



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD October 6, 2020 Minutes @ Poestenkill Fire Hall

Attendees:

Tom Russell, Chairman
Jeffrey Briggs
Steve Valente
Robert Dore
Don Heckelman
William Daniel

Non-Voting:

Robert Ryan, Esq.
Lynn E. Kane, Clerk

Absent

Harvey Teal

Chairman Russell called the meeting to order at 6:45 pm with the Pledge of Allegiance and introduces the Members of the Board.

Applicants:

Anthony Alberino
125.-1-23

Special Use Permit
273 Main Street

Mr. Alberino explained to the Board he'd like to build 25' x 45' garage for his business equipment and supplies (finished carpentry), with 25' x 20' as a carport for storing business trailers and 25' x 25' for enclosed garage with overhead and passage doors, cedar shake roof. Chairman Russell reviewed square footage of existing residence and proposed garage with a 1.89 acre lot and stated the building coverage would be less than three (3) percent, well below the ten (10) percent maximum allowed and that an Area Variance would not be needed for this proposal. Member Briggs questioned if rear setback is acceptable, Mr. Alberino said yes. Member Valente questioned need for SUP and referred to another previous application that did not need SUP. Chairman Russell explained that an error was made in previous case, that the Board is unable to rectify that situation but that Board will follow Code, specifically the need for Special Use Permit for storage of commercial equipment and supplies in the Residential zones.

Member Daniel made a motion to schedule a Public Hearing for Wednesday, November 4, 2020. Member Heckelman seconded the motion and was approved with five (5) ayes, one (1) nays and zero (0) abstention.

Resolution: Public Hearing scheduled for November 4, 2020.

Robert & Nancy Ducatte
115.-3-27.111

2 Lot Minor Subdivision
Reichards Farm Road

Kevin McGrath, surveyor to the Applicants, appeared for Mr. & Mrs. Ducatte. Mr. McGrath reviewed the plat plan with the Board Members and explained the Applicant’s desire to sell a two (2) acre lot to neighbor, Ken Gypson. Mr. McGrath stated Mr. Gypson was to have appeared at this meeting.

Member Dore made a motion to classify this project as a 2 Lot Minor Subdivision. Member Valente seconded the motion and was approved with six (6) ayes, zero (0) nays and zero (0) abstention.

Member Briggs made a motion to schedule a Public Hearing for Wednesday, November 4, 2020. Member Heckelman seconded the motion and was approved with six (6) ayes, zero (0) nays and zero (0) abstention.

Resolution: Public Hearing scheduled for November 4, 2020.

Wayne Gooley, Executor
116.-2-38.11

4 Lot Minor Subdivision
191 North Road

Kevin McGrath appeared for the Applicant, said Applicant lives in Ohio and unable to attend. Notarized letter from Applicant’s attorney submitted to Secretary. Mr. McGrath reviewed the plat plan with the Board Members and explained the Applicant’s desire, as executor for mother’s estate, to divide land among siblings.

Chairman Russell made a motion to classify this project as a 4 Lot Minor Subdivision. Member Valente seconded the motion and was approved with six (6) ayes, zero (0) nays and zero (0) abstention.

Member Daniel made a motion to schedule a Public Hearing for Wednesday, November 4, 2020. Member Dore seconded the motion and was approved with six (6) ayes, zero (0) nays and zero (0) abstention.

Resolution: Public Hearing scheduled for November 4, 2020.

Public Comment:

Chair opens the Public Comment Period for items not appearing on the agenda. Town Board Member, June Butler, discussed her “wood processing” proposal and that of “forest management”, looking for input from Planning Board and Zoning Board Members. Member Valente read aloud Attorney Ryan’s definition of NYS Forestry. Mr. Ryan stated that a Home Occupation Class II requires a house be on the parcel and not just that someone owns land without a house. Chairman Russell explained to the Board to please look to the future and not focus on a present issue. Town Board Member Butler discussed her proposal within the structure of the Home Occupancy Codes and suggested the phrase “property owner” be used instead of “home owner”. Chairman Russell asked for any other comments, specifically

looking to “shape” the Code for the future. Kevin McGrath suggested that wood processing be allowed in RR1 and RR2 zones, with a Special Use Permit or add another use to the Land Use Code for “Forest Products”. Member Daniel reminds the Board that there can be and are different magnitudes to these categories, commercial vs. mom & pop, built in equipment vs. portable and need to be careful not to be too restrictive for the “small guy”. Member Dore stated this cannot be listed under “retail”, must be separate category either permitted or with a Special Use Permit. Member Briggs stated Code should have forestry categories for different outcomes, for each type of land owner, purpose of the land as each owner could have different goal. Member Heckelman stated that the proposed law should not be tailored just for one situation and that the current issue before the Boards is too big and too noisy to be in the middle of a Residential zone. Further, he stated that terminology can become extreme and restrictions should be put in place when issuing a Special Use Permit, perhaps a third Home Occupancy category should be added. He also questioned if building permits were issued for concrete pads, bunkers, etc. at the current issue location. Chairman Russell asked all Members to contemplate and contact TB Member Butler with thoughts, comments and especially suggestions.

Len Johnson – Mr. Johnson spoke to the Board about giving a relative additional land to the relative’s lot. The Board reviewed Mr. Johnson’s plat plan and brought Kevin McGrath forward to assist Mr. Johnson. The Board determined Mr. Johnson needs a Lot Line Adjustment and Mr. Johnson will work with Clerk Kane and Mr. McGrath to apply for same for next month’s meeting.

Chairman Russell asked if anyone in audience wanted to speak on another issue and stated “There being no comments from the public, the Public Comment Period is closed.”

Old Business:

Shuhart – Nothing new to report.

Gush – Haven’t heard anything since Mr. Gush’s death. Clerk Kane will contact engineer for update.

Major Lot Line Adjustment – Chairman Russell asked TB Member Butler if Town Board had acted on Planning Board’s proposed changes to the Lot Line Adjustment Code. With a negative answer, Clerk Kane directed to forward proposal again to Town Board for consideration.

New Business:

Judy Grattan resignation – Chairman Russell asked Board if all were good with forwarding current Alternate, Steve Valente, to the Town Board for appointment to the open Board seat. All Members in favor, Clerk Kane directed to forward memo to Town Board and request Michelle Asquith to place ad in The Advertiser for replacement Alternate.

Minutes: Meeting minutes of September 1, 2020 were reviewed. Member Daniel requested change on Page 4, second paragraph, fourth line down change “lot width” to “lot line”. Town Board Member June Butler updated Board regarding E-Code – specifically that new laws can be found on the left sidebar but these laws have yet to be incorporated in the text itself. This should be done shortly. Motion to accept the Minutes with revisions was

made by Chairman Russell, seconded by Board Member Briggs and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstention.

Organizational:

Clerk Kane informed Board of Zoning Board permanent meeting start time change to 7 pm. Chairman Russell reminded Members that this Board had gone to a 6:30 pm start due to the extensive number of applications. There was discussion amongst Board Members. Chairman Russell made a motion to change start time of Planning Board **beginning December 1, 2020 to 7 pm.** Member Heckelman seconded the motion and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstention. Michelle Asquith will be asked to update this information on the Town's website.

Member Heckelman made a motion to enter Executive Session to discuss a personnel matter at 8:27 pm. Motion was seconded by Chairman Russell. Member Heckelman made a motion to exit Executive Session with no vote or action taken at 8:40 pm. Motion was seconded by Chairman Russell.

Next meeting on Wednesday, November 4, 2020 at 6:30 pm at Poestenkill Fire Hall

A motion to adjourn the meeting at 8:45 pm was made by Member Dore, seconded by Member Daniel and approved by a vote of six (6) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane,
Planning Board Clerk