

**Minutes
Zoning Board of Appeals
September 12, 2013**

Board Members Present: Alan Hall, Sr., James Cooper, Mark Morey

Board Members Absent: Donne Lynn Winslow, Harold Moffitt

Others Present: Patti Corlew, Chris Belden (Zoning Administrator)

Meeting Commenced at 7:15 p.m.

Mr. Cooper - ...September 12th meeting of the Warrensburg Zoning Board of Appeals. Let the record reflect that Mr. Morey, Mr. Hall and I are present and constitute a quorum of the Board. First item of business on the agenda is approval of the minutes of August 8th. I have some changes, gentlemen. Lot of minutes, Patti. You did a remarkable job again.

Mrs. Corlew - Thanks. It's kind of hard to do 'em now with the new recorders. I can't always hear the audience.

Mr. Cooper - Yeah.

Mrs. Corlew - Unless they're right on the...

Mr. Cooper - We may have to make people step up to the microphone or something. Page 74, about a third up the page, the line beginning "but you", the expression should be wrong tack, T A C K. Two lines down where it says "this high mountain" should be there is a, there's a mountain, instead of this high. Page 82, third line down, it says inaudible but I think the remark was, the ceilings are (blank) feet high. I don't how many feet high he said. Third up from the bottom, the line beginning, Mr. David Mineo, inaudible. Inaudible should be replaced by Mitch Abood. Page 85, second line, end of the line, it says ya know should be replaced by the word no. Page 88, second line up from the bottom, Western Auto should be capitalized, capital W, capital A, proper noun. And page 89, the next page, second line up from the bottom, forgettable should be forgetful; my remark okay, well because I'm getting old and I'm forgetful. Page 90, third of the way up, line being year, why don't you speak your piece, I think piece should be spelled P E I C E? P I; I before E, except after C. You make the correction, Patti, whatever it is. Page 103, quarter of the way up, the line beginning on the left approval, "you know you have your", instead of warring antennae, it should be warning, W A R N I N G. That's it. Do you have any changes, Mr. Morey?

Mr. Morey - No.

Mr. Cooper - Mr. Hall?

Mr. Hall - I think you covered it.

Mr. Cooper - You agree to my changes?

Mr. Hall - I do.

Mr. Cooper - Mr. Morey? Alright, let the record reflect that the minutes are approved by consensus of the Board. Next item on the agenda is ZBA

2013-5, matter of North Country Ministry, Inc. Mr. Belden, as is the custom of the Board, will you explain how this matter comes before us. But first raise your right hand to be sworn. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Belden - I do.

Mr. Cooper - Proceed.

Mr. Belden - North County Ministries, located at 3933 Main Street, they're looking to construct a rear addition, with a covered, with a covered walkway between the existing building and the new addition. They've proposed to construct it; however, the one, one corner of the building, of the addition will be only six or six and a half feet from the, six feet from the property, from the right side property line, and it's in a district that requires a ten foot side setback. It appears that it's only the, the building is only six feet from the property line on the, I guess on the front more portion of the addition. The back, the, the way that the lots are, the lot is positioned, it's kind of crooked, so the back side would conform but the front side of that would not.

Mr. Cooper - Would you say that the front side will be 40% out of compliance?

Mr. Belden - Yes.

Mr. Cooper - As to our requirement?

Mr. Belden - Yes.

Mr. Cooper - Do you have anything else to say?

Mr. Belden - I don't think so.

Mr. Cooper - Are you speaking for North Country Ministry?

Mr. Morrissey - I'm Jim Morrissey and I'm speaking for North Country Ministry, President of North Country..

Mr. Cooper - Would you raise your right hand please? Swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Morrissey - Yes.

Mr. Cooper - Okay. Mr. Morrissey, have you heard what Mr. Belden said?

Mr. Morrissey - Yes.

Mr. Cooper - Do you disagree with any of his statements of fact?

Mr. Morrissey - I agree with what he had to say.

Mr. Cooper - Now could you describe, looking in from Main Street, the use of your neighboring property, your neighbors' properties?

Mr. Morrissey - The neighboring properties with this building would be affected (inaudible) automobile building. It's a parking lot at this point.

Mr. Cooper - To the left of the proposed building, there's an extensive yard, is that correct?

Mr. Morrissey - Yes.

Mr. Cooper - Do you use that for parking yourself?

Mr. Morrissey - Well, just, just the lawn where the driveway is. We have parking for about six or seven cars there.

Mr. Cooper - If you continued in that same direction, ultimately do you come to a single family residence?

Mr. Morrissey - Yeah, but I don't think... I believe from the drawings, that the (inaudible) will be the back of the parking lot.

Mr. Cooper - And to the rear of your property, what use is being made of their property by your neighbor?

Mr. Morrissey - You mean to the rear of the property?

Mr. Cooper - Yes.

Mr. Morrissey - I'm not sure. All I know is that the building, the addition's going to be where the parking, where the auto..

Mr. Cooper - I'm not talking about your use. I'm talking about... I'm trying to get a picture of your surrounding property. You've made it quite clear that the one to the right as you're looking from the street, is a parking lot. Essentially it's used in conjunction with a repair garage.

Mr. Morrissey - Right.

Mr. Cooper - And to the left, I assume it's a single family residence? Is that correct?

Mr. Morrissey - Well, that's some distance to the left, yes.

Mr. Cooper - I understand it's some distance from this. I'm...

Mr. Morrissey - Yes.

Mr. Cooper - ...just trying to get a picture of what's around the property, okay.

Mr. Morrissey - Right.

Mr. Cooper - The rear, what's the use of the property..?

Mrs. Harrington - I have pictures (inaudible).

Mr. Cooper - Okay. Well, we'll get to you in just a second, okay. To the rear, do you, do you know? If you don't know, you can just say so.

Mr. Morrissey - To the rear is a small barn, which was existing on the property.

Mr. Cooper - Off your property.

Mr. Morrissey - It's part of the property.

Mr. Cooper - The property behind your property, what..

Mr. Morrissey - Oh.

Mr. Cooper - ..use is being made of that?

Mr. Morrissey - I do not know, sir.

Mr. Cooper - Okay. Thank you. Would you raise your right hand please? What's your, what's your name?

Mrs. Harrington - Margot Harrington.

Mr. Cooper - Do you swear to tell the truth, the whole truth and nothing but the truth, Mrs. Harrington?

Mrs. Harrington - Yes.

Mr. Cooper - And could you answer the question I just posed to the gentleman?

Mrs. Harrington - Well, the back of it is, is my back yard. Their property is, there's, (inaudible) long so it's, it's two properties, the parking lot with the garage and then my, my place (inaudible).

Mr. Cooper - What street is your property?

Mrs. Harrington - I'm on Third.

Mr. Cooper - You're on Third Street?

Mrs. Harrington - Yes. My back yard is (inaudible) right to theirs.

Mr. Cooper - Okay. Do we have a tax map attached to these pages?

Mrs. Harrington - (Tape inaudible).

Mrs. Corlew - On your plot plan, it'll show...

Mr. Belden - If you look at the site map provided, it'd be to the right of where it says shed.

Mr. Cooper - Yeah.

Mr. Belden - Top of the page there. That's her property.

Mr. Cooper - Where's the property line? Behind the garage, I take it. (Tape inaudible; people talking at once).

Mr. Cooper - Mrs. Harrington, are you here in support or opposition to this application?

Mrs. Harrington - Well, I just want some of their... When they first bought that place, ya know, the guy had an antique shop there, and he kept the grounds nice. He mowed down by the fence. They let everything overgrow and they're so close. I mean, it just, and then they park... They're supposed to park the cars only on the side where they put the parking lot 'cause I, I didn't want them parking by the fence. They said they would never park there. But now they're parking every which way back there. It seems to me it's, it interferes with my privacy. I wouldn't be against this at all if (inaudible).

Mr. Cooper - Mrs. Harrington.

Mrs. Harrington - (Inaudible).

Mr. Cooper - Could you step up here please? I'm going to mark this exhibit number one. Wait a minute. We can't get, put that on the record, because pointing doesn't come across on the microphone. This is Main Street, okay?

Mrs. Harrington - Yes.

Mr. Cooper - I'm going to write Main Street there. Now...

Mrs. Harrington - This is me right here. This is their property. This is mine.

Mr. Cooper - Okay. So you're not immediately to the rear of them.

Mrs. Harrington - Right here, yes.

Mr. Cooper - You're caddy corner to the rear of them.

Mrs. Harrington - No, the whole length right here.

Mr. Cooper - This is what I consider to the rear of the lot.

Mrs. Harrington - (Inaudible). I'm on the side.

Mr. Cooper - Okay.

Mrs. Harrington - I'm on the right side.

Mr. Cooper - I'm going to put an H there where the property you say is yours.

Mrs. Harrington - Right.

Mr. Cooper - Is that okay?

Mrs. Harrington - Yes.

Mr. Cooper - Do you know who owns back here?

Mrs. Harrington - Rich and Becky...

Mr. Cooper - Lawler?

Mr. Belden - Larkin?

Mrs. Corlew - Larkin.

Mrs. Harrington - Larkin, yeah.

Mr. Cooper - Larkin? Who owns this little strip that comes in here.

Mrs. Harrington - This little strip is Jody and Randy (inaudible).

Mr. Cooper - And who owns this here, do you know? Is that the lady with the poodles and the..?

Mrs. Harrington - Yes, that's where (inaudible).

Mr. Cooper - This is an old carriage house, right?

Mrs. Harrington - Yes.

Mr. Cooper - I know the property then.

Mrs. Harrington - (Tape inaudible).

Mr. Hall - (Inaudible).

Mr. Cooper - Who's the lady that owns the Stony Creek kennels up there? I forget her name. I'm going to put here formerly Smith. Okay? Okay, and your complaint is... If you point on this drawing where the, on this map where they're parking their cars.

Mrs. Harrington - (Inaudible) back of their building. See? This is my, this is my fence.

Mr. Cooper - Alright.

Mrs. Harrington - And this was, this is where they want to put the (inaudible).

Mr. Cooper - Does this have to go to site plan review after we do this?

Mrs. Harrington - (Inaudible) privacy fence up.

Mr. Cooper - Well, how tall a privacy fence are you..?

Mrs. Harrington - Six foot.

Mr. Cooper - Six feet, right?

Mrs. Harrington - Privacy fence.

Mr. Cooper - Stockade, has to face outward? Do you think six feet is...

Mrs. Harrington - Like vinyl fence (inaudible) kind of fence.

Mrs. Corlew - Yeah, you can't really say what kind, but...

Mr. Cooper - Do you think that...

Mrs. Corlew - ...six feet can...

Mr. Cooper - Now do you see these cars from your residence or...

Mrs. Harrington - Yes. They're all over.

Mr. Cooper - Six feet isn't going to stop that, if they build a six foot high fence.

Mrs. Harrington - At least it wouldn't be... They shouldn't be parked out there anyway no matter, ya know, that's... I mean this used to be (inaudible) mowed (inaudible) and I don't know...

Mr. Cooper - Well, we can't, as a Board, tell people how frequently to mow their lawn, so I'm afraid that's a, that's a condition we can't...

Mrs. Harrington - (Inaudible).

Mr. Cooper - Well, that's what we would all want but... Can I, can we keep these pictures?

Mrs. Harrington - Sure can.

Mr. Cooper - Alright. I'm going to make these as board exhibit #2 and we'll count the pictures here. And, and you, you assert that these pictures show how they've allowed the property to become overgrown and...

Mrs. Harrington - Yes.

Mr. Cooper - ...that they, cars are parked too close to your boundary line. Right? Okay.

Mrs. Harrington - Yes.

Mr. Cooper - Would you go sit again please? I'm going to mark these board exhibit #2. There's eight photographs. Mr. Morrissey, would you step up and take a look at this map that we've been marking up here? This is, the orientation of the property is... You're going to have to be quiet.

Mrs. Harrington - (Tape inaudible).

Mr. Cooper - Mrs. Harrington? You have to be. She can only type one thing at a time and you have to respond to questions. Okay? This is your property? (addressing Mr. Morrissey). This is Main Street. Do you disagree with the identification of any of these parcels around here?

Mr. Morrissey - (Inaudible).

Mr. Cooper - Alright. And this parcel here that doesn't have any marking on it at all is the parking lot used by the garage which is across Third Avenue. Is that correct?

Mr. Morrissey - That's correct. I (inaudible) say that the parking (inaudible) all the time, but the parking (inaudible).

Mr. Cooper - I see, I see on the sketch that was submitted with the application there's a parking lot there.

Mr. Morrissey - (Inaudible). People come to the clothing center and so forth (inaudible).

Mr. Cooper - Well I observed that if you build this addition, people will no longer be able to park in the location where the addition is going to be constructed.

Mr. Morrissey - We don't park there anyhow. (Inaudible).

Mr. Cooper - I'll show you this picture here that the lady brought in. This is part of board exhibit #2.

Mr. Morrissey - Right.

Mr. Cooper - It shows people backed right up hard against her picket fence. She doesn't like it. You got any suggestions how to avoid that?

Mr. Morrissey - (Inaudible) no parking signs.

Mr. Cooper - Putting up some no parking signs.

Mr. Morrissey - (Inaudible).

Mr. Cooper - May they're hungry and they've got other things on their mind or something. I understand you only have limited control over that, but there are, you've got to make a, you ought to make a minimal effort anyway...

Mr. Morrissey - Yeah, absolutely.

Mr. Cooper - ...so they don't park right on top of her boundary line.

Mr. Morrissey - (Inaudible) there was a problem.

Mr. Cooper - Okay.

Mr. Morrissey - (Inaudible).

Mr. Cooper - What is your capacity with this application?

Mr. Morrissey - I'm President of the (inaudible).

Mr. Cooper - Are you a clergyman yourself?

Mr. Morrissey - Clergyman?

Mr. Cooper - Yes.

Mr. Morrissey - No.

Mr. Cooper - Oh okay.

Mr. Morrissey - No, this is not a religious organization.

Mr. Cooper - You can understand my confusion, can't you?

Mr. Morrissey - Yeah, (inaudible) started by, by (inaudible).

Mr. Cooper - Alright, well you can sit down, Dr. Morrissey. We're going to go through the application.

Mr. Morrissey - Okay. I can give you the (inaudible) little more information about (inaudible).

Mr. Cooper - Alright. He hands us a brochure. Alan, you get one. You want to look at these exhibits, Mr. Morey? Okay, I'm going to proceed to go through the application. You are seeking what's called an area variance by which you are asserting that strict application of the ordinance to this property causes you not an undue hardship but practical difficulties.

Mr. Morrissey - Yes, that's right.

Mr. Cooper - And the practical difficulty is not as you experience the property now, but as you experience what you need to do, it'll be inconsistent with the law when you construct this addition. Why don't you take a minute to tell us why the addition is necessary and what the, and maybe a little bit of a history of the ministry and the volume of use that it's been getting that has induced you to make this commitment to this expansion.

Mr. Morrissey - There's two locations for North Country Ministry; one is in North Creek and the second is in Warrensburg. And we perform a number of services. We have case workers who help, case workers and counselors who help clients who come in need, who need, who also, we also use these case workers to refer them to other organizations that may be helpful. We have a clothing center in both, both places. We have, we do a limited amount, we do have a limited amount of food, but we don't have space to do actually, to do adequate, as far as meeting the food needs. We also supply in that building in Warrensburg, in addition to the clothing center, counseling center. We also have a car seat program, which we provide car seats for people who can't afford them and insert those car seats. We also inspect... When they bring their cars in, we inspect the car seats to make sure the car seats are in place. But we do probably 100 or 120 car seats as far as putting in new cars seats as well as, as checking car seats as far as the installation for hundreds of cars. We also are... One of the biggest needs that we have is for food, under the increased need for food both in North Creek and in, in Warrensburg and we haven't been able to really meet those needs. Right now we give out certificates for food, coupons for food, but that's a very inefficient way

to try to meet the needs that people have. So we, we've gotten together with all the food pantries and other organizations and churches in the areas and identified that there is a need for a food pantry. We also don't have an adequate place to store the clothing that we have in the clothing center and with this building, we will have storage in part of the building for clothing. We also have a Baby's Place in both places which allow for clothing, diapers, formula. We also have a, we have an adequate place in Warrensburg. We have a program in North Creek, but we don't have adequate room to have a Baby's Place for (inaudible) what we call Baby's Place. We have counseling for, parental counseling, so this building serve for the Baby's Place, will serve the food pantry both in Warrensburg and North Creek. It will also serve as storage for clothing center.

Mr. Cooper - Have you any done any calculations as to the number of people in the community you serve out of the Warrensburg facility?

Mr. Morrissey - I can't, well I can't give you those figures, but we serve well over a 1,000 clients a month between the both, between both North Creek and Warrensburg. Warrensburg is a somewhat newer facility, but I would say that it's probably at this point, probably equal but the needs as far as Warrensburg have been growing since...

Mr. Cooper - My point is that it isn't just the Warrensburg hamlet or even the Town of Warrensburg that you serve. You have, clientele comes down from Chester?

Mr. Morrissey - Chester, Minerva, Lake George. We serve about 650 acres, square acres there. We have it on the back of the brochure there. I'm not quite sure of the exact, but the back of the brochure will show you the area that we serve on the back, show the area we serve.

Mr. Cooper - 650 square miles. I'm going to make this board exhibit #3. In order to get an area variance, you have to comply with certain requisites of the town law. And they say that we ask whether certain factual issues have been established, and the first question is, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the area variance. This lady says that you have created a detriment to her property the way yours is run now. And I want to inform you that we have a right to impose conditions if we give an area variance and we may require you to put up no parking signs so that nobody parks within 20 feet of her property line. Would that be something that would be...?

Mr. Morrissey - I have no problem with that.

Mr. Cooper - Okay.

Mr. Morrissey - I can't speak for the entire board, but I certainly don't think that would be an issue, and I think that as far as if there has been some neglect as far as the clean-up and so forth, I think that we can comply with that.

Mr. Cooper - Well, if you were hard-hearted, I guess you could say maybe you could make some of your people do some yard work before they eat. I guess they haven't done that in this country since John Smith.

(Laughter).

Mr. Cooper - And I don't, there's no other property owners nearby here tonight to complain what you propose to do. Structurally this building will be architecturally similar to the one that's there now. Is that correct?

Mr. Morrissey - Well, I, we have some drawings; I don't know if you've seen (inaudible)...

Mr. Cooper - You have a gabled roof and you've got a gabled roof now. Is that correct?

Mr. Morrissey - This will be a, this will be a... What do you mean by gabled roof? You mean... Yes, it would be. The roof is...

Mr. Cooper - Did I say that right, Mr. Morey?

Mr. Morey - Yep.

Mr. Morrissey - It would be similar to the roof.

Mr. Cooper - Okay. How about the siding? Is the siding going to be similar?

Mr. Morrissey - Well, the siding is, will be the vinyl siding, which we don't have now.

Mr. Cooper - It'll be clapboard in appearance like the structure you have there now is?

Mr. Morrissey - Yes. But it also we hope to upgrade, get some money to upgrade the building itself. We do hope to upgrade that, but (inaudible).

Mr. Cooper - Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance. Essentially you got no other place on your lot to build this structure, do you?

Mr. Morrissey - Not really, and I have, also to have fairly close access to the existing building. We had hoped to put this addition on the back of the existing building. Unfortunately, the foundation on the existing building was not satisfactory to be able to attach a new construction, so that's the reason why we have to put the building ten feet back, which obviously it would be best if we could put it right up against the existing (inaudible) in the existing building. It would be much more efficient for us, but because of the inadequate foundation and also if we, if we move... We'd like to sort of line the, the addition up with the existing building, also if we move the building over to the east, we would have to go right down in the middle of our existing driveway. So that's another reason why we'd like to be able to have the four foot variance in that corner next to the existing building.

Mr. Cooper - Essentially, the, ya know, give or take a few inches. It looks like the proposed new building will be a projection of the exterior walls of the old building. If you were to run a line...

Mr. Morrissey - Right.

Mr. Cooper - Whether the requested area variance is substantial. And you just indicated a four feet variance is requested on the left setback. That's why I asked Mr. Belden if this was, how out of compliance this was going to be and I think even somebody as challenged with math as I am can figure out it's 40%. 60% in compliance; 40% out of compliance, if we allow you to do this. And 50% has always been a, kind of a tipping point for this Board. Not exactly, but it's a standard we've used. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and you checked, not at all. I guess what they're driving at here is that if there will be a draw on municipal needs if you do this, creating problems with the municipality itself by your doing this. And frankly, I haven't heard anything here tonight that would indicate that's the case. So I think we can pass and go on to the next one. Whether the alleged difficulty was self-created. I don't know how we should apply this. Seems to me if we were to take the position that everybody who buys a structure and then finds that their needs change in the future should be precluded because they should've bought a bigger structure or something that they didn't need at the time they bought it. It seems to me that would be kind of silly. So I'm inclined to answer that question no as well. Mr. Hall, do you have any questions of the applicant?

Mr. Hall - None.

Mr. Cooper - Mr. Morey?

Mr. Morey - (Inaudible).

Mr. Cooper - Mrs. Harrington, is there anything else you'd like to say?

Mrs. Harrington - Well, if they have to (inaudible) have all that land in the back between the cars (inaudible), why couldn't you have it back there? Have it a separate building (inaudible) much more practical.

Mr. Morrissey - It's more practical to be close to the existing building because we go back and forth between those two buildings. So we'll have an enclosed walkway between the two buildings, ten feet.

Mrs. Harrington - But (inaudible).

Mr. Morrissey - But we also, we also have babies' clothing and the, we'll have babies' clothing in the new building (inaudible) storing the clothing upstairs in the new building and then bringing it to the existing building.

Mrs. Harrington - In your existing building now, there's a stairway to the cellar (inaudible).

Mr. Morrissey - That's the way the building was when we purchased it.

Mrs. Harrington - I know.

Mr. Morrissey - So that, I don't think we have any, ya know, we don't have any control over there. I agree. I'd like to have the building in a different position myself, but ya know, that's the way the building is and, and also if we put a building back farther, that's going to be right in your back yard. This building is going to be next to the garage.

Mrs. Harrington - No, it wouldn't be in the back yard. It would be on the side of the shed. (Inaudible). (Inaudible) side of the barn.

Mr. Morrissey - You mean the east side of the barn?

Mrs. Harrington - Yeah.

Mr. Morrissey - We wouldn't have enough...

Mrs. Harrington - (Inaudible).

Mr. Morrissey - We wouldn't have enough room to do that.

(Tape inaudible).

Mrs. Harrington - How big is this building?

Mr. Morrissey - It's 20 by 28.

Mr. Belden - (Inaudible) square feet.

Mrs. Harrington - Is that counting the walkway or (inaudible)?

Mr. Morrissey - No, that's the building itself. We'd have to be... We'd also have to make that... We'd also have to make that...

Mr. Belden - You're rear garage is, I think, pretty close to the back line. Is that correct?

Mr. Morrissey - Right. Back line and also...

Mrs. Harrington - I meant from the barn over to the...

Mr. Morrissey - You go to the east.

Mrs. Corlew - Yeah, that's...

Mrs. Harrington - Length of the back (inaudible).

Mr. Morrissey - Behind the barn?

Mrs. Harrington - No, not behind the barn. (Inaudible). The barn is here in this corner, but you have a lot of property this way.

Mr. Cooper - She's saying you should build the, the addition as a freestanding structure where...

Mrs. Harrington - Yes.

Mr. Cooper - ...which is presently the lawn now.

Mr. Morrissey - But that would be to the, she's saying to the east of the, next to the barn. So it would be out of her view and there's not enough room to go east of the barn and also be ten feet from the barn. That would be way over on the next property.

Mr. Cooper - Well...

Mrs. Corlew - He still would need a variance.

Mr. Cooper - That or if you plumped it right down in the middle of your lot, it would affect your parking significantly or off-street parking. So well, you've made your position clear, Mrs. Harrington. I think you have.

Mrs. Harrington - Yeah.

Mr. Cooper - Do you understand her position, Mr. Hall?

Mr. Hall - I think so.

Mr. Cooper - Mr. Morey?

Mr. Morey - Yes, I do.

Mr. Cooper - Okay. Then at this time, I'm going to move that we find this to be a Type II listed action under the State Environmental Quality Review Act and that there be no significant environmental impact as a matter of law because of that. Is there a second to the motion?

Mr. Morey - Second.

Mr. Cooper - Mr. Morey seconds. Comment? All those in favor, indicate by saying aye.

Mr. Hall - Aye.

Mr. Cooper - Let the record reflect the board is unanimous in finding that there's, this is a Type II listed action under the State Environmental Quality Review Act, and therefore, non-jurisdictional as a matter of law.

RESOLUTION #2013-20

Motion by: James Cooper

Seconded by: Mark Morey

RESOLVED, to deem application ZBA #2013-5 by North Country Ministry, Inc., tax map #210.12-3-6, located at 3933 Main Street, for an area variance, as A Type II listed action under the State Environmental Quality Review Act and that there will be no significant environmental impact as a matter of law.

DULY ADOPTED ON THIS 12TH DAY OF SEPTEMBER, 2013 BY THE FOLLOWING VOTE:

Aye: Alan Hall, James Cooper, Mark Morey

Nays: None

Mr. Cooper - Mr. Belden, we don't have a Planning Board in the County anymore, but the County Planner is supposed to make comments about these applications, and this is certainly within 500 feet of a County highway.

Mr. Belden - Correct.

Mr. Cooper - So did you get any feedback from the County.

Mr. Belden - Yeah, they have indicated there's no County impact, and there are no recommendations or anything.

Mr. Cooper - Okay. Alright, at this time, I'm going to move to impose a condition, if we grant this application, that no cars be permitted to park within twenty feet of the west boundary line. That should... How wide is the front of your house? Do you know?

Mr. Morrissey - I think approximately 20 feet.

Mr. Cooper - Okay. So you have a mental picture of how close I'm talking about there?

Mr. Morrissey - Yeah, I... There already is existing parking and I... That's...

Mr. Cooper - Well, you may have to move it to accommodate the needs of this lady. You'll have to have a...

Mr. Morrissey - I guess my only, my only point is that the building, the building is, is not on her, not, approximating her property and secondly, the parking is going to the, some of the parking is going to be to the left of the existing building.

Mr. Cooper - I certainly appreciate that, Dr. Morrissey, but you had clients who parked where they wanted to. So it seems to be reasonable to ask you to put up no parking signs 20 feet from your boundary line. If my fellow board members think that's too much, we might consider reducing it to 15 or 10. What do you think, Mr. Morey?

Mr. Morey - I'm concerned with this... I don't know if they park back there by the shed or if (inaudible). That's already (inaudible). That's not the driveway.

Mr. Cooper - Well, they can still, ya know, put up no parking signs along there. You may have to develop more parking to the east of your property and...

Mr. Morrissey - I think with the addition, we're still only going to have probably six or seven parking places. So it's not going to be expanding the parking that much.

Mr. Cooper - Well had you planned to park behind the addition?

Mr. Morrissey - No.

Mr. Cooper - 'Cause that's what this lady's complaint is.

Mr. Morrissey - Absolutely not. Absolutely not.

Mr. Cooper - Then why wouldn't you consent to have no parking signs put up there.

Mr. Morrissey - I have no objection. I guess I'm not quite sure where the 20 feet...

Mr. Cooper - That's why I asked you how wide the structure was, so in your mind's eye you could get a, kind of a guesstimate from the boundary line. It seems to me it'll come not quite to the edge of your, not quite to the easterly edge of the addition. Five feet short of that or so.

Mr. Morrissey - Could I just see that for a second?

Mr. Cooper - Step up here.

Mr. Morrissey - (Inaudible).

Mr. Cooper - You said you think the front of your structure is 20 feet wide. So if you extrapolate that up here, it seems to be the no parking zone would be somewhere in here over into this area.

Mr. Morrissey - (Inaudible).

Mr. Cooper - Yeah.

Mr. Morrissey - (Inaudible).

Mr. Cooper - Okay. So no parking... If we imposed a condition no parking to the west of the roadway, the existing roadway, that would be satisfactory to you?

Mr. Morrissey - (Inaudible).

Mr. Cooper - Alright, that seems to be a reasonable solution.

Mr. Morrissey - (Inaudible). I'm certainly sorry about that. I never...

Mrs. Harrington - Well, you had signs up there before, no parking (inaudible) people that worked there. It didn't stop 'em, ya know. (Inaudible).

Mr. Morrissey - I think we will certainly make every effort. I understand your concerns and I think we'd make every effort to do that, because (inaudible). And I'm glad that you brought it to our attention. (Inaudible).

Mr. Cooper - Patti, where are we at? Did I make a motion for, to impose conditions?

Mrs. Corlew - You made a motion to put the condition on the parking.

Mr. Cooper - 20 feet, right?

Mr. Belden - Did you make... You made...
(Tape inaudible).

Mr. Morrissey - West of the roadway.

Mr. Cooper - I'm not... That's why I'm bringing this up.

Mr. Morrissey - Okay. I'm sorry.

Mr. Belden - I think you had made the resolution from the westerly boundary line and I think you may have meant the northerly boundary line.

Mrs. Corlew - He didn't say. He just said boundary line.

Mr. Belden - Oh.

Mrs. Corlew - He just said boundary line. He didn't say a direction.

Mr. Cooper - Okay. I'm going to... Nobody seconded the motion, correct?

Mrs. Corlew - Right. Nobody..

Mr. Cooper - Okay. So I'm going to withdraw that and make a new motion; that we impose... If we grant this application for an area variance, that we impose a condition that there will be no parking to the north of the existing driveway. Is that right?

Mr. Morrissey - Right.

Mr. Cooper - Okay. And that'll keep them away from your boundary line hopefully. We can't be like policeman and go look there everyday to see if some, somebody from Minerva has, doesn't understand or doesn't comply with the signs, but this'll give you some measure of relief, I would hope, okay.

Mrs. Harrington - (Inaudible).

Mr. Morrissey - I, I don't think we throw it there. We don't..

Mrs. Harrington - (Inaudible).

Mr. Morrissey - Well, I mean, I really don't know. I'm not there..

Mr. Cooper - It's beyond the purview of what we're here tonight about.

Mr. Morrissey - I certainly think we can certainly look at that, but there would be other people that could be dumping stuff there too.

Mrs. Harrington - No. (Inaudible).

Mr. Cooper - I think Dr. Morrissey's going to go back to his board and say that there has to be more attention paid to being good neighbors in addition to serving the larger community.

Mrs. Harrington - I appreciate that.

Mr. Cooper - Is that right, Doctor?

Mr. Morrissey - That's right.

Mr. Cooper - Okay. Is there a second to my motion?

Mr. Morey - I'll second.

Mr. Hall - I'll second.

Mr. Cooper - Okay. All those in favor, indicate by saying aye.

Mr. Hall - Aye.

Mr. Morey - Aye.

RESOLUTION #2013-21

Motion by: James Cooper

Seconded by: Mark Morey

RESOLVED, to condition the resolution (if approved) for application ZBA #2013-5 by North Country Ministry, Inc., tax map #210.12-3-6, located at 3933 Main Street, for an area variance for an addition. The condition being that there be no parking to the north of the existing driveway.

DULY ADOPTED ON THIS 12TH DAY OF SEPTEMBER, 2013 BY THE FOLLOWING VOTE:

Aye: Alan Hall, James Cooper, Mark Morey

Nays: None

Mr. Cooper - Alright, as is the custom of the board, I will move the application in the affirmative at this time. Is there a second to the motion?

Mr. Hall - I'll second.

Mr. Cooper - Is there a discussion, Mr. Hall?

Mr. Hall - (Inaudible).

Mr. Cooper - Mr. Morey?

Mr. Morey - No.

Mr. Cooper - Alright. Then I'll call the question and we'll vote on the application for an area variance. All those in favor, indicate by saying aye.

Mr. Morey - Aye.

Mr. Hall - Aye.

Mr. Cooper - Aye. Let the record reflect that the three board members present and seated, constituting a quorum, have approved the application for an area variance.

RESOLUTION #2013-22

Motion by: James Cooper

Seconded by: Alan Hall

RESOLVED, to approve application ZBA #2013-5 by North Country Ministry, Inc., tax map #210.12-3-6, located at 3933 Main Street, for an area variance for construction of an addition six feet from the right side property line, with the condition that there be no parking to the north of the existing driveway.

DULY ADOPTED ON THIS 12TH DAY OF SEPTEMBER, 2013 BY THE FOLLOWING VOTE:

Aye: Alan Hall, James Cooper, Mark Morey

Nays: None

Mr. Cooper - Now Dr. Morrissey, I want you to understand that if there are other municipal permits required for you to go ahead and do this project, it has nothing to do with us, to the extent of our limited jurisdiction we've you given you permission to build this addition. Say for instance, there was an odd state law that required you to have an elevator service

the second floor for these people who are going to go there to get clothing and whatnot, that wouldn't have anything to do with what we just did. You'd be road-blocked there. Okay? So that's it. Thank you for coming. I apologize again for holding you up. Thank you for coming, Mrs. Harrington. I hope we got you some relief. We'll see. Thank you. You can go now if you'd like.

Mr. Morrissey - Alright. Thank you for your time and I, I will certainly follow-up. I mean, certainly try to (inaudible). Okay?

Mrs. Harrington - (Inaudible).

(Mrs. Harrington and Mr. Morrissey having a conversation.)

Mr. Cooper - Mr. Belden, do we have other business tonight?

Mr. Belden - We do not.

Mr. Cooper - Any there any applications pending for next month?

Mr. Belden - Nothing yet. What was the application? Oh, there was somebody possibly interested in purchasing the Merrill Magee House. They may possibly. I haven't heard back from him. I only heard from him once about the possibility of coming in, in front of you guys for a use variance. When they, when that was rezoned, restaurants are not permitted in that zoning district anymore and because the property has sat vacant for so long, they would require a variance to...

Mr. Cooper - Well, that'll be fun.

Mrs. Corlew - ...keep that a restaurant.

Mr. Belden - So, another use variance at the point.

Mr. Cooper - You're going to... I'm delivering to you at this time, the exhibits in this application to make part of the Town's folder. And this is the Decision from the Mineo application from last month.

Mr. Belden - (Inaudible).

Mr. Cooper - Yes.

Mrs. Corlew - Yeah. I gave it to him.

Mr. Cooper - Thank you for coming, Dr. Morrissey.

Mr. Morrissey - Thank you for your time, gentlemen. (Inaudible).

Mr. Belden - You just, you come in... Well, you would come in at your earliest convenience. You can stop in tomorrow.

Mr. Morrissey - Yeah, I'm actually going to be in Warrensburg.

Mr. Belden - Stop down tomorrow; we'll get you started and all that. Thank you very much.

Mr. Morrissey - Okay. Thank you.

Mr. Cooper - Thank you for coming.

(Tape inaudible).

The Zoning Board of Appeals meeting of September 12, 2013 was adjourned at approximately 8:00 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Zb09122013

RESOLUTION #2013-20

Motion by: James Cooper
 Seconded by: Mark Morey

RESOLVED, to deem application ZBA #2013-5 by North Country Ministry, Inc., tax map #210.12-3-6, located at 3933 Main Street, for an area variance, as A Type II listed action under the State Environmental Quality Review Act and that there will be no significant environmental impact as a matter of law.

DULY ADOPTED ON THIS 12TH DAY OF SEPTEMBER, 2013 BY THE FOLLOWING VOTE:

Aye: Alan Hall, James Cooper, Mark Morey
 Nays: None

RESOLUTION #2013-21

Motion by: James Cooper
 Seconded by: Mark Morey

RESOLVED, to condition the resolution (if approved) for application ZBA #2013-5 by North Country Ministry, Inc., tax map #210.12-3-6, located at 3933 Main Street, for an area variance for an addition. The condition being that there be no parking to the north of the existing driveway.

DULY ADOPTED ON THIS 12TH DAY OF SEPTEMBER, 2013 BY THE FOLLOWING VOTE:

Aye: Alan Hall, James Cooper, Mark Morey
 Nays: None

RESOLUTION #2013-22

Motion by: James Cooper
 Seconded by: Alan Hall

RESOLVED, to approve application ZBA #2013-5 by North Country Ministry, Inc., tax map #210.12-3-6, located at 3933 Main Street, for an area variance for construction of an addition six feet from the right side property line, with the condition that there be no parking to the north of the existing driveway.

DULY ADOPTED ON THIS 12TH DAY OF SEPTEMBER, 2013 BY THE FOLLOWING VOTE:

Aye: Alan Hall, James Cooper, Mark Morey
 Nays: None