

DRAFT COPY

**UNION VALE ZONING BOARD OF APPEALS
Minutes of the Special Meeting
11:00 am**

August 17, 2018

Members Present: Chairperson Jane Smith, Board members Dennis Dunning and Ilana Nilsen

Members Absent: Board members John Hughes and Jeffrey Wimmer

Others present: Mr. James Nelson, Town Of Union Vale Attorney

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Jane Smith determined that there was a quorum to conduct business and called the special meeting to order.

CORRESPONDENCE

Chairperson Jane Smith identified correspondence received since the last meeting, August 7, 2018: one letter from Mr. Michael Caruso, Esq., counsel representing the applicant dated 8/6/2018; one letter from Mr. Richard Cantor, Esq., dated 8/9/2018; and email correspondence from Board member Jeffrey Wimmer to the Town of Union Vale building inspector, George Kolb dated 7/4/2018, and Mr. Kolb responding on 7/16/2018.

BUSINESS SESSION

**Dawn Sun Corporation, Walid Ghannan, 3122 Route 82, Verbank, NY 12585
TMP# 6662-00-310831:** Proposed Fuel/Convenience Store – application has been made for the installation of gas fuel pumps and associated convenience store to be located in existing building.

The following matters will be before the Zoning Board of Appeals (Board) for Interpretation and decision:

1. With respect to Union Vale Code §210-56 E(6)(a), which provides that no gasoline station “shall be located within 200 feet of any school, church, public library, theatre, park, playground or other public gathering place designed for occupation by more than 50 people”
 - An interpretation by the Board and determination of an appeal by Applicant from the Code Official’s February 26, 2018 Determination that the 200’ separation is to be measured from all associated boundary lines

and that a 200' variance is required; and

- A determination whether the required 200' separation has been proposed by Applicant; and
 - If the required 200' separation has not been proposed by Applicant, an interpretation as to whether a use or area variance is required; and
2. With respect to Union Vale Code §210-56 E(5)(a), which provides that, for a "convenience store selling gasoline in combination with a quick-stop retail food store," the "maximum gross floor area shall be 2,000 square feet"
- An interpretation by the Board and determination of an appeal by Applicant from the Code Official's February 26, 2018 Determination that a variance is required from the 2000' gross floor area requirement.

Chairperson Jane Smith opened the meeting and presented a draft written decision that had been provided to the Board members present and the Town Attorney James Nelson.

Chairperson Jane Smith stated that the draft written decision will be reviewed line by line by the Board members present, and with the assistance of the Town Attorney, during this meeting, discussion, modifications and changes may occur during the review process. There will be no comments heard by the public at this meeting.

During the discussion, various corrections and changes were agreed upon.

With the changes incorporated, a motion was made by Chairperson Jane Smith to accept the draft written decision, seconded by Board member Ilana Nilsen, and approved by unanimous vote of the Board members present, 3 Aye, 0 Nay.

NOTE The final written decision was filed with and received by the Town of Union Vale Town Clerk, Andrea Casey on August 20, 2018.*

ADJOURNMENT

As there was no further business, a motion was made by Board member Jane Smith, seconded by Board member Ilana Nilsen, and unanimously accepted by the Board, to adjourn the meeting at 2:00 p.m.

Respectfully submitted,

Joan E. Miller

ZONING BOARD OF APPEALS CLERK

Annexed documents:

August 17, 2018 Final Decision

Exhibits A, B, C, D & E (included in Final Decision document)