

Zoning Board of Appeals
May 19, 2011
7:00

Present

Absent

Chairman John Dole
Michael Flavin
Mark Unvericht
Dale Kellerson

Others Present

Jack Crooks, Building Inspector
Donna Stassen, Secretary ZBA
Bridget Field, ZBA Attorney
Mike Lopresti
Craig Byham
David Bourne

At this time Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Matthew Popen, 3043 Brockport Road, Spencerport NY 14559 for an area variance to construct a 6' high closed construction fence at property located at same; whereas the maximum height allowable is 4' and shall be of open construction, pursuant to Chapter 340-32.A (1), respectfully in an R-1 Residential District.

No one appeared in front of the Board to present this application.

The application of David Bourne, 85 Martha Street, Spencerport NY 14559 for an area variance to place an 8' x 10' shed 1.5 ft from the property line on property located at same; whereas the minimum side setback is 5' pursuant to chapter 340-14. F in a residential R-2 District.

Mr. Bourne: Two years ago I took a shed down that was in the same location it was falling apart and I thought I could get by without a shed but now I realize I can't. I staked out where the shed would go if you stopped by the property. I also put a piece of cardboard up to show how the view would be obstructed. This is a pre-fab shed.

No one appeared in front of the board to speak for or against this application.
The Public Hearing portion was closed at this time.

May 19, 2011
ZBA Minutes
Page 2

Dale Kellerson: If you didn't get the variance would you just move this behind the garage?

Mr. Bourne: If I didn't get it I would build one off the back of the garage.

Dale Kellerson: Would there be a pad?

Mr. Bourne: No, two thirds landscaping stone and the rest grass.

At this time the Board offered the following resolution:

Resolution No 210
May 19, 2011

Introduced by Chairman Dole
Seconded by Dale Kellerson

Resolved that the application of David Bourne, 85 Martha Street, Spencerport NY 14559 for an area variance to install an 8' x 10' shed with a side setback of 1.5 feet is deemed a Type 2 action and no further review is required.

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

Resolution No 211
May 19, 2011

Introduced by Chairman Dole
Seconded by Dale Kellerson

Resolved, that the application of David Bourne, 85 Martha Street, Spencerport NY 14559 for an area variance to install an 8' x 10' shed with a side setback of no less than 1.5 feet be approved Whereas the minimum setback for a class 1 structure shall not be less than 5' from the side property line pursuant to Chapter 340-14-F of the code of the Village of Spencerport in an R-2 District.

Furthermore be is resolved that such approval was granted based on the following:

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

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

Unfinished Business:

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to un-table the application of Ogden Rental Inc., 2800 Spencerport Road, Spencerport NY for approval to convert an existing building into 4 single family apartments on property located at 115 Clark Street, Spencerport NY 14559. Such approval is required pursuant to Chapter 340-16.A in an R-3 district, application shall be made to the Zoning Board of Appeals for approval of any remodeling or construction of any types of dwellings in residential districts other than single-family which approval by the Zoning Board of Appeals shall be in conformity with the following setback requirements:

1. Front yard setback of 14' whereas the minimum is 50'
2. Side yard setback of 2.2 'whereas the minimum is 50'
3. Rear yard setback of 8.9' whereas the minimum is 50'
4. At adjoining districts: 50 feet.

These variances are pursuant to Chapter 340-16.1(c) [1], [2] [3] and [4] respectively.

Area variance for a lot area of 10,608 square feet whereas the minimum area required is not less than 3,500 square feet per unit or 14,000 square feet total, pursuant to Chapter 340-16A. (1)(b).

Pursuant to Chapter 340-16 A (1) (j), upon receipt of an application as provided herein, the Zoning Board of Appeals shall refer such application to the Planning Board.

Pursuant to Chapter 340-16.A(1)(k), the Planning Board shall within 45 days after receipt of an application, notify the Zoning Board of Appeals that the Planning Board recommends approval, approval with modifications or conditions or disapproval.

Chairman Dole: Is there any changes to your original plan?

Mr. Lopresti: Yes, we did make some changes we have been working on trying to figure out a way to accommodate the board and their concerns from our last meeting. I think we have come up with a solution that will make everyone happy. We were able to take the existing building and leave it exactly the way it is except for the addition of the garages. We have reduced the density we are able to use the existing building creating 4 units without making any major modifications. We are hoping that will take care of the issues that have been raised. The original concept we brought to the Planning Board is what this will go back to other than the number of units. With 4 units we are only required to have 8 parking spots we will have 9 spots, one extra.

Dale Kellerson: You will not be using the property at 111 West Ave?

May 19, 2011
ZBA Minutes
Page 4

Mr. Lopresti: No, it would just be contained within the site there. It brings the variance down a third.

Mark Unvericht: You won't be raising the second floor?

Mr. Lopresti: No.

Chairman Dole: Will this have to go back to the Planning Board? They have already recommended this project with 4 or 5 units?

Jack Crooks: No, 4 units was really their comfort level.

Attorney Field: I agree with Jack Crooks I don't believe it has to go back to the Planning Board.

Mark Unvericht: Will this be contingent upon this Board receiving new plans? Do we have to see the new plans before we make any decisions?

Jack Crooks: No building permits will be issued as far as construction is concerned until the new plans are submitted to the Building Department.

Chairman Dole: How big will the units be?

Mr. Lopresti: Huge, 1350 sq ft a piece, 2 bedrooms with basement and a garage.

Dale Kellerson: I started out with pros and cons and basically that building being fixed up was a pro but the cons was that you never heard anything positive from the neighbors. Again that was with the higher density the planning board also did not recommend the high density. I really didn't like the idea of buying 111 West Ave just to put in a parking lot. I like it better than I did before.

Mike Flavin: My only concern is that one driveway off West Ave, but the 4 units are definitely better than the six.

Dale Kellerson: There were many suggestions on keeping the tenants from using that driveway.

Mr. Lopresti: We intend on keeping the use at a minimum.

Jack Crooks: I think my only comment is that we need to encourage people to go in and out on Clark Street, adding more traffic doesn't make any sense. I have visited that site again 2 days ago and for the second time in recent history kids have discovered that is an

empty building and there is graffiti on the west side. The Village Board in good conscience rezoned this from commercial to residential use with the intent that it would be an improvement to the neighborhood. Reducing the density by a third and trying to move traffic away is a good thing. Those were the issues at the Planning Board level.

Chairman Dole stated that there were 2 letters to be included in the file from neighbors both letters have been read and considered.

At this time the following resolution was offered.

Resolution No 212
May 19, 2011

Introduced by Chairman Dole
Seconded by Mike Flavin

Resolved that the application of Ogden Rental, 2800 Spencerport Road, Spencerport, NY to convert an existing building into 4 single family apartments on property located at same is deemed a Type 2 action and no further review is required.

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

Resolution No 213
May 19, 2011

Introduced by Chairman Dole
Seconded by Mike Flavin

Resolved, that the application of Ogden Rental Inc., 2800 Spencerport Road, Spencerport has received approval to convert an existing building into 4 single family apartments on property located at 115 Clark Street, Spencerport NY 14559. Such approval is required pursuant to Chapter 340-16.A in an R-3 district, application shall be made to the Zoning Board of Appeals for approval of any remodeling or construction of any types of dwellings in residential districts other than single-family which approval by the Zoning Board of Appeals shall be in conformity with the following setback requirements:

5. Front yard setback of 14' whereas the minimum is 50'
6. Side yard setback of 2.2 'whereas the minimum is 50'
7. Rear yard setback of 8.9' whereas the minimum is 50'
8. At adjoining districts: 50 feet.

These variances are pursuant to Chapter 340-16.1(c) [1], [2] [3] and [4] respectively.

Area variance for a lot area of 10,608 square feet whereas the minimum area required is not less than 3,500 square feet per unit or 14,000 square feet total, pursuant to Chapter 340-16A. (1)(b).

Pursuant to Chapter 340-16 A (1) (j), upon receipt of an application as provided herein, the Zoning Board of Appeals shall refer such application to the Planning Board.

Pursuant to Chapter 340-16.A(1)(k), the Planning Board shall within 45 days after receipt of an application, notify the Zoning Board of Appeals that the Planning Board recommends approval, approval with modifications or conditions or disapproval.

Such approval based on the following factors:

1. Developer has modified building plans reducing proposed units from 6 to 4 per recommendation from Planning Board dated April 5, 2011.
2. Such proposed development will be a positive addition to the neighborhood.
3. Such modification significantly reduces density.
4. Such proposed development will not have an adverse environmental impact on the neighborhood.
5. Developer will submit all stamped plans to the Building Inspector for his review and issuance of building permits.

Furthermore such variances are Type 2 actions and no further review is required.

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

Mr. Popen's application will be heard at the next meeting.

Approval of Minutes

Motion made by Chairman Dole seconded by Mike Flavin and carried unanimously to approve the April 21, 2011 minutes as written.

Adjournment

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 8:00 to go into a workshop session.