

SPECIAL USE VARIANCE FINDINGS & DECISION

MIDDLESEX ZONING BOARD OF APPEALS on April 5, 2011

Applicant: Mr. Bradley A. Quayle

Variance No: # 030611-Z

Address: 681 Route #364, Middlesex, NY 14507

Zoning District: HR

Telephone: (585)781-0413

Published Notice on 3/25/2011

Property Location: 5628 Water Street, Middlesex, NY 14507

County Planning Approval 3/28/2011

Applicable Section of Town Zoning Code: Article V, Section # 401.0

County Hearing held 3/24/2011

502.1. GENERAL REQUIREMENTS

502.1.1 That the proposed land use or activity is to be located, constructed and operated so that the public health, safety and welfare will be protected

Yes X No ___ Reasons: the owner has addressed all concerns discussed to the board's satisfaction and will implement them by limiting and monitoring the club's membership to 35 restricting the age range from 18 yrs. and older with owner's responsibility to instruction of the physical limitations required for each cardiovascular and other specific work-out machine, owner changing the security access code on locks routinely, lighting the parking lot by replacement floodlights from what is currently there, follow-up of any complaints of noise or gathering in the parking lot which exceeds the normal ingress and egress of traffic flow with police intervention, provide landscaping to make the building more visually appealing, and will provide the ZBA with documentation for file of the past owner (Document Reprocessor's) septic upgrade when last inspected.

502.1.2 That existence of the proposed land use or activity will not cause substantial injury to the value of other property in the surrounding neighborhood.

Yes X No ___ Reasons: The proposed business will not cause substantial injury to the value of other property in the surrounding neighborhood because it was used as a business in the past, and there is not a change in the building itself except for an upgrade it by use and future plans for landscaping.

502.1.3 That adequate landscaping and screening is provided.

Yes X No ___ Reasons: Shrubs, trees will be added as aesthetic upgrades to the building which sits back from the road.

502.1.4 That adequate off-street parking and loading are provided and that ingress and egress are so designed as to cause minimum interference with traffic on abutting roads.

Yes X No ___ Reasons: The building currently sits back from the road with adequate parking lot provisions to accommodate the proposed traffic that a limited membership would require at any given time due to the established pre-sumption that each individual would be using the building to work-out at their own individual time rather than gathering at the same time.

502.1.5 That the proposed land use or activity will not result in excessive erosion and will not increase surface-water runoff onto abutting properties.

Yes X No ___ Reasons: There will not be any significant change even if the parking lot was paved in the future, because the parcel is located on flat terrain.

502.1.6 That existing roads and utilities serving the proposed project are determined to be adequate.

Yes X No ___ Reasons: All utilities are more than adequately provided as the property had a pre-existing business before and is nicely set up to be such again. .

502.2. SPECIFIC REQUIREMENTS (when applicable)

The board placed no restrictions on this business but felt it should be noted that there was much discussion about the following concerns from both board and neighbors which included the following:

- possible restriction of business hours from 24/7 to 5am -11pm due to concerns of possible noise and light annoyance with the ingress and egress of client traffic
- parking lot becoming a community gathering spot for nuisance type behavior.
- Concern for current inspection of septic from old business.

DETERMINATION OF THE ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above factors, in a motion made by Ted Carman , and seconded by Don Burkard , finds that

X The benefit to the Applicant DOES outweigh the detriment to the character, health, safety, and welfare of the

neighborhood and therefore the variance request is **granted**.

NOTE: SEC. 908.0 of the Town of Middlesex, NY Zoning Law states:

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any officer, department, board or bureau of the Town, may apply to the Supreme Court by proceeding under Article 78 of the Civil Practices Law and Rules. Such action must be instituted within thirty (30) days after the filing of a decision in the Office of the Town Clerk.

CONDITIONS:

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

The Zoning Board of Appeals proposed no conditions to minimize adverse impacts upon the neighborhood or community when approving this Special Use Permit.

Richard DeMallie , Acting Chair
Acting Chairperson, Zoning Board of Appeals

4/05/2011
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Richard DeMallie, Acting Chair</u>	<u>X</u>	___
Member	<u>Elizabeth Grant</u>	<u>X</u>	___
Member	<u>Ted Carman</u>	<u>X</u>	___
Member	<u>Don Burkard</u>	<u>X</u>	___
Member	<u>Benjamin Dunton (alternate)</u>	<u>X</u>	___

(Version update: February, 2009)