

MORRISTOWN BOARD OF ADJUSTMENT
January 26, 1994

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Ida Mae Anderson; Paul Trudell; Theresa Breault and Ralph Wiltshire.

BOARD MEMBERS ABSENT: Jean Wickart and Rose Lambert

ZONING ADMINISTRATOR: Kenneth Sweetser

GUESTS/APPLICANTS: [See attached list].

The meeting was called to order at 7:32 P.M. by Chairman Gary Nolan, who reviewed the minutes of 01/12/94 for amendments/corrections.

Theresa moved to accept the minutes as printed. Ida Mae seconded. All in favor.

Gary advised they also needed to act on the minutes of the joint meeting of the BOA and PC held on 01/11/94.

Ken advised the minutes need to reflect it was a 'joint' meeting of the BOA & PC regarding the proposed Price Choppers Supermarket. Gary questioned the water main size as being 8", which was not testified to being an 8" water main at the meeting; also the hours of operation, which will be 24-hours a day, was not in the minutes. Theresa noted that the reference to the paved area of 5.8 acres was not in the minutes. Gary advised the Boards did indicate that some parking spaces could be eliminated and develop more landscaping.

Theresa moved to approve the minutes with the above amendments. Paul seconded. All in favor. Ken will take the minutes with the amendments to the PC Board.

7:40 P.M. -- ONEAL DEMARS: OFFICE BUILDING located on Professional Drive. Gary advised this would be heard under the Town of Morristown's Zoning By-Laws, COMMERCIAL - Cond. Use, Page 3, Sections 210 and 213.f - Public Facility. Theresa administered the sworn oath to Demars.

Demars advised the structure would be a 2-story building, behind the Professional Building, measuring 40' X 90', being serviced by the Professional Drive, which is a private driveway. The building will be wood-structured with clap-boards and have a pitched roof. The top floor will be occupied by USDA; FmHA; Soil Conservation and ASCS offices. The bottom floor will be unfinished at this time, until such time he has tenants to occupy it. It will not have an elevator. There is public water, with on site-sewage; a paved driveway that will go down around to the back, which leads to a gravel pit. This is parallel to where the

proposed RT 100 By-Pass is to go in. It will be readily accessible by Emergency vehicles. There will be less than a dozen people working out of this facility and the business does not generate a lot of traffic. Mr. Demars advised the PC has requested a sidewalk be installed; this will be accomplished by connecting to the Professional Buildings walk.

This project does need an ACT 250 Permit.

Demars advised his plans include a third lane on Pratt-Read road for right turning vehicles exiting from Pratt-Read. The water run-off would flow south into the ravine. The heat will be oil-fired, warm air heating and cooling.

Chairman Nolan reviewed CONDITIONAL USES, PAGE 41, 630 -- 632.6.

A copy of the Permit for the On-Site Sewage Design approved by the State will be required to be on file with the Board of Adjustment.

Demars advised the landscaping will consist of small shrubs near the building, with ten (10) large trees around the building, very similar to the Professional Building.

Signage will be a small sign, 10" high, by 4' long on the existing sign post, with a small sign on the building. The building will be handicap accessible with handicap parking spaces. The stairwell will be for custodial use only.

Ken advised that he has already scheduled the BOA to join the PC Board on a Site-Walk of the area on Saturday, 01/29/94 after the Site-Walk of the Grand Union and Ken Harvey.

Paul moved to recess this hearing until after the scheduled Site-Walk. Ralph seconded. All in favor.

8:03 P.M. -- DAVID PARKER'S AUTO PARTS, Randolph Road, represented by son, Brian Parker, to review his permit issued on 02/01/93. Theresa administered the sworn oath to all involved parties..

Gary read a letter received by adjoining property owner, Bruce Killian, dated 01/02/94, requesting the BOA deny the extension of Parker's permit, listing the Conditional Uses not adhered to:

- a) Hours of operation;
- b) Tires, equipment, etc., outside;
- c) Screening not adequate, and not in by 06/01/93;
- d) Other than family members working there.

Brian advised that Bill Moulton advised he didn't want the 10' high trees planted due to obstructing the view of motorists; that they were purchasing lumber from Wesolows for some of the screening, but due to weather, Wesolows haven't been able to produce the lumber; that an uncle and a friend have been sheet-

rocking and insulating for them the last few months while being unemployed so they can heat the building; things were moved outside so they could sheet-rock; the tires are nearly over the bank and out of sight. As to the hours of operation, there may have been a few times they have worked until 5 P.M., but there are no lights in the building as of yet. The compressor is in a room of its own, within the building to cut down on noise.

Brian advised the vehicles near the property line in September were a goose-neck trailer; a pick-up truck; a short-bed truck and a flat-bed. That they will be using Dick Snow's barn for storage. The majority of their time has been spent working on the building.

Paul asked about the screening on the north side, to screen the roll-off site, which was one of the conditions imposed. Brian didn't remember them having to plant trees. Paul insisted the trees should be planted. Gary advised there were trees to be planted as a condition, also.

Theresa moved to approve the extension of the Permit for a period of one (1) year, at WHICH TIME THE BUSINESS WILL BE REVIEWED AGAIN (01/26/95). Paul advised they are to continue to plant the trees as per the conditions of the permit. Ralph seconded. All in favor. So moved.

8:30 P.M. -- LAMOILLE FAMILY CENTER, RT 100-SOUTH (Sinow Farm consisting of the house, barn and 13 acres), represented by Administrators Ann Dunn and Joe Ford., requesting approval of a Conditional Use Permit. Paul Trudell removed himself from the Hearing as he has done work for the Center. Theresa administered the sworn oath to all concerned parties.

Ann gave a brief history of the Center, advising it has been in operation for seventeen (17) years, providing community resources to families and children. They have outgrown their present building and are interested in purchasing the Sinow property for use now and their future needs. They would do some renovations to the house; the upstairs would be used for office space and the down stairs would be used for meeting rooms for the next couple of years. This would be a two phase renovation of house and barn. 1) They would utilize the house for office and meeting rooms, then, 2) Renovate the barn for Lamoille Family Center use and rent the house to similar non-profit agency. The cost of the first phase of renovation is \$36,000. The second phase cost would be \$300,000. There is parking space to presently accommodate twelve vehicles. They have a staff of 22 people, but it is seldom they are all there at one time. This would be enlarged to 40 spaces when the second phase of renovation is completed.

Gary advised this area is zoned RR/AG in the Town of Morristown and would be heard under Section 283.d - Community Facilities, Page 7 of the Zoning By-Laws.

The board voiced their concern of the back exit onto the Morristown Corners road due to the poor visibility.

Ann advised the property is on the Historic register and therefore they must maintain its present character. The Lamoille Family Center is a private, non-profit, educational facility and they are requesting approval for both buildings for application of financing purposes.

Ann advised there is some evening activity with the hours being usually between 6 and 8 P.M. The facilities will be handicap accessible. The hours of operation are 8 A.M. -- 4 P.M. and some evening groups are from 7--9 P.M.

Ken advised both the PC and the BOA are scheduled for a Site-Walk of the property on Saturday, 01/29/94 after the prior Site-Walks are completed.

Fred & Joan Kaiser were present, inquiring as to their plans and voiced their concern of the use of the access onto the Morristown Corners Road from the facility.

Ralph moved to recess this hearing until the Site-Walk on Saturday, 01/29/94 at approximately 10:30 A.M. Theresa seconded. All in favor.

9:08 P.M. -- DAVID KOIER, INFORMAL DISCUSSION, Randolph Road at the former Ward's Pond property. Mr. Koier came before the BOA to discuss the possibility of expanding his Home Industry, which was granted approval in 1986; in 1989, he and his wife started making smoked almonds and have since added smoked pecans; for the past 3 years they have had a mail order business. In 1989, they received a building permit, which has since lapsed. In 1991, they removed the barn with plans for expanding. Now they would like to rebuild the barn on the same foundation, being 25' X 50', having a basement with one-story, accessible on one end, and move their business out of the house. They would employ one person and possibly hire one additional employee during the months of October through the end of December, which is their busy time; there would be NO RETAIL at all.

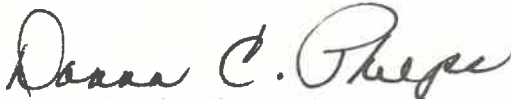
The Board was in agreement that under the new By-Laws, there is nothing that would address this request. Ken will contact the Commissioner of Agriculture and get a ruling on the definition of their product at Gary's request.

9:40 P.M. -- NORMAN "PETE" MENARD, (not in attendance). Ken advised Mr. Menard wishes to purchase the former Tatro Brothers building located near the junction of RT 15 and the Garfield Road in the Town of Morristown, and move his building business to this location. This area is zoned RR/AG & Special Industry. Mr. Menard would also like to add on a building in the back to store lumber. This will be discussed further at the next BOA meeting.

GENERAL DISCUSSION: Ken advised he received a complaint from the State regarding 'Off-Premise' SIGNS, being Agway's and Avery's; the BOA has no authority to grant permits for off-premise signs as this constitutes 'bill-boards' which are illegal.

Theresa moved to adjourn at 10:00 P.M. Ralph seconded. All in favor.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

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