

**Village of Brockport
Zoning Board of Appeals
Meeting Agenda
Thursday, September 4, 2014 7pm**

CALL TO ORDER / PLEDGE / ROLL CALL:

APPROVAL OF MINUTES:

CORRESPONDENCE:

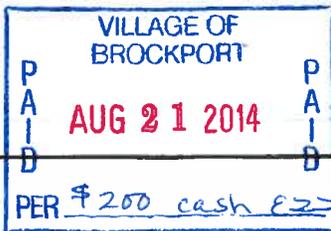
NEW BUSINESS APPLICATIONS: (PUBLIC HEARING)

Name: Brian Thomas
Address: 26 Kimberlin Drive
Tax Map ID #: 068.43-2-14
Zoning: O-Residential
Parcel Size: 85' wide x 146' deep
Property Class: 210
Purpose: Area variances to: (1) allow a setback of less than 4' for camper trailer, (2) use > 50% of side yard for parking, and (3) not pave the existing parking area.
Provisions of Ordinance: (1) 51-5 B (5); (2) 58-22 B (i); and (3) 58-22 B (2) (k)

ADJOURNMENT:

UPCOMING REGULAR MEETINGS/DEADLINES (only upon application):

Thursday, October 2, 2014 7pm Deadline: Tuesday, September 9, noon
Thursday, November 6, 2014 7pm Deadline: Tuesday, October 14, noon



VILLAGE OF BROCKPORT

49 State Street, Brockport, New York 14420
Telephone: (585)-637-5300 Fax: (585)-637-1045
Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

DEADLINE: By Tuesday Noon at least 3 weeks prior to meeting

Area Variance: Use Variance:
Interpretation: _____ Special Permit: _____
Other: TRAVEL TRAILER

Meeting Date: September 4 at 7:00pm
Application Fee: \$200.00
Date Submitted: July 28, 2014
Plans Submitted (10 copies): _____
Environmental Assessment Form Submitted:

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: 26 KIMBERLIN DRIVE, BROCKPORT, NY 14420

Tax Map Parcel #(s): 068.43-2-14 Parcel size: 85' width 146' depth
Property Zoning District: 0-RESIDENTIAL Property Class: 210
Present Use of Property: RESIDENTIAL Proposed Use of Property: RESIDENTIAL

Provision of Code Appealed (give section and subsection numbers): 16-4B; 51-5B(1)&(5); 58-22B(2)(i)

Previous applications for this property: Planning Board _____ Zoning Board of Appeals
If yes, provide results: Referred to ZBA

Description of Proposal / Detail of Request: Install stone pad for parking travel trailer

Value of Construction: \$ 500 Building Permit required after ZBA approval: yes _____ no

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

Brian B. Thomas
Applicant Signature

Owner Signature

Brian B. Thomas
Applicant Name Printed/Typed

Owner Name Printed/Typed

26 Kimberlin Dr
Mailing Address

Mailing Address

Fax # / / E-mail /

Village Engineer _____ DPW Spt.

AREA VARIANCE TEST

New York State criteria:

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 the 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.

USE VARIANCE TEST

New York State criteria:

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) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
- 2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) that the alleged hardship has not been self-created.

The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Brian B. Thomas
26 Kimberlin Drive
Brockport, NY 14420
August 8, 2014

Village of Brockport
Chairman
Zoning Board of Appeals
49 State Street
Brockport, NY 14420

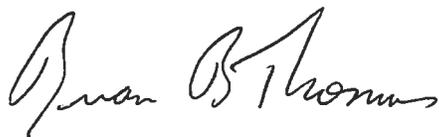
Dear Chairman:

I am writing this letter requesting my fees for my Zoning Board of Appeals application be waived. I am asking this in reference to Village Code 51-5B(7) which states;

(7) The Zoning Board of Appeals, upon application and subject to conditions essential to the safety, health and general welfare of the people of the Village, may authorize waiving or modifying any requirements pertinent to § 51-B(1) through (6). Said Board may, in addition, waive application fees, public notices or hearings on such application.

My reasoning for asking for a waiver is that I am a village homeowner who has paid \$1,000.00 per year for the past 10 years for village taxes. I feel these taxes are sufficient to cover any application fees required.

Sincerely,

A handwritten signature in cursive script that reads "Brian B. Thomas". The signature is written in dark ink and is positioned above the printed name.

Brian Thomas

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Driveway Expansion</i>			
Project Location (describe, and attach a location map): <i>26 Kimberlin Dr, Brockport, NY 14420</i>			
Brief Description of Proposed Action: <i>Expand driveway to create stone parking area for camper next to existing garage.</i>			
Name of Applicant or Sponsor: <i>Brian Thomas</i>		Telephone:	
		E-Mail:	
Address: <i>26 Kimberlin Dr</i>			
City/PO: <i>Brockport</i>	State: <i>NY</i>	Zip Code: <i>14420</i>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		X	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		X	
3.a. Total acreage of the site of the proposed action?		<u>0.29</u>	acres
b. Total acreage to be physically disturbed?		_____	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____	acres
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Brian Thomas</u> Date: <u>6/18/14</u> Signature: <u>Brian Thomas</u>		

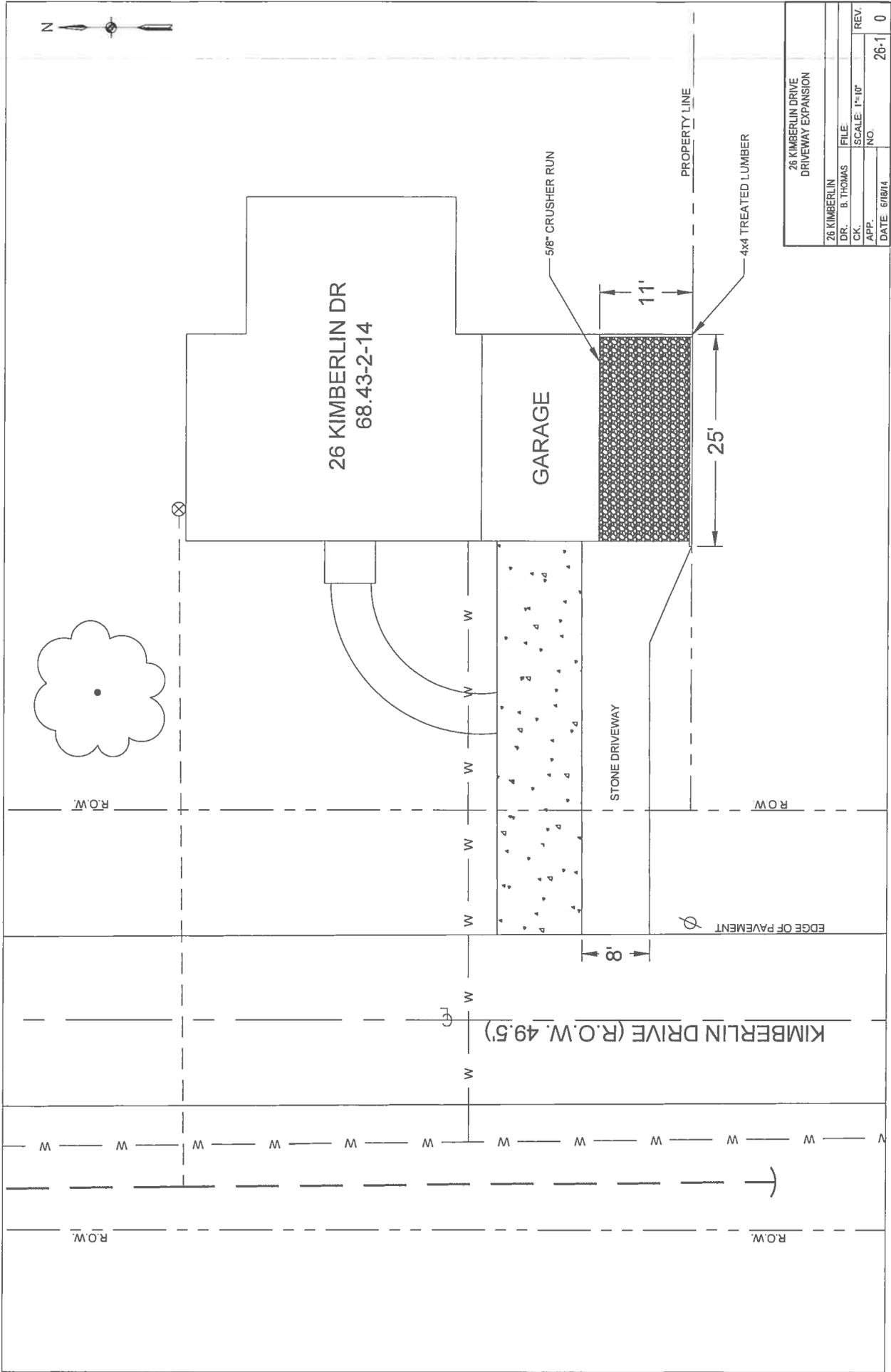
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



26 KIMBERLIN DRIVE DRIVEWAY EXPANSION			
26 KIMBERLIN	FILE		REV.
DR. B. THOMAS	SCALE	1"=10'	
CK.	APP.	NO.	
DATE 6/18/14			26-1 0

ABSTRACT REFERENCES:
 CROSSROADS ABSTRACT
 SEARCH No. 103253
 DATED: 9/24/04

DEED REFERENCES:
 LIBER 2566 OF DEEDS PAGE 372

MAP REFERENCES:
 LIBER 99 OF MAPS PAGE 8

CERTIFICATIONS:
 BRIAN THOMAS
 HSBC MORTGAGE CORPORATION (USA)
 ITS SUCCESSORS AND/OR ASSIGNS
 UNDERBERG & KESSLER, LLP
 FIRST AMERICAN TITLE INSURANCE
 COMPANY OF NEW YORK
 JAMES H. SICKELCO, Esq.

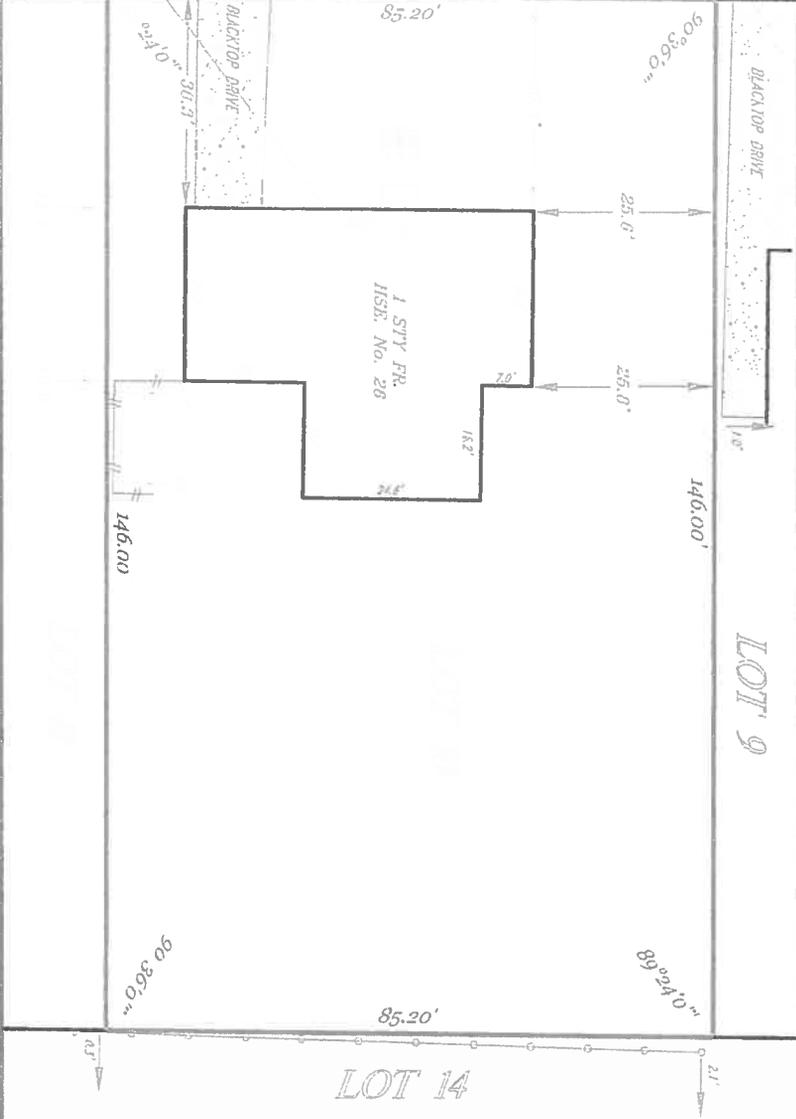
ASSUMED

KIMBERLIN DRIVE

(49.5' WIDE) 383.40' TO CENTERLINE WEST AVE.

R.O.W. LI
 ROPE TY LI
 CE

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE N.Y.S. STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENT AGENCIES, AND LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."
 "COPIES OF THE ORIGINAL OF THIS MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S HAND OR EXPOSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY."
 "UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW." "COPYRIGHT 2004" - WHEN LAND SURVEYING ALL RIGHTS RESERVED. UNAUTHORIZED REPRODUCTION IS A VIOLATION OF ALL APPLICABLE LAWS.



MAIER
 LAND SURVEYING
 RICHARD E. MAIER, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 183 HUFFER ROAD
 HILTON, NEW YORK 14468
 (585) 392-6134
 FAX (585) 392-0374

MAP OF SURVEY SHOWING:
 LOT 10
 OF THE
 CONRAD TRACT - WEST AVENUE
 SECTION 1
 SITUATED IN PART OF
 TOWN LOT 10, TOWNSHIP 3, SECTION 8
 VILLAGE OF BROCKPORT
 MONROE COUNTY STATE OF NEW YORK
 SCALE: 1" = 20' DATE: 10/19/04 JOB NO.: 04_0165 T.M. NO.: 6843-002-014