

**ZONING BOARD OF APPEALS
MINUTES OF JUNE 28, 2022**

A meeting of the Zoning Board of Appeals was held on June 28, 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 May 17, 2022 Minutes

Member Scott Reiter made the motion to adopt the minutes of May 17, 2022 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Approval of June 28, 2022 Meeting Agenda

Member Randy Hall made the motion to approve the agenda of June 28, 2022 with Member Scott Reiter 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 operate Kare Bear Daycare Inc. in her residence located at 139 Hunt Road. The applicant did not attend the meeting. She will be put on next month's agenda.

2. 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 REGULATIONS adopted March 11, 2019. The applicant, Tristan Umstadter presented his project to the Board. The applicant stated that he has had chickens for several years. When he first purchased the house he called the town about having chickens and no one got back to him. He left a detailed message and when no one got back to him he thought that he was okay. He was surprised when he was notified that he needed a permit. The chickens are locked up at night and are very well taken care as well as their surroundings. There is no smell. He does have a permanent coop. When he put that up he was told that he did not need a permit for the coop. He has had the chickens since January with no complaints from the neighbors. The applicant stated that was why he was surprised he was notified.

They do have one rooster. He is very old and doesn't crow. They are requesting that he can stay there and spend his last days. Chairman Fred Howard responded that they would not be able to get anymore roosters. The Board will make an exception for the one they currently have due to the age, until he passes. Chairman Fred Howard stated that the next step would be to schedule a public hearing. The public hearing will run in the Express. It will cost the applicant around \$40. Applicant will bring his checkbook to the next meeting to cover the cost of the public hearing notice. Member Scott Reiter made the motion to schedule a Public Hearing on this matter for July 26, 2022 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

3. Application by Pittstown Solar I, LLC, located at 2189 Cook Road, Galway, NY 12074, to construct a 7.04 MW 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. This usage requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATIONS adopted March 11, 2019. Principal Engineer, Jason Dell, Frank McCleneghen, President of Active Solar, and Paul Kruger Director of Development Active Solar were in attendance at the meeting to present the project to the Board.

The development will be on one side of the road. There will be a perimeter fence around the project with a sliding gate at the entrance. This development will end the off-road races that were being held there. They will provide a detailed plan as the project moves along.

Chairman Fred Howard stated that he would like to have a meeting consisting of himself, the Planning Board Chairman, and the applicants to review the project. An engineer consultant will be hired by the Planning Board the cost being charged to the applicant. That would be handled by setting up an escrow account with the Town Clerk, Michelle Hoag. Applicants stated that they are waiting for the proposal from the Planning Board from the engineer. Chairman Howard stated that there wasn't much the Zoning Board could do tonight. Applicants responded that they came tonight to present to see if there were any questions or concerns. Applicants did want to point out that the Town of Pittstown's Town Attorney, Stacey Goldstein, is also the applicant's partner's wife. This may be a conflict of interest. A pilot agreement was discussed.

Process moving forward:

- The Planning Board Chairman, Zoning Board Chairman, and Pittstown Solar, LLC will meet to scope the sequence of activities that must take place in order to bring the project to a joint public hearing.
- The Planning Board will be responsible for the making of the Site Plan Review and is in the process of engaging a consulting engineer to assist with such review.

- 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.
- Once all the required materials have been received, the Zoning Board will hold a public hearing to consider issuance of a conditional Special Use Permit.

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 July 26, 2022 at 7:00 PM at the Pittstown Town Hall.

Adjournment

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

Respectfully Submitted By:

Colleen Thomas
Zoning Board Secretary

Dated