

Zoning Board Minutes

April 27th 2020

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

Members Excused:

Others Present: via zoom. Kotts, Ron Podolak, Rich Sierzenga, Jackie Scanlon

Attorney &/or Code Enforcement: Andy Leja, Patrick Doyle

1. Call meeting to order: 7:00 pm

Motion: The Zoning Board approved the minutes of the January 27th 2020 meeting with a correction on page 6. Neighbors (kotts) address was corrected to Owasco Road.

Moved: Gerry Guiney

Second: Jim Nolan

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

Motion Carried

Sierzenga Public Hearing opened at 7:00pm

Discussion:

- Rich Sierzenga was present to discuss the addition he would like to add to the back of the home toward route 38a.
- It will be a family room 30x30 max.
- Dave noted it looked like they were on adding on to the garage as well.
- Rich explained they would like to add on to the garage towards the west. David noted that he'd be 20feet off the line for that referencing the survey. Dave agreed
- Patrick Doyle stated he'd be in compliance on the garage addition. No variance needed.
- No issues with neighbors behind the property.
- Dave asked if he was planning on clearing out any of the tree line on the property. Rich said he'd like to eventually.
- Dave shared a picture of the property on the video conference. They discussed the addition placement.
- The board agreed it was a straight forward application.

Motion:

Mr. Richard Sierzenga, 4217 Wiggins Road, Auburn, N.Y. 13021, Tax Map 146.01-1-25.3, is requesting a 18' Rear Yard variance to build a 30' by 30' rear addition to the present residence and north side addition to the present garage under Section 150, Attachment 1, Owasco Town Code Table of Dimensional Requirements.

I make a motion to grant the 18' Rear Yard variance to Mr. Richard Sierzenga, 4217 Wiggins Road, Auburn, N. Y. 13021, Tax Map 146.01-1-25.3, in order to build a 30' by 30' addition, on the rear of the existing residence. The addition to the garage needs no variances. This property is a relatively small 165.75' length by 170' wide with the present residence already in place. The addition is being attached to the rear of the existing residence.

In making this determination, the Zoning Board of Appeal took into consideration, the benefit to the applicants as weighted against the health, safety and welfare on the neighborhood. In doing so the Zoning Board of Appeals had determined:

- The size and topography of this lot, as well as the location of the existing residence, septic system and leech field (south side).
- There will be no undesirable change to the character of the neighborhood.
- The Board finds the applicants request for this addition to be reasonable. Other residence in the area have similar additions.
- This variance is the minimal necessary for the new addition and there will be no adverse impact on the physical or environmental conditions of the neighborhood.
- The difficulty in the application is self-created since this is an addition to an existing dwelling, but a hardship exist because of the size of the lot and location of the present building.
- This request is reasonable for the applicants, who desire this addition to improve the livable and useful area of this residence.
- There was no one on line to speak for/or against this application.
- Andy Leja this application is exempt from SEQR review because its area variance for a1 family residential structure and a referral for 239 isn't needed.

Moved: Gerry Guiney

Second: Cathy Buck

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

Motion Carried

Sierzenga Public Hearing ended at 7:14 pm

Continuation of Scanlon Public Hearing

Discussion:

- David stated this was a continuation of the application for a special permit because the board needed more information. No variances are needed.
- Jackie Scanlon was present to discuss her application for the beauty bar and nail salon.
- David addressed Jackie about one of the changes the board discussed as traffic pattern and asked her to explain the updated map.
- Jackie said she hasn't seen the map but asked Mike Palmieri to have the entrance coming in from Owasco Road and exit out Melrose Road, so as to keep the traffic flowing .
- Jackie said people avoid the stop sign by cutting thru her parking lot to get onto Owasco Road. Jackie said these are not her customers doing this it's other people cutting thru.
- Cathy noted that the site plan she had was showing entrance from Melrose and exit to Owasco Road. Jackie stated she had asked her architect to change that to what she stated.
- Jackie mentioned she would be willing to make entrance smaller and it may discourage people from cutting thru.
- Patrick spoke to inform the board that the architect Mie Palmieri had submitted another updated site plan at 4:30 that afternoon.
- Patrick forwarded the new plans to the board during this meeting so they could review.
- Patrick said it does show entrance from Melrose Road and exit to Owasco Road, The plan also clarifies a few questions that Gerry Guiney and Patrick had last week when they visited the site about the dumpster location and a storage shed that's adjacent to the building. That will be removed.
- David asked what the changes were and Patrick said he's showing the traffic flow to the parking area that's behind the building to the north of the building. It shows a 20' access to get back there. He moved the dumpster to the east of the property line, tucked away. The storage building will be removed.
- Gerry asked if he did anything with the cement pad and Patrick said its showing as part of the traffic flow. Patrick felt it may be in grated in that area. Jackie agreed it will be regraded.
- Patrick reminded the board that the Planning Board will have to review this site plan a well.
- David noted that the elevation isn't shown on the drawing. While the board waited for the new plan to come thru David asked Jackie based on the site plan he had and not knowing what the new plan shows an area he had a concern about, on the Melrose Road entrance there are a number of parking spots that are perpendicular to the fence and wondered how much room is there to get thru to behind the building, it looks tight.
- The new site plan was shared via email with the board so they took some time to review.
- Ron Podolak, chairman of the Owasco planning Board asked how wide the entry will be. Cathy Buck noted the new plan doesn't show the size but it did look significantly smaller and they put a curb cut in. Cathy stated it's a one way/one car entrance by the looks of it.

- Cathy asked Jackie if she has 25 parking spaces plus some handicap spots. Jackie stated yes. Cathy asked Jackie if she felt she needed the 5 spots right near the entry on the Melrose Road side. Jackie didn't answer as the board was starting to review the new site plan.
- Dave made this new site plan part of the record.
- Dave noted the 20 foot is now regraded in this site plan.
- Dave asked Jackie if the blocks would be removed, in order to get access. She said yes.
- Steve noted there is 20 feet now and the dumpster is pushed back.
- Mike Jones asked Patrick if they would have to have drainage in the parking lot since it is so large. Patrick said according to the plan it's going to be crushed stone and it's fairly hard soil back there now and stone.
- Dave asked if the parking spots may be tight. Asked if anyone had any concern about those. Cathy Buck stated she wasn't to comfortable Dave and Cathy both thought maybe 2 spots instead of 5. And parallel or angled near the fence.
- Cathy said there would still be 25 spots which seems to be enough.
- Steve asked Patrick if there was a requirement for this size lot. Patrick said it's pre-existing non-conforming so their abiding to what's available on the site. It's more organized now.
- Mike Jones how many chairs would be in the salon? Jackie stated 5 manicure and 5 pedicure and 4 salon chairs.
- The board asked Jackie if 25 spots for 14 chairs would be enough. Jackie felt it was more than enough.
- With wedding party accommodations Jackie thought about having a limo service pick them up. The spot along the fence would be a good spot for a limo to park.
- Gerry was just concerned if they were at max it would have to not go over 28 people. If you parking spots you may be short.
- Jackie and Cathy both agreed people usually ride together.
- The back lot will be crusher run.
- Mike asked if Jackie would be improving the fencing running along the Northside and east side of the property. Jackie wasn't sure yet. She said she'd not opposed to it.
- Cathy said her concern with the increase of traffic flow that the fence should be higher on the Northside (neighbor's side).
- Dave asked Jackie if there is a fence separating her from the Kotts property. Jackie said yes. It's a stockade fence, 6 feet she believed. That fence is in good shape.
- Mike mentioned the neighbors being concerned about dust created from a crusher run parking lot and asked Jackie if she ever thought about millet.
- Jackie wanted to address the dust comment, there has been 2 years of road construction that went on Melrose and Owasco Road. The construction company would her parking lot every day to park their vehicles. She said a lot of dust came from the construction.
- Gerry stated having a higher fence is better as a noise buffer and pulling out on crusher run can make noise.
- Dave agreed that screening is good alternative and can be made id the board agrees a condition upon approval.
- Dave asked what her plan for trash would be. Jackie said she will need a smaller dumpster.
- Mike asked Jackie if she was still keeping the Florist part of the business and she said yes.
- Cathy asked if the concrete pad next to the building is staying. Jackie said she was going to keep it for now but if it makes sense to get rid of it later she would. Cathy asked if it had a use and Jackie said not at the moment. The board reviewed the site plan on the computer. Jackie was shown the patio and said she is planning on keeping that one.
- Dave asked about signage for entry and exit. She said yes. Patrick said it's on the site plan with an example. Gerry reminded the board there is already signage on the building too.
- Cathy asked if there was coverage issues. Patrick said it's all existing.
- Dave gave Mr. Kott an opportunity to speak.
- Mr. Kott stated the fence that runs the back of his property (north to south) is Jackie's fence and is in disrepair. The bottom is rotting out. Mr. kott also asked where the dumpster is going. Dave explained that the new site plan has it along Melrose where the entrance is. It will be in the south east corner.

- Mr. Kott asked about the back parking lot, right now it's mostly soil and he knows they want crusher run but his concern is run-off. He has a problem now and a few years ago he built a retaining wall and it took care of most of the problem. Now by removing the soil/adding crusher run is going to recreate more run-off for him and his neighbor to the Northside. Mr. Kott has concerns about dust still and he has been dealing with it for years. Jackie did say for the first time last spring she put crusher run in and much better. Mr. Kott said with the exit being on Owasco and crusher run placed in the lot, cars will kick up more dust.
- Cathy asked if they would be putting proper drainage in when they put crusher run in. Dave said they can make that a condition/ stipulation so as to avoid drainage onto Mr. Kotts property.
- Mr. Kott also stated the run off coming down Melrose thru the front of the building and road to his ditch. Cathy stated it would benefit Jackie to fix that as well.
- Mr. Kott feels the traffic will increase with this business. Mr. Kott said if she could eliminate the dust he wouldn't have a problem.
- Jackie said she would look into the millings idea. She can look into cost.
- Mike asked if there was drain, Mr. Kott said he believes there's one on the corner of Melrose near the entrance to the parking.
- Dave asked Jackie if she would consider paving at some point. She said not right away due to cost with the renovations with the salon.
- Ron Podolak asked if the County Highway should be weighing in on this plan and the NYS DOT.
- Dave noted the County 239 came back with no inter municipal impact.
- Dave stated that the board could include a condition that the new site plan refer to the County Highway before the Owasco Planning Board Review so they could see any conditions they may have. They could also address the drainage as well. Dave also included the NYS DOT should review plans as well.
- Andy Leja said that as a board you can set conditions for referral to different agencies and the applicant must agree to be subject to whatever recommendations come from the agencies. The board can do it up front as part of the approval or the referral could be made now before the approval is issued and see what those agencies say and incorporate that in the Zoning Boards Special permit findings. It can be done either way, before the Planning Board weighs in on its recommendations and findings.
- Dave asked which Andy would recommend. Andy stated the site plan has changed from what was originally circulated and part of the 239.
- Andy felt that it may be easier to make the referrals and have Mr. Palmieri contact those agencies and discuss things with them and get a letter from them as to what their feelings are on drainage and covering issues, dust control and traffic flow.
- The board can table this for the board to review the new plans and maybe before the next meeting the board could send a list of questions to Mr. Palmieri so he can answer in advance so there is no back and forth.
- Cathy Buck asked Andy if the board is just voting on the usage and putting in perimeters for the use. Andy said the Zoning Boards role is the Special Use permit that controls the nature of the use but there is also a series of findings that the board has to make pursuant to that and then if the board decides the special permit is appropriate the it would go to the Planning Board for site plan approval.
- Cathy asked if the board should still go thru the SEQR tonight, Andy said no. Part of that SEQR is drainage and there isn't enough information yet.
- There is no time restriction (62 day) on the clock because the application has been deemed incomplete.
- Mr. Kott was concerned about signs for sight line reasons. The signs on the site plan are small. The board will look at the signs and size during they're review.

The ZBA hereby asks the applicant Jackie Scanlon to present the latest version of the Smiley's Florist site plan (prepared by Mike Palmieri and dated April 27, 2020) to the Cayuga County Highway Dept and to the NYS Dept of Transportation for review and comment before the next ZBA meeting in May. Specifically, the ZBA seeks comments from the agencies on the following:

1. Storm water drainage off the Scanlon property (direction and quantity control);
2. choice of crusher run stone as the surface material for the parking lot (potential effects on drainage and dust control) and use of alternative surface materials;
3. traffic routing and flow into and out of the curb cuts along State Route 38A and Melrose Road (a County Road); and
4. Any other comments the agencies may have on the site plan.

Dave tabled the application

Moved: David Kalabanka

Second: Gerry Guiney

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

Motion Carried

The next meeting is scheduled for May 18th provided there is business to come before the Board.
On a motion by Cathy and seconded by Steve the meeting was adjourned at 8:13 pm