

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – **Jennifer Wood**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, November 10, 2022 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, Jeremiah Butchko, and Secretary Barbara Sturick

Absent: Attorney Courtney Hills

Also present:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on November 10, 2022 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Jennifer Wood, for an Area Variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements **§160-12(D)(2)(a) which imposes a 20' front yard setback for premises located in a Commercial Zoning District. The applicant is requesting an area variance to install a permanent canopy extending from the existing structure which is located 14' from the front yard line, and to permit it to extend to the front yard line, thus requiring a 20' area variance.** The parcel is located within a Commercial Zoning District. The subject parcel is **132 North Main Street**, Minoa, New York and designated as **Tax Parcel No. 002.-02-07.0**.

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

Jeremiah Butchko 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 Beers summarized the requested relief, requested the applicant to present her request to the ZBA.

Chairman Chris Beers advised **Jennifer Wood** 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?

Jennifer Wood Presentation of Factors Consideration:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:
Jennifer Wood stated she believed the addition would add character to the street and it would provide outside seating area for patrons. It would help other businesses on the street by providing visibility by those patrons. She provided sketches of the addition attached hereto as Schedule "1" showing the look she would like to obtain. She provided a letter of support from Jaime Weisberg a new business located at 116 N. Main Street attached hereto as Schedule "2". She stated it would provide a more appealing view on the street rather than a truck in front of establishment such as the building next to her location attached hereto as Schedule "3". She stated the outside seating noise would be managed by employees.

The board discussed the following items with Jennifer Wood:

- Whether or not awning would cover sidewalk? She stated it would go to the sidewalk and not cover.
- Whether there would be tables and chairs located outside and if there was going to be external bar and servers? Jennifer stated there would be tables and chairs but there would not be an external bar nor would there be servers but patrons would have option to bring food outside.
- Members asked about roofing and fencing material and whether or not gutters were going to be installed? Jennifer state that the roof and the fence material would be similar to that of Trappers II. Gutters would be installed to control rain water runoff and protect patrons.
- Member discussed with Jennifer the size of the village sidewalk snow plow and applicant responsibility to main distance off the sidewalk to avoid damage to her property.
- Members asked whether or not hours of establishment have been set? Jennifer stated the hours have not been established but would possibly close at 11:00 pm or possible even 2:00 am the details of

the bar have not been establish at this time. She stated it is her desire to bring people in the area.

- Members discussed quiet hours and applicant obligation to obey village noise ordinance and obligation to follow zoning codes. Applicant expressed willing to adjust or eliminated outside late night seating to avoid any noise ordinance issues and noted there is not a use change as the building was previously a bar.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Jennifer stated there are other alternative options and provided pictures of (2) two attached hereto as Schedule "4". The first option presented would be to pave the space which in not desirable look nor the second option which is to install an awning stating that the awning would not cover area she is looking to utilize. She is looking to enclose area and utilize in the winter. She stated there is not enough room to go off any of the other sides of building due to limited space.

3. Whether the requested variance is substantial:

Jennifer stated she realize that a 20ft variance request is substantial.

4. Would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood:

Jennifer stated she did not believe granting the Variance request would have impact on physical or environmental conditions. Members asked whether or not there would be outside heating which would create runoff. Jennifer stated there will be outside heating and further discussed plans with members to avoid water run off landing on patrons, avoid ice buildup, and correct installation of the gutters.

5. Whether the alleged difficulty was self-created:

Jennifer stated she realize that the difficulty is definitely self-created by the request.

Member Scott Parish moved to close the public hearing at 7:18 pm. and continue into Regular meeting. Seconded by Adrienne Turbeville. All in favor; Motion carried.

Regular meeting of the Village of Minoa Zoning Board

Chairman Beers confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010480952-01; 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.

Chairman Beers read for the record the letter of support from Jaime Weisberg and stated for the record that Thomas Petterelli DPW Superintendent responded that he had no issues with the proposed application upon review.

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

The Board then went through each criteria and determined the following for **Jennifer Wood** of 132 N Main 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 discussed that **there would not be an undesirable change to the neighborhood as previously stated the addition would be a nice addition to the building especially since the space has been vacant and would provide a welcome place for food and drinks. It would allow for utilization in all seasons and would be good thing for that section of the neighborhood. Scott Parish reiterated his concern is the building would produce noise for neighbors in the residential homes in the area. Members discussed residents in that section bought homes knowing it was in business district and that the businesses have changes over the years in that section. Members noted the applicant is aware the village code noise ordinance and willingness to obey them.**
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 applicant did consider alternative methods which would not be all season and would have a lot less curb appeal or provide desired outcome.**
3. The Board members determined the requested area variance is **substantial after reviewing the particular circumstances of the application, and noted no neighbors were present or had written in opposing the proposed, members agreed it can be achieved with alternative methods but would not provide same improvement to curb appeal.**
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. The applicant is aware of need to control water that any heaters used will produce a lot of ice and the applicant is aware responsibility to provide snow and ice control.**

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.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, taking into consideration the above five factors, finds that:

A motion was made by Member Jeremiah Butchko to approve the relief with condition minimum 8 inches from sidewalk. The motion was seconded by Member Adrienne Turbeville.

The Benefit to the Applicant *DOES NOT* outweigh the detriment to the Neighborhood or Community and therefore the variance request is *denied*.

The Requested Variance is *approved*

RECORD OF VOTE:

Chris Beers	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Scott Parish	<input type="checkbox"/> Aye	<input checked="" type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Adrienne Turbeville	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Gary Stoddard	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Jeremiah Butchko	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

A motion was made by Gary Stoddard to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:51 p.m. The motion was seconded by Member Scott Parish, and all were in favor. The motion carried.

Respectfully submitted,


Barbara Sturick, Secretary

Project:	132 North Main Street
Date:	11/10/2022

**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?"


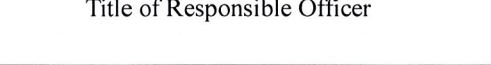
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity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

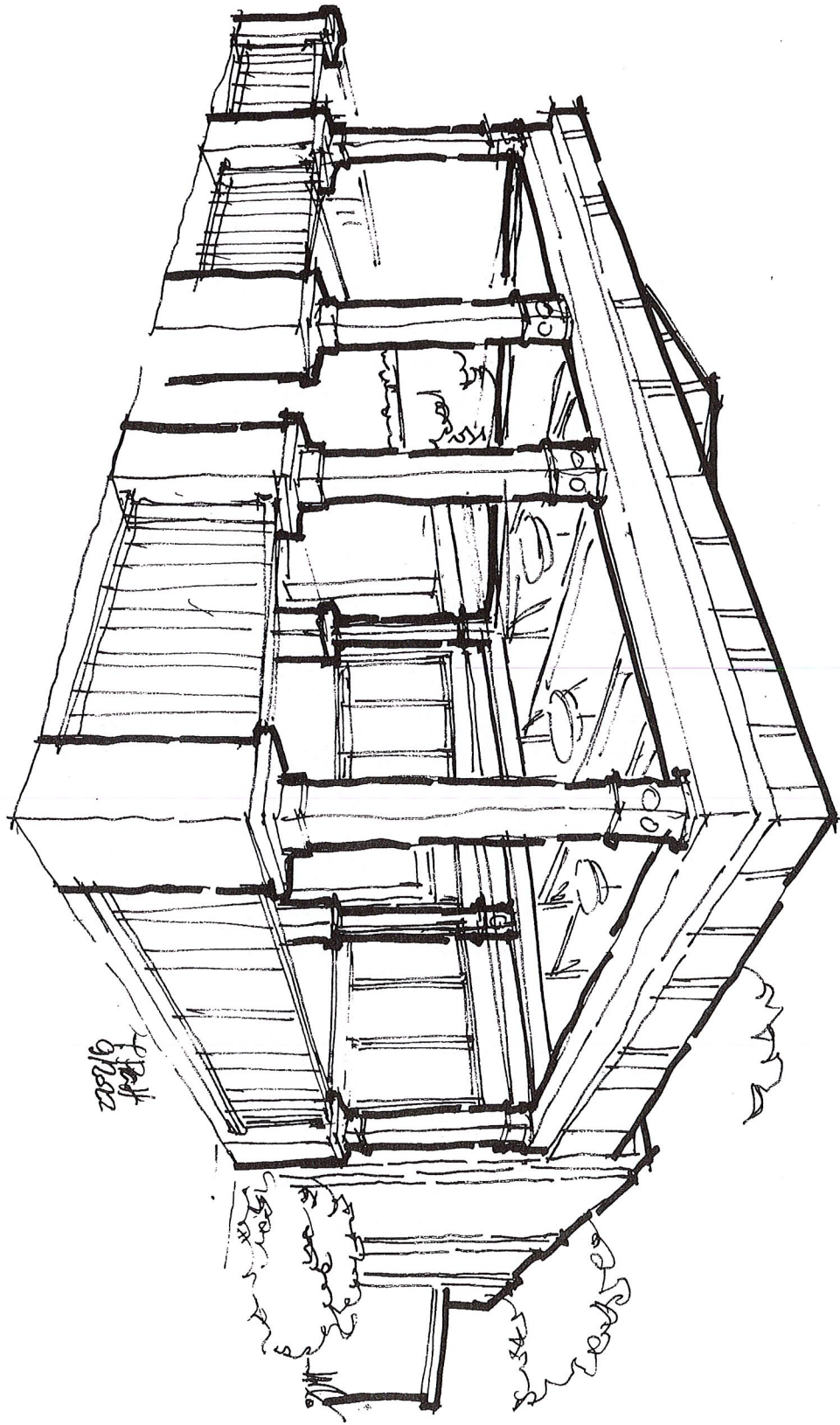
Project: 132 North Main Street

Date: 11/10/2022

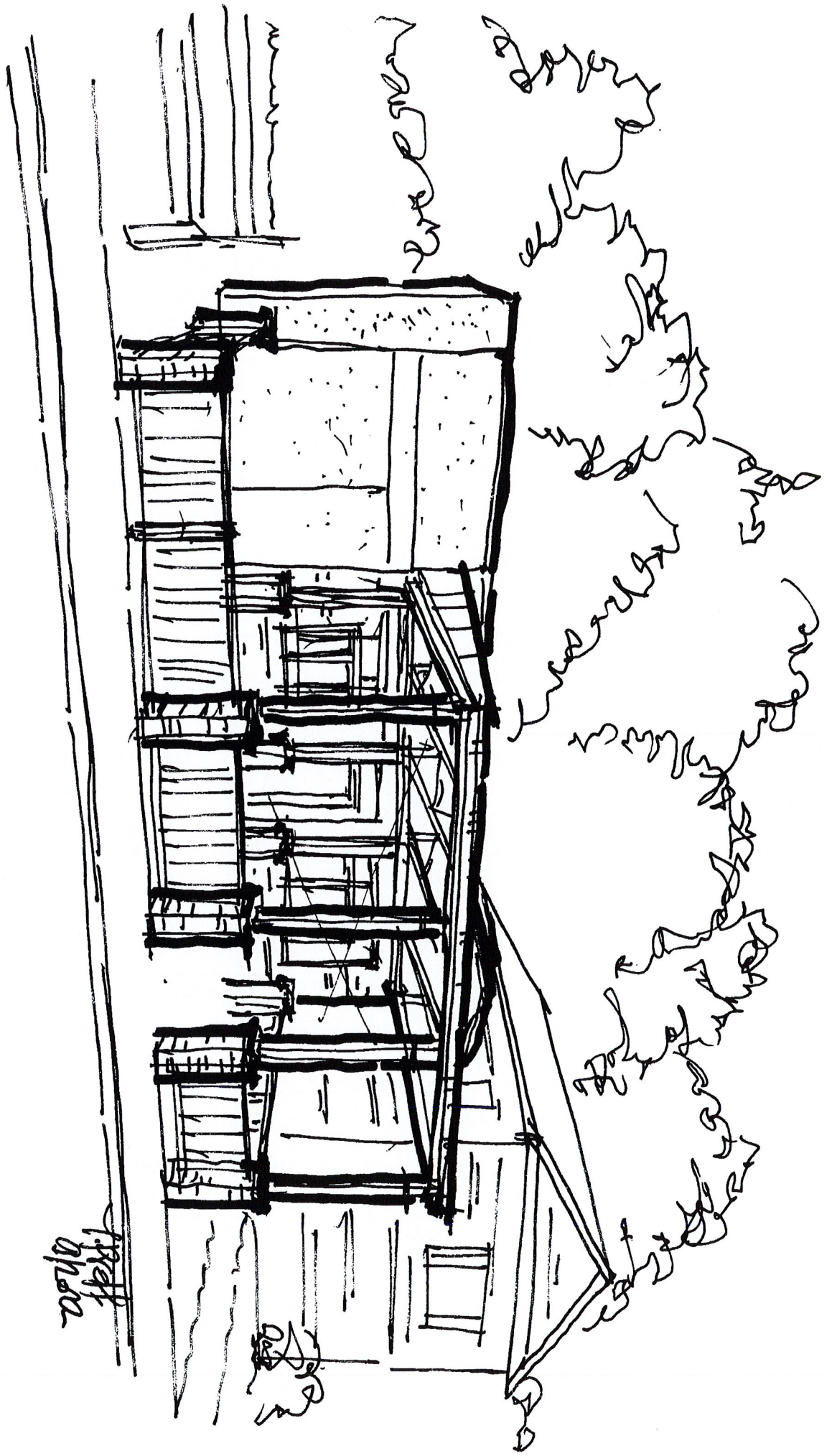
Short Environmental Assessment Form
Part 3 Determination of Significance

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.
ZOWING BURTIS	Nov 10, 2022
Name of Lead Agency	Date
CHRIS BEZUS	ZOWING CHARPENSEN
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)



Schedule "1"



exterior
with
wood
structure
the
roof
is
a
series
of
levels
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a
central
tower
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building
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structure

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floor

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levels

To whom it may concern,

November 10th, 2022

My name is Jaime Weisberg and I am the owner of Northbound Mind + Body Shop, the new business being established at 116 N. Main Street. I am writing in support of creating a permanent awning and associated outdoor space for the new business going into the former 19th hole.

I believe creating outdoor environment will bring both curb appeal to the area and offer a space for patrons to enjoy the village neighborhood. With my business being just a few doors down, it will also bring awareness to my space, as people are relaxing outside. They will physically be able to see my business (and others) from there. The more people we have enjoying Minoa, the more all the businesses will benefit and having a relaxing and welcoming environment, such as an outdoor patio is the perfect addition to any walkable village.

Thanks for your time and consideration.

Kind regards,

Jaime Weisberg

Schedule "2"



Schedule "3"



schedule "4"



schedule "4"