

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Karen Granger

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday June 10, 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 and Scott Parish, Attorney Courtney Hills and Secretary Barbara Sturick.

Absent: Nicole Stoffel

Also present: Karen Granger and Barry Croftman

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on June 10th 2021 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Karen Granger, 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 24' x 16' in ground swimming to be situate 6' from the side yard line, thus requiring a 6' variance for this particular parcel. The parcel is located within a Residential R-A1 Zoning District. The subject parcel is 81 Ripplebrook Lane Minoa, NY designated as Tax Parcel No. 006.-08-20.0.

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

Member Adrienne Turbeville 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. Chairman Chris Beers read the Code Ordinance and summarized the requested relief.

Chairman Chris Beers advised Karen Granger 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?

Karen Granger presented:

- Karen submitted letter addressing the balancing test criteria, a true and exact copy of which is attached hereto as Schedule "1".
- Karen reiterated her request stating she would like to remove the large deck and install in ground pool in the same footprint as the deck so, in her opinion, it would not be changing the physical appearance or character of the neighborhood. She stated there are two neighbors with above-ground pools and she stated the deck is in bad condition.
- She submitted a letter of support from the adjacent neighbor, facing the same side of the proposed location of the pool, a true and exact copy of which is attached hereto as Schedule "2".
- She stated in her opinion this is the best location, as it would give her the ability to install a patio and addition to the house, and allow her family to access the rear of the yard for personal use.
- She stated she does not believe the pool installation to be substantial as it is in the same location the deck is currently in. The proposed pool would be 5" deep and will not have diving board. She would also install privacy bushes along the fence.
- She realize her request is self-created by her choice to place pool in that location.

Attorney Hills confirmed for the record that the Legal Notice was submitted to Advance Media New York with run date 5/20/2021 publication order confirmation #0009979783-01; 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.

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

Member Gary Stoddard moved to close the public hearing and continue in regular session at 7:16 pm. Seconded Adrienne Turbeville. 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 discussed the condition of the deck, and opined that replacing the deck would be an improvement to the property. They acknowledge the letter of support from the immediate adjacent neighbor, and there was no other correspondence for or against the variance request. The board noted for the record that the current deck is not in the shadow of the house which is more noticeable than and in ground pool. **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, distance from shed, footprint already established, the roof line extension of the porch which the applicant wishes to pursue as her next home improvement project, safe distance from back door and the deck replacement. The board discussed the exact location of the pool variance request per survey submitted. The board reviewed the fence height requirement and whether or not the concrete was part of the accessory structure. **The Board determined the homeowner did consider alternative methods but using the same footprint and replacement of deck would provide the most feasible option.**
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 letters opposing the proposed pool variance request, and Karen Granger provided a letter of support for the variance request attached hereto as Schedule "2".
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, 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.

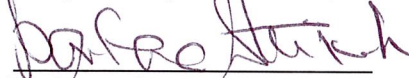
The Board identified the proposed action as a **Type II Action pursuant to NY SEQRA**, elected to designate itself as Lead Agency, and subsequent to discussion and review of the Short Form EAF, the Board completed the questions in Part 2 of the form, and upon an unanimous vote determined based on the 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 Adrienne Turbeville to approve the request with opinion walkway not part of accessory structure. The motion was seconded by Member Gary Stoddard. All in favor. Motion carried.

A motion was made by member Scott Parish to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:50 p.m. The motion was seconded by Member Gary Stoddard, and all were in favor. The motion carried.

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Barbara Sturick", written over a horizontal line.

Barbara Sturick, Secretary

Minoa Board Members-

We are requesting your consideration concerning the installation of an in-ground pool at our residence, 81 Ripplebrook Lane in the Village of Minoa. We are requesting the Board consider our proposal of a 5.5' variance from the north edge of our house.

We are requesting the variance in totality of the following reasons. In the near future we would like to extend the rear roofline of the house to provide a covered patio. Due to the rear profile of the house, offsetting the pool 5.5' would ensure that it would not interfere with the roofline or with potential supports for the roof. An additional consideration made in the placement of the pool was the safety of our children and guests. By offsetting the pool from our rear entrance, it reduces the vulnerability of our small children or guests exiting the house and inadvertently entering the pool. Lastly, we are attempting to limit the impact to our property and those impacted by our property by placing the pool in the current footprint of our large rear deck.

We believe that the installation of the in-ground pool in the requested location will not produce an undesirable change in the character of the neighborhood as our large rear deck currently extends to the requested 5.5' variance past the north edge of our house. The deck will be removed and the pool placed in its footprint, thus not altering the current site appearance of the property. In addition, the placement of our driveway and vehicles will partially obstruct the view into the backyard. We are also willing to replace our chain-link fence with a privacy fence in that section if requested.

To ensure our proposal would not negatively impact our neighbor closest to the proposed project, 83 Ripplebrook Lane, we advised them of our intentions and received a letter of support. Please see the attached letter documenting their support of the proposal.

Thank you for your time and consideration. Please advise us of any questions or concerns related to our proposal.



Karen Granger & Andrew Inglis
81 Ripplebrook Lane
Minoa, NY 13116
585-322-3710

Schedule "1"



Scheduta "1"

May 13th, 2021

To Whom It May Concern,

We are writing in regards to our neighbor's request for a pool permit at 81 Ripplebrook Lane. We understand that they wish to have the pool placed roughly 6 feet from the fence line that we share and we wanted to relay that we do not have any issue with this. Please feel free to contact us with any questions at (315) 935-5151.

Sincerely,

Handwritten signatures of Cali Blakeman and Tyler Blakeman in black ink.

Cali Blakeman and Tyler Blakeman
83 Ripplebrook Lane

Schedule "2"

Project:	81 RIPPLEBROOK LANE
Date:	6.10.2021

***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?"

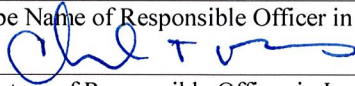
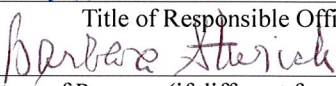
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity 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: 81 RIPPLEBROOK LAN

Date: 6.10.2021

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.

<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
ZONING BOARD	6/10/2021
Name of Lead Agency	Date
CHRISTOPHER T BEERS	CHAIRPERSON
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)