



ZONING BOARD OF APPEALS

TOWN OF CHAMPLAIN

729 ROUTE 9, P.O. BOX 3144

CHAMPLAIN, NEW YORK 12919

ZONING BOARD OF APPEALS MEETING
MAY 19, 2016

MEMBERS PRESENT: BRUCE SEGUIN
GERALD ARNO
BRUCE WALLETT
JAY BOYEA
ANDREW BLACK
ATTORNEY THOMAS MURNANE

MEMBERS ABSENT: ZONING OFFICER MICHAEL TETREAULT

MEMBERS PRESENT: DANIEL BECHARD
DAWN BECHARD
SCOTT RASNAKE
NEIL SHAW
LEE MORRISON
GERALD CARTON

CHAIRPERSON BRUCE SEGUIN OPENED THE MEETING AT 5:30 P.M.

CHAIRPERSON BRUCE SEGUIN STATED A MOTION IS NEEDED TO APPROVE THE MINUTES FROM APRIL 21, 2016.

A MOTION WAS MADE BY GERALD ARNO TO APPROVE THE MINUTES FROM APRIL 21, 2016. MOTION SECONDED BY JAY BOYEA.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED THE FIRST APPLICATION ON THE AGENDA THIS EVENING IS APPLICATION #16100 FROM R.L VALLEE FOR SPECIAL USE APPROVAL.

CHAIRPERSON BRUCE SEGUIN READ APPLICATION #16100 FROM R.L. VALLEE.

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CHAIRPERSON BRUCE SEGUIN STATED THE COUNTY VOTED THE APPLICATION A LOCAL ISSUE WITH THE FOLLOWING COMMENTS: THE TOWN SHOULD REVIEW ALL ASPECTS OF THE PROPOSED PROJECT, AND NOT CONSIDER THAT SOME ASPECTS MAY BE PHASED IN OVER TIME. ALL ASPECTS OF THE PLAN THAT ARE PROPOSED MUST BE ADDRESSED AT THIS REVIEW, AND NOT POSTPONED BECAUSE CERTAIN PORTIONS OF THE PROJECT ARE NOT TO OCCUR IMMEDIATELY. THESE ASPECTS WOULD HAVE TO BE REMOVED FROM THE APPROVAL PROCESS AND SPECIAL PERMIT DOCUMENTS TO NOT BE ADDRESSED.

JAY BOYEA ASKED WHAT WILL THE TIME FRAME BE BETWEEN THE PROJECTS?

SCOTT RASNAKE STATED HE WAS NOT SURE ON THE TIME FRAME.

CHAIRPERSON BRUCE SEGUIN STATED A MOTION IS NEEDED TO CLOSE THE REGULAR MEETING AND OPEN THE PUBLIC HEARING.

A MOTION WAS MADE BY BRUCE WALLETT TO CLOSE THE REGULAR MEETING AND OPEN THE PUBLIC HEARING ON APPLICATION #16100 FROM R.L. VALLEE. MOTION SECONDED BY ANDREW BLACK.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED A MOTION IS NEEDED TO HAVE THE ZONING BOARD BE THE LEAD AGENCY ON APPLICATION #16100 FROM R.L. VALLEE AND TO HAVE THE APPLICATION BE AN UNLISTED ACTION.

A MOTION WAS MADE BY JAY BOYEA FOR THE PLANNING BOARD TO BE THE LEAD AGENCY FOR THE SHORT ENVIRONMENTAL ASSESSMENT FORM ON APPLICATION #16100 FROM R.L. VALLEE AND TO HAVE THE APPLICATION BE AN UNLISTED ACTION. MOTION SECONDED BY BRUCE WALLETT.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE

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ANDREW BLACK	AYE
BRUCE SEGUIN	AYE
GERALD ARNO	AYE

MOTION CARRIED 5-0.

ATTORNEY THOMAS MURNANE READ PART 2 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM AND IT WAS DISCUSSED.

ATTORNEY THOMAS MURNANE STATED A MOTION IS NEEDED TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM AS A NEGATIVE DECLARATION.

A MOTION WAS MADE BY ANDREW BLACK TO APPROVE THE SHORT ENVIRONMENTAL ASSESSMENT FORM AS A NEGATIVE DECLARATION ON APPLICATION #16100 FROM R.L. VALLEE. MOTION SECONDED BRUCE WALLETT.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN ASKED IF THERE WERE ANY COMMENTS FROM THE PUBLIC.

THERE WERE NO COMMENTS FROM THE PUBLIC.

CHAIRPERSON BRUCE SEGUIN STATED A MOTION IS NEEDED TO CLOSE THE PUBLIC HEARING AND OPEN THE REGULAR MEETING.

A MOTION WAS MADE BY BRUCE WALLETT TO CLOSE THE PUBLIC HEARING ON APPLICATION #16100 FROM R.L. VALLEE. MOTION SECONDED BY JAY BOYEA.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

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MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED IF THERE ARE NO MORE COMMENTS OR CONCERNS THAN A MOTION IS NEEDED TO EITHER APPROVE OR DISAPPROVE THE APPLICATION.

A MOTION WAS MADE BY BRUCE WALLETT TO APPROVE APPLICATION #16100 FROM R.L. VALLEE FOR SPECIAL USE APPROVAL AS PRESENTED. MOTION SECONDED BY JAY BOYEA.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED THE NEXT APPLICATION ON THE AGENDA IS APPLICATION #16101 FROM KEYSTONE NOVELTY DISTRIBUTORS FOR SPECIAL USE APPROVAL TO SET UP A TEMPORARY TENT TO SELL FIREWORKS.

CHAIRPERSON BRUCE SEGUIN READ APPLICATION #16101 FROM KEYSTONE NOVELTY DISTRIBUTORS.

CHAIRPERSON BRUCE SEGUIN STATED THE COUNTY VOTED THE APPLICATION A LOCAL ISSUE WITH THE FOLLOWING COMMENT: THE TOWN MAY WANT TO SEND THE PROPOSED USE FOR REVIEW BY THE TOWN FIRE DEPARTMENT, TO ENSURE THAT THE DEPARTMENT HAS THE CAPACITY TO CONTROL ANY FIRE ACCIDENTS THAT MAY OCCUR AT THE SITE.

NEIL SHAW STATED THE FIREWORKS WILL BE SOLD TO THE PUBLIC BUT THEY WILL NOT BE LET OFF ON THE PROPERTY.

ATTORNEY THOMAS MURNANE STATED WHERE WILL YOU STORE THE FIREWORKS?

NEIL SHAW STATED THERE WILL BE A STEEL BULDING TO STORE THE EXTRA FIREWORKS AND THERE WILL BE 24 HOUR SECURITY. I BELIEVE THE COUNTY CALLS THE LOCAL FIRE DEPARTMENT TO DO A INSPECTING

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ON THE TENT.

JAY BOYEA STATED I BELIEVE OUR CODE OFFICER WILL INSPECT THE TENT.

ATTORNEY THOMAS MURNANE STATED THE APPLICANT HAS THE WRONG SEQR FORM FILLED OUT AND I DO HAVE SOME CONCERN WITH WHERE THEY WILL BE STORING THE FIREWORKS.

NEIL SHAW STATED LAST MONTH THE BOARD DIDN'T SAY ANYTHING ABOUT THE WRONG FORM AND I DIDN'T THINK THERE WAS ANYTHING ELSE NEEDED WITH THE APPLICATION.

CHAIRPERSON BRUCE SEGUIN STATED LAST MONTH OUR ATTORNEY WASN'T PRESENT AT THE MEETING SO WE DIDN'T REALIZE IT WAS THE WRONG SEQR FORM.

ATTORNEY THOMAS MURNANE STATED THE BOARD CAN NOT VOTE ON THE APPLICATION WITHOUT A CORRECT SEQR FORM.

THERE WAS DISCUSSION REGARDING APPLICATION #16101 FROM KEYSTONE NOVELTY AND IT WAS STATED IF THE APPLICATION WAS TABLED UNTIL THE JUNE MEETING IT WOULD BE CUTTING IT REALLY CLOSE FOR THE APPLICANT TO SET UP THE TENT SO IT WAS RECOMMENDED TO HAVE A SPECIAL MEETING.

A MOTION WAS MADE BY BRUCE WALLETT TO TABLE APPLICATION #16101 FROM KEYSTONE NOVELTY AND TO HOLD A SPECIAL MEETING ON JUNE 2, 2016 AT 6:00 P.M. AND FOR THE APPLICANT TO SUBMIT A CORRECT SEQR FORM. MOTION SECONDED BY GERALD ARNO

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED THE NEXT APPLICATION ON THE AGENDA IS A REHEARING ON DANIEL BECHARD'S APPLICATION FOR AN AREA VARIANCE.

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DANIEL BECHARD STATED I DON'T FEEL I SHOULD HAVE TO PUT THE FENCE UP IF THE NEIGHBOR WANTS TO FENCE UP THEN HE SHOULD PUT IT UP.

LEE MORRISON STATED AT THE LAST MEETING HE AGREED TO PUT THE FENCE UP SO HE SHOULD HAVE TO PUT IT UP.

DAWN BECHARD STATED WE WILL BE WILLING TO PUT THE FENCE UP FROM THE BACK OF THE GARAGE TO THE BACK PROPERTY LINE BUT NOT THE LENGTH OF THE PROPERTY. ALSO, WE DO NOT WANT TO PUT A VINYL FENCE UP.

LEE MORRISON STATED I DO NOT AGREE BECAUSE THIS BOARD APPROVED FOR HIM TO PUT A FENCE UP.

ATTORNEY THOMAS MURNANE STATED THIS BOARD NEEDS TO AGREE TO HAVE A REHEARING. EVERYONE NEEDS TO APPROVE FOR THE REHEARING AND IF NOT THAN THE VARIANCE WILL REMAIN AS GRANTED.

DANIEL BECHARD STATED I DIDN'T REALIZE THE VINYL FENCING WAS GOING TO COST SO MUCH OR I WOULD NOT HAVE AGREED TO IT.

THERE WAS MUCH DISCUSSION REGARDING THE FENCE.

CHAIRPERSON BRUCE SEGUIN STATED A MOTION IS NEEDED TO EITHER APPROVE OR DISAPPROVE THE REHEARING.

A MOTION WAS MADE BY ANDREW BLACK TO APPROVE THE REHEARING ON APPLICATION # 16002 FROM DANIEL BECHARD FOR AN AREA VARIANCE. MOTION SECONDED BY JAY BOYEA.

ROLL CALL:	BRUCE WALLETT	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

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ATTORNEY THOMAS MURNANE STATED NOW THAT THE REHEARING HAS BEEN APPROVED THEN THIS WILL BE A NEW APPLICATION THE BOARD NEEDS TO DECIDE ON WHETHER OR NOT THEY WANT TO GRANT THE VARIANCE AND WITH OR WITHOUT CONDITIONS.

THERE WAS FURTHER DISCUSSION REGARDING THE FENCE.

A MOTION WAS MADE BY JAY BOYEA TO APPROVE THE AREA VARIANCE FROM DANIEL BECHARD TO BUILD A GARAGE AND TO INSTALL A PRIVACY FENCE FROM THE BACK OF THE GARAGE TO THE BACK PROPERTY LINE. THE FENCE WILL BE EITHER SOLID WOOD OR VINYL. IF THE APPLICANT GOES WITH A SOLID WOOD FENCE THEN THEY WOULD HAVE TO PUT IT 2 FEET FROM THE PROPERTY LINE SO THEY CAN MAINTAIN IT ON BOTH SIDES. THE FENCE HAS TO BE AT LEAST 6 FEET HIGH. MOTION SECONDED BY ANDREW BLACK.

ROLL CALL:	BRUCE WALLET	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE SEGUIN	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED THE NEXT APPLICATION ON THE AGENDA IS APPLICATION #16102 FROM GERALD CARTOR FOR SPECIAL USE APPROVAL.

CHAIRPERSON BRUCE SEGUIN READ APPLICATION #16102 FROM GERALD CARTOR.

GERALD CARTOR STATED I AM NOT SURE WHEN I HAD TO COME BEFORE THE BOARD THIS EVENING BECAUSE I AM NOT DOING ANYTHING DIFFERENT WITH THE PROPERTY THAN WHAT I HAVE BEEN DOING IN THE PAST BUT I BELIEVE MR. TETREAULT WASN'T SURE EITHER SO HE WANTED ME TO COME BEFORE THE BOARD.

ATTORNEY THOMAS MURNANE STATED MR. TETREAULT IS NOT HERE THIS EVENING SO WE CAN DISCUSS AND HE CAN EXPLAIN THE APPLICATION.

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A MOTION WAS MADE BY BRUCE WALLETT TO TABLE APPLICATION #16102 FROM GERALD CARTOR UNTIL THE JUNE 16TH MEETING WHEN MR. TETREAULT CAN BE PRESENT TO EXPLAIN THE APPLICATION TO US. MOTION SECONDED BY GERALD ARNO.

ROLL CALL:	BRUCE SEGUIN	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE WALLETT	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

CHAIRPERSON BRUCE SEGUIN STATED WE NEED TO GET TOGETHER AND DISCUSS THE SOLAR FIELDS BUT I BELIEVE MIKE HAS SOME INFORMATION FOR US TO REVIEW.

CHAIRPERSON BRUCE SEGUIN ASKED IF THERE WAS ANYTHING ELSE TO BE BROUGHT BEFORE THE BOARD AND IF NOT THEN A MOTION IS NEEDED TO ADJOURN THE MEETING.

A MOTION WAS MADE BY BRUCE WALLETT TO ADJOURN THE MEETING. MOTION SECONDED BY GERALD ARNO.

ROLL CALL:	BRUCE SEGUIN	AYE
	JAY BOYEA	AYE
	ANDREW BLACK	AYE
	BRUCE WALLETT	AYE
	GERALD ARNO	AYE

MOTION CARRIED 5-0.

MEETING ADJOURNED AT 7:00 P.M.