

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Edward J Regan, III,

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday March 8, 2018 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: Deputy Chairman Chris Beers, ZBA Members Scott Parish, and Nicole Stoffel, Attorney Courtney Hills and Secretary Barbara Sturick.

Absent: Chairman Charlie Tocci and Member John Turbeville

Also present: Edward J Regan III, Traci Regan, Keith Marquart and Barry Crossman.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a public hearing on March 8, 2018 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Edward J Regan, III, owner of the subject parcel known as 207 Main Street North, Minoa, NY and designated as Tax Parcel No. 002.-08-14.1, same located in a Commercial District, for an Area Variance of the regulations of the Village of Minoa Code Section 160-12D(2)A to permit an expansion of a preexisting front porch, including stairs, and accessibility ramp, to be located 10.0 feet from the front yard line (a variance of 10 feet of the 20 feet Front yard setback requirement) and an Area Variance of the regulations of Section 160-12D(2)B to permit expansion of the preexisting porch 3.75 feet from the side yard (a variance of 6.25 feet of the 10 feet side yard setback requirement). Secretary Sturick confirmed for the record that the Legal Notice was submitted to Syracuse Media Group publication and published on 02/22/2018 order confirmation # 8540938. Secretary Sturick confirmed for the record that the Legal Notice was posted at (6) six locations within the Village: Village Hall, Library, Greiner's Hardware, Post Office, Sunshine Mart and Scotty's Automotive, and was sent to neighbors located within 500 feet of the subject premises via first class mail.

Deputy Chairman Beers called the public hearing to order at 7:05 p.m.

Member Parish moved to waive the reading of the published Public Hearing Legal Notice. Seconded Member Stoffel. All in favor; Motion carried.

Attorney Hills stated for the record the actual footage request of the front and side yards within application and the ZBA must conduct a balancing test, weighting the benefit to the applicant if the relief was granted versus 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 turned the floor over to the Edward and Traci Regan to make their presentation of their application to the board:

Edward and Traci Regan stated:

- They live on the third floor, have tenant on second floor and want to open coffee and bakery on first floor.
- They spoke with members of the community who stated they thought the location great place to be able to get coffee, fresh baked goods and to bring business into the community.
- In order to be ADA Compliant they need a wheelchair accessible ramp, the ramp proposed would have railings that would still permit visibility. They want it attractive and functional, and proposed adding flower boxes.
- The configuration of the subject lot and the Village's side yard setback regulations limits their options for additions.
- They proposed some outdoor seating to permit patrons to sit out front and watch parade.
- It's the first property over the bridge entering Minoa and they want it to look inviting
- They hired attorney Ethan Peterson to assist with application.

Attorney Hill read Exhibit "A" of the applicant's application, a copy of which is attached hereto and made a part hereof, in which the applicant addresses the 5 Criteria Factors in relation to the area variance request of Village Code Section 160-12D (2) A to permit an expansion of a preexisting front porch, including stairs, and accessibility ramp, to be located 10.0 feet from the front yard line (a variance of 10 feet of the 20 feet Front yard setback requirement)

Deputy Chairman Beers reviewed Exhibit "B" of the application, a copy of which is attached hereto and made a part hereof, which addressed the 5 Criteria Factors in relation to the request for an area variance of Village Code Section 160-12D (2) B to permit expansion of the preexisting porch 3.75 feet from the side yard (a variance of 6.25 feet of the 10 feet side yard setback requirement).

After the applicant's presentation, the hearing was opened to any comments from the public in attendance.

Resident Keith Marquart of 129 Dorothy stated:

- He had concerns with parking given busy intersection.

- He pointed out that Trappers II consistently has an overflow of parked vehicles.

Edward and Traci Regan replies to questions:

- Occupancy. They are proposing to have at least 4 or 5 tables seating 2 to 3 people.
- Hours of Operation. They advised hours of operation would be from 5:00/5:30 am to 2:00 or 3:00 afternoon, and believed they would not be competing with Trappers II for parking space due to the difference in hours of operation between the two establishments. They believed there is ample street and public parking and they meet parking requirements.
- Goods/Services. They advised they would prepare small batches of bake goods daily.

A motion was made by Member Parish to close the Public Hearing and continue into Regular Session of the Village of Minoa Zoning Board of Appeals at 7:25 p.m. The motion was seconded by Member Stoffel. All in favor. Motion carried.

The Board discussed in its regular session the request of Edward J Regan, III, area variance of the regulations Section 160-12D(2)A to permit an expansion of a preexisting front porch, including stairs, and accessibility ramp, to be located 10.0 feet from the front yard line (a variance of 10 feet of the 20 feet Front yard setback requirement) and an Area Variance of the regulations of Section 160-12D(2)B to permit expansion of the preexisting porch 3.75 feet from the side yard (a variance of 6.25 feet of the 10 feet side yard setback requirement):

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 that an ADA compliant ramp is necessary and the proposal would be aesthetically pleasing and would not negatively impact the character of the neighborhood.
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 members agreed that given the configuration of the lot, the presented request is the best approach.
3. The Board members agreed the requested area variance was substantial but given the location is in a commercial district and considering other businesses such as Greiner's and Charlie's Tavern have similar front yard setback distances, it is consistent with the neighborhood and would not likely be a detriment to the adjacent properties.
4. The Board determined the proposed variance would likely not have any adverse environmental effects as long as constructed as presented.

5. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance.

Secretary Barbara Sturick stated there is no other correspondence for or against the Variance application. The application was presented to DPW Superintendent Tom Petterelli and WWTP Supervisor Steve Giarrusso and neither had any concerns.


Upon motion by Deputy Chairman Beers, seconded by Member Parish, the Board identified the proposed action as an Unlisted Action pursuant to NY SEQRA, elected to designate itself as Lead Agency, and subsequent to discussion and review of the Short Form EAF, the Board completed the questions in Part 2 of the form, and upon an unanimous vote determined based on the information provided therein and upon the analysis thereof and all supporting documentation, that the proposed action would not result in any significant adverse environmental impacts, and therefore issued a Negative Declaration.

Attorney Hills advised, pursuant to NYS General Municipal Law §239, the application is required to be referred to the Onondaga County Planning Agency due to the location of the subject premises to a County Road, and therefore the application will be submitted to County Planning.

The ZBA, taking into consideration the above five factors, A motion was made by Member Parish to approve Both Area Variance as requested subject to review by County Planning. Seconded by Member Stoffel. All in favor. Motion carried.

A motion was made by Deputy Chairman to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:45 p.m. The motion was seconded by Member Parish, and all were in favor. The motion carried.

Respectfully submitted,



Barbara Sturick, Secretary

Front Yard Argument

Exhibit "A"

The Applicant's argument(s) in support of the variance: (per NYS Village Law §§ 7-712-b(2), (3) and Village Code §160-40(B), are as follows:

1. The variance will not cause undesirable changes to the character of the neighborhood, or be a detriment to the surrounding properties. The immediate neighborhood consists of several Commercial properties, including Greiner's Hardware store, 19th Hole restaurant, and Trappers II Pizza & Pub. The larger porch, used in a commercial manner, would therefore not change the nature of the neighborhood. The property is located adjacent to the Village of Minoa Fire Department, the Village Justice Court, and the Village Library. The proposed extension to the porch will give the coffee shop more room to serve the community members that congregate at the Village community centers. The requested variance will not result in any detriment to the surrounding properties. It will not block air or light, reduce access to points of ingress or egress, nor will it increase light or noise pollution. The coffee and sweet shop aims to provide a quiet place for people to enjoy the outdoors, and will not produce large amounts of noise.

2. The benefit of the variance would be difficult to achieve through other means. The current porch sits approximately 28' from the concrete walk, not including the length of the front steps. The porch extends about 3.5' from the front of the building. In order to remain within the 20' front yard limits of the code, any addition could only measure about 8.84' from the front of the existing porch, less the length of the steps. This would not be substantial enough to serve its intended use of giving patrons and community members a space to gather. Nor would it be a safe place for people to gather. The limited size of a compliant porch, when occupied, may serve an unintended barrier to enter and exit the establishment. The requested variance will allow for a large enough space to gather, enjoy the outdoor space, and safely accommodate community guests. Additionally, the project will comply with ADA guidelines, specifically in the dimensions and grade of the service ramp. The extension to the porch is, in fact, creating a greater benefit than simply increasing the number of patrons able to stand outside. It would be difficult to bring the current porch with ADA guidelines without a substantial extension, and thus requires the requested variance.

3. The requested variance is not substantial. The current front yard setback measures approximately twenty-eight feet (28'). The extension to the porch would only require a ten-foot (10') variance. The project does not call for the entire ten feet (10') requested, but it only requires nine feet (9') of extra set-back space (the porch will sit eleven feet (11') from the curb). The owners wish to take precautions to avoid any future compliance issues. This variance would not be substantial, considering the 20' required setback and the minimal requested variance.

4. The variance will not cause any adverse effect or impact on the physical makeup or surrounding environment. Awarding the variance will not require removal of any trees and minimal, if any, removal of shrubbery. There will be no issues with an increase in water runoff, nor will the porch increase traffic. The village placed parking spaces in the immediate area to accommodate traffic to surrounding businesses (Exhibit E). The contractor erecting the structure will perform cleanup services (Exhibit D), thus preventing waste accumulation. Additionally, the new porch will only serve to allow people to more fully enjoy what the surrounding environment has to offer. This will not alter the character of the neighborhood.

5. The requested variance is self-created, though this factor is not dispositive here. Further, while other as-of-right uses could be economically viable without the requested variance, virtually any restaurant or other substantial commercial use would require a similar variance. This zone is intended to cultivate commercial endeavors, a denial would therefore prove inconsistent with the Village's Comprehensive Plan.

Side Yard Argument

Exhibit “B”

The Applicant's argument(s) in support of the variance: (per NYS Village Law §§ 7-712-b(2), (3) and Village Code §160-40(B), are as follows:

1. The variance will not cause undesirable changes to the character of the neighborhood, or be a detriment to the surrounding properties. The immediate neighborhood consists of several Commercial properties, including Greiner's Hardware store, 19th Hole restaurant, and Trappers II Pizza & Pub. The larger porch, used in a commercial manner, would therefore not change the nature of the neighborhood. The property is located adjacent to the Village of Minoa Fire Department, the Village Justice Court, and the Village Library. The proposed extension to the porch will give the coffee shop more room to serve the community members that congregate at the Village community centers. The requested variance will not result in any detriment to the surrounding properties. It will not block air or light, reduce access to points of ingress or egress, nor will it increase light or noise pollution. The coffee and sweet shop aims to provide a quiet place for people to enjoy the outdoors, and will not produce large amounts of noise.
2. The benefit of the variance would not be possible to achieve through other means. The current porch sits approximately 9.24' from the north-easterly side boundary of the property, which is already 0.76' beyond the 10' side yard limits of the code. If no variance is granted, the intended use of the porch, to give patrons and community members a space to gather, would not be possible to complete. The limited size of a compliant porch, when occupied, may serve as an unintended barrier to enter and exit the establishment. The requested variance will allow for a large enough space to gather, enjoy the outdoor space, and safely accommodate community guests. Additionally, the project will allow the property to have a porch and entrance compliant with ADA guidelines, specifically in the dimensions and grade of the service ramp. Without granting the side yard variance, ADA compliance will not likely be possible or practical. The extension to the porch is, in fact, creating a greater benefit than simply increasing the number of patrons able to stand outside. It will bring the porch within ADA guidelines and allow equal access to disabled persons in the Village.
3. The requested variance is not substantial. The current side yard setback measures approximately 9.24', 0.76' beyond the 10' side yard limit of the code. The extension to the porch would rest 3.75' from the side yard line and would therefore require a 6.25' variance. This variance would not be substantial, considering the 10' required setback and the minimal requested variance.
4. The variance will not cause any adverse effect or impact on the physical makeup or surrounding environment. Awarding the variance will not require removal of any trees and minimal, if any, removal of shrubbery. There will be no issues with an increase in water runoff, nor will the porch increase traffic. The village placed parking spaces in the immediate area to accommodate traffic to surrounding businesses (Exhibit E). The contractor erecting the structure will perform cleanup services (Exhibit D), thus preventing waste accumulation. Additionally, the new porch will only serve to allow people to more fully enjoy what the surrounding environment has to offer. This will not alter the character of the neighborhood.
5. The requested variance is self-created, though this factor is not dispositive here. Further, while other as-of-right uses could be economically viable without the requested variance, virtually any restaurant or other substantial commercial use would require a similar variance. This commercial zone is supposed to cultivate commercial endeavors, a denial would therefore prove to be inconsistent with the Village's Comprehensive Plan.