

July 20, 2009 Village of Phelps Zoning Board of Appeals Public Hearing

Village of Phelps Zoning Board of Appeals Members:

Present: Pat Hemminger, Chair Ronald Grube
Denise Schlossnagle Dennis King
David Clark

Also present: Deputy Clerk/Treasurer: Jill Seifert, Code Enforcement Officer: Brad Dutcher
Applicant: Lisa Featherly
Residents: Carl & Elaine Mallaber, Ken Johns, Mark & Linda Leight and Carol Lord.

Purpose: Zoning Permit Application for a Use Variance at 9 Willard Avenue.

Chairperson Hemminger opened meeting and public hearing at 7:00 p.m. Introduction of the Zoning Board members to the general public.

ZBA 01-09 Lisa Marie Featherly – 9 Willard Avenue Use Variance:

Lisa presented her application, she is interested in moving her established florist shop, Flowers by Lisa Marie, from 104 Main Street to her home at 9 Willard Avenue, this type of business is not recognized as a home occupation and would need a use variance due to the R-2 zoning of her property. The storefront she currently occupies is for sale by her landlord and she is looking to get her situation in order in case she receives notice that she must vacate within 30 days. Her current business is primarily phone and internet sales, she is planning on concentrating her advertising on those sales and will not be conducting retail sales, ie walk in sales, on the premises. Consultations will be conducted offsite. The hours of business will be Monday – Friday 9 a.m. to 5 p.m. and Saturday 9 a.m. to 1 p.m. There will be no signage advertising the business on the property. Incoming deliveries are twice weekly on Monday's and Thursday around 11 a.m., the truck is roughly the size of a UPS truck. Specialty incoming deliveries are occasional at the most and will be by a van.

Pat Hemminger – a use variance stays with the property, so conceivably if Lisa were to sell her home and someone with another business were to buy it, this Board would have no recourse, no way of preventing that business from occupying that property.

Brad Dutcher – the Board has the power to be very specific when granting the variance.

Pat – specifics would definitely be needed in order to protect the neighboring properties.

Ken Johns – concerned about the traffic and setting precedent of allowing other small businesses to occupy the residential neighborhood.

Carol Lord – adamant that no walk in sales occur at the home.

Linda Leight – living on the north end of Church Street, knows when approaching Redfield Park to watch for children crossing or darting into the roadways, delivery trucks would not be aware of this situation.

Carl & Elaine Mallaber – live directly next door to Lisa's property, positive that Lisa would do exactly as her application indicates and would follow any specifics required by this Board. Normal family traffic would be greater than what this business would bring to the neighborhood.

Public Hearing closed at 7:25 pm.

Questions/Statements:

Denise – obviously everyone wants the Village to retain its businesses, but the residential neighborhood must be protected also.

Pat – if there are no further questions, we can entertain a motion.

SEQR: Motion by Dave Clark; the Board answers "NO" to all the questions on the back of the short EAF form; thus making the determination that this application is an unlisted action with no negative impact; second by Ron Grube and unanimously carried.

Motion: Motion by Ron Grube to **approve** the use variance submitted by Lisa Featherly, for 9 Willard Avenue, with the following stipulations: a floral business with hours of operation limited to Monday – Friday 9 a.m. to 5 p.m. and Saturday 9 a.m. to 1 p.m., allowing one employee apart from the owner, the business would be phone/internet sales only, no walk ins. Incoming deliveries of materials will be 2 to 4 times per week during said business hours. All outgoing product would be by delivery only. Storage of materials and supplies would be only within the home as described in the application. Seconded by Dave Clark. Motion carried unanimously.

Adjournment: With no further business, Pat closed the meeting at 7:46 p.m.

Respectfully submitted,

Jill K. Seifert
Deputy Village Clerk/Treasurer