

**TOWN OF PLATTEKILL
ZONING BOARD OF APPEALS
P.O. BOX 45
MODENA, N.Y. 12548**

Minutes of April 22, 2021

**THE MEETING FOR THE ZONING BOARD OF APPEALS OPENED
WITH A SALUTE TO THE FLAG BY CHAIRMAN WILFRIDO
CASTILLO AT 7:00 P.M**

ROLL CALL: Wilfrido Castillo Jr., Bruce Jantzi, Judi Loertscher, Pearl Morse,
Joe Egan, Larry Lindenauer, George Hickey

CONSULTANT: Richard Hoyt, ZBA Attorney

PUBLIC HEARING CONTINUATION

Anthony Dirago & Tina Bucci
153 Freetown Rd

SBL#101.2-1-4 & 7
Area Variance

Mr. Castillo-Adjusted the volume on the loud speaker so that everyone was able to hear the proceedings.

Mr. Castillo-Whoever wants to speak has to be on the list. And once you have your say, we would appreciate it if you would go outside and let somebody else in that wants to speak. If we can't get to everyone tonight, we will hold the public hearing open and start with the list a month from now.

Mr. Castillo-Mr. Goldbacher (an applicant who was scheduled on this evenings agenda) we are going to continue the meeting two weeks from now, April 8th.

MOTION: Mr. Jantzi made a motion to schedule a public hearing for Paul Goldbacher for April 8, 2021, seconded by Mrs. Morse. On the vote:
Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye
Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

MOTION:

Motion made by Mr. Jantzi made a motion to move the minutes to the end of the meeting, seconded by Mr. Hickey. On the vote: Pearl Morse - aye Wilfrido Castillo Jr. – aye, Larry Lindenauer – aye, Joe Egan – aye, Bruce Jantzi – aye, Judi Loertscher – aye, George Hickey -aye

Mr. Jantzi-Read the public hearing notice.

Patricia Brook, a Land Surveyor, representing the applicants Dirago & Bucci (Drag Strip) presented the proposal to the audience and Board members.

Patricia Brooks-I am representing TJ and Tina this evening. Owner and applicant, TJ and Tina propose an outdoor recreational project for construction of a 650 foot drag strip with additional site use of car shows, an area for spectators, spectator parking and food truck concessions on their property located on the northwesterly side of Freetown Road and the westerly side of the NY Thruway in the BD 60 zone. The application is made in accordance with the outdoor and amusement recreation, section 110-45 of the Town of Plattekill Zoning Code. We set some maps out, that hopefully people will be able to see from the outside and keep people socially distanced. The map is showing a large overview of the entire area, it is a large site map of the proposal. The application was originally informally discussed with the Planning Board back on march 12, 2019 to obtain some initial feedback before proceeding with a formal application. Subsequent to that meeting, the NY D.E.C. flagged the wetlands on the site and it was discovered that the regulated wetlands extended far northerly and easterly from the location shown on the official D.E.C. wetland map. A portion of the wetland in the adjacent area was disturbed and the applicant engaged the services of professional engineer to prepare a wetland restoration plan. The plan was completed in 2019 and the site was fully remediated and accepted by D.E.C. in November of 2019. On the top map, the wetlands as they are currently mapped by D.E.C. are shown in green and the purple lines indicate additional wetlands that were flagged by D.E.C. when they came on the site. The applicant sent the new plans to the Planning Board at their meeting on July 28, 2020. Based on Planning Board comments and Notice of Determination received from the Town of Plattekill Code enforcement officer dated February 3, 2021 the applicant applied to the Zoning Board of Appeals pursuant to section 110-45D. The applicant has designed the paved portion of the drag strip to be constructed as far north on the property as possible to minimize impact to the residential property located southerly of this parcel. We seek an area

variance of 115 feet to permit construction 35 feet from the northerly boundary line. The applicant has engaged the services of a traffic engineer and a noise engineer, in addition to a civil engineer, who is designing the stormwater management plan to address the issues of noise and traffic should this project proceed to the Planning Board for their review. I would like to remind you that the public hearing this evening is for the area variance. Full site plan details have not yet been fully developed, and if and when they are, they will be addressed by the Planning Board. I welcome all comments here this evening. The Chairman already said that the public hearing will be kept open for at least another month. I will be taking notes of all of the questions, but for the interest of time, we are not going to have a dialogue with the audience. All the questions should be addressed to the Board and not to me. Thank you.

Mr. Castillo opened the public hearing to the audience members. Mr. Castillo indicated that whoever would like to speak has three minutes.

Cindy Delgado-Indicated several of her concerns were traffic, entering and exiting the track with the landfill traffic close by and the fact that the track would remain open until 10:00 at night.

Mark Jaffee-Asked when the determination for the use variance was made.

Ms. Brooks-indicated that the determination to the Zoning Board of Appeals was dated February 3, 2021.

Mark Jaffee-Indicated that he was shocked that drag racing would be under recreational use, and asked if they would still have an opportunity to dispute the interpretation of the code. Mr. Jaffee asked if they still had time to appeal the use.

Mr. Hoyt-Indicated that State law gives people with standing the ability to appeal the Code Enforcements decision within 60 days.

Kenny Bruno-Indicated he owned property just East of the track. He indicated that he had no problem with the track, all he wanted to do was to be able to access his property (r.o.w.).

Mr. Castillo-Indicated that was something for the Planning Board.

Page 4 March 25 2021

Ms. Brooks-Indicated that she spoke to Mr. Bruno earlier and suggested that he and the owners of the property get together and she would be happy to meet at the site and see if this would be something that could be amicably resolved.

Duane White-Represented the airport and indicated he really supported the variance.

Ms. Brooks-Indicated that the Zoning Board was not able to take comment this evening regarding the site plan, but everyone cared enough to come out this evening and she would like to hear what people's comments were.

Ms. Brooks-Indicated her information is available through the Town Hall or to her directly.

Jonathan Ridgeway-Indicated he was in opposition to the variance. He indicated he felt it was not a well suited project for the community.

Angela Tadry-Indicated she was for the track and keeping the kids off the street. She indicated that from what she was told the track would be down in a gully, so as far as the noise, she was not worried about the noise.

Kevin Dannemann-Urged the Zoning Board to not pass the variance. He indicated he did not want the noise. He urged the Board to do a full environment impact study and noise study.

Ms. Brooks-Indicated she would like Mr. Dannemann's address because they were doing a noise study and they were trying to incorporate different areas of the Town.

Emily Robich-Encouraged the Zoning Board to not approve the variance. She indicated that she was concerned about the wetlands.

William Kras-Urged the Zoning Board to not approve the variance. He had a concern as to how the drag strip would affect the wildlife. Also, it would change the character of the area.

Page 5 March 25 2021

Heidi Kras-Was against the variance and had a concern regarding the endangered Bald Eagles nesting in the area.

Ernie Heubach-Indicated he was for the variance as something that should be done.

Christine Cincotte-Did not approve of the variance because of the wetlands.

Joseph Cincotte-Did not approve of the variance because of the effect it would have on the wildlife.

John Scarano-Was opposed to the variance. He indicated if it can't be done within the 115 feet, it shouldn't be done at all.

James Cartican-Indicated that the Zoning Board should not approve the variance.

Dr. Spencer-Indicated she did not support. Her concern was with the pollution of the wetlands and wildlife.

Kenny Rodriguez-Indicated he put a f.o.i.l. request in for the Determination for Use Variance and was told it did not exist. Mr. Rodriguez went through the five factors. He read a section of the Town Code for Amusement and Recreation. He was not in favor of the variance.

Tina Ludwig-Indicated she was against the variance. She indicated that the wetlands were protected for a reason. Also, the variance was substantial.

Mr. Lewis-Opposed to the variance. His concern was with the storm water. He also indicated the drag strip was not a good location for this property.

Karen Gallagher-Opposed the variance because of all the environmental factors and noise.

Matthew Gallagher-Opposed the variance. His concern was with protecting the environment.

Ms. Temidis-Opposed the variance to preserve the wetlands.

Page 6 March 25 2021

Margaret Strickler-Opposed the variance. Her concern was with protecting the environment.

Alyssa Dube-Was against the variance. Her concern was with the noise and added traffic in the area.

Dawes Strickler-he opposed the variance. His concern was with pollution and toxins which would affect the wetlands.

Gil Piaouanjo Jr.-Was in favor of the variance. He indicated the Determination stated it was an allowed use.

Mr. Castillo-Everyone here is either for or against this. I understand this, but we have to keep this to the variance.

Nicole Silva-Strongly opposed to the variance. She indicated there was a bald eagle's nest in the area which was documented by the D.E.C. She asked the Zoning Board to look at sub section 110-54, "Valerie Smith vs. Town of Plattekill.

Paul Alvear-Was for the approval of the variance.

Shari Riley-Indicated that the impact does not meet the use and she is not for the variance at this spot. She indicated she would urge the Zoning Board to look at the Town Code and look to see if this was a minimum variance.

Mr. Castillo-The applicant has the right to come before the Zoning Board of Appeals and request a Special Use permit. It is our job to determine the variance.

Anthony Monforte-Was in support of the variance. He felt it would bring a lot of diversity to the area.

Charlie Trafagander-Was in favor of the variance. He added that he hoped it would go through.

Neil Zimbalchi-Was in favor of the variance.

Page 7 March 25 2021

Chris Huebner-Was in favor of the variance. As far as the environmental, they don't cause contamination.

Brandon Gale-He was 100% for the variance. He indicated that every vehicle is looked over, so there should not be any oil spills.

Ryan LaMark-Was in support of the variance. He indicated this would probably be the only drag strip that you could drive to within an hour.

Jason Davis-Strongly supported the variance. He indicated it would keep the kids off the streets.

Walt DiSeno-Indicated he was in favor of the variance.

Scott Eason-Indicated he was in support of the variance.

Joe Rivera-Indicated he was in full support of the variance. He indicated that the fuel runs clean.

Bob Ryan-Indicated he was in full support of the variance.

Pastor Johnson-Indicated he was against the variance. Indicated he was against the variance. He said he is not against the sport, but there are laws to abide by.

Constance Dirago-Indicated she was for the variance and stated that the Town has a noise ordinance that he has to comply with.

Vincent Fazio-Indicated he is for the variance.

Tanya Tozzi-Indicated she was in favor of the variance. She indicated that D.E.C. has to go through their process with the wetlands, but the thruway got approved, and she did not know how the wetlands could be an issue.

Tyler Joshua -Indicated he was for the variance. He indicated that the crowd that this generates is not rowdy. He indicated that this was a great thing for the Town.

William Enders-Indicated he was 100% in favor of the variance.

Page 8 March 25 2021

Norman Cousins-Indicated he was in favor of the variance. He felt it would be a good thing for the community.

Kim Hardwick-She was for the approval of the variance. She felt it would be a safe situation for a lot of young people.

Jim Watson-He indicated he felt it would be a great thing for the kids.

Chicky Brartfield- Indicated he was for the variance.

Luke Sukunda-He indicated he was in favor of the variance, and it would be good for the kids.

Tristen Mazzone-Indicated he was in full support of the variance.

Ben Ofeldt-Indicated he was in favor of the variance.

Billy Gallagan-Indicated he was in full support of the variance.

Mr. Castillo-I would like to thank everyone who came out tonight. The supporters and non-supporters alike. We will keep this public hearing open.

There was a motion to keep the public hearing open until April 22, 2021 at 7:00 p.m.

MOTION: Mr. Lindenauer made a motion to keep the public hearing open with Mr. Jantzi seconding the motion. On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

MOTION: Mr. Egan made a motion to adjourn with Ms. Loertscher seconding the motion. On the vote: On the vote: Mr. Castillo-aye Mr. Hickey-aye Mr. Lindenauer-aye Mr. Jantzi-aye Mrs. Morse-aye Ms. Loertscher-aye Mr. Egan-aye.

The meeting adjourned at 8:35 p.m.

