

1 **TOWN OF SUNAPEE**

2 **ZONING BOARD**

3 **DECEMBER 13, 2012**

4 **PRESENT:** Edward Frothingham, Chair, Dick Katz, Clayton Platt, Daniel Schneider, William Larrow,
5 Alternate

6 **ABSENT:** Aaron Simpson, Roger Landry, Zoning Administrator

7 **ALSO PRESENT:** Joanne Galatas, George Neuwirt, Susan Spurlock

8 Chairman Frothingham called the meeting to order at 7:00 PM

9 Chairman Frothingham appointed William Larrow as a voting member for the meeting.

10 **CASE # 12-23: PARCEL ID: 0132-0017-0000: SEEKING APPROVAL OF A VARIANCE, ARTICLE IV SECTION**
11 **4.10, TO ALLOW MORE THAN 1000 SQUARE FEET OF RETAIL SPACE AND OPERATE A CONVENIENCE**
12 **STORE WITH THE PIZZA MARKET. SYLVIA KATSENES, 474 ROUTE 11**

13 Joanna Galatas from Pizza Market presented the case on behalf of Sylvia Katsenes. Ms. Galatas said that
14 she wants to open up the convenience store and with the new rules she has to come to the Board for a
15 Variance. Chairman Frothingham explained that though there was previously a convenience store at the
16 location, it closed and it has been over two years since then which means that the grandfathering has
17 expired. Mr. Schneider explained that the application is for a Variance and not a Special Exception
18 because the proposed convenience store is more than 1000 square feet.

19 Ms. Galatas said that currently they are just using the building for the Pizza Market business and she
20 wants to be able to open the other side as she already has to maintain the entire building. She has
21 employees who are willing to work in the convenience store. She is not going to start out selling any
22 alcohol but will want to add in selling alcohol and tobacco in the future. It was explained to Ms. Galatas
23 that the Board does not have any rights to approve or deny licenses for selling alcohol or tobacco they
24 are just reviewing the application for the space to be used as a store.

25 Ms. Galatas was asked to go over the facts supporting the request of the Variance. The proposed use
26 would not diminish surrounding property values because there was already a store there before. It
27 would grant a service to the public because Ms. Galatas often has people coming in that are looking for
28 convenience store items. Denial of the Variance would result in unnecessary hardship as the Zoning
29 restriction as applied to the property interferes with the reasonable use of the property because it
30 would allow full use of the property and building as already intended. No fair and substantial
31 relationship exists between the general purposes of the Zoning Ordinance and the specific restriction on
32 the property because the Zone already allows retail sales with limitations and the Variance would not
33 injure the public or private rights of others because the pizza place currently exists in the building.
34 Granting the Variance would do substantial justice because it would allow for full use of the property.

35 The use is not contrary to the spirit of the Ordinance because the Zoning District does allow some retail
36 sales.

37 Chairman Frothingham said that they received the green confirmation cards back from all of the
38 abutters except for one. Furthermore, he has not heard of any letters received complaining about the
39 proposed use of the property. Chairman Frothingham asked if there were any people in attendance
40 who would like to speak and there were no comments.

41 Dick Katz made a motion to approve Case # 12-23: Parcel ID: 0132-0017-0000: Seeking approval of a
42 Variance, Article IV Section 4.10, to allow more than 1000 square feet of retail space and operate a
43 convenience store with the Pizza Market, Sylvia Katsenes, 474 Route 11. Clayton Platt seconded the
44 motion. Chairman Frothingham asked if there was any discussion on the motion. Mr. Platt said that he
45 does not have any problem with the proposal as it was an already existing store. Mr. Schneider said that
46 the applicants will have to go to the Planning Board for a Site Plan Review and ensure they will get all
47 necessary permits from the State. The motion passed unanimously.

48 Mr. Schneider asked that the Zoning Administrator ensure that all applications in the future be able to
49 be read easily as there have been applications coming in that have been illegible. Mr. Platt said that he
50 agrees with Mr. Schneider that there should be more effort put into the applications.

51 Changes to the minutes from the November 8, 2012 Zoning meeting: Change line 19 to read "2012 to
52 discuss the wording..."

53 Dick Katz made a motion to approve the minutes as amended. William Larrow seconded the motion.
54 The motion passed unanimously.

55 Daniel Schneider made a motion to adjourn the meeting. Dick Katz seconded the motion. The motion
56 passed unanimously. The meeting adjourned at 7:17pm.

57 Respectfully submitted,

58 Melissa Pollari

59

60 _____

61 Edward Frothingham

_____ Aaron Simpson

62 _____

63 Dick Katz

_____ Clayton Platt

64 _____

65 Daniel Schneider

_____ William Larrow