TOWN OF PLATTEKILL

REGULAR TOWN BOARD MEETING

December 6, 2023

Time – 7:00pm

SALUTE TO THE FLAG:

ROLL CALL:

The following Town Board Members were present:

#### Councilman Castillo Jr.

#### Councilman Depew

Councilman Fazio

Councilman Kras

The following Town Board Members were not present: Supervisor Salemo

The Town Attorney for Land Use is present at tonight’s meeting: Ben Gailey from J&G Law.

MINUTES:

* Councilman Depew made a motion to NOT read the minutes from the November 15, 2023 meeting.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

Councilman Depew made a motion to accept the minutes from the November 15, 2023 meeting.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

PUBLIC HEARING

Councilman Depew made a motion to continue the Public Hearing for the Prohibition of Motor Vehicle Racing at 7:02PM.

Seconded by Councilman Castillo

On the vote: All Ayes

Sign in required to speak. Speakers will be limited to approximately 3-4 minutes.

1. Pat Laffin- I have been following this Drag Strip and have interactions with the Lebanon speedway, which is quite a way upstate. I am 62 years old and want to give my opinion of this hobby/passion. I hope this would be considered in the Town Boards final decision. In a time when they have taken away shop classes and done away with the automotive trades, kids done even know how to hold a screwdriver or a pair of pliers. Kids need confidence to be working on cars. Kids like the look of the cars but kids need to be involved in activities. Kids need a sport or a passion. You have got males and females in this hobby. They are out working on cars. What if takes to put one of these cars together- you have to learn painting, sandblasting, welding, rewiring, etc. There are a lot parts that are involved in this. People involved in this are very good for our community. They are very good people. They are proud of their cars. The amount of time, money and personal investment. They are proud. They come out of building a car with confidence, problem solving skills. They understand trial and error, persistence. They become personally invested in their cars. The amount of work, time and passion people put into their cars. This creates a community. Car people help each other, supportive of each other. This would greatly benefit the Town of Plattekill. I would promote this with the high schools, BOCES, etc. This will build the community.

Gives document to Town Board with his thoughts.

1. David Roche- I want to start off by saying I am in favor of this Drag Strip. I moved here several years ago and love this community. Kids today do need something to do. Years ago, I filled out a survey for what we should do at the Town Park; besides a few trees cut down, there has not been much movement up at the Town Park.
2. Connie Dirago- I want to talk about the law that you are putting forward. The Town Board decided to look at this law after 20 years again. It is more than obvious that you are targeting the application that has been submitted by TJ & Tina. There is no doubt. And you just happen to include in that law, the district that their property is on. This all happened after their new application went in, the law went into effect.

Councilman Depew- The law is not into effect. The law right now is up for consideration.

Connie Dirago- Pending, Consideration; however, you want to put it. Is there a clause in there that says that if the law goes through, that their application is null and void?

Councilman Depew- I think it is important to understand that this is not specifically pointing out one individual or a group or directing it towards anyone in particular. This is something that I did request a billing sheet through our legal attorneys that we have used for the last 3 years, that this law has been in consideration. This isn’t something that just came out, it is something that has been looked at in the past and it I something that we are here at the public hearing for and we are continuing the comments, written or spoken at the meetings. At this time, we are gathering information. We have not voted on this law yet.

Connie Dirago- When you have these public hearings and you see that there are way more people in favor than not in favor; doesn’t that have something to say about the whole idea regarding this track?

Councilman Depew- I don’t think this should be considered whether we have 50 people for it or 51 people against this that we turn around and say that we are against it. There are a lot of people that have a lot to say, lots of information out there. This is not a weighted scale that we want it or don’t want it. There are a lot of other things that affect a law like this. I will tell you, that as of right now, not included the letter I was just handed, I have 66 letters. We left this public hearing open last meeting. Personally, I have had 9 face to face meetings with residents of Plattekill. I have had 2 phone calls from Plattekill residents. I will not tell you a weighted scale will be it, that is not important. Speakers here tonight, letters, 29 speakers from last meeting, there is a lot of contacts that we are making with the community. I am glad to see that. People are taking the time to write in, contact us. This is not a done deal by any means.

Connie Dirago- Don’t you think that if they are abiding by the towns noise ordinance and following all the other rules that go along with everyone’s concerns, it shouldn’t matter if they want to put a drag strip on their property. If they are abiding by the noise ordinances that is in this town, why do you need to change a law to stop this? I don’t understand this.

Councilman Depew- Again, this is important to understand this is not a simple thing to understand but this is a law proposed, not for anyone particular or one project in particular. This is a law proposed and the Town Board is in the process of trying to learn and gather all the information we can.

Connie Dirago- This law just happened to come out after their application was submitted.

Councilman Depew- I don’t agree or disagree with that.

Connie Dirago- Of course you don’t.

TJ Dirago- This is the TJ Law for the Drag Strip.

Connie Dirago- Yes, the TJ Law. So, if they by property somewhere else in Plattekill, are you going to change that law again?

Councilman Depew- I can’t answer on any one specific project. This is a law being proposed and the Town Board is trying to learn as much as awe can about this law and all the aspects of it. When we come to a conclusion, myself and the rest of the Board members are educated enough to make the decision enough to best suit the community.

Connie Dirago- So by going through all of this with this law, do you do this with all of the laws?

Councilman Depew- Yes

Connie Dirago- Ok. Do you do this with everyone that is starting a project in town? Do you bring out a law to change it around if you don’t like the project going forward?

Councilman Depew- I am not going to answer that. I think that statement is something I would have to answer emotionally. I will answer that statement educated when the time comes.

1. Rose Guerrieri- I understand tat there is a law that was made years ago abbot racetracks. I also understand that where this race track is being done, they have started already. Who gave them permission to go through and why is this being stopped now? I am not for it and I am not against it, I don’t know enough about it. There are no answers, every time we come here to these meetings, there are no answers.

Councilman Depew- Let me try to answer this. We are here tonight talking about a proposed law; we are not talking about any one individual or project. As far as asking about someone specific or something to that nature, I cannot answer that. That would be better be answered through the building department, talking to the building inspector and finding to what courses were taken trough that. I have no idea how to answer that.

Rose Guerrieri- Who gives them permission? Does the building department have to answer to someone else?

Councilman Depew- The Building Department has criteria that they follow. The Building Inspector has to go through a course, pass a test and become certified by New York State. The Town Board in their need will advertise, interview, and hire a building inspector. We hire them and they have certain responsibilities and obligations. They have to follow the laws, codes and zoning. The questions that you just asked would be better asked of the Building Department specifically by them. No disrespect to you but that is not what we are here for tonight so I cannot answer that.

Connie Dirago- Well, Mr. Dirago can tell her that he worked on his own property and he did go through the right procedures.

Councilman Depew- I think Mr. Dirago can have an opportunity after the meeting, if they would like to step outside and talk if they are willing.

1. Norman Cousins- I am for the race track. If it wasn’t allowed in the beginning, why would they accept this now? To make the Dirago’s go through this and spend all this money, is Ludacris. If you were in their shoes, you would not be too happy in this. If this law passes, I hope they sell it to the Hasidic Jews.
2. John Fazio- Is this law, does it have to passed for the entire town or can you pass a law that certain zones can accept this?

Councilman Depew- At this time, the way that the law is proposed, it is the entire town with the exception of pre-existing tracks that operate and I believe the only one that is operating pre-existing wise is the Walden Playboy Motocross Track on Orchard Drive.

John Fazio- So let’s say that this law gets passed and we can’t do it, we can tell by running past TJ’s shop that he runs a good shop. Clean, does good business. He bought the place next to him. He wants to expand in this town and as locals, this is what we need. We need our locals that were born and raised here to expand. The point I am getting to, they are smart business people. His property is not going to sit vacant because you want to pass a law that he can have the drag strip. His property is zoned for Light Industrial there, now let’s say he builds all warehouses there. You will have trucks pulling in 7 days a week. These trucks will run all night. Do you know how much diesel smoke blows out of a truck while it is waiting, started up in the cold? These are things he can do with his property. He wants to run an operation a few days a week, seasonal. We are asking for this man to look at another way to use his land, and I’m pretty sure he will go light industrial. Light Industrial you have a big problem. The neighbors will be sucking in diesel smoke. TJ, if he was smart, that is what he would do. If the town gives you so much push back and so much trouble over something small you will do, do that and make the money. You will be collecting $60,000 a month. The whole community will be filled with diesel.

Connie Dirago- I think a Pig Farm will be good.

John Fazio- He is going to use his land for something. Think of what he can do with his land. Think of the impact of what the track will do versus the impact of Light industrial. You are talking about trucks running all day and night. TJ How many acres are you?

TJ Dirago- 43 acres.

John Fazio- You can fit quite a few docks and buildings there. I would really think hard about what he can do with his property versus what he wants to do. Maybe change the laws to have a little less impact on the people of the town. What about Jake- brakes coming in a midnight?

1. Connie Dirago- Was there a reason why the Town Board decided to cover the entire Town of Plattekill and not leave any districts open at all for this? Just to shut it out so no one ever attempted to do it again? What would make that decision, that is a very big decision?

Councilman Depew- That is a very good question and I will refer to our attorney for this. If this law were to come to a conclusion and pass, will there ever be an opportunity for any kind of variance given in the future to change or modify this law?

Ben Gailey- If this law were approved, yes it could be amended in the future. Yes

Councilman Depew- I won’t discuss what circumstances what that would be. I don’t know what they are and I don’t want to hold him liable to it.

Connie Dirago- My other question is, if it gets approved, since they already have an application in, does this kill their application?

Councilman Depew- I can’t answer that.

Connie Dirago- Can the lawyer answer that?

Councilman Depew- I don’t believe that he will answer that now.

Anyone else?

Rose Guerrieri- I feel like I am sitting in Congress. Nothing gets done at these meetings.

Councilman Depew makes a motion to not close the public hearing and to keep the public hearing open on the new proposed racing Law, continuing at the January 17, 2024 meeting at 7:00PM.

Seconded by Councilman Fazio

On the vote: All Ayes

ADDITIONS:

* Fee Committee- Established a Fee Committee for increasing Fee’s. Date will be set for January.
* New Hire: Building Inspector.

Councilman Depew makes a motion to appoint Edward Diller as our Building Inspector. Hourly rate is $26.73, 23 hours weekly.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

PUBLIC INPUT:

* Councilman Depew made a motion to open Public Input at 7:30 pm.

Seconded by Councilman Fazio

On the vote: All Ayes

Eugene Knudsen- Owner of Balsam Ridge Christmas Tree Farm on South Street, Clintondale. Present with his wife Maryjean. I dropped a letter to the Town Board last week outlining what is going on Liberty View Farms and it being totally out of control. I tried to be pretty clear about what is going on there and I will answer any questions you may have.

Covid was peaceful there. This year, we had the noise, disruption and damage that occurred from April- November 2023. We cannot use the outside of our house the entire summer because of what is going on over at that property. Additionally, requesting minutes from the Town Clerks office, I see that the Town Board never made a determination for the Planning Board to proceed. If that is true and there is nothing supporting that, that means that the map is invalid. Additionally, there is no farming going on at Liberty View Farm and I will tell you that as a farmer and someone who has an Agricultural Degree. There were apples growing at one time and the contention that they are leasing trees to people that attend weddings is bogus. I don’t know what the foundation of that map was, whether it was Ag & Market 131 or a special use but neither one was ever permitted by the Town Board. I chose to come alone tonight so we didn’t have a situation but if you read the minutes, the words that were spoken 10 years ago are even more true today than they were then. I hope that gives you a sense of how the neighbors feel. I have spoken to them and they would come. I thought it would be best for me to come alone and have a calm, respectful conversation and let you know what is going on and begin addressing it.

With that as background, do you have any questions for me? And I would like to make the offer to schedule the Town Board to come as individuals or as a group to see what is gong on. Back when this was beginning, I think every board member has come up there. I know that Supervisor Croce has parked up on Palazzo many nights and has seen all the shenanigans that were going on there.

Last year, in September when we were able to enjoy the back porch, I was sitting outside one night around 4:00PM, I heard a back up alarm. We are on 30 acres, surrounded by other farms, everywhere, there should not be a back up alarm. I look out and there is a bus backing down my field. I didn’t have my keys, I am too old to run that far, I finally found the keys to my pickup truck. By the time I got down there, there is a second bus driving across my field. $14,000 in damages from that. Mr. Von Roestenberg, directed them towards my property, not on my property. There is a police report. I am still out $9,000. This is the type of thing that is going on all the time up there.

So, can I answer any questions?

Councilman Fazio- I read his report and everything in there. It is pretty well covered of what is going on there and what happens.

Councilman Depew- I don’t have a question at this time. I did read the report, I did get it a few days ago, so I haven’t had a chance to read it two or three times but I will. I promise you that. I did have a conversation earlier today with the Building Inspector that is currently working here and he has been inundated with a lot of extra work. He has been going over it and fortunately has been taking a lot of notes and he is diving into it to understand it himself and come up with a conclusion for you as well. There are definitely legitimate concerns. I did read the whole report you had written. I saw the police reports that were attached to it. You put together a pretty good package, depicting what has gone on there. I will let you know that the Building Inspector is taking notes and hopefully we can stay in contact with you and come up with a conclusion that will satisfy everyone’s needs.

Eugene Knudsen- I appreciate that. Just as a note here, on September first, we started recording when an event went on there. From September 1- October 25, there were 18 events.

Councilman Depew- Is that part of this packet?

Mr. Knudsen- No it is not.

Councilman Depew- Can we have a copy of that?

Mr. Knudsen- Sure.

Councilman Depew- I will forward this to the Building Inspector.

Mr. Knudsen- Most of these events are supported by a police report. That was at the request of the Town Board, that if there was a disturbance to call the police. We have done that so it is on record. I will estimate that there are 60-70 events since April. The map, I don’t know what the Building Inspector can do, the map has nothing in it. I spoke with Patty Brooks, and she said she thought that there was something in there about screening and separation. That is not in there. There are 3 things in there: 10-12 events a year, a parking attendant and parking spaces to be outlined that he doesn’t follow at all. He parks right on our property line; people drive over our property all the time. This is constant, not stop. So, I don’t know what the Building Inspector can do, but here is the thing fundamentally, in my opinion, the map is void. It shouldn’t even exist; it was never authorized legally.

Councilman Depew- The map you are talking about, is this the map in the Building Department? Is this a copy of the original map?

Mr. Knudsen- Yes

Councilman Depew- There was 2 parcels involved in this? One that is leased or rented?

Mr. Knudsen- Yes, one that is 1.5 AG and one that is 1.5 Residential and it is all grouped on the AG 1.5 which puts it within 250 feet of our property line or 500 feet within the residence.

Councilman Depew- And you are off South Street, correct?

Mr. Knudsen- Yes and to give you an idea of how loud, our widows rattle. Even with the air conditioning on and the windows closed, we can still hear it. I spoke with David DeMaio; he lives way down Hurd Road and hears it. Doesn’t rattle his windows but they hear it. Its 1/2-mile down Hurds Road. That gives you an idea to how loud it is. Amplified music to all hours of the night. There are a lot of other things I can say to what is going on.

Shows the Board items on the map- Those are the restrictions as far as parking and access.

Councilman Depew- This says proposed additional uses.

Councilman Castillo- There should be a right away that goes into an Apple field behind the house. I was on the Zoning Board.

Eugene Knudsen- The dozens and dozens of concerns that were expressed by neighbors were never expressed in this map. The map just appeared on its own.

Councilman Depew- I see an owner’s certificate and it was signed by the Chairperson by the Planning Board.

Mr. Knudsen- Yes, it was signed and registered wit the County but it was never authorized by the Town Board. Which the Town Board has to.

Councilman Depew- I will have to investigate this and find out what specific responsibilities the Town Board had at that time. I remember you folks coming in back then.

Mr. Knudsen- Mr. Castillo, you were on the Zoning Board at that time?

Councilman Castillo- Yes, I was chairman on the Zoning Board at that time.

Mr. Knudsen- I think they came before you as well.

Councilman Castillo- They came before us and that’s why I remember the right of way. I remember all the other concerns.

Mr. Knudsen- But nothing was addressed, nothing about noise. Nothing. Here is the other point I want to make; he is not a farm. He is not selling anything; he is not producing anything. I shared with you some Ag & market guidance and how the Town should approach a situation like this.

Councilman Fazio- I see the stuff you highlighted in your packed to the board.

Councilman Depew- I think to be fair to you and the Town Board. We need to get a copy of this map through the office and pursue the signature on here and find out what the justification of this signature was on this map. We need to find out if there were covenants that were built into these maps, covenants that were built into the adjacent property owner with a right away across it. Everything should be documented and we will find out what path they took to come to signing it and filing it.

Mr. Knudsen- Well I am sure the Town Clerks office can help, they did all that work together with the Building Departments secretary, Dawn. You all worked on it together and you even asked the former Town Clerk, Barbara Dawes to come in and have her offer her opinion as well. Nothing was located by her either.

Councilman Depew- We will find out and try to come to a conclusion for you.

Mr. Knudsen- How should we follow up? Because the neighbors want to come.

Councilman Depew- I will tell you this, I would appreciate that everyone is respectful and everyone has a right to come and express their opinions and concerns during this time. Information is key. We will follow-up by doing what we said, we will pull that map, we will look at that map and try to find a conclusion about what we are talking about tonight. If you would offer a letter, specifically to the Town Board asking us to follow up, this way we have a template that we follow. We are documenting everything. When you put something in writing, you are making us responsible to you. Quite honestly, 75% of conversation is lost within 12 hours so when you have something in writing, we are going to have to respond to you.

Mr. Knudsen- I will follow-up with a letter documenting a conversation we had tonight.

Councilman Castillo- Are they still having events over there?

Mr. Knudsen- It ended for the year; the tent came down. In conversation with the former building inspector, I asked him how often he did a fire and safety inspection? He said when the tent goes up. The conversation in the minutes, was the tent goes up on Thursday and goes down on Monday. It actually went up in April and came down last week, so it never triggered an inspection. I come back to the fundamental issue at hand, he is not a farmer. He has no protections under Ag & Markets 131.

Councilman Castillo- Before you leave, I would like you to have my number. This way if anyone comes there on the weekend, I would like to be able to go there.

Mr. Knudsen- I will be happy to do that but I don’t think that will occur until April.

Councilman Castillo- Whenever it is. I got elected for another 4 years, so as soon as it happens, contact me. I would like to go up there.

Mr. Knudsen- Ok. This is probably not a good time of the year to witness what is going on. When we got to September, my wife and I started documenting the events and calling the police. I did not feel good about that. This is not what I like to do.

Councilman Castillo- This is your quality of life. I would like to be apart of going up there and I think any other board member as of 2024, should go up there. This way we can see all of this and documenting it as well.

* Councilman Depew made a motion close public input at 7:45pm.

Seconded by Councilman Kras.

On the vote: All Ayes

REPORTS:

* Supervisor Salemo reviewed the monthly department reports and noted they are all available at the Town Clerk’s Office upon request.

The following reports for the month of October were available.

Plattekill Police Monthly Report

Dog Control Monthly Report

Buildings & Grounds Monthly Report

Building Department Monthly Report

Assessor Report Monthly Report

Recreation Department Monthly Report

Recreation Director, Ashley Corcoran- In previous years regarding the Christmas Tree Lighting, the Town does not typically pay for Santa but I would like to hire a Santa. The cost is $200.00

I would like to host the Christmas Tree Lighting on Friday, December 8th. The date works for all the fire departments, the carolers, Santa and the Rotary.

Supervisor Salemo- It is on our agenda to be talked about tonight.

OLD BUSINESS:

* Comprehensive Plan

Eric Duden. Barton & Loguidice

We started the Comprehensive Plan some time ago and got input. Took into account a number of different factors including the history of the town and demographics. We are now continuing on with the Town to complete the Comprehensive Plan. We are taking guidance from the Town Board with whatever direction the community will go in.

Councilman Depew- The Town filed for a grant to fulfill the obligation of Phase 2 of the Comprehensive Plan. Basically, what we are doing, we are going to have Barton & Loguidice go ahead and follow through.

Councilman Depew made a motion to have Supervisor Salemo to move forward with the second half of the Comprehensive Plan & sign with Barton & Loguidice.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

* Christmas Tree Lighting

Friday, December 8th from 6-8PM.

Santa Claus will be there.

NEW BUSINESS:

* TAP Grant

GPI Engineering (Greenman-Pedersen, Inc.)

This is specifically to search out and apply for grants to replace Sidewalks on Maple Avenue in Clintondale. These are the people that will go through the whole process and hopefully come to a conclusion with a grant.

Councilman Depew made a motion to have Supervisor Salemo to sign the letter for notice of selection for GPI Engineering- for the Maple Avenue sidewalk in Clintondale.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

* Date for Swearing in for Newly Elected Officials.

January 1, 2024. 11:00am at the Town Hall

* Settlement Meeting

December 27, 2023. 11:00am at the Town Hall.

* Reorganizational Meeting

This will happen during our regular board meeting, January 3, 2024. 7:00pm.

EXECUTIVE SESSION:

Councilman Depew made a motion to go into Executive Session to discuss personnel matters at 7:50pm

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

Councilman Depew made a motion to exit Executive Session at 8:32PM.

Seconded by Councilman Fazio.

On the vote: All Ayes.

VOUCHERS:

* Councilman Depew reviewed the Voucher Detail report Dated December 6, 2023, which includes:

The A-General Fund amount of $47,717.82

The DA-Highway Fund amount of $33,316.31

For a Grand Total amount of $81,034.13

Councilman Depew made a motion to accept the vouchers, recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes

ADJOURNMENT:

Councilman Depew made a motion to adjourn the meeting at 8:35 pm.

Seconded by Councilman Castillo Jr.

On the vote: All Ayes