

Zoning Board of Appeals
Special Meeting
October 28, 2015
6:30 PM

A special meeting was called to discuss the application presented by Stephen Mizgala requesting a Use Variance to open a pizza business at 544 Lakeview Drive.

Quorum: Yes

Meeting called to order at 6:30 PM by Chairman Don Butler.

Members present: Donald Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano

Members absent: 0

Also present: James Eves, Mayor
Mark Gebo, Village Attorney
James Millington, Zoning/Code Enforcement Officer
Michael Bourcy, Jefferson County Planning
Jean Simoneau, Chairman of the Planning Board
Heidi Bernier, Member of the Planning Board
Deborah Harmann, Member of the Planning Board
Stephen Mizgala, Applicant
Nicholas & Christopher Mizgala, Children of Applicant
Stephen & Florence Mizgala, Parents of Applicant
Craig Tucker, Resident

Motion Steven Carr 2nd John Stano to approve minutes from the October 27, 2014 and the October 14, 2015 meetings. No corrections.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano

Nays: 0

Correspondence: None

Report of Committees: None

Unfinished Business:

Motion Steven Carr 2nd James Marvin to deem the application, submitted by Stephen Mizgala requesting a Use Variance to open a pizza business at 544 Lakeview Drive, as complete.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano

Nays: 0

Attorney Mark Gebo explained to the ZBA members how to proceed with the Use Variance process. He answered questions from the members.

Motion John Stano 2nd Stephen Higgins to send the application and pertaining information to the Jefferson County Planning Board for their November 24, 2015 meeting.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano
Nays: 0

Attorney Gebo stated that the members of the ZBA must take into account the recommendations of the Jefferson County Planning Board before they make a final decision on the Use Variance.

Motion James Marvin 2nd Steven Carr to hold a Public Hearing in regard to the above application on November 30, 2015 at 6:30 PM.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano
Nays: 0

The members have 62 days after the closing of the Public Hearing to make a decision. The decision can also be made at the closing of the Public Hearing if the members are comfortable to do so.

Motion Steven Carr 2nd James Marvin to send notices to residents within a two block radius informing them of the Public Hearing.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano
Nays: 0

Attorney Gebo explained to members to seriously take into consideration the 4 tests needed to grant a Use Variance. They are as follows:

- 1) Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- 2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district neighborhood;
- 3) The requested variance, if granted, will not alter the essential character of the neighborhood; and
- 4) The alleged hardship has not been self-created.

The applicant will answer these questions for the board members.

The applicant's answers to the 4 test questions will become part of the minutes.

The Use Variance, if granted, can be granted with conditions. One condition could be that the application be sent to the Planning Board for Site Plan Review.

New Business:

Motion Steven Carr 2nd Stephen Higgins to recommend Donald Butler as Chairman for a term of one year effective December 7, 2015 through December 4, 2016.

Ayes: 4 James Marvin, Stephen Higgins, Steven Carr, John Stano.
Nays: 0

Don Butler accepted the recommendation.

Motion James Marvin 2nd Don Butler to recommend John Stano as Vice Chairman for a term of one year effective December 7, 2015 through December 4, 2016.

Ayes: 4 Don Butler, James Marvin, Stephen Higgins, Steven Carr

Nays: 0

John Stano accepted the recommendation.

Motion Stephen Higgins 2nd Don Butler to recommend Steven Carr as member for a term of five years effective December 7, 2015 through December 6, 2020.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, John Stano

Nays: 0

Steven Carr accepted the recommendation.

Clerk will write a letter to the Board of Trustees with recommendations for the December 1, 2015 meeting.

There will be a special meeting to include the Public Hearing at 6:30 PM on Monday, November 30, 2015.

Motion John Stano 2nd James Marvin for adjournment.

Ayes: 5 Don Butler, James Marvin, Stephen Higgins, Steven Carr, John Stano

Nays: 0

Meeting adjourned at 7:02 PM.

Respectfully submitted,

Charlene Mannigan

ZBA Clerk