



**Planning Board**

**TOWN OF POESTENKILL**

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**PLANNING BOARD  
October 2, 2018 Minutes**

**Attendees:**

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

**Non-Voting:**

Robert Ryan, Esq.  
Lynn Kane, Clerk

**Absent:**

Don Heckelman  
Steve Valente, Alternate

Chairman Russell called the meeting to order at 7:40 pm with the Pledge of Allegiance and introduces the Members of the Board.

**Public Hearing:**

**Rocco Testo**  
**136.0-9-1.4**

**3 Lot Minor Subdivision**  
**Algonquin Beach Road**

Chairman Russell advises the Board that significant wetlands found on Lot 1 of proposed subdivision and is deemed unbuildable. Mr. Testo is to revise proposal to a 2 lot subdivision. Chairman Russell stated the Public Hearing will stay Open.

*Resolution: Public Hearing remains open.*

**New Applicants:**

**Martin Gibbins**  
**136.-8-14**

**Special Use Permit 6 Horses**  
**8887 NY 66**

Mr. Gibbins reviewed the proposal additional storage building to house his landscape business equipment and the 12' overhang to provide shelter for the 3 horses during the day. The horses have been there for many years and Mr. Gibbins has an on-going land lease with Valente to graze the horses on as much land as needed, for as long as Mr. Gibbins owns the horses. There is fencing around approximately 3 acres of grazing area. Questioned by Board for a more recent survey, Mr. Gibbins says he has not had done since 1988. Member Grattan makes a motion to send Applicant to Zoning Board of Appeals for an Area Variance, with a Planning Board Advisory that the Board has no negative issues. Motion is seconded by

Chairman Russell and is approved by a vote of six (6) ayes, zero (0) nays and zero (0) abstentions.

*Resolution – Applicant sent to ZBA for Area Variance with PB Advisory.*

Martin Gibbins  
136.-8-14

Special Use Permit ó Home Occupation  
8887 NY 66

Mr. Gibbins reviewed the proposed additional storage building to house his wife's car, miscellaneous landscape business equipment and the 12' overhang to provide shelter for the 3 horses during the day. Used to have an auto repair business (With SUP dated 2003) and his current business is landscape business with only equipment stored on property. Member Grattan inquires if any signs (no), employees on site (no), any billing done on site (no, has outside company). Members Daniel and Teal reviewed proposed building with Applicant, asking question about height of building (less than 18', electric (no), concrete floors (no). Mr. Gibbins explains the primary purpose of building is to store wife's car, some miscellaneous storage of equipment and the overhang for the horses. Member Grattan states code restricts a Home Occupancy, Class II, to a space not to exceed 500 s.f. and proposed building size exceeds that. Member Grattan makes motion to classify the new building as a garage and send Applicant to get a building permit. Motion seconded by Chairman Russell and was approved by a vote of six (6) ayes, zero (0) nays and zero (0) abstentions

*Resolution – Determined that SUP is not necessary.*

Ronald Levesque  
124.8-3-4

Lot Line Adjustment  
1 Saddle Hill Road

Mr. Levesque recently purchased pie shape lot (approximately 0.5 acres) at 1539 Spring Ave. where an auto repair shop has been operating for 40+ years. He would like to add to the lot approximately 1 acre of his private land so as to square up lot and to provide for adequate room for proposed additional storage building. Applicant owns all property surrounding this lot, states this addition would greatly improvement the appearance and character of the lot and that there are no neighbors nearby that would be negatively affected. Applicant feels strongly bringing his sign making business out to the Town would be beneficial to all parties. Member Grattan informs the Board that the Moules Lake subdivision has a condition that the remaining lands be kept forever wild ó either through a nature conservatory or a homeowners association. Member Dore states this was a significant issue when the review process was happening as residents didn't want further subdivision taking place. Research through Town files by Clerk Kane indicate that developer Zelenke didn't notify the Town of a homeowners association creation. Mr. Levesque states his research at the NYS Department of State shows there an association was registered but was eventually deactivated by NYS as there were never any meetings held, officers appointed, reports filed, etc. Mr. Levesque would like to donate 10 acres of his own land to the 'forever wild' land if he could be allowed to add the acre to his proposed building site. There was much discussion amongst the Board and Robert Ryan, Esq. Attorney Ryan states that the subdivision plat plan could be amended to denote the exchange of land and then the Applicant could be given his lot line adjustment. Member Briggs states with this amendment, Applicant could apply for a 'conservation easement', which would further ensure property kept forever wild and provide a tax break.

*Resolution – Board to amend plat plan, Applicant to reappear at November meeting.*

<u>Ronald Levesque</u>	<u>Special Use Permit</u>
124.-10-2	1539 Spring Avenue Ext.

Again Mr. Levesque reviews recent purchased lot at 1539 Spring Ave. where an auto repair shop has existed for 40+ years. He proposes moving his sign making business to the site with an addition to existing building and adding additional pole barn for storage, once his Lot Line Adjustment is approved. Applicant owns all property surrounding this lot, would increase size of lot from 0.5 acres to 1.5 acres, states that Town should want him and his business and that the parcel would always look very nice, clean. Member Grattan states that Board can not consider a Special Use Permit application as commercial business is not allowed in the current Residential zone and that only an auto repair business could continue in operation on the parcel. There is much discussion and ZBA Member McGrath states that a Use Variance is very difficult to obtain and doesn't recollect any being issued during his many years on the Boards. It is mutually decided to leave this application open until such time as Applicant received an approved Lot Line Adjustment for the parcel.

*Resolution – Application remains open.*

<u>American Tower Company</u>	<u>Special Use Permit</u>
137.-1-30.2	116 High Meadow Road

American Tower zoning attorney, Robert Karam, reviews the current tower placement at 116 High Meadow Road. Attorney Karam states that it is 113' tower, that the prior Town Code Enforcement Officer had issued building permits from 2003 to present for all work done at the tower without the need or instruction to apply to the Planning Board. Attorney Karam further stated that the SUP request before the Board is to bring all documentation and conditions up to date and establish process moving forward. There are 3 tenants on the tower of Verizon, Sprint and AT&T and that before any work is performed, a structural safety inspection must be performed and accepted by American Tower. Such inspection includes checking strength and durability of guide wire, tower strength against winds, etc. Allen Hinkle from Verizon further states that inspection must prove that the tower can support the proposed changes and must be approved by a structural engineer. Member Teal inquires about current height as submitted plans indicate tower height at 110'. Attorney Karam says there has been no change in height of tower. Attorney Karam states there are currently 17 antennas, with Verizon having 9, AT&T having 6 and Sprint having 2. Much discussion about the current Town Law regarding telecommunications sites, in particular Attorney Ryan reviews the current federal standards regarding same and explains collocation. Of particular concern is the time frame established in said federal regulations of Board has sixty (60) days from time of application to render decision or is automatically approved by statute. The Board discusses amending the Town Law to remove the number of antennas and replace with phrase of must prove structural soundness. Chairman Russell made motion that when a Tenant requests an increase of antennas, then Tenant would apply for Special Use Permit approval and that American Tower must submit structural safety inspection report annually

to Town Code Enforcement Officer. Motion was seconded by Member Grattan and was approved by a vote of six (6) ayes, zero (0) nays and zero (0) abstentions.

*Resolution – Tenants will apply for SUP if adding antennas.*

**Minutes:** Meeting minutes of September 4, 2018 were reviewed. Motion to accept the Minutes was made by Board Member Teal, seconded by Board Member Dore and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

**Public Comment Period:**

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

**Old Business:**

None

Motion was made by Chairman Russell, seconded by Member Teal and an oral vote of 6 ayes to enter Executive Session at 9:35 pm to discuss a personnel matter with no votes taken. Motion was made by Member Daniel, seconded by Member Briggs and carried to exit Executive Session at 9:40 pm.

A motion to adjourn the meeting at 9:40 pm was made by Board Member Grattan, seconded by Chairman Russell and approved by a vote of six (6) ayes, zero (0) nays, and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane,  
Planning Board Clerk