

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of **POESTENKILL**
Town
Village

Local Law No **3** of the year **2016**

A local law **AMENDING THE LAND USE REGULATIONS AND LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL**
(Insert Title)

Be it enacted by the **Town Board** of the
(Name of Legislative Body)

County
City of **POESTENKILL** as follows:
Town
Village

Section 1. Title.

This chapter shall be cited and may be hereafter referred to as "Zoning Amendment Law No. 1 of the Year 2016 of the Town of Poestenkill."

Section 2. Legislative authority, intent and purpose.

Town Law §§ 264 and 265 provide for the adoption and amendment of municipal zoning regulations and the boundaries of municipal zoning districts and such statutory authority is reflected in the Code of the Town of Poestenkill. In particular, the requirements and procedures for rezoning to an NP (Natural Products) Zoning District are addressed and set forth in §150-67 of the Code and Article XV thereof. An application for rezoning having been submitted to the Town on behalf of Warren W. Fane Trucking, P.C., it is the purpose and intent of this local law to amend the Land Use Regulations of the Town of Poestenkill (Chapter 150 of the Code of the Town of Poestenkill) and the Land Use District Map of the Town of Poestenkill by changing from the present zoning classification of R (Residential) to NP (Natural Products) that parcel of land approximately 9.985 acres in size owned by Perry Brothers Sand and Gravel, Inc. and located northwesterly of Snyders Corners Road in the Town of Poestenkill, with surface boundaries as more particularly described and set forth on the map dated April 26, 2016 entitled Rezoning Application Map by Griggs-Lane Consulting Geologists, Inc. submitted with the rezoning application for said parcel, and being further bounded, described and limited in the vertical dimension by a horizontal plane set at 5 feet above the mean high water table, below which elevation this rezoning law does not apply and the NP zone hereby created does not exist, and accordingly below which elevation any excavation or other mining activity remains prohibited by the land use legislation of the Town of Poestenkill.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Changing zoning classification from R (Residential) to NP (Natural Products).

By virtue of the authority set forth in Sections 264 and 265 of the Town Law of the State of New York, the Town of Poestenkill hereby amends the Land Use Regulations of the Town of Poestenkill (Chapter 150 of the Code of the Town of Poestenkill) and the Land Use District Map of the Town of Poestenkill by changing from the zoning classification of R (Residential) to the zoning classification of NP (Natural Products) that parcel of land approximately 9.985± acres in size owned by Perry Brothers Sand and Gravel, Inc. and located northwesterly of Snyders Corners Road in the Town of Poestenkill, with surface boundaries as more particularly described and set forth on the map dated April 26, 2016 entitled Rezoning Application Map by Griggs-Lane Consulting Geologists, Inc. submitted with the rezoning application for said parcel, and being further bounded, described and limited in the vertical dimension by a horizontal plane set at 5 feet above the mean high water table, below which elevation this rezoning law does not apply and the NP zone hereby created does not exist, and accordingly below which elevation any excavation or other mining activity remains prohibited by the land use legislation of the Town of Poestenkill. Said rezoning is also subject to the following conditions:

- (a) Any and all excavation and related mining operations, exclusive of reclamation, shall cease within five (5) years of issuance of a Special Use Permit (SUP) by the Poestenkill Town Planning Board or the issuance of a mining permit by the New York State Department of Environmental Conservation (DEC), whichever shall last occur. The SUP shall be renewable, upon request of the permit holder and on the condition that no violations causing lasting environmental harm have occurred, for a single two (2) year period. Upon expiration of the SUP, the subject parcel shall revert back to its zoning district classification of "Residential" (R);
- (b) In addition to the depth restriction for all rezoning as hereinabove set forth, the final elevation of any point after completed operations shall not be lower than 425 feet ASL;
- (c) There shall be no excavation within 150 feet of any existing residential structure; and
- (d) All residential wells (defined as machine drilled wells supplying potable water for residential use) within 500 feet of the boundary of the rezoned parcel shall be eligible to have their water supply replaced in the event of a substantiated claim of reduced water quality or quantity, pursuant to the following conditions:
 - (i) the well owner agrees to allow the applicant, at no expense to the well owner, to document the existing condition of the well (well construction, and water quality and quantity);
 - (ii) in the event of a substantiated claim of reduced water quality or quantity, the applicant shall provide potable water to the well owner while any necessary investigation is carried out; and
 - (iii) if it is determined that mining is likely to be a contributing cause of the alleged decrease in water quantity or quality and the well cannot be restored, the applicant shall bear the cost of connecting the subject residence to the municipal water supply.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 4. Severability.

If any section or provision of this local law should hereafter be determined by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such determination shall not affect the validity of this local law as a whole or of any part of this local law other than the section or provision so declared to be unconstitutional or invalid.

Section 5. Effective date and applicability.

This local law shall take effect immediately upon filing with the department of state of the State of New York.

At a duly convened meeting of the Town Board of the Town of Poestenkill conducted at the Poestenkill Town Hall at 7:00 PM on the 21st day of July, 2016.

RESOLUTION NO. _____ OF THE YEAR 2016

IN THE MATTER OF THE APPLICATION BY WARREN W. FANE TRUCKING, INC. TO AMEND THE LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL SO AS TO RE-ZONE FROM RESIDENTIAL ("R") TO NATURAL PRODUCTS ("NP") CERTAIN LANDS OWNED BY PERRY BROTHERS SAND AND GRAVEL, INC. LOCATED NORTHEAST OF SNYDER'S CORNERS ROAD – APPROVAL OF REZONING APPLICATION

WHEREAS, heretofore and on or about November 12, 2015, an application by Warren W. Fane Trucking, Inc. was filed with the Poestenkill Town Clerk requesting the Poestenkill Town Board to change the Land Use District Map of the Town of Poestenkill by re-zoning from R (Residential) to NP (Natural Products) a single parcel owned by Perry Brothers Sand and Gravel, Inc. and located to the northeast side of Snyders Corners Road in the Town of Poestenkill, New York, as more particularly described and defined on a map provided by the applicant as part of the application; and

WHEREAS, said application was transmitted to this Town Board which thereafter examined said application and questioned the applicant regarding various aspects of same and elicited from the applicant certain revisions to and clarifications of the application and the applicant in response thereto submitted an amended application on or about January 13, 2016, which amended application, among other things, clarified that the requested re-zoning is for only ten (10) acres of the previously identified 17.7 acre parcel, and said amended application was found to be sufficiently regular and proper on its face so as to allow this Town Board to entertain said application; and

WHEREAS, the Town Board by Resolution adopted January 21, 2016 proceeded to entertain the amended re-zoning application, subject to the conditions and restrictions set forth therein, by referring it to the Poestenkill Town Planning Board for its review and recommendation as to classification of the proposed action under the State Environmental Quality Review Act (SEQRA), and also referred same to the Rensselaer County Bureau of Economic Development and Planning (County Planning); and

WHEREAS, written Notification of Zoning Review Action was received from County Planning by the Town Clerk on February 1, 2016 indicating County Planning's determination that the proposed action does not have a major impact on County plans and that local consideration shall prevail; and

WHEREAS, the Town Planning Board thereafter and by Resolution adopted February 2, 2016 recommended that the proposed action be classified as a Type I SEQR action [as said term is defined in 6 NYCRR 617.4]; and

WHEREAS, in order for the Town Board as proposed lead agency to conduct a meaningful review of the application for SEQR purposes, it was necessary that the applicant, in accordance with 6 NYCRR 617.6(2), prepare and submit Part 1 of a Full Environmental Assessment Form (Full EAF) in the form set forth in 6 NYCRR 617.20, Appendix A for the Town Board's review and evaluation so that said Board might prepare Part 2 of the Full EAF and, as needed, Part 3 thereof, and ultimately determine whether and to what extent the proposed action would have a significant adverse environmental impact; and

WHEREAS, Part 1 of said Full EAF was in fact submitted by the applicant to the Town Board for its consideration; and

WHEREAS, the Poestenkill Town Board accepted the Planning Board's recommendation that the proposed action be classified as a Type I action for SEQR purposes; and

WHEREAS, the Town Board, by Resolution adopted February 25, 2016 and in accordance with 6 NYCRR 617.6(b), established itself as lead agency with respect to said proposed Type I action; and

WHEREAS, the Town Board, as lead agency, thereafter reviewed Part 1 of the provided Full EAF, advise the applicant as to certain information requiring correction, clarification, or more detailed exposition, all of which was thereafter provided in an amended Part 1, and the Town Board thereafter prepared and completed Parts 2 and Part 3 of the Full EAF, making such findings and determinations and adding such conditions or qualifications as it deemed necessary and desirable (all such findings, determinations, conditions and/or qualifications being ultimately set forth in a Negative Declaration); and

WHEREAS, the completed rezoning application, including the Full EAF and the aforesaid findings and determinations of this Town Board, was thereafter re-transmitted to the Poestenkill Planning Board for its consideration and report back to the Town Board pursuant to Town Code Section 102-81; and

WHEREAS, following receipt of the Planning Board report, a proposed local law adopting the necessary amendment to the Land Use Code was prepared and a notice of public hearing on said proposed local law was duly published and said hearing was duly scheduled for July 21, 2016; and

WHEREAS, said public hearing was conducted as scheduled and input was had from the public and the members of the Town Board, and the Town Board duly considered such input; and

WHEREAS, at the Town Board meeting of July 21, 2016, the Board directed that certain additional conditions thereof be negotiated with the applicant and incorporated in any local law granting said rezoning application; and

WHEREAS, said conditions were in fact agreed to by the applicant and incorporated in the proposed local law effecting such rezoning;

NOW, LET IT THEREFORE BE

RESOLVED, that the aforesaid proposed local law, including and subject to all conditions and restrictions set forth therein, be and hereby is adopted by the Town Board; and it is further

RESOLVED, that the Town Clerk be and hereby is directed to file said local law with the New York State Department of State and that a copy of same also be provided to the appropriate representative of the New York State Department of Environmental Conservation (DEC) for DEC's information and use in the issuance to the applicant of any mining permit.

MOVED BY: _____

SECONDED BY: _____

Prepared and approved as to form by:
Patrick J. Tomaselli, Esq.,
Poestenkill Town Attorney

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: _____

Councilman David Hass: _____

Councilman Harold Van Slyke: _____

Councilman Eric Wohlleber: _____

Supervisor Dominic Jacangelo: _____

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
JULY 21, 2016
(Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Butler	Present
Councilman Hass	Present
Councilman Van Slyke	Present
Councilman Wohlleber	Present
Supervisor Jacangelo	Present

NON VOTING MEMBERS

Susan Horton, Town Clerk
Patrick Tomaselli, Attorney

Motion by Hass, seconded by Wohlleber and carried that the monthly bills had been audited for payment.

Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and stated that the first item on the agenda was the public hearing on proposed Local Law #3-2016 entitled "2016 Zoning Amendment Law of the Town of Poestenkill." The affidavit of publication was available for review. This proposed law would amend the Land Use Regulations of the Town and the Land Use District Map by changing from the previous zoning classification of Residential to Natural Products of a parcel of land approximately 9.98 acres in size and located northwesterly on Snyder Corners Road. A short presentation was presented by Attorney B. Doyle attorney for Perry Brothers, actual owner of the property who explained where the property was located and what exactly was going to be done at the Snyder Corners site pertaining to their application. He did emphasize that there would not be any extra traffic from this site because the trucks would exit through their current road within the site. The SEQRA has already been processed through the Town Board also. Four elements were of concern and discussed at the last Town Board meeting which include no mining to be done in the water table, no excavation within 500 feet of an existing resident, mining to sunset within 3 years of the SUP or DEC permit whichever is later and then the land reverts back to Residential, and the applicant shall bear the cost of connecting said owner to the municipal water supply if a residential well within 500 feet of the rezoned parcel fails. Fane representative addressed these issues; That being that the buffer will be left in place; Their lowest spot of excavation will be 5 feet above the existing water table; a tax map will be presented that identifies the homes within that 500 feet to hook up residents of the rezoned parcel if it is proven that the loss of their wells is from the effect of their operation (take a flow) prior to excavation. He also questions the sunset clause and it is not realistic to be done in that period of time and suggest that the time be 6 years. Supervisor Jacangelo thanked the representatives for their presentation. Supervisor Jacangelo then reviewed the rezoning process and opened the floor up to comments. Residents in the Snyder Corners road area shared their views some pro some con. Supervisor Jacangelo did state he did not think that there would be any well issues in the area. He wants to be confident that what is put into this local law is upheld. There was also concerns over the noise issue and the length of time of the excavating. Supervisor Jacangelo stated that he is keeping the Public Hearing open so comments can be written if so desired and he feels the discussion tonight are significant changes as to what was proposed at the last meeting. The legislation on this issue will discussed later on in the meeting. The audio tape is available in the Town Clerk's Office.

RESOLUTION #17-2016-IN THE MATTER OF THE APPLICATION BY WARREN W. FANE TRUCKING P.C. TO AMEND THE LAND USE DISTRICT MAP OF THE TOWN OF POESTENKILL SO AS TO REZONE FROM RESIDENTIAL TO NATURAL PRODUCTS CERTAIN LANDS OWNED BY PERRY BROTHERS SAND AND GRAVEL INC. LOCATED NORTHWEST OF SNYDERS CORNERS ROAD ACKNOWLEDGING ADOPTION OF NEATIVE DECLARATION AND RECEIPT OF REPORT FROM TOWN PLANNING BOARD PURSUANT TO TOWN CODE SECTION 102-81 AND SETTING OF PUBLIC HEARING ON PROPOSED REZONING was adopted by a motion at the June 16, 2016 meeting and the formal resolution was included in the town board packets for this meeting.

Public Comment-T. Anastasia thinks that the Town Board should consider hiring an assistant to the Building Inspector's office because of all of the "hats" he wears. Councilman Wohlleber stated that the Town of Sand Lake voted unanimously in agreement with Sand Lake Ambulance that they will back up any of our main ambulance service issues to any of the schools in Poestenkill until the end of the year. Councilman Van Slyke and Wohlleber have started negotiating talks with some of the surrounding services and will be meeting with the Poestenkill Fire Co. and then there will be a final recommendation to the Town Board. Legislator Bayly stated that the County has contacted Mohawk to get a quote on a second ambulance for this area but has not heard back yet from Mohawk. Supervisor Jacangelo stated that his understanding was that the County has put out an RFP for response for several towns? Bayly said that he had not seen that paperwork. T. Russell reported that the Food Pantry is serving several families now. T. Klobus wanted to file a complaint about the noise from County Waste at 4:30 a.m every Wednesday morning and he decided he would speak with the Town Board before he proceeds with the issue. Supervisor Jacangelo stated that he has another issue that he has to speak with the company about so he will also tell them about this issue.

Motion by Wohlleber, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of the June 16, 2016 Town Board meeting as written.

Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of June 7th and July 5th in their packets. H. Teal, liaison from the Planning Board elaborated on these meetings. There was some discussion over dimensions of signs in the town.

Zoning Board –Town Board members had copies of the June 12th ZBA meeting in their packets and T. Lantry elaborated on the meeting.

Fire Company – Town Board members had copies of the Fire Co. June report and D. Basle reported on the devastating fire on Vosburg Rd. and he thanked the highway superintendent for his help on that day.

Library – M. Wait reported on the events happening at the library.

Youth Advisory Board-Councilman Wohlleber reported on summer camp.

CAC-No Report.

Correspondence:

Multiple emails pertaining to the merger of Time Warner Cable with Charter Communications and that the town's franchise is now under the control of Charter Communications, Inc.

Discussion Items:

Fee Schedule regarding the Planning Board Memo dated 4/21/16-Supervisor Jacangelo had some issues on the process dealing with the fees. He feels that the Planning Board could do this change at the PB level as to when they are going to collect fees. Chairman Grattan was present and said that this will be done at the next Planning Board meeting.

Action Items:

Fee Schedule-This was already discussed.

Local Law amending the Land Use Regulations and Land Use District Map-Councilman Van Slyke would like the 3-year clause removed and 6 years put into the sunset clause in the proposed local law as Mr. Doyle had explained and Councilman Hass would like the 3 years removed from the sunset clause also. Supervisor Jacangelo suggests that the sunset clause go to 5 years allowing for a 2-year extension if requested 6 months prior to the 5 years being up. The presumption is that the extension shall be granted unless there is a history of violations. Mr. Tomaselli will draft the new proposed local law for the August meeting. Motion by Supervisor Jacangelo, seconded by Butler and an oral vote of 4 ayes with 1 nay by Councilman Wohlleber to amend sub paragraph 9 (a) in the proposed local law to change the sunset clause to 5 years allowing for a 2-year extension. A. Shultz, representing Fane stated that felt this was a fair proposal and he was confident that Mr. Tomaselli would have the correct wording in the proposed law and he and Mr. Shultz will correspond together on the issue. Motion by Van Slyke, seconded by Butler to amend sub paragraph © under the rezoning conditions in the draft local law to change that there will be no excavation within 150 feet of any existing residential structure and carried with 3 ayes and 2 nays by Supervisor Jacangelo and Councilman Wohlleber. When the changes are done to the draft, Mr. Tomaselli will distribute the new draft to Town Board members. The changes will be posted to the Town website and something will be written for the Advertiser. This will be discussed at the next Town Board meeting.

Resolution to honor Maxwell Everett-RESOLUTION #18-2016-IN THE MATTER OF THE TOWN BOARD OF THE TOWN OF POESTENKILL FORMALLY RECOGNIZING THE ACHIEVEMENTS OF LOCAL RESIDENT AND EAGLE SCOUT MAXWELL EVERETT Resolved that the Town Board on behalf of the Town and its residents hereby unanimously recognizes and applauds the extraordinary achievements of Maxwell Everett and congratulate him on the attainment of rank of Eagle Scout and to that end hereby requests that a certified copy of this Resolution be presented to Maxwell at his upcoming Eagle Scout Court of Honor Ceremony.

MOVED BY: Councilman Wohlleber

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS

Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Jacangelo	YES

Appointment of Paul Barringer-Motion by Hass, seconded by Butler and an oral vote of 5 ayes authorizing the appointment of Paul Barringer to the position of Code Enforcement Officer in the absence of Robert Brunet.

Motion by Butler, seconded by Hass and an oral vote of 5 ayes authorizing the appointment of Leonard Clapp as Water Manager in the absence of Robert Brunet.

RESOLUTION#21-2016 - IN THE MATTER OF AUTHORIZING AND DIRECTING THE SUPERVISOR OF THE TOWN OF POESTENKILL TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION. Resolved, that a certified copy of this Resolution be transmitted to the New York State Office of Parks, Recreation and Historic Preservation.

MOVED BY: Councilwoman Butler
 SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

Councilwoman Butler: YES
 Councilman Hass: NO
 Councilman Van Slyke: YES
 Councilman Wohlleber: YES
 Supervisor Jacangelo: YES

*(please note that Resolution #21 is out of order)

Tim Sluus-various insurance coverage -It was formally voted on at a previous Town Board meeting that the town would pay up to \$400 a month for his health insurance as an incentive for early retirement. His insurance worked out to be \$40 a month and now he has asked for dental insurance. Supervisor Jacangelo approved it on the voucher level but wanted the Town Board to be aware of the issue and it is still well under the \$400 that had previously been approved.

Reports:

Supervisor's Report- Supervisor Jacangelo thanked the Sullivan Jones Post and the PBA for the significant amount of money that was donated to the summer camp so some kids that were unable to attend were able to attend because of their donations. He visited with R. Brunet and he is doing well and he feels Mr. Barringer is fitting in nicely. Supervisor Jacangelo made it clear that the appointments that were made tonight filling Mr. Brunet's positions are temporary. Supervisor Jacangelo had an issue with the Historical Society budget and basically what was budgeted for 2016 is gone.

Town Attorney's Report – Mr. Tomaselli reported that he had drafted the resolutions for tonight's meeting, spent a lot of time on the Fane documents and he had normal day to day conversations with the Town staff.

Town Clerk's Report – Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's report of June 2016. The total amount received in the Clerk's office was \$9,708.87 and of that amount \$8,849.15 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. There were also reports from the Assessor, DCO, and the Highway Dept. Supervisor Jacangelo stated that it was decided months ago that the town was going to pave the turnaround at the end of Vosburg and at this point he would cease the opportunity to pave that turnaround on Vosburg and Mr. Brunet did send Malcom's an offer for the property that he had worked out with the Assessor. Very small piece of property but the fire there brings up the point that the turnaround would be a good thing.

Budget Transfers:

RESOLUTION #19-2016-IN THE MATTER OF THE TRANSFER OF CERTAIN HIGHWAY BUDGET FUNDS RESOLVED that it is hereby authorized and directed as follows: That the sum of \$6,839.71 be transferred from Highway Budget fund line item 2513.04 (Machinery-Contractual) to Highway Budget fund line item 2513.02 (Machinery-Equipment).

MOVED BY: Councilman Hass
 SECONDED BY: Councilman Wohlleber

VOTED UPON AS FOLLOWS:

Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Jacangelo	YES

RESOLUTION #20-2016-IN THE MATTER OF THE TRANSFER OF CERTAIN GENERAL BUDGET FUNDS RESOLVED that it is hereby authorized and directed as follows: That the sum of \$247.60 be transferred from General Budget fund line item 1199.04 (Contingency) to General Budget fund line item 1191.04 (Insurance) and that the sum of \$403.51 be transferred from General Budget fund line item 1199.04 (Contingency) to General Budget fund line item 1751.04 (Historian-Contractual and that the sum of \$515.00 be transferred from General Budget fund line item 1199.04 (Contingency) to General Budget fund line item 1851.04 (Beautification).

MOVED BY: Councilman Wohlleber
 SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

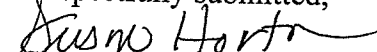
Councilwoman Butler	YES
Councilman Hass	YES
Councilman Van Slyke	YES
Councilman Wohlleber	YES
Supervisor Jacangelo	YES

Payment of Bills:

Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to pay Warrant #13 -2016 in the amount of \$132,628.78. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #14-2016 in the amount of \$11,483.20.

Motion by Jacangelo, seconded by Butler and carried to exit to Executive Session at 9:10 p.m. to discuss a personnel issue and the Highway Superintendent was asked to stay with no votes being taken in Executive Session. Motion by Van Slyke, seconded by Hass and carried to exit from Executive Session and immediately adjourn this meeting at 9:45 p.m.

Respectfully submitted,


 Susan Horton, Town Clerk

From: Coscione, Susan D <Susan.Coscione@charter.com>
Sent: Tuesday, July 19, 2016 3:08 PM
Subject: Programming Notice



July 19, 2016

Dear Municipal Official:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable (now Charter Communications) subscribers in the Eastern New York area.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future where these services are offered:

WFNY-CA, WRNN, Music Choice channels 1900-1950, POP SD&HD, TV One SD&HD, GMA Life TV, GMA Pinoy, Aspire, Fuse SD&HD, Go! TV SD&HD, Outdoor Channel SD&HD, Weather Channel SD&HD, RFD, YouToo

In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are scheduled to take place:

Pop TV (fka TV Guide) scrolling guide service will cease on or about August 12, 2016

We will be providing you these notifications whenever there is a change in channel or programming service. You can also check our division website at www.twc.com if you would like more updated information.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Alice J. Kim".

Alice J. Kim
Director, Government Affairs
Charter Communications

From: Coscione, Susan D <Susan.Coscione@charter.com>
Sent: Monday, August 01, 2016 12:01 PM
Subject: Programming Notice



August 1, 2016

Dear Municipal Official:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable (now Charter Communications) subscribers in the Eastern New York area.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future where these services are offered:

WFNY-CA, WRNN, Music Choice channels 1900-1950, POP SD&HD, TV One SD&HD, GMA Life TV, GMA Pinoy, Aspire, Fuse SD&HD, Gol TV SD&HD, Outdoor Channel SD&HD, Weather Channel SD&HD, RFD, YouToo

In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are scheduled to take place:

Pop TV (fka TV Guide) scrolling guide service will cease on or about August 19, 2016

We will be providing you these notifications whenever there is a change in channel or programming service. You can also check our division website at www.twc.com if you would like more updated information.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Alice J. Kim".

Alice J. Kim
Director, Government Affairs
Charter Communications

Joyce A. Blauvelt

351 Plank Road
Averill Park, New York 12018

(518)283-4406

b_b7@msn.com

July 26, 2016

To: The Town of Poestenkill:
Fax No.: 283-7550

RE: People traveling at high rates of speed on Plank Road

To Whom It May Concern:

Following please find a letter to Kathy Jimino regarding cars traveling at high rates of speed on Plank Road in the mornings, and a reply from her office to me. I didn't realize that it would be such an involved matter to get speed limit signs posted on a road with many curves. I therefore respectfully request that this matter be brought before the Town Board to consider passing a resolution to have speed limit signs posted for no more than 35 miles per hour, and for this road to be patrolled, especially mornings. I am sure that most of you are aware of the many curves on this road and the fact that this is not a road to be traveled at high rates of speed.

When I moved here in 1962, this was a quiet and safe area to raise my children, with a small town country feel which was, to me, just perfect. Now, since the population growth and the speeders in the morning, it is no longer safe even to try to back out of my driveway, and it is no longer quiet, with cars and trucks going through here at a high rate of speed, some of them very noisy. There are times when if I am talking with someone standing in my dining room with the windows open and a large noisy truck goes by, we have to stop our conversation until it passes.

Thank you in advance for your consideration of my request. I would truly appreciate at least some of the quietness and safety of this road restored.

Respectfully,

Joyce A. Blauvelt
Joyce A. Blauvelt

Encs.



**RENSSELAER COUNTY
OFFICE OF THE EXECUTIVE
NED PATTISON GOVERNMENT CENTER
TROY, NEW YORK 12180**

**Kathleen M. Jimino
County Executive**

**Phone: (518) 270-2900
Fax: (518) 270-2961**

July 26, 2016

Ms. Joyce A. Blauvelt
351 Plank Road
Averill Park, NY 12018

Dear Ms. Blauvelt:

Thank you for your letter regarding the speed limit on Plank Road / County Route 40. I spoke with the County Engineer about the situation you describe in order to determine how best to address it.

The reason that there are no speed limit signs on certain portions of the road is that the state speed limit of 55 miles per hour is in effect. In order to change the speed limit on those sections to something other than 55 mph, there is a process that has been setup in which the Town, County and State must all be involved.

The first step would be for you to ask the Town to have the speed limit reduced. Assuming the Town concurs, the Town Board would have to pass a resolution asking the County to lower the speed limit. We would in turn send that resolution from the Town to the New York State Department of Transportation for their review and, hopefully, their approval. At that point the County would be authorized to post the new speed limit signs.

If you any questions with regard to this process, please don't hesitate to let me know. I can be reached at 270-2900 or kjimino@rensco.com.

Sincerely,

Kathleen M. Jimino
Kathleen M. Jimino
Rensselaer County Executive

* 7/25/16 No REPLY
No ACTION

Joyce A. Blauvelt

351 Plank Road
Averill Park, New York 12018

(518)283-4406

b_b7@msn.com

July 11, 2016

ATTN: Kathleen M. Jimino, County Executive
Facsimile No.: 270-2961

REFAXED w/ map

Dear Ms. Jimino:

I live on the Plank Road in Poestenkill by the intersection of Blue Factory Road where the Barberville Falls are. Across the road from my house is a sign which states "End of 40 MPH". I notice there are no speed limit signs above my house. Every morning, between the hours of approximately 6 a.m. and 8:30 a.m. cars come flying down through here at a very high rate of speed and one day I'm afraid there is going to be a fatal accident on the corner with someone speeding off the bridge on Blue Factory. I have called the Sheriff's Department for a patrol out here at those hours, they tell me they will try to send a car out, but then nothing happens. I suspect the reason they can't do anything is because there are no speed limit signs. Sometimes when I try to back out of my driveway in the morning, I have to quickly pull back in again because there is a car coming at a high rate of speed around the blind curve above my house.

I invite you or any member of your staff to drive out here in the morning and just sit in my driveway and watch the traffic fly by. There are a couple of cars which come by early in the morning on two wheels around that curve.

Therefore, I respectfully request that the county put some speed limit signs up the road from the intersection, remove the "End of 40 MPH" sign, (no one should be going over 40 miles per hour on this road with its curves) and request a highway patrol car here between the hours mentioned above. It just might save a life or two sometime in the near future and, possibly create some revenue for the county.

If there is no action to my request within a reasonable amount of time, I will contact other entities with the matter. Thank you for your time and consideration of my request.

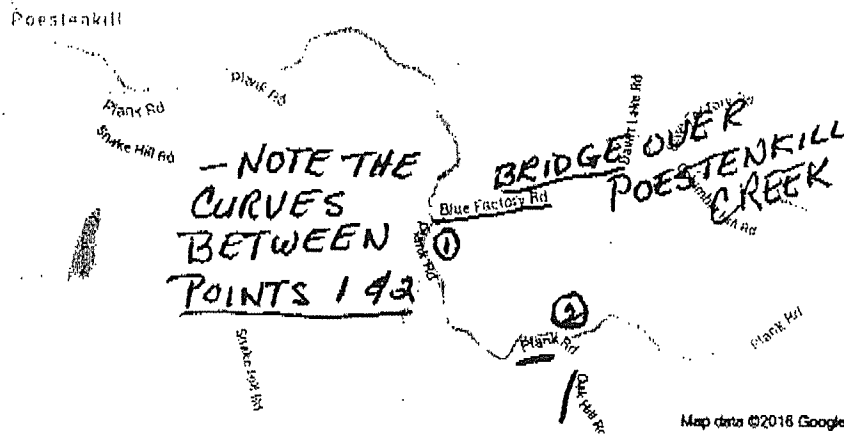
Respectfully,

Joyce A. Blauvelt
Joyce A. Blauvelt

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Barberville, Poestenkill, NY 12018

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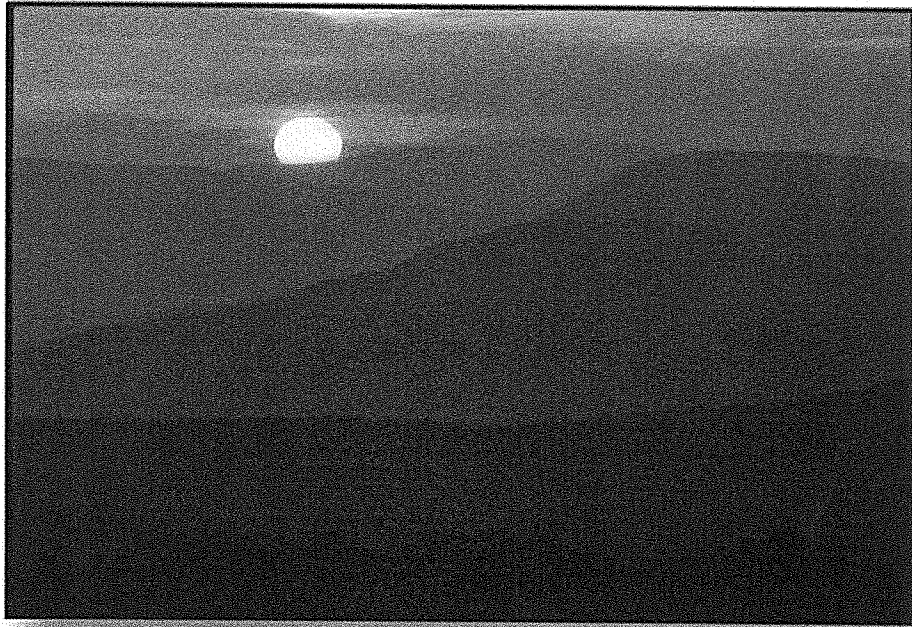
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 ② THERE ARE
2 20 mi. pr. hr.
CURVE SIGNS
 WITHIN CLOSE
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 ANOTHER. —
NO OTHER
SPEED LIMIT
SIGNS!

THERE NEEDS
 TO BE SPEED
 LIMIT SIGNS
 THAT ARE
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 AROUND THESE
 CURVES,

Rensselaer Plateau Signage Project

Towns of Sand Lake, Poestenkill and Nassau

Public Workshop



Please join us for a workshop to present draft designs for road signage and a branding logo identifying the Rensselaer Plateau and its amenities.

WHEN: Wednesday, August 24, 2016

WHERE: Sand Lake Town Hall
8428 NY 66, Sand Lake

TIME: 6:30-8:00 PM

For More Information:

Monica Ryan, Town of Sand Lake
mryan@sand-lake.us

This project was made possible by a grant from the
**NY Hudson River Valley
Greenway**

Photo: Courtesy of Nate Simms

ARTICLE XVI / VACANCIES

Section 1. Any vacancy or new position, except for a labor vacancy or new labor position shall be posted for a minimum of two (2) days for the opportunity of present employees willing to bid on such opening, prior to any position being filled.

Section 2. Appointments to vacant promotional positions shall be made wherever possible from within the bargaining unit on a basis of seniority.

ARTICLE XVII / GRIEVANCE PROCEDURE

The following procedure shall be the method of resolving any dispute regarding the interpretation or application of a provision of this contract or discipline imposed on a permanent employee in this bargaining unit. Disciplinary grievances shall be submitted directly at Step Two of the grievance procedure.

The term "days" used in this Article shall mean calendar days. If the last day upon which an action under this Article may be taken is a Saturday, Sunday or Town Holiday, the time shall be extended to the next Town business day.

STEP ONE

Within ten (10) days of the occurrence of the dispute, the matter shall be orally discussed with the Superintendent of Highways. Within three (3) days of the discussion, the Superintendent of Highways shall render a decision.

STEP TWO

If the dispute is not satisfactorily resolved at the First Step, the aggrieved shall reduce the dispute to writing and submit to the Superintendent of Highways within five (5) days of the issuance of the Step One decision. In the event that a permanent employee wishes to grieve the imposition of discipline, a written grievance must be submitted to the Superintendent of highways within five (5) days after service of disciplinary charges.

Within five (5) days of receipt of the written grievance, the Superintendent of Highways shall render a decision in writing.

STEP THREE

If the dispute is not satisfactorily resolved at the Second Step, the CSEA may appeal the Superintendent of Highway's determination to the Town Board. Said appeal must be received by the Town (Office of the Supervisor) within 10 days of CSEA's receipt of the Superintendent's determination. The CSEA may request a

ARTICLE XVII / GRIEVANCE PROCEDURE (CONTINUED)

meeting with the Town Board, such meeting to be held as an "executive session." The Town Board will have 15 days from the close of the meeting to render a written decision to CSEA.

STEP FOUR

If the dispute is not satisfactorily resolved at the Third Step, the CSEA shall file a demand for arbitration within ten (10) days after issuance of the Step Three decision. The appeal shall be submitted in writing in accordance with the rules and procedures of PERB. The decision of the arbitrator shall be final and binding on all parties thereto. Such decision shall be in writing and forwarded to the CSEA and the Town. The fees and expenses of arbitration shall be shared equally by both parties.

ARTICLE XVIII / PAST PRACTICES

Disputes about claimed changes in terms and conditions of employment provided by the express terms of this Collective Bargaining Agreement shall be processed under the grievance procedure contained in this Agreement.

Disputes about claimed changes in terms and conditions of employment other than those provided by the express terms of this Collective Bargaining Agreement shall be processed as Improper Practice Charges before the Public Employment Relations Board.

ARTICLE XIX / SAVINGS CLAUSE

Section 1. If any Article or part thereof of this Agreement or any addition thereto should be decided as in violation of any Federal, State or Local Law, or if adherence to or enforcement of any Article or part thereof should be restrained by a court of law, the remaining Articles of this Agreement or any addition thereto shall not be affected.

Section 2. If a determination or decision is made as per Section 1 of this Article, the original parties to this Agreement shall immediately convene for the purpose of negotiating a satisfactory replacement for such Article or part thereof.



TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

Planning Board

PLANNING BOARD AGENDA

August 2, 2016

7:30 Meeting Opens – Pledge of Allegiance

Public Hearing

<u>Laura & Nathaniel Angell</u>	<u>2 Lot Minor Sub-Division</u>
116.2-18.2 and 116.-2-29.2	376 North Road

Public Comment Period

Minutes of the July Meeting

New Business

<u>John Le Boeuf</u>	<u>Advisory Opinion</u>
125-9-4	3 Pandora Drive

Discussion Item

Change if fee collection process

Executive Session

Workshop

Lot Line Adjustment definition



Planning Board

TOWN OF POESTENKILL

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Poestenkill, NY 12140

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PLANNING BOARD

August 2, 2016 Minutes

(Distributed before approval)

Attendees:

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

Absent:

Robert Ryan, Attorney

Chairman Grattan called the meeting to order at 7:30 pm with the Pledge of Allegiance.

Public Hearing

Laura & Nathaniel Angell

(Tax Map # 116.2-18.2 and 116.-2-29.2)

2 Lot Minor Sub-Division Application

376 North Road

The applicants would like to subdivide their property to create a 2.1 acre lot with the house to be sold.

Chairman Grattan read the public hearing notice into the record. The SEQRA portion of the public hearing began with Chairman Grattan reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. A motion was made by Chairman Grattan that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Board member Teal seconded the motion and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Given the negative declaration, the final public hearing on the approval portion of the application was conducted after the SEQRA hearing. Chairman Grattan asked for comments in favor or in opposition of the final portion of the application. With no comments from the public, the public comment period was closed. A motion to approve the 2 lot minor subdivision was made by member Daniel and seconded by member Heckelman and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

Resolution of Issue: The 2 lot minor subdivision was approved.

Public Comment Period

There being no comments from the public, the public comment period was closed.

Advisory OpinionsJohn Le Boeuf

(Tax Map # 125-9-4)

Advisory Opinion–Area Variance

3 Pandora Drive

Mr. Le Boeuf was not present for the meeting. According to his application he wants to construct an addition to his home that will have a 10.5 foot front setback in an R zone that requires a minimum 50 foot setback. After review of the paperwork provided, the Board decided that there were no planning issues with this application. However, the Board expressed concern at only having a 10.5 foot front setback.

*Resolution of Issue: Planning Board has no planning issues with the application.
Memo to be sent to ZBA reflecting this.*

Minutes

The minutes of the Board meeting on July 5, 2016 were reviewed. It was decided to wait until next month to review the corrections to the June 7, 2016 minutes when they would be formatted for easier review.

The following amendments made to the minutes of June 7, 2016:

Correct the spelling of Board member Daniel's name from Daniels to *Daniel*.

(Page 1, Paragraph 2, Line 1 and Page 1, Paragraph 5, Line 2
and Page 2 Paragraph 8 Line 1)

Rensselaer Plateau AllianceSpecial Use Permit

(Page 1, Paragraph 5, Line 2) Change the text "debating the issue a motion..." to read "*debating the issues, particularly trespassing, litter, and additional traffic a motion.....*"

(After Page 2, Paragraph 1, Line 5) Add the text "*While not a condition of the Special Use Permit the Rensselaer Plateau Alliance agreed, as a courtesy, to notify the Town of when timber harvesting occurs.*"

Francis WilkinsMinor Subdivision

(Page 2, Paragraph 6, Line 1) Correct typo "attached to tan abutting...." to read "attached to *the* abutting...."

(Page 2, Paragraph 7, Line 3) Change the text "impact resulting in a negative declaration." to read "*impact and therefore a negative declaration should be issued.*"

A motion to accept the minutes as amended, with the exception of the corrections to the June 7, 2016 minutes, was made by Chairman Grattan, seconded by Board member Daniel, and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstention.

The following amendments to the June 7, 2016 meeting have been reformatted and need to be reviewed in August:

(Page 1, Paragraph 4, Line 1) and
(Page 2, Paragraph 3, Line 1)

Correct the spelling of Board member Teal's name from Howard Teal to "*Harvey Teal*"

Rensselaer Plateau Alliance Special Use Permit

(Page 1, Paragraph 3, Line 3) The text "These issues were not within the jurisdiction of the Planning Board." should be deleted.

(Page 1, Paragraph 4, Line 4) Change the text from "The vote was 6 ayes and 1 nay" to read "*The vote was 5 ayes and 1 nay.*"

Karen Bradley Minor Subdivision

(Page 2, Paragraph 2, Line 6) Change the text "as Type II Action under SEQRA and will have no negative impact on the environment." to read "*an unlisted action under SEQRA and will have no significant adverse environmental impact resulting in a negative declaration*"

(Page 2, Paragraph 3, Line 6) Change the text "unanimously carried to approve...." to "*unanimously carried to approve by 7 ayes and 0 nays...*"

Bruce Moody Minor Subdivision

(Page 2, Paragraph 2, Line 2) Correct typo "into to lots" to read "into *two* lots"

(Page 2, Paragraph 5, Line 6) Change the text "as Type II Action under SEQRA and will have no negative impact on the environment." to read "*an unlisted action under SEQRA and will have no significant adverse environmental impact resulting in a negative declaration*"

(Page 2, Paragraph 6, line 2) Add the vote: "*by 7 ayes and 0 nays.*"

Fane Mining Rezoning Advisory Opinion

(Page 2, Paragraph 7, Line 2) Add the vote: "*by 6 ayes and 0 nays and 1 abstention*"

Francis Wilkins Minor Subdivision

(Page 2, Paragraph 9, Line 1) Change the text "unanimously carried to classify...." to "*unanimously carried to approve by 7 ayes and 0 nays...*"

Scott Polaro Special Use Permit

(Page 3, Paragraph 2, Line 1) Change the paragraph from "Scott Polero addressed the Board to review the SUP. His concern is the wording that it is a new SUP instead of a renewed SUP. He is concerned about an Article 78 being brought before the Town Board. Bob Ryan suggest the wording to be, an SUP will be issued upon receiving a renewed DEC permit. This permit has been issued." to "*Scott Polaro addresses the Board to review the wording of the minutes for the approval of his SUP. He is concerned that the wording, that it is a new DEC permit, instead of a renewed DEC permit. He is concerned about potential litigation. Bob Ryan suggests the wording to be, A SUP will be issued upon receiving and renewed DEC permit. This permit has been issued.*"

(Page 3, Paragraph 3, Line 1) Change the paragraph from "...and unanimously carried to accept and change the wording to read: issue a SUP based on receiving a renewed DEC permit. Bob Ryan edit the April 5, 2016 minutes accordingly... to *"and unanimously carried by 6 ayes 0 nays and one abstention by Don Heckelman to accept and change the wording to read: issue a SUP based on receiving a renewed DEC permit. Bob Ryan will edit the April 5, 2016 minutes accordingly."*

Minutes of April 3, 2016

(Page 3, Paragraph 4, Line 2) Change the text from "APPROVED as amended..." to *"Approved as amended by a vote of 7 ayes and 0 nays."*

Adjournment

(Page 3, Paragraph 6, Line 2) Change the text "unanimously carried to adjourn" to *"carried by a vote of 7 ayes and 0 nays to adjourn"*

Discussion of Collection of Reimbursable Fees

The Board discussed a new procedure for collecting the reimbursable costs prior to the final decisions on applications. The Town Board indicated that using an average cost to assess expenses early in the application was fine as long as any overpayment was refunded to the applicant. However, this would still require collection of expenses after the decision for those applicants whose costs exceeded the average originally assessed. It was decided to request the reimbursable costs at the time that the public hearing notice is created since the actual cost is available at that time. These costs would be due by the public hearing date. If the costs have not been paid by that time the applicant would receive a *conditional* approval, good for 30 days, to allow time for the reimbursable costs to be paid. Failure to pay by the required date would result in the conditional approval expiring. If the payment is made after the public hearing but before the 30 day expiration, the Chair would be authorized to sign the plats and an *unconditional* approval resolution.

Resolution of Issue: New procedure will require reimbursable costs to be paid prior to approval being granted unconditionally.

Lot line Adjustment Workshop

The Board decided to defer this issue until September.

Resolution of Issue: Add to September agenda.

Executive Session

Chairman Grattan made a motion to go into executive session to discuss a personnel matter that was seconded by Board member Russell and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstention.

Chairman Grattan made a motion to leave executive that was seconded by Board member Russell and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstention.

A motion is made by Board member Heckelman, seconded by Board member Russell, and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstention to adjourn the meeting at 8:20 pm..

Respectfully submitted,



Judy Grattan
Chairman



TOWN OF POESTENKILL

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

Zoning Board of Appeals

AGENDA

Zoning Board of Appeals

Tuesday July 12, 2016
7:30 pm

MEETING OPENS – PLEDGE OF ALLEGIANCE

PUBLIC COMMENT PERIOD

PUBLIC HEARING – (continuation)

<u>Penny and Allan Yetto</u>	<u>Area Variance</u>
(Tax Map # 125.05-4-13)	20 Circle Drive

PUBLIC HEARING

<u>Andrea Gallerie</u>	<u>Sign Placement</u>
126.-1-44	80 Plank Road

NEW APPLICANT

<u>John Leboeuf</u>	<u>Area Variance</u>
125.-9-4	3 Pandora Drive

Minutes of June 2016 Meeting



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

Zoning Board of Appeals

**MINUTES
July 12, 2016**

(Distributed before approval)

MEMBERS PRESENT: Chairman Paul Jamison
Terry Lantry
Kevin McGrath
Frank Burzesi
Cheryl Sarjeant

CALL TO ORDER: Chairman Paul Jamison called the meeting to order at 7:30 pm.

AREA VARIANCE – SIGN PLACEMENT

Andrea Gallerie
80 Plank Road
Poestenkill, NY 12140

Tax Map # 126.-1-44

Andrea Gallerie came before the Zoning Board asking for a 3' x 3' double sided sign. The code allows 3' x 1'. This sign will be placed at her home on 80 Plank Road for her hair salon business. The Planning Board gave a positive advisory opinion. With no further comment, Member Burzesi made a motion, seconded by Member Lantry to close the public hearing and approved by five (5) ayes, zero (0) nays, (0) abstentions.

Chairman Jamison made a motion, seconded by Cheryl Sarjeant to APPROVE the application for an Area Variance for sign placement no larger than 3' x 3' double sided. The Board members were then polled for their vote and the reasons for that vote.

After considering all of the mandatory area variance factors, Chairman Jamison voted to approve the variance giving the following reason for his decision:

- 1) Whether undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties – No. The sign is not very large and would not be out of place on Plank Road.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – No. A sign meeting the code would not be well visible to traffic and customers.
- 3) Whether the requested variance is substantial – Yes. It is a large variance from the code, but reasonable for the location.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – No. No environmental impact.
- 5) Whether the alleged difficulty was self-created – No. It is a desired rather than required change.

After considering all of the mandatory area variance factors, Member Burzesi voted to approve the variance giving the following reason for his decision:

- 1) Whether undesirable change would be produced in the character of the neighborhood or detrimental to

Nearby properties – No. The sign will not produce an undesirable change as it will be similar to a real estate sign.

- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – No. Not with the same professional appearance.
- 3) Whether the requested variance is substantial – Yes. Nine square feet is substantially more.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – No. No adverse impact.
- 5) Whether the alleged difficulty was self-created – Yes. Self-created by having a home business.

After considering all of the mandatory area variance factors, Member McGrath voted to approve the variance giving the following reason for his decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties - No. Small sign would not be out of place.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – No. Smaller sign would not be seen.
- 3) Whether the requested variance is substantial – No. Nine square feet as opposed to three square feet.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – No. No one appeared at the Public Hearing.
- 5) Whether the alleged difficulty was self-created – Yes. Chose to work out of her home.

After considering all of the mandatory area variance factors, Member Sarjeant voted to approve the variance giving the following reason for his decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties – No. She currently places a sign out front on the property. This would not be an undesirable change in the character of the neighborhood.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – Yes. Continue using the existing moveable sign.
- 3) Whether the requested variance is substantial – Yes. Requested sign is three times the size allowed by code.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – No. No comment.
- 5) Whether the alleged difficulty was self-created – Yes. Use of sign for business is self-created.

After considering all of the mandatory area variance factors, Member Lantry voted to approve the variance giving the following reasons for his decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties – No. Based on location of property on Plank Road.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – No. Applicant is running a business and has lost business because potential customers are unable to locate.
- 3) Whether the requested variance is substantial – No. No comment
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood No. No comment.
- 5) Whether the alleged difficulty was self-created – Yes. No comment.

Resolution of issue: Variance was granted

AREA VARIANCE

Penny and Allan Yetto
20 Circle Drive
Wynantskill NY 12198

Tax Map # 125.-5-4-13

Secretary Monica Hardy read the Public Hearing Notice into the record.

Chairman Jamison asked Mr. Yetto if he has made any changes to the variance request since the last public hearing. Mr. Yetto stated that he has staked his property to show the property line. The Board had a lengthy discussion with Mr. Yetto about the three variance that he is requesting.

Several member of the public spoke and strongly opposed to this application. A letter of opposition from a neighbor Ed Donnelly was read into the record. Chairman Jamison closed the Public Haring at 8:15 pm.

Chairman Jamison made a motion, seconded by Board Member Lantry to approve the application for the 3 variances described: back yard setback 15 feet which code requires 50 feet, front yard setback 23 feet which code requires 50 feet and a .56 acres variance which code requires one acre. The Board members were then polled for their vote and the reasons for that vote.

After considering all of the mandatory area variance factors, Board Member Lantry voted to deny the variance giving the following reasons for this decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties – Yes. Character would change drastically with construction of new home.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – No. Applicant is limited with the amount of space to build.
- 3) Whether the requested variance is substantial – Yes. The request is pushing the ZBA beyond what is a reasonable request.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – Yes. No known environmental unknown septic location of home at rear of proposed house.
- 5) Whether the alleged difficulty was self-created – Yes. Too large of a request for area

After considering all of the mandatory area variance factors, Board Member Burzesi voted to deny the variance giving the following reasons for this decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties – No. I believe that the house would be in character as far as lot size.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – Yes – buy existing house, build on other side/may not be provided.
- 3) Whether the requested variance is substantial – Yes. Three variances all significantly substantial.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – No. The house would change the look of the neighborhood with regards to green space but it would still have green space until developed.
- 5) Whether the alleged difficulty was self-created – Yes.

After considering all of the mandatory area variance factors, Board Member Sargeant voted to deny the variance giving the following reasons for this decision:

- 1) Whether undesirable change would be produced on character of neighborhood or a detriment to nearby properties – Yes, The neighborhood features smaller lots that have homes grandfathered in as well as some open area. A house build on this land would significantly change a large portion of land on one side and at the end of Circle Drive.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – Yes. The Applicant's son can buy land elsewhere to build.
- 3) Whether the requested variance is substantial – Yes. The three variances are all substantial. (23/50 for the front is more than half; 15/50 is more than a third; .44/1.0 acres for a .56 acre variance is more than half).
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood. No – no reply
- 6) Whether the alleged difficulty was self-created – Yes. Applicant purchased land and indicated to the Board they had the intent to build for their son. The research into a buildable foot print could have been conducted prior to the purchase. The land was bought one year ago.

After considering all of the mandatory area variance factors, Chairman Jamison voted to deny the variance giving the following reasons for this decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties – Yes. 15' variance back, 23' variance front, .56 acres where 1.0 is required.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – I don't know. They would need to buy another property.
- 3) Whether the requested variance is substantial – Yes. There are three separate variances, 2 of which are more than 50%.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – No.
- 5) Whether the alleged difficulty was self-created – Yes. This is a desired, not required change

After considering all of the mandatory area variance factors, Board Member McGrath vote to approve the variance giving the following reasons for this decision:

- 1) Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties – No. House would be proportional to other houses in the neighborhood.
- 2) Whether benefit sought by applicant can be achieved by a feasible alternative to the variance – No. Septic system would not allow moving lot further south.
- 3) Whether the requested variance is substantial – Yes. As per current lot standards it is substandard.
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood – Yes. Neighbors not use to seeing a house in their "park area".
- 5) Whether the alleged difficulty was self-created – Yes. Lot does not need to be created.

Resolution of issue: Variance was Denied.

AREA VARIANCE

John Le Beouf
3 Pandora Drive
Wynantskill NY 12198

Tax Map # 125.-9-4

Mr. Le Beouf explained to the Board that he wanted to build an addition to the left side of his existing home. He is appearing before the Board since he lacks the required 50 feet for the front setback. Board Member Lantry made a motion, seconded by Board Member Sarjeant to schedule a public hearing on this issue for August 9th. It was approved by a vote of five (5) ayes, zero (0) nays, and zero (0) abstention.

A report on the Ambulance committee progress was given.

There being no further business, a motion to adjourn was made by member Lantry and seconded by member Burzesi. It was approved by a vote of five (5) ayes, zero (0) nays, and zero (0) abstention. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Monica Hardy, Secretary



Zoning Board of Appeals

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

AGENDA

Zoning Board of Appeals

Tuesday August 9, 2016

7:30 pm

MEETING OPENS – PLEDGE OF ALLEGIANCE

PUBLIC HEARING

John Leboeuf

125.-9-4

Area Variance

3 Pandora Drive

Minutes of June 2016 Meeting

Minutes of July 2016 Meeting

Representatives to Planning and Town Board meetings:

September

Kevin McGrath

October

Frank Burzesi

November

Cheryl Sarjeant



TOWN OF POESTENKILL

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

Zoning Board of Appeals

ZONING BOARD OF APPEALS August 9, 2016 Minutes

(Distributed before Approval)

Attendees:

Paul Jamison, Chairman
Terry Lantry
Kevin McGrath
Cheryl Sarjeant
Tim Hoffay, Alternate

Absent:

Frank Burzesi

Chairman Jamison opened the meeting at 7:30 pm with the pledge of allegiance.

Public Hearings:

Le Boeuf

(Tax Map# 125.-9-4)

Area Variances - Addition

3 Pandora Drive

Mr. Le Boeuf is looking for a variance to construct an addition with a front setback of 10.5 feet where 50 feet is the minimum allowed by code.

Chairman Jamison opened the public hearing. The Chairman read the public hearing notice into record. He then read the advisory opinion from the Planning Board into the record.

The Board asked Mr. Le Boeuf if he had obtained a letter from his neighbor with the neighbor's opinion on the proposed location of the addition. Mr. Le Boeuf said he did not have it but his neighbor expressed no problem with the application when they had discussed it earlier. The Board asked Mr. Le Boeuf several questions concerning the placement of the addition. Why was it placed in that location? Could he move it back from the front more than 10.5 feet? Could he make it wider so it was not as close to the front line? Mr. Le Boeuf said the location was chosen by his engineer for the best curb appeal. The size was chosen to best fit with the existing roofline and to allow no change to the foundation. It also allows the existing side entrance to remain. Mr. Le Boeuf was willing to discuss changes with his engineer as the engineer had not yet prepared the final drawings. During the discussion the Board determined that line of sight was not an issue as Mr. Le Boeuf's house is at the end of the road. There would be no issues with the new addition if the Town had to maintain their water lines and no issues with plowing the street.

The Board said that they would be more comfortable with a 35 foot variance which would move the front setback to 15 feet. The members also wanted a more exact figure for the front setback line based on the actual plans. The letter from the neighbor, Jason Russell, was still requested. Mr. Le Boeuf said he would talk to his engineer about these concerns.

Chairman Jamison made a motion to leave the public hearing open with a second by Board member Lantry. It was approved by five (5) ayes, zero (0) nays and zero (0) abstention.

Chairman Jamison will ask the Code Enforcement Officer to look at the proposed location of the addition to see if he has any issues with the house so close to the front line.

Resolution of issue: Public hearing was left open until next month.

Minutes:

June 14, 2016

The minutes of the Board meeting on June 14, 2016 were reviewed and the following amendment made:

Yetto _____ Area Variance
(Page 1, Paragraph 1, Line 2) Change the text “records about the sewer...” to read “*records about the septic...*”

A motion to accept the minutes as amended was made by Board member Lantry, seconded by Board member McGrath and approved by a vote of four (4) ayes, zero (0) nays, and one (1) abstention (Hoffay).

July 12, 2016

The minutes of the Board meeting on July 12, 2016 were reviewed and the following amendments made:

Yetto _____ Area Variance
(Page 2, Paragraph 3, Line 2) Change the text “reason for his decision...” to “*reason for her decision...*”

(Page 3, Paragraph 2, Line 1) Change the text “..if has made any changes...” to “*..if he has made any changes...*”

(Page 3, Paragraph 2, Line 3) Change the text “..the three variance...” to “*..the three variances...*”

(Page 3, Paragraph 3, Line 1) Change the text “Several member of the public...” to “*Several members of the public...*”

(Page 4, Paragraph 1, Line 1) Correct spelling of “Sargeant” to “*Sarjeant*”.

(Page 4, Paragraph 1, Line 5) Change the text “A house build on ...” to “*A house built on ...*”

(Page 4, Paragraph 2, Line 4) Change the text “Yes. 15’ variance back, 23’ variance front, .56 acres where 1.0 is required” to “*The neighbors have legitimate concerns about the size of the property and view*”

(Page 4, Paragraph 3, Line 8) Change the text “substandard ...” to “*substantial ...*”

A motion to accept the minutes as amended was made by Chairman Jamison, seconded by Board member Lantry and approved by a vote of four (4) ayes, zero (0) nays, and one (1) abstention (Hoffay).

Executive Session:

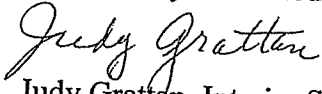
A motion to enter executive session for a personnel matter was made by Chairman Jamison, seconded by Board member Lantry and approved by a vote of five (5) ayes, zero (0) nays, and zero (0) abstention.

A motion to leave executive session for a personnel matter was made by Board member Lantry, seconded by Board member Sarjeant and approved by a vote of five (5) ayes, zero (0) nays, and zero (0) abstention.

Adjournment:

A motion to adjourn was made by Board member Lantry and seconded by Board member Sarjeant. It passed with a vote of five (5) ayes, zero (0) nays, and zero (0) abstentions. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Judy Grattan, Interim Secretary

7:50 PM
07/30/16
Accrual Basis

Poestenkill Fire Company
Custom Summary Report
July 2016

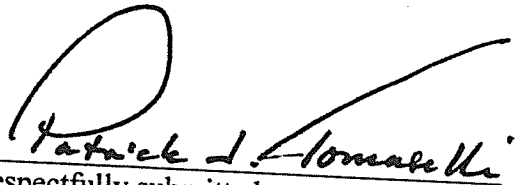
	<u>Jul 16</u>
Expense	
Building Maintance	
Refuse	112.24
Building Maintance - Other	53.35
Total Building Maintance	<u>165.59</u>
Electric	
East Poestenkill	63.20
Main Station	21.02
Total Electric	<u>84.22</u>
Equipment	
New Equipment	2,378.70
Repair & Maintance	436.00
Total Equipment	<u>2,814.70</u>
Fire Trucks	
Repair & Maintance	64.88
Total Fire Trucks	<u>64.88</u>
Insurance	
Auto	493.00
Buildings	1,150.00
Total Insurance	<u>1,643.00</u>
Medical Supplies	302.11
Memorial Donation	30.00
Professional Services	1,120.00
Security Alarm	65.00
Solar	461.86
Telephone	
Cell Phones	107.42
East Poestenkill	58.49
Main Station	183.75
Total Telephone	<u>349.66</u>
TRANSfer to Equipment Replaceme	15,000.00
Transfer to Memorial Fund	10,000.00
Transfer to Vechicle Replacemen	40,000.00
Total Expense	<u>72,101.02</u>
Net Income	<u><u>-72,101.02</u></u>

TOWN ATTORNEY MONTHLY REPORT

August 18, 2016

Significant activities of the Town Attorney since the last regular Town Board Meeting conducted on July 21, 2016 include the following:

1. Communications with representatives of Perry Brothers and Warren W. Fane; effecting latest re-draft of proposed rezoning local law to reflect conditions considered and directed by the Town Board at the July 21, 2016 Town Board meeting; completion of revised EAF Parts 2 and 3 and attachments; transmittal of same to the Town for members' information and for posting on the Town website.
2. Reviewed status of various pending Code violation matters and considered whether and how to proceed during the continued incapacity of CEO Bob Brunet.
3. Review and input regarding personnel matter involving Town officials.
4. Receipt and review of FOIL Request and incidental Code review.
5. Incidental discussions with and advice and counsel to various Town officers.



Respectfully submitted,
PATRICK J. TOMASELLI, ESQ.
Poestenkill Town Attorney

TOWN CLERK'S MONTHLY REPORT

Town of Poestenkill, New York

July 2016

TO THE SUPERVISOR: Pursuant to Section 27, Subd. 1, of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the payment of which is otherwise provided for by law:

Conservation Fees to the Town:		\$ 32.25
Marriage License #8-10-2016	@ \$ 7.50 each	\$ 22.50
Marriage Certificate	3 @ \$10.00 each	\$ 30.00
Marriage Transcript	@ \$10.00 each	\$
A1255 Total Town Clerk Fees		\$ 84.75
Peddler's Permit		
A1289 Registrar		180.00
A2655 Minor Sales - Copies		\$
		\$
A2544 Local Fee for 11 dogs		\$ 100.00
A2115 Planning Board Fees/ZBA fees		\$ 1.17
A2555 Building Permits		\$ 776.40
A2501 Junkyard License		
A2268 Impoundment fees from Creekside Kennel		\$
A2720 Water Meter Fee \$225.00	1001 Water Benefit Charge	
A2240 Misc. Water Charges -		\$
A2710 Water Permit Fee	\$ 40.00	
1001 Water billing	\$10,472.84	\$
Total Water Charges		\$10,737.84
REVENUE TO SUPERVISOR		\$11,880.16
Amount paid to State Comptroller for Games Chance License		
Amount paid to DEC for Conservation Licenses		\$ 2,152.75
Amount paid to AG. And Markets for fee for unsprayed/unneutered Dog program		\$ 30.00
Amount paid to State Health Dept. for Marriage Licenses		\$ 67.50
TOTAL DISBURSED		\$ 2,250.25
August 1, 2016 Dominic Jacangelo, Supervisor		
TOTAL AMOUNT RECEIVED BY CLERK		\$14,130.41
State of New York, County of Rensselaer, Town of Poestenkill, Susan Horton, being duly sworn says that she is the Clerk of the Town of Poestenkill the foregoing is a full and true statement of all Fees and Moneys received by her during July only such Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 1st day of August 2016.		

Susan Horton



Town of Poestenkill

38 Davis Drive | P.O. Box 210

Poestenkill, NY 12140

518.283.5100 (Phone)

518.283.7550 (Fax)

OFFICE OF THE
ASSESSOR

TO: POESTENKILL TOWN BOARD

FROM: BRIAN M. JACKSON/ ASSESSOR
ASSESSOR'S REPORT FOR JULY 2016

The new program from New York State Tax and Finance for registering STAR applicants went into effect from mid-May to July 1st. Those registered within that time period and qualified were entitled to a check to be sent to them by September. Anyone after July 1st that registered and qualified were not guaranteed to have their check by September but would receive later in the year. The State was then going to notify us at some point who has registered and who has not so that we would be aware of the changes. After all the registrations during July this notice was to be sent approximately August 1st. There is still plenty of confusion on who is registered, who is not and what transpires if they have not registered. This office has sent letters out to new property owners as well notifying them that they need to contact New York State in order to file for their STAR exemption. Any questions from someone receiving their respective school bill and the STAR is not applied will need to call the State directly as we will not be able to confirm their qualification. This is the first year of this implementation and it certainly appears to have many questions surrounding the process that are not answered as yet.

We continue to receive sales information and new split/merges that the county has processed.

Constituent relations are considered good during the report period.

Respectfully submitted,

Brian M. Jackson
Assessor
Town of Poestenkill

cc: Town Board
Susan Horton, Town Clerk

Town of Poestenkill
38 Davis Drive
Poestenkill, NY 12140
Attn: Water Manager

Monthly Water Report for July 2016

Water Pumped and treated 1,733,514 gals (daily AVG 55,921 gals)

Had (2) Final Meter Read (House Sales) and got the new person name and address Given to Sue.

Had (1) New meter install (848 NY 351 Mr. Houser

Had (1) water complaint (THM, Chlorine and PFOA's)

Had 5 Dig Safe mark outs

Highway reported on Walsh valve body box filled with water and a broken Hydrant (the Hydrant was only open a couple of turns and water comes out of the drain holes (normal) when Hydrant is fully open no water around hydrant. The water in the valve box was stale.

Water Test (was done by Bob)

Water Report DOH 360 was submitted to the Rensselaer County Health Dept

Water Testing and meter reading (daily)

Total hours 54 for the period 3 – 31 July

Submitted by



Leonard F Clapp Jr

Water Manager

Town of Poestenkill
38 Davis Dr.
Poestenkill, NY 12140

To: Dominic Jacangelo- Supervisor

From: Paul Barringer – Acting Code Enforcement Officer

Re: Work Activities for month of July 2016

I have been working for the Town of Poestenkill since 7/14/2016 where I reported to the office to work on pending projects, complaints, and phone messages. I work 10 hours per week, Tuesday and Thursday 8 am to 1 pm. Since my first full week of work beginning 7/18 my duties have been clearing the backlog of building permit applications.

- Issued operating permit for fireworks display at the VFW Post by Santore Fire Works
- Visited scene of fire on Vosburgh Rd. to determine if any code issues need to be addressed as a result. Sent letter to owner advising cleanup of site is required.
- Visited sites of complaints concerning work being done without building permits.
- Issued one Stop Work order for work without a valid Building Permit at 463 NY Rte. 351
- Sent notice of violation to resident at 463 NY Rte. 351 for violating the 2010 NYS Property Maintenance Code for having more than 2 unregistered vehicles on the property
- Issued building permits for alterations, additions, and repairs to approximately 10 residents/construction companies at this time
- Denied 2 building permits, one for an addition that is not compliant to Town and DEC requirements for building in proximity to a stream (referred matter to Zoning Board for review). The second was denied due to inadequate required setbacks and the application was referred to the Zoning Board for review
- Reviewed 2 applications for new home construction and not yet issued permit due to incomplete information with the submitted plans
- Reviewed and visited sites of previously issued building permits where information has been received the project has been completed and ready for Certificates of Occupancy or Certificates of Completion. Issued approximately 5 Certificates of Completion.

Submitted by



Paul F. Barringer

Poestenkill Dog Control

July 2016

- 4th Two stray dogs found. Took to kennel
- 4th Owner of 2 dogs picked up looking for them
- 5th Owner of 2 dogs went to kennel during the night attempting to get dogs after hours. Kennel owner calls for information
- 5th Police need information on dog owner
- 25th Resident complains of neighbor dogs digging under fence
- 29th Stray dog found. Took to kennel
- 30th Lost cat



Town of Poestenkill
Office of the Highway Superintendent
P.O. Box 210
Poestenkill, NY 12140
(518) 283-4144

To: Town supervisor- Dominic Jacangelo
Town Board Members Butler, Wohlleber, Hass, Van Slyke

From: Highway Superintendent- Toby Chadwick

Date: August 10, 2016

RE: Highway Activities
July 19, 2016-August 10, 2016

1. Crew been out picking up brush and Leaves
2. I would like to thank the Town of Sand Lake for their help in paving the roads
3. Roads paved by the highway crew Ott -Horton, Davitts Lake Rd., Lawrence St., Furry, Holser Rd., John-Willow, Nel-Dor Road and Walsh Rd.
4. Crew been digging out Reichard Farm Rd. and filling in with #2 and 4 Stone
5. Crew been working on equipment