

OFFICE OF THE PLANNING BOARD

Town of Schaghticoke

October 2, 2019

PUBLIC HEARING

7:30 P.M. **Herkert Properties Subdivision (Tax Map # 12-2-13.133)**. Brian Holbritten, land surveyor, appeared to propose a two lot subdivision of an 11.40± acre parcel located in an RA district on the northwesterly side of Hayes Road. John Herkert, the applicant, was present. Two long driveways from Hayes Road are planned as access to the two proposed flag lots, each measuring 5.15± acres (Lot 4B) and 6.25± acres (Lot 4A). Mr. Holbritten noted that the 11.40± acre parcel to be subdivided is the residual land from the original 18.97± acre parcel that was previously subdivided.

Paul Hayes was present and expressed concern that the proposed driveways were not in the same location as was displayed on the survey when the earlier subdivision was considered and approved by the Planning Board "years ago". Mr. Hayes inquired about relocating a driveway from an original plan and he wanted to know if there was a law requiring an owner to occupy one of the residences within a subdivision for a specific time-frame prior to further subdivision of the land.

Neither Deputy Town Attorney Kristin Pratt nor Chairman Alessandrini were aware of any such requirement by law.

Mr. Holbritten addressed the Board and stated that the original survey of the subdivision showed that the driveways to the proposed lots were in the same location as shown in the current survey.

Chairman Alessandrini explained that the Planning Board is vested with the authority to ensure that a subdivision meets all the requirements, that the owner is not committed to the original driveway plan and that the Building Inspector evaluates whether the driveway is properly located.

Matthew Brizzell, 253 Hayes Rd., stated that he was a farmer, and, consequently, wanted the Board to be aware that the 11.4± acre parcel has prime soil for farming. He read information from the Farmland Protection Bureau which provides a New York State goal of protecting farmland.

There was no further comment. The public hearing was closed at 7:00

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TOWN OF SCHAGHTICOKE
BUILDING DEPT.

Anatriello One Lot Subdivision (Tax Map # 30-4-6.1). Brian Holbritter, land surveyor, appeared to present a proposal for the subdivision of a 2.03± acre lot, including a residence and barns, from a 30.12± acre parcel located in an RA district on Howland Avenue. Residual acreage will remain vacant.

There was no public comment. The hearing was closed at 7:40 p.m.

REGULAR MEETING

7:35 P.M. Members present were: Chairman Frank Alessandrini, Wayne Akin, Dan Clow, Brian Davidson, Elizabeth Hale, and Scott Wiley. Robert Weir was absent.

The minutes from the September 4, 2019 meeting were reviewed. Wayne Akin made a motion to approve the minutes as submitted. Scott Wiley seconded.

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

Nays: None

Chairman Alessandrini stated that the Clement application for a Special Use Permit for the operation of a small engine repair business on Milky Way was tabled until the November meeting, as Mr. Clement and Ms. Phelps are out of town.

Herkert Properties Subdivision (Tax Map # 12-2-13.133). Brian Holbritter, land surveyor, appeared to propose a two lot subdivision of an 11.40± acre parcel located in an RA district on the northwesterly side of Hayes Road. John Herkert, the applicant, was present. Two long driveways from Hayes Road are planned as access to the two proposed flag lots, each measuring 5.15± acres (Lot 4B) and 6.25± acres (Lot 4A). Mr. Holbritter stated that Lot 4B has received RCHD approval; RCHD approval is underway for Lot 4A. The Board studied the survey and expressed concerns with regard to the lengthy driveway and fire protection. Brian Holbritter agreed to seek the opinion of the local fire department and review the fire code regulations and possible requirement for a gravel pull-off lane to accommodate fire equipment. In addition, Mr. Holbritter offered to draft a few layouts for various driveway locations and pull-off lanes for next month's meeting.

Anatriello One Lot Subdivision (Tax Map # 30-4-6.1). Brian Holbritter, land surveyor, appeared to present a proposal for the subdivision of a 2.03± acre lot, including a residence and barns, from a 30.12± acre parcel located in an RA district on Howland Avenue. Mr. Holbritter pointed out that the conservation note was included on the survey map. The residual acreage will remain vacant.

A check for \$180.-- was received.

Dan Clow made a motion issue negative declaration of environmental significance under SEQRA. Elizabeth Hale seconded.

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

Nays: None

Scott Wiley made a motion to grant preliminary subdivision approval. Wayne Akin seconded.

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

Nays: None

Since there is an existing septic system and well, and no pending approvals, Wayne Akin made a motion to grant final subdivision approval. Scott Wiley seconded.

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

Nays: None

Herrington Solar Farms (Tax Map#41.-1-96). Deputy Town Attorney, Kristin Pratt, recused herself, as Eden Renewables is a client of Young Sommer, LLC. Owen Speulstra, P.E., of Environmental Design Partnership, appeared to provide the Board with an update with regard to the proposal for a solar farm to be located on a 120 acre parcel in an RA district at 33 Bracken Road, northwest of the intersection of Bracken Road and NYS Route 40. The solar farm is proposed to occupy 32-35 acres and will be located 1,000' off the road. Giovanni Maruce of Eden Renewables was present. A prepared package -including site plans, topographic maps and the agricultural data statement- was distributed to the Board members.

Mr. Speulstra displayed a visual study of the proposed site from the vantage point of the intersection of Bracken Road and NYS Route 40, as well as from Whites Equipment retail store. It was noted that since the proposed solar farm is located on a main artery through the town, and that the greatest visual impact is from south of the proposal, that visibility of the project would be considered a major factor.

Buffering provisions were mentioned to reduce the visual impact and limit the disturbance created by the proposed solar farm. Mr. Speulstra stated that the solar panels will be surrounded by an 8 ½' wire mesh fence with pressure treated posts around the perimeter. It is believed that a wire mesh fence is more suitable for a rural environment. Four or five poles are anticipated to serve as connection points.

A request to cross the National Grid transmission lines, located on the property, is currently in the process of being submitted to National Grid. Further visual studies are planned and may be available for the Board's review at next month's meeting. Mr. Speulstra stated that he did not believe that the Army Corps of Engineers would need to be involved in the project. It was noted that a 239 review would be submitted to Rensselaer County, and that the Board would need to hire an attorney and an engineer to review the application. Mr. Speulstra asked if any additional agencies needed to be involved. Chairman Alessandrini replied that a SWPPP may need to be submitted. Frank Alessandrini noted that the Board would consider hiring a professional engineer to review the application and that escrow would be required.

Tyler Fane Pre-filing Conference (Tax Map #61-1-20.12, -20.112, -20.116) Mark Danskin, land surveyor, appeared to present a proposal for the applicant, Tyler Fane, concerning property located in an R district off NYS Route 40, north of Irish Road. Tyler Fane would like to subdivide 6± acres from a 12± acre parcel owned by Kent Fane to

2.36± acres from the Pat Casale property and 1.11± acre from a 5.13± acre parcel owned by Donald Fane to create a 9.83± acre lot. In addition, Tyler Fane would like to use a 50' easement, with no road frontage, that is used by Mr. Casale, as access to the proposed lot. Mr. Danskin stated that all involved parties are related and are in agreement. The property is wooded and moderately sloped.

The Board discussed the steep and exceptionally long easement and expressed concern with regard to an access way, south of the proposed 50' wide easement, being used by 5 families. Chairman Alessandrini asked Mr. Danskin to review the easement to determine if a driveway might be developed.

Ragone Pre-filing Conference (Tax Map #71.-2-4.13). Frank Alessandrini recused himself. Brian Davidson acted as chairperson. Brian Holbritter, land surveyor, appeared to represent the applicant, Vincent Ragone, owner of Ragone Foundations, Inc. located at 53 Wetsel Road in an R district. Mr. Ragone is proposing the relocation of his contracting business to a 4.6± acre parcel located in a Hamlet District on Fogarty Road with ingress and egress from both Fogarty Road and NYS Route 40. Mr. Ragone proposes to construct a 10K square foot building for vehicle storage, work space and an office. Some vehicles would be stored outside of the building. The parcel has been for sale for some time and is surrounded by residential homes, as well as nearby Scriven Press, Choice Physical Therapy and the Eastover Road National Grid substation. The Zoning Code does not allow the operation of a contracting business within a Hamlet District; therefore, the Board advised the applicant to seek either a use variance from the ZBA or to request re-zoning of the district from HD to Highway Commercial from the Town Board. A change in zoning of the district sparked some concern about 'spot zoning'. Atty. Pratt stated that she would send the information with regard to the proposal to the ZBA for review at the ZBA meeting scheduled for October 3rd.

Patterson Timber Harvest (Tax Map#21.-1-4.111 and 21.-1-4.112). Charles Gerber, C.F., Lumac Co., appeared to propose the harvesting of timber on 2 parcels of property owned by Stuart Patterson located in an RA district at 98 Brown Road. Mr. Gerber stated that the purpose of the harvest is to push back forest edge growth that is encroaching into the cultivated cropland and to promote healthy growth of the balance of the forest. The property line on the northerly side will be the main focus for the harvest. Cavity trees will be left in place for the use of wildlife. Woody brush and saplings will be removed from west of the Patterson home. Approximately 15 MBF of log material and roughly 60 cord of wood are expected to be produced by the harvest. Mr. Gerber noted that haul roads are existing and connect to Brown Road, and that the property is currently gated. There are no streams or wetlands that will be crossed. In addition, Mr. Gerber stated that the loggers are all trained and certified and that the timber harvest will conform to all the best management practices. Chairman Alessandrini stated that a public hearing for a Special Use Permit to allow the timber harvest may be scheduled for next month, A check for \$50.- was received.

Capital District Services Pre-filing Conference (Tax Map #46-1-61). Matthew Guilianelle appeared. Mr. Guilianelle is interested in purchasing a vacant 1.38± acre parcel owned by Brian Rohloff and located in an RA district on the westerly side of NYS Route 40 north of the intersection of Campbell Road and NYS Route 40. Mr. Guilianelle is in the asphalt paving business and would like to establish his business at the site. He is proposing to construct a 60' X 100' garage, including an office, and with a lean-to for the storage of vehicles and equipment. A fence with a gate is proposed to encompass the building and a section of the property.

The Board advised Mr. Guilianelle that an application for a Special Use Permit to operate a business in an RA district and Site Plan Review are required in order to operate a general contracting business in an RA district. A survey with the proposed building and all delineated setbacks is required. Signage and all lighting should be included. Discussion took place with regard to the need for septic and well; the possibility that both may exist on the property (since a residential trailer was established on the parcel) was discussed. Application, application fee, short form EAF and surveys need to be submitted by the 15th of the month in order to schedule a public hearing.

8 Lot Fane Subdivision (Tax Map #61-1-14.12). Mark Danskin, land surveyor, appeared to provide the Board with an update concerning the proposal for an 8 lot subdivision from a 60± acre parcel, 1100' deep to be located in an RA district at the northerly corner of Turner Road and NYS Route 40. The parcel has approximately ½ mile of road frontage on Turner Road. Proposed lots measure from 5± acres to 12± acres. Lot #4, a flag lot, is proposed to be 12.27± acres with a 60' wide existing easement, allowing ingress and egress from Route 40. Conserved green space is contiguous throughout the proposed subdivision. The property is owned by Warren Fane.

Mr. Danskin stated that the archeological study had been completed. Mr. Danskin presented a copy of a letter to the Board showing that no impact was found by NYS Office of Parks, Recreation and Historical Preservation. Mr. Danskin also circulated correspondence from North Country Ecological Services, Inc. with an attached copy of the jurisdictional determination from the U.S. Army Corps of Engineers validating the boundaries of the wetlands as indicated on Mr. Danskin's survey. Mr. Danskin will re-submit a survey compete with the location of each proposed one family residence on each lot to show that the residences are not to be constructed within or encroach upon the wetlands. The SWPPP has not been completed.

Wayne Akin made a motion to adjourn the meeting at 9:32 p.m. Dan Clow seconded.

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

Nays: None

Abbreviations

CF – Certified Forester

HD – Hamlet District

MBF – Million Board Feet

RA- Residential/Agricultural District

NYS – New York State

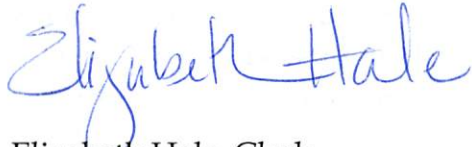
RCHD – Rensselaer County Health Department

SEQRA – State Environmental Quality Review Act

SWPPP – Stormwater Pollution Prevention Plan

Respectfully submitted,

date: November 7, 2019

A handwritten signature in blue ink that reads "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