Zoning Board of Appeals
Minutes
September 20, 2018

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

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Building Inspector Patrick Smith
Dino Christanis
Kelli & Jim Erbland
Carol Nellis-Ewell
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Kelli Erbland, 86 Mill Street, Spencerport, NY 14559, for a special permit and one (1) area variance to install approximately 58' of privacy fence with a setback of between 14' and 0', 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 be nearer than the required side lot line setback, which for this property is 4.9', respectively pursuant to 340-32 A (4)(a), 340-32 A (4)(b) in a Residential District.

Kelli Erbland- The privacy fence is really to reduce the noise volume coming from Union Street. We are also getting a dog in the next couple months. The fence in general is for protection of the dog and keeping him out of the road.

Chairman Dole: What kind of fence is it going to be.

Kelli Erbland: On the westside of the property it is going to be a six-foot privacy vinyl and the rest is going to be 4 foot galvanized chain link.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith and the board if they have any comments.

Michael Flavin: Are you going to have the fence installed?

Kelli Erbland: Yes, we are still getting quotes on it.

RESOLUTION
386/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Kelli Erbland, 86 Mill Street, Spencerport, New York 14559 for a special permit to erect a privacy fence on property at 86 Mill Street, Spencerport, New York 14559; and for an area variance to install a 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 Kelli Erbland, 86 Mill Street, Spencerport, New York 14559 for a special permit to erect a privacy fence on property at 86 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, Powell Keery, Unvericht
Nays: None

RESOLUTION
387/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Kelli Erbland, 86 Mill Street Spencerport, New York 14559 for a special permit to allow

the installation of privacy fence on property located at 86 Mill Street, Spencerport, New York 14559 and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 20th day of September, 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 THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Kelli Erbland, 86 Mill Street, Spencerport, New York 14559 to allow the installation of privacy fence on property located at 86 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, Powell Kerry, Unvericht
Nays: None

RESOLUTION
388/2018

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Kelli Erbland, 86 Mill Street, Spencerport, New York 14559, for an area variance at 86 Mill Street in the Village of Spencerport, to allow a privacy fence to be installed 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 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 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 variances may have on the neighborhood or community.

The application for the area variances is hereby GRANTED.

Motion: Chairman Dole
Second: Mark Unvericht

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

The application of Dino Christanis, 26 Coventry Drive, Spencerport, NY 14559, for an area variance to construct 256 linear feet of 5' high chain link fence on property located at same, whereas, any fence in a residential district shall not exceed four feet in height if erected behind the front plane of the house, pursuant to 340-32 A (1) in an R-1 Residential District.

Dino Chirstanis: It is a two-fold reason. First, we have a child on the autism spectrum, he is 12 years old and has been prone to wander. In order to keep him safe and keep an eye on him we have to do something. The second reason is we got a puppy and she is a german sheppard. So, we are going to keep him contained with her. I didn't want to do an electric fence. There would be to many distractions coming in and she probably blow through it if she saw a squirrel or deer. It is one foot higher than what the code allows. It is not your traditional chain link it is going to be vinyl coated.

Joan Quigley: What color?

Dino Christanis: Black.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith and the board if they have any comments.

RESOLUTION
389/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Dino Christanis, 26 Coventry Drive, Spencerport, New York 14559 for an area variance to install a five foot (5') tall fence behind the front plane of the house at said property.

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 Dino Christanis, 26 Coventry Drive, Spencerport, New York 14559 for an area variance to install a five foot (5') tall fence behind the front plane of the house at said property, is a Type II Action and will have no significant environmental impact and issues a Negative Declaration.

Motion: Chairman Dole
Second: Michael Flavin

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

RESOLUTION
390/2018

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Dino Christanis, 26 Coventry Drive, Spencerport, New York 14559, for an area variance at 26 Coventry Drive in the Village of Spencerport, to allow two hundred fifty-six (256) linear feet of five foot high chain link fence on said property, whereas said variance is required to construct a fence taller than four feet (4') on any lot behind the front plane of the house, 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 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 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 variances may have on the neighborhood or community.

The application for the area variances is hereby GRANTED.

Motion: Chairman Dole
Second: Diana Powell Kerry

Vote of the Board:
Ayes: Dole, Flavin, Powell Kerry, 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 August 16, 2018 minutes.

Adjournment

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to adjourn the regular meeting at 7:12 pm.