

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, March 3 2010 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

PRESENT: D. Austin, T. Kight, B. Peck and B. Shampine

EXCUSED: L. Haverstock

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

Motion by B. Peck, seconded by B. Shampine to dispense with the reading of the February 3, 2010 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

T. Kight reviewed the application (Log #2010-1) for an area variance for parcel no. 86.41-1-40 owned by Carthage Free Library and located at 412 Budd Street, Carthage. Ron Barrows, development consultant, explained that the library proposes constructing an addition to the rear of the existing building to provide an additional 1754 sq. ft. for library programs and to make the building ADA compliant. The library is located in an R-3 zoning district which requires a 30' rear yard setback and 15' left side yard setback.

Proof of notice having been furnished, the public hearing on the area variance for parcel no. 86.41-1-40 was called to order at 7:32pm by Chairperson Kight. The following persons spoke in favor of the variance: Lawrence Hassler, Maria Roche, John Hirschey, and Pat Kehoe. Letters of support were received from: Kinney's Drugs, Patrick Donegan, and Carthage Federal Savings & Loan. No one spoke in opposition.

Member's reviewed the plan. T. Kight questioned whether the new addition has a roof overhang. R. Barrows responded that the building is designed with a flat roof. Drainage shall be directed to the storm sewer. T. Kight questioned why the stairwell must extend toward the left side yard. R. Barrows answered that the design was necessary to meet the grade for the ADA accessible ramp. Changes would require relocation of restrooms and other facilities requiring plumbing. T. Kight noted the large amount of snow at the rear of the building and questioned whether it would impact parking. R. Barrows responded that the owner of the lot will be able to remove snow as necessary. T. Kight asked if the library building was on the National or State Historic Register. R. Barrows said it was not but was eligible for consideration. Approval of the proposed addition is required from the State Historical Preservation Office because the project will use state and/or federal funding.

The Board reviewed and responded to the environmental impact assessment regarding the action proposed by Carthage Free Library. Motion by B. Peck, seconded by B. Shampine to make a declaration of negative environmental impact as a result of the action. Ayes-4, Nays-0. Motion carried.

All persons desiring to be heard, having been heard, the hearing was closed at 7:58pm.

The Board reviewed and determined that the requested area variances are as follows:

A 21.7' rear yard variance of the required 30'.

An 8' left side yard variance of the required 15'.

T. Kight asked if the V/Carthage Planning Board had set any conditions. R. Barrows reported that they had not.

The following resolution was offered by D. Austin, who moved its adoption, and seconded by B. Shampine, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Carthage Free Library for a variance to Schedule II of the Zoning Law of the V/Carthage to permit a variance of the rear yard setback for the purpose of constructing a 1754sq. ft. addition, 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 would produce no undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concluded that the benefit sought by the applicant could not be achieved by a feasible alternative due to the grading necessary for ADA compliance.
- C. The Board concluded that the requested variance for an 8.3' rear 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 since it would be consistent with other structures.
- E. The Board concluded that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Carthage Free Library for a variance of Schedule II of the V/Carthage Zoning Law for parcel number 86.41-1-40 is hereby approved with the following conditions:

- 1. The rear yard setback shall not be less than 8.3' from the property boundary.

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

- D. Austin.....aye
- L. Haverstock.....absent
- T. Kight.....aye
- B. Peck.....aye
- B. Shampine.....aye

The following resolution was offered by B. Shampine, who moved its adoption, and seconded by B. Peck, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Carthage Free Library for a variance to Schedule II of the Zoning Law of the V/Carthage to permit a variance of the left side yard setback for the purpose of constructing a 1754sq. ft. addition, 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 would produce no undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concluded that the benefit sought by the applicant could not be achieved by a feasible alternative due to the grading necessary for ADA compliance.
- C. The Board concluded that the requested variance for a 7' left 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 since it would be consistent with other structures.
- E. The Board concluded that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Carthage Free Library for a variance of Schedule II of the V/Carthage Zoning Law for parcel number 86.41-1-40 is hereby approved with the following conditions:

- 1. The left side yard setback shall not be less than 7' from the property boundary.

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

- D. Austin.....aye
- L. Haverstock.....absent
- T. Kight.....aye
- B. Peck.....aye
- B. Shampine.....aye

Motion by D. Austin, seconded by B. Peck to adjourn. The meeting adjourned at 7:58pm.

