

**PITTSTOWN ZONING BOARD  
MINUTES OF NOVEMBER 26, 2024**

A meeting of the Zoning Board of Appeals was held on November 26, 2024. The meeting was called to order by Chairman Fred Howard at 7:00 PM

**PRESENT WERE:**

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

**MINUTES:**

Member Randy Hall made the motion to approve the minutes of October 22, 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 adopt the agenda of November 26, 2024 with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**OLD BUSINESS**

Application by Dunco Inc. doing business as Duncan County Store (formerly Marpe's) 2579 NY 67, Johnsonville, NY 12094, Tax Parcel ID# 14.-2-17.12. The 1.26 acre parcel has existing convenience store, gas dispensing facilities, and self-storage improvements. Ownership of the property is still in Michael J. Marpe's name based on available on line property tax records, but the applicant states that she has the property under a Lease to own agreement with Michael Marpe. The applicant is proposing the installation of new signage to advertise the gasoline offered as Gulf. The sign will be higher and illuminated making it more visible to the motorists and slow the traffic down. Signage now the applicant doesn't believe attracts the drivers passing by. Some of the branding is installed on the existing canopy. Chairman Fred Howard asked the Board if they had any questions. They did not. Chairman Howard asked the public if they had any questions. They did not. The SEQRA determination was discussed on this project. SEQRA-determination that this is a Type II action, in accord with Board practice and 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant non-residential structure or facility involving less than 4,000 square feet of gross floor area." Member Doug Jensen made the motion to approve a determination that this is a Type II action with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**Dunco. Inc. (continued)**

Member Colton Hill made the motion to schedule a Public Hearing on this matter for December 17, 2024 at 7:00 PM with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Fred Howard stated that the Zoning Board would write up the ad and post the legal advertisement in the Express Newspaper. The applicant will be responsible to pay for the cost of the advertisement which is usually around \$40.

**Cellco Partnership d/b/a Verizon Wireless**

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. The applicant stated that answers have been provided to the questions that were asked at last month's meeting. Updated EAF form has been submitted. Fire Chief has been contacted and the applicant stated they would provide the fire department the combination to the locks. The applicant stated they invited the fire department to come out and review the project. Chairman Howard asked Hank Labara to update the Board on the status of this project. Hank responded that the applicant did submit a Long EAF form and a map identifying environmental assessment. The application is complete and ready for a public hearing. Member Randy Hall made the motion that this proposed action is an Unlisted Action (not a Type I requiring full environmental review, or 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. Member Dave Schmidt made the motion to schedule a public hearing on this matter for December 17, 2024 at 7:00 PM with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

**NEW BUSINESS****Shawn Murray**

The applicant wasn't present for the meeting. The applicant will be put on next month's agenda.

### **Bruce St. Gelais**

Application by Bruce St. Gelais for a Special Use permit to be allowed to build a 30'x50' metal storage building on a Non-Conforming Lot of Record (0.95 acre per deed or 1.10 acre per tax map) in the Agricultural/Residential zone. The lot is located on parcel TPID#63.-1-6 on the west side of Ford Road and is bounded on the north by the southerly line of Brock's Way. While the lot has frontage on Ford Road, the deed allows access from Brock's Way. Such usage requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATOIN adopted March 11, 2019. This is a sub-standard lot of record of less than 2 acres. The storage building is for the applicant's tools, construction supplies, and equipment. Tax map shows that this infringes on land owned by Herrington Farm Inc. The deed does not show this. The applicant agrees with Herrington that the line is defined by the deed, not the tax map. As this will be strictly a storage building, there is no proposed well and septic requiring Rensselaer County Health Department approval. This lot has existed for a long time. Member Colton Hill questioned if this was just for personal not business. The applicant responded yes. Chairman Fred Howard moved that the determination that this is a Type II action requiring no further SEQRA review. 617.5(c)(9) "construction or expansion of a primary or accessory/appurtenant non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls" with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Fred Howard made the motion that the Board finds the application complete with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Fred Howard made the motion to schedule a public hearing for December 17, 2024 at 7:00 PM with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

### **Casey Snyder – the applicant withdrew their application.**

### **Chris Halse – Tamarac Road**

Application by Chris Halse for a Special Use Permit to allow him to conduct multiple off-road dirt bike racing events in 2025 and beyond on his property located 1t 1780 Tamarac Road, TPID#54.-6-15.131. The events will be held on the recently constructed recreational track on his property.

There will be six (6) race weekends, each spanning two days. Practice day will be on Saturdays and race days on Sundays from 9 AM until dusk. In addition, eighteen (18) single open practices will be allowed annually, for a total of 30 event days. These will be scheduled between April and November and are weather dependent making it difficult to predict actual event schedule in advance.

The Town Board has authorized appointment of a special counsel to guide the Zoning Board as this matter is considered. An Escrow account will be established to cover the special counsel's fees. A proposed operational plan is attached. A single copy of the site plan was provided.

Chris Halse presented his project to the Board. Chairman Fred Howard stated that the site plan the applicant had was not was approved. Chris Halse responded that this was the same plan as

last year. He is changing it from 2 events to 6 events. It is the same insurance. He would like to have open practices. Site plan was changed from last year just by moving it over a bit.

Chairman Fred Howard stated the site plan aerial does not show what exists today. The Zoning Board authorized cleaning up the trails with minor grading, but the applicant has done extensive clearing and major grading.

Chairman Fred Howard stated that the site plan must show all buildings on site, including existing buildings and tents. Operational plan must describe all uses on site in detail. This is a Type I action where agencies will be involved. State and County evaluation. The work that the applicant had done last year should have been what he proposed to do last year. Emergency planning with church on site. Special use permit should have this reflected on the operational plan. Safety issues – wood fire pizza oven. Water, sewer for camping need to be added.

Chairman Fred Howard questioned if there is any farming being done on the site. Chris responded yes. Member Colton Hill asked how many events there would be. Chris responded 6, open practice races count as 2. Chairman Fred Howard stated that this information should be included in the operational plan. Applicant stated that up to 42 riders can be on the track anytime during hours on the event. DEC has been out. A SWPPP has been written and submitted to DEC.

Chairman Fred Howard stated that this is not a public hearing no decisions or approval would be done tonight. Chairman Fred Howard stated that anyone who wished to address the Board tonight would need to sign in. They will only have 3 minutes to speak. This is not a public hearing.

**Steve Roden** – Storm Hill Road built his house in 1986. He wants to split his property up to his children. Chris Halse has already used his track for 2 events. The track is only 50 ft from his property line. The events being held are more than two days. Friday through Sunday. The amplified music is played over the PA system and speakers face his house. The PA system starts before 9:00 AM. In between events there is construction noise. He believes this is lowering the value of his property. Steve is requesting that the Zoning Board not approve any more events.

**Carol Nelson** – Tamarac Road likes a quiet life in the country. Doesn't want her lifestyle to change. She lives only 1 field between the track and her home. She can't even be in her yard when these events are going on. Six hours of practice Saturday – Sunday. She wished Chris would have considered neighbors before he invested money.

**George Hamm** – Hamm Way – built his house in 1991. He minds his own business. Likes nice quiet life. He is unable to enjoy a meal on his porch. It's too late to voice his opinion about the races that were already approved. This business venture is drawing people into town. Thirty out of the 70 days in the summer neighbors can't enjoy the outside. This is a quality of life issue for the neighbors. The town needs to let them know. Would anyone want to buy a house next to Lebanon Valley Speedway? Thank you for your time.

**Nick Cruce** – Noise is a major issue on this project. He can't have family over. He can't open windows during the events. Worked his whole life to get a house in a peaceful rural area. November 3 and November 5 there was an open camp which is in violation of what was approved. He is operating outside of special use permit. He is promoting on social media. Advertised on October 16<sup>th</sup> as a permanent track.

**Frank Berard** – been on property for 65 years. It has been peaceful and quiet. Both of his kids are on the property. His son has a baby and lives in house that is right next to the race track. It is not quiet. Where is the parking for these events. Twenty eight days April – November morning to dusk. The cornfields are being ruined. Fences are being taken down. This is agricultural property. As a farmer he can't plant. Frank stated he went over to talk to Chris neighbor to neighbor. Chris promised Frank everything in the world. After that Chris threatened him with DEC.

The public questioned what a special use permit was. Chairman Howard responded that the Zoning Board hears from people who want to do things other than farming and building a house. The Board makes decision based on Special Use Permit Zoning code. The public questioned where Chris Halse received the permission to change farmland into a race track. Chairman Fred Howard responded that this happened before the Town found out. Agricultural Assessment Board isn't involved. Member Randy Hall stated that this was not approved by the Board. The public questioned if non adjoining property owners would be able to speak at the public hearing. The Board responded yes.

Chairman Fred Howard went through questions and comments to the applicant that would need to be addressed and answered on this project.

Chairman Fred Howard stated that the process has just started for this application. This is the first appearance on this application. There will be a public hearing. People can file formal complaints to the Town Zoning Board.

Questions and comments from the Board Chairman.

1. Need a current, professionally prepared site map, provided in 8 copies, to reflect recent site modifications. This is required for Site Plan approval. The map must show all of the existing buildings, grandstands, and tents. The site plan must show the location and extent of the track used for races and practice events.
2. The Operational Plan must describe all uses that will be made of the site, identifying the areas, buildings, and facilities that will support the proposed activities.
3. This is be a SEQRA Type 1 action. A new long form EAF is required which describes the acreage of woods that have been cleared, the acres of soil that have been disturbed, and the erosion control measures necessary. ZBA will probably become the lead agency for a coordinated review.
4. Describe when patrons will be allowed to spend overnights on site, the facilities that are provided for them, and the number of persons who may be involved in this for racing and practice events.

5. Church services are being conducted on site must be part of the SUP application. Details regarding service schedule, where services are conducted, amplified music and speech levels that are part of the services, and sanitary facilities that are available to the worshipers must be described. Health and safety requirements for the facilities used by service attendees must be prepared by a licensed design professional and reviewed with the Building Inspector.
6. The building with walk in cooler and wood fired pizza oven requires a certificate of occupancy.
7. Other State and County Code requirements must be met related to water, sewer, food service, on site camping, and others that become known as the process progresses.
8. Will require input from County Planning as it is on a county road.
9. What is the status of farming activities on this site now?
10. This is a complex proposal for use of a site within the Agricultural/Residential zone. The Board requires outside counsel to guide us through the process. You will be required to deposit money in escrow with the Town to compensate the Special Counsel.

Member Doug Jensen made the motion that the Board finds the application to be incomplete at this time with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

Policy – Will not process new SUPs for sites with active violations.

#### **Proposed Zoning Board Schedule**

Member Colton Hill made the motion to adopt the 2025 ZBA Meeting Schedule with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

#### **Communication Received By Board**

Halse Moto Cross – Neighborhood Concerns

#### **Open Applications**

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.

#### **Next Meeting**

The next regular meeting will be held Tuesday, December 17, 2024, at 7:00 PM at the Town Hall.

**Adjournment**

Chairman Fred Howard 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:

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Colleen Thomas  
Zoning Board Secretary

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Date