

Pittstown ZBA Agenda

November 26, 2024

Zoning Board of Appeals Meeting

Call to Order Call meeting to order – 7:00 PM

FREDERICK HOWARD, Chairman

RANDY HALL

COLTON HILL

DOUG JENSEN

DAVID SCHMIDT

COLLEEN THOMAS, Secretary

Approval of the October 22, 2024 Zoning Board of Appeals Meeting Minutes (Copy attached)

Any additions or corrections?

Motion to approve (as amended)

Moved _____ Second _____ Aye _____ Nay _____

Approval of November 26, 2024 Meeting Agenda

Any items to be added to the agenda?

Motion to approve (as amended)

Moved _____ Second _____ Aye _____ Nay _____

Old Business

- 1) Application by Dunco. Inc. doing business as Duncan Country Store (formerly Marpe’s), 2579 NY 67, Johnsonville, NY 12094, Tax Parcel ID# 14.-2-17.12. The 1.26 acre parcel has existing convenience store, gas dispensing facilities, and self-storage improvements. Ownership of the property is still in Michael J. Marpe’s name based on available on line property tax records, but the applicant states that she has the property under a Lease to Own agreement with Michael Marpe.

Review of project history.

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Presentation of the proposed project by Dunco. Inc.

Questions by the Board.

Questions from the Public.

SEQRA - Determination that this is a Type II action, in accord with Board practice and

617.5(c)(9) “construction or expansion of a primary or accessory/appurtenant non-residential structure or facility involving less than 4,000 square feet of gross floor area

Motion to approve a determination that this is a Type II action

Moved _____ Second _____ Aye _____ Nay _____

Does the Board find the application to be complete?

Moved _____ Second _____ Aye _____ Nay _____

If complete:

Motion to schedule a Public Hearing on this matter for December 17, 2024 at 7:00 PM.

Moved _____ Second _____ Aye _____ Nay _____

- 2) Application by Cellco Partnership d/b/a Verizon Wireless, for a Wireless Telecommunications Permit and a Special Use Permit for construction of a 150’ tall wireless telecommunications facility. The proposed facility is located on the property of Giesela Madigan, 90 Tomhannock Road, TPID #43.-2-40.2, and the facility site will be accessed from the west side of Rifenburgh Road. The site is currently used as agricultural land and the access easement passes through a wooded area. Verizon Wireless is a Public Utility and provider of personal wireless services under the federal telecommunications act of 1996. Under the provisions of Local Law 3 of 1999, the Pittstown Zoning Board of Appeals is authorized to review and approve, approve with conditions, or disapprove, applications for personal wireless telecommunications service facilities, and if appropriate issue the required Wireless Telecommunications Permit. Such usage is also subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION

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adopted March 11, 2019, and as such a Special Use Permit is also required.

a) Points of clarification

Reaching out to fire department.

154' tall total with lightning rod Vs 150' per local law. Will be authorized as part of the SUP.

NOTICE OF INITIATION OF THE SECTION 106 PROCESS-PUBLIC PARTICIPATION, VERIZON WIRELESS – TOMHANNOCK RESVR 16995292. BEING MANAGED BY GSS IN GRAPEVINE, TX. HOW DOES THIS AFFECT ZBA REVIEW?

b) Final comments by TDE on the proposed project.

3) SEQRA. Proposed as an Unlisted Action (not a Type I requiring full environmental review, nor a Type II which is specifically exempted)

Moved _____ Second _____ Aye _____ Nay _____

4) Does the Board find the application to be complete?

Moved _____ Second _____ Aye _____ Nay _____

If complete:

Motion to schedule a Public Hearing on this matter for December 17, 2024 at 7:00 PM.

Moved _____ Second _____ Aye _____ Nay _____

New Business

1). Application by Shawn Murray for a Special Use Permit to be allowed to keep chickens on a 1.78 parcel of land located at 11 Lakeshore Road, TPID# 63.-1-23,in the Residential/Agricultural zone. Maintaining farm animals on a property less than 10 acres in area requires a Special Use Permit. Such usage is subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019.

Presentation of the proposed project by Shawn Murray or his representative.

Questions by the Board.

How many chickens does he plan to keep

Discussion of the Board’s animal variance policy. No roosters. Fewer than 24?

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How are the birds going to be confined birds to the premises.

Questions from the Public.

SEQRA - Determination that this is a Type II action, in accord with Board practice and

617.5(c)(4) “agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming,”

Motion to approve a determination that this is a Type II action

Moved _____ Second _____ Aye _____ Nay _____

Does the Board find the application to be complete?

Moved _____ Second _____ Aye _____ Nay _____

If complete:

Motion to schedule a Public Hearing on this matter for December 17, 2024 at 7:00 PM.

Moved _____ Second _____ Aye _____ Nay _____

2). Application by Bruce St. Gelais for a Special Use Permit to be allowed to build a 30’ x 50’ metal storage building on a Non-Conforming Lot of Record (0.95 acre per deed or 1.10 acre per tax map) in the Agricultural/Residential zone. The lot is located parcel, TPID# 63.-1-6 on the west side of Ford Road and is bounded on the north by the southerly line of Brock’s Way. While the lot has frontage on Ford Road, the deed allows access from Brock’s Way. Such usage requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019.

Presentation of the proposed project by Bruce St. Gelais or his representative.

Questions by the Board.

Questions from the Public.

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Determination that this is a Type II action requiring no further SEQRA review. **617.5(c)(9)**
“construction or expansion of a primary or accessory/appurtenant non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls,”

Moved _____ Second _____ Aye _____ Nay _____

Does the Board find the application to be complete?

Moved _____ Second _____ Aye _____ Nay _____

If yes:

Motion to schedule a Public Hearing on this matter for December 17, 2024 at 7:00 PM.

Moved _____ Second _____ Aye _____ Nay _____

Discuss process going forward and any issues with applicant.

3). Application by Casey Snyder for a Special Use Permit to be allowed to install a new mobile home on an existing 1.06 acre Non-Conforming Lot of Record on 8 Taylor’s Lane, TPID#’s 54.-5-4, in the Highway/Commercial Zone. Such usage requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019.

Presentation of the proposed project by Casey Snyder or a Snyder representative.

Questions by the Board.

Questions from the Public.

Determination that this is a Type II action requiring no further SEQRA review. **617.5(c)(2)**
“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes,”

Moved _____ Second _____ Aye _____ Nay _____

Does the Board find the application to be complete?

Moved _____ Second _____ Aye _____ Nay _____

If yes:

Motion to schedule a Public Hearing on this matter for December 17, 2024 at 7:00 PM.

Moved _____ Second _____ Aye _____ Nay _____

Discuss process going forward and any issues with applicant.

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4). Application by Chris Halse for a Special Use Permit to allow him to conduct multiple off-road dirt bike racing events in 2025 and beyond on his property located at 1780 Tamarac Road, TPID# 54.-6-15.131. The events will be held on the recently constructed recreational track on his property.

There will be six (6) race weekends, each spanning two days. Practice day will be on Saturdays and race days on Sundays from 9 AM until dusk. In addition, eighteen (18) single day open practices will be allowed annually, for a total of 30 event days. These will be scheduled between April and November and are weather dependent making it difficult to predict actual event schedule in advance.

The Town Board has authorized appointment of a special counsel to guide the Zoning Board as this matter is considered. An Escrow account will be established to cover the special counsel’s fees.

A proposed operational plan is attached. A single copy of the site plan was provided.

Presentation of the proposed event by Chris Halse or his representative

Questions and comments from the Board

Questions and comments from the Public. Three minute limit. Sign in is required.

Does the board find that the application is complete enough to schedule the required Public Hearing for the December 17, 2024 meeting?

Moved _____ Second _____ Aye _____ Nay _____

4). Policy – Will not process new SUPs for sites with active violations.

5). Proposed Schedule for 2025 ZBA Meetings

Communication Received by Board

1). Halse Moto Cross – Neighborhood Concerns.

Open Applications

1). Application by Redemption Christian Academy for a Special Use Permit to be allowed to modify the operation of their non-public school located at 92 Parker School Road, Tax Parcel ID 54.-6-21. This 15.27 Acre property is in the Residential/Agricultural Zone. E-mail informing ZBA that design activities are ongoing. Recent communication has been received and the project remains open.

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Next Meeting

The next regular meeting will be held Tuesday, December 17, 2024, at 7:00 PM at the Town Hall.

Any Other Business?

Motion to Adjourn

Moved _____ Second _____ Aye _____ Nay _____