

The Village of North Syracuse Zoning Board of Appeals held a meeting on Thursday, August 1st, 2024 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 August 3rd, 2023 (**Approved**)
- Use Variance: Kennel with Conditions -709 N. Main St., Ste. 10. (**Approved**)
- 3 Area Variances: Side yard setback, lot width, and parking - 413 Church St. (**Approved**)

Board Members Present: David Robinson, Chairperson, Jake Bunton, Jeff St. Germain, Jack Gaiser and Jeff Spenard.

Others Present: Neil Germain, Attorney, Pat Gustafson, Liaison, and Pearl Fuller, Secretary.

Others Absent: Codes Enf. Officer Nicholas Rohm (Excused).

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

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

APPROVAL OF THE ZBA MINUTES FROM 08.03.23

Chairperson Robinson asked if anyone wanted to make a motion to approve the minutes. Mr. Gaiser made a motion to approve the August 3rd, 2023 ZBA minutes as written. Mr. St. Germain 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 we notified; and the Town of Clay were notified. Mrs. Fuller stated they were. Chairperson Robinson announced the legals appear to be in order.

**USE VARIANCE, MY BEST FRIEND'S HOUSE, INC. -SHANNON HARVEY
709 NORTH MAIN ST., STE.10**

INTRODUCTION

Chairperson Robinson stated before us tonight, we have the Applicant, Shannon Harvey, business owner of My Best Friend's House, Inc. of 709 N. Main St., Ste. #10 located in the Bear Road Plaza. Plaza owned by 709 Bear Rd. Partners, LLC. This property is zoned C2-A (Self Storage) which by code refers to follow C-2 (Commercial) zoning. She is in the process of purchasing the assets of Petphoria, Inc., a doggy daycare and luxury pet hotel which leases the space at 709 N. Main St., Ste. 10. They are here requesting a use variance to allow them to operate a doggy day care, pet hotel and retail store front at

the property and assume Petphoria's lease. There is over 7,000 sq. ft. for indoor place and existing yard that is currently in existence and used by the current owner, behind the property will provide dogs with opportunity to play outside. They propose to regularly board animals, up to ten [10] dogs at night, seven [7] a week to allow pet owners to take longer vacations. The hotel will be open 24 hrs. a day and accept emergency drop-offs for overnight stays. Currently, a kennel as defined in the Zoning code, in the Village of North Syracuse, Kennels are not a permitted use; in any zoning district. Applicant is looking to go in where the Petphoria was, which was granted permission by a code interpretation of Village Code on December 5th, 2019, as an accessory use to their allowed use which was retail and personal service: Animal daycare and grooming. It was granted for short-term boarding of cats/dogs to be granted with conditions as follows: 1) Maximum number of then [10] cats/dogs to be boarded at one [1] time, 2) For one [1] night during the weeks, and 3) Allow for overnight boarding across the weekend. Note the Codes Dept. has received written permission for applicant to apply on 709 Bear Road Partners, LLC. behalf. Also, a copy of the easement that is shared with Firehouse Subs property allowing for shared parking, ingress and egress has also been provided. This has been sent to the Onon. Cty. Planning Board with their determination that this referral will have no significant adverse inter-community or county-wide implications. The comments stated: The Village must document, and ensure proper permitted disposal of pet waste for the proposed use, prior to, or as a condition of, plan approval.

REPRESENTATIVE ADDRESSES THE BOARD

Representative: Jillian Brodock, Atty., Wladis Law Firm

Representative: Applicants/Business Owner: Shannon Harvey

Chairperson Robinson invited the Applicant or her Atty. to address the Board. Jilliam Brodock, Atty, introduced herself and stated she wanted to address was the waste, that she knows they wanted to ensure that they eliminated the waste properly at the facility. She continued she has a handout on the elimination station that has been installed if you want to look at it. She added that is an eliminated station that was built specifically for the property and that is where the dogs would go to the bathroom, and it properly eliminates the waste into the sewer system. Chairperson Robinson stated O.K. Atty. Brodock explained they stated they would do that, also, most dogs go to bathroom in the morning; or at night, so she does not really anticipate there being too much waste at the property. She stated that is how it is going to be properly disposed of, it was installed by a plumber as well, so they are very confident that would that would fix that issue.

She continued the Planning Board Resolution also addressed a couple of other issues, they want to be sure that they are not using more water, that it is not going to increase the sanitary sewer usage by one [1] sewer unit which is 5,000 gallons of water. She added per the Cty. Tax Bill for that whole strip plaza there at 709 N. Main St., the sanitary sewer unit charge for the last year was 3.9 units; we do not believe her property would increase that by one [1] whole unit, the entire plaza is not even using four [4] units. She explained so we do not think that would be an issue, furthermore, it is already being run.

She stated for basically the same use, the current owner is boarding dogs there, using it for grooming and training services. She continued our understanding is she is boarding dogs for a period of time up to ten [10] at night. She continued in July she stated she had ten [10] dogs for various lengths of time,

so really the use is not going to change. She added we just want the variance to make sure that this is reflected properly, when she purchases it, so we do not have any issues going forward. She shared we also have pictures of the inside of the property, it is already equipped as a doggy daycare, and overnight boarding kennel if you want to look at those as well; you can submit to the record. She explained that shows that they already have the rooms to board overnight.

She stated it is not going to change the character of the neighborhood of the area. She reiterated like she stated it is already being used for this use, we are just going to be changing it slightly, so it is not be changing the character.

She stated we do not believe it is not a self-created hardship, because a kennel is not permitted anywhere in the Village of North Syracuse. She continued it is not like she could pick a different property someone where else in the Village of North Syracuse, it is not allowed anywhere. She added we think it is a good business, you already have a daycare and grooming center already being run in there. She explained they think that the Village would want the benefit of being able to leave your dog there. She stated so that people in the Village do not have to travel elsewhere, to Syracuse or another municipality, and spend their money there elsewhere. She continued we want to keep this entire business in the Village of North Syracuse and provide the service that is not really being provided in the Village. She asked the Applicant if she had anything that she wanted to add. Ms. Harvey stated that they think it is a great location, we are in the Village of North Syracuse quite a bit. She spoke of the additional Sales Tax Revenue that we would be bring in every day. She continued other facilities have waiting lists, now a days their dogs are no different than a child. She added she would have to admit she has two [2] labradors that are her babies. She explained she is just looking to buy the property out, she is looking to get ready for a new challenge, and we want to take this one [1] on; just grow the business. She shared the woman who owns Petphoria now, she is planning to sell it, she is not going to be operating the business anymore. She stated if she cannot sell it this way, you are not going to have the service anywhere in the Village of North Syracuse. Atty. Brodock added so she is willing to take it over, and has already invested so much time, and money; so, she can offer this service to the residents of the Village.

Mr. Gaiser asked how are you going to do it on the inside, it is going to be all inside the building, boarding overnight. Ms. Harvey continued yes. Mr. Gaiser stated so do you have it cages off or broken off. Ms. Shannon added when you walk in there is playground that is almost 5,000 sq. ft., it has dividers, so you can divide the small dogs from the medium and the large. She shared is a small outside fenced area to get a bit of air. She added they have their own area, with a little bed, rug; their own end table with a light. She explained some of them have T.V.'s, and all of the have radios, it is like going into a bedroom, but they are not closed off. She continued she would never let her dog along not even for a minute, so we will be there. She added if a couple unfortunately has an illness in the family or accident, and they need to drop off a dog, somebody will be there to answer the phone. She explained the same with the pet rescues or an emergency foster situation, the boarding rooms are all segregated, until you find out their temperament.

Chairperson Robinson stated notwithstanding, what you just stated, you want a kennel. Ms. Harvey stated yes. Chairperson Robinson continued and a kennel is not permitted. Ms. Harvey continued correct. Chairperson Robinson added when we met with Petphoria, and the members of the Board

here, some of the members here were there for the vote. He explained we tried to reach a little bit of a compromise with the owner of Petphoria, to keep it so they could do something, but not allow a kennel; and you are asking for a kennel. Ms. Harvey added correct.

Mr. Button clarified the services that are offered now, and the services that you want to provide, you are going to expand those services to include overnight accommodation; seven [7] nights a week. Ms. Harvey explained she has dogs, there overnight, how many nights she does not know. She stated with the current variance the way it is, being only one [1] week day and then the weekend, she does not see the business flourishing. She continued whether it is someone that wants to go away for winter break or spring break, they would not be able to leave their dog with us, so why would they bother to bring them to daycare; when they have to take them somewhere else and get used to another facility for the vacation piece of it. She added she does not anticipate them being ten [10] dogs there every single night, she certainly does during the breaks, and the 4th of July; she just wanted to have the opportunity again, should the need arise.

Chairperson Robinson stated you are asking for a kennel, kennel is not allowed. Chairperson Robinson asked members for their comments. Four of the members stated they are animal lovers, and shared their concerns: Safety, move to run around, shortages of animal care and not wanting bad press.

Ms. Harvey spoke of doing some fundraisers on the weekend, with local pet rescues and her experience with Make A Wish. When the shelters are full, and need a temporary spot, there are already nine [9] rooms already set up, and there are also partitions; that can be made even additional rooms for that matter, but there will never be more than ten [10] overnight. Mr. St. Germain added seriously, you know you need to set a really good example for the Village. Ms. Harvey explained absolutely. Mr. St. Germain explained they made an exception, and make this the best opportunity we can.

Mr. Bunton stated he has rescues and he deeply believes in that. He continued his concern is you say that the current owner is currently using it as a kennel. Ms. Harvey stated she believed with the variance; she can have them there one [1] night a week. Atty. Germain stated she has certain restrictions and they just read the restrictions. Mr. Bunton added O.K., but it is not in violation of anything that was previously... Chairperson Robinson stated no, what we stated before, how it came about; is the current owner stated to us while sometimes, a dog owner might now be able to get back from their job in time to pick up the animal. He continued so that made sense, O.K., sometimes the dog is going to have to stay over; because it could not be picked up. He added also, there were what happens on a weekend if that same thing happens, that is how we got to those two [2] conditions. He explained O.K., if you have got to keep them, one [1] night, but if it is a weekend; but absolutely we were not going to allow a kennel, that is not what we were going after. Mr. Bunton explained he does not know if a 10-unit dog hotel is going to be sufficient, it does not seem like a lot of dogs, it does not seem like that is going to be a sustainable model. He stated he is sure that you have done market research, but to him that does not seem like a lot personally. He continued he does not want that to factor in, he is just wondering. Ms. Harvey stated we will have the daycare during the day and then some of them may spend the night or new ones [1's] may come in, 5:00 PM to spend the night. Mr. Bunton clarified but you will be soliciting as a kennel for people on vacation, is what you are saying. Ms. Harvey continued absolutely or you know this is CNY, we may get a blizzard. Mr. Bunton asked so

what would the dog population be during the day, with the dogs that are being dropped off daycare and dogs that are kenneling overnight. Ms. Harvey added dogs being dropped off for daycare, the daycare hours will be like 7:00 AM to 5:00 PM, in the business plan we have maxed out at 30 dogs, it does not matter what size. She explained they would be leaving and maybe a couple of them would be staying, and then any of them that would be coming in for the night would come in, or say we have 30 dogs during the day and ten [10] of them are spending the night. She stated it is not like she is going to solicit for an additional ten [10] to spend the night, no, there are only going to be up to ten [10] dogs sleeping there at night.

Chairperson Robinson stated so you are only going to kennel up to ten [10] animals. Ms. Harvey stated correct. He continued a concern that he has and the people are not represented here, because of how we have to notify the public, there is a new restaurant going in immediately adjacent to you. Ms. Harvey continued yes, she heard that. He added and behind you, there is an existing restaurant, he is concerned about the disruption of people eating; and dogs doing what they do. Ms. Harvey added they will be doing what they do inside, they will not be outside long. Chairperson Robinson asked if they have yelled through those walls yet. Ms. Harvey explained there will also be the playground is going to be like the rubber flooring that you have at the gym, that is going to be down for part of an echo barrier. She stated there will also be like a dog poster, we have quite a bit of plans, yes; to bring the sound down, will it be absolutely silent, no, she is sure. She continued once she gets them riled up, they will want to bark every once in a while. Atty. Brodock stated there are lots of dogs there and she is allowed to board up to 10 dogs for one [1] night. She continued so she could have ten [10] dogs, ten [10] different dogs, ten [10] different dogs. Chairperson Robinson stated he hoped she has not been doing that. Atty. Brodock added with the Zone interpretation, that is what she can do, she can board up to ten [10] dogs for one [1] night. She explained then she could have ten [10] different dogs there for the next night, so really it could be the same level of noise. Chairperson Robinson continued that would kind of not be keeping with what we thought, O.K. Atty. Brodock reiterated but that is what she is permitted to do, there are dogs there now for grooming services, and dogs she is keeping (muffled); so, she thinks the noise concern is going to exist either way.

Mr. Spenard asked if we have received any complaints from neighbors or anybody. Mrs. Fuller stated she has not taken any. Chairperson Robinson stated the current business as we thought it was running, he does not know if we have ever had any Code complaints about it. Mrs. Fuller continued none that she is aware of. Chairperson Robinson continued he thinks the difference is how they are going to use it. He added he hoped, and do not believe she was using it as the atty. just described to where she would use ten [10] different dogs every other night. He explained he also does not think that she was attending it overnight. Mr. Spenard stated the difference here is they would like to board ten [10] dogs a night, possibly a maximum of, and currently at the very most might have one [1] or two [2] based upon your conversation and meeting you had previously.

Atty. Brodock stated just for the dog code interpretation she can board no more than ten [10] animals at any given time, but no more than one [1] day a week, so this just going to be like up to ten [10] animals; staying more than one [1] day around. Chairperson Robinson stated we did not word it correctly the first time. Atty. Brodock continued realistically she could still have ten [10] dogs as long as they are different. He asked if there were any other comments. Ms. Harvey continued no. He asked if the board had any other questions at the moment.

Mr. Gaiser asked what about cats. Ms. Harvey added right now we are just going to start with dogs, that is going to be Phase I. She explained there is an actual play area for cats, so we might. Mr. Gaiser stated for stray cats and stuff. Ms. Harvey stated probably not, it is just going to be dogs. Mr. Gaiser continued he does not mean right now, but he is just... Ms. Harvey continued she is borderline allergic to cats, she can pet them and be around them for a certain amount of time, but every once in a while, the Benadryl has to come out. She added right now her focus is just the dogs. Mr. Gaiser reiterated just dogs. Ms. Harvey explained yes. Mr. Gaiser added but you can swap the cats. Chairperson Robinson explained as long as you are asking for a total of ten [10] animals. Ms. Harvey stated yes. Mr. Gaiser explained the reason he stated cats was, he had ten [10] or fifteen [15] in his yard, and the houses around there; that are feral cats, if you catch them, you drop them off.

PUBLIC HEARING

Chairperson Robinson stated this was advertised as a Public Hearing. He asked if anyone in the audience wanted to make any comments, with no response it was closed.

COUNTY RESOLUTION

Chairperson Robinson stated The Onon. Cty. Resolution has been sent to the Cty. and the Planning Board determined this referral no negative or significant adverse inter-community or county-wide implications. He continued the comments stated the Village must document and ensure proper permitted disposal of pet waste in the proposal.

SEQR

Chairman Robinson stated SEQR, is it required. Atty. Germain stated yes. Chairperson Robinson asked if we had a SEQR. Atty. Germain continued no, make it a negative declaration.

Review Village Law Criteria for Use Variances with the Board

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

	Yes	No
1. The Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;	✓	
2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;		✓
3. The requested use variance, if granted, will not alter the essential character of the neighborhood; and	✓	

4. The alleged hardship has not been self-created

v

Atty. Brodock spoke on item #1: She has invested a lot of money and time trying to get a SDA loan as well, to get money for this. She continued so if she cannot board ten [10] dogs a night, or run a kennel then that is going to be limited. She added it is already set up that way, so she won't be able to realize a reasonable return, if she cannot board as many dogs a night. She explained the owner is trying to move and get this done. Chairperson Robinson asked do you believe that you need this variance, to make it work. Ms. Harvey explained she does. Chairperson Robinson stated so the next question we ask ourselves or participate the alleged hardship, relating to the property in question is unique, and does not apply for a substantial portion of the substantial district or neighborhood. He continued it does not apply to a substantial, the answer is it doesn't right. Atty. Germain added right. Chairperson Robinson added the requested variance, if granted will not alter the essential character of the neighborhood. Ms. Harvey continued correct. Chairperson Robinson explained well, the only thing he thinks about is the restaurants, but it is just a building and this one [1] is a tough one [1]. He stated the alleged hardship was self-created, which means, yes; right. Mr. St. Germain stated you could look at that either way. He continued let us say if she continued on the way the current owner is going, she is restricting her income. He added if she goes with the variance, and she is able to do what her business plan is saying she is going to do, that opens up the door for more profit. Atty. Brodock added if the kennel is not permitted anywhere, it is not like she is just saying that she has to have this space here in this plaza. She explained anywhere anybody goes to try to do this, they are going to run into the same issue. She stated she did not think you could say that it is a self-created issue, she thinks it is a question there. Chairperson Robinson stated it is self-created, yes, which is the question. Mr. Spenard asked is the business viable without a kennel. Ms. Harvey added she does not believe it is. Chairperson Robinson continued stated he wanted to promote the businesses in the Village of North Syracuse, and at the time the Code was written, that was what was allowed; probably did not think about it. He continued he needs a motion to approve the variance.

MOTION

Mr. Spenard made a motion to approve the Use Variance up to ten [10] dogs for 24 hrs. a day, seven [7] days a week, with the following conditions:

- 1) The new owner would be required to provide sound barrier sufficient to not cause disruptions to adjoining businesses.
- 2) You will have staff 24 hrs. a day when the animals are there.

The motion was seconded by Mr. Germain. All in favor. Unanimous.

Chairperson Robinson asked again are you having that staffed 24 hrs. a day. Ms. Harvey stated yes. Chairperson Robinson clarified regardless of the level of animals you have overnight. Ms. Harvey continued if there is one [1] dog, there is one [1] person there. Chairperson Robinson stated you think that the economics work for that. Ms. Harvey added yes, more than likely it will be herself. Chairperson Robinson continued the conditions will be a sound barrier sufficient enough to not cause disruptions to adjoining neighbors and that you have committed that it is going be staffed 24 hrs. a day, when the animals are there. Ms. Harvey explained correct. Mrs. Fuller clarified she spoke of cats, is it just ten

[10] dogs or ten [10] dogs/cats. Ms. Harvey stated dogs. Chairperson Robinson added dogs. He clarified she would make whatever construction was needed for a sound barrier. Ms. Harvey continued correct. Chairperson Robinson explained the Variance is granted, it is conditional and it is enforceable. He stated we would expect our Code person to insurance that you are meeting the standards that we had. Mr. Gaiser asked what happens if it goes along fine and she wants to have cats. Chairperson Robinson stated he thinks they ought to come back. He continued you are going to have to come back. Mr. St. Germain stated that the good thing is she is allergic to them, so probably it won't happen.

**AREA VARIANCES, NORTH AREA MEALS ON WHEELS -MARK PETRANCHUK
413 CHURCH ST.**

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 we notified; and the Town of Cicero were notified. Mrs. Fuller stated they were. Chairperson Robinson announced the legals appear to be in order.

INTRODUCTION

Chairperson Robinson stated before us tonight, we have the Applicant, North Area Meals On Wheels, of 413 Church Street located in an R-9 (Residential) zone. They are planning to add on a 2,400 sq. ft. addition to the rear of the building. This property has already had a Simple Subdivision for Tax Parcel ID. Nos. 022.-02-01-1 and 022.-02-01.2. They are requesting three [3] Area Variances as follows:

- 1) Side yard setback at northwest corner of bldg., req'd 30' by Code, requesting to reduce it down to 27.7'
- 2) Lot width- req'd by Code is 200', requesting to reduce down to 154.5'
- 3) Req'd parking spaces per Code 74, requesting to reduce down to 52 parking spaces

APPLICANT ADDRESSES BOARD

Representative: Mark Petranчук, NAMOW Volunteer
Representative: Ron Meyers, NAMOW Board President

Chairperson Robinson addressed a couple of documents he received from the Onon. Cty. Planning Board and our engineers which questioned the documentation about the joining property. Mark Petranчук, a Volunteer, introduced himself and Ron Meyers. He stated the drawing when it was lanuzi & Romans, included in the packet, you will see a property plat that combined both properties. He continued it was approved by the Village, at the bottom of it, and it was filed; he has the date. Mrs. Fuller stated it had a Simple Subdivision. Chairperson Robinson continued you think its what Cty. Planning and CHA are saying, has been superseded; it is done. Mr. Petranчук explained as far as we know from lanuzi and Romans. Chairperson Robinson explained he thinks it was more a case of what

was filed with the Cty. Mr. Petranchuk stated it was filed. Mrs. Fuller shared the Cty. reached out to us and the Codes Enf. Officer questioning that, the Codes Enf. Officer told her according to the Village records; she did not need to review the part about the subdivision; that was already taken care of. Chairperson Robinson stated well we could do this conditionally. Atty Germain explained the process for a simple subdivision to completion when you file the map with the Cty. Atty. Germain continued we can make it contingent. Chairperson Robinson added either way, get it fixed. Mr. Petranchuk stated he has some other questions, because Mrs. Franco sent that letter yesterday and there are two [2] other things. Chairperson Robinson explained if we did not bring up that question. Mark Petranchuk continued sure. Chairperson Robinson stated and we did not have a commitment that you are going to get it fixed, if it has to be fixed, we could not take anymore action. Mr. Petranchuk added that is no problem.

SIDE YARD SETBACK REPRESENTATIVE ADDRESSES THE BOARD

Mr. Petranchuk stated he was here because they want to build the rear building. He continued he needs a variance for the side yard setback. Mr. Gaiser questioned the road. Chairperson Robinson stated from the sides not from the street. Mr. Gaiser stated no, this is right, that is the highway. Chairperson Robinson continued yes. Mr. Petranchuk added it is on the northwest side.

He displayed the drawing and showed the Board: Right here-this is the building addition, this is the existing building, and here is the new building. He explained right now the corner of the back existing building to the property line is 30', consistent with the Code. He stated there is another issue with the drawing, if we use the same approach to measure, which is from the building face to the property line is 30' now. He continued according to Mrs. Franco, you have to use the overhang and the overhang is 1.7', so actually we would need a variance to 26'; instead of 27.7'. He added that is the way the Code is written, because right now our existing building would be out of compliance, where before it was originally constructed (muffled) it wasn't. Chairperson Robinson continued so O.K., so on this one we are looking at 27.7 is that what you want, what does Mrs. Franco say it needs to be. Mr. Petranchuk explained she did not say only that you had to use the overhang, it had to be clear to the sky which means that the overhang has to be accounted for, in that 30'. Chairperson Robinson added he would think no matter whether it is to the sky, or whatever, they need a variance for a side yard setback. Mr. Petranchuk stated yes. Chairperson Robinson asked so what is the biggest you need for the side yard setback by either definition. Mr. Petranchuk continued he would say 26'. Mr. Spenard stated if the eve right now is 18", they were looking for 27.7; so, if you say 26', that provides a 1" -1 ½" play. Mr. Petranchuk added right. Mr. Spenard continued just make sure that the new drawings show it. Chairperson Robinson stated it gives him plenty of room to measure. Mr. Spenard added it cuts it real close, then do you want to make it 25'. Chairperson Robinson continued yes.

LOT WIDTH

Chairperson Robinson explained so now we are looking at the lot width. Mr. Petranchuk stated the existing lot minimum width was 80', and according to memos in the files, the Village passed a variance to allow that 80'; where 200' is required. He continued when we combined the two [2] parcels, now the minimum width is 154.5', still less than the 200' required. Chairperson Robinson asked if the was

Codes Enf. Officer Rohm that required this. Mrs. Fuller stated no this is Codes that required that. Chairperson Robinson stated yes, but it was already varied the first time. Mrs. Fuller continued she thinks Mrs. Franco may have told them that they had to look at the whole thing. Atty. Germain stated yes, the whole site comes into play, when they look at this. Chairperson Robinson continued alright but, you can just go back to the 80', and approve 80'; you can do whatever you want. Chairperson Robinson added well but they need more than that right or less. Atty. Germain stated no, it works the other way. Chairperson Robinson explained while first off you are supposed to have 200', you are asking for 154.5', based on our current definition; so, 154.5' is it.

PARKING SPACES/WETLANDS

Chairperson Robinson added this is for parking, he read the memo, if you take our Engineer's letter you are some number places short; if you stick with the Comm. Ctr. definition. Mr. Petranchuk explained but the original site plan, has one [1] to 300, that is on the original site plan; that was the requirement, so it was like 27 spaces that was required. He stated certainly even at that time, we complied with the Code. He continued if you go to the original site plan from Design I., that is what they stated the requirement was as a Comm. Ctr. Chairperson Robinson stated what happened is the building had a parking area, that was way too small; so, we spilled over into this no man's land at the time. He explained Jim Baker who was the guy at the time, went and had that paved, it turns out that strip happened to be owned by the Lion's Club. He stated in the North Area Meals On Wheels Boards wisdom, they decided they did not want to be beholding to the Lion's Club, so not only did they buy that strip; but they bought that entire parcel back, that is how that all happened. He continued that gave us asphalt to park on most of time. He added we did spill over to Ms. Damiano's gravel once in a while, that is where we were. He explained you do not have enough spaces right now, under what you have acquired paved to meet the requirement. Mr. Petranchuk explained to meet the Comm. Ctr., that is correct. Chairperson Robinson asked you own all that land behind you, why don't you declare some up there parking area. Mr. Petranchuk asked and pave it. Chairperson Robinson stated he did not think it has to be paved. Mr. Petranchuk stated that brings up one other issue, that has been on the Planning Board, a Memo; and on Mrs. Franco's Letter, Wetlands and Wetland buffers. He continued when we first started designing this, this building was a different layout. He added it went in this direction, not much farther, probably 30' to 40' farther. He explained we thought and had CNS do a walkover, that wherever this line of trees was, that was close to where the Wetland boundary is. He stated so when you take 100' from that, and that is put over here, we saw that we have a potential issue. He continued we had an architect that initially stated, all he can get is through the DEC, don't worry about it; so, we were going along with for a while. He added finally he had other commitments, so we had to let him go and go with CNS, that is when we stated let's be safe. He explained let's lay this out so that we don't encroach on the Wetland, if there is a Wetland there or there is not; let's stay off side of that. He stated so that is the story behind the Wetland, and that is his concern about having more encroachment in that direction. Chairperson Robinson continued why not just go behind the building, what is that shaded area. Mr. Petranchuk continued this is parking, there are 6 or 7 spaces over here and the dumpster. Chairperson Robinson added so why can't you just go back more with. Mr. Petranchuk added we probably could, that is a lot of money. Chairperson Robinson explained not if you make it simple, he means you parked on Ms. Damiano's unimproved land for a while. He stated this is the lady that is the land next door, Ms. Damiano, she has passed away. Mr. Petranchuk explained Ms. Damiano had good base underneath it. He stated right now originally when they designed the building, they did not

realize that there were poor soils back there. He continued we have had a boring contractor out there, take two [2] borings and do a Geographical Report, and we find we have an additional expense; to put in the foundations. Mr. Petranchuk added that his only concern, would be if it had been a dumping type situation, back there, before they built the building.

Chairperson Robinson added what you are talking is additional parking. Mr. Petranchuk explained you are talking about 30 spaces. Chairperson Robinson stated he knows, he is thinking, he delivers for Meals On Wheels; from probably 10:30 AM to 12:00 PM, parking lot is full. He continued with the volunteer kitchen people and everything, it is full, but everybody fits; but if you were either to expand needing more routes. He added or if you were to have events that were appropriate to the definition of Meals On Wheels Comm. Ctr., you spill out, so he understands. He explained the problem is you want 28 fewer spaces then what it requires, so we would have to vary that rule, is what you are asking us to do.

Mr. Spenard asked are you increasing the number of employees that will be there, he knows you are increasing it 2,400 sq. ft., with some offices and things of that nature; but are you basically moving from the existing into the new. Mr. Petranchuk stated yes, right now we have three [3] offices, and we have three [3] people in the front office that are Case Managers, so these people are on the phone working with clients; working with sensitive information and all three [3] of them are sitting in that office trying to work. He continued we have an Administrative Office that has got three [3] people in it, our accountant, our secretary, and Driver Coordinator; they are all in the same office. Mr. Spenard continued my point being you are not increasing the number of employees, but you are increasing the square footage and parking based on upon square footage. Chairperson Robinson stated if he could, the employees are insignificant to the number of volunteers. He continued you have got all the volunteers, the volume is the volunteers, not the paid employees. Mr. Spenard added will the number of volunteers increase, because of the additional space. Mr. Petranchuk added not initially, but out hope obviously is to expand, first of all there are more in the areas that we already serve, that need the service. He explained we are seeking to talk to the Cty. about a couple of other areas that we know are underserved. Mr. Meyers shared where they served 250 meals time two [2] daily. Mr. Petranchuk added we have talked about making meals for distribution in Baldwinsville and possibly Solvay where we would make them and they would deliver it to a distribution point.

Mr. Spenard explained based on a 2,400' addition, what does that equate to required parking by Code. Chairperson Robinson explained it requires 74 spaces. Mr. Spenard stated no, not the 2,400', what he is saying in existing conditions; of an existing building given "X" of number of parking spaces exist. He continued they want to add on 2,400 sq. ft., he is just asking what is the additional parking required for that 2,400 sq. ft. Chairperson Robinson stated it is in the Code. Mr. Petranchuk stated he did not know the answer, it is 1 per 100, so it is 24; that is if it is considered a Comm. Ctr. He continued that the whole issue here is, it is identified as a Special Use, but if you were to evaluate this; if that wasn't assigned to this location, he bet you would not have that number of spaces. Mr. St. Germain stated considerably less. He added the Code would be something less, considerably. Chairperson Robinson continued but you are in a catch 22, tell him you are not going to be a Comm. Ctr. anymore, and you cannot be a zoned R-9. Mr. Petranchuk added he remembered that, because Mrs. Fuller suggested that, and what does that mean to us; he does not know what it means. He explained based upon what you stated... Chairperson Robinson added then you are non-conforming.

Mr. St. Germain continued how many employees do you have. Mr. Meyers explained thirteen [13]. Mr. St. Germain added he knows you have the drivers, and it gets really crowded when the pickups are happening, but there are only thirteen [13] people that work at the location on a daily basis that are paid to be there. Mr. Meyers stated yes, and some of those are a few hours. Mr. St. Germain explained if the additional space is not going to add employees, you are just bursting at the seams. Mr. Petranchuk stated it is just to accommodate those employees. Chairperson Robinson explained no, in addition to the full-timers, everyday; there is kitchen staff of volunteers, there is a hot line staff of volunteers. He clarified the kitchen staff is usually about eight [8] people. Mr. Meyers continued let's say it is eight [8], there is a line of about eight [8] people that put together what we call the pull line, it is more like a lunch. He added similarly in the front there is the same thing, six [6] to eight [8] people making a hot meal... Chairperson Robinson stated yes, so if you were to drive past there, you would see at 9:00 AM; the parking lot is full basically. Mr. St. Germain stated it is very full when you drive by, that is a lot of people. He continued but then you drive by two [2] hours later and it is empty. Chairperson Robinson continued that is because all of the work is done in the morning. Mr. Spenard stated he noticed in some of the literature, that they talked about a very regimented pick up and drop off, the arrival of the drivers was going to be very scheduled; that every ten [10] minutes there was going to be a rotation. Mr. Meyers stated we really do not operate that way; it is part of the way we function in the atmosphere. He continued we somewhat encourage them to come in their club or group. Chairperson Robinson added it is a club. Mr. Meyers added but that is only from like 10:30 AM to 11:00-11:15 AM, then they are gone. Mr. Spenard continued so it is like one [1] hour. Mr. Meyers explained as far as the busy times, like we have Pasta Night, and we get out into the street; but we have notified Police, again it is a temporary thing, for a couple of hours, one [1] time per year. He stated we get backed up, because it is a big drive thru, but we try not use that space. Chairperson Robinson explained which basically what you are saying is the space for parking that you have now, kind a works. Mr. Petranchuk and Mr. Meyers both stated yes. Chairperson Robinson stated so now the fact that Codes and definitions and everything require you to have more, in the map you have added how many spaces. Mr. Petranchuk continued six [6] more. Chairperson Robinson continued let's move on.

PUBLIC HEARING

Chairperson Robinson stated this was advertised as a Public Hearing. He asked if anyone in the audience wanted to make any comments, with no response it was closed.

COUNTY RESOLUTION

Chairperson Robinson added so the referral has been sent to the Cty., and the Resolution came back with no position. He explained we have been advised to deal with the Wetland rules and the buffer.

He stated about sidewalks, there is currently a plan to put sidewalks across the front of Meals On Wheels, and go up to he thinks the edge of the Village; you may have even seen it being surveyed. He added maybe next year we will get it; we have the money or we have commitment for the money.

He stated they encouraged to put landscaping and plantings. Mr. Meyers stated we were kind of wondering where they were talking about, where they were talking to put it, on the backside. Chairperson Robinson explained these were recommendations.

SEQR

Chairperson Robinson stated is a SEQR required. Atty. Germain stated yes you are going to do an Unlisted Action, Negative Declaration. The Board was in agreement. All in favor.

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: The following are their responses as marked:

	Variances: #1 Side Yard Setback, #2 Lot Width, #3 Parking	Yes	No
1.	Whether an undesirable change will be produced in character of neighborhood or a deterrent 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.		✓

Mr. Button made a motion to grant the following Area Variances: Side yard Setback for the Northwest Corner of Bldg., reduced down to 25', Lot width reduced down to 154.5, and Required parking spaces reduced down to 45 parking spaces with the condition that proof from the Cty. that the Simple Subdivision Map was filed with the Cty. Clerk needs to be provided to the Codes Dept. The motion was seconded by Mr. St. Germain. All in Favor. Unanimous.

Mr. Button made a motion to adjourn at 6:10 PM. and seconded by Mr. Gaiser. All in Favor.

Respectfully submitted,



Pearl Fuller
 Secretary