

**MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD OF APPEALS
MEETING HELD ON THURSDAY, MAY 4, 2023 AT TOWN HALL COMMENCING
AT 6:00 P.M.**

The meeting was called to order at 6:02pm

PRESENT: Chairman LaFay
Philip King
Jim Maskell
Rick Fisher

ABSENT: Dolores Cogan

OTHERS PRESENT: Syed Hussnane, Mohammad Iqbal, Sean Iqbal, Town Attorney Bill Nikas, Town Engineer Chris Koenig and Zoning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Jim Maskell, Seconded by Richard Fisher to approve the minutes of the meeting of February 23, 2023 **ALL AYES**

BUSINESS:

**Mohammed Iqbal/Syed Hussnane
523 Lower Oak St.
Use Variance**

Syed Hussnane: The warehouse we were approved for previously is not taking off like we had hoped and we are proposing a deli/convenience store. We are not proposing any changes to the outside of the building but we do have a temporary wall inside that may have to come down in the future if we get approval.

The following memo was received from the Town Engineer regarding the project:

1. The files we received did not include all the completed pages of the Town application form, specifically pages 3,4,7 of the Application form were missing.
2. Question 4 of the use variance questions was left blank on the pages we did receive.
3. Under general information, the applicant stated “possible rentals” to the questions about the proposed use of the property that would require a variance. This is unclear since the proposal is for a deli.
4. The Part 1 Short EAF has several questions that were left blank. All questions should be completed.
5. The Applicant should confirm adequate parking in accordance with the Town zoning code for the retail use combined with the existing warehouse use.
6. The Applicant should detail any updates to signage or lighting outside of the building.

It is our opinion that more information, including a complete application form, is needed prior to the Zoning Board of Appeals deciding this Application.

Other:

- The proposal is an unlisted action under SEQRA.

- The proposal requires a referral to Washington County Planning since it is within 500 feet a County Road (Schuyler Street, CR-40)
- The proposal requires a public hearing.

Syed Hussnane: Question #4 in the application is blank because I wasn't sure what it was asking. Can you elaborate?

Attorney Nikas: The issue is that this property is not in a commercial zone. You received a variance for a warehouse and 2 apartments and now you want to modify that use to include a retail/deli. The Board has to determine whether the different use you are proposing is substantially similar to the approval you had before or if not whether the new use should go through the ZBA process to determine whether you satisfy the 5 questions in the application. The question is whether a grocery store would be a benefit to the community which I'm sure everyone would agree with but the question is whether it would be suitable in a residential zone. That is the issue and there are certain factors that the Board considers by law to determine whether they can approve it. The Board has to consider things like traffic that a public use could bring in to the neighborhood but the first thing that has to be done is a referral to the County Planning Board. They may have their own issues because of Schuyler St.

Syed Hussnane: I wouldn't think that traffic would be a consideration because it is not on the main drag so it would be mostly pedestrian traffic because no one is going to see the sign from Route 4.

Chris Koenig: Will you be changing the signage? I know there is a banner sign now.

Syed Hussnane: What we are thinking is just put a banner or a metal sign against the building. It will not be free standing or illuminated.

Chris Koenig: Are you proposing any lighting?

Syed Hussnane: On top of the door there will be 2 lights shining down at the parking lot affixed to the building.

Chris Koenig: We would like to see some organization of a parking plan with maybe some striping.

Syed Hussnane: I am planning on striping the parking lot.

Chris Koenig: I would consult the zoning code in terms of the parking minimums for that use and then submit your parking plan as well as your lighting plan for the Board to review. Are there currently residences upstairs?

Syed Hussnane: Yes, upstairs there are 2 apartments but only 1 of them is occupied.

Philip King: Are you still planning on not having 5th wheel truck deliveries?

Syed Hussnane: Nothing larger than a box truck and they come once a week and can be scheduled.

Attorney Nikas: What are the hours of operation you are proposing?

Syed Hussnane: 6:00am-10:00pm

Attorney Nikas: Are you planning to sell alcohol?

Syed Hussnane: Yes we are planning to apply to the State for a license to sell alcohol.

MOTION by Jim Maskell, Seconded by Philip King to refer the application to the Washington County Planning Department contingent on receipt of the following: Parking Plan, Lighting Plan and complete application and SEQR **ALL AYES**

Chairman LaFay opened the Public Hearing at 6:40pm

No public comments
Public Hearing will be left open

ADJOURNMENT:

MOTION by Jim Maskell, Seconded by Rick Fisher to adjourn the meeting at 7:00pm **ALL AYES**

Dated: May 8, 2023

Aimee Mahoney, Clerk