Zoning Board of Appeals
Minutes
September 17, 2015

Present	**Absent**
Michael Flavin	Chairman John Dole
Dale Kellerson	
Diana Powell Keery	
Mark Unvericht	

Also Present

Building Inspector Patrick Smith
Zoning Board Attorney Eric Stowe
Administrative Assistant Donna Stassen
Carol Nellis Ewell
Jim Lobene
Rick Chick

Diana Powell Keery led the Pledge of Allegiance.

Public Hearing

The application of Ricky J. Chick, 63 Sableridge Ct., 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 two (2) area variances to allow both ancillary vehicles 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.

At this time Rick Chick stated his case for the special permit and variance.

At this time Diana Powell Keery closed the Public Hearing.

Diana Powell Keery then asked Building Inspector Smith, Attorney Stowe and the board if they have any comments.

Dale Kellerson stated that he didn't have any issues and that the applicant has the vehicles neatly parked out of view.

Resolution No 267/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Ricky J. Chick for a special permit to allow a second ancillary vehicle to be parked on property at 63 Sableridge Court, Spencerport, New York 14559, and

WHEREAS, the application for a special permit is an unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 17th day of September, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has considered the short environment assessment form and the evidence obtained from the public hearing,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby conclude that the application of Ricky J. Chick will have no negative environmental impacts and does hereby issue a negative declaration pursuant to SEQRA.

BE IT FURTHER RESOLVED that the Chairman of the Village of Spencerport Zoning Board of Appeals is directed to sign Part III of the short environmental assessment form confirming this negative declaration.

Motion: Diana Powell Keery

Second: Dale Kellerson

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 268/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Ricky J. Chick for an area variance to allow a second ancillary vehicle to be parked in the side/rear setback on property at 63 Sableridge Court, Spencerport, New York 14559, and

WHEREAS, an application for an 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

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Ricky J. Chick for an area variance to allow a second ancillary vehicle to be parked in the side/rear setback on property at 63 Sableridge Court, Spencerport, New York 14559 is a Type II Action and is therefore subject to no further review.

Motion: Diana Powell Keery

Second: Michael Flavin

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 269/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Ricky J. Chick for an area variance to allow a second ancillary vehicle to be parked in the side/rear setback on property at 63 Sableridge Court, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 17th day of September, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has previously declared this action to be a Type II Action pursuant to the New York State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED, that regarding the application of Ricky J. Chick for an area variance at 63 Sableridge Court to allow for a second ancillary vehicle to be parked in the side/rear setback of said property, the Village of Spencerport Zoning Board of Appeals has 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 Zoning Board of Appeals further determines that the variance requested is 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

BE IT FURTHER RESOLVED, that based upon the foregoing the application for an area variance is GRANTED.

Motion: Diana Powell Keery

Second: Mark Unvericht

VOTE OF THE BOARD:
Ayes: Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 270/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Ricky J. Chick for a special permit to allow a second ancillary vehicle to be parked on property at 63 Sableridge Court, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 17th day of September, 2015, 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 THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Ricky J. Chick for a special permit to allow a second ancillary vehicle to be parked on property at 63 Sableridge Court, Spencerport, New York 14559

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

- This Special Permit shall expire five (5) years from today's date.

Motion: Diana Powell Keery

Second: Dale Kellerson

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht

Nays: none

Unfinished Business

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. This application was tabled last month.

At this time Jim Lobene stated his case for the special permit and variance.

Diana Powell Keery then asked Building Inspector Smith, Attorney Stowe and the board if they have any comments.

No comments.

Resolution No 271/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James & Jacqueline Lobene for a special permit to allow a second ancillary vehicle to be parked on property at 89 Harwood Road, Spencerport, New York 14559, and

WHEREAS, the application for a special permit is an unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 17th day of September, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has considered the short environment assessment form and the evidence obtained from the public hearing,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby conclude that the application of James & Jacqueline Lobene will have no negative environmental impacts and does hereby issue a negative declaration pursuant to SEQRA.

BE IT FURTHER RESOLVED that the Chairman of the Village of Spencerport Zoning Board of Appeals is directed to sign Part III of the short environmental assessment form confirming this negative declaration.

Motion: Diana Powell Keery

Second: Mark Unvericht

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 272/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James & Jacqueline Lobene for an area variance to allow a second ancillary vehicle to be parked in the side/rear setback on property at 89 Harwood Road, Spencerport, New York 14559, and

WHEREAS, an application for an 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

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of James & Jacqueline Lobene for an area variance to allow a second ancillary vehicle to be parked in the side/rear setback on property at 89 Harwood Road Spencerport, New York 14559 is a Type II Action and is therefore subject to no further review.

Motion: Diana Powell Keery

Second: Dale Kellerson

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 273/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James & Jacqueline Lobene for an area variance to allow a second ancillary vehicle to be parked in the side/rear setback on property at 89 Harwood Road, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a meeting held on this 17th day of September, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has previously declared this action to be a Type II Action pursuant to the New York State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED, that regarding the application of James & Jacqueline Lobene for an area variance at 89 Harwood Road to allow for a second ancillary vehicle to be parked in the side/rear setback of said property, the Village of Spencerport Zoning Board of Appeals has 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 Zoning Board of Appeals further determines that the variance requested is 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

BE IT FURTHER RESOLVED, that based upon the foregoing the application for an area variance is GRANTED.

Motion: Diana Powell Keery

Second: Mark Unvericht

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 274/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James & Jacqueline Lobene for a special permit to allow a second ancillary vehicle to be parked on property at 89 Harwood Road, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a meeting held on this 17th day of September, 2015, 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 THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to James & Jacqueline Lobene for a special permit to allow a second ancillary vehicle to be parked on property at 89 Harwood Road, Spencerport, New York 14559

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

- This Special Permit shall expire five (5) years from today's date.

Motion: Diana Powell Keery

Second: Mark Unvericht

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht

Nays: none

New Business

Next of the agenda is the renewal for Major Home Occupation of Karen O'Keen- Red Carpet Salon, 25 Village Trail.

Resolution 275/2015

Resolved, that the request to renew the application of Karen O'Keen for a major home occupation to operate a beauty salon located at25 Village Trail, Spencerport for a term of five (5) years expiring on September 17, 2020. Renewal is pursuant to Chapter 340-49-A of the village code and conditional upon the following considerations and conditions.

- An inspection of your business was conducted and no violations were found.
- No complaints.
- Days of operation not to exceed four days per week.
- Hours not to exceed 5:00 p.m.
- No more than two chairs permitted.
- Any exterior signage to be professionally made to code and non-illuminated.

Motion: Mark Unvericht

Second: Diana Powell Keery

VOTE OF THE BOARD:

Ayes: Flavin, Kellerson, Powell Keery, Unvericht

Nays: none

Approval of Minutes

Motion made by Mark Unvericht seconded by Dale Kellerson and carried unanimously to approve the August 20, 2015 minutes as written.

Adjournment

Motion made by Michael Flavin seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:15 pm.