**TOWN OF POESTENKILL**

38 Davis Drive / P.O. Box 210

Poestenkill, NY 12150

**PLANNING BOARD**

**Planning Board**

**September 6, 2022 @ 7:00 PM**

**Poestenkill Town Hall**

**(Distributed before Approval)**

Attendees: Non-Voting:

Tom Russell, Chairperson Lawrence Howard, Attorney

Laura Burzesi, Vice Chairperson Stephanie Volkmann, Clerk

Don Heckelman

William Daniel

Harvey Teal Absent:

Steve Valente Jeff Briggs

Vicki Spring

Chairperson Russell called the meeting to order at 7:01 PM with the Pledge of Allegiance and introduced the member of the board.

Minutes:

Meeting Minutes of August 2, 2022 were reviewed. Motion to accept the amended minutes was made by Member Teal and seconded by Member Russell and with a vote of (6) yays, (0) nays and (1) abstention (Member Spring).

Applicants:

Orsini and Langley Venue/ informational

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

Nancie Orsini handed Chairperson Russell a letter stating they retained Attorney, Katherine Dell, and had 2 questions on the letter to be addressed by the Planning Board within 10 days of the next Planning Board meeting, October 4, 2022.

Question 1: Why was a Special Use Permit not allowed and a Site Plan Review requested when there are no permanent structures planned to be erected on the property.

Question 2: If there is a reason for the Site Plan Review, please provide in writing a detailed list of requirements to be fulfilled for approval.

The letter is retained in the file for Orsini at the Town Hall, if it needs to be referred to.

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 the October Agenda.

Shuhart Senior Housing PDD

Tax Map # 125.00-1-2.211 354 NY 355

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

Mr. Hart announced that DEC is set to come to the project for the wetlands on September 21, 2022 at 10 AM. A member of the wetland biologist, Norbert Quenzer, Army Corp, DEC and any board members who would like to go will be attending.

Shuharts came to the Planning Board for a recommendation to take to the Town Board for a zoning change on the project. The Senior Housing would be 48 units.

A few Town and Planning Board members walked the property with Mr. Hart and the Shuharts. They had some concerns that Mr. Hart addressed at the meeting. Overall, the map is like the one presented at the August meeting, A few changes were made to setbacks and dimensions. The rear property line is 50 foot from the trailer where 25 foot if required. A substantial tree line is also between the trailer and the property. The intent is to retain that tree line as a buffer.

There was a discrepancy with the DOT traffic database with the speed limit on that portion of the road. Speed limit on Route 355 by the housing project is 45 mph not 40 mph. The DOT analysis had an average of 50 mph for average speed people were traveling. Board recommends getting that information corrected in the report.

Mr. Hart referenced the septic system. 2 years ago, Mr. Shuhart and Mr. Hart did soil investigations and found it was silky and clay on top, but underneath was not good. Therefore, they are aware they will need to do a full bed fill system. The septic system area will be approximately 120 feet by 200 feet. There will be 2 fields, one will be the actual field and the other will be 100 percent bioable backup if something goes wrong with the first. Per County Department of Health requirements. Amount of liquid waste is 9240 gallons daily and based on the number of bedrooms.

The Shuhart’s have spoken with the County informally but no formal application is set. The County is waiting to see if the project gets approved before moving forward formally. Zoning needs to be changed first by the Town Board.

Parking is 1.5 spots per unit but with the garages it is 1.75. Chairperson Russell asked if possibly they could do 2 spaces per unit. Mr. Hart said that could be a future goal and possibly adding more parking lots.

A surveyor will be coming out to the property to relocate the wetland. Shuhart’s will ask surveyor to relocate flags and pins for the property line.

Maintenance of the retention ponds and inspections will be maintained privately by the property owner’s, Shuhart’s, not by the Town.

Planning Board Attorney, Mr. Howard, explained to the Planning Board at this time they are only making a recommendation to send it to the Town Board for a rezoning approval. The housing project will be returning to the Planning Board for Site Plan and Subdivision Plan approval if there is an approval from the Town Board.

Member Valente asked if there would be a deadline date on the zoning approval so that the project does not go on for a long period of time. Planning Board, Attorney L. Howard, will reach out to Town Board, Attorney A. Gilchrist, to put a deadline on the rezoning approval, if approved and if it’s not finished within the deadline the rezoning goes back to its original zoning.

Chairperson Russell read the PDD Resolution to Approve the recommendation by the Planning Board, of the Shuhart’s Senior Housing Project to refer it to the Town Board for rezoning.

Motion to approve the recommendation to the Town Board for rezoning was made by Member Daniel and seconded by Member Burzesi and approved by a vote of (6) yays, (1) nays and (0) abstentions.

Patrick Fink Minor subdivision

Tax Map # 126-4-10.3 32 The Gateway, Averill Park

Mr. Fink is looking to do a minor subdivision and breaking off 2 acres w the house to give to his son or if Mr. Fink wants to sell it. 12.5 acres will be left. There is a bridge as a part of the driveway which Is the access for both pieces and Mr. Fink should have an easement for the shared driveway and put on the deed.

Lou and Dave Basil, representing the Poestenkill Firehouse was asked if they felt the bridge would be acceptable and they had no issues with it be safe.

Mr. Fink will come back for the October meeting with a large, permanent map and the easement placed on it.

Motion was made to approve a 2-lot subdivision by Member Heckelman and seconded by Member Teal and approved by a vote of (7) yays, (0) nays, and (0) abstentions.

Steve and Jana Russo Minor subdivision

Tax Map # 135.7-4-1 10 Stanton Ave, Wynantskill

Russo’s are looking to do a minor subdivision to give their son a 1-acre parcel to build on. They approached the Town Bord previously to have 3 paper streets abandoned to make their property all one piece.

Russo’s are on Town water and are looking to T-off from their line, to supply the son’s home. There is power at the top of the hill. The driveway will be shared and will need an easement.

They are waiting on their surveyor to come and make them a new map without the paper roads. Russo’s will hopefully be able to attend the next meeting, in October, if the surveyor is able to have a new map survey ready. Planning Board asked if the surveyor could possibly attend the meeting with them.

New Business:

There was a suggestion made by the Basil’s from the Poestenkill Firehouse that there is nothing in the laws or codes for the Town stating that private bridges do not have inspection or rating standards. Planning Board Attorney, L. Howard will look into this matter and maybe recommend it to the Town Board. Reaching out to Wayne Bonesteel, Town Engineer for input.

Old Business:

Chairperson Russell read the letter that Orsini and Langley presented to the Planning Board. They have retained Katherine Dell, as their attorney. Orsini has given the Board 10 days prior to the next meeting to have answers to 2 questions they have presented. Planning Board Attorney, L. Howard will be contacting Attorney, Katherine Dell for further information, if a written response is needed, Planning Board Attorney, L. Howard will notify all the Board Members for any input.

Chairperson Russell read the Final Resolution for Major Subdivision Application for the VLG Real Estate Developers, Coopers Hill Subdivision located at 613 Cooper Hill Rd Route 355, Poestenkill.

Motion to accept Final Resolution for the Cooper Hill Subdivision was made by Member Heckelman and seconded by Chairperson Russell and approved by a vote of (4) yays, (3) nays, and (0) abstentions.

Comprehensive Plan:

Member Briggs was unable to attend the meeting.

Motion to adjourn the meeting at 8:23 PM was made by Member Teal and seconded by Member Daniel with a vote of (7) yays, (0) nays and (0) absentions.

Respectfully submitted,

Stephanie H. Volkmann

Planning/Zoning Clerk