



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD

April 4, 2017 Minutes

(Distributed before approval)

Attendees:

Tom Russell, Chairman
Judy Grattan
Harvey Teal
Robert Dore
William Daniel
Jeffrey Briggs
Steve Valente, Alternate
Robert Ryan, Attorney
Lynn E. Kane, Clerk

Absent:

Don Heckelman

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

Public Hearings:

Warren Fane/Poestenkill Mine
(Tax Map # 135.-7-10.3)

Special Use Permit
NY Route 66 @ Snyders Corner Road

Public Hearing opened but no public comment. Planning Board Clerk Lynn Kane read "Notification of Zoning Review Action" from the Rensselaer County Economic Development & Planning dated March 16, 2017, said notice states the County leaves the decision with the local municipality. Chairman Russell closed the Public Hearing, Member Grattan made a motion "To grant the Special Use Permit to Warren Fane Trucking Inc. with the conditions as set forth in the NYS DEC permit dated January 26, 2017. Conditions are, but not limited, to dust control, hours of operations to be 7 am to 5 pm Monday through Friday, 7 am to 2 pm Saturdays, there shall be no operations on Sundays or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving or Christmas Day. Special Use Permit shall run from this date until January 16, 2022. Motion seconded by Member Briggs, seven (7) ayes, zero (0) nays, zero (0) abstentions. Attorney Bill Doyle, representing Fane, asked if the site plan approval was all set, Board said yes.

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

Special Use Permit
35 Main Street

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Mrs. Cranfield reviewed the scope of the project for the Board and answered Member's questions. Said questions included 1) Is there running water or lavatory in structure – no, display area only; 2)

Expected number of patrons per day – 3-5 on weekdays, maybe few more on Saturdays, closed on Sundays and holidays.

Planning Board Clerk Lynn Kane read “Notification of Zoning Review Action” from the Rensselaer County Economic Development & Planning dated March 28, 2017, said notice states the County leaves the decision with the local municipality

SEQRA Hearing: 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. A motion was made by Member Valente that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Board Member Dore seconded the motion and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions. Chairman Russell states the proposed action will not result in any significant adverse environmental impacts and closes this Hearing.

Special Use Hearing:

Given the negative declaration, the final public hearing on the approval portion of the application was conducted after the SEQRA hearing. Chairman Russell asked for comments in favor or in opposition of the final portion of the application. Resident Dennis Dobert questions parking availability for project, has been told in past may not park on road in front of own residence. Answer – due to low patron volume, parking not an issue. Residents Gary & Linda Bendzin questions the wisdom of a retail business next to their home, that there will be a lack of privacy (view/access into back yard, view into home), feels this business will not be a positive attribute for resale of their home in the future. Member Grattan stated the property is within the “Hamlet”, retail use is a permitted use and is in keeping with the Town’s Comprehensive Plan. If the Applicant had bought the property and converted the residence into a retail store, the project would not have required any oversight but a building permit. Member Dore suggested the addition of evergreen shrubs along the property line to for additional privacy. Member Briggs agreed that the Hamlet is a compact area, with privacy an issue for all but that the Board cannot require the Applicant to undertake extra provision outside of the Code. With no additional comments from the public, the public comment period was closed. A motion to approve the Special Use Permit was made by Member Grattan, with the provisions of operational hours of 9 am to 6 pm Monday through Friday, 9 am to 4 pm on Saturday, no hours on Sundays or major holidays. Motion seconded by Member Daniel and approved by a vote of six (6) ayes, zero (0) nays and one (1) abstention.

Minutes

The minutes of the Board meeting on March 7, 2017 reviewed, corrections as noted:

- 1) Page 2, 2nd paragraph 2, line 4 “...Troy, New York 12180.” change to “12182”.
- 2) Page 2, 3rd paragraph, line 1 “...Griggs-Land...” change to “Griggs-Lang...”.

Motion by Member Daniel to accept as corrected, seconded by Member Dore, seven (7) ayes, zero (0) nays, zero (0) abstentions.

Public Comment Period

No comments from the Public, Chairman Russell closes the Public Comment Period.

New Applicants:

Allen & Penny Yetto
125.05-4-20

Lot Line Adjustment
17 Circle Drive

Mr. Yetto reviewed application with the Members, looking to place a garage of approximately twenty-four (24) feet x twenty-six (26) or twenty-eight (28) feet across from newly purchased residence at #17 Circle Drive, on his own property at #20 Circle Drive. Member Grattan advised the Board that in 2016 the Zoning Board of Appeals determined the #20 Circle Drive parcel could not a subdivision and that what Mr. Yetto is proposing would not create a new tax map number and meets the Code. Chairman Russell opens for public comment, there are no comments from the public. Member Grattan makes a motion to declare this a Lot Line Adjustment, seconded by Chairman Russell, seven (7) ayes, zero (0) nays, zero (0) abstentions.

Lynn Raymond
124-11-18

Minor Subdivision Classification
9414 Rt. 66

Ms. Raymond reviewed the proposal – property is a family property, family has all agreed to give brother this parcel, no other changes to property – the existing right of way for existing driveway to serve both lots, wells, septic systems, etc. Member Grattan made a motion to accept this application as a Minor Subdivision and schedule the SEQRA and Subdivision Public Hearings for Tuesday, May 2, 2017. Motion was seconded by Member Dore, seven (7) ayes, zero (0) nay, zero (0) abstentions.

Clare Ryan
135.-7-15

Special Use Permit
541 West Sand Lake Road

Ms. Ryan reviewed the proposal for two (2) horses on her property. Property is split between Town of Poestenkill and Town of Sand Lake, approximately 4 acres. Member Grattan discusses possible discrepancy between survey and Assessor’s information, Member Grattan made a motion to accept this application as a Special Use Permit and schedule the SEQRA and Special Use Permit Public Hearings for Tuesday, May 2, 2017. Motion was seconded by Member Teal, seven (7) ayes, zero (0) nay, zero (0) abstentions.

Advisories to ZBA:

Cliff Diehl
125.-1-21

Area Variance
287 Rt. 355

Despite no appearance by Applicant to answer miscellaneous questions, Member Grattan made a motion to send advisory to ZBA that Planning Board has no issue with this application. Motion seconded by Member Daniel, seven (7) ayes, zero (0) nays, zero (0) abstentions

Allen Yetto

125.05-4-20

Area Variance

17 Circle Drive

Mr. Yetto reviews front setback requests with Board. Member Grattan made a motion to send advisory to ZBA that Planning Board has no issue with this application. Motion seconded by Chairman Russell, seven (7) ayes, zero (0) nays, zero (0) abstentions.

Old Business:

With regards to *Resolution of the Planning Board dated July 6, 2011, Adopting Certain Provisions for a Park or Parks to be Suitably Located for Recreational Purposes within the Town of Poestenkill, New York Pursuant to Town Law Section 277(4)*, Member Grattan made a motion for the following correction: Item 3, 3.) "...payment to the Town of Seven Hundred Fifty (\$750.00) Dollars." Would now read "...payment to the Town of Seven Hundred Fifty (\$750.00) Dollars per lot." Motion seconded by Member Teal, seven (7) ayes, zero (0) nays, zero (0) abstentions.

Discussion:

Member Grattan recounted recent meeting regarding the sale of the Barbersville Falls and the Town's consideration to purchase. There is another entity interested in this property that would use this area commercially as entertainment, having it open to public year round, of special concern are the Summer months with swimming and alcohol use. Deputy Supervisor June Butler shared some of the Town Board's thoughts and concerns 1) If Town owned land, we would have greater control over situation, 2) Discussion with Town's insurance carrier stated if site was closed during summer months, should reduce liability exposure and not raise premiums; 3) The Town was rejected for recent NYS grant to assist with stewardship of this parcel. Discussion by members and public included but not limited to the existing fee schedule, other possible resources for funding – i.e. solar farms fees or other grants, other potential buyers, liability and insurance

There being no further business, a motion to adjourn was made by Chairman Russell, seconded by Member Grattan, and approved by all members. The meeting was adjourned at 9:02 pm.

Respectfully submitted,

Lynn E. Kane
Planning Board Clerk