

TOWN OF ONONDAGA

ZONING BOARD OF APPEALS

JOHN ELLEMAN, CHAIRMAN

MITCHELL CARMODY

BÉNÉDICTE DORAN

RONALD RYAN

CAROL SCHATTNER

ELLEN PRIEST, ATTORNEY

CHERYL E. HAMMOND, SECRETARY

MEETING MINUTES

MAY 15, 2018

Present: John Elleman
Mitchell Carmody
Ronald Ryan
Carol Schattner

Attorney: Ellen Priest
Secretary: Cheryl E. Hammond

Excused: Bénédicte Doran

Chairman, John Elleman called the meeting to order on Tuesday, May 15, 2018 at 7:00 PM.

Hearings:

1. Serhiy Kozak

This was an application for **Serhiy Kozak**, for an Area Variance under §285-9 of the Zoning Law of the Town of Onondaga to allow construction of a 12 ft. by 20 ft. shed, 4 feet from the northeast side line and 7 feet from the easterly rear line, a location not permitted by the Zoning Law of the Town of Onondaga at the property known as 5186 Kasson Road in the Town of Onondaga in a residential district (R₁).

Chairman John Elleman stated that the Posting Notice was published in the Post Standard on May 6, 2018. The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact. There are no referrals needed.

Mr. Kozak and his brother Rusland Kozak were present and in support of the application. Mr. Kozak brought letters from two of his neighbors. Neither of his neighbors have any problem with this application or the placement of the shed.

Discussion took place about putting the shed on the other side of the house, but there are a few good size trees there he would like to keep and currently storing a jet-ski over there and would like to place a playground for the kids there. There is a New York State law in place stating there cannot be anything built closer than 5 feet from the side line without all kinds of restrictions. Mr. Kozak felt he could move the shed 5 feet from the side line instead of the originally requested 4'. Mr. Kozak will be using the same siding as is on the house, there will be no electric. Everything that he wants to store in the shed was stored under a tent, due to the weight of ice and snow and weather has collapsed. He would prefer not to replace this tent every couple of years and put those items in a shed.

Being no other comments or questions from anyone, this application was closed.

2. Jennifer N. Matthews

This is an application for **Jennifer N. Matthews**, as owner, for an Area Variance under §285-9 of the Zoning Law of Town of Onondaga to allow construction of a 22 ft. by 26 ft. detached garage to the side of and slightly forward of the house, a location not permitted by the Zoning Law of the Town of Onondaga at the property known as 4333 Rohe Road in the Town of Onondaga in a residential district (R₁).

Chairman John Elleman stated that the Posting Notice was published in the Post Standard on May 6, 2018. The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact. There are no referrals needed.

Ms. Matthews and her husband were present and in support of this application, they brought with them five letters from neighbors that had no objection to this application or placement of the garage.

Discussion took place as to why the garage could not be moved back a bit further. If built back further, it would block the view of the woods they get from the house and it would extend their 300' driveway even further. The garage would not be easily accessed that far back. They have removed the shed that was on the property when purchased as it appears there was never a building permit issued for this shed. The garage will match the house with vinyl siding, an asphalt roof with stone trim. The detached garage will be used for storage of the applicant's pickup truck with cap that does not fit in the current garage, and equipment that is currently stored in Spafford. The company car will then have a place in the attached garage along with the company supplies. There will be electric, but no plumbing in the new detached garage.

Being no other comments or questions from anyone, this application was closed.

3. Nancy A. Miller

This was a continuance of the application for Nancy A. Miller, as owner, for a Special Permit under §285-27 of the Zoning Law of Town of Onondaga to allow construction of a 28 by 30 foot one-story addition consisting of a bedroom and bath on the existing house, which is non-conforming because it has a front yard setback of fifty feet, instead of the sixty-five feet required by the Town of Onondaga at the property known as 3907 Cherry Valley Turnpike, in the Town of Onondaga, in a residential and country district (RC).

The Board discussed the Onondaga County Planning Board Resolution that has been received and the only concern was that this site may contain a species of animal (Indiana bat), or associated habitats, listed by the state of federal government as threatened or endangered. Ms. Miller completed the NYS Ag & Markets Agricultural Data Statement to include with her application. This minor construction will not disturb this animal or associated habitats.

Also discussed was that the Town of Onondaga Planning Board has no objections to this Special Permit. The only comment they made was that the proposed addition does not contain any trees or other habitats that will be removed or destroyed which may impact the general possibility that bats live in this geographic area.

Being no other comments or questions from anyone, this application was closed.

4. Eugene and Penny O’Grady

This was a continuance of the application for Eugene and Penny O’Grady, as owners, for a Special Permit under §285-8 of the Zoning Law of Town of Onondaga to allow installation of a 10.35 kW ground-mounted solar PV array for the purpose of generating electricity, a Special Permit use at the property known as 3012 Amber Road in the Town of Onondaga, in a residential and country district (RC).

The Board discussed the Onondaga County Planning Board Resolution that has been received and filed with the application that had no concerns. Also discussed was the Town of Onondaga Planning Board has reviewed the new provisions of Section 285-36.1 of the Zoning Code, in particular Subsection (E) for ground-mounted solar energy systems and it appears that the proposal is in the rear of the property and complies with all of the setback requirements. The Town Planning Board just asked that the ZBA should go through the application and make sure that it complies with all of the paragraphs of Subsection (E) and (F) regarding the installation requirements.

Being no other comments or questions from anyone, this application was closed.

Action taken on Tonight’s Applications

1. Serhiy Kozak

After careful review and discussion of §285-9 of the Town of Onondaga Zoning Code, along with all submitted documents, Carol Schattner proposed a motion, seconded by John Elleman, that the Area Variance requested be APPROVED as applied for and proposed with detailed conditions to be spelled out in the Resolution. Motion carried 4-0.

2. Jennifer N. Matthews

After careful review and discussion of §285-9 of the Town of Onondaga Zoning Code, along with all submitted documents, Mitchell Carmody proposed a motion, seconded by Carol Schattner, that the Area Variance requested be APPROVED as applied for and proposed with detailed conditions to be spelled out in the Resolution. Motion carried 4-0.

3. Nancy A. Miller

After careful review and discussion of §285-27 of the Town of Onondaga Zoning Code, along with all submitted documents, Ronald Ryan proposed a motion, seconded by John Elleman, that the Special Permit requested be APPROVED as applied for and proposed with detailed conditions to be spelled out in the Resolution. Motion carried 4-0.

4. Eugene and Penny O’Grady

After careful review and discussion of §285-8 of the Town of Onondaga Zoning Code, along with all submitted documents, Ronald Ryan proposed a motion, seconded by John Elleman, that the Special Permit requested be APPROVED as applied for and proposed with detailed conditions to be spelled out in the Resolution. Motion carried 4-0.

Action on Resolution From Previous Meeting:

Carol Schattner proposed a motion, seconded by Mitchell Carmody, that the following Resolution be APPROVED as presented by Counselor Priest:

Robert and Lisa Whitwell

Motion carried 4-0.

Action on Minutes of May 1, 2018 Meeting:

Carol Schattner proposed a motion, seconded by Mitchell Carmody, that the minutes of the May 1, 2018 meeting be APPROVED.

Motion carried 4-0.

Adjourn:

Meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Cheryl E. Hammond
Secretary