

Village of Caledonia Planning Board and Zoning Board of Appeals
Public Hearing Minutes for October 29, 2019

Planning Board Members in Attendance:

Rhett Clark; Jason Hunt; Marge Landowski; Linda Ludlum; Brenda Nelson, alternate member

Zoning Board of Appeals Members in Attendance:

Steve McIlwaine, Chairperson; William Hughes; Patrick Talty; Robert Middleton

Others in Attendance:

Scott DiLiberto, Mayor; Michael Burnside, Code Enforcement Official

Dean D'Agostino, Daffies Pizzeria

The Public Hearing was called to order at 7:00 with the Pledge of Allegiance.

Public Hearing for Daffies Pizzeria

Dean D'Agostino/Daffies Pizzeria, 26 North Street, applied for an area variance due to setback for the installation of an LED sign.

The Board discussed criteria for an Area Variance, as it applies to this variance application.

Undesirable Change to the Neighborhood

There are concerns about line of sight for cars and pedestrians, as well as concerns about the sign being too bright.

The consensus is that no, it is not an undesirable change. Line of sight will not be an issue, and the brightness of the sign can be controlled. Additionally, the sign will only be on during business hours and the colors can be adjusted.

Is There an Alternate Solution?

No

Is This a Substantial Request?

There is not enough space for the required setback: 83' is required but not available. As far as numbers go, yes, this is a substantial request. But, it is a logical solution based on the available space.

Will There be an Adverse Impact?

No.

Was this a Self-Created Hardship?

No.

Motion by Robert Middleton, seconded by Patrick Talty, to approve the area variance.
Aye: Steve McIlwaine, Chairperson; William Hughes; Patrick Talty; Robert Middleton
Nay: None
Abstention: None

John Kabrovski, from Raider Lanes, entered the meeting at 7:15.

Raider Lanes Public Hearing

John Kabrovski/Raider Lanes, 3156 State Street, applied for an area variance for a proposed addition that does not meet setback requirements.

The Boards discussed criteria for an Area Variance, as it applies to this variance application.

Undesirable Change

This is not an undesirable change to the neighborhood: it is not residential and it is mostly commercial.

Is There an Alternate Solution?

No: no matter which section of the building an addition would be proposed, and area variance would be needed. Additionally, this will benefit patrons.

Is This a Substantial Request?

No.

Will There be an Adverse Impact?

No: the water line will be unaffected, and there are plans to remove the trees in that area.

Was this a Self-Created Hardship?

No: Mr. Kabrovski did not buy Raider Lanes with the intention to add this side entry.

The Planning Board has discussed this project at length, and has approved it pending the Variance approval.

Jason Hunt shared a concern from a citizen re: the condition of 3154 State Street.
Michael Burnside stated that the red X on the front is a warning to the Fire Department to use caution if entering the building (holes in floor, etc).

Parking: Where will employees/guests park?

There will be a policy for employees to park away from prime spots.

Renovation of Raider Lanes is Phase 1 of a 3-phase project.

Phase 2: 3154 State Street, demolition and remodeling of the interior. Roof and HVAC are recently updated. First floor will be a restaurant; second floor will be a game area and space to hold parties. This will come to Planning Board.

Phase 3: Joining of 3154 and 3156 State Street. Patio installation between the buildings. This will come to the Zoning Board of Appeals.

This is an Anchor Grant project. 3154 State Street has to be renovated to release grant money.

Motion by Patrick Talty, seconded by Robert Middleton, to grant the area variance.

Aye: Steve McIlwaine, Chairperson; William Hughes; Patrick Talty; Robert Middleton

Nay: None

Abstention: None

Motion by Robert Middleton, seconded by Patrick Talty, to adjourn the meeting at 7:35 pm.

Aye: Steve McIlwaine, Chairperson; William Hughes; Patrick Talty; Robert Middleton

Nay: None

Abstention: None

RESOLUTION - - DECISION ON AREA VARIANCE

At a special meeting of the Village Zoning Board of Appeals of the Village of Caledonia, Livingston County, held at the Village Offices in said Village on the 29th day of October, 2019, at 7:00 p.m., prevailing time. The meeting was called to order by Steve McIlwaine and upon roll being called, the following were:

PRESENT: Steve McIlwaine
 Robert Middleton
 Patrick Talty
 William Hughes

ABSENT: _____

The following resolution was offered by Board Member Robert Middleton, who moved its adoption, and seconded by Board Member Patrick Talty:

WHEREAS, the Zoning Board of Appeals of the Village of Caledonia has received an application from John Kabrovski for a variance of Sections 215.15 (E) and 215.28 (B) of the Zoning Law of the Village of Caledonia; and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed an application, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties as the affected neighborhood is not residential and is mostly used for commercial purposes;
- B. The benefits sought by the applicant cannot be achieved by some other feasible method because regardless of which section of the building the proposed addition would be made, an area variance would be needed. In addition, the addition to the building will benefit patrons;
- C. The requested variance is not substantial because the Zoning Law of the Village of Caledonia provides that no side yard shall be less than eight feet and the proposed side yard, with the addition, will only be two feet shorter than that at six feet;
- D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district as there will be no disruption to the water line and there are plans to remove the trees in the area that would stand in the way of the addition; and
- E. The alleged difficulty was not self-created because: the property was not purchased with the intention of adding a side entry or requesting the variance.

NOW, THEREFORE, BE IT RESOLVED that the application of John Kabrovski for approval of a variance of Sections 215.15 (E) and 215.28 (B) of the Zoning Law of the Village of Caledonia is hereby **granted** for the reasons stated above.

The question of the foregoing resolution was duly put to a vote as follows:

	Yes	No
<u>Steve McIlwaine</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Robert Middleton</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Patrick Talty</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>William Hughes</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date: 12-19, 2019

Village of Caledonia, New York

By order of the Zoning Board of Appeals of the Village of Caledonia

Stephen J. McIlwaine

Chairman, Zoning Board of Appeals

RESOLUTION -- DECISION ON AREA VARIANCE

At a special meeting of the Village Zoning Board of Appeals of the Village of Caledonia, Livingston County, held at the Village Offices in said Village on the 29th day of October, 2019, at 7:00 p.m., prevailing time. The meeting was called to order by Steve McIlwaine and upon roll being called, the following were:

PRESENT: Steve McIlwaine, Chairperson, Zoning Board of Appeals
 Robert Middleton
 Patrick Talty
 William Hughes

ABSENT: _____

The following resolution was offered by Board Member Robert Middleton, who moved its adoption, and seconded by Board Member Patrick Talty:

WHEREAS, the Zoning Board of Appeals of the Village of Caledonia has received an application from Dean D'Agostino for a variance of Section 215.19 (B) of the Zoning Law of the Village of Caledonia; and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed an application, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties for the following reasons: (i) line of sight will not be an issue; (ii) the brightness of the sign can be controlled; (iii) the sign will only be on during business hours; and (iv) the property at issue is already zoned for commercial use;
- B. The benefits sought by the applicant cannot be achieved by some other feasible method as the only alternative to an LED light would not accomplish the applicant's business objectives in installing the sign;
- C. The requested variance is not substantial because while there is not enough space for the setback that would otherwise be required, this is a logical solution based on the space available;
- D. The proposed variance will not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district as the property is already zoned for commercial use; and
- E. The alleged difficulty was not self-created because: the property was not purchased with the intent of installing an LED sign, or requesting the variance.

NOW, THEREFORE, BE IT RESOLVED that the application of Dean D' Agostino for approval of a variance of Sections 215.19 (B) of the Zoning Law of the Village of Caledonia is hereby **granted** for the reasons stated above.

The question of the foregoing resolution was duly put to a vote as follows:

	Yes	No
<u>Steve McIlwaine</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Robert Middleton</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Patrick Talty</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>William Hughes</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date: 12-19, 2019

Village of Caledonia, New York

By order of the Zoning Board of Appeals of the Village of Caledonia


Chairman, Zoning Board of Appeals