a proposed resolution to allow wood processing, with a Special Use Permit, in the RR1 and RR2 zones of the Town. She recounts that this activity has been common place for last 200 years and asked for suggestions and comments from the Board. Member Briggs, spoke of the Standard Industrial Code (SIC) that covers wood products and other miscellaneous items and provisions of manufacturing and processing. He feels that if it is the homeowner’s property, they should be able to harvest the wood. Member Dore stated that New York State does not have adequate fire breaks, has many restrictions that prevent property forestry and, it should stop penalizing owners. Member Grattan stated that when a Special Use Permit is issued, there can be conditions

within it but that DEC has stated in past that a Special Use Permit is not a good choice, land should be zoned for forestry. She also said that in the DEC Forestry Management pamphlet it outlines the allowed size of operation. The Board also discussed the moving of logs from another area, in accordance to DEC laws, i.e. if wood is from within a 50 mile radius, it needs to be certified and if location exceeds 50 miles, a permit is needed first.

Ms. Butler stated that this issue of “key hold lots” is on the Town Board meeting agenda. Member Grattan stated that if the lots are buildable, they are not considered “key hole”. She used Zoning Board 2017 case, Wagner interpretation, as an example where a corner lot can have two front setbacks. There is much discussion. Zoning Chairman Jamison stated that the “front” setback is actually calculated from 50’ back from the lot width in these cases. Town Board Member Butler stated the Code had been revised to reflect this.

Chairman Russell stated that at the last Planning Board meeting, it was discovered that the E-Code was not up to date. This was realized when Member Grattan advised the Board that there was a change to the Code in 2015 with a local law that allows a Special Use Permit in a Residential zone. Chairman Russell asked Ms. Butler if the Town is paying for the update service, she said yes. A suggestion was made to check with Town Clerk, Sue Horton if the E-Code is being updated on a regular basis. With no one else wishing to speak, Chairman Russell stated the public comment period was closed.

New Business:

Chairman Russell questioned the Board and Board Counsel, Robert Ryan, whether a Lot Line Adjustment or a Subdivision is needed for a property on Reichards Farm Road where the land separated by a road. After some discussion among the Board, Mr. Ryan stated that in order to separate the parcel into two parcels and then sell one of the parcels, a subdivision is needed. Chairman Russell shared that the property owner is in poor health and is looking to complete this action as soon as possible.

Old Business:

Chairman Russell advised the Board that the Engineer will be starting work on the Shuhart project shortly. Clerk Kane advised the Board that the Gush Plat Plan is still awaiting Rensselaer County Department of Health review. Member Grattan questioned whether the “Notice” sign has been properly placed on the site. Chairman Russell will visit the site to confirm.

Organizational:

Member Grattan questioned the status of the Green Space proposal. Chairman Russell stated the Board reviewed his proposal at the last meeting and he is awaiting comments from Members. Proposal will be sent to Member Grattan.

Member Grattan stated that Non-conforming Uses were addressed by the Town Board five years ago and directed Secretary Kane to ask Town Clerk, Sue Horton, for the Town Board action.

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Member Grattan asked Ms. Butler what was the status of the Major Lot Line Adjustment proposal this Board had forwarded to the Town Board in December 2019. Ms. Butler stated there has not been discussion or resolution at the Town Board. Secretary Kane was directed to re-send the memo to the Town Board

Member Dore made a motion to enter Executive Session at 8:15 pm. Motion was seconded by Chairman Russell. Member Grattan made a Motion to exit Executive Session, was seconded by Member Dore at 8:25 pm with no vote or action taken.

A motion to adjourn the meeting at 8:25 pm was made by Chairman Russell, seconded by Member Grattan and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane,
Planning Board Clerk