

The Village of North Syracuse Zoning Board of Appeals held a meeting on Thursday, November 5th, 2020 at 5:00 p.m. in the North Syracuse Community Center at 700 South Bay Road, North Syracuse, New York 13212.

Agenda:

- Approval of the ZBA minutes from November 5, 2020 (**Approved**)
- Area Variance: Rear Height Variance-321 Fergerson Ave. (**Approved**)

Board Members Present: David Robinson, Chairperson, Jeff St. Germain, Jack Gaiser, Anthony Irick, Jake Bunton, and Pat Gustafson, Liaison.

Others Present: Neil St. Germain, Attorney, Brian Johnstone, CEO, and Pearl Fuller, Secretary

Chairperson Robinson called the Zoning Board of Appeals Meeting to order at 5:00 PM.

Chairperson Robinson announced due to the emergency circumstances caused by the Covid-19 pandemic and the NYS Governor's Executive Orders the public shall not be allowed to attend due to the Covid guidelines. However, they are allowed to watch over Facebook.

Chairperson Robinson did attendance, and noted all members were present.

APPROVAL OF THE ZBA MINUTES FROM 11.05.20

Chairperson Robinson asked if anyone wanted to make a motion to approve the minutes. Mr. St. Germain made a motion to approve the November 5th, 2020 ZBA minutes as written. Mr. Irick seconded the motion. The motion was approved unanimously.

LEGALS

Chairperson Robinson stated we need to verify the legals. He verified the Legal Notice was put in the newspaper, Agenda was sent to the newspaper, and surrounding neighbors were notified. Mr. Robinson added the Agenda is also on Facebook and he announced the legals appear to be in order.

**AREA VARIANCE, DIANE PONZIO
321 FERGERSON AVE**

Chairperson Robinson read before us tonight, we have the Applicant, Diane Ponzio. She is here regarding the property located at 321 Fergerson Ave., which is currently zoned R-9 Residential. This is a corner lot with the front and driveway facing Fergerson Ave.

She is requesting an Area Variance for height to be allowed to install an 8' H wooden privacy, dog ear cedar fence. The fence will be going out 9' L x 8' H from the corner of the house on the Coolidge Road side, and going across the rear of the house to the garage 56' L x 8' H, between the 321 Fergerson Ave. and 106 Coolidge Road properties. The houses are very close in proximity and the way the

windows on the houses line up, you can look in each other's houses. She has requested an area variance for height from § 240-35B (2) which states for rear yards, no screening device shall exceed 6'H within required side and/or rear yards. She is seeking relief for 2' H x 65" L. The other screening shown on survey that she will be installing will not require a variance and it complies with code.

PURCHASE AND SURVEY

Chairperson Robinson share the house was purchased on November 24, 2020, and at that time the address of the property was 108 Coolidge Road of which the survey provided reflects.

ADDRESS CHANGE

Chairperson Robinson explained a copy of the Notice of 911 Address Change has been provided. This property address has the front of the house facing Ferguson Ave as well as the driveway. SOCPA changed the address to 321 Ferguson Ave. The Survey provided still reflects the 108 Coolidge Road address. It has been cleared through counsel, and approved to be allowed to be use; it reflects: both streets, Coolidge Road and Ferguson Ave., the driveway coming out on Ferguson Ave, and the location of the placement of the fence.

REPRESENTATIVE ADDRESSES THE BOARD

Applicant/Representative: Diane Ponzio

Chairperson Robinson invited Ms. Ponzio to speak to the Board. Ms. Ponzio explained when she purchased the house in she knew there was a problem, and that she had to do something back there, but did not realize that she would need a variance to erect a fence that high. She spoke of preferring Arborvitaes and natural things, but there is really not enough room for them to grow, for her to walk back there and she has a dog. She stated that is why she is asking for a fence as a solution to that, but we literally can see in each other's windows, and it is something that she would like to remedy if it is O.K. with the Board. Chairperson Robinson stated there are alternatives to things like that, such as window shades or drapes. He asked why that would not be a solution. Ms. Ponzio continued she needs all the natural light she can get from that south facing window as that is where most of the sun does come through is the south facing. She added she has Seasonal Affective Disorder (S.A.D.) and spoke with the doctor about getting an LED light to use. She stated she uses it in the morning, but it just is not the same as the sunlight coming through. She continued there is an old shade there that they left with the house that she puts down in the evening, but during the day she wants the sun to come through.

BOARD QUESTIONS

Chairperson Robinson asked if the Board Members had any questions. Mr. Irick asked with the sunlight coming in that side, if you put up an 8' H fence, is the sunlight still going to come in that side. Ms. Ponzio stated it does, the whole window is not blocked, because she has a basement and it is raised up a bit, it will block the bottom half of it; as you can see she is only 5', so she thinks that will work.

PUBLIC HEARING

Chairperson Robinson stated that due to the Covid-19 pandemic and the NYS Governor’s Covid guidelines, the public was not allowed to attend, but could view via Facebook. He stated we have contacted all the adjacent neighbors and we have not received any negative comments.

COUNTY RESOLUTION

Chairperson Robinson stated we do not have a county resolution, because it is not required, due to a Municipal Agreement between the Village and the county dated December 12th, 1993.

SEQR

Chairman Robinson stated this is a Type II and no action is required.

Review Village Law Criteria for Area Variances with the Board

The Board reviewed the New York State Village Law Criteria for Area Variances with reference to §7-712-b titled: 3. Area Variances and the following are their responses as marked:

	Yes	No
1. Whether an undesirable change will be produced in character of neighborhood or a detriment to nearby properties will be created by granting of the area variance		✓
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance		✓
3. Whether the requested area variance is substantial		✓
4. Whether the proposed variance will have adverse effect or impact on physical/environmental conditions in neighborhood or district		✓
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but not necessarily preclude the granting of the area variance.	✓	

MOTION

Mr. Irick made a motion to grant the rear yard height area variance allowing a wooden privacy dog ear cedar fence to be installed to 8’ H, instead of the allowed 6’ H by code, granting relief of the 2’ H

area variance to the rear yard going out 9' L x 8' H from the corner of the house on the Coolidge Road side and 56' L x 8' H going across the rear of the house to the garage between the 321 Fergerson Ave. and 106 Coolidge Road properties, for a total of 65' L X 8' H, according to survey submitted, prepared by Walter J. Hadcock of Lehr Land Surveyors, D.P.C. showing 108 Coolidge Road, Town of Clay, County of Onondaga on Lot No. 28 , of the Anna Marsh Reed Tract, Filed May 2, 1921 as Map #1731 and refiled on 10/28/2020 with Map Date of 11/5/2020, Dwg. No. 20-J-108*B*. The motion was seconded by Mr. Bunton. Roll call vote: Mr. Bunton- Aye, Mr. Gaiser- Aye, Mr. St. Germain- Aye, Mr. Irick-Aye, and Mr. Robinson-Aye, All in Favor.

Mr. St. Germain made a motion to adjourn at 5:14 PM. and seconded by Mr. Irick. All in Favor.

Respectfully submitted,



Pearl Fuller, Secretary