



**Planning Board**

November 4, 2020

**TOWN OF POESTENKILL**

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**PLANNING BOARD**  
**November 4, 2020 Minutes**  
**@ Poestenkill Fire Hall**

**Attendees:**

Tom Russell, Chairman  
Jeffrey Briggs  
Harvey Teal  
Don Heckelman  
William Daniel  
Steve Valente

**Non-Voting:**

Robert Ryan, Esq.  
Lynn E. Kane, Clerk

**Absent:**

Robert Dore

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:**

Anthony Alberino  
125.-1-23

Special Use Permit  
273 Main Street

The Secretary read the Public Hearing notice into the record. Member Briggs reiterates that the structure would be placed no closer than 100' from the rear setback, in order to protect the wetlands.

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 six (6) ayes; zero (0) nays and zero (0) abstentions.

Chairman Russell asked if any member of the public in favor of the application wished to speak – there is none. Chairman Russell asks if any member of the public in opposition of the application wished to speak. Neighbor received certified letter and had a few questions which were answered by Applicant and Chairman Russell. Chairman Russell closes the public hearing with “There being no further comments, the public hearing is closed.”

Motion made by Member Valente to approve a Special Use Permit. Motion was seconded by Member Teal and approved by a vote of six (6) ayes, zero (0) nays and zero (0) abstentions.

*Resolution: Special Use Permit granted.*

Robert & Nancy Ducatte  
115.-3-27.111

2 Lot Minor Subdivision  
Reichards Farm Road

The Secretary read the Public Hearing notice into the record. 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 Daniel 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 Heckelman and was approved by a vote six (6) ayes; zero (0) nays and zero (0) abstentions.

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

Motion made by Member Daniel to approve a 2 Lot Minor Subdivision. The motion was seconded by Member Teal and approved by a vote of six (6) ayes, zero (0) nays and zero (0)

*Resolution: 2 Lot Minor Subdivision approved*

Wayne Gooley, Executor  
116.-2-38.11

4 Lot Minor Subdivision  
191 North Road

The Secretary read the Public Hearing notice into the record. Applicant reviewed their wish

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 six (6) ayes; zero (0) nays and zero (0) abstentions.

Chairman Russell asked if any member of the public in favor of the application wished to speak. Chairman Russell asks if any member of the public in opposition of the application wished 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 the 4 lot Minor Subdivision. Motion was seconded by Member Teal and approved by a vote of six (6) ayes, zero (0) nays and zero (0) abstentions.

*Resolution: 4 Lot Minor Subdivision approved.*

**Applicants:**

Joseph Hitchcock  
137.-1-23.12

Special Use Permit  
160 Lynn Rd.

Chairman Russell read the decision of the Zoning Board's Interpretation of Mr. Hitchcock's request for a Special Use Permit for a retail use at his wood processing operation at 160 Lynn Road. Mr. Hitchcock and his attorney were not present to advise the Board of how they would like to proceed. Application to be kept open until next meeting.

**Minutes:** Meeting minutes of October 6, 2020 were reviewed. Motion to accept the Minutes was made by Board Member Valente, seconded by Board Member Daniel and approved by a vote of five (5) ayes; zero (0) nays and one (1) abstention.

**Organizational:**

Lot Line Adjustment proposal – per June Butler, Town Board had not discussed this proposal. Clerk Kane directed to resubmit proposal for review and comment at the Town Board's meeting on November 19, 2020.

Planning Board By-Laws Change – Motion by Chairman Russell to change Section 2. Regular Meetings of the Planning Board By-Laws to read from "...commencing at 7:30 pm..." to read "...commencing at 7 pm...". Motion was seconded by Member Daniel and was approved by five (5) ayes, one (1) nay and zero (0) abstentions.

Clerk Kane advised the Board Members that a new contact list was distributed, that there is continuing education (webinars) available from CDRPC and that the ad run in The Advertiser for the Alternate position had just appeared this past weekend and would be run again, with a few weeks to respond. The Board has received one letter of interest and resume to date.

**Public Comment Period:**

Chairman Russell asked if anyone wish to speak on an issue not already covered and recognized Town Board Member, June Butler. Ms. Butler distributed a copy of her wood processing proposal and copy of the Town's zoning map to the Board Members. She said that she had found no way to include the operation of wood processing within the Home Occupation category as previously discussed and therefore used the wording from the Kennel section of the Code as a template for a proposed Law change for wood processing. She stated she discussed the draft with Attorney Ryan and Chairman Russell and had received other comments to be incorporated. She is still interested in comments and suggestions from all Board Members. Chairman Russell stated the presented proposal was a good start, that there

would be much review of impact on the RA (Residential Agriculture), RR1 and RR2 zones. Further, he stated, with the Town changing, there is a need for everyone's review, maybe other situations to consider and found the inclusion of the zone map helpful when looking at boundaries. Member Heckelman stated he feels strongly that any commercial operation should not be allowed in any residential zone without the issuance of a Special Use Permit. Member Daniel feels that all commercial operations should be treated equally and consistently. He used the example that a Kennel is not allowed in RR1, so the wood processing should not be allowed. There was much discussion regarding the Kennel regulations. Member Valente stated there should be a logging category because there is so much of it throughout the Town. ZBA member McGrath spoke briefly regarding regulations for different acreage, that any proposed commercial operation over ten (10) acres would be directed to the Town Board for a PDD (Planned Development District) designation and that the designation as a PDD would stay with the property, not the property owner. Chairman Russell suggested having a workshop next week and would check on availability of the downstairs meeting room at Town Hall. Member Briggs reminded the Board Members that work needs to restart on the Town's Comprehensive Plan and the Land Use Schedule could be included in that process as well. With no one else wishing to speak, Chairman Russell stated the public comment period was closed.

**Old Business:**

Shuhart – there is some minor engineering work being done.

Gush – notice sent to Mr. Gush's widow requesting direction on how to move forward. Clerk Kane advised the Board of Attorney Ryan's comments regarding need of new application, etc.

A motion to adjourn the meeting at 8:30 pm was made by Member Heckelman, 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