ZONING BOARD MINUTES
APRIL 19, 2012

Present **Absent**

Chairman John Dole
Mike Flavin
Mark Unvericht
Dale Kellerson
David Wieme

Others Present

Village Attorney Eric Stowe
Building Inspector Jack Crooks
Trustee Gary Penders
Village Clerk Jacqueline Sullivan
Fritz Gunther
Joan Quigley
Chris Dick

At this time Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Chris Dick, 118 Coleman Avenue, Spencerport NY 14559 for an area variance to demolish and erect a new detached garage with a proposed side setback of 1.4 ft on property located at same.
Whereas pursuant to Chapter 340-14-F of the Code of the Village of Spencerport the minimum side setback allowed is 5 ft.

Chairman Dole: Is there something wrong with the existing garage?

Mr. Dick: The existing garage is quite old and starting to sag it is barely a one car garage now and we want to make it a bit wider. We can't really go to the left because it is built into the retaining wall and to the right there really isn't anything there it is just wasted land we wanted to extend over a few feet and come forward for a little more space.

At this time Chairman Dole closed the Public Hearing 7:10 pm.

Dale Kellerson: Yesterday I went and looked at it and to do anything with it he needs to move closer to the property line. It would be quite a bit of expense to take the retaining wall out. I understand there weren't any issues with the neighbor next door.

Mr. Dick: No he stopped over yesterday and we talked about it and he was fine with it.

Mark Unvericht stated that he had no issues.

David Wieme: Is there enough length on the retaining wall?

Mr. Dick: The retaining wall is fine we don't have to add on to it.

Chairman Dole: Is that retaining wall strong enough to support the garage or is the garage supporting that retaining wall?

Jack Crooks: The question would really be is whether the footer for the retaining wall is deep enough so that it would be frost free for a structure this size you don't want one side to heave and ruin the structure. One of the things that Chris would need to do is see what is below that retaining wall and how deep it goes. In our area 42 inches is a frost free footer I would like to see that verified.

Jack Crooks: My understanding is that you will be bringing the garage forward a little bit?

Mr. Dick: Yes probably about three feet.

Jack Crooks: This is an older structure but you are replacing it one of the things that you want to consider is making it co compliant today and especially making it code compliant with the fire safety standards. You are going to be less than 10 ft from your home and from the neighbor's home to the south. When you bring in plans for your building permit, one of the things that I am going to specifically ask for you to do is make sure the N, W & S wall are one hour fire rated walls. Sounds big but it is not a big deal, ½ inch of regular dry wall and a sheet of 5/8 Type X drywall will give you a one (1) hour rating. Garages inherently are a hot spot when it comes to fire the combustible level is very high. It might cost you an extra couple hundred dollars but is better than losing the house.

Chairman Dole: What does he have to do about the retaining wall footer?

Jack Crooks: He can do a couple exploratory holes the current garage, does it have a concrete floor.

Mr. Dick: It has a concrete floor but it is all broken up and a lot of dirt spaces.

Jack Crooks: My recommendation is to break a couple places out, you can take a post hole digger and dig down along side of that, as you go to the north it gives you some elevation and frost protection. Thirty inches down should give you enough frost protection,

Attorney Eric Stowe: My only concern is on the reference map there are no easements called out on the map. When you look at the pictures you see some wires hanging in the back.

Chairman Dole: Do you know of any easements on your property?

Mr. Dick: I will find out.

It can be part of the approval that as a condition the property be reviewed by Superintendent Owen McIntee.

Donna Stassen: Owen already looked at the property and had no issues.

David Wieme: Are you putting a new footer in on the south side?

Mr. Dick: The south and east side will have new footers.

Jack Crooks stated that this is not inconsistent with the neighborhood.

At this time the following resolution was offered:

Resolution No 219 **Introduced by Chairman Dole**
April 19, 2012 **Seconded by Dale Kellerson**

Resolved that the Zoning Board of Appeals has determined that the application of Chris Dick 118 Coleman Ave, Spencerport NY 14559 for an area variance on property located at same is deemed a Type 2 action and no further review is required.

Resolution No 220 **Introduced by Chairman Dole**
April 19, 2012 **Seconded by Dale Kellerson**

Resolved that the application of Chris Dick 118 Coleman Ave Spencerport NY 14559 for an area variance to demolish and erect a new detached garage with a proposed side setback of 1.4 ft on property located at the same whereas pursuant to Chapter 140-14.F of the Code of the Village of Spencerport is approved.
Such approval contingent on the following items being addressed:

1. No one from the neighborhood came to speak against such proposed variance.
2. Garage to be built to code standards as per comments from Building Inspector Jack Crooks.
3. Such area variance will not result in any negative impact on the neighborhood.
4. Such variances are self created but not intentional and not out of character with the neighborhood.

Ayes: Dole, Flavin, Unvericht, Kellerson, Wieme
Nays: None

Approval of Minutes
Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the minutes of December 15, 2012 as written.

Adjournment: Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:30 p.m.