

**MINUTES OF THE REGULAR MEETING
ZONING BOARD OF APPEALS
BUTLER MEMORIAL HALL
FEBRUARY 24, 2014**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were John Montrose, Fred Kiehm, Byron Elias, Tim Tallman, and Karen Stanislaus. Board Member absent: Lenora Murad. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. He further stated that we are down one Board member and the applicant had the choice to proceed or wait until a full board was present. The applicant chose to proceed.

The application of **Mr. Allen Miller** for property located at **83 Clinton Road, New Hartford, New York**. Mr. Miller is seeking an Interpretation of use with regard to an automobile service station. He would like to use this property for a motorcycle repair shop with accessory retail. Zoning for this property is RB4, Neighborhood Business. 328.015-2-36; Lot Size: 0.13; Zoning: RB4 Neighborhood Business. Mr. Miller appeared before the Board with the owner of the property, Ms. Nancy Jaquish.

Mr. Miller stated that he is a motorcycle mechanic and explained that he would like to put his motorcycle repair shop in this building. He feels it is a lot less impact than an automobile repair station. He would be servicing motorcycles, bicycles, 4-wheelers, and some snowmobiles. He does not want to work on lawnmowers. He had his business previously in New Hartford on Commercial Drive. He had to leave that area and he doesn't want to work for a dealership. He would be operating this business Monday thru Saturday with Saturday being a half day. He has absolutely no intention of having a bike night. He stated that the retail space will be minimal – it depends on what space he has in the building. Mr. Miller said that typically motorcycles are brought in on a trailer.

Board Member Elias referred to an automobile service station and compared the two. Chairman Bogar asked Mr. Miller if he was going to use the whole building – Mr. Miller said no. The Pet Grooming will still be at this site.

Town Attorney Cully asked if there was any outside storage – Mr. Miller said no, everything would be inside. It will be him at this site and maybe one employee.

Board Member Tallman asked again, any interest in bike night. Mr. Miller said no. He also asked about hours of operation: Monday thru Friday 10 AM to 6 PM, Saturday 10 AM to 2 PM. Not open on Sunday. Board Member Stanislaus referred to the existing business. Mr. Miller said it is the dog grooming and there was a barbershop in the middle but that is gone. He may take one or both spaces.

Chairman Bogar asked if there was anyone present to address this application.

-Mr. Frank Raspante (no address given). He feels the space is too small for what Mr. Miller would like to do, and he doesn't want to listen to the noise of motorcycles, as there is enough traffic on

Clinton Road with cars, motorcycles, trucks, etc. He doesn't mind the dog grooming but doesn't want the motorcycles.

The Public Hearing ended at 6:15 P.M.

Board Member Elias understands Mr. Raspante's concerns, but he doesn't feel the bike repair is different from an automobile repair. Discussion ensued regarding the repair of motors, whether motors are for cars, motorcycles, etc.

Chairman Bogar referred to the proposed zoning changes in the Town and eventually the automobile repair won't be allowed in this zone – he has concerns about this – would it fit. He doesn't feel this fits under an automobile service station. Even though it may be a lesser type use, he doesn't feel it meets the exact definition as shown. Board Member Kiehm needs to review this in more detail at this time; Board Member Elias felt the existing businesses would now become non-conforming in this RB4 zone. This project would have to go thru Site Plan Review through the Planning Board if approved by the Zoning Board tonight. Board Member Stanislaus referred back to the definition of motors whether it be a car or other. She feels this fits the definition – it is reasonable. Board Member Montrose feels there is a lot of different types of traffic on this road. Board Member Tallman feels the only difference in motors for this case is the noise level between the two. Also, he feels as long as the work is done inside, he doesn't have a problem with this.

Codes Officer Booth referred to any type of bike night – there is no permit required.

Board Member Fred Kiehm made a motion that the motorcycle repair shop is consistent with the definition of an automobile repair shop as defined in our Ordinance and based upon the representations made by the applicant with regard to hours of operation and being open six days a week (no Sundays), and not having any outside storage and not working on any vehicles outside, he approves this application; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar – no
Board Member John Montrose – yes
Board Member Tim Tallman – yes

Board Member Fred Kiehm – yes
Board Member Karen Stanislaus – yes
Board Member Byron Elias – yes

Motion was approved by a vote of 5 – 1.

Minutes of the November 18, 2013 meeting were approved by motion of Board Member John Montrose; seconded by Board Member Tm Tallman. All approved.

There being no further business, the meeting adjourned at 6:30 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Zoning Board of Appeals

