

## **Village of Bloomfield Zoning Board of Appeals Meeting of December 27<sup>th</sup>, 2018**

**Zoning Board of Appeals Members Present,** Ron Newell, Joseph Ostrowski, Roslyn Duncan,

**Absent:** Terry Hall, Emery J. Warden

**Others Present:** Jim Kier (Code Enforcement Officer), Lori Ashman, Jen Downey and Joel Steele.

**Newell opened the meeting at 7:00 pm, the Public Hearing was opened.**

- 1. 7:00 pm Use Variance Review VBV1-18-Joel Steele owner of,** property located at 55 State St, tax map #80.07-1-1.220, has applied for a **Use Variance to allow commercial Business/Bakery/Retail to be located on the premises.**
  - Newell read the Legal Notice. Newell asked for any documentation and Joel Steele presented him with the certified return receipts for the public hearing notices; Newell asked for any written comments, there were none.
  - Steele reviewed what they/he was looking to do: The additional office spaces on the lower level of the building have been empty for approximately four years and he has not been able to find tenants. Ashman approached him wanting to operate a bakery out of the space. Because it is zoned as a RB-1 he cannot do this without the Use Variance. He explained there would be no changes to the exterior of the building except for signage that would meet code. He also stated he knows he has to make changes inside to meet the Department of Health standards and building codes.
  - Newell asked if there were any concerns with traffic, Steele stated that traffic has never been an issue and doesn't foresee any.
  - Ostrowski asked about any truck traffic. Ashman stated that it will be mostly car traffic and possibly UPS or USPS picking up packages to deliver. She is well known in Bloomfield for her candies and plans to make that her priority at this point.
  - Newell asked if she planned to expand in the future to possible include a store. Ashman stated potentially but plans to start small. Steele suggested a possible coffee shop to go with her baked goods in the future.
  - Kier stated you need to clarify; is this what you are asking for. Steele stated yes, he would like to see the flow of traffic in the building.
  - Duncan asked if all baking would be done onsite. Ashman stated yes because it has to be from a licensed kitchen to outsource any venues and the Department of Health would do inspections. Ashman will apply for the license if approved. Kier stated that everything would also have to meet building code.
  - Newell asked Steele if he considered trying to rezone the property to a Community Commercial property. Steele stated that he will probably in the future but at this time just wants to get Ms. Ashman's business started.
  - The Board verified the space on the map that was furnished by Steele. Newell asked Kier if he would be doing inspections. Kier stated yes, regular fire inspections will be done. He also reminded Steele that the initial fire codes have to be met once he presents a plan for the space.
  - Duncan asked if she would be putting up shelving etc. Ashman stated yes, along with stove, oven, refrigerator, sinks, and storage containers. Ostrowski mentioned they may need ventilation on the stove as well.
  - Ostrowski asked Steele if he knew when the property was purchased that it was agricultural or residential or RB-1. Steele was not sure. It was purchased back in the 1960's by his parents. He

believes it was residential. Ostrowski is trying to relieve that this was a hardship self-created if he knew it was RB-1 when it was purchased. Newell stated that he has been trying to fill the space. Steele would like to eventually change it to a Community Commercial to open it to more prospective renters.

- Newell asked for any other questions. Ashman stated that she has searched out other locations in the Village but the rent is too high. She was offered space in Mendon but wants to stay local where she is known for her goods. Newell stated that being on the Comprehensive Board they would like the business to stay in the community.
- Duncan asked about the space around the building and was surprised that none of it was agriculture. Steele stated it was still in the Village limits, once outside the Village then it could be. Steele also noted that his property behind 55 State Street's lawn butt up to each other, which makes it look like there is much more land.

Newell closed the Public Hearing at 7:41 pm.

Newell noted that in the Zoning Board of Appeals application the Provision(s) should read Article 135-65 not Article 135-61. (It was corrected on the application for filing purposes)

The Board then reviewed the four (4) criteria:

- 1) Reasonable return: The Board stated that he has been trying to rent the space for the past 4-5 years with no success.
  - 2) Unique circumstances: The Board stated there is no other rental space in the area and still can't rent.
  - 3) Essential Character of the neighborhood: The Board stated that they felt it would not alter the character of the neighborhood.
  - 4) Self-Created hardship: The Board stated that he has tried to rent with no success.
- Ostrowski asked if they were granting the use variance for the entire building of just the lower space. A discussion was held and it was agreed it would be the whole lower space. Newell recommended to Steele to pursue changing it to a Community Commercial property for future usage.
  - The short form SEQR for the unlisted action was reviewed-(The Planning Board had previously reviewed the questions but it was decided that it should be done by the Zoning Board). Ostrowski made a motion and Duncan seconded and it was unanimously carried to declare a negative declaration of adverse environmental impact as a result of the use variance.

**ZBA Decision:**

**Ostrowski made a motion and Duncan seconded the motion to approve the Use Variance –Joel Steele 55 State Street, Bloomfield, NY 14469 # VBV1-18, tax map #80.07-1-1.220, to allow the lower space to be used as a Bakery/Retail space.**

Whereas:

1. Accept request as given; as presented in the application to include the entire bottom floor

**Record of Vote:**

Ron Newell Aye, Joseph Ostrowski **Aye**, Roslyn Duncan **Aye**,.

All Board members present voted Aye. Vote was carried unanimously.

- 2. Discussion:** A brief discussion was held and Kier told Steele he needs to see design plans before he can issue any building permits because it's a commercial space. Kier also recommended to Steele, to not make any purchases until permit was issued.

Steele, Ashman and Downey left the meeting at 7:35

Replacements for the Zoning book were given out: Harassment policy and new index.

- 3. Meeting Adjourned** Duncan motioned and Ostrowski seconded and it was carried to adjourn the meeting at 7:49 pm.

Respectfully submitted,

Donna Wollschleger Village Clerk