

# Draft

## Zoning Board of Appeals Meeting

March 21, 2023

**The meeting of the Village of Pulaski Zoning Board of Appeals (ZBA) was held on March 21, 2023, at 7:00 P.M. at the Snow Memorial Building, 4917 Jefferson Street, Pulaski, NY 13142.**

**Zoning Board of Appeals Members Present:** Shawn Doyle, Chairperson; Susan M. Peters, Member; Elizabeth (Liz) S. Woods, Member; Clayton Waite, Member; and Michael Murphy, Member.

**Absent:** None

**Village Officials and Staff:** Jen Gibbs, Deputy Clerk, Mayor Jan Tighe, and John Howland, Code Enforcement Officer.

**Guest(s):** Mike Lasell of MBL Engineering, PLLC., Jeremy Snow, Bill Larrabee, Amy & Mike Dobrzynski, Shelley Joss, Robert S. Russell, N. Tubbs, Jackee Radell, John Obleman, Eileen Soika, Mike Fiumano.

### **Agenda Item #1: Call to Order & Public Comment**

The meeting was called to order by Chairperson Shawn Doyle at 7:00 PM

### **Agenda Item #2: Review of Minutes**

Susan Peters made the motion to accept the minutes of August 16, 2022, and Liz Woods seconded the motion. It passed 5-0.

### **Agenda Item #3: Area Variance Application & Public Hearing for Area Variance**

Mike Lasell of MBL Engineering gave an overview of the proposed project at 4789, 4791, 4793, & 4799 Salina Street. The project includes the demolition of three single family dwellings and a portion of the existing bowling alley to construct a 22-room hotel with associated parking. The existing bowling alley will be renovated to include three guest rooms, a restaurant, and a gaming area. The Planning Board recommended the ZBA to consider granting a rear-yard variance of 4.3 ft. The Village of Pulaski owns the land that the rear-yard variance abuts. The project is located in a Business B-2 district.

Mike Lasell answered questions from the public regarding ownership of the properties. JV QOF LLC currently owns two of the residential properties and the bowling alley. The third house is under contract. Amy Dobrzynski asked if the project was approved to move forward. The answer was that there will be another public hearing for the project at the next Planning Board meeting if the ZBA grants the waiver. The Planning Board would then vote on final approval. Shelley Joss asked if there was an issue with the south side that is next to a residential property. An area variance was considered unnecessary under the Village Code (§160-42.1 Regulations for a Business B-2 District,) because the residential building is located in a B-2 district.

# Draft

The Zoning Board of appeals made the determination that:

- The requested variance will not create an undesirable change in the character of the neighborhood or detriment to nearby properties in that it will enhance and improve a blighted area.
- The benefits sought by applicant cannot be achieved by some other feasible method because the nature of the property line. The Village owns to the top of the riverbank rather than the middle of the river like the properties north of the proposed hotel.
- The requested variance is not substantial in that it is only 4.3 feet and nothing can be built on that due to the nature and ownership of the land abutting the property.
- The proposed variance will not have adverse effect or impact on the physical and environmental conditions of the neighborhood or district because they will be removing three houses, two of which have not been lived in for years, new construction will correct sewer, storm drain and environmental issues.
- The alleged difficulty was not self-created because when the property was purchased it was not known that the project would be close to the Village property.

Michael Murphy made the motion to grant the area variance of 4.3 ft for the rear-yard setback. Elizabeth Woods seconded the motion and it passed with all members in agreement.

A public hearing and vote on final approve of the site plan will held at the next Planning Board meeting on April 3, 2023.

## **Agenda Item #4: Code Change §160-42.1**

Sue Peters made the motion to amend §160-42.1 from “The side yard minimum, if abuts residential district, minimum of 30 feet; if residential district, 20 feet; neither less than 5 feet.” To “if it’s residential it is 30 feet and if it is commercial 20 feet, but nothing less than 5 feet.” Clayton Waite seconded the motion and it passed unanimously.

## **Agenda Item #5: Other**

The motion to grant Mr. Gaffney’s request to add a foot of barbed wire to a 6-foot chain link fence for security purposes in a commercial zone was made by Elizabeth Woods and seconded by Sue Peters. It was determined that the foot of barbed wire was an extension to the fence rather than an integral part of it.

John Howland updated the board that the new construction of a Family Dollar/Dollar Tree in front of Tops Market and the car wash next to NAPA will be moving forward. He also noted that there was interest in the old Walgreens for an additional Dollar store.

## **Agenda Item #6: Adjournment**

Susan Peters made a motion to adjourn the meeting at 8:03 PM. Elizabeth Woods seconded the motion and it passed with all in favor.

## Draft

The next meeting will be held April 18, 2023, at 7:00 PM.

**Draft & Unapproved**

**Jennifer Gibbs,**

**Deputy Clerk**