

TOWN OF PITTSTOWN
ZONING BOARD OF APPEALS

MINUTES

A meeting of the **Zoning Board of Appeals** was held on May 22, 2018. The meeting was called to order by Chairman Howard at 7:00 P.M.

PRESENT were:

Frederick Howard, Chairman
Robert Bevis
Todd Boomhower
Randy Hall

EXCUSED was:

David Schmidt

Chairman Howard opened the meeting with a Public Hearing on an application by **BRIAN SEVER** for an Area Variance allowing him to keep farm animals on his 7.33 acre property, located at 265 Longwoods Road, when 10 acres is required. Chairman Howard read the notice of public hearing. Mike Daigneault, a Pittstown Resident, spoke in favor of the application stressing the need for the Town to encourage agricultural operations in order to maintain the town's rural character. The applicant stated that the entire property was being fenced to insure that the animals were confined to the premises. On motion by Member Bevis, as seconded by Member Hall, the Public Hearing was closed. The board discussed the request to keep up to 12 chickens, one rooster, 10 turkeys, 2 geese, 6 sheep, and 2 beef animals on the property. The board generally follows its guideline that roosters are not allowed under this type of area variance. Because of the rural nature of the properties surrounding this property and the fact that adjacent neighbors are a substantial distance away, the board agreed that an exception to the guideline could be made in this case and similar future cases without creating a "neighborhood nuisance." Chairman Howard stated that the number of animal units per acre requested was in conformance with previous decisions. On motion by Member Hall, as seconded by Member Bevis, the requested Area Variance was approved by a vote of 4-0. The variance will be issued by Chairman Howard once two required documents are received from Mr. Sever.

The second item of business was the continuation of a Public Hearing opened at the May 1, 2018 board meeting on an application by **NICHOLS AND ELAINE DiLORENZO** for an Area Variance for driveway separation distance on a parcel of land to be subdivided from a larger parcel in the vicinity of 320 Cooksboro Road. There was no public comment and the Public Hearing was closed. Nicholas DiLorenzo provided a copy of the approved Rensselaer County Highway permit for construction of a new driveway providing access to the proposed lot. There being no further discussion, on motion by

MINUTES OF THE TOWN OF PITTSTOWN ZONING BOARD OF APPEALS MEETING OF MAY 22, 2018

Member Boomhower, as seconded by Member Bevis, the requested Area Variance was approved by vote of 4-0.

The first item of new business was an application by **SEAMUS McCARTHY** for an Area Variance to allow the keeping of chickens on his property located at 360 Stover Road. An Area Variance is required as his property is approximately 1.5 acres in area, where 10 acres is required for keeping farm animals. He currently has 6 chickens and 2 roosters and would like to be allowed to keep up to 12 fowl. The board discussed its guideline relating to keeping roosters in cases such as this. The matter was set down for Public Hearing at 7:00 PM, June 26, 2018.

The second item of new business was an application by **RONALD BUGBEE** for a Special Use Permit to allow an annual racing event to take place on farm property located at 920 Kautz Hollow Road. Mr. Bugbee was accompanied by two others including Ken McGuire Jr., Racing's Attorney. Chairman Howard told Mr. Bugbee that the board could not process the application that it had as the information related to the project was incomplete. He, and the associates with him, were given the attached memorandum outlining the information that the Board requires in order to have a complete application and schedule a public hearing, (Post Meeting Note. In addition to the material found in the Memorandum, and Agricultural Data Statement will be required.) Be board will consider advancing this matter at its meeting on June 26, 2018.

There were no additions or corrections to the May 1, 2018 ZBA minutes which were unanimously approved as written.

There being no further business, the meeting was adjourned at 8:15 P.M.,

Attachment: Bugbee Memorandum

May 22, 2018

To: Ron Bugbee

Re: Special Use Permit, 920 Kautz Hollow Road, Town of Pittstown

Please provide the following information to the Board prior to the next meeting June 26, 2018.

- A description of the purpose for which the Special Use Permit is requested.
- Characterization of the events that will be hosted under the Special Use Permit. Describe maximum number of participants, maximum number of spectators, schedule of events, provision for emergency services, food service facilities, restroom facilities, and rules that participants and spectators must follow.
- Steps taken to minimize parking on Kautz Hollow Road.
- Completed Environmental Assessment form. (Attached.)
- Plans showing the areas of the property that are affected by the proposed Use. Include parking areas, track areas, and how service areas are set up.

Here is the specific portion of the Land Use Regulation that governs these permits. The highlighted portions are the items that require specific response.

ARTICLE VII SPECIAL USE PERMIT

- A. In order to provide for the for the orderly growth of the community consistent with the objectives set forth in Article II herein, the Zoning Board of appeals is authorized to allow upon issuance of a special permit all other commercial, residential, institutional, industrial and governmental land use activities which are not expressly permitted by this local law, and in particular all governmental, quasi-governmental and institutional development not inconsistent with applicable laws thereto, it being the intention of this provision to specifically subordinate the location and development of the schools, parks, libraries, fire stations or other buildings and improvements under the direct jurisdiction of the Town of Pittstown and special authorities and districts within the town, and of other units of government, where local land use controls are not pre-empted, in whole or in part.
- B. All special permit uses shall comply with general regulations applicable within this local law to the district within which the proposed use is to be situated, in addition to restrictions contained in this Article, provided however, that all such regulations may be waived, altered or modified by the Board in accordance with its authority as set forth in paragraph 1, Article V, Part 5 of this local law.

In reviewing each application the Board shall make the following determinations:

1. General Standards

- a. Lot Coverage of all improvements shall not exceed 40%.
- b. The proposed use, its sanitary and water facilities are compatible with geologic and soil conditions of the site and the adjacent area. The Board

shall use the resources of such county, regional or state planning organizations, soil conservation services, professional engineer or other body or individual as necessary to make a determination.

- c. The proposed use is compatible with the physical and visual environment of all land use within the immediate vicinity.
- d. All traffic controls for on-site vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, the Board shall review, but not be limited to the following considerations:
 - 1) Location and adequacy of parking and loading facilities.
 - 2) Pedestrian rights-of-way
 - 3) Traffic regulatory devices
 - 4) Location, number, and design of points of ingress and egress
 - 5) Accessibility of emergency vehicles with particular emphasis on the proximity to structures, no parking, no loading zones or areas and provision for turning and free movement.
 - 6) Storage facilities for snow.
 - 7) Age and mobility of all persons for whose benefit the use is intended.
 - 8) Speed limits upon and general character of public highways in close proximity.
- e. The proposed use will not generate any adverse environmental impact upon the surrounding properties or within the entire community. In making its determination the Board shall consider but need not limit itself to the following elements:
 - 1) Emission of pollutants which may tend to contaminate the air or water
 - 2) Noise
 - 3) Vibration
 - 4) Heat
 - 5) Glare
 - 6) Odors
 - 7) Radioactive matter