

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – Huard, Sharon and Jeff

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, July 16, 2020 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, Attorney Courtney Hills and Secretary Barbara Sturick

Absent: Member Nicole Stoffel and Gary Stoddard

Also present: Sharon Huard, Jeff Huard, Loretta Clark, John Powers and Tom Giufre

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on July 16, 2020 at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Sharon and Jeff Huard, 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), and § 66-2E 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. The applicant is proposing the installation of six-foot fencing. The subject premises are on a corner lot located in a Residential R-A Zoning District, known as 114 Forest View Lane and identified as tax Parcel No. 005.-05-04.0.

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

Attorney Hills advised Sharon and Jeff Huard 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. She 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?

Attorney Hills summarized the requested relief, Attorney Hills requested the applicant present their request to the ZBA.

Sharon Huard stated:

- Their home is located on a corner lot which per village code states they have two front yards and a fence cannot be higher than 4 ft. in front yard and they wish to install 6 ft. fence.
- They wish to install 6 ft. fence to keep their dogs in the back yard as they have installed an invisible fence and is not working.
- They believe the fence will hide their above ground pool which is a more desirable look for the neighborhood.
- Sharon Huard submitted, attached hereto as "ATTACHMENT 1", a statement addressing the balancing test of the five factors.
- Sharon Huard stated there are other similar fences on corner lots in the neighborhood and that their fence would not be as close to the road as those other examples. She stated the survey does not accurately depict the distance to the road.
- Sharon Huard submitted a list, attached hereto as "ATTACHMENT 2", of neighbors in support of the 6 ft. fence installation.
- Sharon Huard submitted, attached hereto as "ATTACHMENT 3-6", a Google aerial view of properties in the neighborhood of corner lots with similar fences.

The Zoning Board of Appeals discussed with the Sharon Huard:

- Chairman Chris Beers confirmed that there are at least ½ dozen corner lots in the neighborhood that have 6 ft. fences and that the survey does appear to depict the lot closer to road than it actually is.
- The Huard's intention is to install a brown PVC Vinyl privacy fence.
- The fence will not block visibility at the corner.
- Reviewed attachments/statements on the submitted by the Huard's.

Attorney Hills stated for the record that the Taverly Drive side has Utility Easement granted to Niagara Mohawk Power Corp, Verizon and Time Warner, and encouraged the Huard's to reach out to those companies and advised the Huard's would be at risk of having the fence removed should the need arise for access.

Chairman Beers asked if anyone from the public in attendance would like to make any comments:

Thomas Giufre of 102 Taverly Drive:

- Mr. Giufre submitted, attached hereto as "Attachment 7", a statement for the record stating he was not opposed to this particular application due to the uniqueness of the lot and the proposed placement of the fencing, but urged the board to apply the same considerations in evaluating future variance request.

Attorney Hills stated that every application is reviewed on a case-by-case basis (i.e., specific unique of lot lines, streets, and traffic conditions) to avoid setting a precedent.

John Powers of 118 Forest View Lane:

- Stated he had two comments which did not pertain to the application but Chairman Beers stated he would relay to Mayor Brazill.
  1. First he complained about having a No Outlet sign on Forest View Lane where it extends to the dead end.
  2. Second he complained about residents not stopping at the stop sign on Taverly and Forest View coming from Beresford Lane. Another board member expressed that the same thing was happening on East Ave and residents complained to the Town of Manlius police.

Attorney Hills confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0009660158-01; was posted at (6) six locations within the Village: Village Hall, Library door, 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.

Member Adrienne Turbeville moved to close the public hearing and continue in regular session at 7:25 pm. Seconded Scott Parish. 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 agreed there would not be an undesirable change to the neighborhood as there are similar corner lots with fences of the same height, and this particular corner lot is further away from lot line and street is not as wide as shown on the survey – thus no impact on visibility of passing traffic or vehicles backing out of adjacent driveways.
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 has tried alternative method of installing invisible to contain dogs and it has not worked and does not block the view of the pool. The applicant has also scaled back from their original variance request so as to only seek the bare minimum relief, and based on recommendation of the Village's DPW are leaving a 5 ft. gap from the fire hydrant so as to not impact access to same.
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 in opposing the proposed fencing, and granting same would be consistent with the character of the neighborhood.

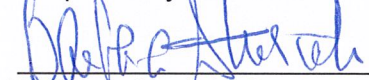
4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; considering the fence to road is 24 ft. and the fence will be 7 ft. off property line.
5. The Board determined the alleged difficulty was self-created, 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 Turbeville to approve the relief as follows: 3 ft. variance at the Intersection, a 2 ft. variance at the Front Yard of Taverly, to permit a continuation of the proposed 6 ft. fencing to enclose the property as shown on the survey. The motion was seconded by Member Parish. All in favor. Motion carried.

A motion was made by Chairman Beers to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:44 p.m. The motion was seconded by Member Scott Parish, and all were in favor. The motion carried.

Respectfully submitted,



Barbara Sturick, Secretary

Project: 114 Forest View Lane FENCE

Date: 7/16/20

**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?"

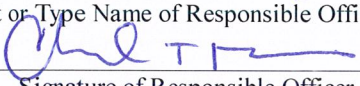
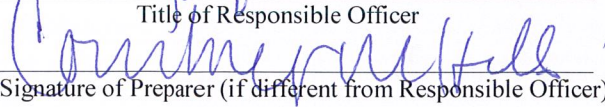
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity 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: 114 Forest View Lane

Date: 7/16/20

### 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 Minca ZBA <small>Name of Lead Agency</small>	7/20/2020 <small>Date</small>
CHRISTOPHER T BEERS <small>Print or Type Name of Responsible Officer in Lead Agency</small>	Village of Minca ZBA attorney <small>Title of Responsible Officer</small>
 <small>Signature of Responsible Officer in Lead Agency</small>	 <small>Signature of Preparer (if different from Responsible Officer)</small>


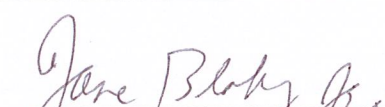
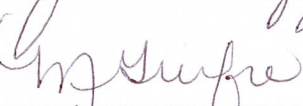

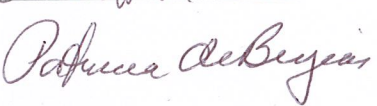

The ZBA must conduct a balancing test, weighting the benefit to the applicant if the relief was granted versus the burden to the health, safety and welfare that may be suffered by the community. In doing so they must consider the following five factors:

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.
  - a. There are a number of similar fences in the area.
  - b. Currently we have a big above ground pool that may be considered undesirable to look at – this fence would actually make the area look nicer.
  - c. Feedback / support from neighbors.
2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance.
  - a. We put in an invisible fence already and that has not successfully contained our dogs.
  - b. The alternative of a 4 ft fence would not properly contain our dogs.
3. Whether the requested area variance is substantial.
  - a. I would say that it is not substantial given the fact that within Minoa Farms, there are many other corner houses with similar fences, all of which are larger and closer to the road than ours will be.
4. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district.
  - a. The location of the fence in relation to the street on both Forest View and Taverly does not cause any issues with visibility for traffic coming around the corner and also allows for complete access to the fire hydrant located in our side yard on Taverly.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance?
  - a. Technically, it was created by us because we bought a house on a corner in a village where there are regulations about fences and also because we are dog lovers.

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"Attachment 1"

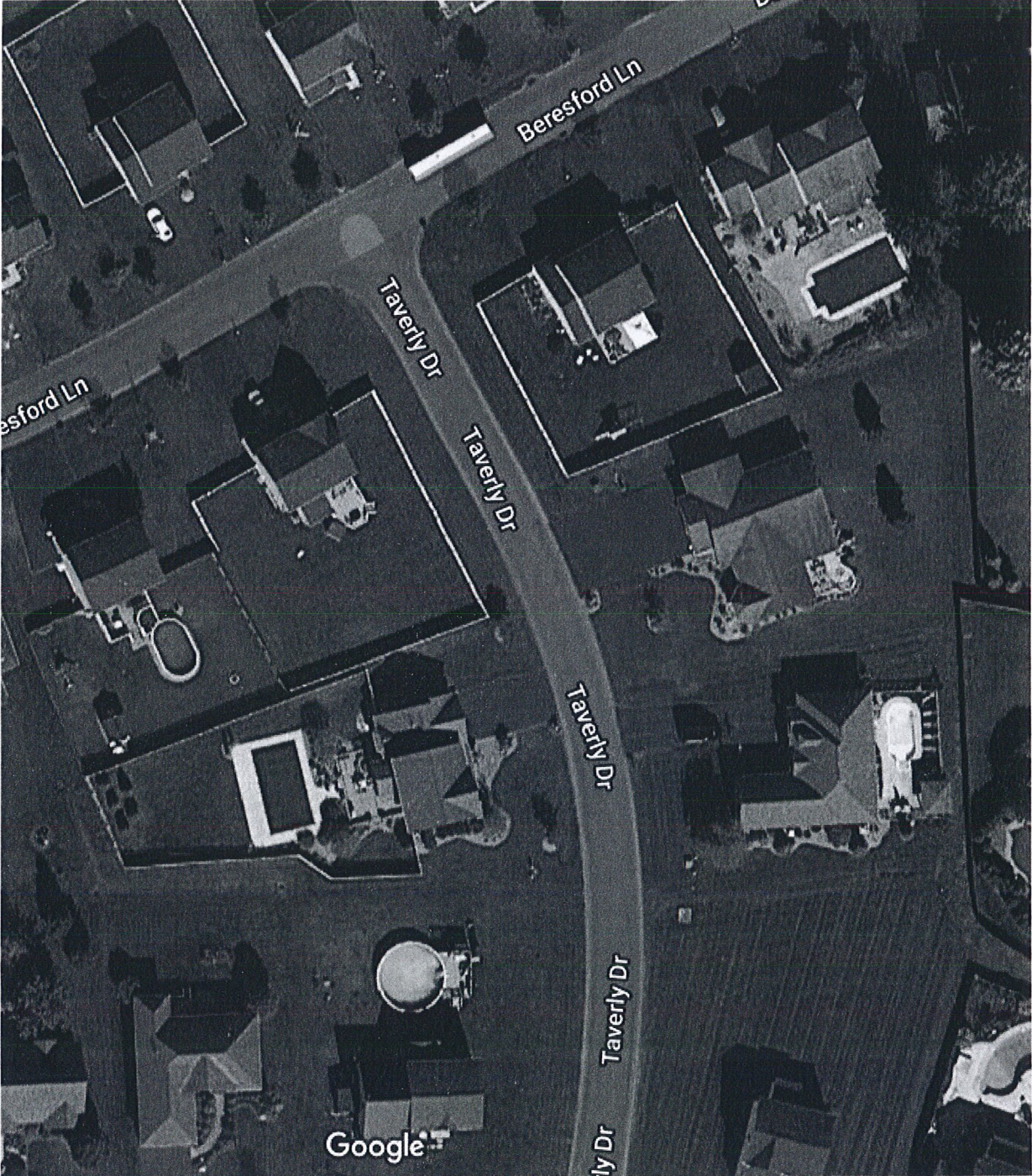
Sharon and Jeff Huard of 114 Forest View Lane have discussed their plans to install a 6 ft vinyl privacy fence on their property. I support their request for the proposed fencing.

Name	Address	Signature	Date
KAMRAN JAMES	112 Forest View Ln Minoa, NY, 13166		07-15-2020
Joseph Irzo Jane Blakley Jr	119 Forest View Ln Minoa, NY 13166		7/15/20
Melissa + Tom Giuffre	102 Taverly Dr Minoa NY		7-15-2020
Beth & Casey Lewis	115 Forest View Ln Minoa, NY		7/15/20
Patty + Mike deBerjeol's	103 Taverly Dr. Minoa, NY		7/15/20
John Jelfo	117 Forest View Ln Minoa, NY		7/15/20

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" ATTACHMENT 2 "





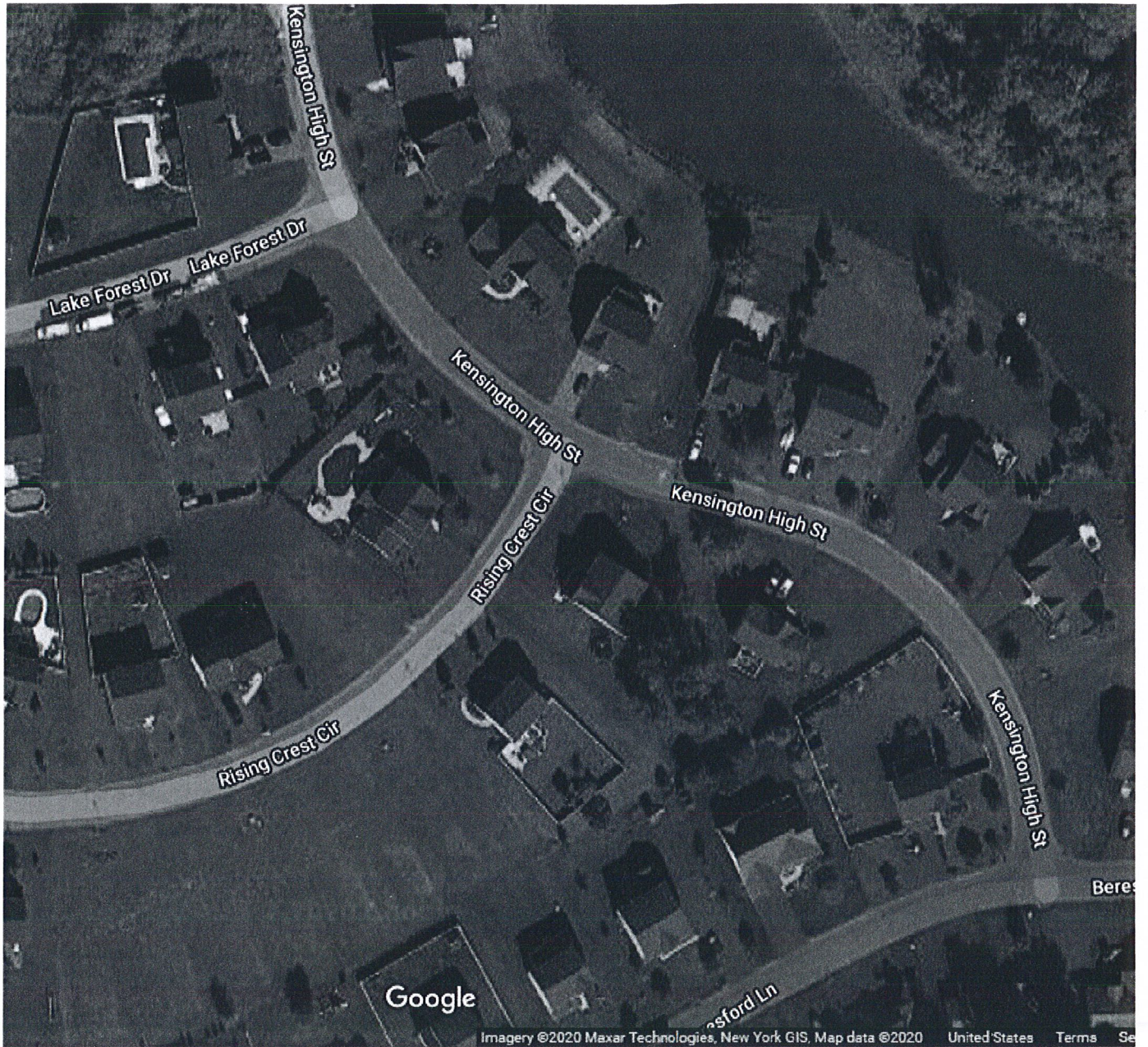
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"ATTACHMENT 3"

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← ATTACHMENT 4"



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" ATTACHMENT 5 "



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" ATTACHMENT 6 "

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Good evening,

My name is Thomas Giufre and I reside at 102 Taverly Drive in the village of Minoa.

My wife and I have reviewed the Huard proposal for a fencing variance on the corner property of Forest View Lane and Taverly Drive.

We reviewed and support the proposed staking of the fence line to be a straight line from the front house edge to the back, including appropriate spacing allowance for the fire hydrant.

Taverly Drive is a uniquely situated street in Minoa Farms with only 3 houses - two on one side, one on the other and a slight bow curve to the road. Our primary concern in the board approach for this and any future fencing variances will remain the preserved safety and visibility for both vehicular and pedestrian traffic.

The corner of Taverly and Forest View remains a busy school bus-stop and any limitations in view could create additional risks. The setback line, as proposed on the Huard's drawing, would continue to allow a line of sight to the bus stop gathering area around the stop sign.

However, we urge the board to recall this same priority consideration for safety when evaluating any future variance requests.

We kindly request that this statement be added to the Board minutes for this meeting and we will furnish a copy of this statement to Chris Beers and the Board for this purpose.

" ATTACHMENT 7 "