

Village of Palmyra, Zoning Board of Appeals

Date: Thursday, January 30, 2020

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 X

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 Dave N., second John G. **Call to Order, Time:** 7:01 p.m. Five (5) community members were in attendance including Bob Nolan of 332 Vienna St. who is the project applicant, Dawn Schommer and Cheryl Schommer of 111 Mill St., George Lewis of 119 Mill St., Terry Rodman of 130 West Jackson, Carrie Deming of 450 E Main.

Dave M. chaired meeting and explained the newest part of the application was the report back from the Wayne County Planning Board. He made sure the public had copies of the report.

Carrie D. asked if a boilerplate response was sent. Dave M. said there were specific points mentioned on the project.

Dec 11, 2019 Wayne County Planning Board review approved the special use permit for this project. Dave M. suggested reading all 8 bullet points from official letter response from Wayne County Planning Board and answering each as they go. These are recommendations based on the criteria of project being 500 ft from state highway.

#1. Development should be done in a manner that helps it remain compatible with surrounding land uses ... and is aesthetically pleasing.

#2. Screening and fencing should be used ... to remain compatible with Residential use.

#3. Traffic generating characteristics considered ... driveway location, parking area, driveway site distances... safe pedestrian - vehicle interaction.

#4. Inform Emergency Services of access and review.

#5. All local, state, federal regulations in compliance...

#6. All necessary cross lot easements in place...

#7. Snow maintenance and removal...

#8. Village should consider sidewalk right of way or easement.

Dave M. asked for any points of order.

Terry R. commented that the project would create a 3-family dwelling on the property which changes the characteristics of the neighborhood, with nearest 3-family is on E. Jackson St. There are only singles and doubles in the area. This is a concern.

Also, front yard parking is still in the plan and unsure how access works, and there are no requests for variance of this.

Also asked for set back clarification to know where stop line is on Mill St. to determine visibility at the crossing up Prospect where building may block view.

Also, Terry R. noted that the calculation for square footage now includes a portion of property that is actually road and sidewalk according to the tax map. He asked for clarification on where the set backs are being measured from and whether the total square footage is accurate to determine proposed special use.

George L. discussed previous owner's statement that one side of the creek was "owned" as part of the property, based on a stake in the center of the creek. Tax records do show the line in the middle of the creek.

Dave M. agreed that it is interesting that the lot lines may be showing in the creek and in the road, but it does not affect the required code guidelines for square footage for size of property and number of dwellings because the project meets the code. Dave N. noted that without the creek and road/sidewalk portions, the lot still measures approximately 11,401 sf and the code says it only has to be 10,000 sf for the project. Dave N. understands the concern about where to start the measure for sight lines.

Dave N. also noted the mis-spoken 3-family dwelling comment in that the project building is a single-family dwelling on the parcel with another 2-family building.

Dave M. mentioned his concerns with setting precedent if there was an approval, in the fact that other lot owners may do the same thing based on the outcome of this application, and that would be a concern. Asked if there should be precedent for two houses on a single parcel. No other property in Village is situated like this.

Dave M. asked for estimate on new building. Bob N. said \$80,000 to \$90,000 to build. Dave M. questioned finding another property for the same investment price but stated main concern was shoehorning project and compromising sight lines.

Bob N. said that the new build would not obstruct view any more than the current "plantings" of berm with trees and shrubs that are there now. In fact, it would be less obstruction than what is there now.

Dave M. mentioned concern that one parking place is an entrance to the property. Others commented on the tight vehicle maneuvering in that area / intersection.

George L. asked if sewage drain would be compromised by project. Also increased outflow of water into the creek would hurt his property. Not sure if movement of these pipes are necessary. George said all the water comes right down prospect to a culvert pipe, into the creek.

Motion to close public hearing by Dave M, second by John G. 7:22pm

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Meeting of ZBA

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Tim Denniston, Chair X

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Chris Tomes X

**Ron Hall, Code Enforcement Officer

***Not a member of the board*

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

Dave M. reiterated the concerns in wrestling with project. A). Is it right thing to do in setting a precedent? B). Are we overcrowding property and creating our own issues? C). Could a better return be found something else with criteria of Special Use Permit?

John G. stated the other options were looked at, such as dividing the parcel into two lots. Dave M. said there would not be enough square footage per lot to do the project at all, needs 20,000 sf.

Carrie D. offered comment on the subdivision issue that it should decide the outcome, however, Dave N. clarified that is not the permit before the board and he understands all the issues of concern. He stated that what bothered him most was line of sight for traffic. As it is now, the situation is not good. The former 2-story proposal would have been worse for visibility. In his opinion, the one-family would not cause worse sight problems and may even be better than current.

He also spoke on the issue of setting precedent in the village in an R2 district and agreed it was tough choice. Every circumstance and application will have to be decided on its own merits regardless if this sets precedent. His opinion is that it would look nicer after the project is done.

John G. stated this is not unlike a use variance or an area variance where the whole district zoning would be changed. This would only affect this plot of land, not the whole village. He stated that run-off should be looked at independently from any additional water that may come from project. As for the traffic intersection, which is a 3-way stop, has good visibility from each stop sign so there will not be much change to that.

John G. addressed the parking issue by asking Bob N. how many spaces were needed and if there were other places he could put one rather than front of building. Bob N. said he was adding only one parking

spot to the already existing 5 that are there now, and the drawing showed the spot to the side of the building, not in the front yard.

Project may grant an easement to the Village for the existing road and sidewalk that is on Bob N.'s property.

Dave M. commented that he wished he could find a reason to prohibit the project, but he could not find a legal reason, even though he feels it is a lot in that small area.

Dave M. made a motion to approve special use permit for single family home on property as it shows on design with start date within one year of date on application, second from John G. All in favor. Motion passed.

Dave N. asked that Bob N. come back to the board or CEO and show the finishing accoutrements that will accompany the project to meet the requirements of the neighborhood.

Dave M. made a motion to close meeting. Dave N. second. Meeting closed 7:36pm