Zoning Board of Appeals
Minutes
July 20, 2017

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
Carol Nellis-Ewell
Joan Quigley
Richard & Jacquelyn Lacroix
Jonathan Penna
Lori Stone
Jake Weidert

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Christopher Somers, 131 Maplewood Avenue, Spencerport, New York 14559, for two (2) area variances to construct a detached 30' X 46' X 17'9" high (1380 square feet) garage, on property located at same, whereas, the maximum size of a Class II structure shall be 1,000 square feet and the maximum height shall be 17 feet, respectively pursuant to Chapter 340-14 E and 340-14 I in a R1 Residential District.

Christopher Somers: I have a detached garage right now that I plan on taking down. I have already received a permit for the demo. The current garage is to small my wife's car doesn't even fit into it. So we are looking to expand I have my truck, her car, a jet ski and I would like to put a little woodshop towards the back of it. Doing wood in that basement of our house doesn't cut it because it is so old.

Dick Lacroix: I live at 107 Maplewood Avenue and I own the road that goes up to his house. They are welcome neighbors and we are all for 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.

Dale Kellerson: Just wondering I know that there are a lot of things you want to do. Did you do the drawing or did you have an architect come up with this?

Christopher Somers: The rendering I did.

Dale Kellerson: It is a fairly high percentage of variance and was wondering if that was intentional or if there was a way to make it a little bit smaller?

Christopher Somers: I have a big truck and that was why I wanted to go a little deeper. Looking at the tools and stuff I wanted to do in there. I was always told that you never have too much garage space.

Dale Kellerson: The height is why?

Christopher Somers: That was more of a visually pleasing thing. I chose a 6 and 12 pitch I didn't want a lower pitch because I didn't think it would look as nice for the area. Everyone's roofs are pretty fairly steep.

Dale Kellerson: The area you are pretty much secluded anyways.

Christopher Somers: I will be mostly tucked in behind you can barely see my garage now from the road.

RESOLUTION
336/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Christopher Somers for two area variances:

1. To allow a construction of a detached garage having a square footage of one thousand three hundred eighty (1,380) square feet;

2. To allow the height of said garage to be seventeen feet nine inches (17' 9") Both for a garage to be located at 131 Maplewood Avenue, Spencerport, New York 14559, Spencerport, New York 14559; and

WHEREAS, an application for this type of area variance is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and is subject to no further review; and,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of

Appeals declares that the application of Christopher Somers to allow construction of a detached garage having a square footage of one thousand three hundred eighty (1,380) square feet and a height of seventeen feet nine inches (17' 9"), to be located at 131 Maplewood Avenue, Spencerport, New York 14559 is a Type II Action and is therefore subject to no further review; and

Motion: Chairman Dole
Second: Diana Powell Keery

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

RESOLUTION
337/2017

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Christopher Somers, for an area variance at 131 Maplewood Avenue in the Village of Spencerport, to allow a detached garage of one thousand three hundred eighty (1,380) square feet, whereas said variance is required to construct a Class II structure larger than one thousand (1,000) square feet; and, for an area variance to allow said garage to be seventeen feet nine inches (17' 9") in height, whereas the maximum permitted height shall be seventeen (17) feet, 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 variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance 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/will not be produced in the character of the neighborhood or a detriment to nearby properties will/will not be created by granting the area variance because:

   i. _____

   ii. _____

2. The benefit sought by the applicant can/cannot be achieved by some method, feasible for the applicant to pursue other than area variance because:

   i. _____

   ii. _____

3. The area variance is not substantial because:

   i. _____

   ii. _____

4. The proposed variance will/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 variance 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 variance:

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 Jacob Weidert, 50 Chestnut Street #807, Rochester, New York 14604 for a Special Permit for the conversion of a single-family residence to a two-family residence at 271 S. Union Street, Spencerport, New York 14559; whereas; in R-2 districts only, 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 Residential R-2 District.

Jacob Weidert: I am buying the house to rehab it a little bit and it was I was originally a single house with three rooms upstairs and it looks like they added on an in-law apartment to it. So it kind of makes sense to me to block off the wall space. Put in a kitchen and allow it to be an in-law. It is right next door to the veterans home, across the street is another three-family and it looks like it is in a section of town

Jacob Weidert continued: that is very much multi-unit properties. There would be no changes to the outside structure. There are already separate entrances. The only basically put in another kitchen, another exit and a wall to split the house up. I would be staying in the other half. I would be an owner occupant for the foreseeable future.

Chairman Dole: Do you have any other rental properties?

Jacob Weidert: No.

Chairman Dole: Before we get too far into this we need a short form Environmental Assessment form filled out before we can make any decision on this. So we are going to leave the public portion of this open. Then next month hopefully you will have that form filled out and back to Building Inspector Patrick Smith. But there will be no decision tonight.

Jacob Weidert: Ok.

Lori Stone: I live at 290 S. Union Street and I am actually opposed to the conversion of this to a 2 unit dwelling. I think this street is becoming overrun with rental properties. It is changing the fabric of the main street. If we continue to let all these homes become multi-unit dwellings we are no longer going to have a main street that looks like something special. We are going to have a main street that looks like a lot of run down rental units. That is my opinion. He is correct that there are other multi-unit homes in that area. Those have been multi-unit homes some of them for many, many years. They were probably turned into multi-unit homes before Spencerport had other apartment facilities that were available for rent. My other problem with turning single family homes into multi-unit homes is very often that once that happens those homes are never ever again converted back to single family homes. So the more homes on that main street that you continue to allow to become multi-unit dwellings those are very likely forever and while I am happy that he intends to be an owner occupant because I think a large problem in the village is that some of these properties that are not owner occupied are being allowed to get totally run down. We don't know how long he will stay there it could easily flip to become non owner occupied unit.

John Penna: I also live a 290 S. Union Street. I am also opposed to it. This is not an overall criticism of landlords because the village is blessed with a lot of good landlords. But there are a lot of landlords that do not maintain their property and I think that is very evident if you travel around the village and you can tell all those properties that are non-owner occupied. So it concerns me when we see a single family home that's converted to a two family. As my wife indicated it is irreversible, generally you don't see these homes being converted back. Something else to consider here is that these are older homes and they need a lot of work and rental property is an investment business and you maximize your rents you minimize your expenses. That is how you make money. With these homes they need all this work from an economic stand point if you need to make money you are going to cut cost, cut your expenses and the quality of property and the aesthetics goes south. So I am generally opposed and the other thing to consider here has been a lot of multi-family put up developed already. But with every creation of a new unit you are adding new families to the village. We have issues with the school district with canal view being at capacity. That is pretty well documented. With every new household added to the village you have additional burdens on our volunteer fire department service our ambulance and our

John Penna continued: police. I am not looking to blow this out of proportion as this is one unit but just as an overall concern. Every unit is added to the village you have to look at those types of things. I do oppose it for those reasons. We need to preserve the character of the village we have on Union Street. When you turn a single into a double in my concern is it is going to erode the good aesthetic that we have right now. The doubles and triples that we have on Union Street they have been there for a very long time. Those are my comments and I appreciate the board taking a careful look at it.

Jacob Weidert: I think there is several assumptions in that argument which are a little biased that landlords don't take care of their property and that they are somehow eroding the fabric of main street. This house has not been taken care of since 2008 and having money come into it. As a business owner I take care of my things. I don't think it's about minimizing costs and maximizing profits. I think that there is a lot more to it. There is a lot more to how you take care of a community and how you respect your neighbors and the way you fit into it. Is there a possibility that somebody else buys it someday and it goes down. Maybe but there is always that possibility, there is possibility that anyone who buys this house after me and doesn't take care of it and ruins the fabric of main street. But that's not what we are looking at right now. I think that this house is an ideal candidate. The only thing that needs to be done to make this house a two family is to put up a wall and put a kitchen in. It is very easy to reverse. This is not big architectural changes it is a very simply conversion and the entire side of it would be electric. So taking appliances out and removing the kitchen very simply to do. So it is not like we are reconstructing the house. I understand the concerns. I think Spencerport is a very nice town. I also think that there is a lot of young families out there that don't want mow their yard anymore or plow, shovel. It could be a good place for them too.

Joan Quigley: Will there be adequate parking?

Jacob Weidert: Yes, there is a two and half car garage. The driveway wraps around, it is twenty feet wide and you can actually park three cars one side with the turn around, two extra spot and the garage. The house is next door to the Veterans home. My property actually goes about ten feet into the Veterans home they actually taken several spots of the parking and we are just letting them have that.

John Penna: I am familiar with the Veterans home and I think that there is a question as to whether you own that ten foot strip.

Chairman Dole: We are not going to get into that here.

Jacob Weidert: It is a survey issue. But I have no issue with them having it regardless of who owns it.

Chairman Dole at this time offered the following resolution to table the Public Hearing.

RESOLUTION
338/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Jacob Weidert, 50 Chestnut Street, #807, Rochester, New York 14604 for a special permit to convert a single-family residence to a two-family residence at 271 South Union Street, Spencerport, New York 14559 has tabled this application until the next meeting to allow time for the applicant to complete the SEQRA Short Form Environmental Assessment Form.

Furthermore, the SEQRA Short Environment Assessment Form is required prior to the board making any decisions.

Motion: Chairman Dole
Second: Mark Unvericht

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 Michael Flavin Seconded by Diana Powell Keery carried unanimously to approve the June 15, 2017 minutes.

Adjournment

Motion made by Michael Flavin seconded by Diana Powell Keery and carried unanimously to adjourn the meeting at 7:17 pm.