

Zoning Board of Appeals  
Town of Hillsdale  
Meeting June 5, 2012

Meeting called to order at 7:32P.M. by Chairman Craig Norton

Zoning Board members present were, Craig Norton, Howard VanLenten, Casey Kuhn, and Bill Sullivan

Others present: Scott Kilmer, Kevin Draves, Ken Davis and Jeff Paige

**Public Hearing – continued from May 1, 2012**

**Special Use Permit – Elizabeth Neuman, owner and Scott Kilmer, tenant,  
9261 State Route 22, Parcel #146.3-1-2**

Reply from County Planning was as expected. The County Planning Board found that this proposed action does not appear to have any significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Hillsdale Zoning board of Appeals may take final action on this request with a simple majority vote.

The Chairman called DEC and was informed that at this point DEC is not interested. There are no permits etc needed. However, if there is a leakage DEC will get involved. The reason the Board proceeds carefully is the aquifer and small stream.

Hours of operation will be Monday thru Saturday, 8 am to 5 pm.

There will be no new lights.

The existing sign will be used.

The site plan is showing parking in the front. This is prohibited in the Zoning Law, Section 8.12-3, page 48. All off street parking shall be either to the side, maximum 5 cars, and a maximum 8 cars in the back of the building. During the day no more than three (3) cars may park temporarily in the front. No parking is allowed over night in the front. No cars shall be parked near the stream.

The property needs to be kept neat and tidy. The back needs to be screened from Maple Street and the Hamlet Park. The fence on the north of the property has to be maintained for screening also.

The size of the lot is 1/10 of an acre. Each use (residence and auto repair/inspection station) requires 1 acre (2 acres total). Therefore this project requires a special use permit and an area variance.

On motion of Bill Sullivan, seconded by Casey Kuhn, the following resolution was

<b>Adopted vote</b>	<b>Craig Norton</b>	<b>Yes</b>
	<b>Bill Sullivan</b>	<b>Yes</b>
	<b>Casey Kuhn</b>	<b>Yes</b>
	<b>Howard VanLenten</b>	<b>No</b>

Resolved to grant an area variance to Owner Elizabeth Neuman/Tenant Scott Kilmer, Parcel #146.3-1-2 for an existing residence and an auto repair/inspection station.

On motion of Casey Kuhn, seconded by Bill Sullivan, the following resolution was

<b>Adopted vote</b>	<b>Craig Norton</b>	<b>Yes</b>
	<b>Bill Sullivan</b>	<b>Yes</b>
	<b>Casey Kuhn</b>	<b>Yes</b>
	<b>Howard VanLenten</b>	<b>No</b>

Resolved to grant a special use permit to Owner Elizabeth Neuman/Tenant Scott Kilmer, Parcel #146.3-1-2, for an auto repair/inspection station with the following restrictions:

The lot will be kept neat and tidy - free from junk and debris.

There will be no additional lighting.

The existing sign on the building will be used.

Applicant must conform to all DEC regulations regarding storage and disposal of fluids etc.

Hours of operation will be Monday thru Saturday, 8am to 5 pm.

All off street parking shall be either to the side, maximum 5 cars, and a maximum 8 cars in the back of the building. During the day no more than 3 cars may park temporarily in the front. No parking is allowed over night in the front. No cars shall be parked near the stream.

The back needs to be screened from Maple Street and the Hamlet Park. The fence on the north of the property has to be maintained for screening also.

This permit may be revoked if the above requirements are not met.

No comment from the public.

This public hearing is closed.

The \$50 fee was received at the May 1<sup>st</sup> meeting.

### **Public Hearing**

**Pitch Pine Properties, LLC, 2640 State Route 23, Parcel #145.4-1-38**

**Special Use Permit to open an ice creamery in an existing building.**

Kevin Draves and Ken Davis would like to open an ice cream shop in the tattoo parlor building. They will be carrying ice cream from Jane's ice cream in Kingston, Sweet Sam's Baked Goods from the Bronx. In addition they will have coffees, teas and sodas, as well as bottled water.

There will be no foods prepared on the premises. All baked goods will be shipped in. Coffee will be sold in pre-packaged 1 lb. bags and served brewed. Ice cream will be delivered in 2.5 gallon tubs from Jane's Ice Cream and stored in a display freezer. Ice cream cones, sundaes, milkshakes, and floats will be on the menu.

Everything will be served in disposable containers. There will be no glasses, dishes, or silverware used. Dishwashing will be kept to a minimum....just scoops, milkshake cups, small containers and coffee pots.

Tara Becker, Columbia County Health Department, recommended an in line grease trap. Pat Nolan agreed.

The owners of the Country Store /Café and Ken and Kevin have a gentlemen's agreement for parking.

The ice cream shop will seat about 12. They are hoping to build a deck, 12' x 16', on the back. There is 5' between the proposed deck and the property line. This will require screening to give the neighbors privacy. Two of the three neighbors sent letters stating no objection to the deck.

On motion of Howard VanLenten, seconded by Casey Kuhn, the following resolution was

**Adopted vote ayes 4 nays 0**

Resolved to approve a special use permit for an ice creamery in an existing building, Parcel #145.4-1-38, 2640 State Route 23 contingent on County Planning approval.

Zoning Board of Appeals meeting, June 5, 2012 (continued)

This public hearing for a special use permit will be continued on July 3<sup>rd</sup>.  
Also on July 3<sup>rd</sup> a public hearing will be held for an area variance on this property.  
The fee of \$50 for each permit has not been received.

**APPROVE MINUTES**

On motion of Howard VanLenten, seconded by Bill Sullivan, the following resolution was

**Adopted vote ayes 4 nays 0**

Resolved to approve the minutes of the meeting held on May 1, 2012 as presented.

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

Respectfully Submitted,  
Ruth Dodds, Secretary

Zoning Board of Appeals  
Town of Hillsdale  
Meeting July 3, 2012

Meeting called to order at 7:35P.M. by Chairman Craig Norton

Zoning Board members present were, Craig Norton, Howard VanLenten, and Jeff Sills  
Others present: Kevin Draves, Ken Davis and Jeff Paige

**Public Hearing**

**Pitch Pine Properties, LLC, 2640 State Route 23, Parcel #145.4-1-38  
continued from June 5, 2012--**

**Special Use Permit to open an ice cream shop in an existing building**

County Planning found that this proposed action does not appear to have any significant county-wide or intercommunity impacts associated with it. Therefore, the Town of Hillsdale Zoning Board of Appeals may take final action on this request with a simple majority vote.

On motion of Howard VanLenten, seconded by Jeff Sills, the following resolution was

**Adopted vote ayes 3 nays 0**

Resolved to grant a special use permit to Kevin Draves and Ken Davis for an ice cream shop in an existing building.

The hours of business will be 7 am to 7pm Monday, Tuesday and Thursday; 7 am to 9 pm Friday and Saturday; closed on Wednesday.

The shop will seat about 15.

Lighting consists of two down lights in the front and back.

There is a garden in back of the building with benches and chairs.

**Variance for a deck**

There was discussion about adjoining neighbors' letters and the sight plan.

The adjoining property owner to the west feels the deck is too close to her property line and could be moved closer to the Country Store. More discussion.

The meeting was recessed at 8:12 pm for a field trip to the Village Scoop to get a better idea of available space.

Meeting continued at 8:30 pm.

It was determined that the building is 28" from the property line. To make the neighbor feel better, the deck will be 35" from the line and 5'9" from her wall. The sight plan should show the stairs on the deck.

On motion of Howard VanLenten, seconded by Jeff Sills, the following resolution was

**Adopted vote ayes 3 nays 0**

Resolved to approve the variance for the deck as determined.

The \$100 fee for the two applications was received on July 5, 2012.

**APPROVE MINUTES**

Minutes of the June 5<sup>th</sup> meeting were not approved as one of the three board members in attendance was not at the June meeting.

The meeting was adjourned at 8:45 P.M.

Respectfully Submitted,  
Ruth Dodds, Secretary