

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Estelle and Chris Laurin

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, February 11, 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, Gary Stoddard, Attorney Courtney Hills and Secretary Barbara Sturick

Absent: Nicole Stoffel

Also present: Estelle and Chris Laurin

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on **February 11, 2021** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Estelle and Chris Laurin, 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 five-foot fencing. The subject premises are on a corner lot located in a Residential R-B Zoning District, known as 201 Elm Street and identified as tax Parcel No. 002.-07-13.2.

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

Chairman Chris Beers 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.

Attorney Hills summarized the requested relief, Attorney Hills requested the applicant present their request to the ZBA.

Chairman Chris Beers advised Estelle and Chris Laurin 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?

Attorney Hills 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.

Chris and Estelle Laurin presented:

- Chris Laurin read verbatim their submitted balancing test attached hereto as Schedule "1" with 5 pages of supporting Google aerial views of properties in the neighborhood of corner lots with similar fences as referred to in balance test item 1.a.
- Chris Laurin 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 5 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.

Attorney Hills confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0009860549-01; 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.

Secretary Sturick confirmed for the Board that there is no other correspondence for or against the Variance application.

Member Scott Parish moved to close the public hearing and continue in regular session at 7:08 pm. Seconded Gary Stoddard. All in favor; Motion carried.

The Board then went through each criteria and determined the following:

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 fences of 6 ft. and the applicants are only requesting 5 ft. The Board discussed impact on visibility of passing traffic, vehicles backing out of adjacent driveways, and the safety of people on sidewalk. The Board agreed the a 5 ft. fence and the slats in fence pictured attached hereto as Schedule "2" provides visibility, and the 12 ft. distance from sidewalk was efficient for safety of vehicles and walkers.**
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 no neighbors were present or had written in opposing the proposed fencing, Chris and Estelle Laurin provided a list of neighbors supporting the request of proposed fence attached hereto as Schedule "3", and granting same would be consistent with the character of the neighborhood.**
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, nor right-of-ways 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 Scott Parish to approve the relief as submitted. The motion was seconded by Member Gary Stoddard. All in favor. Motion carried.

A motion was made by Adrienne Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:44 p.m. The motion was seconded by Member Chairman Chris Beers, and all were in favor. The motion carried.

Respectfully submitted,


Barbara Sturick, Secretary

Project: 201 ELM St. Fence
 Date: 2-11-2021

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: 201 ELMST. Fence
 Date: 2-11-2021

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.

Village Zoning Board of Appeals <small>Name of Lead Agency</small>	2/11/2021 <small>Date</small>
CHRISTOPHER BEERS <small>Print or Type Name of Responsible Officer in Lead Agency</small>	Chairman <small>Title of Responsible Officer</small>
 <small>Signature of Responsible Officer in Lead Agency</small>	_____ <small>Signature of Preparer (if different from Responsible Officer)</small>

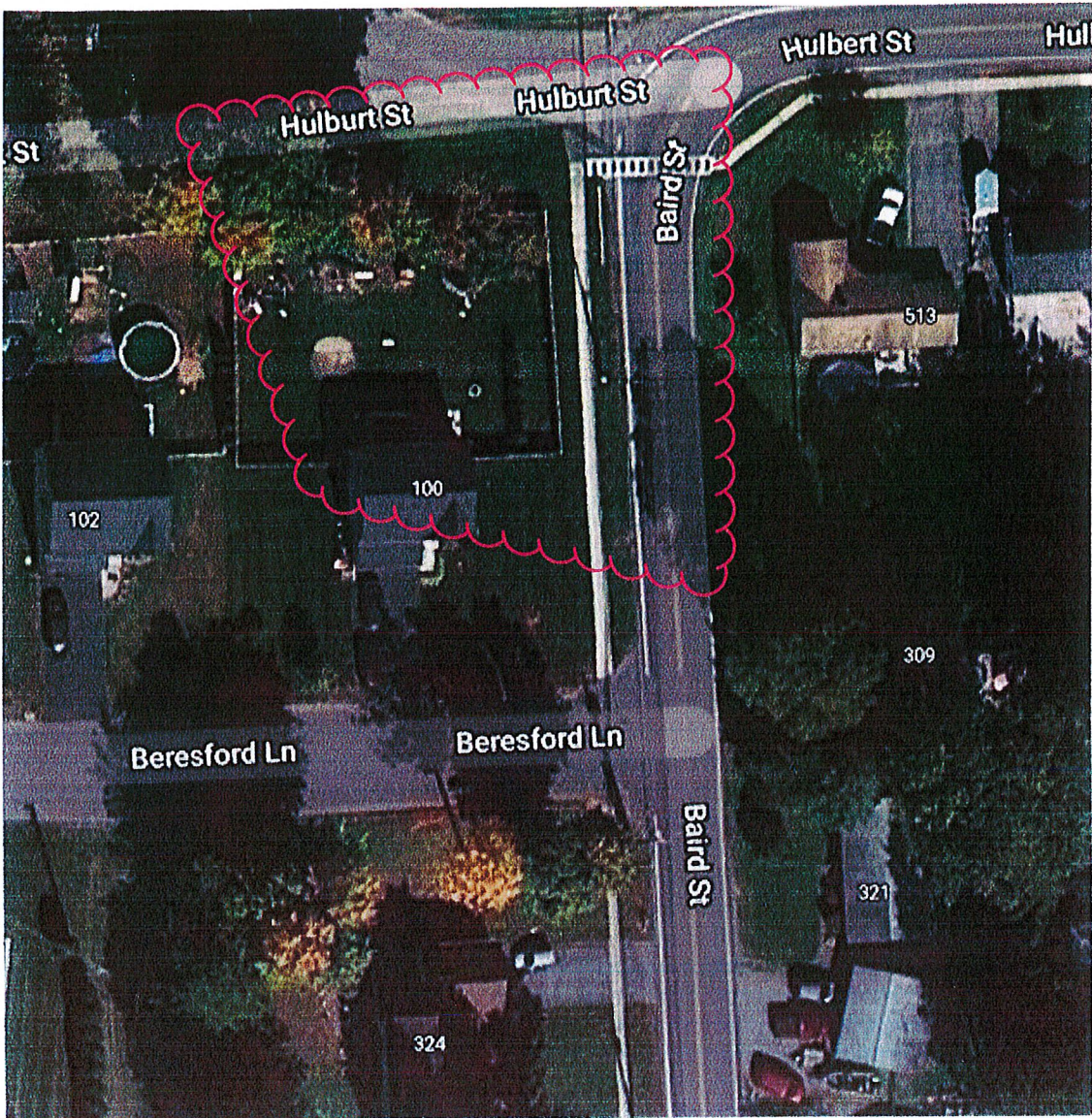
The ZBA must conduct a balancing test, weighting the benefit to the applicant if the relief was granted versus the burden to the health, safety and welfare that may be suffered by the community. In doing so they must consider the following five factors:

1. Whether an undesirable change will be produced in the character of neighborhood or weather a detriment to nearby properties will be created by granting of area variance.
 - a. There are a number of similar fences in the area. *See attachments given.*
 - b. A 4 ft high fence would not be high enough to contain our dog or provide enough security and safety for our children. It would also match a new 5 ft high fence being installed around the remainder of the yard and improve the overall look of the area.
 - c. Support from neighbors
2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to peruse, other than area variance.
 - a. An invisible fence would not contain our dogs or keep passing dogs/animals out of our yard.
 - b. The alternative of a 4 ft fence would not properly contain our dogs.
3. Whether the requested area variance is substantial.
 - a. It is not substantial given the fact that within the Village of Minoa, there are many other corner houses with similar fences, all of which are larger and closer to the road than ours will be.
4. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district.
 - a. The location of the fence in relation to the street on both Elm St and Willard St does not cause any issues with visibility for traffic at the intersection as it will be 12 ft behind the back side of the Village sidewalk and 21 ft from the road edge.
5. Whether the alleged difficulty was self-created, which consideration shall be be relevant but not dispositive to issuance of area variance?
 - a. Technically, it was created by us by purchasing a house on a corner in a village where there are regulations about fences and because we are dog lovers.

Schedule "1"



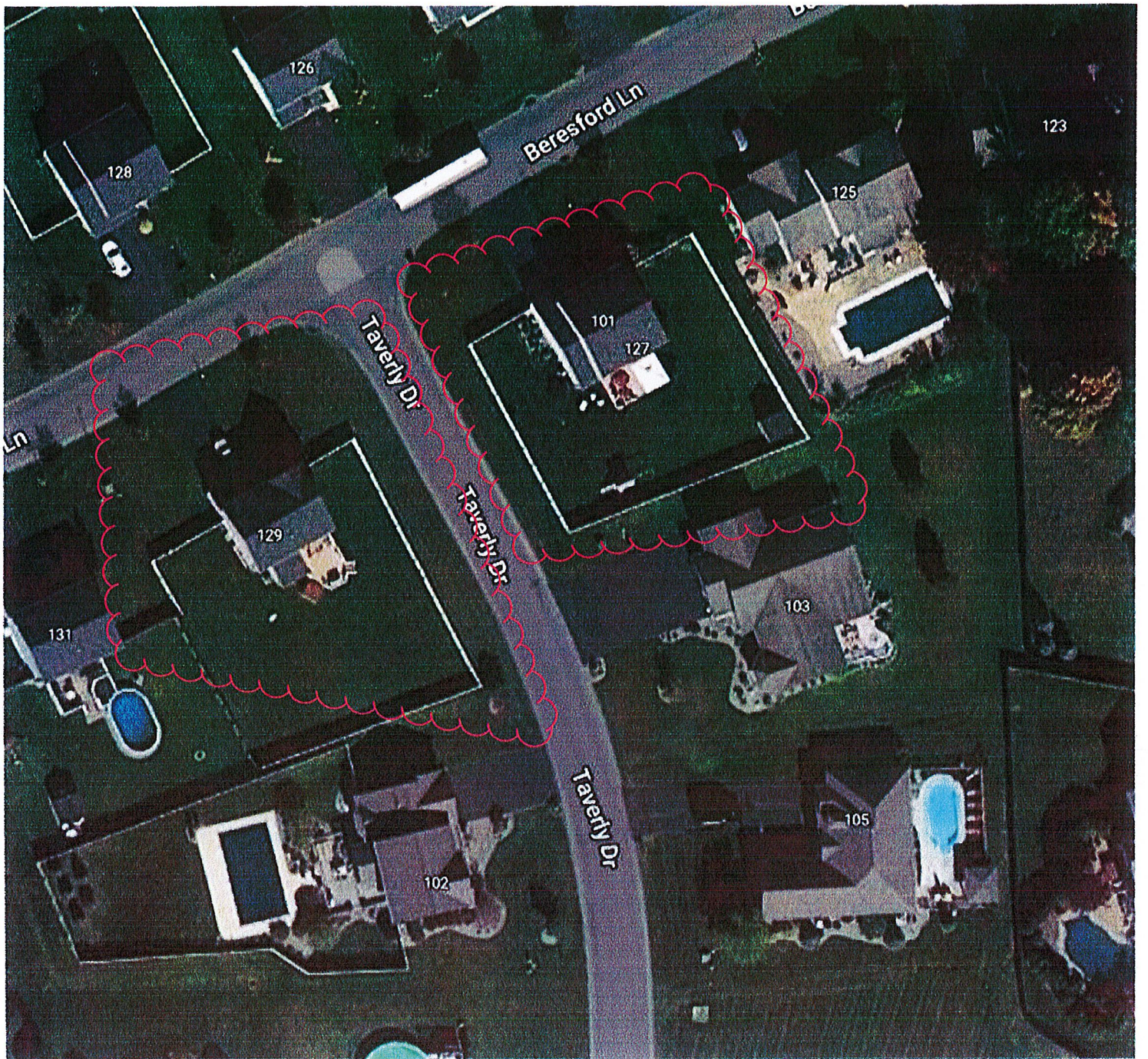
attatchment 1



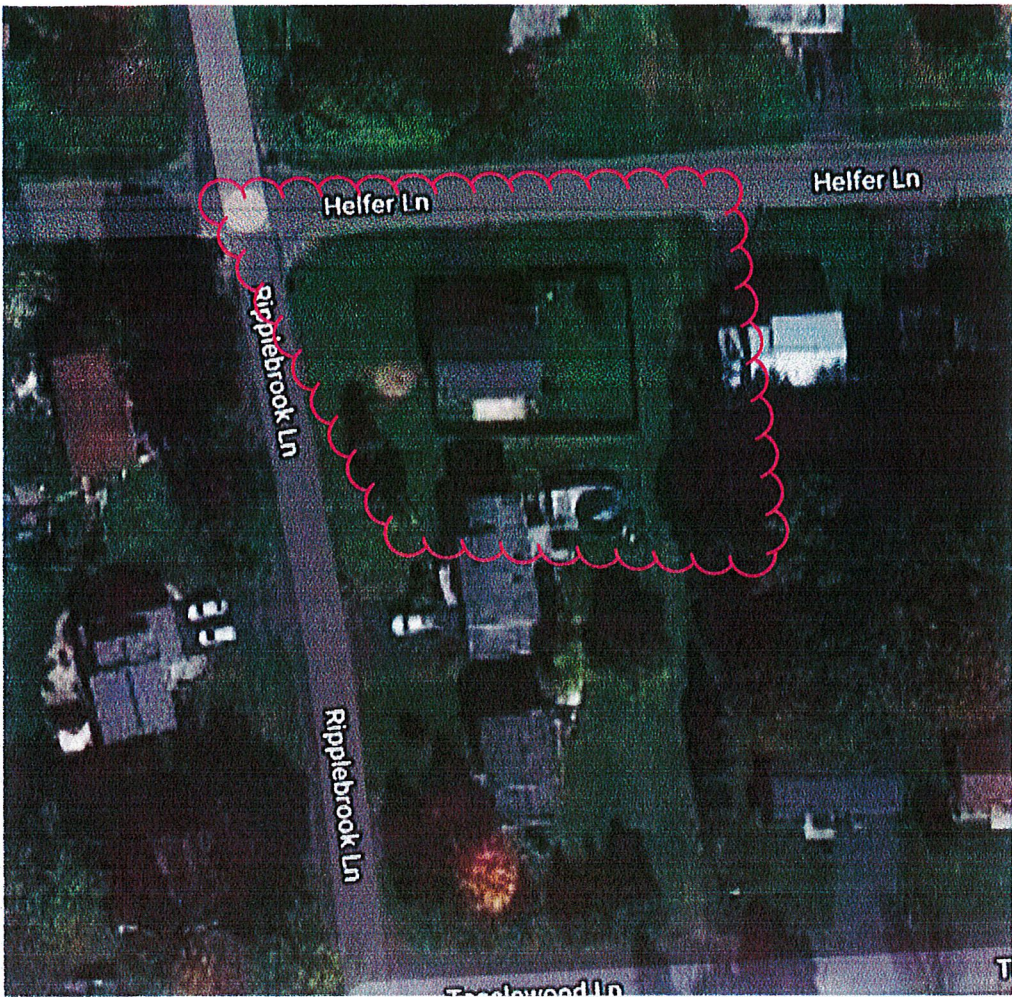
attatchment 2



attatchment 3



attatchment 4


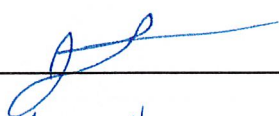

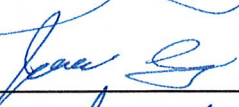


attachment 5



Schedule "2"

Chris & Estelle Laurin of 201 Elm St have discussed their plans to install a 5 ft horizontal wood fence on their property. I support their request for the proposed fence.

NAME	ADDRESS	SIGNATURE	DATE
Cynthia Fish	213 Elm St MUNDA, N.Y 13116	Cynthia Fish	1/13/21
Keyes, Rob	209 Edgerton St		1-31-21
Charlene Oppedisano	213 Willard St	Charlene Oppedisano	1.13.21
Jameson Stolt	281 Willard St		1/13/21
Veronica Hunter	212 Elm St	Van Hunter	1/13/21
Michelle Prince	201 Willard St.	Michelle Prince	1/13/21
John Whinn	301 Willard St		1/13/21
James Croesing	212 Willard Street		1/13/21
Charles Plog	200 Elm St	Charles Plog	1-14-2021

Schedule "3"