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OFFICE OF THE PLANNING BOARD

Town of Schaghticoke

April 5, 2023

PUBLIC HEARINGS

There were no public hearings scheduled or held.

REGULAR MEETING

7:00 PM Members present were: Frank Alessandrini, Dan Clow, Brian Davidson, Elizabeth Hale, Chris Reynolds and Bob Weir. Kristin Pratt, Deputy Town Attorney was present.

The minutes of March 1, 2023 were reviewed. Dan Clow made a motion to approve the minutes as submitted. Chris Reynolds seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds

Nays: None

Abstention: Weir

Les Peters Subdivision Pre-filing Conference (Tax Map #50.-1-24.1).

Brian Holbritter, land surveyor, appeared to represent the applicant, Les Peters, who is proposing a four lot subdivision from a 12.22± acre parcel to be located in an RA district at 100 Calhoun Drive. Mr. Holbritter stated that the applicant proposes to market the lots for construction of single family homes. Mr. Peters' residence is currently located on Lot #1, measuring .94 acres. Mr. Peters plans to sell Lot #1 with the dwelling, move to the adjacent lot #2 with 9.18 acres, and sell Lots #3, measuring 1.02 acres and #4, measuring 1.08 acres. Lot sizes are comparable or larger than those in the neighborhood. Density requirements are met. Soil tests were done in 2022; public water is available. Steve Dean, engineer, is working on the septic designs. Mr. Holbritter stated that RCHD approval may be granted by next month. SEQRA review may be considered at the next PB meeting prior to the public hearing.

Weir Subdivision - Jennifer Neal (Tax Map #20-1-4.217). Jennifer Neil appeared to discuss options for an amendment to the subdivision approval that was issued in 2008 for the Weir estate located in an RA district on Knickerbocker Road. Ms. Neil presented the approved subdivision map for the Weir Estate subdivision of 4 lots from a 64.5± acre parcel and a residual parcel measuring 48.72± acres with approximately 32 acres conserved as open space. Final subdivision approval was granted in 2008. Mr. and Mrs.

Neil purchased the 48.72± acres containing conserved space in 2012, assuming that they had use of the entire parcel without any restrictions. Ms. Neil stated that she reviewed the comprehensive plan prior to purchasing the land and loves farming on their property. Ms. Neil and her husband also built a residence and reside at the property. Ms. Neil would like to continue farming the property, including the construction of two sugar houses and an equipment barn on the property. Ms. Neil expressed concern about the conservation of the 32± acres of open space interfering with her ability to freely use the property without restriction. Ms. Neil indicated that she reviewed the County Clerk filings related to the Property and did not locate any deed restrictions or filed restrictions or easements related to the property. The approved map contains language indicating "Proposed Conservation Area." Ms. Neil advised the Board that she reached out to the NYS Department of Agriculture and Markets and, according to Ms. Neil, was informed that the "right to farm" is guaranteed and that the Town subdivision regulations are not enforceable related to her property. Ms. Neil also consulted with Cornell Cooperative Extension. Ultimately, Ms. Neil indicated that she would either like to have a new survey approved striking the "Proposed Conservation Area" language or a written instrument from the Planning Board indicating that the restricted area is not, in fact, restricted. She stated that the Town and Planning Board should be content to have a farming operation on the property, rather than further subdivision. In addition, Ms. Neil stated that the Department of Agriculture and Markets informed her that she has enhanced freedom under the Agriculture and Markets Law and that should the PB not comply with her request to farm without restrictions, Ms. Neil would have the option to file a 305 complaint. Atty. Pratt stated that the title company, perhaps, did not 'flag' the conservation area.

Chairman Alessandrini stated that there is language referring to the subdivision regulations and the requirement for open space on the survey map. Mr. Alessandrini suggested that the PB might consider amending the language on the survey; however, the PB must remain in compliance with the Zoning Law and cannot remove the note in its entirety from the survey. To remove the note would be contrary to the subdivision regulations within the Town Zoning Law. In addition, Mr. Alessandrini stated that the deed was not prepared in accordance with Planning Board approval.

Ms. Neil is looking to remove the "Proposed Conservation Area" language from her subdivision map and she does not want to agree to any restriction on use. The Board agreed that more research into this matter was required to make an informed decision regarding the appropriate procedure moving forward.

Dan Clow made a motion to table the matter to allow time for research. Brian Davidson seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Verbeck Solar Expansion Site Plan Amendment (Tax Map #22-1-1.121).

Patrick Mulkern, engineer and project manager at Colliers Engineering and Design, appeared to propose a number of minor changes to the Verbeck Community Solar Farm Expansion located in an RA district on Verbeck Avenue. The four changes include: fence relocation at the entrance. National Grid has requested that, for accessibility, the utility meter on the customer pole needs to be located outside the fencing. The pole will remain in the same location as previously planned; only the fencing will need to be repositioned, 8' further into the project site than originally planned. Mr. Mulkern reviewed the need for a change in the landscaping tree species. The proposal is to substitute Baby Blue Spruce, with full growth at 15'-25', for the Eastern White Pine and Wichita Spruce, maturing at 5'-7', is proposed to replace the Norway Spruce. The third species, Red Cedar, will remaining the same. Elimination of the originally proposed species is due to fast growth and the consequent need for frequent pruning to avoid shade, allowing sunlight to fall on the solar panels. In addition, the applicant is requesting a 12" HDPE pipe shown on the revised plans. The gravel access road is proposed to be 20' wide, rather than 14' as shown on the initial plans. This latter change was discussed with the Town Building Inspector and the Hoosic Valley Fire Chief; the modification was approved by both authorities. The Board had no questions. Frank Alessandrini will speak with the Building Inspector with regard to the approval of the modifications to the site plan. Brian Davidson made a motion to grant the site plan amendment for the Verbeck Community Solar Farm. Dan Clow seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Troy Central Timber Harvest Permit Pre-filing Conference. Brad Van Aken appeared to propose a timber harvest of 35-40 acres from a 74± acre parcel at 181 Stillwater Bridge Road. There are no stream crossings and little steep ground. The goal of the harvest is to improve the property for the benefit of wildlife, including grouse, rabbit and deer. The harvest is planned to be scheduled for this Fall season. Chairman Alessandrini explained to the applicant that a Special Use Permit would be required and that an application may be found online. Submission of the required materials and application fee must be submitted by the 15th of the month to be included on the next month's agenda.

Dog Kennel Pre-filing Conference . Devin Hunter appeared to propose a dog kennel facility for the boarding of dogs to be located in an RA district on Master St., south of the old Curious Cat. Chairman Alessandrini stated that he was familiar with the location and reviewed the tax map parcel. Although there are 11 acres of property, it appears that, due to the shape of the parcel, it might not be possible to meet the 500' setbacks from the property line, as required by the Zoning Code to establish a dog kennel. Chairman

Alessandrini stated that he would send the Zoning Law requirements to the applicant via e-mail.

Chairman Alessandrini noted that Scott Wiley is no longer a member of the Board. Mr. Wiley no longer qualifies as a Board member since he moved out of the Town of Schaghticoke. The Board is currently lacking one member. Wayne Akin has accepted a position with the Town Board.

Elizabeth Hale made a motion to adjourn the meeting at 8:35 p.m. Brian Davidson seconded.

Ayes: Alessandrini, Clow, Davidson, Hale, Reynolds, Weir

Nays: None

Abbreviations:

PB - Planning Board

RA -Residential Agricultural District

SEQRA -State Environmental Quality Review Act

Respectfully Submitted,

date:

Elizabeth Hale, Clerk
Planning Board, Town of Schaghticoke