**TOWN OF POESTENKILL**

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12150

**PLANNING BOARD**

**Planning Board**

**August 2, 2022 @ 7:00 PM**

**Poestenkill Town Hall**

**(Distributed before Approval)**

Attendees: Non-voting:

Tom Russell, Chairperson Stephanie Volkmann, Clerk

Laura Burzesi, Vice Chairperson Lawrence Howard, Attorney

Don Heckelman Vicki Spring, Alternate

Jeff Briggs

William Daniel

Harvey Teal

Steve Valente

Chairperson Russell called the meeting to order at 7:05 PM with the Pledge of the Allegiance and introduced the members of the board.

Minutes:

Meeting Minutes of July 5, 2022 were reviewed. Motion to accept the minutes was made by Member Valente and seconded by Member Burzesi.

Public Hearing:

Donna Kamkar Special Use Permit/Solar Array

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

Donna was unable to attend the meeting. Consultant, Mr. McLaren attended to represent Donna and her husband also attended. Stephanie Volkmann, Clerk, read the Public Hearing notice for Kamkar. Chairperson Russell, read the Short Environmental Assessment Form, part 2 – Impact Assessment and Board Member answered the questions with all NO.

Member Heckelman made motion, Member Teal seconded a proposed action will not result in adverse Environmental Impact and that therefore, a negative declaration should be issued with a vote of (7) yays, (0) nays and (0) abstentions.

Public Comments:

No public comments. 1 opposing email from neighbor Dawn Neibuhr.

Dawn Niebuhr is out of town so she sent an email expressing her concern with the Planning and Zoning Boards considering granting a variance and Special Use Permit because it would set a precedent for future applications. She said the public will be seeing the backside of the panels and it will be unsightly. Niebuhr asked, “has the applicant presented evidence that placing solar panels on the roof or roof surfaces located on the property or another place on the property is not a viable alternative to breaking the code?” She says it’s not a financial hardship but is a self-imposed hardship.

Planning Board Member Burzesi mentioned that the Zoning Board had approved the Solar Array without additional screening and just use the natural vegetation such as the Forsythia bushes. Mr. McLaren, representing Kamkar stated that the existing vegetation would look more attractive than the wood paneling.

Member Burzesi made motion and Member Daniel seconded, to approve a Special Use Permit for a ground mounted Solar Array for Donna Kamkar at 1188 Plank Road with a vote of (7) yays, (0) nays, and (0) abstentions.

7:18 PM Chairperson Russell made motion, Member Daniel seconded, to end the Public Hearing for Kamkar on a Special Use Permit due to no further comments with a vote of (7) yays, (0) nays and (0) abstentions.

Nancie Orsini and Wilbert Langley Additional Information

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

From the July meeting Orsini and Langley needed to return to the August meeting with a certified noise study, certified traffic study and a scaled plan.

Orsini reached out to a few venues, one was CT Male, and was told a noise study was not needed, only for significant noise levels. If the Board recommends someone to do the study, Orsini will reach out to them. Mr. Howard, Town Attorney, said noise study maybe difficult to get. A simulation or imitation of an event would have to be done to be able to get an accurate noise study.

Board requested a traffic study for August meeting. Orsini did not have one. It was recommended that they reach out to DOT to have the traffic study done. Mr. Howard, Town Attorney, said Board can ask for the studies and they need a report for a traffic impact from an engineer.

Board asked for a scaled plan, that was also not brought to the meeting. Town Attorney, Mr. Howard, mentioned the Town is looking for a scaled plan with location, where the cars are parking, where the people will be and a traffic study.

 Board is not willing to approve the venue without the studies. Town Zoning Board, Member Burzesi mentioned that as another applicant put up an escrow with the town and then paid for the studies thru the escrow.

Chairperson Russell had a concern that the driveway was not wide enough, it should be 2 cars wide. Orsini asked for the dimensions of that required width of the driveway and Chairperson Russell was going to contact Town Highway Superintendent, DJ Goyer to find out what the size of a public road is. Town Highway Superintendent, DJ Goyer responded to Chairperson Russell saying a town road is 20 feet from white line to white line without the shoulders. Driveway needs to have some kind of substance to hold up for the kind of traffic going in and out.

Parking was also a concern. Orsini and Langley would need to put crusher run or a base for the parking lot.

Chairperson Russell will be sending Orsini an email on suggestions and information that Chairperson Russell has gathered.

Michael Casale Minor subdivision

Tax Map # 125.-10-17.1 92 Macha Lane

Mr. Casale did not attend the meeting. He will be put on for the September Agenda.

Rensselaer Plateau Alliance Special Use Permit Extension

Tax Map # 127.00-1-57 & 128.00-1-14 PO Box 790

Rensselaer Plateau Alliance is looking to extend their Special Use Permit. The Legenbauer Road site has made hiking trails, mountain bike trails and a 400 feet wheelchair accessible trail with 3-4 natural areas and a picnic table at the end.

They do educational projects. Three Eagle Scout projects, a fairytale trail for young kids and Poestenkill Library has also done some projects. Professional chainsaw logging courses. There is a lot of community help and support.

Bridges and boardwalks were built on the property. Member Burzesi asked if there was a DEC permit for the bridges. There were no permits for the bridges from DEC.

Rensselaer Plateau Alliance needs to contact DEC to get approval and a permit for the bridges. They are to return to the September meeting with DEC permit.

The Board is tabling the extension until the September meeting.

Shuharts Senior Housing PDD

Tax Map# 125.00-1-2.211 354 NY 355

John and Sandy Shuhart attended the meeting with Mr. Hart from Hart Engineering representing them.

Shuhart’s came to the Planning Board for a recommendation so they can take the project to the Town Board for approval. They are looking for an approval for 48 units but depending on soil and wetlands it may be reduced to less units.

The project is similar as it was presented in 2019. The access road off Route 355 to the housing had to be changed due to the traffic study they had done by DOT. The access road was moved farther West to make it safer.

The proposed Housing will be a 2-story building with 48 units. Combination of 1 and 2 bedrooms. Age 55 and over. No architecture plan done yet. Parking is 1.5 per unit but with the garages its 1.75 per units. Town code is 1.5 parking spots per unit. 12 garage spaces and 80 spaces around the housing. Parking could possibly be expanded. The Board was questioning sufficient parking for holidays and peak times. None of the building will be built into the ground Shuhart’s are trying to keep it on a plateau. They have a topographic survey that shows it. There is 24 acres so its 2 units per acre, they are maximizing the development area. There is a 100-foot buffer from the wetlands and slopes, so it looks like more property than there really is.

Chairperson Russell asked about the septics. Health Department will want 2 septics for commercial property in case one goes bad there will be a back-up. County will want 100 percent extension for the septic.

Retention ponds or storm water drains are one in the same. They will need to be treated and cleaned thru dirt and stones to filter the water. There will be annual maintenance done by the owner if its underground.

DEC status: They are hoping to go out in the field with the wetland biologist in 2 weeks. It could be a 2-month process, or 8-month process just depends on how valuable they feel the wetlands are. If additional wetlands are needed, they would continue the flow where the wetlands are now. Member Briggs and/or Members of the Board would like to accompany Shuhart’s and DEC when they come out for the wetlands.

Member Valente asked about bus shuttles coming to the housing and they have spoke to CDTA and a large bus goes to Vanderhyden now and if they cannot extend it to the housing then they could send a small shuttle to at least go to Wynantskill.

Front roadway buffer is 150 feet each way on Route 355.

Shuhart’s and Mr. Hart will be returning to the September meeting with updated applications, updated maps and updated info. Shuhart’s will notify Planning Clerk, Stephanie Volkmann when DEC is coming out for wetland.

Public Comment:

There were no public comments.

Old Business:

Chairperson Russell talked with Casale and not sure why he did not come to the meeting. Nothing from the Army Corp of Engineers.

Comprehensive Plan:

No progress. The surveys were not sent out. Member Briggs would like to hire a consultant to get guidance to move things along. Would like to reach out to more town residents.

Motion to adjourn the meeting at 8:42 PM was made by Member Valente and seconded by Member Burzesi with a vote of (7) yays, (0) nays and (0) abstentions.

Respectfully submitted,

Stephanie H. Volkmann

Planning/Zoning Board Clerk