

TOWN OF ONONDAGA

ZONING BOARD OF APPEALS
JOHN ELLEMAN, CHAIRMAN
MITCHELL CARMODY
BÉNÉDICTE DORAN
RONALD RYAN
CAROL SCHATTNER
NADINE BELL, ATTORNEY
ROSEMARY RILEY, SECRETARY

Minutes of July 22, 2025

Present:

John Elleman, Chairman
Carol Schattner
Ronald Ryan

Stacy Marris, Esq., Town Attorney

Rosemary Riley, Secretary

Attending:

Jeff Herrick, Town of Onondaga Codes Officer
Viktor Timoshchuk, Applicant

Chairman Elleman called the meeting to order at 7:10 p.m.

4783 ELLEN CIRCLE

AREA VARIANCE

The application of Viktor Timoshchuk for 2 Area Variances from Section 285-9(D)(4)(b) of the Zoning Law of the Town of Onondaga requiring a 20-foot side yard setback and from Section 285-9(D)(4)(c) of the Zoning Law of the Town of Onondaga requiring a 50-foot rear yard setback.

The first matter to be discussed is the Ellen Circle matter. Since this is just a discussion, there won't be anything read into the record regarding the contents of the file and what requirements have or have not been fulfilled. Chairman Elleman asks Jeff Herrick, Town of Onondaga Codes Officer, to give the Board a summary of this application. Mr. Herrick advises that there is a little bit of a language barrier with the applicant so Mr. Herrick will speak on behalf of the applicant. Mr. Timoshchuk came to the town earlier in the month and his property was for sale and the buyer's attorney recognized that the survey didn't include some of the updates that were made to the property. Mr. Timoshchuk asked how he could make this all right. He had a deck/porch that he made into a 3-season room. Mr. Herrick went and inspected the room, and it was done very nicely and met the code and met the compliance. He got his permit fees, paid his back fees, and he paid his fee to be here for the Area Variance. Also, we noticed that there is a shed on the property that was not permitted as well so he has paid for a permit on the shed and also paid for the square footage on the shed and the State Code requires it to be 0 feet for fire rating so he fire proofed the inside of the shed and that has been completed. Mr. Herrick gave him a Certificate of Compliance for the shed. He lives in a very tight-knit neighborhood, and I would like to submit these letters of support from his neighbors. The neighbors are aware of his situation and want to submit these letters stating that they have no objection to his project. Chairman Elleman states that, for the sake of time, we will

enter each of these letters by noting that all the neighbors have no objection and we have their names, their addresses and their signatures. The neighbors submitting letters are Michelle Lee Mowrey of 4781 Ellen Circle; Matthew Holt of 4780 Ellen Circle; Barbra Kozachuk of 4825 City View Terrace; Michael Kozachuk of 4824 City View Terrace; and Rick Balestra of 4782 Ellen Circle.

Mr. Herrick notes that they all live in a Ukrainian neighborhood and all have language barriers so instead of having them come to the meeting and voice their approval, the neighbors wrote letters in support. Chairman Elleman notes that it is a very well-done letter.

Chairman Elleman adds that he cannot think of anything that Mr. Herrick didn't mention that the Board would need to decide on it when the hearing comes. Chairman Elleman confirms with Mr. Herrick is all set with the condition of the porch and that it met code. Mr. Herrick confirmed that it met code and it was very well constructed. It was determined that the shed needed to be fireproofed and that had been done. Both issues on his property have been remedied. The attorney for the Buyer should be satisfied. Chairman Elleman asks the Board if there are any questions. Ron Ryan adds that for the record the encroachments had been there for over 40 years, and it has not been a negative issue. The property also backs up to the 911 communication center which is more of a commercial type of operation vs. a residential so that is not a negative factor and knowing the property and talking with Mr. Herrick and understanding the construction, Mr. Ryan doesn't see any objections whatsoever pending any input from the public as a result of the Public Hearing. Chairman Elleman concludes our discussion for tonight on this matter. What the Board intends to do is to publish the Notice of Special Meeting on July 23, 2025, so that the Board can hold a Special Meeting on July 29, 2025 and the public are welcome to attend but that Mr. Herrick and Mr. Timoshchuk do not need to attend. The Board will have the minutes of this meeting, which the Board can recognize since they are Board minutes, as part of the presentation.

Chairman Elleman made a motion to approve the Area Variance and Carol Schattner seconded the motion. The motion was carried unanimously 3-0.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Rosemary Riley

Secretary, Zoning Board of Appeals