

## **Zoning Board Minutes**

January 27<sup>th</sup> 2020

**Members Present:** Steve Moriarity, Cathy Buck, Jim Nolan, Dave Kalabanka

**Members Excused:** Mike Jones, Gerry Guiney

**Others Present:** Norman Plourde, Mark Reed, Ted and Judy Kott, Tom Blair, Jackie Scanlon, Rose Ryan, John Hand, Greg Peterson

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

### **1. Call meeting to order: 7:00 pm**

**Motion:** The Zoning Board approved the minutes of the December 18th 2019 meeting as submitted.

**With Changes:** \_\_\_\_\_

**Moved:** Cathy Buck

**Second:** Steve Moriarity

**Roll Call:** Steve Moriarity - Yes; Cathy Buck - Yes; Jim Nolan - Yes; Dave Kalabanka - Yes

**Motion Carried**

### **Plourde Public Hearing Opened at 7:00 pm**

#### **Discussion:**

- Norman Plourde was present to discuss the application.
- The application is for a 12' north side yard variance and a 3' south side yard area variance to construct a small addition and covered porches and also seeking area variances to permit 13% building coverage and 12% impervious.
- Norman referenced the site plan map and explained to the board that the lakeside of the home has no changes proposed. The west side toward the existing garage is where they want to come out 10 feet on the front side toward Burtis Point Road.
- They want a 10 foot addition/covered porch headed south. The south side of the house they want to come out an additional 8 feet toward the Sinclair property which would line up with the existing back side of the house. All 3 property lines will remain the same.
- They will be going up 2 stories on the front addition.
- Mark Reed was present (to represent Jane Sinclair and Family), neighbor to the south of Plourde home. They reviewed the site plan along with the board. Mark didn't have any objection and just wanted to make sure there was no obstructions of lake views.
- Norman said its more of an inside remodel. Already tied into the water and sewer.
- This is exempt from SEQR because it's a type 2 (1/2/3 family homes are exempt).

- This will need to go to the Planning Board for site plan review.
- The home and addition will be the same color.
- Dave Kalabanka asked about the future use of the home, whether it will be a rental. He said no, it's for family. 3 brothers own the home.
- There will be gutters on the rooflines.
- No one else was present to speak for or against this project.

**Motion:**

Zoning Board of Appeals  
1/27/20

I make a motion to grant a 12-foot North side yard area variance and a 3-foot South side yard area variance under Section 150-1 of the Code of the Town of Owasco; I also make a motion to grant a 3% building coverage variance (to allow for 13% building coverage) and a 2% impervious coverage variance (to allow for 12% impervious coverage) under the Town of Owasco Town Code table of dimensional requirements, section 150, Paragraph 1, Attachment 1, to Norman Plourde for his property located at 103 Burtis Point Road, Owasco, NY, Tax Map 138.03-2-12. These variance are to allow construction of additions and alterations to the residence, including: a) an 8' x 12' 2-story bedroom addition, b) a 7'6" x 10' 2-story laundry and bedroom addition, c) a 7'-6" x 24'-4" covered porch addition, d) a 8'0" x 23'-3" covered porch addition, and e) a concrete patio measuring 9' deep, 28'-8" x 27'-7" on a .54 acre non-conforming lot. No construction will take place on the lake side. Although the hardship is self-created, the Board finds the request to be reasonable due to the lot being a nonconforming, narrow lakefront lot located in the 100-year flood plain. It is reasonable for the applicants to want to square up the house on the lot and add living space and covered porches.

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.
2. The neighbor to the South came to get some questions answered. Otherwise, no one is here to speak in favor or against this request. All neighbors were provided written notice.
3. The Board finds the applicant's request to be reasonable – to put small additions, square up the house on the lot in line with the property line, and construct covered porches.
4. The variances are the minimum necessary for the new structure; there will be no adverse impact on the physical or environmental conditions of the neighborhood. The new construction will be in line with the neighboring house to the North, which has a similar covered porch. There is ample room around the structure for maintenance and drainage; the structural roofline will not be changed.

5. The applicant stated that the use of this building is intended for immediate family use now and in the future, not as a rental.
6. The difficulty in this request is self-created since this is new construction, but a hardship exists because of the small, narrow size of the lakefront lot. It is reasonable for the applicant to desire an addition to living space and covered porches.
7. Granting of this variance is subject to site plan approval by the Owasco Planning Board.

Respectfully submitted,

Cathy Buck

**Motion:** Cathy Buck

**Second:** Dave Kalabanka

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Dave Kalabanka- Yes

**Motion Carried**

**Plourde Public Hearing Closed at 7:15 pm**

**Botindari Public Hearing Opened at 7:16 pm**

**Discussion:**

- Dana Botindari was present to speak about his application for a Hair Salon in the space at 7257 Owasco Road. He bought the building that his father-in-law owned Ferlanda Insurance.
- Dana has a salon on West Genesee Street in Auburn that is in a building that is being sold so he'd like to move the Salon into the space on Owasco Road.
- Has been to 239m review and has been determined to have no inter municipal action needed.
- Exterior of building will remain the same.
- There would be 4 booths, stylist are by appointment only. 2 massage tables, a massage therapist who works part-time by appointment only.
- Dave noted a barber shop was in same area, but Dana said it's not an issue. They have their own clientele.
- Dave asked about hours, they referred to the narrative. Dana is not sure how many people come and go throughout the day. He said it's not many and the 2 girls may have a couple apiece a day, depending on what they have done and how long it takes. Usually after 4pm.

- Dave- Current code doesn't allow for signs to go above the roof line, this sign has been there predating that code.
- Dana didn't know about the sign issues and that's why it wasn't on the application. He stated he would pull sign down and put it on the window if he had to.
- The board talked more about signs and getting a permit and the size. If the board were to put a special condition in then Dana would go to Patrick Doyle with his sign proposal and he would look and compare to what the code allows. If it's good he'd give you the permit, if it's not then you'd have to come back to this board to revise the special use permit.
- The discussion about parking was brought up and he said the employees would park behind the building and didn't expect there would be a lot of cars since it's a small salon.
- Dave asked how many spaces he has. Andy Leja said typically square footage of the whole plaza and figure total number of car spaces.
- Dave said when the building was re-configured from the pizza place to the state offices Mr. Pellegrino went through considerable effort to get that taken care of with the board.
- Andy told Dana he would stay within the confines of the approved parking plan for the plaza.
- Mr. Tom Blair was present and he is an attorney and represents Le-Co companies which owns the company and wanted the board to know there are deed restrictions for that property. He made a copy of the document part of the record.
- Mr. Blair did relay that Mr. Paul (barbershop) asked if in the future Mr. Botinadari sells that he can't sell to a barbershop, maybe make that an into the record..... Tom was he to convey that message from Mr. Paul.
- Mr. Blair did ask for the scrub brush to be cleaned up alongside the property and behind the business.
- Mr. Leja attorney for the Owasco ZBA reviewed the document along with the board.
- They again discussed parking and if the agreement specified a certain amount of spaces for each business.
- Dana has spoken with the owner on McLaughlin Glass and he has no issues with the salon using parking in the back for the salon employee's and using the loading dock and garbage receptacle.

The Board discussed and reviewed the Special Use Permit section of the code.

**Motion:** Jim Nolan made a motion to grant Dana Botindari owner of the property at 7257 Owasco Road Auburn NY, tax map# 123.06-1-2 continuation of non-conforming use under section 150-44 to continue the property in a non-conforming use in Lakeshore District. Also will grant a special use permit for property, section 150-63.

In making this determination the board has determined the following:

1. There will be no undesirable change to the neighborhood.
2. The building is in a non-conforming commercial use within the residential lakeshore district that was established under prior Town of Owasco Zoning regulations.
3. There will be no change to the size of the building.
4. The building cannot be reasonable changed to a use permitted in this district which is now zoned residential lakeshore district.

5. Off street parking requirements are to be reviewed by the Planning Board along with waste disposal, noise, storage and appearance requirements by the Town are within our Special use permit.
6. There may be a slight increase in pedestrian and vehicle traffic, but the parking area is capable of handling it.
7. The building sits between two buildings which are a commercial use office and glass repair business.
8. SEQR application concluded to be a Negative Declaration.
9. Any sign for the business will conform to current Town Codes, any departure will result in applicant coming back before this board to propose an amendment to the Special Use Permit.
10. Existing roof sign will have to be removed.
11. Comply with Deed restrictions and comply with any other conditions that apply to that piece of property.
12. Landscaping: the applicant will undertake some minor landscaping work in the back to clear the shrubs and trees so there will be not interference with utilities.
13. This motion is conditioned on Planning Board Approval of the site plan.

**Motion:** Jim Nolan

**Second:** Cathy Buck

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Dave Kalabanka- Yes

### **Discussion:**

Short SEQR assessment review (on audio) was done and a negative SEQR was declared

Dave made a motion to declare a Negative SEQR

**Motion:** Dave Kalabanka

**Second:** Cathy Buck

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Dave Kalabanka- Yes

**Motion Carried**

**Botindari Public Hearing closed at 8:23 pm**

## **Scanlon Public Hearing opened at 8:26 pm**

### **Discussion:**

- Jacki Scanlon was present to speak about the application and her plans for a salon and spa.
- She would like to remove the gift shop items as it's not as lucrative and she can't compete with online stores, such as Amazon etc.
- She would continue to use the same sign but change the wordage.
- She referenced her site plan for the board to see the lay out of the stations for the manicures and pedicures. Makeup and hair would also be done there, blowout and up do's for special occasions and events such as weddings.
- Jackie also said there is space behind the building right now that she would like to use as a courtyard where clients could sit and relax and have a snack if they chose to bring one.
- Jackie has considered putting in a water feature and some plantings, making it a relaxing space.
- She will continue with her flower business and felt incorporating this salon would be keeping with the trends.
- When asked about parking spots Jacki thought maybe there is room for 30 cars. The board felt that may not be correct and it's important as there could be an increase in cliental.
- The board also felt that the ingress and egress should be configured as it's difficult to determine a safe route to enter, park and exit. They suggested talking with Mr. Palmieri.
- The Kotts are the neighbors on the Owasco Road side and were present to discuss the application and express that they have problems now with the amount of dust that the parking lot generates from traffic flow.
- The Kotts have also had issues with the way the intersection has caused unsafe turning and they feel the business contributes to it.
- Jackie disagreed with The Kotts on some of their feelings about her business and how it has affected their home value.
- Right now there is a fence that separates the properties.
- Another neighbor, John Hand was present and was in favor of the change to the use of the property.
- Rose Ryan who is employed by Jackie Scanlon was also present and would like to see the change and said she would encourage everyone to work together and have the business in Owasco be a success and a nice addition for the community.
- Greg Peterson who is friend and contractor was also present and he said he would be helping with any clean up in the back to make room for the court yard space and any other work that will need to make the salon happen.
- The parking lot is an issue and the board needs a clearer vision of where the spots will be and a confirmed number of spots and possibly a flow for traffic visiting the business.
- Dave also stated that seeing what's already existing and what's proposed is helpful.

**Motion: Dave made a motion to table the application till the next meeting as additional information is needed.**

**Moved:** Dave Kalabanka

**Second:** Cathy Buck

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Dave Kalabanka- Yes

**Other Business:**

The Town of Owasco Zoning Board will hold its monthly meetings the third Monday of each month at 7:00 p.m., through the year 2020, provided there is business to come before the board. The dates of those meetings are: January 27<sup>th</sup> 2020 February 24<sup>th</sup> 2020, March 16<sup>th</sup> 2020, April 20<sup>th</sup> 2020, May 18<sup>th</sup> 2020, June 15<sup>th</sup> 2020, July 20<sup>th</sup> 2020, August 17<sup>th</sup> 2020, Sept 21<sup>st</sup> 2020 ,October 19<sup>th</sup> 2020, November 16<sup>th</sup> 2020, December 21<sup>st</sup> 2020

**Motion:** Cathy moved to approve the Zoning Board Calendar for the year 2020.

**Motion:** Cathy Buck

**Second:** Dave Kalabanka

**Roll Call:** Steve Moriarity - Yes; Cathy Buck -Yes; Jim Nolan -Yes; Dave Kalabanka- Yes

On a motion by Cathy and seconded by Dave the meeting was adjourned at 9:20 p.m.

Respectfully submitted by: Lori Reed