

Zoning Board of Appeals  
Town of Hillsdale  
Special Meeting May 14, 2010

Meeting called to order at 7:40P.M. by Chairman Craig Norton

Zoning Board members present were, Craig Norton, Rocco DeFronzo, Jeff Sills, and Howard VanLenten

Others present: Frank and Andrea Colangelo, David Ruede, Kevin Hinds, and Grigori Fateyev

**Public Hearing**

**Special Permit – Frank and Andrea Colangelo – 493 Whipoorwill Road, Parcel #125.-1-35**

The Board has determined this home based gun repair, accurizing, and sale of sporting arms to be a home occupation. The Colangelo's have read the zoning rules on home occupations. There will be no signs or visible presence of this activity on the premises. They will carry no inventory. Sales are by order only. The Colangelo's have installed an alarm system and have a safe/vault coming.

On motion of Jeff Sills, seconded by Rocco DeFronzo, the following motion was adopted

Vote ayes 4 nays 0

Moved to approve the home occupation for gun repair, accurizing and sale of sporting arms; they will keep guns in a safe/vault and they have an alarm system.

There was no comment from the public.

The \$50 fee was received.

This Public Hearing is closed.

**Public Hearing**

**Special Permit - Kevin Hinds - 31 Anthony Street – Parcel #145.4-2-26**

Mr. Hinds has a cabinet/woodworking shop in his garage at his residence on Anthony Street. Most of the time it is just tool storage, but he does build cabinets sometimes. There is no sign and will be no sign. No additional lighting is needed. There are retail businesses at both ends of the street. This is not a retail business and therefore, no impact on traffic. It is a home occupation that is allowed. (Page 53, section 8-14-3).

On motion of Howard VanLenten, seconded by Rocco DeFronzo, the following motion was adopted

Vote ayes 4 nays 0

Resolved to approve a special use permit for Kevin Hinds for a home occupation for a cabinet/woodworking shop and tool storage in the existing garage located at 32 Anthony Street.

There was no comment from the public.

The \$50 fee was received.

This Public Hearing is closed.

**Information**

**David Ruede and Matthew White – 2642 Route 23 – Parcel #145.4-1-37 & 35**

David and Matthew have purchased the building that used to house Hillsdale Electronics. They would like to change it to a general store on the 1<sup>st</sup> and 2<sup>nd</sup> floors, a café on the 1<sup>st</sup> floor also, in the basement 2 or 3 craft workshops and a root cellar. There is a tenant for the café and hopefully, tenants for the other businesses also. An engineer is designing the parking lot to support the business. They will appear before the Planning Board for a lot line adjustment to

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connect the two properties, swap 821 sq. ft. with Gardner Insurance to enable him to access the back of his property, which will make it possible to change the entrance to the parking area...after a telephone pole is relocated. The plans show 23 spaces, five will be used by Gardner's.

The Board is in favor of this project and appreciates what David and Matthew are doing. However, the Board is concerned about the parking. Will what is proposed be adequate for employees, Gardner's 5 spaces and customers at busiest hours. The zoning requires 80% of anticipated maximum need for parking spaces. To help meet this requirement, a letter from a business property owner granting permission to use their parking is acceptable.

A special permit is needed to change the use from one retail business to retail/café/workshops. A variance might be needed for more than one use on less than an acre.

A long form SEQR is not needed by definition on page 7.

The Board would like more specifics such as café seating, hours of operation, and a sense of what is 80% of anticipated maximum parking would be.

### **Public Hearing (continuation from Dec 2009)**

#### **Special Permit – Goliath Institute of Art – 32 Anthony Street – Parcel #145.4-2-18**

The file was reviewed. The resolution was discussed

On motion of Howard VanLenten, seconded by Rocco DeFronzo, the following resolution was adopted

Vote   Ayes 4   Nays 0

**Whereas**, an application has been filed by the Goliath Institute of Art, Inc. for a Special Use Permit to establish an art gallery and teaching center within an existing building located at the intersection of Anthony street (32 Anthony Street) with White Hill Lane in the Town of Hillsdale; and

**Whereas**, the proposed use of the property falls within the definition of a “craft workshop”, as further set forth in the Town of Hillsdale’s Zoning and Land Use Control Law; and

**Whereas**, a Public Hearing on the application was held on October 6, 2009, and continued monthly thereafter to the present date; and

**Whereas**, the proposed project involves the rehabilitation of an existing structure, including upgrades to meet building and fire codes, and therefore constitutes a Type II action under SEQRA regulations; and

**Whereas**, the application has been referred to the Columbia County Planning Board pursuant to the provisions of Sections 239-1 and 239-m of the General Municipal Law, which Board has found no County wide or intercommunity impacts associated with the application and has therefore recommended a “Local Decision” with respect to the application; and

**Whereas**, the Zoning Board, after due consideration of the testimony and the written submissions from the applicant and from the public, now finds as follows:

1. The proposed use consists of the conversion of an existing structure to another use, and as such, constitutes a minor project under the provisions of the Town of Hillsdale’s Zoning and Land Use Control Law.
2. The proposed use will occur on a preexisting lot and in a structure which was originally build in the 1800’s. Its historical use was as a hardware and agricultural feed store, and its most recent use is as a storage facility to an adjacent lumber yard and hardware store.
3. The property is located in the HM-Hamlet Mixed Use District under the Town of Hillsdale’s Zoning and Land Use control Law, which District permits a mix of small scale business and residential uses. The proposed use will be in compliance with the General

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Land Use and Performance Standards as set forth in Section 8.1 of the Zoning and Land Use Control Law.

4. The proposed use will occur in an existing structure, with no changes or additions being made to the footprint of the existing building. Neighboring properties consist of a mix of commercial and residential properties.
5. The proposed use will occur in a structure located at the corner of Anthony Street and White Hill Lane both of which are municipal roads over which there is adequate accessibility for fire, police, and other emergency vehicles. Additional parking for the new use will be provided on the adjoining property of Ed Herrington, Inc., as further set forth in a letter from Edmond B. Herrington dated December 1, 2009.
6. The use will occur in a preexisting structure, which is found by the Board to be suitable to the proposed use. There will be no change to the exterior location of the building in its relationship to the existing public roads and neighboring properties.
7. After taking into consideration environmental, social, and economic impacts, including traffic, noise, dust, odors, and other nuisance forms, the proposed use will have no greater overall impact on the site and its surroundings than would the full development of uses of the property permitted by right under the Town of Hillsdale's Zoning and Land Use regulations.
8. The conditions set forth hereafter will ensure the compatibility of the surrounding uses with the proposed use, and protect the existing natural and neighboring resources of the Town.
9. The proposed use is a "minor project" under the Town of Hillsdale's Zoning and Land Use regulations, and therefore does not require a site plan review.
10. The proposed use of the property as an art gallery and teaching center is consistent with the Town's goal of creating a healthy mix of uses that enhances the commercial viability of the Hamlet area of the Town of Hillsdale.

Based upon the foregoing findings, a Special Use Permit is hereby issued to Goliath Institute of Art, Inc. for the establishment of an art gallery and teaching center in the existing building located at the intersection of Anthony Street (32 Anthony Street) with White Hill Lane upon the following specific conditions:

1. The applicant shall file engineering and/or architectural design plans for the building renovation with the Town of Hillsdale Building Department, which plans shall show compliance with all applicable State Building and Fire Codes.
2. There shall be no use or occupancy of the building until such time as all required building improvements have been made, and a Certificate of Occupancy for the same issued by the Town of Hillsdale Building Department.
3. No Welding, embossing, or other art related activities which pose a risk of fire, shall be permitted on the premises.
4. The hours of operation for the art gallery and teaching center shall be as follows:
  - A. Weekdays between 12:00 a.m. and 11:59 p.m.
  - B. Weekends between 12:00 a.m. and 11:59 p.m.

The Resolution having been approved by a majority of the Board, the same was declared to be adopted by the Chairman.

The application fee of \$50 was received at the October 6, 2009 meeting.

This public hearing is closed.

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**Minutes Approved**

On motion of Howard VanLenten, seconded by Rocco DeFranzo, the minutes of the meeting held April 4, 2010 was approved by all as presented.

Warren Bloomfield entered the meeting late and requested the Kevin Hides Public Hearing be reopened as he had some reasons for not approving the project. After some consideration, the Board felt the Public Hearings held tonight had been properly published and posted., they had made a decision with due diligence, Mr. Hides had left, and therefore, the Board sees no reason to reopen the public hearing. However, they will accept Warren's letter and included it in the file.

The meeting was adjourned at 9:20 P.M.

Respectfully Submitted,  
Ruth Dodds, Secretary