

**Zoning Board Minutes**  
July 20<sup>th</sup> 2020

**Members Present:** Steve Moriarity, Cathy Buck, Jim Nolan, Sean Johnson, Gerry Guiney, Dave Kalabanka

**Members Excused:** Mike Jones

**Others Present:** Theresa Simmons, Vernon Symonds, Michael Milillo, Michael Coppola, Paul Woodman see, Matt and Stacey Harrison, Earle Thurston, James Dolan, Ted and Judy Kott, Jackie Scanlon, Tom O'Hora

**Attorney &/or Code Enforcement:** Andy Leja

**Call meeting to order:** 5:09 pm

**Motion:** The Zoning Board approved the minutes of the April 27th 2020 meeting as submitted.

**With Changes:**

**Moved:** Gerry Guiney

**Second:** Jim Nolan

**Roll Call:** Steve Moriarity - Yes; Cathy Buck - Yes;  
Jim Nolan - Yes; Sean Johnson; Yes; Gerry Guiney  
Yes; Dave Kalabanka- Yes

**Motion Carried**

## **Simmons Public Hearing Opened at 5:09 pm**

### **Discussion:**

- Theresa Simmons stated they have some raised beds in their yard and would like to prevent the deer from getting at them
- Dave stated that ordinarily the limit on a fence is 7 foot, they need 8 ft. they need the extra foot for that protection as there are a lot of deer.
- Dave asked the size of the beds in the yard, Theresa said 2 beds that would be 4'x8' and 2 beds that are 4'x12'.
- There will be 2 gates, one in the front and back.
- Dave stated it would be an 18'x 36' area fencing in the backyard. The Simmons have a near 2 acre lot.
- Dave said he didn't see a change in the character of the neighborhood and the variance request is small.

## **Simmons Public Hearing Closed at 5:14 pm**

### **Motion:**

Jim Nolan made a motion to grant Bernard and Theresa Simmons of 11 Melrose Road Auburn, NY town of Owasco tax map # 116.8-2-26.1 a 1 foot height variance under section 150-25 of Owasco Town Code to permit the installation of an 8' garden fence in order to prevent the deer from entering. The area that is included in the variance is 18'x36'

In making this determination the ZBA took into consideration the benefit to the applicant as weighted against the health, safety and welfare of the neighborhood

In doing so the ZBA has determined the following:

- 1) There will be no undesirable change in the neighborhood

- 2) It is reasonable the applicant would want to protect their garden from the deer.
- 3) The garden fence that is to be installed is shown in the application is a wire and wood frame that will blend into the yard verses a solid style fence
- 4) There was no one present to speak for or against this project

**Motion:** Jim Nolan  
**Second:** Cathy Buck

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes;  
Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-  
Yes; Dave Kalabanka- Yes

**Motion Carried**

**Symonds Public Hearing Opened at 5:14pm**

**Discussion:**

- The deck will be in fenced in area around the pool.
- Mr. Symonds has a previous variance for the pool being 4' off the line.
- The deck will be attached to the house by ledger board.
- It will be 20'x20' , except for a small area where it will be 3'x6'
- It will be about 3' off the ground and will have a 3 steps down to the concrete in front of the pool(the apron surrounding the pool)
- Gerry visited the site also and said it was a pretty straight forward request.
- Patrick did a call to the west(Jerry Kelly) and he has no objections to the project

- Cathy asked if the fence that was there now was staying. Mr. Symonds said Yes
- Dave noted it can't be seen from the road and no change to the neighborhood.
- Cathy asked Dave if it was a south side variance or west side.
- It is a west side variance.
- No one was present to speak for or against the proposal.

**Symonds Public Hearing closed at 5:27pm**

**Motion:**

Cathy Buck made a motion to grant an 11-foot side yard area variance under Section 150-1 of the Code of the Town of Owasco to Vernon Symonds for his property located at 38 Havens Ave., Owasco, NY, Tax Map 116.18-2-17 to construct a 22' x 20' deck to replace a 21' x 6' deck. Although the hardship is self-created, the Board finds the request to be reasonable due to the narrowness of the lot, which is 69 feet wide on the South end and 68 feet wide on the North end. It is reasonable for the applicant to want a deck for use with the adjacent pool.

In making this determination the Zoning Board of Appeals took into consideration the benefit to the applicant as weighted against the health, safety and welfare of the neighborhood. In doing so, we have determined the following:

1. There will be no undesirable change in the character of the neighborhood. Most homes in this area are on similarly narrow lots.
2. There is no one here to speak in favor or against this request. However, the affected neighbor to the West, Gerard Kelly, stated that he has no objection to the request. All neighbors were provided written notice.
3. The Board finds the applicant's request to construct a deck for use with the existing pool to be reasonable.

The proposed deck will be in line with the existing pool on the West side of the property.

4. The variance is the minimum necessary for the new structure; and there will be no adverse impact on the physical or environmental conditions of the neighborhood. There is ample room around the structure for maintenance and drainage.
5. The difficulty in this request is self-created since this is new construction, but a hardship exists because of the narrowness of the lot and the location of the existing deck.

**Motion:** Cathy Buck

**Second:** David Kalabanka

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-Yes; David Kalabanka-Yes

**Motion Carried**

**Milillo Public hearing opened at 5:27 pm**

**Discussion:**

- Would like to construct a garage as he doesn't have one there now.
- He would like a 2 car entrance and his driveway that is there now would line up 5' from the property line. This way it stays in line and looks aligned otherwise if he went the 10' part of the garage would end up out in the grass so he'd have to add pavement to that

side. Mr. Milillo explained this is why he would like the variance.

- Dave has been up to the site and noted that the driveway is narrow and opens up behind the residence about 5' from the north property line then goes almost 24' wide
- Dave asked if the large tree (to the north) was staying. Mr. Milillo said he removed 1 large spruce tree already and the large maple tree he can't afford to take down right now.
- The lot size is 75' wide. There is room in the back and the question would be the 5' to the Steigerwald property.
- Dave asked if there would be an overhang on the building. Mr. Milillo said it would be 1 foot.
- Dave asked if the building was going to be 5' off or was he including the overhang and encroaching further.
- Mr. Milillo said the way he understood it to be, the variance referred to the footprint of the building. Dave said he understood but the issue with the overhang would be now the water would go towards the neighbor.
- Mr. Milillo said he planned on running gutters back into his own lot.
- Dave agreed that was a good plan.
- Steve asked if it was a gable roof running 32' and Mr. Milillo said yes and the center point would be east to west. Steve asked if he would run the gutter to drain behind the structure. Mr. Milillo said he has land in the back with a drainage ditch and that's where he would divert the water.
- Dave asked if he would run drainage on both sides of the structure. He Planned on just the one side and wait and see how much of an impact the rain made before he decides to put the gutters, but if he really needed it he would put in in.
- Dave asked if he planned on putting in a drain line, (French drain) exterior. He said he could do it... he said he spoke with his neighbor, Mr. Steigerwald and knows about his concerns
- Patrick spoke with Mr. Steigerwald and he has no objections. He opted not to phone in.
- No one as present to speak against this project

**Milillo public Hearing ended at 5:39 pm**

**Motion:**

Dave made a motion to approve a 6 ft. side lot line variance on the north side to Michael Milillo of 5902 Oakridge Road tax map 123.04-1-12 to build a 32ft x 24ft garage.

In making this determination the ZBA has taken into consideration the benefit to the applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood.

In making this determination the board has determined there will be no adverse effect on the physical or environmental conditions in the neighborhood. We have determined there will be no detriment to nearby properties created by granting this variance; the requested variance is substantial in that the accessory structure is 5ft from the property line rather than the required 10ft given the garage is greater than 120 sq. ft. but is being installed in this manner to line up with the existing asphalt drive way that runs to the back of the house. This is the minimum variance deemed necessary to accomplish that result. The hardship is self-created in that this is new construction and the room is on the lot to conform to required setbacks and as a result certain conditions be required. The property does not have a garage and it makes sense that the applicant have one to store vehicles and other items to keep the appearance of the neighborhood neat and orderly.

There was no one to speak against the proposal.

However, this motion for approval is being made with the additional required conditions that there will be no storage of any items of any character whatsoever between the new garage and the north property line;

that the area be properly maintained and mowed; that an adequate gutter system be installed to direct water away from the north property line or a drainage system between the new garage and north property line be installed to prevent run off from the roof of said new structure to the property to the north.

**Motion:** David Kalabanka

**Second:** Steve Moriarity

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-Yes; Dave Kalabanka- Yes

**Coppola Public Hearing opened at 5:39 pm**

**Discussion:**

- Michael Coppola stated he has an existing 24'x40' garage it has a shallow pitched roof, he wants to bump the roof up and make it available for storage since his garage is always full.
- Dave stated the lakefront lot is narrow and he could never build a new structure.
- He will be staying within the footprint of the existing garage. Just changing the roofline.
- David asked if it will ever be intended for living space and Mr. Coppola said no.



- No plumbing, he does have a water spicket going to the front of the garage now and he has 2-20 circuit for lighting already there.
- Dave noted he doesn't see it impacting the view of anyone. The garage is way at the back of the property. He spoke with his neighbors. He wants to make it look nice.
- Patrick spoke with Mr. Piorkowski (neighbor) and he had no issues once he was told there was no intention for it to become more living space.
- Dave asked about the balcony in the design of the structure and Mr. Coppola explained he is an amateur astronomer and his telescope is now in the house and he will move up to the balcony and will have great views. When he's done he can roll it back into new space and store it there.
- No one was present to speak for against the proposal.

#### **Coppola Public Hearing closed at 5:49pm**

#### **Motion:**

Gerry made a motion to grant Mr. Michael Coppola, 317 Waters Edge, Auburn, N.Y. 13021, tax map 138.01-1-34, a 5' height variance under the Code of the Town of Owasco, section 150, Attachment 1 Table of Dimensional Requirements, to construct a 40' long by 24' wide second story above an existing garage for storage and storage only. At no time will this space be used for residential space or purposes.

In making this determination the Zoning Board of Appeals took into consideration the benefit to the applicants as well as the health, safety, and welfare of the neighborhood. Also this addition will not block or interfere with anyone's view of Owasco Lake.

There will be no undesirable change to the nature of the neighborhood, as the addition will be built above an existing garage. It also will meet all the other Dimensional Requirements of lake front district single-family dwellings. In this area lots are relatively narrow and deep. This addition will provide much needed storage space for the applicants. The Board find the applicant's request for this variance is reasonable and the minimal necessary to complete this project. It will have no negative impact on the physical or environmental nature of this area.

**Motion:** Gerry Guiney  
**Second:** Dave Kalabanka

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes;  
Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-  
Yes, Dave Kalabanka- Yes

**Woodmansee Public hearing opened at 5:49pm**

**Discussion:**

- Paul Woodmansee phoned in and explained he wants to build a 46'x14' deck at the back of the house.
- Dave stated that to the side of the house that where the Glowacki neighbors live the project shows an access deck along the side of the garage to the back to access new deck.
- Paul said yes it would be 4'wide.
- Dave stated it would be similar to the one of the neighboring property to the left (Newhooks) and Paul said yes. Dave asked if it was due to elevation. Paul said yes.
- Dave asked if he was planning on anything addition to this premises in terms of coverage. Examples, shed, pool. Paul said no.
- Dave asked the Towns Attorney for Zoning and Planning Mr. Andrew Leja what his thoughts were on the project due the impervious and greenspace coverage, and the size
- Andy said with the calculation he has the current greenspace at 54%, this proposal would bring to down to 42%. Code requires a minimum of 60%.

- Andy stated this a substantial variance and with his experience the degree of the variance is due the level of hardship.
- Dave noted it is a small lot.
- Paul Woodmansee lot is 100'x70' and Mr. Glowacki lot is 114'x75'
- Patrick Doyle said Mr. Glowacki didn't have issue with the project.
- Steve Moriarity said the largest variance needed is the greenspace. Not moving closer on the west to the property line.
- Dave asked the applicant about the bump out was for on the plans and he stated that's where the stairs would go down parallel with house. Probably 6 or 8 steps.
- Gerry Guiney asked how high the deck would be off the ground.
- Paul said the high part would be 7'5" and the low part is hard to tell because it starts sloping down.
- Gerry said the reason he asked is because noticed when he visited the site that there are double doors on the east side of the house. Gerry asked if the deck would made to access those doors.
- Paul said the lower part of the deck would, that's why it's 2 tiered , the higher part would be above the walk out basement and the lower part he'll bring down to align with the garage sliding door.
- Gerry asked about where the window in the middle would fall , above or below the deck
- Paul said it would below.
- Dave asked if this was a 2 tiered deck. Paul said yes.
- Gerry also stated he thought it was one level.
- Dave asked if there would be a roof over it.
- Paul said he just received the plans from the architect and sent them in the afternoon to Patrick Doyle. He did add 22' roof to it.
- Patrick stated the application he filed out indicates an open deck.
- Paul would like to change that if possible, if not he won't do it.
- The board would like to review the plans.
- Patrick stated this would change the calculations and he has not seen the new plans.
- Paul tried to show the board the plans on video.

- Andy asked if the plans submitted today had a cross section in them.
- Paul said yes.
- Patrick stated that the he nor the board has those plans.
- The members felt they should table the application

**Motion:** Gerry Guiney made a motion to table the application

**Moved:** Gerry Guiney  
**Second:** Cathy Buck

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes;  
Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-  
Yes; Dave Kalabanka- Yes

**Dave instructed Paul to get the plans to Patrick and then board would have to look them over.**

**Continuation of Harrison Public Hearing reopened at  
6:01 pm**

**Discussion:**

- The Harrison's were present on Zoom to explain the proposal and any changes to their application.

- Matt Harrison stated he is looking to build stairs to the North of the structure that is there and then remove the structure.
- Dave and the board discussed the concrete pad (at the site) and the revised site plan and the encroachment to the Shaw's property.
- Matt explained the closest it will be is 1 foot because it runs at an angle.
- Dave stated on the other side the site plan shows 10 inches over, Dave asked if the concrete would be removed there.
- Matt said the building yes. The cement pad Matt explained is he has no way to cut it. He felt the cement wasn't a huge problem.
- Gerry Guiney stated he felt it was a problem since in the past this has been to court, and before the board moves forward the application that they should eliminate the encroachment issue first.
- Gerry also stated that there are saws that can cut thru that cement.
- Mr. Thurston (attorney for Mr. Shaw, neighbor to the Harrisons) explained that this has had a long history prior to the Harrisons owning the property.
- Mr. Thurston said they would like them to have the steps and for them to get rid of the structure that they felt is an eye sore. On terms, get rid of the encroachment And they have no objections to distances from the property line.
- Dave asked Mr. Thurston if the Harrison were able to cut the concrete pad base and remove the encroachment on the Shaw's property line then it would be ok for the Harrisons to build close or near the line.
- Mr. Thurston said that was correct.
- Stacey Harrison felt this all should have been taken care of before they purchased the property.
- Dave explained that they are changing the nature of what is being done and as a board we can't allow you to build on someone's property. That's why as a board we have asked for changes to the site plan.
- Stacey doesn't understand why when the property was sold this wasn't discussed.
- Mr. Thurston understands they need the foundation to build the steps. He explained at one time there was a provision that has expired that whoever sold first would clean this up, that was in the settlement.
- Stacey asked why when the Elbridge's sold them the property wasn't it taken care of., they were old when they

closed there was paperwork that showed there was an encroachment with a ROW to maintain the property. No one ever said if they wanted to rebuild that there would be this issue.

- Dave stated that should have been addressed with the Harrisons council. As the buyer you're supposed to take care of those type of issues and resolve them in advance.
- Gerry stated that the reason they are there to deal with the new structure being built on the property not to deal with what happen when you purchased the property, that's not what ZBA does. We want to help you get the steps built to help you enjoy your property and that would include removing that 10 inch encroachment.
- Gerry stated they do have cut saws to rent and he understands its difficult work.
- Matt did look into a cut saw but it would only cut 4inches. Dave stated maybe check with a contractor.
- Mr. James Dolan a neighbor has lived there 30 years and knows about the lawsuit throughout the years. And he would like the eyesore of the existing "lighthouse" structure to be removed. Mr. Dolans wife spoke also as to getting rid of the eye sore and would hope the board would allow the Harrisons the new steps.
- Mr. Dolan noted that he believes the cement pad is on the beach rather than on the line and the beach is composed of crushed rock, No one will see the pad.
- Dave stated it sits above the crushed rock by 10 inches or so.
- Mr. Dolan didn't think it was that high. Mr. Thurston thought it was 4 or 5 inches above the rocks.
- Dave asked Mr. Thurston if the Harrisons could remove the above-ground cement and have the shale over the area that was removed would it be acceptable to Mr. Shaw.
- Mr. Thurston thought that would make sense.
- Gerry noticed that the structure on the new plans would require a 9' variance on each side. Dave noted that ordinarily if the structure was less than 120' sq. ft. they would need only need a 5' variance. But the plans say 125 sq. feet.
- Andy Leja, reviewed the site plan and noted there was wordage about reconstructing and rebuilding and asked for clarification as to that notation on the site plan.
- Mr. Harrison said they would not be reconstructing anything.

- Patrick Doyle stated they are leaving the existing foundation, minus that portion of the slab that was his understanding from the plans.
- Mr. Thurston did want to reiterate that the legal situation with this property was known and available to the Harrison's prior to them buying it.
- Matt asked if he can get the cement pad below ground level would they let him proceed.
- Gerry asked Andy about the variances due the narrow lot. Andy and the board discussed the dimensions of the lot and the hardship it created for the Harrisons.
- Andy agreed it justified some degree of variance. Just how much. If they could reduce it from 125' to 120' or below then the variance would be almost cut in half.
- Patrick didn't feel they could get it close to 120' and still have it be safe to reach the shore. They're proposal was designed by a professional and he feels it is reasonable.
- Andy noted that he didn't see any evidence in the record that removal of that encroachment area would no way compromise the integrity of what's being planned to be rebuilt there.
- Mr. Shaw is in sympathy with the Harrisons with all this but he is in favor of what has been proposed.
- Patrick Doyle just wanted to be clear they'll only be removing the encroachment on the shoreline. There is another up above.

**Harrison Public Hearing closed at 6:37 pm**

**Motion:**

I make a motion to approve the request of Mr. and Mrs. Matthew Harrison, 4777 Rockefeller Road, Auburn, N.Y. 13021, tax map 145.06-1-31, for a side yard variance on both the north and south side of their property east of Cliffside Drive, to construct a stairway from their property to their beach.

This variance will be for 9' on the south and 9' on the north. Also, they must remove the cement pad that encroaches over their south lot line onto the neighbors (Shaw) property. This pad will be removed prior to the commencement of any construction of the stairway.

The Cayuga County court order will also be followed. The construction of the stairway will be kept in the confines of the Harrison's own property, not encroaching the neighboring property on either side.

There is a definite hardship in that the Harrison property is only 20.98' wide. The lots in this area are generally small and narrow.

This stairway is in line with the rest of the neighborhood as the properties in this area generally sit up on a bluff and the stairway is the only way to access the beach and Owasco Lake.

In making this determination the Zoning Board of Appeals took into consideration the benefit to the applicants as well as the health, safety, and welfare of the neighborhood.

There will be no undesirable change to the nature of the neighborhood, once the cement pad is removed from the south neighbor's property, and stays within the confines of the applicant's property only.

The Board finds the applicant's request for this variance to be reasonable and the minimal request necessary to be able to access the beach and Owasco Lake. It will have no negative impact on the physical or environmental nature of the area.

**Motion:** Gerry Guiney

**Second:** Dave Kalabanka

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes;  
Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-  
Yes; Dave Kalabanka- Yes

**Continuation of the Scanlon Public Hearing reopened at  
6:40 pm:**



## Discussion:

- Jackie Scanlon was present to discuss the plans.
- Dave noted there was a slight design change where there will be a gully to prevent drainage.
- It will drain to the middle of the property.
- The County and State DOT have weighed in on curb cuts.
- The State requirement will actually assist in one of the issues Mr. Kott has raised. The Owasco Road side the NYS DOT will require all permits to be met and part of that is that a section of the area has to be paved. Approximately 11 feet. It will be subject to the state verifying their specifications
- Dave felt that would alleviate the dust. Mr. Kott asked where in the area it was. The board explained from the site plan the area.
- Mr. Kott agreed it would solve some of the issue.
- Dave asked if there was requirement from the Melrose side from the state. Patrick said no but maybe the board would consider it to be consistent such as it be the entrance and the exit. Patrick believes it wasn't a requirement from the county.
- This would be subject to DOT permit and county permit. The applicants design professional has completed but hasn't submitted until the board makes a decision.
- Dave said this is also conditional by approval for the site plan by the Owasco Planning Board.
- This was also reviewed by 239 County Planning and found no inter municipal issues.
- Mr. Kott asked if he could get a guarantee that her storage wouldn't end up between the fence and the building on his side.
- Dave said the board can make conditions.
- Jackie stated she thinks Mr. Kott is talking about her area/property. There is alley way there and she has some items but it can't be seen by Mr. Kott.
- Mr. Kott felt it was an overgrown un kept area.
- Tom O'Hara was present on behalf of architect Mike Palmieri.
- Tom spoke about the design of the entry and exit with landscaping. It was for safety issues with the traffic. He stated they don't need to add that and keep it the

way it is and it may not need state approval if the wanted to proceed that way instead.

- Dave said the change was due to the curb cut.
- Steve asked if this was a new special permit. Andy stated it was an amendment to it.

**Part 2 of SEQR was reviewed by the board (all available on audio)**

**Motion: to adopt a negative declaration under SEQR. SEQR review can thus be terminated.**

**Moved: Cathy**  
**Second: Gerry**

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Sean Coleman Yes, Gerry Guiney-Yes; Dave Kalabanka- Yes

Discussion: Mr. Kott asked Ms. Scanlon if he could stain and seal the fence along the property. He is doing his side and asked her permission. She was fine with it.

**Scanlon public hearing closed at 7:09 pm**

**Motion:**

Ms. Jacqueline Scanlon, requests a Special Permit, under Section 150-62 Special Use Permit Procedure of the Code of

the Town of Owasco, convert a portion of the existing business from a Full Service Florist and Gift Shop to a nail salon and beauty bar while still maintaining limited floral services. The property in question is located at 7368 Owasco Road in the Town of Owasco. The Tax Map number is 116.18-2-31. The use of the property is currently a florist and gift shop which is a non-conforming use, but is allowed under the use of an existing Special Use Permit.

We have followed the process as detailed in Section 150-41 requiring that any alterations in existing non-conforming use be by this board. We have review the following documents:

- Updated Site Plans which includes a drainage management plan to manage storm water and direct the flow away from the neighboring properties.
- Renovation Plan Document Prepared buy the property owner
- Cayuga County Department of Planning Review Committee Referral Form
- We completed a SEQR and found a negative determination

We have reviewed Section 150-63, Findings of Special Use Permit Decisions, as the basis for our decision.

I make a motion to approve the Special Permit (Use Variance) to allow the petitioner, Ms. Jaqueline Scanlon make the modifications to the property at 7368 Owasco Road., Auburn, NY 13021 Tax Map 116.18-2-31, in accordance with the Code of the Town of Owasco 2009 according to all the previous listed sections.

In doing so we have determined the following:

- All the sections of the Code of the Town of Owasco and the NYS Building Code will be adhered to.
- There will be no undesirable change to the character and nature of the neighborhood.
- The property is currently operating as a Florist and Gift Shop under a Special Permit

- The Zoning Board finds this to be a reasonable request for the business owner to make these changes, and as noted in the property owner's petition this will have the following benefits:
  - There will be improvements to the overall property's appearance,
  - There will be a reduction in a waste and the removal of the dumpster.
  - The traffic and customers will be in a more controlled manner with the scheduling of appointments
- The Special Permit (Use Variance) will not have an adverse impact on the physical environment condition of the nature of the neighborhood.
- Let the record reflect that there was no one to speak against the proposal and the neighbor to the North on Owasco Road has participated in the process and weighed in on the Project.
- The Planning Board of the Town of Owasco has no specific concerns but request a final look at the plans when the ZBA has completed their action.
- In granting this Special Permit it is noted that no other variances are required from this board.
- The hardship, while self-created exists as this is a non-conforming use under the Town of Owasco Code and the changes while desirable require a Special Permit.
- Additionally the applicant has alleged a financial harm with the current business model as a need to change the nature of the business.
- This approval is subject to any other state and local approvals including, a DOT permit, and county permit, that include 11-12 feet of payment for the exit onto Owasco Road.

**Motion:** Steve Moriarity

**Second:** Cathy Buck

**Roll Call:** Steve Moriarity - Yes; Cathy Buck - Yes; Jim Nolan - Yes; Sean Coleman Yes, Gerry Guiney-Yes; Dave Kalabanka- Yes

**Motion Carried**

On a motion by Cathy and seconded by Dave the meeting was adjourned at 7:18 p.m.

Respectfully submitted by: Lori Reed