

**ZONING BOARD
MINUTES OF MAY 21, 2024**

A meeting of the Zoning Board of Appeals was held on May 21, 2024. The meeting was called to order by Chairman Fred Howard at 7:00 PM

PRESENT WERE:

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

EXCUSED:

Member Doug Jensen

MINUTES:

Member Colton Hill made the motion to adopt the minutes of April 23, 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 May 21, 2024 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARING:

Application by Paul Goyette, of P27, Off-road, Inc., for a Mass Gathering Special Use Permit under the provisions of LL#3 2020. The event is proposed to take place Sunday, September 29, 2024, at 511 Cushman Road, TPID#52.-2-10.22, in the Agricultural/Residential Zone. Such usage is also subject to the applicable requirements and procedures found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019. Colleen Thomas, Zoning Board Secretary read the public hearing notice. The proposed project was presented to the Board and the public. The diagram of the race was displayed to the Board. Everyone will sign waivers and there will be no parking on the road.

Chairman Fred Howard stated that basically this will be the same as the event that the applicants hosted last year. There was only one complaint last year. There were more compliments made on the setup and the conduct of the event. Chairman Fred Howard asked if there were any questions from the Board. The Board did not have any questions. Chairman Fred Howard asked if the public had any questions. The public did not have any questions. Member Colton Hill 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.

PUBLIC HEARING – Paul Goyette (continued)

Proposed Conditions of the Mass Gathering Special Use Permit:

- a. That the number of participants, vendors, entertainment, and support staff on site for this event is fewer than 500.
- b. Participants, vendors, and support staff will be required to use the off street parking that is planned for them.
- c. The applicant will do his best to keep observers from causing congestion on Cushman Road adjacent to the site.
- d. The hours that the event will take place begin at 8:00 AM and events will be completed by 4:00 PM.
- e. The assurances made by the applicant in his Special Use Permit application and at Board meetings shall be followed.

Member Colton Hill made the motion to approve the Mass Gathering Special Use Permit for P27, Off-road, Inc., subject to the conditions above with Member Randy Hall seconding the motion. A vote was taken. The motion was approved unanimously by the Board.

OLD BUSINESS

1. 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 in 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. Second month of no contact.

Chairman Fred Howard made the motion to adopt the following resolution with Member Randy Hall seconding the motion:

WHEREAS the Zoning Board of Appeals held a Public Hearing on the proposed Hanson Lakeside Mobile Home Park on March 26, 2024, where comments were received concerning the proposal; and

WHEREAS, as reflected in the approved March 26, 2024 ZBA minutes, receipt of additional written comments was extended for a period of time beyond the closing of the Public Hearing with the intention that these would be addressed by the ZBA at the April 23, 2024 meeting; and

WHEREAS, issues raised as a result of comments received at and after the Public Hearing led to the ZBA rescinding Site Plan Approval for the proposal, as documented in the approved Minutes of the April 23, 2024 ZBA meeting; and

WHEREAS, the ZBA has repeatedly requested response to outstanding issues from the developer, but none has been provided; therefore,

BE IT RESOLVED, that the ZBA requires response from the applicant on all outstanding issues enumerated in the documents referenced above; and be in further

Thomas Hanson (continued)

RESOLVED, that if such responses are not filed with the Town Clerk by the filing deadline for the June, 2024 ZBA meeting (12:00 PM, June 12, 2024), that a motion will be considered at the June 25, 2024 meeting to deny the Hanson Lakeside Mobile Home Park Special Use Permit due to lack of response to fundamental issues of NYS Fire Code compliance, Town of Pittstown Local laws requirements, and unresolved neighboring property owner issues and concerns.

A vote was taken. The motion was carried unanimously by the Board.

NEW BUSINESS:

1. 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 REGULATION adopted March 11, 2019. Philip Rice presented his project to the Board. He stated that he will scale back his project to meet the Town codes. He will have the scaled down version ready for the next meeting. Member Colton Hill asked if the he planned on having a farm stand. The applicant responded yes. Chairman Fred Howard stated that the farm stand would be ok off the road. The applicant, Philip Rice, stated that he will have sheep to help maintain the property and bring the nutrients back to the soil. Member Randy Hall made the motion that the Board finds the application to be complete and to schedule a Public Hearing on this matter for June 25, 2024 at 7:00 PM with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Applicant will have the scaled down version submitted by June 12, 2024.

The Board determined unanimously that per section “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,” this was a Type II action for SEQRA Purposes.

2. Application by Christine Simmons for a Special Use permit to be allowed to keep chickens on a 3.00 acre 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 REGULATION adopted March 11, 2019. The applicant did not show up for the meeting.

3. Application by Chris Halse for a Special Use Permit to allow him to conduct up to 6 off road racing events on his property located at 1780 Tamarac Road, TPID#54.-6-15.131. Some basic material is attached, but more will be provided at the meeting. Problems with electronic communication via the town's email system contributed to misunderstanding and therefore the filing deadline is being waived in this case. Mr. Halse will provide a draft operational plan for Board consideration, as well as full size maps for board members. Chris Halse presented the project to the Board. He said there will be less than 250 people at the events. Chris will be the self-promoter. Chris would eventually like to schedule six races a year. He has ample room. Plenty of land.

Everything will be mapped out with locations, exits, etc. He would like to have two races this year. One in August and one in September. He will have less than 250 people. He will incorporate the insurance information with the file. He will reach out to the ambulance. He has 75 acres with his house built in there. Chairman Fred Howard stated that the Zoning Board would like to have one paper with everything on it. An updated operational plan with a diagram on how this is going to be planned out. This updated operational plan would need to be submitted by June 12, 2024. If received by then a public hearing could be held at the next meeting.

Member Randy Hall stated that the applicant mentioned a truck camper.

Is this event an overnight event? Applicant responded that he would have to have it as an overnight. If he doesn't accommodate people they will not drive out here. Member Colton Hill made the motion that the Board finds the application will be substantially complete, and calls for scheduling a Public Hearing on this matter for June 25, 2024 at 7:00 PM so long as the required submission materials are received by June 12. Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

4. Application by Renee' Senecal to modify the approved plan for construction of a hair care salon at her home on Requate Road. After some discussion, the board determined unanimously that the changes that she was planning did not involve Zoning issues. She has the required permit from the Rensselaer County Health Department and will coordinate the changes with the Building department under her existing building permit.

OPEN APPLICATIONS:

1. Application by Nick and Elaine DiLorenzo, 320 Cooksboro Road, Tory, NY 12182, regarding subdivision of property located on the North side of Cooksboro Road, Tax Map Parcel ID#62.-2-48.1 in the Residential/Agricultural Zone. Active before the Planning Board. Month Count suspended so long as progressing.

2. 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-mailing informing ZBA that design activities are ongoing. Recent communication has been received and the project remains open.
3. Application by Dunco. Inc. doing business as Duncan County Store, 2579 NY 67, Johnsonville, NY 12094, Tax Parcel ID#14.2-17.12. Third month- no contact. Notice to be sent.
4. Application by Thomas Hanson for a Special Use Permit to be allowed to establish a Mobile Home Park at10-58 Lakeside Way, in the Highway Commercial Zone in 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. Second month no contact.

COMMUNICATION RECEIVED BY BOARD

1. A number of inquiries about various properties from potential buyers.

NEXT MEETING

The next regular meeting will be held on Tuesday, June 25, 2024 at 7:00 PM at the Town Hall.

ADJOURN:

Member Colton Hill 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