

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 2, 2017

Present: John Elleman
Mitchell Carmody
Bénédicte Doran
Ron Ryan
Carol Schattner

Attorney: Ellen Priest
Secretary: Cheryl E. Hammond

Acting Chairman, Mitchell Carmody called the meeting to order on Tuesday, May 2, 2017 at 7:00PM.

Hearings:

1. Niagara Mohawk Power Corporation dba National Grid

This was a continuance for the application of **Niagara Mohawk Power Corporation d/b/a National Grid, Inc.**, as easement holder, for an Area Variance under §285-13 of the Zoning Law of the Town of Onondaga to allow front, side and rear yard set backs necessary to comply with Federal regulations regarding mandated distances between piping equipment and a Special Permit under §285-13 to allow a gas regulator station across both parcels, a Special Permit use which is required for facilities for the provision of natural gas to the local community at the property known as 6309 and 6301 South Salina Street in a Nedrow neighborhood shopping district (NS-N).

Appearing for National Grid was Benjamin Weisel, Attorney and Michael Corbett, Lead Gas Engineer.

Mr. Weisel told the Board that he has received a letter from DOT and they are in compliance with what they need.

Acting Chairman Carmody stated that OCPB recommendations have been received as well as the Town Planning Boards response. Mr. Weisel stated that he had received both as well. Acting Chairman Carmody asked the applicants and audience if anyone had anything further to add. Being no additional comments, the application was closed.

After careful review and discussion of §285-9 of the Town of Onondaga Zoning Code, along with all submitted documents, Bénédicte Doran proposed a motion, seconded by Carol Schattner, 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. John Elleman recused himself due to a conflict with his firms'

affiliation.

After careful review and discussion of §285-9 of the Town of Onondaga Zoning Code, along with all submitted documents, Ronald Ryan 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. John Elleman recused himself due to a conflict with his firms' affiliation.

2. Michael DiBella

This was for the application of **Michael DiBella**, as owner, for an Area Variance under §285-25 of the Zoning Law of Town of Onondaga to construct a 24 foot by 40 foot addition to an existing barn located on the south side of the house instead of behind the house as required by the Zoning Law of the Town of Onondaga at the property known as 3492 Amber Road, in the Town of Onondaga in a residential and country district (RC).

Chairman John Elleman stated that the Posting Notice was published in the Post Standard on April 23, 2017.

The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact. This needs no referrals to OCPB, Town Board or Town Planning Board.

Mr. DiBella appeared in support of this application. There are trees and a well behind the house which caused Mr. DiBella to apply for a variance in May 2000 to build the original 30 foot by 40 foot barn. Mr. DiBella now wishes to add a 24 foot by 40 foot addition to this barn. He brought three letters from his neighbors in favor of this application. He will be using the addition for storage of his tractor, boat and jeep. The barn cannot be seen from the road, may have electricity, but no water and it will be for personal use only.

Chairman Elleman asked the applicant and audience if anyone had anything further to add, being no additional comments, the application was closed.

3. Rae Butler & George Tyler

This was for the application of **Rae Butler & George Tyler**, as owners, for a Use Variance under §285-11 of the Zoning Law of the Town of Onondaga to allow a home office, a use not permitted by the Zoning Law of the Town of Onondaga at the property known as 106 Kenyon Dr. in the Town of Onondaga in a residential district (R3).

Chairman John Elleman stated that the Posting Notice was published in the Post Standard on April 23, 2017.

The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact. This needs no referrals to OCPB, Town Board or Town Planning Board.

Ms. Butler and Mr. Tyler were in attendance to support their application. There was no one else there either for or against this application.

Chairman Elleman explained in depth what was needed for the Use Variance to be approved. Discussion took place regarding an home office versus a home occupation, business certificates, dba's and LLC's. Ms. Butler is an engineer, she has office space in Fayetteville, but works from home. Clients do not come to her home and she has no employees. The room that she would like to add is a multi-purpose room that her desk will be in where she will sit and work.

After much discussion, it was decided that this was not a home business and Ms. Butler asked that her application be withdrawn. It was discussed that if there was any money left over we can check to see if it can be refunded.

4. Robert and Kathleen Vinciguerra

This was a continuance for the application for Robert & Kathleen Vinciguerra, as owners, for a Use Variance under §285-9 of the Zoning Law of the Town of Onondaga to allow a dental office, which requires a Use Variance at the property known as 4827 Broad Road in the Town of Onondaga in a residential district (R¹).

Due to the recent passage of Local Law No. 2-2017, the dental office is now considered to be a permitted use and this no longer requires approval from the Zoning Board of Appeals.

Carol Schattner proposed a motion, seconded by Mitchell Carmody that this application be closed as there is no action required from the Zoning Board of Appeals with the approval of Local Law 2-2017. Motion carried 5-0.

Action taken on Tonight's Application

1. Michael DiBella

After careful review and discussion of §285-9 of the Town of Onondaga Zoning Code, along with all submitted documents, John Elleman proposed a motion, seconded by Mitchell Carmody, that the Area Variance requested be APPROVED, as applied for and proposed with detailed conditions to be spelled out in the Resolution. Motion carried 5-0.

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:

Motion carried 5-0.

CST New York, LLC.

Action on Minutes of April 18, 2017 Meeting:

Bénédicte Doran proposed a motion, seconded by Carol Schattner, that the minutes of the April 18, 2017 meeting be APPROVED.

Motion carried 5-0

Adjourn:

Meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Cheryl E. Hammond
Secretary