

**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, March 28, 2006 at 7:00pm.**

**PRESENT:** Chair John Bush, Member Francisco Borrayo, Member James Hamlin, Member John Keiser, Attorney Thomas Calandra, Building/Zoning Officer Scott C. Zarnstorff, Building/Zoning Clerk Michelle D. Johnson.

**EXCUSED:** Member Irene Manitsas

**ALSO PRESENT:** Attorney Stuart Levinson, Attorney Nat O. Lester, III, Cathy Cerame, Joan Hamlin, Linda Borrayo, Bob Jones, Ed Fuierer.

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

**REVIEW OF MEETING MINUTES:** Chair Bush called for a motion to approve the minutes of the February 28, 2006 meeting.

➔ Member Keiser moved, Member Borrayo seconded, unanimously carried to approve the minutes of the meeting held February 28, 2006 as written.

**CORRESPONDENCE:** None

**NEXT MEETING:** Tuesday, April 25, 2006 at 7:00pm (if needed)

**Public Hearings:** NONE

**NEW BUSINESS:** NONE

**OLD BUSINESS:**

1. Application of:

Name:	Henry Conradt
Address:	94 – 96 Holley Street
Tax Map #:	068.60-2-11
Property Code:	411
Zoning:	Residential
Lot size:	.30 acre
Purpose:	Use Variance to renew 4 family status
Provision of Zoning Ordinance:	58-20A(5) (Brought forward from 1/24/06)

**Applicant Presentation:** Attorney Stuart Levinson was present as a substitute for Attorney Ray O’Neil. He understood that last month the application was tabled due to the fact that the Board needed to talk to the Village Attorney concerning the application. He does not believe that this application is needed. H. Conradt applied for this in good faith to try to do what was right and what the Village asked of him. He understands that Deputy Village Attorney Alois had indicated that this application was not needed. The nine months rule was not compromised since the house was not abandoned of its use. He would like the application to be dismissed and have H. Conradt continue to use the property the way that it has been approved.

**Continued Board discussion on application:** Member Hamlin wanted to know why the application was made in the first place since it was not needed. H. Conradt applied for it because he wanted to make sure he was doing the proper things and the Building Inspector had told him to do so. Attorney Levinson indicated that the Village has the paperwork that indicates the 9-month code was not broken.

The house was occupied until May 2005. The foreclosure on the house was December 2004. A purchase offer was closed on January 2006 and an application was made out for this variance. The Building Inspector went to the house the day after the purchase offer was approved by HUD in December 2005 to generate a punch list of items that needed to be done before it could receive a certificate of compliance and be occupied again. Member Keiser felt that since there was no reason for the application he feels that the application should be dropped and the application fee refunded to H. Conradt. Building Inspector Zarnstorff will verify with the Village Treasurer if the fee can be refunded. H. Conradt was not concerned about the money, he just wanted to get an approval so that he can use his property for what he purchased it for.

Member Keiser moved, Member Hamlin seconded, unanimously carried that the application be dismissed and the application fee refunded to the applicant if approved by the Village Treasurer.



the peace of the neighborhood. This parcel was not being put to good use and this would improve the area by approving this. There was a public hearing held and there were no objections from the neighbors, the DPW, the Police or anyone else. Member Borraro indicated that this would be an improvement to the community.

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Member Hamlin indicated that this is a variance for 17 Holley Street to be a non-conforming lot, not for the Church. How many parking spots will be gained by this purchase? It will be at least 10 spaces. Member Hamlin feels that a precedent will be set if this is approved. What about the next person that wants to help a neighbor by selling off property? Attorney Lester indicated that this is a Church we are talking about, not people's personal property or a business.

Member Keiser indicated that he has the same reservations about the precedent that will be set, but since there has been no objections from any of the neighbors, Police Department or the DPW, that he will be part of the motion to approve it.

Member Borraro moved, Member Keiser seconded, Member Hamlin opposed, Carried to grant the area variances for 17 Holley Street allowing the sale of a portion of 17 Holley Street to Nativity Church for additional parking.

**Adjournment:**

➔ Member Borraro moved, Member Hamlin seconded, unanimously carried that the meeting be adjourned at 7:55 pm.

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Michelle D. Johnson, Building/Zoning Clerk