

The Village of North Syracuse Zoning Board of Appeals held a meeting on Thursday, May 6th, 2021 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 March 4, 2021 (**Approved**)
- Area Variance: Rear Height Variance-320 Chestnut St. (**Approved**)
- Area Variance: Maximum Coverage Area Variance-100 Fairfield Dr. (**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

Personnel Absent: Jake Bunton.

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 Mayor of the Village of North Syracuse, 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 03.04.21

Chairperson Robinson asked if anyone wanted to make a motion to approve the minutes. Mr. Gaiser made a motion to approve the March 4th, 2021 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 announced the legals appear to be in order.

**AREA VARIANCE, GREG KOLBAS
320 CHESTNUT ST.**

Chairperson Robinson read before us tonight, we have the Applicant, Greg Kolbas. He is here regarding the property located at 320 Chestnut St., which is currently zoned R-9 Residential. This property abuts Heritage Park on the west side of his property. He is proposing to erect an 8' H x 60' L privacy fence in the rear of his property on the side that abuts the park. As per Code §240-35 B (2) screening devices shall not exceed 6' H for side/rear, this proposed 8' x 60' L privacy fence will require

a 2' H area variance for height. He plans to enclose the rest of the rear of his property with a 6' H fence which complies with code. He has presented in his application, that the park has daily basketball games every day during the summer with lots of fighting, extreme language and drugs.

REPRESENTATIVE ADDRESSES THE BOARD

Applicant/Representative: Greg Kolbas

Chairperson Robinson invited Mr. Kolbas to speak to the Board. Mr. Kolbas stated the park is just kind of a nuisance, we did not really realize that when we moved in. He continued the Police can tell you it is not really great over there. He added the pictures do not speak its words or the videos, because at this time school is not out, so the place is not as busy as it normally is during the summer time. He stated so we are just looking to put that privacy fence up in the back and to keep an eye away from all the stuff that goes on over there with the kids, we always have a lot of kinds at our house.

BOARD QUESTIONS

Chairperson Robinson asked if the Board Members had any questions. Mr. Gaiser clarified that he wanted to put up a 60' fence along the west side. He asked that is from what, the neighbor up to your garage. Mr. Kolbas stated yes, from his neighbor's house all the way to the garage. Mr. Gaiser stated he thought the chain link fence was the Village's. Mr. Kolbas continued yes, it will be 3' or 4' away from that. Mr. Gaiser continued he understands you are complaining about too much cursing and whatever. He agreed with him on that as he has been there a few times. Mr. Gaiser asked you are putting your fence up how many feet from the chain link fence or do you want it on the property line. Mr. Kolbas continued his property ends up running about 15' in from the road and runs in 80', so it ends up being about 3' from that fence. Mr. Gaiser clarified that he is going to leave that spot. Mr. Kolbas added he is going to have an opening, but he will put a door there so he can get behind there. Mr. Gaiser spoke of not liking that, because you end up with a bunch of junk in there. Mr. Kolbas stated he cleaned up a bunch of dead trees out and got rid of everything, so actually cleaned everything nicely. He continued he would just have to go back there and maintain any trash that blew in there. Mr. Gaiser verified he wanted 8' H for just 60'; he does not need it up to the house or just pass. Mr. Kolbas continued that would go back to his garage and he does not need that especially with the price of lumber. Mr. Irick spoke of the 3' along the fence, he stated sometimes people build there fences and let it go. Mr. Kolbas stated he would love it up to the fence if that was allowed; he would go as far as that. Mr. Irick continued his concern is that he makes sure that it stays clean. Mr. Kolbas continued he would try to keep his property up as much as he can. Mr. Gaiser verified that the rest of the fence in the back will be in conformance of the code. Chairperson Robinson clarified that it would. Mr. Kolbas stated the rest of it will be 15' from the road and 6'H and then just the 8' in the rear. Mr. Gaiser spoke of people coming in to raise the fence higher when putting a swimming pool in and asked about the front of the property. Mr. Kolbas continued that will be high enough; our neighbors are kind of spaced out from us, so that is not bad.

PUBLIC HEARING

Chairperson Robinson stated that due to the Covid-19 pandemic guidelines, and the Mayor of the Village of North Syracuse, 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 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 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 across the rear west side of the property for a total of 60' L. with the condition that

the fence would be completed by 11/1/2021. The motion was seconded by Mr. Gaiser. Roll call vote: Mr. Gaiser- Aye, Mr. St. Germain- Aye, Mr. Irick-Aye, and Mr. Robinson-Aye, All in Favor.

LEGALS

Chairperson Robinson stated we need to verify the legals for our next applicant. He verified the Legal Notice was put in the newspaper, Agenda was sent to the newspaper, and surrounding neighbors were notified. Mr. Robinson announced the legals appear to be in order.

**AREA VARIANCE, BRUCE THOMPSON
100 FAIRFIELD DR.**

Chairperson Robinson read before us tonight, we have the Applicant, Bruce Thompson. He is here regarding the property located at 100 Fairfield Dr., which is currently zoned R-9 Residential. He is looking for an area variance to maximum coverage, as per Code §240-8D. (1)(d) 25% is allowed of the total lot 7,205 sq. ft., yielding 1,805.25 sq. ft. allowed to be cover. His house and porch cover 1,306.25 sq. ft. leaving 495 sq. ft. available left to cover. He is proposing to build a 24' D. x 32' W. x < 15' H (768 sq. ft.) detached 3-car garage. He is requesting relief of 273 sq. ft. from the maximum coverage requirement. He has stated in his application, this is for personal use, not commercial business, and aesthetically will have the same siding and roof design as the house with landscaping at a later date.

REPRESENTATIVE ADDRESSES THE BOARD

Applicant/Representative: Bruce Thompson

Chairperson Robinson invited Mr. Thompson to speak to the Board. Mr. Thompson asked if they had any questions.

BOARD QUESTIONS

Chairperson Robinson asked if the Board Members had any questions. Mr. Irick stated it says that you are building a 3 car garage in lieu of building a garage and then a shed possible in the back yard or something. He asked if that means that everything that he has out there, the cars and whatever is all going to be in that garage and out of site then. Mr. Thompson stated correct. Mr. Irick went on to say it is going to be maintained, not be seen from the road or anything; the lot is going to be not covered and well maintained and everything like that. He added outside of that, he would have no issues with that. Mr. Gaiser stated his only issue is if you make it look like the house across the street from you with the coverage it sounds good. Mr. Thompson continued except he has a separate shed. Mr. Gaiser continued you have a small house as it is with an attached garage on it right now and then you want a 3 car garage. He stated he is not for a 3 car garage, you really take up everything in that back yard; you do not have a yard anymore, you will lose the whole thing. Mr. Thompson added it will still look good. Mr. Gaiser stated he is comparing it to the house across the street and he has a 2 car garage and a big shed like a car shed, it really takes a big chunk of the yard and then with the stuff laying around by the side of your garage by the house there. He added you have a big pile of he does not know what it is. Mr. Thompson stated he is starting to sort through that. Mr. Gaiser spoke of the

cap sitting tied up to the tree. Mr. Thompson continued he is getting rid of that. Mr. Gaiser stated he is not taking consideration for other neighbors. He continued that is what they do around the Village, no one cares about others, and they just do what they want to do. Mr. Thompson added it is human nature. Chairperson Robinson asked if he is telling Mr. Gaiser continued that all of that stuff that is out in the yard now, the pile of whatever on the back corner of the house, the vehicles and stuff is all going into that garage. Mr. Thompson stated yes, he will be able to clean that all up, he will get the cars; it is for the cars, the truck and the 3rd bay is for yard equipment like his riding tractor. Mr. Gaiser added you have a trailer back there sitting by that pile. Mr. Thompson continued yes. Chairperson Robinson asked where that trailer is going. Mr. Thompson added that could easily be moved. Chairperson Robinson stated he is asking specifically what he is going to do with that trailer. Mr. Thompson stated well that can fit inside the garage or it could go along side of the garage. Chairperson Robinson continued O.K., and you have an accumulation of stuff there in the back corner, is that going in the garage. Mr. Thompson continued as he sorts through that will either be disposed of or put in the garage. Chairperson Robinson asked when he is going to sort through that. Mr. Thompson added right now he is working on getting his trailer repairs, so that he can get some stuff on it in order to haul. Mr. St. Germain stated he did not see any letters from the neighbors, how they feel about it, he did not see any letters of concerns or anything. Mr. Thompson stated they never expressed any concerns at all. Mr. St. Germain asked if they knew about it. Mrs. Fuller stated that they were notified. Mr. Gaiser stated he would like to know how they really feel about it that is what he personally would like to know, because it makes a difference; that is what makes the Village, neighbors. Chairperson Robinson stated the issue in his mind is more of a chicken and egg, Mr. Thompson states he is going to put all that stuff out and in the garage, but by the same token he cannot do that unless we give him the approval to build the garage. He continued somehow we have to rely on your assurances that you are going to get all of that stuff either away or in that garage. Mr. Thompson continued yes. Mr. Gaiser spoke of his house on the corner and the house next to you going down Fairfield Dr., 3 houses look like a mess of clutter, and something he would not want to be across the street living from. Mr. Irick stated if there could be assurances that he is going to do exactly what he states he is going to do once he builds it. Mr. Thompson added once it is complete, he will be landscaping it, so it will actually look like more yard, because the existing driveway will go, the existing garage he will probably make into living quarters. Mr. Gaiser stated he feels like he would not want to put up a 2 car garage up and down the road, put up a shed, if you had to. Mr. Thompson stated that is what the guy across the street did. Chairperson Robinson continued he thought he would have the same issue of land coverage. He added he could build a 2 car garage without a variance, but the minute that he wants to build that shed, and then he starts covering more of the property, the he would require a variance for that. Mr. Irick stated if he has enough room, which is already going ahead and doing which will look a lot better. Mr. Thompson continued which across the street are a 2 car and a shed. Mr. Irick continued it probably would look more aesthetically pleasing as a 3 car vs a 2 car and a shed. Mr. Gaiser continued he is not for the 3 car garage. Mr. Irick added if everything can be cleaned up and put in there, he does not see a 2 car. Chairperson Robinson added right and we have to rely on your word that you are going to do that. Mr. Thompson added he is trying to make it look better. Chairperson Robinson stated he understands, but you know where we are, you hear Mr. Gaiser. Mr. Gaiser asked if there was any way we could find out if your neighbors agree with all this. Mr. Thompson stated they do. Mrs. Fuller stated she noticed 6 neighbors around his property plus Mr. Thompson that is required by Code. Chairperson Robinson continued all the neighbors were given letters about this meeting and what he was doing. Mr. Germain stated that

what we are stating here is that they gave them proper legal notice and if they neighbors wanted to and had an opportunity to weigh in on this issue and they decided not to weigh in on this issue, because we do not have any comments from them. He continued so even if you want to hear from them, they have an absolute right to not weigh in if they do not want to, so another word you may want their opinion, but they do not have to give it to you. Mr. Gaiser explained he did not want to see another mess happening and he can see something coming down the pike. Chairperson Robinson added if he stated he is going to put all that stuff that is now placed in the yard, is going to go in the garage, he would state that is a significant improvement to having 2 vehicles parked in the front of the house; another 1 parked sideways, the trailer parked there, and that pile of stuff on the back corner of the house, it is not that he went to look to see what he has. Mr. Gaiser spoke of the list of items and stated that he is not going to fit all that stuff in the garage anyways. Chairperson Robinson added he stated he is sorting through and throwing out that stuff in the back. Mr. Gaiser added even behind the house, to the neighbor's right next to you, by the chain link fence that runs right off of Chestnut St.; he does not know what is in there, but it does not belong there. Mr. Thompson stated yes, but it is just a cover over the top of the meter, because of the way the ice came down. Mr. Gaiser explained he has a lot of work to do; there is a lot to be done. Chairperson Robinson stated he is committing to do it. Mr. Gaiser continued there has got to be some kind of time element on this. Chairperson Robinson stated that is where he sees is the problem, first he has to get the building up before he can put the stuff in there, so he thinks the only time element we could put on the thing is the construction of the building. Atty. Germain stated correct, but with the understanding that you are going to complete the pickup of the refuse in the yard, and clean up the area in a reasonable time thereafter. He continued that is what you have committed to, is he right. Mr. Thompson stated he is trying to make the place. Atty. Germain continued it is not that you are trying, are you going to do it; that was the question. Mr. Thompson continued yes, he does not want it looking the way it does, believe him. Mr. Gaiser added what you do not fit in the garage is going to be sitting right in front of the garage doors, so you might as well say that is where it is going to be; it is going to be a parking place for everything. Mr. St. Germain stated he thinks he is committed to making this right. Mr. Irick stated what he is saying is our opinions as to what he might do, does not matter; he has committed to make it right. He continued what we think might happen does not have to played into it; he has stated he is committed to doing. Mr. Gaiser continued no matter what you state, you still have to worry about it. Chairperson Robinson agreed. Mr. Gaiser added he has seen too many things over the years happen. Chairperson Robinson stated he is willing to take a man at his word. Mr. Gaiser asked if they did not want him to saying anything. Chairperson Robinson continued say what you want to say, but as Mr. St. Germain stated he has already committed to doing it, so the rest of it is our opinion, and he has made a commitment to us. Mr. Irick added he is right and he agrees with Mr. St. Germain.

PUBLIC HEARING

Chairperson Robinson stated that due to the Covid-19 pandemic guidelines, and the Mayor of the Village of North Syracuse, 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

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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 maximum coverage area variance allowing him to build 24' D. x 32' W. x < 15' H (768 sq. ft.) detached 3-car garage, granting relief of the 273 sq. ft. area variance. The motion was seconded by Mr. St. Germain. Roll call vote: Mr. St. Germain- Aye, Mr. Irick-Aye, and Mr. Robinson-Aye, All in Favor. Mr. Gaiser- Opposed. Motion is approved.

Chairperson Robinson asked when he planned to have it built. He stated as soon as possible, he can call them and tell them to get started, he will order the trusses. Chairperson Robinson stated so it will be built in a month. Mr. Thompson stated a little over a month, because you have got to wait for the concrete floor to dry, he has a plan step by; step by, step. He continued he is hoping that once it is all up, he is hoping by next year at this time he will be able to put gutters on.

Mr. St. Germain made a motion to adjourn at 5:40 PM. and seconded by Mr. Irick. All in Favor.

Respectfully submitted,

Pearl Fuller

Pearl Fuller, Secretary