Zoning Board of Appeals
Minutes
October 20, 2016

Present

Chairman Dole
Michael Flavin
Dale Kellerson
Mark Unvericht

Absent

Diana Powell Keery

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Building Inspector Patrick Smith
Carol Nellis-Ewell
Robert Male

Chairman Dole led the Pledge of Allegiance.

Public Hearing

At this time Chairman Dole closed the Public Hearing.

The application Robert G. Male, 2 Jessica Lane, Spencerport, New York 14559, for a special permit to erect a 38' privacy fence on property located at 2 Jessica Lane, whereas, a special permit form the Zoning Board of Appeals shall be required for a privacy fence pursuant to 340-32 A (4)(a) in a R-2 Residential District.

Robert Male: I am looking for a privacy fence because we are close to the neighbors in the back. I have a hot tub out there now I also have three dogs and it would be nice to let them out once in a while without tying them up. It is a vinyl fence.

At this time Chairman Dole closed the Public Hearing.

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

Dale Kellerson: I think it would be a good idea to have something for privacy. I noticed some of the others homes have different ways to get privacy on their concrete but gives them a small area. This gives you a larger area and I can see the need with a hot tub.

Mike Flavin: My only question is that you have a letter from the property owner so you are just renting?

Robert Male: He is ok with it and upgrades you make to the property you leave it when you leave. It's an upgrade for him really.

Chairman Dole: The only question I have is for the Building Inspector Smith and Attorney Stowe is the fact that he is the tenant and not the actual applicant with getting the building permit legally.

Attorney Stowe: Legally if Mr. Male is aware that he has to leave it. That is between Mr. Male and the landlord. It could create an issue with the landlord with the HOA if and when that HOA kicks in. It's not an owner operated HOA. We can't enforce the HOA conditions. It would be the board of the HOA so I don't see any issues for this board in terms of approving it.

Robert Male: I have a question regarding the Home Owners Association can it be set up at any time?

Attorney Stowe: I have not read the HOA documents so I don't know.

Chairman Dole: Building Inspector Smith any issues regarding issuing a building permit to a tenant versus the property owner.

Building Inspector Smith: No, but I have received the property owner, Steve Licciardello permission. He is the HOA. But this doesn't matter the permit and variance goes with the house.

Attorney Stowe: If Mr. Licciardello signs off on the building permit as the property owner. But no different than a special permit application request, the property owner acknowledges it.

Chairman Dole: I just wanted to make sure that we didn't have to add anything to the resolution as far as making sure that he has signed off.

Attorney Stowe: You can add the condition that prior to issuing the building permit that the property owner approves or joins in the application for the building permit.

Dale Kellerson: I am just wondering that when this gets put up and others see it. It is like the other that we had that after one was done the others wanted it. Will we see more come forward with different sizes, is there something that we come up with ahead of time. Like a size limit?

Building Inspector Smith: If this was Mr. Licciardello that came to me with that I probably would have advised him to that just like we did with Mr. Lopersti on Hidden Trail. This is one individual tenant so I don't think it is any reason for me to call Mr. Licciardello and advise him until he comes to me and asks me.

Dale Kellerson: I know it started out as one then other people wanted it that is why he came back and received a blanket for each. This would be harder because everyone would want something different.

RESOLUTION
321/2016

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Robert G. Male of 2 Jessica Lane, Spencerport, New York 14559, for a special permit to erect a privacy fence, having a length of thirty-eight (38) feet, on property at 2 Jessica Lane, 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 Robert G. Male of 2 Jessica Lane, Spencerport, New York 14559, for a special permit to erect a privacy fence, of thirty-eight (38) feet in length, on property at 2 Jessica Lane, 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: Dale Kellerson

Vote of the Board:

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

RESOLUTION
322/2016

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Robert G. Male of 2 Jessica Lane, Spencerport, New York 14559, for a special permit to erect a privacy fence, having a length of thirty-eight (38) feet, on property at 2 Jessica Lane, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 20th day of October, 2016, 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 Robert G. Male of 2 Jessica Lane, Spencerport, New York 14559, for a special permit to erect a privacy fence, having a length of thirty-eight (38) feet, on property at 2 Jessica Lane, Spencerport, New York 14559

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

- the property owner join in the application for the building permit prior to issuance of building permit;

Motion: Chairman Dole
Second: Michael Flavin

Vote of the Board:

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

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Dale Kellerson Seconded by Michael Flavin carried unanimously to approve the September 15, 2016 minutes.

Adjournment

Motion made by Mark Unvericht seconded by Michael Flavin and carried unanimously to adjourn the meeting at 7:11 pm.