



Planning Board

TOWN OF POESTENKILL

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PLANNING BOARD May 4, 2021 Minutes @ Poestenkill Fire Hall

Attendees:

Don Heckelman, Chairman
Tom Russell
Harvey Teal
Jeff Briggs
William Daniel
Steve Valente
Laura Burzesi
Vicky Spring, Alternate

Non-Voting:

Robert Ryan, Esq.
Tiffany Buker, Clerk

Chairman Heckelman called the meeting to order at 7:00 pm with the Pledge of Allegiance and introduced the Members of the Board.

Public Comment Period:

There was no comments made.

Applicants:

Matt Bond/ Kronau Group
136.-6-3.131

White Church Rd PDD

Matt Bond from Barber Engineering, representing Kevin and Dale Kronau presenting White Church PDD, gave overview of project. 8.7 acre parcel of land currently zoned natural products and eventually mining will end and with a reclamation plan and hope to continue on to the next phase of the Deer Creek development, the adjacent property, and is currently proposed as 8 townhome style, a total of 16 residential units with on site septic treatment system. The remaining undeveloped sections would be open space and not developed as part of an HOA.

The floor was opened to planning board members to ask questions about the project, V. Spring- asked about townhome vs. duplex. M. Bond explained goal is to sign over and not lease and would be sold as individual. J Briggs- asked what PDD means to Matt Bond. Matt explained this is a PDD because it doesn't meet existing zoning as is currently natural products and with need to change zoning for

requesting PDD and setback restrictions. M Bond believes residential and north of residential agriculture is the surrounding zones. This would allow an overlay J Briggs- planned development is not just how to not just squeeze more units. Without the PDD and it reverts to residential you could put 4 houses on 8 acres. J Briggs would like to see unique, interesting ideas that would show 16 units on a plot of land. J Briggs stated being close to the hamlet, small lots fits into the surrounding area. J Briggs asked about the look of the buildings. M Bond stated J Briggs is concerned with conservancy and that DEC is recommending cluster style homes and explained what it would mean extending the road and putting houses further back. M. Bond stated this a concept plan looking for approval for the PDD, and at this time we are looking for approval of the concept and then will move on to the details of design. The footprint chosen is generic and there seems to be a demand for starter homes and also older population looking to downsize.

W Daniel is concerned about the slope areas behind these is 30 ft high and it not being usable space and that is why the open space area is there. M Bond stated the sections of slope would be rear of lot if you moved away from cluster style. Chip Kronau explained the berm and the drop off would be different if it were to be changed to residential. There is lots of grading work that needs to be done to blend in before building can be done.

L Burzesi asked about septic and if it would support them all. M Bond stated it would likely be separate tank for each unit and go into a joint main. W Daniel asked about the residents and wells. M Bond stated there are rules for separation and would meet DOH standards and soil would be amended if need to slow down after the perc test was done.

S Valente asked about water. Chip Kronau said it would be connected to water via 351.

L. Burzesi asked about an easement in the drawing. M Bond stated it has always been there and was originally put in for access but with this development, it wouldn't use that access road but accessed from White Church Rd. M Bond stated it would widen access and said 2 standards based on highway standards: hammerhead and cul-de-sac. Currently proposing hammerhead style.

L. Burzesi said there is a separation between the two developments. M Bond stated it grades down to the existing development since the proposed is higher and also a wood line.

S. Valente asked about the setback from the road and being 50 feet as it is proposed as 40 feet. M Bond stated that is one of the proposals in the PDD is to minimize the setbacks and shorter road access which ties into the cluster style- shorter access road, shorter driveways.

W Daniel asked if it would be a town road and to make sure he knows there are standards. M Bond stated it is planned to be turned over to the town and knows there are standards that need to be met including the grade.

T Russell asked if 50 ft what would happen, and M Bond said it could happen but would push the houses further back onto the property. M Bond said if the road is widen, it would narrow the

building lot. Russell asked about decreasing number of homes and single homes. M Bond stated it was looked at as well but that would make it less affordable to new home buyers. Discussion continued about things that were design specific and not concept specific- cost, look,

D Heckelman asked about hammerhead and fire dept having issues with the turnaround and changed need to be made. M Bond said that others could be looked at but it was done using the town's road standards. M Bond stated the road is still 26 feet wide and it is the overall right away being a little narrower and there is still access for 3 cars to pass or 2 cars and a fire truck to pass. M Bond said this is something that could be changed in the design process if the approval for the PDD is made.

D Heckelman opens up to public comment about the PDD.

Resident S. Bidwell is concern about erosion and his septic and gave the back story of an issue in 2018. He is looking for more to be done to fix the issue.

W Daniel stated taking berm out and Mr. Bidwell will have more issues. M Bond stated the issues will meet or be at existing issues with additional vegetation. S. Bidwell asked if anything was being proposed to be done with what is there. M Bond stated they are not proposing work to be done there where the concern is and want to minimize the disturbance. S Bidwell said unable to maintain grass once the problems from 2018 occurred with dirt being pushed down the hill and can no longer do anything with it like he was able to do before. S. Bidwell wants for whatever happens there to be maintained and if they are to sell that piece depending on what he wants for it, he would be willing to buy it. Chip Kronau said he think his father will work with Mr. Bidwell on this area. Chip said he is aware of the issue and what is there is not permanent and a bandaid for now.

A question was asked about storm water and Chip Kronau said storm water said can't come off of there as it is against DEC regulations. Stormwater needs to be addressed in the project and stay within the project and will be addressed in the design process of the project.

T Russell asked if DOT had been talked to about site distance. T Russell mentioned the email from Tom Fields about concerns about the culvert at the entrance and stormwater. M Bond said DOT will be contacted but these questions are warranted to the design process and not the concept. L Burzesi stated that many of these questions (stormwater, culverts, look) are geared towards the design process and we are currently being asked are we willing to give them the go ahead to start the design process

Town resident L Basle asked about PDD process and if approved is there still control by the board of how the design comes about.

Planning Board Attorney Bob Ryan gave process overview and reminded this process doesn't approve but makes a recommendation back to the town board to approve or deny, and then if the town board approves then the applicant files a site plan and that is where the design and development of parcel comes under review. L Basale asked if the PDD is approved but the project is dropped does it stay a project, B Ryan said he would need to look into it but PDD is for a specific project so he believes it is only approved for that specific project and there is a timeline. L Basale thinks should their recommendation should make sure it fits into the comprehensive plan.

E Gresens would like more information on the septic system as it could affect all their wells. M Bond stated the location and size is based on daily load demand that is calculated based on number of units. The septic system would be designed in accordance with Dept of Health standards. T Russell asked about the number of people. M Bond stated the calculation is based off number of bedrooms per residential unit.

T Russell asked about driveways. M Bond stated driveways are proposed for 2 cars and each unit has an attached garage. If a car parked on the side of the road, there is still plenty of space for cars to pass on the road. T Russell about emergency turnarounds before the end. Discussion happened about turn arounds and if additional turn arounds would be needed.

Discussion occurred about HOA and if adding on, what that process would be. If any additions were made after the initial build, a building permit would be needed. T Russell asked about HOA and M Bond said all would be discussable items in design process. S Bidwell asked if HOA goes defunct, does the town pick up? B Ryan said there is more to that and an HOA is more for the exterior especially since 2 owners for one building and that it shouldn't go bankrupt as more fees would need to be assessed or cost cut.

S Bidwell asked about septic system life. M Bond stated it was dependent on load but 20-50 year is typical life expectancy. Dept of Health decides how big and adjacent area, etc and it is part of the design criteria set forth by the DOH.

S Valente asked about depletion time of gravel, Chip Kronau said wouldn't be long if approved. Chip Kronau said not mine all out, and would be using some for the project, it is more of the grading to get the right slopes and percentage of grade. Discussion about when mine permit were would be terminated and how it coincides with the development of the project.

T Russell asked the fire department if the distance between buildings and what that means for them. Fire Dept (D Basle) said they were concerned with 50 ft rightaway of the roadway. They would like to see the 50 ft rightaway. The house setback being asked is 24 feet. Fire Dept also has concerns about the main and number of hydrants. Fire Dept would also like to see easement to access road for fire access, hydrant in deer creek, etc. S Valente stated some of the neighbors are concerned with the easement being a road. S. Bidwell said there are lots of neighbors with kids and D. Basale said it would be with a gate and access only to emergency vehicles. S Valente sees the easement being a problem is a road for emergency vehicle access. Discussion occurred about Kronaus selling off the easement.

S Valente asked if minimums are set to hamlet standards.

D Heckelman brought to the attention the copy of concerned resident letter that was sent to the town board and town supervisor. A copy will also be given to M Bond.

D Heckelman asked them to come back to next meeting to have more discussion on this and have time for questions to be submitted before then. M Bond asked if he is asking for an additional 30 days and review of comments. M Bond reminded this is concept level and not

design level and questions should be geared towards concept. Tiffany Buker, secretary, stated questions should be submitted by May 25th to allow M Bond time to get answers to the questions.

Ron Levesque

Lot Line Adjustment

124.00-10-3.111

D Heckelman gave overview of project. R Levesque steps into explain. R Levesque has tabled SUP (and officially withdrawn) and just going for lot line adjustment. He started Moules Lake LLC, only property owner, therefore sole in HOA. He wants to take property from one piece of land and move to it another piece of land. He wants to add more property to the pie shaped lot. The half acre lot is surrounded by land and across the street is forever wild land and can't be built on. This transaction is a paper transaction and R Levesque is the only owners of the property and making the property from pie shaped to closer to a rectangle.

D Heckelman recalled the issue where property with lot line adjustment is from and has a limitation on it that the property is either Forever Wild nature conservancy or controlled by an HOA. R Levesque said what found in the last 2 years, that has never legally been a HOA. The property that came up for foreclosure the conditions should have been fought by the town in a legal battle as requirements from the planning board. There has been no legal filings for the conditions of the planning board (to establish an HOA) be maintained. R Levesque bought the property in foreclosure from the county- clean and clear and free of all encompasses upon it as the county is not going be part of the HOA. D Heckelman stated that Daisy Lane residents didn't need to be notified of this meeting as it is not a public hearing and if it moves forward and a public hearing is needed the abutters would be notified. B. Ryan asked if he had a title abstract as he asked in 2018 and said as a buyer to do a title abstract to see what the deed restrictions are.

As a buyer on foreclosure properties it wipes tax liens but not deed restrictions. B Ryan said as part of the plat it still has restrictions on it to make it buildable. R Levesque isn't asking to build on the property. S Valente asked for clarification on the process of lot line adjustment and looking at deeds. D Heckelman said the deed is being looked at because of the restrictions on the property. S Valente asked how do we know that because it isn't part of the process. D

Heckelman said it was because it was part of the plat that it goes to nature conservancy or HOA.

R Levesque said those restrictions were placed on the developer and the deed never changed as he kept it in his own name and it wasn't transferred. S Valente asked if the restriction was on the deed or the plat. D Heckelman said it was on the plat for the development. S Valente said if it isn't on the deed, how can we enforce it and L Burzesi agreed. R Levesque says he isn't looking to build on it, just square off the piece of property. B Ryan said it could be on the deed but an abstract was never provided. We don't approve lot line adjustments on a subdivision. The issue from 2 years ago was for the special use permit where we knew there was restrictions on the existing subdivision plat and there could be a liability to the town if we are approving a SUP and concerns are voiced of the major subdivision approval when it was suppose to be built on. Here there is no approval, if we say this isn't a subdivision then the lot line isn't approved. Our process is only looking at if it is a subdivision. D Heckelman asked if we could move forward with the lot line adjustment without having to do an approval. B Ryan said we say it is not a subdivision it is a lot line adjustment and then R Levesque can do what he wants to do. B Ryan

says no public hearing is needed and the planning board make a determination that it is a lot line adjustment and not a subdivision and there is no approval process for it. D Heckelman said this is giving him more property and he wouldn't have needed the variances for the setbacks. B Ryan says we are not approving development on this land. T Buker asked for additional copies

Motion forward to classify as a lot line adjustment Motion by J Briggs and Seconded by H Teal.
All in favor, ayes and no no's or abstains.

D Heckelman told R Levesque to get paperwork to Tiffany. Discussion was had about why signing it and it was decided it would need to be signed for the county and signed as Classified as Lot Line Adjustment.

Minutes: Meeting minutes of April 6, 2021 were reviewed. Motion to accept the Minutes was made by Member Russell, seconded by Member William Daniel and approved by a vote of six (6) ayes; zero (0) nays and one (1) abstentions – Member Burzesi.

Old Business:

Cooper Hill Subdivision- There is a letter from Mrs. Gush to restart the project. There was discussion about restart or start and where it was at in the process. Revisions were needed to the preliminary plat before it could be moved to final plat. We see this as a start from scratch.

A motion to adjourn the meeting at 8:41 pm was made by Member Briggs, was seconded by Member Teal and was approved with seven (7) ayes, zero (0) nays and zero (0) abstentions.

Respectfully submitted,

Tiffany Buker
Planning Board Clerk