

TOWN BOARD MINUTES  
TOWN OF POESTENKILL  
TOWN BOARD MEETING  
November 18, 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 and then opened the Public Hearing at 7:00 p.m. on the Proposed White Church Rd. PDD. The Affidavit of Publication was available for review. Supervisor Hammond asked people in the audience to be considerate when speaking in tonight's Public Hearing.

**PUBLIC HEARING PERIOD** – At the Public Hearing for the Proposed PDD on White Church Rd. most of the comments involved the nature of the Poestenkill living environment and the reasons why residents moved to Poestenkill, with reinforcement by some who grew up in Poestenkill. The majority of the speakers felt that this PDD would significantly change the character of Poestenkill, and some felt that this PDD was just the beginning of this type of development and other developers would want to follow suit. Some of the specific comments are:

J. De Waal Malefyt, said that he lived at Bayberry Circle and a couple of his specific statements and comments follow:

- The PDD should not be approved.
- He believed that it could be a health risk to Deer Creek residents for many reasons, including the proposed cluster septic system.
- He felt that this proposed PDD was inconsistent with the Deer Creek subdivision and encouraged individual single-family homes instead.

He went on to detail many other specific reasons for his disapproval of this PDD. This document is attached to these minutes.

B. Burrige, a resident for many years asked if the PDD was for Senior Housing and was told that it is not, that anybody could purchase a home there. She said that she wants the Town to stay rural. She said that she understands that the Town could not stop development but was concerned that if this went through that other similar PDD's would follow. She said that she had a petition of sixty (60) names who are against this proposed PDD. She also stated that she hopes that the Town Board would listen to the people, and again reiterated that "this is our town."

R. Bayly, County Legislature and Town Resident commented that many residents had contacted him and were concerned about runoff water (stormwater) affecting their wells.

Another resident, Jacob, said that he had moved to Deer Creek about three years ago and that he did not want to live next to this type of "Big Development."

D. Niebuhr said that she was a 32-year resident and liked the proposed PDD since it would be easier to maintain than a larger home. She said that she was "all for" the project. She also stated that Mr. Kronau was a highly respectable builder who has done a lot of good for the Town of Poestenkill.

S. Bidwell spoke about the petition, saying that the people were against this proposal, which he formally presented to the Town. He stated that Supervisor Hammond should recuse himself because of his dealings with Kevin Kronau. He felt that the Town Board should vote this down.

J. Schmidt owns a farm adjacent to the Proposed PDD property and discussed the open pit liability and other negative impacts on his hayfields. He also said that he believed an additional access road would be required.

T. Russell, Planning Board member said that he had recently spoken to many residents, and it was clear that they expected growth but wanted to keep the rural nature of the town. He said that the residents felt that the location was not the best and that the recent washout of the culvert was problematic. He said that he was not trying to be negative, but that he had very serious concerns.

Chip Kronau commented on several items. He said that these would be town houses only. He said that they would use public water for drinking water. He said they would follow all appropriate Town, County, and State requirements regarding Stormwater Management. He also stated that traffic would not be going through Deer Creek, that traffic would not be a problem.

Bob Wallace, Town resident wanted it known that he concurred with his neighbors and wanted this proposal voted down. He cited Local Town Codes (150-30) regarding residential cluster developments and "Density" and lot size. He further cited flooding problems and stated that there was "clear opposition" to the proposal and that the Town Board should listen.

Matt Bond, P.E. for the Project addressed the project and said that the culvert crossing was not an issue since it is not a permanent fixture. He said that the Town's Comprehensive Plan mentioned a lack of town homes. He requested the Town Board to table the project for the night.

B. Burrige commented that the Zoning map was incorrect and stated that she hoped that the Town did not table this subject for the night.

Councilman Hass commented that Poestenkill was wonderful, caring Town and yes, we had problems, but we addressed them and became better as a result.

Mrs. Gibbons said that we can still grow but stay small at the same time.

Supervisor Hammond said that the Town Board had received a lot of resident input tonight, including the (2) signed resident petitions, and that they needed time to look into and study all the input. He tabled the vote on the proposed PDD for the evening.

When everyone was given the opportunity to speak on the Proposed PDD, the Public Hearing was closed at 7:45 p.m.

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

**PUBLIC COMMENT PERIOD** - The Proposed PDD discussion continued during this part of the Public Comment Period.

**TOWN CLERK MINUTES APPROVAL** -

Motion by Wohlleber, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's minutes of the October 7, 2021, meeting as amended.

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of the October 19, 2021, Executive Session as written.

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of the October 21, 2021, meeting as written.

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to accept the Town Clerk's minutes of the November 4, 2021, Special Meeting as written.

Presentations: There was no presentation.

**Liaison Reports:**

Planning Board –Town Board members had copies of the Planning Board's meeting of October 5, 2021. T. Russell, Board member elaborated on the meeting.

Zoning Board – Due to lack of agenda items the October meeting was cancelled.

Fire Company – Town Board members had copies of the Fire Co. October 2021 report.

D. Basle, Asst. Fire Chief wanted (3) important rules to follow especially during the winter months.

- Please have your house number placed on both sides of your mailbox where it is visible for emergency vehicles.
- There should be a 12 ft. clearance for trees in driveway.
- You can contact the Fire Company for signs for your driveway.

Councilman Van Slyke asked D. Basle if the Fire Company was able to meet all the 1<sup>st</sup> responders calls and he replied that they were not able too.

Library – Susan Kalafut reported on the activities at the library. Susan reported that the Annual Holiday Lights will be coming soon. She also stated that a New Director for the Library was hired.

Youth Advisory Board- T. Buker, Youth Director updated the Board on the activities that were happening with the Youth Board. The Halloween Parade was a huge success with over two hundred children attending Trunk or Treat.

CAC- J. de Waal Malefyt reported that a meeting was held in November. The topic discussed the most at the meeting was the PFOAs in Poestenkill.

**Correspondence:**

Charter Communications-Memo dated October 21, 2021, explaining about new programming services.

**Discussion Items:** Local Law 108-16: adding Dog Control Officer enforcing chickens. The Board decided to keep this Local Law as is, therefore, no action is required.

**Action Items:** - Approval of White Church Rd. PDD

The Board decided to Table this Proposed PDD at this time.

**Reports:**

**Supervisor's Report-** Supervisor Hammond reported that he and Bob Brunet, Water Manager have met with State, DEC and County Health Dept. He also stated that bottled water is available at the Town Hall for those residents with levels of PFOA/PFOS.

**Town Attorney's Report –** Mr. Casey reported on the matters that he worked on since the last Town Board which included on-going litigation, petitions regarding the Proposed White Church Rd. PDD.

**Town Clerk's Report –** Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to accept the Town Clerk's report of October 2021. The total amount received in the Clerk's office was \$22,641.73 and of that amount \$20,785.88 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 report and the Highway Dept. report.

**Water Manager/811 Officer/Public Health Coordinator –** Bob Brunet first wanted to thank and congratulate Caleb Kronau, Deb and Brandon Harris, and their helpers for a great service to the Town in cleaning and painting forty-nine (49) fire hydrants to date. He said that they were all Fire Department volunteers and that this hydrant work was just another indication of their dedication to helping Poestenkill.

He then reported that all objectives in the 811 area of responsibility were met with no late or missed due dates in our 811 responses. He mentioned that he received a daily audit which was continually excellent.

Bob then commented that, once again, all objectives in the water district operations were either met or exceeded. He cited two situations in which he had to turn off our pumps for two days to ensure that our water would not be contaminated due to a Brunswick/Troy Chlorine residual problem.

Bob discussed the successful leak locating efforts, which have reduced Poestenkill's costs to Troy and Brunswick for lost water.

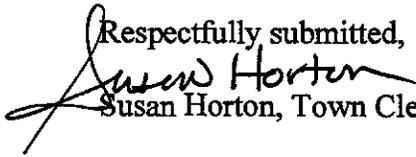
Bob then went over the teamwork of the RCDOH, the NYSDOH, and the DEC and their accomplishments to date regarding PFOA/PFOS. The bottom line is that each organization has increased its' actions in additional testing, making additional public information available, and additional work in attempting to locate the PFAS causes. Bob made available to those present copies of his recommendations (requested at the October Town Board Meeting) on going forward and also provided the most recent DEC publication "Community Update" containing important information. He specifically wanted everyone to know that there were two meetings scheduled for December 8<sup>th</sup> at the Algonquin Middle School Cafeteria, one at 3p.m. – 5p.m. and the other at 6 p.m. – 8 p.m. Each organization will be present at these meetings for "Face to Face" discussions with residents to answer questions.

**Payment of Bills:**

Motion by Hass, seconded by Butler and an oral vote of 5 ayes to pay Warrant #22-2021 in the amount of \$149,156.05. Motion by Hass, seconded by Van Slyke and an oral vote of 5 ayes to pay Warrant #23-2021 in the amount of \$82,789.24.

Motion by Hass, seconded by Wohlleber and carried to enter into Executive Session at 9:15 p.m. to discuss a personnel issue with no votes being taken. Motion by Councilwoman Butler, seconded by Councilman Wohlleber and carried to exit Executive Session at 9:30 p.m. and to immediately adjourn this meeting.

Respectfully submitted,

  
Susan Horton, Town Clerk

To: Poestenkill Town Board

From: Jim de Waal Malefyt

Subject: Proposed White Church Road PDD Comments

Date: November 18, 2021

The White Church Road Planned Development District (PDD) should not be approved for further consideration by the Town of Poestenkill for the following reasons. First, the planned PDD is inconsistent with the plans of the Deer Creek subdivision. Secondly, the planned PDD poses several environmental and health risks to the residences in the existing Deer Creek subdivision.

The planned Deer Creek subdivision had several phases. In order to bring gravel fill for Phase 1 and 2 houses, the developers, Kevin and Dale Kronau, constructed a gravel road from the present gravel pit to Deer Creek Road. After Phases 1 and 2 were completed Kevin said he would build several houses consistent with the Deer Creek designs in the gravel pit area. That never happened. Instead, Kevin asked the Town to change the zoning of the gravel pit area from "Residential" to "Natural Products" so he could continue to use the gravel product for his other projects in the local area. He also said he would construct and use another roadway out of the gravel pit area to Rt. 351 (White Church Road). The zoning change was approved by the Town. Now that Kevin no longer wants to remove gravel, it is my opinion that the gravel pit area should revert back to the original zoning and houses be built consistent with the "colonial" design required by the Kronaus for the Deer Creek subdivision with single-family, houses. The duplex design and closeness of the duplexes is inconsistent with the single-family homes on 1-2 acres and the landscaping of the Deer Creek subdivision. If it costs the Kronaus too much to build a road to several single-family houses, then the gravel pit should be reclaimed in accordance with the DEC permit and rezoned "Residential."

The PDD poses a health risk to the residences downslope in the Deer Creek subdivision. The septic system may leak into the nearby wells of Deer Creek residences through the porous gravel on which it will be constructed. The gravel pit is part of a glacial moraine and kame, and located on steep slopes (20-25 % or more slope) and excessively drained soils (see Poestenkill Natural Resource Inventory 2019).

Any leaching, overflow, or runoff from the proposed stormwater basin also poses a health risk to wells of residences along the Deer Creek waterway. My well at 5 Bayberry Circle is only 30-40 feet deep and is 25 feet from the creek. The area of the proposed stormwater basin was flooded this past summer during a rainstorm which also dislodged the bridge from the gravel pit roadway to Rt. 351. Much of the eroded gravel and debris from this and other storms has now filled in the pond Kevin constructed along Deer Creek on my property. Any vehicle grease/oils, fertilizers, and pesticides escaping from the stormwater basin would flow a few hundred feet in Deer Creek onto my and other Deer Creek properties and possibly contaminate our well water. Deer Creek is a class C waterbody and flows into the Poesten Kill a trout stream classified C(T). A heavy rainstorm this summer caused flooding in the Deer Creek subdivision and recently caused our Spectrum underground cable to need total replacement due to flooding and sediment deposition of the utility. Collecting stormwater from the PDD with no assurance that the stormwater basin will never overflow in a storm will only exacerbate downstream flooding in the Deer Creek subdivision.

Some on the Town Planning Board have said this is the first PDD proposed in Poestenkill and are interested in seeing if it can be approved as the first model PDD in Town. Again, in my opinion, this PDD is inconsistent with the origin planned Deer Creek subdivision and lacks some of the features of a "cluster development." Some have pointed to the few natural acres left undeveloped that can be used

by the residents. If anyone would care to look at that area, they would find a steep forested slope with a wetland and ditch at the bottom that would be hard to use by the residents for recreation. Instead, the Town should encourage development of the first PDD in Poestenkill on a larger piece of property where a significant amount of land is left undeveloped and where a trail for residential recreation can be easily constructed. Several hayfields north of the gravel pit along Rt. 351 come to my mind and would have great views of the Rensselaer Plateau and have minimal impact on other local residences.

Actually, this PDD is being is being done backwards. Other towns in our region have PDD zoning and codes to follow for any proposed PDDs. Poestenkill has none that I am aware of. Some towns require a minimum of 10 acres for a residential PDD and some require 40% be undeveloped and set aside for community use, either private or public. The White Church PDD satisfies neither requirement. This PDD is being done backwards. The Town should first develop regulations for PDDs before any are considered by the Town.

Also, if the Town does approve the PDD going to the Town Planning Board for further detailed review and some of the key components of the PDD are not approved during the process, such as the proposed roadway to Rt. 351 by Rensselaer County, then I suggest that the PDD has to come back to the Town Board for another vote to go further or not. Perhaps, if the Town allows the PDD to go further, it should require the Kronaus to first see if they can get county approval for the entrance onto Rt. 351 and the design and location of the septic system and stormwater basin next to Deer Creek.

Jim de Waal Malefyt

5 Bayberry Circle

Poestenkill, NY 12140