Zoning Board of Appeals
Minutes
May 18, 2017

Present	**Absent**
Chairman Dole	Michael Flavin
Dale Kellerson	Mark Unvericht
Diana Powell Keery	

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Code Enforcement Officer Rich McQuilkin
Paul Sirianni
Patrick Hotchkiss
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of James Barton of Barton's Parkside Hots, 104 West Avenue, Spencerport, New York 14559, for a Special Permit to park a 26' commercial vehicle, on property located at same, whereas, no commercial vehicle having an overall length of 23 feet may be parked in any residential district unless temporarily, in conjunction with a permitted construction project, service, sales, or delivery to the property, pursuant to Chapter 318-5 A in a R-2 Residential District.

Paul Sirianni: I am representing Jim and Debbie Barton of Parkside Hot's as they can't be with you tonight. They are out of town. Jim is a longtime friend of mine and asked me if I would represent so if you have any questions and what can I tell you that you don't already know if you haven't viewed the property. I am familiar with the property and was just recently there with Jim and looked over where he parks his vehicle.

Chairman Dole: Since he got the bread truck has he always parked it there or did he have it someplace else?

Paul Sirianni: To my knowledge it has always been there.

Dale Kellerson: So it is really just the matter that it is three feet longer than what the code says.

Paul Sirianni: Jim has told me that it gets parked there alongside the barn after he uses it. It just comes in an out. It doesn't seem to be very visible from the road. He does have an additional trailer that you were made aware of. It is a motorcycle trailer that's in the driveway for about 5 to 6 months.

Chairman Dole: The bread truck is probably is gone just about every day.

Paul Sirianni: Yes, he uses it about three or four days a week that vehicle is gone. He is pretty booked up.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Attorney Stowe, Code Enforcement Officer McQuilkin and the board if they have any comments.

Code Enforcement Officer McQuilkin: Like you have discussed here with Paul the truck has been parked there. I have discussed it with Jim when he talked about getting it and after he got it fixed and brought it home and under my suggestion I told him to hold off before coming to you until we figured out the whole schedule of permit fees squared away. Once that was done I spoke with him again and gave him the packet to appear before the zoning board. I have no problem with it.

Dale Kellerson: It is concealed by at least two sides. I just went up Clark Street and you can see it from one of the houses but they must not have an issue because they are not here. So no I don't have any problems with it.

Chairmen Dole: What did he do with it last winter? Was it there?

Patrick Hotchkiss: I live across the street and yes it sits there all winter long.

Chairman Dole: Does he use it in the winter?

Patrick Hotchkiss: Yes, occasionally.

Diana Powell Keery: I don't have any issues and no one is here saying anything against it. So it must not be a problem.

Patrick Hotchkiss: I have a question did he buy the vehicle then seek your approval. All of a sudden it was there.

Code Enforcement Officer McQuilkin: He had talked to me when he was looking to buy it and when we first talked he wasn't sure how long it was. Prior to actually acquiring it he knew how long it was and our stuff was in place and that he would have to come to the board. He also said that if he had to he would find another spot. But it would be a lot more work for him having to move it every day. Bring it home to load it then clean the grills afterwards.

RESOLUTION
330/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James Barton, of Barton's Parkside Hots, of 104 West Avenue,

Spencerport, New York 14559 for a special permit to park a twenty-six foot (26') commercial vehicle on property at 104 West Avenue, Spencerport, New York 14559; and

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 James Barton, of Barton's Parkside Hots, of 104 West Avenue, Spencerport, New York 14559 for a special permit to park a twenty-six foot (26') commercial vehicle on property at 104 West Avenue, 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: Diana Powell Keery

Vote of the Board:

Ayes: Dole, Kellerson, Powell Keery
Nays: None

RESOLUTION
331/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James Barton, of Barton's Parkside Hots, of 104 West Avenue, Spencerport, New York 14559 for a special permit to park a twenty-six foot (26') commercial vehicle on property at 104 West Avenue, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 18th day of May, 2017, 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 James Barton, of Barton's Parkside Hots, of 104 West Avenue, Spencerport, New York 14559 for a special permit to park a twenty-six foot (26') commercial vehicle on property at 104 West Avenue, Spencerport, New York 14559.

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

- _____;
- _____;
- _____;

Motion: Chairman Dole
Second: Diana Powell Keery

Vote of the Board:

Ayes: Dole, Kellerson, Powell Keery
Nays: None

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Dale Kellerson Seconded by Diana Powell Keery carried unanimously to approve the February 16, 2017 minutes.

Adjournment

Motion made by Diana Powell Keery seconded by Dale Kellerson and carried unanimously to adjourn the meeting at 7:10 pm.