

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – Lynn Williams

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, July 13, 2023 at 6:30 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, Adrienne Turbeville, Gary Stoddard, Jeremiah Butchko, and Secretary Barbara Sturick

Absent: Attorney Courtney Hills

Also present: Lynn and Mia Williams

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a Public Hearing on **Thursday July 13, 2023 at 6:30 p.m.**, in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of **Lynn Williams**, for an Area Variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A) which provides that accessory structures shall be located no closer to the rear lot line than a distance of not less than 10% of the lot width, nor any closer to the side lot line than the nearest point of the principal building or use and the requirements of §160-25.1(A)(1)(a) Rear Yard. The applicant is proposing a 24' round 54' tall above ground swimming to be situate 9' from the side yard line and 9' from the rear yard line. The parcel is located within a Residential **R-A1 Zoning District**. The subject parcel is **104 Siler Circle** Minoa, NY designated as Tax Parcel No. **006.-05-44.0**.

Chairman Chris Beers called the public hearing to order at **6:30 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 Beers summarized the requested relief, and requested the applicant present their request to the ZBA.

Chairman Chris Beers advised **Lynn Williams** 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:**

Lynn Williams stated she would like to install a 24' round 54' tall above ground swimming pool to be situate 9' from the side yard lot line and 9' from the rear yard lot line and stated that she would consider alternative locations acceptable to the Zoning Board if necessary. She stated that due to the particular shape of her lot that there was not enough room in the backyard to place the pool in the shadow of the house. She stated that she would like to have the pool at the farthest extent possible to give her the most yard space.

She does not believe there would be an undesirable change to the neighborhood as there are a variety of situations in the neighborhood with similar pool locations and that her direct neighbors have pools and fences. She did consider different size pools and this is the preferable pool size. She does not believe her request is substantial, or would have an adverse impact on the physical or environmental conditions in the neighborhood nor that her request was self-created.

Member Adrienne Turbeville moved to **close the public** hearing at 6:44 pm. and continue into Regular meeting. Seconded by Gary Stoddard. All in favor; Motion carried.

#### **Regular meeting of the Village of Minoa Zoning Board**

Secretary Sturick confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #0010681575-01; 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 **Lynn Williams** of 104 Siler Circle 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 pool located on the adjacent property and the property directly behind both with fences and those fences partially enclose her yard.**
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 pool size and the shadow of the house does not leave space between house and pool so the location makes sense.**
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. Jeremiah Butchko stated that numerical it is substantial but what 9 ft. looks like on the lot it is not on this particular lot as it is unique.**
4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; **the pool does not impact run off of water, there are no utilities, nor right-of-ways located on survey in backyard. The applicant is to run the pool hose to the road for draining as per village code therefore there would not be any drainage issue.**
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, and discussion of Interpretation of the regulations of the Village of Minoa Zoning Ordinances;

For this particular parcel according to the definition Section §160-3 and Section §160-10.1 and the Survey Submitted, the lot width size is 77.64' on a curve as shown on the survey. Per Section §160-25.1(A) 10% of the lot width therefore is 7.764' for Rear Yard and she is requesting 9' therefore a rear variance is not needed as the request was to place the pool no closer than 9' from the rear property line.

The 2<sup>nd</sup> item for the Zoning Board determination nor any closer to the side lot line than the nearest point of the principal building which is 15.8' per survey and she is requesting 9' therefore variance request 6.8'.

A motion was made by Chairman Chris Beers 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
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
Jeremiah Butchko	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain

A motion was made by Adrienne Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:11 p.m. The motion was seconded by Member Gary Stoddard, and all were in favor. The motion carried.

Respectfully submitted,

  
Barbara Sturick, Secretary

Project:	104 Siler Circle
Date:	07/13/2023

**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: 104 Siler Circle  
 Date: 07/13/2023

**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.

Village of Minoa Zoning Board of Appeals

May 25, 2023 7/13/2023

Name of Lead Agency

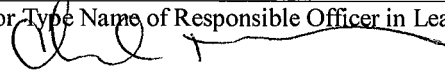
Date

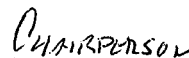
CHRISTOPHER BEERS

CHAIRPERSON

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)