

Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, August 6, 2015, 7:00pm.

PRESENT: Vice Chair Robert Duff, Member Sal Sciremammano, Member Douglas Wolcott, Member Laurence Vaughan, Member Eileen Ryerse, Building/Zoning Officer Timothy McElligott, Clerk Pamela Krahe.

ALSO PRESENT: Gary Webster, Karen Webster, Elisabeth Colaprete, Katherine Kristansen

CALL TO ORDER: Vice Chair Duff called the meeting to order and led the Pledge of Allegiance. He welcomed new member Eileen Ryerse to the board.

REVIEW OF MEETING MINUTES: Vice Chair Duff called for a motion to approve minutes.

➔ Member Sciremammano moved, Member Vaughan seconded, carried 4-0 with Member Ryerse abstaining, to approve the minutes of the meeting held May 7, 2015 as written.

CORRESPONDENCE: NY Planning Federation newsletter received. Three letters received for public comment of 281 West Avenue.

NEXT MEETING: Thursday, September 3, 2015 at 7:00pm upon application

Public Hearings:

NEW BUSINESS:

1. Name: Gary Webster
Address: 46 Frazier Street
Tax Map #: 069.09-2-3
Property Code: 210
Zoning: O-Residential
Lot size: 0.33 acres
Purpose: Area variance to add 2' (feet) to width of garage
Zoning Code: 58-15 Clear view of street intersections

Vice Chair Duff read the NYS guidelines regarding an area variance as follows:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The ZBA, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Applicant Presentation:

Gary Webster, 6711 Fourth Section Road, Brockport, stated the garage of his daughter's house is 12' to the outside, and is so small there is barely enough room for a car. She would like to store her snow blower in the garage as well.

Public Comment:

➔ Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:05 pm.

Vice Chair Duff opened the floor for public comment; no one came forward. He opened it up to the board for further discussion.

Vice Chair Duff asked Mr. Webster about the line of sight and Mr. Webster said the side of the garage will butt out into the view of the residents of Keable Court. Duff asked if the intersection would be blocked with a 2' extension. The applicant replied no. There was discussion about the current setbacks from both Frazier and Keable. The garage is actually setback further than the front of the house on Frazier. They discussed the stop signs and lines of sight at all points of the intersection of Keable and

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Frazier.

- ➔ Member Sciremammano moved, Member Wolcott seconded, unanimously carried that the application be approved as submitted.

2. Name: Elisabeth Colaprete
Address: 281 West Avenue
Tax Map #: 068.11-1-8
Property Code: 210
Zoning: O-Residential
Lot size: 83.6' wide x 139' deep
Purpose: Area variance to allow camper to be parked closer than 4' (feet) to lot line
Zoning Code: 51-5 B (5)

Vice Chair Duff noted the area variance test is the same as indicated in the first application.

Applicant Presentation:

Elisabeth Colaprete, 281 West Avenue, stated she was told by the Planning Board she needed to change the usage of the part of her property where she wants to park her camper because she can't have it any closer than 4' to the lot line.

Public Comment:

- ➔ Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:14 pm.

There was no one in the audience who wished to speak to the application. Vice Chair Duff read the written correspondence received, as follows:

- Ms. Sofia Tavelaris, 277 West Avenue, dated July 30, 2015 as follows:

To the Zoning Board of the Village of Brockport.

I am writing to you concerning the legal notice I received regarding the property on 281 West Ave.

I would like the board to abide by the village code 51-5 B (5) and not allow a camper to be parked 4' from the lot line.

The camper should only be parked in a [sic] area allowed by the village codes.

Thank you, Sofia Tavelaris, 277 West Ave., Brockport, NY 14420

- David P. King, 6 Beverly Drive, dated July 31, 2015 as follows:

Good Afternoon, I am following up on the area variance to allow a camper to park closer than 4' to lot line. If in fact the zoning code 51-5 B (5) states; No trailer SHALL be parked or stored closer than four feet from any lot line; than I want to follow this rule to ex actually what the zoning code states. If Mrs. Travelaris wants to sell that property it could cause a problem with the sale. This would be a real eye sore for her to look out her windows. From my back yard I can see the very large shed that Mrs. Colaprete has placed in her back yard with a wire fence with red flags attached for safety reasons, I'm guessing. Also a very large trellis close to the large shed. Now she wants to place a camper over the allotted rule to property line, which we will be able to see from our back yard when we are setting in our yard. I don't know who saw this violation to the code but I thank them for reporting this. I do not know the codes but this sounds very reasonable to me in the village. This is not farm land or country side property, this is a residential area and a very nice one at that. My family has been here over twenty years and as neighbors we have become very good friends with no problems. Mrs. Colaprete can be very intimidating when doing things. I was told that they refinish furniture in this very large shed. Mrs. Colaprete told us that she was moving this shed in from her old property and got the okay by the village because they don't have a garage. I feel that we should follow the rules in place and she should move the stone back 4 feet from Mrs. Travelaris property so the is no problem down the rode.

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> I am sorry that I can not attend the meeting on August 6, 2015 due the fact that In had a total hip replacement on my right hip. Would you please forward my thoughts to the zoning board, thank you very much on this matter. David P. King

- Letter from Gary and Debbie Thomas, 2 Beverly Drive, dated August 3, 2015 as follows:

Dear Pamela Krahe:

I am writing this short note concerning the requested variance by Elizabeth Colaprete at the property at 281 West Avenue (Tax Map # 069.11-1-8). Having received the informational letter from your office regarding this matter, myself and my neighbors have agreed that we are extremely opposed to the granting of this variance. I

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know you have received correspondence from David King, my neighbor, who gave me your contact information. Below are our reasons of opposition:

1. Sophie Travelaris, the neighbor directly east of Ms. Colaprete, is the person who will be directly impacted by such a variance. Mrs. Travelaris is very soft-spoken and has confided in us that Ms. Colaprete has resorted to subtle intimidation tactics to coerce Sophie to grant the variance. Sophie DOES NOT WANT THIS! Since she is the most affected, why should this even be an issue? If a variance were to be granted, this is a decision that could affect Sophie if she ever wanted to sell her home, as well as affecting her in the present.
2. From my back deck, we can see the area in question. A trailer in that area would be a bit of an "eye-sore" to us, but would be directly outside Sophie's window! Who would want that kind of view?
3. Gravel has already been laid by Ms. Colaprete in anticipation that this variance would be granted. It seems a bit arrogant to me that she feels that she can circumvent the rules without due cause. Additionally, I have heard through the grapevine that Ms. Colaprete intends to cover the gravel with spent diesel fuel which would be both an environmental issue and an unpleasant aromatic issue so close to Sophie's window.
4. Mrs. Travelaris has to bear the brunt of living next door to a pushy, intimidating neighbor. Because of this intimidation, we are kind of "watching her back". As stated above, if she does not want this variance granted, should it not be up to her? She may be hesitant to speak up, but these are truly her wishes as expressed to us, her neighbors of many years.

We all hope for a fair and peaceable decision on this matter. Thank you for your time...

Gary and Debbie Thomas
2 Beverly Drive
Brockport, NY 14420

Continued Board discussion on application:

Member Sciremammano asked the size of the camper; the applicant replied 23' long without the beds tipped out on the end. She indicated there is also a side slideout for the dining area. Her property line is 27.6' from the east wall of her house. Her minivan fits in the driveway with room to open both doors wide enough to exit, but there is no room for the camper, too. The driveway is single lane. Member Sciremammano indicated he also has a camper and is aware of the logistics of parking and loading a camper. There was discussion about putting the camper in the backyard, but Ms. Colaprete indicated she would not be able to put snow from the driveway in the backyard with the camper there. She has drainage issues on the property already and does not want to add to them. She was told the trailer can be in the backyard on the lawn she thinks that would be a bigger eyesore. Member Sciremammano says in the winter, the camper must be in the backyard. She is also across the street from Fowler's Funeral Home and she gets a lot of extra snow on her lot from the street plowing there. Member Sciremammano mentioned that everyone has to contend with snow.

Ms. Colaprete clarified that she does not intend to put diesel fuel down on the gravel, but is putting cooking oil on it. Blacktop is very toxic; she has information from the CDC and other sources of the toxicity of coal tar and blacktop. She said the front of her house is black from traffic. She also mentioned PHAs, but didn't elaborate on them.

Member Sciremammano asked where the stone came from; Colaprete said it was leftover from the installation of the shed in the backyard, which is a swamp.

Member Vaughan says the village code won't allow the application of cooking oil to stone to count as a dustfree surface. He opined there is no treatment of stone that turns it into a dustfree surface and stone itself is not dustfree. Colaprete contended she has documentation from the DOT indicating stone is dustfree, and she is only driving 3-7 miles per hour on the stone, and going uphill, then she stops before the steep grade into her backyard. She countered that she would not be driving fast enough to raise dust. Member Vaughan explained that it isn't just driving on it that raises dust. Wind can raise dust, driving on it with a lawnmower raises dust, etc.

Member Sciremammano wondered if she could back the camper in and move it over some. She voiced that that would interfere with the forsythia bushes, and she would like to keep those as a tribute to Judge Connors who had the house built originally. She said when she came to get the building permit for the shed, no one had said anything about her camper. The rear door of her home is the best entrance as the front door area is carpeted; she wants to park near the rear door. Member Sciremammano shared that if this variance is granted it remains with the property forever, so future neighbors to this property will also be affected.

Member Wolcott asked the applicant if she can understand why having the camper parked just 2" from the lot line raises issues. He continued, saying if she parked the trailer deeper in the backyard she

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would be within code.

The applicant noted two cars do not fit side by side in her driveway. She currently has a popup camper in the backyard. Her hard shell camper is the one that would be out front. Her husband does antique furniture refinishing. Ms. Colaprete indicated she will blacktop the new section if she is forced. Board members pointed out that a certain percentage of the side yard has to remain yard, but that is another issue. Chair Duff reminded this application is for an area variance to park the camper within 4' of the lot line.

Member Ryerse asked the applicant if she has thought of storing the camper offsite. Colaprete replied that solution costs money, and explained her husband is a custodian.

Member Vaughan asked what guarantee there would be that every time the camper gets moved that it wouldn't get closer and closer to the line. He indicated the newly-created pad is almost too close to the property line, or perhaps that is a separate issue. Member Sciremammano opined if this is granted, can you imagine the other applications that would come in. Vice Chair Duff mentioned one has to be careful backing up a trailer so you don't run into anything with the wide swing a lengthy trailer can have. Vice Chair Duff called for a motion.

- ➔ Member Sciremammano moved, Member Wolcott seconded, that the application be denied due to the close proximity to the neighboring property.

Discussion on the motion

Member Vaughan reminded the board about the three letters received from neighbors that are not in favor of the application. Those neighbors will be affected by the decision, and the board must consider that. He added that when no one shows up or speaks up against an application after being notified, that gives board more latitude in being able to approve.

Roll call vote:

Clerk Krahe stated the motion on the floor is to deny the application, so an "aye" vote would be in favor of the denial and a "nay" vote would be against the denial.

Member Sciremammano:	Aye
Member Wolcott:	Aye
Member Vaughan:	Aye
Member Ryerse:	Aye
Vice Chair Duff:	Aye

The motion carries unanimously in favor of the denial of the application for an area variance at 281 West Avenue.

The board suggested Ms. Colaprete go back to the codes office to look at other options for the camper.

Selection of Chair and Vice Chair for 2015-2016:

Vice Chair Duff asked for discussion and nominations for Chair and Vice Chair. Member Vaughan suggest Vice Chair Duff take over as Chair; Duff accepted the nomination. Member Vaughan then suggested Member Sciremammano be selected as Vice Chair; Sciremammano accepted.

- ➔ Member Vaughan moved, Member Sciremammano seconded, carried 4-0 with Vice Chair Duff abstaining, to select Robert Duff as Chair of the Zoning Board of Appeals for 2015-2016.
- ➔ Member Vaughan moved, Member Wolcott seconded, carried 4-0 with Member Sciremammano abstaining, to select Sal Sciremammano as Vice Chair of the Zoning Board of Appeals for 2015-2016.

Other Business:

Vice Chair Duff inquired about the filing of decisions, as noted in his ZBA workbook. Clerk Krahe responded that all applicants are notified in writing of the outcome of the meeting at which their application is heard, and all application materials remain on file at Village Hall.

Adjournment:

- ➔ Member Sciremammano moved, Member Wolcott seconded, unanimously carried that the meeting be adjourned at 8:10pm.

Pamela W. Krahe, Clerk