

**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>CYZY 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

**Also present was:**

Jeneen Hill	Code Enforcement Officer
Chris Delprince	Duncan Motors
Michael Stanz	Duncan Motors
Karen Arcara	2K's Corporation
Kevin Kern	2K's Corporation
Peter Sorge	Attorney for 2K's Corporation

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

**Approval of June 4th Planning Board minutes:** A motion was made by Diane Czyz to approve the minutes of June 4<sup>th</sup>. Brenda Giacchino seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

**NEW BUSINESS**

**SPECIAL USE PERMIT APPLICATION OF 2K's FOR 10962 SOUTHWESTERN BLVD:** The Planning Board Chairperson asked those in attendance to identify themselves. Representing 2K's Corporation, and the owner of the property located at 10962 Southwestern Blvd, and the subject of two Special Use Permit applications. The second application for the same location was represented by Chris Delprince, Michael Stanz, and Attorney Peter Sorge.

Chairperson Ritz addressed Karen Arcara requesting her intentions for the two businesses. Karen spoke about the specifics of their application. Kevin, of 2K's explained the building has three bays. They would like to rent the first two bays to Duncan Motors for repairs, and they will keep the last bay towards the back of the building. They would also like to have a boat and RV storage behind the building.

Don Clark addressed Duncan Motors regarding their current location. They were at the corner of Rt 20 and Eden Evans Center Rd. They were supposed to move to the opposite corner but the Army Core of Engineers stated there were wetlands in that location, and an archaeological dig for ancient artifacts would be required. Duncan Motors explained the large number of vehicles at his previous location. Some of the cars were awaiting pick up from buyers, some cars are waiting to be detailed, some are going to paint shops. There are also trade-ins, and cars waiting for lien releases.

Kevin of 2K's then explained that 2K's no longer has a tattoo parlor. They will be using one of the bays and will be storing boats and RV's behind the building.

Chairperson Ritz addressed the zoning problems that exist. She advised that a used car lot requires 300 ft of frontage X 200 ft deep. The project would then also need a variance. The Attorney for Duncan stated the

difference in frontage is 25 ft. He assured the Planning Board that with an existing building, it would make a very strong case for variance. Ritz asked Duncan if they had applied for Variance yet. He stated they will have that done within the next few days. Chairperson Ritz advised the attorney that the Zoning Board of Appeals will not be meeting again until August, and she wanted to make sure that cars stop being brought to the property.

The Attorney stated he can understand about the cars but stated that Duncan would like to perform repairs to various vehicles in the meantime, while making his application. He stated that they were not doing outside repairs. Only repairs to Duncan vehicles to prepare them for sale. The Code Officer then responded that a repair shop requires a special use permit.

The Attorney reiterated that this garage would only be used privately, for no public purpose. He added that our code "defines two types of garages, private and public. Private is a garage maintained primarily for the convenience of the resident or occupant of the premises in which no business is carried on and no services rendered to the public". The Attorney interpreted the Town's code as requiring a Special Use Permit for public garages. Chairperson Ritz responded this is the first time anyone claimed this was going to be a private garage.

The Code officer then reiterated they need an area variance for the project because the frontage is inadequate. The attorney responded that since the garage is going to be used privately, it needs no special use permit, so their goal is to use it immediately. However, he agreed that the whole project does require a special use permit. The Code Officer disagreed with his definition of a private garage stating private means residential. The attorney then stated if the Town Code is ambiguous, the Town must decide in their favor. He then added they would like a formal code interpretation. He stated that he would like the interpretation in writing.

Chairperson Ritz then listed a few reasons why the lot is inadequate for what they would like to do. She noted that the lot is not paved and to sell vehicles at the location it must be. Other discussions included setbacks. She advised the Attorney to get the variance application in as soon as possible. She also requested he speak with Bill Trask for clarification of the codes regarding his concerns.

It was determined that the applications from Duncan and 2K's will be separate. 2K's stated that if the Duncan lease falls through, they would like to rent their bay to a repair shop which is why they want their own special use permit.

They began identifying different portions of the site plan. They examined the fence. It was also noted that D.O.T. is requiring changes to one of the driveways.

General discussions between the Code Officer, Chairperson and Attorney for Duncan. After discussions ended, the applicants and attorney departed.

Chairperson Ritz concluded that the Planning Board will await word from Peter Sorge while he seeks clarification regarding public vs. private use of a garage. Our code officer will speak to the Town Attorney. This matter will be placed on the agenda for the August Planning Board meeting.

She reminded the Board to review the Solar Law before the next meeting. Some of the Solar law discussions will be setbacks and where they will be permitted based on soil type.

At 8:23 pm, Diane Czyz motioned to adjourn the meeting, seconded by Brenda Giacchino. 4 ayes, 0 nays. MOTION CARRIED.

Respectfully submitted,  
Barbara Daniel  
Planning Board Secretary

**BRANT  
PLANNING BOARD REPORT  
7/2/24**

**BRIEF SUMMARY OF DISCUSSIONS:**

- **PLANNING BOARD MET WITH BOTH SPECIAL USE PERMIT APPLICATIONS REGARDING THE USE OF 10962 SOUTHWESTERN BLVD.** The applicants are 2K's Corporation and Duncan Motors who plan on sharing the location. No action was taken, and none recommended at this time. Further Code clarification will be needed regarding their proposed uses. There was a question between public vs private use of a garage as defined by the Town of Brant Code.
- **REMINDED THE PLANNING BOARD TO REVIEW THE LOCAL LAWS OF OTHER TOWNS REGARDING WIND, SOLAR AND BATTERY.** Members are asked to consider setbacks and locations where they will be permitted, based on soil conditions.