

Town of Wawayanda ZONING BOARD OF APPEALS

July 15, 2010

7:00 p.m.

The July 15, 2010 Zoning Board of Appeals meeting was called to order by Chairman, Richard Onorati at 7:00 p.m. Meeting was being held in the Assessors Office in the front of the building as there was a conflict of dates with the Court office. This change was posted on the bulletin boards within the building and the main entrance door as well.

Members Present: Richard Onorati, **Chairman**
Bruce Lewis
Daniel Post
Carl Skinner
Ronald Myruski
Ray Spiak, alternate

Members Absent: Richard Minkus, alternate

Consultant Present: William Bavoso, **Attorney**

Mr. Louis Powell, representing Mr. Anthony Mallardi arrived late to the meeting so the board discussed the Proposed Overlay District Law that the Town Board had submitted for them to review. Attorney Bavoso and Chairman Onorati answered questions that the board had in-relation to the effect the law had on the Zoning Board of Appeals. All board members were informed that the Public Hearing on this proposed law was set for July 20, 2010 at 7:00 p.m.

I. INFORMAL

5030 LLC / SBL# 8-1-22 / Rt. 17M / MC-2 Mixed Commercial Zone

INFORMAL presentation to the ZBA regarding premises designated as Section 8, Block 1, Lot 22 (5030 Route 17M, New Hampton, New York) relative to previous variances

granted on these premises for a used vehicle sales lot and a current application to the Town Planning Board for use of the premises for personal services with a residential use also. Determination by the ZBA to set a Public Hearing based on change in use and intensity of use or interpretation that the variances previously granted are re-affirmed by the ZBA.

Chairman Onorati asked Mr. Powell for his presentation and request.

Mr. Powell explained that this request is based upon the Planning Boards referral to the ZBA for a determination or Interpretation on whether or not the variance granted in 2008 for the area variances carries over to the building and this proposed use. Said he always thought the variance ran with the property. This was at one time a dentist office, real estate office and car dealership. The proposal for this use is for "services, personal; and services, business". Zoning for the Real Estate office was HC-1 zone, and it has since been changed to MC-2.

Said he knew everyone is concerned about the tenant, the tenant is proposing a spa / massage business . Feels that the board has to look at it as the proposed use. This could be a barber shop or a beauty parlor.

Chairman Onorati stated that the board has to look at the request, is it allowable in the zone? That is what we are required by law to do. We, as a board are not here to say if we approve of the project or not, but there are certain concerns and I want to pass that on too you.

July 15, 2010

Page 3

Chairman Onorati continued, that we can request certain credentials of these people. By law, massage parlors do not have the best kind of connotation, historically. At this point in time, the town has been reviewing Massage Parlor Laws and scrutinizing the issues. We can request certain credentials of these people.

Mr. Powell said that he has provided licenses provided to him for the massage therapist and hair stylist to the Planning Board, at their request and will provide them to this board as well. They are valid licenses.

There were questions from board members with regard to hours of operation, the licenses, and the apartment use, days the business would be open, etc. Mr. Powell would find out the information and bring to the public hearing.

Motion by **Ronald Myruski**, seconded by **Carl Skinner** to set a Public Hearing date for August 12, 2010 at 7:00 p.m.

All in favor / Motion Carried

II. OTHER BUSINESS

Approval of Minutes for June 10, 2010

Motion by **Ronald Myruski**, seconded by **Bruce Lewis** to approve the minutes, as submitted for June 10, 2010.

All in Favor / Motion Carried

July 15, 2010
Page 4

The July 15, 2010 Town of Wawayanda Zoning Board of Appeals meeting was adjourned by Chairman Richard Onorati at 7:36 p.m.

Respectfully Submitted by,

Patricia Battiato
Secretary to Zoning