

**ZONING BOARD OF APPEALS  
MINUTES OF APRIL 26, 2022**

A meeting of the Zoning Board of Appeals was held on April 26, 2022. The meeting was called to order by Chairman Frederick Howard at 7:00 PM

**PRESENT WERE:**

Frederick Howard, Chairman

David Schmidt

Colton Hill

Colleen Thomas, Secretary

**Absent** – Scott Reiter

Randy Hall – excused

**MINUTES**

Member Colton Hill made the motion to adopt the minutes of March 22, 2022 with Member David Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**MEETING AGENDA**

Member Dave Schmidt made the motion to approve the meeting agenda of April 26, 2022 with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**OLD BUSINESS**

1. Application by 2112-2124 NY 7, LLC for a Special Use Permit to be allowed to relocate the Edelman Polaris and ITM dealership to this 18.15 acre parcel, Tax Map Parcel ID#63.-5-5.111 located in the Raymertown Hamlet on the eastern end and in the Highway/Commercial zone on the western end. This site is developed, originally being built by the Matzen Construction Company for its own use and having several buildings to provide office space, materials storage, equipment maintenance and eventually an ACE hardware store. The site was sold by Matzen Construction and changed ownership twice in the ensuing years before recently being purchased by 2112-2124 NY 7, LLC. The site has hosted limited activity for a number of years, there are several small operations currently active on the site. Most of the site will be occupied by the Edelman Polaris and KTM dealership for display and sales, servicing, and storage of inventory. Brian Holbritter stated that Northeast Motors can have 3 employee parking spaces along the building as well as the 3 customer parking. The applicants are agreeable to all of the conditions. Brian Holbritter stated that he would just like his name taken out of condition letter f. The Board agreed to change the name from Holbritter Site Plan to Professionally Prepared Site Plan. Chairman Fred Howard stated that at the previous meeting the minutes stated that the gates would close at midnight. He stated that if they wanted to leave them open 24 hours that would be okay. The applicants responded that right now they would like to be the gates open from 6:00 AM – 7:00 PM in the summer and 8:00 AM – 6:00 PM in the winter.

The hours of the charging station would be the hours of operation of the business. For now that is okay. The applicants agreed to follow whatever outcome that Steve Dean, P.E. works out with the Rensselaer County Health Department comes up with related to domestic water supply for the site.

The conditions of the 2112-2124 NY 7, LLC Special Use Permit are:

- a) The facility will be operated in conformance with the SUP application materials and with representations reflected in the February 22, 2022, March 22, 2022, and April 26, 2022 ZBA Meeting Minutes
- b) Existing personnel operations on the site include; the EV charging stations (SUP), Equipment storage and display on the western end of the site (SUP), and First Fuels Propane storage and loading (Grandfathered Hamlet Commercial).
- c) One existing operation that will continue on the site and will be filing for a SUP at the April meeting, with Public Hearing at the May Meeting, is Northeast Motorworkz.
- d) A second existing operation will be leaving the site by the time that the current lease expires – June 30, 2022 or July 31, 2022.
- e) Domestic water service requirements for the facilities serving employees and customers on the site will be coordinated with the Rensselaer County Health Department. The SUP is conditioned on meeting those requirements.
- f) Coordinate and cooperate with the Pittstown Code Official as to fire safety and accessibility requirements needed to put the proposed facilities into operation.
- g) Any future additional leases for new operations on the property will be required to obtain the needed SUP before setup and opening is allowed. The new lease areas shall be shown on an updated Professionally Site Plan which will be a required element of any additional SUP applications. The new leases will show designated parking spaces that will be assigned to the new operation.

Chairman Fred Howard asked if the Board had any further questions. The Board did not. Chairman Fred Howard asked if the Public had any questions. They did not. Chairman Fred Howard made the motion to grant conditional approval for 2112-2124 NY 7, LLC SUP; subject to working with health department on the water system plan with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

## NEW BUSINESS

1. Application by Tyler Glasser for a Special Use Permit to be allowed to continue to operate Northeast Motorworkz Automotive Repair Shop at 2112 NY 7, TPID#63.-5-5.111. The facility exists on the 2112-2124 NY 7, LLC (Edelmann) 18.15 acre property on 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. Chairman Fred Howard asked if Tyler Glasser had an application signed. Tyler submitted the signed application to Chairman Fred Howard. Tyler stated that the business typically works on repairs and alignments. Right now it is just himself. He hopes to have 3 people. It is a drop off and pick up service. Chairman Fred Howard asked if the Board or the public had any questions. They did not. Member Colton Hill made the motion that the board finds the application and supporting documentation to be sufficiently complete with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Fred Howard made the motion to schedule a public hearing for May 17, 2022 at 7:00 PM with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board. The applicant was informed that the public hearing notice would be placed in the Express. The applicant was advised to bring a checkbook to the next meeting to cover the cost of the advertisement.
2. Application by Redemption Christian Academy for a Special Use Permit to be allowed to establish a non-public school in the existing Parker School building located at 92 Parker School Road, Tax Map Parcel ID 54.-6-21. The 15.27 acre property is located in the Residential/Agricultural Zone. The initial projection is that initially approximately 50 students with 15 support staff and volunteers will be involved there and this will increase to up to 100 students as the program develops. The school year will run from September through June. The daily class schedule will be from 8:30 am to 3:00 pm. As is typical of other secondary schools, there will sometimes be extracurricular activities that may occur in the afternoon, the evening, and on weekends. The summer program is typically for a six week period beginning in July. 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. Andy Brick, Property Lawyer and Laura Holmes, Vice Principal Redemption Christian Academy presented the project to the Board. Time Equities Inc. are the owners of the property. Redemption Christian Academy will be leasing from them. They are a big real estate company from New York City. The lease is open ended with options to purchase. Chairman Howard stated that the Board is going to have the Town Attorney involved in this project. They haven't handled this type of project before. Applicant's architect stated that their assessment is that the building is in pretty good shape. Work needs to be done on the underground tank. They will meet with the building inspector and coordinate what upgrades need to be done. Chairman Howard responded that he would like to be involved in the walk through. Applicants stated they will work with DEC on the expiration of the tank registration. Chairman Howard stated that the septic system needs to be evaluated to

insure that it is adequate. Applicants stated that their engineer will be working on the testing of the well and what updates are needed and on the septic system. Member Colton Hill questioned if the building had a fire suppression system. The applicant responded that they didn't believe that it was required. Question was asked about the bussing. The applicants responded 1 or 2 busses and parent drop off. Students would be from the capital district area. The planned schedule for beginning educational programs at the site would be the upcoming school year. Agencies involved in approving this project are Pittstown ZBA SUP; Rensselaer County Health Department water and septic approvals; the Pittstown Building Inspector/Code official; DEC buried tank registration. A Short Form EAF has been completed and received. It is on file at the town hall. Chairman Howard made the motion that the board finds the application and supporting documentation to be sufficiently complete with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Howard made the motion to schedule a Public Hearing on this matter for May 17, 2022 at 7:00 PM with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

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

1. Tamarac Solar – Town Attorney and Town Supervisor met. Made a checklist of the inequities of the project.
2. Home Daycare – to be operated in a single family home.
3. 875 Kautz Hollow Road – vegetable garden sales, rental equipment, possible other.

The next Zoning Board Meeting will be held on May 17, 2022 at 7:00 PM at the Town Hall.

#### **ADJOURNMENT**

Member Colton Hill made the motion to adjourn with Chairman Howard seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Respectfully Submitted By:

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Colleen Thomas  
Zoning Board Secretary

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Dated