

**ZONING BOARD OF APPEALS
MINUTES OF JUNE 22, 2021**

A meeting of the Zoning Board of Appeals was held on June 22, 2021. The meeting was called to order at 7:07 P.M.

PRESENT WERE:

FREDERICK HOWARD, Chairman
DAVID SCHMIDT
RANDY HALL
COLLEEN THOMAS, Secretary

ABSENT WERE:

COLTON HILL
SCOTT REITER – excused

APPROVAL OF MINUTES

Member Randy Hall made the motion to adopt the minutes of May 18, 2021 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

APPROVAL OF MEETING AGENDA

Member Dave Schmidt made the motion to approve the meeting agenda of June 22, 2021 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARING

1. Dan Levesque, 2309 NY 7, Raymertown
Special Use Permit Application to allow the installation of a new variable message sign on the existing billboard sign structure located in the Highway/Commercial district west of the Raymertown Hamlet. The Planning Board approved the creation of a small Special Purpose lot that surrounds the northern foundation of the existing steel support structure at the May 2021 meeting, subdividing 1,392 square feet +/- from Tax Map Parcel #63.-5-14. The applicant proposes to install a new 11 foot high x 20 foot wide electronic sign as a replacement for the existing fixed message sign. Such installation can only be allowed by Special Use Permit under the provisions of the Town's ZONING SCHEDULE AND LAND USE REGULATIONS AND DEVELOPMENT CODE.
- A. Zoning Board Secretary, Colleen Thomas read the public hearing notice that ran in the Express.
- B. The applicant, Dan Levesque presented his project to the Board. Chairman Fred Howard asked if the public had any questions. There were no questions from the public. Chairman Fred Howard asked if the Board had any questions. There were no questions from the Board.

PUBLIC HEARING – DAN LEVESQUE (continued)

- C. The Board reviewed the EAF prepared by the applicant. The Board reviewed and completed Part 2 – Impact Assessment of the EAF form. The Board reviewed and completed Part 3 – Determination of Significance of the EAF form. Chairman Fred Howard made the motion to approve the Type II action determination and seconded by Member Randy Hall. A vote was taken. The motion was carried unanimously by the Board.
- D. A motion was made by Chairman Fred Howard and seconded by Member Dave Schmidt to grant approval for the Levesque Special Use Permit with the following conditions:
- a. The billboard Permittee shall maintain the site including mowing of brush at least twice per year. The Town Building inspector shall inspect the site in the fall of each year to insure that the required mowing has taken place.
 - b. In addition the Building Inspector may visually examine the sign structure itself and note any deficiencies or safety concerns based on this visual examination. Such deficiencies, if any, will be reported to the Permittee who agrees to correct the deficiencies within 60 days of notification.
 - c. Each year when the NYSDOT occupancy permit is renewed, a copy shall be provided to the Town.
 - d. The Permittee must work cooperatively with the Pittstown Assessor to establish the parameters that will be used for the establishment of an equitable assessment on the new installation.
 - e. The SUP is subject to the provision that should the billboard fall into disuse for a period of 2 years that the SUP becomes null and void and the billboard and sign structure must be demolished and removed from the site.
- A vote was taken on the motion. The motion was carried unanimously by the Board.

NEW BUSINESS

1. Application for an Area Variance by Lawrence J. Meracle, Jr. for property located on the South side of Edelman Lane west of 48 Edelman Lane, Tax Map No. 64.-3-12.111. The Applicant has submitted a plan to create two new lots taken from this parcel to the Pittstown Planning Board, which has classified the project. However, since one of the proposed lots, Lot 2, has road frontage of 163.5 feet, where 200 feet is required, no further action will be taken by the planning board until the matter is resolved by either a different lot layout or issuance of an Area Variance by the Zoning Board of appeals.

Brian Holbriiter presented the project to the Board. Brian stated that originally this project was a 5 lot Minor Subdivision. The Planning Board used Chazen as their engineering consultants and set up an escrow account for costs on the project. After a period, the review costs became more than the developer could afford and the applicant had to put their project on hold. The applicant approached Brian regarding any changes in the law. The applicant is proposing 2 lots out of the 5 right now. Lot #1 has 420 ft. frontage on Edelman Lane while Lot #2 only has 165 ft. of frontage, where 200 ft. is required. There is also a 60' wide strip reserved between the two lots that will ultimately become a private way when the larger subdivision takes place in

NEW BUSINESS – LAWRENCE MERACLE (continued)

the future. The location of this access strip is at a high point on Edelman Lane where site distance is best for vehicles entering and accessing Edelman Lane from the future development. Under the existing proposal both Lot 1 and Lot 2 would access their properties from a shared driveway on the 60' strip as would Lot 3, the residual of the parcel.

A. Chairman Fred Howard responded that he has a problem creating substandard lots, which is against board policy. He would like to see the applicant explore other ideas. He does like the idea of having the private way and its proposed location. Suggested they explore the costs of a shared driveway. Easement to shared driveway be converted to a right of way. Easements for a shared driveway would give the applicant what they want. Chairman Howard suggested setting up a meeting with himself, Brian Holbriiter, the Planning Board Chairman, Gordon Bushway and the Town Attorney, Stacey Goldstein to discuss the shared driveway concept. He will put this project on the agenda for next month.

2. Mass Gathering Law

Chairman Fred Howard stated that there have been complaints on motor cross events. Neighbors are complaining. Some people having the motor cross events do not have a special use permit which is required, nor are they following the provisions of the new mass gathering law. The Town does not have a permit process for a 1 day event. Chairman Fred Howard asked the Town Attorney, Stacey Goldstein to attend the meeting tonight to discuss some ideas on how to address these concerns and issues.

Chairman Fred Howard stated that the Zoning Board does not have a fine structure. If someone without a special use permit doesn't abide by the rules and regulations could a fine be charged to them? Town Attorney, Stacey Goldstein responded that that would be helpful. She said that the Zoning Board could ask the Town Board to follow this on a case by case basis. For instance, 1st time, 2nd time, and 3rd time. Each time the fine would increase. A question was asked on how to make sure the fine would be paid. It would be added on to their tax bill. The Town has to decide on how to set up the fines for the different event types. Agricultural events, motor cross events, etc. Chairman Howard questioned if the Zoning Board should go to the Town Board regarding the enforcements. Stacey Goldstein responded meet with the Town Board and discuss the violations of the rules, revoking permits issued and how to enforce the permits issued.

3. Request for extension of the Borrego Solar Special Use Application

Chairman Howard asked Stacey Goldstein, Town Attorney about the applicant's request for an extension on this special use permit that has expired. Stacey responded that it has technically expired and the zoning board does not have to extend. The Zoning Board needs a better idea on why they applicant is requesting the extension. What is the timing? It was agreed that the Zoning Board would hold a Public Hearing at the August Meeting to notify the Public that it was considering extending the timeline of the SUP approval. Borrego will be asked to be present to present their case.

NEXT MEETING

The next regular Zoning Board meeting will be held on July 27, 2021 at the Pittstown Town Hall.

ADJOURNMENT

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

Respectfully Submitted By:

Colleen Thomas
Zoning Board Secretary

Approved: _____ Date: _____