

January 5, 2021



Planning Board

## TOWN OF POESTENKILL

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### PLANNING BOARD

January 5, 2021 Minutes  
@ Poestenkill Town Hall

#### Attendees:

Tom Russell, Chairman  
Jeffrey Briggs (cell phone)  
Don Heckelman  
William Daniel  
Steve Valente

#### Non-Voting:

Robert Ryan, Esq.  
Lynn E. Kane, Clerk

#### Absent:

Harvey Teal

Chairman Russell called the meeting to order at 7:05 pm with the Pledge of Allegiance and introduced the Members of the Board.

#### Public Hearing:

Harold Van Slyke  
125.-7-8.2

2 Lot Minor Subdivision  
606 Snyders Corners Rd.

Clerk Kane read the Public Hearing Notice. Chairman Russell recounted the project and moved to the SEQR. Member Valente made a motion to declare a negative declaration. Motion was seconded by Member Heckelman. Attorney Ryan stated Member Briggs could not vote as he was only participating on a phone call, that he must be visible to the group. Motion was approved with four (4) ayes, zero (0) nays and zero (0) abstentions. Chairman Russell asked if there was anyone who wished to speak in favor of the application. Resident Tim Hoffay stated he had no concerns with the proposed subdivision. Chairman Russell asked if there was anyone who wished to speak in opposition of the application, there were none. With no more comments, Chairman Russell closed the Public Hearing. Member Daniel made a motion to approve the 2 Lot Minor Subdivision. Member Heckelman seconded the motion and was approved with four (4) ayes, zero (0) nays and zero (0) abstentions.

*Resolution: Application approved.*

**Applicants:**

Scott Polaro  
125.-7-28

Special Use Permit NP – Extension  
607 Route 351

Applicant has had his mining operation for many years, has recently received his renewed NYS DEC Mining permit and needs to extend his Special Use Permit from the Town. His current DEC Permit and Special Use Permit both expire on January 31, 2021. There is much discussion between Board, Board Counsel and Mr. Polaro regarding the need to extend the Special Use Permit prior to the February 2, 2021 meeting of the Planning Board. Member Heckelman advised Board that he would recuse himself due to a conflict of interest. Chairman Russell made the motion to schedule a Special Meeting for the Public Hearing on Tuesday, January 19, 2021. Motion was seconded by Member Daniel and approved with three (3) ayes, zero (0) nays and one (1) abstention by Member Heckelman.

*Resolution: Schedule Special Meeting for Public Hearing January 19, 2021.*

Teresa Quell  
136.-9-34.18

2 Lot Minor Subdivision  
55 Chain Mountain Way

Ms. Quell discussed her plans to subdivide her existing parcel to sell approximately three (3) acres. The Board and Ms. Quell reviewed the plat plan extensively. Ms. Quell was given a list of items to be addressed and/or revised by her engineer. She will submit revised plat plan as soon as possible and return to the Board for further discussion.

*Resolution: Plat Plan to be revised and reviewed at the February 2, 2021 meeting.*

Leonard Johnson  
136.-6-3.131

Lot Line Adjustment  
18 Johnson Lane

Surveyor Kevin McGrath appeared for Mr. Johnson who is unavailable to attend. Mr. McGrath reviewed the plat plan with the Board. Chairman Russell made a motion to adjust the Lot Line for 0.109 acres from “donor lot” to “receiver lot”. Mr. Johnson owns both lots. Member Daniel seconded the motion and approved with four (4) ayes, zero (0) nays and zero (0) abstention.

*Resolution: Lot Line Adjustment approved*

Leonard JohnsonLot Line Adjustment

136.-6-3.131

18 Johnson Lane

Surveyor Kevin McGrath appeared for Mr. Johnson who is unavailable to attend. Mr. McGrath reviewed the plat plan with the Board. Member Valente made a motion to classify this project as a 2 Lot Minor Subdivision. Motion was seconded by Member Heckelman and approved with four (4) ayes, zero (0) nays and zero (0) abstention. Member Heckelman made a motion to schedule a Public Hearing for February 2, 2021. Motion was seconded by Member Daniel and was approved with four (4) ayes, zero (0) nays and zero (0) abstention.

*Resolution: Public Hearing scheduled for February 2, 2021.*

43 Mall Ltd.Amendment to Final Plat Plan

114.-2-3.12

Lochvue Estates – Lot #8

Attorney Andrew Gilchrist appeared for the Owner. Mr. Gilchrist recounted for the Board that the Town Board had requested the fifty (50) foot access road adjacent to Lot 8 be removed from the plat plan prior to the Town accepting the road as a Town Road. He stated the changes were made and the Owner decided to enhance Lot 8 with the additional fifty (50) feet, so as to improve the placement of a house. There was some questions and discussion between the Board and Mr. Gilchrist. Chairman Russell made the motion to schedule a SEQR Public Hearing for February 2, 2021. Motion was seconded by Member Heckelman and was approved with four (4) ayes, zero (0) nays and zero (0) abstention.

*Resolution: Schedule Public Hearing for SEQR for February 2, 2021.*

**Minutes:** Meeting minutes of December 1, 2020 were reviewed. Attorney Ryan requested change of wording on page 1, paragraph 1, line 6 to read "...Based on the Zoning Board's interpretation of "retail", the Applicant's application for a Special Use Permit based on the retail definition, is ineligible...". Member Valente requested change of wording on page 2, under "Wood Processing", line 4 "wood is wood" to "...small wood operations should be allowed in zones RR1, RR2 and RA. Motion to accept the Minutes with corrections was made by Member Daniel, seconded by Member Valente and approved by a vote of four (4) ayes; zero (0) nays and zero (0) abstentions.

**Public Comment Period:**

Chairman Russell opened the Public Comment Period for items not appearing on the Agenda. There was none. Chairman Russell stated "There being no comments from the public, the Public Comment Period is closed."

**Old Business:**

1. Gush subdivision – Clerk Kane informed the Board she has sent email and made phone call to Mr. Gush’s wife, requesting direction on how to proceed. Matter will be tabled until hear back from Mrs. Gush.
2. Hitchcock – Article 78 filed. Town Attorney, Jack Casey, has the lead.
3. Shuhart’s senior complex – engineer is back, drawings being prepared. Member Valente question Attorney Ryan of when he would need to recues himself. There was some discussion, issue to be revisited once project application is submitted.
4. Special Meeting scheduled for January 19, 2021 for the Public Hearing to extend Chairman Russell will request Zoom meeting be set up by Michelle Asquith.

**Organizational:**

Wood Processing: Town Board Member, June Butler, thanked Members for their contributions to the proposed Code amendment for wood processing. She stated Jack Casey is reviewing and responding to the Article 78 proceeding. Member Valente stated it would be prudent for the Town to adopt this amendment as soon as possible and that the new law would address issues through the Town. Ms. Butler agreed and stated she will speak to Mr. Casey to move the revision along to the Code.

**Organizational:**

A motion to enter Executive Session at 8:50 pm to discuss a personnel matter was made by Member Daniel, was seconded by Member Valente and was approved with four (4) ayes, zero (0) nays and zero (0) abstentions. A motion to leave the Executive Session at 9:05 pm with no vote taken was made by Member Valente, was seconded by Chairman Russell and was approved with four (4) ayes, zero (0) nays and zero (0) abstentions.

A motion to adjourn the meeting at 9:10 pm was made by Member Valente, was seconded by Chairman Russell and was approved with four (4) ayes, zero (0) nays and zero (0) abstentions.

Respectfully submitted,

Lynn E. Kane,  
Planning Board Clerk