

VILLAGE OF CANASTOTA
ZONING BOARD OF APPEALS
MINUTES
November 20, 2008

MEMBERS PRESENT: Chairman Stacey Stagnitti, Jim Foster, Mark Ferriter, Gwynne Bodle, Ed Cerasia

MEMBERS ABSENT: None

OTHERS PRESENT: David Potter, Margaret Kolodzie, Michael Kolodzie, Peter Finocchiaro, Georgia Patane, Carol LeBlanc, Harry Hood

Chairman Stacey Stagnitti called the meeting to order at 6:00 p.m. and read aloud the Notice of Public Hearing for property located at 3313 Seneca Turnpike.

Motion by Gwynne Bodle, seconded by Mark Ferriter to open the Public Hearing at 6:05. Passed 4 to 0.

The Board reviewed the application and supporting documentation of Colonial Finance Group for an Area Variance to reduce parking spaces from 9 x 22 to 9 x 20 feet deep. The County GML, recommendation from the Planning Board and the Notice of Action Taken from CEO Michael Adsit were reviewed.

Chairman Stacey Stagnitti read aloud the Village Code Section 230-6 which refers to the definition of parking spaces.

Mr. Potter explained that the 2 feet would just make everything work better.

Board member Jim Foster asked how many cars will be parked there. Mr. Potter stated that the number will vary depending on the sales inventory. Mr. Potter explained to the board how the selling process worked.

Motion by Mark Ferriter, seconded by Jim Foster to close the public hearing at 6:12. Passed 4 – 0.

Motion by Jim Foster, seconded by Mark Ferriter to grant an Area Variance to reduce parking spaces from 9 x 22 to 9 x 20 feet deep on the South and East side of property located at 3313 Seneca Turnpike for the purpose to display vehicles that are for sale. Passed 4 – 0.

Chairman Stagnitti read aloud the Notice of Public Hearing for property located at 309 South Peterboro Street.

Motion by Gwynne Bodle, seconded by Ed Cerasia to open the Public Hearing at 6:15 p.m. Passed 4 to 0.

The Board reviewed the application and supporting documentation of Elder Haven, LLC. for an interpretation of the definition of “babysitting”. The County GML, Planning Board recommendation and Notice of Action from CEO Michael Adsit.

Chairman Stagnitti read aloud the definition of “babysitting” from the Wikipedia Encyclopedia which reads “babysitting” is the practice of temporarily caring for a child on behalf of the child’s parents. “Babysitting” is most commonly performed as an odd job by teenagers for extra money, stereotypically, but not necessarily girls.

Chairman Stagnitti explained to the applicant that it is up to this Board to decide the interpretation of “babysitting”.

Board member Mark Ferriter stated that the Village Board should change the zoning law to include elder care.

Attorney Finocchiaro suggested that Professional Residence Office is another option he would like the Board to consider.

Chairman Stagnitti explained that the Board needs to go with the information that they were given with the application.

Board member Jim Foster stated this is a needed thing for the Village and needs to go back to the Village Board to include Elder Care.

Motion by Ed Cerasia, seconded by Jim Foster to close the Public Hearing at 6:25 p.m. Passed 4 to 0.

Motion by Gwynne Bodle, seconded by Jim Foster that “babysitting” is the practice of temporarily caring for a child on behalf of the child’s parents. “Babysitting” is most commonly performed as an odd job by teenagers for extra money, stereotypically, but not necessarily, girls. Passed 4 to 0.

Motion by Mark Ferriter, seconded by Gwynne Bodle to open the Public Hearing at 6:30 p.m. Passed 4 to 0.

The Board reviewed the application and supporting documentation of Elder Haven, LLC. for a Special Use Permit. The County GML, Planning Board recommendation and Notice of Action from CEO Michael Adsit were reviewed.

Chairman Stagnitti explained to the applicant that they should petition the Village Board to amend the zoning law.

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Attorney Finocchiaro asked why they wouldn't be considered a Professional Residence Occupation. under Village Code section 230-6.

Chairman Stagnitti read aloud the Village Zoning Code section 230-6 page 23009 which defines Professional Residence Occupation.

Board member Foster asked if 309 South Peterboro Street was the applicant's permanent residence.

The applicant stated yes.

Board member Ferriter asked how many hours will a client be at the residence. Margaret Kolodzie stated that the hours may vary.

Board member Cerasia asked if there are specific hours for the business. Mrs. Kolodzie responded yes.

Chairman Stagnitti asked the applicants if they currently have an elder care business located at 9114 Kawana Bay. The applicants stated no and explained that the residence was only used as a summer home. Mr. Kolodzie also stated that the location was used as a business office for Elder Haven, LLC.

Chairman Stagnitti asked if there were any questions.

Attorney Finocchiaro requested that all recommendations be forwarded to the Village Board.

Motion by Gwynne Bodle, seconded by Ed Cerasia to close the public hearing at 6:38. Passed 4 to 0.

Motion by Mark ferriter, seconded by Ed Cerasia that based on the interpretation of "babysitting" we feel that we need to deny the Special Use Permit for the home occupation "babysitting" and to recommend that the Village Board be petitioned to amend the zoning law to allow an adult daycare facility in an R-2 district. Passed 4 to 0.

Motion by Mark Ferriter, seconded by Ed Cerasia to adjourn the meeting at 6:45. Passed 4 to 0.

Respectfully submitted,

Janet Balsamo
Deputy Clerk/Treasurer