

**TOWN OF SCHUYLER FALLS
ZONING BOARD OF APPEALS
REGULAR MEETING 06-17-2024**

The regular meeting of the Zoning Board of Appeals was called to order at 6:50 p.m. by Vice-Chairman Rick Hazen.

Roll Call	Present	Absent
Frank Dorrance (Chairman)		X
Rick Hazen (Vice-Chairman)	X	
Michael Emde	X	
Theresa Hayden	X	
James Hockney	X	
Mike Reil		X

Others Present: Ryan Smith, Mindy Smith, Kelly Bonner, Cheryl Bonner, Bryan Yanulavich, Matt Yanulavich.

The minutes for the March 2024 meeting were unable to be approved due to not having a quorum present that was able to vote on the minutes. Mr. Hazen moved on to the next item on the agenda, appeal 24-01, a use variance/interpretation

Mr. Hazen explained that Mr. Dorrance, the chairman had not arrived yet. He expressed to the applicants that they may want a full board present, but also that there are two new board members on the board. Mr. Murnane explained that the county planning board had disapproved the application presented to Mr. Yanulavich. Mr. Murnane went on further to explain what that meant. For the board to approve his application it requires a majority plus one vote. This is a five-member board. Therefore, it would require a unanimous vote for the motion to pass. Mr. Murnane presented the various options that Mr. Yanulavich had. Mr. Murnane seemed to think that there was not enough information in his application for the county to act. Further discussion took place on the matter. Mr. Murnane expressed that Mr. Yanulavich could ask for an interpretation, and present evidence to the board that he was a pre-existing non-conforming use. Further discussion took place between the applicant, the Board of Appeals, and the attorney. Mr. Murnane explained that under the zoning ordinance if a use is a pre-existing, non-conforming use that technically would not be allowed under Zoning if it ceases to exist for a period of one year the owner would have to apply for a variance from the board. Mr. Murnane explained that the board would need to see documentation regarding this matter. Mr. Yanulavich expressed that all the paperwork was done through the main office. Further discussion took place on this matter. Mr. Hazen expressed that he wanted to be fair to the applicant. The board and Mr. Murnane further discussed this matter. Mr. Murnane expressed that it sounded like the applicant was looking for an interpretation. The board proceeded in this matter of an interpretation. Mr. Murnane expressed the board could hear out their position regarding their operation, what is changing and any other pertinent information. Mr. Matt Yanulavich expressed that the only thing that would be changing is that the address would be changing on their paperwork. Mr. Murnane asked how many cars would be for sale Mr. Matt Yanulavich explained that there would be four to five cars for sale. He also explained that the way the market is cars are not being stocked for sale. Further discussion took place among the board. The Yanulavich's presented to the board, their business has been open since 1982. The current

garage that is there now was built in 1983. That operated as a used car sales and repair service to current but from 1996 the bookkeeping part of the business was moved to route 22 in Plattsburgh. He explained that the only thing that would change is that the bookkeeping address would change. There was further discussion about changes and what the applicant was looking for and would be doing. After discussion, Mr. Hazen expressed that if the applicant had been at the county and addressed these matters there, there would not be a need for this interpretation/action at this time. Mr. Guynup expressed that there is a difference between motor vehicle sales and motor vehicle repair and body shop. Mr. Murnane asked if they did any body work or oil changes for other customers. Discussion took place answering various questions that the county board and Zoning Board had. Ms. Hayden questioned why the applicant wanted to move the business back to this location? Mr. Yanulavich explained that they had sold the business, and he would like to retire at some point. The applicant and the board further discussed their plans and the applicant answered various questions. Mr. Murnane asked about junk vehicles, the applicant expressed that there would not be junk vehicles on the property. Mr. Murnane asked what would be done regularly Mr. Yanulavich explained that there was a car lift and a tire machine, detailing takes place. Mr. Guynup asked if the applicant had to register with DMV or if they were allowed to have a satellite. Mr. Yanulavich expressed that they could do things as a satellite. The vehicles being worked on are their own. Mr. Murnane asked if the inspection station would be changed to Goddeau Road. The Yanulavich's expressed that it would be changed to that address, and that the repair work done is warranty work, but that they are not doing any body work. It was explained that the DEC regulates tires and oil disposal. Further discussion took place on this matter. Mr. Emde asked if the motion was granted would it persist through the sale of the property, and what was being granted. Mr. Murnane expressed the board is looking at an interpretation and trying to determine has the operation continued on a regular basis. Mr. Murnane further discussed the matter. Discussion also took place among board members and the applicant to answer various questions. Mr. Guynup questioned the uses related to this application and the Zoning Ordinance. Ms. Hayden expressed that the office was not being used, that they were using the one in Plattsburgh. She questioned about documentation about the hours that were worked there as well as whether or not money was being made there. It was explained that there was no money being made, as it was warranty work. Mr. Murnane asked about certifications that may still have needed to be carried even though no money was being made. Mr. Yanulavich expressed there was a dealer bond that covered everything and that the Goddeau Road location was always insured. Further discussion took place relating to the Goddeau Road property. Mr. Emde made a motion to accept the interpretation that this use is a pre-existing non-conforming use that has continued in operation for auto sales, warranty work on cars sold for a maximum of 10 cars.

Roll Call	Aye	Nay	Abstain	Absent
Frank Dorrance (Chairman)				
Rick Hazen (Vice- Chairman)	X			
Michael Emde	X			
Theresa Hayden		X		
James Hockney	X			

Motion Passed

Mr. Hazen moved on to the next item on the agenda, Appeal 24-02, a use variance by Cheryl Bonner at 42 Hardwood Drive. Mr. Hazen explained that the county planning board sent their rulings back that this matter was a local issue. Mr. Guynup expressed that there is a big push with the state to allow additional dwelling unit (ADU) Ms. Bonner expressed that they wanted to convert the garage into an apartment for family, because her parents are ailing. Mr. Murnane discussed the board can attach conditions to the motion so that if it is no longer needed it can revert to the original use. Ms. Bonner questioned if they would have to convert the structure back to original use. Mr. Murnane explained this further to Ms. Bonner. Mr. Hockney expressed that the apartment needed to meet building code. In example they only currently have one egress. Mr. Guynup asked various questions related to the project. The applicant expressed that they were converting the entire garage into an apartment. Mr. Guynup expressed that there were some key things they would need to focus on, one being septic, and that the garage needs to meet the energy code as well. Mr. Guynup asked if the garage was attached or detached. Ms. Bonner expressed that it is detached. Further discussion took place between Mr. Guynup and the applicant about various needs to meet building code. Mr. Hazen asked if this was a matter that the board could send back to him and then he could work with the applicant to meet these requirements. Mr. Guynup expressed that he would indeed work with the applicant on these matters. Mr. Murnane expressed that this property requires a use variance because we do not have any separate guidelines for this type of project. Further discussion took place regarding this matter. Mr. Murnane expressed that the board can attach conditions to the variance. Mr. Murnane also explained that the SEQR form needed to be done. He also mentioned that the county planning board returned their response that this matter was a local issue. Mr. Hockney made a motion that this action was an unlisted action and that The Town of Schuyler Falls Zoning Board of Appeals was take position of lead agency for SEQR purposes. The motion was seconded by Mr. Emde.

Roll Call	Aye	Nay	Abstain	Absent
Frank Dorrance (Chairman)				
Rick Hazen (Vice- Chairman)	X			
Michael Emde	X			
James Hockney	X			X
Theresa Hayden	X			

Motion Passed.

Mr. Murnane proceeded with the SEQR form. Ms. Hayden made a motion that a negative declaration can be issued for the purposes of SEQR. The motion was seconded by Mr. Emde.

Roll Call	Aye	Nay	Abstain	Absent
Frank Dorrance (Chairman)				X
Rick Hazen (Vice-Chairman)	X			
Michael Emde	X			
James Hockney	X			
Theresa Hayden	X			

Motion Passed.

Mr. Emde made a motion that a use variance be granted. The structure will need to meet building codes and is not to be used for commercial purposes.

Roll Call	Aye	Nay	Abstain	Absent
Frank Dorrance (Chairman)				X
Rick Hazen (Vice-Chairman)	X			
Michael Emde	X			
James Hockney	X			
Theresa Hayden	X			

Motion Passed.

Old Business: None
New Business: None

Mr. Hazen requested a motion to adjourn. Mr. Emde made a motion to adjourn. The motion was unanimously approved.

Roll Call	Aye	Nay	Abstain	Absent
Frank Dorrance (Chairman)				
Rick Hazen (Vice-Chairman)	X			
Michael Emde	X			
James Hockney	X			X
Theresa Hayden	X			

Motion Passed.

Respectfully Submitted,
Kelsi Russell

DRAFT