

	MEMBERS PRESENT	MEMBERS ABSENT
Chairperson - Jeff Green	X	
Member - Bruce LaDue		X
Member - Ricky Laurin	X	
Member - Steve Stone	X	
Member - Fred Gemmill	X	
Secretary - Heather Giuliano	X	
CEO - Michael Tetreault	X	

OTHERS PRESENT: A. Hemingway, B. West, L. Thew

CALL MEETING TO ORDER

Chairperson Jeff Green called the 04/11/2017 Zoning Board of Appeals Public Hearing to order at 7:00 PM.

APPROVAL OF MINUTES

Member Steve Stone motioned that the Meeting Minutes of June 14 2016 be approved, seconded by Member Fred Gemmill.

		<u>Yes</u>		<u>No</u>
Vote:	Jeff Green	(X)		()
	Bruce LaDue	()	ABSENT	()
	Ricky Laurin	(X)		()
	Steve Stone	(X)		()
	Fred Gemmill	(X)		()

Carried: YES

NEW BUSINESS

Appeal No. 2017-001; Use Variance request by Andrew and Tara Hemingway to construct and operate an ice cream shop/food stand at 34 Gonyea Road, Altona NY, Tax Map No. 76.-2-47.1.

Chairperson Jeff Green opened the public comment portion of the meeting at 7:06 PM.

Public Comment:

Applicant Andrew Hemingway spoke to the Board about his desire to revitalize the area. He also stated that he does not want to take customers away from neighboring businesses by opening an operation that would compete with those already established.

No one else wished to speak.

Chairperson Jeff Green closed the public comment portion of the meeting at 7:07 PM.

Discussion:

The Board discussed the history of the parcel and the allowed uses in the AF district. Use variances are challenging to grant because each of the four tests **MUST** be met for every allowed use on the property.

The Board proceeding with the four tests required by New York State:

1. The Applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial.:

No. There are 34 permitted and conditional uses in the AF zone. It is possible that applicant could realize a return, and the Board was not provided with documentation proving otherwise.

- 2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.):

No, there is nothing unique or unusual about the topography or physical features of the property.

- 3. The requested use variance, if granted, will not alter the essential character of the neighborhood.:

No, an ice cream shop/food stand would have an impact on the character of the neighborhood (i.e. increased noise levels and traffic).

- 4. The alleged hardship has been self-created.:

Yes, the permitted uses for the property are the same as they were when it was purchased by the Applicant.

Motion: A motion was made by Member Ricky Laurin, seconded by Member Steve Stone, to deny the variance as requested.

		<u>Yes</u>		<u>No</u>
Vote:	Jeff Green	(X)		()
	Bruce LaDue	()	ABSENT	()
	Ricky Laurin	(X)		()
	Steve Stone	(X)		()
	Fred Gemmill	(X)		()

Carried: YES

Public Hearing for Appeal No. 2017-001 closed at 7:36 PM.

Appeal No. 2017-002; Area Variance request by Luke and Amanda Thew to construct an addition on their home, located at 1265 Fiske Road, Chazy NY; Clinton County Tax Map No. 93.2-1-49.1.

Chairperson Jeff Green opened the public comment portion of the meeting at 7:37 PM.

Public Comment:

No one wished to speak.

Chairperson Jeff Green closed the public comment portion of the meeting at 7:37 PM.

Discussion:

The Board discussed the Applicants' 2010 ZBA Area Variance application which was approved, but work was not started within the time frame allowed. Also, Applicants are asking for an additional 5 feet over what was previously approved.

The Board determined that:

- 1. Granting the Area Variance as requested would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

2. The benefit sought by the applicant could not be achieved by a feasible alternative.
3. The requested variance is approximately 14% which is not substantial.
4. The variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The alleged difficulty is self-created because they could leave the deck as is and choose not to build the addition; it is optional.

Motion: A motion was made by Member Steve Stone, seconded by Member Ricky Laurin, to grant the variance as requested.

		<u>Yes</u>		<u>No</u>
Vote:	Jeff Green	(X)		()
	Bruce LaDue	()	ABSENT	()
	Ricky Laurin	(X)		()
	Steve Stone	(X)		()
	Fred Gemmill	(X)		()

Carried: YES

ADJOURNMENT

Chairperson Jeff Green asked for a motion to adjourn.

Member Ricky Laurin made a motion, seconded by Member Fred Gemmill to adjourn the 04/11/2017 Zoning Board of Appeals Public Hearing at 7:56 PM. Motion Carried.

Respectfully yours,

Heather M. Giuliano

Heather M. Giuliano
Zoning Board of Appeals Secretary
Town of Chazy