

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

Minutes of August 12, 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, Larry Lindenauer, George Hickey

CONSULTANT: Richard Hoyt, ZBA Attorney

EXCUSED ABSENCE: Joe Egan: Appeared later in meeting

MOTION:

Mr. George Hickey made a motion to move the minutes to the end of the meeting, seconded by Mr. Jantzi. On the vote: Mr. Castillo-aye, Mr. Hickey-aye, Mr. Lindenauer-aye, Mr. Jantzi-aye, Mrs. Morse-aye, Ms. Loertscher-aye

PUBLIC HEARING: Continued From July 22, 2021

New Notices Sent – Mr. Hoyt - Stated at the July 22, 2021 Public Hearing another Public Hearing was to be held on 8/12/21 at 7:00 pm.

RODRIGUEZ, KENNETH
151 FREETOWN ROAD

SBL# 101.2-1-4 & 7
CEO DETERMINATION

Mr. Richard Hoyt:

Read the February "Determination":

February 3, 2021

“PLEASE TAKE NOTICE that upon review, the following determination(s) were made:

The proposed outdoor recreation and amusement is a special use in the BD 60 zone and requires 150’ setback as required in Section 110-45-(B) in the town code. The required setback is not met as indicated on the attached map.

Your application will be forwarded to the ZBA.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

Scott F. Mandoske

Code Enforcement Officer “

Mr. Hoyt stated that Mr. Scott Mandoske stated that he did not intend for this letter to be used as a use determination.

The question is can Mr. Mandoske make a determination and then go back and then make another decision?

Mr. Hoyt stated to hold out for a month on this new matter.

Sherry Riley – Stated that since she cannot find in the code that she has to live within 500 ft. in order to speak.

Sherry Riley – Stated that she will speak as a concerned citizen instead. She read a letter that she had sent originally to the ZBA on April 15, 2021.

“Dear Members of the Zoning Board of Appeals,

As a property owner and former Code Enforcement officer and Stormwater Officer for the Town of Lloyd for 11 years, and a person who was on a drag racing

team for about 20 years, I am appealing the determination of Code Enforcement Officer Scott Mandoske that a dragstrip is a use allowable in the BD-60 zone. Looking at the Schedule of the District Regulations, it is clear there is a particular zone where Off-road and Motorized Vehicles uses have been determined to be allowable use and it is in the GB-80 General district, not the BD-60 Light Business district as proposed by the applicant.

When you look into the intent of the law further, you can see that using Outdoor Recreation and Amusement to make the use fit on the applicant's property does not coincide with the district's intent to provide reasonable standards for the orderly expansion of general retail and commercial uses and districts. "The major surrounding uses and districts are per the zoning map. See picture attached.

The GB-80 General District states on the same chart. "This district is intended to encourage the orderly development of the Town's transportation-related and heavy impact activities in such fashion as to be compatible with adjacent land uses and to contribute to the soundness of the Town's economic base" This is the district that the regulations state Off-road and Motor Vehicle uses are allowed. The intensity of running a dragstrip, including noise, dirt, and fumes is in alignment with the heavy impact activities stated in the GB-80 zone.

Thought the Town Code 110-54 states that the legislation is protecting residential zoning districts, it also dictates that off-road and motor vehicle uses create negative environmental impacts. If not in residential and agricultural zones, then where? There must be a business zone that allows for those uses which leads us to look at the Zoning Chart. It is clear which business district is stated to house that use. It is GB-80, not DB-60.

If there is a use of right in one district, even with the need for a SUP, it cannot be included in another use just to make it fit.

I look forward to having further discussions in person at the ZBA meeting in the future.

Sincerely,

Shari Riley”

Mr. Gordon: Spoke on behalf of Mr. Rodriguez:

Mr. Gordon does not feel that the Code Enforcement officer is revisiting what he was explaining what he originally meant.

Mr. Gordon feels that Mr. Rodriguez only has to appeal the March determination because he did not get the February determination the 2nd week of April.

Mr. Stenger stated that how was Mr. Rodriguez supposed to determine which one was the determination they are written the same.

What difference does it make when a document goes into public record everyone will count on it?

If Mr. Mandoske did not intend to the first letter to be a determination he should have written another letter stating he was not using the first letter as a determination and that the March letter was considered as the Determination.

Sherri Riley: Stated that she new nothing about this until the first meeting and spoke with Mr. Mandoske and told him her thoughts regarding this project. Mr. Mandoske said the decision was made in March Determination.

Adam Montilone: Stated that he has had dealings with the town before and feels the board should get it together. They are costing the applicant money.

Mr. Castillo: Explained to Mr. Montilone that it is also costing the board money and everything has to be reviewed.

Mr. David Brodhead: How can the applicant appeal something a timely matter when he was not given the information?

It was announced on March 25th at a public hearing that Mr. Mandoske ruled February 3rd as determination and everyone had 60 days.

MOTION:

Mr. Hickey made a motion regarding waiting on the determination till September 9, 2021 meeting with Ms. Morse 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.

Mr. Hoyt: Stated that the lawyers had till August 26th to submit further comments.

Next public Hearing announced to be held September 9, 2021 at 7pm.

MOTION:

Mr. Hickey made a motion to except July 22, 2021 minutes seconded by Ms. Morse. On the vote: Mr. Castillo-aye, Mr. Hickey-aye, Mr. Lindenauer-aye, Ms. Morse-aye, Mr. Jantzi-aye, Ms. Loertscher-aye

MOTION:

Ms. Morse made a motion to continue the public hearing on September 9, 2021 at 7pm with Mr. Jantzi seconding the motion. On the vote: Mr. Castillo-aye, Mr. Hickey-aye, Mr. Lindenauer-aye, Ms. Morse-aye, Mr. Jantzi-aye, Ms. Loertscher-aye

MOTION:

Ms. Morse made a motion to approve July 08, 2021 minutes with corrections seconded by Ms. Judy Loertscher. On the vote: Mr. Castillo-aye, Mr. Hickey-aye, Mr. Lindenauer-aye, Ms. Morse-aye, Mr. Jantzi-aye, Ms. Loertscher-aye

MOTION:

Mr. Hickey made a motion to close the meeting seconded by Ms. Morse. On the vote: Mr. Castillo-aye, Mr. Hickey-aye, Mr. Lindenauer-aye, Ms. Morse-aye, Mr. Jantzi-aye, Ms. Loertscher-aye

ADJOURNED:

Meeting closed at 7:40 pm