

The ***Zoning Board of Appeals*** of the Town of Schaghticoke met at the Town Hall, 290 Northline Drive, Melrose NY 12121 on Thursday, May 4th 2023

#### REGULAR MEETING

Chairman Ed McDonough opened the meeting at 7:02 p.m. with roll call.

***Present:***

Ed McDonough, Chairman

Rich Geddis  
Kristin Griswold  
Lettie Saheim  
Jason Shover

***Absent:***

Elizabeth Hale, Clerk

Kristin Pratt, Deputy Town Attorney, was present..

The Board reviewed the minutes of the March 2, 2023 meeting. Ed McDonough made a motion to accept the minutes as submitted. Jason Shover seconded.

Ayes: Griswold, McDonough, Shover

Nays:

Abstention: Geddis, Saheim

The Board reviewed the minutes of the April 6, 2023 meeting .Lettie Saheim made a motion to accept the minutes as submitted. Jason Shover seconded.

Ayes: McDonough, Geddis, Saheim, Shover

Nays:

Abstention: Kristin Griswold

There was no ZBA business but there were discussion items and referrals from the Town Board.

#### Miscellaneous

#1- Rich Geddis raised concerns about the 19 Riley Road property at the April ZBA meeting. Chairman McDonough reached out to the Town Supervisor to request that the Town Code Enforcement Officer inspect the property. Chairman McDonough refreshed the board that years ago he spoke to the owner regarding the amount of junk located in the yard. The owner made a good faith effort to clean the property after that visit. However, the property has recently begun to again accumulate substantial junk in the yard and appears to be in worse condition than it was years ago. Chairman McDonough alerted Deputy Attorney Pratt to let her know the issue needs to be addressed. Deputy Pratt advised that the Code Enforcement Officer will

need to inspect the property, provide a list of violations and draft a letter to be sent to the property owner. While an exact date cannot be recalled in regard to the first time the issue was addressed, the ZBA recalls there was a question of title and ownership of the property and it was unclear if a foreclosure had taken place. This issue is on Brian Davidson's radar to look at. It was noted that the property has "at least 30 cars, which spill onto the side of the road, 2 boats and other junk".

#2 - Deputy Attorney Pratt provided Al's Towing update:

The Town of Schaghticoke has decided to commence an enforcement proceeding in the Schaghticoke Town Court. Deputy Attorney Pratt has filed separate matters and served Mike Melite on behalf of the Estate of Salvatore Melite. A separate matter was filed and served for Al's Towing. Filing separately prevents the two from acting as co-defendants. It is anticipated they will be due in court the first week of June. Chairman McDonough commented that they have "toned it down" and while they are clearly still operating, we don't know to what extent. It was summarized that the property isn't big enough to accommodate a towing business without blocking the road. Both parties have contacted Town Supervisor, Tim Salisbury, to discuss operations. Deputy Attorney Pratt has told Mr Papelion that the Route 40 location presents issues with blocking the road and recommended that an alternate location be secured. Jason Shover expressed that Mr Papelion had repeatedly mentioned the amount of money invested, that Mr Papelion continued to pile loads of stuff there since December - that they've (the business) have continued to do whatever they want. He questioned how this is possible when they do not have the ability by law to operate. He stated that the owner (undefined) is who we should be going after. The ZBA also noted that while a lease agreement had been referenced, we have never actually seen said agreement. Rich Geddis questioned as to why we couldn't call NYS and report the registration# that appears on the business license to stop their illegal operation? Deputy Attorney Pratt pointed out that it is the OLD registration#, for the former operator, thus invalid. The question remained that if nobody should be allowed to operate, why can't the State step in to say it's illegal? Deputy Attorney Pratt showed the members of the ZBA that NYS DMV was cc'd on the initial Notice of Violation letter.

#3-Chairman McDonough received a call from Town Supervisor, Tim Salisbury, in regard to a solar company, Active Solar Company out of Ballston Spa, who would like to utilize the town landfill for the use of a solar farm. The landfill is capped as it is zoned Highway Commercial. Under the Town Solar law, the proposal would not be permitted as commercial solar is solely permitted in the Residential Agriculture (RA). Chairman McDonough spoke to Frank Alessandrini and Deputy Attorney Pratt for guidance in how to treat the matter. Some thoughts included whether to rezone the landfill or amend the Solar law to permit commercial solar in the Highway Commercial district?

It was mentioned there is another town owned piece of land - a 15-17 acre lot west of the fairgrounds which may be another suitable option. This site is already RA. Chairman McDonough then discussed the matter via conference call today, 5/4/23, with Town Attorney Dave Brennan, Deputy Attorney Pratt, and Town Supervisor Tim Salisbury. It was determined the town landfill would be the most suitable site, and as it is capped, the applicant should apply for a Use Variance from the ZBA. It was noted that The Planning Board should act as lead agency. While the decision remains to be made as to whether solar farms should be allowed in the Highway Commercial district, the board is not going to amend just yet.

#4 - The ZBA received 2 referrals from the Town Board related to amendments to the Zoning Law (amendments to the zoning map).

- The first referral is the Hilltop Bowl property and surrounding properties (Stevens, Heer, Rumpler properties). The Town Board is considering rezoning from Residential to Hamlet. If not rezoned the current owners of Hilltop Bowl face difficulties selling their property. The ZBA previously provided feedback to the Town Board after discussing the issue in March. The ZBA felt the neighboring property owners should be able to weigh in on the matter before the ZBA provided substantive comments. The ZBA's position hasn't changed. The ZBA noted that it is difficult to comment as it is unknown what any future buyers would have in mind to do with the property.
- The 2nd referral is to amend zoning law to reduce penalties to less than 15 days. Currently, 15 plus days equals a misdemeanor which allows a public defender, prolonging the legal process. The ZBA indicated its support for the amendment and will draft a responsive letter to the Town Board.

Lettie Saheim made a motion to adjourn the meeting @ 7:52.  
Rich Geddis seconded the motion.  
All were in favor.

Abbreviations  
NYS - New York State  
SEQRA - State Environmental Quality Review Act  
ZBA - Zoning Board of Appeals

Respectfully submitted,

*date: 5/5/23*

Kristin Griswold  
Zoning Board of Appeals, Town of Schaghticoke  
McDonough, Geddis, Griswold, Saheim, Shover