

--Approved--

**Meeting of the Village of Brockport Zoning Board of Appeals
Held in the Conference Room, Municipal Building, 49 State St, Brockport, NY
Thursday, March 7, 2019, 7:00pm.**

PRESENT: Chair Robert Duff, Member Karen LoBracco, Member Robert LeSuer,
Clerk Barbara A. Krizen

EXCUSED: Code Enforcement Officer Chad Fabry; Member Sal Sciremammano

ALSO PRESENT: Daniel Hawken, C. Hamlin, Darrell Stewart

CALL TO ORDER: Chair Duff called the meeting to order and led the Pledge of Allegiance.

INTRODUCTION: Chair Duff introduced himself, new Member Robert LeSuer as well as Member LoBracco.

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

➔ Chair Duff and Member LoBracco concurred that the minutes of the meeting held on October 4, 2018 are correct as written. (Member LeSuer abstained due to not being part of the Board during that time.) (Member Sciremammano was not present and excused)

CORRESPONDENCE: NA

NEW BUSINESS:

1. Name: Daniel A. Hawken
Address: 55 Park Ave
Tax Map #: 069.13-2-22
Property Code: 210 – Single Family
Zoning: Residential
Lot Size: 0.31 acres (50'x266')
Purpose: Applicant seeks a 2.9-foot Side Setback Variance
Zoning Code: Chapter 58-9 F(3)(4): O Residential Use District (O Districts)

F. Yards. Yards of the following minimum depths and widths shall be provided for all buildings, structures and uses:

(3) There shall be two side yards, both of which shall be not less than 10 feet in width. [Amended 7-7-1969]

(4) Where a lot has, at the time of the enactment of this chapter, a width of less than 85 feet, the side yard requirements shall be modified in proportion of the lot width to the required lot width, so that one side yard shall have a width of not less than four feet and the other side yard shall have a width of not less than 11 feet.

Applicant Presentation:

Chair Duff reviewed the five New York State criteria regarding a variance application.

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;
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.

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Chair Duff asked the applicant to present his application:

Daniel Hawken addressed the Board. Dan explained he and his wife Amy Nesbitt would like to increase the size of the first floor indicating the house would get no closer to the South boundary line. The siding and style of the building will be the same. Mr. Hawken indicated he and his wife seek to enjoy the property and anticipates being there for at least another 20 or 30 years.

Public Comment:

- ➔ Member LoBracco moved, Member LeSuer seconded, unanimously carried that the regular meeting be closed, and the public hearing be opened at 7:06 pm.

Chair Duff inquired of Mr. Hawken the dimensions of the proposed expansion.

Chair Duff read into the record two letters from residents. The first being Cory and Sarah Cedeno and the second from James P. Goetz and Kathleen C. Goetz.

No further public comments.

- ➔ At 7:10 pm, Member LoBracco moved, Member LeSuer seconded, unanimously carried that the public hearing be closed, and the regular meeting be reopened.

Continued Board discussion on application:

Chair Duff indicated the application is very straight forward asked members of the board if there were any questions. Member LoBracco had no further questions. Member LeSuer had no further questions.

Chair Duff reviewed the five New York State criteria regarding area variance application again as a reminder as to what would be needed to take into consideration when voting and asked for a motion on this application.

- ➔ Member LoBracco made a motion that the application be approved as submitted. Member LeSuer seconded that the application be approved as submitted.

Chair Duff ask for a Roll call vote

Roll call vote:

Member Duff	Aye
Member LoBracco	Aye
Member LeSuer	Aye

The motion carries unanimously with 3 votes in favor, 0 against.

Chair Duff congratulated Mr. Hawken and a discussion ensued regarding when the project was going to begin.

Adjournment:

- ➔ Chair Duff moved, Member LoBracco seconded, unanimously carried that the meeting be adjourned at 7:13 pm.

Barbara A. Krizen, Clerk