

MINUTES OF VILLAGE OF MANCHESTER ZONING BOARD OF APPEALS  
PUBLIC HEARING AND MEETING - 7:00PM.

Present: Michael Migliaccio- Chairman  
Bernard Commisso  
John Yacuzzo  
Donald Miller

Absent: Vincent DelGatto

Others:  
Doug Templeton  
Lydzaida Santana  
Rich Vienna  
Michael Wood (Boylan code)  
Dave Luecke  
Jennifer Luecke  
Alan Williamson  
Judy Robenson  
Mary Barnett  
Chelsea Carter  
Kathleen MacGeorge  
Brent Stratton  
Pat Nicoletta

Recording: Nichole Ruggles, Deputy Clerk/Treasurer

**PLEASE TAKE NOTICE:** that pursuant to Article VI, Section 100-21, of the Village of Manchester Zoning Ordinance, a Public hearing before the Zoning Board of Appeals of the Village of Manchester, NY will be held on Wednesday, September 6, 2023 at 7:00pm in the Village Hall, 8 Clifton Street, Manchester NY. Said hearing is a request of Alan Williamson of 52 South Ave. for two (2) Area Variances to build a new building for camper and boat storage. Application shows size 1536 sq.ft., Section 290-34-B-1 states maximum 720 sq.ft. for the building. Application shows 22 ft. height, section 290-29-D states height maximum of 16 ft.

Chairman Michael Migliaccio called the public hearing to order at 7:00 pm. Seconded by John Yacuzzo. At this time Mr. Migliaccio discussed that when it's time the public will have 3 min to talk, keeping the discussion on the two variances only. Michael then introduced the board members and read the public notice that was published in the paper.

The Board reviewed Mr. Williamson's application at this time.

John Yacuzzo, What are the sizes you're changing to?

Alan Williamson, I made the width change from 32' to 36' wide. I need the camper to fit appropriately so I am able to get in it while its being stored. I am using this barn for seasonal storage only.

John Yacuzzo, Is there anyone one between you and the outlet? Do you plan to hook up water or have any lighting?

Alan Williamson, No I own all the way to the outlet and I own the lot next to me. There is plenty of space. I need the barn to fit my 40 ft. camper along with my boat; with the step out it would have been a tight fit. I will put up a couple of lights, but no need for water hook up.

Michael Migliaccio asked if any neighbors wanted to speak at this time, none were present.

Donald Miller, How far back on the property will the barn set?

Alan Williamson, It will sit back 200ft from the road, 500 ft deep and about 200ft in the back.

Donald Miller, Do you plan to put in a driveway?.

Alan Williamson, Yes, I'll use 100ft of 12inch crusher for the driveway. My intent is to drive through and drive out for my camper use.

Mike Migliaccio, I am concerned with the size of the building because it's bigger than the original drawings.

Alan Willaimson, It will be located about 275ft back, and I own a lot of the property around me. This will help so the camper is not stored in my driveway during the off season.

Mike Migliaccio reviewed the five variance questions at this time.

Area Variances to build a new building for camper and boat storage. Application Shows 1536 sq.ft (changed to 1728 sq.ft. Section 290-34-b-1 states maximum 720 sq.ft. for building. Application shows 22 ft. height, section 290-29-D states height max of 16ft.

1. Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby properties be created by granting this area variance? **NO**
2. Can the benefit sought by the applicant be achieved by some method other which will be feasible for the applicant to pursue but not require a variance? **NO**
3. Is the requested variance substantial? **YES**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **NO**
5. Is the alleged hardship self-created? **NO**

Chairman Migliaccio, asked three times if there are any further questions or comments. No other questions or comments from the board members or the residence.

Mike Migliaccio closed the public Hearing at 7:12pm.

Mike Migliaccio made a motion to approve the new building for camper and boat storage along with both variances, located at 52 South Avenue. The motion was seconded by Donald Miller.

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

Donnie Miller	Voting	"Aye"
Bernard Commisso	Voting	"Aye"
John Yacuzzo	Voting	"Aye"
Vincent DelGatto	Voting	"Absent"
Michael Migliaccio	Voting	"Aye"

Bernard Commisso called the meeting to close at 7:16pm. John Yacuzzo, Seconded the motion to close.

**PLEASE TAKE NOTICE:** that pursuant to Article VI, Section 100-21, of the Village of Manchester Zoning Ordinance a Public Hearing before the Zoning Board of Appeals of the Village of Manchester will be held on Wednesday, September 6, 2023 at 7pm, in the Village Hall, 8 Clifton Street, Manchester NY. Said hearing is a request of Angel Montanez at 114 South Main Street for an area variance to build a 60.6' x 36.3' commercial restaurant (pizza, ice cream) Variance one (1) doe's not meet Schedule 1 side set back which requires 20 feet. Application shows 9.3 feet. Variance two (2) does not meet Section 100-35 A(1)(b)(d) that states: Drive in restaurants and eating establishments where a substantial percentage of sales are to take-out customers, provided that such uses shall not be closer than two hundred (200) feet to a residential district. Application shows less than 200 feet to a residential zone.

Chairman Michael Migliaccio called the public hearing to order at 7:18 pm. Seconded by John Yacuzzo. At this time Mr. Migliaccio discussed that when it's time the public will have 3 min to talk, keeping the discussion on the two variances only using facts. This meeting is being recorded.

At this time Michael Migliaccio reviewed the public hearing notice along with the application.

Doug Hamilton, We have already summarized the application and reviewed the plans, no changes to the application for the pizza and ice cream shop. It's a typical use in a desirable location. Good area for business. We can't change the plans in order for it to work, if we move the building it will to close to the road way. At this time nothing changes.

Lydzaida Santana, We want a small business. We are aware of the traffic in the area as we live on Lehigh. Most of the traffic is between 10am and 3pm. We will accommodate for the busy times. It's our vision to own our own business. We want to work together with the neighbors so it's good for everyone.

Mike Migliaccio, I have concerns with the 200 ft. distance from reviewing the Village Code. Without any changes, I can't see how the distance could change. I still see it as a takeout restaurant no matter how you see it.

Doug Hamilton, Reviewing the code as a drive in, it's not a drive through like Dunkin Donuts. We are aiming for walk in traffic. We can fit parking as is but if we change anything we would have to add more parking etc. The plan is as efficient as we can get it.

Mike Wood, I represent the Luecke's, we need to treat this as a use variance not an area variance due to the type of establishment. This is an area variance of a use with the 200ft rule. We feel they haven't met any use variances. If you allow this it would be re writing the code. Hardship said it isn't self-created, but it is self-created. Even if the variances don't change, this shouldn't still be allowed because it's not 200ft from the residential area. It will change the character of the surrounding properties. It will have negative impact on the area. Same with the setback, it will have a negative effect on the area properties. This shouldn't be granted.

Mike Migliaccio, We have to treat this as an area variance as stated on the application and nothing else.

John Yacuzzo, anyone else have any other comments? There were a lot of direct comments last meeting.

Brent Stratton, I am here just to learn more about the project.

Dave Luecke, I commented before at the last meeting, this meeting people were not sent a second letter and the reason some are not here and there was a lot of confusion. I am concerned that the over flow will go into Gilligan Dr. As I understand they want more walk in, but it won't always happen that way. My biggest concern is Gilligan Drive and what we do will be permanent. They may want something else down the road, then what will happen.

Jennifer luecke, Gilligan Drive is my driveway too, and I have concerns about people using it. You do have the right to ask for a traffic study, but why look at adding more traffic to an already busy area.

Judy Robinson, We don't need to re irritate what has already been talked about at the last meeting, as it's already recorded. The discussions with the board from last meeting will still have impact on this meeting as the meeting stayed open.

Kathleen MacGeroge, I have lived here 13 yrs. we have seen some really great businesses that have blossomed. We could work together to bring a great ice-cream shop in the area. I think it would be great for the community and the kids.

Jennifer Luecke, We would love to support any business into the area, but we don't feel like it will work for this area and it could affect our homes value.

Mike Wood, What was spoken before stands and is on record. This use should not be allowed.

Donald Miller, A traffic study needs to be completed.

John Yacuzzo, The traffic study will cost someone a lot of money. This may not go anywhere why pay to have this completed until we know what will happen. It needs to wait until a vote is completed and the decision is made. We will go from there.

Donald Miller, We need to do a vote on the Use Variances that are presented in this application.

Chelsea Carter, I am not a neighbor but a member of the community. There are a lot of student walkers hanging out at express mart; to me this looks a lot safer for the kids. I support this idea.

Bernard Commisso reviewed the survey map with the board.

During this time there were discussions back and forth with the board members while reviewing the Village Code Book and the application. Pat Nicoletta reviewed with the board the survey map with the setbacks that are in question.

Mike Migliaccio reviewed the variance questions for both variances at this time.

Area variance (1) to build a 60.6' x 36.6' commercial restaurant, does not meet Schedule 1 side set back which requires 20 feet. Application shows 9.3 feet.

1. Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby properties be created by granting this area variance? **Yes**
2. Can the benefit sought by the applicant be achieved by some method other which will be feasible for the applicant to pursue but not require a variance? **Yes**
3. Is the requested variance substantial? **YES**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **Yes**
5. Is the alleged hardship self-created? **Yes**

Area Variance (2) Does not meet Section 100-35 A(1)(b)(d) that states: Drive in restaurants and eating establishments where a substantial percentage of sales are to take-out customers, provided that such uses shall not be closer that (200) feet to a residential district. Application shows less than 200 feet to a residential zone.

1. Will an undesirable change be produced in the character of the neighborhood, or a detriment to nearby properties be created by granting this area variance? **Yes**
2. Can the benefit sought by the applicant be achieved by some method other which will be feasible for the applicant to pursue but not require a variance? **Yes**
3. Is the requested variance substantial? **YES**

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **Yes**
5. Is the alleged hardship self-created? **Yes**

Chairman Migliaccio, asked three times if there are any further questions or comments. No other questions or comments from the board members or the residence.

The public hearing was closed at 7:53pm

Mike Migliaccio called the meeting to order at 7:54pm

Pat Nicoletta encouraged the board to vote on both variances at this time.

A motion was made to deny both variances because of the substantial impact for both variances, by John Yacuzzo. Seconded, by Bernard Commisso. The motion was all in favor by all board members.

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

Donnie Miller	Voting	"Aye"
Bernard Commisso	Voting	"Aye"
John Yacuzzo	Voting	"Aye"
Vincent DelGatto	Voting	"Absent"
Michael Migliaccio	Voting	"Aye"

No other questions or concerns at this time from the board.

A motion was made by John Yacuzzo to approve the minutes from the last meeting which took place on August 2, 2023. The motion was seconded by Donald Miller. All voted "Aye." Motion carried.

The meeting was adjourned on motion by John Yacuzzo, and seconded by Bernard Commisso at 8:09 pm.

Respectfully submitted,

ZBA Secretary,  
Deputy Clerk/Treasurer, Nichole Ruggles