

**City of Oneida
Planning Commission Zoning Board of Appeals
Meeting Minutes
September 12, 2023**

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Tuesday, July 11, 2023, at 6:00 p.m. in the Basement Activities Room, City Hall, 109 N. Main St. Oneida, NY.

The meeting was called to order at 6:00 pm by Chairman Fred Meyers.

PRESENT: Fred Meyers
Todd Schaal
Perry Tooker
Barbara Henderson
Randy Bonville
Kipp Hicks

ALSO PRESENT: Christopher Henry, Director of Planning
Brian Burkle, Fire Marshall

Absent: Pat Thorpe

RESOLVED, that the Tuesday, July 11, 2023, PCZBA meeting minutes are hereby approved.

**Moved by Randy Bonville
Seconded by Perry Tooker**

**Aves: 6
Nays: 0**

Motion Carried

Item #1 – Site Plan Review, and Conditional Use Permit to establish a Bakery, located at 508 Lenox Ave, Tax Map Number 38.22-1-16, zoned C, by Leticia Millacet, file# 2023-022.

The applicant was in attendance.

There was a discussion about the site being a former smoke shop that never came to fruition. There was a brief discussion regarding the type of bakery and if there were any specialties.

239 Review- Was returned for local determination.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Kipp Hicks
Seconded by Barbara Henderson

Ayes: 6
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:01

Moved by Perry Tooker
Seconded by Barbara Henderson

Ayes: 6
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:04

Moved by Kipp Hicks
Seconded by Perry Tooker

Ayes: 6
Nays: 0

Motion Carried

RESOLUTION APPROVING A SITE PLAN TO ESTABLISH A BAKERY, LOCATED AT 508 LENOX AVE, TAX MAP NUMBER 38.22-1-16, ZONED C, BY LETICIA MILLACET, FILE# 2023-022

WHEREAS, the applicant, Leticia Millacet (hereinafter referred to as "the Applicant"), has submitted a site plan review and conditional use permit application for the bakery (hereinafter referred to as "the Project"), located at 508 Lenox Ave, Oneida, NY, to the City of Oneida (hereinafter referred to as "the City") Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Planning Board"); and

WHEREAS, the Planning Board has carefully considered the New York State SEQR review, classified the proposed Action as a Type II Action requiring no further review; and

WHEREAS, the Planning Board has reviewed the application, conducted public hearings completed on September 12, 2023, and considered the potential impacts and benefits of the proposed development; and

WHEREAS, the GML 239 Referral was received, and was returned for local determination; and

WHEREAS, the Planning Board finds that the proposed development by Leticia Millacet, at 508 Lenox Ave, Oneida, NY, is in compliance with the applicable zoning regulations and is consistent with the goals and objectives of the City Comprehensive Plan; and

WHEREAS, the Planning Board has determined that the proposed development can be approved with certain conditions to ensure compliance with the site plan review regulations pursuant to §143 and to mitigate potential impacts; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ONEIDA'S JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION, AS FOLLOWS:

Section 1: Approval of Site Plan

Having considered the standards set forth in §143 of the City of Oneida Site Plan Review Regulations, the Planning Board hereby approves the following site plan document prepared by Leticia Millacet to establish a restaurant (bakery), located at 508 Lenox Ave, Tax Map Number 38.22-1-16, zoned C.

Section 2: Conditions of Approval

1. The applicant shall obtain all required permits and approvals, including building and sign permits, from the Department of Code Enforcement before commencing any construction or signage installation.
2. Any dumpsters, trash, recycling, or other refuse receptacles associated with the development shall be appropriately screened and covered.
3. All Department of Health approvals are obtained.
4. Construction shall be completed within 1 year from the date of this approval.
5. Knox box installed.

BE IT FURTHER RESOLVED that the Planning Board authorizes the City Department of Planning and Development staff to work with the Applicant to ensure compliance with the approved conditions and to review and approve any minor modifications to the site plan that may arise during the implementation of the project.

BE IT FURTHER RESOLVED that the Director of Planning and Development is hereby directed to provide a copy of this resolution to the Applicant, and any other relevant agencies or departments involved in the review and approval process.

PASSED AND ADOPTED this 12th day of September, 2023.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Kipp Hicks

Seconded by: Todd Schaal

Ayes: 6

Nays: 0

Motion Carried

Resolution Conditional Use Permit for 508 Lenox Ave

WHEREAS, the applicant, Leticia Millacet (hereinafter referred to as "the Applicant"), has submitted a site plan review and conditional use permit application for the bakery (hereinafter referred to as "the Project"), located at 508 Lenox Ave, Oneida, NY, to the City of Oneida (hereinafter referred to as "the City") Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Planning Board"); and

WHEREAS, the Planning Board has carefully considered the New York State SEQR review, classified the proposed Action as a Type II Action requiring no further review; and

WHEREAS, the Planning Board has reviewed the application, conducted public hearings completed on September 12, 2023, and considered the potential impacts and benefits of the proposed development; and

WHEREAS, the GML 239 Referral was received, and was returned for local determination; and

WHEREAS, the Planning Board finds that the proposed development by Leticia Millacet, at 508 Lenox Ave, Oneida, NY, is in compliance with the applicable zoning regulations and is consistent with the goals and objectives of the City Comprehensive Plan; and

WHEREAS, the Planning Board has determined that the proposed development can be approved with certain conditions to ensure compliance with the site plan review regulations pursuant to §190 and to mitigate potential impacts; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ONEIDA'S JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION, AS FOLLOWS:

Section 1: Conditional Use Permit Approval

Having considered the standards set forth in §190-28(C) of the City of Oneida Zoning Regulations, the Planning Board hereby approves the Conditional Use Permit to establish a restaurant (bakery), located at 508 Lenox Ave, Tax Map Number 38.22-1-16, zoned C by Leticia Millacet with the following conditions.

Section 2: Conditions of the Approval

1. The applicant is required to have a backflow prevention device, subject to the approval of the Water Superintendent.
2. The Applicant shall file the approval with Madison County within 62 days of this approval, as required by applicable regulations.
3. Proof of filing the Conditional Use Permit with the County shall be submitted to the Director of Planning and Development within 30 days of the filing.

BE IT FURTHER RESOLVED that the Planning Board authorizes the City Department of Planning and Development staff to work with the Applicant to ensure compliance with the approved conditions and to review and approve any minor modifications to the site plan that may arise during the implementation of the project.

BE IT FURTHER RESOLVED that the Director of Planning and Development is hereby directed to provide a copy of this resolution to the Applicant, and any other relevant agencies or departments involved in the review and approval process.

PASSED AND ADOPTED this 12th day of September, 2023.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Kipp Hicks

Seconded by: Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

Item #2 – Area Variance for 6'-9" to allow an Accessory Structure at 559 Lenox Ave, Tax Map Number 38.30-1-2, Zoned R-3, By Michael Winton file# 2023-026.

The applicant was in attendance.

The applicant was asked to explain why the variance was necessary as there was adequate room to be in compliance. Chris explained to the board for clarification that the structure was already built. Jay issued a Stop Work Order, which triggered the applicant to obtain a building permit and then a variance. The applicant added that the enclosed overhang and an existing lilac obstructed his ability to comply with the law.

There was a discussion about why there was a gap between structures. There was also confusion about the number of neighbor statements that were sent out. Chris clarified that the applicant owns the property to the rear. It looks like all one tax parcel, but they are separate.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Randy Bonville
Seconded by Perry Tooker

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:17

Moved by Perry Tooker

Seconded by Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:19

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

Chris went through the five criteria for a variance of 6'-9" to allow an Accessory Structure at 559 Lenox Ave, Tax Map Number 38.30-1-2, Zoned R-3.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Todd Schaal that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because it is the same setback as the existing garage.

Seconded by Randy Bonville

Ayes: 6

Nays: 0

Motion Carried

- 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.

Moved by Todd Schaal that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because there are other means available.

Seconded by Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

3.) Whether the requested area variance is substantial.

Moved by Todd Schaal that the requested area variance is not substantial because of it being the same setback as the garage.

Seconded by Perry Tooker

Ayes: 6

Nays: 0

Motion Carried

4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Randy Bonville that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because the neighbors agreed.

Seconded by Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Barbara Henderson that the difficulty was self-created, but it is relevant, and it does not necessarily preclude the granting of the area variance.

Seconded by Kipp Hicks

Ayes: 6

Nays: 0

Motion Carried

RESOLVED, that area variance for 6'-9" to allow an Accessory Structure at 559 Lenox Ave, Tax Map Number 38.30-1-2, Zoned R-3, By Michael Winton file# 2023-026 be approved as drafted pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida.

A RESOLUTION APPROVING AN AREA VARIANCE FOR 6'-9" TO ALLOW AN ACCESSORY STRUCTURE AT 559 LENOX AVE, TAX MAP NUMBER 38.30-1-2, ZONED R-3, BY MICHAEL WINTON.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Rob Truman on behalf of Michael Winton for an accessory structure located at 559 Lenox Ave, Tax Map Number 38.30-1-2, zoned R-3; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on September 12, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on September 12, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria variance relief will not produce any undesirable change in the character of the neighborhood and will not be a detriment to nearby properties. Variance relief will not have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors did not express any opposition to the variance. There is an apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant does outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board has imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Rob Truman on Behalf of Michael Winton for an area variance of 6'-9" to a setback of 3'-3" from the eastern side property line to allow for the placement of an accessory structure, located at 559 Lenox Ave, Tax Map Number 38.30-1-2, zoned R-3, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. The Applicant will obtain all required permits and approvals, to include a building permit as deemed necessary by the Department of Code Enforcement.
2. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 12th day of September, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Perry Tooker

Ayes: 6

Nays: 0

Motion Carried

Item #3 – Site Plan Modification to allow the construction of EV charging stations, located at NYE Chevrolet, 116 Broad Street, Tax Map Number 30.79-1-14, zoned C, by ChargeSmartEV, file# 2023-028.

The applicant was in attendance.

The applicant explained that the proposal is similar to the projects previously approved. The board asked if the charging stations were open to the public. The applicant and other Board members confirmed that this was a requirement for dealerships. Ms. O'Connor explained that it was. The estimated cost for installation is over 6 figures.

There was a brief discussion about signage and how the charging stations will be advertised. The applicant responded that there will be no signage facing the streets, the charging stations will be on Plugshare for drivers to find their locations.

The Board asked the Fire Marshall if there were any additional fire requirements for charging stations and level 3 transformers. The Fire Marshall responded that there was not.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Kipp Hicks
Seconded by Perry Tooker

Ayes: 6
Nays: 0

MOTION CARRIED

RESOLUTION APPROVING A SITE PLAN MODIFICATION TO ALLOW THE CONSTRUCTION OF EV CHARGING STATIONS, LOCATED AT NYE CHEVROLET, 116 BROAD STREET, TAX MAP NUMBER 30.79-1-14, ZONED C, BY CHARGESMARTEV

WHEREAS, the applicant, SmartChargeEV (hereinafter referred to as "the Applicant"), has submitted a site plan modification application for EV charging stations (hereinafter referred to as "the Project"), located at 116 Broad Street, Oneida, NY, to the City of Oneida (hereinafter referred to as "the City") Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Planning Board"); and

WHEREAS, the Planning Board has carefully considered the New York State SEQR review, classified the proposed Action as a Type II Action requiring no further review; and

WHEREAS, the GML 239 Referral was determined to not be required;

WHEREAS, the Planning Board finds that the proposed development by SmartChargeEV, 116 Broad Street Oneida, NY, is in compliance with the applicable development and zoning regulations and is consistent with the goals and objectives of the City Comprehensive Plan; and

WHEREAS, the Planning Board has determined that the proposed development can be approved with certain conditions to ensure compliance with the site plan review regulations pursuant to §143 and to mitigate potential impacts; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ONEIDA'S JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION, AS FOLLOWS:

Section 1: Approval of the Site Plan Modification

Having considered the standards set forth in §143 of the City of Oneida Site Plan Review Regulations, the Planning Board hereby approves the following site plan documents consisting of 1 sheet; dated July 21, 2023; prepared by Paye Land Surveying for the construction of EV Charging Stations, located at 116 Broad Street, Tax Map Number 30.79-1-14, zoned C, by ChargeSmartEV with conditions.

Section 2: Conditions of Approval

1. The applicant shall obtain all required permits and approvals, including building and sign permits, from the Department of Code Enforcement before commencing any construction or signage installation.
2. Any dumpsters, trash, recycling, or other refuse receptacles associated with the development shall be appropriately screened and covered.
3. Construction shall be completed within 1 year from the date of this approval.

BE IT FURTHER RESOLVED that the Planning Board authorizes the City Department of Planning and Development staff to work with the Applicant to ensure compliance with the approved conditions and to review and approve any minor modifications to the site plan that may arise during the implementation of the project.

BE IT FURTHER RESOLVED that the Director of Planning and Development is hereby directed to provide a copy of this resolution to the Applicant, and any other relevant agencies or departments involved in the review and approval process.

PASSED AND ADOPTED this 12th day of September, 2023.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Kipp Hicks

Seconded by: Barbara Henderson

Motion Carried

Aye: 6

Nay: 0

Abstain

Item #4 – Area Variance for an additional structure at 521 W. Elm Street, Tax Map Number 30.69-1-10.22, Zoned R-2, By Randy Jones file # 2023-029.

The applicant was in attendance.

The applicant provided clarity to his proposal. There was a general confusion of the board, regarding what type of variance the applicant was receiving. Mr. Jones explained that the proposed shed is inline with an addition to the house, opposed to an additional accessory structure. Chris Henry explained that the documentation and conversation related to this project did not clearly note that this area variance was for a side-yard setback and not an additional structure.

Fred Meyers discussed with the applicant and board the size of the variance to ensure that the consideration of the board is appropriate prior to any actions being taken. It was determined that Mr. Jones required a 6' variance for a side yard setback of 4'.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Kipp Hicks

Seconded by Perry Tooker

Ayes: 6

Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:41

**Moved by Randy Bonville
Seconded by Perry Tooker**

**Ayes: 6
Nays: 0**

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:42

**Moved by Kipp Hicks
Seconded by Todd Schaal**

**Ayes: 6
Nays: 0**

Motion Carried

Chris went through the five criteria for an amended variance from an additional structure area variance to a variance of 6' to a setback of 4' to allow an addition located at 521 W. Elm Street, Tax Map Number 30.69-1-10.22, Zoned R-2.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Kipp Hicks that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because it is a rural area on Elm Street and there were no objections.

Seconded by Todd Schaal

**Ayes: 6
Nays: 0**

Motion Carried

- 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.

Moved by Kipp Hicks that the applicant cannot achieve the benefit by some other method feasible for the applicant to pursue because there is an existing pool, it limits options.

Seconded by Randy Bonville

Ayes: 6

Nays: 0

Motion Carried

3.) Whether the requested area variance is substantial.

Moved by Kipp Hicks that the requested area variance is not substantial because it will be less intrusive.

Seconded by Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Todd Schaal that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because the location in the city.

Seconded by Barbara Henderson

Ayes: 6

Nays: 0

Motion Carried

5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Barbara Henderson that the difficulty was self-created, but it is relevant, and it does not necessarily preclude the granting of the area variance.

Seconded by Kipp Hicks

Ayes: 6

Nays: 0

Motion Carried

RESOLVED, that the area variance for 6' to allow to a setback of 4' to allow for an addition 521 W. Elm Street, Tax Map Number 30.69-1-10.22, Zoned R-2, By Randy Jones file # 2023-029 be approved as drafted pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida.

A RESOLUTION APPROVING AN AREA VARIANCE FOR AN ADDITIONAL STRUCTURE AT 521 W. ELM STREET, TAX MAP NUMBER 30.69-1-10.22, ZONED R-2, BY RANDY JONES.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Randy Jones for an additional accessory structure located at 521 W. Elm Street, Tax Map Number 30.69-1-10.22, zoned R-2; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on September 12, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on September 12, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance. There **is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Randy Jones a variance of 6' to a setback of 4' pursuant to §190-14(B) for the placement of an addition in accordance with the plans submitted as part of the application, located at 521 W. Elm Street, Tax Map Number 30.69-1-10.22, zoned R-2, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. The Applicant will obtain all required permits and approvals, to include a building permit as deemed necessary by the Department of Code Enforcement.

2. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 12th day of September, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Perry Tooker

Ayes: 6

Nays: 0

Motion Carried

Item #5 – AREA VARIANCES for 6'-10" side yard setback to construct a deck and a rear yard setback of 6' to allow the construction of an accessory structure at 113 W. Sands Street, Tax Map Number 38.41-1-14, zoned R-2, by Louise Kroth-Denning file# 2023-030.

The applicant's son-in-law Chris Kimball was in attendance.

Perry Tooker stepped away from the dais. The Board discussed with the applicant about the distances from the house. The applicant explained the plans and told the board that there are existing easements to get access to the garage.

Chris Henry explained to the Board that the deck is the first project to be completed. The applicant is seeking multiple variances so when ready, they can construct the garage in the back.

There was a brief discussion about the easements and parking access. Mr. Kimball explained the shared plowing agreements and how parking operated before there was a change to a neighboring parcel's ownership. There has been some conflict with a neighbor about their shared plowing agreement, but it has nothing to do with the current proposal.

There was a discussion related to the location of the garage and why it is moved closer to the house to be compliant with the rear setback. The applicant explained that they were trying to preserve some of the yard, as it is extremely small. The rear line also angles making one corner compliant and the other not.

There was a brief discussion about the building permit and the appropriate foundation for the garage.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

**Moved by Randy Bonville
Seconded by Kipp Hicks**

**Ayes: 5
Nays: 0
Abstain: 1 (Tooker)**

MOTION CARRIED

Motion to Open the Public Hearing at 6:55

**Moved by Kipp Hicks
Seconded by Barbara Henderson**

**Ayes: 5
Nays: 0
Abstain: 1 (Tooker)**

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:56

Moved by Randy Bonville
Seconded by Barbara Henderson

Ayes: 5
Nays: 0
Abstain: 1 (Tooker)

Motion Carried

Chris went through the five criteria for 6'-10" side yard setback to construct a deck and a rear yard setback of 6' to allow the construction of an accessory structure at 113 W. Sands Street, Tax Map Number 38.41-1-14, zoned R-2.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Kipp Hicks that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because of the small lot, others have a garage.

Seconded by Todd Schaal

Ayes: 5
Nays: 0
Abstain: 1 (Tooker)

Motion Carried

- 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.

Moved by Todd Schaal that the applicant cannot achieve the benefit by some other method feasible for the applicant to pursue because the backyard will be preserved and allow the deck to be extended.

Seconded by Kipp Hicks

Ayes: 5
Nays: 0
Abstain: 1 (Tooker)

Motion Carried

3.) Whether the requested area variance is substantial.

Moved by Barbara Henderson that the requested area variance is not substantial because it is just to allow access to the deck.

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Abstain: 1 (Tooker)

Motion Carried

4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Todd Schaal that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because of the shared driveway.

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Abstain: 1 (Tooker)

Motion Carried

5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Barbara Henderson that the difficulty was self-created, but it is relevant, and it does not necessarily preclude the granting of the area variance.

Seconded by Kipp Hicks

Ayes: 5

Nays: 0

Abstain: 1 (Tooker)

Motion Carried

RESOLVED, that the area for 6'-10" side yard setback to construct a deck and a rear yard setback of 6' to allow the construction of an accessory structure at 113 W. Sands Street, Tax Map Number 38.41-1-14,

zoned R-2, by Louise Kroth-Denning file# 2023-030 be approved as drafted pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida.

A RESOLUTION APPROVING AN AREA VARIANCES FOR 6'-10" SIDE YARD SETBACK TO CONSTRUCT A DECK AND A REAR YARD SETBACK OF 6' TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURE AT 113 W. SANDS STREET, TAX MAP NUMBER 38.41-1-14, ZONED R-2, BY LOUISE KROTH-DENNING.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Louise Kroth-Denning for an accessory structure located at 113 W. Sands Street, Tax Map Number 38.30-1-2, zoned R-3; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on September 12, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on September 12, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria, the Board does hereby conclude that variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance. There **is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Louise Kroth-Denning for an area variance of 6'-10" to a side yard setback of 3'-2" from the eastern side property line to allow for the placement of a deck, and an area variance of 6' for an accessory structure to a rear yard setback of 4' to allow the construction of an accessory structure located at 113 W. Sands, Tax Map Number 38.41-1-14, zoned R-2, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. The Applicant will obtain all required permits and approvals, to include a building permit as deemed necessary by the Department of Code Enforcement.

2. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 12th day of September, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Kipp Hicks

Ayes: 5

Nays: 0

Abstain: 1 (Tooker)

Motion Carried

Discussion at prior to adjournment

Perry Tooker returned to the dais. PCZBA members briefly discussed documentation that has been circulated in reference to the Wind Energy Turbine. Chris Henry asked if the Board would like a representative of the U.S. Airforce present at the next meeting per their offer. The Board agreed that it would be a good thing to extend an invite.

RESOLVED, that there being no further business to be brought before the PCZBA, the meeting is hereby adjourned.

**Moved by Randy Bonville
Seconded by Kipp Hicks**

**Ayes: 6
Nays: 0**

MOTION CARRIED

The meeting adjourned at 7:05 p.m.

Approved