

**ZONING BOARD OF APPEALS
MINUTES OF May 16, 2023**

A meeting of the Zoning Board of Appeals was held on May 16, 2023. The meeting was called to order by Chairman Fred Howard at 7:05 PM

PRESENT WERE:

Fred Howard, Chairman
Colton Hill
Doug Jensen
Randy Hall
Dave Schmidt
Colleen Thomas, Secretary

MINUTES

Member Randy Hall made the motion to adopt the minutes of April 25, 2023 with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

AGENDA

Member Colton Hill made the motion to approve the meeting agenda of May 16, 2023 as amended, addition of late file application of Thomas Hanson, with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARING

On the application by Elizabeth Collins (Graceful Acres LLC) for a Special Use Permit to be allowed to continue to operate an Agritourism/Farm Stay enterprise at an active farm located at 189 and 219 Otter Creek Road, TPID#'s 43.-2-12.1 and 33.-2-26, 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 May 11, 2019. Colleen Thomas, Zoning Board secretary read the public hearing notice that was published in the Express Newspaper. Chairman Howard asked the applicant if she wanted to present the project to the public. She responded the reading of the public hearing notice was a great description of what the project was. Chairman Howard asked the public if they needed any more information or had questions. They did not. Chairman Howard asked the Board 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 was made that this is a Type II action by the Board. 617.5(c)(4) "agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming." Member Colton Hill made the motion to approve a determination that this is a Type II action with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Graceful Acres Special Use Permit (continued)

Conditions of the Special Use Permit:

- a) That the applicant continues to operate the Farm Stay Enterprise in the manner proposed with a limit of three self-contained sites.
- b) The assurances made by the applicant in her Special Use Permit application and at Board meetings will be followed.

Member Randy Hall made the motion to grant approval for the Graceful Acres Special Use Permit with Member Dave Herrington seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

NEW BUSINESS

1. Application by Thaddeus Jones for a Special Use Permit to be allowed to construct two bedroom single family home on a one acre Non-Conforming Lot of Record on Ford Road, located to the northwest of 321 Ford Road, TPID#'s 53.-1-15.1, 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 REGULATIONS adopted March 11, 2019. Thaddeus Jones presented his project to the Board. Thaddeus stated that basically what he wanted to do was to construct a 2 bedroom home on a lot that is nice with a great view. Question was asked by the Board if Thaddeus owned the parcel. Thaddeus responded that he was under contract to purchase contingent on the approval of his special use permit application. Chairman Howard stated that before the public hearing could be scheduled the Board would need to receive by June 7, 2023 the permit to construct an on-site septic system from the Rensselaer County Health Department, and a driveway permit issued by the Rensselaer County Highway Department. Chairman Howard asked the Board if they would approve the public hearing being published if Chairman Howard received a copy of the permit to construct and the driveway permit by June 7, 2023. The Board responded yes. Member Randy Hall made the motion to have Chairman Howard schedule the public hearing on June 20, 2023 at 7:00PM contingent on receipt of the permit to construct and the driveway permit with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

2. Application by Tom Hanson, Lakeside Way Property, for a Special Use Permit to proceed with the required new construction needed to open the site, Tax Parcel ID# 14.-2-3.2, as a Mobile Home Park. Applicant is proposing a new "public water" system to serve the lots, and a new central sewage system. Extensive testing has been completed, which was required, for the new well and has received approval from the RCDOH for the design of the water and sewer system. Both are fully compliant with applicable NYSDOH regulations. Bill Better, Attorney thanked the Board for adding them to the agenda. He stated that he always brings a stenographer with him wherever he goes. That way he knows that he won't forget anything or have to write anything

Application Tom Hanson (continued)

down as soon as he gets home. The application is for 9 units. The parcel in the past was a mobile home park. Over the years it was run down and became abandoned.

At a certain point, the parcel was taken over by the county for unpaid taxes and Tom Hanson purchased it at tax sale. The site has been cleaned up.

There are no sidewalks proposed, but the access road and driveways will be blacktop. At the end of each site's driveway there is a lamppost connected to the owner's mobile home. It doesn't affect the people across the road. They have proposed regulations. No pets are allowed. They are suggesting that owner's get a post office box instead of having a mailbox. Lakeside Way is not a town road. All lots are single lots with no carports. Pre-manufactured structures are recommended to store things outside. Mr. Hansen is going to have the fire department look at the project.

The board had received a full set of plans at the beginning of the meeting along with some written material. It was the consensus of the board that there was too much to digest on the fly and that determination of a complete application would have to take place at a subsequent meeting.

A general discussion took place as to the information that was need to have a complete application that would allow the required public hearing to be scheduled. To be included on the June agenda, revised and expanded materials need to be received at the Town Offices by June 7, 2023.

Old Business

1. The Board discussed a policy related to inactive applications (see attached). Member Dave Schmidt made the motion to adopt the policy for inactive applications with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
2. The Board discussed revision to Non-Conforming Lot Record Policy (see attached). Member Colton Hill made the motion to adopt the Revision to Non-Conforming Lot Record Policy with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Communication Received By Board

1. Possible horses on 2.97 acre at 279 Cooksboro Road.

Next Meeting

The next regular meeting will be held on Tuesday, June 20, 2023 at 7:00 PM at the Town Hall if there is business at hand.

Adjournment

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

Respectfully Submitted By:

Colleen Thomas
Zoning Board Secretary

Dated