

**Town of Athens Zoning Board of Appeal
Municipal Building
2 First Street, Athens, NY 12015
Wednesday, August 13, 2025
MINUTES**

The meeting of the Town of Athens Zoning Board of Appeals (ZBA) was called to order at 7:00 pm by Chris Ames (chair). Second by Chris Sprague. The meeting began with the Pledge of Allegiance.

Board Members Present: Christian Ames (Chair), Sean Biederman, Susan Brady, Antonio Calarco (Alt), Jeanne Oliveira (Sec), Chris Sprague, Mathew Sovern

Prior Meeting Minutes: March 19, 2025

Approved: Motion Chris Sprague Second Mathew Sovern
AIF All Exceptions none

Variance for Freepoint Solar

As per the Opinion and Order of the Appellate Division, Third Department, dated December 19, 2024, which the Town sought leave to appeal from but were denied by the NYS Court of Appeals, the petitioners' application for a use variance is granted.

Motion to accept statement: Sean Biederman Second: Susan Brady
AIF: all Exception: none

David Pastore, potential buyer for property on Flats Road, Athen NY Tax map number: 105.00-1-11, zoned AG, requested interpretations on the following questions:

- 1) Does Town Code § 180-15(B)(2) pertaining to "farm employee housing" permit whatever residential structures are necessary to house farm employees and farm owners with their immediate families on Property?
- 2) Do the density requirements in Town Code § 180 Table 2 of the Town Code not apply or otherwise limit farm employee housing?
- 3) As part of "Agribusiness" use what regulations apply to "farm stay program" housing structures?

Mr. Pastore has plans to establish a regenerative market farm. The development would be very labor intensive. Over time, he plans to bring on employees who would live on sight. He plans to build multi-unit housing for employees.

The farm potentially would not make a large profit particularly in the beginning and he would like to consider holding farming retreats for people who wish to experience farming life. The ZBA informed him that the retreat would potentially be considered a commercial endeavor and the area is not zoned for commercial use. Even if the ZBA did say yes, everything would have to go through the planning board for final approval.

The ZBA questioned the statement in the letter to the ZBA from Mr. Pastore's lawyer (Corinne R. Smith) "In the Ag district, one dwelling unit is permitted per 10 acres. Based on the size of the Property, 10 dwelling units should be permitted for residential use, in addition to the residential structures for on-site farm employee housing." The ZBA is concerned that this sounds like a sub-division of the property. Mr. Pastore explained that this was not his intention. He is planning for approximately five structures as closely placed as possible to leave the maximum amount of land for agriculture.

When asked about parking and cars Mr. Pastore stated that he hoped to have a pool of cars employees can sign out for their personal use. That would mean there would be fewer cars than employees. He also stated that if the retreat is permitted, he would like to shuttle people from the train station or other pick-up areas rather than have them park at the farm. He would like to have limited visitor parking. This could be a separate issue that would have to go through Code Enforcement.

When questioned about his intentions for the produce Mr. Pastore stated that initially he would be giving it away but eventually he would like to either establish a farm stand, sell at farmers markets or sell to local restaurants.

Chris A. informed Mr. Pastore that he would discuss the situation with the town lawyer and the ZBA and get back to Mr. Pastore as quickly as possible.

Attached: Letter from Whitbeck, Benedict & Smith, LLP
ZBA Application

Motion to Adjourn Motion Chris Sprague Second Mathew Sovern

AIF All Exceptions none

Time: 7:52