

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – Leonard Modelewski

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday August 11, 2016 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

**Present:** Chairman Charlie Tocci, ZBA Members Bernard Beck Jr., and Scott Parish, Attorney Courtney Hills and Secretary Barbara Sturick.

**Absent:** Deputy Chairman Chris Beers ZBA Members John Turbeville

**Also present:** Robert Martin, Debra Martin, Tamara Cerio, Leonard Modelewski, Larry and Theresa Robinson, Eric Christensen and Patrick Benoit.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on August 11<sup>th</sup> 2016 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Leonard Modelewski, for a variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A) relative to accessory structure side yard setback regulations and §160-25.1(A)(1) one storage shed per property. The parcel is located within a Residential A1 Zoning District. The subject parcel is 107 Kenner Road Minoa, NY designated as Tax Parcel No. 006.-17-11.0.

Chairman Tocci called the Zoning Board Meeting to order at 7:00 p.m.

Member Bernard Beck moved to waive the reading of the Public Hearing Legal Notice. The motion was seconded by Scott Parish, and all were in favor. The motion was carried.

Chairman Tocci confirmed for the record that the Legal Notice was submitted to Syracuse Media Group publication on 8/2/2016 order confirmation Ad Order # 0007765593, in addition to the publication of the Legal Notice it was posted in the Village Hall, Library, Greiner's Hardware, Post Office, Sunshine Mart and Scotty's Automotive (all within the Village), and was sent to neighbors located within 500 feet of the subject premises via first class mail.

Attorney Hills informed Leonard Modelewski that the Board, in determining whether or not to grant an area variance, is tasked with conducting a balancing test. She advised they must weigh the benefit to the applicant if the relief was granted against the burden to the health, safety and welfare that may be suffered by the community. She further advised in doing so they must consider the following five factors:

1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance;
2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance?

Attorney Hills advised Leonard Modelewski that when addressing the Board he should gear his presentation around those five criteria. She noted however they did not have to satisfy all five criteria to be granted an area variance, but the Board must nonetheless consider each one.

Mr. Modelewski addressed the board stating:

- He did not believe that the alleged difficulty was self-created since he had been granted a building permit for the shed built on his previous property on 407 Edgewood Place. He was not aware of any amendments to the Village Code and just relocated to his current property assuming moving the shed would not be an issue.
- He stated he does not have significant storage in the single garage. He advised he believed the alternative of expanding the existing garage was not reasonable as it would be at a much higher cost than a shed. He further advised the shed is well maintained, and a sound structure and as such he believed it would be less of an impact than building onto the garage.
- He stated the purpose of the shed would be to store his hunting, fishing, and boating equipment/gear to load in and out of his truck. He further stated his house is narrow and deep, if the shed were placed in the backyard he would have to shovel a path all winter long to the backyard and as such he believed it would not be practical. He further advised that there is an easement and slope in the rear yard which would restrict placement of the shed.
- He advised the Board he previously had a pool, which is considered an accessory structure, same being four times the footprint of the proposed shed
- He did not believe his request was substantial for the neighborhood as he believe there are multiple properties in the neighborhood with two sheds and he provided the Board with pictures, same attached hereto as Schedule "1" 11 pages. Secretary Sturick asked the locations of the properties as the pages were not labeled. Mr. Modelewski stated the pictures are from Royalton Drive, Colchester Road and Fay Lane all within a three minute walk of his home.
- He stated he believed his shed is more aesthetically pleasing then some

of the other properties with two sheds.

- He advised the shed is a sound structure which he already owns, less expense, less impact to neighborhood rather than building addition onto garage, neighbor next door does not have a concern.

After Mr. Modelewski presentation the meeting was open to the public at 7:15 p.m.

Public Comments as follows:

Resident Larry Robinson of 108 Crisfield Circle stated:

- He believed that Mr. Modelewski was aware of where the shed should be located.
- He believed Mr. Modelewski could use a shovel to make path to reach the shed in backyard when necessary.
- He felt the subject shed was not attractive located in front of house.

Resident Theresa Robinson of 108 Crisfield Circle stated:

- She believes the building is not aesthetically pleasing.
- She believes the application should have considered storage space needs when purchasing the property.
- She has lived at her house for 31 years and she believes leaving the shed in the present location would create a precedent for the other neighbors.

Resident Robert Martin of 105 Kenner Road stated:

- He believed a previous resident had to relocate their shed three times to meet code.
- He believed it to be a good looking shed but thought the location did not look right.

Resident Debra Martin 105 Kenner Road stated:

- She stated the shed is an eyesore and looks terrible.
- She believes it would bring down property value.
- She observed that the shed has large hooks outside facing the road and was concerned what the applicant would be hanging on those hooks.
- She advised her and her family moved to the neighborhood because they liked the look of the neighborhood but leaving the shed in its location would change the neighborhood appeal.

Non-Resident Tamara Cerio of 361 S. Edwards Ave Syracuse stated:

- She is the daughter of Robert and Debra Martin and when visiting her parents a popup was in the front yard and with the shed in the present location, the traffic view was blocked.

Resident Patrick Benoit of 115 Kenner Road stated:

- He can see shed from his house does not have a problem with it moved back and feels two sheds are fine.

Mr. Modelewski replied to residents' concerns regarding the hooks and advised the hooks are for a kayak and depending on placement of the shed they would be moved accordingly. He did not believe the shed would affect property value in comparison to rotting and decaying existing decks in the neighborhood. He stated his popup was in the driveway temporarily to load for a trip. The considerable slope and drainage ditch in the back yard are an issue and preventing him from locating the shed in the rear yard.

Secretary Sturick read three written correspondence here attached as Schedule "2".

A motion was made by Member Beck to close the Public Hearing and continue into Regular Session of the Village of Minoa Zoning Board of Appeals at 7:30 p.m. The motion was seconded by Member Parish. All in favor. Motion carried.

A motion was made by Member Parish to ratify prior approval of the Public Hearing Area Variance Application minutes dated March 31, 2016 on the request of James H and Joanne R. Weimar, for an area variance 309 Windebank Lane, Minoa, NY. Seconded by Member Tocci. All in favor. Motion Carried.

The Board first addressed the request of Leonard Modelewski, for a variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A) relative to accessory structure side yard setback regulations.

Zoning Board of Appeals members discussed in its regular session:

1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance; Board Members agreed the location does not conform to the character of the neighborhood, stating that driving down the street the shed appears very large, and is too wide so turning the shed is not a solution. They noted the neighbors present were all opposed as well as the residents who submitted written correspondence. Attorney Hills advised the Board that the building permit issued for the shed at the prior location does not automatically make the new location legal. She advised that the Village Code had been modified subsequent to the issuance of the building permit, thus making the shed at its prior location a legal non-conforming structure. She advised that the Village Code provides that once legal non-conforming uses/structures are modified, they must be brought up to current code regulations.
2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance. The Board determined the shed could be moved to backyard in a permissible location, and that having to shovel is more of a hassle for homeowner versus personal hardship to the applicant. The Board also determined

- that the existing garage could be expanded to accommodate storage needs.
3. The Board determined the requested area variance was substantial.
  4. The Board determined the proposed variance would likely not have any adverse environmental effects.
  5. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance.

The Board discussed and considered all five factors that moving from previous location does not make it allowed in new location and considered the opposition of neighbors. They noted a similar variance was previously submitted by a resident in Minoa Farms under the same conditions, reasons and circumstances and same was denied.

A motion was made by Member Beck to deny approval of the request vary the requirements of §160-25.1(A) relative to accessory structure side yard setback regulations. Seconded by Member Parish. Motion carried.

**DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, taking into consideration the above five factors, finds that:

- The Benefit to the Applicant *DOES NOT* outweigh the detriment to the Neighborhood or Community and therefore the variance request is *denied*.
- The Requested Variance is *approved*

**RECORD OF VOTE:**

Charlie Tocci	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Bernie Beck Jr.	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Scott Parish	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

In consideration of variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A) (1) one storage shed per property.

Zoning Board of Appeals members discussed in its regular session:

1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance; Board Members determined it would not considering pictures submitted by the applicant of the neighborhood evidencing many similar premises with more than one accessory structure.
2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance. The Board determined the alternative would to put an addition on the home.

3. Whether the requested area variance is substantial. The Board determined the subject shed was small enough to blend with tree coverage.
4. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district. The Board determined it would not.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance? Board determined it was self-created.

A motion was made by Member Parish to approval the Variance request §160-25.1(A) (1) one storage shed per property. Seconded by Member Beck. Motion carried.

**DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

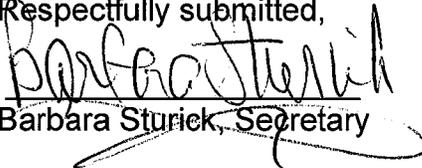
The ZBA, taking into consideration the above five factors, finds that:

- The Benefit to the Applicant *DOES NOT* outweigh the detriment to the Neighborhood or Community and therefore the variance request is *denied*.
- The Requested Variance is *approved*

RECORD OF VOTE:	Charlie Tocci	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/>
	Abstain			
	Bernie Beck Jr.	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
	Scott Parish	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

Attorney Hills stated the proposed project and action contemplated comprised of a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such no further review was required.

A motion was made by Chairman Tocci to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 8:00 p.m. The motion was seconded by Member Beck, and all were in favor. The motion carried.

Respectfully submitted,  
  
 Barbara Sturick, Secretary