

Village of Ellenville  
Zoning Board of Appeals  
August 23, 2012

Meeting called to order at 7:00 p.m. by Chairman Tennenbaum. Also Present at this time was Commissioner(s) Beck and Pidel.

Also Present: Brian Schug, Code Enforcement Officer and Peter Berger, Village Attorney.

Auto Zone – 69 N. Main Street - Mr. Eric Redding from Auto Zone reviewed the project with board members whereby the company is proposing to develop this site with a 6,816 square feet retail auto parts store. The present site plan would need three variances from the Zoning Ordinance and they would be:

1. Area and Bulk Schedule regarding the side yard setback
2. Area and Bulk Schedule regarding the rear yard setback
3. Parking within fifteen feet of the street right-of-way and within three feet of the rear lot line.

Motion by Commissioner Pidel, seconded by Commissioner Beck to open the Public Hearing at 7:05 p.m.

All in favor - Aye - motion carried

Commissioner members reviewed the need for the three variances that would be needed and Attorney Berger reviewed the conditions that need to be met in granting an area variance and they are as follows:

Area Variance –

- a. The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.
- b. In making its determination, 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. In making such determination the board shall also consider:
  1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  3. whether the requested area variance is substantial;
  4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  5. whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

- c. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Motion by Commissioner Beck, seconded by Commissioner Pidel to declare the Village of Ellenville Zoning Board of Appeals as lead agency on this project.

All in favor - Aye - motion carried

Motion by Commissioner Beck, seconded by Commissioner Pidel acting as lead agency on said site plan issued a Negative Declaration determining the proposed action would not have a significant effect upon the environment.

Roll Call Vote:	Commissioner Beck	Aye
	Commissioner Pidel	Aye
	Chairman Tennenbaum	Aye

All in favor - Aye - motion carried

There was no Public Comment at this time

Motion by Chairman Tennenbaum, seconded by Commissioner Pidel to close the Public Hearing at 7:20 p.m.

All in favor - Aye - motion carried

Motion by Chairman Tennenbaum, seconded by Commissioner Beck to grant the three variances requested by the applicant as follows:

1. Area and Bulk Schedule regarding the side yard setback
2. Area and Bulk Schedule regarding the rear yard setback
3. Parking within fifteen feet of the street right-of-way and within three feet of the rear lot line.

Commission members granted the area variance as requested due to:

1. This variance will not create an undesirable change in the neighborhood and;
2. The requested area variance is not substantial

All in favor - Aye - motion carried

Adjourn – Motion by Commissioner Pidel, seconded by Commissioner Beck to adjourn the meeting at 7:30 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk

