

**TOWN OF BRANT  
PLANNING BOARD  
MINUTES OF THE JULY 2, 2024 MEETING  
Brant Town Hall, 1272 Brant North Collins Rd, Brant, NY 14027**

<b>DATE</b>	<b>J ROSS 2027</b>	<b>BRODIE 2024</b>	<b>GIACCHINO 2028</b>	<b>D RITZ 2030 Chair</b>	<b>CLARK 2026</b>	<b>HASKINS 2029</b>	<b>CZYZ 2025</b>	<b>ALT 1 PANTERA</b>	<b>ALT 2 RAUKER</b>
1/3/24	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	CANCEL	
2/6/24	present	Excused	Present	Present		Present	Present	present	
3/7/24	Present	Excused	Present	Present	Present	Present	Present	Present	Present
4/3/24	Present	Present	Present	Present	Present	Present	excused	Present	Present
5/7/24	Present	Present	Present	Present	Present	Excused	Present	Present	Absent
6/4/24	Present	Absent	Present	Present	Absent	Excused	Present	Excused	Absent
7/2/24	Excused	Absent	Present	Present	Present	Absent	Present	Excused	Present
8/6/24	Present	Present	Excused	Present	Present	Present	Excused	Present	Excused

**Also present was:**

Jeneen Hill                      Code Enforcement Officer  
Frank Broughton                ZBA Chairman  
Karen Arcara                      2K's Corporation  
Kevin Kern                         2K's Corporation

Chairman Debra Ritz called the meeting to order at 7:00 pm.

The Chairperson Debra Ritz noted the Old Business item being worked on by the Planning Board. She explained that the Town has now retained a company to help the Planning Board with the Solar, Wind and Battery law being revised. She expressed the Planning Boards various concerns to this company, such as what type of property can be used, and what would the required setbacks be. The company is going to submit a proposal. Once the proposal is received, the Planning Board will review it.

**Approval of July 4th Planning Board minutes:** A motion was made by Janice Ross to approve the minutes of July 2<sup>nd</sup> meeting. Becky Haskins seconded the motion. 6 ayes, 0 nays. **MOTION CARRIED.**

**NEW BUSINESS**

**SPECIAL USE PERMIT APPLICATION OF 2K's FOR 10962 SOUTHWESTERN BLVD:**

The Planning Board Chairperson began discussion on 2K's Corporation's Special Use Permit application. Debra noted that she received a call from Chris DelPrince's attorney and stated that he insisted that Duncan Motors is part of 2K's Corporation Special Use application. Karen responded they are not part of it because she broke the lease with them. The Chairperson acknowledged that cars were still on the property. Karen responded that the judge gave Mr. DelPrince 10 days to vacate the building. It was noted that the 12<sup>th</sup> of August is the deadline established by the Justice Gier. The Chairwoman noted that all court matters regarding the property be resolved before a permit will be issued by the Town Board.

The Chairwoman then recapped the previous history with this application. She reminded the Planning Board that no recommendations could be made at the time. The attorney for Duncan Motors advised that he was going to provide certain information requested by the Planning Board within a couple of days. Nothing was received from their attorney. The application being presented tonight supersedes the previous application from 2K's. This

application requests a Special Use Permit to perform Automotive repair, Indoor & Outdoor storage for Auto's, Trailers, boats, RV's, etc.

The Chairwoman inquired on the amount of land in the back of the property. Karen responded about 5 acres. The Chairwoman then asked if the fencing located at the back of the building has a gate wide enough to accommodate stored vehicles to enter the fenced area. Karen said yes. Jeneen acknowledged the property is commercial zoned 500 feet back.

At this time, the Chairwoman asked Board members for input. After much discussion, the Chairwoman stated she will make a recommendation to send the application to the Town Board with the condition that the Duncan Motors is no longer in the building. She added that if Duncan Motors is not gone by the time the Town Board considers the application, the application will remain on hold to allow 2K's Corporation to formally evict them. She then continued to explain that if they choose to rent out the bays to someone who then chooses to sell cars there, they will have problems because the property doesn't meet the basic requirements and would need a variance. The Chairwoman then asked for opinions from the rest of the Board. Janice Ross stated she agreed with Debra's opinion. No one spoke in objection. Frank Broughton asked if they will be required to follow the code as far as service stations are concerned. The Code Officer responded that not as far as the gas is concerned, but the other portions, yes.

At this time, the Chairwoman motioned to recommend to the Brant Town Board to follow through on their end regarding this Special Use Permit application. The recommendation will come with the condition that Duncan Motors will not be in the building. She then advised that if they choose to do business with Duncan Motors, it must be done correctly. No car sales should be conducted on the property without going through the proper procedures.

At this time, Debra motioned to move the application for Special Use Permit forward for Town Board for consideration with the understanding that Duncan Motors will be out of the building. Don Clark seconded the motion. 6 ayes, 0 nays. **MOTION CARRIED.**

The applicant asked what will happen next. It was noted that if the court matter is resolved and other conditions met, the Town Board will most likely name themselves Lead Agency and will call a public hearing for their September meeting. The Chairman will make sure she knows when to attend the public hearing.

#### **VARIANCE APPLICATION REVIEW FOR BUILDING PERMIT FROM DAVID GIER:**

The Chairwoman announced the next item on the agenda. A variance application came in from David Gier of 1928 Halley Rd. The applicant wishes to erect a Pole Barn 20 ft X 24 ft at his residence located at 1928 Halley Rd. His permit was denied because the distance to the front property line is less than 80 feet. Application states the previous setback when his house was built was 50 feet. The property is zoned Rural Residential, with the neighboring property being agricultural.

Board members reviewed the site plan. It was noted that the applicant's only neighbors are family members. He is requesting to erect the structure within 56 feet of the property line, as opposed to 80 feet as required by the Code. The reasons for the location chosen by the applicant were discussed. After reviewing the site plan, and discussing it, Chairwoman Ritz motioned to recommend approval to the Zoning Board of Appeals. The Zoning Board chairman, who was present, advised that he will set the meeting date and make sure the applicant notifies all required neighbors. Carol Brodie seconded the motion. 6 ayes, 0 nays. **MOTION CARRIED.**

**GENERAL DISCUSSION:**

Frank Broughton announced he will have all the training certifications at the next meeting. He also explained to the Planning Board members how to use the online Code Book, and the ZBA Zoning page to understand the Town's codes and procedures. He stated that the information can be found at [www.brantny.com](http://www.brantny.com).

Carol Brodie advised that she was not aware of the past two Planning Board meetings. Chairwoman Ritz responded that she sent everyone an email. Carol stated she did not get one. After comparing the addresses used, the emails were sent to the wrong address. A note was made to correct the error in the contact information.

Becky asked about an AirBnB on Wide Beach. The Code officer stated she was working on that.

At 7:40 pm, Janice Ross motioned to adjourn the meeting. Becky Haskins seconded the motion. 6 ayes, 0 nays.  
MOTION CARRIED.

Respectfully submitted,  
Barbara Daniel  
Planning Board Secretary

**BRANT  
PLANNING BOARD REPORT  
8/6/24**

**BRIEF SUMMARY OF DISCUSSIONS:**

**PLANNING BOARD REVIEWED REVISED SPECIAL USE PERMIT APPLICATION FOR 2K's CORPORATION**

**REGARDING 10962 SOUTHWESTERN BLVD.** The applicant Karen Arcara of 2K's Corporation met with the Planning Board to discuss their revised application for Special Use Permit. The application no longer is submitted along with Duncan Motors. After lengthy discussion, the Planning Board motioned to forward the application to the Town Board for consideration, with conditions set by the Planning Board.

**VARIANCE APPLICATION REVIEW FOR DAVID GIER OF 1928 HALLEY ROAD FOR YARD SETBACK:**

The Planning Board received a request for review of the Variance application from David Gier for a front yard setback. The code requires 80-foot setback, but applicant wishes to build within 56 feet of the front yard. After discussion and review, the Planning Board motioned to approve the application. A letter of recommendation will be sent to the Zoning Board of Appeals.