

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

September 18, 2018

AGENDA: Pacific Health Club Inc. Public Hearing (Tabled at 9/11/18 meeting.)
Regular Meeting

MEMBERS: Michael French, Chairman
Peter LeoGrande - absent
Patricia Simmons
Tom Thompson - absent
Tina Sawyer

ALSO PRESENT: Maureen Krol of Pacific Health Club and neighbors to the north.

Chairman French opened the meeting at 7:06 pm with three members present establishing a quorum of the membership.

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PUBLIC HEARING

Use Variance Request

Pacific Health Club Inc. -2107 State Route 48, Fulton
Tax Map #201.20-01-04

Chairman French reconvened the Public Hearing that had been tabled on September 11, 2018 at 7:06 pm. The Board addressed the people intending to lease the property to understand their planned business operation. They had more than 15 years experience in running a restaurant and plan to open for breakfast, lunch and dinner service of American food, much akin to a diner. They would like to have large social events in the future if the business is successful and that would necessitate the need for a liquor license. The interior of the building is all that they are leasing currently. Discussion ensued regarding the future plans and what other uses would need to be considered. The neighbors voiced concerns of late hours and noise from music and patrons hanging around outside on the grounds and in the parking area. The applicants stated that the restaurant business wouldn't generate outdoor activity and the doors of the building would remain closed to contain any noise generated. Any special events would also be contained within the building which prompted discussion of using the gazebo which is located outside and not part of the current proposed lease. The outdoor activity was critical to understand because it would create the largest impacts on the neighboring parcels. The gazebo and grounds were intended for social gatherings and the Board members felt that a compromise of allowing ceremonies to occur outside while diner and entertainment commences afterwards inside the structure would greatly decrease the impacts perceived by the neighbors. Maureen Krol offered that the owners should be notified of any activities planned for the exterior area since they would ultimately be responsible for maintaining compliance with the Town regulations. The Board was resolute that outdoor music, concerts and/or bands would not be allowed. Without further comments from the public, Chairman French closed the Public Hearing at 7:18 pm.

REGULAR MEETING

Pacific Health Club Inc. -

Chairman French began the deliberations by reading aloud the criteria that the Board must consider when reviewing variance requests.

1. Alleged hardship is not self-created. The property was developed commercially before zoning was established in the Town.
2. Request will not alter character of the neighborhood. The property existed for many years as a bowling alley and then as a restaurant and banquet facility within the existing residential neighborhood without issue; the proposed use is similar but will not have the level of outdoor activity that previously existed to assist in establishing a harmonious relationship with the neighbors. The general area has increased traffic due to the golf course and Floody’s establishment which supports the proposed commercial usage of this property.
3. Hardship is unique and does not apply to a substantial portion of the district. The development along State Route 48, which was rezoned to a restrictive R-1 district, has been sporadic and applies to only a few properties on both sides of the City of Fulton. The Town benefits keeping the commercially developed entities on the tax roll if the proposed usage can be controlled to have little impact on the adjacent parcels. Vacant commercial buildings can become safety hazards and eyesores.
4. Applicant cannot realize a reasonable return financially because of the zoning designation. The cost to demolish and remove the current structures and paved areas would surpass the ability to develop a residential structure, especially when there is an ample supply of vacant parcels in the Town.

The Board members and applicants settled on terms of usage and hours of operation that would eliminate the late hour activity associated with nightclubs and bars which the residential neighbors were concerned with. There was some discussion that later night hours tend to involve the potential for increased safety measures for employees and customers and can become problematic for neighboring properties. The restaurant would be open to 8:00 pm and any social or special events would be allowed to continue until 11:00 pm.

The Board members reviewed the short form EAF for SEQR requirements. The applicants had completed Part 1 with the assistance of the DEC’s EAF Mapper worksheet for the environmental details. The Board members read Part 2 aloud and determined that the proposed project, classified as an Unlisted Action, would not have any adverse environmental impacts. A **motion** was **moved** by Member Simmons for a SEQR Negative Declaration, which was seconded by Member Sawyer, all were in favor and the **motion carried**.

*Without any further discussion from the Board Members, a motion was moved by Member Sawyer and seconded by Member Simmons, to approve that the Use Variance request to allow the commercial usage of a restaurant and banquet facility in the R-1 zoning district on property located at 2107 State Route 48, Fulton, NY 13069 Tax Map #201.20-01-04 is hereby **GRANTED** with the following express condition:*

- 1.) Restaurant Hours are 6:00 am to 8:00 pm.
- 2.) Special Events Hours extended to 11:00 pm.
- 3.) All activity is to be inside building only.

- 4.) *Allowing the use of outside gazebo for Special Events, usage to be for ceremony only.*
- 5.) *Inside music limited to DJ and Karaoke, no bands or live music.*
- 6.) *No outside music, concerts or band performances allowed.*
- 7.) *Allowing for future bar/liquor use in accordance with NYS Laws. Business Hours to remain 6:00 am to 8:00 pm; and Special Events Hours remain extended to 11:00 pm.*

A roll call vote was taken:

<i>Michael French, Chairman</i>	<i>Aye</i>
<i>Peter LeoGrande, Member</i>	<i>Absent</i>
<i>Patricia Simmons, Member</i>	<i>Aye</i>
<i>Tom Thompson, Member</i>	<i>Absent</i>
<i>Tina Sawyer, Member</i>	<i>Aye</i>

*3 AYES 0 NAYES 0 ABSTENTIONS – Resolution 2018-03 - **APPROVED***

ADJOURN

With no other business before the Board a **motion** to adjourn at 7:29 pm was **moved** by Member Sawyer and seconded by Member Simmons, all were in favor and the **motion carried**.

Respectfully submitted by:

Lisa Somers
ZBA secretary