

**ZONING BOARD  
MINUTES OF SEPTEMBER 24, 2024**

A meeting of the Zoning Board of Appeals was held on September 24, 2024. The meeting was called to order by Member Randy Hall, acting Chairman tonight due to the absence of Chairman Fred Howard at 7:00 PM

**PRESENT WERE:**

Acting Chairman Randy Hall  
Member Colton Hill  
Member Doug Jensen  
Member Dave Schmidt  
Secretary Colleen Thomas

**MINUTES**

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

**AGENDA**

Member Doug Jensen made the motion to approve the agenda of September 24, 2024 with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**NEW BUSINESS**

Application by Cellco Partnership d/b/a Verizon Wireless, for a Wireless Telecommunications Permit and a Special Use Permit for construction of a 150' tall wireless telecommunications facility. The proposed facility is located on the property of Giesela Madigan, 90 Tomhannock Road, TPID #43.-2-40.2, and the facility site will be accessed from the west side of Rifenburgh Road. The site is currently used as agricultural land and the access easement passes through a wooded area. Verizon Wireless is a Public Utility and provider of personal wireless services under the federal telecommunications act of 1996. Under the provisions of Local Law 3 of 1999, the Pittstown Zoning Board of Appeals is authorized to review and approve, approve with conditions, or disapprove, applications for personal wireless telecommunications service facilities, and if appropriate issue the required Wireless Telecommunications Permit. Such usage is also subject to the applicable requirements found in Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019, and as such a Special Use Permit is required. James LaValle, Attorney Young/Sommer LLC presented the project to the board with Dave Brennan. The project consists of the building of a 150 ft. telecommunications pole with a 4 ft. lightning rod attached. The demand of cell phone towers has increased. There is an identified need for cell phone coverage off of Rifenburgh Road. There is little or no cell phone coverage. A question was asked if this would be 5g service. Dave Brennan responded that this would be 4G until Verizon catches up. Then could be updated to 5G. James LaValle

addressed the questions that Chairman Fred Howard had submitted to them regarding the project (see attached). This would be a 100 x 100 compound with a 50x50 around it. Acting Chairman Randy Hall questioned the access for emergency equipment. Dave Brennan responded that in his experience they have not had any fires etc. There is enough room for emergency vehicles to access the project. Alternate Chairman Randy Hall questioned if any other land owners were involved. There are not. The site is visited 2 to 3 times a year to check on them. They will contact the fire department to discuss the project with them. This will be a five year lease. Usually the lease gets extended on these projects for a minimum of 25 years. A question was asked if there was a decommission fund on this project. Member Doug Jensen pointed out that the applicants had the wrong information in their application. For instance it's not the Mechanicville Police and the fire departments listed were not correct. Dave Brennan responded that they would update with the correct information. Dave Brennan stated that he believes that the application process has them going to the County Planning next. A question was asked if this project has to go to the Pittstown Planning Board next. Acting Chairman Randy Hall responded that he believes they would need to go to the Planning Board next. He would talk with Chairman Fred Howard to see if that was the next step. There were no questions from the public on this project. LL 3 Section 12 – evaluation by independent consultants. The board will need to discuss this report at a regular meeting prior to scheduling the public hearing. Member Colton Hill made the motion that the proposed action is an Unlisted Action (not a Type I requiring full environmental review, nor a Type II which is specifically exempted) with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board. The Tasks that need to be completed by the meeting filing deadline when the project documentation will be complete enough to advertise for public hearing are: Prepare notice of public hearing – ZBA; Section 14 (b) notification – Young/Sommer; Public legal advertisement – ZBA

## **OLD BUSINESS**

There was no old business

## **COMMUNICATION RECEIVED BY BOARD**

1. Steve Roden Storm Hill Board, regarding 1780 Tamarac Road Motor cross. Steve was in attendance at the Zoning Board meeting. His 52 acre property is next to the property of the race track. He did not know they had plans for motor cross racing. When he checked the application for this project it stated that the applicant were using existing routes for racing. This is not true. They build a new race track. The application also stated that this would not make an impact on the environment. Steve stated that this is not true. They stripped the fields and made a major impact on the land. The applicant is in violation of what the Zoning Board approved and this is right next to his property. Steve stated that he did file a grievance. Steve stated that the Motor Cross has had 2 events. Steve stated that people are telling him that his is a public raceway and there will be more events. This is not what the Zoning Board approved. Chairman Fred Howard suggested that Steve contact DEC. Steve contacted DEC and they responded that this is a Zoning Board issue. Steve stated that he did file a formal complaint to the Zoning Board. Member Colton Hill stated that the Motor Cross was approved for a

certain amount of races and to be used for specific events. It was also approved for a mass gathering with a certain amount of people listed. The minutes on this project would have to be revisited and a discussion with the Town Attorney. DEC and environmental impacts are outside of the Zoning Board. Steve Roden stated that they also have a snack bar built. Acting Chairman Randy Hall responded that Steve should contact the Health Department on that.

2. Cellco – extensive
3. Two setback questions. One for a workshop replacement building on location of a derelict existing workshop building and a second relating to converting an attached garage to an auto repair shop.
4. 10 North Pole pre-existing non-conforming lot of record.
5. NY 67 chickens and ducks on a .84 acre residence in H/C zone adjacent to the Hamlet of Johnsonville.

#### **OPEN APPLICATIONS**

1. 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 ongoing. Recent communication has been received and the project remains open.
2. 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. Awaiting input from Saxton Signs.

#### **NEXT MEETING**

The next regular meeting will be held Tuesday, October 22, 2024 at 7:00 PM at the Town Hall.

#### **ADJOURNMENT**

Acting Chairman 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:

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Colleen Thomas  
Zoning Board Secretary

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DATE