

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Patrick Dugan

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday August 5, 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 Adrienne Turbeville, Gary Stoddard, Scott Parish, and Nicole Stoffel & Attorney Courtney Hills

Absent: Secretary Sturick

Also present: Patrick Dugan

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on August 5, 2021 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Patrick Dugan, for an Area Variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A) which provides that accessory structures 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. The applicants are proposing a 14' x 18' x 30' in ground swimming to be situated 13' from the side yard line, thus requiring a 9.0' variance for this particular parcel. The parcel is located within a Residential R-B1 Zoning District. The subject parcel is 101 Lake Forest Drive Minoa, NY designated as Tax Parcel No. 005.-06-29.0.

Chairman Chris Beers called the public hearing to order at 7:01 p.m.

Member Scott Parish moved to waive the reading of the Public Hearing Legal Notice. The motion was seconded by Gary Stoddard, and all were in favor. The motion was carried. Chairman Chris Beers read the Code Ordinance and summarized the requested relief.

Chairman Chris Beers advised Patrick Dugan that the ZBA must conduct a balancing test, weighing 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?

Patrick Dugan presented:

- Patrick submitted letter, survey, and pictures addressing the balancing test criteria, a true and exact copy of which is attached hereto as Schedule "1".
- Patrick reiterated his request stating he doesn't believe the pool will impact character of neighborhood as it is not visible from the road since they have a privacy fence.
- He stated they are installing the smallest possible pool due to existing easement and the location of an existing deck, which prevents installation within the shadow of the house.
- He doesn't believe request is substantial out of 30' pool only 9' outside shadow of house.
- He doesn't believe there will be any environmental impacts and they are having it installed by professional.
- He does believe it is self-created due to location of their deck and morning room.

Attorney Hills confirmed for the record that the Legal Notice was submitted to Advance Media New York with run date 7/22/2021 publication order confirmation #0010041155; Legal Notice was posted at (6) six locations within the Village: Village Hall, Library, Trappers II, Post Office, Sunshine Mart and Scotty's Automotive, and sent to neighbors located within 500 feet radius of the subject premises via first class mail.

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

Member Adrienne Turbeville moved to close the public hearing and continue in regular session at 7:11 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 that due to privacy fence, the pool will not be visible by neighbors. There was no other correspondence for or against the variance request. There are other pools in the area outside shadow of house including one immediately

behind applicant house. **Therefore the board agreed there would not be an undesirable change to 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 discussed the alternative pool locations noting that location of existing deck and easement area prevent installation within shadow of house and that tearing down deck or moving the morning room were not reasonable. **The Board determined the homeowner did consider alternative methods which are not reasonable and they did downsize size of pool.**
3. **The Board members determined the requested area variance was not substantial** after reviewing the particular circumstances of the application, the location of proposed pool would be safest, and considering lot shape the request is not substantial percentage wise, nor any more substantial than similar variances granted.
4. **The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district;** the pool does not impact run off of water, and pool will be located outside easements 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 Gary Stoddard to approve the request as requested. The motion was seconded by Member Nicole Stoffel. All in favor. Motion carried.

A motion was made by member Adrienne Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:23 p.m. The motion was seconded by Member Nicole Stoffel, and all were in favor. The motion carried.

Respectfully submitted,

Courtney M. Hills, Attorney

Project:	101 Lake Forest Drive
Date:	8.5.2021

**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: 101 Lake Forest Drive

Date: 8.5.2021

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 of Minoa

August 5, 2021

Name of Lead Agency

Date

Chris Bears

CHAIRMAN ZONING BOARD

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

[Signature]

[Signature]

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

July 15, 2021

Village of Minoa Planning and Zoning Board
240 N. Main Street
Minoa, NY 13116

Dear Members of the Zoning and Planning Board,

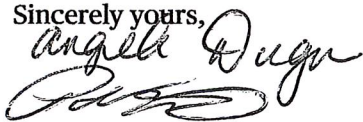
We are requesting your consideration concerning the installation of an in-ground pool at our residence located at 101 Lake Forest Drive, Minoa, NY. We are asking that the board members consider our proposal for a variance for the in-ground pool to extend outside the shadow of our home by up to 9½ feet. Due to the profile of our home and backyard, it does not allow us to install the pool completely in the shadow of the house.

We believe that the installation of the in-ground pool in this location would not cause any undesirable change to the character of the neighborhood or cause any detriment of nearby properties as our property already has a privacy fence installed. Due to the footprint of our yard, there is no alternate location for a pool. Also, in this location, we can directly see the pool from inside the house and deck locations.

The request for the space is not substantial as we are only requesting a portion to be outside the shadow of the house. We believe variances have been granted to applicants with similar or substantial requests. We do not believe that the variance we are requesting would have any negative or adverse environmental effects.

Due to the angle of our lot, we are limited in the location where we are able to install a pool. Therefore, we do not believe this is self-created.

Sincerely yours,

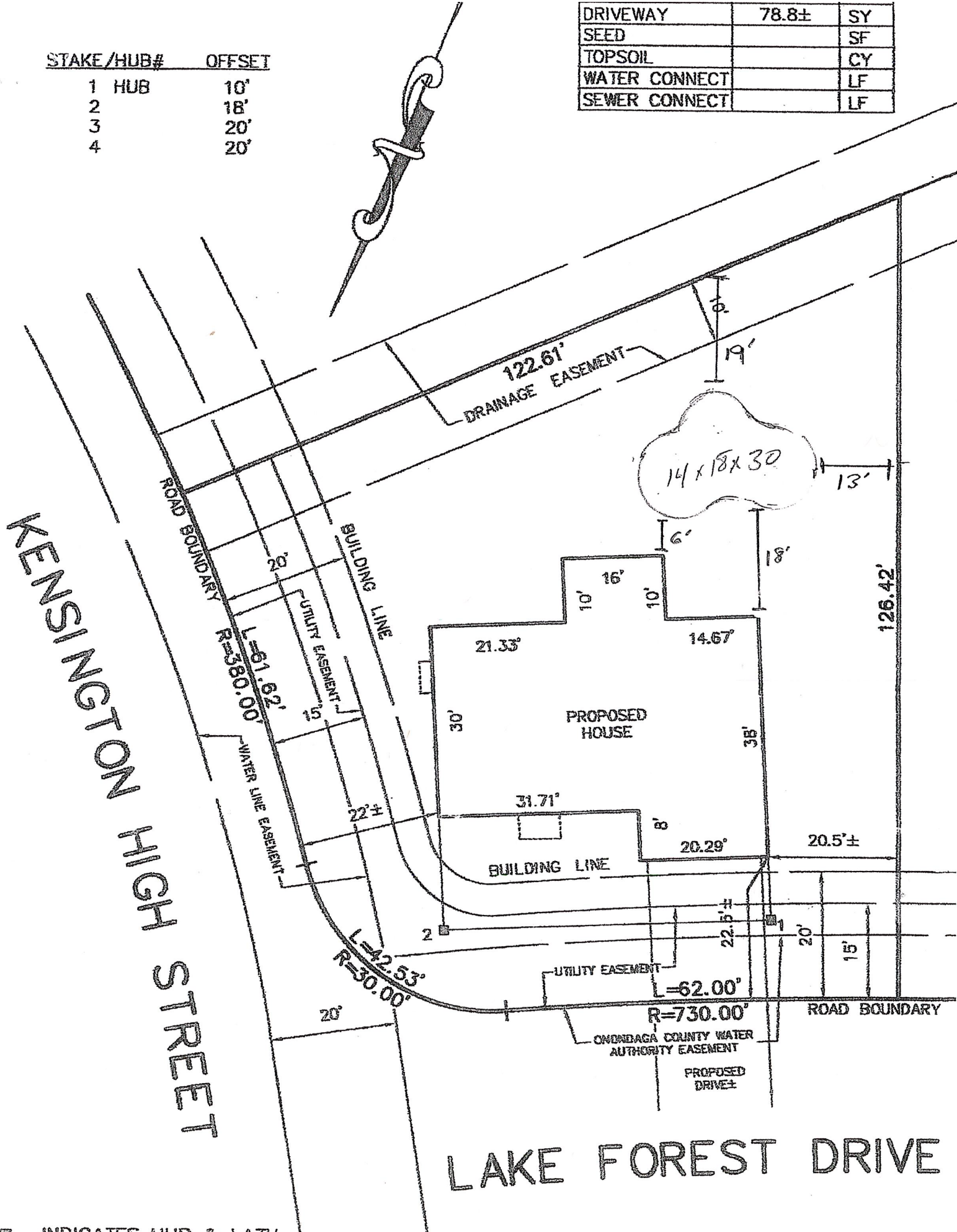


Patrick and Angela Dugan
101 Lake Forest Dr
Minoa, NY 13116
315-420-5331

schedule "1"

STAKE/HUB#	OFFSET
1 HUB	10'
2	18'
3	20'
4	20'

DRIVEWAY	78.8±	SY
SEED		SF
TOPSOIL		CY
WATER CONNECT		LF
SEWER CONNECT		LF



■ 1 INDICATES HUB & LATH



14x30 Pool



approx. 9' outside shadow of house