

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke
February 5, 2025

PUBLIC HEARING

7: 01 P.M. **Acker One Lot Subdivision (Tax Map #57.-2-10.316).** Brian Holbitter, land surveyor, appeared to propose a one 3.5± acre lot subdivision from a 20.06 ± acre parcel with 230' of road frontage located in an R district at 95 Skyline Drive. The property is owned by James Acker Jr.; the applicant is Dominick Paul. Jackie Stellone, a local resident, asked whose house was to be constructed on the proposed 3.5± acre lot. There were no further comments. The hearing was closed at 7:07 p.m.

Masonic Lodge Sign Permit (Tax Map #22.-3-15). Ian Murray appeared to present a proposal for an LED (electronic) sign to be located 30 linear feet from the road at the Victor Masonic Lodge #680, known as Victor Charities, located in an HC district at 1535 Route 67.

Jackie Stellone remarked that she finds LED signs a distraction. Scott Frisino, Building Inspector, asked if the Highway Supervisor and/or DOT had been contacted to authorize the proposed sign, as it is planned to be located on a state route. Mr. Murray replied that LED signs are an allowable use in accordance with the Zoning Law; therefore, no further action is necessary. There were no further comments. The hearing was closed at 7:09 p.m.

REGULAR MEETING

7: 10 P.M. Members present were: Frank Alessandrini, Kasey Casas, Dan Clow, Elizabeth Hale, Peter Klotz, Vince Ragone and Chris Reynolds. Austin Scarborough, Attorney, was present.

The Board reviewed the minutes from the January 8, 2025 meeting. Chris Reynolds made a motion to approve the minutes as submitted. Kasey Casas seconded.

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

Nays: None

Genesis Vault Special Use Permit and Site Plan Review (Tax Map 41.-1-61). David Baker, applicant, and owner of the Genesis Vault business located in a HC district at 943 NYS Route 40, did not appear. Chairman Alessandrini stated that he spoke with Mr. Baker who indicated that the site plan for the established business was not ready for review by the Board. The Board agreed to allow Mr. Baker additional time -until the PB March meeting- to submit a site plan. Should a site plan for Genesis Vault not be submitted by the next meeting, action from the Code Enforcement Officer will be warranted and necessary.

Acker One Lot Subdivision (Tax Map #57.-2-10.316). Brian Holbitter, land surveyor, appeared to propose a 3.5± acre lot subdivision from a 20.06± acre parcel with 230' of road frontage located in an R district at 95 Skyline Drive. The property is owned by James Acker Jr.; the applicant is Dominick Paul. Mr. Acker's daughter would like to build a residence on the 3.5± acre lot with a 30' driveway for access to the proposed parcel. A 50' driveway, connected to the 30' driveway, is proposed for access to the residence currently owned by Mr. Acker. There will be residual acreage of 16.56± vacant acres to the east. Federal wetlands are on the property, located approximately 150' away from the proposed septic system. The septic design was submitted to RCHD, but to date approval has not been granted.

Elizabeth Hale made a motion to grant preliminary subdivision approval. Dan Clow seconded.

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

Nays: None

Final approval will be considered after the permit to construct is granted by RCHD and received by the Board.

Masonic Lodge Sign Permit (Tax Map #22.-3-15). Ian Murray appeared to present a proposal for an LED (electronic) sign to be located at the Victor Masonic Lodge #680, known as Victor Charities, located in an HC district at 1535 Route 67. The sign will be located 30' off the road and 16' from the westerly property line. The requirements regulating signage were discussed with emphasis on the scale of brightness emanating from the illuminated sign. Don Barton stated that the sign would be a maximum brightness of 4000 NITS (NIT is the unit of measurement for brightness) or as low as 40 NITS. The signage is proposed to be brighter during the day and more subtle at night. The sign will be OFF from 9 pm to 8 am and will be controlled manually.

Mr. Murray has reviewed the Zoning Code for electronic signs and agreed to adhere to all requirements including those regulations relating to light intensity and timing for the message movement.

Vince Ragone made a motion to grant final approval for the erection of an LED sign at 1535 NYS Route 67 with the condition that all requirements relating to electronic signs, as stated in the Zoning Code, are observed and executed. Chris Reynolds seconded.

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

Nays: None

Dumas Pre-filing Conference. Steven Dumas appeared to propose the subdivision of 3.05± acres, rectangular in shape, with 350' of road frontage from a 106± acre parcel and located in an RA district at 2499 River Road. Mr. Dumas' son, Nicholas Dumas, is proposing the construction of a house on the proposed 3.05± acre lot. In 2006 a lot was subdivided from the acreage. Should there be further subdivision, Chairman Alessandrini advised Mr. Dumas that a conservation subdivision would be required. The completed Agricultural Data Statement was submitted. The Board reviewed the SEQRA form and found no issues.

Dan Clow made a motion to issue negative declaration under SEQR. Chris Reynolds seconded.

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

Nays: None

OTHER

Discussion of Compliance and Enforcement of the Town Zoning Law.

Scott Frisino, Building Inspector and Code Enforcement Officer, was present.

Mr. Frisino expressed concern with regard to the bonds and agreements secured by the Town for the de-commissioning of solar facilities. Mr. Frisino stated that the resulting decommissioning cost may not be covered by the bond, as there was "no way" that the decommissioning cost is predictable over a 25 year period. It was stated that the agreement, costs of decommissioning and salvage, and the bond should be reviewed and adjusted every 5 years. In conclusion, Mr. Frisino stated that "'someone' should be maintaining the bonds".

For the Board's review, Mr. Frisino submitted a report outlining eight non-compliant businesses within the Town. Liberty Ridge, East Side Marina, Constable Tree Service, Remodel Now, Dan Dan the Gutter Man, Clement Small Engine Repair, and Herrington Solar are included. Mr. Frisino highlighted Liberty Ridge, noting that there was no site plan, the buildings (number unknown) were not inspected; the development of train tracks, and the complaints of neighbors are all factors requiring resolution. In addition, a SWPPP has not been submitted. The owners of Liberty Ridge, the Giffords, claim that they are an Agri-business and, therefore, are exempt from regulations. Mr. Frisino has reached out to the NYS Department of Agriculture and Markets with regard to the status of Liberty Ridge as an agri-business. According to Mr. Frisino, the Ag and Mkts. contact stated that Liberty Ridge is not considered an agri-business. The lack of a SWPPP is currently being entertained by Attorneys. A warning, in the form of a letter, has been directed to Liberty Ridge.

Mr. Frisino has spoken with Art Clement, owner of Clement Small Engine Repair. Mr. Frisino said that there have been no complaints with regard to the presence of the business. Mr. Frisino suggested that the Board entertain an application for another Special Use Permit for the Clement business to allow Mr. Clement more time to relocate the repair business.

In addition, Mr. Frisino stated that he expected to receive a draft letter (to mail to the non-compliant) from Town Attorney, Dave Brennan, and that to date he has not received any drafts. Atty. Scarborough stated that he will address the matter with Atty. Brennan.

Chairman Alessandrini is planning a two lot subdivision off Barton Road, Johnsonville in the Town of Schaghticoke. Mr. Alessandrini requested the Board's thoughts with regard to the Town's code requiring septic engineering designs for proposed subdivided lots measuring less than 5 acres. Atty. David Brennan stated at the January meeting that he would research the provisions in the code regulating the requirement for septic design submission for subdivisions measuring under 5 acres. The topic was not discussed by the Board.

Kasey Casas and Frank Alessandrini attended the NYS CDPC workshops that took place in Saratoga, NY.

Frank Alessandrini noted that there are newly adopted regulations relating to the measurements regulating buffers from wetlands. NYS has expanded the required 100' of protected buffer from any freshwater wetland to include NYS, federal and the Army Corps of Engineers. In addition, should freshwater wetlands be present within any project, DEC must be contacted and an application for a permit to proceed is required.

Chris Reynolds made a motion to adjourn the meeting at 8:43 p.m. Vince Ragone seconded.

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

Nays: None

Abbreviations:

EAF – Environmental Assessment Form

HC – Highway Commercial District

NYS - New York State

PB – Planning Board

RA - Residential Agricultural District

R – Residential District

SEQRA –State Environmental Quality Review Act

CDPC – Capitol District Planning Commission

Respectfully Submitted,

date:

Elizabeth Hale, Clerk
Planning Board, Town of Schaghticoke