

The RACOG Cooperative Zoning Board of Appeals met in regular session on Wednesday, May 3, 2023 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were T. Heagle, T. Kight, M. Shettleton, and M. Stephens. M. Roberts was absent.

Chairperson Kight called the meeting to order at 7:00pm, followed by a roll call. Chairperson Kight deferred action on the minutes until later in the meeting.

Robert Busler, representing O'Connor Bridge Street LLC, reviewed the proposed action. The applicant seeks to subdivide 14/21 Bridge Street to sell the property and structure located at 14 Bridge Street. The current parcel contains a restaurant and vacant business space with party walls but no internal access between the existing uses. The existing parcel was formerly three (3) separate parcels according to the 1974 assessment roll. Two parcels were combined in 1985 and the third added in 1986.

T. Kight noted that the subdivision would create a non-conforming parcel but that there would be no change to the existing footprint of the building. No new walls would be created.

R. Busler stated that one of the guiding policies in the V/West Carthage Comprehensive Plan is that "reuse of vacant and under-utilized parcels and buildings should be a priority for new development proposals".

Proof of notice having been furnished, the public hearing on an area variance for O'Connor Bridge Street LLC was called to order at 7:22pm.

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 setback available in any case.

No one spoke in favor or in opposition to the proposed action. All persons desiring to be heard, having been heard, the public hearing was closed at 7:28pm.

Members reviewed and responded to the SEQR for the proposed area variance. Motion by T. Heagle, seconded by M. Shettleton to make a declaration of negative environmental impact. Ayes-4, Nays-0. Motion carried.

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

WHEREAS, the RACOG Cooperative ZBA has received an application from O'Connor Bridge Street, LLC for parcel number 86.48-2-25 for a variance of the V/West Carthage Zoning Law; Section 76-24; subparagraphs A and D, (lot size, width, depth, shape, area and setbacks) and associated Section 91-11 Central Business Districts, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed the 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 subdivision 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 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 from O'Connor Bridge Street, LLC, parcel number 86.48-2-35, for a variance of Section 76-24; subparagraphs A and D, (lot size, width, depth, shape, area and setbacks) and associated Section 91-11 Central Business Districts of the V/West Carthage Zoning Law is hereby granted as follows:

1. Subdivided parcel shall be no less than 1,688 sq.ft. in area (as exists).
2. Subdivided parcel shall be no less than 21 ft. in width (as exists).
3. Subdivided parcel may cover 100% of the area (as exists).
4. Subdivided parcel shall have a minimum front setback of 9.6 ft. (as exists).
5. Subdivided parcel may have a rear yard setback of 0 ft. (as exists).
6. Subdivided parcel may have 0 ft. side yards (as exists)

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

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

Resolution adopted.

T. Kight commented on the minutes of April 5 and April 19, 2023. She noted that at the April 5th meeting T. Heagle had questioned whether there were any areas of archeological concern on parcel no. 86.47-1-38 but that the question was not referred to the Tug Hill Commission for advice on how to proceed.

Regarding the minutes of April 19th, T. Kight questioned if any members had noted for the record that the topography of the site was significant to the decision to grant a variance. Neither T. Heagle or M. Shettleton could recall a discussion regarding the issue at that meeting. M. Shettleton noted that there was a discussion of the topography at the meeting on April 5th.

Motion by M. Stephens, seconded by T. Heagle to approve the minutes of April 19, 2023 as presented. Ayes-4, Nays-0. Motion carried.

Motion by T. Heagle, seconded by M. Stephens to adjourn. The meeting adjourned at 7:46pm.

Christina Vargulick
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RACOG Cooperative ZBA, Secretary