

Zoning Board Minutes
December 15, 2011
7:00

Present

Chairman John Dole
Michael Flavin
Mark Unvericht
Dale Kellerson
David Wieme

Absent

Others Present

Pam Gilbert
Eric Stowe, ZBA Attorney
Carol Nellis Ewell, Village Board Liaison
Robin Sterling
David Sterling
Lisa Adamski

At this time Chairman Dole led the Pledge of Allegiance.

Unfinished Business

Motion made by Michael Flavin seconded by Mark Unvericht to untable the application of Robin Sterling, 109 Village Hill Drive, Spencerport NY 14559 for an area variance for 280 linear feet of 6 ft high privacy fencing placed on the property at same.

Whereas any privacy fence must be relocated to the rear of the front line setback and not nearer to a side line or rear line than the required side line or rear line setback, but in no event less than two feet away from any side line or rear line, shall not exceed six feet in height and shall not exceed a total length of 65 ft on any one lot. Such variance pursuant to Chapter 340-32-A-4.

Robin Sterling stated that tonight they are asking to install the fence 12 ft off lot line in rear and right on side lot lines.

Michael Flavin: Will you be installing a gate for the Village to have access?

Robin Sterling: Yes, the gate will be 12 ft or does it matter?

Tom West: Yes the gate needs to be 12 ft.

Michael Flavin: Did you look into invisible fencing?

Robin Sterling: The cost was too much.

Chairman Dole: The big problem with putting something on the property line is maintaining both sides of the existing fence. To maintain you would have to go on someone else's property. That is why the code is 2 ft off the property line.

Michael Flavin: I would still like to see it off the line.

Tom West: Throughout the years I have seen problems with neighbors having fence along fence it would be a good idea to have that fence off the line as per code. I know it makes a smaller area for your dog but it also makes your neighbors happy.

Discussion ensued regarding placing the fence on the lot line.

Attorney Stowe: Is the fence extending into the easement with a 12 ft gate and that is ok with the public works?

Tom West: Yes, the fence has to come up 12 ft.; nothing can go across the swale.

Attorney Stowe: I agree with not having the chain link on the line it is ok now because your brother lives there but when you put a 6 ft fence on the line when the next owner come along and says you cannot go on their property it is down the road that I am worried about.

Laura Adamski stated that the Sterling's can do whatever they want on their property but she just wants to make sure that nothing happens to her fence in the back.

At this time the public hearing was closed.

Chairman Dole: I am willing to allow 1 ft off the lot line in order to get through with a weed whacker to maintain the property.

The board agreed with the 1 ft off the lot line in order to maintain the property.

Eric Stowe: Have we ever figured out what the total length of privacy fencing to be installed is? The code states that the total length of privacy fence can't be any greater than 65 ft without a variance.

Michael Flavin: It is definitely more than 65 ft they are asking for a variance.

At this time the following resolution was adopted.

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Resolution No 218
December 15, 2011

Introduced by Chairman Dole
Seconded by Michael Flavin

Resolved that the Zoning Board of Appeals has determined that the application of Robin Sterling, 109 Village Hill Drive, Spencerport NY for an area variance on property located at same is deemed a Type 2 action and no further review is required.

Ayes: Dole, Flavin, Unvericht, Kellerson, Wieme

Resolution No 219
December 15, 2011

Introduced by Chairman Dole
Seconded by Michael Flavin

Resolved that the Zoning Board of Appeals approves the application of Robin Sterling, 109 Village Hill Drive, Spencerport NY for an area variance for 280 linear ft of 6 ft high privacy fencing on property located at the same with the following conditions:

1. Privacy fencing must be placed no closer than 1 ft off north and south property lines.
2. Privacy fencing must be 12 ft off rear property line and must have a 12 ft gate.
3. Total linear feet not to exceed 280 ft.
4. Privacy fencing not to exceed 6 ft high.
5. Fence to be installed to professional standards.

Ayes: Dole, Flavin, Unvericht, Kellerson, Wieme

Chairman Dole stated for the record that no one came in front of the board to speak against such privacy fence request.

Approval of Minutes

Motion made by Michael Flavin seconded by Dale Kellerson and carried unanimously to approve the November 2011 minutes as written.

Adjournment

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:30 pm.

