

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke
July 10, 2024

PUBLIC HEARING

7: 00 P.M. Chairman Alessandrini provided the public with an explanation of the public hearing procedure and its process and sequence.

Phillips Conservation Subdivision (Tax Map #71-1-5.21). Brian Holbritter, land surveyor, exhibited a survey of a $23.68\pm$ acre parcel of land located in an RA district at the end of Brielle Road off Ryan Road. The property is owned by Anita and John Phillips. The Phillipses are seeking a $1.33\pm$ acre one lot subdivision in order to allow their son to build a house on the Brielle Road property. Residual acreage would be $23.35\pm$ acres and would remain owned by the current property owners, Anita and John Phillips. Public water is available. Mr. Holbritter stated that 27.37' of the current drive, at the end of Brielle Road, is planned to serve as access to the proposed dwelling. The septic system design is incomplete; public water is available.

At the June meeting the Board reviewed the EAF and found no issues of concern.

There were no public comments. The hearing was closed at 7:08 P.M.

Briggs Timber Harvest Permit (Tax Map #31.-2-47). Gary Webber, representing Mountain View Logging, the applicant, appeared to propose a $175.78\pm$ timber harvest of vacant land at Neeson Lane off Sliter Road. Paul Briggs, property owner, is proposing to clear-cut $40\pm$ acres of timber to create an agricultural field and to carry out a selective cut of timber, with girth measuring 15" and more, on the residual acreage. Mr. Webber stated that though there are wetlands on the property, there are no streams or ponds on the property.

PUBLIC COMMENTS

Alexis Goldsmith, 1060 Master St., Buskirk, a 2 year local resident and tree farmer, stated that she supports sustainable agriculture. Ms. Goldsmith urged the Board to consider working with a licensed forester, to prevent invasive species, such as honeysuckle and to avoid disturbance to the ecosystem. In addition, she expressed concern with regard to erosion and stated that there is a need to protect the soil and natural resources. Ms. Goldsmith stated that DEC has a guide specific to timber harvest.

Hope Davis, 53 Neeson La., stated, that as an adjacent resident, she believes that she will be most affected. She explained that the timber harvest project began on March 11, 2024, that there was no permit for the

harvesting, that the work begins at 6 am, that the noise created by the machinery is disturbing and that the workers are inconsiderate. She spoke with the owner and requested that work begin at a later hour; the owner suggested that Ms. Davis contact the police. She added that her research revealed the Town has no noise ordinance and that junkyard hours are regulated. Ms. Davis is concerned about the condition of the roads, including the narrow dirt lane at the end of the road. She indicated that after the last harvest, the workers created a mess and did not return the area to its original condition.

Chairman Alessandrini replied that a timber harvest requires a permit only when the harvest of timber reaches a threshold specified within the Zoning Code.

Ms. Davis stated that she had concerns with regard to the presence of ravines and the possibility of erosion, the scarcity of water, lack of cover for the deer, environmental impacts. In addition, Ms. Davis mentioned that Mr. Briggs' property lines are unclear, since the Briggs' land, according to Ms. Davis, was not surveyed. In addition, Ms. Davis noted that she was asked to move the stakes defining her property. Ms. Davis remarked that she suspected that Mr. Briggs does not know "whose land is whose".

John Wood , 35 Sliter Road, informed the Board that he was a former employee with the Town of Schaghticoke Highway Department, and, consequently, he knows the roads. Mr. Wood said that the road is only semi-graded, has pot holes and is strewn with junk. Vehicles, running back and forth, have "chewed up" the road which was only graded once this year. The road has washed out and the road service is "terrible". In addition the vehicles involved in the timber harvest have blocked the road on occasion.

Carl Wood , 29 Neeson Rd., stated that he believed that the clearing of the land was "ridiculous" and that such clearing would drive wildlife away, that the road was a mess and that those conducting the timber harvest do not care about the residents in the area. Mr. Wood added that there was a better place from which to start the project.

Jeff LaPorte 419 Hansen Rd., expressed concerns for the wildlife, claiming that there were fewer deer each year, that there were, at least, 214-218 deer until 2013 in addition to the presence of black bear. He observed that timber harvests have affected 200 acres ("gone") and 60 acres ("gone"). Mr. LaPorte questioned the description for 'selective harvest' and added that, should there be a housing development, a lack of sufficient water and a drop in property values would be a concern for him. Lastly, Mr. Wood expressed apprehension with regard to the lack of a survey of the Brigg's property and adjacent property lines.

Nancy O'Donnell, a 40 year resident of 246 Hansen Road, stated that there are wetlands on the Briggs' property and requested the setback regulations from wetlands. Ms. O'Donnell advised Mr. Webber to mark the setbacks. Ms.

O'Donnell indicated that the residents feel that they need someone to listen to them.

Chairman Alessandrini replied that DEC will specify the regulations for the setbacks from the wetlands.

Marcel Burdick (?), 347 Hansen Road, a new resident, owns property adjacent to the Briggs' project. He remarked that he understands 39 acres are planned to be clear cut. Consequently, he is concerned about Neeson Road. He stated that the trucks are causing degradation of the road, that he has sandy, well-drained soil and needs 16" of gravel to lay a driveway. He hasn't seen any flagging, indicative of a survey, on the Briggs' property and is considering "defensive surveying". Mr. Barrick consulted the DEC mapper online and stated that there are wetlands and a Class C stream on the Briggs' property. Mr. Barrick noted that he has concerns with regard to not only the presence of wetlands, but also the presence of rare plants and animals and impacts on natural resources. Mr. Barrick asked if there are minimum standards for a timber harvest plan.

Chairman Alessandrini reviewed the Zoning Code with Mr. Barrick, enumerating each separate requirement for the categories of firewood, pulpwood and hardwood.

Ophra Wolf, 347 Hansen Rd., an abutter to the Briggs' property, stated that work was taking place on the restoration of her property, that she is environmentally involved, and that she has concerns about the wildlife. She said that the project would affect all and that a solid plan was necessary.

? Brizzel, owner of 37 acres, asked if one could request the last approved timber harvest permit to determine if the approved date was 2017.

A remark was made that tires were abandoned in the area.

Erica LaPorte, 419 Hansen Rd., acknowledged that she had purchased her adjacent property in 2017 for quietude and to construct a residence; however, no source of water could be found. Ms. LaPorte believes that the property is now noisy and the project, reckless.

Cheryl Cricaill, 109 Sliter Road, an abutting resident, stated that the property lines were breached to "cherry pick" walnut and good wood from her property. She added that her husband spoke to someone about the property line.

Paul Briggs has logged the property twice since his ownership.

Chairman Alessandrini pointed out that there is only one code enforcement officer, Scott Frisino, serving the Town and that Mr. Frisino may not be aware of infringements against the Zoning Code. Mr. Alessandrini added that the public needs to contact Mr. Frisino to relate concerns.

The public hearing was closed at 8 p.m.

REGULAR MEETING

7: 00 P.M. Members present were: Frank Alessandrini, Kasey Casas, Dan Clow, Elizabeth Hale, Vince Ragone, Chris Reynolds and Bob Weir. David Brennan, Town Attorney, was present.

The Board reviewed the minutes from the June 5, 2024 meeting. Dan Clow made a motion to approve the minutes as submitted. Vince Ragone seconded.

Ayes: Casas, Clow, Hale, Ragone, Reynolds

Nays: None

Phillips One Lot Conservation Subdivision (Tax Map #71-1-5.21).

Brian Holbritter, land surveyor, reviewed the proposal for a 1.33± acre one lot conservation subdivision from a 23.68± acre parcel of land located in an RA district at the end of Brielle Road off Ryan Road. The property is owned by Anita and John Phillips. The Phillipses are seeking the subdivision in order to allow their son to build a house on the Brielle Road property. Residual acreage would be 23.35± acres and would remain owned by the current property owners, Anita and John Phillips. Public water is available. Access to the proposed subdivision includes a 27.37' wide access from the current drive, at the end of Brielle Road. At the June meeting the proposal was discussed by the Board and the EAF was completed, finding no issues of concern. There are no changes to the application. Steve Dean, P.E., has been retained to design the septic system. Public water is available.

Dan Clow made a motion to issue negative declaration under SEQR and to grant preliminary approval. Elizabeth Hale seconded.

Mr. Holbritter stated that he would submit the application fee of \$180.- to the Town Clerk's office.

Ayes: Alessandrini, Casas, Clow, Hale, Ragone, Reynolds, Weir

Nays: None

ASD Solar II (Former Landfill -Tax Map #21.-2-5) and ASD Solar III (Highway Garage -Tax Map #21.-2-4.2).

Frank Alessandrini informed the Board that he contacted and spoke with both Jason Dell, P.E., with Lansing Engineering LLC, and Paul Kruger, Director of Development for Active Solar Development. Both Mr. Dell and Mr. Kruger are not yet prepared to present modifications to the site plan for the two solar facilities to be located on NYS Route 67.

Briggs Timber Harvest Permit (Tax Map #31.-2-47). Gary Webber, representing Mountain View Logging, appeared to propose a 175.78± timber harvest of vacant land at Neeson Lane off Sliter Road. Paul Briggs is the

owner of the 175.78± vacant acres of property. Mr. Briggs would like to clear-cut 40± acres of timber to create an agricultural field and to carry out a selective cut of timber, tree girth measuring 15" and more, on the residual acreage. The timber harvest plan and application were submitted and distributed to the Board members for review. Mr. Webber stated that a landing area is planned and stated that the forester will include that area in the harvest plan.

Chairman Alessandrini stated that the Board would consider the concerns voiced by the public and visit the site. The following list encompasses concerns that need consideration by the applicant prior to the August meeting:

1. Consideration of "Voluntary Best Management Practices for Water Quality" prior to and during the harvest
2. Consideration of "New York State Invasive Species Comprehensive Management Plan"
3. Method of verification of property boundaries
4. Maintenance of Neeson Lane and restoration to pre-harvest conditions if necessary during and on completion of the harvest
5. Topography of the site - particularly steep slopes
6. Logging in Forested Wetlands - DEC permit required?
7. Buffers at adjoining properties
8. Logging near classified streams and stream crossings - DEC permit required?
9. Hours of operation
10. Displacement of wildlife or Habitat improvement?

There is no SEQR on file concerning this application. An application fee of \$100.- in cash was submitted at the June meeting.

Rohloff Subdivision (Tax Map 32.-3-29) Brian Holbritter, land surveyor, appeared to

provide the Board with an update with regard to the proposal for a 4 lot subdivision located on 8.15± acres from a 19± acre parcel in an RA district, owned by Brian Rohloff. Representing Mr. Rohloff's application, Mr. Holbritter last appeared with regard to the proposed subdivision on September 7, 2022. Mr. Holbritter stated that the septic designs have been approved by RCHD and that a hard copy of the SWPP was submitted to Chairman Alessandrini with an electronic copy to follow. Should the restaurant, owned by Brian Rohloff, be sold and the well, serving the restaurant, (located on the proposal) not be required, the addition of another building lot may be considered. An archeological study was submitted. The Board is in need of a negative declaration of SEQR, preliminary approval and final EAF to proceed to final approval.

Constable Tree Service, LLC (41-1-62.2). Michael Constable, owner of Constable Tree Service, located at 939 NYS Route 40, appeared.

Approximately two years ago a Special Use Permit was granted for the operation of Mr. Constable's tree service business; however, Mr. Constable has not adhered to the submitted site plan that was accepted and approved by the Planning Board.

In June of 2022 Mr. Constable presented a survey of the property which included the layout for employee parking including one space for paved handicapped parking, paved areas, spaces for the storage of work vehicles, 20' wide screening, including low and higher growing evergreens on the southerly property line, an area to access the building, septic and a proposed site for the well. Although not included on the survey, Mr. Constable indicated that he planned to install a fence along the street and along the southerly property line. The property is surrounded by a residential district. At that time Mr. Constable stated that he intended to use the 939 NYS Route 40 location as the base for the business where he proposed to store vehicles and equipment and to create office space within the building. The site plan was granted for the operation of Mr. Constable's tree service business; however, Mr. Constable has not adhered to the approved site plan. The expiration date of 6-12 months from approval date is past. Chairman Alessandrini highlighted that paved handicapped parking and landscaping were not completed. In addition, a car port structure exists, not included in the site plan, exists in the backyard and may not meet the required setbacks. Should that be the case, Mr. Constable must move the car port or apply to the Zoning Board of Appeals for an area variance to meet the Zoning Code. Mr. Constable stated that the location of the car port meets the 50' setback. It was noted that both the existing fencing and the car port need to be included on the site plan and that landscaping needs to be completed. Mr. Constable stated that the septic was in front of the fencing and that it was difficult for any plantings to grow. Mr. Constable stated that he would like to "get everything done".

Genesis Burial Vault Special Use Permit and Site Plan Review (Tax Map #41-1-61).

David Baker, property owner of Genesis Burial Vault, appeared. An application for a Special Use Permit to operate a business operation, consisting of the painting of burial vaults, located at 943 NYS Route 40 in Melrose was submitted. Currently the business is in operation. Chairman Alessandrini explained that a site plan, including location of the building, storage areas, setbacks, paved handicapped parking, landscaping, lighting and signage is required to be submitted. Mr. Baker replied that there are ¼ miles of woods, serving as a buffer, to the northerly side of the building and nearest neighbor and that there was no water until a few weeks ago. A septic system was installed. Mr. Baker stated that the trucks need to be parked in front of the building, close to the road, for ease of loading the vaults; he requested that the Board consider the NYS Route 40 location and lack of sight distance. He complained about the traffic and the speed of traveling vehicles as well as the fill (automobiles, junk, etc.) used on the

property. Mr. Baker plans to fabricate vaults and will be constructing a building to the rear of the current building in the future.

The application, short form EAF and Agricultural Data Statement were submitted. A public hearing will be scheduled for the August meeting.

McDonough Lot Line Adjustment (Tax Map#71.9-1-1 and 70.-3-1.161).

An application and survey were submitted by Edward McDonough for the waiver of a 1,396± square foot strip (0.03± acre) of property from the adjacent land owner, Robert MacNaughton, to a 0.36± acre lot owned by Jacqueline and Edward McDonough and located at the end of Milky Way Rd. As a result of the lot line adjustment, Mr. MacNaughton's property is proposed to measure 2.75± acres, providing the McDonoughs with a 0.39± acre lot. A survey, application and notarized letter authorizing Mark Danskin, land surveyor, to act on behalf of Mr. McDonough were received.

Elizabeth Hale made a motion to grant the subdivision waiver. Bob Weir seconded. seconded.

Ayes: Alessandrini, Casas, Clow, Hale, Ragone, Reynolds, Weir

Nays: None

Abbreviations:

DEC - Department of Conservation

NYS - New York State

EAF - Environmental Assessment Form

RA - Residential Agricultural District

PB - Planning Board

*SEQRA - State Environmental Quality
Review Act*

Respectfully Submitted,

date:

Elizabeth Hale, Clerk
Planning Board, Town of Schaghticoke