



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS

October 13, 2020 Minutes

Poestenkill Fire Hall

Attendees:

Paul Jamison, Chairman
Kevin McGrath
Tim Hoffay
Nicole Heckelman
Frank Burzesi, Alternate

Absent:

Susan Kalafut

Chairman Jamison opened the meeting at 7:00 pm with the Pledge of Allegiance. Chairman Jamison advised the audience to sign in for contact tracing, to wear their masks and if speaking to the Board, please step away from others and speak with your mask off so that everyone can hear.

Chairman Jamison corrected the meeting Agenda to reflect that the Public Hearings for Basle and Hitchcock are both closed and are awaiting the Board's action and that the Board has 62 days by statute to render its decision. Chairman Jamison stated Board Member Kalafut is unavailable due to a family matter. He welcomed new Board Alternate, Frank Burzesi, and stated Mr. Burzesi would forgo voting on this evening's matters as he has not been involved in the extensive proceedings.

Applicants:

Louis Basle
69 Abbott Drive

Code Interpretation
125.-11-17.11 (14 Abbott Drive)

Chairman Jamison asked the audience if there was anyone who wanted to comment on this, there were none. Letter from Attorney Howard was reviewed by Board Members. Chairman Jamison asked Board Members if they had any questions or discussion items prior to voting and reminded Board that the issues to address are the additional uses on-site, ones not grandfathered in, changes/expansions, etc. He discussed 1) Chip Kronau's equipment sales website and the numerous listing, including couple of new listings; 2) Chip's machine servicing (Chip had stated only company equipment); 3) the building relocation seemed to be a problem as it wasn't considered by Town Officials at the time and Board is unable to alter Building Permit at this time; and 4) the Real Estate company located on site. Kevin Kronau stated the real estate portion would not be continuing.

Board Member Heckelman questioned Kevin Kronau about the missing privacy screening that was a condition of Rensselaer County Department of Health approval dated October 19, 1982 and again as a condition to Special Use Permit issue by the Town's Planning Board

date December 6, 1984, specifically conditions #1, #2 and #4. Mr. Kronau stated that the screening was meant to be between his apartment buildings and the company site and there had never been any complaints. Member Heckelman questioned Kevin Kronau about the disturbing noise issues from Lou Basle and Keith Davis, where the loud diesel engines idle for extended period, that their presence in a residential area is unreasonable and asked if there was a way to operate without disturbing the neighbors. Chip Kronau stated his employees try to preload their trucks at end of the work day instead of early morning, sometimes there are municipal emergencies in the middle of the night and on some of the machines the safety alarms can be turned off. Chip feels he does what can be done to minimize disturbances to neighbors. Member McGrath stated the safety alarms are required for the safety of people on-site.

Chairman Jamison read Code 150-29, Screening in commercial settings in addition to the Special Use Permit and that in-place screening must be maintained in good order and continue to act as an appropriate screen at all times. Chairman Jamison has spoken to CEO, Tracy Church, regarding the screening and will contact him to request he inspect the entire site before the next meeting, that perhaps if appropriate screening was installed, Mr. Basle may find the situation easier to accept. Member McGrath reads the description of the required screening, i.e. evergreen, certain sizes, etc. Chairman Jamison said with regard to the "Sales" business on-site, that there many listings on the website. Kevin Kronau stated that the real estate business is a non-issue going forward. Member McGrath considers use to be a minor activity. Member Heckelman asked if prospective buyers come to site to exam the equipment prior to purchase. Chip Kronau stated he has prospective buyers meet him at job sites. Mr. Basle stated that currently listed on Kronau website is four pieces of equipment and 22 accessories. Mr. Basle also requested that when Tracy Church inspects the Kronau site, please have him look at the view from Mr. Basle's backyard.

Chairman Jamison stated the primary concerns of the site are the visual screening and that the noise be limited so to comply with Town Code – no noise between 10 pm to 7 am, except in emergencies and that failure to abide by the noise ordinance has a \$250 fine for each incident. Comments between Chip Kronau and the Board, with Chairman Jamison reminding that the Kronaus were never allowed to extend or expand their operation(s), the Code is very clear on this point. He also stated that while the excavating business was good before the current Code was in place, that will not be the case going forward, that commercial operations are to be located in Commercial zones. There was a number of comments back and forth. Chairman Jamison suggested that the Board work on the wording for a resolution and reconvene in two weeks to discuss and vote.

Motion to close to table until Thursday, October 29, 2020 at 7 pm at the Poestenkill Fire Hall was made by Chairman Jamison, was seconded by Member Heckelman and was approved by four (4) ayes, zero (0) nays and one (1) abstention by Member Burzesi.

Resolution: Tabled until Thursday, October 29, 2020.

Joseph Hitchcock
137.-1-23.12

Planning Board Interpretation Request
160 Lynn Rd. – firewood/sawmill

Chairman Jamison stated that two (2) letters in opposition and one (1) letter in support were received from neighbors. Chairman Jamison stated this matter should be postponed to the Thursday, October 29, 2020 meeting as there is a possibility of a tie vote, it would be best to wait until Member Kalafut returns to vote. Member McGrath said the Town Board is to discuss the District Schedule of Uses – to revise the Code and this Board is to work on suggestions to be forwarded to the Town Board. Chairman Jamison agreed that the Town Board would be considering June Butler’s proposed addition to the Schedule of Uses, not looking specifically at this situation but for future activity and he feels this review might be better handled by the Planning Board. Attorney Mandel-Clemente stated the job of the Zoning Board is to answer the question of her client’s work as “retail”, yes or no, but it is the Planning Board that would consider and grant the Special Use Permit. Chairman Jamison agreed and stated that the Board would issue a resolution of its decision. Member Hoffay stated the Town Board should be the Board to decide this issue and that the Town doesn’t seem to follow the rules consistently. Further, Member Hoffay stated that “light processing” not being allowed in the RR1 and RR2 zones are a glaring omission that needs to be addressed by the Town Board. Town Board Member Butler stated that the Town Board has had some discussion on this issue. Member McGrath stated that logging happens all around where he lives, with portable saws working on trees, sometimes huge saws and the loggers are on other people’s property. There is discussion about voting at this meeting, with Chairman Jamison stating again that it is not in anyone’s best interest to have a possible tie vote. Attorney Mandel-Clemente stated her client would be good with waiting until the return of Member Kalafut as she had been present and directly involved in the entire process. Chairman Jamison made a motion to table this matter to Thursday, October 29, 2020 at 7pm. Motion was seconded by Alternate Burzesi and was approved by five (5) ayes, zero (0) nays and zero (0) abstention.

Resolution: Tabled until Thursday, October 29, 2020.

Organizational:

Wood Processing: Town Board Member, June Butler, stated that wood processing is so common in the Town that she thinks it was unintentionally overlooked in the Code. She sees many different aspects of this issue – from forest management to personal use for heat to processing as a living. She agreed with Member McGrath at the sounds of logging can be heard non-stop, all Summer long within the RR1 and RR2 zone areas and the Town Board needs to address these uses. She again asked the Board Members to please contact her or forward to her all suggestions and comments.

Key Hole Lots: Board Members discussed the confusion of the Code requirements as pertained to road frontage of a lot versus where a house would or could be built, which is 50’ back from the front lot line. Chairman Jamison reviewed the current Code chart. Town Board Member, June Butler, stated that a Local Law of 2014 updated the Code to reflect the

addition of "...50' from the front lot line..." but the content of this Law was not put into the text of the Code, the Code was not updated at the time. The E-Code is in process of being updated. After additional discussion, it was decided the Board will review this matter at future meetings and forward all comments and suggestions to Town Board Member, Harold --- Van Slyke.

Meeting Minutes:

The Board reviewed the August 18, 2020 meeting minutes. Motion to accept the minutes as presented made by Member McGrath, seconded by Member Hoffay and was approved with a vote of four (4) ayes, zero (0) nays and one (1) abstention Alternate Burzesi.

The Board reviewed the September 8, 2020 meeting minutes. Member Hoffay revised his comments, page 5 of 6, third paragraph, sixth sentence to read "...the Code is glaring in not addressing this issue..." and seventh sentence to read "...should address Mr. Hitchcock's situation directly." Motion to accept the minutes as corrected made by Member Heckelman, seconded by Member Hoffay and was approved with a vote of four (4) ayes, zero (0) nays and one (1) abstention, Alternate Burzesi.

There being no further business, a motion to adjourn the meeting was made by Member Heckelman, seconded by Alternate Burzesi and approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Lynn E. Kane, Secretary