

**ZONING BOARD OF APPEALS  
MINUTES OF MARCH 9, 2021**

A meeting of the Zoning Board of Appeals was held on March 9, 2021. The meeting was held virtually on the Zoom platform. The meeting was called to order by Chairman Fred Howard at 7:00 P.M.

PRESENT were:

Fred Howard, Chairman  
Randy Hall  
Colton Hill  
Scott Reiter  
David Schmidt  
Colleen Thomas, Secretary

**Approval of Minutes**

A motion was made by Member Randy Hall to adopt the minutes of December 1, 2020 with Member David Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**Agenda**

Chairman Fred Howard asked the Board if there were any items that needed to be added to the agenda. There were no items to be added. Member Scott Reiter made the motion to approve the meeting agenda of March 9, 2021 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**2021 ZBA Meeting Schedule**

The Board reviewed the proposed revised meeting schedule. Member Colton Hill made the motion to adopt the revised ZBA meeting schedule for 2021 with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**New Business**

1. Application by Dany and Joanne Tilley for a Special Use Permit to allow two dwelling units on property located in the Agricultural/Residential Zone located at 427 Warren Cemetery Road, Tax Map Parcel ID No. 45.-3-9.12. The seconding dwelling unit is an existing unit that was present on the property at the time that it was purchased. The Tilley's stated that when they purchased the house, what was used as a garage that had an upstairs bedroom and bathroom. The door downstairs had been taken out. It was being used as an apartment. Chairman Howard stated that it was brought to the Zoning Board's attention when the Tilley's advertised for apartment rental. Only one dwelling had been recorded as being on that property. The Tilley's stated that they did not know that the apartment wasn't recorded. By granting a variance for this applicant it would legitimize their situation. Member Dave Schmidt stated that by granting this variance the board would be setting precedent on someone else that comes in with same situation. Rensselaer County Health Department approval would be needed. The Board finds that this application is complete.

Member Randy Hall made the motion that the board finds this application complete and to schedule a public hearing on this matter for March 23, 2021 at 7:00 P.M. with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Fred Howard informed the applicants that the public hearing notice would be placed in the Express. The Express bills the Town the Zoning Board will let the applicant know the cost of the advertisement. The applicants would need to cover the cost of the advertisement before getting their approval. The applicant's responded that they would pay for the advertisement.

2. Application by Lamar Advertising to install a replacement billboard on property located on the Highway Commercial Zone located at 3205 NY 7, Tax Parcel ID No.55.-1-1./1. The original sign was destroyed in the severe October 7, 2020 Microburst with 100 mph+ winds. David Leavitt and Mike Flannigan presented the project to the Board. The easement where the sign will sit will happen after approval. They need the variance because the sign is larger than allowable. Chairman Howard made the motion that the Board accepts the application as complete and to schedule a public hearing on this matter for March 23, 2021 at 7:00 P.M. with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Howard stated that the public hearing notice would be advertised in the Express. The Town is billed and the applicant would need to cover the cost of the advertisement before getting approval. The applicant's stated that they would.
3. Application by Roy Fowler Jr. for a Special Use Permit to be allowed to build 72 self-storage units on a 2.0 acre vacant parcel in the Highway/Commercial Zone located at 3036 NY 7, Tax Parcel ID No. 54.-5-2.11. In addition, the request is to allow installation of 8'x20' advertising signs, dimensions that exceed the limitations of the Pittstown Local Law, facing in both the east bound and west bound direction. Chairman Howard stated that the Board would need to see a good site plan showing the layout and what grading would need to be done and DEC notification before this project could move forward. Roy Fowler stated that he would need guidance on moving forward with his project. Chairman Fred Howard said that he would meet with him to guide him through the process. Chairman Fred Howard made the motion that this project is incomplete with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
4. Application by Vincent Ragone for a Special Use Permit to be allowed to build a single family home on a 6.18 acre Lot of Record on property located in the Residential/Agricultural Zone located at 42 Cushman Road, Tax Parcel ID No. 62.-2-30.1. Said Lot of Record has road frontage of 186 feet, where 200 feet is required by the Town of Pittstown Land Use Plan. Chairman Howard questioned if the applicant had a driveway permit. Driveway permit and Rensselaer County Health Department septic permit have been provided. Chairman Howard made the motion that the application and supporting documentation on this project are complete and to schedule a public hearing on this matter for March 23, 2021 at 7:00 P.M. with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

### **Old Business**

1. Application by Peter Matzen for a Special Use Permit to allow the creation of a small, single purpose lot 1,392 square feet in area taken from Tax Map Parcel ID 63.-5-14. The lot would be created around and adjacent to an existing billboard on NY 7 in the Highway/Commercial zone

on the eastern side of the Hamlet of Raymertown. Superseding this application, two additional applications have been submitted by Dan Levesque. One is for a special use permit to install a new billboard on this site on the existing billboard support structure. The second is for an area variance to allow the creation of a 1,392 square foot single purpose lot by the Planning Board that does not meet the 2 acre area requirement for new lots. If the Zoning Board authorizes the Area Variance, the Planning Board can grant subdivision approval for the proposed undersized lot. If this is completed, the Zoning Board can then process the pending Special Use Permit. Chairman Howard made the motion that the application and supporting documentation provided for the Area Variance are complete and to schedule a public hearing on this matter for March 23, 2021 at 7:00 P.M. with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

2. Continued discussion of an application by Everett Windover for a Special Use Permit to allow the establishment of an Event Venue on property located at 839 Ford Road, Tax Parcel ID 52.-2-7.111 in the Agricultural/Residential Zone. Chairman Fred Howard stated that there was a rumor going on that tonight was a public hearing on this project. This is not a public hearing on this project.

Presenting this project tonight are Rob Stout, Project Attorney, Lauren Sherman, Project Engineer, and Everett Windover, the applicant. Everett Windover stated that he put a whole lot of thought in planning this project making sure that it was pleasing to the community. He is hoping after the presentation it would give more clarity to this project. Anyone can reach out to him with questions and concerns. He wants this project beneficial to everyone as well as himself.

Rob Stout, Project Attorney stated that this project is intended to be a wedding venue run on Friday, Saturday, and Sunday. There would be limited exceptions for example to tour the property or to use for a rehearsal dinner. Limit for that would be 50 people. Limited guests, 200 per event. Maximum 600 per week. The 200 would include the staff as well. They have not received any inquires over 150 people. The events would not begin before 11:00 A.M. Early access would be limited to event staff. Noise suggestion for the doors to be closed and no amplified music outside would address the neighbor's concerns. No alcohol would be permitted to be brought on to venue unless by a licensed provider. No shots would be allowed. Hours of operation would be no longer than 5 hours. Friday and Saturday events would end at 11 P.M. Sunday events would end at 10:00 P.M. Stop alcoholic beverages ½ hour before the scheduled end of the events. On site coordinator would be provided with contact information for any issue(s). On site coordinator enforces the rules and regulations.

The fire department had no issues with this project.

Chairman Howard asked the Board if they had any questions on the operations plan that Attorney Stout had presented. They did not.

Lauren Sherman, project engineer presented the board with pictures and discussed the overview of the project. She described the road access and the surface area that were added to the road. She talked about the run off road, retained water shed maintenance.

Henry LaBarba is the Town Designated Engineer for this project read his findings after

reviewing information, plans and reports and provided comments pertaining to planning, zoning, site use and proposed site work. (Attachment 1).

Craig Crist is the Town Designated Attorney for this project. He advised Chairman Fred Howard of things that needed to be confirmed by formal board action for the project. The first action would be to for accept the Zoning Board designation as the Lead Agency on this project. Member Randy Hall made the motion for the Pittstown Zoning Board of Appeals to accept lead agency status for the Windover Ridge application with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The next action is to classify this project as a Type I action under SEQRA. Chairman Fred Howard made the motion to classify this project as a Type I action under SEQRA with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The next action was to authorize the letter of engagement for Hank LaBarba as consulting engineer. Chairman Fred Howard made the motion to authorize the letter of engagement for Hank LaBarba consulting engineer with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The next action would be to authorize the attorney for the Town on this project. Chairman Fred Howard made the motion to authorize the offices of Craig Crist as the attorney to guide the Zoning Board on this project with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The next action was to authorize Kyle Kozlowski as Zoom manager. Chairman Fred Howard made the motion to authorize Kyle Kozlowski as Zoom manager under agreement previously negotiated with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Once application is complete the County Planning Board would need to be sent the complete description of the action submitted. Rob Stout stated that he would provide an electronic copy of the complete application and will help to post it on the Town's website once the application is complete.

Chairman Fred Howard read letters and concerns that were submitted to the Board of the on this project. They are all attached for record (attachment 2 – Toth; attachment 3 – Diane King; attachment 4 – James Kennelly; attachment 5 – Paul Dunham & Laurretta Carroll; attachment 6 – Keith & Stacey Goldstein).

Member Howard made the motion that the Zoning Board finds that the application is incomplete and that the issues that have been raised must be addressed prior to the advertisement for a Public Hearing with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

### **Activity Since Last ZBA Meeting**

Application and withdrawal by Connor Forhan, 228 Requate Road to keep chickens.

The next regular scheduled meeting will be held on March 23, 2021 with the filing deadline being March 10, 2021.

### **Adjournment**

A motion was made by Member Randy Hall to adjourn with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Respectfully Submitted By:

Colleen Thomas  
Zoning Board Secretary

Minutes Approved March 23, 2021

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Attachments 1-6