

Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Tuesday, April 27, 2010, 7:00pm.

PRESENT: Chair John Bush, Member Francisco Borrayo, James Hamlin, Member Sal Sciremammano, Building/Zoning Officer Scott C. Zarnstorff, Clerk Pamela Krahe.

EXCUSED: Vice Chair / Member Irene Manitsas

ALSO PRESENT: Kurt Smith, Todd Audsley, Mark Lewis, M. Connie Castañeda, Norm GianCursio, Fred Webster

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

REVIEW OF MEETING MINUTES: Approval of the minutes of the last meeting was tabled as members who attended that meeting were not all present this evening.

CORRESPONDENCE: None

NEXT MEETING: Tuesday, May 25, 2010 at 7:00pm if needed

NEW BUSINESS:

1. Application of:
- | | |
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| Name: | Kurt M. Smith |
| Address: | 67-71 Main Street |
| Tax Map #: | 069.53-1-24 |
| Property Code: | 481 |
| Zoning: | Business |
| Lot size: | .20 acre |
| Purpose: | area variance – conversion of vacant 3 rd floor space to apartment |
| Provision of Zoning Ordinance: | 58-11A(10)(b) |

Chair Bush read 58-11A(10):

- (10) A building may be used for a combination of residential and commercial uses, subject to the following: [Amended 4-17-1995 by L.L. No. 3-1995⁵⁶]
- (a) No more than two single-family dwellings.
 - (b) Maximum square feet of unit: 800.
 - (c) Maximum number of bedrooms: two.
 - (d) At least 25% of the total building square footage shall be allocated as commercial space. This space shall occupy the first floor from the front of the building toward the rear.

Applicant Presentation:

Kurt Smith stated he owns this property and would like to convert the remaining space on the 3rd floor of the former Mason's Lodge into a single apartment in order to preserve the character of the space. The unit would be approximately 1600-1700 sq. ft with one bedroom. He referred to the photos submitted with his application. He requested the Board grant a variance to allow him to keep the unique space intact.

Todd Audsley, architect from SmartDesign Architects stated he has already had preliminary discussions with Code Enforcement Officer Zarnstorff and the unit will certainly comply with every aspect of applicable codes, including life-safety. He explained the project meets all of the criteria of 58-11A (10) except (b) maximum 800 square feet, and that in order to respect and maintain the character of the historic structure, Mr. Smith would like to turn it into one large apartment so as not to "chop up" and therefore mar the space. Mr. Audsley explained that by putting in just one apartment, it will not create as much demand on utilities.

- ➔ Member Sciremammano moved, Member Hamlin seconded, unanimously carried that the regular meeting be closed and the public hearing be reopened.

Public Comment:

Mark Lewis, 73 Talamora Trail, Brockport, stated he had previously been before this Board and is nearing completion of second similar project of 3rd floor apartments. He commended both the applicant and Mr. Audsley on their undertaking and commented how pleased he and his tenants are with the finished products. Mr. Lewis indicated he has a lengthy waiting list for his current apartments, that's how much in demand they are. He hoped the Board will approve the application.

- ➔ Member Borrayo moved, Member Hamlin seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Continued Board discussion on application:

Member Sciremammano asked CEO Zarnstorff if, in ten years the owner wanted to put in a second apartment, would he have to come before this board and CEO Zarnstorff opined no, as two units are allowed per the Code.

The Board questioned fire protection and Mr. Audsley replied there are no sprinklers, that none are required yet per Code, and that existing Building Code would be used to assure compliance. CEO Zarnstorff pointed out the building has a fairly new fire/smoke detection system in place and it would be adequate for the apartment too. Todd Audsley added there is a direct fire escape from the third floor.

The Board questioned the number of windows and natural lighting in the space. Mr. Audsley stated there were two windows, but one had been turned into a door. He referred to the drawings submitted with the application showing the windows that will be installed. CEO Zarnstorff affirmed the percentage of window space required per square footage of the unit and the proposed plan more than meets that requirement.

A back door and parking spaces were discussed. Mr. Smith explained the only back door is the fire escape, and that he has four parking spaces across the back of the building.

➔ Member Sciremammano moved, Member Hamlin seconded, unanimously carried that the application be approved.

Adjournment:

➔ Member Borraro moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 7:25pm.

Pamela W. Krahe, Clerk