

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – Mitchell Smith and Kaitlyn Boepple

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, September 9, 2021 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, Gary Stoddard, Nicole Stoffel, Attorney Courtney Hills and Secretary Barbara Sturick

Absent:

Also present: Mitchell Smith, Kaitlyn Boepple, Carrie Mantor, Ryan Mantor, Melissa Giufre 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 **September 9, 2021** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Mitchell Smith and Kaitlyn Boepple, 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 a Residential R-A Zoning District, known as 112 Forest View Lane and identified as tax Parcel No. 005.-02-21.0.

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 Nicole Stoffel, and all were in favor. The motion was carried.

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

Chairman Chris Beers advised Mitchell Smith and Kaitlyn Boepple 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?

Mitchell Smith and Kaitlyn Boepple presented:

- Kaitlyn Boepple stated their home is located in Minoa Farms 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 yards, and they wish to install a 6 ft. fence.
- Kaitlyn reiterated the reasons submitted with her application with respect to the balancing test, a copy of which is attached hereto as Schedule "1" with 4 pages of supporting Google aerial views of properties in the neighborhood of corner lots with similar fences.
- Kaitlyn provided additional photos, a copy of which are attached hereto as Schedule "2" –a, -b and –c, to provide additional visual aide to the board members as to location of the fence and distance to road. They are requesting the fence to be 6ft high, located 35 ft off back of house towards Taverly Drive and there would be 15 ft to the road.
- Discussion pursued between Kaitlyn and the Board members as to where their Property Line ended, the current width of the Village Road and the actual Village Boundary Line. Chairman Beers stated the Village did not build the road as wide as they could so the distance per survey attached hereto as Schedule "3" is provided for clarification to exact locations of the applicants' property lines and Village roadway, and Village Code § 66-2A which requires fencing to be a minimum of 12 inches from property line.
- She stated they would like to install a pool in the future and would like to be able to utilize as much of their back yard as possible. They also want to provide safety for their large dog and themselves.
- Mitchell Smith stated the fence is proposed to be installed off the back of the house to be the furthest away from school bus stop on corner and to provide line of site for traffic as they are located on a busy corner.
- He stated they are fully aware of utility easement and are fully responsible if access is needed.
- Kaitlyn and Mitchell both stated they are more than willing to alter distance of requested from 35 ft to 25 ft. considering all factors.

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

Thomas and Melissa Giufre of 102 Taverly Drive:

- Thomas stated they are opposed to the variance request for a 6 foot vinyl fence extending 35 feet off the house corner towards Taverly Drive.
- Thomas submitted a letter to ZBA to be recorded for the record as to their opposition, a copy of the statement attached hereto as Schedule "4".
- Mr. Giufre stated previous concerns and considerations in prior variance request.

For the record Chairman Beers summarized a previous variance request of the Huard's in Minoa Farms at 114 Forest View Lane across the street from the applicant and a corner lot which held the same safety concerns of bus stop and visibility.

Member Nicole Stoffel moved to close the public hearing at 7:25 pm. Seconded Adrienne Turbeville. All in favor; Motion carried.

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VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – Carrie Mantor

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, September 9, 2021 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, Gary Stoddard, Nicole Stoffel, Attorney Courtney Hills and Secretary Barbara Sturick

Absent:

Also present: Mitchell Smith, Kaitlyn Boepple, Carrie Mantor, Ryan Mantor, Melissa Giufre 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 **September 9, 2021** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Carrie Mantor, 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 Industrial I Zoning District, known as 115 Edgewood Place and identified as tax Parcel No. 006.-02-07.3.

Chairman Chris Beers called the public hearing to order at 7:25 p.m.

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

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

Chairman Chris Beers advised Carrie Mantor 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?

Carrie Mantor presented:

- Carrie Mantor stated her 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. She stated she wishes to install a 6 ft. fence for privacy, personal security and to keep their dog in the backyard.
- Carrie referred to the factors to be considered by the board with respect to the balancing test”.
- Carrie stated she wants to install 6 ft. fence to enclose her backyard beginning at the back of her house and behind the driveway, which is the smaller portion of her property.
- She stated she has large front yard with plenty of visibility, the fence is to be installed in the same manner to match the neighbor across street to provide uniformity in the neighborhood.
- She stated fence would be 15 ft. from Willard and inside property line, and she did not consider her back yard as a front yard.

Member Nicole Stoffel moved to close the public hearing and continue in Regular Session at 7:33 pm. Seconded Gary Stoddard. All in favor; Motion carried.

Secretary Sturick confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010071954-01; 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 for 112 Forest View Lane application.

Secretary Sturick confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010073503-01; 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 for 115 Edgewood Place application.

Secretary Sturick confirmed for the Board that there is no other correspondence for or against the either Variance application.

The Board then went through each criteria and determined the following for Mitchell Smith and Kaitlyn Boepple of 112 Forest View 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 there are similar corner lots with fences, and considering the willingness of application to adopt the public opinion and install the fence 25 ft. from road it would not be a detriment to nearby properties.
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 alternative methods, specifically an invisible fence, but that would not provide the privacy they are looking to achieve, provide safety for their children or their dog, nor permit the use of all their property.
3. The Board members determined the requested area variance was not substantial after reviewing the particular circumstances of the application, and 6 ft. fence in comparison to 4 ft. fence that a 2ft difference in comparison to the area being considered is not 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 will be located in an easement and the applicant is fully aware and understands they will be responsible for any expense that incur for access.
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 Nicole Stoffel to approve the relief of 6 ft. fence, 25 ft. from road, and off the back of the house. The motion was seconded by Member Adrienne Turbeville. All in favor. Motion carried.

The Board then went through each criteria and determined the following for Carrie Mantor of 115 Edgewood Place:

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 and the applicant would be installing similar fence on the same angle as neighbor to provide uniformity and is located 13 ft. from roadway.
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 alternative methods, such as an invisible fence, but it would not contain her dog or provide privacy and that the proposed fencing is most logical.
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.
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.
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 Nicole Stoffel to approve the relief as submitted. The motion was seconded by Member Gary Stoddard. All in favor. Motion carried.

A motion was made by Chris Beers to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 8:00 p.m. The motion was seconded by Member Scott Parish, and all were in favor. The motion carried.

Respectfully submitted,

Barbara Sturick, Secretary