Zoning Board of Appeals
Minutes
August 15, 2019

Present **Absent**

Chairman Dole

Dale Kellerson
Mark Unvericht

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Code Enforcement Officer Rich McQuilkin
Bud Moran
Bill Ewsuk
Carol Nellis-Ewell
Bob Garlick
Ted Makowski

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of William Ewsuk, 233 Hilltop Lane, Spencerport, New York 14559, for a special permit to allow two (2) ancillary vehicles on property located at same, whereas, a maximum of one (1) ancillary vehicle may be stored outside on any residential parcel, and whereas, this may be permitted when a special permit is granted by the Zoning Board of Appeals, pursuant to Chapter 318-4 (E) in a Residential District.

Chairman Dole: The camper is it yours and is it parked there 12 months a year?

Bill Ewsuk: Yes, it is, it is the other trailer that I want to get a variance for. The company I work for I put all my equipment in that trailer, and it is with me 24/7 because I am on call. It is not there all year round. In the wintertime when I am not working it goes away.

Chairman Dole: So, it is just there Spring, Summer and part of fall.

Bill Ewsuk: From April to December usually.

Bud Moran: I live at 76 Hawthorne Drive. I guess I am looking for the definition of the code for the purpose of limiting the number of vehicles on the property that this variance is referring too. So, the

code was put there for a purpose and I didn't hear an explanation that requires him to have the variance other than it is a convenience for his job. I don't see a hardship stated.

Attorney Stowe stated that it is not a variance it is a special permit the way the code is written. So, it is not based on a hardship that a traditional variance would be.

Bud Moran: I am not opposed to him having it. But quite honestly you go through the village and there is an awful lot of visual pollution by all the vehicles parked on people's properties. This has nothing to do with him or the committee here. I can drive down to my address from Spencerport Road and there are seven recreational vehicles parked on people's properties. One property had three vehicles parked on the front lawn. Up until today they had a trailer in the driveway and now the trailer is gone but the vehicles are still parked on the front lawn. It is a visual pollution to the village, and I think we need to tighten our standards so that the village is more appealing for people who want to reside in the village.

Ted Makowski: I just wonder if seventeen people wanted to do this. If he is allowed to do this are the rest going to be allowed.

Chairman Dole: Each permit is looked at individually. Have there been special permit granted for a second ancillary vehicle, yes. It takes the neighborhood, the size of the lot, the conditions of what they are trying to do. Is it a boat, or a camper. There is a limit on the length of a recreational vehicle.

Ted Makowski: What is the stipulation on where it can be parked or stored? Does it need to be on the driveway?

Code Enforcement Officer: Anything in front of the structure (the house) has to be in the driveway.
Chairman Dole: If you can get behind your house and store it behind your house.

Chairman Dole: If you can be to the back of your house and store it behind.

Ted Makowski: I don't want one. I agree with the gentleman that just spoke before there is a lot of stuff. This village has gone way down. I have been here twenty-five years in Village Walk Circle it has gotten real bad. Drive around the village and see what you see. Where you park them on the lawn. Why is this stuff allowed? Is stuff inspected and looked at.

Code Enforcement Officer: There is nothing restricting them from parking in their lawn. You can't store in your lawn, but you can park in your lawn. This has been an ongoing thing for several years prior to me.

Bud Moran: What can we do to get it addressed going forward?

Chairman Dole: You would have to take that up with the Village Board.

Carol Nellis- Ewell: I am the Deputy Mayor and I do serve on the Village Board. There is privilege of the floor before each of our meetings. So, you are welcome to come in and state your information so that

Carol Nellis-Ewell continued: we know. The code review does meet and take that under consideration. It is the first Wednesday of every month at 7pm.

At this time Chairman Dole closed the Public Hearing.

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

Dale Kellerson: Looking at the Law itself it talks about how to hide or at least change the visibility so that you can't see other pieces of equipment. I believe that we have had one other special permit requested since this law was changed back in 2016. I know we had one up on Sableridge. He hid the camping trailer in the back of his yard with shrubs. So that did come right after the law was passed. So, we are asking that people try to minimize that visibility of the vehicle by considering the location of the vehicle with screening. That is in the law itself. I know your house is the first house on the street and right on the corner. It is very visible. With the neighbors on your street we have four separate letters asking that we don't approve this. The other thing I know that we talked about is that the trailer is a work vehicle. It is also your work truck.

Bill Ewsuk: The truck and trailer are both mine. But in the trailer is all the tools. It is a big dollar value of tools and I can't just leave them someplace else.

Dale Kellerson: Your plan is that you come home at night and back the truck and trailer in your driveway next to your camper. Do you have other cars and where do you park them?

Bill Ewsuk: The car parks right in front of the camper. The truck and trailer are always hooked up 24/7 except on the weekend.

Dale Kellerson: I know parking on the lawn is not going to be an issue. The concern is the trailer and the truck, and you mentioned that it is there most of the time during the evening and weekends. So, the rest of your neighbors are seeing that vehicle and trailer there. There is a lot of things out there that in my mind has a cause for concern. I understand the neighbor's concerns around that.

Bill Ewsuk: Let me ask you this there are no signs that says I can't park on the street. So, I can truck and trailer and park it out in the street without having to do anything.

Code Enforcement Officer McQuilkin stated that there is a four-hour time limit all village streets I just need to find it in the code.

Bill Ewsuk: So, you say there is no law about parking on the lawn.

Code Enforcement Officer: You can't park a trailer on the lawn in the front setback.

Dale Kellerson: Where do you have it parked now that you don't have it in your yard? You must have it in an offsite location.

Bill Ewsuk: Yes, I do.

Mark Unvericht: Could you park it in the garage?

Bill Ewsuk: You can't get anything in the garage. I have all my father's tools in there, and I can barely move in there.

Ted Makowski: Before you grant these things, is there a walk around to look at the current property that this is going to go on.?

Chairman Dole: We will go by ourselves or two at the most have gone to very property and visit from the time we get our information and meeting we have time to go and walk around.

Chairman Dole: Now you have known about the law for a special permit that you needed for the two ancillary vehicles? Have you known about since 2015?

Bill Ewsuk: Yes and I am not sure I would have to look at the paperwork and see.

Code Enforcement Officer McQuilkin: As far as the parking your ancillary vehicle in the road there is a 24-hour restriction in our code. However, going back to the Vehicle and Traffic the four-hour limit falls into place.

Chairman Dole: In the wintertime do you take and wrap your camper with the blue tarp and everything?

Bill Eswuk: Yes.

Chairman Dole: But your utility Trailer is stored?

Bill Ewsuk: Yes. Is there a problem with wrapping the camper?

Chairman Dole: I'm just looking at when you turn onto your street what am I going to see. I see a big blue Christmas present.

Code Enforcement Officer McQuilkin: The four-hour time limit is in the Village Code 310.22B "There shall be a maximum fours' parking on any Village streets unless otherwise posted."

Chairman Dole ask Code Enforcement Officer McQuilkin if he has anything else to add.

Code Enforcement Officer McQuilkin: I have already provided you with the history and the reason why this all came about. Since I have been Code Enforcement Officer in 2015 every year, I have sent Mr. Ewsuk and letter for a trailer and he was good about moving it once I sent the letter. This year triggered it when he had three trailers in the yard. He had a pop-up camper in the front yard, the motorhome plus the work trailer. It just came to a point where I have to do something. That is when I wrote the appearance ticket. We actually went to court and the judge had us talk between ourselves to try to come to answer to this.

Mr. Ewsuk decided to go for a special permit to see if he could get the clearance for the second ancillary vehicle.

Attorney Stowe: Just to reference the four letters that were received all in opposition as I saw it. Whatever decision you come to should reference in addition to the public hearing there were consideration of these items as well.

Chairman Dole: Quite frankly I think the lot itself is a little on the small side to have that camper there 12 months a year. It's the first house you see as you drive down the street to turn into Hilltop Lane. I think it is kind of a crowded area with the other cars. I am not a hundred percent sure that is going to be a good fit for two trailers in that area. You own both the trailers and one vehicle is parked on the driveway. Before we vote I am going to give you Bill the option of letting us go ahead and vote or if you would like to postpone it another month till we have a bigger board. Right now, you know that all three of us need to agree in order for the special permit to pass. It can't be two out of three. If you want to postpone it we will entertain that but if you want us to vote we will. I will leave that up to you.

Bill Ewsuk: I understand what you are saying. It's these last-minute things that come up like this. I wish I would have known it was going to be like this here we would have held off on this hearing for today. I have to deal with getting back to court here.

Chairman Dole: I know you have to go back to court Monday, but I think if Rich went back to the judge and said that the board postponed it for a month because we were short a member.

Code Enforcement Officer McQuilkin: That is not a problem.

Bill Ewsuk: Ok, then we will delay it then at my request we will postpone it then to next month to get more members here.

RESOLUTION
424/2019

The Village of Spencerport Zoning Board of Appeals in reviewing the application from William Ewsuk for a special permit to allow a second ancillary vehicle to be parked on property at 233 Hilltop Lane, Spencerport, New York 14559 has tabled the application until September 19, 2019;

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

Motion: Chairman Dole
Second: Dale Kellerson

Vote of the Board:
Ayes: Dole, Kellerson, 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 unanimously to approve the June 20, 2019 minutes.

Adjournment

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the regular meeting at 7:25 pm.