## VILLAGE OF MINOA PUBLIC HEARING ZONING BOARD MINUTES

## Application – Robert Krol

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, August 14, 2025, **at 6:30 pm**, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: ZBA Members Adrienne Turbeville, Gary Stoddard, Jeremiah Butchko, Secretary Ruth Ptak and Attorney Courtney Hills

Absent: Chairman Chris Beers, Scott Parish.

Also present: Robert E Krol and Deborah Krol

PLEASE TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Village of Minoa, New York, on August 14, 2025 at 6:30 p.m., in the Municipal Building, located at 240 N. Main Street, Minoa, New York, on the request of Robert Krol, for (2) variances (1) one specifically for the regulation of Section §160-25.1(A) which provides that accessory structures shall be located no closer to the rear lot line than a distance of not less than 10% of the lot width, nor any closer to the side lot line than the nearest point of the principal building or use. The applicants are proposing a 36' x 16' inground swimming pool to be situated in center of back yard. The second request specifically Section § 66-2A which requires fencing to be no more than four feet high (above grade) in the front yard (as defined in the Zoning Code of the Village of Minoa). The applicant is proposing the installation of six-foot fencing within front yard. The subject premises is located in Residential R-B1 Zoning District, known as 118 Kensington High Street and identified as tax Parcel No. 005.-07-15.0.

Adrienne Turbeville called the public hearing to order at 6:30 p.m.

Jeremiah Butchko moved to waive the reading of the Public Hearing Legal Notice. The motion was seconded by Gary Stoddard, and all were in favor. The motion was carried.

Attorney Courtney Hills summarized the requested relief and requested the applicant present their request to the ZBA.

Attorney Courtney Hills Advised **Robert Krol** that the ZBA must conduct a balancing test, weighing the benefit to the applicant if the relief was granted versus the burden to the health, safety and welfare that may be suffered by the

community. He further advised in doing so they must consider the following five factors:

- 1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance.
- 2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance.
- 3. Whether the requested area variance is substantial.
- 4. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district; and
- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance?

## APPLICANT PRESENTATION OF CONSIDERED FACTORS:

Applicant Robert Krol submitted Hereto Attached as Schedule "1" a letter dated July 28, 2025 referencing response to criterial, (7) pages of documentation merging the (2) parcels into (1) parcel, a page of photos of the parcel with yard slopes, an aerial photo, a photo with listing of (6) other parcels with previously submitted pool Area Variances approved and (2) pages of photos of properties within the village which have front yard 6 foot fences. Robert Krol Sr. present to the board on behalf of applicant.

- 1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: ☐ Yes ☑ No Reasons: The pool will be in the middle of recently merged lots far away from neighbors, fencing will create privacy and any visual impacts, adjacent neighbors have 6FT fencing in front. The fence height would create uniformity, enclose entrance property immediate neighbors and privacy concerns.
- 2. Whether benefit sought by applicants can be achieved by a feasible alternative to the variance: ☐ Yes ☒ No Reasons: The pool location in the middle would avoid need of a retaining wall and considerable expense, avoid interfering with existing deck steps which would need to be removed. Fence would give more yard space and Protects pool.
- 3. Whether the requested variance is substantial: ☐ Yes ☒ No Reasons: A 16FT variance requested not substantial given lot size, other lots have similar pools situated outside shadow of home with applicant provided list of other approved similar variance.
- 4. Would the Variance have an adverse impact on the physical or environmental conditions in the neighborhood: ☐ Yes, △No

Reasons: The applicant requested location would not change flow of any drainage, but if in the shadow of the house there would have to be a drainage. There are no Environmental Concerns for fencing. The applicant completely understands that Utility Company Could remove fence at his expense if access to the backyard warrants access.

5. Whether the alleged difficulty was self-created: Yes ☐ No Member Gary Stoddard moved to **close the public** hearing at 6:45pm. and continue into Regular meeting. Second, by Adrienne Turbeville. All in favor; Motion carried.

## Regular meeting of the Village of Minoa Zoning Board

Secretary Ptak confirmed for the record that the Legal Notice was submitted to Syracuse Media Group for publication order confirmation #1101661-01 published 7/31/2025; was posted at (6) six locations within the Village: Village Hall, Library, Trappers II, Post Office, Sunshine Mart and Scotty's Automotive, and was sent to neighbors located within 500 feet of the subject premises via first class mail.

Secretary Ptak confirmed for the Board that there is no other correspondence for or against the Variance application.

The Board then went through each criteria and determined the following for Robert Krol of 118 Kensington High St application:

- 1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance; the board agreed there would not be an undesirable change to the neighborhood. The board agreed that the request is consistent with current surroundings, the type of fencing is consistent with the neighborhood and various homes have 6 FT fence in front yards.
- 2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance. The Board determined the homeowner did consider alternative methods taking into consideration the uniqueness of their property and utilize all their property and avoiding costly retaining wall and drainage expense a variance request is the best alternative. It is a unique property with it being a double lot it is not unreasonable request.
- 3. The Board members determined the requested area variance was not substantial after reviewing the circumstances of the application, and noted no neighbors were present or had written in opposing the proposed, Double lot makes situation unique is located far back from

street. Not even 50%, additional the fence is 2ft don't feel that is substantial and it is very far back from the street and it is adequate distance from roadway bearing in mind that anybody service that utility can do what every they desire to that fence with no consequences. Or whatever they deem necessary.

- 4. The Board determined the proposed variance will not have adverse effect on physical and environmental conditions in the neighborhood or district; the fence does not impact run off water, there are no utilities, nor rights-of-way located on survey. There is no environmental impacts to increase fence height.
- 5. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of an area variance.

The Board identified the proposed action as a **Type II Action pursuant to NY SEQRA**, elected to designate itself as Lead Agency, and subsequent to discussion and review of the Short Form EAF, the Board completed the questions in Part 2 of the form, and upon an unanimous vote determined based on the information provided therein and upon the analysis thereof and all supporting documentation, that the proposed action would not result in any significant adverse environmental impacts, and therefore issued a Negative Declaration.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS: The ZBA, taking into consideration the above five factors, finds that:

A motion was made by Member Gary Stoddard to approve the relief as submitted. The motion was seconded by Member Adrienne Turbeville. All in favor. Motion carried.

	fit to the Applicant DC				
Neighborhood or Community and therefore the variance request is denied					
🔼 The Requ	iested Variance is <i>app</i>	oroved.			
RECORD O	F VOTE:				
	Chris Beers	□ Aye		Nay	Abstain 💢 Absent
	Scott Parish	□ Aye		Nay	Abstain X Absent
	Adrienne Turbeville	Aye		Nay	Abstain □ Absent
	Gary Stoddard	<b>⊠</b> Aye		Nay	Abstain □ Absent
	Jeremiah Butchko	X Aye		Nay	Abstain □Absent

A motion was made by Jeremiah Butchko to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:07 p.m. The motion was seconded by Member Gary Stoddard, and all were in favor. The motion carried.

Respectfully submitted,

Ruth Ptak, Secretary

July 28, 2025

Village of Minoa Planning and Zoning Board 240 North Main Street Minoa, NY 13116

Dear Members of the Zoning and Planning Board,

We are requesting your consideration concerning the installation of an in-ground pool at our residence located at 118 Kensington High Street, Minoa, NY. We are asking that the board members consider our proposal for a variance for the pool to extend outside the shadow or our home by 16 feet. This may seem like a lot, but, because I purchased the lot next door, it will actually center the pool closer to the middle of my property. We would also like one side of the fence to be in the front yard (5 feet past the front of the house).

We believe that the location of the pool in this location would not cause any undesirable change to the character of the neighborhood or cause any detriment to nearby properties as it will be surrounded by a six foot tall vinyl privacy fence. Furthermore, it will move the pool further from our nearest neighbor so we both would have more privacy.

The lot that my house is built on is pie shaped and narrows toward the back. In addition, it is steeply pitched toward the Bishop retention pond. I also have a deck with stairs that project into the yard. The owner of Cannon pools indicated that if I wanted the pool totally behind the shadow of my house, I would have to consider removing the stairs or building a retaining wall at the bottom of my lot.

We feel the requested variance is not substantial especially considering that it will be more centered on my total property. It will not have any adverse effect on the physical and environmental conditions in the neighborhood or district. In fact, it will be beneficial to our only neighbor at 116 Kensington High Street since it will be further from their house.

Due to the narrow and steeply pitched pie shaped backyard behind my house, we are limited in where we can place the pool and we believe this location will serve our needs and be best for our neighbors as well.

Sincerely,

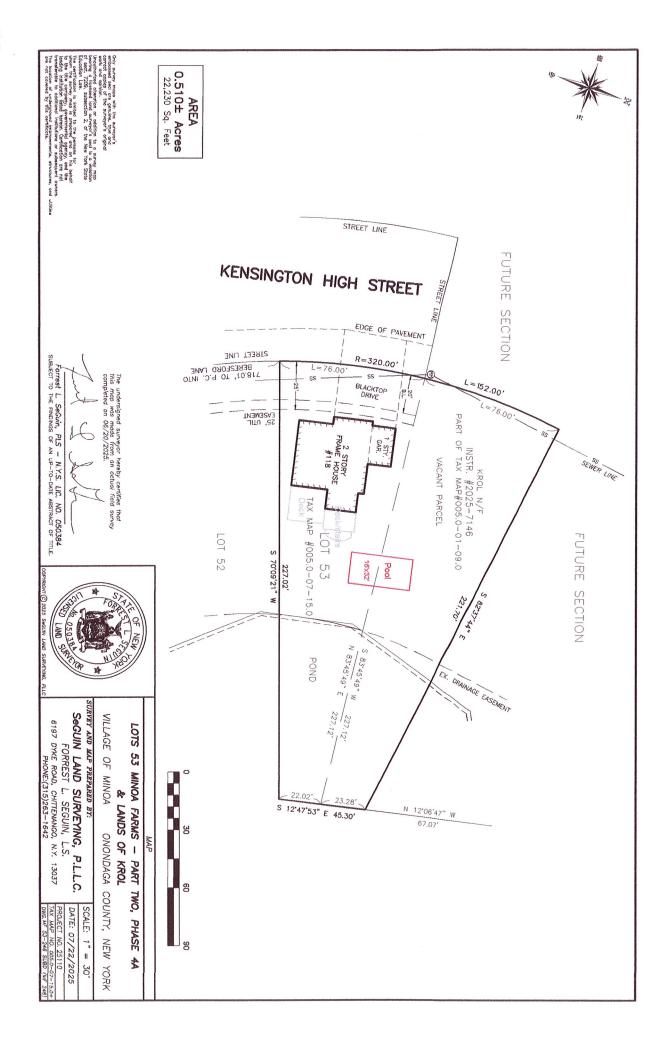
Robert Krol

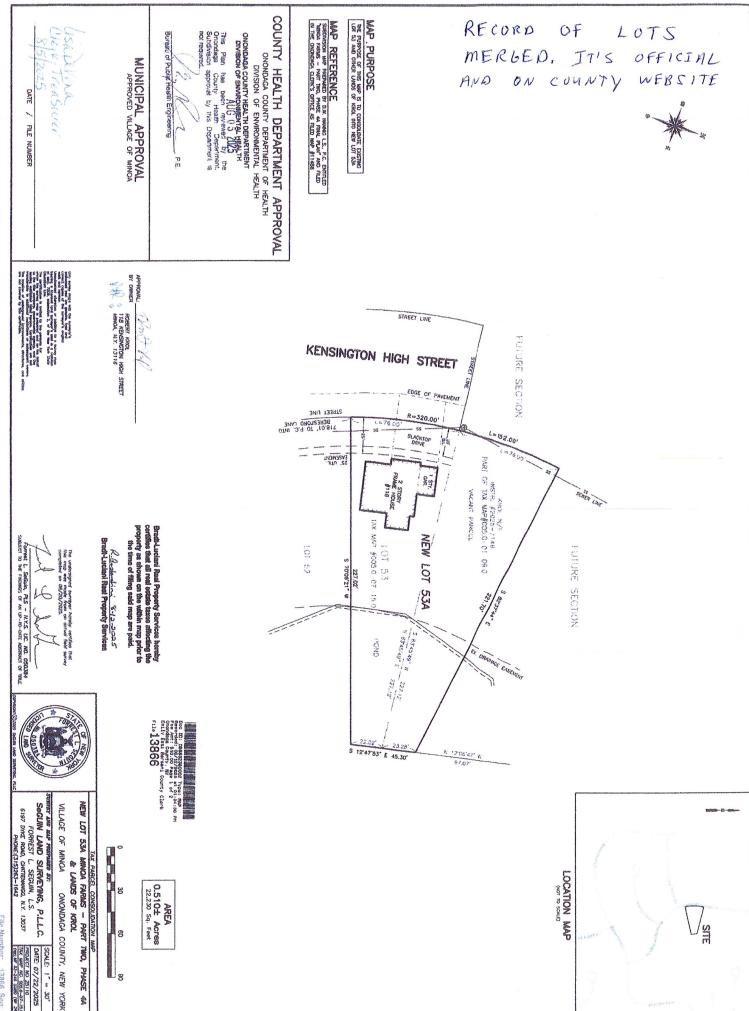
118 Kensington High Street

Minoa, NY 13116

315-663-5886

Schedule 1"





Mumber: 35866

# ONONDAGA COUNT DEPARTMENT OF PLANNING

J. Ryan McMahon, II, County Executive Troy W Waffner, Director

#### LETTER OF COMPLIANCE

#### STREET NAME DUPLICATION & OUTSIDE THREE MILE JURISDICTIONAL AREA

This letter certifies that the property described on the map referred to herein has been accepted as being in compliance with "The Onondaga County Right of Way Designation Law." This letter also certifies that the property described on the map referred to herein is outside the three mile jurisdictional area of the City of Syracuse therefore approval by the City Planning Commission is not required.

Map Title:

TAX PARCEL CONSOLIDATION MAP NEW LOT 53A MINOA FARMS -

PART TWO, PHASE 4A & LANDS OF KROL VILLAGE OF MINOA

ONONDAGA COUNTY, NEW YORK

**Street Names:** 

Kensington High Street (existing)

Municipality:

Village of Minoa

Tax Map Section:

005

County Reference #:

SN-25-107

Date:

8/5/2025

Doc ID: 059832380002 Type: MAP Recorded: 08/12/2025 at 01:34:36 PM Fee Amt: \$10.00 Page 1 of 2 Onondaga County, NY Emily Essi Bersani County Clerk

File 13866

Dan Smith **GIS Division**  Emily Essi Bersani, County Clerk 401 Montgomery Street Room 200 Syracuse, NY 13202 (315) 435-2229

LIEN DISCHARLED

## **Onondaga County Clerk Recording Cover Sheet**

Received From: SHEATS & BAILEY PLLC

PO BOX 586 LIVERPOOL, NY 13088

First PLAINTIFF

ORCHARD EARTH & PIPE CORP

First DEFENDANT

KROL, RICHARD T

Index Type: Judgments File #: 2025-00011990

Type of Instrument : Mechanics Lien

Type of Transaction: Discharged Of Record \$0.00 Amount:

**Recording Pages:** 

8

**Recorded Information** 

State of New York

County of Onondaga

I hereby certify that the within and foregoing was recorded in the Clerk's office for Onondaga County, New York

On (Recorded Date) / 08/11/2025

At (Recorded Time): 3:35:13 PM

Doc ID - \*059822410008

Meni Borsanie Emily Essi Bersani, County Clerk



### DISCHARGE OF PRIVATE IMPROVEMENT MECHANIC'S LIEN

THIS IS TO CERTIFY that a certain mechanic's lien filed in the Office of the County Clerk of the County of Onondaga, New York, a copy of which is attached hereto, on June 25, 2025 in favor of claimant, Orchard Earth & Pipe Corp., and against the building and lot with the improvements thereon for the sum of \$371,863.69, plus interest claimed against Richard T. Krol, as owner, and Brolex Enterprises, LLC, as persons/entities to whom lienor furnished materials and labor and the undersigned does hereby consent that the same be discharged of record. This discharge does not constitute a release or satisfaction of the underlying debt.

Dated: August 11, 2025

ORCHARD EARTH & PIPE CORP.

By:

Diana Plue, Esq. Sheats & Bailey, PLLC

Attorneys for Orchard Earth & Pipe Corp.

P.O. Box 586

Liverpool, New York 13088 Telephone (315) 676-7314

STATE OF NEW YORK ) ss.
COUNTY OF ONONDAGA )

On August 11, 2025, before me, the undersigned, a notary public in and for said state, personally appeared Diana Plue, Esq., an associate with the law firm of Sheats & Bailey, PLLC, attorneys for Orchard Earth & Pipe Corp., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the entity upon behalf of which the individual acted, executed the instrument.

lotary Public

PATRICIA BOURGOIN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 4884922
Qualified in Onondaga County
Commission Expires February 17, 20

File Number: 2025-00011990 Seq: 2

Edward J. Sheats Jason B. Bailey

Associate Diana I. Pluc\* \*also admitted in MA

Of Counsel
Patience E. Schermer
Richard D. Boyle\*
Sherry R. Bruce
Lee Alcott
\*also admined in MI

Serving the Construction Industry P.O. Box 586 Liverpool, NY 13088

Phone 315.676.7314

Fax 315.676.7189\*

'fax not for service of papers

theconstructionlaw.com theconstructionlaw.nyc

July 8, 2025

## Via Certified Mail Return Receipt Requested:

Richard T. Krol 118 Kensington High St. Minoa, NY 13116

Brolex Enterprises, LLC 5912 N. Burdick Street East Syracuse, NY 13057

: Mechanic's Lien of Orchard Earth & Pipe Corp.

Dear Sir/Madam:

This office has been retained to represent the interests of Orchard Earth & Pipe Corp. in connection with the above matter. Enclosed for service is a copy of a private improvement mechanic's lien filed with the Onondaga County Clerk on June 25, 2025.

Thank you.

Very truly yours.

Edward J. Sheats

Edward J. Sheats

EJS/plb Enclosure Emily Essi Bersani, County Clerk 401 Montgomery Street Room 200 Syracuse, NY 13202

(315) 435-2229

## **Onondaga County Clerk Recording Cover Sheet**

Received From: SHEATS & BAILEY PLLC **PO BOX 586** LIVERPOOL, NY 13088

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ORCHARD EARTH & PIPE CORP

First DEFENDANT

KROLL, RICHARD T

Index Type: Judgments File #: 2025-00011990

Type of Instrument: Mechanics Lien Type of Transaction: Mechanics Lien Recording Fee: \$15.00

Recording Pages:

7

#### Recorded Information

State of New York

County of Onondaga

I hereby certify that the within and foregoing was recorded in the Clerk's office for Onondaga County, New York

On (Recorded Date): 06/25/2025 At (Recorded Time): 2:36:59 PM

Emily Essi Bersani, County Clerk

Egeni Borsanie

Doc ID - 059419420007

This sheet constitutes the Clerks endorsement required by Section 319 of Real Property Law of the State of New York

Entered By: EKARALUNAS Printed On: 06/25/2025 At: 2:37:48PM

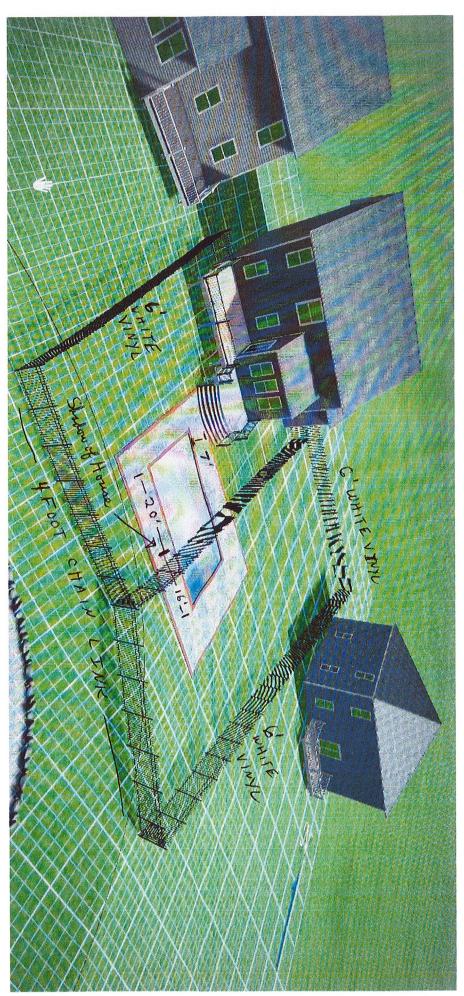
File Number: 2025-00011990 Seq: 3

FRONT OF APPLICANT'S HOUSE







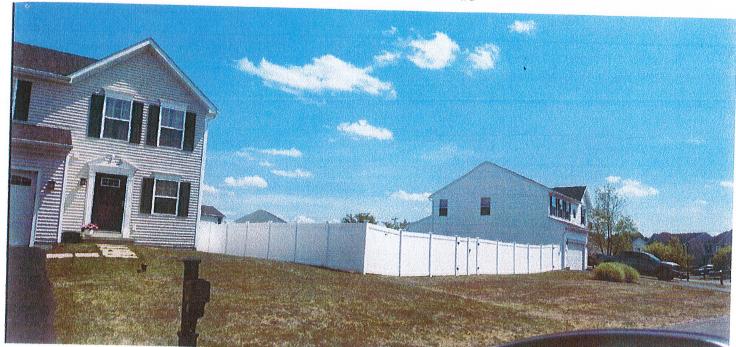


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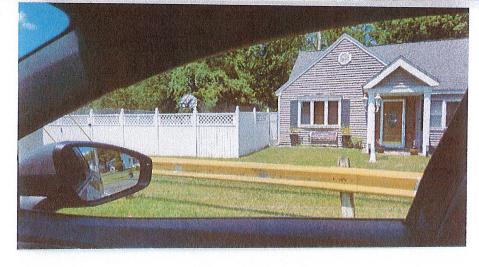
205 WOONS OCKET LANE

EXAMPLES POOLS OUTSIDE 07 HOUSES WITH APPRILED VARJANCES SHADOW OF HOME



162-168 Bereford

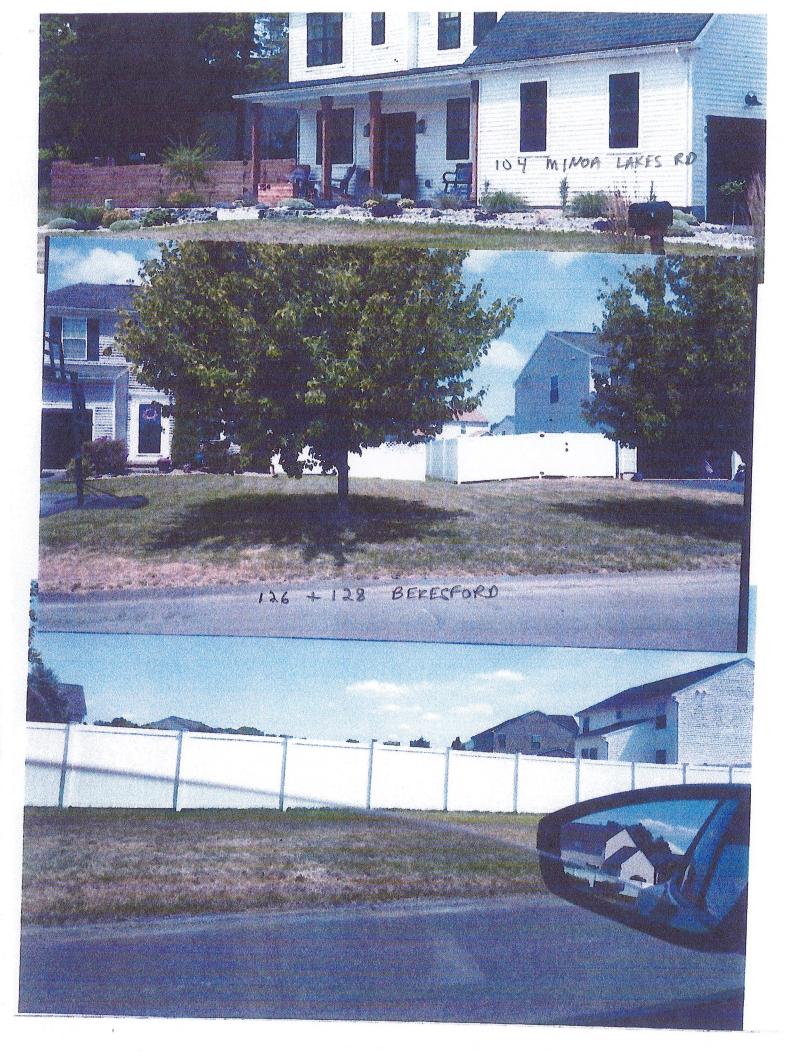
512 Hulbert



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103 Forgst View Love





Agency Use Only [If a]
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Project:	118 Kensington High
Date:	8/14/2025

## Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

		No, or small impact may occur	Moderate to large impact may occur
1.	Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	V	
2.	Will the proposed action result in a change in the use or intensity of use of land?		
3.	Will the proposed action impair the character or quality of the existing community?	V	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	V	
5.	Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6.	Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	V	
7.	Will the proposed action impact existing: a. public / private water supplies?	V	
	b. public / private wastewater treatment utilities?	V	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	V	
11.	Will the proposed action create a hazard to environmental resources or human health?		

Agency Use Only [If applicable]				
Project:	118 Kensington High			
Date:	8/14/2025			

# Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

	-			
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.  Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.				
Village of Minoa ZBA	August 14, 2025			
Name of Lead Agency	Date			
Adrienne Turbeville				
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer			
Johnson Timbully				
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)			

**PRINT FORM**