

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, December 5 2012 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

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 7, 2012

RE: Minutes from December 5, 2012

PRESENT: R. Blank, L. Haverstock, T. Kight and B. Shampine

EXCUSED: D. Austin

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

Motion by B. Shampine, seconded by R. Blank to dispense with the reading of the November 7, 2012 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

T. Kight reviewed an application (Log #2012-2) for an area variance for parcel no. 77.18-1-36 submitted by Arthur Pellerin. The applicant requests a variance of the rear yard setback.

Proof of notice having been furnished, the public hearing on an area variance for parcel no. 77.18-1-36 was called to order at 7:32pm by Chairperson Kight. T. Kight stated that, based Article 3 - Lot Line , Front, the property was deemed to have two (2) front lot lines - one bordering NYS Route 3 and the other bordering the Black River. Therefore, the required setback from the river is 50 feet. Mr. Pellerin advised the Board that the lot is 88 feet deep. L. Haverstock questioned where the measurements were taken. Mr. Pellerin responded that he and ZEO Robert Ball measured to the river edge. L. Haverstock inquired how the high water mark was determined. ZEO Ball responded that there was significant evidence of debris deposited at the high water mark. Motion by L. Haverstock, seconded by B. Shampine to close the public hearing. Ayes-4, Nays-0. Motion carried. The hearing was closed at 7:48pm.

The Board reviewed and responded to the environmental impact assessment regarding the proposed action. Motion by R. Blank, seconded by L. Haverstock to make a declaration of negative environmental impact as a result of the action. Ayes-4, Nays-0. Motion carried.

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

WHEREAS, the RACOG Cooperative ZBA has received an application from Authur Pellerin, parcel number 77.18-1-36, for a variance of Schedule II of the T/Wilna Zoning Law to permit a variance of the rear yard setback;
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 variance would not produce an undesirable change in the character of the neighborhood.

- B. The Board concluded that the benefit sought by the applicant could not be mitigated due to the riverfront.
- C. The Board concluded that the requested variance of the 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.
- E. The Board concluded that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Arthur Pellerin, parcel number 77.18-1-36, for a variance of Schedule II of the T/Wilna Zoning Law is hereby approved with the following conditions:

1. A variance of the required rear yard setback for this parcel shall be granted for the placement of a 10' x 14' storage shed.
2. The shed may not be situated closer than 24 feet from the river edge.

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

- D. Austin.....Absent
- R. Blank.....Aye
- L. Haverstock.....Aye
- T. Kight.....Aye
- B. Shampine.....Aye

Resolution adopted.

T. Kight reviewed an application (Log #2012-3) for an area variance for parcel no. 67.00-1-10.44 submitted by Raymond Simmons. The applicant requests a variance of the minimum lot width.

Proof of notice having been furnished, the public hearing on an area variance for parcel no. 67.00-1-10.44 was called to order at 7:58pm by Chairperson Kight. Mr. Simmons explained that he is proposing a two (2) parcel minor subdivision but lacks sufficient frontage to make both lots conform to the law. Lot 1 would have 250' and Lot 2 would have 222' of road frontage. The T/Wilna Planning Board submitted a letter in support of the variance to preclude the formation of a flag lot. Motion by L. Haverstock, seconded by B. Shampine to close the public hearing. Ayes-4, Nays-0. Motion carried. The hearing was closed at 8:04pm.

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

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

WHEREAS, the RACOG Cooperative ZBA has received an application from Raymond Simmons, parcel number 67.00-1-10.44, for a variance of Schedule II of the T/Wilna Zoning Law to permit a variance of the minimum lot width; 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 variance would preclude a "flag lot".
- B. The Board concluded that the benefit sought by the applicant could be mitigated by the formation of a "flag lot".
- C. The Board concluded that the requested variance of the minimum lot width is not substantial relative to the required width.
- 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 Raymond Simmons, parcel number 67.00-1-10.44, for a variance of Schedule II of the T/Wilna Zoning Law is hereby approved with the following condition:

1. The lot widths of the two (2) parcel minor subdivision shall be 250 feet and 222 feet respectively.

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

- D. Austin.....absent

L. Haverstock.....aye
T. Kight.....aye
B. Peck.....aye
B. Shampine.....aye

Motion by R. Blank, seconded by B. Shampine to adjourn. The meeting adjourned at 8:15pm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary