

ZONING BOARD OF APPEALS – MINUTES OF MEETING

Monday, February 1, 2016, 7:00 p.m.

A tape of the proceedings is available at the ZBA office

The specially scheduled meeting of the Pleasant Valley Zoning Board of Appeals was held on February 1, 2016 at 7:00 p.m. at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, NY.

Chairman: John J. Dunn
Board members present : Kathy Myers
Stephen Kish
Tim Gerstner
Sharon Wilhelm
Robert Maucher
Board member absent : Michael Schroeder
Staff: Sonia James, Secretary

Chairman Dunn called the meeting to order at 7:06 p.m. He then explained that it is a continuation of the public portion of the previous ZBA hearing held on January 27, 2016 so that the property owner and proposed tenant could be present to answer questions posed by the Board.

Chairman Dunn provided proof of the following:

1. the Affidavit of Publication in the Poughkeepsie Journal
2. a list of neighbors to whom certified letters were sent

Area Variance – Appeal # 1004, continued:

MT6 LLC

Grid #: 6463-02-628943 MC

Location: 1921 Route 44, Pleasant Valley, NY 12569

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

Following people representing MT6 LLC were sworn in:

1. Brian Franks of 601 North Avenue, Salt Point, NY, surveyor
2. Tom Horner of 82 Carriage Hill Road, Brewster, NY, property owner
3. Emmanuel Ashong, of 39 Albrecht Road, Pleasant Valley, NY, proposed tenant

Mr. Ashong explained the following in answer to questions raised by Board members:

- business hours will be dawn until dusk, 7 days a week, with shorter weekend hours, especially on Sunday
- no additional lighting will be installed on the property
- the existing sign will be used; just the name will be changed

Discussion ensued following additional questions raised by Board members, and Mr. Franks provided the following information:

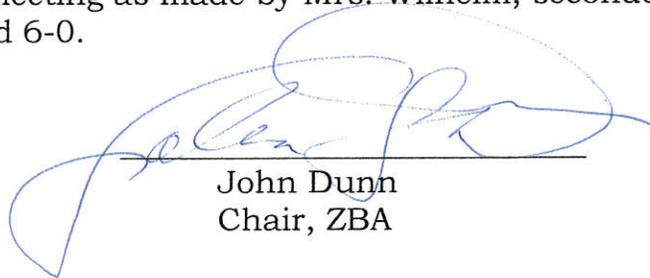
- since the advertising for the meeting was faulty, the Planning Board was unable to grant the applicant a waiver for unaddressed issues mentioned in a letter from Peter Setaro, Board Engineer
- all front parking spaces were paved, as required by the Town Code, except for those in the back; dust and dirt from snow plowing may be obscuring the paving. This was corroborated by Mr. Horner, who said that the front parking spaces were all paved in 2006, and gravel from construction work may have covered the paving.
- the unpaved parking spaces referenced in his letter to Morris Associates were in the back of the building
- although the Town Code requires parking to be 20' from the road, the Planning Board "never objected to the parking in the front of the building"
- neither the Planning Board nor Morris Associates indicated that the applicant needed to apply for a variance for parking; if he had been made aware of the need for a variance, he would have applied for one at the time he applied for a Special Use Permit

A motion to close the public portion of the meeting was made by Mr. Kish, seconded by Mr. Gerstner, and approved 6-0.

The Chair read the attached resolution to grant MT6 LLC a Special Use Permit for used car sales at 1921 Route 44, Pleasant Valley, NY, which was unanimously approved 6-0 by the Board.

A motion to close the meeting as made by Mrs. Wilhelm, seconded by Mr. Maucher, and approved 6-0.

Approved By:



John Dunn
Chair, ZBA

Dated:

6/15/16