

Village of Black River
Zoning Board of Appeals Agenda
May 22, 2019
7:00 p.m.

1. Call to order.
2. Review of agenda.
3. Review & approval of minutes from the May 1, 2018 meeting.
4. Public comments.
5. Board comments.
6. Review of correspondence.
7. Unfinished business.
8. New business.
9. Adjournment.

Please Note:

If you are unable to attend a scheduled Zoning Board of Appeals meeting, please contact the Village Office at 315-773-5721.

Village of Black River
Zoning Board of Appeals
Public Hearing
May 1, 2018

DRAFT

Chairman Mark Wonderly called the meeting to order at 6:32 p.m.

Present:

Board Member Christopher Mueller
Board Member Robin Ireland
Board Member William Reichard
Board Member (Alternate) Randy Lake
Board Member Ronald Palmer

Others Present:

Mayor Leland Carpenter
Code Enforcement Officer John Wiley
See sign in sheet

A motion was made by Board Member Reichard, seconded by Board Member Mueller to approve the minutes of the April 17, 2018 meeting. The motion was carried.

Chairman Wonderly called the public hearing to order at 6:35 p.m.

Chuck Marshall started the meeting by going over the site plan and explaining the requested area variances. He explained that the SEQR form was completed by the Village Board and a negative declaration previously stated. He also noted that Stewart's Shops attempted purchase of land from William Reichard's property did not go forward and therefor the variances are necessary.

Public comment: Mayor Carpenter stated that the Kerosene and Diesel fuel supply is going to be a positive and convenient addition for local residents of the Village.

Asking if there were any other comments, there being none, Chairman Wonderly closed the public hearing at 6:44 p.m.

Board Member Ireland asked a question regarding the land division between the Doherty and Brown properties.

Board Member Lake asked if the Storm Water Pollution Prevention Plan (SWPPP) plan was in compliance with the project.

Code Enforcement Officer Wiley asked if the tanks are placed above or underground.

Board Member Palmer asked a question regarding the tank placement responsibility. Chuck Marshall explained that in the event of a leak the tanks are triggered by an alarm system.

John Cook asked if the purchase of William Reichard's land would have avoided the variances. Chuck Marshall explained that the lack of land would have made the construction project impossible without the variances.

Board Member Reichard recused himself from the variance vote. Alternate Board Member Lake will take the place of Board Member Reichard's vote.

Variance 1. 175-12 (C): Building and/or impervious Surface Setback, minimum: 80 feet on north side of Route 3.

Stewart's Shop area variance request:

The gasoline canopy is proposed to be 34 feet from the southern property line requiring 45 feet of relief.

Chairman Wonderly voted yes to the variance based on his responses to the five criteria as follows:

- 1) No undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved by means other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created because the pump placement will be where they need to be.

Board Member Palmer voted yes to the variance based on his responses to the five criteria as follows:

- 1) No undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved by means other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created because the pumps are where they need to be.

Board Member Ireland voted yes to the variance based on her responses to the five criteria as follows:

- 1) No undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved by means other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Board Member Mueller voted yes to the variance based on his responses to the five criteria as follows:

- 1) No undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved by means other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Board Member Lake voted yes to the variance based on his responses to the five criteria as follows:

- 1) No undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved by means other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Variance 2. 175-17 (B): Gasoline and /or fuel pumps – gasoline and /or fuel pumps shall not be located closer than 50 feet to any front, side or rear lot line.

Stewart's Shop area variance request:

The eastern boundary has a standalone diesel and kerosene pump 12 feet from the property line requiring 38 feet of relief. The western side of the lot, the closest pump under the canopy is 45 feet from the property line requiring 5 feet of relief and the eastern pumps 46 feet from the southern property line requiring 4 feet of relief.

Chairman Wonderly voted yes to the variance based on his responses to the five criteria as follows:

- 1) No undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved by means other than a variance. The explanation as to why the tanks have to be placed on that side makes sense.
- 3) The requested variance is not substantial because Stewart's Shops tried to purchase land.

- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was definitely not self-created since an attempt to purchase of land was made.

Board Member Palmer voted yes to the variance based on his responses to the five criteria as follows:

- 1) Yes, an undesirable change will be produced in the character of the neighborhood. The placement of fencing and shrubbery may not be enough and could be detrimental to the property owner.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) Yes, the variance is substantial because of the footage requested and because it is fuel.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. The explanation of the tanks warning system clarifies the answer.
- 5) The difficulty was not self-created.

Board Member Ireland voted no to the variance based on her response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) Yes, the benefit sought can possibly be achieved by some other method, other than a variance.
- 3) Yes, the requested variance is substantial on the eastern side.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created. Stewart's tried to purchase land.

Board Member Mueller voted yes to the variance based on his response to the five criteria as follows:

- 1) Yes, an undesirable change will be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Board Member Lake voted yes to the variance based on his response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created. It will be an improvement to the area.

Variance 3. 175-17 (C) Fuel storage: Underground fuel storage tanks shall be at least 50 feet from any lot line.

Stewart's Shops variance requested:

Along the eastern property line, the underground petroleum bulk storage tanks are 6 feet off the property line.

Chairman Wonderly voted yes to the variance based on his response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial due to the attempt to buy land.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created. Stewart's Shops tried to comply and avoid difficulty.

Board Member Palmer voted yes to the variance based on his response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Board Member Ireland voted yes to the variance based on her response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Board Member Mueller voted yes to the variance based on his response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Board Member Lake voted yes to the variance based on this response to the five criteria as follows:

- 1) No undesirable change will not be produced in the character of the neighborhood.
- 2) The benefit sought cannot be achieved other than a variance.
- 3) The requested variance is not substantial.
- 4) The variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5) The difficulty was not self-created.

Since there was a yes vote from all five Board Members, Stewart's Shops were granted the three area variances.

Chairman Wonderly adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Connie Wonderly
Recording secretary