

**Village of Spencerport
Zoning Board of Appeals
May 20, 2010**

Present

Chairman Dole
Michael Flavin
Mark Unvericht
Paul Lane

Absent

Others Present

Trustee Carol Nellis Ewell
Donna Stassen, Secretary

Ken and Penny Arndt

At this time Chairman Dole led the Pledge of Allegiance.

Public Hearing

LEGAL NOTICE

The application of Ken and Penny Arndt, 4 Waterside Drive, Spencerport, NY 14559, for an area variance for a proposed pool setback of 5.6', side and 5.6' rear. Property located at the same, whereas the minimum rear and side setback for all Class V structures (swimming pools) is 6' pursuant to Chapter 140-14-(G) in an R-1 Residential District.

Mr. Arndt stated to the Zoning Board that actually they only need a 4-5 inch variance from the rear property line. The pool will be 25 ft from the side line.

The size of the pool we selected is 15ft. x 30 ft. and will be used for recreational and physical activity.

Chairman Dole asked if any one from the audience cared to speak. No one spoke for or against The Arndt's application.

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Chairman Dole asked if Jack Crooks, Building Inspector or Village Attorney Richard Olson had any comments regarding the variance.

Donna Stassen stated that they did not have any comments, and that Superintendent Owen McIntee submitted a letter to the Board stating that from his perspective there were no electrical problems all utilities are located in front of the house. (letter filed)

At this time the board offered the following resolution.

Resolution No 200
May 20, 2010

Introduced by Chairman Dole
Seconded by Mark Unvericht

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously that the application of Ken and Penny Arndt, 4 Waterside Drive, Spencerport NY for an area variance is deemed a TYPE 2 action and no further review is required.

Resolution No 201
May 20, 2010

Introduced by Chairman Dole
Seconded by Mark Unvericht

Resolved that the application of Ken and Penny Arndt, 4 Waterside Drive, Spencerport NY for an area variance of 5.6 ft from the rear setback whereas the minimum setback is 6 ft. pursuant to Chapter 140-14-G of the Code of the Village of Spencerport in an R-1 Residential District be approved based on the following:

1. No one from the neighborhood appeared to speak against such proposed variance.
2. Such area variances will not result in any negative impact on the neighborhood.
3. Nor will such pool have any adverse environmental impact on the neighborhood.

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

Other Business

Mr. and Mrs. Waite of Deerborne Drive asked for privilege of floor to speak against a prior application.

The Board denied such request without legal representation.

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Approval of Minutes

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the minutes of April 15, 2010 as written.

Adjournment

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