

Zoning Board of Appeals Meeting July 17, 2023

Present: Chairman Bill Nickal, Robert Doss, Dan Welker, John Ceresoli, Paul Adams, Code Officer Jeff Geer, Joe Gaiser, Member of Legion, Joe Turk from Legion, Contractor Jose Cubero, Geoffrey Zimmer, and Jill Doss

Absent: Dan Newton

A public hearing was scheduled for 7 p.m, due to a question on the process and the Attorney not being available at 7 p.m., the Chairman opened the regular meeting at 7:02 p.m. He advised the applicants for the hearing of the delay and that the Board was waiting for the Attorney to arrive.

Minutes

The Board members reviewed the minutes of June 19, 2023. Upon the motion made by John Ceresoli and seconded by Robert Doss, the minutes of June 19, 2023 were approved as presented. All members present voting in favor.

625 Manor Drive - Plans submitted for front porch addition

Jose Cubero appeared before the Board to discuss the proposed plans for a customer at 625 Manor Drive who is asking to build a 6 x 16' front porch with a roof. Mr. Cubero provided a sketch plan of the proposed structure and a survey of the lot. The survey showed, according to Mr. Cubero, a previously existing porch and not the deck that is currently existing at the property. The front of the existing house sits in the road right of way and there would be an additional 10' encroachment into the front yard based on the proposed request. There would be stairs exiting from the front center of the proposed porch. Per Code Officer Geer, the house is an existing non-conformant use. Mr. Cubero was instructed to complete the variance application, pay the required application fee, and complete the SEQR form and submit that as soon as possible to the Code Officer to review. An application for building permit would also need to be completed in order that a denial letter from the Code Office could be prepared for the requested construction and to begin the variance request process. The Board agreed to schedule a public hearing for August 21, 2023 at 7 p.m. or as soon thereafter as possible subject to all the paperwork being submitted in a timely manner.

Laundromat Signs

The Board received a copy of a letter from the Codes Officer to the new laundromat owner adjacent to Nina's Restaurant on Genesee Street. Currently, the signage they installed is all non-conforming. The owner doesn't want to go through a variance process and has advised the Code Officer that the plan is have the signs conform to the Code. This letter, at this time is informational. The Code Officer is awaiting confirmation from the owner of the laundromat that the signage will be brought into conformance of the Village Code.

Counsel Nadine Bell appeared at the meeting during the laundromat sign discussion.

Chairman Nickal called the public hearing to order at 7:17 p.m. for American Legion Post 1287 Hometown Hero pavilion and barbeque pavilion project. Chairman Nickal advised that it was discovered that no variance application had been received for this request and it is required under the Code. The notice for the hearing has been published and letters were sent to adjoining neighbors. Counsel Bell advised that the applicant could complete an application and SEQR form, as well as a building permit form this evening so that it would be part of the official record. Joe Gaiser thought he'd left the information with the Board at the last meeting, it was determined it wasn't filed. Also required would be the variance application fee, which the Legion Treasurer commented would be taken care of tomorrow. The hearing proceeded. Joe Gaiser, former Commander of the Legion reviewed the plans for the proposed pavilion and barbecue and advised that it would be for community use by Hometown Heroes; which included veterans, first responders, Village or Town employees, people who serve the community. The Board discussed the address for the project; 707 Legion Drive or 707 Mohawk Street. 911 addressing recognizes the address as 707 Legion Drive and assessment roles show 707 Mohawk Street. Whichever street address is used, per Code Officer Geer, there would be an issue with the required setback. Joe Gaiser continued his presentation and explained details of the pavilion and the barbecue pit with a pavilion sheltering it. Both structures would be available for community use, by reservation. The Town of Sullivan Board has sent a letter to the Village Zoning Board advising that their intention is to take over the structures and property once the project has been completed. This letter is part of the file. The Board reviewed with the applicant the five criteria for consideration of an area variance. Geoffrey Zimmer, who owns property on Mohawk Street commented that the Legion have been great neighbors and they keep the property in great shape. This project will be a benefit to the community and he is in total favor of the proposed plan. No other comments were made from the Board or the public. With no other information or comments, the public hearing was closed.

Chairman Nickal re-opened the regular meeting.

American Legion Hometown Hero Project - variance request

The Board members reviewed the SEQR form that was prepared July 17, 2023 for the American Legion Post 1287 construction plans for a pavilion and barbecue pavilion at 707 Legion Drive aka 707 Mohawk Street. . Upon the motion made by Dan Welker and seconded by John Ceresoli, the Zoning Board of Appeals determines this to be an unlisted action for purposes of SEQR, that the Chittenango Zoning Board of Appeals is the lead agency, with no significant environmental impact.

A roll call vote was taken as follows:

John Ceresoli	yes
Bill Nickal	yes
Dan Welker	yes
Paul Adams	yes
Robert Doss	yes

Motion carried.

The Board members discussed the information presented at the hearing for the American Legion Hometown Hero project this evening. The Board evaluated the area variance criteria and determined granting the requested variance relief was appropriate and only one adjacent business owner appeared at the hearing and expressed his support of the requested relief. Upon the motion made by Dan Welker and seconded by John Ceresoli, the Zoning Board of Appeals approves the area variance application for 707 Mohawk Street aka 707 Legion Drive to allow a front yard setback measuring ten (10) feet representing variance relief in the amount of forty (40) feet, which represents relief from fifty (50) feet as measured from Legion Drive. The variance is approved conditioned upon the payment of the variance application fee to the Village. With no further discussion, a roll call vote was taken as follows:

John Ceresoli	yes
Bill Nickal	yes
Dan Welker	yes
Paul Adams	yes
Robert Doss	yes

Motion carried.

The Board advised Mr. Gaiser that he will need to get in touch with Code Officer Geer for the building permit application and provide him with the building drawings/plans in order that a building permit can be processed and issued for the project.

The Board members were reminded to complete the mandatory training required by the Village.

Chairman Nickal advised that he will not be at the August 21 Board meeting. Paul Adams will be Chairing the meeting that evening.

Next meeting
August 21, 2023

With no further business and upon the motion made by Dan Welker and seconded by John Ceresoli, the meeting adjourned at 8 p.m.

Respectfully submitted,

Jill A. Doss
ZBA Secretary