Zoning Board of Appeals Minutes

June 14, 2011

Present	**Absent**
Chairman Dole	
Michael Flavin	
Mark Unvericht	
Dale Kellerson	

Others Present

Carol Nellis Ewell, Liaison Village Board

Donna Stassen, Secretary Zoning Board

Matt Popen

Public Hearing

The application of Matthew Popen, 3043 Brockport Road, Spencerport NY 14559 for an area variance to construct 180 linear feet of 6' high closed construction fence at property located at the same; whereas the maximum height allowable is 4" and shall be of open construction. Such variance is pursuant to Chapter 340-32 A (1), respectfully in an R-1 Residential District.

Matthew Popen stated to the Board that the reason for installing the fence was for privacy from a disabled neighbor who wanders on to his property and that his dog is starting to show aggression towards this individual. He has spoken to the father of this child and he understands why they need to put the fence up.

The dog is a boxer and can easily jump a 4 ft fence that is why they are asking for a 6 ft. fence.

The proposed fence will be board on board.

Chairman Dole noted that no one from the neighborhood came to the meeting to speak for or against such variance for the fence.

Matt Popen stated that all neighbors had been notified and that he had talked individually to them. He also stated that there are many fences in the area.

Dale Kellerson stated that board on board fences are more favorable than stockade fencing.

Chairman Dole: Will the fence have gates?

Matt Popen: Yes

Chairman Dole: Who will be installing the fence?

Matt Popen

: I will be installing the fence myself.

At this time the board offered the following resolution:

Resolution No 214 **Introduced by Chairman Dole**

June 14, 2011 **Seconded by Mark Unvericht**

Resolved that the Zoning Board of Appeals has determined that the application of Matthew Popen, 3043 Brockport Road, Spencerport NY for an area variance on property located at same is deemed a Type 2 action and no further review is required.

Resolution No 215 **Introduced by Chairman Dole**

June 14, 2011 **Seconded by Mark Unvericht**

Resolved by the Zoning Board of Appeals that the application of Matthew Popen 3043 Brockport Road, Spencerport NY for a proposed 180 linear feet of 6' high closed construction fencing on property located at same be approved based on the following criteria. Whereas the maximum height allowed is 4 ft, pursuant to Chapter 340-32. A (1) of the village code in an R-1 Residential District.

1. Such fence will not have a negative impact on the neighborhood.
2. Nor, will such fence have an adverse environmental impact on the neighborhood.
3. Fence not to be any closer than 2 ft. from property line.
4. Homeowner is responsible for maintaining both side of the fence.
5. Such fence to be installed to professional standards with the good side facing outwards.

Furthermore, no one came in front of the Zoning Board of Appeals to speak against such proposed fencing.

Ayes: Dole, Flavin, Unvericht, Kellerson **Nays:** none

Approval of Minutes

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the minutes of May 19, 2011 as amended.

Adjournment

Motion made by Chairman Dole seconded by Mark Unvericht to adjourn the meeting at 7:15 pm.