

MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD MEETING HELD ON THURSDAY, JUNE 8, 2023 AT TOWN HALL COMMENCING AT 6:00PM

Acting Chairman will be Dolores Cogan

Chairman Cogan called the meeting to order at 6:03pm

PRESENT: Dolores Cogan
Philip King
Rick Fisher

ABSENT: Ken LaFay
Jim Maskell

OTHERS PRESENT: Town Attorney Bill Nikas, Town Engineer Chris Koenig and Zoning Board Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Rick Fisher, Seconded by Philip King to approve the minutes of the meeting of May 4, 2023 **ALL AYES**

BUSINESS:

**523 Lower Oak Street
Use Variance – Deli
Continued Public Hearing**

- **Applicants were not present**

Chris Koenig:

- We had asked for information on the parking since it is now a retail use with potentially more vehicles. They claim they can accommodate 20 cars including 2 handicapped spaces. I think it is closer to 12 or 13 spaces. The front row up against the building but there is really no place to put cars behind them because they will need that room for circulation and maybe 3 or 4 spots along the side of the property. Based on what they are showing for their floor plan for the deli which in the zoning code requires 1 space for every 300' of floor area I think that will be fine with that number of parking spaces. If they continue the warehouse use then that is only 1 parking space for every 2 employees and as far as I know there are not more than 2 employees that work there and the residence is 1 apartment unit upstairs. The parking is adequate for 12 or 13 spaces. I would suggest striping of the parking lot.
- We asked them for a concept of what they were planning for lighting and based on what they submitted they are not proposing any additional lighting, they are just using the flood lights that are there now.

- We also covered signage and they had planned to update the sign that is there with no illumination.
- Hours of operation proposed are 6:00am-10:00pm and that could be a condition of the approval.

MOTION by Philip King, Seconded by Rick Fisher to close the public hearing at 6:15pm **ALL AYES**

Acting Chairman Dolores Cogan read through Part II of the short EAF (SEQR) form with the Board for this unlisted action which includes no other involved agencies:

MOTION by Philip King, Seconded by Rick Fisher to declare a negative declaration for SEQR review due to no potentially large adverse environmental impacts as a result of the project **ALL AYES**

Chris Koenig: The Washington County Planning Board reviewed the application and declared it a matter of local concern with the comment that the ZBA examine the criteria for a use variance.

Town Attorney Bill Nikas went through the Use Variance criteria with the Board:

- 1) Cannot realize a reasonable return as proven by substantial competent financial evidence:
Board Consensus: No, the applicant has come before the Board and indicated that it would cost significant monies to bring this back to a residential use; it used to be a warehouse, it used to be a daycare center.
- 2) The alleged hardship is unique, and does not apply to a substantial portion of the district or neighborhood:
Board Consensus: Yes, the structure is not likely to be resurrected into a residential property.
- 3) The use variance, if granted, will not alter the essential character of the neighborhood:
Board Consensus: No, this property has been used for many years as a supermarket; they will not be altering anything.
- 4) That the alleged hardship has not been self-created:
Board Consensus: No, their use is restricted by the structure itself.

MOTION by Rick Fisher, Seconded by Philip King to declare that the application meets all 4 criteria for granting of a use variance **ALL AYES**

MOTION by Rick Fisher, Seconded by Philip King to approve the use variance contingent on the following: Hours of operation from 6:00am-10:00pm, replacement of existing signage with

no illumination, striping of the parking lot, all representations made by the applicant to date remain accurate and payment of fees **ALL AYES**

ADJOURNMENT:

MOTION by Rick Fisher, Seconded by Philip King to adjourn the meeting at 6:28pm **ALL AYES**

Dated: June 9, 2023

Aimee Mahoney, Clerk