

Village of Palmyra, Zoning Board of Appeals

Date: Thursday, October 24, 2019

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

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

Tim Denniston, Chair

Dave Morrell

Dave Nagle

John Goodspeed

Chris Tomes = X

****Ron Hall, Code Enforcement Officer**

***Not a member of the board*

Motion to open public hearing Tim D., second Dave N. **Call to Order, Time:** 7:01 p.m. Eight (8) community members were in attendance including Robert Nolan (Bob N.) who is the project applicant.

Terry Rodman asked if application was new and asked for clarification from applicant Bob N.

Bob N. offered 2 plans that had been previously discussed with the exception that one of the plans eliminated the two parking spaces in the "front yard" along Prospect St. He stated that in the Village there are at least 30 homes that have dedicated driveways in the front yard. The one-story option is also on the table.

Dave M. clarified the number of meetings that have been held and asked for further comments.

Carrie Deming stated that she understood NYS Law for zoning variances to dismiss applications that were "self-created hardships" or variance applications received after the property was purchased. She read from NYS law where "applicant knows there is a need for variance."

Tim D. and Dave N. clarified that this is not a Use Variance therefore not applicable. Dave M. clarified that the R2 zoning allows for the project use but a Special Use Permit is required for the use that the application is requesting. Setbacks requested are an area variance not a use variance.

Terry R. cited procedural problem according to Item 200-43(d) regarding fees are paid before application is heard. To his understanding, certain application fees were waived by motion of the board. Second issue is that the project has not been referred to the County Planning Board according to item 200-44(c) before being decided on by the local ZBA because the project is within 500 ft. of a county highway (Route 31/21). To his knowledge, this has not been done. He has tax maps to show location. If this is not done, he feels this is would be grounds for Article 78 proceeding.

Terry R. also questioned where setbacks are being measured from and how square footage was being measured, whether it included sidewalks, property line, corner of street. Where are boundaries?

Dave M. asked what the biggest fears and concerns were from the neighbors. Terry R. mentioned parking spaces. Carrie D. stated her issue was the problems associated with rental properties and renters behavior. Jon Scheemaker was concerned with more noise and more people.

Dave M. said that those problems are a matter for the police. He is assuming that landlords will keep property and renters in check.

Cheryl Schommer stated concern with the traffic and kids that will increase with another rental. Gail Ruliffson also stated those concerns. John G. stated that the issue of children playing in the area is a matter between the landlord and the potential tenants.

George Lewis stated his concern with the storm sewer located on Mill St. and the pipe that goes into the creek. He is concerned whether the storm sewer will have to be moved if the building is built and expense to the village.

Tim D. motion / second Dave M. to close public hearing. 7:22pm

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

Meeting of ZBA

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Tim Denniston, Chair

Dave Morrell

Dave Nagle

John Goodspeed

Chris Tomes = X

**Ron Hall, Code Enforcement Officer

***Not a member of the board*

Dave N motion to open regular meeting, second John G. Call to Order. 7:22pm

Both Tim D. and Dave M. stated their concern regarding the issue of presenting the project to the County Planning Board. If this is within 500 ft, it is the decision of the County PB.

Dave M. clarified that the decision of the County PB supersedes the decision of this board. This is a next step before the board can vote on the application. He informed Bob N. that he has to get on the docket for County Planning as soon as possible.

John G. commented on the question of application fees in that each new application is not really a new application, rather a reiteration with changes to the original. Commentary was allowed as to the role and authority the local ZBA has to waive fees, but all agreed it is minor compared to other concerns.

Dave M. made motion to table application upon review of County Planning Board. Second Dave N. All in favor.

Dave N. asked whether the town has to make the submission to the County Board according to statute, in that village initiates the involvement of the County. Ron Hall to look in to it.

Dave M. motions to close meeting at 7:28pm. Second Tim D. All in favor.