

**VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 20, 2017
7:00 P.M.**

ATTENDANCE: Jeffrey Parry, Dinemayer Silva, Heather Gray, Susan Duchnycz, Thomas Neals, Kenneth George, Village Attorney Lydia Marola, Village Building Inspector Luis Agüero and Catherine Busher.

Excused: Bonnie Belfance had another meeting on this night.

Voting members for tonight's meeting are Dinemayer Silva, Heather Gray, Kenneth George, Thomas Neals and Jeffrey Parry.

Zoning Board Member Thomas Neals made a motion and Chairman Jeffrey Parry seconded to approve the Minutes from the September 26, 2016, January 30, 2017 and February 27, 2017 Meetings.

AYES: Thomas Neals, Jeffrey Parry, Kenneth George, Dinemayer Silva, Heather Gray

NAYS: None **MOTION GRANTED.**

Chairman Parry stated in making its determination for area variances, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, it shall grant the minimum variance that it deems necessary.

CASE #1: ROBB CLEMONS – DAIRY CIRCUS - 180 SACANDAGA ROAD - SCOTIA, NY 12302

The applicant, Robb Clemons has submitted an application for the Dairy Circus at 180 Sacandaga Road, Scotia, NY 12302 for an area variance to rebuild the restaurant. This application requires an area variance for Zoning Board of Appeal's approval in accordance with Village Code Section:

250-29, Lot area requirements: C. Yards required. Yards shall be required as follows:

(1) Front Yard; none required, if provided, it shall be at least 20' deep. (See; 250-48)

The rear building corner is 16' from the property line and 20' is the requirement.

They are requesting a 4' variance on this "corner" of the building. Note: Not on the entire side just the corner projection only.

This is based on the decision of the Village of Scotia's Building Inspector.

James Hale who owns Adirondack Landscaping was in attendance as was the applicant Robb Clemons. James Hale is the contractor for the project and he explained what the project will include. They are requesting a 4' variance on the Lyric Street side of the property on the corner projection only. The architect who designed the property explained it is a 4' x 4' square and the 4' back corner that goes towards Albermarle Road on Lyric Street goes 4' over the setback line. The lot is not square it is an angular lot but the proposed restaurant will be parallel with Sacandaga Road. The applicant would be interested in more room on the gas station side of the property where the picnic tables were located for the customer's to eat their ice cream. The building will be slightly bigger than the old Dairy Circus. The applicant is requesting that his property be 6' deeper and approximately 7' wider. It will not be that much larger. The Village of Scotia Planning Board is declared Lead Agency of the site plan for this property.

Also, the Planning Board has already made a positive recommendation to the Zoning Board of Appeals to approve the area variance for this application.

Chairman Parry asked how much parking was on the property. The parking lot is very unique because of the layout of the property. Mr. Hale stated that Mr. Clemons the owner of the Dairy Circus, did not know that the Village of Scotia owned a considerable part of the parking lot. This was not known until the plans were done on the property. Mr. Clemons property is 15' in from the utility pole. There is a considerable amount of blacktop from the building to Lyric Street. That pavement area will be asphalt concrete and half of it is owned by the Village of Scotia and half of the area is owned by Mr. Clemons. Mr. Clemons does not have any problem with maintaining the area owned by the Village.

The Scotia Police Department and Scotia Fire Department did not have any issues with this application. The Schenectady County Department of Economic Development and Planning deferred this application to local consideration.

Susan Dantz the owner of 3 Lyric Street was in attendance and did not have any concerns with this application.

The public hearing portion of the meeting ended at 7:05 p.m. and deliberations began. Deliberations ended at 7:10 p.m.

After a brief discussion on the setback requested, the following motion was made.

MOTION: Zoning Board Member Thomas Neals made the motion and Board Member Dinemayer Silva seconded to approve the application for a 4' area variance submitted by Robb and Doreen Clemons for the rebuilding of the Dairy Circus at 180 Sacandaga Road, Scotia, NY 12302.

AYES: Thomas Neals, Dinemayer Silva, Jeffrey Parry, Heather Gray, Kenneth George

NAYS: None **MOTION GRANTED.**

Training Status Report:

Current Training Hours:

Heather Gray	-1.5
Kenneth George	-2.5
Jeffrey Parry	-2.5
Bonnie Belfance	-2.5
Dinemayer Silva	-1.5
Susan Duchnycz	-0.5
Thomas Neals	-4

MOTION: There was a motion to adjourn the meeting at 7:12 p.m.

MOTION: Jeffrey Parry **SECONDED:** Thomas Neals

AYES: Jeffrey Parry, Thomas Neals, Dinemayer Silva, Kenneth George, Heather Gray

MOTION GRANTED.

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*
March 24, 2017 File Date