

**Organization River Area Council of Governments**

**Board Cooperative ZBA**

**Date and Time Wednesday, December 1 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**

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RACOG  
Cooperative Zoning Board of Appeals

TO: Members of the Co-op ZBA, T/Champion Board, T/Wilna Board, V/Carthage Board, Town/Village Clerks, Zoning Enforcement Officers, Timothy Farley, T/Champion Attorney, Mark Gebo, T/Wilna & V/Carthage Attorney and Planning Board Chairmen

FROM: Christina Vargulick, Cooperative ZBA Secretary

DATE: December 2, 2010

RE: Minutes from December 1, 2010

PRESENT: D. Austin, B. Peck, L. Haverstock, and T. Kight

EXCUSED: B. Shampine

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

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

Proof of notice having been furnished, the public hearing on application (Log #2010-4) for an area variance for parcel number 68.08-2-47.1 from Denise Scanlin, 43982 Church St., Natural Bridge, was called to order at 7:32pm. Ms. Scanlin submitted a letter of support signed by six persons and a detailed plan of the proposed construction. L. Haverstock questioned whether the addition could be moved farther away from Church Street. Ms. Scanlin responded that such a change would require relocating the electric service. Members reviewed the revised measurements and calculated the requested variance. Since Ms. Scanlin's property is located at the corner of Church and Temple Streets, the setbacks from both streets must be considered as front yards. The required front yard setback is 75' from the center of the road. Ms. Scanlin is requesting a variance of 43.5' from the center of Temple Street and a variance of 38'4" from Church Street. L. Haverstock asked if the applicant had considered constructing the addition in the rear yard. Ms. Scanlin responded that the rear was not her preferred location and that construction in that area would require some fill. No one spoke for or against the proposed area variance. All persons desiring to be heard, having been heard, the public hearing was closed at 7:47pm.

The Board reviewed and responded to the environmental impact assessment regarding the action proposed by Denise Scanlin. Motion by D. Austin, seconded by L. Haverstock to make a declaration of negative environmental impact as a result of the action. Ayes-4, Nays-0. Motion carried. Members reviewed the criteria for an area variance..

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

WHEREAS, the RACOG Cooperative ZBA has received an application from Denise Scanlin, parcel number 68.08-2-47.1, for a variance of Schedule II of the T/Wilna Zoning Law to permit a variance of the minimum front yard setback on **Church Street**,  
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 not produce an 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 be achieved by locating the addition in rear yard.
- C. The Board concluded that the requested variance to the front yard setback is substantial relative to the required setback but can be mitigated by decreasing the length of the proposed addition by 5'4".
- 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 due in part to the failure of the applicant to apply for a zoning permit/building permit prior to proceeding with construction.

NOW, THEREFORE BE IT RESOLVED that the application from Denise Scanlin, parcel number 68.08-2-47.1, for a variance of Schedule II of the T/Wilna Zoning Law is hereby approved with the following condition:

- 1. The distance from the center of the road to the new construction shall not be less that 33' (thirty three feet).

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

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

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

WHEREAS, the RACOG Cooperative ZBA has received an application from Denise Scanlin, parcel number 68.08-2-47.1, for a variance of Schedule II of the T/Wilna Zoning Law to permit a variance of the minimum front yard setback on **Temple Street**, 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 not produce an 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 be achieved by locating the addition in rear yard.
- C. The Board concluded that the requested variance to the front 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 due in part to the failure of the applicant to apply for a zoning permit/building permit prior to proceeding with construction.

NOW, THEREFORE BE IT RESOLVED that the application from Denise Scanlin, parcel number 68.08-2-47.1 of Schedule II of the T/Wilna Zoning Law is hereby denied.

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

- D. Austin.....aye
- L. Haverstock.....aye
- T. Kight.....nay
- B. Peck.....nay

T. Kight advised the applicant that the Zoning Board is required to enforce the Town zoning law as it is written and that only the T/Wilna Board has the authority to amend the zoning setbacks.

Motion by B. Peck, seconded by D. Austin to adjourn. The meeting adjourned at 8:22pm.

