

The *Zoning Board of Appeals* of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose, NY 12121 on Thursday, January 2, 2020.

The meeting opened at 7:30 p.m. Roll call took place.

Present:

Ed McDonough, Chairman
Rich Geddis
Kristin Griswold
Lettie Saheim
Jason Shover

Absent:

None

Kristin Pratt, Deputy Town Attorney, was present. Elizabeth Hale, Clerk, was present.

REGULAR MEETING

7:30 P.M. At the December meeting, there was not a quorum of members present who were also present at the November meeting to review and approve the November minutes. Therefore, the Board reviewed the minutes from the meeting of November 7, 2019. Ed McDonough made a motion to approve the minutes as submitted. Jason Shover seconded.

Ayes: McDonough, Geddis, Shover

Nays: None

Abstention: Griswold, Saheim

The Board reviewed the minutes from the December 5, 2019 meeting. Lettie Saheim made a motion to approve the minutes as submitted. Jason Shover seconded.

Ayes: Geddis, Griswold, Saheim, Shover

Nays: None

Abstention: McDonough

Ragone Use Varaince Application (Tax Map # 71.-2-4.13) The Board received a use variance application from Vincent Ragone of Ragone Foundations, Inc. to operate a concrete footing business on the southeasterly side of NYS Route 40, south of Fogarty Road in the Hamlet District. An application, short form EAF and bullet point list

addressing the proposal was submitted at the December meeting by Brian Holbritten, land surveyor, the applicant's consultant. Along form EAF was requested by the ZBA along with additional information from the applicant. The applicant submitted a long form EAF dated December 15, 2019.

Mr. Holbritten appeared to present the proposal and to exhibit a survey map showing the property where Vincent Ragone intends to operate his concrete form business on the Fogarty Road parcel, which he has recently purchased, measuring approximately 4.76 acres. The applicant, Vincent Ragone, was present and displayed the plans for the proposed business/storage/shop building. Proposed operating hours are: 6:30 am-5:30 pm for the shop where welding and flat tire repair will take place and 8 am-4 pm for office hours. Only one employee for welding and flat tire repair is currently proposed to work in the shop. Approximately 5 employees, including 2 estimators and 3 office clerks, are proposed to work in the office daily.

Mr. Ragone proposes to construct a 150' X 65' building, measuring possibly 18' in height to the eaves, with approximately 1,200-1,300 of office space. The proposed building will store equipment and will be used for indoor equipment repair. Ingress and egress for the business is proposed to be located on NYS Route 40, contiguous to a southerly parcel where a residence is situated and north of Scriven Press.

There will be no manufacturing on the site. The business purchases concrete forms and transports them to construction sites. The business employs 30-40 people, depending on the season. The majority of the employees work at construction sites and do not work at the business headquarters.

Mr. Holbritten addressed the Board with regard to the physical site for the proposed construction of the building and the location of the wetlands. Mr. Holbritten has not located a stream or source of water running through the property and he believes that previous excavation of the site has created a land depression which has in turn resulted in the property containing a mapped federal wetland. In addition, Mr. Holbritten stated that he reviewed earlier imagery of the site and found no source of water. He plans to contact a wetlands biologist to request a professional review of the property. In addition, Mr. Holbritten stated that should there be wetlands, there is adequate land on the parcel to shift the location of the proposed building while providing sufficient property for stormwater run-off.

Two commercial vehicles are used in the operation of the business: (1) a "crane truck"; and (2) a concrete "pumper truck". The pumper truck exits the business site and returns daily while the crane truck generally stays at construction sites for several days at a time. The remaining trucks are usually not stored at the business site, but are parked at the employees' residences, leaving the overnight sites each morning and returning with the drivers each evening.

Jason Shover expressed concern with regard to traffic safety. He believes that the already problematic traffic will be exacerbated with the large trucks traveling from the site. Mr. Shover added that accessing NYS Route 40 in the morning is a "nightmare" and that many people use Eastover Road in order to enter Route 40. The applicant proposes use of an existing access driveway on NYS Route 40.

The Board noted that a stormwater pollution prevention plan will be required. The Board also advised Mr. Holbritter to reach out to NYS DOT to address traffic concerns. Mr. Holbritter agreed to reach out to Blake Buckner at DOT.

Kristin Pratt noted that the proposal is defined as an unlisted action and, therefore, coordination under SEQRA is optional. The following agencies are involved: RCHD, DEC, DOT, PB, ZBA and Army Corps of Engineers. Kristin Pratt recommended that in light of the submission of the Full EAF and determination that the project is unlisted, that the ZBA should conduct an uncoordinated SEQR review so that the applicant can have his use variance application considered first, before proceeding with a full engineering review which will be required for site plan and special use permit review by the Planning Board, should the use variance be approved. This procedure would permit the applicant to eliminate substantial cost in engineering, should the use variance be denied.

In addition, Atty. Pratt noted that evidence supporting the alleged hardship as well as competent financial evidence demonstrating that the applicant cannot realize a reasonable return without the use variance should be presented to the Zoning Board. Brian Holbritter stated that he would submit supporting documentation for the appeal to Atty. Pratt.

The ZBA also requested an escrow account from the applicant to review the application.

Kristin Griswold made a motion to hold a public hearing for the appeal of Vincent Ragone, Application #1-20, for a USE variance on Thursday, February 6, 2020 at 7:35 pm. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Shover, Saheim

Nays: None

Ed McDonough made a motion to adjourn the meeting at 8:12 p.m. Rich Geddis seconded.

Ayes: McDonough, Geddis, Griswold, Shover, Saheim

Nays: None

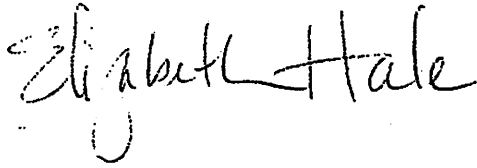
Abbreviations

DEC – Department of Environmental Conservation
DOT – Department of Transportation
NYS – New York State

PB – Planning Board
RCHD- Rensselaer County Health Department
SEQRA – State Environmental Quality Review Act

Respectfully submitted,

date: February 6, 2020

A handwritten signature in cursive script that reads "Elizabeth Hale". The signature is written in dark ink and is positioned above the printed name.

Elizabeth Hale,
Zoning Board of Appeals, Town of Schaghticoke