



TOWN OF POESTENKILL

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Planning Board

PLANNING BOARD June 9, 2020 Minutes

Attendees:

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

Non-Voting:

Robert Ryan, Esq.
Lynn E. Kane, Clerk

Absent:

Harvey Teal
Steve Valente

Meeting held by Zoom video conferencing due to current NYS Executive Order with regards to COVID. Chairman Russell called the meeting to order at 7:30 pm with the Pledge of Allegiance

Public Hearing (continued):

Noelle Hardy
136.-8-13

Informal Conference - SUP
8905 Rt. 66

Noelle Hardy explained her plans for vacant restaurant located at 8905 Rt. 66. She currently owns and operates the "Mess Hall" on Rt. 43. The new restaurant would be opened for lunch/dinner Monday through Friday, perhaps a bit later but not open on Weekends. On weekends, she has catering off-site. She would like the larger room to be available for events like parties, school events, fundraising. Would also like to add breakfast at some point. When asked for her timeframe for proceeding with the project, she explained she is currently waiting for mortgage confirmation but would expect by early August. Ms. Hardy stated her current location at the "Mess Wood" is 800 s.f. and looks forward to much more space, including addition of a commercial kitchen, perhaps outdoor seating. Hopes to expand the menu, especially the dinner menu. She plans to lease the upstairs apartment. When questioned if she would serve liquor, Ms. Hardy stated she would not have a bar in the restaurant but hopes to have liquor license for weekend events. She also said that she needs to have mortgage commitment from bank before she formally appears in front of Planning Board. Stated that the plot survey has not been updated from when the current owner purchased the parcel. Member Heckelman reminded Ms. Hardy that she needs to work with the Rensselaer County Health Department. After some discussion, Member Grattan made the motion to waive the Site Plan Review per section #150-50, 2 "The Planning Board has the right to waive...if such requirements are found not to be requisite in the interest of public

health, safety and general welfare...”. Motion was seconded by Chairman Russell and was approved by a vote of five (5) ayes, zero (0) nays, and one (1) abstention by Member Dore.

Public Comments: Chairman Russell asks if there are any issues or comments from the public, as there are none, the Public Comments portion is closed

Minutes: Meeting minutes of May 26, 2020 were reviewed. Motion to accept the Minutes was made by Board Member Briggs, seconded by Board Member Daniel and approved by a vote of five (5) ayes; zero (0) nays and one (1) abstentions – Member Dore.

Organizational – Green Space back to Town Board for approval:

Chairmen Russell thanked the Board Members and Counsel Bob Ryan for all their work and input past several days regarding sending the Green Space amendment back to the Town Board for action. There was discussion regarding the amount of fee for “payment in lieu of land”. Member Daniel thinks the idea to increase the propose fee from \$750 to \$1250 is appropriate but feels Town Board will reduce the amount. Member Grattan discussed the number of lots in recent major subdivisions and feels that subdivisions of five (5) lots to ten (10) lots should be charged \$750 per lot and subdivisions of greater than ten (10) lots should be charged \$1250. Chairman Russell stated that with most subdivision homes in the \$300,00 price range, he agrees with Member Grattan’s division of fees and stated that if there was area within the project scope, which the owner/developer would have to maintain, the public would not have access.

Member Briggs thanks Mr. Ryan for the information he provided to the Board and recommended a fee of \$1250 for all major subdivision. Bob Ryan reminded the Board of the “...recreational space within the development...” and its definition. Chairman Russell questions the situation by the Twin Towers ballfield, can an area be improved for Town residents. Mr. Ryan stated that when reviewing the plat plan, if there is not property available or suitable for any other reason such as wetlands, etc. for public recreation, then the Town has other goods – payment in lieu – to develop and maintain in the future. Town Board Member Butler questions difference in recreation vs. open green space. Mr. Ryan states that “payment in lieu” is not in the current code, that is what is missing in this situation. Chairman Russell states the Board wants maximum latitude with options to address the Planning Board’s original 2011 recommendation to the Town Board. Member Grattan stated that this issue must be done without delay as two recent major subdivisions would have brought in several thousands of dollars, the Town Board need to act. Mr. Ryan stated the fee needs to be put into the code, the code needs to be amended so there are no surprises for the applicant. Once these items have been adopted into the Code, the Planning Board would have more power to address the Town’s need of recreational land. Member Grattan suggested to be nice to developers they wouldn’t have to pay fee until lot is developed.

Chairman Russell reviews the 2011 memo to Town Board with the Members. He stated that sections #1 and #2 are good as written, section #3 to include \$1,250 per lot and section #4 is good as written. Member Briggs stated the proposed fee amounts are very reasonable. Chairman Russell made a motion that the revised memo would be sent to the Town Board for review this month. Motion was seconded by Member Dore and approved by a vote of six (6) ayes; zero (0) nays and zero (0) abstentions.

Chairman Russell advised the Board that the Shuhart project is currently being worked on by their engineers and is not ready for Planning Board consideration. The appearance by Victor Gush to discuss his eight (8) lot major subdivision was moved from the night's agenda and moved to July 7, 2020, with the hope that in person meetings would be allowed as there are neighbors who have questions and concerns they wish to pose to Mr. Gush. Member Grattan suggested that given the numerous obstacles, that this project "start over from the beginning" in order to comply with time frames listed in the Code. Clerk Kane asked Bookkeeper Asquith if \$1,000 escrow was started for this project and was told there was a delay but is now in place. Mr. Ryan stated that Mr. Gush must own the property to appear and Member Grattan directed Clerk Kane to advise that all issues listed in Tom Field's review letter to be addressed, including the exact status of property ownership.

A motion to adjourn the meeting at 8:50 pm was made by 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