

Village of Palmyra, Zoning Board of Appeals

Date: Thursday, July 18, 2018

Location: Village Hall, 144 Main St. Palmyra NY

RE: Application of Robert Nolan seeking special use permit for property located at 385-387 Prospect Dr.

Public Hearing **Call to Order, Time:** 7:05 p.m. (Motion to Open: John G.)

Members of the Board (*X=Did not attend*)

Tim Denniston, Chair

John Goodspeed

Dave Morrell = X

Chris Tomes = X

Dave Nagle

**Ron Hall, Code Enforcement Officer = X

***Not a member of the board*

Tim D. noted that a meeting of the board was also held the previous week but without a quorum of the board. Therefore, no vote was cast, only those in attendance had discussion of the project.

John G. suggested that since minutes were not taken from the last that an overview of the project would be helpful. Copies of the project were given to board members and some to the members of the audience.

Five members of public (village residents) were in attendance (see attendance sign-in), as well as Bob Nolan, project manager. No written comments were received. Bob Nolan was asked to present project overview.

Bob N. stated that property was purchased a while ago, and because of the size of the lot, they are proposing to put a mirror image of the house right next to it. Suggestions from the previous meeting were in two options, to put on the existing lot or to subdivide and put on the second lot. New drawings showed these two options. Subdivision used to exist.

John G. asked Bob if he went to assessor to see about subdividing the lot. Bob said he did not do this and that Ron (CEO) was going to this. This was not done.

Gail R. lives at 102 Vienna St. clarified that the lot was and is now one parcel, now with one two-family apartment building. She asked if there was enough room to put another building on the lot based on the required setbacks.

Dave N. stated that the setbacks are the issue in which they are discussing.

George L. lives at 119 Mill St. and stated that he needed to get permits for their deck from the town which was restrictive based on criteria from village because of the creek that runs east-west between the subject property and his. He did not get a variance on the guidelines as this project is requesting.

John G. clarified whether the runoff was directed toward storm drain or toward the creek. Bob N. confirmed that it is not directed toward the creek. Jon S. stated that he believes storm drains run to the creek.

Tim D. noted that these are the issues that are in question whether the project is detrimental to the neighborhood.

Bob N. noted that Village does not have a lot of new builds. House would add to tax base, tree does not.

Tim D. asked for Motion to close public hearing. John G. moved. Dave N. second. Closed public meeting at 7:33pm.

Gail R. asked for clarifying ruling on how a variance works. Tim D. explained that the variances requested are for the 30' setbacks from front and back and special use permit for groups of multiple dwellings on one parcel.

Gail also asked about how the parking would be situated and how many more cars would be added to the street. Bob N. noted that there already exists a road cut on Mill St. and that the existing house has two apartments and four parking, and the new structure would require four for a total of eight parking for four apartments.

Gail was concerned about traffic and the number of vehicles located close to the intersection. General concession was that traffic is bad at the three-way intersection and through the stop signs. She is trying to understand how the traffic safety will be affected.

Dave N. agreed that the parcel is unique and snow removal might be a challenge.

Terry R. lives at 130 West Jackson and owns 113-115 Mill St. duplex property next to Lewis'. He was concerned about ingress / egress with the parking spots. Will it be pull in and pull out? Backing out will danger onto Mill St. Second issue was rear elevation of the north side and would it impede on the privacy of the neighbor to the north, George L.

George L. says that some people that live their now call out to him in his back yard. If another building goes up he feels he would be forced to move.

Terry R. also asked about drainage of the parking lot and parcel. Would it go to the creek behind the property and will that add to clogging the culvert?

Bob N. said that the plan was on pitching it toward the road and that existing pavement would be the extent of total amount of pavement but that no plans are final.

Terry also stated that he felt DEC would need to be notified if any stormwater were intended to be discharged into the creek within 50' and there is already a problem. Higher population on a small lot can be a problem. And he asked about the green space. He knows that old properties are not made for today's housing standards and we have to adapt. He suggests that turn arounds on the property are better than back out parking into the road. He also wondered if gasoline storage was on that side of the lot from a previous owner.

Jon S. from 116 Mill St. mentioned the stone wall along the creek that runs along his property line is crumbling and the drainage is already a problem. He also experiences trouble with back out onto Mill St. and the safety of pedestrians. He feels the noise might be an additional problem with another building.

George L. also mentioned the problem with the creek drainage backing up to his place.

Bob N. put stakes in to assess the visibility along the street once the trees are removed and a house is put in. He clarified that three parking spots would be onto Mill and five would have turn around access onto Prospect.

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Meeting of ZBA **Call to Order, Time:** 7:33 p.m. (Motion to Open: John G./Second Dave N.)

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Chris Tomes = X

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Tim D. suggested reviewing the application, then review SEQR form, then vote on variances.

John G. stated that per his understanding, that the parcel would be divided and there would no longer need to be a special use request. Why is the "use criteria" being used? If we are forced to use these criteria, then the hardship is not met. Division of the property would eliminate use criteria.

Dave M. stated that there is no granting of subdivision. We are talking about 10' of variance across the creek if the parcel is subdivided to allow this project to go forward. Currently, the variance is requested at 14' from the allotted 20'. This cannot happen as is because of the group housing issue on one parcel.

Dave M. also mentioned that additional work on the stream might need to be done, but it would be nice to have another parcel on the tax roll, but it does not beautify the area nor lower taxes. He was concerned about the amount of traffic but not as one parcel.

John G. asked for clarification based on the code that a special use permit might allow for group housing, but Dave M. said that it would not work.

Tim D. agreed with traffic concerns. Dave M. suggested that a subdivision is the best solution. John G. suggested that former division line might not work.

Dave N. suggested that Ron H. will need to help him figure out how to change the parcel back to two lots by going back to the town assessor. They handle this because the village does not have an assessor.

John G. reiterated that the reason for the special use permit discussion was because of the "use" criteria which includes the hardship clause, and that the board is trying to get rid of that. He read from code and felt that this all may not be necessary because the board is currently addressing the spirit of the "use" chapter and addressing concerns.

Tim D. said that if this is a use decision the board can't get there tonight. Dave M. mentions setbacks as the conflict. Tim D. suggested tabling number 1, from permit, and deciding 2 and 3. If board does not have to decide about use variance than the rest can be discussed and determined.

Dave N. asked Bob N. the total set back from stream. Bob N. said that from the lot line it is 14' and that the concerns on road cut could be remediated by moving the house and adding a turn around instead of using road cut to back out.

Terry R. interrupted to mention the use of two family to four, but Bob N. clarified that it is grouped homes, that is 2 homes on one parcel.

Dave M. made a motion to deny variances based on setbacks and halting the project until further action is taken on subdividing property. Tim D. second. This is based on application as is. All in favor, Tim and Dave M. only. Those opposed Dave N. and John G.

John G. asked for adjournment, but Dave M. said no because subdivision not complete. Dave N. stated that he was hung up on subdivision needed because he felt the special use was not needed. Dave M. and Tim D. said they would both deny setbacks in the back.

Bob N. states he had to go before town planning board for other projects. Dave M. suggested again going to town assessor and getting a lawyer involved. Bob N. is afraid that the town will state that the parcel will not meet the 3000 sf for the lot to be subdivided. He would rather keep the parcel as one but will subdivide if the village tells him how.

Dave M. reiterated his desire for more buildings but wants the project to meet the needs of the village zoning and neighbor needs. George L. showed a picture of a stake that was placed for the project.

Dave N. asked Bob to check with assessor as soon as possible to see if this is doable. Bob agreed to let Ron know asap.

Dave N. made a motion to Table the project until figuring out the subdivision. John G. second. All in favor. So moved but then more discussion...

Dave M. stated that Group housing on a single lot debunks code. Therefore, a second application should be submitted once the subdivision is done with a setback variance request and the creek work might need DEC approval. He then suggested rescinding the table vote and voting a denial on the whole application and starting fresh.

Dave M. makes a motion to deny the entire application at this point. Tim D. second. All in favor. So moved.

Bob N. understands the position of the board and will return info to Ron H. code enforcement.

Motion to end meeting by Dave M. Second Dave N. All in favor. **Meeting ends at 8:09 p.m.**