

**City of Oneida
Planning Commission Zoning Board of Appeals
Meeting Minutes
January 9, 2024**

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Tuesday, January 9, 2024, at 6:00 p.m. in the Common Council Chambers, City Hall, 109 N. Main St. Oneida, NY.

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

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

ALSO PRESENT: Christopher Henry, Director of Planning
Brian Burkle, Fire Marshall – Left at 6:12 p.m. due to 911 Call.

Absent:

Chris noted that there was a correction with the original minutes, where the correction was circulated to the Board prior to the meeting.

RESOLVED, that the Tuesday, November 14, 2023, PCZBA meeting minutes are hereby approved.

**Moved by Perry Tooker
Seconded by Todd Schaal**

**Aves: 7
Nays: 0**

Motion Carried

Item #1 – Area Variance for a side yard setback of 8' from the northern property line to a side yard setback of 2' for an accessory structures located at 421 Seneca Street, Tax Map Number 38.32-1-32, zoned R-2, by Thomas E. Rose, file# 2024-001.

The applicant was in attendance.

There was a discussion about the type of shed that will be placed on the property and that it is ready to be placed. The applicant described that the shed is 10' x 14' that will be placed on an existing slab that remained after his garage was burned down by an arsonist 13 years ago. The board asked if the structure was large enough for a car, and the applicant responded that it wasn't.

Fred Meyers asked the applicant to approach to help the board orient where the structure was on his drawing, and how far away it will be from the neighbor's structure.

A few board members asked why the structure was not moved over 10' from the property line. The applicant talked about the 13' x 19' existing pad and how they are looking for room to place a few chairs. A few other Board members commented that moving it towards the southern end of the existing pad would still require a variance to allow the placement. Any further would place the structure on the grass, and he does not want to put it on the grass.

There were concerns raised about the neighbor statements. The Planning Director stated that the neighbor statements were not sent out with adequate information that would inform the neighbors of the type and size of the variance requested. The applicant responded that they were sent out certified mail, he explained the project to his neighbors, and no one had any issues. One neighbor statement at 417 Seneca Street could not be delivered. He also explained to the board that he didn't understand why the neighbor directly to the North did not respond.

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 Todd Schaal

Ayes: 7
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:11

Moved by Pat Thorpe
Seconded by Perry Tooker

Ayes: 7
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:12

Moved by Todd Schaal
Seconded by Kipp Hicks

Ayes: 7
Nays: 0

Motion Carried

Chris went through the five criteria for a side yard setback of 8' from the northern property line to a side yard setback of 2' for an accessory structures located at 421 Seneca Street, Tax Map Number 38.32-1-32, 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 Barbara Henderson that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance because the applicant is replicating something similar that was there.

Seconded by Todd Schaal

Ayes: 7
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 can achieve the benefit by some other method feasible for the applicant to pursue because he placing it on the existing concrete pad.

Seconded by Randy Bonville

Ayes: 7
Nays: 0

Motion Carried

- 3.) Whether the requested area variance is substantial.

Moved by Perry Tooker that the requested area variance is not substantial because smaller than the garage, and similar nearby garages.

Seconded by Kipp Hicks

Ayes: 7

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 there was an existing structure.

Seconded by Kipp Hicks

Ayes: 7

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: 7

Nays: 0

Motion Carried

RESOLVED, that area variance be approved pursuant to §190-44(B)(2)(b) for a side yard setback of 8' from the northern property line to a side yard setback of 2' for an accessory structures located at 421 Seneca Street, Tax Map Number 38.32-1-32, zoned R-2, by Thomas Rose.

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 7

Nays: 0

Motion Carried

A RESOLUTION APPROVING AN AREA VARIANCE FOR A SIDE YARD SETBACK OF 8' FROM THE NORTHERN PROPERTY LINE TO A SIDE YARD SETBACK OF 2' LOCATED AT 421 SENECA STREET, TAX MAP NUMBER 38.32-1-32, ZONED R-2 BY THOMAS E. ROSE, FILE# 2024-001.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by the Thomas E. Rose for a side yard setback of 8' from the northern property line to a side yard setback of 2' for an accessory structure located at 421 Seneca Street, Tax Map Number 38.32-1-32, zoned R-2; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on January 9, 2024, 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 January 9, 2024, 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 an 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. The variance sought **is not** determined to be substantial. 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 Thomas E. Rose for a side yard setback of 8' from the northern property line to a side yard setback of 2' for an accessory structure located at 421 Seneca Street, Tax Map Number 38.32-1-32, 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 9th day of January, 2024.

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: Barbara Henderson

Ayes: 7

Nays: 0

Motion Carried

Item #2 — 2024 PCZBA Schedule

There was discussion about the meeting schedule. Pat Thorpe noted that the June 11 meeting is grievance day, and the meeting would need to be held in the basement. Fred asked if anything needed to be amended, and Chris said, no it would be handled through the legal notice for the meeting when the time comes.

There was a discussion about the day of the week being still workable for the membership. It was agreed that the day and time proposed does still work.

Fred Meyers asked if there was any interest from other Board Member for the Chair and Vice Chair positions. The Board unanimously affirmed that Mr. Meyers and Mr. Bonville retain their roles. Chris informed the Board that these positions will be affirmed through official appointment letters, as well as the role of Secretary, which has traditionally been held by the Director of Planning. There were no objections.

ORGANIZATIONAL RESOLUTION 2024

RESOLVED, that the Organizational Resolution for 2024 consisting of the following is hereby approved:

1. Regular meetings for the City of Oneida Joint Zoning Board of Appeals/Planning Commission also known as the PCZBA for the year 2024 shall be held in Common Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, New York at 6:00 p.m. on the second Tuesday of each month, and if any of said Tuesdays shall fall on a holiday or conflict with another event located in the Common Council Chambers, then in such event the Joint Zoning Board of Appeals/Planning Commission shall be held based on provisions outlined under §190-44(B)(1)(a)

BE IT FURTHER RESOLVED, that the PCZBA approves the schedule outlined in Attachment A.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 9th day of January, 2024.

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: Kipp Hicks

Seconded by: Randy Bonville

Ayes: 7

Nays: 0

Motion Carried

ATTACHMENT A

2024 PCZBA MEETING SCHEDULE AND APPLICATION DEADLINES

January 2024– Meeting Date: January 9, 2024	Applications due: December 21, 2023
February – Meeting Date: February 13, 2024	Applications due: January 25, 2024
March – Meeting Date: March 12, 2024	Applications due: February 22, 2024
April – Meeting Date: April 9, 2024	Applications due: March 21, 2024
May – Meeting Date: May 14, 2024	Applications due: April 25, 2024
June – Meeting Date: June 11, 2024	Applications due: May 23, 2024
July – Meeting Date: July 9, 2024	Applications due: June 20, 2024
August – Meeting Date: August 13, 2024	Applications due: July 25, 2024
September – Meeting Date: September 10, 2024	Applications due: August 22, 2024
October – Meeting Date: October 08, 2024	Applications due: September 19, 2024
November – Meeting Date: November 12, 2024	Applications due: October 24, 2024
December – Meeting Date: December 10, 2024	Applications due: November 21, 2024
January 2024– Meeting Date: January 14, 2025	Applications due: December 19, 2024

Non-agenda items discussed- City Manager

The Board discussed the new City Manager, Dr. Selby. Chris provided some background information, and that the City Manager was interested in attending a meeting to introduce himself to the Board. The Board expressed their interest in inviting the City Manager to the next available meeting. Chris stated that the invite would be passed along.

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

Moved by Pat Thorpe
Seconded by Kipp Hicks

Ayes: 7

Nays: 0

MOTION CARRIED

The meeting adjourned at 6:26 p.m.

Approved