

ZONING BOARD of APPEALS – MINUTES OF MEETING
April 2, 2015, 7:30 PM

The regularly scheduled meeting of the Pleasant Valley Zoning Board of Appeals for March 2015, was held on April 2, 2015 at 7:30 p.m. at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York.

Chairman: John J. Dunn
Board Members Present : Kathy Myers
Stephen Kish
Robert Maucher
Sharon Wilhelm
Michael Schroeder
Tim Gerstner
Consultant: Jim Nelson, PB/ZBA Lawyer
Staff: Michael White, Zoning Administrator
Sonia James, Secretary

Chair called the meeting to order at 7:30 pm and explained the Procedure, stating that all proceedings were legal and all the testimonies will be taken under oath. Procedure is to let the applicant present their case first, then Board will take comments from the public.

First Item on the Agenda was:

Special Use Permit – Appeal # 996
Baroni Recycling
Grid # 6463-02-613945
Location: 1913 Route 44, Pleasant Valley NY 12569
Special Use Permit – Non Conforming Scrap Metal Operation

Chair, Mr. Dunn informed that Public Hearing from February 26, 2015 ZBA Meeting was still open.

Mr. Dunn also announced that the Board was in receipt of letters from i) Mr. Jeffery Jamison, applicant lawyer in support and ii) Ms. Suzzane Horns letters is basically a composite she talked about previously.

Zoning Administrator Mr. Michael White, was invited to submit his findings.

Mr. White informed that a 2nd sound analysis was done at Baroni's. This time Mr. White was accompanied by Mr. Mark Figliozi – Councilman – and Mr. Michael Schroeder – ZBA member. They examined the new equipment (shearing machine), which produced most noise. Mr. Figliozi stayed with the Baroni's, while Mr. White and Mr. Schroeder went around taking sound reading, they were as follows:

Standing 1 foot from the equipment	81.1 decimal	
Standing 50 feet away	57-67 decimal	Avg. 62-63 decimal
Property line	60 decimal	67 when truck passed on Rt. 44
Neighborhood Property	57 decimal	
Robyn Credo Property	28-30 decimal	
Further	Reading as low as 6	

Therefore, based upon the reading Mr. White informed the Board that there were no Code Violations, regarding the noise complaints.

Mr. White further added that no vibrations were felt, they were there for 1 ½ hour or more. If any vibrations are felt they are not from the Baroni’s site.

Chair, Mr. Dunn invited public for their inputs/testimonies. Following spoke:

1. Mr. Stephen Albrecht, 26 Grace Lane, Pleasant Valley NY: Spoke in favor of Baroni Recycling stating that “Baroni’s” are a “Huge Asset” to the Town of Pleasant Valley, as it brings in lots of money for the town. There already are Two (2) vacant commercial building and we would not like see another vacant business. I work for the Highway, whenever our vehicles breaks down, which is often, we call Mike to get the salvaged parts, which are lot cheaper compared to buying new ones, thus saving town money. I have lived in this town for 52 years, this has always been a recycling business plus it is one of the neatest junkyard I have come across.”
2. Ms. Suzzane Horn, 1971 Rt, 44 Pleasant Valley: Once upon a time in USA Business involved in recycling were known as “junkyard” and the dealers were junk dealers. In 1965, there was a difference between Junkyard and Scrap Metal. The Board has heard enough about the noises. I am pointing out with addition of machinery. Earlier it was dismantling and selling parts. If the ZBA approved the Special Use Permit and allow this will change nature from retail to an industry business. Once Baroni has Special Use Permit, they can add other machinery to add to the noises, right now all the attention is on the current but not on any potential machinery.
3. Mr. Jeffery Jamison, Applicants Lawyer: “I submitted a letter in further support of the application and in an effort to further clarify any legal issues or discrepancies surrounding this matter (attached). Status of the business is not before the Board. As far as future ‘noise’ issues, we still have to renew annual license, the

- situation is monitored regularly by the authorities. Zoning Administrator is in a position to enforce Town codes. While DEC takes care of the environmental issues. No legitimate concerns were raised on environmental issue. As far as fence height is concerned it shall be rectified.
4. Mr. James Cahill, 2178 Rt 44, Pleasant Valley NY: My house close to Baroni's. I have lived in the same house for 25 years, Baroni's recycle lots of stuff. As for the new machinery, every business has a right to upgrade their equipment, above all for the safety reasons. I do not see any reason to stop this business as they are an integral part of the community, they donate to organizations like fire department and Pleasant Valley day parade. Michael Baroni has embraced the town and is an asset to us. I do not hear any noises from Baroni's though my house is very close to them.
 5. Mr. Michael White, Zoning Administrator: "In response to Ms. Horn's concern of Baroni getting an industrial status is not allowed in the Town Code. This is a pre-existing setup therefore any requirement of new useage would not apply to this. The Baroni's does not have to worry about industrial code. This does not apply to the application. Lots of entities are involved in the overall licensing procedure.
 6. Mr. Jeff Cady, 1005, Netherwood Road, Salt Point, NY: "Baronis are using a kind of shredder which does not create as much noise as the Electric ones do. They are a part of the community. We would not want them to move."
 7. Heather Rancove, 32 Eagle Circle, Pleasant Valley, NY; "I am Vice President, Pleasant Valley Co-op Nursery School. Baroni's help us a lot with the fund raisers, school supplies etc. They never refuse us help or their support. I am also a Girl Scout Troop Leader, and to see them go will be a great loss to the community."

At this stage the public hearing portion of the ZBA meeting was closed and discussion amongst the Board members started.

Mr. Maucher had concerns about the landscaping, which were raised in the previous meeting.

Ms. Wilhelm, pointed out that the Dutchess Board Department of Planning and Development has also recommended in their Referral letter to the board to consider requiring hardy and attractive landscaping to be placed along the NY 44 road frontage.

Mr. Dunn added that the Board would love to have landscape which is appropriate to eye.

Mr. White added that DEC require some landscaping.

Ms. Myers pointed out that in the last meeting some fire hazards were pointed out. Mr. Dunn, informed that the Fire Advisory Board has no comments on the Fire issue.

Mr. Tim Gerstner enquired about the shearing procedure.

Chair, decided to re-open the public hearing, so that the applicant could explain the procedures.

Ms. Courtney Baroni, was sworn in to explain the shearing procedure. The vehicles are dismantled sheared into pieced and then dropped into the trucks to be taken away. She further added that they did not flatten the parts, which is much noisier procedure.

Mr. Kish remarked that do they really need a Special Use Permit if they are grandfathered.

Mr. White response was a “yes”, as they have to obtain annual license from the Town Board. We take a position that it is necessary to get Special Use Permit.

Mr. Kish wanted to know that what will happen, if the present owners decide to sell their property/business.

Mr. Jim Nelson, answered that if that happens the new owner will have to apply for a new permit.

Chair, read the Special Use Permit: Resolution with Record of Findings, Baroni Recycling Inc. (attached).

A motion was made by the Chair to approve the Resolution with few changes it was seconded by Mr. Robert Maucher and was approved 6-0-0.

A discussion was held between the Board and Mr. Jim Nelson, ZBA Lawyer for the exemption of SEQRA. Motion was made by Chair to approve this was seconded by Ms. Myers and was approved 6-0-0.

Baronie’s were told that they have to appear before the Planning Board for submission and approval of their Site Plan.

Motion was made by the Chair to approve Minutes of February 26, 2015, seconded by Ms. Wilhelm, minutes were approved with minor changes 6-0-0.

Motion was made by the Chair to adjourn the meeting, seconded by Mr. Gerstner and was approved 6-0-0.