

ZONING BOARD OF APPEALS

JUNE 3, 2004

Present

Chairman Powell Keery
George Fellows
John Dole
Michael Flavin

Absent

Others Present

Village Attorney Richard Olson
Donna Stassen, Secretary Zoning Board

Thomas Bennett	168 Betteridge Rd.
Michael Pierce	247 S Union Street
Susan Pierce	247 S Union Street
Michelle Peers	243 S Union Street
Michelle A. Soldi	242 S Union Street
Troy Mason	227 S Union Street
John Soldi	242 S Union Street
Charles McCloskey	222 S Union Street

Chairman Powell Keery led the Pledge of Allegiance.

Public Hearing

The application of Thomas Bennett, 168 Betteridge Road, Churchville, NY for approval to remove 342 sq feet of an existing 1st floor structure and replacing it with a 600 sq ft addition containing two (2) bedrooms. Such property is located at 231 Union Street, Spencerport, NY. Approval from the Zoning Board of Appeals required for remodeling or construction of any type of multiple dwelling pursuant to Chapter 140-15-A in an R-2 or R-3 District.

Mr. Bennett: After receiving a building permit and a demolition permit, I tore down the structure and the garage. Than I was told, a mistake was made and I needed to go in front of the Zoning Board.

I did everything I was supposed to do, I went to the town filled out the paperwork and was issued the permits. This has left me in a situation here, the basement is caving in from all the rain, and I am losing rent, one is un-rentable and the other I am discounting the rent because he doesn't have a bedroom.

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Mr. Bennett: What I am trying to do is make the apartments nicer by making the bedrooms bigger. I am siding the house and adding parking where the garage was, making a parking area just like they have next door.

Chairman Powell Keery: I have looked at the instrument survey and at the property several times. There was a garage there at the end of the driveway.

Mr. Bennett: Yes, but the garage has been torn down. In addition, the back addition of the house was torn down; there are two holes in the ground. One hole is from the basement of the garage and the other hole is where I dug out the basement for the new addition.

Chairman Powell Keery: Has the house been split in half? Is each apartment a one bedroom?

Mr. Bennett: There are two one-bedroom apartments downstairs and a two-bedroom unit upstairs. It is a three family.

George Fellows: There is a large hole there so I assume, there is going to be a basement put in.

Mr. Bennett: Yes, there was a basement there before they need entrance to get in.

Chairman Powell Keery: Where are the entrances to the house?

Mr. Bennett: There are two entrances in the front, and along with the addition, I am going to put an entrance in on each side so they would have a rear entrance also.

George Fellows: Will this be a one-story addition?

Mr. Bennett: Yes.

George Fellows: Will a variance be required for side setbacks?

After reviewing the ordinance, Attorney Richard Olson determined that a variance would not be required.

Michelle Soldi: My concern is we were here for the same issue seven years ago to tear down the garage and put an addition on. At that time, the intent was to add two more apartments. I certainly would support improving the property. In the thirteen years (13), that I have lived there nothing has been done to the property.

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Michelle Soldi: My concern is if later down the road if this building will be split up to even more apartments.

This is a difficult driveway with a lot of traffic. The code requires two (2) parking spaces per unit, I am not sure if that exists now.

Mr. Bennett: It has always been a three family (3) dwelling. I applied to make the house a four (4) family years back, and that application was denied.

John Soldi: I don't understand why you would tear down existing bedrooms to not add other space to the property. Once again, we live across the street and have seen nothing done to the property. Down the road, what will stop you from making this into a four unit? I don't know if this building is up to code or not. I would like to see a blueprint before anything is done to that property.

Chairman Powell Keery: This is a three family home, and that is the only thing that it can be and if there were any other changes it would have to come back in front of the board.

Michelle Soldi: What guarantee do we have?

Chairman Powell Keery: That would come under the duties of the Code Enforcement Officer.

Attorney Richard Olson: Guarantee is a rough word; there is a code enforcement procedure. There are methods to get into properties for inspection. When complaints are received, there are ways of handling that.

Mr. Bennett: There won't be enough square footage for another unit.

Michelle Pierce: My concern is the traffic, I have small children and I am worried with the way that cars pull in and out. The house has not been well maintained and some of the tenants have created quite a ruckus.

Chairman Powell Keery: There should be six (6) parking spaces and I don't recall seeing that many when I was there.

Mr. Bennett: Parking six vehicles would plug up the driveway.

Chairman Powell Keery: The code has a minimum size requirement for parking spots, which is 10 ft x 20 ft.

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Mr. Bennett: Where I took the garage down that should accommodate the parking.

Chairman Powell Keery: Right now, there is not adequate parking to put something up the parking needs to go hand in hand with the application.

Attorney Olson: Certainly, there is adequate area for parking but the next question is will there be an adequate provision for the parking

Chairman Powell Keery: Looking at the plans in front of us, it doesn't address where the parking is going, and in my opinion, we need to see where the spaces will be and if there are enough spaces.

Mr. Bennett: The lot is plenty deep enough for six cars to park.

Attorney Olson stated that there is only to be six parking spaces provided.

Troy Mason: My backyard, which is north to his house, is already wet, with additional parking where will the additional runoff go other than my yard. The new structure will be two (2) stories that is all I will see from my kitchen window.

Mr. Bennett: It will be in the same place as the other addition, and it is one (1) story.

Mike Pierce: I am for the improvement of the area, but I am concerned that we have these unconfirmed reports about code violations. I would think that before you issue any variances you would want to make sure that the building is up to code.

Attorney Olson: When this property is finished, the Building Inspector goes through and makes a final inspection of the property. If everything is not up to code; both local and state code, a Certificate of Occupancy will not be issued.

Mr. Bennett: As far as the drainage goes, everything pitches to the rear of the lot and as it goes up hill, everyone's lot is a little higher and no matter what you do all the water ends up in my lot and runs down the hill. Putting a parking lot in is not going to change a thing. The water is still going to run to the rear of the lot.

Mr. Bennett stated that he has improved the property over the years he has painted the house, insulated the house, and installed new hot water tanks, roofing, and a lot of interior work. With all these improvements, he hopes to bring in better tenants.

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Susan Pierce: I have some of the same concerns that others have mentioned, the traffic at times has been quite dangerous.

Mr. Soldi: The tree in front of the house needs to be removed, it is half-dead, and could be dangerous.

Attorney Olson asked the board to contact Jack Crooks in regards to the tree and any other safety issues.

Public Hearing was closed at 7:50 p.m.

After board discussion, the following resolution was offered.

RESOLUTION NO 140 **INTRODUCED BY GEORGE FELLOWS**
SECONDED BY JOHN DOLE

Resolved that the application of Thomas Bennett, 168 Betteridge Road, Churchville, NY for approval to remove 342 sq feet of an existing 1st floor structure and replacing it with a 600 ft addition containing two (2) bedrooms on property located at 231 Union Street, Spencerport, NY be approved.

Such approval is based on the following considerations and stipulations.

- Such addition will not have a negative impact on the neighborhood.
- Nor, will such addition have an adverse environmental impact on the neighborhood.
- The structure will have a maximum of three apartments.
- Six parking spots measuring 10ft X 20ft must be provided with adequate additional space for a turn around for ingress and egress purposes. The Building Inspector must approve layout of parking.
- The entire building must be brought up to code. In addition, proposed vinyl siding will be installed on the entire building and completed to professional standards.
- All items referenced in Building Inspector Jack Crooks letter will be adhered to except parking spaces to be 10ft x 20ft.
- Certificate of Occupancy will be issued only upon completion of all items addressed above.

Furthermore, such application is a Type 2 action and no further environmental review is required.

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

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Adjournment:

Motion made by Chairman Powell Keery seconded by Micheal Flavin and carried unanimously to adjourn the meeting at 8:10 p.m.