

ZONING BOARD OF APPEALS

MAY 17, 2021 MEETING OF ZONING BOARD OF APPEALS
REMOTE ZOOM MEETING

MINUTES

Present: Chairman Ron Nolland, Scott DeMane, Kellie Porter, Meghan Weeden, P.J. Whitbeck (alt)
Kyle Burdo, Housing Code Inspector
Joseph McMahon, Building Inspector

Absent: Elizabeth Jent

Also present: Florence Reynaud-Desmangles
Joe Rector
Daniel and Karen Curry
Danielle Girard
Christopher Buskey
Perry Buck and Michael Coon
Alexander and Kristin Manabat
Richard and Brenda Boulrice
Jesse Jolicoeur
Robert Wieworka

Mr. Nolland called the meeting to order at 7:00 PM.

APPEAL	APPLICANT	REQUEST
2267	FLORENCE REYNAUD-DESMANGLES 110 BEEKMAN STREET	CLASS B AREA VARIANCE REQUEST TO REPLACE 10 FOOT HEDGE WITH 6 FOOT VINYL FENCING, FRONT YARD CORNER LOT
2268	JOE RECTOR 4 AUTUMN DRIVE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A NEW ENTRYWAY ROOF EXTENDING INTO FRONT YARD SETBACK
2269	DANIEL AND KAREN CURRY 20 SOUTH PERU STREET	CLASS B AREA VARIANCE REQUEST TO REPLACE HEDGE WITH 6 FOOT VINYL FENCING, FRONT YARD, CORNER LOT
2270	CHRISTOPHER BUSKEY 76 PARK AVENUE	SPECIAL USE PERMIT REQUEST TO EXTEND 7-1/2 FOOT FENCING IN REAR YARD
2271	DANIELLE GIRARD 130 PINE STREET	CLASS B AREA VARIANCE REQUEST TO CONVERT MULTIFAMILY HOME BACK TO TWO SINGLE FAMILY DWELLINGS
2272	NUWAY CAR WASH	CLASS B AREA VARIANCE REQUEST

	321 CORNELIA STREET	FOR CONSTRUCTION OF TUNNEL CAR WASH BUILDING WITH OFFICE SPACE. DEFICIENT IN SIDE YARD SETBACK AND COMMERCIAL DRIVEWAY WIDTH.
2273	NUWAY CAR WASH 321 CORNELIA STREET	SPECIAL USE PERMIT REQUEST FOR USE OF AUTOMOBILE CAR WASH AND INSTALLATION OF 10 FOOT FENCE IN SIDE AND REAR YARD
2274	KRISTIN MANABAT 11 NICHOLS AVENUE	CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A SHED ON LEFT SIDE OF HOME INTO SIDE YARD SETBACK
2275	RICHARD AND BRENDA BOULRICE 3 FLAGLAR DRIVE	CLASS B AREA VARIANCE REQUEST TO INSTALL A STORAGE SHED IN REAR YARD, EXCEEDING NUMBER OF ALLOWABLE ACCESSORY STRUCTURES ON LOT
2276	OVAL CRAFT BREWING 111 OHIO AVENUE	CLASS B AREA VARIANCE REQUEST TO INSTALL A PAVER PATIO AREA WITH SURROUNDING WALL CREATING LOT COVERAGE DEFICIENCY
2277	OVAL CRAFT BREWING 111 OHIO AVENUE	SPECIAL USE PERMIT REQUEST TO INSTALL A PERGOLA ROOF OVER PATIO AREA
2278	ROBERT WIEWORKA	CLASS B AREA VARIANCE REQUEST 64 TREMBLAY AVENUE TO CONSTRUCT A ROOF OVER EXISTING PATIO, ENCROACHING INTO SIDE YARD SETBACK

The agenda will be heard in the following order:

- Appeal 2267
- Appeal 2268
- Appeal 2269
- Appeal 2270
- Appeal 2271
- Appeal 2274
- Appeal 2275
- Appeal 2278
- Appeal 2272
- Appeal 2273
- Appeal 2276
- Appeal 2277

The **first** item heard is Appeal #2267, Florence Reynaud-Desmangles, 110 Beekman Street for a class B area variance request to replace 10 foot hedge with 6 foot vinyl fencing, front yard, corner lot.

Discussion:

- Board and applicant discussion of proposed removal of 10 foot cedar hedge and placement of 6 foot vinyl fencing.
- Property at 110 Beekman Street is a corner lot, but location of fencing will not conflict with corner of Beekman Street and Holland Avenue.

Public comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

IN REGARD TO APPEAL 2267, AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM, THAT WE CHECK IN PART 2, QUESTIONS 1-11, NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT OF THAT IN PART 3 THE CHAIR MAY CHECK THAT WE DETERMINED, BASED ON THE INFORMATION, THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: M. Weeden, seconded by P.J. Whitbeck

IN REGARD TO APPEAL 2267, AT 110 BEEKMAN STREET, TO REPLACE THEIR 10 FOOT CEDAR HEDGE WITH A 6 FOOT VINYL FENCE RECOGNIZING A 1 FOOT SETBACK ON THE HOLLAND AVENUE SIDE OF THE PROPERTY AS SHOWN ON THE PLANS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **second** item heard was appeal 2268, Joe Rector, 4 Autumn Drive, for a class B area variance request to construct a new entryway roof extending into front yard setback.

Discussion:

- Board and applicant review of application.
- Board question regarding changing entry to the side yard, which would not require a variance.
- Board question if roof is for aesthetics only, as carport will still overhang 2 feet. Applicant explains there still will be carport overhang, but the new roof would add weather barrier for people waiting at door.

Public Comment: None

MOTION:

By: S. DeMane, seconded by: K. Porter

FOR APPEAL 2268, AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1, THAT IN PART 2 WE CHECK NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT OF THAT THE CHAIR MAY CHECK IN PART 3 THAT THIS PROPOED ACTION WILL NOT RESULT IN A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: K. Porter, seconded by: M. Weeden

FOR APPEAL 2268, JOE RECTOR AT 4 AUTUMN DRIVE, MOTION TO GRANT THE CLASS B AREA VARIANCE REQUEST TO CONSTRUCT A NEW ENTRYWAY OF A 6 FT X 4 FT ROOF EXTENSION INTO THE FRONT YARD SETBACK OVER THE CARPORT/MUDROOM INTRUDING 3 FEET INTO THE FRONT YARD SETBACK

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **third** item heard was appeal 2269, Daniel and Karen Curry, 20 South Peru Street, for a class B area variance request to replace hedge with 6 foot vinyl fencing, front yard, corner lot.

Discussion:

- Board and applicant review of the proposed hedge removal, fence placement location.
- Property at 20 South Peru Street is a corner lot, however fence will not conflict with corner of South Peru Street and Johnson Avenue.
- Chain link fence on South side of property is owned by neighboring property. If this fence were to be taken down Mr. and Mrs. Curry would replace it due to owning a swimming pool and requirement to have yard enclosure around pool.

Public Comment: None

MOTION:

By: M. Weeden, seconded by: P.J. Whitbeck

IN REGARD TO APPEAL 2269, AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM, THAT THE CHAIR CHECK NO OR SMALL IMPACT MAY OCCUR FOR ITEMS 1-11 ON PART 2 OF THE FORM AND CHECK THE BOX INDICATING THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT AND SIGN.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by: M. Weeden

IN REGARD TO APPEAL 2269, CLASS B AREA VARIANCE AT 20 SOUTH PERU STREET, TO ERECT A 6 FOOT FENCE WITHIN THE FRONT YARD SETBACK AS DEPICTED ON THE PLANS, SPECIFICALLY NOTING A 1-FOOT SEBACK ALONG THE SIDEWALK ON SOUTH PERU STREET

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fourth** item heard was appeal 2270, Christopher Buskey, 76 Park Avenue, for a special use permit request to extend 7-1/2 foot fencing in rear yard.

Discussion:

- Board and applicant discussion of proposed installation of 7-1/2 foot high fencing in rear yard, extending from previously installed 7-1/2 foot fencing for which variance was obtained in July 2020.
- Discussion of where fencing will be installed on property. Owner discussed request for additional fencing is to fully enclose the yard due to installing a pool.
- Fencing will not encroach into front yard setback.

Public Comment: None.

MOTION:

By: P.J. Whitbeck, seconded by: K. Porter

AFTER REVIEW OF THE LONG ENVIRONMENTAL ASSESSMENT FORM, THERE WILL BE NO ADVERSE ENVIRONMENTAL IMPACT

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: K. Porter, seconded by: M. Weeden

IN REGARD TO APPEAL 2270, FOR CHRISTOPHER BUSKEY AT 76 PARK AVENUE, MOTION TO APPROVE REQUEST FOR SPECIAL USE PERMIT TO EXTEND THE 7-1/2 FT FENCING IN THE REAR YARD OF THE PROPERTY TO ATTACH THE EXISTING FENCING TO THE BACK CORNER OF HIS HOUSE.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **fifth** item heard was appeal 2271, Danielle Girard, 130 Pine Street, for a class B area variance request to convert a multifamily home back to two single family dwellings

Discussion:

- Board and applicant discussion of proposed change of an existing multifamily home to two single family dwellings, resulting in deficit in lot coverage, open space and setbacks.
- Increase in footprint would increase percentage of lot coverage from 35.6% to 38.2%.
- Front yard intrusion exacerbation that is preexisting.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: M. Weeden

FOR APPEAL 2271, FOR DANIELLE GIRARD, MOTION THAT AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1, THAT WE ENCOURAGE THE ZONING BOARD CHAIR TO CHECK BOXES 1-11 IN PART 2, FINDING THAT THERE ARE LITTLE TO NO ENVIRONMENTAL IMPACTS TO THIS PROJECT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: K. Porter, seconded by: M. Weeden

IN REGARD TO APPEAL 2271, DANIELLE GIRARD, 130 PINE STREET, MOTION TO APPROVE A CLASS AREA VARIANCE REQUEST TO CONVERT A MULTIFAMILY HOME BACK TO TWO SINGLE FAMILY DWELLINGS; ADDITIONALLY ALSO MOTION TO APPROVE THAT IN DOING SO, MS. GIRARD WILL BE ADDING AN ADDITION TO 130 PINE STREET AND THIS ADDITION WILL CHANGE THE COVERAGE FROM 35.6% EXISTING TO 38.2%, AN INCREASE OF 2.6% COVERAGE, WHICH FURTHER EXACERBATES THE EXISTING COVERAGE DEFICIENCY, FOR A TOTAL OF 8.2 FEET IN THE FRONT YARD INTRUSION.

ALL IN FAVOR: 4

OPPOSED: 1
(S. DeMane voted in negative)

MOTION PASSED

The **sixth** item heard was appeal 2274, Kristin Manabat, 11 Nichols Avenue, for a Class B Area Variance request to construct a shed on left side of home into side yard setback.

Discussion:

- Board and applicant discussion of proposed construction of an Amish style shed on side of home, encroaching into side yard setback.
- Existing shed will be removed.
- Slab for proposed shed will meet side yard setback requirements.
- Discussion regarding possibility of altering size of shed.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by: M. Weeden

IN REGARD TO APPEAL 2274, AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1, THAT WE HAVE DETERMINED QUESTIONS 1-11 IN PART 2 SHOULD BE CHECKED NO OR SMALL IMPACT MAY OCCUR, AND AS A RESULT OF THAT, THE CHAIR MAY CHECK THE BOX IN PART 3 THAT THIS ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by: P.J. Whitbeck

IN REGARD TO APPEAL 2274, AT 11 NICHOLS AVENUE, TO APPROVE A 20 FT X 12 FT SHED THAT IS 2 FEET OFF THE PROPERTY LINE ON THE SIDE YARD SETBACK. THE SLAB/DRIVEWAY WILL MEET THE REQUIREMENT FOR SIDE YARD SETBACK.

ALL IN FAVOR: 3

OPPOSED: 2

(S. DeMane voted in negative)

K. Porter voted in negative)

MOTION PASSED

The **seventh** item heard was appeal 2275, Richard and Brenda Boulrice, 3 Flaglar Drive, for a class B area variance request to install a storage shed in the rear yard, exceeding number of allowable accessory structures on lot.

Discussion:

- Board and applicant discussion of proposed third accessory structure (shed) in rear yard.
- Rear yard currently has 3 accessory structures (gazebo, pergola, and shed). Pergola is to be removed.

Public Comment: None.

MOTION:

By: K. Porter, seconded by: M. Weeden

IN REGARD TO APPEAL 2275, AFTER REVIEW OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM WE ASK THE CHAIR OF THE BOARD TO CHECK BOXES IN PART 2, QUESTIONS 1-11 THAT REVIEW OF PART 1 HAS REVELED THAT THERE IS LITTLE TO NO ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: K. Porter, seconded by: M. Weeden

IN REGARD TO APPEAL 2275, MOTION TO APPROVE A CLASS B VARIANCE REQUEST TO INSTALL A STORAGE SHED IN THE REAR YARD, EXCEEDING THE NUMBER OF ALLOWABLE ACCESSORY STRUCTURES ON THAT LOT. IT SHOULD BE NOTED THAT 2 CURRENT STRUCTURES ARE BEING REMOVED AND ONE IS BEING ADDED.

MOTION AMENDED FOR APPEAL TO EXPIRE IN 1 YEAR.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **eighth** item heard was appeal 2278, Robert Wieworka, 64 Tremblay Avenue, class B area variance request to construct a roof over an existing patio, encroaching into side yard setback.

Discussion:

- Board and applicant discussion of proposed roof addition over an existing patio, encroaching into side yard setback.

Public Comment: None.

MOTION:

By: S. DeMane, seconded by M. Weeden

IN REGARD TO APPEAL 2278, AFTER REVIEW OF PART 1 OF THE SHORT ENVIRONMENTAL ASSESSMENT FORM, THAT WE CHECK IN PART 2, QUESTIONS 1-11, THAT NO OR SMALL IMPACT MAY OCCUR AND AS A RESULT THAT, THE CHAIR CHECK IN PART 3 THAT THE ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by K. Porter

IN REGARD TO APPEAL 2278, CLASS B AREA VARIANCE FOR ROBERT WIEWORKA AT 64 TREMBLAY AVENUE, MOTION TO APPROVE A COVERING OF A BACK DECK AS SHOWN ON PLANS IN THE PACKAGE THAT VIOLATES THE COMBINED SIDE YARD SETBACKS, BUT IS 3 FEET LESS THAN THE CURRENT SEBACK OF THE HOUSE WHICH WAS PRE-EXISTING.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

The **ninth and tenth** items heard were appeal 2272, NuWay Carwash, 321 Cornelia Street, class B area variance request for construction of tunnel carwash building with office space, deficient in side yard setback and commercial driveway width; and appeal 2273, NuWay Carwash, 321 Cornelia Street, special use permit request for use of an automobile car wash and installation of 10 foot fence in side and rear yards.

Discussion:

- Board and applicant discussion of proposed carwash at 321 Cornelia Street requiring a class B area variance for deficiency in side yard setbacks and commercial driveway width as well as a special use permit to operate an automobile car wash and installing 10 foot fencing.
- Review of Clinton County Planning board comments, regarding recommendation to have no left turn out to Cornelia Street. Applicant planned on having two exit lanes, one for left hand turn and one for right hand turn. Application and site plan will also be reviewed by City Planning Board, who will have jurisdiction over traffic control.
- Applicant and board discussion regarding noise of operation of this car wash being as this business will border a residential district.
- Applicant addressed concerns regarding lot size and volume of traffic output to Cornelia Street.

Public Comment:

- *Jason Frank: Represents car wash across the street from this proposed car wash. Concerned about the size of the parcel being too small for this proposed car wash, concerns regarding noise of car wash, and traffic volume concerns out to Cornelia Street.*

MOTION:

By: S. DeMane, seconded by M. Weeden

IN REGARD TO 2272 AND 2273, AS A RESULT OF A RECUSAL OF A ZONING BOARD MEMBER AND CONSEQUENTLY ONLY HAVING A 4-MEMBER BOARD, WE WILL POSTPONE TO NEXT MEETING ON OUR BEHALF TO NO DETRIMENT TO THE APPLICANT

ALL IN FAVOR: 4

OPPOSED: 0

*MOTION PASSED
(P.J. Whitbeck recused)*

The **eleventh and twelfth** items heard were appeal 2276, Oval Craft Brewing, 111 Ohio Avenue, class B area variance request to install a paver patio area with a surrounding wall creating a setback deficiency; and appeal 2277, special use permit request to install a pergola roof over the patio area.

Discussion:

- Board and applicant discussion of proposed installation of paver patio area with surrounding wall enclosed space and installing a pergola over the proposed patio area.
- Expansion of patio area will encroach in side yard setback and front yard setbacks.
- Patio will begin 3 feet behind the face of the building.

Public Comment: None

MOTION:

By: K. Porter, seconded by S. DeMane

FOR APPEALS 2276 AND 2277, MOTION THAT AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE FIND THAT THE PROPOSED PROJECT WILL HAVE SMALL OR NO ENVIRONMENTAL IMPACT.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by M. Weeden

MOTION IN REGARD TO APPEAL 2277, TO APPROVE OVAL CRAFT BRWING AT 111 OHIO AVENUE TO EXPAND THEIR EXISTING SPECIAL USE PERMIT TO COVER A BEER GARDEN, 20 FT X 30 FT PATIO AREA WITH A PERGOLA ROOF.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by K. Porter

MOTION TO APPROVE IN REGARD TO APPEAL 2276, FOR CLASS B AREA VARIANCE FOR OVAL CRAFT BREWING AT 111 OHIO AVENUE TO GRANT THE VARIANCE AS SHOWN ON THE DRAWING OF 18 FEET FROM THE ROAD AND APPROXIMATELY 22 FEET FROM THE SOUTH PROPERTY LINE, WHICH VIOLATES THE REQUIREMENT FOR SETBACK AND COMBINED SETBACK FOR BOTH SIDES, WHICH WAS A PRE-EXISTING NONCONFIRMING SITUATION.

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

MOTION:

By: S. DeMane, seconded by K. Porter

TO APPROVE THE MINUTES FROM THE APRIL 19, 2021 ZONING BOARD OF APPEALS MEETING AS WRITTEN

ALL IN FAVOR: 5

OPPOSED: 0

MOTION PASSED

Motion to Adjourn:

By: S. DeMane, seconded by M. Weeden

Adjourned at 10:43 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion. For a more detailed discussion, please see the recording.

Lisa Beebie
Secretary
Zoning Board of Appeals