



Town of Burlington

PLANNING AND ZONING COMMISSION MINUTES OF REGULAR MEETING DECEMBER 14, 2023 VIA HYBRID MEETING

PRESENT: Richard Miller- Chair, Rob Wilson, John Hebert, Rudy Franciamore, Rich Miller, Mohamed Amer, Vince Lambri, Jay Valigorsky, Eric Lindboe, and Mark Smaldone.

Jerry Burns, ZEO

Ashlee Goshdigian, Recording Secretary

1. **CALL TO ORDER:**

A. **Attendance and Designation of Alternates**

Chairman Miller was present for the meeting and called the meeting to order at 7:00 p.m. Regular members present were seated for the meeting. Alternates will be assigned to each application, as needed.

B. **Approval of Minutes**

Motion Wilson seconded Franciamore to approve the minutes from the November 9, 2023, regular meeting; all commissioners in favor except for Commissioner Lambri who abstained.

C. **Communications:** Town of Canton Notice
Capital Region Council of Governments

2. **CITIZEN COMMENT:** None

3. **OLD BUSINESS:** None

4. **NEW APPLICATIONS / NEW BUSINESS:** None

5. **PUBLIC HEARINGS:**

A. **Application 2199-Szydlo-3-Lot Major Subdivision**

Motion Franciamore, seconded Miller to close the regular meeting and open the Public Hearing at 7:08pm. ALL IN FAVOR.

Jerry read into the record a withdrawal letter for Application 2199 from the Applicant dated December 14, 2023.

Motion Franciamore, seconded Lambri to accept the withdrawal without prejudice. ALL IN FAVOR.

B. **Application 2200 – O&G Industries – Special Use Permit – Earth Removal Pavlik Pit – Spielman Hwy MBL# 3-10-61** Richard Warren from O & G was present and addressed the Commission. They are looking for a two-year renewal on their permit. There are about 80,000 cubic yards of material left to be removed.



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Jerry read into record his review dated December 14, 2023.

Public Comment: James Corrigan, 124 Spielman Highway, questioned the hours of operation to which Jerry advised will be from 8:00am to 5:00pm Monday through Friday.

Motion Hebert, seconded Franciamore, to close the Public Hearing and reopen the regular meeting at 7:41pm. ALL IN FAVOR.

Motion Franciamore, seconded Miller to approve Application 2200 – O&G Industries – Special Use Permit – Earth Removal Pavlik Pit – Spielman Hwy MBL# 3-10-61 per all the plans submitted for the following reasons: • The application substantially meets the requirements for the proposed earth removal per Special Regulations Moving and Processing of Earth Products (Section IX.A, inclusive). • The plan favorably meets all the following P&Z Special Permit Use Regulations:

- o Accordance with the Plan of Conservation and Development (POCD)
- o Harmony with the Area
- o Adequate Access
- o Adequate Infrastructure
- o Natural Resource Conservation
- o Public Health, Safety & Welfare
- o Residential Impact.

IN FAVOR: Miller, Wilson, Hebert, Miller, Franciamore, Amer, Lambri

OPPOSED: None ABSTAINED: None

Permit Granted

6. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:** None
7. **CITIZEN COMMENT:** None
8. **ZONING OFFICER REPORT:** Jerry gave an update on the rooster complaint in the Lake Garda area. He is sending the parties his final update. One of the roosters is grandfathered in and one is an emotional support animal. Jerry did speak with the Town Attorney on the matter as well. Commissioners Franciamore and Amer still need to complete their training.
9. **STAFF / COMMISSION COMMENT:** The Commission held a brief discussion about Application 2199. Jerry read into the record correspondence he had with the Applicant's engineer. There was a brief discussion on the Nightmare's Gate Halloween attraction and the mention was made that we need to protect our Town regulations.
10. **ADJOURN:**

Motion Franciamore, seconded Hebert to adjourn the meeting at 8:05 p.m.; unanimously approved.

Respectfully submitted,
Ashlee Goshdigan
Planning and Zoning Clerk