

**Zoning Board of Appeals  
May 15, 2008**

Present

Chairman John Dole  
Michael Flavin  
Mark Unvericht  
Joyce Lobene

Donna Stassen/Secretary ZBA  
Trustee Rauber, Liaison Village Board

Lori Stone  
Jim Klein  
Sue Allen  
Alice Sidoti-McCombs  
Jeffrey McCombs  
Joan Quigley

Absent

Barbara Strine

290 S Union Street  
90 Mill Street  
22 Amity Street  
296 S Union Street  
296 S Union Street  
151 Maplewood Ave

At this time Chairman Dole led the Pledge of Allegiance.

**Public Hearings**

The application of Sue Allen, 22 Amity Street, Spencerport for an area variance to erect an 18' above ground pool making total lot coverage of 33% on property located at same. Whereas, the maximum coverage shall not exceed 25% of the area of the lot pursuant to Chapter 140-14.1.B (2) in a Residential R-1 District.

Chairman Dole asked where the pool would be positioned in the yard.

Mrs. Allen stated that she wasn't sure yet coming in front of the Board tonight was the first step. There are wires in the back yard the pool will have to be closer to the deck.

No-one from the audience spoke on behalf of this application; therefore the public hearing was closed at 7: 12 p.m.

Joyce Lobene: Looking at the instrument survey the pool needs to be brought in.

Chairman Dole read aloud a letter from Building Inspector Jack Crooks which states he has bigger concerns with the power lines than with the lot coverage. Jack Crooks requests that the applicant meet with Owen McEntee Superintendent of the Electric Department to review the placement of the pool in proximity to the overhead power lines.

Chairman Dole: Will the pool be installed professionally?

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Mrs. Allen: Yes, absolutely.

After board discussion the following resolution was offered.

Resolution No. 179  
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Introduced by Michael Flavin  
Seconded by Mark Unvericht

Resolved, that the application of Sue Allen, 22 Amity Street Spencerport NY for an area variance to erect an 18' above ground pool on property located at 22 Amity Street, whereas the maximum coverage shall not exceed 25% of the area of the lot was approved with the following conditions:

1. Applicant must contact Mr. Owen McEntee Superintendent of SME to have him do an on-site visit to 122 Amity Street to review placement of pool in proximity to overhead wire locations.
2. Placement of pool must meet all requirements of the NEC code.

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

Ayes: Dole, Flavin, Unvericht, Lobene  
Nays: none

Next on the agenda is the application of Jonathan Pena and Lori Stone, 290 S Union Street, Spencerport NY for an area variance to erect a 5' high closed construction fence 67 linear feet in length on the side yard of a corner lot and also a 6 ft high closed construction fence 23 linear feet in length on property located at the same. Whereas the maximum height allowed is 4' pursuant to Chapter 140-31.A (3) and chapter 140-31.A (1) respectfully in a Residential R-1 District.

Ms. Stone: The one portion of the fence is to run the south side of our house connecting with an existing fence.

Chairman Dole informed the applicant that any fence must have a separation of 42 inches from the sidewalk.

Chairman Dole read aloud a letter from Building Inspector Jack Crooks. (file)

Chairman Dole: What is the reason you are lining up the fence to the front of the porch instead of the corner of the house.

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Ms. Stone: In order to line the fence up with the other fence that is where it needs to go.

Alice Sidoti: I am the neighbor that Lori is speaking of lining her fence up to and I have no problems with her joining her fence with mine, it will make a uniform look.

Joan Quigley: Where is the other fence going, previously you had a problem with Tom West putting in sidewalks and taking out your shrubs, now you are going to take the shrubbery out for the fence?

Ms. Stone: No, the fence will run along the sidewalk where we do not have shrub. You are fortunate that you don't live on a very busy road you live all the way down Maplewood Ave.

Mrs. Quigley: You knew that when you bought the house, I just don't like fences it breaks up the look of the neighborhood that is my objection. If it was an open four foot I would have no problem.

Chairman Dole: Is there a reason for the privacy fence with the closed construction versus an open construction?

Ms. Stone: Just to provide more privacy there is a lot of road noise and we live kiddie corner to a group home run by the Depaul Group and on a nice day like we are now having there is always somebody out there always in direct eyesight of our yard and my daughter playing in the yard.

Chairman Dole: Is the fence ending at the driveway or at the back of the house?

Ms. Stone: At the driveway we believe; we are considering the possibility of adding on some kind of gate that we could close.

Joyce Lobene: The fence would run all the way down Maplewood to the shrub line?

Ms. Stone: Yes.

Mark Unvericht asked if the applicant had considered planting shrubs along Maplewood and having the fence along Union Street.

Ms. Stone stated they hadn't looked at that option because of the length of time it would take for the shrubs to grow and fill in to provide the type of safety she is looking for.

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Michael Flavin: If you went off the corner of your house instead of the corner of the porch how far back that would be from the end of your neighbor's fence line.

Ms. Stone: The way the houses are situated mine is a little bit on an angle if we ran the fence from the edge of my house to the end of their fence it would create an unusual looking angle.

If you would prefer us to run the fence up to the corner of the porch on both sides that is certainly something that we would do.

Jeff McCombs: When you are driving down the main drag on Union Street it is not going to hide the house. It won't hide the house from Maplewood either.

Joyce Lobene asked for clarification of the fence location on the north side of the property.

Ms. Stone: The fence will run from the corner of the house to the sidewalk and run down the length of the sidewalk keeping the fence within the required 42 " setback to the driveway than we are also considering adding a driveway gate there and than a portion of fence from the driveway to the existing hedgerow.

Joyce Lobene: How is that going to keep your daughter safe it is not totally fenced in?

Ms. Stone: She can not run through the hedgerow and if we do add the driveway gate than I would be able to shut the gate and you would respectfully have a fence that runs all along the north side of our property and than connects with our house on the west side.

Joyce Lobene: Did you ever consider a play-yard on the south side of the yard. I think what we are all getting at is we understand where you are coming from and what you want to do but if we do this for you than everybody else in the Village who lives on a corner lot can come to us and say we want a fence they have one and it may not be right for everyone.

Ms. Stone: Unfortunately what you are proposing isn't going to work because of the way the garage is situated so close to the house and the side yard that exists is not going to be very large at all.

I would like a little more privacy there; they smoke on the porch across the street all hours of the night.

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Neighbor Alice Sidoti agreed with Ms. Stone that there is a lot of activity across the street.

After board discussion the following resolution was offered.

Resolution No 180  
May 15, 2008

Introduced by Chairman Dole  
Seconded by Michael Flavin

Resolved that the application of Jonathan Penna and Lori Stone, 290 S Union Street, Spencerport NY for an area variance to erect a 5' high closed construction fence 67 linear feet in length on the side yard of a corner lot and also a 6' high closed construction fence 23 linear feet in length on property located at the same. Whereas, the maximum height allowed is 4" pursuant to Chapter 140- 31.A (3) and Chapter 140-31.A (1) is tabled until next monthly meeting.

Ayes: Dole, Flavin, Unvericht, Lobene  
Nays: none

### **Approval of Minutes**

Motion made by Mark Unvericht seconded by Michael Flavin and carried unanimously to approve the minutes of April 17, 2008 as written.

### **Adjournment**

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:35 p.m. to go into workshop session.

