

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, Monday, July 26, 2004 at 7:00pm.

PRESENT: Chair Jennifer Skoog-Harvey, Member Charles Switzer, Member David Wagenhauser, Building/Zoning Officer Scott C. Zarnstorff, Clerk Leslie Ann Morelli.

EXCUSED: Vice Chair / Member Irene Manitsas

ABSENT: Member John Bush

ALSO PRESENT: Village Attorney Keith O'Toole, Trustee Carrie L. Maziarz, Eric Hess, Thomas Cole, Jim & Joan Hamlin, Fred Webster.

CALL TO ORDER: Chair Skoog-Harvey called the meeting to order and led the Pledge of Allegiance. Chair Skoog-Harvey welcomed new member David Wagenhauser to the ZBA. She reviewed his impressive credentials that include a law degree.

REVIEW OF MEETING MINUTES: Chair Skoog-Harvey called for a motion to approve the minutes of the June 28, 2004 meeting.

➔ Member Switzer moved, Member Wagenhauser seconded, unanimously carried to approve the minutes of the meeting held June 28, 2004 as amended.

Jim Hamlin commented that since Member Wagenhauser is new and was not in attendance at the last meeting, he should not be above to move or vote on those meeting minutes. Chair Skoog-Harvey said he was correct and that approval of the minutes would wait until the next meeting.

CORRESPONDENCE: None

NEXT MEETING: Monday, August 23, 2004 at 7:00pm

OLD BUSINESS:

1. Application of:

Name:	Douglas VanDetta
Address:	26 Holley Street
Tax Map #:	068.60-3-23
Property Code:	220
Zoning:	Residential
Lot size:	.20 acre
Purpose:	continuance of non-conforming use as 2 family
Provision of Zoning Ordinance:	58-20 A (1)

Chair Skoog-Harvey shared that Clerk Morelli received a call from D. VanDetta this morning. He is recovering from surgery due to a recent accident and still needs more time to gather historical information from the previous owner of 26 Holley Street who is summering out of the country. He asked that his application be postponed to the August 23rd meeting.

2. Application of:

Name:	Steven L. Ray
Address:	52 King Street
Tax Map #:	068.52-4-33
Property Code:	220
Zoning:	Business
Lot size:	.09 acre
Purpose:	continuance of non-conforming use as 2 family
Provision of Zoning Ordinance:	58-20 A (1)

Applicant Presentation:

Eric Hess was in attendance for the applicant. His only comment was that S. Ray said the Village has all along noted this property as a two-family with the exception of one occasion in 1998 when it was noted as a single family.

Continued Board discussion on application:

Member Wagenhauser read Section 58-20 A (1) of the Village Code. S. Zarnstorff said S. Ray had submitted some documentation since the last meeting, however, not the documentation he mentioned and promised (closing papers, mortgage documents).

Member Wagenhauser said he reviewed the information and said the 1963 Village map show it as a single family home as well. Chair Skoog Harvey said so does the property record card and a real property transfer report from Monroe County. Member Wagenhauser said he wished the applicant was here. The 1998 Monroe County Real Property Transfer Report is unclear as to whether he signed off on it or his attorney signed for him. Either way, there was an affirmative act required to check a box in addition to signing. The box is checked single family home.

Member Switzer said all but one document provided by him say it is a two-family. A. Hoy said in the public hearing that it has been a two family since at least 1974. Member Switzer said it is Business Use zoning.

Chair Skoog-Harvey asked E. Hess to relay to the applicant that he is needed at the next meeting: 7pm on Monday, August 23, 2004.

⇒ Member Switzer moved, Member Wagenhauser seconded, unanimously carried that the application be tabled until August 23, 2004.

Public Hearing:

1. Application of: Name: Thomas J. Cole
 Address: 136/138 Monroe Avenue
 Tax Map #: 068.59-4-23
 Property Code: 220
 Zoning: Residential
 Lot size: .15 acre 58' x 65'
 Purpose: continuance of non-conforming use as 2 family
 Provision of Zoning Ordinance: 58-20 A (1)

Applicant Presentation:

Thomas Cole reviewed his application. He purchased the property in 1980 as a two-family home and has used it as such ever since. He provided the following supporting documents: 1) From the abstract of Title – the will of Margaret Lockwood dated 9/25/31 and probated 12/13/43 defining this property as a two family residence. 2) From the Abstract of Title – a certificate of occupancy dated 9/29/78 granted to the estate of Louise Hoy, showing the property as a two family (136-138). 3) Copy of the contract he signed to buy the property when purchased in 1980, listing the property as a two family.

⇒ Member Switzer moved, Member Wagenhauser seconded, unanimously carried that the regular meeting be closed and the public hearing be opened.

Public Comment: None

Continued Board discussion on application:

S. Zarnstorff said he inspected the property last week. The house is configured as a two-family with original, historic construction of the 1930's. There have been virtually no alterations. There are two distinct sides with stairwells. It is clear that this was split long, long ago. S. Zarnstorff further noted that the 1963 Village map shows it as a two family.

⇒ Member Switzer moved, Member Wagenhauser seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Member Wagenhauser commented as a resident of the same street that the property is kept in great shape. As a neighbor he thanked Mr. Cole. He said this comment has no bearing on the ZBA application at hand.

Chair Skoog-Harvey said all documentation is in order and the application is quite strong – consistent use as a two family home.

⇒ Member Switzer moved, Member Wagenhauser seconded, unanimously carried that the application be approved.

Member Switzer suggested to the Board and support team that when an application such as this is so cut and dried and can obviously be approved, that some type of administrative approval mechanism be built in so as not to waste the time of the applicant or board. Member Wagenhauser said he would just not want to see the public hearing opportunity taken away. S. Zarnstorff said that an internal review mechanism will be looked at in the future with the Code Review Committee. S. Zarnstorff said since the removal of the T-District in 1996, it is healthy to take a look at and scrutinize procedures. Member Switzer said he thinks there is a way to streamline some approvals.

Adjournment:

→ Member Wagenhauser moved, Member Switzer seconded, unanimously carried that the meeting be adjourned at 7:50pm.

