

**MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
JANUARY 13, 1993**

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Theresa Breault; Ralph Wiltshire; Jean Wickart and Paul Trudell.

BOARD MEMBERS ABSENT: Ida Mae Anderson; Rose Lambert (Excused)

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: David & Brian Parker; Bruce & Cathy Killian; Marion Audet and Keith and Lisa Allen.

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan.

7:30 P.M. -- DAVID & BRIAN PARKER, Randolph Road, were in attendance, seeking approval of a Conditional Use to allow the sale of used auto parts from an existing barn. Jean administered the sworn oath to all concerned parties.

Gary advised this would be heard under the Town of Morristown's Zoning By-Laws, Page 8, AG/RR, Section 280 (283-(b)), and gave a brief history of the Parker application. Jean asked about the noise as she had received complaints last summer of the noise generated by their business, especially on Sundays. Parkers advised they are in the process of insulating the building to cut down on the noise level, and advised the proposed hours of operation are from 08:00 A.M. hours to 5:00 P.M., seven days a week. Parker advised that now he would like to be able to work until 8 P.M. during the week and until 5 P.M. on Saturday as presently he and his son are both working full-time at other jobs. They advised they would only be selling auto parts on Sundays and would not dismantle any vehicles on Sundays.

Cathy Killian asked if their customers are given clear directions to the business as many come to their house when there is no one in the barn. Parkers advised the people who call before coming are given directions, some just show up, from word of mouth. After a brief discussion, Theresa made the motion to conduct a Site-Walk of the property on **SUNDAY, JANUARY 24th, 1993 @ 09:00 A.M.** Jean seconded. All in favor. Parker advised that he would not be constructing an addition to the property until the spring of 1993. Gary recessed this hearing until the Site-Walk. The Board will go into Deliberative Session on 01/27/93.

8:00 P.M. -- OUT & ABOUT, represented by Gloria Wing, Z.A., as director Jackie Gale was unable to attend due to the stormy weather. Gloria advised that there has been stairs constructed in the back leading to the second level on Court Street that abuts the church property within 8'. Ms. Gale was unaware that permits/variances had to be obtained for same. The church has no objection to the construction of the stairs or the Variance of 2', as the requirement is 10'.

Ralph made a motion to grant a permit for a Variance of 2' for a rear set-back. Jean seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, Page 19, Section 416, the BOA granted a 2' Variance as there was no objections by the adjoining property owner.

8:15 P.M. -- MARION AUDET, was in attendance seeking application approval of a Conditional Use to allow a convenience store at the former Sinow's Ice Cream

building, located on RT 100-S. Jean administered the sworn oath to all involved parties.

Gary advised this would be heard under the Town of Morristown's Zoning By-Laws, Section 283 (b), Conditional Uses.

Mrs. Audet and her daughter, Lisa Allen, advised they wanted to move their present convenience store business from the Morristown Corners area; that they would be renting with the option to purchase the building/property. There is ample room for parking and truck delivery. There would be a sign, 'Morristown Corners Store', on the building over the window and door. There would be timed lighting, to go off no later than 11:00 P.M. The hours of operation would be from 06:30 A.M. to 9:00 P.M., seven days a week. They will specialize in fresh meats.

Theresa made the motion to grant approval of a Conditional Use Permit, non-transferrable for a convenience store, having hours from 06:30 A.M. to 9:00 P.M., seven days a week; that the signage would be a lighted sign, not to exceed the allowed 10 sq. ft. and a security light would be allowed to be lighted all night if Audet so chooses. Jean seconded. Unanimously voted in favor.

FACTS OF FINDING: Based on a examined under the Town of Morristown's Zoning By-Laws, Page 8, AG/RR, Section 280 (283-(b)), the BOA granted approval of a Conditional Use Permit to Marion Audet, non-transferrable for a convenience store, having hours from 06:30 A.M. to 9:00 P.M., seven days a week; that the signage would be a lighted sign, not to exceed the allowed 10 sq. ft. and a security light would be allowed to be lighted all night if Audet so chooses.

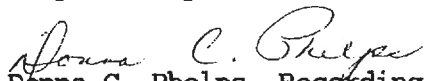
GENERAL DISCUSSION: Gloria advised that Michael Lowe contacted her as he wishes to sell used 1991 & 1992 used cars, approximately 25-30 cars at a time, at the former Mudgett-Smalley dealer-ship location on Brooklyn Street; that Demars owns the property presently; this is zoned MDR & COMM. It was the consensus of the Board and Gloria that this would be a 'grand-fathered' use and could see no problem as there has been the business of selling cars there for years.

She has scheduled Tom Michaelson, property owner of the former Sanders property, on Elmore Street. There was always 2 apts., but Michaelson has added a third apt. and did not get a permit. Gloria doesn't believe there is the required space for parking for 3 apartments.

Robert Davis has not complied with the requests that the Board imposed back in November, 1992 for screening. Gloria spoke with Att. Fred Enigh and he advised to start the enforcement process for a \$50.00 per day fine. She has also spoken with Teri White of the Solid Waste District and Teri is going to check and see if she had jurisdiction. It will cost money to enforce violations, but the Town does have to start enforcing violations.

Ralph moved to adjourn at 08:45 P.M. Theresa seconded. All in favor.

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment