Zoning Board of Appeals
Minutes
March 21, 2019

Present **Absent**

Chairman Dole
Michael Flavin
Dale Kellerson
Diana Powell Keery
Mark Unvericht

Also Present

Zoning Board Attorney Eric Stowe
Building Inspector Patrick Smith
Nate Szatkowski
Judith Meier
Jane Feltner
Johathan Schallmo
Mauricio Hernandez
Mary Patricia Dewey
Linda & David Gibbardo
Mildred Kinsley
Jean Black
Joan Quigley
Michelle O'Brien
George Stefanos
Yousif Hanna

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Linda Gibbardo for a Special Permit to allow residential use of second floor, which will be secondary to the primary commercial use of the building in a Commercial B-2 district located at 194 S. Union Street, Spencerport, New York 14559, whereas, this use may be permitted by the Zoning Board of Appeals pursuant to Chapter 340-19 B (6).

Linda Gibbardo: So, the back-bottom half of the Vic's building is currently used by a cake co-op, Cakes by Karen and Dream Work Cakes. The top half of that building has about 500 square feet that is not being utilized right now. So, what we would like to do is put in an apartment in that top space. We attended the Planning Board and the ARB Meeting on the 5th of March and some things came up and has been tabled until I get a site plan for the parking. A couple things came up after the meeting that I need to address as

Linda Gibbardo continued: well. Possible variance depending on where I put the stairs so I may have to come back to you folks for that and because of the change of use it is my understanding I need to comeback to you as well to request something for the overall parking for the building.

Chairman Dole: Ok so you want to do this separate from everything else?

Linda Gibbardo: I actually tried to table this, but the notice already went out.

Chairman Dole: We can still table it.

Attorney Stowe: To be fair the public hearing notice went out so if we notice a public hearing and didn't have it until a different date, we would have to notice it again. Whereas, if we have the public hearing for this one, we can then close the public hearing and move to the other one that requires it anyway. So, it's a function of publishing one notice or two. The applicant is here and if she wants to have a decision pending that's ok.

Linda Gibbardo: No that is fine let's go ahead and talk about it.

Chairman Dole: Does anyone else in the audience have anything to say about this application.

Jean Black: Is the 500 square feet just in the back of the second story.

Linda Gibbardo: There is no second story in the front.

Jane Feltner: Will it be a studio or one bedroom?

Linda Gibbardo: It is currently planed as a one bedroom. There is already a wall that exists, and I believe it is a load bearing wall but not totally sure. So, I would like to leave it.

Jean Black: What was it before, offices?

Linda Gibbardo: I don't know what the vet that owned it previously used it as.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Attorney Stowe, Building Inspector Smith and the board if they have any comments.

Dale Kellerson: I guess this would be more on the planning part, the site-plan looking at parking. Where the occupant would park. Looking at even the other businesses where do those people park that frequent the ice cream or go to the cake place?

Chairman Dole: She knows that she has to come back for parking. Parking is not part of this. But it is a good question.

Dale Kellerson: I am just curious, if we could look at some information, maps. When you look at the way it was laid out. But the Planning Board I am sure will have that as part of the site plan to see the area there. It almost looks like the driveway is off centered from where they show the property line.

Linda Gibbardo: If you are referring to the Saharo it is, that is true. The driveway that they are using is pushed towards the Top's Plaza. On the site plan we are going to show two parking spots on our property. As you know that property has no parking for it at all. So where ever the vet people parked my customers park in the same places. So far no one has had an issue with that. The Plaza hasn't had an issue, Key Bank hasn't had an issue. I ask my employees to not park in the Ogden Senior Center. Where customers park, they park where there is a free spot. As they do anywhere in the village, I think.

Dale Kellerson: We also received a letter from Monroe County.

Chairman Dole: That is more for the Planning Board.

Attorney Stowe: Yes, for Tom West and the Planning Board.

Michael Flavin: I will wait for them to get through the other hoops first.

Diana Powell Keery: We are just talking about whether she can put an apartment upstairs?

Attorney Stowe: The residential use in a commercial zone. Which requires a special use permit and a finding that the residential use is a secondary use to the primary commercial use and that it doesn't not interfere with the commercial use or nearby commercial uses.

Diana Powell Keery: Right and will have to consider parking. As of right now the building has no parking spaces to park.

Attorney Stowe: There is a provision that all parking provided shall be on the same lot unless the board of appeals permits parking spaces to be on any lot within 500 feet if it determines that it is impractical to provide parking.

Diana Powell Keery: Right and all the places around is owned by somebody else.

Linda Gibbardo: The municipal parking behind the old Abbott's is 498 feet.

Diana Powell Keery: It has been an insurance office, a vet's office. Now it is an ice cream parlor and cake food kind of thing. No body has lived there. That is a different dynamic.

Attorney Stowe: There is one additional 340-29 C (3). "Tenants who live in properties whose owners have received a variance, special permit allowing tenants to park in a municipal lot, shall be exempt to the ten in twenty-four-hour restriction on municipal lots.

Diana Powell Kerry: The reality of if anyone has lived in an apartment before is that there is no parking. The building has never been a place where someone has lived there called it there home. It has always

Diana Powell Kerry continued: been a commercial use. So, the point is that nobody has parked there for twenty-four-hours. No has parked there for forty-eight hours or for a week while they went on vacation. Even with it as a commercial property there is issues with parking. How many years have you owned it? I am assuming you noticed the parking because people park where they are not supposed to. So, does everyone who goes to the ice cream shop park in the municipal parking lot. Is that what we assume. Or they walk there.

Linda Gibbard: I don't know the percentage of people who walk or drive to my shop. I have done an analysis of how many transactions I have per hour. We don't even open until noon. But between noon and six o'clock at night we have one to two transactions per hour. Even in the summer. All the business is done from seven to nine at night.

Diana Powell Kerry: I am looking at it from your asking for it to have a resident.

Linda Gibbardo: Right, by adding two parking spots that didn't exist before.

Diana Powell Kerry: I personally can't make a determination about this until we see what the parking looks like. You said three years?

Linda Gibbard: Yes, this will be my third season, we bought it in 2016.

Mark Unvericht: You said it all.

Dale Kellerson: I have a question would that be your main entrance to the apartment?

Linda Gibbardo: Yes, that is currently the design.

Dale Kellerson: The other entrance?

Linda Gibbardo: It was put in the architectural drawings, but we are not doing that.

Chairman Dole: I am also in agreement that there is not enough information for the apartment to really make a decision until we see the rest of drawings, how everything is going to work out and what our Planning Board has to say about this.

Attorney Stowe: Are you ok with tabling it.

Linda Gibbardo: That's fine.

RESOLUTION
406/2019

The Village of Spencerport Zoning Board of Appeals in reviewing the application from Linda Gibbardo for a special permit to allow a residential use in a commercial zone on property located at 194 South Union Street, Spencerport, New York 14559 has tabled the application;

Furthermore, such decision to table this application was done with the applicant's consent.

Motion: Michael Flavin
Second: Mark Unvericht

Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Powell-Kerry, Unvericht
Nays: None

The application of Edward Hurzy for a Sign Permit to allow one (1) non-illuminated 2'X 8' wall sign in an R-2 Residential district located at 21 Union Hill Drive, Spencerport, New York 14559, whereas, this sign permit may be permitted by the Zoning Board of Appeals pursuant to Chapter 259-3 B.

Nate Szatkowski: I am not sure why it says Edward Hurzy, maybe that was someone who applied on my behalf. But I am Nate Szatkowski the one applying for the sign.

Attorney Stowe: Edward Hurzy is the one on the application.

Nate Szatkowski: He owns the sign company, so they applied on my behalf.

Attorney Stowe: I think we would just amend any resolution to be Nathaniel Szatkowski.

Nate Szatkowski: So, I am applying for a sign for on the front of the building at 21 Union Hill. Right in front of the main entrance or my Allstate agency. We have diagrams to show what it will look like when everything is finished.

Chairman Dole: I have one question to Attorney Stowe. He is asking for one sign. But yet there is one sign on the building and another sign on the marquee.

Attorney Stowe: Before the marquee goes up, we need to make sure that all those are approved signs. As long as they have the space and permits for what they have then they are fine.

Jean Black: I drove by there it is where the condos are, is that where your office is going to be?

Nate Szatkowski: I am in the professional building in front of the condos.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Attorney Stowe, Building Inspector Smith and the board if they have any comments.

Dale Kellerson: No, it is far enough from Nichols Street. It is set back in there. The sign is not luminated or lights. I don't see any problems with it.

Chairman Dole: Are you going to be the only person in the office?

Nate Szatkowski: No, I have two staff members.

At this time Chairman Dole made a motion 400/2019 for the SEQR as amended to show Nathaniel Szatkowski as the applicant.

RESOLUTION
400/2019

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Nathaniel Szatkowski for a sign permit to allow one (1) non-illuminated wall sign on property located at 21 Union Hill Drive, Spencerport, New York 14559;

WHEREAS, an application for a sign permit is an unlisted action, requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Nathaniel Szatkowski for a sign permit to allow one (1) non-illuminated wall sign on property located at 21 Union Hill Drive, Spencerport, New York 14559, is an Unlisted Action, further, that the Zoning Board of Appeals declares their status as lead agency, and based upon the information contained in the Short Form Environmental Assessment Form and evidenced supplied by the applicant, and having considered the comments from the public hearing, the Zoning Board of Appeals makes a finding that the application will have no significant environmental impact and issues a Negative Declaration.

Motion: Chairman Dole
Second: Michael Flavin

Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Powell Kerry, Unvericht
Nays: None

At this time Chairman Dole made a motion 401/2019 for the Sign Permit as amended to show Nathaniel Szatkowski as the applicant.

RESOLUTION
401/2019

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Nathaniel Szatkowski for a sign permit to allow one (1) non-illuminated wall sign on property located at 21 Union Hill Drive, Spencerport, New York 14559; and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of March 2019, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has previously issued a negative declaration pursuant to the New York State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a sign permit to Nathaniel Szatkowski to allow one (1) non-illuminated wall sign on property located at 21 Union Hill Drive, Spencerport, New York 14559,

BE IT FURTHER RESOLVED that the following conditions are imposed on this sign permit:

- ☐ Picture of installed sign to the Village Office for file;
- ☐ Building Permit;

Motion: Chairman Dole
Second: Diana Powell Keery

Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Powell Kerry, Unvericht
Nays: None

The application of Mauricio Hernandez of Itacate, Inc. & HD Food Products for a Special Permit to allow commercial use, not specifically permitted in a Commercial B-3 district located at 409 S Union Street, Spencerport, New York 14559, whereas, this use may be permitted by the Zoning Board of Appeals pursuant to chapter 340-19 B (9).

Attorney Stowe: Just so you all know I have previously done some work for Itacate Corp. I don't believe it creates a present conflict, but I have previously done work for them.

Mauricio Hernandez: I own several restaurants and so now what we are trying to do moving forward with our company is to make products in this case tortilla's. It is something that has not been done in upstate New York. So, this is a machine that we will bring in to start the production of tortillas. We won't need that big of a space for this. This is not for sale to the public it is for my own personal use in my restaurants.

Mauricio Hernandez continued: I will be giving some jobs to the people hopefully from Spencerport. We have done this already in Churchville, we gave out 15 jobs.

Chairman Dole: How big of an area would you be leasing?

Mauricio Hernandez: It is just under 500 square feet. Like a room this size.

Dale Kellerson: The thing is that it is not where it is indicated on the drawing. It is in the basement.

Mauricio Hernandez: Yes, that is correct it is certified for a business. It is up to code. There was a business in there. I believe it was a copy business.

Building Inspector Smith: Originally it was supposed to be on the first floor, he had two options. Dominic rented out the first-floor space, so he didn't have a choice. One thing also if you do give him the permission, he would need a permit of some sort. Either change of tenant or building permit for what he does done there. I don't have those plans yet.

Chairman Dole: Hours of operation?

Mauricio Hernandez: So those vary, the fact that we won't be operating that much. The machine makes about 3 pounds a minute and I don't need that much in my restaurants. Were a looking at about ten hours a week. Maybe one or two days a week. In the summer it might be a little more as we sell more in the summer.

Chairman Dole: Does the machine make a lot of noise?

Mauricio Hernandez: No, it is quiet.

Dale Kellerson: It says it has a natural gas hook up?

Mauricio Hernandez: Yes, there is already gas there. It also has a 220 power.

Chairman Dole: You can do either?

Mauricio Hernandez: Yes, gas, lp or electric.

Dale Kellerson: So, there is some sort or heat mechanism then.

Mauricio Hernandez: Yes, it doesn't do any steam or grease, yes it does create some heat. But it is controlled by the machine.

Dale Kellerson: Does it need any special exhaust?

Mauricio Hernandez: No, just the table where they come out, they get packaged. There will be no storage there. We like to make our stuff fresh, so we will most likely make them on Saturday or Sunday's.

Jean Black: So, when you move upstairs will you sell from that location?

Mauricio Hernandez: No, it is for my company. If you sell it to others, then you have to go to the health department for other permits so I don't think I would be allowed to sell it to the public. Unless I go for the other permits and there are more requirements from the health department.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Attorney Stowe, Building Inspector Smith and the board if they have any comments.

RESOLUTION
402/2019

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Mauricio Hernandez of Itacate, Inc. for a special permit to allow production and packaging of tortillas on property located at 409 South Union Street, Spencerport, New York 14559;

WHEREAS, an application for a special use permit is an unlisted action, requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Mauricio Hernandez of Itacate, Inc. for a special permit to allow production and packaging of tortillas on property located at 409 South Union Street, Spencerport, New York 14559, is an Unlisted Action, further, that the Zoning Board of Appeals declares their status as lead agency, and based upon the information contained in the Short Form Environmental Assessment Form and evidenced supplied by the applicant, and having considered the comments from the public hearing, the Zoning Board of Appeals makes a finding that the application will have no significant environmental impact and issues a Negative Declaration.

Motion: Chairman Dole
Second: Mark Unvericht

Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Powell Kerry, Unvericht
Nays: None

RESOLUTION
403/2019

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Mauricio Hernandez of Itacate, Inc. for a special permit to allow production and packaging of tortillas on property located at 409 South Union Street, Spencerport, New York 14559; and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of March 2019, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has previously issued a negative declaration pursuant to the New York State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Mauricio Hernandez of Itacate, Inc. for a special permit to allow production and packaging of tortillas on property located at 409 South Union Street, Spencerport, New York 14559,

BE IT FURTHER RESOLVED that the following conditions are imposed on this special permit:

- Necessary Permits from Building Department;

Motion: John Dole
Second: Dale Kellerson

Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Powell Kerry, Unvericht
Nays: None

The application of Yousif Hanna for a Special Permit for the remodeling of single-family existing dwelling to convert to a two-family dwelling, on property located at 73 Amity Street, Spencerport, New York 14559, whereas, remodeling or construction of any of the dwellings shall be permitted when a special permit is obtained from the Zoning Board of Appeals, pursuant to Chapter 340-9 G in a R-2 Residential District.

George Stefanos: He is Yousif Hanna and I am George Stefanos and I am going to translate for him because we have any issue with the language here. We go to the same church. Is this ok.

Chairman Dole: Yes, you purchased the house.

George Stefanos: Yes, he purchased the house.

Chairman Dole: You want to convert it to a two family?

George Stefanos: Right.

Chairman Dole: Are you going to live there.

George Stefanos: Yes, he will live on the first floor and rent the second floor.

Chairman Dole: So, it will be owner occupied. I'm sure we will have some questions about this. The drawings you have given us do you have any site plans?

George Stefanos: He did them he is an architect by profession he did the measurements and did the drawings. Each floor has its own kitchen and bathroom as well as two entrances. One in the front and one in the back.

Chairman Dole: The parking for the apartments you will need to have two parking spaces for each apartment.

George Stefanos: It is off street parking and it is already marked. There is a common driveway between 73 and 77. The driveway is paved and shared between the two properties.

Michelle O'Brien: I am the one with the shared driveway. I own the 77/79 house. I have been there for seventeen years. There is not enough driveway space for four cars to fit in there. I have photos of construction garbage that has been sitting in his driveway.

Chairman Dole: We are not here to talk about garbage. But if you are concerned about it contact Rich here at the village.

Michelle O'Brien: Ok.

Building Inspector Smith: We were contacted because of work that was going on and anything that has happened up to now has not had a building permit. That's is when we sent a letter. We received response back from my letter and stated what they had been doing and that they needed a permit and obviously they had to stop so that they could come to you to see if they could even do a two family in the house. They originally talked about making it into a business for the house with one resident. I told them that's impossible you can't do that. But he does have the option to go to a two family. So, everything that has been done to date has been without a permit. I have not been in the house so I can't tell you what has been done to date.

Michelle O'Brien: My concern is the driveway. As it is right now there is not enough room. We have already had to have conversations with Yousif a few times about parking behind my vehicle, my mother's vehicle that sits in that driveway. Parking to close to the point where she couldn't even get into the door of her car and I don't need that to escalate when you have two tenants. I don't understand how he is going to live downstairs when he has four kids.

Jane Feltner: I live across the street at 76 and I'm concerned about having a two family in the neighborhood. Because just out of experience that we have. We have a house next door that is a two-

Jane Feltner continued: family, but they have been there for a long time. There are a couple of two families just down on the next block and just with the way that they have been kept up it seem to be deteriorating to the neighborhood, to the village and affecting the value of the properties. The parking is a definite issue there is not enough space. It is interesting we never know what people are talking about when property is sold, and I haven't spoken directly to you Yousif. But I know there has been talk that they live in another part of the city and not intending to live there. I have some questions on the plans. The plans that are written out its showing room one, two and three. Do those designate bedrooms?

George Stefanos: Have you seen the property from inside. It has three bedrooms, a living room, a formal dining room. Yes, there was construction. There was as dumpster and we asked the contractor to come a remove it. The parking is for both tenants. He lives in a rental property and that is why he bought the house. He wants to go to his own property. He wants to live in Spencerport. Spencerport schools are better then Henrietta. He bought the property to live there. If you don't want him as neighbor that's fine. To express your racial discontent. That's fine.

Michelle O'Brien: It has nothing to do with that.

George Stefanos: You say four kids, what's wrong with four kids.

Michelle O'Brien: In that size of a house.

George Stefanos: Do you know how many square feet of this house.

Jane Feltner: How many square feet are on each floor?

George Stefanos: Fourteen hundred square feet per floor.

Chairman Dole: What do you plan on doing with the basement?

George Stefanos: The basement is very tiny it will be just for utilities. Water heater, gas and electric meters.

Chairman Dole: You have two rooms in the basement.

At this time they discussed and reviewed the drawings that were submitted.

Jane Feltner: My question was that there are three bedrooms on the first floor and then on the second floor.

George Stefanos: Yes

Jane Feltner: It just seems from the drawings that on the second floor with the three bedrooms there is very little living space. It is very small.

George Stefanos: You are invited to come and see for yourself we are good neighbors.

Jane Feltner: We appreciate that very much and you have to understand that we have been there for 38 years and this transition and change it is wonderful.

George Stefanos: The house was badly run, we are cleaning this dump. He spends lot of money to move from Henrietta to Spencerport is not a crime. To move the kids to a better school is not bad. He has two floors.

Jane Feltner: That is putting two families.

Attorney Stowe: Could we avoid a debate.

Jane Feltner: The question is to have two families versus one in that space and then parking. You are supposed to have a minimum of two car spaces for each family.

Chairman Dole: They would need to come back for a variance for that.

Judy Meier: I live on 86 Amity which is just kiddy corner of this house across the street. I personally take exception for you to somehow make this into more then it is just about the house. That is not why we are here. We are here because the previous owners gave us nothing but trouble. We had two families living there and we had nothing but trouble with off-street parking. Other things going on and I am sorry, but I should have brought the police records for this. But parking wise if your planning on having two apartments three bedrooms a piece. So, I don't understand how this is even possible and I also watched the previous tenants move in and out her driveway in order to get around. It's just not possible to put this many there by your own laws. That's our problem. Also, we all have concerns about the shape of the house. It is in disrepair. Were worried about multiple family house's and our property values. On Amity Street we have four two families. Only one is being cared for otherwise the parking is on the street and on front lawns. It just doesn't seem like this is possible. No one said anything about you living there and wanting your children to go to school. It just doesn't look like it's possible in the amount of square footage and there is no room for the parking with the issue on our street.

Diana Powell Keery to Building Inspector Smith: She just mentioned that there had been two families living there.

Building Inspector Smith: All the records I have looked up it is a single-family house. If it were already a duplex, we would not be here.

Diana Powell Keery: That's what I wanted to know. It is a single-family home.

Building Inspector Smith: There is only one electric meter on the house. So, our record shows a single-family house.

Judy Meier: It was the same family, but the grandparents lived downstairs.

Mark Unvericht: No in-laws strictly a single-family.

Building Inspector Smith: Yes.

Diana Powell Keery: Ok thanks. I was wondering how the realtor sold it. How they presented it if it's a single-family home it's a single-family home.

Judy Meier: It was a single-family home when they were selling it. It was that one family had multiple members of their family living there.

Diana Powell Keery: That is my question. I was just trying to understand. There is a fire escape on the back now. There is a stairway.

Jane Feltner: That was a deck.

Diana Powell Keery: Ok.

Jane Feltner: What we are saying that my concern is the space. We have nine houses and four of them are two family or more. It just effects the neighborhood. The integrity of the neighborhood. Then add to that the parking that is one of the biggest things.

Jonathan Schallmo: I live 85 Martha Street next door. I have enjoyed getting to know Yousif. It seems like his family would be a great fit. I think they would do well living there and would add to our neighborhood. But i think adding two families would just be to busy. Just adding my comments to the mix. Thank you.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Attorney Stowe, Building Inspector Smith and the board if they have any comments.

Chairman Dole: Patrick I am sure you wouldn't issue any permits based on the current drawings.

Building Inspector Smith: Correct.

Chairman Dole: You know that you will have to get actual stamped drawings and a site-plan. I think this is probably no different then 194 S. Union Street in where really have to see some sort or a site-plan before any decision one way or the other to give the benefit not only to the other residents but to the applicants themselves.

Building Inspector Smith: The house would also have to be rewired because if its two apartments it would have to have separate services. The wiring would have to be separated. A large amount of remodeling would have to be done to do that.

Attorney Stowe: Are you aware of any shared driveway agreement that exists between the two properties?

Michelle O'Brien: No.

Attorney Stowe: When you closed were you provided with an abstract of title showing a shared driveway agreement?

George Stefanos: No.

Attorney Stowe: If it exists it would appear in the abstract of title.

Michelle O'Brien: I have the abstract and I have never seen anything about a shared driveway agreement.

Attorney Stowe: If we were to go forward that would be my recommendation of a condition of a shared driveway agreement and that would have to come into place before anything would be approved. That would say these are the perimeters that deal with driveway usage. The village would not be a party to that, but you see this a lot in the city where they have common driveways and its usually a friction point and there are agreements that are set up for the benefit of both people and the village getting out of it. That would be the benefit of a shared driveway agreement.

Michelle O'Brien: So, I need to contact an attorney, that is all I need to know.

Attorney Stowe: It would be a condition for the Zoning Board if an approval were to be granted. All the parking does have to be completely off of any roadway. That is in our code. The other thing is the SEQR form is not completed. The Part One of the EAF is not completed and signed so you can't render any decision tonight anyway. It is a necessary form that New York State requires before any approval or denial can be granted. It is just not completed. It is called the short SEQR "State Environmental Quality Review Act".

Jane Feltner: That is to change the zoning?

Attorney Stowe: To do anything.

Building Inspector Smith: If the applicant is going to ask for less parking then what's appropriate then what's in the code then he is going to have to ask for another area variance for that.

Chairman Dole: Correct.

Jane Feltner: With code is there a percentage of spaces you can have on the property?

Attorney Stowe: We have a lot coverage provision in our code. Which I think we just amended to twenty-five percent. That is house, driveway, pool, sheds. Anything that water can't get through.

Michelle O'Brien: That is so you can't have two drive ways anymore correct. On a single property.

Attorney Stowe: I believe that was what it was too.

George Stefanos: So, I ask what are we supposed to do right now? Fill out these missing pages on this form and then speak with the lawyers so that we can figure out what we own on the driveway.

Chairman Dole: I can't tell you exactly what to do. I think maybe your best bet is to talk with an attorney and maybe an engineer or an architect to get the drawings and what needs to be done. Talk to Patrick's office as far as making sure. He can tell you exactly what needs to be done and what you are going to have to do and whether you want to spend that kind of money to do that to the home.

George Stefanos: I am just stumped that so many people have the in-law apartments.

Chairman Dole: You would have to come in for that also.

George Stefanos: Well we will proceed. Money is not an issue.

Attorney Stowe: Could I ask that before you Mr. Hanna would just like what we did for Mrs. Gibbardo. He would have to before we do any action. But he would have to agree to the postponement. The delay.

George Stefanos: He has no choice. First of all, he is not going to dump the building.

Attorney Stowe: This doesn't do anything with selling or anything else. This board is not compelled. They are not forced to make a decision if he is ok with waiting. I would need him to say he is ok.

Yousif Hanna: I am agreeing with waiting.

Attorney Stowe: Thank you sir.

George Stefanos: So, I will be in touch with Patrick with what should be done.

Building Inspector Smith: I want to be clear, do we need complete stamped drawings for your approval. I don't need that until I get a permit. I hate to see him spend a lot of money if you turn him down.

Chairman Dole: No, we don't need the stamp drawings for this, but we need something better than the drawing that we have. Including the site plan showing how the parking is going to be.

Building Inspector Smith: Ok, I didn't want to make him get stamped plans because he did these drawings himself. I will ask him to clean them up and try to give you a better plan. Plus some kind of a survey map showing the property will do a calculation on square footage. He will have to get that all for me and I can Building Inspector Smith continued: do the math. So, if he gets that all to me, I can tell whether he has enough parking and has enough square footage of pervious surface. If he doesn't have enough parking, then it would be his choice if he wants to add an area variance for not enough parking for the next meeting.

Chairman Dole: Yes.

Attorney Stowe: With respect to any shared driveway agreement. I can't draft it. I can't advise. But I would be happy to review and say that if I would recommend the board accept it. At the end of the day it's the board decision whether to accept it or not.

George Stefanos: Just put it in writing that it is a shared driveway.

Attorney Stowe: Yes, and that it benefits both who share the driveway. It deals with maintenance, it deals with where does the snow go when your plowing. It deals with all the terms. It is very common in villages and cities.

Dale Kellerson: With your parking I notice there is orange spots there. Is that to kind of designate what you think is your part of the driveway.

Michelle O' Brien: I got out my survey map and a rule and spray painted it down. Yes.

Dale Kellerson: I had a question on the second floor plans the only entrance to the second floor is through the stairs in the back?

George Stefanos: From the front door there is a stairwell that goes up and an escape from the deck.

Dale Kellerson: I just think you would have to have two separate entrances in the front.

George Stefanos: There is one big door with a separate door to the first floor and then the stairwell leads to the second.

Chairman Dole: I think you can have the main entrance be the same. Also, just to add to the minutes Sherry Cuddy had sent us an email about the variance at 73 Amity Street.

Attorney Stowe: That is available in the village office for review, it is part of the file.

RESOLUTION
407/2019

The Village of Spencerport Zoning Board of Appeals in reviewing the application from Yousif Hanna for a special permit to remodel a single family home to be a two-family dwelling on property located at 73 Amity Street, Spencerport, New York 14559 has tabled the application;

Furthermore, such decision to table this application was done with the applicant's consent pending as further documents become available.

Motion: Chairman Dole
Second: Dale Kellerson

Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Powell-Kerry, Unvericht
Nays: None

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Michael Flavin Seconded by Mark Unvericht carried unanimously to approve the December 20, 2018 minutes.

Adjournment

Motion made by Diana Powell Keery seconded by Mark Unvericht and carried unanimously to adjourn the regular meeting at 8:00 pm.