

TOWN OF TAGHKANIC ZONING BOARD OF APPEALS

MINUTES OF THE MAY 24, 2021 REGULAR MEETING

A regular meeting of the Town of Taghkanic Zoning Board of Appeals was held on Monday, May 24, 2021 at the Town Hall.

Those present:

Elizabeth O'Donnell-Acting Chair, Thomas Mirabelli, Veronica Mitchell, Stephen Fass, Kent Sammons

Those absent:

James Romaine

Also present:

Robert Fitzsimmons, Esq., Counsel to the Zoning Board

Approved October 25, 2021

Ms. O'Donnell opens the meeting at 7:00 p.m. with the pledge.

Because of Mr. Romaine's absence, Ms. Mitchell is seated as a voting member of the ZBA at this time.

Minutes – April 26, 2021

The Board is going to table the minutes till next meeting.

Mr. Sammons makes a motion to open the public hearing for Carlo Macri Application/Jo Jo's Pizza seconded by Ms. Mitchell and approved by all present.

Approved 5 Aye (Mirabelli, Fass, Mitchell, O'Donnell, Sammons)

0 Nays

1 Absent (Romaine)

Comments/Concerns

- The Applicant provided plans for the public to review.
- The Applicant is proposing a pavilion with a roof, approximately 16ft x 28ft, constructed on an existing slab.
- The structure will require a Building Permit and will result in increased building area on the lot.
- An area variance is required as the structure is proposed to be fully built in the front yard setback.
- A second area variance is required as the main building, which is also built in the front yard setback, was previously enlarged using the 50% expansion limit on non-conforming building.
- Several neighbors spoke in support of the variance being granted, given the value of the restaurant to the community.

Mr. Sammons makes a motion to close the public hearing, seconded by Mr. Mirabelli and approved by all present.

Approved 5 Aye (Mirabelli, Fass, Mitchell, O'Donnell, Sammons)

0 Nays

1 Absent (Romaine)

The Board goes over the application at this time. The applicant is requesting an area variance on the front setbacks; the project does not encroach on the side or back setbacks. The applicant did come with the drawing & site plan the Board requested at its previous meeting. The project is in the business district and not adjacent to a residential area. It will be an unenclosed structure. The applicant must submit a revised site plan to the Planning Board for review and approval.

Mr. Fitzsimmons was to follow up with the CEO Dennis Callahan regarding previous expansions of the existing building on the site, which is non-conforming. Mr. Callahan's responses were not available.

Mr. Fitzsimmons goes over the SEQR review at this time with the Board.

Mr. Sammons makes a motion for a Negative Declaration, seconded by Mr. Mirabelli and approved by those present.

Approved 5 Aye (Mirabelli, Fass, Mitchell, O'Donnell, Sammons)
0 Nays
1 Absent (Romaine)

Mr. Fitzsimmons goes over the questions required by NYS and Town law and Zoning ordinance when considering a variance. After going over the five question they are all answered with a no.

Mr. Sammons makes a motion granting the two area variances, one for additional construction over the 50% expansion limit to a non-conforming building and one for construction in the front yard setback, as per the drawing by Lou Zapp dated 5/22/21, seconded by Ms. O'Donnell and approved by those present.

West Taghkanic Diner –

Mr. Fitzsimmons did send Mr. Callahan a letter as the Board asked, that outdoor dining tables did not require a Zoning Variance, and is not sure where it is at this time.

The Board did send WTD Owner Kris Schram to the Planning Board at last ZBA meeting. Mr. Sammons questions if all the outdoor dining tables are on the WTD property? Mr. Kim owner of the adjacent property, has an agreement with the WTD to have some seating on his property.

Mr. Kim asked the Board what he could do with his property next to the diner? He would like to put up a flower shop with a salvage/antique store. The Board informed him that it is along and potentially expensive process but can be do able. Mr. Fitzsimmons recommends he consult with an engineer that works with DOT and land use before going forward with anything. A previous application for a gas station and drive-through fast food facility on this site was denied by the DOT.

The Board discussed the potential for a speed reduction in the business district. The Town Board has submitted a request for a speed reduction and believe it was denied.

Mr. Sammons moved to adjourn the meeting at 7:50p.m., seconded by Mr. Mirabelli and approved by all present.

Approved 5 Aye (Mirabelli, Fass, Mitchell, O'Donnell, Sammons)
0 Nays
1 Absent (Romaine)

Jean-Adele Howard
Secretary, Town of Taghkanic Zoning Board of Appeals

Next Meeting: June 28, 2021 at 7pm.

Accepted by: _____

Title: _____

Date: _____