

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

AUGUST 7, 2018

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

Attorney: Ellen Priest
Secretary: Cheryl E. Hammond

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

Hearings:

1. Joseph T. and Judy A. Deyneka

This was an application for **Joseph T. and Judy A. Deyneka, as owners**, for an Area Variance under §285-9 of the Zoning Law of the Town of Onondaga to allow an entry ramp 150 feet by 4 feet with 6 landings to access the house, resulting in a violation of the front yard setback of 65 feet and requesting a side yard setback of 4 feet instead of the required 15 feet at the property known as 5050 Cedarvale Road in the Town of Onondaga in a residential district (R).

Chairman, John Elleman, stated that the Posting Notice was published in the Post Standard on July 29, 2018. The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact.

Mr. Deyneka was present and in support of his application. He gave the board a letter from his neighbor to the north (left side of property) in support of the construction of the ramp.

There was discussion between Mr. Deyneka and the Board regarding where the ramp was going to be located. The Board wanted to know if this has been surveyed out. Mr. Deyneka feels the cost of the ramp should be about \$3,500 and this is the only way he feels he can have the access he needs for both him and his wife.

There was further discussion regarding the placement of a lift or a stair climber and the fact that should cost less than \$3,500. Mr. Deyneka would really like to build the ramp, and he would like to finish this ramp project by next spring.

The Board would really like to see a letter from the neighbor on the other side of his property to make sure they are in support of this project and he needs to do some refiguring so the ramp is not on the right of way. The applicant needs to move the ramp back and the plan does not reflect this pushback.

There are other ways to accomplish this goal without doing a ramp which is outside of codes. The applicant does not like the looks of the lifts.

Unfortunately, sometimes we cannot approve an Area Variance and this one is a beauty. To reconsider this application we would need an up to date survey, the one submitted with the application is from 1974, a letter from the other neighbor stating that they are in support of the ramp, and some new plans, possibly with the basement option of an addition of a lift.

Being no further questions, this application was adjourned for two weeks for the applicant to think over if he would like to make any changes for the Board to reconsider.

2. Faith Chapel as owner and Cassandra F. Newell, as lessee

This was an application for **Faith Chapel as owner and Cassandra F. Newell, as lessee**, for a Special Permit under §285-9 of the Zoning Law of the Town of Onondaga to allow operation of a daycare facility within the existing church structure, a Special Permit use allowed at the property known as 4113 West Seneca Turnpike, 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 July 29, 2018. The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact. Referrals are needed to the Onondaga County Planning Board as this is on a county road and a Special Permit and Town Planning Board due to the Special Permit.

Cassandra and Harley Newell were present as well as Leo Doody, Chair of the Deacons at Faith Chapel and all were in support of this application. The Newell's brought with them two letters signed by neighbors that did not object to a Day Care Center at Faith Chapel.

Discussion took place that the day care center would be in the church building primarily in the children's wing of the church within the existing classrooms. They have not nailed down the age group yet, but they are thinking from 6 weeks until 12 years old. The hours of operation would be 7am until 5:30pm, Monday thru Friday. There should be no overlap in church activities, so this would not create a parking situation.

Traffic will be addressed by the OCPB and Town Planning Boards.

Being no further questions or concerns, this application was adjourned until September 18, 2018 awaiting receipt of the referrals from OCPB and the Town Planning Board.

3. Jason Baleno, James Briggs, and Linda Geis

This is an application for **Jason Baleno, James Briggs, and Linda Geis, as owners**, for an Area Variance under §285-8 of the Zoning Law of the Town of Onondaga to allow installation of a 27 foot round above-ground pool in the rear side yard, 43 feet from the side line, instead of behind the house as required by the Zoning Law of the Town of Onondaga at the property known as 4302 Tanner Rd 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 July 29, 2018. The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact.

James Briggs and Linda Geis were present and in support of their application with written permission to act on his behalf from Mr. Baleno who also supported the application. They have provided three letters from all of their neighbors who were in favor of the above ground pool.

Discussion took place and it was determined that the septic system is located directly behind the house and they are placing the above ground pool in almost the exact spot that there was once an inground pool.

Being no further questions or comments either in favor or against this application, the hearing was closed.

4. Marc Seaward

The application of **Marc Seaward, as owner**, for a Special Permit under §285-8 of the Zoning Law of the Town of Onondaga to allow a 24 foot by 24 foot expansion of an existing legal non-conforming barn, a Special Permit use at the property known as 4456 Cole 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 July 29, 2018. The Short Form Environment Assessment Form was reviewed and if approved would have no negative environmental impact. Referrals are needed to the Onondaga County Planning Board as this is on a county road and a Special Permit and Town Planning Board due to the Special Permit.

Marc Seaward was present and in support of this application. He would like to add a 24 foot by 24 foot addition to his current barn which was built in the 1920's. The addition will be behind the current structure and not going toward the road. He would build the addition to match the current structure.

Discussion took place that there would be electric in the barn, there would be no water in the barn and the inside would be unfinished. There would be no commercial use. The septic is behind the house so there would be no encroachment on the septic.

Being no further questions or concerns, this application was adjourned until September 18, 2018 awaiting receipt of the referrals from OCPB and the Town Planning Board.

Action taken on Tonight's Applications

1. Jason Baleno, James Briggs, and Linda Geis

After careful review and discussion of §285-8 of the Town of Onondaga Zoning Code, along with all submitted documents, Ron Ryan 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 5-0.

Chairman Elleman was excused from the meeting at this time and turned the meeting over to Acting Chairman Mitchell Carmody at 8:35 p.m.

Action on Resolution From Previous Meeting:

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

Marcellus School District and Agents: Daniel & Robert Bennett

Motion carried 4-0.

Adjourn:

Meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Cheryl E. Hammond
Secretary