

Zoning Board Meeting

November 15, 2001

PRESENT

Diana Powell Keery
George Fellows
John Dole
Louis Grammatico

ABSENT

Michael Flavin

OTHERS PRESENT

Attorney Richard Olson, Village Attorney
Donna Stassen, Zoning Board Secretary
Thomas West, Highway Superintendent

John Freel, Freel Engineering	
Judith Schaller	18 Ballard Ave
Hedy McGarry	15 Ballard Ave
Janet Plucknette	32 Ballard Ave
Connie Tyson	37 Union Hill Drive
Jean Weaver	21 Ballard Ave
Charles Weaver	21 Ballard Ave
Mary Ferris	31 Ballard Ave
Frank Ferris	31 Ballard Ave
Kenneth Hurley	26 Ballard Ave
Phil Gioridano	37 Union Hill Drive
Steve Licciardello	8 Wood Duck Run
Amy Leckinger	69 Glasgow
Chris Leckinger	69 Glasgow
Renee Ottman	35 Martha Street
Gene Ottman	35 Martha Street

PUBLIC HEARING

The application of Home Pride Builders, Steve Licciardello, 8 Wood Duck Run, Spencerport, NY for the following variances for a proposed four (4) lot subdivision known as the Ballard Ave Subdivision.

Lot #1 Section 140-12-A(1)(b) - A proposed lot width of 76.51 feet where 80 feet is required.

Section 140-12-A(1)(a) - A proposed lot depth of 122.89 feet where 150 feet is required.

Section 140-12-A (2) - A proposed lot area of 9,506 square feet where 12, 000 square feet is required.

Lot #2 Section 140-12-A(1)(a) - A proposed lot depth of 121.77 feet where 150 feet is required.

Section 140-12-A(2) - A proposed lot area of 9,826 square feet where 12,000 is required.

Lot#3 Section 140-12-A-(1) (b) - A proposed lot width of 76.37 feet where 80 feet is required.

John Freel engineer for the project stated to the board that he is here seeking variances for three of the four lots, known as the Ballard Ave Subdivision. We are proposing a four-

lot subdivision, with a road extension and a hammer-head turnaround for the Village DPW for plowing purposes.

We have provided a little area after the hammer -head for snow removal. Also, as, requested by the Village we have agreed to install a water loop, to improve fire flows in this area.

The lots that we have laid out here are consistent with the majority of the lots in the neighborhood.

At this time the board reviewed the maps.

Chairman Powell Keery: Did the other lots in the neighborhood predate the zoning code.

Attorney Olson: Yes, I believe so, except for one I know of on the south side of the road next to this parcel was granted an area variance, five years ago or so. Some lots have been combined.

Superintendent Tom West stated that everything he was asking for from the developer are shown on the plans.

Ken Hurley: I live on Ballard Ave, Mr. Freel stated that the lots are consistent with the existing lots in the neighborhood, this may be true but those houses were built 50-60 years ago. There wasn't a Planning Board or zoning laws at that time. Why do you have zoning laws if you are going to variance everyone.

Gene Ottman: I thought there was going to be a cul de sac?

John Freel: Originally, that was the proposal, it is now for four lots two on the north and two on the south sides of the road.

Hedy McGarry: Just because someone wants a variance doesn't mean you have to give it to them. I do appreciate that these people have put in a lot of time, money and effort. But, we are going to be living there and we are concerned. I can see that sometime there will be house there, but four houses is too heavy of a concentration for that narrow piece of land. One on each side would be reasonable.

Judith Schaller: I agree with Hedy, there was one variance granted but there was no opposition, the rest were all grandfathered in. You have had lots of neighbor oppose this application, coming to every meeting. I agree two houses one on each side would work. It shouldn't be changed to make more money for the village.

Janet Plucknette: Will they be putting in house like Bauers Cove into a neighborhood that is colonial? That won't fit with the neighborhood at all.

It was our ignorance that we didn't know the property was for sale. We were all under the understanding that it was a right of way for the telephone company and would never be developed. No-one in the neighborhood wants this to go through. We want to keep it the way it is.

Attorney Richard Olson: The code requires houses of a certain size, we have a maximum size house that can be built. They will probably be bigger homes. This will not be like a Bauers Cove which has 15-20 houses. We do not have any control over the architectural look of the homes.

Judith Schaller: There are some double lots and there is a lot of space between the houses right now.

7:25 at this time the Public Hearing was closed.

Chairman Powell Keery: When I was looking at the proposed lot variances for the widths on

lot 1 and lot 3, they are looking for about 3.5 feet.

Tom West: The water loop will definitely improve the fire flow. That's what I was looking for. This will be a definite improvement to the water system.

Louis Grammatico: This will be a benefit for the neighborhood as will turnaround/hammerhead.

Chairman Powell Keery: In terms of what was proposed before this plan is much better, these homes will not be right behind the homes on Ballard Ave.

Louis Grammatico: Will these lots meet the side setback requirements?

Attorney Olson: Yes.

Hedy McGarry: What is the standard setback.

Attorney Olson: 8% of the width.

Louis Grammatico: How far are you from the setback?

Hedy McGarry: The same.

Louis Grammatico: When I moved into my home in the Luther Jacobs tract, we had to sit down and work within the confines of the lot size. The developer had to meet all the codes. Why doesn't this developer?

Attorney Olson: I don't think that there is any practical way to design the lots on the north side to meet the code. We are not dealing with what Mr. Jacobs had, which was a very large piece of property. We are dealing with a leftover parcel with only one way into it. This is a uniquely shaped parcel, and the laws recognize this. If you have a code you must have a Zoning Board of Appeals to allow variances, etc. There is certain criteria to follow which must be looked at.

Tom West: We looked at hooking the road in to make the lots bigger, it was not practical.

Louis Grammatico asked Superintendent Tom West about the drainage problems in that area.

Tom West: I have been in contact with the Thruway Authority for the drainage problems along the canal. I haven't seen the plans and what they propose to do for drainage.

Mr. Freel: There will be a 3-4 foot swale along the canal property. (drainage issues will be addressed at the planning board level)

Mrs. Plucknette stated that she believes the mental health of the residents who have lived there for so long, and are angry should be a consideration in the board's decision. She also has concerns with the playground being close in proximity to this subdivision.

Chairman Powell Keery: When I think of the playground; that is the schools responsibility.

Louis Grammatico: Some of the folks in this neighborhood, they have been fortunate in having this vacant lot behind them for so many years. This is very unusual when you live in a village.

Hedy McGary: When I built my house I changed the plans to put in an east window to get the morning sun. This is a big part of my day. When these houses are built this will make my dining room dark, I won't even be able to see the sun.

Louis Grammatico: Did you ever anticipate that there might be a home there?

Hedy McGary: I have always thought about it, but I thought it is not going to happen

because the telephone lines are run under there. I love neighbors I don't mind neighbors.

Chairman Powell Keery: In terms, of not knowing that it could be developed, isn't anybody's fault. It can be developed and whoever told you that it could not, would be at fault.

Louis Grammatico: Has the village ever thought about putting the water line in?

Thomas West: It is not up to the taxpayers to pay for the new water line, or for the road, this subject has already been discussed.

At this time the board reviewed the Planning Boards letter of recommendation. (file)

At this time the board reviewed the criteria and offered the following resolution:

See attached.

APPROVAL OF BOARD MINUTES:

Motion was made by George Fellows seconded by John Dole and carried unanimously that the minutes from the September 20, 2001 and October 18, 2001 be approved as read.

UNFINISHED BUSINESS:

Nothing requiring board action at this time.

NEW BUSINESS:

Nothing requiring board action at this time.

ADJOURNMENT:

Motion was made by Chairman Powell Keery seconded by John Dole and carried unanimously that the meeting be adjourned at 8:20 p.m.