

**ZONING BOARD OF APPEALS
MINUTES OF SEPTEMBER 28, 2021**

A meeting of the Zoning Board of Appeals was held on September 28, 2021. The meeting was called to order by Chairman Fred Howard at 7:00 PM.

PRESENT WERE

Frederick Howard, Chairman
Dave Schmidt
Randy Hall
Scott Reiter
Colleen Thomas, Secretary

ABSENT:

Colton Hill – excused

MINUTES:

Member Scott Reiter made the motion to approve the minutes of August 24, 2021 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

AGENDA:

Member Scott Reiter made the motion to approve the agenda of September 28, 2021 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARING

Application for an Area Variance by Gary and Michelle St. Jock for property located at 9 Axe Factory Road, North side between Axe Factory Road and the Hoosic River, Tax Map No. 23.2-1-2. The applicants wish to keep chickens and or ducks on the 1.29 acre parcel. Such usage requires an area variance since the parcel is less than 10 acres in area as required for maintaining farm animals such as chickens and ducks under the provisions of the Town's land use relations. Colleen Thomas, Zoning Board Secretary, read the public hearing notice that was published in the Express. The St. Jocks stated that they reduced the number of chickens that they had to the allowable number. Chairman Fred Howard asked if the Board or the public had any questions. They did not. Member Dave Schmidt made the motion to close the public hearing with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board. The Board reviewed the SEQRA evaluation.

Determination that this is a Type II action by the Board

- a) 617.5©(18) “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.”

Chairman Fred Howard made the motion to approve the Type II action determination with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Member Randy Hall made the motion to grant approval for the St. Jock area variance with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Conditions of SUP Permit

- a) Chickens/ducks must be confined to the St. Jock property.
- b) The total aggregate number of chickens and or ducks confined on the property at any given time shall not exceed 12.
- c) No roosters are allowed.

The applicants submitted their check for the public hearing notice. Chairman Fred Howard stated he would mail the variance to the applicant.

New Business

1. Policy – Non- conforming Lot of Record (see attached). The Board reviewed and discussed the attached Non- Conforming Lot of Record Area Variance Policy. Chairman Howard stated that he is always receiving inquiries regarding non-conforming lots. He would like the Zoning Board to have a document on non-conforming lots to distribute to the applicants. Member Randy Hall made the motion to adopt the attached Non-Conforming Lot of Record Area Variance Policy with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Old Business

There was no old business to discuss.

Activity Since Last ZBA Meeting

Correspondence and other Communication Received

1. Zoning information requested on the Parker School Property. Charter school/manufacturing possibility.
2. Calls concerning criteria for non-conforming lots of record including one inquiry related to demolish and replace an existing structure.
3. Tamarack Solar – asked them to present at the November, 2022 meeting rather than the December 2022 meeting.

Next Regularly Scheduled Meeting

The next regularly scheduled meeting is scheduled for October 26, 2021 at 7:00 PM at the Town Hall.

Adjournment

Member Randy Hall made the motion 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

Approved: _____ Date: November 23, 2021