

**Village of Spencerport
Zoning Board of Appeals
January 21, 2010**

Board Members Present

Chairman John Dole
Michael Flavin
Mark Unvericht
Paul Lane

Board Members Absent

Others Present

Trustee Carol Nellis Ewell
Building Inspector Jack Crooks
Attorney Richard Olson
Donna Stassen

James Bonsignore
Frank Spiotta
Frank Imburgia
Robert Morgan
Joan Quigley
David Wohlers
Craig Byham

Public Hearing

The application of Morgan Spencerport LLC, 1170 Pittsford-Victor Road, Pittsford NY 14534, for property located at 44 Slayton Ave, Spencerport NY 14559, requesting a Conditional Use Permit for a gasoline dispensing station. This is a conditional use permitted with a conditional use permit granted by the Zoning Board of Appeals. This is permitted pursuant to Chapter 140-22.S and Chapter 140-21.1B (3).

Attorney Bonsignore will be representing his client Morgan Management this evening.

Attorney Bonsignore stated that the fueling station will be operated by Tops Markets. There will be three islands with a total of 6 fueling pumps a kiosk will also be on the site for payments only this will not be a convenient store. This is a state of the art facility.

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Attorney Bonsignore submitted a supplemental Letter of Intent regarding proposed fueling station; such letter addresses the criteria as contained in the Village Law. At this time Attorney Bonsignore addressed such criteria with the Board. (Letter attached)

Chairman Dole opened the meeting to public comments.

No one from the audience spoke for or against such proposal.

At this time the Public Hearing was closed.

Chairman Dole stated his concerns regarding removal of fuel tanks in the event the fueling station ceases operations have been addressed.

Attorney Bonsignore stated that such provisions were added to the lease of Tops Markets whereas; the tenant shall be obligated to remove the fuel facility as per stated terms of lease. (Copy attached)

Mike Flavin asked the hours of operation.

Attorney Bonsignore stated that the hours of operation are not intended to exceed 10:00 p.m.

Mike Flavin asked where the closest Tops with a gas station is and how many other Tops Markets have fueling stations.

Attorney Olson stated that there is one in Hamlin.

Mr. Morgan stated that there are 20 other fueling stations in conjunction with Tops Markets.

Attorney Olson complimented Attorney Bonsignore on his presentation.

Jack Crooks: This use fits the area this is incredibly important and vital to our community this is definitely the right location.

At this time the Zoning Board offered the following resolution.

Resolution No 192
January 21, 2010
SEQR

Introduced by Chairman Dole
Seconded by Michael Flavin

Resolved, that the Zoning Board of Appeals has determined that the application of Morgan Management LLC, 1170 Pittsford-Victor NY, for property located at 44 Slayton Ave, Spencerport NY requesting a Conditional Use Permit for a gasoline dispensing station be determined an unlisted negative declaration.

Resolution No 193
January 21, 2010

Introduced by Chairman Dole
Seconded by Michael Flavin

Resolved, that the application of Morgan Spencerport LLC, 1170 Pittsford-Victor NY, for property located at 44 Slayton Ave, Spencerport NY requesting a Conditional Use Permit for a gasoline dispensing station was granted by the Zoning Board of Appeals.
This conditional use is permitted pursuant to Chapter 140-22.S and Chapter 140-21.1B (3)
Such approval is based on the following considerations:

1. The fueling station will be fully compliant with all governmental regulations for fire safety and the protection of its patrons and the surrounding community.
2. The fueling station is being proposed in accordance with the overall development of the plaza and is perfectly consistent with the character of the neighborhood.
3. The fueling station is in perfect harmony with both the use and physical characteristics of the surrounding neighborhood.
4. There are several other similar uses in close proximity of the Village of Spencerport.
5. The fueling station is proposed to include state of the art fire retardant and dispensing facilities to reduce and eliminate potential adverse effects from odor or fumes. Furthermore, applicant has addressed concerns regarding the flood plain at the plaza and fueling station has been designed to avoid any potential issues with flooding.
6. As addressed through each of the above responses the Zoning Board feels every precaution is being taken with regard to safety.

Ayes: Dole, Flavin, Unvericht, Lane

Nays: none

Resolution No 192
January 21, 2010
SEQR

Introduced by Chairman Dole
Seconded by Michael Flavin

Resolved, that the Zoning Board of Appeals has determined that the application of Morgan Management LLC, 1170 Pittsford-Victor NY, for property located at 44 Slayton Ave, Spencerport NY requesting a Conditional Use Permit for a gasoline dispensing station be determined an unlisted negative declaration.

Resolution No 193
January 21, 2010

Introduced by Chairman Dole
Seconded by Michael Flavin

Resolved, that the application of Morgan Spencerport LLC, 1170 Pittsford-Victor NY, for property located at 44 Slayton Ave, Spencerport NY requesting a Conditional Use Permit for a gasoline dispensing station was granted by the Zoning Board of Appeals.

This conditional use is permitted pursuant to Chapter 140-22.S and Chapter 140-21.1B (3)

Such approval is based on the following considerations:

7. The fueling station will be fully compliant with all governmental regulations for fire safety and the protection of its patrons and the surrounding community.
8. The fueling station is being proposed in accordance with the overall development of the plaza and is perfectly consistent with the character of the neighborhood.
9. The fueling station is in perfect harmony with both the use and physical characteristics of the surrounding neighborhood.
10. There are several other similar uses in close proximity of the Village of Spencerport.
11. The fueling station is proposed to include state of the art fire retardant and dispensing facilities to reduce and eliminate potential adverse effects from odor or fumes. Furthermore, applicant has addressed concerns regarding the flood plain at the plaza and fueling station has been designed to avoid any potential issues with flooding.
12. As addressed through each of the above responses the Zoning Board feels every precaution is being taken with regard to safety.

Ayes: Dole, Flavin, Unvericht, Lane

Nays: none

Approval of Minutes

Motion made by Michael Flavin seconded by Paul Lane and carried unanimously to approve the minutes of December 17, 2010 as written.

Adjournment

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to adjourn the meeting at 7:45 to go into workshop session.