

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

**Application – Barry Crossman**

**Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday October 13, 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 Gary Stoddard, Scott Parish, Jeremiah Butchko, Secretary Sturick and Attorney Courtney Hills

Absent: ZBA Members Adrienne Turbeville

Also present: **Barry Crossman, Sally Crossman, James M Cerio Jr., Whitney Parish, Adilyn Parish, Elana Parish and David Gillespie**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on October 13, 2022 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Barry Crossman, for an Area Variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements **§160-10(1)(D) which imposes a 5' side yard setback for premises located in a Residential B Zoning District. The applicant is requesting two area variances for an existing Garage located 4.36' from westerly boundary line and an existing Carriage House located 4.79' from easterly boundary line for accessories structure.** The parcel is located within a Residential R-B Zoning District. The subject parcel is 412 East Avenue Minoa, NY designated as Tax Parcel No. 001.-02-15.0.

Chairman Chris Beers called the public hearing to order at 7:00 p.m. and read the above Public Hearing Legal Notice.

Attorney Courtney Hills stated for clarification the requested relief and stated the variance application came about due to a pending lot line adjustment request before the Village Board of Trustees. For a lot line adjustment to be approved, both lots as newly configured must be in compliance with the Village's zoning law. The subject parcel has an existing **Garage located 4.36' from the westerly boundary line and an existing Carriage House located 4.79' from easterly boundary line, both of which would be considered legal nonconforming structures as their existence predates the Village's zoning requirements. However, in order for the lot line to be approved, both structures must come into compliance either by removal or approved variances.**

Chairman Chris Beers advised Barry Crossman 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?

Barry Crossman requested that his daughter Whitney Parish present on his behalf:

- Ms. Parish stated that there is an existing garage located 4.36' from westerly boundary line, requiring a .64' variance, and an existing Carriage House located 4.79' from easterly boundary line, requiring a .21' variance. She advised both structures have been existing in those locations since the 1940's, thus there would be no change in the character of the neighborhood or detriment to nearby properties.
- Ms. Parish stated that it would not be reasonable to move either building.
- Ms. Parish stated she did not believe the request was substantial as it is only inches.
- Ms. Parish stated her parents have been in this location 5 years and believed there would be no negative environmental impacts.
- Ms. Parish acknowledged the relief requested was self-created, however testified there was no alternative placement.

Ms. Parish discussed and verified for the Board that at the time the Zoning Application was submitted in August 2022 there was a Lot Line adjustment in discussion with the neighbor, after the submittal of the application the Lot Line adjustment was placed on hold and is currently on hold but since they already submitted and paid for Variance application the Crossman's decided to pursue the Variance request submitted.

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

- David Gillespie, 406 East Ave stated he had no objection to the variance request.
- James Cerio, 420 East Ave stated the request would not affect him.

After public comment, Chairman Chris Beers inquired as to whether any of the Board Members had any questions for the applicant. Per the discussion with Ms. Parish and clarification of application request there were no other questions.

Member Gary Stoddard moved to close the public hearing and continue in regular session at 7:17 pm. Seconded by Jeremiah Butchko. All in favor; Motion carried.

Chairman Beers confirmed for the record that the Legal Notice was submitted to Advance Media New York with run date 10/2/2022 publication order confirmation #0010445592; Legal Notice was posted at (6) six locations within the Village: Village Hall, Library, Trappers II, Post Office, Sunshine Mart and Scotty's Automotive, Posted to Village Website 9/15/2022 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 resolved that since the Village's setback requirement was enacted after both structures had been built and in their current locations for years there would be no changes in the character of the neighborhood. **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 of moving the structures built in 1940's was not reasonable, or feasible and 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 the requested relief was minimal.
4. **The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; as nothing is changing.**
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 Jeremiah Butchko to approve the request as requested. The motion was seconded by Member Gary Stoddard. Member Scott Parish abstained from vote. 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 7:31 p.m. The motion was seconded by Member Jeremiah Butchko, and all were in favor. The motion carried.

Respectfully submitted,

  
Secretary Sturick

Project: 412 East Avenue

Date: 10/13/2022

**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?"

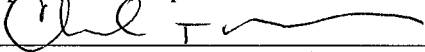

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity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

Date: 10/13/2022

### 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.
<u>ZONING BOARD</u>	<u>OCTOBER 13, 2022</u>
Name of Lead Agency	Date
<u>CHRIS BOERS</u>	<u>ZONING 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)

PRINT FORM