

Village of Black River  
Zoning Board of Appeals Agenda  
October 27, 2015

1. Call to Order
2. Review of Agenda
3. Review and Approval of Minutes of Previous Meetings (8/25/15, 10/13/15).
4. Public Comments
5. Board Comments
6. Review of Correspondence
7. Unfinished Business
8. New Business
  - A. Public Hearings for Zachary Bender and Lee Carpenter area variances.
9. Adjournment

**PLEASE NOTE:**

**If you are unable to attend a scheduled Zoning Board of Appeals meeting, please contact the Village Office at 773-5721.**

Village of Black River  
Zoning Board of Appeals  
Regular Meeting  
August 25, 2015

DRAFT

Chairman Wonderly called the meeting to order at 7:07 p.m.

Present:

Chairman Mark Wonderly  
Board Member William Reichard  
Board Member Ronald Palmer  
Board Member Russell Stegemoller  
Board Member Michael Zecher  
Code Enforcement Officer Dave Lachenauer

A motion was made by Board Member Stegemoller, seconded by Board Member Reichard to approve the minutes of the January 13, 2015 meeting. The motion was carried.

New Business: Chairman Wonderly opened the public hearing regarding the St. Paul's Church subdivision at 7:10 p.m. St. Paul's Church is located in a Planned Unit Development Zone (PUD), which requires 5 acres for development. CEO Lachenauer stated that a PUD allows a developer to incorporate multiple uses such as residential, commercial and essential services. He stated that the church was likely placed in a PUD in order for Kamargo Apartments to obtain financing through Housing and Urban Development (HUD).

Mike Batista, surveyor for the church, responded to the five criteria required for an area variance as follows:

1. No undesirable change will be produced in the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by another method.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse impact on the physical or environmental conditions in the neighborhood.
5. The alleged difficulty is not self-created because another entity created the requirement for five acre lots.

A motion was made by Board Member Zecher, seconded by Board Member Palmer to declare the Zoning Board of Appeals as lead agency for completion of the short Environmental Assessment Form (EAF). The motion was carried.

A motion was made by Board Member Zecher, seconded by Board Member Palmer to make a negative declaration on the Environmental Assessment Form. The motion was carried.

A motion was made by Board Member Palmer, seconded by Board Member Stegemoller to accept the completed EAF form. The motion was carried.

Board Member Palmer responded to the five criteria as follows:

1. No undesirable change will be created in the character of the neighborhood.
2. The benefit sought by the applicant cannot be sought by another means.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse impact on the physical conditions in the neighborhood.
5. The alleged difficulty was not self-created.

Board Member Reichard agreed with the responses given by Board Member Palmer.

Board Member Stegemoller agreed with the above responses.

Board Member Zecher agreed with the above responses.

Chairman Wonderly agreed with the above responses but adding that the requested variance is substantial as it exceeds the minimum size for a Planned Unit Development.

A motion was made by Board Member Palmer, seconded by Board Member Reichard to adopt the following resolution:

**Resolved,** that the Zoning Board of Appeals grant an area variance to St. Paul's Catholic Church, 208 LeRay St. tax parcel #75.48-1-2.1 to allow a subdivision that does not meet the lot size requirements for a Planned Unit Development. The motion was put to a vote as follows:

Chairman Wonderly	Yes
Board Member Palmer	Yes
Board Member Reichard	Yes
Board Member Stegemoller	Yes
Board Member Zecher	Yes

The motion was carried and the resolution duly adopted.

Chairman Wonderly closed the public hearing at 7:57 p.m.

Zoning Board  
August 25, 2015  
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A motion was made by Board Member Palmer, seconded by Board Member Stegemoller to recommend to the Planning Board that they convert the PUDs in the village to A1 and A2 zones. The motion was carried.

Chairman Wonderly closed the meeting at 8:08 p.m.

Respectfully submitted,

Kristin Burroughs  
Recording secretary

Village of Black River  
Zoning Board of Appeals  
Special Meeting  
October 13, 2015

Draft

Chairman Wonderly called the meeting to order at 6:00 p.m.

Present:

Chairman Mark Wonderly  
Board Member Ronald Palmer  
Board Member William Reichard  
Board Member Michael Zecher  
Board Member Russell Stegemoller

A motion was made by Board Member Stegemoller, seconded by Board Member Palmer to adopt the following resolution:

**Resolved,** that the Board hold public hearings on Tuesday October 27, 2015 at 6:30 p.m. for area variances for Zachary Bender, 161 N. Main St. and Leland Carpenter 159 N. Main St. for a fence that doesn't meet the setback requirement. The motion was put to a vote as follows:

Chairman Wonderly	Yes
Board Member Stegemoller	Yes
Board Member Palmer	Yes
Board Member Zecher	Yes
Board Member Reichard	Yes

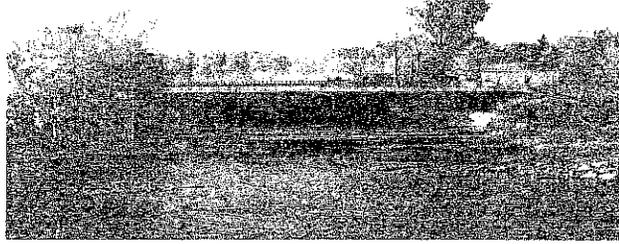
The motion was carried and the resolution duly adopted.

A motion was made by Board Member Palmer, seconded by Board Member Stegemoller to adjourn the meeting at 6:05 p.m. The motion was carried.

Respectfully submitted,

Kristin Burroughs  
Recording secretary

Board of Trustees  
Village of Black River, New York



October 15, 2015

Mr. & Mrs. Zachery Bender  
161 North Main Street  
Black River, New York 13612

RE: 161 North Main Street, parcel number 75.56-2-11

Dear Mr. & Mrs. Bender:

This letter is in reference to the above referred address and parcel number and your request for a zoning permit to construct a fence.

The Village of Black River Zoning Board of Appeals has set Tuesday October 27, 2015 at 6:30 P.M. at the Village Office for a public hearing for the possible granting of an area variance for this request. The Zoning Board of Appeals will need to have the following test questions answered:

1. Will the proposed variance produce an undesirable change in the character of the neighborhood?
2. Will the proposed variance have an adverse effect on the environmental conditions in the neighborhood?
3. Can the benefit being sought be achieved by some other means?
4. Is the requested variance substantial?
5. Is the alleged difficulty self created?

You will need to be present or a representative at this meeting in order to answer any questions that the board may have in regards to this request.

If you should have any questions or concerns regarding this matter, please feel free to contact me at the Village Office.

Sincerely,

David M. Lachenauer  
Code Enforcement Officer

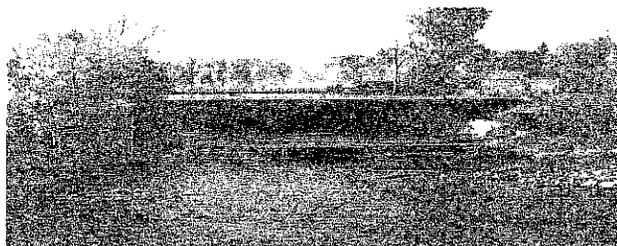
CC: Mayor and Village Board of Trustees  
Village of Black River Zoning Board of Appeals

107 Jefferson Place  
Black River, NY 13612    [www.blackriverny.org](http://www.blackriverny.org)

(315) 773-5721 Phone  
(315) 773-5726 fax



Board of Trustees  
Village of Black River, New York



October 15, 2015

Mr. & Mrs. Leland Carpenter  
P.O. Box 341  
Black River, New York 13612

RE: 159 North Main Street, parcel number 75.56-2-12

Dear Mr. & Mrs. Carpenter:

This letter is in reference to the above referred address and parcel number and your request for a zoning permit to construct a fence.

The Village of Black River Zoning Board of Appeals has set Tuesday October 27, 2015 at 6:30 P.M. at the Village Office for a public hearing for the possible granting of an area variance for this request. The Zoning Board of Appeals will need to have the following test questions answered:

1. Will the proposed variance produce an undesirable change in the character of the neighborhood?
2. Will the proposed variance have an adverse effect on the environmental conditions in the neighborhood?
3. Can the benefit being sought be achieved by some other means?
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You will need to be present or a representative at this meeting in order to answer an questions that the board may have in regards to this request.

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Sincerely,

David M. Lachenauer  
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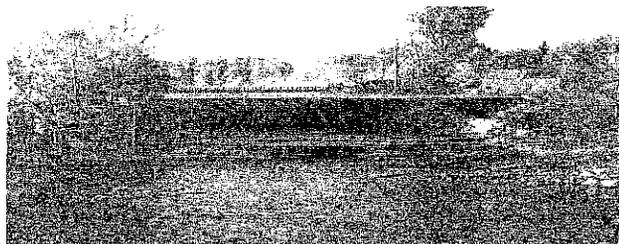
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Board of Trustees  
Village of Black River, New York



October 16, 2015

RE: 159 North Main Street

Dear Resident:

This letter is to inform you that a request for an area variance on property adjacent to yours located at 159 North Main Street and owned by Mr. & Mrs. Leland Carpenter is being considered by the Black River Zoning Board of Appeals.

The purpose for this variance request is to allow for the construction of a fence that does not meet the setback requirements of the Village of Black River Zoning Code.

A public hearing on this matter has been scheduled for October 27, 2015, At 6:30 P.M., at the Village hall on 107 Jefferson Place at which time public comments on the variance request will be heard.

If you should have any questions or concerns regarding this matter, please feel free to contact me at the Village Office.

Sincerely,

David M. Lachenauer  
Code Enforcement Officer

CC: Mayor and Village Board of Trustees  
Village of Black River Zoning Board of Appeals

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Black River, NY 13612

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