

**Organization River Area Council of Governments**

**Board Cooperative ZBA**

**Date and Time Wednesday, May 6 2009 at 7:30 PM**

**Place Town of Champion Offices Board Room (rear of building) 10 N Broad St, West Carthage NY**

**Contact [Chris Vargulick](#) Town Clerk Phone (315) 493-3240 Fax(315) 493-2900**

**Minutes**

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PRESENT: J. Barnes, L. Haverstock, and T. Kight

ABSENT: D. Austin and B. Shampine

Chairman Kight called the meeting to order at 7:30pm. The roll was called.

Motion by L. Haverstock, seconded by J. Barnes to dispense with the reading of the April 1, 2009 minutes and to approve the minutes as presented. Ayes-3, Nays-0. Motion carried.

Proof of notice having been furnished, the public hearing on an application (Log #2009-1) for an area variance for parcel no. 86.41-2-64 owned by Thomas Schroy and located at 205 S. James St., Carthage was called to order at 7:31 pm by Chairperson Kight.

Mr. Schroy stated that he is requesting a variance of the rear and left side yard setback for the purpose of constructing a 20' x 20' garage. The property is located in an R-3 zone. The application indicates rear and left sideyard setbacks of 6'. The required rear setback is 15' and the sideyard setback is 10'. Therefore, the applicant is requesting a 9' variance of the rear yard setback and a 4' variance of the left side yard setback. Mr. Schroy submitted three letters of support for adjacent property owners.

The Board reviewed and responded to the environmental impact assessment regarding the action proposed by Mr. Schroy. Motion by L. Haverstock, seconded by J. Barnes to make a declaration of negative environmental impact as a result of the action. Ayes-3, Nays-0. Motion carried.

All persons desiring to be heard, having been heard, the hearing was closed at 7:40pm.

The Board reviewed the submitted drawing and the location of structures on the property.

The following resolution was offered by L. Haverstock, who moved its adoption, and seconded by J. Barnes, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Thomas Schroy for a variance to Schedule II: Lot Dimensions of the Zoning Law of the V/Carthage to permit a variance of the rear yard and left sideyard setback for the purpose of constructing a garage, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concluded that the proposed construction location would mitigate the visual impact.
- B. The Board concluded that the benefit sought by the applicant could not be achieved by a feasible alternative.
- C. The Board concluded that the requested variance of 9' to the rear yard and 4' to the side yard setback is substantial relative to the required setback.
- D. The Board concluded that the variance would not have an adverse impact on the physical conditions of the neighborhood.
- E. The Board concluded that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Thomas Schroy for a variance of Schedule II: Lot Dimensions of the V/Carthage Zoning Law for parcel number 86.41-2-64 is hereby approved with the following conditions:

1. The rear yard setback shall not be less than 6'.
2. The left side yard setback shall not be less than 6'

The foregoing resolution was duly put to a vote as follows:

D. Austin.....absent  
J. Barnes.....aye  
L. Haverstock.....aye  
T. Kight.....aye

B. Shampine.....absent

The Board acknowledged the receipt of an incomplete application for an area variance from Charles Kelley, 226 S. James St., Carthage. The application lacked any map or drawing or any documentation from the zoning enforcement officer indicating a permit denial. The applicant was advised regarding the deficiencies of the application. No action was taken pending submission of a complete application.

Motion by L. Haverstock, seconded by J. Barnes to adjourn. The meeting adjourned at 8:07pm.

Christina Vargulick  
Christina Vargulick, Secretary  
RACOG Cooperative ZBA