

TOWN BOARD MINUTES
TOWN OF POESTENKILL
TOWN BOARD MEETING
AUGUST 16, 2018

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
Jack Casey, Town Attorney

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

Supervisor Jacangelo opened the meeting with the Pledge of Allegiance and thanked the residents for attending. The first item on the agenda was the continuation of public comments from last month's meeting on proposed Local Law #2-2018 entitled "Amending Chapter 150 Article VI 150-26 (D) of the Poestenkill Town Code." This proposed Law would repeal the requirement for a SUP for keeping up to 6 chickens (excluding roosters) in an enclosed 144 square foot pen in H, R, RR-1 and CLI Districts. If these requirements are not met pertaining to set backs, etc. the Planning Board would follow the original portion of the Town Code and go through the entire process of keeping fowl. Chairman of the Planning Board T. Russell thanked the Board members for streamlining this process. However, Councilman Wohlleber stated that he served on the Planning Board for several years and this particular issue never came up so he doesn't feel that the Code should be changed for something that rarely occurs and he will vote against it. Councilwoman Butler stated that the way she understood the matter is that residents were coming one after the other to keep a few chickens and it was a cost factor and Councilman Hass felt that this proposed Local Law was a good step in the right direction. This will be voted on formally during the regular portion of the meeting.

Public Comments on Barberville Natural Resource Area Plan and on the Barberville Natural Resource Area Law-Supervisor Jacangelo stated that the comment period will stay open until the September Town Board meeting. He further stated that all documents will be prepared for this meeting based on the comments to date and this will be the end of the discussions on both items.

Supervisor Jacangelo opened the regular comment period and asked if anyone wanted to speak or reserve time to speak. L. Basle, town resident wanted Supervisor Jacangelo to be aware that there are grants out there to switch out all the Town's hydrant plugs to Storz fittings. Supervisor Jacangelo was going to check into that. Another town resident T. Sullivan who lives in the new Quail Meadows Development was complaining about the thru traffic/barriers and her not being able to get her mail or possible lack of emergency services. Supervisor Jacangelo stated that most of the complaints from residents were over the construction trucks that were back and forth on the road. Supervisor Jacangelo stated as of this date Quail Meadow Rd. has not been accepted by the town so therefore it is still not considered a town road. The developer is free to put up whatever sign he sees fit in terms of limiting traffic on that road. Mrs. Sullivan feels the town could place no thru traffic on Cathlie Dr. which is a town road. K. Kronau owner of Quail

Meadows stated that he has put up no thru traffic signs and no commercial traffic/or thru traffic at the bottom of Cathlie Dr. and Snyders Corner Rd. He said he is not a police officer.

Supervisor Jacangelo stated that this has been an issue since the Quail Meadows subdivision was originally planned. As he stated prior, the Quail Meadow Rd. is still not up to town specifications for town approval. The Highway Superintendent will order "No Thru Traffic" signs for Cathlie Dr. so it will curtail the traffic from Cathlie going through Quail Meadow Dr. This discussion continued at length regarding the road and what deficiencies exist for the road to be dedicated. The acceptance of any road is a discretionary act by the town where the town has a Code which insures that all the tax payers in the town are not going to have to fix the road in a year or two. Councilman Hass feels that there are some serious problems here and people are living there. A meeting needs to be set up with all the people involved in this project and Supervisor Jacangelo stated that he will try and set something up for next week.

Motion by Wohlleber, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's minutes of the July 16, 2018 meeting. Motion by Wohlleber, seconded by Van Slyke and an oral vote of 5 ayes to accept the minutes of the Special Meeting of August 7, 2018.

Liaison Reports:

Planning Board – Planning Board Chairman Russell reported on the August 7th meeting. The minutes were not yet available and will be posted to the website when they are done.

Zoning Board – ZBA Chairman Jamison reported on the August 14th meeting. The minutes were not yet available and will be posted on the website when they are done.

Fire Company – Town Board members had copies of the Fire Co. July 2018 report.

Library – D. Reiss reported on the activities at the Library and the report included the Fall Market Day to be held on September 22nd with a rain date of Sept 23rd.

Youth Advisory Board-Councilman Wohlleber updated the Board on the success of the summer program with 109 campers attending this year and it was a record amount. He thanked the PBA for their donation to the cause.

CAC- No Meeting-They will be meeting on August 22nd.

Presentations:

It was noted that there will be a presentation on solar energy at the next meeting.

Correspondence: None

Discussion Items:

Revised Local Law#2-2018 to repeal the requirement for a SUP for residents in certain zoning districts to keep up to 6 chickens-This was already discussed.

Discussion of Barberville decision-Supervisor Jacangelo reported that the recent Article 78 that was filed basically ruled in the Town's favor. Now an Appeal has been filed against that decision.

Continuation of Barberville Natural Resource Area Plan and the Continuation of Barberville Natural Area Local Law-Supervisor Jacangelo-Supervisor Jacangelo feels that both issues will be concluded at the September 20th meeting.

Set 2019 Budget Preparation Schedule-Shortly the budget sheets will be distributed to all Department Heads with their requests and at the next Town Board meeting the workshop dates will be established.

Action Items:

RESOLUTION #13-2018-IN THE MATTER OF AMENDING CHAPTER 150, ARTICLE VI 150-26 (D) OF THE POESTENKILL TOWN CODE TO REPEAL THE REQUIREMENT FOR A SUP FOR KEEPING UP TO 6 CHICKENS (EXCLUDING ROOSTERS) IN AN ENCLOSED 144 SQUARE FOOT PEN IN H, R, RR-1, AND CLI DISTRICTS-Resolved a person may keep up to 6 chickens (no roosters), in an enclosed coop of not more than 144-Sq. ft., including a pen in any zone without first obtaining a SUP. Side and rear setbacks of the zone shall apply.

MOVED BY: Councilman Hass

SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

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

LOCAL LAW #2-2018-TO PROVIDE THAT A SUP WILL NOT BE NECESSARY FOR RESIDENTS TO KEEP UP TO 6 (No roosters) CHICKENS

MOVED BY: Councilman Hass

SECONDED BY: Councilman Van Slyke

VOTED UPON AS FOLLOWS:

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

Consider for approval Waste Management Host Agreement-Motion by Wohlleber. Seconded by Butler to authorize Supervisor Jacangelo to sign the Community Benefit Agreement between the Town and Waste Management of NY, LLC.

VOTED UPON AS FOLLOWS:

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

Reports:

Supervisor's Report- Supervisor Jacangelo reported that he met with West Sand Lake Ambulance representatives and they were very cordial, and the conversations were very interesting, and he will be meeting with the County Executive on September 14th. Also, community service workers have been fixing up the lawn and garden at the Town Hall and it looks very good. Supervisor Jacangelo also stated that the Town Clerk is authorized to purchase the plaque for the stone bench in the back gardens.

Town Attorney's Report – Mr. Casey reported on the matters that he worked on since the last Town Board meeting which included the refinancing of the BAN for the Highway trucks and he has also been working on a code enforcement issue.

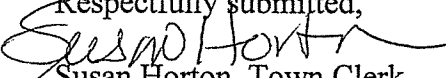
Town Clerk's Report – Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's report of July 2018. The total amount received in the Clerk's office was \$18,656.74 and of that amount \$18,383.60 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. Councilwoman Butler also asked once again that the Code Enforcement Officer's report be more detailed and Supervisor Jacangelo stated that he would speak to him about this matter. L. Basle wanted an update regarding the issues on Abbott Dr. and Supervisor Jacangelo told him to get in touch with the Planning Board secretary for all the documents that is needed. There were also reports from the Assessor, 811 report, Water report and the Highway Dept. report.

Payment of Bills:

Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to pay Warrant #15-2018 in the amount of \$25,316.95. Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #16-2018 in the amount of \$14,321.28.

Motion by Wohlleber, seconded by Supervisor Jacangelo and carried to exit to Executive Session at 9:20 p.m. with no votes taken to discuss a personnel issue and litigation. Motion by Wohlleber, seconded by Butler and carried to exit Executive Session at 9:45 p.m. and immediately adjourn the meeting.

Respectfully submitted,


Susan Horton, Town Clerk

Charter

COMMUNICATIONS

August 15, 2018

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Charter Communications (“Charter”), locally known as Spectrum, is making changes to our channel lineup for customers in New York. English Premier League Soccer channel discontinued Spectrum’s right to carry its channels located on SPP Tier 2/Spectrum Gold/Standard TV channels 420-424, and effective on or after August 24, 2018, the channel will no longer be available.

If you have any questions or concerns, please feel free to contact me at 518-640-8575 or via email at kevin.egan@charter.com.

Sincerely,



Kevin Egan
Director, Government Affairs
Charter Communications

20 Century Hill Drive
Latham, NY 12110

Charter

COMMUNICATIONS

August 29, 2018

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

This is to inform you about programming changes that will affect Charter Communications subscribers in New York.

Effective on or after Oct. 1, 2018, Newsmax TV HD will launch on Spectrum Silver/Digi Tier 1 channel 222.

If you have any questions or concerns, please feel free to contact me at 518-640-8575 or via email at kevin.egan@charter.com.

Sincerely,



Kevin Egan
Director, Government Affairs
Charter Communications

September 10, 2018

Dear Poestenkill Town Board Members,

We live in Poestenkill and have visited the Barberville Falls Preserve for many decades with our children and now with some of our grandchildren. Our out-of-town grandchildren can't visit the Preserve because they only visit us in the summer when the Preserve is closed. Jim serves on the Poestenkill Conservation Advisory Council and was on the Barberville Falls Committee established by the Town Board. June Ross should be thanked for heading that Committee with both conservation-minded town people and landowners adjacent to the Barberville Falls Preserve.

We are in favor of the Town of Poestenkill taking ownership from the Nature Conservancy for the Barberville Falls Preserve and the Town's proposed Barberville Natural Resource Area (BNRA) Law. The Barberville Falls Committee worked on the problems of trespass, types of allowed recreation, permitted uses and parking at the BNRA. The resulting proposed BNRA Law is a good starting place and best addresses adjacent landowners concerns.

We believe the Town of Poestenkill is currently the best entity to take control of the BNRA. As a local government, it has better resources and connections with state and county enforcement agencies to further address the local laws of the BNRA when the Town assumes ownership. The Town can also organize a group of people who are willing to help with the stewardship of the proposed BNRA. This group could improve safe access to the falls, keep it clean, and help with enforcing the proposed BNRA law.

Barberville Falls is a unique natural area with an attractive waterfalls and associated unique vegetation centered in the Town of Poestenkill. It would be a shame for the Town Board to pass up this opportunity to acquire such a unique natural area with the associated stewardship money. We look forward to the Town making this natural area its prime conservation focus and working with the public and adjacent landowners in making a visit to the Barberville Natural Resource Area an enjoyable experience and compatible with the local community.

Thank you for your consideration of our support in favor of accepting the Nature Conservancy's generous offer to the Town of Poestenkill.

Sincerely,

Jim and Sandy de Waal Malefyt
5 Bayberry Circle
Poestenkill, N.Y. 12140

Dominic Jacangelo

From: Brad McClave <brad@themcclaves.com>
Sent: Thursday, September 20, 2018 8:18 AM
To: Marcia Hopple; Dom Jacangelo; ccshng@aol.com; dewaalmaleyte@gmail.com; grattans4@aol.com; gsblut@hotmail.com; jross@adamrosscutstone.com; Bonnie Hohman; Kenny Hohman
Subject: Re: Vote 9/20 on Town ownership of Barberville Falls

I am including the committee in my response. Which I would like read during public comment since I have a prior engagement to attend tonight.

I am NOT in favor of this action.

- This new provision of special use permits flies in the face of everything the committee had discussed and is a thinly veiled concession to the bird watchers on said committee. Calling bird watching "scientific research" is laughable. Bird watching is a hobby, not scientific research. To say so would be akin to me saying my participation in the action pistol club is training for homeland security. The permitting for maintenance is also fallacy. If you are indeed hiring a part time steward, wouldn't his/her responsibility also be maintenance and cleanup? Do any of the permit applications (which I have seen no examples of) require a description of the maintenance or scientific research? What is to prevent would be swimmers from obtaining a scientific use permit to look for invasive fish species in the water? Allowing this use will also draw more illegal use. Seeing people using the area and cars parked in the lot will give the impression that the area is open and invite more people to come. There needs to be aggressive PR in conjunction with this and I have seen no plans for that at all.
- The plans to construct a new trail and parking lot creates several problems. In the past, Dominic has stated that there is no liability against the town if the property is kept in its natural state. Wouldn't construction of a parking lot constitute a capital improvement and therefore nullify that notion? Also, construction of said parking lot will quickly burn through the \$30,000 grant offered by the Nature Conservancy, regardless of whether the town highway department does the work or not. This also negates the argument that no environmental impact study is necessary to obtain the falls. Major excavation seems to be a qualifying indicator that a study is needed.
- According to the plan, there is an action item to "Develop new and clear signage regarding allowed activities at the falls and those activities which are prohibited." The existing signage has not worked at all in the past (big bright orange signs in the parking lot and the trail head). The rope rescue at the falls this summer is a clear indication of that. It's clear the town has not learned from history and is doomed to repeat it. There is also plans to "Close the Falls Trail from the top of the falls to the bottom of the gorge and install plant materials to dissuade access to the base of the falls." Unless these plant materials are fully grown thorn apples planted 4 to 5 rows deep, this will also not dissuade trespassers.
- \$30,000 is a trivial amount of money. Salary for a steward, parking lot, new trail, signage, fencing, plant materials, etc. It seems to me like this grant will not go very far. I have seen no cost estimates from the town, nor have I seen any plan on how to fund any of this once the money runs out.

As I remember it, the Barberville Falls Committee's recommendation was that *if* the town were to acquire this property (and the prevailing opinion was NOT to acquire it), that the status quo was to remain. NONE of this is the status quo and in my opinion, is not an improvement of it.

I AM NOT IN FAVOR OF THIS ACQUISITION.

On Sat, Sep 15, 2018 at 8:17 AM <mhopple@nycap.rr.com> wrote:

Hi Brad, here is an update on Barberville Falls and an opportunity to comment either for or against Town ownership:

The Poestenkill Town Board is expected to take a vote at their monthly meeting on Thursday, 9/20, next week, on accepting the gift of the Barberville Falls Preserve from The Nature Conservancy (TNC). TNC is also offering \$30,000 toward the Town's first few years of costs such as paying a part time steward to patrol the falls area and parking. If you are comfortable with encouraging the Town to take responsibility for this treasure of a natural area, and the difficulties of managing it, please speak or submit a written statement in favor. I understand that Supervisor Jacangelo and Board member June Butler are in favor, Board members David Hass and Harold VanSlyke are opposed, and Board member Eric Wohleber is undecided. The Town Conservation advisory committee, of which I'm a member, is in favor. See below for the list of other members.

I can provide a lot of background if requested. The latest version of both a proposed local law and a plan for managing the property if the Town took ownership, are posted on the Town website <https://townpoestenkill.digitaltowpath.org:10299/content/Boards/View/1#documents>. The property would remain closed from Memorial Day to Labor Day except for permits from the Town for scientific or maintenance purposes. Early on the Town talked about trying to restrict access year round to residents only, but that is no longer the case. The public is welcome except in summer.

I am attaching a letter from one of the members of the CAC and his wife, asking that the Town take responsibility for owning, protecting, and encouraging local use of what would be the first Town owned green space. It might inspire you and offer a quick way to adapt some words if you want. I guess my most important comment about the Town owning the property is that the Town is the best owner to facilitate local control as well as local use of the property. The Town has the ability to get help from law enforcement to deal with trespassers and trouble makers at the falls. And the Town even gets some revenue from fines imposed on trespassers by the Town court.

Other members of the Town CAC are Howie Cushman, Jim Dewaal Malefyt, Jeff Briggs, Pete Teal, and Walter Kersch. Briggs and Teal are also on the Town Planning Board. Dewaal Malefyt, Briggs and Kersch are on the Board of the Rensselaer Plateau Alliance. We have thought a lot about this, drafted the Natural Resource Area Plan, and recently did a site visit to the property to look at the trail conditions. I think now is the time to seize a great opportunity for Poestenkill.

You can send comments to Supervisor Dominic Jacangelo at djacangelo@poestenkillny.com, or appear at the meeting starting at 7 on Thursday next week. Thanks.

Marcia
518-283-5353



415 River Street
Troy, NY 12180
518-659-5263
www.renstrust.org



September 18, 2018

Dear Poestenkill Town Board Members,

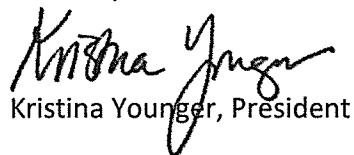
The Rensselaer Land Trust is in favor of the Town of Poestenkill taking ownership from the Nature Conservancy for the Barberville Falls Preserve and the Town's proposed Barberville Natural Resource Area (BNRA) Law. The Barberville Falls Committee worked on the problems of trespass, types of allowed recreation, permitted uses and parking at the BNRA. The resulting proposed BNRA Law addresses adjacent landowners' concerns.

We believe the Town of Poestenkill is currently the best entity to take control of the BNRA. As a local government, the Town has better resources and connections with state and county enforcement agencies to further address the local laws of the BNRA. The Town can also organize a group of people who are willing to help with the stewardship of the proposed BNRA. The Rensselaer Land Trust is willing to be a partner in this effort.

Barberville Falls is one of the natural jewels of Rensselaer County, with an attractive waterfall and associated unique vegetation centered in the Town of Poestenkill. We encourage the Town Board to take advantage of this opportunity to acquire such a unique natural area with the associated stewardship money offered by the Nature Conservancy. This natural area could become the Town's conservation focus, working with the public and adjacent landowners to make a visit to the Barberville Natural Resource Area an enjoyable experience compatible with the local community.

Thank you for your consideration of our support in favor of accepting the Nature Conservancy's generous offer to the Town of Poestenkill.

Sincerely,


Kristina Younger, President

Barberville Natural Resource Area (BNRA) Plan

Intro

This plan was developed by the Town of Poestenkill Conservation Advisory Committee in 2018 to provide a baseline description of the BNRA and establish guidelines for managing it, as well as offer a vision for the future of the area. The BNRA is a complement to the Barberville Natural Area Law, Local Law Number __, which takes precedence in case of any conflict between the two documents. The CAC and Town Board intend for the BNRA Plan to be consistent with Local Law Number __ and to add detail to its provisions for Town ownership and operation of the BNRA.

Description

Location and Current Access

The Barberville Natural Resource Area (BNRA) is in the Town of Poestenkill, Rensselaer County, along 0.57 miles of the Poesten Kill and includes 138 acres of undeveloped land. A major tributary of the Poesten Kill, draining Davitt Pond, transects the property. A major feature of the BNRA is the Barberville Falls of the Poesten Kill, shared with neighboring private property on the west side of the falls.

The BNRA is currently accessed by the public from a limited parking area located on the east side of Plank Road (County Route 40) approximately 0.27 miles north of its junction with Blue Factory Road. The existing parking lot can accommodate 4-6 vehicles. There are no bus routes that access the BNRA. BNRA users may access the property via three existing trails:

1. **The Creek Trail** is located just north of the parking area along Plank Road. It is a smooth, unmarked trail except for signs at the ends. It goes down the slope to the banks of the Poesten Kill and then goes a short distance both upstream and downstream. Round trip is about a mile.
2. **The Falls Trail** is 0.1 mile east of the intersection of Plank Road and Blue Factory Road on the opposite side of the road from Banner Hill Road. The trailhead is well marked, and the trail is relatively flat to the top of the falls. The trail descends steeply from there to the bottom of the falls. Round trip is about 0.5 mile.
3. **The Ridge Trail** begins 0.1 miles east of the Falls Trail, along the Blue Factory Road. The trail loop is generally well defined and marked with orange diamonds or orange ribbon. The trail comes to the Poesten Kill opposite the southern terminus of the Creek Trail and then climbs a ridge alongside of the stream. Round trip is about 1.3 miles.

Existing Conditions

This description of the existing conditions at the BNRA is meant to be a summary highlighting the most important elements.

Physical Resources

Geology. BNRA is located at the escarpment of the Rensselaer Plateau. The Rensselaer Plateau is a sub-section of the Taconic Range, a physiographic section of the larger New England province and part of the Appalachian Mountains. The Taconic orogeny was the first Paleozoic mountain building event in North America, and the first of a series of mountain building plate collisions that contributed to the formation of the Appalachian Mountains, North America's oldest mountain range.

What underlies much of the Rensselaer Plateau today are the older rocks. Four ice ages continued to erode the surface geology of the area. Today, much of the rock record is eroded and the ancient Greywacke bedrock is at or near the surface across the Plateau. Topping the bedrock is a mantle of glacial debris left by the melting of the Wisconsin ice sheet approximately 15,000 years ago. As the Wisconsin ice age waned in the area, it left behind extensive deposits of glacial till and outwash (sand and gravel). It is likely that the falls has migrated eastward over the past several thousand years.

The Barberville Falls of the Poesten Kill is about 90 feet high and 50-60 feet wide plunging over the escarpment of the Plateau. The main bedrock at the falls is Rensselaer greywacke. Above the falls are beds of Nassau slate and limestone.

Soils. The soils in the BNRA are mainly Buckland Very Stony Loam series derived from the parent glacial till.

Topography. Eons of erosion in the area that includes the BNRA have developed a significant cataract and gorge which extends for several hundred yards to the west.

Water Resources.

This watershed is a significant tributary to the Hudson River and belongs to the Upper Hudson major watershed.

Two streams, flowing through the BNRA are classified as "C" by the Department of Environmental Conservation (DEC). This classification designates streams that support fisheries and are considered suitable for non-contact activities such as fishing and boating.

The most prominent stream in the BNRA is the Poesten Kill, which drains approximately 35 square miles of the Rensselaer Plateau — an area from Dyken Pond on the north to Taborton on the south. The Poesten Kill not only provides important water resources but also a habitat for fish and other aquatic life. Below the falls, the stream flows through a gorge as deep as 100 feet and 500-1,000 feet wide.

The second-most prominent stream is the Davitt Pond stream which has its origin as the main outfall of Davitt Pond approximately 2/3 mile north of the property boundary.

Natural Resources

The following information will be updated later as a natural resource inventory is conducted by the Town Conservation Advisory Council (CAC) in partnership with the Hudson River Greenway.

Ecological Communities

A 1999 survey of the dominant hemlock-northern hardwood forest at the Nature Conservancy Barberville Falls Preserve, conducted by ecologist David Hunt, resulted in an A rating reflecting it is a large, healthy, and an excellent instance of such a community. Most instances have been compromised by invasive species, extensive logging or development. Small stands of hemlock-hardwood swamp and Maple-basswood rich mesic forest are also found in the BNRA.

Invasive Flora. No invasive plant communities of significance have previously been identified on the property. It is noted that there is currently an absence of Japanese Knotweed which has invaded much of the plateau.

Fauna. The birds, fish, mammals, amphibians and reptiles that are found in the surrounding areas are representative of those found at the BNRA. The diverse ecosystems of the preserve provide a variety of habitats that support a variety of fauna typical of this area of New York State.

Invasive Fauna. Two destructive, invasive forest pests are either in the BNRA or represent a serious threat: Hemlock Woolly Adelgid is present in the areas near Rensselaer County; Emerald Ash Borer has been located in Rensselaer County.

Rare, Threatened and Endangered Species. The Natural Resource Inventory will attempt to identify and Rare, Threatened or Endangered Species community in the BNRA.

Cultural Resources

The area as a whole is significant from a Native American, early-American trading, Revolutionary War, and Industrial Revolution standpoint.

Archeologists estimate that Native Americans, specifically Mohican and pre-Mohican people, lived in today's Rensselaer County for about 10,000 years, thriving on the resources of the region's rich forests and waterways for thousands of years. Some archeological sites indicate continuous human settlement for approx. 5,000 years, until the area was colonized by the Dutch

From the early 1600s, European settlers - Dutch, English, then French and Norwegian - entered into economic and military agreements with Mohican and other neighboring Native American tribes. Native Americans got swept up in the wars Europeans waged for access to the fur trade and land, and their numbers plummeted, further exacerbated by losses from intertribal conflicts. The few remaining Native Americans of today's Rensselaer County in New York came to be known as the 'friendly' Stockbridge Indians.

In the early 1900's the Water Molder Power Co. was organized to harness the water power of the falls through the production of electricity. A small power house with a sluiceway was constructed. The investors abandoned the project before completion and left town. Remnants of the project remain most notably remains of the sluiceway.

Scenic Resources

The main scenic resources of the BNRA are the views of the Poesten Kill, Barberville Falls, and Davitt Pond stream from the various hiking trails. The Area trails also provide access to beautiful views of the mature beech-maple and hemlock hardwood forests found on the property.

Recreational Resources/Activities

The BNRA has a complex of approx. 2.8 miles of designated trails for hiking, . The most frequently used trail is the Falls Trail. There is no parking at the Falls Trail head currently and visitors must walk along Plank Road to reach the trail from the small parking area. Trails on neighboring private property protected by a conservation easement, which connect to trails at the large Camp Rotary Boy Scout Reservation on Davitt Pond, do not provide access to the BNRA property since they are privately held. Swimming, wading, boating, and kayaking in the Poesten Kill are not allowed activities in the BNRA.

Hunting, with a state hunting license and a permit, is allowed in the Preserve at certain times of the year with very specific conditions and corresponding to DEC hunting seasons.

Fishing, with a state fishing license, is permitted on all waters within the BNRA boundary. **Portions of the west shoreline to the middle of the Poesten Kill are private property and trespassing on private property is against BNRA rules and is punishable by prosecution as trespassing.**

Town Mission

The mission of the Town of Poestenkill is to provide safe and enjoyable recreational and interpretive opportunities for all visitors and to be responsible stewards of our valuable natural, historic and cultural resources. The management of the preserve shall be consistent with all local laws adopted by the Town for the purposed of managing the BNRA.

Consistency with the Barberville Natural Resource Area Law

This plan must be consistent with the Barberville Natural Resource Area Law as adopted by the Town Board on ###/###/#### as local law number # and any subsequent revision there to. Should an inconsistency arise between the BNR Local Law and this plan, the local law shall supersede this plan.

Barberville Natural Resource Area Vision Statements

Introduction. The Barberville Natural Resource Area is the first town-owned natural resource area in the Town and is unrivaled in its importance to the Town's natural and cultural history. The property was protected for more than 50 years as a preserve of The Nature Conservancy.

Vision. As the first natural resource area under ownership by the Town of Poestenkill, the vision of BNRA is to remain a natural resource area for the public's enjoyment; to provide recreational opportunities; engage visitors about the environmental, historic, and cultural resources of the Area; and to be a place of inspiration and wonder at nature's splendor. It is the Town's vision to be a steward of the BNRA to protect and to enhance its natural habitats and species, and to remain available to the public for future generations. Development of facilities to support the public's use will be kept at a minimum and to the greatest extent possible the BNRA will be maintained in its natural state.

The BNRA will accomplish this vision as follows:

Maintain and enhance the BNRA's biodiversity and existing natural communities. Protect rare and endangered plants and animals and control invasive species in the Area.

- Provide adequate access and trails to prevent infringement of the property rights of adjoining neighbors.
- Maintain and enhance the trail system to provide a variety of opportunities while safeguarding the habitats through which the trails run.
- Expand educational programming in the BNRA on environmental and historic themes.

Action Items

This section provides a narrative description of the plan, outlining what will be done in the Area for natural and cultural resource protection, recreation resource development, and management and operations, pending available funding. Action items are presented which have been guided by the vision for BNRA..

Natural Resource Protection Strategies

To the extent feasible natural resource protection shall be a leading goal of the management strategies combined with an appropriate level of public access and recreational opportunity. Adaptive management strategies are needed to manage forest health, invasive species, and potential impacts to water quality or fish and wildlife. Management strategies must also consider potential future impacts to BNRA.

Action Item. Develop a Comprehensive Invasive Management Plan, Including Early Detection and Rapid Response, Follow Recommendations of CAC and consult with the NYS Invasive Species Task Force and Invasive Species Institute.

Recreation Development

Action Item: Clean up the old farm dump located along the Ridge Trail and properly dispose of the material removed from that site.

Action Item. Improve parking to direct visitor activities away from neighboring private property. The current parking area places visitors on Plank Road with minimal space to park. To access a falls view, visitors most walk some distance up Plank Road and access the Falls from the Falls Trail located on Blue Factory Road. Many visitors seek short cuts to the falls through private property.

Action Item: Construct a new gravel parking area for 6-10 cars at the property which borders Blue Factory Road. The Parking area will be less than 1 acre (app. 4500 sq. ft.) and be gated on Blue Factory Road. The gate will be locked and closed when entry to the park is not permitted.

Action Item: Develop a new entry trail from any new parking area to the falls. This entry would parallel the private property line along the existing Ridge Trail and develop a new trail that will bring visitors to the base of the falls.

Action Item : Consider stabilizing the Falls Trail from the top of the falls to the bottom of the gorge .

Action Item: Develop new and clear signage regarding allowed activities at the falls and those activities which are prohibited.

Operations, Infrastructure and Facilities Strategies

Action Item. Facilitate New Signage for BNRA

- The new signage internal to the BNRA will be based on universal language signs (symbols instead of words) to guide use.

Action Item: Hire a part time BNRA steward

- Hire a steward to do interpretive and instructive communication at the falls, request the assistance of local peace officers when needed; open and close park gates at appropriate times; install and remove illegal parking boots as needed.

Action Item: Coordinate Enforcement Actions

- The Town will, to the best of its ability coordinate and ask for law enforcement agencies such as Conservation Police Officers and Forest Rangers, County Sheriff's Office and State Police to help provide enforcement of state, county and local laws in order to provide sound management of the BNRA and to ensure that visitors behave in a peaceful and non-intrusive manner to not adversely impact neighbors or neighboring communities. The Town shall ensure that local justices are aware of the goals of the BNRA and that the stewardship of those lands held in the public trust are considered should any involved matter come before the local court.

Barberville Natural Resource Area

Implementation

The first step in implementation is the Town Board's enactment of the Barberville Natural Resource Area Law, Local Law #___ of 2018.

Priorities

The pace and sequencing of recommended actions will be determined by the availability of funding, which is a function of the size of the Preserve's annual budget and the need to balance critical problems with long term goals. This plan will be reviewed annually by the CAC to select projects that will be added to the plan for implementation and to assess the progress of plan implementation.

Immediate:

- Clean up of old farm dump
- Development of Blue Factory Road gravel parking area
- Hiring of a part time BNRA Interpreter

Priority 2:

- Development of new trail to falls
- Stabilizing the Falls Trail down to the bottom of the Gorge

Long Term:

- Provide annual review of preserve operations. Examine impacts to the fauna and flora. Take appropriate actions to minimize impacts.
- Work with appropriate agencies to ensure that the Hemlock Woolly Adelgid does not get a foothold in the property.
- Establish a dedicated source of funding for the care and management of the preserve.
- Involve volunteer groups in the stewardship of the BNRA

Budget

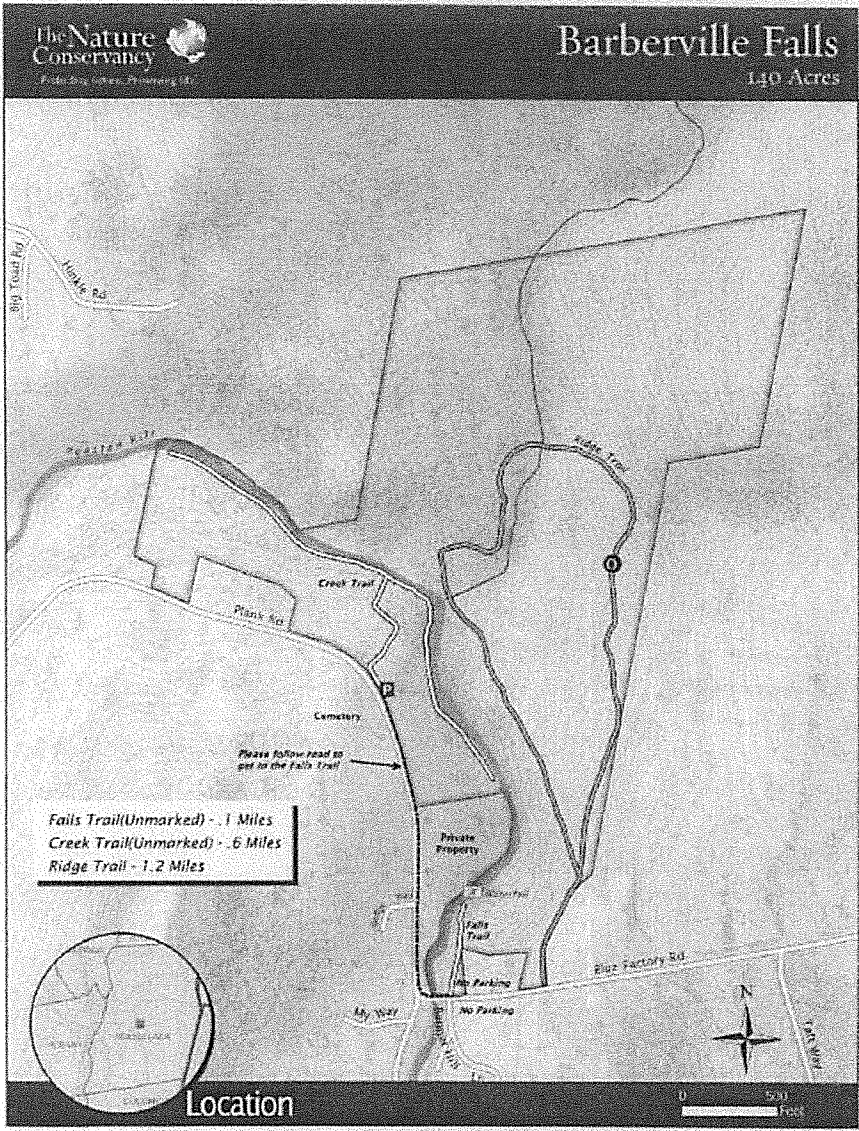
The Nature Conservancy has provided \$30,000 with the transfer of the property to the Town of Poestenkill. The following is a proposed schedule of how that money will be applied to the Barberville Natural Resource Area for the purposes outlined in the proceeding plan. A future source of funding should be dedicated to the stewardship of the falls when the initial stewardship money is expended.

Barberville Natural Area Budget

	Year 1	Year 2	Year 3	
Environmental Cleanup	0	2500	100	100
Park Improvements	0	2500	2500	
Staffing 4 days a week to start / 5 months	0	6899.2	6961.92	7400.96
		11899.2	9561.92	7500.96 28962.08

The \$2,500 for cleanup assumes that we will need highway equipment to cut a larger trail to the old dump and we can get a dumpster relatively close by.

Wages are based on 28 hours per week at minimum wage plus fringe which must be paid.



Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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
Town
Village

of **POESTENKILL**

Local Law No.

of the year **2018**

A local law **REGULATING ACCESS TO AND USE OF THE BARBERVILLE NATURAL RESOURCE AREA WITHIN THE TOWN OF POESTENKILL**
(Insert Title)

Be it enacted by the

Town Board

of the

(Name of Legislative Body)

County

City

Town

Village

of

POESTENKILL

as follows:

Section 1. Name of Local Law

This law shall be known as "Barberville Natural Resource Area Law."

Section 2. Authority and Purpose.

Barberville Falls and the surrounding area (collectively referred to hereinafter as "the Barberville Natural Resource Area") is a unique natural landmark situated within the heart of the Town of Poestenkill ("the Town") and is a part of the Town's heritage and was duly acquired by the Town from the Nature Conservancy in 2018. The Barberville Falls is approximately 90 feet in height carrying the waters of the Poesten Kill from the upper escarpment of the Rensselaer Plateau to the Poestenkill Hamlet. The Poesten Kill drains approximately 35 square miles of the Plateau and not only provides important water resources but also a habitat for fish and other aquatic life. The Barberville Natural Resource Area includes discrete ecological communities while also offering to the public a variety of recreational opportunities including hiking, bird watching, nature walks, fishing, and photography on its 138 acres. It is the purpose and intent of this local law that the Town provide for responsible stewardship of this unique natural resource while also allowing its vistas and recreational opportunities to be accessed and enjoyed by the public. As part of such purpose, the Town also hereby establishes rules, restrictions and conditions for public access to and use of the Barberville Natural Resource Area to the end of facilitating, to the extent possible and practicable, a safe and enjoyable experience for all visitors to the Barberville Natural Resource Area and the preservation of its resources in their natural pristine condition and to ensure that private land is not trespassed on nor used for purposes not approved by the owner of such private land.

09/13/18

Section 3. Public Notice.

Whereas the Barberville Natural Resource Area is a natural and potentially dangerous open space area, this local law and the signage hereby authorized and if and when posted shall serve as a warning to the visiting public that the property contains steep slopes, slippery surfaces and dangerous cliffs. Children shall at all times be under the supervision and guardianship of an adult while on the property. All persons enter the property at their own risk.

Section 4. Permitted Uses.

1. From the day after Labor Day through two (2) days before Memorial Day persons are invited to visit the Barberville Natural Resource Area for the purposes of bird watching, hiking, fishing, geocaching, snowshoeing, and photography and such other uses as the Town Board shall name not inconsistent with the purposes and intent of this local law, from sunrise until sunset.
2. Every person intending to park in designated parking areas as provided for in subdivision 11 of Section 5 of this local law shall first obtain and display in the window of their vehicle a permit obtainable from the Town Clerk's office. No person shall park on any private property without the permission of the land owner. Illegally parked vehicles may be ticketed, towed or immobilized by the placement of a wheel boot on their vehicle. The fee for having such boot removed shall be \$50 payable to the Town of Poestenkill by cash or check. Any towing fees are the sole obligation of the vehicle owner and shall be payable directly to the towing service provider.
3. The town board by resolution may establish one week from October 1 through December 20 for hunting provided that any such hunting is undertaken consistent with State law. Such use shall be by permit only issued to town residents following a public lottery. The number of permits shall be limited to 5 (five) for the week. Such hunting season shall be posted not less than 30 (thirty) days prior to commencement on the town website and at entries to the property and such other locations as determined by the Town Board. The Town shall use reasonable efforts to notify adjacent and nearby property owners of the proposed resolution.
4. In addition to the uses expressly permitted by this Section 4 and subdivision 13 of Section 5 of this local law, the Town Board may, by Resolution, authorize any additional use or uses not inconsistent with the purpose and intent of this local law.

Section 5. Access and Use Restrictions and Prohibitions.

1. No person shall enter the Barberville Natural Resource Area from two days before Memorial Day through Labor Day without first obtaining a permit from the Town Clerk which shall specify the purpose for the entry. Permits will be issued for the limited purposes of scientific research and park cleanups. The permit application shall include

the identity, address and contact information for the person responsible for the permit and how many people are proposed to be included in the permit and identities, addresses and contact information. The permit shall also identify any vehicles to be parked in the Barberville Natural Resource Area parking areas for the specified activity.

2. Alcohol: No person shall possess any alcoholic drink while on Barberville Natural Resource Area property.
3. Glass: No person shall possess any glass container or drinking glass while on Barberville Natural Resource Area property.
4. Swimming: No person shall at any time swim or wade in that portion of the Poesten Kill which passes through the Barberville Natural Resource Area.
5. No person shall wander off designated trails or climb on the face of the falls.
6. Camp Fires: No person shall start a campfire or other fire within the Barberville Natural Resource Area for any purpose at any time.
7. Time of Permissible Occupancy: No person shall remain on the Barberville Natural Resource Area property later than sunset or earlier than sunrise.
8. Noise: No person shall create unnecessary noise while on the Barberville Natural Resource Area except to call emergency personnel or to find a missing person.
9. No recreational hunting is permitted other than that authorized in Section 4, Subdivision 3.
10. No person shall enter private property from the Barberville Natural Resource Area at any time other than with the permission of the owner of such private land. In this regard, it is noted that the area extending from the center of the bed of the Poesten Kill to the west edge of the Barberville Falls proper as well as the adjacent land from under the bridge to the power house is privately owned property which is not included in the Barberville Natural Resource Area. Accordingly, entry upon such private property constitutes trespass and may be prosecuted as such by the property owner.
11. Parking: No person shall park any vehicle on Barberville Natural Resource Area property other than in designated parking areas. In addition, there shall at no time of the year and for whatever purpose be any parking of vehicles upon the premises of the Barberville Natural Resource Area without first obtaining a parking permit from the Town Clerk, which permit shall be prominently displayed on the dashboard of any such parked vehicle.
12. No pets or animals of any kind shall be let loose upon the premises of the Barberville Natural Resource Area. Dogs must be on a leash and under the control of the owner. Any fecal waste shall be removed from the property.
13. No motorized vehicle shall enter the Barberville Natural Resource Area except those under the direct supervision of the Town of Poestenkill for administrative and maintenance purposes.

Section 6. Violations and Penalties.

09/13/18

1. Any person who violates the provisions of this local law is guilty of a violation punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00).
2. Any unauthorized or prohibited access, occupancy or use of the Barberville Natural Resource Area or its resources shall constitute both civil and criminal trespass and may be prosecuted as either or both.
3. Any person who requires the assistance of a first responder, police or fire services, or town resources by virtue of a violation of this Article shall be strictly liable for the actual costs associated with such assistance.

Section 7. Resource Area Review

The Conservation Advisory Council as established by Article I of Chapter 16 of the Town Code shall review the use of the Barberville Natural Resource area to ensure that this article is meeting the goals set out by its provisions and make recommendations from time to time to the Town Board on possible changes to the article. In addition, the Conservation Advisory Council is authorized to accept donations on behalf of the town for the care and management of the property and may apply for grants both public and private for the same.

Section 8. Primacy

Any plan, action or undertaking by any department of the town must be consistent with this local law.

Section 9. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

At a duly convened meeting of the Town Board of the Town of Poestenkill in the County of Rensselaer conducted at the Poestenkill Town Hall at 7:00 P.M. on the 20th day of Sept, 2018.

RESOLUTION NO. __ OF 2018

DECLARING THE MONTH OF SEPTEMBER “OVARIAN CANCER AWARENESS MONTH” AND ANNOUNCING A “TURN THE TOWN TEAL” CAMPAIGN IN THE TOWN OF POESTENKILL TO RAISE AWARENESS ABOUT OVARIAN CANCER AND ITS SYMPTOMS

WHEREAS, September has been designated as National Ovarian Cancer Awareness month; and

WHEREAS, “Turn the Town Teal” is a national campaign to create awareness of Ovarian Cancer and its symptoms in which volunteers tie teal-colored ribbons throughout the town, at local stores, places of business and worship, in their neighborhoods and at their residences, and also distribute symptom cards and brochures about the disease; and

WHEREAS, Ovarian Cancer is called the “subtle disease” because its symptoms are vague and difficult to diagnose and often mimic other disorders; and

WHEREAS, no early detection test exists for Ovarian Cancer which is the leading cause of gynecological cancer deaths in the United States, and one out of seventy women is diagnosed with the disease; and

WHEREAS, increased public awareness of this disease, its risk factors and its subtle symptoms saves women’s lives as if detected in its early stages, since survival from Ovarian Cancer is between 90-95%;

NOW BE IT THEREFORE RESOLVED that the Town Board declares September 2018 “Ovarian Cancer Awareness Month” in the Town of Poestenkill and supports the “Turn the Town Teal” awareness campaign; and

BE IT FURTHUR RESOLVED that teal ribbons may and shall be displayed from all the Town of Poestenkill’s public buildings during the month of September.

MOVED BY: _____

Prepared and approved as to form by:
John T. Casey, Town Attorney

SECONDED BY: _____

VOTED UPON AS FOLLOWS:

Councilwoman June Butler: _____

Councilman David Hass: _____

Councilman Harold Van Slyke: _____

Councilman Eric Wohlleber: _____

Supervisor Dominic Jacangelo: _____



Planning Board

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210
Poestenkill, NY 12140
(518) 283-5100 Phone
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PLANNING BOARD August 7, 2018 Minutes

Attendees:

Tom Russell, Chairman
Jeffrey Briggs
William Daniel
Judy Grattan
Robert Dore
Harvey Teal
Don Heckelman
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 Jonathan Tingley of Gilchrist & Tingley, PC appeared on behalf of the Applicant. Mr. Tingley reviewed the application before the Board – 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 20'-24' strip 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 6" grade sub base and 2" 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 20' 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

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,

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 “no” by five (5) ayes, two (2) nays and zero (0) abstentions.

Question 5 – Traffic – 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 “no” by seven (7) ayes, zero (0) nays and zero (0) abstentions.

Question 9 – Natural Resources – Member Grattan states there are no wetlands, drainage may be an issue, runoff during construction phase to be addressed by Code Enforcement. Member Briggs 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 “no” by five (5) ayes, two (2) nays and zero (0) abstentions

Question 10 – Drainage – 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 “no” 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 “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



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD AGENDA

September 4, 2018

7:30 Meeting Opens – Pledge of Allegiance

Public Hearings:

43 Mall LTD Easement for Storm Water Pond
Mark Petrone

Rocco Testo 3 Lot Minor Subdivision
136.0-9-1.4 Algonquin Beach Road

Janet Provost 3 Lot Minor Subdivision
137.00-2-7.21 576 Oak Hill Road

Applicants:

Minutes of the August 7, 2018 Meeting

Public Comments

Old Business:

Waste Management:

Organization:

Other:

Tom Russell to attend September Meetings

Bob Dore to attend October Meetings

Don Heckelman to attend November Meetings



Planning Board

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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 – 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 "classify 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 4th page, second sentence of Terri Jacangelo’s comments, missing “w” 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 11th.

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



Planning Board

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12140

(518) 283-5100 Phone

(518) 283-7550 Fax

Meeting of September 4, 2018

Open Meeting with Pledge of Allegiance, introduce the Board Members.

PUBLIC HEARINGS:

43 Mall LTD Easement for Storm Water Pond
Mark Petrone

The **first item on the agenda** is the open Public Hearing related to request by Mark Petrone of 43 Mall LTD to accept the easement for Storm Water Pond and Access Road.

*** Discussion by Board

*** Board Member _____ makes a “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.”

Seconded by Board member _____

Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).

Rocco Testo 3 Lot Minor Subdivision
136.0-9-1.4 **Algonquin Beach Road**

The next **item on the agenda** is the public hearings related to request by Rocco Testo for a 3 lot minor subdivision.

*** Discussion by Board

SEQRA public hearing, the EAF must be read and the Board must answer all the questions for the record.

*** Board member _____ makes a “motion that the proposed action will not result in any significant adverse environmental impact and that therefore, a negative declaration should be issued.” Seconded by Board member _____

Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).

If Approval Public Hearing:

Discussion by Board

- *** **Chair asks** any member of the public in favor of the application to speak.
- *** **Chair asks** any member of the public in opposition of the application to speak.
- *** **Chair closes the public hearing** with “There being no further comments, the public hearing is closed.”

The Board discusses application and any conditions that apply.

- *** **Board Member _____ makes a motion to approve the application for a 3 Lot Minor Subdivision to Rocco Testo, 285 Algonquin Beach Road, Town of Poestenkill. Seconded by Board Member _____**
Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).

Janet Provost
137.00-2-7.21

3 Lot Minor Subdivision
576 Oak Hill Road

The next **item on the agenda** is the public hearings related to request by **Janet Provost** for a 3 lot minor subdivision. **Applicant has received area variance for Lot 3 from ZBA.**

*****MAKE MOTION TO CLASSIFY AS 3 LOT MINOR SUBDIVISION*****

Secretary to read Public Hearing Notice into the Record.

- *** Discussion by Board
- *** Chair asks any member of the public **in favor** of the application to speak.
- *** Chair asks any member of the public **in opposition** of the application to speak.
- *** Chair closes the public hearing with “There being no further comments, the public hearing is closed.”

SEQRA public hearing, the EAF must be read and the Board must answer all the questions for the record.

- *** **Board member _____ makes a “motion that the proposed action will not result in any significant adverse environmental impact and that therefore, a negative declaration should be issued.” Seconded by Board member _____**
Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).

If Approval Public Hearing:

Discussion by Board

- *** Chair asks any member of the public in favor of the application to speak.
- *** Chair asks any member of the public in opposition of the application to speak.
- *** Chair closes the public hearing with “There being no further comments, the public hearing is closed.”

The Board discusses application and any conditions that apply.

- *** **Board Member _____ makes a motion to approve the application for a 3 Lot Minor Subdivision to Janet Provost, 576 Oak Hill Road, Town of Poestenkill.**
Seconded by Board Member _____
Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).

Minutes:

Chair asks for Comments on minutes from meeting of **August 7, 2018**

Motion to accept the Minutes as written

OR

Motion to accept the Minutes as corrected made by Board Member

Seconded by Board Member

Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).

Public Comment:

Chair opens the Public Comment Period for items not appearing on the agenda.

Comments **OR** “There being no comments from the public, the Public Comment Period is closed.”

Old Business:

Organizational:

Meeting Close:

Board member makes a motion to adjourn the meeting.

Seconded by Board member

Vote: ___ (x) ayes; ___ (x) nays; ___ (x) abstentions (with name).



TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210
Poestenkill, NY 12140
(518) 283-5100 Phone
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Zoning Board of Appeals

ZONING BOARD OF APPEALS

August 14, 2018 Minutes

Attendees:

Paul Jamison, Chairman
Kevin McGrath
Michael Colello
Susan Kalafut
Nicole Heckelman

Absent:

Tim Hoffay
Lynn Kane

Chairman Jamison opened the meeting at 7:40 pm with the Pledge of Allegiance.

Public Hearing:

<u>Janet Provost</u>	<u>Area Variance</u>
137.00-2-7.21	576 Oak Hill

Member McGrath recused himself from these proceedings as he was the surveyor on this project. Chairman Jamison read the public notice for the area variance requested by Ms. Provost. Ms. Provost presented the plans and further explanation was given by Mr. McGrath. The variance is for Lot 2 of the proposed three lots subdivision, which does not have sufficient road frontage (on Caitlin Road) to meet the code requirements. Currently, there are no nearby neighbors who would be impacted should the variance be granted. There were no public comments given. Motion made by Member Kalafut to close the public meeting. Motion was seconded by Member Colello. Motion was approved by four (4) ayes, zero (0) nays and one (1) abstention. Chairman Jamison noted that there were no negative issues from the Town Planning Board. All voting members completed the Area Variance Findings and Decision form for this application.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, similar properties in area.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, with the layout of the land, it looks to be the best way.
- 3) *Whether the requested variance is substantial.* – Yes, variance of 93.5' where 200' is code.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, it will remain residential and keep characteristics of neighborhood.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, could have chosen to divide into two parcels.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, no objections noted from neighbors or Planning Board.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, no alternative due to insufficient road frontage.
- 3) *Whether the requested variance is substantial.* – Yes, almost 50%.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, not any environment impact noted.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, applicant is selling home plus property and subdividing lots. Could have divided into 2 lots.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, no change to neighborhood.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No.
- 3) *Whether the requested variance is substantial.* – Yes, over 50% road frontage.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, no environment impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, no change in the character of the neighborhood would be noticeable.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, there is not sufficient road frontage to divide into 2 lots and meet the Code.
- 3) *Whether the requested variance is substantial.* – Yes, It is almost 50% variance from Code.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, there will not be any environmental impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, this is a desired change, not necessary.

Chairman Jamison polled the members for their responses. There were unanimous decisions on all questions on the form as well as the final record of vote. Chairman Jamison moved to approve the variance. Member Heckleman seconded the motion. Motion was carried by four (4) ayes, zero (0) nays and one (1) abstention (McGrath).

Resolution: Area Variance for Lot 2 was approved.

New Applicants:

<u>Charles Mero</u>	<u>Area Variance</u>
125.12-3-7	20 Davis Drive

Mr. and Mrs. Mero presented their plans to the Board. Applicants are seeking a variance so they can add a detached garage to their property. Mr. Mero reviewed the plan and indicated that one of the buildings on the property, and 8X12 shed, is being removed. Mrs. Mero also shared an enhanced Plot Plan that had a stamp from the town inspector with additional measurements. The dimensions of the property as to the lot size and the building sizes were discussed at length. For the hamlet, the maximum building coverage has to be less than 25%. It appears that the Mero property may exceed this by approximately 5%. The minimum open space required by current code is more than 40%. It appears that the open space available on the Mero property meets this requirement. Chairman Jamison is going to seek input from counsel after some discussion regarding the inclusion of the driveway in the “open space” footage. Chairmen Jamison also asked Mr. Mero if a smaller garage was considered. Mr. Mero replied that a smaller garage would not accommodate his vehicles as well as the contents of the shed that is being taken down. Chairman Jamison suggested the Meros should consider obtaining a more current survey to clarify the lines of the lot. A fence that has been well-inside the Mero property for over thirty years may have some impact on whether or not a variance for the setbacks would be required. Based on the presentation and subsequent discussion, Member McGrath noted this might be a minor variance. Member Colello made a motion to schedule a public hearing. Member Heckleman seconded the motion. The motion was carried by a vote of five (5) ayes, zero (0) nays and (0) abstentions. The applicants will appear at the public hearing to be held at the next scheduled Zoning Board meeting, September 11, 2018 at 7:30 pm. The Meros will amend their application as agreed to include a request for variance from the maximum building coverage requirement as well at the suggestion of the Board.

Resolution: Public Hearing scheduled for September 11, 2018

<u>Gregory Hansen</u>	<u>Area Variance</u>
136.00-1-6/136.00-1-7/136.00-1-9-2	19 Jefferson Way

Member McGrath recused himself from this proceeding as he was the surveyor on the project. Mr. Hansen presented his plans to the Board with assistance from Mr. McGrath. Mr. Hansen was referred to the Zoning Board after receiving a conditional approval from the Planning Board for a lot line adjustment agreed to by the owner of the other property. Mr. Hansen wants to sell his property but one of the property lines currently runs through a building owned by the neighbor. The new lot line would run between two buildings and neither would meet the setback requirement. Board members reviewed the plans and Chairman Jamison added that he does not believe additional variances are required to address issues related to other property line which are not changing, but do not meet code because they were pre-existing prior to the zoning code. Chairman Jamison will confirm with town counsel. Member Colello moved to schedule a public hearing. Motion was seconded by Member Kalafut. The motion was carried by a vote of four (4) ayes, zero (0) nays and one (1) abstention. The applicant will appear at the public hearing to be held at the next scheduled

Zoning Board meeting, September 11, 2018 at 7:30 pm. Mr. Hansen will amend his application as agreed per discussion with the Board.

Resolution: Public Hearing scheduled for September 11, 2018

Keith Hankle

Area Variance

136.-9-11

3 Cherokee Lane

Mr. Hankle presented his plans to the Board as he wants to build a detached garage on his property. The only lot map Mr. Hankle has available is a dated plan for the original sanitary facilities. A building permit for this project was denied by the Town of Poestenkill Code Enforcement Officer, Paul Barringer, on August 2, 2018 as the plan failed to meet front and side setbacks for the accessory structure. Chairman Jamison asked Mr. Hankle if he considered an attached garage? Mr. Hankle said he discussed this option with the Building Inspector but it was not feasible as he has a chimney on the side of his house. Applicant has discussed the plan with neighbors and has not met with any objections. After discussion by the Board, Member Heckleman moved to schedule a public hearing. Member Colello seconded the motion. The motion was carried by a vote of five (5) ayes, zero (0) nays and zero (0) abstentions. The applicant will not be available to appear at the public hearing to be held at the next scheduled Zoning Board meeting, September 11, 2018 at 7:30 pm but said his wife would be available to attend.

Resolution: Public Hearing scheduled for September 11, 2018

Minutes:

The minutes of the Board meeting on July 10, 2018 were reviewed. There were some minor edits identified (in the fourth line the word **recuses** was misspelled as **recues**. In the last line add "she" following "Member Heckleman advised **she** has known." And add **period** to final sentence of paragraph.). A motion to accept the minutes with the afore-mentioned edits was made by Member Kalafut, seconded by Member Heckleman, and approved by a vote of four (4) ayes, zero (0) nays and one (1) abstention from Chairman Jamison as he was not at the 7/10/18 meeting.

There being no further business, a motion to adjourn the meeting was made by Member Kalafut, seconded by Member Colello and approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 9:00 pm.

Respectfully submitted,

Susan Kalafut, Member
Acting Secretary



TOWN OF POESTENKILL

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Zoning Board of Appeals

ZONING BOARD OF APPEALS

September 11, 2018 Minutes

Attendees:

Paul Jamison, Chairman
Kevin McGrath
Tim Hoffay
Michael Colello
Susan Kalafut
Nicole Heckelman, Alternate

Chairman Jamison opened the meeting at 7:30 pm with the Pledge of Allegiance. A moment of silence was observed for the victims and rescuers of the September 11, 2001 tragedy.

Public Hearing:

<u>Gregory Hansen</u>	<u>Area Variance</u>
136.00-1-6/136.00-1-7/136.00-1-9-2	16 Jefferson Way

Member McGrath rescued himself from this proceeding as he was the surveyor on the project. Secretary read the Public Hearing notice. Chairman Jamison recounts from previous meeting the discussions regarding the possibility of a number of variances, that were of concern to the Planning Board, and that upon speaking with Town Attorney, it was decided that the side setbacks – common lot line between two houses - for 296 Snyders Corners Road and 300 Snyders Corner Road, are the only actions needed from this Board. Applicant Hansen briefly explains his situation of following mother's death in December 2017, he needs to sell her residence, was directed by mother to give land to abutting neighbor Geerhpt due to location of shed, that he wishes to retain 2 acres in rear, that there is not fifty (50) feet between the two houses. Chairman Jamison asks if there are any comments from the audience in favor or against this application. Neighbor Chuck Brand stated in favor of the application and Secretary Kane advised Board that neighbor Russell Bonesteel, who has taken over property from George Bachaus, is also in favor of application. Chairman Jamison reads the Planning Board Advisory which states they have no negative issues. Chairman Jamison made a motion for an area variance for 296 Snyders Corners Road (owner Greg Hansen) to allow a side setback of twenty-one point seven (21.7) feet where twenty-five (25) feet is required by Code. Motion is seconded by Member Colello, approved by vote of five (5) ayes, zero (0) nays and zero (0) abstentions. Chairman Jamison made a motion for an area variance for 300 Snyders Corners Road (owner Chrissy Geerhpt) to allow a side setback of twenty-one point seven (21.7) feet where twenty-five (25) feet is required by Code. Motion is seconded by Member Kalafut, approved by vote of five (5) ayes, zero (0) nays and zero (0) abstentions. All voting members completed the Area Variance Findings and Decision form for this application.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, the change is minimal.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, with the situation, this is the best way to remedy Mr. Hansen's situation.
- 3) *Whether the requested variance is substantial.* – No, it will have minimal effect.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, neighborhood will remain the same with minor lot line adjustment.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No, this is the best way to deal with the property left to Mr. Hansen. He cannot afford the taxes on both properties and does not want to create tension with new neighbors.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, two neighbors presented in favor of the variances requested.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, none were presented to the Board.
- 3) *Whether the requested variance is substantial.* – No, side variance is not substantial.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, no adverse impacts noted. Minor line adjustments.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No, situation is "grandfathered" in, multi-generations of family with existing building.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, simple lot line adjustment between existing homes.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, distance between homes is set.
- 3) *Whether the requested variance is substantial.* – No, less than 4 ft.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, simple side lot line issue.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No, space between units grandfathered.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, houses are on the property now, no detriment to realty property.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, needs to sell mother's property to pay taxes and the piece to Chrissy Geerhpt promised by mother to her.
- 3) *Whether the requested variance is substantial.* – No, less than 4 feet.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, houses existed since 1973.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No, mom passed away, unable to pay property taxes.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, there will be no physical change, so the character of the neighborhood should not change.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, Applicant sought to come as close as possible to the required set back.
- 3) *Whether the requested variance is substantial.* – No, the request is for less than 20% of the required dimension..
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, there will be no change to the environment or the neighborhood.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – No, the property layout existed prior to zoning.

Chairman Jamison polled the members for their responses. There were unanimous decisions on all questions on the form as well as the final record of vote. Variances approved by a vote of five (5) ayes, zero (0) nays and zero (0) abstention.

Resolution: 2 side setback Area Variances approved.

Keith Hankle

136.-9-11

Area Variance

3 Cherokee Lane

Mrs. Hankle presented their plans to the Board as wanting to build a detached garage on the property due to recent addition to family and the need to store garage items in the garage. The only lot map the Applicant has available is a dated plan for the original sanitary system. Chairman Jamison asks if there are any comments from the audience in favor or against this application. There were no public comments given. Motion made by Member Kalafut to close the public meeting. Motion was seconded by Member Colello. Motion was approved

by five (5) ayes, zero (0) nays and zero (0) abstentions. Chairman Jamison made a motion to allow a side setback of fifteen (15) feet where twenty (20) feet is required by Code and to allow a front setback of forty-two (42) feet where fifty (50) feet is required by Code. Motion was seconded by Member McGrath and motion was approved by five (5) ayes, zero (0) nays and zero (0) abstentions. All voting members completed the Area Variance Findings and Decision form for this application.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, similar properties nearby, no comments.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, garage is now used for storage, only way to store vehicles.
- 3) *Whether the requested variance is substantial.* – No, the difference of 8 feet and 5 feet is minimal.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, similar properties in the area, no adverse effect on physical and environmental conditions.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* –

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, no comments from neighbors.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, very limited space. Chimney on side prohibits attached garage.
- 3) *Whether the requested variance is substantial.* – No, front 42' (50' req.) – 8 ft., side 15' (20') req.) – 5 ft.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, homes in neighborhood have similar garages.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, while applicant desires a new garage, it is not essential (so self created).

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, detached garages common.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, limited space.
- 3) *Whether the requested variance is substantial.* – No, 5 ft. on rear corner.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, standard garage.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, minimum width of 2 car garage is 24'.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, neighbors have similar situations with detached garages.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – Yes, could attach garage to house.
- 3) *Whether the requested variance is substantial.* – No, 15' vs. 20' and 42' vs. 50' is not substantial.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, similar lot configurations exist on neighboring properties.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, garage doesn't need to be built.

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

- 1) *Whether an undesirable change would be produced in the character of the neighborhood or detrimental to nearby properties.* – No, several other nearby properties have detached garages and this would be in keeping with these.
- 2) *Whether the benefit sought by the applicant can be achieved by a feasible alternative to the variance.* – No, other locations were considered but this is the most sensible and aesthetically pleasing option.
- 3) *Whether the requested variance is substantial.* – No, both are less than 25%.
- 4) *Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?* – No, there should be no significant environmental impact.
- 5) *Whether the alleged difficulty was self-created. This fifth argument is not in and of itself grounds for denial.* – Yes, this is a desired rather than a required addition

Chairman Jamison polled the members for their responses. There were unanimous decisions on all questions on the form as well as the final record of vote.

Resolution: Area Variance approved for side/front setbacks

Minutes:

The minutes of the Board meeting on August 14, 2018 were reviewed. Corrections – under Provost, change “public meeting” to “public hearing”; correct spelling of Member Heckelman’s name through out minutes. A motion to accept the minutes with corrections was made by Member Kalafut, seconded by Chairman Jamison, and approved by a vote of four (5) ayes, zero (0) nays and zero (0) abstention.

There being no further business, a motion to adjourn the meeting was made by Member Kalafut, seconded by Member Colello and approved by five (5) ayes, zero (0) nays and zero (0) abstentions. The meeting was adjourned at 9:00 pm.

Respectfully submitted,
Lynn E. Kane, Secretary

6:46 PM
08/03/18
Accrual Basis

Poestenkill Fire Company
Custom Summary Report
August 2018

	<u>Aug 18</u>
Expense	
Building Maintenance	
Refuse	145.07
Total Building Maintenance	<u>145.07</u>
Electric	
East Poestenkill	125.72
Main Station	21.02
Total Electric	<u>146.74</u>
Equipment	
New Equipment	4,855.14
Repair & Maintenance	31.23
Total Equipment	<u>4,886.37</u>
Fire Trucks	
Fuel	424.42
Total Fire Trucks	<u>424.42</u>
Internet & Phone	103.82
Medical Supplies	716.25
Memorial Service	100.00
Physicls	120.00
Professional Services	1,750.00
Security Alarm	65.00
Solar	720.08
Telephone	
East Poestenkill	40.36
Main Station	48.99
Total Telephone	<u>89.35</u>
Total Expense	<u>9,267.11</u>
Net Income	<u><u>-9,267.11</u></u>

TOWN CLERK'S MONTHLY REPORT
Town of Poestenkill, New York
August 2018

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

Conservation Fees to the Town:	\$ 91.12
Marriage License 1 @ \$ 7.50 each	\$ 7.50
Marriage Certificate 1 @ \$10.00 each	\$ 10.00
Marriage Transcript @ \$10.00 each	\$
A1255 Total Town Clerk Fees	\$ 108.62
Peddler's Permit	\$
A1289 Registrar	\$ 70.00
A2655 Minor Sales - Copies (certified copy) -	\$
A2530 Games of Chance (Bell Jar)	\$
A2544 Local Fee for dogs (13) dogs - (3) replacement tags	\$ 127.00
A2115 Planning Board Fees Planning - \$552.66 ZBA - \$205.77	\$ 758.43
A2555 Building Permits	\$1623.50
A2501 Junkyard License	
A2268 Impoundment fees	\$
A2720 Water Meter Fee \$940 1001 Water Benefit Charge -	
A2240 Misc. Water Charges -	\$
A2710 Water Permit Fee \$240	
1001 Water billing \$2,926.33	\$
Total Water Charges	\$4,106.33
REVENUE TO SUPERVISOR	\$6,793.88
Amount paid to State Comptroller for Games Chance License	\$
Amount paid to DEC for Conservation Licenses	\$1,560.88
Amount paid to AG. And Markets for fee for unsprayed/unneutered Dog program	\$ 29.00
Amount paid to State Health Dept. for Marriage Licenses	\$ 22.50
TOTAL DISBURSED	\$ 1,612.38
September 7, 2018 Dominic Jacangelo, Supervisor	
TOTAL AMOUNT RECEIVED BY CLERK	\$ 8,406.26
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 August Fees the application and payment of which are otherwise provided by law subscribed and sworn to before me this 7th day of September 2018.	

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 AUGUST 2018

This office continues to update the deeds and send out letters to new residents so they can contact New York State Tax and Finance to receive their STAR credit checks. We regularly receive updates from that office of all the changes that they are making to the STAR program this coming year. The State will be taking over all processing of the STAR program and residents will be dealing directly with them for their exemption after this year. We recently mailed an informational letter to all the Seniors who currently receive an exemption so they would know about the changes they will need to follow. We have had some call asking for clarification and some who are concerned about this new process. It will be a major change for the seniors and we are trying to make it as informative as we can, so they do not lose their exemptions.

As you know, Lana is retiring at the end of this year. We had many interviews over the course of July and August and we now have Betsy Pinho who will be the Assessor's Clerk starting in January 2019. She is well qualified and will fit in well with this office. We are hoping that with some early training, all should go well in 2019.

Constituent relations continue to be good during this period.

Respectfully submitted,

Brian M. Jackson
Assessor
Town of Poestenkill

cc: Town Board
Susan Horton, Town Clerk

Town of Poestenkill
Office of the Water Superintendent
P.O. Box 210
Poestenkill, NY 12140
Memorandum

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

From: Robert Brunet / Water Manager

Date: September 12, 2018

RE: Monthly Activities

Monthly Water And 811 Report (August-September 2018)

Daily 811 Dig Safe daily requests were received and responded to appropriately

Worked with Renns. County to I.D. underground facilities for the placement of the drainage basin and piping near Furry Rd.

Working on the Quail Meadows and the Lochvue subdivision issues

Prepared and Submitted required NYSDOH MONTHLY 360 Report and Bender Labs reports to the RCDOH

Performed routine maintenance work at Pump Station

Inspected 4 new water installations

4 new meters were installed.

Performed hydrant flushing activities

Handled several customer complaints

At Pumphouse (August 16) repaired risers on chlorine tanks for automatic fluid transfer switches

AT Pumphouse (August 20) repaired automatic fluid transfer switches

At Pumphouse (Sept.11) repaired LMI metering pump chemical supply input lines (defective foot valve)

Took daily water samples at Town Hall and at Fire Department for required quarterly THM sampling (9/5/2018) and delivered these and the required monthly Coloform test samples to Bender Labs for testing. Lab results were all Satisfactory

Worked on various Town Undertakings (Lochvue @ Quail Meadow, for example)

Followed procedures to bill and update records for 3 sellers and buyers of homes



TOWN OF POESTENKILL

38 Davis Drive, P.O. 210
Poestenkill, NY 12140

September 13, 2018

To: Dominic Jacangelo
Town Board members

From: Paul Barringer – Code Enforcement Officer/MS 4 Official

Re: August 2018 work activities

My work hours for the month totaled 43 hours. Fees collected through this office totaled \$964.50.

Activities included:

- Fielded a number of complaints concerning non-conforming property issues with various degrees of resolution.
- Issued 1 new building permit for a new single family residence in the Quail Meadow subdivision. Issued 7 new permits for an inground ground pool, PV solar array, repairs and alterations, and a new shed
- Additional complaint received from a neighbor concerning illegal dumping of trees, shrubs, possible construction debris, etc. on adjacent property where the truck traffic imperils the safety of the neighbors' children. Investigated and found a large pile of debris. Consulted with DEC and will continue the investigation when the weather breaks (recent snowfall prevented an immediate investigation). Sent a Cease and Desist letter to the property owner (dated 3/18/2018). Will provide follow up information. **Update: DEC indicated they will be investigating and I will be invited to their inspection of the premises. At this time, DEC has not notified me when the inspection will take place. Update: DEC investigation found materials not permitted under their legislation and found an abundance of tires, possibly exceeding their allowable threshold without a permit in place. Further investigation by DEC and possible fines. At the time of this report, DEC has not informed the building department of any formal action. Code enforcement had issued a cease and desist order for the questionable dumping. The dumping continued and it was formally posted. The site is a salvaged yard and the permit to operate has not been renewed at this time pending the full investigation and the determination by DEC the operations do not violate their regulations. Remains the same- will be updated next month's report.**
- Reviewing a complaint of a non-conforming use operation in a residential neighborhood. The town attorney, zoning and planning boards are

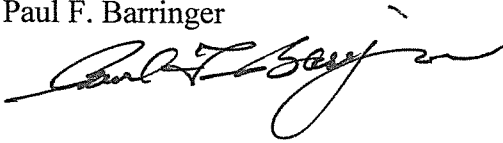
involved in the review. Met with the owner of the property to review operations and inspect for possible code violations. One reported violation was found to be unfounded for non-registered motor vehicles. Condition of the property will be reviewed after the review is completed by the zoning/planning boards. **Update: Files have been researched and in the process of review. The noise violation complaint appears to have been resolved. Matter of non-conforming use has been referred to Zoning/Planning.**

- Reviewing existing files on ongoing building permits with the long-term intent of closing out files. Conducting field inspections as necessary.
- There are 10 open building permits for new house construction. Three of the houses are long term projects with extensions. There are 2 open building permits for additions and 1 pole barn that are under review for compliance awaiting required documentation to close out the building permit. Four existing building permits in addition to the above originally issued for new house construction and/or significant modifications have been extended. Onsite inspections have taken place for compliance to the building code.
- One letter for a building that was constructed without appropriate permits was delivered by Rensselaer County Sherriff's Dept. to the homeowner in attempt to bring the homeowner in compliance with New York State and Town of Poestenkill Code Regulations and laws. Still open. Court date is being pursued to bring the owner in compliance. Owner has attempted to contact this office without any resolution at the time of this report. The owner came into the office to discuss a resolution. It was agreed to allow the owner some time to the results of the discussion and to come to a decision. The end time for the resolution was not discussed but it was agreed that the owner will accept correspondence from this office. Update: Still open. Owner met with me to receive a building permit application and schedule a review of the premise prior to approving the building permit. The owner has not yet scheduled the review. Status is same.
- Conducted field inspections for compliance to SWPPP and MS4 requirements at Lochvue and Quail Meadows. Reviewed weekly reports from Ingalls Engineering for Lochvue. The engineering firm for Lochvue has been notified that the identified deficiencies and the maintenance work for SWPPP compliance needs to be addressed by the developer. Quail Meadows SWPP inspections have resumed due to the construction. Maintenance of the collection ponds and SWPPP compliance will remain with the developer until the Lochvue subdivision is completed. Still open. **UPDATE: No new building permits were issued to Pigliavento Builders due to non-compliance with MS4 deficiencies. Building permit approvals will resume when deficiencies are corrected.**
- Met with Quail Meadow owner Kevin Kronau and his MS4 compliance engineer, Scott Reese about the future of the SPEDES/MS4 compliance report. Contacted DEC representative and Town Engineer Tom Field

about the town's responsibility regarding the plan. Found the plan must remain as is unless the owner/developer submits a NOT and files a new plan for the future subdivision work. All contractors working within the development shall sign on to the existing plan. **Status same. Site inspections have resumed with the required reports submitted weekly. Phase 2 of the Quail Meadows subdivision has begun for the infrastructure.**

- Fielded a number of phone calls inquiring about building code compliance for future projects from town residents.
- Mail requests for property updates were issued to the requesting title companies.
- Letters have been mailed to the owners of the multi-family residences to schedule the required inspections as indicated in NYS Uniform Building Fire Code not to exceed 36 months. **Five fire inspections for multi family housing were conducted. Only minor violations noted. Remaining units have not responded to the request and will be contacted again.**
- Interviews were conducted to replace the retiring Code Enforcement secretary.

Paul F. Barringer

A handwritten signature in black ink, appearing to read "Paul F. Barringer", written in a cursive style.

Town Of Poestenkill

Animal Control Calls

Month of August

Total calls 24

Breakdown of calls

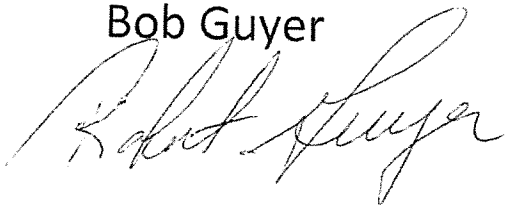
Dogs running at large – 12

Report of Neglect to Dogs – 2

Barking dog Complaints – 4

Questions about dog laws and ordinances – 6

Bob Guyer

A handwritten signature in cursive script that reads "Bob Guyer". The signature is written in black ink and is positioned below the printed name.



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: September 18, 2018

RE: Highway Activities
August 3, 2018-September 17, 2018

1. Crew cutting grass side of roads
2. Crew been helping Town Sand Lake
3. Crew been helping North Greenbush
4. Crew been helping Rensselaer County highway
5. Crew been working on equipment.
6. Crew been chipping brush and bagging leaves.