

Meeting of the Zoning Board of Appeals of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, January 23, 2007 at 7:00pm.

PRESENT: Chair John Bush, Vice Chair / Member Irene Manitsas, Member Francisco Borrayo, James Hamlin, Member Sal Sciremammano, Building/Zoning Officer Scott C. Zarnstorff, Clerk Leslie Ann Morelli.

EXCUSED:

ALSO PRESENT: Attorney Raja N. Sekharan, David & Yvonne Lotta, Joan Hamlin, Linda Borrayo, Norm GianCursio, Fred Webster.

CALL TO ORDER: Chair Bush called the meeting to order and led the Pledge of Allegiance. Chair Bush welcomed new Village Attorney Raja Sekharan and new ZBA member Sal Sciremammano.

REVIEW OF MEETING MINUTES: Chair Bush called for a motion to approve the minutes of the June 27, 2006 meeting.

➔ Member Hamlin moved, Member Manitsas seconded, unanimously carried to approve the minutes of the meeting held June 27, 2006 as written.

CORRESPONDENCE: None

NEXT MEETING: Tuesday, February 27, 2007 at 7:00pm if needed

Public Hearings: None

OLD BUSINESS: None

NEW BUSINESS:

1. Application of:

| | |
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| Name: | David & Yvonne Lotta |
| Address: | 16 Coleman Creek Road |
| Tax Map #: | 068.84-1-16 |
| Property Code: | 210 |
| Zoning: | Residential |
| Lot size: | .40 acre |
| Purpose: | approval to park travel trailer in the side yard (application fee, public notice and hearing not necessary per code) |
| Provision of Zoning Ordinance: | 51-9B2 |

Chair Bush read the applicable section of code as follows:

§51-9 Trailers other than in trailer camps; regulations.

A.

B. Travel trailers and other trailers, except house trailers, may be parked for the purpose of storage in residentially zoned districts (Districts O, T as established by the Village Zoning Ordinance enacted December 21, 1959) under the following terms:

- (1) In the rear yard of any residential lot, behind the rear house foundation or the same extended laterally.
- (2) In the side yard of any residential lot, if rear yard parking is impractical because of size, contour or other physical difficulties, after application to the Village Zoning Board of Appeals and its approval. Said Board may waive application fees, public notice or hearing on such applications.

Applicant Presentation:

Yvonne Lotta said they recently purchased the travel trailer and were unaware of the ordinance. They had hoped to store it off the property, but learned that storage facilities for this purpose require reservations far in advance. She said there is no way to put behind the house as there is no way to get there and the rear yard is very wet. She said they have placed it along side the garage and it is not obstructing anyone's view. They hope to store it off site in the future.

Continued Board discussion on application:

Member Hamlin asked Attorney Sekharan if ZBA approval would be for one year or ongoing. Attorney Sekharan said it would run with the property.

Attorney Sekharan asked the applicant if they provided a copy of their tape location or survey map which would show setbacks. Y. Lotta said no and that they were not asked to supply one. She asked if the Village had a copy in its files. Attorney Sekharan said the Village doesn't necessarily maintain that record. Attorney Sekharan asked when they purchased the property. Y. Lotta said 10 years ago. Attorney Sekharan asked if any changes have been made in that time. Y. Lotta said they added a pool. S. Zarnstorff located a hand drawn plot map from 2001 when they installed the pool. S. Zarnstorff said that was just before he began working for the Village.

Member Hamlin said he made a site visit and visually believes there is enough room. Member Hamlin commented that there is a tractor on the other side of the driveway. Y. Lotta agreed. Member

Manitsas

asked if the tractor would remain. Y. Lotta said it is a riding lawn mower that won't start. They will move

it as soon as they are able. Member Hamlin asked how much further they could go back. Y. Lotta said about 5 feet before it would sink. Member Sciremammano said even moving it back 5 feet would require approval since it still wouldn't be behind the house. He said he also made a site visit and that it is wet in the rear. Dave Lotta said their rear yard gets a lot of runoff from behind them and there is a tree directly behind the trailer. He said it is well away from the property line even if it were a permanent structure. Member Sciremammano noted that the code is ok with May 15th through September 15th, but approval is needed for September 16th through May 14th.

Chair Bush said even if they could go back further, there might be an issue of setback from the rear lot line. Attorney Sekharan said it could be considered a self-created hardship.

Member Bush asked if there is any way to limit approval to one year. Attorney Sekharan said if granted,

the variance goes with the land. Member Hamlin said this is not an application for a variance. It is not part of the zoning code. It is a small section in the regular code that requires ZBA approval.

Member Manitsas and Chair Bush each asked if there have been any complaints. Y. Lotta said not to her knowledge. She said she speaks with the neighbors and is unaware of any concerns. S. Zarnstorff said no. Attorney Sekharan asked if notice was published and if the applicant served notice on the neighbors. Clerk Morelli explained that this particular section of the code allows for the ZBA to waive the application fee, public notice and public hearing. Clerk Morelli said if it were an area or use variance, then she would have charged an application fee, published legal notice in the Village's official paper (Suburban News) and as a courtesy, mailed such notice to property owners within 500 feet of the application. Attorney Sekharan said he was mistaken thinking the applicant was applying for an area variance on setback.

⇒ Member Manitsas moved, Member Borrayo seconded, unanimously carried that per Village Code the application fee, public notice and hearing be waived.

⇒ Member Sciremammano moved, Member Manitsas seconded, unanimously carried that the application be approved.

Adjournment:

➔ Member Hamlin moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 7:15pm.

Leslie Ann Morelli, Village Clerk