

**ZONING BOARD
MINUTES OF JUNE 25, 2024**

A meeting of the Zoning Board of Appeals was held on June 25, 2024. The meeting was called to order by Chairman Fred Howard at 7:00 PM

PRESENT WERE:

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

EXCUSDE WAS:

Member Colton Hill

MINUTES:

Member Doug Jensen made the motion to adopt the minutes of May 21, 2024 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

AGENDA:

Member Randy Hall made the motion to approve the agenda of June 25, 2024 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARINGS

Philip Rice – Special Use Permit Northern Turnpike Road

Application by Philip Rice for a Special Use Permit to be allowed to establish an agricultural and retail sales venture on a 6.83 acre parcel of land located at 94 Northern Turnpike, TPID#43.-2-9.1, in the Residential/Agricultural zone. Maintaining farm animals on a property less than 10 acres in area requires a Special Use Permit. A roadside stand is a Permitted Principal Use in the R/A Zone. Such usage is subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATON adopted March 11, 2019. The public hearing notice was read by Colleen Thomas, Zoning Board secretary. Chairman Fred Howard asked if the Board had any questions. The Board did not have any questions. Chairman Fred Howard asked if the public had any questions. The public did not. Member Randy Hall made the motion to close the public hearing with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board. At the May 21, 2024 Zoning Board Meeting the SEQRA evaluation determined that this project is a Type II action.

There are conditions of the Special Use Permit:

- a. That the applicant always confines the animals to their own property
- b. That the five year plan attached hereto be followed.
- c. That future changes to the animal mix on the property are made in conformance with the ZBA guidelines (evaluation of current 5 year plan is attached) and that total animal units per acre be maintained at 1.76 animal units per acre or less.

Member Randy Hall made the motion to grant approval for the Rice Special Use Permit with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The Town has not received the invoice for payment of the legal ad notice. Once it is received the applicant will be notified to come in and pay the invoice.

Chris Halse – Special Use Permit – Tamarac Road

Application by Chris Halse for a Special Use Permit to allow him to conduct 2 off road racing events on his 75.09 acre property in the Residential/Agricultural zone at 1780 Tamarac Road, TPID#54.-6-15.131. Each event will be a two day event with a practice day on Saturday and race day on Sunday. Fewer than 250 people will be on site during the events avoiding the need for a Mass Gathering Special Use Permit. A Special Use Permit is required as such usage is subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019. Although the application includes a request to be allowed to conduct 4-6 such events in subsequent years, insufficient data is available to consider this, and therefore this SUP covers the summer and fall 2024 events only.

The public hearing notice was read by Colleen Thomas, Zoning Board Secretary. Chairman Howard questioned if the applicant was basically using the existing trails that were there. Chris Halse responded yes, they are just cleaning them up. They are just fixing the uneven land. Chairman Fred Howard voiced the zoning board's concern to riders trying to ride along the power lines. Chris responded that they would not and people would not be able to access the power lines while the race was going on. There are gates there but they don't always stop people from coming into the power lines. Applicant's attorney had told him that they would not have to go to the health department unless they were going to use the land for camping. Applicant stated that they are just having the participants using it for parking and this type of camping is not regulated. Member Dave Schmidt made the motion to close the public hearing with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The SEQR evaluation determination that this is a Type II action by the Board.

- a. 617.5(c)(21) "minor temporary uses of land having negligible or no permanent impact on the environment;"

Chairman Fred Howard 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.

Conditions of Special Use Permit:

- a. The 6/5/24 HALSE OPERATION PLAN shall be followed.
- b. Parking on Tamarac Road by event participants and spectators is not permitted.
- c. Quiet hours 9:30 PM to 8:00 AM
- d. EMS on site during racing events.
- e. Town of Pittstown to be provided with a copy of the General Liability Policy naming the Town as an additional insured.

Member Randy Hall made the motion to approve Halse Special Use Permit with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Chairman Howard stated that the Town has not received the invoice for the legal ad notice. Once they receive the invoice the applicant will be contacted to come in and pay the invoice.

NEW BUSINESS

Christine Simmons – Brundige Road

Application by Christine Simmons for a Special Use Permit to be allowed to keep chickens and goats on a 3.00 parcel of land located at 109 Brundige Road, in the Residential/Agricultural zone. Maintaining farm animals on a property less than 10 acres in area requires a Special Use Permit. Such usage is subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATIONS adopted March 11, 2019. Christine Simmons stated that she will have 20 chickens and 2 goats. Chairman Fred Howard asked if the chickens will be confined. Christine responded yes.

SEQRA – determination that this is a Type II action, in accordance with Board practice and 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 Dave Schmidt 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.

Member Dave Schmidt made the motion that the application is complete and to schedule a Public Hearing on this matter for July 23, 2024 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

OLD BUSINESS

Application by Thomas Hanson for a Special Use Permit to be allowed to establish a Mobile Home Park at 10-58 Lakeside Way, in the Highway Commercial Zone I the vicinity of 2780 NY 67. In keeping with the requirements of LL#4-2017 such usage requires a Special Use permit issued by the Zoning Board of Appeals. Such usage is also subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019. Matthew Bond, PE, Hart Engineering, submitted updated application for the special use permit of Thomas Hanson. The number of lots have been reduced from 9

lots to 8 lots. Adjustments to the roadway hammerhead turnaround have been made. There is a 12 ft access to neighboring property which meets and/or exceeds the fire department codes. Slightly adjusted septic tank locations. The design meets the Rensselaer County Health Department requirements. Plans have not been altered for the sewage. The capacity of the system is unchanged, i.e. 9 units, although only 8 units will be connected.

For screening the applicant is proposing white pines to be planted along the NY 67 frontage east of the park entrance road. They are a fast growing tree. Stockade fence is proposed along eastern property line along the Mero camp.

Location of the pump house has been moved adjacent to entry way. Backup generator for any power outages. There will be no house noise. The noise will be contained in the well house.

Henry V. LaBarba PE, HV LaBarba and Assoc. is the Town designated engineer for the Hanson project. Henry read through his Engineering Review (see attached).

William Better, Esp. Attorney representing the Thomas Hanson project stated that he has been a lawyer since 1962. He referenced the New York law requiring easements. The 12ft easement that Thomas Hanson is providing to the Mero's is only what they are entitled to. Thomas Hanson would pay trenching for any underground utilities that the Mero's to be put underground as long as the Mero's paid for the conduit during construction of the park road. William Better did trace back the deeds and this is the only one that states the 12ft easement and that is the only easement that the Mero's are entitled to. Chairman Howard stated that the Pittstown Town Attorney, stated that what is being done takes care of the access requirement when she and Chairman Fred Howard and discussed the Mero access easement. The Hanson proposal acknowledges the right of the Mero's to access their property and provides adequate replacement for what currently exists. The Town has listened to the Mero concerns and Hanson has provided an adequate response. From this point on, the matter is between individual private property owners, and does not need to weigh in on the ZBA decision.

Kim Mero addressed the Board with her concerns (see attached). William Better stated that he did not want Kim Mero's letter to hold up the process for Thomas Hanson. Member Randy Hall made the motion to approve the revised Site Plan with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

An outstanding item is the submission of revised plans to RCDOH for water and sewer systems approval have been submitted to the health department. Chairman Howard stated that he would inform the Rensselaer County Health Department that the Site Plan has now been approved.

Chairman Fred Howard stated that the review of the EAF, received for this meeting, will be put on next month's agenda for action. Also, specific conditions to be cited in the SUP will be discussed and finalized. The Board will then consider voting on the SUP.

OPEN APPLICATIONS

Application by Nick and Elaine DiLorenzo, 320 Cooksboro Road, Troy, NY 12182, regarding subdivision of property located on the North side of Cooksboro Road, Tax Parcel ID# 62.-2-48.1 in the Residential/Agricultural Zone. Active before the Planning Board. Public Hearing for the

project has been scheduled by the Planning Board for July 11, 2024. The need for a SUP is included in the scope of the hearing. The Planning Board will then refer the applicants to the ZBA for the required SUP for substandard road frontage.

Application by Redemption Christian Academy for a Special Use Permit to be allowed to modify the operation of their non-public school located at 92 Parker School Road, Tax Parcel ID 54.-6-21. This 15.27 acre property is in the Residential/Agricultural Zone. E-mail informing ZBA that design activities are on-going. Recent communication has been received and the project remains open.

Application by Dunco, Inc. doing business as Duncan Country Store, 2579 NY 67, Johnsonville NY 12094, Tax Parcel ID#14.-2-17.12. Project still active.

NEXT MEETING

The next regular meeting will be held Tuesday, July 23, 2024, at 7:00 PM at the Town Hall.

ADJOURNMENT

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

Respectfully Submitted By:

Colleen Thomas
Zoning Board Secretary

Date