

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING

April 15, 2021

Not approved at time of distribution)

ROLL CALL AS FOLLOWS

Councilwoman Butler	Present
Councilman Hass	Present
Councilman Van Slyke	Present
Councilman Wohlleber	Present
Supervisor Hammond	Present

NON-VOTING MEMBERS

Susan Horton, Town Clerk  
Jack Casey, Town Attorney

Supervisor Hammond opened the meeting with the Pledge of Allegiance.

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

Supervisor Hammond opened the floor at 7 p.m. for the Public Hearing on the proposed “RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, ENACTING A LOCAL LAW TO CONFER GRANDFATHER STATUS TO CERTAIN EXISTING COMMERCIAL WOOD OPERATIONS AND TO REQUIRE A SPECIAL USE PERMIT FOR NON-GRANDFATHERED COMMERCIAL WOOD OPERATIONS AND ANY FUTURE COMMERCIAL WOOD OPERATIONS IN R, RA, RRI, RR2, AND CL1 DISTRICTS”. This Public Hearing was the result of numerous meetings on this subject originally precipitated by a complaint against the commercial wood processing operations by Town resident, J. Hitchcock. These meetings involved the Planning Board, Zoning Board of Appeals, and the Town Board. As in the past meetings, there were many comments and discussions both for and against the details of the resolution. Many individuals contributed to these discussions, including representatives from each Board, from Mr. Hitchcock’s lawyer, and from the Town residents representing various Town geographic areas. Some of the important discussion items that were expressed at the meeting included:

- Why is Mr. Hitchcock being singled out?
- Why couldn’t Mr. Hitchcock just have been “grandfathered”?
- Will this proposed Resolution be the same for all areas of Poestenkill and not just for the Rensselaer Plateau?
- What is the difference between a Commercial Wood Operation and Private Wood Operation?
- Will this Resolution impact the pending Article 78 lawsuit?
- What would be the set hours of operation and what would be the decibel noise level of the operation?

Detailed responses from Jack Casey, Town Attorney, and Supervisor Hammond included the following:

- Based upon the many various meetings a committee was formed to make recommendations for the resolution and these were included in the resolution.
- The resolution was developed to fill an existing void in Town laws on this subject and was designed to help all residents, both those involved in this type of enterprise in the past and in the future.
- There was a strong feeling that by allowing the residents to apply for a SUP, that this procedure would provide a properly structured approach to resolve situations in a consistent manner with other Town codes.

S. Valente, Town resident thanked Supervisor Hammond for trying to do the right thing with this Resolution and added that the correct wording in this Resolution is critical.

Supervisor Hammond stated that this issue has taken much longer than beneficial for the Town and that he would like to see a vote on the resolution, recognizing that additional changes could be made in the future, if warranted. There being no further comments, this Public Hearing was closed at 7:50 p.m. This resolution will be voted on during the Action Items portion of tonight's meeting.

The Affidavit of Publication is available for review at the Town Clerk's Office.

Supervisor Hammond opened the second Public Hearing – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO ENACT A LOCAL LAW SETTING FORTH STANDARDS FOR DRIVEWAYS AND PRIVATE ROADS IN NEW CONSTRUCTION - Town Board members did not have the correct paperwork on this subject therefore, this Public Hearing will remain open until next month's Town Board meeting.

Public Comment Period - P. Jamison, Zoning Board of Appeals member thanked Supervisor Hammond and Board members for addressing this law. However, he recommended that going forward, documentation is key in tracking. T. Jacangelo, Town resident thanked the Town Board members on a "Great Job" regarding the ambulance vote. She said that the Town's approach was excellent in that the residents "got a voice" regardless of which side you were on.

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of March 18, 2021 meeting as written. Motion by Butler, seconded by Hass and an oral vote of 5 ayes to accept the Town Clerk's minutes of March 31, 2021 as written.

#### Liaison Reports:

Planning Board –Town Board members had copies of the Planning Board's meeting of March 2, 2021. J. Briggs, Planning Board member elaborated on the meeting. Mr. Briggs also stated that there was a discussion on the upcoming update to the Comprehensive Plan.

Zoning Board – Town Board members had copies of the March 9, 2021 meeting. F. Burzesi, Chairman elaborated on the meeting. He also thanked P. Jamison for serving as past Chairman of the Zoning Board.

Fire Company – Town Board members had copies of the Fire Co. March 2021 report. D. Basle reported that D & D Power Company will be parking their trucks in the parking lot of the Fire Co. for a couple months while poles and hardware are replaced throughout the Town.

Library – L. Lundgren reported on the activities at the Library. She informed the Board that the Library will be celebrating their 20<sup>th</sup> year Anniversary. She also stated that Margie Morris will be retiring as Director of the Library after 20 years of Service. Margie has done a wonderful job as Director for over 20 years, and we thank her for her years of Service.

Youth Advisory Board- T. Buker, Youth Director updated the Board on the progress of Summer Camp. She also stated that Chip Kronau volunteered to sponsor two campers for Summer Camp.

CAC- There was no meeting this month.

Correspondence: Letters dated April 2, 2021 and April 5, 2021 informing residents about programming changes that will affect subscribers.

Discussion Items:

Timeline for PDD – T. Russell stated in the current code when a PDD comes through the Town Board and is passed on to the Planning Board they only have 60 days to make a decision. He felt that this requirement is not sufficient based upon the back-and-forth time required for concerns to be addressed. Supervisor Hammond stated that this 60-day interval has been in effect even when he was on the Planning Board back in 1980. He further suggested that the Planning Board might obtain a “mutual” agreement with the applicant for an extension and if not agreed to then the Planning Board could deny the approval due to insufficient satisfaction of their concerns.

Speed Limits – T. Russell asked that the speed limit on Snyder’s Corners Road and Weatherwax Road be lowered. He feels it is very unsafe for town residents since there are no sidewalks, and they are walking on the shoulder of the road and cars are speeding on these two roads. Town Board member D. Hass explained the process that had been done in previous years to request the state to lower the speed limit. Previously, road studies were done, and it was determined that there was no need to decrease the speed limit. However, Supervisor Hammond stated he would reach out to the state and county about the process and another study being done.

Councilman Wohlleber spoke before the Local Law regarding wood processing was put up for a vote. He addressed Supervisor Hammond and stated that he realizes Councilwoman Butler worked very hard on this Resolution, listening to everyone’s views and he appreciates all her work in doing so. He also stated; “I would have to argue along the same lines as Mr. Hitchcock’s Attorney. That we (the Town) are in a sense applying this law to one person and one property. But I would argue we are doing it for their benefit. I feel this Legislation is both too prescriptive and vague and there is too much that we are not addressing. I suggested we wait until after the Article 78 was determined but the Board decided to go forward tonight, and my concern is that this Resolution will play a part in the decision of the Article 78 and that’s why he would be voting no on it”.

Action Items:

LOCAL LAW #2-2021 – RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, ENACTING A LOCAL LAW TO CONFER GRANDFATHER STATUS TO CERTAIN EXISTING COMMERCIAL WOOD OPERATIONS AND TO REQUIRE A SPECIAL USE PERMIT FOR NON-GRANDFATHERED COMMERCIAL WOOD OPERATIONS AND ANY FUTURE COMMERCIAL WOOD OPERATIONS IN R, RA, RRI, RR2 and CL1 DISTRICTS

MOVED BY: Councilwoman Butler

SECONDED BY: Councilman Hass

VOTED UPON AS FOLLOWS:

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

APPROVAL OF RESOLUTION OF THE TOWN BOARD OF THE TOWN OF POESTENKILL, NEW YORK, TO ENACT A LOCAL LAW SETTING FORTH STANDARDS FOR DRIVEWAYS AND PRIVATE ROADS IN NEW CONSTRUCTION.

This Law has been tabled until next month.

Appointment of Tiffany Buker – Motion by Councilman Wohlleber, seconded by Councilman Van Slyke and carried to appoint Tiffany Buker Planning and Zoning Board of Appeals Clerk. Term to expire 12-31-2021.

Reports:

Supervisor's Report- Supervisor Hammond said that he was working with Sand Lake to see if he can get passes (perhaps 100) for swimming at the Sand Lake Beach this summer. He stated that the Town has an opportunity for \$490,000 from the Covid-19 grant and that Tiffany and Michelle would be working with him on this.

Town Attorney's Report – Jack Casey, Town Attorney stated that he has been very busy this month in the required work for the Wood Processing Resolution and related matters. He specifically wanted to compliment Sue and Tiffany on their outstanding work associated with the ambulance election.

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 March 2021. The total amount received in the Clerk's office was \$4,082.88 and of that amount \$3,880.12 was remitted to the Supervisor. Town Board members had copies of the Building Inspector/Code Enforcement Officer's written report. There were also reports from the Assessor, DCO, 811 report, Water report and the Highway Dept. report.

Payment of Bills:

Motion by Hass, seconded by Wohlleber and an oral vote of 5 ayes to pay Warrant #10-2021 in the amount of \$579.25. Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #11-2021 in the amount of \$68,287.74.

Motion by Butler, seconded by Hass and an oral vote of 5 ayes to exit to Executive Session at 8:30 p.m. to discuss a personnel issue with no votes taken. Motion by Van Slyke, seconded by Wohlleber and carried to exit from Executive Session at 9:15 p.m. and immediately adjourned this meeting.

Respectfully submitted,

Susan Horton, Town Clerk

