

VILLAGE OF MINOA  
PUBLIC HEARING ZONING BOARD MINUTES

Application – **Shawn Harrington**

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, March 9, 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, Secretary Barbara Sturick and Attorney Courtney Hills

Absent:

Also present: Shaun and Marlea Harrington, Village of Minoa Planning Board Member Alan Archer

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on **March 9, 2023** at 6:30 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **Shaun Harrington**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: **§160-10-D-4(a)(3) relative to setback regulations**, which requires a 20' rear yard setback. The applicant is proposing the installation of 20' x 25' garage ten feet from the rear property line, thus requiring a 10' variance. The subject **parcel is located within a Residential R-B Zoning District**, known as **309 Edgerton Street** and identified as **Tax Parcel No. 002.-06-04.1**.

Chairman Chris Beers called the public hearing to order at 6:30 p.m.

Jeremiah Butchko moved to waive the reading of the Public Hearing Legal Notice. The motion was seconded by Adrienne Turbeville, 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 **Shaun Harrington** 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:

- Shaun Harrington stated that the Garage Architect Prints and Building Permit submitted state the size of the garage is 30' by 25' rather than a 20' x 25' as published in the Public Hearing notification.
- Shaun Harrington stated the reason to place the garage on the opposite side of driveway is that there is a Memorial Magnolia Tree at end of the driveway which they do not wish to cut down and the driveway side of the house receives the most sun. He stated it is more convenient to have access on the southwest side of the house where their cellar entrance is located to the backyard.
- The reason for the request to be 10' of the property line is to have as much lawn space in front of the garage as possible.
- Shaun Harrington submitted to the board a list of immediate neighbors which provided signatures that they do not have an issue with the variance request attached hereto as Schedule "1".
- They would be using the garage to store their snow blower, boat, motorcycle, and other items currently being stored elsewhere.

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties:  Yes  No  
Shaun Harrington stated he did not believe it would be a detriment to the neighborhood and believes the shed in their backyard would be improvement as it would provide storage and that the neighbor next door has shed.
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:  Yes  No  
Shaun Harrington stated they are currently using a white tarp shed as alternative for storage and that they currently store their belongings at relative's homes which are undesirable alternatives.
3. Whether the requested variance is substantial:  Yes  No  
Shaun Harrington stated he believed it could be considered substantial.
4. Would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood:  Yes  No
5. Whether the alleged difficulty was self-created:  Yes  No

The Board Members further discussed the following item with the applicant:

- Whether the garage was to match the house? Applicant stated the house is Cedar Shake with metal roof and the garage would have metal and they would paint to match.
- The drawing shows overhead door and man doors which directions would they face? The applicant stated the (2) doors would be facing Edgerton Street.
- The members clarified the distance from the house to the garage would be approximately 30'.
- The 30' side of garage would be parallel to DeSivla St.
- The Board clarified the distance of the front of the garage is approximately 110' from the road.
- The only resident to be able to see the garage is listed as neighbor who signed stating they did not have issue with garage.

Chairman Beers asked if anyone from the PUBLIC in attendance would like to make any COMMENTS:

Alan Archer of 121 Edgerton St. stated he is member of the Village Planning Board and just present to observe.

Member Gary Stoddard moved to **close the Public Hearing** at 6:44 pm. and continue into Regular meeting. Seconded by Scott Parish. 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 **#0010584481-01**; 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 **Shawn Harrington** of 309 Edgerton 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 are similar sheds on Edgewood Place and DeSilva Street although this particular**

**garage is slightly larger. The backyards in this neighborhood are very spacious and the property right next door has a similar shed.**

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 and currently have a white fabric tarp tent enclosure which the garage would be replacing. The 30' distance from the house is further away for any fire hazards. They could make smaller, but would not provide same benefit.**
3. The Board members determined the requested area variance **placement of the garage could be considered substantial in that the request is to be 10' off the backyard property line and the required setback is 20', therefore making the request a 50% variance.** Upon discussion and further review of the particular and unique circumstances of this application, and noting no neighbors were present or had written in opposing the proposed, and considering that the building size of 30' x 25' is permissible with a building permit, in comparison speaking the request is not substantial taking into consideration the size of property, and size of the adjoining properties consideration of all the factors presented it is not substantial request.
4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; the, **there are no utility easements or 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. **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, finds that:

A motion was made by Member Adrienne Turbeville to approve the relief as submitted. The motion was seconded by Member Gary Stoddard. 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*.

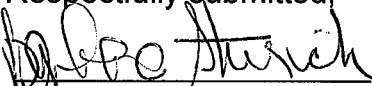
The Requested Variance is *approved*

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 Scott Parish to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:03 p.m. The motion was seconded by Member Jeremiah Butchko, and all were in favor. The motion carried.

Respectfully submitted,



Barbara Sturick, Secretary

March 6, 2023

We have no objection to Shaun and Marlea Harrington getting a variance to build a garage 10 ft from the back line on the south west corner of the property at 309 Edgerton Street.

NAME

Address

Clinton Wittwer

229 Desilver St.

John Crossin

305 Edgerton St

Elizabeth Knudsen

300 Edgerton St.

Thomas Knowlton

David Fench

304 Edgerton St

Jim Uy

104 Miller Dr.

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Project: 309 Edgerton Street

Date: 03/09/2023

**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: 309 Edgerton Street

Date: 03/09/2023

### 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.

ZONING BOARD

Name of Lead Agency

MARCH 9, 2023

Date

CHRISTOPHER BEANS

Print or Type Name of Responsible Officer in Lead Agency

CHAIRPERSON

Title of Responsible Officer

*[Handwritten Signature]*

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**