

The RACOG Cooperative Zoning Board of Appeals met in regular session on Wednesday, April 19, 2023 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were T. Heagle, M. Roberts and M. Shettleton. T. Kight and M. Stephens were absent.

Vice-Chairperson Heagle called the meeting to order at 7:00pm. Motion by M. Roberts, seconded by T. Heagle to approve the minutes of April 5, 2023 as presented. Ayes-3, Nays-0. Motion carried.

Proof of notice having been furnished, the public hearing on an area variance for Seville Development LLC, acting for Mirza and Abida Ashraf, was called to order at 7:02pm. The applicant requested a reduced number of parking spaces for a proposed Dollar General store at 29 North Broad Street, West Carthage. Darren Ashcroft spoke in favor of the variance. No one spoke in opposition. All persons desiring to be heard, having been heard, the public hearing was closed at 7:05pm.

Members reviewed and responded to the SEQR for the proposed area variance. Motion by M. Roberts, seconded by M. Shettleton to make a declaration of negative environmental impact. Ayes-3, Nays-0. Motion carried.

The following resolution was offered by M. Roberts, who moved its approval, and seconded by M. Shettleton, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Seville Development LLC for parcel number 86.47-1-38, owned by Mirza and Abida Ashraf for a variance of the V/West Carthage Zoning Law; Article IV; Section 91; Subsection 19F, off-street parking requirements, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concludes the proposed construction would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could not be achieved by some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concludes that the variance is not substantial.
- D. The Board concludes that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application for parcel number 86.47-1-38, for a variance of Article IV; Section 91; Subsection 19F of the V/West Carthage Zoning Law is hereby granted with the following condition:

1. A minimum of 35 off-street parking spaces shall be available for the proposed retail store.

The foregoing resolution was duly put to a vote as follows:

T. Heagle.....aye
T. Kight.....absent
M. Roberts.....aye
M. Shettleton.....aye
M. Stephens.....absent

Resolution adopted.

Robert Busler, LaFave, White, & McGivern, L.S., P.C., presented an area variance application for O'Connor Bridge Street LLC. The applicant seeks to do a 2-lot subdivision of parcel no. 86.48-2-35, which has shared party walls separating a dance school, retail, and restaurant sites located on Bridge Street.

The applicant is seeking variances to Article III; Section 91-11; Subsections B.(1)(2)(3)(4)(5) specifically:

- *Minimum Lot Size*- Minimum lot size shall be 12,000sqft. Lot width shall be a minimum of 90ft. Proposed Lot 2 is 1,688sqft and 21ft in width.
- *Percentage of Lot Coverage*- All structures, including accessory structures, shall cover not more than 40% of the area of the lot. Existing structures cover 100%.
- *Front Yards*- Required front yards shall be 40ft, but there may be on-site parking in the front yards except within 10ft of the property line. The existing front setback is 9.6ft.
- *Rear Yards*- Each lot shall have a rear yard not less than 20ft in depth except that if the lot abuts a residential district or is occupied by a structure used wholly or partly for dwelling purposes other than by one person acting as a janitor or caretaker, it shall have a rear yard no less than 40ft in depth. The existing rear yard setback is zero (0).
- *Side Yards*- (a) For structures to be used wholly or partially for dwelling purposes other than by one person acting as a janitor or caretaker, side yards shall be the same as required for Residential R-3 Districts.
(b) For structures designed wholly for nonresidential use, the total of the two side yards shall be 16ft minimum, with one yard as small as zero feet except, that when a lot in a Central Business District adjoins a lot in a residential district at the side, a side yard shall be provided on the residential side of the business lot, with a width not less than that of the narrowest yard required in the adjoining

residential district.

There is no existing side yard set back available in any case.

Motion by M. Roberts, seconded by M. Shettleton to schedule a public hearing on May 3, 2023 at 7:00pm to hear comments concerning the area variance application. Ayes-3, Nays-0. Motion carried.

Motion by M. Roberts, seconded by M. Shettleton to adjourn. The meeting adjourned at 7:26pm.

Christina Vargulick

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RACOG Cooperative ZBA, Secretary