

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke

October 21, 2020

The Planning Board met, in accordance with the Governor's Executive Order 202.1, via videoconferencing/teleconference utilizing the Zoom Application on Wednesday, October 21, 2020.

Kristin Pratt, Deputy Town Attorney, explained the Zoom Application. Attorney Pratt stated that the meeting was being recorded, would be available on the website and would be later transcribed. In addition, Atty. Pratt stated that minutes were being taken. Atty. Pratt added that the chat feature was available for assistance with technical difficulties and that e-mail could also be used, should the chat feature not work. In addition, Atty. Pratt emphasized that public comments were better expressed verbally than through the chat feature in an effort to capture all public comments in a format that can be preserved.

PUBLIC HEARING

7:33 P.M. Herkert Subdivision Tax Map #41.-1-16.115. Frank Alessandrini read the Notice of Hearing. Brian Holbitter, land surveyor, appeared, to represent the applicant, Kimberly Herkert. The proposal is for the subdivision of a 10.06± acre parcel into two lots, a 3.7± acre flag lot with a 50' wide access from Gutbrodt Road and a 4.53± acre lot with an existing house and garage with access to Malm Road. In addition, the applicant is proposing to annex a 1.81± lot to the adjacent lot owned by Melanie Guzzo and James Tuccillo and located on Gutbrodt Road.

Chairman Alessandrini forwarded the written comments from Debby and Paul Yando to the Board members prior to the meeting.

COMMENTS

Debby Yando addressed the Board with her concerns with regard to the project. Ms. Yando asked if the "pole" to the proposed lot was a right-of-way or a driveway. Her additional concerns included the maintenance of the 50' strip of land, parallel to her property, and its maintenance (would it be maintained by the town or the landowner), the integrity of her well which is located 18' from the Herkert property line, and

foundation, located 40' from the property line and possible drainage of water into the basement of her residence due to the project.

Brian Holbitter replied that the 50' strip of land leading to the proposed lot is a driveway, will be maintained by the owner and will potentially be used as a personal driveway.

There were no further comments.

The public hearing was closed at 7:41 p.m.

Hemstreet Park Fitness Center (Tax Map #20.13-1-3.12). Daniel Glogowski appeared to propose the operation of a fitness center located in an existing 30' X 60' pole barn at 7 Howland Avenue, east of the bridge, in Hemstreet Park. Mr. Glogowski submitted a sketch plan of the site, which included the location of the grinder pump, water meter and manhole cover. The sketch was shared on the screen, showing 6 parking areas and a loading and unloading space. There are two driveways on the sketch. The easterly access will be used exclusively for the apartment to the west and the westerly drive will be used as ingress/egress to the proposal.

Mr. Glogowski stated that the existing building will be insulated; drywall and two rest rooms will be installed. Plans include a key fob for the entry of members. Signage is planned to be attached to the façade of the building and will be lit with low wattage lighting during the evening and night-time hours.

There was no public comment. The public hearing was closed at 7:47 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.

Deputy Town Attorney, Kristin Pratt was present. In addition, there were interested residents and representatives who appeared online.

The minutes from the September 2, 2020 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

Herkert Subdivision and Annexation (Tax Map #41.-1-16.115). Brian Holbitter, land surveyor, appeared, to represent the applicant, Kimberly Herkert. The proposal is for the subdivision of a 10.06± acre parcel into two lots, a 3.7± acre flag lot with a 50' wide access from Gutbrodt Road and a 4.53± acre lot with an existing house and garage with access to Malm Road. In addition, the applicant is proposing to annex a 1.81± lot to the adjacent lot owned by Melanie Guzzo and James Tuccillo and located on Gutbrodt Road. Chairman Alessandrini stated that the driveway adjacent to the Yando property, was present on the original subdivision survey and, therefore, is, as ingress and egress, an integral part of the original subdivision.

Brian Davidson noted that he remembered the original plan and expressed reservations about whether the flag could be considered "unique and desirable" as described within the Zoning Code. In addition, Mr. Davidson pointed out that he is not in favor of a house situated behind another residence, and, should this subdivision and waiver be approved, two flag lots would be created.

Chairman Alessandrini added that since the driveway was included on the initial subdivision survey map, intent was initially shown that the 50' strip was to be implemented for access.

Elizabeth Hale commented that drainage issues, a concern of Debby Yando's, might be addressed. Brian Holbriiter assured the Board that the soil is heavy, but that ditches and swales can be designed and implemented in order to provide protection for the Yando's dwelling from possible drainage and water problems.

Dan Clow suggested that a shared driveway accessing the lots would eliminate the concerns with regard to the 50' wide driveway.

Wayne Akin made a motion issue negative declaration of environmental significance under SEQRA. Elizabeth Hale seconded.

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

Nays: None

Chairman Alessandrini received a note -from Brian Holbriiter- which informed the Board that, going forward, the County Health Dept. will not issue a Permit to Construct until a subdivision has received PB approval.

Dan Clow made a motion to grant final approval for the Herkert subdivision and annexation. Scott Wiley seconded.

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

Nays: None

Brian Holbriiter stated that, after a note with regard to the annexation is added to the survey, he will deliver the surveys to the chairman for the chairman's stamp and signature.

Hemstreet Park Fitness Center (Tax Map #20.13-1-3.12). Daniel Glogowski, applicant appeared, to present the proposal for the operation of a fitness center in an HD at 7 Howland Avenue. The fitness center is to be located in an existing pole barn to be insulated, dry-walled, and equipped with two restrooms. Access to the center is planned to be available 24 hours daily by key fob. The applicant believes that few members will utilize the facility after midnight and through the earlier hours of the morning; however, Mr. Glogowski stated that the building occupancy allows the gathering of 50 people simultaneously though he expects only a maximum of 15-20 people at a time, unless a meeting is taking place. Mr. Glogowski plans to operate the business with a partner who resides in the adjacent building on the same parcel to the south. The business partner owns another business center, known as Global Fitness.

Board member Scott Wiley expressed concern with regard to disturbance to the neighbors and neighborhood due to additional traffic and headlights during the night time hours.

It was noted that to the west of the proposal is an apartment building (where the fitness center partner resides) and a tattoo parlor (located adjacent to the Hudson River), and that all 3 building are owned by the same owner, Bodner Bay Enterprises.

In addition, Mr. Glogowski noted that he met with Sean Cross, with regard to both the public water and sewer connections.

Atty. Pratt noted that she had received a response related to the application from the Rensselaer County Office of Economic Development and Planning which indicated that the decision was left to local consideration. A recommendation was included, requesting that the Planning Board oversee the operating hours to ensure that the operating time is neither an inconvenience nor disturbance for the neighborhood.

The Board discussed the operating hours and agreed that the fitness center (possibly to be named Red Barn Fitness) operate from 5 am to 11 pm to mitigate any potential adverse impacts to the neighborhood.

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

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

Nays: None

Scott Wiley made a motion to grant the Special Use permit and Site Plan Review for the operation of the Hemstreet Fitness Center with the following contingencies:

1. That the applicant comply with all signage provisions set forth in the Town of Schaghticoke Zoning Law, including that of size and low lighting for less neighborhood interference.
2. That the hours of operation be limited to 5 am to 11 pm daily

Wayne Akin seconded.

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

Nays: None

River Edge Subdivision Waiver (Tax Map #30.-3-35,36,39,40, 41,42, 44,

&45). David Bogardes appeared to present a proposal for lot line adjustments within an 8 lot subdivision on 24 acres located off River Road and adjacent to the Hudson River.

The property is located in an RA district. The original subdivision was approved in 2014. Two dwellings were constructed thus far.

Mr. Bogardes added that the road and all utilities, including public water and sewer, were installed. The lot line adjustments that have been proposed will provide an improved layout, better access and superior views of the Hudson River for each property owner. In addition, the high water mark and flood plain area have been delineated, enabling Mr. Bogardus to determine that none of the homes will be located in a flood zone within the modified layout and more than 50% of the acreage will be

defined as open green space.

Both the survey and the EAF have been submitted.

Brian Davidson made a motion to issue negative declaration of environmental significance under SEQRA. Dan Clow seconded.

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

Nays: None

Dan Clow made a motion to grant the River Edge subdivision waivers. Wayne Akin seconded.

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

Nays: None

West Wind Farms Solar Expansion (Tax Map #41.-1-96). Chairman Alessandrini stated that he had received an e-mail from the applicant for the West Wind Solar Farm Expansion to delay the October presentation for the solar farm expansion until an appearance at the November meeting.

Brownell Lot Line Adjustment (Tax Map #30.-4-4.111 & -4.113). David Brownell, the applicant, appeared to present a proposal for a lot line adjustment of a .93 acre strip of land, a 50' wide existing driveway owned by the Burrello family, to be waived to a 7.62 acre parcel, owned by Margaret and David Brownell, located in an RA district off NYS Route 67. The application, EAF, and a notarized authorization to allow PB action signed by Paul, Augustine, and Kevin Burrello, the owners of the .93 acre strip, were received.

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

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

Nays: None

Dan Clow made a motion to grant the subdivision waiver. Scott Wiley seconded the motion.

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

Nays: None

Fane Lot Line Adjustment (Tax Map #61.-1-16). Mark Danskin, land surveyor, appeared to represent the applicant, Warren Fane, who is proposing the waiver of 3.06 acres to a 3.03 acre lot with an existing dwelling located at 475 NYS Route 40, opposite Warren Lane. Mr. Danskin stated that the newly created 6.09 acre lot will have 150' of road frontage and is being created in order to encompass the construction of a second home on the 6.09 acres and to comply with the Zoning Code density regulations. Upon review the Planning Board determined that Special Use Permits would be required to

- (1) allow a residence to be built within a HC district and (2) to allow two principal residences on a single parcel.

An application, the EAF and survey maps were received. The Board determined that sufficient information had been submitted to act on the subdivision waiver application; however, the need for a special use permit required the submission of more specific

information regarding the location of the residence and a new public hearing notice was required.

Wayne Akin made a motion to issue negative declaration of environmental significance under SEQRA for the subdivision waiver. Brian Davidson seconded.

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

Nays: None

Brian Davidson made a motion to grant the subdivision waiver with the condition that the required note related to the subdivision waiver is added to the survey. Brian Davidson seconded the motion.

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

Nays: None

Kyea Accessory Apartment (Tax Map # 61.1-2-11.12). No one appeared to discuss an e-mail inquiry related to a proposed accessory apartment. Mr. Kyea sent an e-mail to Chairman Alessandrini related to his proposal to build a second home, a one story construction on a slab and measuring, 730 square feet, at 19 Rice Mountain Place on a 4.82 acre parcel where there is an existing home. The proposal is planned to function as an accessory apartment, secondary to and separate from the existing residence. The Board discussed that Mr. Kyea's proposal may not meet the Zoning Code requirements for an accessory apartment, as it is not attached to the main residence nor is the proposed apartment designed to be located within an accessory structure. The Board discussed the project, agreeing to table further discussion until the next meeting to allow each of the Board members an opportunity to consider the proposal and its adherence or lack thereof to the Zoning Code.

Chairman Alessandrini spoke with the Town Assessor, David Jones and the Town Supervisor, Tim Salisbury with regard to the PILOT program and its impact on the tax assessment of solar farms. Mr. Alessandrini stated that the PILOT program allows an adjustment to the tax assessment, providing financial relief to solar farm applicants and, as a result, lowering the tax benefit to local towns, such as Schaghticoke. It was noted that further information with regard to the PILOT program would be valuable in assessing the benefit of the establishment of solar farms to the town when reviewing solar farm applications. Furthermore, Mr. Alessandrini noted that West Wind Farms Solar, a 2 megawatt facility, was assessed at its construction value, realizing \$16,000 in taxes. Thus far, Forefront, the applicant, has not requested abatement. However, the Town may be affected by the PILOT program in the near future and the Board needs to be aware of the resulting lesser tax income when reviewing and evaluating solar farm applications.

Wayne Akin made a motion to adjourn the meeting at 9:45 pm. Brian Davidson seconded.

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

Nays: None

Abbreviations:

NYS- New York State

PILOT – Payment In Lieu of Taxes

PB – Planning Board

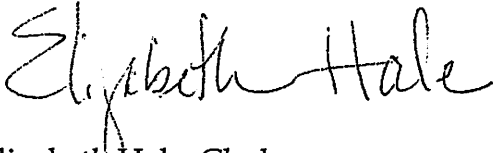
RA- Residential Agricultural District

SEQRA – State Environmental Quality Review Act

SWPPP – Stormwater Pollution Prevention Plan

Respectfully submitted,

approval *date*: November 4, 2020

A handwritten signature in black ink that reads "Elizabeth Hale". The signature is written in a cursive, flowing style.

Elizabeth Hale, Clerk,
Planning Board, Town of Schaghticoke