

MINUTES OF AUGUST 22, 2023

A meeting of the Zoning Board of Appeals was held on August 22, 2023. 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 Doug Jensen
Member Dave Schmidt
Secretary, Colleen Thomas

MINUTES

Member Randy Hall made the motion to adopt the minutes of July 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 adopt the agenda of August 22, 2023 with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

PUBLIC HEARING

1. Application by Rose Marie and Carl Kalbfliesh for a Special Use Permit to be allowed to maintain 4 pet goats on their residential premises located at 2988 State Route 7 Pittstown, NY, TPID#54.-5-16.2, in the Highway Commercial Zone. Maintaining farm animals on a property less than 10 acres in area requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019. Colleen Thomas, Zoning Board secretary, read the public hearing notice that was published in the Express Newspaper. Chairman Howard stated that the applicants presented their application last month. Questioned the Board if they wanted the applicants to present their project again. They did not. Chairman Howard asked the Board if they had any questions. They did not. Chairman Howard asked if anyone from the public wanted the applicants to present their application. The public did not. Chairman Fred Howard asked if the public had any questions. They did not. Member Colton Hill made the motion to close the public hearing with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board. The Zoning Board determined that this is a Type II action at the July 25, 2023 meeting. No further SEQRA review required.

Rose Marie and Carl Kalbfliesh special use permit (continued)

Chairman Fred Howard stated that there were conditions with this special use application.

Conditions of the Special Use Permit are:

- a. That the applicant always confines the animals to her own property.
- b. The assurances made by the applicant in her Special Use Permit application and at Board meetings shall be followed. The applicants stated that they agreed to these conditions.

Chairman Fred Howard made the motion to grant approval for the Kalbfliesh Pet Goat Special Use Permit with conditions with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the board. Chairman Howard stated that the Town still has not received the bill for the cost of the legal ad. Once they receive it the applicant will be notified. They are responsible for paying for the legal ad.

2. Application by Capital Streets for a Special Use Permit to be allowed to conduct a "Gravel Pitt" bicycle ride event on September 10, 2023, proposed to start and end at Otter Creek Farm LLC, TPID#43.-2-12.1, on the North side of Otter Creek Road in the vicinity of 189 Otter Creek Road. This event requires a Special Use Permit under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATOIN adopted March 11, 2019. Colleen Thomas, Zoning Board Secretary read the public hearing notice that was published in the Express Newspaper. The applicant presented his project to the Board last month. The Zoning Board and the Public did not need the applicant to present the project again. The Board and the public did not have any questions. 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 Board determined that this is a Type II action at the July 25, 2023 meeting requiring no further SEQRA review required. Chairman Howard stated that there are conditions for this special used permit.

The conditions of the Special Use Permit are:

- a. That the number of participants, vendors, entertainment, and support staff on site for this event is fewer than 250.
- b. Participants, vendors, entertainment, and support staff will be required to use the off street parking that is planned for them.
- c. Temporary signage will be installed at critical points along the various "Gravel Pitt" routes to caution and warn participants and motorists of the event. Such signs shall be removed by the end of the day September 12, 2023.
- d. The hours that the rides will take place begin at AM and it is anticipated that all riders completing their course will have returned by PM.
- e. The assurances made by the applicant in his Special Use Permit application and at Board meetings shall be followed.

The applicant stated that he agrees to the conditions and understands the concerns. Right now they have 50 people signed up. Chairman Howard questioned if this event will likely be done next year. The applicant responded that they will see how it goes. If the event is successful, they will talk about coming back next year.

Capital Streets Special Use Permit (continued)

Applicant stated that he called the County and asked them if there was a database on approved vendors. The County did not have one. Chairman Howard said that he should call the County back and ask what he should require of the vendors participating. Applicant questioned if the weather happens to not be good on the day of the event, could there be a rain date. He suggested maybe word it as one bike event within the next 2 or 3 months. Chairman Howard responded that the application for the special use permit is for a specific date. A new application would need to be filled if the applicant had to cancel and reschedule to a different date. Chairman Howard informed the applicant that the bill for the legal ad was not received by the Town. Once the bill is received the applicant would be responsible for paying the bill. Chairman Howard made the motion to grant approval for the Capital Streets Special Use permit with conditions with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

3. Application by Paul Goyette, of Mx New England, for a Mass Gathering Special Use Permit under the provisions of LL#3 2020. The Off Road dirt bike racing event is proposed to take place Sunday, September 17, 2023, 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 which was published in the Express Newspaper. Chairman Howard asked the Board and the public if they wanted the applicant to present their project again. The board and the public did not. Chairman Howard asked if the Board or the public had any questions. They 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. The Board determined that this is a Type II action at the July 25, 2023 meeting. No further SEQRA review required.

Conditions of the 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.

Paul Goyette Mx New England (continued)

The applicant agreed all conditions are satisfactory. Chairman Fred Howard made the motion to grant approval for the Mx New England Off Road Dirt Bike Event Mass Gathering Special Use Permit with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

The bill for the legal ad has not been received by the Town. Once they receive the bill the applicant will be responsible for paying the bill. The applicant agreed to pay the bill.

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.
At the request of the applicant's representative, this item was withdrawn from the August agenda and will be continued on the September agenda.
2. On the 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. The required Rensselaer County Permit to construct for the wastewater treatment system has been received and therefore a Public Hearing can be scheduled. Applicant presented the project to the Board. Applicant was informed that one full size set of approved plans are required for the ZBA file. Chairman Howard asked the Board and the public if they had any questions. They did not. SEQRA determination that this is a Type II action, in accord with Board practice and 617.5(c)(11) "construction or expansion of a single-family, a two-family or a three family residence on an approved lot including provision of necessary utility connections as provided in 617.5(c)(13) and the installation, maintenance and/or upgrade of a drinking water well or septic system, or both, and conveyances of land in connection therewith;" Chairman Howard made the motion to approve a determination that this is a Type II action with no further review required with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Member Randy Hall made the motion that this application is complete with Member Dave Schmidt seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Howard made the motion to schedule a Public Hearing on this matter for September 26, 2023 at 7:00 PM with Member Randy Hall seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Fred Howard informed the applicant that they are responsible for paying the cost of the legal ad.
3. Application by Renee Senecal, residing at 228 Requate Road, Tax Parcel ID#23.-3-3.2, in the Highway Commercial Zone to construct a small addition to her existing home to allow her to operate a single station hair salon. The Lot is 2.86 acres in area and subject to an existing SUP that allows the maintenance of two (2) horses. A Special Use Permit to allow this "personal service shop" is required under the provisions of the Town of Pittstown ZONING SCHEDULE AND LAND USE REGULATION adopted March 11, 2019. Renee Senecal and her representative presented the project to the Board. Building is

Renee Senecal Hair Salon (continued)

offset from the property line. Chairman Howard asked the Board and the public if they had any questions. They did not. SEQRA determination that this is a Type II action, in accord with Board practice and 617.5(c)(18) "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;"

Chairman Howard made the motion to approve a determination that this is a Type II action and Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Howard made the motion that the Board finds the application complete subject to submittal of new description, with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board. Chairman Howard made the motion to schedule a Public Hearing on this matter for September 26, 2023 at 7:00 PM with Member Doug Jensen seconding the motion. A vote was taken. The motion was carried unanimously by the Board.

New Business

There was no new business.

Communication Received by Board

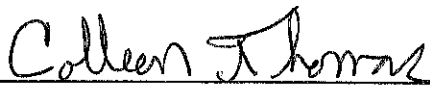
1. Postponement of Hanson Mobile Home Park. Chairman Fred Howard made the motion to continue the application of Hanson Mobile Home Park on September 26, 2023 with Member Colton Hill seconding the motion. A vote was taken. The motion was carried unanimously by the Board.
2. Preliminary discussion with Redemption Christian Academy (former Parker School) regarding conversion of several classrooms to dorm facilities. Chairman Fred Howard recommended that the applicant check the septic system and get preliminary engineering done.
3. Issues at Wiley Farm.

Next regular meeting will be held on Tuesday, September 26, 2023 at 7:00 PM at the Town Hall.

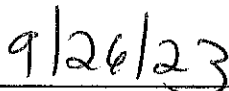
Adjournment

Member Colton Hill 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:



 Colleen Thomas
 Zoning Board Secretary



 Date