

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Pompey Zoning Board of Appeals

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Adman Almatrachi
Address: at 4067 Taylor Road
Referral Type: USE VARIANCE
OCPB Date: November 22, 2016
OCPB Action: No Position
OCPB Case #: Z-16-417

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- Approved the proposed action as modified by the OCPB.
- Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

Other November minutes included

Local Board Date: November 28, 2016

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.

**TOWN OF POMPEY ZONING BOARD OF APPEALS MINUTES
NOVEMBER 28, 2016**

The Town of Pompey Zoning Board of Appeals meeting was held on Monday, November 28, 2016 at 7:00 pm at the Town Hall. Present were: Chairman David Tessier, Kevin Sharpe, Dave Hale, and Don Neugebauer. Attorney Brad Hunt and Code Enforcement Officer Fred Hill.

Chairman Tessier opened the meeting at 7:00 pm. He then explained the Board's procedure to make a decision on the request.

DAN PALLADINO: Public Hearing on a variance request for property located at 3149 Sweet Road, Jamesville, New York. Dan Palladino was present.

Chairman Tessier read the application.

Dan Palladino turned in three more certified receipts for the notifications that he had sent out for the public hearing. He also had a letter from Holbrook Heating (across the road) saying that they supported Dan's project.

He wants to convert the garage (now an office) to a farm store which sells his own agricultural products and select other local products from farms in the area (meat, dairy, cheese, flour, breads, spices, honey and syrup products. Would like it to grow into a Micro Brewery.

There is 600 acres around the house and farm that is protected agricultural land, including a 15 acre homestead.

Chairman Tessier wanted to clarify the application for a use variance. He did meet with Dan, looked over the area and the Town law does allow for farm stands, summer only for small stands. In 2015 the Town added a Farm Business Overlay District, Section 165-9.1 .C (1) a. on farm retail shops and b. winery's, breweries, distillery.

He thinks this ordinance fits what Dan wants to do. He will need to talk to County DOT for commercial access.

Chairman Tessier recommends that Dan go to the Planning Board for a site plan.

Dan said that under the State Farm Brewery license they have foods that are typically served. Could he do that?

Attorney Brad Hunt stated the issue could be addressed with the Planning Board process. Best way to go.

Fred Hill thinks it would be useful to go the route that Chairman Tessier recommended. It could be a condition of the site plan.

Dave Hale stated he thinks it would be a good thing for Pompey.

Don Neugebauer wondered if down the road he was ready for a brewery, would he have to come back?

Chairman Tessier stated that each use needs a different site plan, with changes/additions.

Attorney Brad Hunt stated that we have an application for a use variance and need to open the public hearing.

Chairman Tessier said this is a public hearing, are there any comments?

David Knapp, 6544 Rt. 20,. He is a life long resident of LaFayette and he remembers the Farm Days held at the farm. He thinks area has seen how farming has changed. He is the Co-Chair of the County Ag Council. Helps farms stay in business, including out of box ideas and great ways to diversify. Dan took a huge step with the land protection. Need to keep in the family and community. He feels the zoning law is perfect. He will be at the Planning Board meeting to show his support for the project.

Carl Dennis, 8559 Rt. 20. He helped pass the Overlay District and feels it is exactly what the Board had in mind when the law was passed.

Chairman Tessier closed the public hearing.

Motion by D. Tessier, seconded by K. Sharpe to adjourn Dan Palladino's variance application to undetermined date. All in favor, 4 to 0.

ADNAN ALMATRACHI: Public Hearing on a variance request for property located at 4067 Taylor Road, Jamesville, New York. This property is adjacent to the Town of LaFayette.

Chairman Tessier read the application.

The application states that the house was built as a two family home, but it is not allowed. Short Environmental Form is attached to the application.

SOCPA remarks - there were no significant adverse implications.

Chairman Tessier stated the property is in both the Town of Pompey and the Town of LaFayette. He did meet with Mr. Almatrachi. The property has 2.2 acres in Town of Pompey and 2 acres in the Town of LaFayette. Use variance is almost impossible to prove. They can have a one family home.

We could do an area variance to reduce the lot size from 4 acres to 2.19 acres. Now the Board needs to decide if it is proper.

Don Neugebauer agrees that it looks like a one family home. Is there one entrance?

Mr. Almatrachi stated there is a back entrance. Both levels have kitchen, bedrooms.

Chairman Tessier asked how old the house is and was it built to be a two family home?

Mr. Almatrachi stated that it was built in 1980 and was built as a one family.

Code Enforcement Officer Fred Hill stated that it needs to be brought up to code for a two family. Wouldn't think so.

Whether it can be made into a two family is questionable. It would need a lot of work, fire doors, and fire separation between floors to be made into a legitimate two family. It would need a second exit out of house for both living spaces, totally separate. There would definitely need to be modifications made for two families to be built to code.

Mr. Almatrachi asked about the electrical box?

Fred Hill state that the electrical would need to be done separately.

Don Neugebauer asked if we could work around entrance and exit? Acreage is four acres, but fire code issue might be a little more work.

Fred Hill stated that it would need fire proof doors. Right now it is a one family.

Chairman Tessier said that for our purpose, do we want to see a two family structure on this lot. Do you think we should approve? Then he would go to the Code Enforcement Officer for what he would need to do to make it a two family.

Dave Hale asked if they both draw off the same well?

Mr. Almatrachi said "yes".

Chairman Tessier stated that in Pompey it is a septic system.

Fred Hill stated he would need to go the County Health Department and may have to add a system with two families living there.

Chairman Tessier opened the public hearing.

John LaGraff, 6808 Henderson Road. He was surprised to hear about two family home. He has lived there 25 years. Obviously it was done illegally, but is not aware of any other two family homes on one lot (4 acres). He feels the Board should stick to the Zoning Law.

Brent Buechner, 4089 Taylor Road. He has lived there for 46 years. If it was illegal and doesn't have the land, he doesn't know why you would change it. He is very much

against it. He only received one days notice about the meeting. He doesn't think they need more traffic. You are also increasing the value of the house if it is approved.

Theresa Ranieri of Jamesville. She was with her father-in-law who owns property there. She grew up in house. It was always a one family. Italians like two kitchens. Possibly in law potential, but not two family.

Chairman Tessier closed the public hearing.

Don Neugebauer wondered if the applicant met with the Code Enforcement Officer, and he could do everything needed to make it a two family. Doesn't feel he could say yes, not knowing if it would be up to code.

Chairman Tessier said we could have him make improvements.

Attorney Brad Hunt state that if Board voted to approve the variance, before he can use as a two family he would have to be certified as being up to code.

Chairman Tessier said he is not inclined to approve. It was built as a single family, and has only 2.19 acres (rest is in LaFayette).

Dave Hale stated that the undersize lot is an issue for what he wants to do.

Motion by D. Hale, seconded by K. Sharpe to close the public hearing. All in favor.

Chairman Tessier stated that this is a Type 2 action, no further environmental action is required.

Motion by K. Sharpe, seconded by D. Neugebauer to deny the request from Mr. Almatrachi, 4067 Taylor Road for a two family home based on the requirement of 4 acres for a two family home. All in favor, 4 to 0.

Chairman Tessier stated that the application is denied.

Motion by D. Hale, seconded by K. Sharpe to adjourn at 8:30 pm.

Respectfully Submitted,

Darla M. Mawson, Secretary
Town of Pompey Zoning Board of Appeals