**TOWN OF POESTENKILL**

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12150

**PLANNING BOARD**

**PLANNING BOARD**

**July 5, 2022**

**Poestenkill Town Hall**

**(Distributed before Approval)**

**Attendees: Non-Voting:**

Tom Russell, Chairperson Stephanie Volkmann,Clerk

Laura Burzesi, Vice Chairperson

William Daniel

Jeff Briggs

Don Heckelman **Absent:**

Steve Valente Vicky Spring

Harvey Teal

Chairperson Russell called the meeting to order at 6:58 pm with the Pledge of Allegiance and

 introduced the members of the Board.

**Minutes:**

Meeting Minutes of June 2, 2022 were reviewed. Motion to accept the minutes was made by Member Briggs and seconded by Member Teal and approvedd by a vote of (5) yays, (0) nays and (2) abstentions (Member Valente and Member Teal).

**Public Hearings:**

**Callanan Industries, Inc.** SUP/Mining Renewal

Tax Map # 124-12-2.1, 124-12-1.2, 124-11-14 P.O. Box 15097

124-11-15, 124-11-16 and 124-11-26.22

Jeff Lang from Griggs-Lang Geologists and Engineers, P.C., represented Callanan Industries, Inc. on a Special Use Permit Mining Renewal to December 2023. This Special Use permit will match the dates on the DEC permit. There will be no changes to the SEQRA, the restrictions will still apply from the 2017 permit.

There were no comments from the public.

Stephanie Volkmann, Clerk for Zoning/Planning Board, read a letter requested by the Planning Board from DEC stating that Callanan has been in compliance with all the restrictions and regulations on their Permit. Jami June, from DEC sent a letter responding “I visited both sites on 4/11/2022 and did not observe any violations of the Mined Land Reclamation Law and Mined Reclamation Permit at either mine site. Additional dust control measures have been implemented at the Poestenkill Mine since my 4/11/2022 site inspection. The Mined Land Reclamation Program has received no complaints about either operation since my 4/11/2022 inspections.”

Member Teal made motion, Member Daniel seconded to renew the Mining Permit till December 2023 to match the DEC permit with previous SEQRA restrictions from 2017 with a vote of (7) yays, (0) nays and (0) abstentions.

**Warren Fane Trucking** SUP/Mining Renewal

Tax Map #135-7-10.3 62 Leversee Road,Troy

 Jeff Lang from Griggs-Lang Geologists and Engineers, P.C., represented Warren Fane Trucking on 2 year Special Use Permit Mining Renewal extending to May 23,2024 . This permit will match the dates on the DEC permit. Original permit was for 9.985 acres and 9.2 acres has been affected to date. Fane is looking to finish the mining area within the 2 year time frame. There will be no changes to the SEQRA. The restrictions will all remain the same.

There is a 60 feet high barrier that will be staying between the pit and Snyders Corner Road. Berm is 125 feet wide at the narrowest part outside of area to be mined and Snyders Corner Road.

Stephanie Volkmann, Clerk for Zoning/Planning Board, read a letter requested by the Board from DEC stating that Warren Fane Trucking has been in compliance with all the restrictions and regulations on their Permit. Jami June, from DEC sent a letter responding “I visited both sites on 4/11/2022 and did not observe any violations of the Mined Land Reclamation Law and Mined Reclamation Permit at either mine site. Additional dust control measures have been implemented at the Poestenkill Mine since my 4/11/2022 site inspection. The Mined Land Reclamation Program has received no complaints about either operation since my 4/11/2022 inspections.”

Chairperson Russell asked if Fane could continue to be receptive to all comments and concerns of the public and neighbors and to continue to work on the dust control.

**Public Comments:**

Mrs. Wait is concerned there is more dirt than ever before and is there anything that can be done. Mr. Lang responded to Mrs. Wait that Warren Fane tried to hydroseed and plant vegetation where the berm was constructed but there were cars parked there and was unable to do so.

Neighbor Sherry was concerned about the number of hours Fane could operate in the pit. She went to a Planning Board Meeting and was told they are regulated by DEC. Also,”some people are affected by the berm more because it is down lower.”

Another neighbor (gentleman) stated that the sand and dust control is more controlled now and better than 30 years ago because there is a higher berm and more rimming.

Member Teal made motion, Member Daniel Seconded, to accept previous restrictions of the 2017 SEQRA for Warren Fane initially for a 5 year permit but was reduced to a 2 year permit by Mr. Doyle, representing Warren Fane Trucking, Inc. Motion was approved with a vote of (7) yays (0) nays and (0) abstentions.

Member Burzesi made motion and Member Teal Seconded, to accept Fanes 2 year renewal on a Special Use Permit and continue with all current restrictions in place and approved with a vote of (7) yays, (0) nays and (0) abstentions.

 **Nancie Orsini and Wilbert Langley Informational**

Tax Map # 125-4-7.111 278-282 Blue Factory Rd

Orsini and Langley were reporting back to the Board with a site plan and checking to see about a SWPPP. They spoke with Mr. Petes, Land Surveyor, and he said a Site Plan was not needed as of yet because no construction was happening. Orsini spoke with Tracy Church at the Town of Poestenkill and a SWPPP was also not needed at this time. Not more than an acre was being disturbed.

 Orsini had written a letter about her concerns at the last meeting and the letter is on file at the town.

 Orsini did a sound study with a decimal meter and with the trees and traffic the highest it got to was 40 decimals. Chairperson Russell requested that the study be done by a professional to meter the noise so it would not be biased. A certified sound study is requested. A radius of a mile around the venue during the hours of 8pm and 10pm at a minimum. Orsini mentioned that the volume would not be everyday but only on weekends when events are taking place. Orsini asked if there was an acceptable noise decimal. Board will have a guide that they will go by to see if the decimal is acceptable.

The Board has recommended a traffic and safety study to be done. It would include intersections of Plank Road and Blue Factory Rd, Davitts Lake Road and Blue Factory Road,Columbia Hill Road and Blue Factory,up to North Road and Blue Factory Road. The NYSDOT does the traffic studies. Member Valente stated that NYSDOT requires it for large subdivisions. Orsini has reached out to an Attorney who specializes in this type of venue

Chairman Russell and Member Burzesi explained that the town needs to do diligence to protect the town, the people of the town and Orsini. The Board is trying to gather information to be able to proceed and move forward properly.

 Orsini is looking to make sure it is not classified as Retail but also “other than in.” She asked could the Board vote with the restrictions of a sound study and traffic safety control? Board stated they cannot make a decision with out the results of the studies to answer her question. Special Use permit was ruled out according to Attorney, Bob Ryan at the June meeting.

June, Town Board Member, mentioned that tress 8” or over need to be shown on the map if taken down to pass inspection for the Town. Fire code requires 13ft wide driveway or accessibility to be able to move emergency vehicles around if needed.

Orsini needs to bring 3 things to the next meeting in August 2022. Certified sound Study, Traffic and safety Study and a SWPPP.

**Donna Kamkar Special Use Permit/ Solar Array**

Tax Map # 127.-1-41 1188 Plank Road

 Kamkar is looking for a Special Use Permit to put a Solar Array in the front yard with a metal ground mount and a wood panel screening. Panels will be 9 ½ feet at the highest point.

Chairperson Russell, read the two letters that were emailed to the Board in support of the Solar Array. Paul Hicok believes that solar is the future and Joyce Dombrowski was in support to the Solar Array. Kamkar had many neighbors. There were many neighbors that showed up at the Town Zoning Board meeting in June to support the Solar Array.

Chairperson Russell wanted to reach out for some legal advice due to lack of legal resources at the meeting.

Member Burzesi made motion, Member Valente seconded, to a Public Hearing and SEQRA at the August 2, 2022 meeting and was approved with a vote of (7) yays, (0) nays and (0) abstentions.

**Public Comments:**

7:49 public comments were closed. There was nothing from the public.

**Old business:**

Shuharts are going forward with Encon trying to get work around the wetlands. Possibly coming to next meeting.

**Comprehensive plan:**

Trying to send survey out to all town residents. Looking at possibly sending it out with the Covid spending money plan.

Rensselaer Plateau Alliance is coming due for a renewal on a Special Use Permi. The first application was just for the plans. They would like to invite the Board to come up and see what has been done such as, the parking lot, information board and the wheelchair trail. Looking into a date that works for the Board.

Motion to adjourn the meeting at 8:49 pm was made by Member Valente and seconded by Member Burzesi with a vote of (7) yays, (0) nays and (0) absentions.

Respectfully submitted,

Stephanie H. Volkmann

Planning/Zoning Clerk