Zoning Board of Appeals
Minutes
September 21, 2017

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

Also Present

Zoning Board Attorney Eric Stowe
Administrative Assistant Donna Stassen
Building Inspector Patrick Smith
Carol Nellis-Ewell
Jacob Weidert
Marie Bieber
Janet Plucknette
Marty Hill

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of John & Janet Plucknette represented by Marty Hill of A Best Construction for property at 32 Ballard Avenue, Spencerport, New York 14559, for an area variance to construct a new garage with a peak height of 21', whereas, the maximum height of Class II structures shall be 17 feet, pursuant to 340-14 I. This is in a R-2 Residential District.

Janet Plucknette: What happen was the two and a half story carriage house there before and it was actually 22 and half feet tall and the 80 mile and hour wind storm knocked it to a point where we couldn't get the garage door open so we had to demolish it so we are just rebuilding. It's not a tall as what was there but it is going two car wide and one and half deep so that we have the same amount of space that we had if we had the two stories again and the storage truss will give us space that we wanted. The height is to give us the space that we are losing because before it was two and a half feet full stories. Now we just have a storage truss. We are losing a lot of room. We have to put a garage back up.

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.

Mark Unvericht: No questions, from the design it will fit well with everything that's there and is replacing something that is similar.

Diana Powell Kerry: I wondered about the height but it looks beautiful.

Building Inspector Smith: I have no issues actually it is shorter than the old one but she still had to get a variance because it is taller than the old one. They decided to move it farther from where the old one sat otherwise they would have to get a second variance.

RESOLUTION
346/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from John & Janet Plucknette for an area variance to allow a construction of a new garage with a peak height of twenty-one (21) feet on property located at 32 Ballard Avenue, whereas the maximum height of said garage shall be seventeen (17) feet.

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 John & Janet Plucknette for an area variance to allow the construction of a new garage with a peak height of twenty-one (21) feet on property located at 32 Ballard Avenue, Spencerport, New York 14559 is a Type II Action and is therefore subject to no further review; and

Motion: Chairman Dole
Second: Mark Unvericht

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

RESOLUTION
347/2017

The Village of Spencerport Zoning Board of Appeals, in reviewing the application

of John & Janet Plucknette, for an area variance for property located at 32 Ballard Avenue in the Village of Spencerport, to allow a new garage to be constructed on the same property with a peak height of twenty-one (21) feet, 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 not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variance 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 variance because:
   i. _____
   ii. _____

3. The area variance is not substantial because:

   i. _____

   ii. _____

4. The proposed variance 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: Diana Powell Keery

Ayes: Dole, Powell Keery, Unvericht
Nays: None

Unfinished Business

Jacob Weidert- 271 S. Union Street.

Chairman Dole made a motion, Seconded by Mark Unvericht carried unanimously to un-table the hearing for 217 S. Union Street, Spencerport, New York, 14559.

Chairman Dole asked Mr. Weidert if there were any changes to the application.

Attorney Stowe: Did you close and you are officially the owner.

Mr. Weidert: Yes, we were supposed to close before the last meeting but the bank had some problems but we have closed now. I don't know if you have seen but have done some work on the front steps and a few months to get a house back together to its former glory.

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.

Attorney Stowe: No issues from a legal perspective. What we are doing is special permit correct. The things you can do from your perspective are set some restrictions on it. If that makes you more comfortable it doesn't mean you should it just the options you have.

Chairman Dole: There will be no changes to the exterior it will still look the same.

Building Inspector Smith: No I don't have any concerns but I know the first time I think you did receive a letter from a resident and I don't know if that was discussed or not.

Chairman Dole: We had the letter from Don Lenhard that was entered into the minutes.

Building Inspector Smith: I have no issues as long as you have discussed it.

RESOLUTION
348/2017

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; and

WHEREAS, an application for a special use permit is an unlisted action, requiring review under SEQRA;

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of 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, 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: Diana Powell Keery

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

RESOLUTION
349/2017

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, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 21st day of September, 2017, 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 Jacob Weidert, 50 Chestnut Street, #807,
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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.
BE IT FURTHER RESOLVED that the following conditions are imposed on this special permit:

- _____;
- _____;
- _____;

Motion: Chairman Dole
Second: Mark Unvericht

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

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Chairman Dole Seconded by Mark Unvericht carried unanimously to approve the August 17, 2017 minutes.

Adjournment

Motion made by Chairman Dole seconded by Diana Powell Keery and carried unanimously to adjourn the meeting at 7:15 pm.