

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, October 5 2016 at 7:00 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: October 7, 2016

RE: Minutes from October 5, 2016

PRESENT: D. Austin, R. Blank, B. Fetterly, M. Gump and T. Kight

Chairperson Kight called the meeting to order at 7:00pm. The roll was called.

Motion by R. Blank, seconded by D. Austin to dispense with the reading of the September 7, 2016 minutes and to approve the minutes as presented. Ayes-5, Nays-0. Motion carried.

Chairperson Kight questioned whether KC Nails & Spa are being required to comply with village zoning in regards to their Church Street sign as the other businesses in the district have. Robert Ball, Village ZEO, responded that the salon may be waiting on new signage but he will require that they comply in advance of receiving their new sign.

Gary Johnson summarized his area variance application to allow for the display and sale of storage containers on parcel no. 86.31-2-3 located at 789 West End Avenue, Carthage. The property is located in the Industrial District. The amended denial letter issued by Robert Ball, V/Carthage Zoning Officer, states that structures must be located fifty feet (50') from the front property line thirty feet (30') from the high water mark. Members questioned the measurement from the road. Mr. Ball stated that he assumed that measurements would be done from the edge of the road. M. Gump, referring to the Village Zoning Law, stated that measurements were made from the point twenty-five feet (25') from the center of the road thus making the setback seventy-five feet (75') from the center of the road. The Board discussed how to determine the high water mark.

Proof of notice having been furnished, the public hearing on the application for an area variance on parcel 86.31-2-3 was called to order by Chairperson Kight at 7:08pm. No one from the public spoke either for or against the proposed variance. Letters of opposition were received from the Village of Carthage and Jon Storms. Members noted that the majority of the lot is very narrow thus restricting the use of the lot. Members discussed the definitions for buildings and structures. Members agreed that the containers would be considered structures. All persons desiring to be heard, having been heard, the public hearing was closed at 7:33pm.

Members reviewed and responded to the criteria for an area variance as follows:

- No consensus on an undesirable change. M. Gump stated that there would be no change. T. Kight stated that the display blocked a view of the river.
- Members agreed, by consensus, that the benefit sought could be achieved by another feasible method.
- Member agreed, by consensus, that the variance is substantial.
- Members agreed, by consensus that the variance will not have an adverse impact on the physical or environmental conditions.
- Member agreed, by consensus, that the alleged difficulty was self created.

Members reviewed and responded to the SEQR. Motion by D. Austin, seconded by M. Gump to make a declaration of negative environmental impact. Ayes-5, Nays-0. Motion carried.

Motion by M. Gump to deny a variance to the rear setback. The motion received no second.

The following resolution was offered by M. Gump, who moved its approval, and seconded by R. Blank, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Gary Johnson for parcel number 86.31-2-3 for a variance of the V/Carthage Zoning Law, Schedule II: Lot Dimensions, 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 reached no concurrence regarding whether the proposed construction would produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concludes that the variance is substantial.
- D. The Board concludes that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Gary Johnson, parcel number 86.31-2-3, for a variance of Schedule II: Lot Dimension of the V/Carthage Zoning Law is hereby granted with the following conditions:

- 1. That the proposed storage containers shall be placed no closer than thirty feet (30') from the shoreline; and
- 2. That the proposed storage containers be placed a minimum of thirty feet (30') from the edge of the highway.

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

D. Austin.....nay
 R. Blank.....aye
 B. Fetterly.....aye
 M. Gump.....aye
 T. Kight.....nay

Resolution adopted.

Motion by R. Blank, seconded by B. Fetterly to adjourn. The meeting adjourned at 8:03pm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary