

**Village of Liverpool Zoning Board of Appeals
Minutes
Monday, February 27, 2017 – 6:00 p.m.**

Attendees:

Michael Romano, Chairman

David DeRouchie – absent

Jason Recor

Bill Reagan, Chief Codes Officer

Pamela Carey

Jon Miles - absent

Wendy Reese – Attorney

Sandra Callahan, ZBA Secretary

Call to Order

Chairman Romano called the meeting to order at 6:00 p.m. and led all present in the Pledge of Allegiance.

Adoption of Minutes

Ms. Carey moved and Mr. Recor seconded the motion to adopt the minutes from January 23, 2017 with a typo correction. Approved.

Public Hearing – St. Paul’s Lutheran Church – 210 Hazel St.

On the application of St. Paul's Lutheran Church for an area variance to §380-17.A(1) for a lot area less than one acre, to §380-17.A(3) for lot coverage greater than 30%, §380-17.B(1) for a front setback less than 40' and §380-17.B(2) for a side setback less than 20' for a property located at 210 Hazel Street designated as tax map 003.-05-04.0

Chairman Romano read the 5 criteria for granting a variance and opened the public hearing.

New drawings were submitted showing the vegetation barrier requested. The vegetation barrier will be on the church property and the church has to maintain the barrier. Referral was received back from the County with no comment.

A motion was made by Ms. Carey and seconded by Mr. Recor to grant the variance for a vegetative buffer along Tamarack Street to be 3' in height (where a minimum of 5' is required), for a 65% lot coverage where 30% is allowed, for a front yard setback of 3.2' where 40' is required, and a side yard setback variance of 16.6' (between the church lot and the new garage/house lot) where 20' is required.

**RESOLUTION
ZONING BOARD OF APPEALS
VILLAGE OF LIVERPOOL
AREA VARIANCE FINDINGS AND DECISION**

Date of Resolution: February 27, 2017

Applicant: St. Paul’s Lutheran Church

Zoning District: R-1

Address: 210 Hazel Street

Published Notice: DONE

Liverpool, New York 13088

Notice to County: N/A

Hearing Held On: February 27, 2017

Tax Map ID # 003.-05-04.0

Property Location: 210 Hazel Street

Reasons for which Variance is Requested: To reconfigure the lot for the purpose of isolating the existing dwellings on the parcels separate from the Church property, thus resulting in the need for the following variances for 210 Hazel Street: (1) a variance for the vegetative buffer along Tamarack Street to be 3' in height (where a minimum of 5' is required); (2) 65% lot coverage where 30% is allowed; (3) a front yard setback variance of 3.2' where 40' is required; and (4) a side yard setback variance of 16.6' (between the Church lot and the new garage/house lot) where 20' is required.

Applicable Sections of Town Zoning Code from which Relief is Sought: §§380-108, 380-17(A)(3), 380-17(B)(1) and 380-17(B)(2)

SEQR Determination: Lead Agency Type I Negative Declaration
Type II Positive Declaration
Unlisted

FACTORS CONSIDERED:

Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: The proposed action will leave all structures in their current physical locations.

Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes No

Reasons: The objective can only be achieved with the variances since the structures currently exist.

Whether the requested variance is substantial: Yes No

Reasons: The variances are insubstantial under the circumstances.

Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes No

Reasons: There have been no identified environmental issues.

Whether the alleged difficulty was self-created: Yes No

Reasons: While the difficulty is self-created, it is not determinative.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

the benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: There will be no discernable changes to the site as the variances will simply allow the transfer of property and no will construction will occur (the buildings currently exist).

The ZBA further finds that the variances for relief from **§§380-108, 380-17(A)(3), 380-17(B)(1) and 380-17(B)(2)**, of the Zoning Code are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

STANDARD CONDITIONS (If Approval is Granted):

That the construction be completed in strict compliance with the submitted plans and application materials.

ADDITIONAL CONDITIONS (If Approval is Granted): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: **NONE**.

The Board by motion made by P. Carey and seconded by J. Recor adopted the above Resolution.

Michael Romano, Chairman Date
Zoning Board of Appeals

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chairman	MICHAEL ROMANO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	PAMELA CAREY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	DAVID DEROUCHIE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	RON HERGESELL	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	JONATHAN MILES	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	JASON RECOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alternate Member	MELISSA CASSIDY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

200 Tamarack Street – Referral received back from the County with no comment.

A motion was made by Mr. Recor and seconded by Ms. Carey to grant the variance to allow for a 3,300 sq. ft. lot where 6,250 sq. ft. is required, a front yard setback variance of 0’ on Hazel Street and 7.9’ on Tamarack Street where 40’ is required and 48% lot coverage where 30% is allowed.

**RESOLUTION
ZONING BOARD OF APPEALS
VILLAGE OF LIVERPOOL
AREA VARIANCE FINDINGS AND DECISION**

Date of Resolution: February 27, 2017
Applicant: St. Paul’s Lutheran Church **Zoning District:** R-1
Address: 210 Hazel Street **Published Notice:** DONE
Liverpool, New York 13088 **Notice to County:** N/A
Hearing Held On: February 27, 2017
Tax Map ID # 003.-05-05.0
Property Location: 200 Tamarack Street

Reasons for which Variance is Requested: To reconfigure the lot for the purpose of isolating the existing dwellings on the parcels separate from the Church property, thus resulting in the need for the following variances for 200 Tamarack Street: (1) a variance to allow for a 3,300 sq. ft. lot where 6,250 sq. ft. is required; (2) a front yard setback variance of 0’ on Hazel Street and 7.9’ on Tamarack Street where 40’ is required; and (3) 48% lot coverage where 30% is allowed.

Applicable Sections of Town Zoning Code from which Relief is Sought: §§380-16(A)(1), 380-16(B)(1) & 380-16(A)(3)

SEQR Determination: Lead Agency Type I Negative Declaration
 Type II Positive Declaration
 Unlisted

FACTORS CONSIDERED:

Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: The proposed action will leave all structures in their current physical locations.

Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes No

Reasons: The objective can only be achieved with the variances since the structures currently exist.

Whether the requested variance is substantial: Yes No

Reasons: The variances are insubstantial under the circumstances.

Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes No

Reasons: There have been no identified environmental issues.

Whether the alleged difficulty was self-created: Yes No

Reasons: While the difficulty is self-created, it is not determinative.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

the benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: There will be no discernable changes to the site as the variances will simply allow the transfer of property and no will construction will occur (the buildings currently exist).

The ZBA further finds that the variances for relief from **§§380-16(A)(1), 380-16(B)(1) and 380-16(A)(3)**, of the Zoning Code are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

STANDARD CONDITIONS (If Approval is Granted):

That the construction be completed in strict compliance with the submitted plans and application materials.

ADDITIONAL CONDITIONS (If Approval is Granted): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: **NONE**.

The Board by motion made by J. Recor and seconded by P. Carey adopted the above Resolution.

Michael Romano, Chairman Date
Zoning Board of Appeals

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chairman	MICHAEL ROMANO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	PAMELA CAREY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	DAVID DEROUCHIE	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	RON HERRGESELL	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	JONATHAN MILES	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	JASON RECOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alternate Member	MELISSA CASSIDY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There being no other business, Ms. Carey moved and Mr. Recor seconded the motion to adjourn.
Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Sandra J. Callahan
ZBA Secretary