

**DISTRIBUTION LIST**

**Richard Donovan, Mayor**  
**Edmond Theobald, Trustee**  
**Ronald Cronk, Trustee**  
**William Brazill, Trustee**  
**John Champagne, Trustee**  
**Steven Primo, Attorney**  
**Thomas Petterelli, DPW Superintendent**  
**Janet Stanley, Justice**  
**Richard J. Greene, Codes Enforcement Officer**  
**Chief Pat Flannery**  
**Town of Manlius**  
**Village of Manlius**  
**Village of Fayetteville**  
**Donna DeSiato, Superintendent ESM School District**  
**Manlius Historical Society**  
**Minoa Library**  
**John Regan**

January 3, 2007

**PUBLIC HEARING  
LOCAL LAW #1  
FOR 2007**

Upon due notice to all members of the Village Board, a continuation of the Public Hearing was held on Wednesday, January 3, 2007 at 7:15 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose of the continuation of the Public Hearing is related to the repealing of Chapter 51 and replacing the same with a new Chapter 51 providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village of Minoa.

**PRESENT:** Mayor Donovan  
Trustee Cronk  
Trustee Brazill  
Trustee Theobald  
Trustee Champagne  
Attorney Primo  
Clerk/Treasurer Curulla

**ALSO PRESENT:** Jim Read (Post Standard), Tom Petterelli, Richard Greene, and Suzanne Snider

**PUBLIC HEARING  
FOR LOCAL LAW  
#1 FOR 2007**

Mayor Donovan called the public hearing to order at 7:19 p.m for Local Law #4 for 2006, which will become Local Law #1 for 2007

Attorney Primo provided a red line edited draft from the proposed Local Law, which was made collectively with Codes Enforcement Officer, Richard Greene and Mayor Donovan. Attorney Primo said that Mr. Greene created a rough draft and then he was able to make some edits and requested that the Board to review the updated document carefully. He said that items that were not red lined were added by Mr. Greene and based on a meeting from the prior week; as a result, the draft provided was a combined effort. Attorney Primo said that he needed a final review and felt that they were substantively completed.

He said that as the Board had just received a copy; he did not feel comfortable stating that it was ready for approval that evening without Board review. Attorney Primo said that they were almost completed and suggested the Board close the Public Hearing, but not take action that evening.

Trustee Theobald asked if there were specific areas that should be reviewed carefully and Attorney Primo replied that there were three areas to look at. He said that the first section, 51-4 Building Permits, has a series of building permit exemptions that were removed. He said that a retaining wall, and in many cases a structural component of a project, in Mr. Greene's opinion, items that should be removed from the exempt area. Attorney Primo said that the Board should use their experience in the Village of Minoa and review and then decide if they wanted specific items removed from the exempt category.

Attorney Primo said that Mr. Greene expressed concern that under 51-4.4, "installation of fences which are not part of an enclosure surrounding a permitted swimming pool" there was a deleted section "but all fences shall comply with the Code of Minoa and/or this Local Law where applicable". He said that Mr. Greene had a concern that exempt fences continue to be installed according to existing code requirements, including the Zone Code. Attorney Primo said that there is a catch-all in paragraph (c) of Section 51-4 that reads "exemption not deemed authorization to perform non-compliant work" was enhanced. He said that the concept with the fence exemption would apply to all exemptions and all of the categories, though exempt, would still have to comply with code requirements within the New York State and Village Code.

Attorney Primo said that the second section, 51-10 Business/Operating Permits, is a classification of categories and items 1-5 are a result of the model local law and items 6-14 came out of other codes that he had seen before. He said that these categories are deemed uses that are termed noxious in nature, so there is an additional requirement above and beyond the Zoning Code and Building Code. The Business/Operating Permit would give the Village of Minoa more regulatory control over these types of operations. Attorney Primo said that he had discussed with Mr. Greene and they agreed that buildings containing one or more areas of public assembly with occupancies lower than 100 persons should be lowered to 50 persons. Attorney Primo said that this figure can be raised or stay somewhere in between; however, there could be situations where places of public assembly could have less than 100 and the Village might want more regulatory control. Attorney Primo said that items 1-5 cannot be touched, but items 6-14 can be added to, deleted, or enhanced if needed. He said that this is above and beyond a zoning control or building control, but is a regulatory control and would be helpful in areas such as junkyards.

Attorney Primo said that the last section, 51-21 Relief from Requirements, was placed to allow the Board, with the recommendation of the Codes Enforcement Officer, to grant relief from certain requirements from this Local Law. He said that where some items are mandated by the State, the Board would not have the authority to grant relief; however, where it is not under the State mandate, but made under the Local Law the Board would have the ability to relax or waive with good cause shown.

Mayor Donovan said that though he wasn't part of the conversation, he knew that Attorney Primo and Mr. Greene had discussed this and believes that the original law would give the Codes Enforcement Officer discretionary power and Mr. Greene deferred to the Board. Mr. Greene said that he serves the Mayor and the Board, so they have to give him direction, as it's their Village. Mr. Greene said that he is looking for the authority, with input from the Mayor and the Board. He said that this will set a precedent for the future position and keeps the Board running the Village. Attorney Primo said that he had originally thought the authority should be with the Codes Enforcement Officer, but after consideration, was concerned that the residents would think that the Codes Enforcement Officer had the control to change the codes. He said that the Codes Enforcement Officer should be removed from the mix and let the original jurisdiction lie with the Board.

Mayor Donovan said that any time anybody has the sole power to do something; you put yourself in a bad position. He said that Mr. Greene might do a great job, but a future replacement might have a different plan. Mayor Donovan said that he agrees with Mr. Greene and placing jurisdiction with the Board is appropriate. Mayor Donovan said that the Board should pay attention to the sections mentioned and be comfortable with the responsibility.

Mr. Greene said that there is the Zoning Board of Appeals, which is not mentioned, but is available in the Village of Minoa if they have a problem. Attorney Primo said that the Zoning Board of Appeals will only have jurisdiction in zoning areas and not building permit related. Attorney Primo read the following from Section 51-21 "The Village Board shall have the authority to follow or decline to follow the Codes Enforcement Officer's recommendation, or as applicable, to refer same to the appropriate Village Board (Planning or Zoning Appeals) for such relief where such Board has jurisdiction pursuant to the Code of Minoa." Mr. Greene said that the ability is there, but is more appropriate for strict zoning.

Mr. Greene asked the Board what his correct title was and after great discussion, Clerk/Treasurer Curulla confirmed that his title is "Codes Enforcement Officer" as it was written throughout the Village Code. The Board agreed that it should be corrected throughout the proposed Local Law, which currently has his titled listed as "Code

Enforcement Officer”.

Attorney Primo said that the Board needs to appoint the Stormwater Management Officer and the Stormwater Control Officer. Attorney Primo asked if Mr. Greene was enforcing it and he said yes. Mr. Greene said that Mayor Donovan is the officer by default and Attorney Primo said that the Mayor can appoint the Codes Enforcement Officer as the Stormwater Control Officer. Mayor Donovan said that the appointment would be handled during the Regular Meeting. Mr. Greene recommended that Mr. Wolf be the Stormwater Management Officer with the authority and himself as the Stormwater Control Officer.

Mr. Greene asked that the Board review Section 51-4a very carefully and see if there's anything the Board would like added to the Building Permits requirement list. Mayor Donovan said that it was difficult to spell everything out and they couldn't dream up all of the ideas that existed. Mr. Greene said that handicapped ramps should need a building permit because the Federal Government expects it and he has tried to include everything that is recommended. Mr. Greene said that everything listed had previously required permits, as well as throughout Onondaga County, and nothing was thrown out due to personal beliefs. Attorney Primo asked Mr. Greene if the back-up was the Uniform Code that clarifies the requirements for building permits. Mr. Greene said that under the Uniform Code it gives options to the Village and then used shed dimensions as an example for the Board. Mr. Greene said that solid/liquid/gas fuel burning appliances are being added to the list, as they are the number one cause of deaths and should have building permits because many are not properly installed.

Mayor Donovan said that Section 51-4, b-3 needs to be updated to “less than 24 inches”. Trustee Cronk asked what the difference was between a small, medium and large shed, and can't it just be shed. Mr. Greene said that they are exempting sheds less than 144 square feet in the proposed Local Law and the size of the lots owned. Clerk/Treasurer Curulla stated that the current code requirement was 100 square feet and Attorney Primo, said that the minimum is 144 square feet in the new Local Law. Mr. Greene said that the sheds and fences should be in comparative to the size of the lots. Clerk/Treasurer Curulla asked Mr. Greene what was covered under state law with regard to fences, as the Village only refers to fences surrounding swimming pools. Attorney Primo said that there is nothing in the Zoning Code dealing with fences and fences can go back to the set-back. Clerk/Treasurer Curulla said that a six foot fence was installed recently and asked how it was resolved. Trustee Cronk said that the neighbors worked it out, but the owner had the right to build the fence because it didn't violate any codes. Trustee Cronk said that the owner eventually removed the fence on his own accord.

Clerk/Treasurer Curulla said that when someone calls about fencing, the Office staff informs them that though there are no laws, they suggest that they leave enough space to

maintain both sides of the fence. She said that because there is no law, they could technically put the fence to the property line and not maintain the other side of the fence. Mr. Greene said that he tells owners that when they place the fence on the property line, then they and neighbors both own the fence and suggests that there be a foot difference between the fence and the property line. Mayor Donovan said that he would like the verbiage included to avoid any confusion. He said that there should be an agreed upon space between the fence and the property, and the property should be properly maintained for the neighbors viewing pleasure.

Trustee Cronk said that he always under the impression that the better part of the fence is facing the neighbor's side and it was confirmed by the Board that no law existed in Minoa.

Attorney Primo clarified that the proposed Local Law makes it clear that installation of fences, which are not part of the enclosure of a swimming pool are exempt. Attorney Primo said that they need to look at the other laws in the Village concerning fences and there are none. Attorney Primo said that Mr. Greene provided him an example from the Village of Cicero that deals with landscape, fence and screening requirements. Attorney Primo said that it appears to be what they are currently discussing, but should be addressed in the Zoning Code. Attorney Primo said that they only have a minimum shed size, but the maximum shed size could be any size and there could be a section in the Zoning Code that clarifies the size of the shed in comparison with the size of the lot. He said that would be a second layer of protection for a shed that is too large for the backyard. Clerk/Treasurer Curulla asked when the large shed actually becomes an accessory building. Trustee Champagne said that if it gets too large, they would need a variance.

Attorney Primo said that the current rule is 30 ft setback and 5 or 10 ft on the sides, depending on the zoning district. He said that if someone has a very large lot they could potentially have a shed the size of a large garage. Trustee Champagne said that he doesn't see a problem with someone putting a large shed in their lot because there are water problems in this area and most don't utilize basements, so they will need a storage area. He said that he has had to ask for a variance because he wanted to build a shed to do woodwork. Attorney Primo said that was something that he and the Board would need to decide, but wouldn't be done in the proposed Local Law.

Mayor Donovan said that there is a Town, State law, or possibly Stormwater Management consideration that you can only cover so much of your property. Attorney Primo said that if the Board wants to deal with fences or sizing issues, an amendment to the Zoning Code would need to be made.

Mayor Donovan asked if there were any comments from the floor and noted that there were no further comments.

Mayor Donovan said that they can close the Public Hearing that evening and vote at the January 21, 2007 meeting. Attorney Primo said that he would need any changes by January 10, 2007 and advised the Board to review the Local Law # 1 for 2007 carefully. The Board agreed to close the Public Hearing and vote at the following meeting.

**PUBLIC HEARING  
CLOSED**

A motion was made by Trustee Brazill and seconded by Trustee Champagne to adjourn the Public Hearing for Local Law #1 for 2007 at 7:45 p.m. All in favor. Motion carried.

Respectfully submitted,

Karen A. Curulla  
Clerk/Treasurer