Zoning Board of Appeals
Minutes
August 20, 2015

Present

Chairman John Dole
Michael Flavin
Dale Kellerson
Mark Unvericht

Absent

Diana Powell Keery

Also Present

Building Inspector Patrick Smith
Code Enforcement Officer Richard McQuilkin
Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Carol Nellis Ewell
James West
Al Hindman
Joan Quigley
Scott Clyde

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of James West, 97 Coolidge Avenue, Spencerport, New York 14559, for a special permit to allow a second ancillary vehicle parked on property located at same, whereas a maximum of one ancillary vehicle may be stored outside on any residential parcel, pursuant to Chapter 340, Article IX, Section 4(E)and an area variance to allow this ancillary vehicle to be parked in the side setback, whereas an ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4 D (1) in a Residential District.

Mr. West stated that he has a 30ft. X 7 ft. trailer. It does not bother my neighbors.

Chairman Dole: We do see that one neighbor wrote a letter. Will this be just the one trailer then?

Mr. West: Yes.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith, Code Enforcement Officer McQuilkin and Attorney Stowe if they have any comments.

Code Enforcement Officer McQuilkin asked Mr. West if you would be getting rid of the third trailer.

Mr. West: Yes it is my son's trailer.

Chairman Dole asked the board if they have any comments.

Dale Kellerson stated that is good to have your neighbor write something, especially because it is on his side.

Code Enforcement McQuilkin asked if we are going to set a time frame to have the third trailer removed.

Attorney Stowe stated that you can condition the permit on the removal of the third trailer in a certain number of days.

Michael Flavin asked Mr. West how long do you think it will take for you to remove it.

Mr. West: Probably four days.

Mark Unvericht suggested ten days.

Resolution No 260 — Introduced by Chairman Dole
August 20, 2015 — Seconded by Mark Unvericht

Resolved, that the Zoning Board of Appeals of the Village of Spencerport declares the application of James West, for a Special Permit to allow a second ancillary vehicle parked on property located at 97 Coolidge Avenue in the Village of Spencerport, Is an Unlisted Action pursuant to the New York State Environmental Quality Review Act, and based upon the EAF and the information obtained at the public hearing, issues a Negative Declaration requiring no further action.

VOTE OF THE BOARD:

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

Resolution No 261 — Introduced by Chairman Dole
August 20, 2015 — Seconded by Michael Flavin

Resolved, that the application of James West, 97 Coolidge Avenue, Spencerport, New York 14559 for a special permit to allow a second ancillary vehicle parked on property located at same, whereas a maximum of one ancillary vehicle may be stored outside on any residential parcel, pursuant to Chapter 340, Article IX, Section 4(E) be approved with the following conditions:

1. The third ancillary vehicle to be removed within ten days.
2. Permit is granted for 5 years expiring August 20, 2020.

VOTE OF THE BOARD:

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

Resolution No 262
August 20, 2015

Introduced by Chairman Dole
Seconded by Michel Flavin

Resolved that the application of James West for an area variance at 97 Coolidge Avenue in the Village of Spencerport to allow one ancillary vehicle to be parked in the side setback, whereas an ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4(d)(1) in a residential district, is a Type II action under the New York State Quality Review Act and requires no further action.

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

Resolution No 263
August 20, 2015

Introduced by Chairman Dole
Seconded by Michel Flavin

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of James West for an area variance at 97 Coolidge Avenue in the Village of Spencerport, to allow one ancillary vehicle to be parked in the side setback, whereas an ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4 D (1) in a Residential District 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 not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variance.
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variance
3. The area variance is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty was self-created. However, the fact that the difficulty is self-created is only an issue for consideration and is not solely dispositive in the application.

The application for the area variance is hereby GRANTED.

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

Next of the agenda is the application of James & Jaqueline Lobene, 89 Harwood Road, Spencerport, New York 14559, for a special permit to allow a second ancillary vehicle parked on property located at same, whereas, a maximum of one ancillary vehicle may be stored outside on any residential parcel, pursuant to Chapter 340, Article IX, Section 4(E) and an area variance to allow this ancillary vehicle to be parked in the side setback, whereas and ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4 D (1) in a Residential District.

At this time the applicant is not present and the board is unable to offer a decision without applicant being present therefore the following resolution is offered.

Resolution No 264 — Introduced by Michael Flavin
August 20, 2015 — Seconded by Mark Unvericht

Resolved that the application of James & Jaqueline Lobene, 89 Harwood Road, Spencerport, New York 14559, for a special permit to allow a second ancillary vehicle parked on property located at same, whereas, a maximum of one ancillary vehicle may be stored outside on any residential parcel, pursuant to Chapter 340, Article IX, Section 4(E) and an area variance to allow this ancillary vehicle to be parked in the side setback, whereas and ancillary vehicle cannot be stored within the side setback, pursuant to Chapter 340, Article IX, Section 4 D (1) in a Residential District be tabled until which time the applicant can be present.

VOTE OF THE BOARD:

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

Next of the agenda is the application of Alfred Hindman, 3054 Brockport Road, Spencerport, New York 14559, for a special permit for an existing privacy fence, 11 feet in length and six feet high, on property located as same, whereas, a special permit from the Zoning Board of Appeals shall be required for a privacy fence, pursuant to Chapter 342-32 A (4)(a) in a Residential District.

Mr. Hindman stated that you should all have pictures of the privacy fence. It does already exist. Building Inspector Smith brought it to my attention that I need a permit for it.

Chairmen Dole asked how long the fence has been up.

Mr. Hindman: May be a year. We have only been in the house two and a half. Its pressure treated wood.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith, Code Enforcement Officer McQuilkin and Attorney Stowe if they have any comments.

Building Inspector Smith stated that how we caught this is that he came in for a sunroom addition and when we visited that house we noticed he didn't have a special permit for this.

Chairman Dole asked the board if they have any comments.

Dale Kellerson stated that the fence looks like it is in the boundaries of the house and it is not that long so I have no issue.

Resolution No 265 — Introduced by Chairman Dole
August 20, 2015 — Seconded by Michael Flavin

Resolved, that the Zoning Board of Appeals of the Village of Spencerport declares the application of Alfred Hindman, for a special permit for an existing privacy fence, 11 feet in length and six feet high, located at 3054 Brockport Road, Spencerport, New York 14559. Is an Unlisted Action pursuant to the New York State Environmental Quality Review Act and issues a Negative Declaration requiring no further action.

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

Resolution No 266 — Introduced by Chairman Dole
August 20, 2015 — Seconded by Dale Kellerson

Resolved, that the application of Alfred Hindman, 3054 Brockport Road, Spencerport, New York 14559, for a special permit for an existing privacy fence, 11 feet in length and six feet high, on property located

at same pursuant to Chapter 342-32 A (4)(a) in a Residential District be approved with the following condition:

1. That the application gets a building permit and C of O for fence.

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

Unfinished Business

Nothing requiring Board action.

Approval of Minutes

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the June 18, 2015 minutes as written.

Adjournment

Motion made by Michael Flavin seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:19 pm.