



**Planning Board**

**TOWN OF POESTENKILL**

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**PLANNING BOARD  
September 4, 2018 Minutes**

**Attendees:**

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

**Non-Voting:**

Robert Ryan, Esq.  
Lynn Kane, Clerk

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 Andrew Gilchrist of Gilchrist & Tingley, PC appeared with the Applicant. Chairman Russell stated the area in question has been mowed and clearly staked and the Highway Superintendent Toby Chadwick has approved. Chairman Russell made motion to amend the Major Subdivision Plat plan of the Lochvue Estates Lands N/F of 43 Mall, LTD, dated August 6, 2013 to include the Map of Access Easement dated December 8, 2017 and the Easement Agreement between Voland Organization LLC and 43 Mall Ltd., dated May 30, 2018, as modification of the aforementioned Final Major Subdivision Plat plan. Motion seconded by Member Briggs, approved by seven (7) ayes, zero (0) nays, and zero (0) abstentions. Applicant Petrone thanked Clerk Kane for extra effort in coordinating with the Rensselaer County Clerk's Office for filing.

*Resolution: Amendment approved.*

**Rocco Testo**

**136.0-9-1.4**

**3 Lot Minor Subdivision**

**Algonquin Beach Road**

Engineer Dickinson appeared with Applicant Testo. Board Members reviewed the newly revised site plan showing area of wetlands. Member Briggs questions Engineer Dickinson

what resources were used to document the wetlands, answer being Mr. Dickinson used maps by others, specifically mapping done for abutter Catone many years ago, not a visit to site. Member Briggs advises Board of Federal regulations regarding the documentation and actions around the wetlands, the importance of following said regulation clearly, that any discrepancy and the Corps of Engineers will intervene ó what matters is what is on the ground, per the 1987 delineation protocol. Failure to follow protocols could leave all parties in jeopardy. Planning Board Attorney, Robert Ryan, agrees that the documentation must match the site conditions. Abutting land owner, Mike Catone, states he doesn't want any run off from the site, especially Lot 1, that he was advised by CEO Barringer to get on the record that future excavation must take his comment under consideration. Mr. Testo states he now will be the contractor of new home on Lot 1 and he assures Mr. Catone there will be no problems with run off waters onto Mr. Catone's property. Member Briggs further states that NYS requires a 100' buffer beyond the wetlands, that the Federal government does not, using 3 parameters shows exactly where the wetlands are located and that if there is water within 12" of the surface, it is considered wetlands. Further, it is best to hire a wetland delineator and use their generated report. Attorney Ryan states that now that the Board is aware of wetlands, whether they do or do not exist, must show exactly where they are. If possible, NYS should delineate it the wetland boundaries, and it would be a wise move on Applicant's part. Engineer Dickinson said the work will get done as soon as possible. Chairman Russell stated the Public Hearing will stay Open.

*Resolution: Public Hearing remains open.*

Janet Provost  
137.00-2-7.21

3 Lot Minor Subdivision  
576 Oak Hill Road

Chairman Russell asks if a Member will reclassify the project as a 3 lot minor subdivision. Motion made by Member Daniel, seconded by Member Dore and approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

Planning Board Clerk Lynn Kane read the Public Hearing Notice. Chairman Russell advises the Board of the Zoning Board of Appeals issuance of an Area Variances for the frontage of Lot 2. Chairman Russell asked for comments in favor or in opposition of the application. There being no comments, 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. Chairman Russell asked for comments in favor or in opposition of this portion of the application, none given. A motion made by Member Teal that the proposed action will have no significant environmental impact and therefore a negative declaration should be issued. Member Heckelman 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.

No comments given. Chair closes the public hearing with "There being no further comments, the public hearing is closed." Member Daniel makes motion that the proposed 3 lot minor subdivision for the property at 576 Oak Hill Road, Town of Poestenkill, be approved, motion seconded by Member Briggs and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

*Resolution: 3 lot Minor Subdivision Approved*

**Minutes:** Meeting minutes of August 7, 2018 were reviewed. Corrected to show Don Heckelman was absent, correction to 4<sup>th</sup> page, second sentence of Terri Jacangelo's comments, missing "and" for word "with". Motion to accept the Minutes with corrections was made by Board Member Daniel, seconded by Board Member Dore and approved by a vote of six (6) ayes; zero (0) nays; one (1) abstention by Don Heckelman.

**Public Comment Period:**

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

**Old Business:**

Gregory Hansen - Member Grattan questioned if ZBA had issued variance, told no, has not had Public Hearing yet, will be on September 11<sup>th</sup>.

Quail Meadows - Chairman Russell stated activity is picking up, there was a meeting with Kevin Kronau, Chip Kronau, Tom Fields, Toby Chadwick and Supervisor Jacangelo regarding problems with the road at Quail Meadows (between Cathlie Drive & Weatherwax Rd.) including possible issues with the subbase and the test holes. For Phase 2 roadway, Mr. Kronau probably wants to wait over the winter to address settling of road, he needs to address pitch of road coming down off hill, the road shoulders need to be addressed, there was much discussion of remedies, prior to Town accepting the road. Member Grattan questions about accepting road if construction vehicles are to remain using it, Chairman Russell says this is being discussed, there will be a 3 year Performance Bond. Phase 2 road has long way to go. Quail Meadows Road issues are being addressed and corrected.

Lochvue - Chairman Russell states that the access road will go all the way around the pond. There are concerns regarding size of commercial vehicles of Town or County. Negotiations are on-going. Need the room around the pond for access.

Waste Management - Member Valente advised the Board that a resident had inquired of hours of operation at Waste Mgt. because the area was so quiet during working hours. Board Members were pleased.

A motion to adjourn the meeting at 8:45 pm was made by Board Member Heckelman, 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