

**Village of Spencerport
Zoning Board of Appeals
December 17, 2009**

Board Members Present

Chairman Dole
Mark Unvericht
Michael Flavin
Paul Lane

Board Members Absent

Others Present

Trustee Carol Nellis Ewell
Jack Crooks, Building Inspector

Catherine Haworth
Richard Dool

Public Hearing

The application of Richard Dool, 96 Parkhurst Drive, Spencerport NY for an area variance, for a proposed 12x24 (class II) accessory structure on property located at same. Such property currently contains a class II structure whereas only one (1) class II structure shall be permitted per lot, pursuant to Chapter 140-14.D in a Residential R-1 district.

Mr. Dool explained to the ZBA that this situation results from the conditions of a pending divorce, and that he is moving from Brower Road and would like to move the structure from Brower Road to 96 Parkhurst Drive.

Mr. Dool answered questions regarding the exact location of the structure and advised it would be on placed on top of adequate stone.

Building Inspector Crooks shared an aerial with the Board, mentioning he visited the site that afternoon, as had Superintendent Owen McIntee, Spencerport Municipal Electric. Mr. Crooks stated code is one building.

Mr. Flavin stated that 55 & 57 Deerborne are not on the map.

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Jack Crooks also stated that by putting this building so far back on the property it will be closer to the properties on Deerborne Lane and recommended the board request to have the building 10 ft off the property line.

Jack Crooks went on to say that letters were sent to all neighbors within 200 ft. of this property notifying them of this public hearing and no one was in attendance this evening to speak against the building.

Chairman Dole referred to the five criteria from the advisory document from Village Attorney Richard Olson.

Chairman Dole stated that he had driven by the address and reviewed the plans carefully, and also done a Google review. He mentioned they were nice buildings and kept in good condition.

Chairman Dole: Were you planning on running electricity to this building?

Mr. Dool: No.

Jack Crooks visited the site and suggested screenings would be needed around the nearby in ground pool.

The Board agreed that their preference is for natural vegetation.

Jack Crooks reviewed various math calculations including impervious surface not to be more than 25% of lot size. He stated that because of the 12 x 24 size in the proposal as related to the lot size, the Board may want to consider that such a sizeable structure oriented "back in the corner" impacts the Deerborne residents. Also, because the building is metal and with its proximity to others; the impact should be softened.

Paul Lane asked the height of the building.

Mr. Dool: 10 ft.

Chairman Dole stated that other building heights are similar.

Mr. Dool stated that the area is to be cleaned up, including compost.

Catherine Haworth owner of the property stated her support of the proposal by Mr. Dool.

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Jack Crooks stated that Electric Superintendent Owen McIntee had visited the site and had no concerns. Jack Crooks added that the Village of Spencerport is okay easement-wise.

Chairman Dole asked about instrument survey requirements and if one is required here.

Jack Crooks referred to Attorney Olson's comments about an instrument survey requirement. Jack Crooks said he did not know if one was needed in this situation, and that it adds cost for the applicant.

Chairman Dole reiterated that screening is necessary.

Michael Flavin stated that he is in support of screening, such as arborvitae or pines.

Jack Crooks stated arborvitae barely grow the first year, and after five years, can attain a height of 8 ft.; they should be planted every six feet, and they fill in with a width of about 3 ft.

At this time Chairman Dole closed the Public Hearing.

Important Note: The process for official notification was followed; let the record show that no one came to speak against this variance.

Paul Lane: When will the structure be installed?

Mr. Dool responded when the ground is frozen pending personal conditions.

Mark Unvericht agreed with the vegetation screening.

At this time the following resolution was offered.

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**Resolution No. 191
December 17, 2009**

**Introduced by Chairman Dole
Seconded by Michael Flavin**

Resolved, that the Zoning Board of Appeals has approved the application of Richard Dool, 96 Parkhurst Drive, Spencerport NY for an area variance for a proposed 12' x 24' (class II) accessory building on property located at same, whereas only one (1) class II structure shall be permitted per lot.
Such approval is based on the following considerations.

1. Such proposed building will not have a negative impact on the neighborhood.
2. Nor, will such building have an adverse environmental impact on the neighborhood.
3. Letters of notification were sent to all neighbors within 200 ft. of applicant's property and no one was present at public hearing to speak for or against proposed building.
4. Such building is constructed to professional standards.
5. Building lot coverage at 8% is minimal whereas the maximum lot coverage allowed in an R-1 district is 25%.
6. Such building will not have any lighting.
7. Such building to be set 10 feet off rear lot line.
8. Property owner to plant screening (arborvitaes i.e.) to block view of building from Deerborne Lane residents.

Furthermore such area variance is a Type 2 action and no further environmental review is required.

Ayes: Dole, Flavin, Unvericht, Lane

Nays: none

Approval of Minutes:

Motion was made by Michael Flavin seconded by Mark Unvericht and carried unanimously to approve the meeting minutes of August 20, 2009 as written.

Adjournment:

Motion made by Michael Flavin seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted
Carol J. Nellis –Ewell
Donna Stassen

