

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – **Matthew VanEpps**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, October 14, 2021 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: Chairman Chris Beers, ZBA Members Scott Parish, and Adrienne Turbeville and Attorney Courtney Hills.

Absent: Gary Stoddard, Nicole Stoffel, and Secretary Barbara Sturick

Also present: Lauren Wojtalewski, James Baron, John Jaramacz, Joe Obrien, Matthew VanEpps, Kali Hamilton, Tricia Hargraves and Sandy Dulasky

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on **October 14, 2021** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **Matthew VanEpps**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: § 66-2A which requires fencing to be no more than four feet high (above grade) in the front yard (as defined in the Zoning Code of the Village of Minoa). The applicant is proposing the installation of six-foot fencing. The subject premises are on a corner lot located in R-B District, known as 401 Edgerton Street and identified as tax Parcel No. 002.-05-02.0.

Chairman Chris Beers called the public hearing to order at 7:00 p.m.

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

Chairman Beers summarized the requested relief, Chairman Beers requested the applicant present their request to the ZBA.

Chairman Chris Beers advised **Matthew VanEpps** that 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. He 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?

Chairman Beers advised the applicant that although they submitted written response to five criteria questions in their application they need to present to the ZBA for the record.

Matthew VanEpps presented:

- **Matthew VanEpps** stated their home is located on a corner lot which per village code states they have two front yards and a fence cannot be higher than 4 ft. in front yard in which they wish to install 6 ft. fence for the safety of their children, to keep their dog in the backyard and to utilize as much of their property as they can.
- **Matthew VanEpps** provided the Board with a revised survey that showed the proposed location of the fence had been slightly modified. He stated the new proposed location was over 25' away from the road and presented little to no visibility issues.
- **Matthew VanEpps** stated he didn't believe there would be a change in the character of the neighborhood if the relief was granted as there are already similar fence configurations, and he believed it would enhance the character of the neighborhood due to the type of material being used.
- **Matthew VanEpps** stated if he was limited to the Village's restrictions (location of 6' fencing), the fence would close off access for most of the yard.
- **Matthew VanEpps** stated he didn't believe the request was substantial as the Board has previously approved similar requests based on the same fact pattern.
- **Matthew VanEpps** stated he didn't believe there were any environmental concerns.
- **Matthew VanEpps** acknowledged the alleged hardship was self-created.

Chairman Beers asked if anyone from the public in attendance would like to make any comments:

Joseph O'Brien of 241 Edgewood Place supported the application. He believed the proposed fencing would be aesthetically pleasing and would enhance the character of the neighborhood. He did not think it would be a detriment.

Sandy Dulaski of 321 Edgewood supported the application.

Tricia Hargraves of 232 Edgewood Place supported the application.

John Jaramack of 224 Edgewood supported the application.

Chairman Beers advised the Board he inspected the property to see if the fence would block the view of the immediate neighbor while they were backing out of their driveway; he advised it would not.

Chairman Beers confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010098826-01; was posted at (6) six locations within the Village: Village Hall, Library door, Trappers II, 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.

Chairman Beers confirmed for the Board that there is no other correspondence for or against the Variance application.

The Board then proceeded to the next public hearing on the agenda.

PUBLIC HEARING ZONING BOARD MINUTES

Application – **James Baron**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, October 14, 2021 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: Chairman Chris Beers, ZBA Members Scott Parish, and Adrienne Turbeville, and Attorney Courtney Hills.

Absent: Gary Stoddard, Nicole Stoffel, and Secretary Barbara Sturick

Also present:

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on **October 14, 2021** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **James Baron**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: § 66-2A which requires fencing to be no more than four feet high (above grade) in the front yard (as defined in the Zoning Code of the Village of Minoa). The applicant is proposing the installation of six-foot fencing. The subject premises are on a corner lot located in R-B District, known as 400 Edgerton Street and identified as tax Parcel No. 002.-12-07.0.

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

Chairman Beers summarized the requested relief, and requested the applicant present their request to the ZBA.

Chairman Chris Beers advised **James Baron** that 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. He 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?

Chairman Beers advised the applicant that although they submitted written response to five criteria questions in their application they need to present to the ZBA for the record.

James Baron presented:

- **James Baron** stated they were not aware a building permit was necessary for fence installation since they were informed by their fence company it was not required.
- **James Baron stated** they were not aware that since their home is located on a corner lot that the Village Code states they have two front yards and a fence cannot be higher than 4 ft. in front yard.
- **James Baron** submitted pictures attached hereto as Schedule "1" with 3 pages of photos from various location of the 6 ft. fence installed on their property.
- **James Baron** stated they wish to keep the installed 6 ft. fence for the safety of their children, to keep their dog in the backyard and to utilize as much of their property as they can. He advised that he has two autistic children and the fencing would prevent distractions from the traffic.
- **James Baron** stated he didn't believe the fence impedes line of sight for the stop sign and given that the fencing is already erected, this is all the more evident.
- **James Baron** stated he didn't believe there was a reasonable alternative given the safety issues for his children.
- **James Baron** stated he didn't believe the proposed fencing would cause any negative environmental impacts.
- **James Baron** acknowledged the hardship was self-created.

Chairman Beers asked if anyone from the public in attendance would like to make any comments:

Kari Hamilton of 401 Edgerton supported the application.

Chairman Beers verified the fencing had been installed already, and questioned the applicant as to why they were okay with 4' fencing in the rear of the property. James Baron advised that the rear yard doesn't face traffic and therefore not a distraction.

Chairman Beers confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010098820-01; was posted at (6) six locations within the Village: Village Hall, Library door, Trappers II, 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.

Chairman Beers for the Board that there is no other correspondence for or against the Variance application.

Member Turbeville moved to close the public hearing and continue in Regular Session at 7:19 pm. Seconded Member Parish. All in favor; Motion carried.

Regular meeting of the Village of Minoa Zoning Board

The Board then went through each criteria and determined the following for Matthew VanEpps of 401 Edgerton Street application:

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; the board agreed **there would not be an undesirable change to the neighborhood as there are similar corner lots with similar fact patters and 6' fences. The Board noted the numerous support from the neighbors.**
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 homeowner did consider the alternative methods of an invisible fence or keeping the fence in its prior position, but both methods would not provide safety for their children or their dog, nor permit the use of all their property.**
3. The Board members determined the requested area variance **was not substantial after reviewing the particular circumstances of the application, and noted many neighbors were present supporting the application, and none opposing the proposed fencing. The Board didn't consider the 2' variance request substantial.**
4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; the **fence does not impact run off of water, there are no utilities, right-of-ways or easements located on survey. The proposed fencing is situate behind the building line.**

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

The Board identified the proposed action as a **Type II 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.

The ZBA, taking into consideration the above five factors, a motion was made by Member Turbeville to approve the relief as submitted. The motion was seconded by Member Parish. All in favor. Motion carried.

The Board then went through each criteria and determined the following for James Baron of 400 Edgerton Street application:

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; the board agreed **there would not be an undesirable change to the neighborhood as there are similar corner lots with similar fact patters and 6' fences. The Board noted the numerous support from the neighbors. The Board also noted that the fence is already installed so they can actually see that there are no visibility issues.**
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 homeowner did consider the alternative methods of an invisible fence or keeping the fence in its prior position, but both methods would not provide safety for their children, nor permit the use of all their property. The Board didn't believe 4' fencing was a feasible alternative.**
3. The Board members determined the requested area variance **was not substantial after reviewing the particular circumstances of the application, and noted many neighbors were present in support of the application, and none had written in opposing the proposed fencing,**
4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; the **fence does not impact run off of water, there are no utilities, right-of-ways or easements located on survey.**

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

The Board identified the proposed action as a **Type II 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.

The ZBA, taking into consideration the above five factors, a motion was made by Member Parish to approve the relief as submitted. The motion was seconded by Member Turbeville. All in favor. Motion carried.

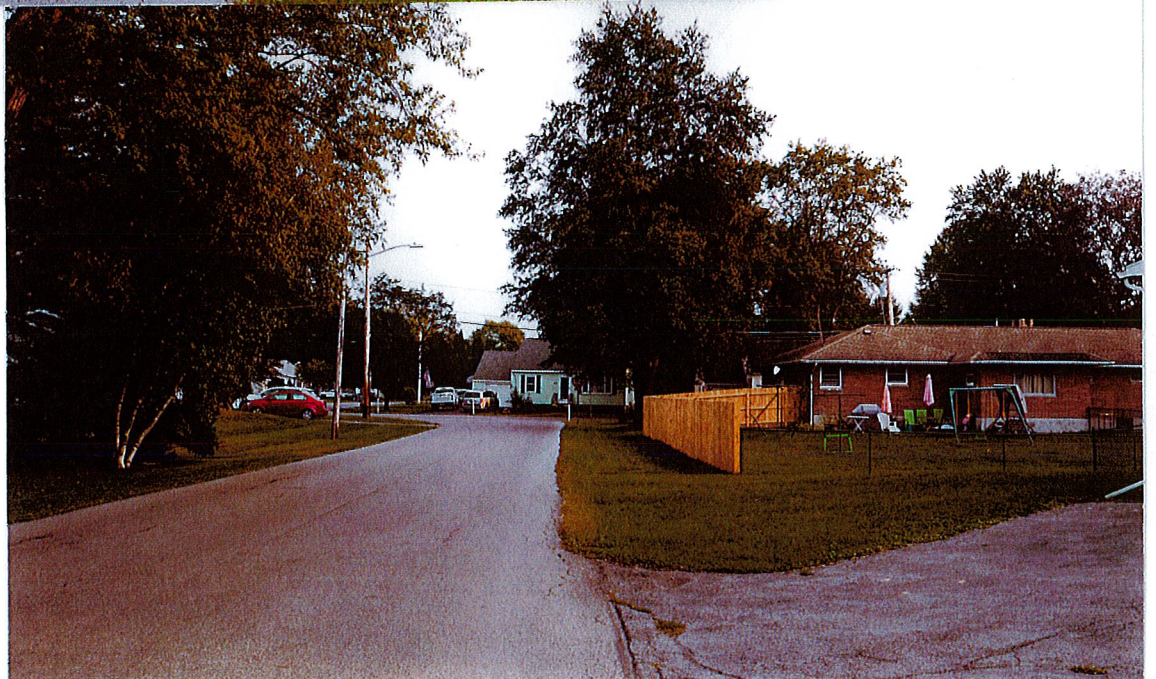
A motion was made by Member Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:33 p.m. The motion was seconded by Member Parish, and all were in favor. The motion carried.

Respectfully submitted,

Courtney M. Hills, Attorney



Schedule "1"





Project:	401 Edgerton Street
Date:	10/14/2021

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: 401 Edgerton Street

Date: 10/14/2021

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

① Village of Mount Zoning Board

10/14/2021

Name of Lead Agency

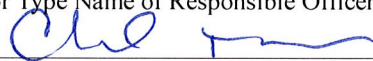
Date

CHRISTOPHER BEERS

CHAIRMAN

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Project: 400 Edgerton Street

Date: 10/14/2021

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

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	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
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10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: 400 Edgerton Street

Date: 10/14/2021

Short Environmental Assessment Form
Part 3 Determination of Significance

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- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

VILLAGE OF MINNA ZOWINA BOARD _____ Name of Lead Agency	10/14/2021 _____ Date
CHRISTOPHER BEERS _____ Print or Type Name of Responsible Officer in Lead Agency	CHAIRMAN _____ Title of Responsible Officer
 _____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from Responsible Officer)