

OFFICE OF THE PLANNING BOARD

Town of Schaghticoke
June 5, 2019

PUBLIC HEARINGS

7:30 P.M. **Marten Subdivision (Tax Map #31.-1-26.2)**. Lawrence Marten, the applicant, appeared to propose a 2 lot subdivision located in an RA district at 486 Hansen Road and owned by the L & V Marten Irrevocable Living Trust. Mr. Marten proposes to subdivide the 24.22± acre parcel into a 3.78± acre lot with an existing residence and a 20.44± acre lot. Mr. Marten's Attorney, Matthew Sgambettera, from The Sgambettera Law Firm, was present. There was no public comment. The hearing was closed at 7:34 p.m.

7:34 P.M. **Philpott Two Lot Subdivision (Tax Map #14.-1-4.13)**. Brian Holbriter, land surveyor, appeared to represent the applicant, Randy Philpott, who is proposing to subdivide an 8.40± acre parcel into two lots, measuring approximately 4.25± acres with an existing residence and 4.15± acres. Mr. Holbriter added that the 4.15± acre lot is intended to be transferred to his brother- and sister-in-law for the purpose of constructing a home. There was no public comment. The hearing was closed at 7:38 p.m.

REGULAR MEETING

Members present were: Chairman Frank Alessandrini, Wayne Akin, Dan Clow, Brian Davidson, Elizabeth Hale and Scott Wiley. Robert Weir was absent. Kristin Pratt, Deputy Town Attorney, was present.

The minutes from the May 1, 2019 meeting were reviewed. Scott Wiley made a motion to approve the minutes as submitted. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Wiley

Nays: None

Abstention: Hale

PUBLIC HEARING

7:40 P.M. **Warren Fane Mine Expansion (Tax Map #40.-1-6.21)**. Jeff Lang, Professional Engineer, Griggs-Lang Consulting Geologists and Engineers, P.C., appeared to represent the applicant, Warren Fane who is proposing to expand his mine located in an RA district with a portion of the expansion area located in an HC district. The expansion area is located on the north side of Pinewoods Road, east of River Road. The purpose of the application is to explore further reserves. No additional access is planned to the total expansion of 65± acres and there will be no onsite discharge and no processing plant in the area is proposed. Mr. Lang added that approvals have been received from both DEC and the Army Corps of Engineers. The operational completion date is dependent upon the market demand.

Three residents of the Town signed in as interested citizens.

Bob Boucher, a resident of the neighborhood, asked about the hours of operation. In addition, he asked if there were any regulations to control the creation of noise. He claims that he hears noise as early as 5 a.m. from the neighboring operation and that he finds the noise disturbing.

Mr. Lang replied that there are no regulations with regard to noise control.

Craig Wilson remarked that he drives in that area with frequency and has observed a woman walking her dog in clouds of dust, a result from the mine activity. He added that the area residents are breathing in dust and that Allen Road is not kept clean. Mr. Wilson wanted to know whether the road is ever swept and, if so, with how much frequency. He stated that there are "shovels full of dirt" in the road and that the lack of upkeep is not neighborly behavior. He believes that the Clemente mine operation doesn't clean either and that he, Mr. Wilson, is concerned about the safety of the residents and that he wants to ensure that the mines are following the regulations of the granted permits.

Rebuttal

Don Fane, son of the applicant Warren Fane, was present. Mr. Fane stated that the noise, created by "back-up alarms", is mandated by federal regulations. In addition, Mr. Fane stated that water is used to control the dust according to DEC regulations. Mr. Fane stated that he is aware of only, perhaps at the most, 2 complaints in approximately 30 years of operation. He added that the mine has been operating since 1984 and that the owners of the mine will continue to try to be good stewards. A reclamation plan is being considered with the creation of a park and lake as possibilities when the mine is closed.

With no further comments, the public hearing was closed at 8 p.m.

Marten One Lot Subdivision (Tax Map No. 31.-1-26.2). The applicant, Mr. Lawrence Marten, appeared before the Board to present his proposal for a one lot 3.78± acre subdivision with an existing residence, septic and well from a 24.22± acre parcel located on Hansen Road in the RA District. RCHD approval is not required. The proposal was

discussed at the May PB meeting. An application for the subdivision, short form EAF were submitted.

Wayne Akin made a motion to issue a negative declaration of environmental significance under SEQRA. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Wiley

Nays: None

Wayne Akin made a motion to grant preliminary approval. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Wiley

Nays: None

Since RCHD approval is not required, Dan Clow made a motion to grant final approval for the Marten one lot subdivision contingent upon receipt of the \$180.- application fee.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Wiley

Nays: None

Chairman Alessandrini advised Mr. Marten to file the survey maps of the project with Rensselaer County within a 62 day period to avoid expiration of the PB approved plans.

Stacey and Randy Philpott (Tax Map # 14.-1-4.13). Brian Holbritter, land surveyor, presented an application for a one lot subdivision located on the northwesterly side of Master Street, approximately 1,100 feet south of Schweninger Road in an RA District. The applicant, Randy Philpott proposes to subdivide an 8.4± acre parcel into a 4.25± acre lot with an existing house, septic and well and a flag lot measuring 4.15± acres with 53.93' of road frontage. Required setbacks for the 4.25± acre lot with a residence are met. RCHD approval has not been granted for the newly proposed lot, as an engineer has not been available. In addition, a topographical map is required and has not been submitted to date.

Wayne Akin made a motion to issue negative declaration of environmental significance under SEQRA. Scott Wiley seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Wiley

Nays: None

Scott Wiley made a motion to grant preliminary approval for the one lot subdivision.

Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Hale, Wiley

Nays: None

The Board discussed issuing the final subdivision approval; however, decided to wait until RCHD approval is issued.

Hemstreet Park Mine Expansion Special Use Permit and Site Plan Review(Tax Map #40.-1-6.21). Jeff Lang, engineer, appeared to represent the applicant, Warren Fane, who is proposing to expand his 131.5± acre mine located in an HC district on the north side of Pinewoods Road, east of River Road for access to further reserves. The existing access is off Allen Road will be used to reach the 65 acre expansion with no additional access planned. There will be no onsite discharge. Mr. Lang added that SEQRA and the final EIS have been completed. Mr. Lang stated that the proposed expanded parcel is located on River Road, south of the HC district which encompasses the older mine. The

proposal is located 185' above sea level with portions of the parcel located in an RA district. There will be no additional access to the expansion; the same access as that established for the older mine will be used, and haul ways are all internally located. The sand and gravel will be hauled to the existing processing facility off Allen Road and no new processing facility will be constructed. Mr. Lang stated that he considers the project minimally invasive. Paved roadways will be swept on a daily basis and operational hours are confined from 7 a.m. to 6 p.m. Information with regard to the proposal has been submitted to Rensselaer County Planning; however, no response has been received. The Planning Board will review the information that was distributed at the meeting and will revisit the application at the July meeting.

Clement/Phelps Small Engine Service Pre-filing Conference. Arthur Clement and Amanda Phelps appeared before the Board. Mr. Clement has been operating a small engine repair business from his residential property located in a Hamlet District at 30 Milky Way Road. Mr. Clement stated that he was originally in the auto repair business in Troy and chose to pursue his own business repairing small engines. Mr. Alessandrini explained that the operation of a small engine repair service does not fall within the definition of a home occupation and, therefore, would require the submission of an application for a Special Use Permit. An application and short form EAF was provided to the applicant. Should the application, application fee of \$100.-- and short form EAF be submitted by the 15th of the month, a public hearing may be scheduled for the following month.

Martin/ Sawyer Pre-filing Conference. Brian Holbritter, land surveyor, appeared to represent the applicants Thomas Martin and Patti Sawyer who are proposing to build a residence located on River Road adjacent to the Hudson River. Mr. Sawyer applied to the Zoning Board of Appeals in order to locate the supports of his proposed deck 92' from the Hudson River. The Zoning Code requires a 100' setback from the normal stream bank of the river. The application for the area variance of 8' was approved. Mr. Holbritter noted that house is designed for the 100 year flood zone with the proposed main finished floor, complete with all appliances and wiring, 3 feet above the flood plain, and level with the deck.

Mr. Martin abandoned plans to construct a wood shop on the lower level. Mr. Martin, instead, may build a 36' X 36' pole barn for the purpose of a wood shop in the near future. The applicants presented the architectural plans for the proposed 2,400 square foot timber frame open plan dwelling to the Board.

At the ZBA meeting, the applicant was advised to apply for a Special Use Permit from the Planning Board, as the construction will be taking place within the Flood Fringe Overlay District under Zoning Code Section VI(C). At that time Mr. Martin was also advised that according to Chapter 69 of the Town Code, the application will also require a permit for development within the flood plain.

Chairman Alessandrini stated that he will complete the research to determine whether site plan review is required for the Sawyer/Martin application. A public hearing is required to be scheduled after the application is submitted.

OTHER

Chairman Alessandrini noted that the Kehn application for a subdivision, known as Sunshine Acres, and located at the corner of NYS Route 40 and Calhoun Drive, has not been completed. Mr. Alessandrini indicated that he would attempt to reach the engineer of that project, John Hartnett, to determine the status of the project.

Wayne Akin made a motion to adjourn the meeting at 8:56 p.m. Dan Clow seconded.

Ayes: Alessandrini, Akin, Clow, Davidson, Weir, Wiley.

Nays: None

Abbreviations

EAF – Environmental Assessment Form

HD – Hamlet District

NYS – New York State

RA- Residential/Agricultural District

RCHD – Rensselaer County Health Department

Respectfully submitted,

date: July 13, 2019

A handwritten signature in black ink, appearing to read "Elizabeth Hale". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Elizabeth Hale, Clerk

Planning Board, Town of Schaghticoke