

Chairman Wilmer opened the Public Hearing.

Michael Cuciti, 278 North Main Street, came forward asking the board to carefully consider the aesthetics and the impact on the neighborhood. He noted that if the structure were to pivot 90 degrees and shift slightly toward the front of the property, then the existing barn at 280 North Main Street would help to minimize the visual impact from North Main Street.

Thomas McAuley, 20 Academy Place, expressed concern for the large footprint and height of the structure. He would also like to see the large Osage tree in the yard protected.

Michael Stahlbrodt, 31 Perry Place, had submitted a written comment expressing opposition to a garage that is 234% larger than permitted, with the side parallel to the street 183% longer than permitted. He was also present via Zoom to ask about preserving some of the smaller trees in the rear of the property.

Mr. Brown said there were no other written comments submitted. Chairman Wilmer closed the Public Hearing.

Mr. Falbo asked the applicant the purpose for the second garage. Mr. LaBarr said he is looking for storage for his four classic cars. None of the board members saw an issue with having an additional garage, due to the large lot size.

The board asked for more specifics on the design. Mr. LaBarr said he plans to have electric and heat, but no plumbing. The floor will be either concrete or pavers. He is somewhat flexible on the size, but would prefer to keep the style he is proposing in order to complement the style of the house.

Several board members expressed a concern with the large size and height of the structure and discussed whether a smaller garage could provide the same benefit to the applicant, while minimizing the impact to the neighbors. There was also some discussion about repositioning the structure and/or locating it further forward in an effort to preserve trees.

Chairman Wilmer directed the board to the five-part test, explaining that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

Ms. Harris said the proposed size is too big. Mr. Wright agreed; it is overwhelming.

Mr. Roberts is less concerned with the overall size than with the height and location. Vice Chair Tomzak agreed.

Regarding question #2: Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.

Vice Chair Tomzak recognized that the applicant would not be able to store his four classic vehicles in the existing garage.

Ms. Henshaw said she looked into the minimum size of a garage for storing four vehicles and found it to be between 700 and 1,248 square feet, depending on the size of the vehicles.

Mr. Roberts suggested a size closer to 1,200 square feet to allow for adequate space between vehicles and prevent damage when the car doors are opened.

Regarding question #3: *Show that the requested variance is not substantial.*

Ms. Harris and Mr. Falbo said it is substantial.

Vice Chair Tomzak said the requested variance is not substantial, considering the size of the lot versus the size of the new garage.

Mr. Wright said the lot can handle a second garage. Chairman Wilmer agreed, but noted that the proposed size is over twice the size of a neighboring barn and over twice the permitted size.

Ms. Henshaw said it is substantial and is larger than necessary.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Wright feels the project can be completed in such a way as to prevent an adverse effect by protecting trees and lessening the visual impact to the neighborhood.

Chairman Wilmer noted that there will be an increase in impermeable surface. Mr. Roberts pointed out that the extended driveway is to be gravel, which is permeable.

Mr. Falbo recognized that the slope of the lot will allow the runoff to collect away from Main Street to allow it to be collected on site.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Ms. Henshaw believes the hardship to be self-created. Several board members agreed.

The board spoke about various aspects of the application that are cause for concern. They discussed options for revisions that could eliminate some of these issues.

Chairman Wilmer asked if there were any additional comments or questions. Hearing none, he called for a motion.

Mr. Wright moved that the board ***Table*** the application to allow the applicant to revise their proposal with the following modifications:

1. Reduced size of the proposed garage.
2. Relocation of garage forward to preserve existing trees in the rear of the property.

Ms. Harris seconded the motion, which *carried* with a roll call vote of (7-0):

William Wright	Voting	YES
Thomas Falbo	Voting	YES
Carol Henshaw	Voting	YES
John Roberts	Voting	YES
Julie Harris	Voting	YES

Tiffany Tomzak	Voting	YES
Ryan Wilmer	Voting	YES

Chairman Wilmer acknowledged that although the Public Hearing has been closed, there will be an opportunity for those wishing to speak to the revised application at the next meeting.

ITEM 02 Application #26-001: 191 Pleasant Street, JOHN FRAREY, seeking a Use Variance necessary to operate a hair salon within the existing structure in the R-2 (Two-Family Residential) zone district. In accordance with §850-32 of the Zoning Ordinance, this is not a permitted use in this zone district.

John Frarey presented the application, speaking about the unique history of the property. In the 1920's the space was a grocery store and it has since operated as a restaurant and has accommodated several other commercial businesses. He described the structure as a 4-bedroom residence with a 1,000 square foot row-house attached. The salon would be operating within the 1,000 square foot area. There is parking for five vehicles in front of the property, and an additional 3 to 4 spaces in the rear.

Mr. Wright asked about handicap accessibility. Mr. Frarey said there is no handicap accessibility, but the building was constructed prior to this code requirement, and therefore exempt.

Jackie Beeman, the proposed tenant, was also present. She spoke about her plans for the salon. She would like one additional salon chair for a second hairdresser. Each would have a maximum of two customers at a time. The hours vary by appointment, but typically no later than 8PM weekdays and 3PM on an occasional Saturday.

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Aaron Shepard, 206 Bristol Street, mentioned that he inspected the space for backflow prevention and it will meet code requirements.

Kevin Negley, 179 Pleasant Street, is very familiar with the property, as it was previously in his family. He compared the proposal to previous uses of the space. He supports the proposal and does not anticipate any increase in traffic operating as a hair salon. He believes this use would be an improvement to the neighborhood.

Chairman Wilmer asked if there was anyone else wishing to speak to the application. No one came forward and Mr. Brown said no written comments were received. Chairman Wilmer closed the Public Hearing and led the board through the required four-part test.

Beginning with question #1: Show in "Dollars and Cents" that the land in question, if used for any permitted use, will not yield a reasonable return.

Mr. Wright acknowledged that the applicant submitted an estimate showing the cost to renovate the property to return it to residential use and it is not feasible. Chairman Wilmer and Vice Chair Tomzak agreed.

Mr. Roberts asked how long the space has been vacant. Mr. Frarey said 10 years. Mr. Roberts acknowledged that there is unlikely to be a good return on investment if the space were converted to a permitted use.

Regarding question #2: *Show that the hardship is unique and is not shared by all properties in the neighborhood.*

Ms. Henshaw noted that the property is unique, in that the space has operated commercially for several decades. Chairman Wilmer and Mr. Wright agreed.

Regarding question #3: *Show that the granting of the variance will not alter the essential character of the neighborhood.*

Mr. Wright recognized the salon business as a destination place. It would not have the same turn-over as other commercial operations.

Mr. Falbo noted that the proposed hours of operation will fit well with a residential neighborhood.

Regarding question #4: *Show that the hardship is not self-created.*

The board members all agreed that the previous uses of the space and the current layout result in a hardship that is not self-created by the applicant.

Chairman Wilmer then led the Board through the SEQR Environmental Assessment Form.

Mr. Wright moved that the Zoning Board of Appeals make a determination that Application #26-001 will not have a significant adverse effect on the environment and that a SEQR Negative Declaration be filed.

Mr. Roberts seconded the motion which carried with a voice vote (7-0).

William Wright	Voting	YES
Thomas Falbo	Voting	YES
Carol Henshaw	Voting	YES
John Roberts	Voting	YES
Julie Harris	Voting	YES
Tiffany Tomzak	Voting	YES
Ryan Wilmer	Voting	YES

Chairman Wilmer called for a motion.

Mr. Roberts moved that the board **Approve** the application as submitted and presented with the following conditions:

1. The location of the salon shall be limited to existing 1,000 square foot storefront area.
2. A maximum of 3 salon chairs is permitted.

Approval is based on the following reasons:

1. The applicant cannot realize a reasonable return, and that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. The requested use variance will not alter the essential character of the neighborhood; and
4. The alleged hardship has not been self-created.

Vice Chair Tomzak seconded the motion, which ***carried*** with a roll call vote of (7-0):

William Wright	Voting	YES
Thomas Falbo	Voting	YES
Carol Henshaw	Voting	YES
John Roberts	Voting	YES
Julie Harris	Voting	YES
Tiffany Tomzak	Voting	YES
Ryan Wilmer	Voting	YES

ADJOURNMENT

Mr. Wright moved to adjourn the meeting at 8:32, seconded by Vice Chair Tomzak and carried by unanimous voice vote (7-0).

Richard E. Brown, Secretary

Ryan Wilmer, Chairman