

Zoning Board of Appeals

Minutes

May 16, 2013

Present

Chairman Dole
Michael Flavin
Dale Kellerson
David Wieme

Absent

Mark Unvericht

Also Present

Village Attorney Eric Stowe
Building Inspector Patrick Smith
Building Inspector Jack Crooks
Tom West DPW Superintendent
Brian Kerry
Diana Powell Keery
Stephen Daggett
Eric Schaaf
Ray Spencer
Helen Spencer

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Dean Snyder, DVM, PE, 516 North Ave Hilton NY for the following variances for the construction of a new two story building 4800 + or – located at 370 S Union Street, Spencerport NY. A proposed side setback of 20 ft from abutting residential district vs. a 40 ft pursuant to Chapter 340-23-2-b of the Village of Spencerport Village Code. A variance for 21 parking spaces vs. the required 28 parking spaces pursuant to Chapter 340-29 of the Village of Spencerport code. A special permit to operate a veterinary hospital in a B-3 District pursuant to Chapter 340-19-B. (9) of the Village of Spencerport Code.

Dr. Snyder stated to the Board that he was in front of this Board in 2004 and received a special permit to operate a veterinary hospital. Because we didn't do any work within 12 months the special permit was null and void due to Spencerport Village Code. Dr Snyder went on to say that he was here again in front of this Board for another special permit and for two additional variances.

The first variance is for parking the code requires parking based on square footage and a veterinary hospital is a little bit different where it doesn't require much parking. Realistically I think we need 12 – 15 parking spots total and the proposal we have right now is for 21 parking spots with 2 banked spaces which is less than the required 28 so I am asking for a variance for that. Second, is the other variance the building right now is located 13 ft from the utility pole on the south side.

There is a limited amount of space to get to the rear of the building. Our choice on the new building is whether we are going to have the driveway on the north or the south side. On the north side we have plenty of room but it comes up right along the cemetery and we didn't believe that was an appropriate place to have a driveway. We decided to go with the south side with existing setback if we put the building in the same place with only a 13ft clearance between the utility pole and the building by the time we bring in our electrical service we are going to have 2-3 ft to protect that. So now we are down to 9 -10 ft available for a refuse or delivery truck to get back in there. I think that is just an accident waiting to happen. We decided it was more appropriate to move the building to the north there wasn't sufficient space because on the north side even though it is a cemetery it is considered residential so there is a 40 ft setback requirement which is very significant. The driveway will be over closer to what is considered commercial. The last one is a special permit the request is very similar to the one approved in 2004. I will list the criteria.

- No boarding the runs will be kept for hospitalized animals.
- No patients will be without an employee at any time.
- No adoption services at this facility.
- No onsite cremations.
- Office hours by appointment only Monday thru Friday 7:30 until 9:00 pm.
- Saturday 7:30 until 5:00 pm and emergencies as required.

Dr Snyder stated that all patients are seen by appointment only which helps monitor appropriate traffic flow.

Eric Schaaf: This is a very beautiful building we are going to the Planning Board for final approvals next month. The only modification to the plan is a sidewalk installed connecting to the sidewalk ending at the cemetery. The other points Dr Snyder covered quite well. We are utilizing the existing curb cut and that does allow for a better traffic flow.

Eric Schaaf: The only minor correction for the record is we are proposing constructing 18 parking spaces and land banking 3.

Jack Crooks stated that they are fine in regards to handicap parking.

Jack Crooks: With power coming in from the left side one of the comments from the municipal electric dept. was that they wanted bollards around that power access to prevent any damage to the power access on that side of the building.

Chairman Dole: Will the power be coming in underground?

Jack Crooks: Yes and there will be a meter on the south side of the building.

Chairman Dole: What is the second floor going to be used for?

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Dr Snyder: Office space

Public Hearing opened to audience:

Diana Powell Keery: Certainly when Dr. McKinney had his office there was nothing to the east and now there is a whole neighborhood to the east of the clinic. We talked about green space in your resolution if you could include that the trees will be maintained for a buffer in regards to noise.

Hours of operation something to consider what are normal hours for businesses next to residential or maybe setting hours for emergencies just to be specific.

Stating that there will never be a crematory on the property, putting those types of things in the resolution should be done.

Diana Powell Kerry: As your attorney knows those can be included in the resolution.

Attorney Stowe: I would agree with the hours and the crematory but I am not sure about the buffer for noise if that would fall under the prevue of this board.

Diana Powell Kerry: When you look at the fire house there is a board on board fence buffering them from the residential neighborhood.

Jack Crooks: I do know Diana that the area to the east towards your property is not controlled by this applicant there is an area about 85 ft which is owned by Hollinks.

The property lines were reviewed by the audience.

Brian Keery: Do you know where the storm sewer is back there?

Tom West: It is not on his property.

Brian Keery: Will this change the drainage is there any consideration to where the parking lots will drain off to?

Chairman Dole: Again that falls under the planning board review and I can guarantee that our resolution will include that all approvals must be received from the Planning Board.

Brian Kerry: My chief concern is noise which this board does govern as per Chapter 198-13 which states that Veterinary Clinics are exempt from any noise ordinance. Hours of operation are very relevant. In this case we have no reasonable means to manage the noise there is no protection.

Jack Crooks: I think that your protection will be granted by this Board and based on the application of the applicant there will be no outside boarding any animals outside will be maintained by employees. If there is an issue you could call the animal hospital.

Brian Kerry: I will be very frank with you; neighbor to neighbor confrontation is not a very good way to try and enforce polices. That is why we have this board. I really do think you have to consider hours of operation and I strongly advise that.

Stephen Daggett: I was actually here in 2004 and he did put the hours of operation in the proposal which were 7:30 am – 9:00pm and on Saturdays 7:30 am – 5:00 pm and that is what he presented to everyone 9:00 pm seems very late; we are worried about the noise. There was something else in there from 2004 we were concerned about the area in between and you said nothing would happen unless you brought it back to the board and nothing did happen and tonight I understand why. One of the things you said was that you wouldn't take down any of the trees but the majority of those trees were all taken down recently.

Dr. Snyder: I can comment on that we haven't taken any of the trees down. The trees that were taken down grew and fell down and we cleaned the dead ones out we have not taken down a single tree. If you walk back through you will see that they are all dying all the tall pines within a few years will probably be dead and falling over back on the property. What we did do is on the back of the property behind where those pines were we cleared out a path there so we can define where the property line was. It has always been kind of questionable where the property line is. There is some 90 ft of buffer of commercial property between this and neighboring residential property.

In Hilton we have 26 outdoor runs in a residential area and we live right there and I am very sensitive of the neighbors and some of the neighbors were very concerned when we opened up and I can understand that. I think you will find that the neighbors love us because we are very respectful of them even when we let boarders out on a sunny morning it can be warm out and windows are open we let three dogs out at a time and we clean the kennels quickly if a dog barks it goes right back in. There won't be any boarders at this location. We have a 15 yr history of being very good to our neighbors.

Again this buffer zone is part of Hollinks property and we don't have access.

Mr. Daggert thanked Dr. Snyder for the explanation.

Public Hearing was closed at 7:28 p.m.

Michael Flavin: The only dogs on the property at night will probably be under anesthesia and recovering from surgery?

Dean Snyder: Typically the dogs inside at night are quiet they settle down. We have taken the runs completely away and that should take away any of the noise issues.

David Wieme: Are you proposing the same hours as in 2004?

Dr Snyder: Yes, exactly the same the reason we go until 9:00 pm is not because we have appointments at 9:00 pm we usually have our last appointment at 8:00 pm and it takes an hour to get out staff out of there. With the exception of emergencies which is hard to regulate.

Chairman Dole: At the most how many animals do you think you will have in there at one time?

Dr. Snyder: Typically for surgery for cats we might have 6 at a time with dogs we might have 9 it is hard to say. You don't want to have a lot of cages that don't get used the standard of care is trying to not have animals overnight.

Attorney Eric Stowe: The Planning Board has not approved the site plan yet so any approvals given this evening must be contingent upon the applicant receiving those approvals.

Jack Crooks: I think having a conversation with the Village Board and the amount of time that has passed hoping to have some resolution with that property I think they are very supportive of the project. The variance to the north is probably reasonable in that there is also a driveway along there for additional buffering. This is a good fit great efforts have been put into the architectural layout of the building and the appeal.

Patrick Smith: The applicant has looked at all the issues and tried his best to please everyone I don't think he could do anything else to make it better for the neighbors.

After Board Discussion the following resolutions were offered:

Resolution No. 227
May 16, 2013

Introduced by John Dole
Seconded by Michael Flavin

Resolved that the application of Dean Snyder DVM PE, 516 North Ave, Hilton NY for the following variances for the construction of a new two story building 4800 + or – located at 370 S Union Street, Spencerport NY. A proposed side setback of 20 ft from an abutting residential district versus 40 ft pursuant to Chapter 340-23+2-b of the Village of Spencerport Village Code. A variance for 21 parking spaces versus the required 28 parking spaces pursuant to Chapter 340-29 of the Village of Spencerport Code. A special permit to operate a veterinary hospital in a B-3 District pursuant to Chapter 340-19-B. (9) of the Village of Spencerport Code. Such application is deemed a Type 2 action and no further review is required.

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

**Resolution No. 228
May 16, 2013**

**Introduced by John Dole
Seconded by Michael Flavin**

Resolved that the application of Dean Snyder DVM PE, 516 North Ave, Hilton NY for the following variances for the construction of a new two story building 4800 + or – located at 370 S Union Street, Spencerport NY. A proposed side setback of 20 ft from an abutting residential district versus 40 ft pursuant to Chapter 340-23.2-b of the Village of Spencerport Village Code. A variance for 21 parking spaces versus the required 28 parking spaces pursuant to Chapter 340-29 of the Village of Spencerport Code be approved based on the following:

Such variances will not result in any negative impact on the neighborhood.

1. Nor, will the variances have an adverse environmental impact on the neighborhood.
2. Request is not deemed substantial
3. Situation was not self created

Furthermore such application must meet all site plan requirements and approvals from the Planning Board.

Ayes: Dole, Flavin, Kellerson, Wieme

Nays: none

**Resolution No. 229
May 16, 2013**

**Introduced by John Dole
Seconded by Michael Flavin**

Resolved that the application of Dean Snyder, DVM PE, 516 North Ave, Hilton NY for a special permit to operate a veterinary hospital in a B-3 District pursuant to Chapter 340-19-B. (9) of the Village of Spencerport Code be approved based on the following:

1. No boarding will be provided at this facility.
2. No adoption service will be located at this facility.
3. No cremations will take place at this facility.
4. Office hours by appointment only except for emergency care as required.
5. Hours of operation to be Monday – Friday 7:30 am until 9:00 pm
Saturday 7:30 am until 5:00 pm
6. No outside runs other than a walk area for pets on leash with staff.

Ayes: Dole, Flavin, Kellerson, Wieme

Nays: no

Approval of Minutes

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

Adjournment

Motion was made by Chairman Dole seconded by Michael Flavin and carried unanimously to adjourn the meeting at 7: 55 p.m.

