

OFFICE OF THE PLANNING BOARD
Town of Schaghticoke
January 8, 2024

PUBLIC HEARING

There were none.

REGULAR MEETING

7: 02 P.M. Members present were: Frank Alessandrini, Kasey Casas, Dan Clow, Elizabeth Hale, Vince Ragone and Chris Reynolds. David Brennan, Town Attorney, was present.

Chairman Alessandrini acknowledged Bob Weir, who resigned from the Board at the December meeting, for his many years of service to the Planning Board. The Chairman welcomed Peter Klotz, new member to the Board.

The Board reviewed the minutes from the December 4, 2024 meeting. Kasey Casas made a motion to approve the minutes as submitted. Dan Clow seconded.

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

Nays: None

Abstention: Klotz

Genesis Vault Special Use Permit and Site Plan Review (Tax Map 41.-1-61). David Baker, applicant, and owner of the business, did not appear.

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 on Skyline Drive and 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 owned by Mr. Acker. There will be residual acreage of 16.56± vacant acres to the east. Federal wetlands are on the property, located 150' away from the proposed septic system. The septic design was submitted to RCHD. The Board reviewed the short form EAF and found no issues. A check for \$180.- was received.

Vince Ragone made a motion to issue negative declaration of SEQR. Chris Reynolds seconded.

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

Nays: None

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. Mr. Murray submitted an application for the sign permit, an AG Statement, short form EAF, application for a Building Permit and an image of the current existing letter-board sign. Chairman Alessandrini advised Mr. Murray to review the Zoning Code for electronic signs, including regulations relating to light intensity and timing for the message movement. A public hearing will be scheduled for the next meeting in February.

The Board consulted with Brian Holbriiter, land surveyor, with regard to the Town's code requiring septic engineering designs for proposed subdivided lots measuring under 5 acres. Mr. Holbriiter stated that many towns (where he surveys) do not require more than a percolation test for proposed subdivisions $\leq$ or $\geq$ 5 acres. It was stated that licensed engineers are costly, that the property owner may not plan to construct with any immediacy and that the septic design must be completed for the issuance of the building permit. Attorney Brennan stated that he will research the provisions in the code regulating the requirement for completion of septic design for subdivisions measuring under 5 acres.

Dumas Pre-filing Conference. Nicholas Dumas appeared to propose the subdivision of 3.05± acres with 350' of road frontage from a 106± acre parcel, owned by his father, Steve Dumas, and located in an RA district on River Road. Nicholas Dumas is proposing the construction of a house on the proposed to-be-subdivided 3.05± acres. Nine copies of the application, Ag Data Statement, short form EAF, survey map and Owner Authorization form need to be submitted prior to the 15th of the month in order to be included on the next month's agenda.

OTHER

Discussion of Compliance and Enforcement of the Town Zoning Law.

Chairman Alessandini and Scott Frisino, Building Inspector and Code Enforcement Officer, have conferred with one another in respect to non-compliance regarding applicants who have blatantly ignored the stipulations that were required and included in written decisions within approved Special Use Permits.

Scott Frisino was present. Mr. Frisino stated that he spoke with the following non-compliant business owners: Constable Tree, Genesis Burial Vault, Remodel Now and Clement Small Engine. Mr. Frisino noted that the marina in Pleasantdale is non-compliant, pertaining to boat storage, that Liberty Ridge is not compliant with zoning regulations, that the Herrington Solar Facility has not complied with the posting of 'No Parking' signs and that he is handling complaints with regard to the Neeson Lane Timber Harvest.

In addition, Mr. Frisino stated that he would like to have a plan to remedy non-compliance. Chairman Alessandrini stated that the PB has one option according to the Zoning Law –revocation of the permitted use.

To proceed with correcting non-compliance, Attorney Brennan recommended informal discussion and a warning from the Code Enforcement Officer. Should compliance not be met after a verbal warning, a written order of remedy or compliance, requiring compliance by an appointed reasonable date, may be addressed to the non-compliant and delivered by certified mail. Should that prove to be ineffective, issuance of a ticket for appearance before a judge at the local court may follow. Should all alternatives to remedy be exhausted, referral to the Supreme Court may be an option to obtain compliance.

The Board requested monthly updates, to be included on the agenda, from the Code Enforcement Officer.

Dave Brennan, Town Attorney, agreed to provide Scott Frisino with guidance through the course of action.

Art Clement, owner of Clement Small Engine Repair, was present. Mr. Clement is currently operating his business, located in a HD at 30 Milky Way, without a Special Use Permit. A Special Use Permit was granted to Mr. Clement for the operation of a small engine repair business on November 6, 2019 with contingencies, including operation of the business at the Milky Way location for a maximum of 2 years from the date of decision. The permit has expired. Mr. Clement stated that he was not contacted by the Building Department. Mr. Clement agreed to meet with the Code Enforcement Officer, Scott Frisino, to “work out a plan”. Mr. Frisino stated that he would provide Mr. Clement with a copy of the decision.

Chris Reynolds made a motion to adjourn the meeting at 8:12 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

Respectfully Submitted,

date:

Elizabeth Hale, Clerk, Planning Board, Town of Schaghticoke

