

**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,
Joe Egan, Larry Lindenauer, George Hickey

CONSULTANT: Richard Hoyt, ZBA Attorney

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 Mr. Egan-aye.

Kenneth Rodriguez
151 Freetown Road, Wallkill

SBL#101.2-1-14.1
Appeal: CEO Determination

Mr. Hoyt: Read Mr. Mandoske, Code Enforcement Officer, letter of determination from February 3, 2021.

Mr. Hoyt: Stated that Mr. Mandoske did not intend for the determination of February 3, 2021 to be used as a use determination

The new issue is can the CEO make a determination and then go back and make another determination.

Mr. Hoyt: Stated he would like to hold out a month on this new matter.

Sherry Riley: Stated that since she was unable to speak at her filed appeal (she was not a resident within 500ft) she would like to speak at this public hearing and read a letter she wrote

Sherry Riley said she was speaking as a citizen as she read the letter:

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 drag strip is a use allowable use allowable in the BD-60 zone. Looking at the Schedule of the District Regulations, it is clear that there is a particular zone where Off-Road and Motorized Vehicles uses have been determined to be an 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 as stated on the Schedule of the District Regulations. BD-60 Light Business states, "The district is intended to provide reasonable standards for the orderly expansion of general retail and commercial uses and to contribute to the soundness of the Town's economic base but limited to those compatible with surrounding uses and districts." The major surrounding uses and districts are residential as per the zoning map.

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 a dragstrip 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.

Through 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 a residential and agricultural zone, 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