

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application - Searles

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Wednesday, June 26, 2019 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: Acting Chairman Chris Beers, ZBA Members Scott Parish, Gary Stoddard and Adrienne Turbeville.

Also Present: Attorney Courtney Hills.

Absent: Member Nicole Stoffel and Secretary Barbara Sturick

Also present: Ann Searles.

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on June 26, 2019, at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Ann Searles, for a variance of the regulations of the Village of Minoa Zoning Code, specifically §160-10(4)(2) which imposes a 5' side yard setback for premises located in a Residential B Zoning District. Applicant proposes to add a 3,490.3 sq. ft. triangular shaped portion of land currently owned by St. Mary's Church to the rear of her existing lot located at 407 East Avenue (parcel 001.-01-07.0), and in doing so will require a 3.4' area variance for an existing two car frame garage located 1.6' feet from the subject parcel's easterly boundary line.

Attorney Hills confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication; was posted at (6) six locations within the Village: Village Hall, Library, 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.

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

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

Attorney Hills summarized the requested relief, advising that the applicant originally approached the Village Board for exemption of the Village's subdivision requirements for the proposed lot line adjustment. However, in order to be exempt, both lots, as modified, would need to conform to current code. The existing garage structure does not meet the Village's side yard setback requirement of 5 feet. Left alone, the structure is a legal non-conforming structure but the applicant would lose such protection by modifying the lots.

Attorney Hills asked the applicant if she wanted to present any additional information to

the ZBA. The applicant had no further information to add. There were no comments from the public.

Member Parish moved to close the public hearing and continue in regular session. Seconded Chairman Beers. All in favor; Motion carried.

Attorney Hills advised 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?

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

1. 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 alternatives were to leave the lot as is which would not permit the installation of the pool; demolition of the garage, or to sell the lot and move elsewhere that would permit a pool. Taking into consideration that the structure was built long before the enactment of the zoning code, the Board did not believe the alternatives were reasonable under the circumstances.
2. The Board members agreed the requested area variance was substantial from a numbers perspective but not from an appearance or aesthetic perspective as the structure has existed for many years in its present location and is consistent with the neighborhood.
3. The Board determined the proposed variance would likely not have any adverse environmental effects taking into consideration that the structure has existed in its present location for many years and pre-dates the zoning laws.
4. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance.

Attorney Hills stated there is no other correspondence for or against the Variance application.

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.

Attorney Hills advised, pursuant to NYS General Municipal Law §239, the application was not required to be referred to the Onondaga County Planning Agency.

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

Application - Theodore & Barbara Aylsworth

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Wednesday, June 26, 2019 at 7:05 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: Acting Chairman Chris Beers, ZBA Members Scott Parish, Gary Stoddard and Adrienne Turbeville.

Also Present: Attorney Courtney Hills and Secretary Barbara Sturick.

Absent: Member Nicole Stoffel

Also present: Theodore & Barbara Aylsworth.

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on June 26, 2019, at 7:05 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Theodore & Barbara Aylsworth, for a variance of the regulations of the Village of Minoa Zoning Code, specifically §160-25.1A relative to the placement of accessory structures, which provides that same shall be located no closer to the rear lot line than a distance of not less than 10% of the lot width, nor any closer to the side lot line than the nearest point of the principal building or use. Applicant proposes placement of an accessory structure 5' from the side and rear lot lines in the North West corner of the subject premises. Under 160-25.1A, a rear yard setback of 8.05' and a 13.1' side yard setback is required. As such, applicants are requesting two area variances, specifically 3.05' and 8.1' respectively. The subject premises is located in a Residential-B zoning district at 112 Elm Street (Tax Map No. 002.-03-13.0).

Attorney Hills confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication; was posted at (6) six locations within the Village: Village Hall, Library, 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.

Acting Chairman Beers called the public hearing to order at 7:35 p.m.

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

Attorney Hills summarized the requested relief, advising that the applicant proposes the installation of a prefabricated shed structure and due to the size of the structure, the Village Code's setback regulations for accessory use structures controlled over the setback regulations for sheds.

Attorney Hills asked the applicant if they wanted to present any additional information to the ZBA. The applicants advised that the new structure would be replacing an old dilapidated structure and thus would be more aesthetically pleasing than the current condition. They advised they would be installing the structure on a stone base, thus mitigating any environmental concerns regarding drainage and runoff. The applicants also indicated they had not received any objections from their neighbors.

There were no comments from the public.

Member Turbeville moved to close the public hearing and continue in regular session. Seconded Member Stoddard. All in favor; Motion carried.

Attorney Hills advised 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:

6. 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;
7. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance;
8. Whether the requested area variance is substantial;
9. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district; and
10. Whether the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance?

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

5. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance. Based on the

size of the lot and amount of open space in the rear of the subject parcel, the Board determined the structure could be placed so that it met the Village's Code requirements for setbacks. They also took into consideration however that if the structure was installed anywhere else, the applicants could not maneuver their RV in and out of the lot.

6. The Board members agreed the requested area variance was substantial from a numbers perspective but not from an appearance or aesthetic perspective as a structure has existed for many years in the present location.
7. The Board determined the proposed variance would likely not have any adverse environmental effects and would in fact mitigate any potential drainage issues due to the stone base.
8. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance.

Attorney Hills stated there is no other correspondence for or against the Variance application.

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.

Attorney Hills advised, pursuant to NYS General Municipal Law §239, the application was required to be referred to the Onondaga County Planning Agency, and that the Board was still waiting for the County's resolution.

The ZBA, taking into consideration the above five factors, a motion was made by Member Parish to approve the relief as requested, subject to the County issuing a resolution finding no negative inter or intra community impacts, Seconded by Actin Chairman Bears. All in favor. Motion carried.

A motion was made by Acting Chairman to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 8:15 p.m. The motion was seconded by Member Parish, and all were in favor. The motion carried.

Respectfully submitted,

Courtney M. Hills, Village Attorney