

**MINUTES OF ZONING BOARD OF APPEALS PUBLIC HEARING AND MEETING HELD
JANUARY 2, 2008**

Present: Donald Mordue, Chairman
Michael Haley
Thomas Coyne

Absent: Rick Beaton
Anthony Muscolino

Others: Jeremy Ayres, Terry Duerr, James Gray
Recording: Debbie Chase, Deputy Clerk/Treasurer

The public hearing was called to order at 7:40 PM by Chairman Mordue. Chairman Mordue announced that the hearing is for Jeremy Ayres, Fresh-Ayr Transport, who is proposing starting a Heavy truck/trailer repair shop at 28 Center Street. The building is owned by Terry Duerr and Carl Duerr.

Chairman Mordue stated that Mr. Ayres is seeking an area variance that does not meet village code § 100-52 K. *No motor vehicle service station or auto repair shop and no driveway to any such use shall be established within 200 feet of the boundary line of any residential district or of any school, church, park, playground, hospital, public library, institution for dependant children or any place of public assembly designed for the simultaneous use of 100 persons or more, regardless of the district where the subject premises are located. For the purposes of this subsection, the distance shall be measured along the street line on the side of the street where such use is proposed or such driveway would cross.*

After discussing the request, the following resolution was offered by Chairman Mordue, seconded by Mr. Haley and carried:

WHEREAS, Mr. Ayres and Terry and Carl Duerr have applied for an area variance because the buildings will be within 200 feet of residents; and

WHEREAS, Mr. Ayres and Terry and Carl Duerr is requesting to be allowed to have a Heavy truck/trailer repair shop within 200 feet of a residential district; and

WHEREAS, Mr. Ayres and Terry and Carl Duerr did not self- create the difficulty with the current zoning code; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow Mr. Ayres and Terry and Carl Duerr to pursue their proposal to have a Heavy truck/trailer repair shop at 28 Center Street; and

BE IT FURTHER RESOLVED, that the repair shop will have operation hours of 8 AM to 5 PM and nothing (engines, scrap, frames etc.) will be left outside and there will be no junk vehicles parked.

The above resolution was put to roll call vote, which resulted as follows;

Donald Mordue	Voting	“AYE”
Thomas Coyne	Voting	“AYE”
Michael Haley	Voting	“AYE”
Tony Muscolino	Voting	ABSENT
Patrick Beaton	Voting	ABSENT

The resolution was thereupon declared duly adopted.

The public hearing and meeting were adjourned on motion at 7:50 PM.

Respectfully submitted,

Debra Chase
Deputy Clerk/Treasurer