

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

**Application – Jamie and Miranda Raynor**

**Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday August 11, 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 Adrienne Turbeville, Gary Stoddard, Scott Parish, Jeremiah Butchko, and Attorney Courtney Hills

Absent: Secretary Sturick

Also present: **Jamie and Miranda Raynor**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on August 11, 2022 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Jamie and Miranda Raynor, 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' above ground swimming to be situated 17.2' from the west side yard line. The nearest point of the principal building is 29.2', thus requiring a 12.0' variance for this particular parcel. The parcel is located within a Residential R-A1 Zoning District. The subject parcel is 109 Winsboro Road Minoa, NY designated as Tax Parcel No. 006.-09-48.0.

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

Member Gary Stoddard 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 Jamie and Miranda Raynor 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?

Jamie and Miranda Raynor presented:

- Mr. Raynor testified there was already an existing fence that would block the proposed pool, thus there would be no change in the character of the neighborhood or detriment to nearby properties. The pool would not be visible from the road. He further stated he believed the pool at its proposed location would add value to the property.
- Mr. Raynor testified that they considered alternative locations but due the existing patio and the drainage easement in the rear of the property, no other configurations were feasible.
- Mr. Raynor testified he did not believe the request was substantial.
- Mr. Raynor testified that he believed there would be no negative environmental impacts.
- Mr. Raynor acknowledged the relief requested was self-created, however testified there was no alternative placement.

Chairman Chris Beers opened up the public hearing to those in attendance for comments and questions.

- Denise Jochen-Robertson, 89 Windebank Lane, inquired as to the risk of setting a precedent (Attorney Hills and Chairman Chris Beers explained the process for reviewing area variance requests and that it is always the intent of the Board to avoid setting precedents).
- Lois Desautels, 103 Winsboro Road, inquired as to whether the patio was preexisting when the applicants purchased the home (applicants confirmed the patio was preexisting at the time of their purchase).

After public comment, Chairman Chris Beers inquired as to whether any of the Board Members had any questions for the applicant.

- Member Gary Stoddard inquired as to the style of the existing fence (applicants confirmed it was a stockade fence).
- Member Jeremiah Butchko inquired as to the height of the existing fence (confirmed 6 feet) and whether or not the applicants intended to construct a deck around the pool (applicants confirmed they were considering a deck at some point down the road). Chairman Chris Beers clarified where

a deck could be located without the need to come back before the Board for an additional variance.

- Chairman Chris Beers inquired as to whether the applicants had any direct communication with their neighbors (applicants confirmed they spoke with neighbors, neighbors appeared supported and indicated they would not attend the public hearing).
- Member Adrienne Turbeville advised the Board she spoke with a couple of the neighbors and they expressed no issues with the request.

Member Adrienne Turbeville moved to close the public hearing and continue in regular session at 7:20 pm. Seconded by Gary Stoddard. All in favor; Motion carried.

Attorney Hills confirmed for the record that the Legal Notice was submitted to Advance Media New York with run date 7/24/2022 publication order confirmation #0010395466; 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.

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. The Board resolved there would be no drastic change in the character of the neighborhood because there are other pools in the immediate area outside shadow of 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 easement area prevent installation within shadow of house and that ripping out the patio would not be reasonable. **The Board determined the homeowner did consider alternative methods which are not reasonable, noted they did downsize size of pool, and that the location of the existing easement makes the relief requested unique.**

3. **The Board members determined the requested area variance was not substantial** after reviewing the particular circumstances of the application, the Board determined that the request was substantial from a numbers perspective but given the uniqueness of the property (easement) and that there was no visual impact (due to the existing fence), the request wasn't substantial when considering all factors.
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 Scott Parish to approve the request as requested. The motion was seconded by Member Gary Stoddard. All in favor. Motion carried.

A motion was made by member Gary Stoddard to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:35 p.m. The motion was seconded by Member Jeremiah Butchko, and all were in favor. The motion carried.

Respectfully submitted,

Courtney Hills, Attorney

A handwritten signature in black ink, appearing to be 'Courtney Hills', written over a circular scribble or stamp.

Project:	109 Winsboro Rd
Date:	8/11/2022

**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?	<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: 109 Winsboro Rd  
 Date: 8/11/2022

**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.

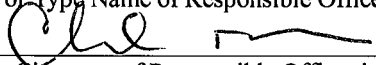
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

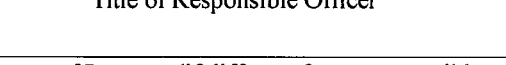
ZONING BOARD  
 Name of Lead Agency

8/11/2022  
 Date

CHRISTOPHER BEANS  
 Print or Type Name of Responsible Officer in Lead Agency

CHAIRPERSON ZONING BOARD  
 Title of Responsible Officer

  
 Signature of Responsible Officer in Lead Agency

  
 Signature of Preparer (if different from Responsible Officer)