

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Denise Hile

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, May 25, 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, Gary Stoddard, Jeremiah Butchko, Adrienne Turbeville and Attorney Courtney Hills

Absent: Member Gary Stoddard and Secretary Barbara Sturick

Also present:

PLEASE TAKE NOTICE that the public hearing held by the Zoning Board of Appeals of the Village of Minoa, New York, on Thursday May 11, 2023 at 6:30 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of **Denise Hile**, for a variance of the regulations of the Village of Minoa Zoning Code, specifically: § 66-2E which requires fencing or screening along both front lot lines of a corner lot shall not exceed a height of 36 inches from grade for a distance of 20 feet from the point of intersection of such lot lines nearest the street corner (as defined in the Zoning Code of the Village of Minoa), has been continued for Thursday, May 25, 2023 at 6:30 p.m. The applicant is proposing the installation of six-foot fencing. The subject premises are on a corner lot located in **R-B District**, known as 210 Osborne Street and identified as tax Parcel No. 001.-03-11.0.

Member Adrienne Turbeville motioned to open the continuation of the public hearing previously held on May 11, 2023 to order at 6:30 p.m.; seconded by Member Jeremiah Butchko.

Chairman Chris summarized the initial requested relief and the modified requested relief which was developed after the ZBA did a site visit following the public hearing on May 11, 2023, and requested the applicant present their request to the ZBA.

Applicant Denise Hile presented the modified design as shown on Exhibit "A" attached hereto and made a part hereof.

Chairman Chris Beers advised **Denise Hile** 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:

- **Denise Hile** advised the ZBA there were no changes to her previous analysis of the 5 factors as testified to at the public hearing on May 11, 2023, and reaffirmed she was of the opinion that she has satisfied all of the elements.

Chairman Beers noted for the record there was no one from the PUBLIC in attendance.

Chairman Beers admitted an email from absent Member Gary Stoddard informing the Board of his opinion after visiting the site on May 11, 2023 and reviewing the modified plan proposed that evening. Attached hereto as Exhibit "B" is a true copy of said email.

Member Jeremiah Butchko moved to **close the public** hearing at 6:33 pm and to continue into Regular meeting. Seconded by Member Scott Parish. All in favor; Motion carried.

Regular meeting of the Village of Minoa Zoning Board

Chairman Beers confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation # **10010652137-01**; 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.

Chairman 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 for **Denise Hile** of 210 Osborne St 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 **that with the modified plan, there would be better line of sight for Reese Field and pedestrian traffic. The proposed fencing would not only benefit the applicant, but also those immediate adjacent neighbors who use the fencing to contain their dogs as they currently do with the existing fencing.**
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 the alternative methods use of all their property, and agreed to modify her initial proposal to address the Board's concerns.**
3. The Board members determined the requested area variance **was not substantial after reviewing the particular circumstances of the application, and taking into consideration the modified plan.**
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. As modified, the distance from the corner will not block view at corner and there is significant room to see around corner.**
5. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of an area variance. **YES**

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 modified. 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	<input type="checkbox"/> Absent
Scott Parish	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Adrienne Turbeville	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Gary Stoddard	<input type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent
Jeremiah Butchko	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

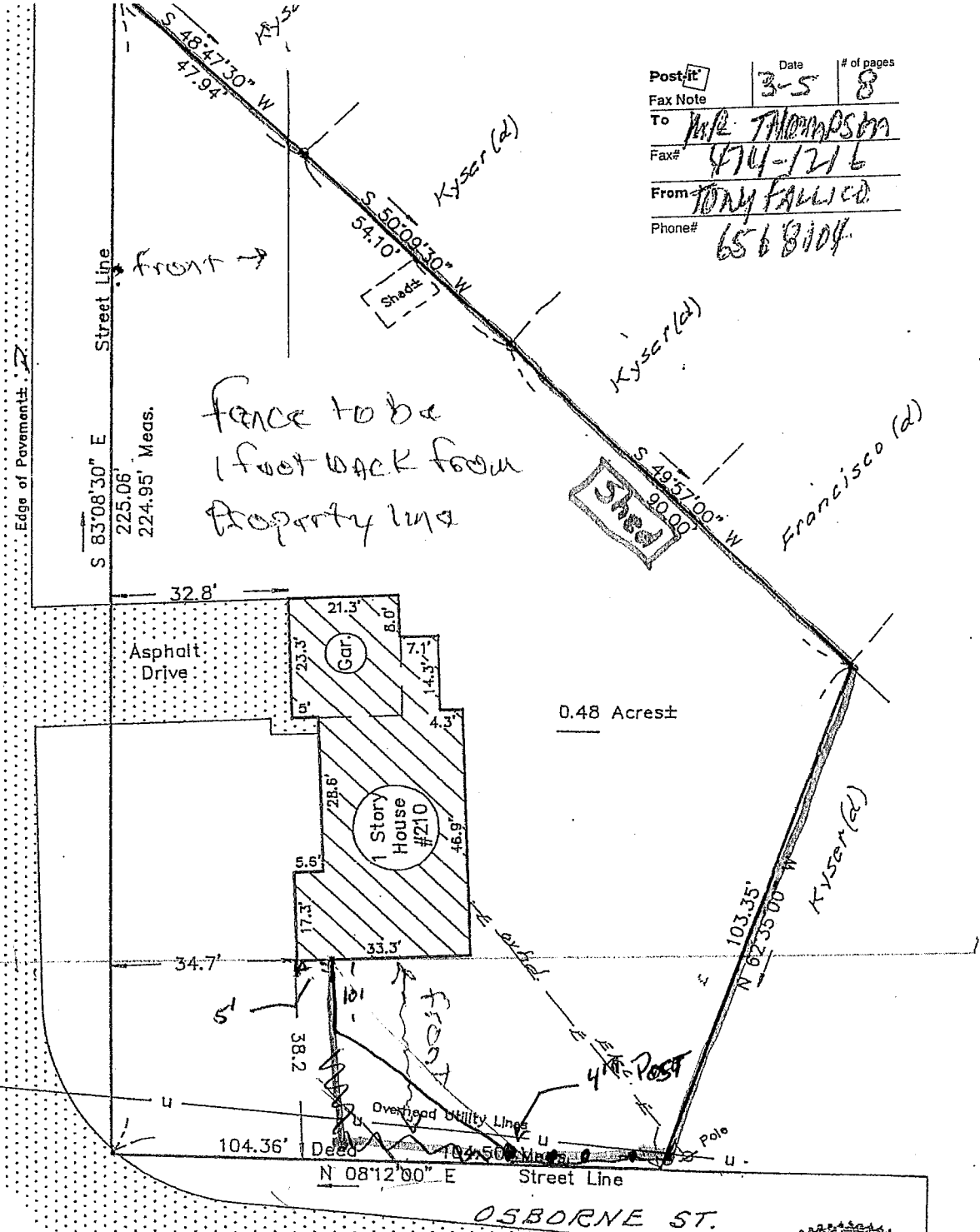
A motion was made by Member Adrienne Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 6:40 p.m. The motion was seconded by Member Scott Parish, and all were in favor. The motion carried.

Respectfully submitted,

Courtney M. Hills, Attorney

Post-it Date # of pages
 Fax Note 3-5 8
 To Mr. Thompson
 Fax# 474-1216
 From Tony Fallico
 Phone# 656 8104

OSBORNE STREET

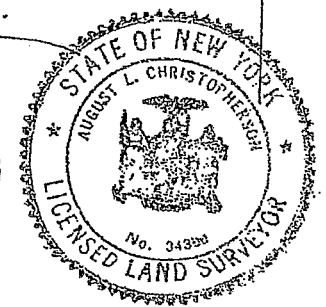


fence to be
 1 foot back from
 property line

0.48 Acres ±

— = Fence line (Arrow calls 811)

Ground obscured by 2' of snow at time of survey
 Tax #01-03-11
 Deed Reference: Phyllis G. Kyser Bk. /Pg.
 Subject to a Current Abstract of Title
 Utilities and underground structures not certified



CERTIFIED TO:
 Anthony Fallico Jr.
 Denise L. Hile-Fallico

HOUSE LOCATION MAP
 PART OF MILITARY LOT 35
 Town of Manlius
 Village of Minoa

This Certification shall be null & void if a Re-Survey/Update of Survey Map is done by others, except by the undersigned surveyor or his successor.

EXHIBIT "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.

After a site visit with the ZBA members to 210 Osborne St. the applicant is considering changing the original variance application as follows;

Applicant is replacing an existing 6' wood fence and replacing a portion of the existing wood rail fencing extending from the SW corner of the property to the 4th rail post, then extending the new 6' fence from that 4th post directly to a new 10' section of fence coming off the house that will be 5' back from the NW corner of the front of the house. Applicant needs to pay close attention to chapter 66-2B concerning the installation of fence in regards to property lines.

- 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;**

No, the old 6' wood fence is being replaced with new fencing.

- 2. Whether the benefit sought by applicant can be achieved by an alternate method, feasible for applicant to pursue, other than area variance;**

No, the applicant has a dog that can jump over a 3' fence and wants to obstruct the dogs view of the NW side of property.

- 3. Whether the requested area variance is substantial;**

No, the variance area is a small portion of the property being fenced in.

- 4. Whether the proposed variance will have an adverse effect on physical and environmental conditions in neighborhood or district;**

No, public response at the first hearing was for concern of the safety of the public near this property because of Rees' Field being across the street. At the Front N & W locations that involve the variance the obstruction of view is minimal with the changes as discussed.

- 5. Whether the alleged difficulty was self-created, which considerations shall be relevant but not dispositive to issuance of area variance?**

Yes, self-created.

Respectfully Submitted,
Gary Stoddard

EXHIBIT "B"

Project:	210 Osborne Street
Date:	05/25/2023

**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: 210 Osborne Street

Date: 05/25/2023

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

Name of Lead Agency

Date

CHRIS BEERS

CHAPELSON

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

[Handwritten Signature]

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)