



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD

March 7, 2017 Minutes

(Distributed before approval)

Attendees:

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

Chairman Russell called the meeting to order at 7:32 pm with the Pledge of Allegiance.

Minutes

The minutes of the Board meeting on December 6, 2016 were reviewed, corrections as noted:

- 1) First line "Chairman Russo...", changed to "Chairman Russell...";
- 2) Warren Fane et al: third line "...hours of operation 7 am to 5 pm..." changed to "...hours of operation Monday through Friday 7 am to 5 pm, Saturday 7 am to 2 pm..." and fourth line "...John Snyder Road..." changed to "...Snyders Corners Road...".

Motion by Member Daniel to accept as corrected, seconded by Member Heckelman, 6 ayes, 0 nays, Member Grattan abstained.

Public Comment Period

Woman from audience had questions regarding Fane Mining Special Use Permit application,

- 1) There would be Saturday hours of operation? Chairman Russell stated that would be discussed during the Public Hearing.
- 2) Wanted clarification of which wells would be monitored as listed within 500' – wells within 500' or properties within 500'? Jeff Lang stated it would be properties within 500'. There being no other comments from the public, the public comment period was closed.

Public Hearing:**Warren Fane/Poestenkill Mine
(Tax Map # 135.-7-10.3)****Special Use Permit
NY Route 66 @ Snyders Corner Road**

Chairman Russell opened the Public Hearing stating the areas to be addressed at this Hearing would be hours of operation, dust control and noise issues discussed previously. Chairman Russell requested Planning Board Clerk Lynn E. Kane to read the Public Hearing Notice:

PLEASE TAKE NOTICE that the Planning Board of the Town of Poestenkill will hold a public hearing pursuant to Section 150-38 of the Land Use Code of the Town of Poestenkill. The hearing is on the application of Warren Fane Trucking, Inc. of 62 Leverage Road, Troy, New York 12180 for a Type IV Special Use Permit for excavation of reserves area located on lands of Perry Brothers Sand & Gravel, Inc., under the provisions of Section 150-68, Article X of the Land Use Code of the Town of Poestenkill. Said parcel is comprised of a lot totaling approximately 9.985 acres owned by Perry Brothers Sand & Gravel, Inc. and is located at Snyders Corners Road adjacent to existing Wynantskill Mine of Callanan Industries, Inc. in the Town of Poestenkill. This Public Hearing shall be held to provide the public opportunity to be heard as required pursuant to Chapter 150 of the Town Law. Said Hearing will take place on Tuesday, March 7, 2017, at the Poestenkill Town Hall starting at approximately 7:30 pm at which time all interested parties will be given an opportunity to be heard. By Order of the Planning Board, Lynn E. Kane, Planning Board Clerk.

Representing Applicant is Jeffrey Lang of Griggs-Land Consulting Geologists, Inc. and William Doyle, Esq.

Attorney Doyle spoke of the previous request by the Board to outline and specify plans and schedules for reclamation of used portions of site and stated that Mr. Fane has agreed to "at least the same amount of property as the current mining (approximately 10 acres) for reclamation". Attorney Doyle further stated that the project is in a Natural Product zone, has received a negative SEQRA determination, has received mining permit from DEC and has received appropriate Town Board approvals. Water issue which came out of the Town Board Natural Product rezoning, Applicant has agreed to survey all wells on properties within 500', with town official stating there was approximately 20 residences to look at. With each Owner's permission, Applicant would offer to do baseline quality test as a commitment to Town Board and DEC. Should issue arise, would provide affected residence with public water. Reminded all that the mining would not enter the water table, that truck traffic would not be on the Snyders Corners Road side, there will be no processing on the parcel in the existing facility.

Mr. Lang reiterated there would be no processing on site, that noise and dust would not be increased, large ridge along Snyders Corners Road would remain intact, all roads would be watered down – same as existing. Stated the large ridge will stay within 60'-70' and residence will not hear additional sounds or noise. Also, the berm will be left vegetated to help with noise too.

Gentleman from audience asked about the berm height and would it vary. Mr. Lang explained that there may be some variation due to topography, would always be at least 5' above the water table, that the vast majority of the ridge would remain intact though there might be a little less at the end as the water table comes up there. Mr. Lang clarified residential wells within 500' – is meant to be parcel, not the well itself, trying to keep ridge intact. Gentleman asked if there were there plans for a study of long term effect on the water table – once the criteria/baseline was established, what may be the results in the future? Mr. Lang stated that by working 5' above the water table, it should prevent any problems in the future. Well water level changes of 1' to 2' would not be of concern, could be due to seasonal flux. A water level reduced by 10' would be of concern. Should a well go dry, then DEC would be notified to investigate, to find reason for occurrence and possible remedy.

Chairman Russell stated that the monitoring of wells would mirror the permit timeframe of five (5) years, with a possible extension of two (2) years. He questioned when wells would be assessed. Mr. Lang will send certified letters right away, wishes to commence assessments next week, if no response from property owner, he would visit said property in person. Further, that reclamation will start after all approvals granted. Member Dore met on site with Mr. Fane to discuss existing slope, vegetation, etc. and was satisfied with answers. Member Briggs asked what is depth of the wells in that general area? Is there a confined aquifer? Are they sand point wells? Mr. Lang believes there are both types of wells and will be able to better answer depth of wells after assessments.

Attorney Doyle reiterated Town Board vetted this project over a year ago, addressed all of these issues, Town Board wanted a more limited time of permit – wanted three (3) years, settled on 5 years with possible two (2) year extension. There will be no negative impact to neighbors beyond what is currently exists. Woman from audience questioned whether Saturday operations were really necessary. Member Grattan reminded all that Board is restricted to the certain criteria listed in the DEC permit, unable to change.

Chairman Russell asked Clerk, Lynn E. Kane to read message from abutting neighbor unable to attend hearing. Message from Isabel D'Ambrosi (72 Snyders Corners Road) – “I am ferociously opposed to this action. I have lived here for fifty-six (56) years and am familiar with the sounds, noise, dust, traffic of this operation. The site is directly across from my residence at #9 Furry Road. I am very concerned of losing “the hill” and worry I will be exposed to all of the operation activities.” Clerk Kane stated return mail receipts have been received from all but 2 of the abutters. Chairman Russell asked if there were any further members of the public that wished to be heard in this matter. No one spoke. Member Grattan stated that as the Board had not yet received approval from the Rensselaer County Economic and Development Office, there would be no formal approval at this meeting and the parties would need to appear at the April 4th Planning Board meeting. Motion to keep the Public Hearing open made by Chairman Russell, seconded by Member Dore, seven (7) ayes, zero (0) nays, zero (0) abstentions.

David & Vonda Cranfield
(Tax Map # 125.12-7-9)

Sketch Plan
35 Main Street

Property owner wishes to utilize existing 20' by 10' detached shed for her "The Olive Ewe Shop", to sell country home décor. Discussion between Mrs. Cranfield and Members included but limited to existing site, driveway, parking, etc. Member Grattan stated as this was a class II home occupation there would be no need for engineer. Motion by Member Grattan, seconded by Member Teal to place this project on the April 4, 2017 Planning Board agenda, to include the needed SEQRA and Public Hearing, seven (7) ayes, zero (0) nays, zero (0) abstentions.

Clare Ryan
(Tax Map # 135.-7-15)

Special Use Permit
541 West Sand Lake Road

Chairman Russell informed the Members that there is still no application from Ms. Ryan and no one answered the door when he visited her residence earlier today, in an effort to resolve this situation. He will revisit and obtain a response from her.

There being no further business, a motion to adjourn was made by Member Grattan, seconded by Member Teal, and approved by all members. The meeting was adjourned at 8:20 pm.

Respectfully submitted,

Lynn E. Kane
Planning Board Clerk