

Zoning Board of Appeals Meeting
February 28, 2022

Present: Chairman Dan Welker, John Ceresoli, Gene Dayton, Bill Nickal, Paul Adams, Jason Tardio, Counsel Nadine Bell, Jeff Geer, Mr. & Mrs. DiCeasare, Mr. & Mrs. Palleschi, Trustee Mickey Kopp, Trustee Russ Wehner, Mr. Eframson, Jill Doss

Chairman Welker called the DiCeasare public hearing to order at 7 p.m.

DiCeasare - 1001 Gill Street Area Variance Request

SEQR - this is a Type II action. Chairman Welker asked Mr. DiCeasare to explain the reason for the variance request. Mr. DiCeasare explained he had purchased a shed from Lowe's approximately six years ago and had it placed on his property. The shed matches his house and he applied shutters to match his home, closed in the bottom of the shed, landscaped around the shed to make the location of the shed cosmetically pleasing. No building permit was requested per Mr. DiCeasare as the shed is 100 square feet. The shed sits 2 1/2 feet off the property line. The property slopes downward in the backyard away from the house. He was never told by the neighbor to move the shed; in fact the neighbor assisted him in placing a locking device on the shed and a few years later assisted in removing the same mechanism from the shed per Mr. DiCeasare's request. The shed has a hip type roof. The shed height is 12 foot (Village Code allows 10 foot height). The shed is aligned with the driveway and the foundation is stone and large blocks. It was noted that a few years ago many of the neighbors had sheds located on the Oneida Nation lands and they had to move them off the Oneida lands, Mr. DiCeasare was not one that had to move his shed. Mr. DiCeasare asked why now is the shed location an issue. Mr. Palleschi commented that he had told Mr. DiCeasare on at least three occasions that the side yard setback for the shed needed to be 10 ft. There is not enough space for Mr. DiCeasare to blow his snow without it going on to Mr. Palleschi's property (per Mr. Palleschi). There is a step ladder that is stored behind the DiCeasare's shed that has been there 10 days which blew over the line onto Mr. Palleschi's property. Mr. Palleschi also commented there is a soccer goal and a snowmobile trailer in the driveway which doesn't give enough room for snow blowing. Mr. DiCeasare did comment that he did, on one occasion, blow snow that hit Mr. Palleschi's generator, but he immediately apologized for the incident. Mr. Palleschi commented that the grade on the property is constant. Chairman Welker asked if the Board had any comments or questions. Mr. Ceresoli asked if there were any impediments that would prevent moving the shed, for example a fence or hill. There are none per Mr. DiCeasare, it is wide open. Mr. DiCeasare would prefer not to move the shed that has been in this location for six years and is cared for and landscaped. Chairman Welker asked if anyone had any additional comments for questions. No one else spoke. The public hearing was closed at 7:17 p.m.

Chairman Welker called the regular business meeting to order at 7:17 p.m.

Mr. DiCeasare apologized for his outburst at the last meeting in January. He apologized to the Board.

Minutes

The Board members reviewed the minutes of December 20, 2021. Upon the motion made by Bill Nickal, seconded by John Ceresoli, minutes of December 20, 2021 approved as written.

The Board acknowledged the unofficial notes from January 17, 2022, a quorum was not present.

DiCeasare 1001 Gill Street - variance request

It was noted that this request was referred to Madison County Planning Board. The County has returned this matter for local determination. No County-wide impact. Upon the motion made by Bill Nickal, seconded by Paul Adams, the Zoning Board approves the 2'6" side yard setback and the 12 foot shed height for DiCeasare structure at 1001 Gill Street.

Counsel Bell reminded the Board members of the criteria to be considered for area variances

1. Will this create an undesirable change in the neighborhood?
2. Will the variance requested be detrimental to adjoining properties and will it alter the essential character of the neighborhood?
3. Will there be an adverse impact to the neighborhood?
4. Is there any other way to accomplish the objective if the area regulations are strictly observed?
5. Do the benefits outweighs any negative impact to the neighborhood?

John Ceresoli asked the applicant for confirmation that the shed had been in its' present location six years and the property around the shed is unimpeded by any fence or difficult terrain. Mr. DiCeasare confirmed that the fence has been in place six years and there are no fences and the land slopes away from the shed gradually. Bill Nickal commented that the structure has been in place for six years and there have been no other complaints before the Board in regard to this structure. Chairman Welker commented he will be abstaining from voting as he lives on Gill Street. There were no additional comments.

The motion to approve the 2'6" side yard setback and the 12 foot shed height for the DiCeasare shed at 1001 Gill Street will not produce any undesirable change in the neighborhood, will not be detrimental to adjoining properties or alter the essential character of the neighborhood, will not adversely impact the neighborhood, there are no apparent or other ways to accomplish the objective in the area, and the benefits outweigh any negative impact to the neighborhood. There was no additional discussion and a roll call vote was taken as follows:

Dan Welker -	abstain
John Ceresoli -	yes
Gene Dayton -	yes
Bill Nickal -	yes
Paul Adams -	yes
Jason Tardio -	yes

Motion carried.

Eframson - 401 Lake Street - variance request

This will be a Type II action for purposes of SEQR-no environmental review required. Mark Eframson appeared before the Board this evening to discuss his request for variance for a new shed at his property. He has owned the property for 9 1/2 years. The existing garage (20 1/2' x 14') was in bad shape and he had it removed and replaced it with a new shed that is 20' x 12' with a different configuration. No permits were applied for either the demolition or the new structure. Code Officer Geer outlined the timeline for the removal and replacement, plus the order to remedy and Mr. Eframson's appearance in Court. Counsel Bell advised that Mr. Eframson is currently before the Court, but with his applying for this variance, the Court process is on hold. Mr. Eframson had not paid the filing fee of \$50 for the variance, he gave \$50 to the Clerk for the Zoning Board this evening and a receipt for the payment will be sent to him by the Village. The Board asked Mr. Eframson to provide more information about the shed size and height (and if a receipt is available that would be helpful as well), its location on the lot (setbacks) and bring that information to the next meeting. This information is needed for the hearing. The Board scheduled the public hearing for Mr. Eframson's variance request for Monday, March 21, 2022 at 7 p.m.

Paul & Diana Perry - 102 Lennox Lane - variance request

No representative appeared this evening for this variance request. A shed structure has been built on the property without any permits. The structure is placed in the front yard and its height exceeds the Village Code. Attorney Edward Perry (no relation) is representing the applicant. The Board scheduled the public hearing for March 21, 2022 at 7:15 p.m. This application will need to be submitted to County Planning Board for their review due to its proximity to Route 5/13.

With no further business, meeting adjourned at 8:04 p.m.

Respectfully submitted,

Jill A. Doss
ZBA Secretary