

ZONING BOARD MEETING

MAY 16, 2002

Present

Chairman Powell Keery
George Fellows
John Dole
Michael Flavin

Donna Stassen, Zoning Board Secretary
Jack Crooks, Building Inspector
Theodore Rauber, Deputy Mayor

Todd Strine
David & Melissa Wilson

Absent

Louis Grammatico

25 Harwood Road
53 Amity Street

The Public Hearing opened with the application for Todd Strine, 25 Harwood Road, Spencerport for an area variance for a 6 ft high stockade fence, approximately 145 feet in length. Such area variance pursuant to Chapter 140-31-A (1) &(4) of the village code in an R-1 Residential District.

Mr. Strine stated that the reason for the fencing is for the safety of his children. His children are three and five years old. The gentleman behind him has a pool, and the two other neighbors have dogs. A four foot fence he feels would not be tall enough to keep his daughter in, she is very active.

Chairman Powell Keery: What kind of fence are you looking at?

Mr. Strine: A dog-eared fence. (picture in folder)

Jack Crooks: I just think that it is important to note the fence needs to be within the setback of your property. The location of the fence needs to be clarified.

Mr. Strine: The fence will run off the shed and around the back, the trees will remain, some of the brush will go. In the areas where the trees are it will be two feet off the line, in other areas the fence can be as close to the lot line as possible.

The board reviewed the map at this time.

I have spoken to my neighbor, he has no problems with the fence going up. He said he would cut the grass on the other side of the fence.

Chairman Powell Keery: Technically the code states the fence should be two feet off the lot line. In the past there has been discussion with the Village Attorney about changing that code allowing the placement of fencing right on the lot line. This would be in regards to adverse possession.

Jack Crooks: I think it is worthwhile to keep it off the lot line just for the sake of getting around it for maintenance. Heaven forbid the neighbor who thinks it is a good thing today moves tomorrow and you have a new neighbor who doesn't want anybody on their property for any reason. Than there could be a maintenance problem.

Todd Strine: I could put a gate up off the shed, so I could get back there.

Zoning Board Meeting
May 16, 2002

Page 2

After discussion the board and applicant agreed on one foot off the property line.

Jack Crooks advised Mr. Strine to personally keep the fence maintained occasionally for possession purposes.

After board discussion the following resolution was offered.

RESOLUTION NO 117

INTRODUCED BY GEORGE FELLOWS
SECONDED BY JOHN DOLE

Resolved that the application of Todd Strine, 25 Harwood Road, Spencerport, NY for an area variance to construct a six (6) foot stockade fence 145' in length on property located at 25 Harwood Road be approved based on the following criteria:

1. The fence will not have a negative impact on the neighborhood.
2. Nor, will such fence have an adverse environmental impact on the neighborhood.

Furthermore, the following conditions have been placed on such variance.

1. Fence to be placed no less than one (1) foot from the property line.
2. Homeowner is responsible for maintaining both sides of fence.

Such fence is a Type 2 action and no further environmental review is required.

Ayes: Powell Keery, Dole, Fellows, Flavin
Nays: none

Next on the agenda is the application of Melissa Wilson of 53 Amity Street, Spencerport for an area variance for a proposed 4' high picket style fence on property located at 53 Amity Street. Approximately 12' of its length will be located forward of the front setback. Such area variance pursuant to Chapter 140-31-A (1) of the village code in an R-2 Residential District.

Mrs. Wilson asked the board for clarification of the legal notice in respect to the 12 feet stated for the variance.

Chairman Powell Keery: It means that 12 feet of the proposed fence will be in the front.

Mrs. Wilson: We didn't know we had to give a length.

Jack Crooks: I took the measurements. That is the only area that needs a variance, the rest would be compliant.

Mrs. Wilson: The reason we are applying for the fence is for safety and astetic reasons. Our property is right next to the nursing home. Over the years we have had problems on and off. There is a delivery area back there, so there is constantly trucks backing up in there. The trucks drive on our property, there is also a dumpster, back there, also the speed on Amity Street can be excessive and we have a six year old daughter. The fence will fit right in with the character of the neighborhood.

Zoning Board Meeting
May 16, 2002

Page 3

Jack Crooks: You are only intending to put fencing up along the east boundary, not along the frontage, is that correct?

Mrs. Wilson: No.

Jack Crooks: That was what I understood when we spoke. You will need to tell the board your intentions.

Mrs. Wilson: We wanted to enclose the front yard, like a New England Style house. It would line up with the existing fence on the one side by the driveway and the corner of the house, than come around the front to the other side of our house.

John Dole: You are staying on the inside of your driveway, you are not going across the driveway?

Mrs. Wilson: No, it would run along the inside of the driveway.

Jack Crooks: For a better definition, the total front of the lot is 83.88 feet, the driveway encompasses approximately 23 feet including the side. The application would have to be amended to 87 feet.

Chairman Powell Keery: Is there any other place in the village with a fence in the front?

Jack Crooks: There is one on Mill Street that jumps in my head.

Jack Crooks: With the nursing home to the west, this fence would not be intrusive.

George Fellows: You are just coming up to the existing fence by the nursing home.

Mrs. Wilson: Yes that is our fence.

George Fellows: And the other existing fence will remain, for safety around the pool.

Mrs. Wilson: Yes.

George Fellows: Will the fence be right out to the sidewalk?

Jack Crooks: The fence has to be back at least three or four feet from the sidewalk per instructions from Tom West, Highway Superintendent. Which brings it out of the right of way.

After board discussion the following resolution was offered.

RESOLUTION NO 118

INTRODUCED BY GEORGE FELLOWS
SECONDED BY JOHN DOLE

Resolved that the application of Melissa Wilson for an area variance to construct 87' of four (4)' high wooden fencing to be located forward of the allowed front setback be approved.

The board finds that such fencing will not have a negative impact on the neighborhood.

Furthermore, the following conditions have been placed on such variance.

1. Such fence shall be a minimum of three feet from the sidewalk.

Zoning Board Meeting
May 16, 2002

Page 4

2. Such fence shall be installed professionally and well maintained.

Such variance is a Type 2 action and no further environmental review is required.

Ayes: Powell Keery, Fellows, Dole, Flavin

Nays: none

NEW BUSINESS:

Trustee Rauber introduced himself to the Board as the new liaison to the support boards.

Trustee Rauber stated his appreciation to the board for their dedication to the village for serving on the Zoning Board.

He is looking forward to working with the board, and will be working closely with Donna Stassen to keep up to speed with activity involving the Zoning Board.

Discussion ensued regarding the restructuring of the Architectural Review Board.

APPROVAL OF MINUTES:

Motion was made by Chairman Powell Keery seconded by George Fellows and carried unanimously that the minutes of March 19, 2002 be approved as read.

ADJOURNMENT:

Motion was made by Chairman Powell Keery seconded by John Dole and carried unanimously that the meeting be adjourned at 8:00 pm.