

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, June 28, 2004 at 7:00pm.

PRESENT: Chair Jennifer Skoog-Harvey, Vice Chair / Member Irene Manitsas, Member John Bush, Member Carrie Maziarz, Member Charles Switzer, Building/Zoning Officer Scott C. Zarnstorff, Clerk Leslie Ann Morelli.

EXCUSED:

ALSO PRESENT: Deputy Village Attorney Frank A. Aloï, Deputy Fire Chief Larry Vaughan, Assistant Fire Chief Tim Rombaut, Trustee Morton Wexler, Douglas VanDetta, Steven L. Ray, Jim & Joan Hamlin, Inga Songbird, Sarah Watts, Al & Debbie Hoy, Eric Hess

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

REVIEW OF MEETING MINUTES: Chair Skoog-Harvey called for a motion to approve the minutes of the May 24, 2004 meeting.

➔ Member Switzer moved, Member Manitsas seconded, unanimously carried to approve the minutes of the meeting held May 24, 2004 as written.

CORRESPONDENCE: None

NEXT MEETING: Monday, July 26, 2004 at 7:00pm

Public Hearings:

NEW BUSINESS:

1. Application of:

Name:	Brockport Fire Department
Address:	4 Owens Road (Allied Complex)
Tax Map #:	069.14-1-7.1
Zoning:	Industrial
Lot size:	55.10 acres
Purpose:	placement of fire training building
Provision of Zoning Ordinance:	Article III 58-7

Applicant Presentation:

Deputy Fire Chief Larry Vaughan shared that the FEMA grant obtained by the Brockport Fire Department has allowed them to order a pre-fabricated burn building for training purposes within the Fire District. It is a quality building. It is 40' long, 8' wide and 8.5' high. It is entirely self-contained and looks like a big shed. Allied is allowing the Brockport Fire Department to use an area on their property on Owens Road for locating the building and using it for training. It is Industrial zoning and is an area where a glass recycle building was. It is located where the smoke should not bother anyone. If Allied were ever to change hands, they would have to relocate the building.

L. Vaughan said currently training such as this takes place at the Fire Academy facility on Scottsville Road. With drive time, preparation and training, this requires volunteers to spend from 6:15pm to 11pm on a weekday evening. Further, it takes apparatus and volunteers out of the district for that time. Otherwise, the department has to find houses and structures that they can burn. This is not always easy or safe depending on its proximity to other structures.

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

Public Comment:

Joan Hamlin of 50 Park Avenue questioned the parcel size of 55 acres. Clerk Morelli said that is the total size of that Allied parcel, not the area that is to be used by the Brockport Fire Department. L. Vaughan said it is approximately 1,200 feet off Owens Road and borders the railroad by the large green metal building. They propose fencing to secure the area, but they have to wait until funding becomes available.

Continued Board discussion on application:

Member Bush said his house is probably closer to this site than any other ZBA member, and he is not concerned about it. He thinks it is a good purpose. L. Vaughan said they would burn Class A materials, mainly pallet wood and straw to start the fire. No hazardous materials would be used. They will of course look at wind direction at the time to further prevent anyone being bothered by smoke. At most someone may get a hint of a campfire smell.

Member Switzer said this training building is a great idea. He asked if there is any written agreement with Allied. L. Vaughan said it is all verbal at this time, but they are working on a written agreement that

includes any legalities. L. Vaughan said Allied signed the ZBA application in an act of good faith.

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

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)

Applicant Presentation:

D. VanDetta said he has been trying to track down the former owner of 26 Holley Street. He is the owner of the Village House restaurant in Albion. His brother owns the Brockport Diner. Unfortunately, he is out of the country until September. The former owner's son is trying to get in touch with him to request he place something in writing regarding the house's history.

Continued Board discussion on application:

Chair Skoog-Harvey thanked him for the information from realtor Jim Gaze. Any additional information would be helpful since there is a gap of time where the home's status is questioned. A 1963 Village map shows the house as a single family. Member Bush asked D. VanDetta when he purchased it. D. VanDetta said he bought it in 1987 and it has been a double the whole time. Currently one unit is vacant, but there is someone waiting to move in.

Chair Skoog-Harvey asked if it would be helpful to give him more time to get a written statement from the former owner. D. VanDetta said yes.

⇒ Member Bush moved, Member Maziarz seconded, unanimously carried that the application be tabled until the July 26th meeting.

Public Hearings:

NEW BUSINESS:

- 2. Application of:

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

Applicant Presentation:

Applicant forgot about the meeting. S. Zarnstorff had to contact him and he showed up at 7:30pm. S. Ray said he purchased the house as a two family home. It was up to code prior to his purchase. He has had the mortgage almost 10 years. He said he cannot believe that the Village is making him go through this process. He said he does not understand it, is a busy person and does not have them time for it. His mortgage was granted through the bank and that should have been it. There was a legal certificate of occupancy as part of the bank financing. The abstract shows it as a 2 family as well as the mortgage. If the zoning is to change, it should involve more than just him. He said he couldn't get a single-family mortgage. Chair Skoog-Harvey said this is not about a zoning change and tried to explain. She further stated that the ZBA would welcome any documentation he can provide to prove his case.

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

Public Comment:

Allan Hoy of Lake Road asked what the zoning is. S. Zarnstorff said King Street is zoned Business Use. A. Hoy said he remembers the zoning being changed to Business Use in 1983. He recalled that it allowed multi family residential.

Sarah Watts of 46 King Street made a plea that it is allowed as a single family instead of multi family. She said she has been part of King Street for 34 years. She worked at the college and was involved in the college and neighborhood community group years ago that worked to prevent the spread of commercialism on King Street. The more people in a house, the more cars, garbage, and noise at all

hours. This includes unpleasant profanity. Some standard of decent living needs to be maintained on King Street.

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Allan Hoy said he lived in the Village for a long time and now lives in Clarkson. He knows that this property has been a multi family for some time – at least since 1974.

Continued Board discussion on application:

Chair Skoog-Harvey said the ZBA has Village records regarding the property.

Member Maziarz referred to a Monroe County real estate transfer report from 11/30/98 that shows it as a single-family home with S. Ray's signature on it. S. Ray said he signed it, but that his attorney signs his name most of the time. He said perhaps he was advised to sign it to get a lower interest rate on the mortgage.

Chair Skoog Harvey asked who he purchased the property from. S. Ray did not know. She asked if it was purchased through foreclosure. S. Ray said no. He remembers that Bill Weber and Alan Bader helped him out because the back of the house was not sided. There was an issue with taxes. They were kind enough to give him a tax break for one year because the back of the house was bare wood and needed so much work. It is now assessed for more than it is worth.

S. Ray said the certificate of occupancy from Bill Weber says 2 family. Chair Skoog-Harvey asked if it has been continually rented as a two family since he has owned it. S. Ray said always. He said the previous owner had it as a two family and he inherited his tenants.

Member Maziarz referred to a property record card that says single family home and has his signature on it. S. Ray said he does not recall every seeing or signing that. He said the Village could have just generated that. Chair Skoog-Harvey said that certainly was not the case. She further said the ZBA would like to see the mortgage record the applicant referred to. S. Ray said he will have to locate the closing papers.

S. Ray said the property kept being classified as a two family. Member Switzer said it was classified as a two family in 1976, 1977 and 1991. However, in 1998 it says single family home. Deputy Village Attorney Alois said the closing papers are important.

Member Manitsas commented that there are many police reports attributable to 52 King Street. S. Ray said many are due to squabbles over the shared driveway next door. He has spoken to Norm GianCursio, owner of the property next door. They have shared the driveway for many years. The parking situation is difficult, but they cannot add parking. Norm's tenants have a verbal okay to use the driveway but not to park there.

→ Member Maziarz moved, Member Manitsas seconded, unanimously carried to close the public hearing and return to the regular meeting.

⇒ Member Bush moved, Member Maziarz seconded, unanimously carried that the application be tabled until the July 26th meeting to give the applicant time to gather and provide additional documentation.

Member Maziarz's last meeting:

Chair Skoog Harvey thanked Carrie Maziarz for her service to the ZBA and wished her well as an elected official on the Village Board. Cake was served after the meeting.

Adjournment:

→ Member Manitsas moved, Member Bush seconded, unanimously carried that the meeting be adjourned at 7:55pm.

Leslie Ann Morelli, Village Clerk