

Minutes, June 10, 2020

290 Northline Drive, Melrose, NY 12121

The Town Board of the Town of Schaghticoke met in regular session on June 10, 2020 via ZOOM at 6:30 p.m. Present were Supervisor Salisbury, Councilmen Akin, Fogarty, Rustin and Westhead.

Opened public hearing for proposed local law #3 amending the zoning map for lands located at NY Route 40 east and Fogarty Road. Supervisor Salisbury noted that 26 letters signed by 37 residents were received with concerns about the rezoning. Supervisor Salisbury turned the meeting over to Dave Brennan, Town Attorney, so he could orderly let the residents speak 1 at a time on ZOOM.

Some of the resident concerns were type of building, traffic, water and property values.

Mr. Ragone's attorney spoke about the type of business, housing trucks for work being done off site, 3 employees.

Councilman Fogarty asked if there would be adequate space for a green buffer.

Surveyor Holbritter said there would be between 80 and 100 feet of vegetation along the side of where houses on the back street are.

Some residents didn't have any concerns at all.

TO LEAVE PUBLIC HEARING OPEN UNTIL JUNE 19 FOR ADDITIONAL WRITTEN COMMENTS AND GET WRITTEN RESPONSE BACK BY JUNE 29TH.

Resolution: Akin

Second: Rustin

Ayes: All

Nays: None

MINUTES OF THE MAY 13, 2020 MEETING

Resolution: Westhead

Second: Fogarty

To accept the Minutes of the May 13, 2020 meeting.

Ayes: All

Nays: None

REPORTS FROM DEPARTMENT HEADS

Shawn Hayes, Highway Superintendent, gave his highway and water/sewer report.

Chris Kelly, Historian, has been researching people who lived in Melrose in the 1920. Mr. Wetzel was a justice and the backbone of the grange in Melrose for about 50 years. He had a farm on Wetzel Road off of Fogarty Road.

BILLS FROM THE TOWN CLERK

Resolution: Rustin

Second: Fogarty

To approve the bills from the Town Clerk's Scheduled Payment Report dated June 10, 2020

Total \$213,493.47

Ayes: All
Nays: None

Addition to the Agenda:

PAY LABERGE ENGINEERING & CONSULTING GROUP \$4,567.57 AND \$258.25 FOR FEES FOR THE VIAL SOLAR FARM WHEN THE ESCROW IS REPLENISHED

Resolution: Fogarty
Second: Second

To pay Laberge Engineering & Consulting Group \$4,567.57 and \$258.25 for fees for the Viall Solar Farm when the escrow is replenished.

Ayes: All
Nays: None

NEW BUSINESS

No vote on proposed local law #3

Supervisor Salisbury reported that a trip through the Town showed all the street lights have been changed to LED.

Supervisor Salisbury called for PUBLIC COMMENT, there being no public comment he called for ADJOURNMENT.

To adjourn at 7:30 p.m.
Resolution: Akin
Second: Fogarty

Ayes: All
Nays: None


Jennifer Molesky

See attached letters.

May 4, 2020

Dear Town & Zoning Board:

We would like this letter read into the minutes for the Zoning Board and Town Board meetings.

We are residents in the Town of Schaghticoke, and are writing to express our concerns with a proposed zoning change of a lot located on the southeasterly side of NYS Route 40, in the Town of Schaghticoke. Vincent Ragone of Ragone Foundations, Inc. is seeking a zoning change from residential to commercial in order to operate a concrete footing and construction truck repair business. We believe that this zoning change will create significant traffic disruptions, light and noise pollution, and health and environmental hazards, and urge the zoning board to reject the change from residential to commercial.

Mr. Ragone had previously applied for a use variance for a property located on the southeasterly side of NYS Route 40, in the Town of Schaghticoke. Initially, the plans were only for a business/storage/shop building measuring 150 feet by 65 feet, and approximately 18 feet in height, with only two trucks and five employees working on the site. Operations were to include office work and flat tire repair, no other vehicle repairs. However, Mr. Ragone's proposal quickly changed by the February 6, 2020 Zoning Board of Appeals meeting to include commercial truck repair, significantly larger structures including a 30 foot tall building with security lights, and outdoor storage for concrete footings and rebar. Many residents attended this meeting specifically to express their concerns about the negative impacts of the proposal, and the Zoning Board rejected the application.

However, despite this rejected by the Zoning Board and the serious and significant concerns of the residents, at a March 11, 2020 Town Board meeting, a land surveyor hired by Mr. Ragone presented a motion to introduce a local law to rezone the property owned by Mr. Ragone from residential to commercial. A Town Board meeting is set for May 7th to discuss this proposed rezoning.

Notably, residents were not informed that this motion would be introduced at the March 11th Town Board meeting, and therefore were unable to attend to express their concerns. We have many reasons for not wanting a commercial concrete company with construction truck repair within our residential neighborhood. Traffic is already an ongoing problem on Route 40, particularly at the intersection of Route 40 and Eastover Road, which is not controlled by a traffic light. Should a truck entrance be constructed near this intersection, we anticipate that traffic congestion will worsen significantly. In addition, there is an extreme hazard of slow moving trucks pulling out of the proposed driveway location onto an already busy Route 40 with a blind corner, potentially creating a circumstance for hazardous vehicle accidents. There have been no traffic impact studies made available to the public.

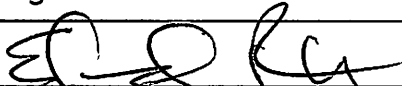
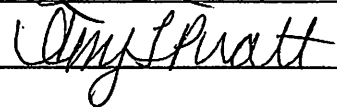
There are serious health and environmental concerns. Many residents living near the property in question obtain their water from wells, which are at risk of contamination should any sort of oil spill or other groundwater contamination occur, including the hazardous waste water produced from hosing off concrete and oil from their trucks into the gravel topped parking area. There have been no environmental impact studies, spill remediation plans, or any other documents of the sort made available to the public. Additionally, increased traffic from diesel trucks will create pollution and stir up dust, negatively impacting our air quality, creating a health hazard, particularly for residents with breathing difficulties. We urge the Town & Zoning Board to protect the health and safety of its residents by rejecting the zoning change from residential to commercial.

Further, a business of this size and of this type operating within a quiet residential neighborhood will introduce serious disruptions. Construction on this site has already begun and has already created significant noise and traffic congestion. In particular, during the cleaning of the lot at the end of April, construction trucks partially blocked the flow of traffic on Route 40 for several days. Should this lot be rezoned commercial, we anticipate that significant noise and light pollution issues will worsen.

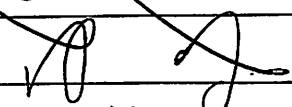
As a result of all of these disruptions and hazards, we anticipate that the proposed zoning change from residential to commercial will significantly lower property values in the surrounding homes and small businesses. Homeowners who wish to sell may be faced with plummeting home values and landlords may struggle to find tenants for rental properties, increasing vacancy rates.

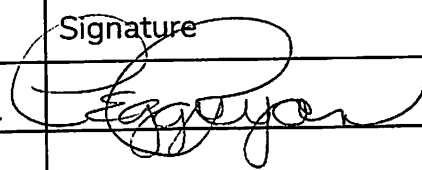
The Zoning Board had previously listened to the concerns of the residents and rejected Mr. Ragone's application for a use variance at the February 6, 2020 meeting. Now, Mr. Ragone is seeking to have the property rezoned commercial, but without input from residents and without addressing a single one of our concerns. Therefore, we ask that the Town & Zoning Boards reject the proposed change from residential to commercial.

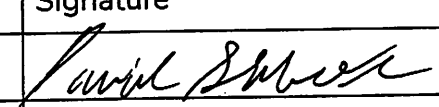
Sincerely yours,

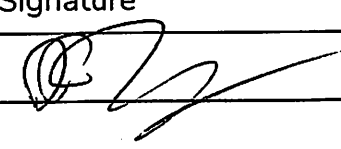
Name	Address	Signature
Edward Pratt	106 Eastover Rd.	
Amy Pratt	106 Eastover Rd	

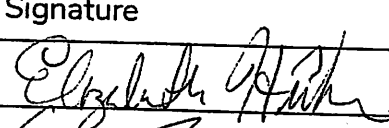
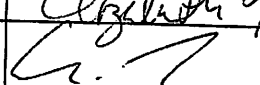
Residents surrounding the 4.76 ACRE PARCEL LOCATED: ROUTE 40, SPEIGLETOWN, TAX MAP 71.-2-4.13

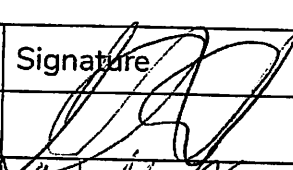
Name	Address	Signature
Stephen Mayer	101 Eastover Rd	
Kathlyn Mayer		Kathlyn Mayer

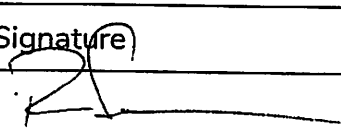
Name	Address	Signature
Peggy Ryan	104 Eastover Rd	

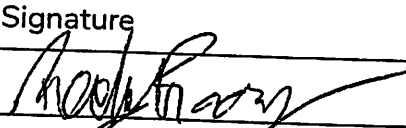
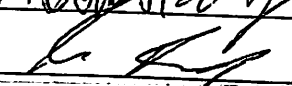
Name	Address	Signature
Daniel Gilbert	109 Eastover Road	
Elizabeth Flaherty	109 Eastover Road	E Flaherty

Name	Address	Signature
Don Dornadey	110 Eastover Rd	
	Tray, NY 12182	

Name	Address	Signature
Elizabeth Hinkson	111 Eastover Rd	
Cargelo Luchi	111 Eastover Rd	

Name	Address	Signature
Timothy J. Fogarty	115 Eastover Rd	
Holly A. Fogarty	115 Eastover Tray	Holly Fogarty

Name	Address	Signature
Rick Sauer	24 Hillview Dr	
Beverly Sauer	24 Hillview Dr	Beverly Sauer

Name	Address	Signature
Rachel Rooney	20 Hillview drive, Tray	
Sean Rooney	20 Hillview drive, Tray	

Name	Address	Signature
Sharon Flaherty	21 Bennett Road	Sharon Flaherty

Name	Address	Signature
BRAD RYAN	293 SPEIGLE TOWN RD	Bradley Ryan

Name	Address	Signature
Rebecca Clarkson	303 Speigletown Rd	Rebecca Clarkson
Patrick Lennon	303 Speigletown Rd	Patrick Lennon

Name	Address	Signature
Joseph Capron	311 Speigletown Rd	Joseph Capron
Kelly Capron	311 Speigletown Rd	Kelly Capron

Name	Address	Signature
Kelly C Pennington	311 Speigletown Rd Apt 101 Twp NY 12182	Kelly C Pennington
Sue Ann	311 Speigletown Rd Apt 2 12182	Sue Ann

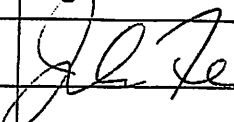
Name	Address	Signature
Walter Wilcox	314 Speigletown Rd	Walter Wilcox
MERTON WILCOX		

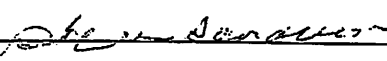
Name	Address	Signature
JD Raftery	319 - Speigletown Rd	JD Raftery

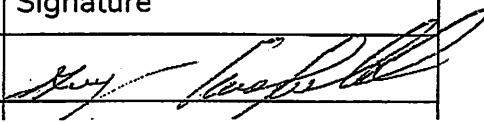
Name	Address	Signature
Debbie Hewitt	319 Speigletown Rd	Debbie Hewitt

Name	Address	Signature
Shirley F. Felt	319 RT 40 mo	Shirley F. Felt

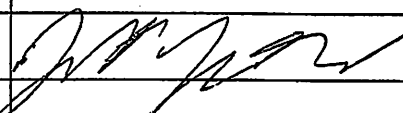
Residents surrounding the 4.76 ACRE PARCEL LOCATED: ROUTE 40, SPEIGLETOWN, TAX MAP 71.-2-4.13

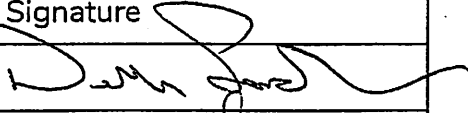
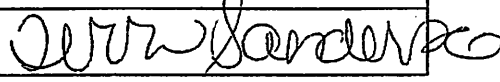
Name	Address	Signature
John Fredericks	401 RTE 40	

Name	Address	Signature
SHERRI SANDERSON	412 RT. 40, TROY, N.Y. 12182	

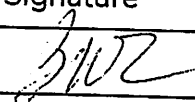
Name	Address	Signature
Gary Caulfield	414 Route 40	

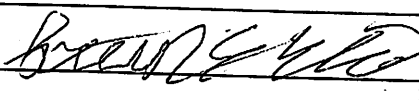
Sincerely yours,

Name	Address	Signature
Justin Zmesle	415 B state Route 40	

Name	Address	Signature
Deser Sanderson	415 SR 40 Troy NY 12182	
Terri Sanderson	415 SR 40, TROY, NY 12182	

Residents surrounding the 4.76 ACRE PARCEL LOCATED: ROUTE 40, SPEIGLETOWN, TAX

Name	Address	Signature
Brandy White	419 State Rte 40	

Name	Address	Signature
Steven Flie	5 Fogarty Rd	

Residents surrounding the 4.76 ACRE PARCEL LOCATED: ROUTE 40, SPEIGLETOWN, TAX
MAP 71.-2-4.13

Tim Salisbury

From: Rebecca Clarkson <rec575@gmail.com>
Sent: Tuesday, June 09, 2020 7:04 PM
To: supervisor@townofschaghticoke.org; townclerk@townofschaghticoke.org
Subject: Ragone Rezoning Safety Concerns

June 9, 2020

Dear Mr. Salisbury,

My name is Rebecca Clarkson and I reside at 303 Speigletown Rd. I am writing to express my concern regarding the rezoning of the Ragone property located across the street from my home from residential to commercial. My concern is the safety of the location of the driveway from which the large commercial Ragone trucks will be entering Speigletown Rd. Large trucks and vehicles come down Route 40 and turn the bend at Fogarty Road at a very high rate of speed all day, everyday, easily surpassing the posted speed limit of 40 MPH. The Ragone driveway is located in extremely dangerous proximity to the bend at Fogarty Rd and my fear is that the vehicles and large trucks will not have enough line of sight and enough time to slow down when a large Ragone truck is entering the roadway. In the event that a large truck coming down Route 40 turns the bend at Fogarty and a Ragone truck is entering the road, my fear is that the truck will not be able to slow down in time and will veer right to avoid a collision and come directly onto my property, or worse, into my home. Mr. Salisbury this will be putting my family and myself in serious danger as my home is located very close to the road. I urge you to please consider this fact when voting on the rezoning. I feel that there would need to be a traffic mitigation done prior to this approval for safety reasons. It is very well known that Speigletown Rd/ NY State Route 40 is already an extremely dangerous road that has seen many fatalities. Having just had another fatal accident today not far from the Town Hall. It is my feeling that if this rezoning is approved we could be looking at yet another fatality on this road.

Was there a traffic study done by the NYS DOT regarding the placement of this driveway? If so is that study available to the public?

Did DOT approve a curb cut for this driveway?

What is the line of sight distance in both directions from the curb cut?

Is there sufficient distance for stopping a fully loaded tri-axle dump truck traveling at the posted speed limit?

Mr. Salisbury, I ask that you please include this email as a matter of public record and please add it to the minutes to the Town Board meeting that is to be held on June 10, 2020.

I sincerely thank you for your time.

Date: June 9, 2020

To:
Town Board of Schaghticoke

CC'd
Zoning Board of Schaghticoke

To Whom It May Concern:

We, the residents in OPPOSITION to the re-zoning of the Ragone property (The 4.76 ACRE Parcel Located: Route 40, Speigletown, TAX MAP 71.-2-4.13), hereby request that the enclosed letters be read into the June 10th Town Board Meeting Minutes.

The residents, in opposition, are greatly concerned at the lengths that Mr. Ragone is going to, to force a commercial/industrial development, especially after the Zoning Board did not approve the variance request. Mr. Ragone has caused a self-created hardship due to the fact that he knew it was a Hamlet Zone prior to purchase.

We are hoping that the Town Board does not go forward with a "Spot Zone", which makes unjustified exceptions for a parcel or parcels within a district.

Our hope is that these signed letters of opposition from the surrounding residents, will help the Town Board in its determination to Reject the request to re-zone The 4.76 ACRE Parcel Located: Route 40, Speigletown, TAX MAP 71.-2-4.13.

Sincerely,

Residents surrounding The 4.76 ACRE Parcel Located: Route 40, Speigletown, TAX MAP 71.-2-4.13

Date: June 14, 2020

①

To : Town of SCHAGHTICOKE
Zoning and Planning Boards

RECEIVED
Date 6/17/2020
TOWN OF SCHAGHTICOKE

From: Mrs. Sharon Flaherty

Board members I reside in the Hamlet of Speigletown in Green Acres. As a resident in this neighborhood I would like to tell you that I am against the proposal before the boards for the property on route 40 owned by Mr. Ragone. This is not a commercial zone and should not become a commercial zone. The property lies in the middle of a residential area. This would be spot zoning. How does this help the area? I understand the town would increase their tax base but in doing so this decreases the value of our residential properties.

When I purchased my property 29 years ago, and recently property for my daughter this was and should continue to be residential zone. I moved to the suburbs to get away from commercial. No one in the neighborhood is for this. It's called NIMBY! NOT IN MY BACK YARD! it's Spot zoning and should not be allowed.

I'm sure where ever it is that you folks live you would not want a concrete business put in your area.

The proposed building does nothing to add to our little community. It will stick out like a sore thumb. Lighting, noise, pollution, looks, it will be an eye sore, and don't get me started on the traffic issues. As it is, route 40 is a rough road to travel. Most people ride you and think a turn onto a side road is an off ramp! In the mornings pulling onto 40 is a waiting game. Looking for that little opening to pull out into the endless line of cars is risky. The trucks will definitely be a hazard when pulling

in and out, and there is no room for error on this stretch of the road. ²
The houses are close to the road to begin with. Has there been any kind of traffic or safety study done?

The residents in this area have already suffered from the National Grid project that was shoved on us with no regard for us. What we were told and what we got are 2 different things and we are stuck with it. There is a lot more traffic in our neighborhood now, along with the view, lighting and noise. As for what Mr. Ragone's proposes and what we would get would also be 2 different things and we would have no recourse. I am not against business but I AM NOT IN FAVOR OF THIS COMMERCIAL BUSINESS IN MY NEIGHBORHOOD.

WITH OVER 30 **residents against** this zoning change to commercial and the proposed building for the site, I don't know how this can possibly be approved by either board. It doesn't effect you, it effects us and we would have to live with it.

It seems as though Mr. Ragone is moving forward on his site as I write this letter even though nothing has publicly been approved.

Is this how it works? Has it already been approved behind closed doors, people who know people have done favors and the process is for show? It will definitely seem that way if this goes forward and the residents are not considered.

Again I am saying that I am against turning this parcel of land in the middle of this residential area a commercial zone.

Thank you for your time and consideration.



Mrs. SHARON Flaherty

To the Town Board

I would like this letter entered into the minutes for the Town Board Meeting.

My name is Edward Pratt and I live at 106 Eastover Rd in next to the Ragone property that he is trying to get rezoned. I have been against the rezoning of his property since the beginning. I have no personal problems with Mr. Ragone, but I must try to be heard since I still have a well and have other concerns.

Throughout the whole process Mr. Regone has had no answers for our questions and at the Zoom meeting a couple of days ago even his lawyer had no answers. I am sorry to say this but Mr. Ragone already has shown disregard for the rules by putting in the "driveway" in without state approval and when the State Engineer told him to remove it he only did it after it was brought up at the Zoom Town Board meeting. My neighbors do not want this next to our houses we feel it will look just like it does now where he is. Coffee cups all over the ground as well as other trash. Equipment all over the place in the open and in the weeds.

" If the purpose of a Hamlet District is to maintain and protect the varied uses and character, both the residential and commercial, of these communities which have structures in close proximity to one another, have developed historically and exist for the mutual benefit for all. These areas have similar features such as, but not necessarily limited to, older housing units and community services such as post offices, churches, and small neighborhood convenient-type stores. The Hamlet Districts and their zoning requirements reflect the uniqueness of the area and are designed to promote growth and land use in hamlets that are consistent with the development patterns in each."

*Question one to the board: can you tell me how this building that is almost 10,000 sq. ft. fit in our little Hamlet?

* Question two: Did you know that there is a sizable pond on the property according to the New York State Department of Environmental Conservation Environmental Resource Mapper. It is about one and a half ackers to two ackers in size. When the farm property the water run off from the hill directly behind Mr. Ragones property must have fed it. So where is all that water going to go now if he puts his building up?

***Question three: Where in special permit uses does it say Mr. Ragone can have his business the size he wants in our little Hamlet. This building will stand out like a sore thumb to say the least!**

***Question four: Under General Performance standards**

Part One. Noise, he has in the past had trucks with no exhaust. Trucks idling in the winter or in the early morning.

Part Two. Atmospheric effluence, he plans on clear cutting the property and not putting down any blacktop to control the dust. Wind from the west not much of a problem but wind from the south or north will be a big problem for the residence because of the dust getting into pools onto houses and cars as well as into people's houses. Not to mention allergies. How are you going to control the dust, I hope not with calcium? Also, the fumes that will permeate our houses because of the trucks idling.

Part Four. Industrial waste from Pressure washing

Question: Industrial waste from pressure washing his vehicles, grease, oil, diesel fuel and concrete by products, where is this going in the ground? Again, I am on a well that is only Fifty Feet Deep, and his property is above my well.

Part six. Fire and Explosion Hazards.

***Question: Is Mr. Ragone planning on fuel storage. If not, what is to stop him from doing this in the future?**

B. Access, Parking and loading standards.

(4) Sight Triangle, The sharp turn on Rt 40 at the intersection of Fogerty Rd.

Question: There is a blind Turn that his drivers are going to have to pull out on going south. Drivers will only have a few seconds to react to a slow-moving trucks with only about two seconds to react and slow down. Not to mention the problems of people speeding around that corner having to react, where are they going to go? Most likely into the back of the slow-moving truck or into oncoming traffic or into someone's house all bad accidents just waiting to happen!

***Question How will the town mitigate this?**

E. Building lay out.

1. For Hamlet Districts

A. Compatibility Of adjoining developments.

Question: where is there another building this size (10,000 sq. Ft.) in our Hamlet that is not for public use? And the community does not want this in our Hamlet by an over whelming majority.

B. Building Design, the front is to face the street.

Question: did you know he want the building broadside to the street?

C. The scale and mass of buildings shall be compatible with that of adjacent and nearby buildings as viewed from the streets.

Question: Where in Speigletown Is there a 65ft. x 150ft. X30 to 35ft. tall building? So, this building does not fit our Hamlet.

C.3. Major Modifications to existing landscape such as clear cutting

Question: did you know he plans to clear cut the property.

C.5. Structures that are visible from the public road shall be compatible with each other in the keeping with traditional architecture, design, massing, materials, and placement and shall harmonize with traditional elements.

***Question: does the Board think this building will be compatible with the surroundings?**

Section VI. Special Use Permits

A General Standards. In approving or disapproving any special Permit use, the planning board shall take into consideration the Public Health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood.

Question: Because of the things I already stated do you think a special use permit should be granted at this time?

4. The character and appearance of the proposed use, building, structures, and/or outdoor signs shall be in harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby property's by reason of noise, fumes, vibration, or flashing lights, than would be the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the town of Schaghticoke.

***Question: How does his building fit into our Hamlet?**

In closing I hope that the Town Board will follow their own rules and regulations and not allow this property to be rezoned or allow a special use permit (which in my mind is a spot zoning). When so many in our little community have signed the paper stating that they did not want this next to their property for various reasons as stated. One should not role the many any time no matter who is backing them. I will also ask one more question of the Board, would anyone of you want this right next to your house? I bet not a one of you will say yes and I bet everyone would fight tooth and nail to stop it from happing. Mr. Ragone has stated that he might not do somethings ,so what recourse do we have to make sure he doesn't do them in the future, because again I don't think he can be trusted as I stated in my opening?

Sincerely

Edward Pratt