



Planning Board

TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210
Poestenkill, NY 12140
(518) 283-5100 Phone
(518) 283-7550 Fax

**PLANNING BOARD
November 7, 2018 Minutes**

Attendees:

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

Non-Voting:

Robert Ryan, Esq.
Lynn Kane, Clerk

Absent:

Steve Valente, Alternate

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

Public Hearing:

Rocco Testo
136.0-9-1.4

2 Lot Minor Subdivision
Algonquin Beach Road

Chairman Russell advises the Board that the wetlands found on the Testo parcel has been delineated and both site plat plan and the SEQR have been revised to show said wetlands. Chairman Russell asked for comments in favor or in opposition of the application. There being no comments, the public comment period is closed. Motion was made by Member Dore to classify this project as a 2 Lot Minor Subdivision. Motion is seconded by Member Heckelman and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

SEQRA Hearing: The SEQRA portion of the public hearing began with Chairman Russell reading the Environmental Assessment Form (EAF) into record and the Board responded to all questions. Chairman Russell asked for comments in favor or in opposition of this portion of the application, none given. A motion made by Member Briggs 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 was 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 to approve the proposed 2 lot minor subdivision for the property at Algonquin Beach Road, Poestenkill, NY be approved, motion seconded by Member Dore and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Resolution: 2 lot Minor Subdivision Approved

Sprint (Ray Perry as agent)
137.-1-30.2

Special Use Permit
116 High Meadow Road

Ray Perry, agent for Sprint, explains swap out of existing antennas and the placement of 2 additional antennas and associated equipment. There is no change to the physical layout of the tower on the property. Board Members confirm with Clerk Kane that American Tower is scheduled to provide an Engineer stamped structural service report annually, or more often if necessary. 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 Heckelman 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.

Special Use Permit Hearing: Given the negative declaration, the final public hearing on the approval portion of the application was conducted after the SEQRA Hearing, Chairman Russell asked for comments in favor or in opposition of the final portion of the application, none given. Chair closes the public hearing with “There being no further comments, the public hearing is closed.” Chairman Russell made a “motion to approve the Special Use Permit for 2 additional telecommunication antennas and associated equipment for placement on the Tower at 116 High Meadow Road, Poestenkill, New York, motion seconded by Member Grattan and it was approved by a vote of seven (7) ayes, zero (0) nays, and zero (0) abstentions.

Resolution: Special Use Permit approved

Returning Applicants:

<u>Martin Gibbins</u>	<u>Special Use Permit ó Horses</u>
136.-8-14	8887 NY 66

Mr. Gibbins was unavailable to attend this meeting. The Town’s Zoning Board of Appeals has returned Mr. Gibbins to the Planning Board for issuance of a Special Use Permit for three (3) horses on his parcel of 1.88 acres and three (3) additional acres leased from abutting neighbor Mr. Valente. Clerk Kane reports she has researched this matter extensively and finds 1) Gibbins property was zoned as Residential/Agricultural at time of purchase (1975); 2) Mr. Gibbins obtained horses in 1983 and 3) that the Town of Poestenkill Town Code first addresses animals on non-farm parcels in 1985 ó Section 102-26. (Code is subsequently updated in 2003 to Section 150-26.) After discussion, the Board has deemed the horses to be a continuous, non-conforming use and is grandfathered in. Clerk to send letter to Mr. Gibbins with the Board’s determination.

Resolution: No SUP needed, action grandfathered in.

<u>Ronald Levesque</u>	<u>Lot Line Adjustment</u>
124.8-3-4	1 Saddle Hill Road

Attorney Bob Ryan advises the Planning Board that despite extensive research, he has been unable to find any precedent that would allow the Planning Board to amend the plat plan of the Moules Lake subdivision ó so as to allow Mr. Levesque to add an acre of his person property at 1 Saddle Hill Road to his recently purchased business property at 1539 Spring Avenue Ext. There remains the question if a homeowner’s association was indeed created, if it still existing, etc. Mr. Levesque offers to provide ten (10) acres of land (to be kept forever wild) in exchange for being allowed to use the one acre of his person property. Much discussion and questions if there are any deed restrictions listed off of note on approved site plan ó where remaining land to be given over to homeowner’s association or a nature conservancy. Member Grattan requests Attorney Ryan contact Rensselaer County to inquire if the Town could accept wording change. Attorney Ryan suggests a review of the deeds, within the chain of a title search ó when Mr. Zelenke was the Owner and perhaps contact the Moules project attorney, Andy Gilchrist. Clerk Kane to coordinate review of deeds. Mr. Levesque wants to proceed to the Zoning Board of Appeals for his Use Variance. Planning Board unwilling to forward at this time.

Resolution – Request remains open at this time.

New Applicant:

<u>Kevin Fahrenkopf</u>	<u>2 Lot Minor Subdivision</u>
126.00-1-3	86 Hinkle Road

Mr. Fahrenkopf reviews his plans to subdivide property located at 86 Hinkle Road, using the existing road as the divider. Some discussion between Members and Mr. Fahrenkopf regarding the front setback of existing home and Board deems it as pre-existing condition and will accept as is.

Member Dore makes a motion to classify this project as a 2 Lot Minor Subdivision. Motion is seconded by Member Teal, approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions. Chairman Russell makes a motion to schedule a Public Hearing for December 4, 2018. Motion is seconded by Member Dore, approved by a vote of seven (7) ayes, zero (0) nays and zero (0) abstentions.

Resolution – Public Hearing scheduled for December 4, 2018.

Minutes: Meeting minutes of October 2, 2018 were reviewed. Board Member Grattan requests the addition of "as existing, non-conforming use" to first sentence of Mr. Levesque's Special Use Permit paragraph. Motion to accept the Minutes with addition was made by Board Member Grattan, seconded by Board Member Daniel and approved by a vote of seven (7) 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:

Chairman Russell requests the Planning Board meeting for January 2019 be held on Wednesday, January 2, 2019, all agree.

Chairman Russell advises the Board that Member Briggs and Alternate Valente terms expire December 31, 2018. Member Briggs states he wishes to remain on the Board. Discussion amongst the Members. Clerk Kane directed to send the Town Board a memo requesting Member Briggs and Alternate Valente be reappointed to the Planning Board.

Chairman Russell makes a motion at 9:12 pm to enter Executive Session to discuss a personnel matter, where no vote is to be taken. Motion is seconded by Judy Grattan. Motion by Member Grattan at 9:17 pm to exit Executive Session, motion is seconded by Chairman Russell.

A motion to adjourn the meeting at 9:20 pm was made by Board Member Grattan, 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