

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

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Tuesday, April 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: Randy Bonville
Perry Tooker
Barbara Henderson
Kipp Hicks
Todd Schaal

ALSO PRESENT: Christopher Henry, Director of Planning

Absent: Fred Meyers
Pat Thorpe

RESOLVED, that the Tuesday, February 13, 2024, PCZBA meeting minutes are hereby approved.

**Moved by Pat Thorpe
Seconded by Barbara Henderson**

**Aves: 5
Nays: 0**

Motion Carried

Item #1 – Area Variance that requests 3’ of height for a total height of 21’ for the construction of an accessory structure located at 1158 Schoolheimer Rd., Tax Map Number 29.-1-27.111, zoned A, by Richard Klish, file# 2024-003.

The applicant was in attendance.

Chris explained that all but two neighbor statements were received, and all neighbors were contacted through certified mail. There were no objections.

There was a brief explanation made by the applicant, where he wishes to park an RV inside, and have little additional room to work on it inside as well.

There was a discussion between the PCZBA and the applicant regarding the necessity of getting a variance. The Board asked the applicant about the number of structures on the property and if an additional variance is required. Chris clarified with the applicant if the other described accessory structures were agricultural uses. The applicant explained that they were for agricultural uses. Chris then explained to the PCZBA that these uses were exceptions to the limit requirement. He went further to explain that since this building is not for an agricultural use, then it is subject to the height limitations.

239 Review- No county-wide impacts, returned for local review.

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 Todd Schaal

Ayes: 5
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:07

Moved by Kipp Hicks
Seconded by Todd Schaal

Ayes: 5
Nays: 0

Motion Carried

No Comments

Motion to Close the Public Hearing at 6:08

Moved by Todd Schaal
Seconded by Perry Tooker

Ayes: 5
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 Kipp Hicks 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 property is zoned ag and this is just another out building.

Seconded by Barbara Henderson

Ayes: 5

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 Perry Tooker that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because the proposed usage where the wall needs to be higher and the pitch is applicable.

Seconded by Kipp Hicks

Ayes: 5

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 is a 1,500 square foot building on a 59 acre lot.

Seconded by Todd Schaal

Ayes: 5

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 are other ag buildings just like it. It is an appropriate building in an appropriate setting.

Seconded by Kipp Hicks

Ayes: 5
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 because of all the aforementioned reasons.

Seconded by Todd Schaal

Ayes: 5
Nays: 0

Motion Carried

A RESOLUTION APPROVING AN AREA VARIANCE FOR 3' HEIGHT FOR A TOTAL OF 21' FOR THE CONSTRUCTION OF AN ACCESSORY STRUCTURE LOCATED AT 1158 SCHOOLHEIMER RD., Tax Map Number 29.-1-27.111, ZONED A, BY Richard Klish, FILE# 2024-003.

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 Richard Klish for 1158 Schoolheimer Rd., Tax Map Number 29.-1-27.111, zoned A; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on April 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 April 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 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. 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 Richard Klish for 3' of height for a total height of 21' for the construction of an accessory structure located at 1158 Schoolheimer Rd., Tax Map Number 29.-1-27.111, zoned A, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. That the applicant obtain all necessary building permits.
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 April, 2024.

Randy Bonville

Deputy Chairperson, Joint Zoning Board of Appeals/Planning Commission

Christopher Henry

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

Moved by: Todd Schaal

Seconded by: Barbara Henderson

Motion Carried

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

Moved by Todd Schaal

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

MOTION CARRIED

The meeting adjourned at 6:16 p.m.

DRAFT