

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – **Christopher Smith**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, July 11, 2024 **at 6:30 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, Adrienne Turbeville, Gary Stoddard, Jeremiah Butchko, Secretary Barbara Sturick and Attorney Courtney Hills

Absent:

Also present: Joyce Brown signed in and left before meeting began. Desiree, Christopher and Koston Smith and Jen Zapf

Chairman Chris Beers called the public hearing to order at 6:33 p.m.

Jeremiah Butchko 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 provided Clarification of the Legal Notice stating the notice correctly referenced the applicable Village of Minoa Code Section, specifically § 66-2A, however the legal notice incorrectly listed the requirements of Section § 66-2E. Attorney Hills noted for the record that it was okay to proceed because the legal notice correctly identified the applicable Code Section, and noted the provisions for the other Section were actually more restrictive than what is required for this particular application.

A copy of the legal notice is attached here as Schedule "A".

Chairman Chris Beers advised **Christopher Smith** 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?

Chairman Chris Beers requested the applicant present their request to the ZBA referring the above considerations.

Applicant Christopher Smith stated he would like to install a 6ft privacy fence on the East Side of his house located approximately 23ft off Ferndale and approximately 62 ft. from Helfer inside the current tree line. He stated It would be off the garage door and enclose his back yard and follow the angle of the current tree line.

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:  
Reasons: He stated he believed it would improve the appearance of the neighborhood.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:  
Reasons: Christopher Smith stated he is requesting to install a 6 ft. fence for privacy and safety of his son and that the requirement of no more than 4 ft. in height would defeat the purpose of the goal of providing privacy and safety for his son.
3. Whether the requested variance is substantial:  
Reasons: He believes since the fence is to be installed behind and following the current tree line there would not be a substantial change to the appearance of the property as it exists, and thus not substantial.
4. Would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood:  
Reasons: He stated he did not believe the fence would be disturbing any physical or environmental conditions.
5. Whether the alleged difficulty was self-created:  
Reasons: He did not believe the alleged difficulty was self-created.

Chairman Beers stated he went to the property today to view the proposed location of the fence provided the board with photos, copies of which are attached hereto as Schedule "B1" and "B2". Chris stated both pictures were taken from the corner of Ferndale Lane, specifically in photo "B1" he was facing toward Helfer Lane and in photo "B2" he was facing Ferndale Lane.

Chairman Beers asked if anyone from the PUBLIC in attendance would like to

make any COMMENTS:

Jen Zapf of 311 Helfer Lane stated she drives Helfer Lane numerous times a day and did not believe the fence would cause any obstructions for vehicles rounding the corner, nor did she have any objection to the appearance of the proposed fencing and location.

Member Adrienne Turbeville moved to **close the public** hearing at 6:46 pm. and continue into Regular meeting. Seconded by Jeremiah Butchko. All in favor; Motion carried.

### **Regular meeting of the Village of Minoa Zoning Board**

Secretary Sturick confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation **#0010876512-01**; 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 confirmed with the board they received copy of letter of support hereto attached as Schedule "C". Secretary Sturick confirm there was no other correspondence for the Variance application.

The Board then went through each criteria and determined the following for **Christopher Smith** of 221 Helfer Lane 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 agreed **there would not be an undesirable change to the neighborhood as the fence would be** installed approx. 60 ft. from Helfer Lane, thus not obstructing the view of pedestrians or vehicles, and 25 ft. from Ferndale Lane and hidden behind existing trees. The village received a letter of support from Bernard Beck Jr of 305 Ferndale Lane and Jen Zapf of 311 Helfer Lane stated her support.
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 alternative method** of installing a 4 ft. fence per code would not provide the privacy or security for the applicants desired, and the proposed location was the best given the layout of the lot.
3. The Board members determined the requested area variance was not substantial after reviewing the particular circumstances of the application. The Board noted the height was consistent with fencing of similar situated properties, and this particular application had support from two adjacent

neighbors provided support of the 6 ft. fence with no other correspondence for or against the application.

4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district, and noted the **fence would not impact run off of water, and there were no utility easements or 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.

**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 Adrienne Turbeville to approve the relief as submitted. The motion was seconded by Member Scott Parish. All in favor. Motion carried.

A motion was made by Adrienne Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 6:54 p.m. The motion was seconded by Member Gary Stoddard, and all were in favor. The motion carried.

Respectfully submitted,



Barbara Sturick, Secretary

VILLAGE OF MINOA  
240 N. MAIN STREET • MINOA • NEW YORK 13116

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John H. Champagne, *Deputy Mayor*  
John M. Abbott, *Trustee*  
Eric S. Christensen, *Trustee*  
Bobby Schepp, *Trustee*  
Lisa L. DeVona, *Clerk-Treasurer*  
Law Offices of Courtney M. Hills PC

NOTICE OF PUBLIC HEARING  
ZONING BOARD OF APPEALS  
VILLAGE OF MINOA, NEW YORK

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on **Thursday July 11, 2024** at 6:30 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **Christopher Smith**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: § 66-2A which requires fencing or screening along both front lot lines of a corner lot shall not exceed a height of 36 inches from grade for a distance of 20 feet from the point of intersection of such lot lines nearest the street corner (as defined in the Zoning Code of the Village of Minoa). The applicant is proposing the installation of six-foot fencing. The subject premises are on a corner lot located in **R-A1 District**, known as 221 Helper Lane and identified as tax Parcel No. 006.-03-32.0.

A copy of the application and survey is open to inspection at the office of the Village of Minoa Clerk during the Village Clerk's published regular business hours. Persons wishing to appear at the hearing may do so in person or by attorney or other representation. Communications in writing in relation thereto may be filed with the Board, or at such hearing.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed variance will be reviewed by said Board incident to said hearing.

Lisa DeVona, Village Clerk

Dated: May 29, 2024



Schedule B1



Schedule "B2"

Bernard J Beck Jr  
305 Ferndale Lane  
Minoa, N.Y. 13116

RECEIVED  
JUN 13 2024  
VILLAGE OF MINOA

June 12, 2024

VILLAGE OF MINOA  
ZONING BOARD OF APPEALS  
240 No. Main Street  
Minoa, N.Y. 13116

TO: Members of the Zoning Board of Appeals

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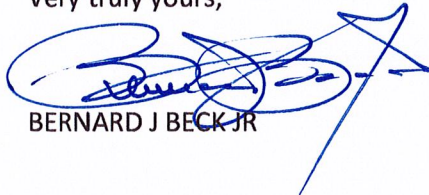
Re: PUBLIC HEARING..CHRISTOPER SMITH.. Requesting variance for fence MZC 66-2A

Mr. Smith's corner property borders mine on Ferndale Lane. The proposed fence will be well concealed on Ferndale Lane and his Southern line by existing Fir and Cedar trees offering him the privacy and security he desires.

It will not impair the vision of the intersection from either Ferndale Lane or Helfer Lane.

I HAVE NO OBJECTIONS TO THE ERECTION OF THIS FENCE AND PERSONALLY FEEL THAT YOU SHOULD APPROVE THIS VARIANCE AS SUBMITTED.

Very truly yours,

  
BERNARD J BECK JR

Schedule "C"



Project: 221 Helfer Lane

Date: 07/11/2024

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

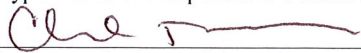
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering 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: 221 Helfer Lane  
 Date: 07/11/2024

**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.	
Village of Minoa Zoning Board of Appeals	<del>May 25, 2023</del> <u>7/11/2024</u>
Name of Lead Agency	Date
<u>CHRISTOPHER T BOERS</u>	<u>CHAIRPERSON</u>
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)