

Village of Scottsville
Zoning Board of Appeals Meeting
Thursday October 12th, 2023 at 7:00 pm
Wheatland Municipal Building
APPROVED Meeting Minutes

Call to Order: Chair Kevin Marks called to order the October 12th, 2023 meeting of the Village of Scottsville Zoning Board of Appeals at 7:00 pm.

Pledge of Allegiance

Roll Call:

Present: Kevin Marks, Chair
Steve Cullum (Recused for Professional Reasons)
Mark Smith
Richard Kegler

Absent: Patti Brandes

Also Present: John Mancuso, Attorney
Anne Hartman, Village Clerk
Andy Fraser, Deputy Mayor
Dave Burk, CooperVision
Dave Olear, CooperVision
Ryan DeBarros, CooperVision

Public Hearing:

Chair Kevin Marks opened the public hearing by reading the notice from the Sentinel at 7:01pm.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE The Village of Scottsville Zoning Board of Appeals has rescheduled the Public Hearing from September 14th, 2023 to October 12th, 2023 at 7:00 pm at the Wheatland Municipal Building, 22 Main Street, Scottsville, NY 14546 to review the proposed EAF, SEQRA, and Area Variance for the CooperVision building and property modifications.

All interested persons will be given an opportunity to speak for or against the above proposed building modifications at the time and location set herein. Comments may also be sent via email to villageclerk@scottsvilleny.org.

Public Comment opened at 7:02 pm.

Public Comment:

No public

Public Comment closed and Board Comment opened at 7:02 pm.

Board Comment:

Co-Chair Smith asked what can be used to reduce the noise; the machines or a containment system.

Mr. Burke is looking to the Village for guidance on the noise code.

Trustee Fraser: can a decibel study be done to break down the source. Is it coming from CooperVision or background noise?

Mr. Burke: discussed barrier on roof and along neighbor side. Two pieces of equipment in discussion: air handler has a low level and the chiller has a high pitch.
Attorney Mancuso asked for documentation addressing what a barrier will accomplish.
Mr. Smith: we would like to get the decibel readings down to 70dbi
Mr. Olear asked what additional information the Village would like to see.

Motion made by Kevin Marks and seconded by Mark Smith to table the discussion and leave the public hearing open.

Vote: Carries (3-0-1 Abstention)

Steve Cullum	ABSTAIN	Patti Brandes	ABSENT
Kevin Marks	AYE	Rick Kegler	AYE
Mark Smith	AYE		

Noise Ordinance

Each member will study a village noise ordinance to compare with ours. Looking specifically at light industry and village wide.

Adjournment:

Vote: Carries (3-0-1 Abstention)

Steve Cullum	ABSTAIN	Patti Brandes	ABSENT
Kevin Marks	AYE	Rick Kegler	AYE
Mark Smith	AYE		

Respectfully submitted by:



Anne Hartman
Village Clerk

Village of Scottsville
Zoning Board of Appeals Meeting
Thursday December 14th, 2023 at 7:00 pm
Wheatland Municipal Building
APPROVED Meeting Minutes

Call to Order: Chair Kevin Marks called to order the December 14th, 2023 meeting of the Village of Scottsville Zoning Board of Appeals at 7:00 pm.

Pledge of Allegiance:

Roll Call:

Present: Kevin Marks, Chair
Steve Cullum (Recused for Professional Reasons)
Mark Smith
Patti Brandes

Absent: Richard Kegler

Also Present: Lauren Baron, Attorney
Anne Hartman, Village Clerk
Dave Burk, CooperVision
Dave Olear, CooperVision
Ryan DeBarros, CooperVision

Approval of Minutes: No Vote

Motion: made by _____ and seconded by _____ to approve the minutes of the Thursday, October 12th, 2023 Zoning Board of Appeals Meeting as submitted.

Noise Ordinance

Webster and Spencerport each have good ordinances. The question remains on enforcement of the code. One option discussed was to hire a person to investigate noise complaints on an as needed basis.

Public Hearing:

Chair Kevin Marks reopened the public hearing at 7:15pm.

NOTICE OF PUBLIC HEARING

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All interested persons will be given an opportunity to speak for or against the above proposed building modifications at the time and location set herein. Comments may also be sent via email to villageclerk@scottsvilleny.org.

Discussion on the noise study completed by CooperVision.
It was done a 4am to determine the noise level effect that CooperVision has on the surrounding area.

The study identified seven pieces of equipment that have noise above the 70-decibel threshold.

Measures to be taken to remedy the noise include enclosures, mufflers and silencers to be added to the equipment.

The Village is very appreciative of the lengths CooperVision is going to be good neighbors.

Public Comment opened at 7:25pm.

Public Comment:

No Public

Public Comment closed and Board Comment opened at 7:26pm.

Board Comment:

No Board Comment

Public Hearing closed at 7:27pm.

RESOLUTION (State Environmental Quality Review Act)

WHEREAS, CooperVision (the “Applicant”) has applied to the Village of Scottsville Zoning Board of Appeals (the “Zoning Board”) for an area variance in connection with the Applicant’s proposed 14,175 square foot rear expansion at the existing CooperVision facility (the “Project”) at 711 North Road in the Village of Scottsville; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the regulations adopted pursuant thereto at 6 NYCRR Part 617, as amended (collectively referred to as “SEQRA”), the Zoning Board must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Applicant has submitted Part 1 of the Full Environmental Assessment Form (“EAF”); and

WHEREAS, the Zoning Board has completed its review of Parts 2 and 3 of the Full EAF.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ZONING BOARD AS FOLLOWS:

Section 1. The Project is classified as an Unlisted Action as it does not exceed any existing thresholds of the Type I list as established through 6 NYCRR § 617, and each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein.

Section 2. The Zoning Board has considered the Project pursuant to the parameters and criteria set forth in applicable provisions found under 6 NYCRR §§ 617.2 and 617.3.

Section 3. The Zoning Board has considered the significance of the potential environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the Full EAF, and completing the analyses for Parts 2 and 3 of the Full EAF, together with examining other information and documents concerning the

Project, including the plans and other documents prepared by the Applicant, to identify the relevant areas of environmental concern with respect to potential impacts to land, geological features, stormwater and groundwater, wetlands, flooding, air, historic, archaeological and other recognized and/or protected resources, plants and animals, including threatened or endangered species, noise, odor or light, human health, critical environmental areas, open space and recreation, aesthetic resources, transportation, agriculture, community character and cumulative impacts, if any, and other potential impacts as required by applicable regulation; (ii) considering the criteria set forth in 6 NYCRR § 617.7(c); and (iii) thoroughly analyzing the identified areas of relevant environmental concern.

Section 4. The Zoning Board hereby finds that the Project will result in no potential significant adverse environmental impacts requiring the preparation of an environmental impact statement for the Project. The Zoning Board thus issues a Negative Declaration for the action 2 pursuant to 6 NYCRR § 617.7. The reasoning supporting the Zoning Board's determination of significance for the Project is more fully set forth in the Part 3 Determination of Significance.

Section 5. The Zoning Board accepts the findings contained in Parts 2 and 3 of the Full EAF and directs the Zoning Board Chairperson to sign and date Part 3 of the Full EAF.

Section 6. The requirements of SEQRA have been satisfied and this Resolution shall take effect immediately.

Motion: made by Mark Smith and seconded by Kevin Marks to adopt the proposed Area Variance, EAF, and SEQRA for the CooperVision building modifications as prepared by the Village Attorney.

Vote: Carries (3-0)

Steve Cullum	Recused	Patti Brandes	AYE
Kevin Marks	AYE	Rick Kegler	ABSENT
Mark Smith	AYE		

Area Variance:

**RESOLUTION
(Area Variance)**

WHEREAS, CooperVision (the "Applicant") has applied to the Village of Scottsville Zoning Board of Appeals (the "Zoning Board") for an area variance for 71.6% lot coverage in lieu of the maximum 20% lot coverage permitted by Section 170-15.3 of the Zoning Code of the Village of Scottsville (the "Zoning Code") in connection with the Applicant's proposed 14,175 square foot rear expansion at the existing CooperVision facility (the "Project") at 711 North Road in the Village of Scottsville (the "Property"); and

WHEREAS, the Zoning Board has examined the application, plans, and other materials filed by the Applicant as part of the application, and all comments from the public, and other interested and involved agencies associated with the Project; and

WHEREAS, on October 12, 2023, the Zoning Board held a public hearing on the application, and during the public hearing all persons desiring to speak on the matter were heard; and

WHEREAS, the Project constitutes an Unlisted Action under the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and the

regulations adopted pursuant thereto at 6 NYCRR Part 617, as amended, and the Zoning Board previously determined that the Project will not have a significant adverse environmental impact by adopting a Negative Declaration; and

WHEREAS, the Zoning Board has reviewed the Project based on the standards for the granting of an area variance under Section 7-712-b of the New York Village Law.

NOW, THEREFORE, BE IT RESOLVED, that after considering all the proof and evidence before it, and giving careful consideration to the facts presented, the Zoning Board hereby approves the Applicant's request for an area variance from Section 170-15.3 of the Zoning Code to allow for 71.6% lot coverage in lieu of the maximum 20% lot coverage permitted by code based on the following findings of fact and determinations:

1. Section 7-712-b of the New York Village Law requires the Zoning Board in deciding whether to grant an area variance to take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

2. The Project will not produce an undesirable change in the character of the neighborhood. The Property consists of an existing industrial facility located on North Road in the Light Industrial Zoning District, the only such zoning district in the Village of Scottsville, and is adjacent to another industrial use to the south. Although the Property is also adjacent to residential and multifamily uses to the west and east, respectively, the proposed expansion is located internal to the existing building within the parking lot on the Property.

3. The benefit sought by the Applicant cannot be achieved by some other feasible method. The proposed expansion must be located internal to the existing building and cannot be feasibly located along the exterior of the Property due to the size of the Property and the setback of the existing building from the Property line.

4. The requested area variance for the Project is substantial. The Applicant is requesting 71.6% lot coverage in lieu of the maximum 20% lot coverage permitted by code, which is an approximately 258% deviation.

5. The requested area variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Zoning Board has previously determined that the Project will not result in any significant adverse environmental impacts.

6. The alleged difficulty necessitating the required area variance is self-created by the Applicant but does not preclude the granting of the requested area variances because, in consideration of the other area variance factors, the benefit to the Applicant in granting the variances outweigh the possible detriment to the health, safety, and welfare of the neighborhood for the reasons discussed above.

BE IT FURTHER RESOLVED that the Zoning Board determines that the area variance granted herein is the minimum variance necessary and adequate to address the unnecessary

hardship provided by the Applicant while preserving and protecting the character of the neighborhood and the health, safety, and welfare of the community; and

BE IT FURTHER RESOLVED that the area variance granted herein is subject to the following conditions:

1. The Applicant shall obtain all other necessary permits and approvals required for the Project, including without limitation site plan approval from the Village of Scottsville Planning Board.

2. The Applicant is required to comply with the applicable requirements of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code, the Village of Scottsville Code.

3. The Applicant shall obtain a building permit for the construction/installation of the Project from the Scottsville Building Inspector and pay the appropriate fee.

4. The area variance granted herein is limited to 71.6% lot coverage based on the combined area of the primary and accessory buildings, and all paved and impermeable surfaces, associated with the Property and the Project. To the extent the Applicant proposes future expansions involving additional buildings or structures on the Property, an additional area variance for such buildings or structures will be required from the Zoning Board.

Motion: Made by Mark Smith and seconded by Patti Brandes to approve the area variance as drafted by the Village Attorney.

Vote: Carries (3-0)

Steve Cullum	Recused	Patti Brandes	AYE
Kevin Marks	AYE	Rick Kegler	ABSENT
Mark Smith	AYE		

Noise Ordinance Review

11 Rochester St chicken variance

Sent back to the Village Board because the ZBA does not have authority over this part of the code.

Adjournment:

Motion: Made by Mark Smith and seconded by Steve Cullum to adjourn the meeting at 7:30pm.

Steve Cullum	AYE	Patti Brandes	AYE
Kevin Marks	AYE	Rick Kegler	ABSENT
Mark Smith	AYE		

Respectfully submitted by:



Anne Hartman
Village Clerk

Village of Scottsville
Zoning Board of Appeals Meeting
Thursday January 11, 2024 at 7:00 pm
Wheatland Municipal Building
UNAPPROVED Meeting Minutes

Call to Order: Kevin Marks called to order the January 11, 2024 meeting of the Village of Scottsville Zoning Board of Appeals at 7:03 pm.

Pledge of Allegiance:

Roll Call: Present: Kevin Marks, Chair
Steve Cullum
Mark Smith
Absent: Patti Brandes
Richard Kegler

Also Present: Anne Hartman, Village Clerk
Sharon Balonek, Deputy Clerk
Andy Fraser, Deputy Mayor

Approval of Minutes:

October 12, 2023 No Action Taken

December 14, 2023 No Action Taken

Old Business:

Noise Ordinance

A request will be sent from Village Clerk to attorneys for a recommendation on the noise ordinance.

New Business:

21 Main Street is putting in a juice bar, yoga studio and retail area.

Motion: made by Mark Smith and seconded by Steve Cullum that the board finds it as a permitted use as listed on Table 170-13-1.

Vote: Carries (3 - 0)

Steve Cullum	AYE	Patti Brandes	ABS
Kevin Marks	AYE	Rich Kegler	ABS
Mark Smith	AYE		

Adjournment:

Motion: Made by Steve Cullum and seconded by Kevin Marks to adjourn the meeting at 7:27 p.m.

Vote: Carries (3 - 0)

Steve Cullum	AYE	Patti Brandes	ABS
Kevin Marks	AYE	Rich Kegler	ABS
Mark Smith	AYE		

Respectfully submitted by:

Sharon Balonek

Sharon Balonek
Village Deputy Clerk