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, January 5, 2017, 7:00pm.

**PRESENT**: Chair Robert Duff, Member Eileen Ryerse, Member Laurence Vaughan, Member Sal Sciremammano, Clerk Katie Brown, BI/CEO David Miller

EXCUSED: ABSENT:

ALSO PRESENT: John Stevens

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

**F.EVIEW OF MEETING MINUTES:** Chair Duff requested a note be added to tonight's minutes and the minutes of December 1, 2016 stating that Lifetime Assistance at 15 Evelyn Drive has withdrawn their application for a special permit to maintain an onsite dumpster. The organization has decided to switch to garbage totes and has provided the Building & Code Enforcement Office with a written statement of their intent.

NEXT MEETING: Thursday, February 2, 2017 at 7:00pm if needed (materials due by Noon January 10, 2017)

#### **OLD BUSINESS (PUBLIC HEARING):**

1. Name: Winston Woods Apartments

Address: South Ave Tax Map ID #: 068.20-3-27

Zoning: Residential Use District

Parcel Size: 3.80 acres

Property Class: 411

Purpose: Special Permit- Dumpster

Zoning Ordinance: Chapter 21-5

"Within exclusively used residential property, no dumpsters shall be used for the collection or storage of garbage or rubbish. However, any proposed and/or existing trash dumpsters within residential neighborhoods or residentially used property which are in existence prior to the adoption of this chapter are permitted as long as the property owner obtains a special residential dumpster use permit granted by the Zoning Board of Appeals."

#### **Applicant Presentation:**

Chair Duff stated that the public hearing regarding this application is still open from the December 1<sup>st</sup> meeting and asked the applicant to present their application.

Applicant John Stevens representing Winston Woods Apartments stated the dumpster that is in place is on village property. He is proposing to relocate the dumpster and restore the existing area as the village wishes. The dumpster relocation will inhibit 3 parking spaces. The complex's contractor, Passero Associates, created a plan to create 5 new spots to replace lost spots resulting in 2 additional spots. Mr. Stevens believes this is a viable alternative. He went on to say the dumpster has been in place almost 25 years - so long that no one realized it was on village property until the recreational park was put in nearby. Mr. Stevens submitted to the Board a Suburban Disposal invoice dated 1997 which references the dumpster on the property and its service price. He noted that a resident at the December 1st Zoning Board meeting stated that the dumpster was in place when he lived there in1975 (12/1/16 ZBA minutes show the resident was Ronald Staub of 4 Laurie Crescent, a Planning Board member).

Chair Duff confirmed that the submitted invoice proves the dumpster was present prior to the revision of the village code. Chair Duff asked if CEO Miller had any concerns with the parking spots being repurposed.

CEO Miller has no concerns and noted that the 2 spots they are adding are in compliance with the code.

Mr. Stevens added that the complex is at full tenant capacity and they have had no complaints about parking. The complex has been planning to add spots for some time and the dumpster relocation required them to expedite the process.

CEO Miller acknowledged that there have been no parking complaints filed with his department and that the complex does a good job managing the property.

Member Vaughan agreed that, during his years as a building inspector, the complex was well managed

## ZONING BOARD OF APPEALS MEETING OF January 5, 2017.

with very few problems.

Chair Duff asked the Board if there are any further questions regarding the application for a special use permit.

Member Vaughan wished to clarify that the "grandfathering" applies to the property and not the specific location of the original dumpster. CEO Miller confirmed that it applies to the property.

## Close Public Hearing:

Chair Duff asked for a motion to close the public hearing.

→ Member Sciremammano moved, Member Vaughan seconded, carried 4/0 to close the public hearing and re-open the regular meeting at 7:08pm.

Chair Duff asked for a motion to approve the application.

→ Member Sciremammano moved to approve the application as amended, Member Ryerse seconded.

Role call vote:

Member Sciremammano Aye Member Duff Aye Member Ryerse Aye Member Vaughan Aye

The motion carries unanimously with 4 votes in favor, 0 against.

Mr. Stevens questioned how much time will be allotted to complete the dumpster relocation, given the time of year and amount of work required. The Board referred the applicant to the Building & Codes Department to agree on a timeline. CEO Miller advised that the complex should line up a contractor and find out when the work can be done, and then provide a copy of the contract to his department.

# Adjournment:

Chair Duff asked for a motion to adjourn.

→ Member Vaughan moved, Member Sciremammano seconded, carried 4/0 that the meeting be adjourned at 7:12pm.

Katie Brown, Clerk