

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

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

PRESENT WERE:

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

EXCUSED

Randy Hall

Approval of June 28, 2022 Meeting Minutes

Member Scott Reiter made the motion to adopt the minutes of June 28, 2022 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Approval of July 26, 2022 Meeting Agenda

A motion was made by Member Colton Hill to approve the agenda of July 26, 2022 with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Public Hearing

1. Application by Tristan Umstadter, located at 171 Lower Herrington Road, Tax Parcel ID#33.-2-24.21 in the Residential/Agricultural Zone to keep chickens on a 2.51 acre parcel. This requires a Special Use Permit since the parcel is less than 10 acres in area which is required for maintaining farm animals such as chickens 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 if the Board needed the applicant to present his project again. He presented the project last month. The Board did not. Chairman Fred Howard asked if the Board or the public had any questions on this project. They did not. Member Colton Hill made the motion to close the public hearing with Member Scott Reiter 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 the Part;”

Chairman Fred Howard made the motion to approve a determination that this is a Type II action with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Conditions of the Special Use Permit (SUP)

- a. There shall be no more than 15 chickens permitted for this site, which is in keeping with established ZBA guidelines
- b. The chickens shall be confined in the existing run/coop area at all times and not allowed to free range on the property.
- c. The current flock includes one old rooster, that doesn't crow. Once this rooster is gone, no further roosters will be permitted in accordance with established ZBA Policy.
- d. The assurances made by the applicant in their Special Use Permit application shall be followed.

Chairman Fred Howard made the motion to grant approval for the Umstadter Special Use Permit with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

New Business

1. Application by Karie Tallman for a Special Use Permit to be allowed to continue to operate Kare Bear Daycare Inc. in her residence on 139 Hunt Road, TPID #15.-3-5 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. Karie Tallman presented the project to the Board. She has been running a group family daycare since 2005. She can have 16 children and 4 can be under 2 years old. They have 3 adults taking care of 16 children. You can run the daycare with only 2 adults. Her daughter helps them out. Chairman Howard stated the Zoning Board would like her to submit a report showing the times that cars come to drop off and pick up the students. What her hours of operation are. What license she has to have to run this type of daycare and where she obtained her license. Chairman Howard asked if there were any questions by the Board or the public. There were none. Chairman Howard stated that a public hearing would need to be held on this project. The public hearing notice would be published in the Express. The applicant would need to pay the cost of the advertisement. Chairman Howard would let her know the cost of the advertisement. Member Scott Reiter made the motion to schedule a Public Hearing on this matter for August 23, 2022 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
2. Application by Renee Buckley, residing at 228 Requate Road. Renee Buckley decided to rethink her application.

Old Business

1. Submission of documents for the Conditional Special Use Permit for Borrego Solar to construct a 7.5 NW solar array at 1918 Tamarac Road, on Tax Map Parcel Identification Numbers 55.-3-49.12 and 55.-3-60. The property is owned by the William Wood and Judy Wood Family Trust. The Board reviewed the decommissioning agreement and cost basis (see attached). The Board reviewed the PILOT Agreement prepared by the Rensselaer County Bureau of Tax Services (see attached). These two documents must be accepted by the Town Board to fulfill the terms of the Conditional Special Use Permit for this project issued by the Zoning Board.

A motion was made by Chairman Fred Howard and seconded by Member Colton Hill to adopt the following resolution: The Pittstown Zoning Board of Appeals finds: the proposed Decommissioning Agreement and the cost basis for said agreement; the Engineer's estimate of decommissioning costs; and the form of the Decommissioning Bond meet the Town's requirements and recommends acceptance as to form by the Town Board subject to approval of form and content by the Town Attorney. A vote was taken. The motion was carried unanimously by the Board.

Chairman Fred Howard made the motion to adopt the following resolution with Member Scott Reiter seconding the motion: The Pittstown Zoning Board of Appeals forwards the Payment in Lieu of Taxes agreement, prepared by the Rensselaer Bureau of Tax Services covering town and county taxes for a 15 year period, and recommends acceptance as to form by the Town Board subject to approval of form and content by the Town Attorney. A vote was taken. The motion was carried unanimously by the Board.

Once the form of these agreements has been accepted by the Town Board, the ZBA will issue the Special Use Permit. A condition of said permit will be that fully executed agreements shall be received by the Town Clerk with executed surety prior to issuance of the required building permits for this project.

2. Application by Pittstown Solar I, LLC, located at 2189 Cook Road, Galway, NY 12074, to construct a 7.04 NW ground mounted solar array. The array will be erected on property located at 970 Kautz Hollow Road, owned by Ronald Bugbee, Tax Parcel ID#55.-3-20.11 in the Residential/Agricultural Zone.
 - The Planning Board Chairman, Zoning Board Chairman, and the Pittstown Solar I, LLC met to scope the sequence of activities that must take place in order to bring the project to a joint public engaging a consulting engineer Henry LaBarba, PE to assist with such review.

- The Planning Board will be Lead Agency for SEQRA purposes.
- Once the Site plan review has been completed, a joint meeting will be held with the Planning Board and the Zoning Board for presentation of findings. This will fulfill the requirement that the Zoning Board make a Site Plan Review which is a requirement of the Special Use Permit process.
- On a Parallel Track, the Zoning Board will deal with the decommissioning agreement and the pilot agreement on behalf of the Town Board.
- Once all of the required materials have been received, the Zoning Board and the Planning Board will hold a joint public hearing to consider issuance of a conditional Special Use Permit.
- The goal is to have these matters finalized by the end of the year.

Activity Since Last ZBA Meeting

1. Saint Monica Lane Special Use Permit – Scheduled for August meeting.

Next Meeting

The next regular meeting will be held on August 23, 2022 at 7:00 PM at the Town Hall.

Adjournment

Member Colton Hill 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

Date