

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – **Denise O’Neil**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, December 9, 2021 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: ZBA Members Scott Parish, and Adrienne Turbeville, Gary Stoddard, Nicole Stoffel, Attorney Courtney Hills and Secretary Barbara Sturick

Absent: Chairman Chris Beers

Also present: Denise O’Neil and Steve Kieb

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on **December 9, 2021** at 7:00 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **Denise O’Neil**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: **§160-8(D)(4)(C) relative to setback regulations**, which requires a 30’ rear yard setback. The applicant is proposing the installation of 14’ x 24’ storage shed five feet from the rear property line, thus requiring a 25’ variance. The subject **parcel is located within a Residential A Zoning District**, known as **205 Dorothy Street** and identified as **Tax Parcel No. 002.-11-05.0**.

Co-Chairman Scott Parish called the public hearing to order at 7:00 p.m.

Courtney Hills read the Public Hearing Legal Notice.

Co-Chairman Scott Parish advised **Denise O’Neil** 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?

Denise O'Neil presented:

- **Denise O'Neil** stated she requesting to place a 14' x 24' storage shed five feet from the rear property line.
- **Denise O'Neil** stated she did not believe the shed would result in an undesirable change to the neighborhood as they have a privacy fence and large hedgerows so the shed will not be seen from the road. She believes it would improve the property as the shed is wooden pre-built and same color of the house. She stated her house is one of the smaller house in the neighborhood and part of reason for getting shed for storage.
- **Denise O'Neil** stated any alternative location would result the shed being too close to the house or center of yard and as such not feasible.
- **She** did not believe the request was substantial compared to her neighbor that has an industrial garage which she can see from her yard - she submitted pictures attached hereto as Schedule "1".
- **Denise O'Neil** stated she didn't believe there were any environmental concerns and that her property was one of the dryer lots in the neighborhood so she didn't believe there would be any drainage issues.
- **Denise O'Neil** acknowledged the alleged hardship was self-created.

Member Nicole Stoffel moved to close the public hearing and continue in regular session at 7:05 pm. Seconded by Gary Stoddard. All in favor; Motion carried.

Regular meeting of the Village of Minoa Zoning Board

Co-Chairman Scott Parish confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010160726-01; 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 **Denise O'Neil** of 205 Dorothy Street 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 is a similar structure located directly behind her house and this would be improvement in comparison. Another property in the neighborhood has two storage sheds. This is a unique accessory structure because of its overall size and distance to rear yard lot line. The shed will match the house, not stick out like a sore thumb, nor rot over time.**

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's alternative method to place shed 30 ft. from rear lot line would place the shed in center of yard and not feasible.**
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 shed location.**
4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; the **shed base would be stone and 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 further discussed the uniqueness of application not setting president: The height of hedgerow obstruction visibility of shed, the height of shed, material matching the house, built with wood withstand weather.

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:

- 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*

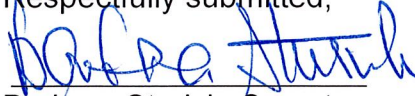
RECORD OF VOTE:

Scott Parish	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Adrienne Turbeville	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Gary Stoddard	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain
Nicole Stoffel	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

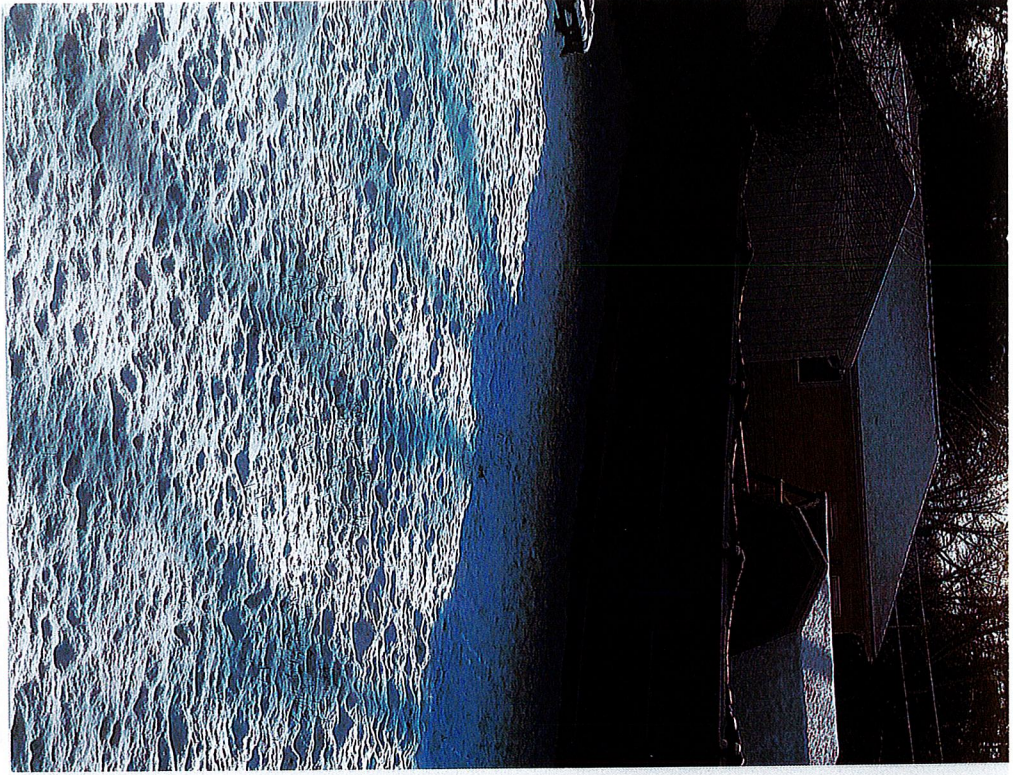
A motion was made by Member Nicole Stoffel to approve the relief as submitted. The motion was seconded by Member Gary Stoddard, all were in favor. The motion carried.

A motion was made by Adrienne Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:24 p.m. The motion was seconded by Member Nicole Stoffel, and all were in favor. The motion carried.

Respectfully submitted,



Barbara Sturick, Secretary



schedule "1"

Project:	205 Dorothy Street
Date:	12/9/2021

**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: 205 Dorothy Street

Date: 12/9/2021

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.

Village of Minoa ZBA _____ 12/9/2021 _____
Name of Lead Agency Date

Scott Parish _____ Co-chair _____
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Scott Parish _____
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)