

**MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD OF APPEALS  
MEETING HELD ON THURSDAY, AUGUST 19, 2021 AT TOWN HALL  
COMMENCING AT 6:00 P.M.**

Dolores Cogan will be Acting Chairperson for the meeting

The meeting was called to order at 6:00pm

Pledge of Allegiance

**PRESENT:** Dolores Cogan  
James King  
James Maskell

**ABSENT:** Ken LaFay  
Rick Fisher

**OTHERS PRESENT:** Lisa Harrington, Sandra Austin, Syed Hussnane, Mohamad Iqbal and  
Town Engineer Chris Koenig

**APPROVAL OF MINUTES: MOTION** by Jim King, Seconded by Jim Maskell to approve the  
minutes of the meeting of July 29, 2021 **ALL AYES**

**Dolores Cogan:** Do any Board Members have any conflict of interest with the applicant or  
application before us?

**Jim King:** No

**James Maskell:** No

**MOTION** by Jim Maskell, Seconded by Jim King to approve and accept the agenda **ALL  
AYES**

**Dolores Cogan:** An updated application form and Short EAF have been submitted by the  
applicant showing the change from a deli to a warehouse.

**Chris Koenig:** This is a pre-existing non-conforming building because there are some areas  
where it doesn't meet the bulk and dimensional requirements such as lot coverage and side yard  
setbacks but that's pre-existing and not in front of us tonight. The previous use as a daycare was  
in conformance with the R-2 district as a school so the structure (building) is non-conforming but  
the actual use is in conformance with the zoning. The variance requested is for zoning relief from  
a couple sections of the zoning code, one being section 108-42b which refers to non-dwelling  
structures and it reads, no commercial or manufacturing structure, originally designed for other  
than residential use, shall be converted to a dwelling structure. In this case we have a  
commercial structure being converted to a dwelling structure so that is one area of relief sought.  
Another one is the allowable use because a warehouse is currently only an allowable use in M-1.  
The other one is section 108-47c regarding change of use and it reads a non-conforming use or  
structure shall not be changed into a use which is permitted in a less restrictive district and the

M-1 is less restrictive than the R-2. That is the technical aspect of this but it is all just a Use Variance. In terms of the discretionary approval of this Board you have to think about the impact of the changes and the neighborhood character which we went through at the last meeting. The applicant has stated there will only be 6 mini vans, 7-9 passenger size per day delivering dry goods, 4 employee cars per day and at most 10 separate pickups dealing with the small vans. The applicant has indicated they will not be using tractor trailers or large box trucks and I would recommend conditioning any approval given on that. According to the applicant it will be less traffic than the daycare.

**Lisa Harrington:** Yes because we had WB Mason and Unifirst come every week with their big box trucks and they are not going to have that or all the traffic for the children's drop offs and pick-ups.

**Dolores Cogan:** It does also state in the application that if more space is needed they will be looking for another location.

**Lisa Harrington:** Also their hours of operation are going to be a lot less than mine were.

**Syed Hussnane:** I just want to clarify that the largest truck would be the size of a U-Haul if need be so if the board could say nothing larger than a U-Haul.

**Chris Koenig:** The proposal is an unlisted action for SEQR and no county referral was necessary in this situation.

**Dolores Cogan read through the Use Variance Criteria:**

- 1) Cannot realize a reasonable return as proven by substantial competent financial evidence:  
**Board Consensus: No**
  
- 2) The alleged hardship is unique, and does not apply to a substantial portion of the district or neighborhood:  
**Board Consensus: No**
  
- 3) The use variance, if granted, will not alter the essential character of the neighborhood:  
**Board Consensus: No**
  
- 4) That the alleged hardship has not been self-created:  
**Board Consensus: No**

**Chris Koenig:** The minimum is allowing the warehouse and apartments in the R-2 district. Are you proposing 1 or 2 apartments?

**Syed Hussnane:** 1 is the intent but can we do 2 in the future if need be?

**Chris Koenig:** You would have to come back to the Board, I would recommend requesting 2 now and in the future just make sure you check with the Building Inspector and that everything meets code requirements. Will there be any exterior storage?

**Syed Hussnane:** No

**Dolores Cogan:** What is the shed on the property?

**Lisa Harrington:** That had a lawnmower in it and things like that.

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

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

**MOTION** by Jim Maskell, Seconded by Jim King to approve the use variance contingent on the following: allowance of 2 apartments with no exterior modifications, operation of a warehouse without the use of 5<sup>th</sup> wheel tractor trailers and payment of fees **ALL AYES**

**ADJOURNMENT:**

**MOTION** by Jim Maskell, Seconded by Jim King to adjourn the meeting at 6:34pm **ALL AYES**

Dated: August 20, 2021

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Aimee Mahoney, ZBA Clerk