

**ZONING BOARD OF APPEALS
MINUTES OF DECEMBER 2022**

A meeting of the Zoning Board of Appeals was held on December 20, 2022. The meeting was called to order by Chairman Fred Howard at 7:00 PM

PRESENT WERE:

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

Approval of November 22, 2022 Minutes

Member Randy Hall made the motion to adopt the minutes of November 22, 2022 with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Approval of December 20, 2022 Meeting Agenda

Member Colton Hill made the motion to approve the agenda of December 20, 2022 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Public Hearing – Arthur S. Miclette – 2821 NYS Route 9N Crown Point, NY 12928

On the application of Arthur S. Miclette, 2821 NYS Rout 9N, Crown Point, NY 12928, regarding property located on the North Side of Otter Creek and Pittstown-Johnsonville Roads, Tax Map Parcel ID# 34.-1-24.1, in the Residential/Agricultural Zone. The existing 7.84 acre parcel contains 4 dwelling units grandfathered in from an era when such arrangement was permitted. The applicant wants to subdivide the land into 3 lots to be sold. One of the lots will contain 2 dwelling units which is not allowed under current zoning regulations. Therefore, a Special Use Permit will be required to allow the subdivision to take place under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019.

Colleen Thomas, Zoning Board Secretary read the public hearing notice. Chairman Fred Howard asked the applicant if he needed to present anything to the Board. The applicant responded that he had presented the project to the Board a couple of times. The applicant did not feel he had anything else to present to the Board. Chairman Fred Howard asked the Board and the public if they had any questions. They did not. Member Randy Hall made the motion to close the public hearing with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Determination that this is a Type II action by the Board

- a) 617.5(c)(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 a determination that this is a Type II action with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Conditions of the SUP Permit

1. The existing single lot is the site of 4 existing dwelling units, a condition that is grandfathered in as long standing and apparently approved by building inspector who allowed the construction to take place in the past.
2. The subdivision of the lot into three parcels for sale creates Lot B with two dwelling units, which does not conform with current regulations. Proposed Lots A, B, and C all do conform to current area, frontage, and dimensional Zoning Requirements.
3. This Special Use Permit is issued to allow the Planning Board to create Lot B with two existing/dwelling units.
4. The condition of this Special Use Permit is that before Lot B can be sold, the Bungalow unit shall be decommissioned as a dwelling unit and returned to its original function as a garage/storage building. The separate electrical service shall be terminated and disconnected prior to closing on Lot B.
5. Assurances made by the applicant in his Special User Permit application and at Board meetings shall be followed.

Chairman Fred Howard made the motion to approve the Arthur Miclette Special Use Permit with conditions with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

New Business

1. Application by B & H Farm, LLC (Christopher Hughes) for a Special Use Permit to be allowed to operate a business for the rental of event equipment on a 43+ acre site, located at 875 Kautz Hollow Road, TPID #55.-3-25.2 in the Agricultural/Residential 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.
The applicant, Christopher Hughes, presented his project to the board. Christopher currently runs his business out of Averill Park. Hours of operation are 7:00AM -4:00PM. Minimal traffic by employees and the box truck. Chairman Fred Howard asked if the Board if there was enough information in the projects file by the filing deadline with adequate information for the public if they thought the Board would give the Chairman permission to advertise the public hearing notice. The Board responded yes. Member Randy Hall made the motion to advertise for the public hearing notice on this project if the application has adequate information with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Questions and Observations by the Board:

- a) Pittstown Code Enforcement: Change in use, warehousing of rental equipment, office space being established, requirements as far as proposed usage and occupancy of the existing buildings. In all probability the buildings were not subject of a Building permit, and therefore no certificates of occupancy were issued.
- b) Rensselaer County Health Department: Water and sewer requirements for occupants of office, warehouse workers, and public picking up and returning rented equipment.
- c) The property is not being converted from agricultural usage, and therefore no AG Data statement is required.
- d) Plans for the 3rd building and the location of the office need to be defined.
- e) Traffic flow and turnaround pattern for the vehicles picking up/ returning equipment also need to be defined.
- f) Applicant stated normal business hours would be 7-4. Number of employees that normally will be on site needs to be defined.

Chairman Fred Howard asked if the public had any questions. They did not.

Chairman Fred Howard asked the board if they find that the application and supporting materials are complete enough to advertise the project for a public hearing on January 12, 2023? The Board, responded yes. Member Randy Hall made the motion to advertise this project for a Public Hearing on January 12, 2023 at 8:00 PM at the earliest with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

2. Member Colton Hill made the motion to change the joint meeting date on the calendar of the Zoning Board and Planning Board from January 11, 2023 to January 12, 2023 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

3. Chairman Fred Howard stated that this is Member Scott Reiter's last meeting. He wished Member Scott Reiter well with his future endeavors. Member Fred Howard introduced the Board to Douglas Jensen who will be replacing Member Scott Reiter effective January 1, 2023.

Old Business

Communication Received By the Zoning Board

Edelmann Commercial Park – there is no trail of a septic system.

153 Croll Road – 3 unit apartment house. Real Estate agent listed it as a 4 unit apartment house. Person interested in the property said that they were interested in putting up a house. Chairman Howard suggested that they subdivide the property. They can't have 2 houses on one parcel.

Banker Road – old school house. Not enough acreage to build.

42 Ashcroft Road- would like to train horses and have large gatherings.

Next Meeting

Next regular meeting of the Zoning Board will be held on Thursday, January 12, 2023 beginning with a joint Planning Board/Zoning Board Public hearing related to the Proposed Solar Farm located on the Ronald Bugbee Property at 7:00 PM at the Town Hall.

Once the joint meeting is adjourned, the January ZBA meeting will be called to order, no earlier than 8:00 PM

Motion to Adjourn

Member Scott Reiter made the motion to adjourn with Chairman Fred Howard seconding the motion. A vote was taken. The meeting was adjourned.

Respectfully Submitted By:

Colleen Thomas, Zoning Board Secretary

Dated