

**ZONING BOARD of APPEALS – MINUTES OF MEETING**  
**Wednesday JANUARY 27, 2016, 7.00 PM**

The regularly scheduled meeting of the Pleasant Valley Zoning Board of Appeals was held on January 27, 2016 at 7:00 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  
Tim Gerstner  
Ms. Sharon Wilhelm  
Robert Maucher  
Mr. Michael Schroeder  
**Staff:** Sonia James, Secretary  
Mr. Michael White, Zonning Administrator

Chair called the meeting to order at 7:04 pm and explained the Procedure, stating that all proceedings were legal and all the testimonies will be taken under oath or affirmation. Procedure is to let the applicant present their case first, then Board will take comments from the public. Close the public hearing part of the meeting and move to the next appeal. After all appeals are heard, the Board will discuss and vote on each one.

First Item on the Agenda was:

**Area Variance – Appeal # 1004**

**MT6 LLC**

**Grid #: 6463-02-628943 MC**

**Location: 1921 Route 44, Pleasant valley NY 12569**

Approval for Special Use Permit as per Town Code Chapter 98, Article VI Section 98-67 thru 98-74. The owner wants to change the use from a garden center to a used car lot.

The Chair, gave proof of following:

1. Affidavit of Publication in the Poughkeepsie Journal
2. List of Certified Letters sent to neighbors.

Mr. Brian Franks, Surveyor, of 601 North Avenue, Salt Point NY 12578 represented his client and was sworn in.

Mr. Franks stated that his client – the applicant – wanted to change the use of the property from a garden center to a used car lot. Nothing structural was being changed.

The Chair wanted to know if any vehicle repairs would be done on the premises.

Mr. Franks reply was that no repairs will be done.

Ms. Wilhelm wanted to know if any car oil changes will be done at the lot.

To this also Mr. Franks reply was in negative. He further added that maybe the tenants would be waxing the cars.

Mr. Maucher inquired as to who would be renting the place and operate it as a used car lot.

Mr. Franks was not aware of this as his client MT6 had not supplied him with this information. He was just informed by his client that he would rent the place/lot to a tenant, who would be selling used cars.

Mr. Schroeder wanted to know if there was any minimum requirements in the Town code for parking cars as per acreage.

To this Mr. Whites reply was that this all depends on the dealer's business license.

Mr. Gerstner enquired if any surface will be black tarped or not.

Mr. Franks informed that the back of the building is all gravel and bed rock.

Ms. Wilhelm wanted to know if any cosmetic work would be done on the building like painting etc. the exterior of the building etc.

Mr. Franks had no idea about that.

Ms. Myers wanted to know about the parking spaces.

Mr. Kish commented that this will be Planning Board decision as they set the parameters.

The Chair read the comments received from the Dutchess County.

Ms. Myers noted that those comments were mostly addressed to the Planning Board and not the Zoning Board.

The Chair said that there are no sidewalks right now on that location.

Ms. Wilhelm added that there was no way to put sidewalks anyways.

Mr. Maucher commented on the 12 page document that was handed out to the board member just before the start of the ZBA meeting. He said there was not enough time to go through the Zoning Administrators comments.

The Chair, wanted to know if this would have any bearing on his vote.

His response was a positive one.

Mr. White clarified that part of the problem is that this is an evolving problem. And I like to provide the Board with the latest information.

The Chair stated that the Mr. Franks did not have answers to most of the Boards questions.

Mr. Kish suggested, that would it be possible for the ZBA to meet with the Tenant.

Mr. Franks answer was that the Special Use Permit was for the Owner and not the Tenant.

The Chair commented that even if the owner comes in we would still not have any answers.

Mr. Kish commented that they – owner and tenant – will have to show up at the Planning Board meeting.

Ms. Wilhelm reminded that Board that the Special Use Permit goes with the land.

Mr. Gerstner added that the Special Use Permit has nothing to do with the tenant but the land.

Mr. Kish added that the Planning Board makes the ultimate decision to the questions raised here.

Mr. Gerstner wanted to know if the ZBA can grant the Special Use Permit with the note to the Planning Board sending them list of questions ZBA needed to be answered.

Mr. Franks suggested that the ZBA can give restricted Special Use Permit to his client.

The Chair, emphasized on the fact that it was important that both the owner and the tenant should be present.

Ms. Wilhelm suggested that Mr. Franks speak to his client and get answers.

Mr. Franks wanted the Board to provide him with the list of questions needed to be answered.

Mr. Maucher reminded the Board that often there are follow-up questions, which again would go unanswered.

Mr. Gerstner added that it would be better that both the owner and the tenant be present before the board in order to expedite Boards decision.

Mr. Kish added that as the tenant can walk away any time it is better that the owner would be present as well.

Mr. Maucher further wanted to know who would be responsible for the landscaping. He was informed by Mr. Franks that the owner would be responsible for that.

It was decided amongst the Board to hold a special ZBA meeting for MT6 in order to meet with the owner as well as the tenant.

The public section of the meeting was adjourned till 7 p.m. Monday February 1, 2016.

**OTHER BUSINESS**

A motion was made by the Mr. Tim Gerstner to approve the minutes of December 17, 2015 ZBA meeting with amendments, seconded by Mr. Steve Kish and was approved 7-0.

A motion was made by the Chair to close the meeting was seconded by Mr. Michael Schroeder and was approved 7-0.

Approved By:

  
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John Dunn  
Chair, ZBA

Dated:

2/19/16