



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD August 7, 2018 Minutes

Attendees:

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

Non-Voting:

Robert Ryan, Esq.
Lynn Kane, Clerk
Don Heckelman

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

Public Hearings:

43 Mall LTD

Mark Petrone

Easement for Storm Water Pond

Planning Board Clerk Lynn Kane read the SEQRA Hearing Notice. Attorney Jonathan Tingley of Gilchrist & Tingley, PC appeared on behalf of the Applicant. Mr. Tingley reviewed the application before the Board ó to amend the Major Subdivision Plat plan of the Lochvue Estates for an easement across Volland property for access to the storm water pond. The site is presently mowed 20ø24østrip and work to be done so that commercial vehicles can gain access. Work to be done per the 2017 plan for Lochvue Dr., northeast to southeast to the pond as a maintenance road, using the same materials of 6ö grade sub base and 2ö crushed stone. The only change is the extra area, that the Planning Board gave a negative declaration in 2013 and that if/when the Town wants, the road can be assigned to it.

Highway Superintendent Toby Chadwick expressed concern that the currents staking indicates the 20ø width proceeds into the corner of the wooded area. Mr. Tingley stated that all work would be done in accordance to the proposed site plan. Chairman Russell stated that it is his understanding that the access road will continue off Volland land through Lochvue and is to be constructed all the way across with a turn around area. Mr. Chadwick inquired when the proposed road would be properly staked out for his review. Mr. Tingley reiterated that the easement includes previously approved and now new area is being added. Chairman Russell states that given past performance (or lack there of) by Applicant, the Board will proceed with the SEQRA hearing but will require the Applicant return after the area has been properly staked out, Town reviews and approves of staked area, for final approval of the

application. Mr. Tingley states there are no changes for the SEQRA from the original approval, that construction plans would be adhered to and requests the Board consider approval with conditions. The Board declines and the SEQRA portion continues.

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 Briggs 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. Chairman Russell states the proposed action will not result in any significant adverse environmental impacts and the Public Hearing remains open until the next Planning Board meeting on September 4, 2018.

Resolution: Negative Declaration and Public Hearing remains open.

Rocco Testo
136.0-9-1.4

3 Lot Minor Subdivision
Algonquin Beach Road

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Chairman Russell advises Board of Zoning Board of Appeals issuance of three (3) Area Variances for the frontage of each of 3 lots. Chairman Russell asked for comments in favor or in opposition of the application. There being no comments, the public comment period is closed.

Member Briggs asked the Applicant about the presence of wetlands on the property, as the completed SEQRA form indicates but the submitted site plan does not. There is discussion between Board and Mr. Testo. Chairman Russell states that Mr. Testo should contact his engineer to clarify and/or correct so that both documents match. Chairman Russell states that the Public Hearing will remain open until the next Planning Board meeting on September 4, 2018.

Resolution: Public Hearing remains open.

Larry Dickinson
126.-1-24.114

2 Lot Minor Subdivision
Snake Hill Road

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Chairman Russell advises Board of Zoning Board of Appeals issuance of two (2) Area Variances for the frontage of each of 2 lots. Chairman Russell asked for comments in favor or in opposition of the application. There being no comments, the public comment period is closed. Member Grattan questions the Applicant about the 2 houses sharing a driveway and states that if the remaining large parcel is developed in the future, even if the road complied with Town Code, the Town has the option not to accept it. Mr. Dickinson states there are no plans for further development at this time.

Member Grattan makes a motion to classify the project as a two lot minor subdivision, motion is seconded by Chairman Russell, and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

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. Chairman Russell asked for comments in favor or in opposition of this portion of the application, none given. A motion made by Member Valente that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Member Teal 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.

Minor Subdivision Hearing: Given the negative declaration, the final public hearing on the approval portion of the application conducted after the SEQRA Hearing, Chairman Russell asked for comments in favor or in opposition of the final portion of the application, none given. Chair closes the public hearing with "There being no further comments, the public hearing is closed." Member Daniel makes "motion that the proposed 2 lot minor subdivision for the property at Snake Hill Road, Town of Poestenkill, be approved, motion seconded by Member Teal and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Resolution: 2 lot Minor Subdivision Approved

CNS Real Estate & Development
125.12-7-27.1.1

4 Lot Minor Subdivision
School Road

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Chairman Russell advises that Rensselaer County Dept. Of Health approved septic systems plans have been received by Board. Mr. & Mrs. Snyder review the project of 4 single family houses with a cellar or crawl space, the design is not yet know. Parking will be in the driveways, not on the front lawns. Member Teal states the proposed plan does not need any variances, complies with Town Code. Member Briggs hopes the facades will vary on the building but it would not be a condition. Chairman Russell asked for comments in favor of the application, no response. Chairman Russell asked for comments in opposition of the application.

Resident Dave Ruppert Jr. asks if rear setback is in accordance with Code and Member Grattan states yes, all setbacks and conditions conform to Code. Chairman Russell invites the many residents in the audience to come forward and review the site plan and approved septic plan. There is much discussion amongst the Board Members and residents. Resident Gabrielle Ares stated that 1) ten years ago the Town invested in a drainage pipe that proceeds down Spring and around the VFW to alleviate flooding, 2) has concerns of the level of aquifer as her well is 28' deep, 3) has water in basement, especially with snow melt, 4) has concerns of 3 bedroom in each house and the effect "yes the septic may be in Code but the Hamlet is small, 5) concerned there will be pooling between the houses, 6) is dismayed that the School District is not participating in this Hearing, 7) doesn't want all of the trees to be removed as there will be no privacy, tree removal will ruin her purchase of property of 20 years ago and 8) is very concerned how the traffic from these homes will impact the road, school events and snow plowing. Resident Jen Whitbeck stated she shares all of the same concerns as Ms. Ares and is worried about the traffic situation from the school, ball fields, the added vehicles from these residences will be too much "could have up to four cars per each home. She bought her home in 1996 and found she would sometimes have up to 3' of

water in the basement, water and runoff is a real concern. Chairman Russell states the project meets the required acreage per home, which is 0.5 acre in the Hamlet. Robert Kong of the VFW states the VFW has concerns over the septic, drainage, traffic and makes a particular note of the LED lights the VFW uses with their security system, that these lights may be an issue for incoming residents in the lot nearest to VFW. The VFW needs these lights and must continue to use in the future. Resident Deborah Bayly has concerns about 1) the current traffic, much less adding to it, 2) is concerned about the ability for the emergency services vehicles having needed access, especially with school events going on, 3) would not want these houses to be used as rental properties, will be difficult even with single family, 4) moved to a small town for the environment and this will be ruined, 5) has the engineer researched the water table, especially the lot closes to her property?, 6) has flooded basement, especially after storms Irene and Sandy, where the FD needed to pump basement often, 7) understands that Mr. Snyder can do what he wants but the Town should be very concerned, 8) VFW mentioned the light issue, will there be fencing put in?, will all the trees be taken down?, 9) this project will have an adverse change on the road and the Town. Resident Terri Jacangelo asked if all the new construction would be hooked up to the water district (Yes), 2) the drainage pipes are 15 years old and fragile, with heavy construction vehicles that may damage the existing pipes, CNS should be responsible to fix, 3) the plans do not give information on the aesthetics and landscaping ó the current duplexes look terrible, 4) the school see an increase in population, 5) the project has the neighbors very, very close and it will be a detriment to the neighborhood existing drainage. Resident Marci Ruppert is extremely worried about the traffic and the kids, that this is a sleepy little town. She understands housing may be needed but this proposal will be very detrimental as the road is not big enough, there are lots of kids and school buses and the road is simply not wide enough. The residents are informed that the houses will be hooked up to the Town water system and have private septic systems. Highway Superintendent Toby Chadwick agrees there have been problems with the buses and fire trucks having difficulties by the school and the ball fields. Chairman Russell states the public comment period is closed.

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. Question 1 ó all answer ðnoö, question 2 ó all answer ðnoö, question 3 ó to be discussed further, question 4 ó all answer ðnoö, question 5 ó to be discussed further, question 6 ó all answer ðnoö, question 7 ó all answer ðnoö, question 8 ó all answer ðnoö, question 9 ó to be discussed further, question 10 ó to be discussed further, and question 11 ó all answer ðnoö. Discussion amongst Board Members (public is informed there may be no comments from the floor during this hearing) regarding questions 3, 5, 9, 10.

Question #3 ó Impair character ó Member Briggs states there will be a ðmoderateö impact due to plan doesn't show how lots will be developed, how many trees to be removed, what the façade of each house will be. Member Daniel states there will be a ðmoderateö impact due to clearing of land and trees, that there are already problems with standing water, blacktop driveways will make this worse, small houses in the Hamlet have trees and this project doesn't keep the quality of current environment. Member Teal states a ðnoö as the project is in conformance with the Comprehensive Plan. Member Grattan states ðnoö as the Board doesn't have authority not to follow Code, that in the Hamlet 4 more houses will not be a big deal, that not all lots in Hamlet have trees and the project doesn't rise to ðmoderate. Member Dore state ðnoö as does conform to Code, that while it may shock some to see the

houses there but is appropriate and change does happen, problems will be addressed as arise. Member Valente states that the single family houses are a compromise from the originally wanted duplexes, no variances are needed, and the house closest to VFW may be an issue. Mr. Snyder stated he is limited in what can remain, will try to leave as many trees up as possible, clearing only what is necessary. Vote taken on question 3 and was approved as follows by five (5) ayes, two (2) nays and zero (0) abstentions.

Question 5 ó Traffic ó Member Daniel has concerns of traffic similar to that of a subdivision, problem is already bad, additional will make worse. Member Grattan states that 8 additional vehicles will have minimal impact. Member Valente states assurances are needed regarding traffic as it is already a severe issue. Discussion among Members. Vote taken on question 5 and was approved as follows by seven (7) ayes, zero (0) nays and zero (0) abstentions.

Question 9 ó Natural Resources ó Member Grattan states there are no wetlands, drainage may be an issue, runoff during construction phase to be addressed by Code Enforcement. Member Briggs states there will be more water around the current ponds, each lot has its own storm water and water can not leave the lots any faster than it already does. Mr. Snyder states only 1 lot at a time will be developed. Vote taken on question 9 and was approved as follows by five (5) ayes, two (2) nays and zero (0) abstentions

Question 10 ó Drainage ó Member Daniel states there are many examples around the Town where drainage has been an issue, where builders have had to redo construction and Code Enforcement involvement was needed, with some projects take 3-4 years to remedy. Further Member Daniel states it will cost the Town unnecessary monies. Mr. Snyder take issue with being compared to other contractors, have built 100s of homes and should there be problems, he would correct it promptly. Discussion amongst the Members. Vote taken on question 10 and was approved as follows by six (6) ayes, zero (0) nays and one (1) abstention by Chairman Russell.

A motion made by Member Grattan that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Member Teal seconded the motion and it was approved by a vote of five (5), two (2) nays, and zero (0) abstentions. Chairman Russell states the proposed action will not result in any significant adverse environmental impacts and closes the Hearing.

Minor Subdivision Hearing: Given the negative declaration, the final public hearing on the approval portion of the application conducted after the SEQRA Hearing, Chairman Russell asked for comments in favor or in opposition of the final portion of the application, none given. There were comments from residents previously heard during the Public Comment portion. Chairman Russell read the declaration letter from the Rensselaer County Health Department with regards to the septic systems. Member Grattan says that the Board can not revoke a Rensselaer County permit. This project is good to go.

Chair closes the public hearing with "There being no further comments, the public hearing is closed." Member Grattan makes a motion that the proposed 4 lot minor subdivision for the property at School Road, Town of Poestenkill, be approved, motion seconded by Member Teal and it was approved by a vote of five (5) ayes, two (2) nays and zero (0) abstentions.

*Resolution: 4 lot Minor Subdivision Approved***Applicants:****Gregory Hansen****136.00-1-6/136.00-1-7/136.00-1-9.2****2 Lot Line Adjustments****19 Jefferson Way**

Mr. & Mrs. Hansen reviewed the proposed lot line adjusts, with their Surveyor Kevin McGrath in attendance. Mr. McGrath explains to Member Grattan that the parcel is not eligible for a subdivision per a previous Planning Board ruling, that no new building are planned, that these lot line adjustments will allow the Hansens to sell recently deceased mother's home, give a little land to neighbor due to property line going through the existing shed and retain the largest part of the land to be combined with the current Hansen property. Much discussion amongst Board Member, Board Counsel, etc. Chairman Russell makes a motion to classify this as 2 lot line adjustment, motion seconded by Member Briggs and approved by vote of seven (7) ayes, zero (0) nays and zero (0) abstentions. Applicant is then referred to the ZBA for possible area variance with a Planning Board advisory that there are no issues. Member Grattan makes a motion to conditionally approve the lot line adjustments, to be made final with ZBA approvals, seconded by Member Daniel and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Resolution: Conditional approval of Lot Line Adjustments, Final with ZBA approvals.

Minutes: Meeting minutes of July 3, 2018 were reviewed. Motion to accept the Minutes was made by Board Member Valente, seconded by Board Member Daniel and approved by a vote of six (6) ayes; zero (0) nays; one (1) abstention by Member Grattan.

Public Comment Period:

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

A motion to adjourn the meeting at 10:35 pm was made by Board Member Daniel, seconded by Chairman Russell and approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane,
Planning Board Clerk