Zoning Board of Appeals
Minutes
October 19, 2017

Present

Michael Flavin
Diana Powell Keery
Dale Kellerson
Mark Unvericht

Absent

Chairman Dole

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Building Inspector Patrick Smith
Carol Nellis-Ewell
Terri & Jim Montinarelli
Joan Quigley

Diana Powell Keery led the Pledge of Allegiance.

Public Hearing

The application of Terri Montinarelli, 96 Nichols Street, Spencerport, New York 14559, for a home occupation permit to operate a dog grooming salon in a R-1 Residential District, at property located at same, whereas, this use may be permitted after a public hearing as provided in Article VII, Chapter 340-46 B.

Terri Montinarelli: I have been grooming for almost 30 years and the last 18 years I have had a mobile pet grooming business. But I have gotten to a point where I want to slow down a little bit and stay in one spot so that is why I want to try and open up a salon and my home. I only want to do about 4 to 5 dogs a day. I would book one every 2 hours because it takes about an hour to groom a dog and it gives an hour for people to come get their dog and the other to drop off their dog and won't run into each other in the driveway. In speaking of my driveway it is big enough for cars to turn around so that they can pull out onto the road. The only major thing that we have to do to the house is to put in a tub.

Jim Montinarelli: The part of the house that we are going to use as we have a split level is the lower level off the garage. So there are no steps for the customers to go up. The only renovation is really easy is putting in a tub which I will be installing. I am a plumber pipe fitter for the last 20 years. So it is a mild renovation.

At this time Diana Powell Kerry asked Attorney Stowe, Building Inspector Smith if they have any comments.

Building Inspector Smith: I have no issues except they would need to get a building permit for the renovation.

Attorney Stowe: The only one I had and I put it in the resolution for a major home occupation there are some different deadlines to be aware of so I did put those in as conditions on the Resolution 351. It is more for the applicant to be aware of that it terminates after two years unless extended and then there is other terms and provisions in the code. That is the only thing I bring to the boards attention.

Discussion ensued regarding the termination in the code.

Diana Powell Kerry: So that means in 2 years you would need to come back we review it and we extended it.

Attorney Stowe: Then the other is provision two it terminates on the sale or transfer of property. Someone other than you running the business, failure to comply or the ZBA gives you notice that they want to terminate it. So we put in those two because it is a little different because it is a permit not a variance.

At this time Diana Powell Keery read a letter from Janet Wurl dated October 17, 2017 who lives next door at 102 Nichols Street who is in favor of this business. Letter has been filed in applicant's folder.

At this time Diana Powell Keery closed the Public Hearing.

At this time Diana Powell Keery asked the board if they have any comments.

Mark Unvericht: No everything was answered.

Dale Kellerson: No I don't have any concerns and it was good to have a letter of support from a neighbor. It is always helpful to have.

Michael Flavin: What would be your hours? During the day?

Terri Montinarelli: Mostly during the day between 8:30 a.m. and maybe 3 p.m. There might be one at 4:30-5 o'clock. It wouldn't be late.

Joan Quigley: Are you going to put a sign out?

Terri Montinarelli: Is one allowed?

Building Inspector Smith stated that yes I believe you can have one not exceeding one square foot.

Discussion ensued regarding placement of sign.

Jim Montinarelli: Is plumbing covered under the permit or do I need a separate one?

Building Inspector Smith: One permit, you just need to bring me in the plans and show me what you are going to do.

Diana Powell Keery: I am the neighbor on the other side and I totally support it. I couldn't ask for better neighbors.

RESOLUTION
350/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Terri Montinarelli of 96 Nichols Street, Spencerport, New York 14559 for a home occupation permit to operate a major home occupation on property located at 96 Nichols Street, Spencerport, New York 14559; TO WIT: a dog grooming salon; and

WHEREAS, an application for a home occupation 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 Terri Montinarelli of 96 Nichols Street, Spencerport, New York 14559 for a home occupation permit to operate a major home occupation on property located at 96 Nichols Street, Spencerport, New York 14559; TO WIT: a dog grooming salon, 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: Diana Powell Keery
Second: Dale Kellerson

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

RESOLUTION
351/2017

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Terri Montinarelli of 96 Nichols Street, Spencerport, New York 14559 for a home occupation permit to operate a major home occupation on property located at 96 Nichols Street, Spencerport, New York 14559; TO WIT: a dog grooming salon, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 19 h day of October, 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 home occupation permit to Terri Montinarelli of 96 Nichols Street, Spencerport, New York 14559 for a home occupation permit to operate a major home occupation on property located at 96 Nichols Street, Spencerport, New York 14559; TO WIT: a dog grooming salon.

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

- Said permit shall expire on October 19, 2019, unless extension is approved pursuant to §340-49(A) of the Code of the Village of Spencerport;

- Said permit shall terminate pursuant to §340-49(C) of the Code of the Village of Spencerport;

Motion: Diana Powell Keery
Second: Michael Flavin

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

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Mark Unvericht Seconded by Michael Flavin carried unanimously to approve the September 21, 2017 minutes.

Adjournment

Motion made by Michael Flavin seconded by Dale Kellerson and carried unanimously to adjourn the meeting at 7:12 pm.