

**ZONING BOARD OF APPEALS
MINUTES OF MARCH 22, 2022**

A meeting of the Zoning Board of Appeals was held on March 22, 2022. The meeting was called to order by Chairman Frederick Howard at 7:02 PM.

PRESENT WERE:

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

MINUTES:

Member Colton Hill made the motion to adopt the minutes of February 22, 2022 with Member Randy Hall 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 March 22, 2022 as amended with Member Scott Reiter seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARINGS

1. Application by Brian Falzo for a Special Use Permit to be allowed to establish a dog daycare service on his residential property located at 12 George Way, Tax Parcel ID 54.-6-15.333. The 1 acre property is located in the Residential/Agricultural Zone. The service will care for 8 or fewer dogs each day and there will be no overnight boarding. 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. Colleen Thomas, Zoning Board Secretary read the public hearing notice. Applicant, Brian Falzo presented his project to the Board. Chairman Frederick Howard asked the Board if they had any questions. There were no questions from the Board. Chairman Frederick Howard asked if the public had any questions. There were no questions from the public. Member Colton Hill 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(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 exceed any of the thresholds in section 617.4 of this Part.”

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

Conditions of the Special Use Permit

- a) Dogs must be confined to the Falzo property unless being walked on leash under human control off the property.
- b) The fencing shown as part of the application materials must be installed and maintained.
- c) Hours of operation, barking control and animal waste management must be as described in the written application materials.
- d) The maximum number of dogs cared for at any given time shall not exceed 8.

Member Scott Reiter made the motion to grant approval for the Falzo Special Use Permit with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

2. Application by 2112-2124 NY 7, LLC for a Special Use Permit to be allowed to relocate the Edelman Polaris and KTM dealership to this 18.15 acre parcel, Tax Parcel ID#63.-5-5.111 located in the Raymertown Hamlet on the western end and in the Highway/ Commercial zone on the eastern 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 212-2124 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. Such usage requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATIONS adopted March 11, 2019. Colleen Thomas, Zoning Board Secretary read the public hearing notice.

Brian Holbriiter presented the project to the Board. Steve Dean or Brian Holbriiter have to reach out to the Health department to get a written determination of the adequacy of the existing water supply to serve the employees and the clientele that will be using the site. Chairman Frederick Howard stated that reaching out to the health department will determine what needs to be done. Chairman Howard questioned if the gate was going to be closed when the site was unoccupied. The applicant, Mr. Edelman responded that they are hoping to close the gate at midnight. Chairman Howard stated that in the special use permit allowing the charging station that there were times stated on when the stations would be available to the public and that the hours when the gate was opened should at least provide for this. Brian Holbriiter asked for a copy of that special use permit.

Chairman Howard stated that the Northeast Motorworkz parking spaces need to be shown. Applicant responded that they only have the rights to 4 parking spaces. They do

not intend to give him anymore spaces. This must be reflected on the site plan which is to show what is being approved going forward.

Chairman Howard questioned if all of the automotive equipment that is on the site now will be removed. The applicant responded that they believe the owners of the existing businesses are clearing it out. Eventually everything will be gone.

Chairman Howard asked if there were any questions by the Board. They board did not have any questions. Chairman Howard asked if the public had any questions. There were not questions from the public.

Member Dave Schmidt made the motion to close the public hearing. Member Randy Hall seconded the motion. A vote was taken. The motion was carried.

SEQRA Evaluation –the Board reviewed the EAF prepared by the applicant.

- a) Proposed as an Unlisted Action (not a Type I requiring full environmental review, nor a Type II which is specifically exempted)
- b) Completed Part 2 of the Impact Assessment
- c) Completed Part 3 – Determination of Significance was made that there would be no significant adverse environmental impacts created by the project.
- d) Chairman Howard made the motion that the proposed action is an Unlisted Action (not a Type 1 requiring full environmental review, nor a type II which is specifically exempted) and will cause not significant adverse environmental impacts with Member Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Proposed Conditions for approval of the 2112-2124 NY 7, LLC Special Use Permit

- a) The facility will be operated in conformance with the SUP application materials and with representations reflected in the February 22, 2022 and March 22, 2022, ZBA Meeting Minutes.
- b) Existing permitted 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. This SUP is conditioned on meeting those requirements.
- f) An updated site plan must be submitted showing the layout of the site once comments have been incorporated on the revised Site Map.
- 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 Holbriiter Site Plan which will be a required element of the SUP application. The new leases will show designated parking spaces that will be assigned to the new operations,

Chairman Frederick Howard made the motion to continue the matter to the April 26, 2022 meeting for health department input and site plan update with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Activity Since Last ZBA Meeting

1. Tamarac Solar – Chairman Howard reported that a meeting would be scheduled with Tamarac Solar, Pittstown Town Supervisor, Matthew Curley, and the Pittstown Town Attorney Stacy. The solar farm operator will be required to post a bond that will restore the land leased to Tamarac Solar project back to productive agricultural land when it is no longer used to generate electricity.

Next Meeting

The next regular 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 Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Respectfully Submitted By:

Colleen Thomas
Zoning Board Secretary

Dated