Zoning Board of Appeals
Minutes
June 21, 2018

Present **Absent**

Chairman Dole
Michael Flavin
Dale Kellerson
Diana Powell Keery
Mark Unvericht

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Building Inspector Patrick Smith
Jason Ramble
Vincent Paolotto
Karen & Vince Paolotto
Megan York
James & Candice White
Dorothy Green
Dan Statt
Melissa Brongo
Michael Jackel, Option Realty & Consulting
Steve Drexler
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of James & Candice White, 20 Laurelcrest Drive, Spencerport, New York for a special permit to allow approximately 16' privacy fence, on property located at same, whereas, a special permit from the Zoning Board of Appeals shall be required for a privacy fence, pursuant to 340-32 A(4)(a) in a R-1 Residential District.

James White: I am here to request a permit to allow 16 feet of privacy fence on one end of my deck.

Chairman Dole: The rest of your property already has a privacy fence?

James White: Around my swimming pole is open construction and this piece joins it.

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: It looks like you have a privacy fence now.

James White: That is the piece I am requesting now.

Chairman Dole: It is pre-existing I understand.

RESOLUTION
361/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James and Candice White, 20 Laurelcrest Drive, Spencerport, New York 14559 for a special permit to allow sixteen feet (16') of privacy fence on property located at 20 Laurelcrest Drive, 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 and Candice White, 20 Laurelcrest Drive, Spencerport, New York 14559 for a special permit to allow sixteen feet (16') of privacy fence on property located at 20 Laurelcrest 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: Dale Kellerson

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

RESOLUTION
362/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James and Candice White, 20 Laurelcrest Drive, Spencerport, New York 14559 for a special permit to allow sixteen (16') of privacy fence on property located at 20 Laurelcrest Drive, Spencerport, New York 14559 and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of June, 2018, 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 THERFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to James and Candice White, 20 Laurelcrest Drive, Spencerport, New York 14559 for a special permit to allow sixteen (16') of privacy fence on property located at 20 Laurelcrest Drive, Spencerport, New York 14559.

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

- _____;
- _____;
- _____;

Motion: Chairman Dole
Second: Mark Unvericht

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

The application of Jason Ramble, 44 Mill Street, Spencerport, New York 14559, for a special permit and two (2) area variances to install approximately 153' privacy fence on the property lot line, on property located at same, whereas, a special permit from the Zoning Board of Appeals shall be required for a privacy fence; and whereas, any privacy fence shall not exceed a total length of 65 feet on one lot and shall not be nearer to the side line or rear line than the required setback, which on this property is 10', respectively pursuant to 340-32 A(4)(a), 340-32 A(4)(b) and 340-32 A(4)(b) in a Residential District.

Jason Ramble: Basically, the northeast corner of the property coming off the side of my house to the property line, to the back corner and then to my garage. Only about 75 feet is visible from the road the rest you can't even see it. There is an existing wire fence back there.

Joan Quigley: What is the propose of the fence?

Jason Ramble: Just for privacy, I have neighbor that is directly behind me. It is not completely enclosing my property; it is just on one corner. I have permission from all neighbors they are all for it.

Joan Quigley: Have you thought of shrubbery?

Jason Ramble: Yes, actually in the corner we want to put in a nice garden.

Chairman Dole: The area in back of the garage really would look nice fenced off.

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: Is this a single family home?

Jason Ramble: It is zoned multi-family so we have tenants upstairs who are going to be moving out and not going to rent it back out. We have a child now and are looking for more space. It will stay zoned multi-family but using it just for us.

Michael Flavin: Is the pictured showed the style of fence you will be putting up?

Jason Ramble: Yes.

Chairman Dole: You do know that you have to maintain both sides of the fence?

Jason Ramble: Yes.

RESOLUTION
363/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Jason Ramble, 44 Mill Street, Spencerport, New York 14559 for a special permit to erect a privacy fence on property located at 44 Mill Street, Spencerport, New York 14559; and for an area variance to erect one hundred fifty-three (153') linear feet of privacy fence on property at 44 Mill Street, Spencerport, New York 14559; and for an area variance to install said privacy fence on the property boundary line at said property.

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

WHEREAS, an application for an area variance for a single-family residence is a Type II Action not requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Jason Ramble, 44 Mill Street, Spencerport, New York 14559 for a special permit to erect a privacy fence on property at 44 Mill 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: Michael Flavin

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

RESOLUTION
364/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Jason Ramble, 44 Mill Street, Spencerport, New York 14559 for a special permit to allow one hundred fifty-three (153') linear feet of privacy fence on property at 44 Mill Street, Spencerport, New York 14559 and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of June, 2018, 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 THERFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Jason Ramble, 44 Mill Street, Spencerport, New York 14559 to allow one hundred fifty-three (153') linear feet of privacy fence on property at 44 Mill Street, 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, Flavin, Kellerson, Powell Keery, Unvericht
Nays: None

RESOLUTION
365/2018

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Jason Ramble, for an area variance at 44 Mill Street in the Village of Spencerport, to allow one hundred fifty-three (153) linear feet of privacy fence on said property, whereas said variance is required to construct more than sixty-five (65) linear feet of privacy fence on any lot; and for an area variance to allow said privacy fence to be installed on the property boundary line, whereas said privacy fence shall not be installed nearer to the property boundary line than the required setback, having considered, among other things:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variances;
3. Whether the requested area variances are substantial;
4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created

AND, the Zoning Board of Appeals of the Village of Spencerport makes the following findings of fact:

1. An undesirable change in the neighborhood will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variances because:
    i. _____
    ii. _____
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variances because:
    i. _____
    ii. _____
3. The area variances are not substantial because:
    i. _____
    ii. _____
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:
    i. _____
    ii. _____
5. The alleged difficulty was self-created, however, the self-created difficulty is not a reason for the board to deny the variance.

The Zoning Board of Appeals further determines that the variances requested are the minimum variance necessary and adequate and preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

The Zoning Board of Appeals further determines that the following conditions/restrictions shall be placed on the variances:

i. _____
ii. _____

Said conditions/restrictions being consistent with the spirit and intent of the zoning local law and are being imposed for the purpose of minimizing any adverse impact said variance may have on the neighborhood or community.

The application for the area variance is hereby GRANTED.

Motion: Chairman Dole
Second: Michael Flavin

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

The application of Melissa Brongo, 90 Parkhurst Drive, Spencerport, New York 14559, for a special permit and two (2) area variances to install approximately 329' privacy fence on the property lot line, on property located at same, whereas, a special permit from the Zoning Board of Appeals shall be required for a privacy fence; and whereas, any privacy fence shall not exceed a total length of 65 feet on one lot and shall not be nearer to the side line or rear line than the required setback, which on this property is 6' for the side and 8.7' for the rear lot line, respectively pursuant to 340-32 A(4)(a), 340-32 A(4)(b) and 340-32 A(4)(b) in a Residential District.

Melissa Brongo: I am looking to close in the perimeter of my property with a six foot privacy fence. I have two kids and a single mom. That street sometimes gets busy and I don't want them playing in the front yard. So I am trying to keep them in the back.

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 can see the intent. Obviously, the fencing around the pool would have to stay.

Melissa Brongo: I wasn't planning on taking it down at this point.

Michael Flavin: Is this pictured the style of fence you are putting up?

Melissa Brongo: Yes, I have been pricing them out and that one seems the most reasonable.

Diana Powell Keery: Is there a reason you didn't go with four foot fence?

Melissa Brongo: Just more privacy in the neighborhood.

RESOLUTION
366/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Melissa Brongo, 90 Parkhurst Drive, Spencerport, New York 14559 for a special permit to erect a privacy fence on property located at 90 Parkhurst Drive, Spencerport, New York 14559; and for an area variance to erect three hundred twenty-nine (329') linear feet of privacy fence on property at 90 Parkhurst Drive, Spencerport, New York 14559; and for an area variance to install said privacy fence on the property boundary line at said property.

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

WHEREAS, an application for an area variance for a single-family residence is a Type II Action not requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Melissa Brongo, 90 Parkhurst Drive, Spencerport, New York 14559 for a special permit to erect a privacy fence on property at 90 Parkhurst 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: Dale Kellerson

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

RESOLUTION
367/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Melissa Brongo, 90 Parkhurst Drive, Spencerport, New York 14559 for a special permit to allow three hundred twenty-nine (329') linear feet of privacy fence on property at 90 Parkhurst Drive, Spencerport, New York 14559 and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of June, 2018, 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 THERFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Melissa Brongo, 90 Parkhurst Drive, Spencerport, New York 14559 to allow three hundred twenty-nine (329') linear feet of privacy fence on property at 90 Parkhurst Drive, Spencerport, New York 14559.

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

- _____;
- _____;
- _____;

Motion: Chairman Dole
Second: Michael Flavin

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

RESOLUTION
368/2018

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Melissa Brongo, for an area variance at 90 Parkhurst Drive in the Village of Spencerport, to allow three hundred twenty-nine (329') linear feet of privacy fence on said property, whereas said variance is required to construct more than sixty-five (65) linear feet of privacy fence on any lot; and for an area variance to allow said privacy fence to be installed on the property boundary line, whereas said privacy fence shall not be installed nearer to the property boundary line than the required setback, having considered, among other things:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variances;
3. Whether the requested area variances are substantial;
4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created

AND, the Zoning Board of Appeals of the Village of Spencerport makes the following findings of fact:

1. An undesirable change in the neighborhood will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variances because:
    i. _____
    ii. _____
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variances because:
    i. _____
    ii. _____
3. The area variances are not substantial because:
    i. _____
    ii. _____
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:
    i. _____
    ii. _____
5. The alleged difficulty was self-created, however, the self-created difficulty is not a reason for the board to deny the variance.

The Zoning Board of Appeals further determines that the variances requested are the minimum variance necessary and adequate and preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

The Zoning Board of Appeals further determines that the following conditions/restrictions shall be placed on the variances:

i. _____
ii. _____

Said conditions/restrictions being consistent with the spirit and intent of the zoning local law and are being imposed for the purpose of minimizing any adverse impact said variance may have on the neighborhood or community.

The application for the area variance is hereby GRANTED.

Motion: Chairman Dole
Second: Mark Unvericht

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

The application of Scott Corey of Spencerport Masonic Temple Assoc., for a Special Permit to operate a deli/pizza shop in a Commercial B-1 district located at 131 Union Street, Spencerport, New York, 14559, whereas, this use may be permitted after a public hearing as provided by Article VI, Chapter 340-21 B(1).

Steve Drexler: I am acting as proxy for Scott Corey. Unfortunately his daughter got him a very nice birthday present to go to Europe for two weeks so he could not be here tonight. Obviously, based on the code underneath B-1 in 340-21 for sit down is based on special permit. Also under B-1 the canal town theme we just put $15,000.00 into the front of the building. We like Spencerport and we are taking care of the building. So that is why we are here just to meet the code.

Chairman Dole: The pizza shop/deli will obviously be open to the general public.

Steve Drexler: Yes deli and pizza shop will be open to the public and we thought it was a good idea to bring in the deli as we are unsure as to what Top's is going to do at this point in time so it would be a good addition to the community.

Dale Kellerson: This store front this is the one furthest south correct?

Steve Drexler: Yes, it would be the furthest one south.

Michael Jackel: I am the realtor for that location and just to make it clear we are here for an actual sit down restaurant in there.

Michael Flavin: Are you looking at putting an entrance to the rear too?

Steve Drexler: There is already and entrance on the rear side to that building but it will not be for that spot.

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.

Diana Powell Keery: I have lots of questions. Looking at the application Scott listed himself as several different things with regard to this property. So what is your relationship to this property?

Steve Drexler: I am part of the Masonic Association. Scott is the Director and Property Manager.

Diana Powell Keery: He is a Director.

Steve Drexler: Correct, there are nine of them currently.

Diane Powell Keery: So he listed himself as Director and Property Manager on the application and he signed it as owner.

Steve Drexler: Owner or legal agent.

Diana Powell Keery: What proof do you have that he is a legal agent of the corporation?

Steve Drexler: We could get you the articles of corporation for you if that is something you require.

Diane Powell Keery: This is a corporation and I happen to know the history of this building. This is a corporation in fact the name "The Spencerport Masonic Temple Association" is not the legal name of the corporation. The State of New York has no record of anything called "The Spencerport Masonic Temple Association". I can tell you your filing date was March 30, 1905. The exact name of this corporation is "The Spencerport Masonic Temple" that's it. It is a corporation that has Directors, and it also has shareholders. It is separate from the Masonic organization. It actually was put together as a corporation to buy the building. So I called the state because we have liability as a village. Certainly the Zoning Board we have a responsibility to the village and the citizens of the village. So that things are done properly. So that is what struck me was how many times Scott listed himself as something other than that. Also who is the tenant?

Steve Drexler: I don't know that actual name but I do know that is what they are actually doing.

Diana Powell Keery: Is Scott the one who is doing the pizza business?

Steve Drexler: No he is not.

Diana Powell Keery: I don't understand why the person who is doing the pizza business didn't apply. Usually isn't it the tenant that comes to us.

Attorney Stowe: Or the owner.

Diana Powell Keery: In this case it is the property manager, who is answerable to shareholders and without something with the corporate seal on it how do we know.

Attorney Stowe: There is no requirement to have a corporate seal.

Diana Powell Keery: But the corporation has to give permission.

Attorney Stowe: So a resolution.

Diana Powell Keery: Right a resolution by the corporation that gives them permission to ask for an application for a special permit to run a restaurant. In this case we don't even have the actual name of the corporation on the application. Nor do we have a resolution. I looked at the paperwork when I got here to see.

Attorney Stowe: We haven't made Abbott's do it or any other corporations.

Diana Powell Keery: This isn't the tenant this is the owner of the building which is a corporation. Normally we have the tenants asking for the permit. But in this case you have the corporation that owns the building asking for the permit. There is a liability that we take on that if there wasn't a resolution from the corporation to ask for this special permit then we are answerable to the shareholders.

Attorney Stowe: But the theory is the corporation would have to allow access to their building. They are getting a permit for the place to be operated in a certain fashion. Not for a certain person to operate it and if they don't allow access to the building then the permit sits there idle.

Diana Powell Keery: I would like to see a resolution from the corporation stating that they can come and ask for the special permit.

Steve Drexler: I did not know that was needed. We vote inside of ourselves and never had to bring this kind of stuff out.

Diana Powell Keery: You should know that as a corporation.

Discussion ensued regarding the corporation versus tenant applying.

Chairman Dole asked Attorney Stowe his recommendation.

Attorney Stowe: I don't see the difference between a corporation as the applicant versus the tenant. Whether it's the permission of the shareholders on behalf of the corporation that's the director's liability to the corporation or if someone is filing a fraudulent document that's between Ogden Police and the guy signing the document.

Diana Powell Keery: It is our responsibility to ask that question. To make the decisions on behalf of the corporation we need some sort of proof that they have actually decided that.

Dale Kellerson: I look at the building and I see four store fronts and three of them are occupied by business' that didn't need a special permit because they fit within the restrictions of that area. This is just something that didn't quite fit within the restrictions so they are asking for a special permit. So if other businesses were able to open under them I don't see why this one wouldn't either. The concern that Diana brought up about it being a different corporation then what's listed here is concerning. Not sure if that is something that is a show stopper.

Diana Powell Keery: Again, the corporation is asking for it so that they can get any tenant that they want to put in they can.

Daniel Statt: Are you telling me that this day in age with all the electronic e-mails that if they get the resolution and get it to you that you would make them wait a month to get the business going.

Attorney Stowe: New York State requires a public hearing and an open meeting that are published and convened once a month for this board. You can't vote via e-mail.

Daniel Statt: Can they bring it to you in person?

Attorney Stowe: This board has a meeting it has to be noticed and open to the public.

Dan Statt: Understand, out of your control.

Michael Flavin: I understand the whole thing. I honestly believe that they were unaware of the situation that they are in. This is corporate stuff but here again if the person making the pizza were here it would be a done deal. I understand the liability issue but it would be on them not the village.

Attorney Stowe: All you would have done is given them an additional use of the property which they may or may not elect to use. I don't see where the liability to shareholders comes in if we give them approval to do something then they choose not to do.

Michael Flavin: I am more concerned about how late are you going to stay open?

Steve Drexler: 10 p.m. at this point opening at 11 a.m.

Michael Flavin: Ok, see they are going to have bigger issues, parking, and traffic.

Mark Unvericht: I don't think they knew what was required when they are applying for it themselves as the owner. I get the operation that's fine. Paperwork that holds us accountable for things then yes then they need to get it right.

Attorney Stowe: I don't know what we are accountable for.

Diana Powell Keery: I believe I do. I am looking at it with my experience with corporate boards. It is fine, I have brought up my concerns they are out there. It is what the board is comfortable with.

Chairman Dole: I see your point but I also agree with Attorney Stowe whether it is a corporation or the actual tenant we are saying that store front can be a sit down restaurant.

Michael Flavin: Do you know how many tables and chairs they want to put in?

Steve Drexler: No, it will be based off of what they want in regards to spacing. We have to abide by fire code regardless based on occupancy.

Dale Kellerson: I know you have been doing some work on the building, is it capable of a pizza oven?

Steve Drexler: It will be. We have already been doing some work. We have to make it up to certain fire codes with the interior walls to make sure that if something were to happen the fire is not going to spread throughout the entire building. So we are making sure that everything is up to code inside.

Chairman Dole: I would have to say that we are going to have to table this for 30 days to the July 19th meeting.

Steve Drexler: Just to be clear that all we need for the next meeting is a corporate resolution and the application changed. It is just frustrating having to wait 30 days. If a tenant were here tonight it would be done.

Chairman Dole: Yes, but you are still subject to the vote.

Discussion ensued regarding tabling the application.

RESOLUTION
369/2018

The Village of Spencerport Zoning Board of Appeals in reviewing the application of Scott Corey, 131 Union Street, Spencerport NY 14559 for a special permit to operate a deli/pizza store located at same has tabled the application until the July 19, 2018 Zoning Board meeting, at the request of the applicant to allow the applicant time to re-submit a new application and a resolution from the Spencerport Masonic Temple indicating approval for this request.

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

Motion: Chairman Dole
Second: Diana Powell Keery

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

The application of Vincent Paolotto II, 27 Coolidge Avenue, Spencerport, New York, 14559, for a special permit and two (2) area variances to install approximately 194' privacy fence on the property lot line, on property located at same, whereas, a special permit from the Zoning Board of Appeals shall be required for a privacy fence; and whereas, any privacy fence shall not exceed a total length of 65 feet on one lot and shall not be nearer to the side line or rear line than the required setback, which on this property is 6.4', respectively pursuant to 340-32 A(4)(a), 340-32 A(4)(b) and 340-32 A(4)(b) in a Residential District.

Vince Paolotto: Looking to replace the ugly metal chain link fence and replace it with a nice wood fence. The reason for the height is I have a dog and he can jump the fence that is there and I don't want him to get hit by a car. So I would like to have a nice safe closed yard. I have New York State fence ready to go.

Dan Statts: The fence improvement is great. Our main concern is how close to the property line are you going to build that.

Vince Paolotto: I am just replacing the existing chain link fence. I am not sure the exact measurement but I have it drawn on the maps I submitted.

Dan Statts: The height of the fence is going six feet and it is going to be wood? Who will maintain the fence?

Vince Paolotto: Yes and I will maintain it the entire time I live there. New York State fence is hand building it.

Dorothy Green: Is it going to tie into the privacy fence that already exists? The maintenance of it will be done by?

Vince Paolotto: Yes and the fence is mine so the maintenance is all mine. I plan on staining it but if you would like it painted I will paint it whatever color you would like.

Dan Statts: That doesn't matter. Are only concern was the lot line and that we are looking at the right side.

Vince Paolotto: The big thing is to increase the property value.

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.

Attorney Stowe: Anything more than a foot will cause a title issue when you go to sell your property.

Dale Kellerson: Going along with that looking at the map it shows on the south side it quite a bit off the property line. By rights should he move it over?

Attorney Stowe: That one should be ok because it has independent access on its own property and it's not closed off.

RESOLUTION
371/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Vincent Paolotto II, 27 Coolidge Avenue, Spencerport, New York 14559 for a special permit to erect a privacy fence on property located at 27 Coolidge Avenue, Spencerport, New York 14559; and for an area variance to erect one hundred ninety-four (194') linear feet of privacy fence on property at 27 Coolidge, Spencerport, New York 14559; and for an area variance to install said privacy fence on the property boundary line at said property.

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

WHEREAS, an application for an area variance for a single-family residence is a Type II Action not requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Vincent Paolotto II, 27 Coolidge Avenue, Spencerport, New York 14559 for a special permit to erect a privacy fence on property at 27 Coolidge 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, Flavin, Kellerson, Powell Keery, Unvericht
Nays: None

RESOLUTION
372/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Vincent Paolotto II, 27 Coolidge Avenue, Spencerport, New York 14559 for a special permit to allow one hundred ninety-four (194') linear feet of privacy fence on property at 27 Coolidge Avenue, Spencerport, New York 14559 and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of June, 2018, 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 THERFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Vincent Paolotto II, 27 Coolidge Avenue, Spencerport, New York 14559 to allow one hundred ninety-four (194') linear feet of privacy fence on property at 27 Coolidge Avenue, Spencerport, New York 14559.

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

- _____;
- _____;
- _____;

Motion: Chairman Dole
Second: Dale Kellerson

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

RESOLUTION
373/2018

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Vincent Paolotto II, 27 Coolidge Avenue for an area variance at 27 Coolidge Avenue in the Village of Spencerport, to allow one hundred ninety-four (194') linear feet of privacy fence on said property, whereas said variance is required to construct more than sixty-five (65) linear feet of privacy fence on any lot; and for an area variance to allow said privacy fence to be installed on the property boundary line, whereas said privacy fence shall not be installed nearer to the property boundary line than the required setback, having considered, among other things:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variances;
3. Whether the requested area variances are substantial;
4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created

AND, the Zoning Board of Appeals of the Village of Spencerport makes the following findings of fact:

1. An undesirable change in the neighborhood will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variances because:
    iii. _____
    iv. _____
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variances because:
    i. _____
    ii. _____

3. The area variances are not substantial because:
    i. _____
    ii. _____
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:
    i. _____
    ii. _____
5. The alleged difficulty was self-created, however, the self-created difficulty is not a reason for the board to deny the variance.

The Zoning Board of Appeals further determines that the variances requested are the minimum variance necessary and adequate and preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

The Zoning Board of Appeals further determines that the following conditions/restrictions shall be placed on the variances:

i. _____
ii. _____

Said conditions/restrictions being consistent with the spirit and intent of the zoning local law and are being imposed for the purpose of minimizing any adverse impact said variance may have on the neighborhood or community.

The application for the area variance is hereby GRANTED.

Motion: Chairman Dole
Second: Michael Flavin

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

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Chairman Dole Seconded by Mark Unvericht carried to approve the May 17, 2018 minutes.
Vote of the Board:
Ayes: Dole, Flavin, Kellerson, Unvericht
Nays: None
Abstained: Powell Keery

Adjournment

Motion made by Mark Unvericht seconded by Diana Powell Keery and carried unanimously to adjourn the regular meeting to workshop at 7:56 pm.

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the workshop meeting at 8:07 pm.