

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – **Michele Crego**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, January 12, 2023 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, Gary Stoddard, Jeremiah Butchko, Secretary Barbara Sturick and Attorney Courtney Hills

Absent: Adrienne Turbeville

Also present: Nijaz Zahirovic and J Delaney

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 January 12, 2023** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **Michele Crego**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: § 66-2A which requires fencing to be no more than four feet high (above grade) in the front yard (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 **100 Kenner Road** and identified as Tax Parcel No. **006.-17-01.0**.

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

Gary Stoddard moved to waive the reading of the Public Hearing Legal Notice. The motion was seconded by Jeremiah Butchko, and all were in favor. The motion was carried.

Chairman Chris summarized the requested relief, and requested the applicant present their request to the ZBA.

Chairman Chris Beers advised **Michele Crego** 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?

APPLICANT PRESENTATION to FACTORS CONSIDERED:

- Michelle Crego submitted letter attached hereto as Schedule “1” addressing the five factors for the Zoning Board of Appeals to consider and discussed with Board Members addressing each factor.
- Michele Crego submitted Google maps photo of various location in her neighborhood with 6 ft. fences installed on their property attached hereto as Schedule “2”.
- Michele Crego submitted document attached hereto as Schedule “3” of neighbors on Ferndale Lane and Kenner Road supporting her request to install 6 ft. privacy fence.

Chairman Beers asked if anyone from the PUBLIC in attendance would like to make any COMMENTS:

- Nijaz Zahirovic of 111 Colchester Road stated he is in support of the 6 ft. fence and feels it will look better than 4 ft. fence.
- J Delaney of 109 Colchester Road stated he was also present in support of the 6 ft. fence.

Member Gary Stoddard moved to **close the public** hearing at 7:06 pm and continue into Regular meeting. Seconded by Scott Parish. 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 #0010531852-01; 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.

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 **Michele Crego** of 100 Kenner Road application:

The Board then went through each criteria and determined the following for **Michele Crego** of 100 Kenner Road 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 there are other houses in the neighborhood as presented on Schedule "2" with 6 ft. fences and would keep in character of 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 determined the homeowner did consider the alternative methods than the proposed 6' fencing. They considered an invisible fence but determined it would not work for the applicant's aging dog. The Board also determined a 4 ft. fence for this particular lot would not provide the privacy the applicants were looking for or safety for their grandchildren.**
3. The Board members determined the requested area variance **was not substantial after reviewing the particular circumstances of the application, and noted (2) neighbors were present in support of the applicant and the applicant provided written support. The Board determined 6 ft. privacy fences were actually the standard and as such not considered substantial.**
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 fence is located outside drainage easement, the distance from the corner will not block view at corner and there is significant room to see around corner.**
5. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of an area variance. **ALWAYS**

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

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

A motion was made by Gary Stoddard to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:13 p.m. The motion was seconded by Member Jeremiah Butchko, and all were in favor. The motion carried.

Respectfully submitted,


Barbara Sturick, Secretary

Project: 100 Kenner Road
 Date: 01/12/2023

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: 100 Kenner Road

Date: 01/12/2023

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

1/12/2023
 Date

CHRIS BEERS
 Print or Type Name of Responsible Officer in Lead Agency

CHAIRPERSON
 Title of Responsible Officer

Chris Beers
 Signature of Responsible Officer in Lead Agency

Chris Beers
 Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Crego- ZBA Balancing

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. In doing so, they must consider the following five factors:

1- Whether an undesirable change will be produced to the character of a neighborhood or whether a detriment to nearby properties will be created.

- a. There are a number of similar fences in the area.
- b. Having a 4' fence on one side and a 6' fence along the back and inside will be much more aesthetically unappealing than a uniform fence.
- c. supported by neighbors

2. Whether the benefit sought can be achieved by an alternate method.

- a. A 4' foot would not provide adequate protection for our grandchildren nor contain our dogs.
- b. Given the speed vehicles travel down Ferndale, I would prefer a 6' fence far from the road for safety. And although the older dog has stayed within the lines of the invisible fence, he is no longer staying inside and is going deaf.

C The neighbor behind us has a pool, so a 6' fence provides additional safety, as well as the neighbor next door has a protective dog, so that side must be 6'.

3. Whether the requested variance is substantial.

- a. I do not believe the variance is substantial given many corner houses in Canterbury Woods have similar fences.

4. Whether the proposed variance will have an adverse effect on the physical and environmental conditions in the neighborhood.

- a. The fence is approximately 25' feet from the road and poses no issues with visibility in any direction.

5. Whether the alleged difficulty was self-created.

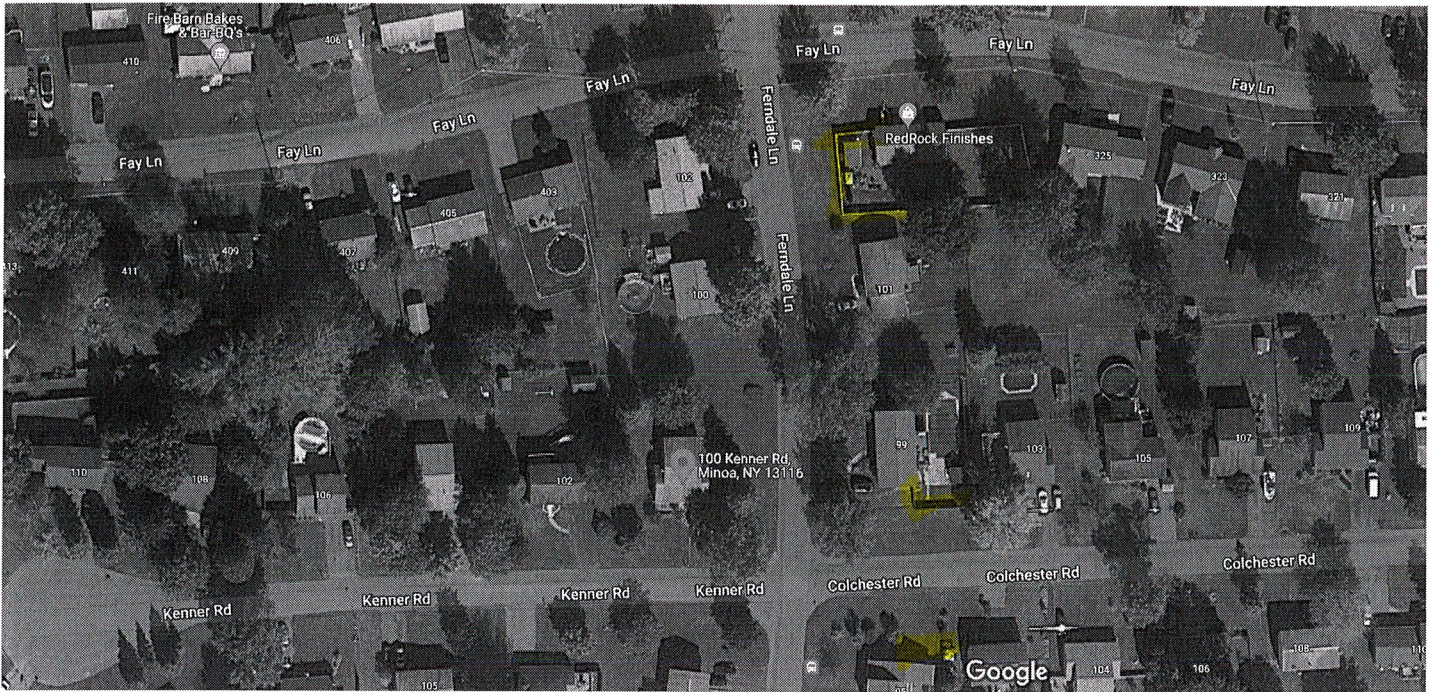
- a. In a sense it was self-created as I bought a house on a corner lot.

Schedule "1"

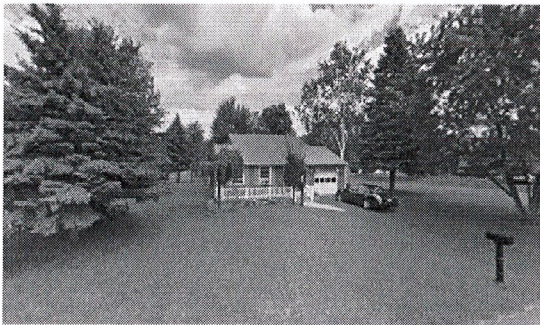
b. However, I cannot put a fence to the back of my yard, to gain adequate, usable footage because the easement floods up to the point of the proposed rear fencing, which is not self-created.

Schedule "1"

Google Maps 100 Kenner Rd




Imagery ©2022 Maxar Technologies, New York GIS, Map data ©2022 50 ft



100 Kenner Rd

Building

- 
Directions
- 
Save
- 
Nearby
- 
Send to phone
- 
Share

 100 Kenner Rd, Minoa, NY 13116

Photos

Schedule "2"

Michele Crego of 100 Kenner Rd has explained her plan to install a 6' wooden privacy fence on her property. I support her request for the proposed fencing.

Name	Address	Signature	Date
Anibal Abdella	102 Kenner Rd Minoa, NY 13116	Anibal Abdella	12/21/22
Kyle MacMaster	96 Ferndale Ln Minoa NY 13116	Kyle MacMaster	
Ted Spooner	99 Ferndale Ln	Ted Spooner	
Chris Eighmey	103 Kenner Minoa, NY 13116	Chris Eighmey	12/21/22
Melody Blake	100 Ferndale Minoa, NY 13116	Melody Blake	1/9/23

Schedule "3"