

TOWN OF EAST BLOOMFIELD

Zoning Board of Appeals August 28, 2019

Zoning Board of Appeals Members Present, Art Babcock, Mark Thorn, Sonja Torpey, Rosemary Garlapow

Absent: Tim Crocker

Others Present: Kim Rayburn (Secretary), Jim Kier (Code Enforcement Officer), Nathan Davenport (Applicants agent) Bryan Marianacci (Owner)

Babcock opened the meeting with the Pledge of Allegiance at 7:30 pm, Babcock waived the reading of the Public Hearing. All Board members present vote Aye. The Public Hearing was opened.

I. TV8-19 ZBA review of 2442 Whalen Rd request to utilize an existing accessory structure larger than 500 sq ft for a home occupation.

Rayburn reviewed the neighbor notifications, all neighbors within two hundred (200) feet were notified of the proposed project. Davenport who is the applicant's brother is standing in for him as he could not be present. Babcock asked if he was involved in the business. He stated he was involved in the manufacturing prior but has since moved on.

Davenport explained the need to be able to utilize more than the allowed five hundred (500) square feet for a home occupation. The need for more square footage is for raw and finished product storage. The work space for making granola can be done within five hundred (500) square feet, however the ingredients prior to baking and the finished product need a place to be stored. Babcock stated that the existing structure is approximately 3,500 sq ft.

Torpey asked if the applicant knew that the space was used for car maintenance prior. Davenport stated they were aware. Torpey asked about any concerns with the space as far as any existing chemicals etc. Davenport did not feel there was and they would clean it up. Garlapow asked if his brother would be living in the house, Davenport stated he would with his family. Babcock asked if there are any other permits required such as from the NYS Ag & Markets, or Department of Health. Davenport stated that currently they have the Department of Agriculture come in and do inspections twice a year, once with the FDA. The product is also organic so they have certifications for that with an annual audit. Kier stated that they are already operating under the same conditions within their current facility which is located in Farmington. Kier stated that the Planning Board asked what happens when they need to expand, and the answer was they would not require more space, rather they would require automated equipment. Their business could triple and they would not require any additional space nor any additional drop off or pick up of product as stated at the Planning Board meeting. The trucks that are currently used for drop off of raw material and pick up of finished product can handle a lot more than what they are currently producing.

Babcock stated he wants to make sure that nothing takes away the residential character of the neighborhood, making sure there are no hazards, and pest control is handled. Thorn asked about outside storage of pallets, Davenport stated that there will not be any outside storage it will all be self-contained inside the structure, and they have mandatory pest control. He stated other than an oven which any home has with a propane tank outside there won't be any hazardous material or chemicals. There won't be any waste from the process other than plastic and paper bags. Babcock asked about water usage, Davenport stated that other than washing dishes they will not be using any more water than the previous use.

Thorn asked about employees Davenport stated that three ½ people as allowed. Babcock asked about noise, Davenport stated that the only thing that makes noise would be the oven and a fan that you cannot hear from outside. They will require a three (3) bay sink, an oven, cooling racks and a fan.

Babcock closed the public hearing as there were no further comments.

The Board then started their review of the five (5) criteria.

1. Undesirable change to the neighborhood: The Board feels it does not alter the character of the neighborhood.
2. Alternative method: The Board feels that after reviewing the application they do not feel there is an alternative method as storage is needed for indoor storage, and because the structure already exist.
3. Substantiality: Thorn feels that that the request would be substantial if the structure did not already exist, but since it does it meets the needs to achieve the desired result. They will continue to have no more than 3 ½ workers as allowed, and an increase in business will be automated. The magnitude of the business will not expand past what was presented and will not increase the truck traffic.
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created.

Kier stated that he feels that this proposal will be less impactful than the prior use and stated a neighbor came in to discuss the proposal and did not have any issues as long as the home was going with the barn and it was not going to be separated.

ZBA Decision:

Thorn made a motion and Garlapow seconded the motion to approve the review of TV8-19 property located at 2442 Whalen Rd for the request to utilize an existing accessory structure larger than 500 sq ft for a home occupation. Applicant must apply for the home occupation with the Code Officer, as all the criteria for an area variance were considered, and a recommendation for approval was given.

Whereas:

1. Undesirable change to the neighborhood: The Board feels it does not alter the character of the neighborhood.
2. Alternative method: The Board feels that after reviewing the application they do not feel there is an alternative method as storage is needed for indoor storage, and because the structure already exists.
3. Substantiality: Thorn feels that that the request would be substantial if the structure did not already exist, but since it does it meets the needs to achieve the desired result. They will continue to have no more than 3 ½ workers as allowed, and an increase in business will be automated. The magnitude of the business will not expand past what was presented and will not increase the truck traffic..
4. Impact on the environment: Does not have any impact on the environment.
5. Self-creation: The Board feels this is self-created.

Record of Vote:

Art Babcock Aye
Mark Thorn Aye
Sonja Torpey Aye
Rosemary Garlapow Aye

All Board members present voted Aye, Vote was carried unanimously.

II. Motions on minutes:

Minutes of April 10, 2019

Thorn made a motion and Torpey seconded the motion to approve the minutes from April 10, 2019, All Board members present voted Aye.

Minutes of May 22, 2019

Thorn made a motion and Torpey seconded the motion to approve the minutes from May 22, 2019, All Board members present voted Aye. With the exception of Garlapow who was absent May 22, 2019.

Minutes of June 19, 2019

Garlapow made a motion and Torpey seconded the motion to approve the minutes from June 19, 2019, All Board members present voted Aye.

IV. Meeting Adjourned

Thorn made a motion and Garlapow seconded the motion to close the meeting @ 8:20 pm. All Board members present voted aye, Vote was carried unanimously.

Respectfully submitted,

Kim Rayburn

Planning & Zoning Board Secretary