



## TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210  
Poestenkill, NY 12150

### PLANNING BOARD

**Planning Board**  
**December 6, 2022 @ 7:00 PM**  
**Poestenkill Town Hall**  
**(Distributed before Approval)**

#### **Attendees:**

Tom Russell, Chairperson  
Laura Burzesi, Vice Chairperson  
Harvey Teal  
Don Heckelman  
Jeff Briggs  
Steve Valente  
William Daniel

#### **Non-Voting:**

Lawrence Howard, Esq  
Vicki Spring, Alternate  
Stephanie Volkmann, Clerk

Chairperson Russell called the meeting to order at 7:02 PM with the Pledge of Allegiance.

#### **Minutes:**

Meeting Minutes of November 1, 2022 were reviewed. Motion to accept the minutes was made by Chairperson Russell and seconded by Member Burzesi with a vote of (5) yays, (0) nays, (2) abstentions (Member Valente and Member Briggs).

#### **Public Hearing:**

Rensselaer Plateau Alliance  
Tax Map #127.00-1-57

Special Use Permit Extension  
200 Legenbauer Rd

Member Briggs and Lawrence Howard, Esq recused themselves from the Public Hearing due to a matter of bias with Rensselaer Plateau Alliance.

Stephanie Volkmann, Clerk, read the Public Hearing aloud.

Member Valente brought to the Board that there is a controversy with the amount of acreage for the Public Hearing. The extension was for 200 Legenbauer Rd with approximately 350 acres and the Tax Map #127.00-1-57. There was also a Tax Map #128.-1-14 on the application and an address of Plank Road and approximately 88 acres. He felt the new parcel needs a new Special Use Permit Application. Member

---

Valente asked Jim if there was any thought of merging the two mentioned parcels at any time.

Member Burzesi of the Poestenkill Zoning Board asked if the application goes with the owner or the parcel. Lawrence Howard, Esq, stated that it goes with the parcel not the Owner.

**Public Comments:**

A resident mentioned to dissolve the lot line without the Planning Board or Zoning Boards approval. If the Board granted both parcels it would make it easier.

Member Daniel and Chairperson Russell stated that the Board renew the extension on the 350 acres and a new Special Use Permit for the other parcel listed on the application.

There were many residents in attendance voicing their opinions supporting the permanent Special Use Permit and several that were against it.

Some of the comments that the public voiced were as such:

- The Community Forest offers space for all ages. Young, old, and even disabled.
- During Covid it had a lot of use and gave residents and non-residents a place to go to be outdoors and escape, now the number of people using it has dropped.
- How large is Rensselaer Plateau Alliance looking to get and how large is the Community Forest? 600 acres in Poestenkill but also has land in Berlin and Grafton.
- How much acreage does Rensselaer Plateau need?

Chairperson Russell had to remind the public that the Board is not looking to shut the Community Forest down or stop it that a 5-year extension is the proper way to go with the extension.

- Valente Lumber was threatened that Rensselaer Plateau Alliance wouldn't do business with them anymore.
- Manny Dunham, a resident that borders the property has had people in his yard, loose dogs off leashes, hiking in the dark and coming into his backyard. Some of them would argue with his wife and himself about not being on his property. Trash being left behind. The signs were not stopping people from trespassing.
- Another resident had all his trespassing signs tore down. His privacy is destroyed.
- Toby Chadwick had someone trespass on their property due to lack of signage and the person had no idea where they were, so they kept walking till they came to a road. They pushed the fence down where the resident has animals. Dog was not on a leash.

- One gentleman lives on the other side of the property and has had no problems at all.
- Zoning Board member Burzesi asked if Rensselaer Plateau Alliance has any safeguards towards people's property?
- Jim representing Rensselaer Plateau Alliance, says we pride ourselves to take care of issues of landowners. Jim said they have called neighbors in to help make new trails and set up the Community Forest. Put up signs to show people where to go.
- Member Daniel wanted to know what provisions they have on property? Was also on the bike trail and saw right thru to the neighbor's property and into the backyard.
- A resident has had people turn around in their driveway or drive thru his horseshoe driveway to head back down the hill to the Community Forest. Also mentioned if it is permanent and not a 5 year it could get run down and not taken care of without any provisions.
- It was mentioned by a resident that there is always code enforcement that should be called if there is issues and that way it would be on record.
- They love the trails; they support the Community Forest and would also like to help the neighbors who are having issues.
- A resident brought up the fact that if there is a leash law in Poestenkill shouldn't Rensselaer Plateau Alliance being following the protocol.
- Jim from Rensselaer Plateau Alliance said that their signage states "Dogs under control" but not that dogs should be on a leash.
- Member Valente suggested that there is a leash law in the Town of Poestenkill and Rensselaer Plateau Alliance needs to abide by it.
- Resident referred to The Rensselaer Plateau Alliance as a financial asset adding money to the Town. Rensselaer Plateau Alliance needs to improve on the problems that are arising.
- Do we know how many people outside of the Town actually visit the Rensselaer Plateau Alliance was asked by a resident.

Motion to close the Public Hearing was made by Member Spring and seconded by Member Daniel with a vote of (7) yays, (Member Spring sat in for Member Briggs) (0) nays and (0) abstentions.

Conditions that were talked about to put on the extension by Planning Board Members:

- Member Valente suggested that Manny, a neighbor to Rensselaer Plateau Alliance, should have his concerns considered.
- Member Burzesi feels that a buffer of some kind should be put up for the neighbors. Also, a 1-year review should be necessary to be sure the concerns are being addressed.

- Member Daniel also feels a buffer should be put up whether it be natural or barbed wire. Signage isn't as good as stated.
- Member Spring agrees 1-year review should be in place to make sure Manny's property and other abutting neighbors' properties are being respected.
- Member Teal would like to have a workshop set up with neighbors and Rensselaer Plateau Alliance to work out all the issues and complaints. Recommends time limited Special Use Permit rather than a permanent permit.
- Member Heckelman supports the 5-year plan rather than a permanent permit. Find a resolution to Manny's and abutting neighbors' issues before a decision is made for timeframe.

Jim representing Rensselaer Plateau Alliance is willing to sit down and have a workshop but wished this happen 3 months ago since its been 5 months in the works. Chairperson Russell reminded Jim that Rensselaer Plateau Alliance had 2 months that Rensselaer Plateau Alliance were waiting on a DEC matter.

Lawrence Howard, Esq. suggests having the workshop also. He would not be attending the January meeting anyway. Lawrence feels he should not be involved due to a bias matter. Town Attorney Andy Gilchrist will be filling in for January Meeting.

The Planning Board is leaving the public hearing open. The Special Use Permit Extension is put off till the Planning Board meeting in February, but a temporary extension is granted until the end of February.

Motion to grant a temporary Special Use Permit Extension until end of February was made by Member Teal and seconded by Member Daniel with a vote of (7) yays, (0) nays and (0) abstentions. (Member Spring stepped in for Member Briggs due to a subject matter bias.)

Jack Keasbey/Ken Voland  
Tax Map# 114-2-2.31

Minor Subdivision Informal Info  
McKinley Way

No one was in attendance to represent them. Mr. Keasbey and Mr. Voland are still working out some details for the Minor Subdivision. They are looking to be ready to attend the January meeting.

Patrick Ali  
Map # 124.11-6

Special Use Permit Apartment Tax  
547 Route 355 Wynantskill

Mr. Ali has an apartment over his garage that was there previously to him purchasing the home. He is looking to rent it out for income. Mr. Ali is in the R zone. There are separate entries for the apartment and the home but shares a common wall, so it's considered a duplex needing a Site Plan and a Special Use Permit. Chairperson Russell will deliver the information for a Site Plan to Mr. Ali. He will be returning to the January meeting.

David Ross

Information for merging two parcels  
Plank Road

Mr. Ross is looking to purchase a piece of land locked property on Plank Road from Walter Kersch that borders his property in Poestenkill. Mr. Ross is looking to merge his property with the Kersch property and making it one Tax Map number. He is not looking to change anything on the property. Mr. Ross came to the Planning Board to be sure they had no objection to the merger and no need for subdivision.

Motion was made Member Valente and seconded by Member Burzesi that the Board agrees no subdivision is necessary for the merger of the parcel presented to the Board that Mr. Ross is proposing to purchase from Mr. Kersch with a vote of (7) yays, (0) nays and (0) abstentions.

Old Business:

Gush's first house is getting ready to be built. A setback with DOH on septic is holding it up currently.

New Business:

Nothing at this time.

Comprehensive Plan:

Nothing to report currently.

Motion to keep Board positions as present and all Members staying on the Board through 2023 was made by Member Daniel and seconded by Member Briggs with a vote of (7) yays, (0) nays and (0) abstentions.

December 29, 2022

Motion to adjourn the meeting at 9:08 PM was made by Member Burzesi and seconded by Member Valente with a vote of (7) yays, (0) nays and (0) abstentions.

Respectfully submitted,

A handwritten signature in black ink that reads "Stephanie H. Volkmann". The signature is written in a cursive style with a large initial 'S'.

Stephanie H. Volkmann  
Planning and Zoning Clerk