

Village of Bloomfield ZBA meeting of March 20, 2014

The meeting was called to order at 7:00 p.m. by Chairman Ron Newell. Present were: Ron Newell, Joe Ostrowski, Jim Altemus, Roslyn Duncan, Terry Hall, alternate member EJ Ward and CEO Andy Hall. John Sciarabba of Land Tech and William LaForte, Atty. were present to represent the applicant PEMMLLC. Also present were guests: Richard Rayburn, Mark Falsone, Dave Conklin, Jay Mitchell, Nancy Long, Marian Metzinger, Estelle Hall, John O'Mara, Ken Martin, Beverly Bailey, Ron Wilson and Jackie Spindler.

Ron Newell opened the public hearing at 7:10 p.m. for the area variances application for 3 Main St. to allow front yard parking and two front yard setbacks. He read a corrected version of the legal notice which appeared in the Daily Messenger. The corrected version stated front setback variances of 40.7 ft. on Main St. and 127.1 ft. on Elm St.

The following are established for the record:

1. Proof of notification of adjacent residents was provided.
2. The SEQR was reviewed by the Planning Board and a negative declaration of environmental impact was determined for the project
3. Ron read a portion of the planning board minutes of March 13 which recommend that the ZBA grant the area variances for front setbacks and front parking and that the addition to the pre-existing non-conforming building is appropriate as the proposed changes will tend to make the building more compliant with the zoning code.
4. Ron explained the process for the public hearing such that comments from attendees were welcome but must pertain to the variances under review.
5. The ZBA received a letter from the law firm of Trevett, Cristo, et al to support the variances. The letter has been reviewed by all members and will be considered in the approval process but reading it into the record was waived due to its length.

John Sciarabba presented the project to the public which proposes to put a 1533 sq. ft. addition onto an existing gas station/convenience store to allow a drive-thru restaurant and to relocate the gas pumps from Main St. to Elm St. for safer traffic flow. Highlights of the presentation include:

1. The front yard parking and front yard setback variance requests are to maintain the existing front parking and setbacks. There will be, in effect, no change to the character of the neighborhood since the variances already exist.
2. The proposed project will improve the aesthetics of the property through renovation of the existing building with a façade that will bring the building slightly closer to the ROW.
3. The drive-thru restaurant is consistent with the area as the bank across the street has a drive-thru.
4. Re-location of the existing building would not resolve the development problems of the parcel as there are public utilities in the ROW and a DEC regulated stream preventing the building from strict compliance with the zoning code for a zero front setback and re-location would cause internal traffic flow problems for the gas pumps and drive-thru.

The floor was opened for comments.

1. Jay Mitchell asked for a show of hands in support of the project: 10 said yes and 1 said no and 1 had no response.
2. The clerk reported that there were no written comments or phone calls received concerning the variances application
3. The parking was discussed in that the 24 required parking spaces are proposed with 6 spaces proposed in front of the building and 18 proposed along the east side of the addition.

As there were no other questions or concerns related to the variances application, the public portion of the meeting was closed at 7:32 p.m.

The ZBA discussed the criteria for reviewing area variances in relation to the project proposed for 3 Main St. The discussion included:

1. As the village center district code allows up to 5 ft. for a front yard setback, the minimum relief for the actual variances needed are 35.7 ft. on Main St. and 122.1 ft. on Elm St.
2. Although it would appear that the new building of 3400 sq. ft. requires a larger number of required parking spaces than proposed, the building has multi-uses of a gas station, convenience store and drive-thru so actual parking requirements were determined by the CEO based upon the number of sq. ft. dedicated to each use.
3. The front yard setback variance for Main St. is not actually a change at all as that is the existing building setback. The addition proposed is to be located at the rear of the existing building but faces Elm St. There is not sufficient space to put the addition on any other side of the building.
4. Area variances must consider the balancing test of the individual's benefit weighed against any detriment to the community. There does not appear to be any negative effect on the community as a result of the project and all alternative means of developing this project have been explored, some formally with the planning board, and are not financially feasible and may cause internal traffic safety concerns.

Terry Hall motioned, Jim Altemus seconded and it was unanimously carried to approve the following variance for the application for 3 Main St. (tax map #67.16-1-18.1 and 67.16-1-21): to allow front yard parking as it is currently an existing use on this property; therefore it is not a substantial variance, it will not be an undesirable change to the neighborhood, and it is not self-created as it is a pre-existing non-conforming situation.

Jim Altemus motioned, Terry Hall seconded and it was unanimously carried to approve the following variances for the application for 3 Main St. (tax map #67.16-1-18.1 and 67.16-1-21): to allow a front yard setback of approximately 36 ft. on Main St. as it proposes no change to the existing building and will therefore have no undesirable effect on the neighborhood, is not self-created and is the minimum relief to allow the project to move forward; and to allow a front yard setback of approximately 123 ft. on Elm St. as it meets the balancing test in that the benefit sought will not have any detrimental effect upon the health, safety or welfare of the community and alternative methods have been explored and found to be either not fiscally feasible or would negatively affect the traffic flow safety.

Joe motioned, Terry seconded and it unanimously carried to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Kathleen Conradt
Clerk