

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, June 24, 2008 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 Pamela W. Krahe.

ALSO PRESENT: Alan Wahls, Thomas Gangemi, Larry Root, Jr., Linda Borrayo, Joan Hamlin, Norm GianCursio

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 previous meeting.

→ Member Manitsas moved, Member Borrayo seconded, unanimously carried to approve the minutes of the meeting held February 26, 2008 as written.

CORRESPONDENCE: None

NEXT MEETING: Tuesday, July 22, 2008 at 7:00pm (if needed)
Application materials due by Noon, Tuesday, July 1st

OLD BUSINESS: None

Public Hearings:

NEW BUSINESS:

1. Application of:

| | |
|-----------------|--|
| Name: | Alan T. Wahls |
| Address: | 46 Cloverwood Drive |
| Tax Map #: | 069.10-5-9 |
| Zoning: | Residential |
| Parcel size: | .25 acre |
| Property class: | 210 |
| Purpose: | area variance – for a 20' x 11' open-sided, roofed garage extension with a proposed corner setback from 19'.67" to 21'.87" |

Provision of Zoning Ordinance: 58-9F(5) re 30' setback

Chair Bush read the Area Variance Test and asked Clerk Krahe to read the legal notice placed in the June 9, 2008 edition of the Suburban News. Chair Bush also stated that standard setbacks are 30' in width and on the side and the proposed setback would be from 19'.67" to 21'.87", which would be about 10' shy of what is needed.

Applicant Presentation:

Alan Wahls passed informational packets out to Board members showing photos of his proposal. He indicated he would like to construct a carport-type structure with open sides and a roof. Currently alongside the garage is blacktopped and used to store a classic car. A. Wahls would like to put carport roof to extend 11' from current garage that would be open on the one side and on both ends. It will just be posts so there wont be a visibility issue from the proposed road next to it.

Public Comment:

Steve Necaster of 38 Cloverwood Drive came forward to speak in support of the request. S. Necaster has lived there 26 1/2 years and does not feel this addition would be a detriment to the neighborhood at all.

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

Continued Board discussion on application:

Member Sciremammano inquired if the pitch of the roof would be the same pitch and direction of the house roof. A. Wahls opined that the character of the property would look better if he continued with a truss system from the garage so it would look consistent, instead of a shed-type roof. A. Wahls added he is in the process of pricing out options. Member Sciremammano asked if there was any intention to enclose the addition to which A. Wahls replied no.

Member Borrayo asked if there were any alternatives to be considered and A. Wahls answered no, as he has a swimming pool in his back yard. Member Borrayo inquired about the size and A. Wahls stated the structure is 11'x20' and just big enough to cover one car. Chair Bush clarified that the side setback is the only issue, that the front setback is not in question.

Applicant Presentation:

Louis Gangemi provided photos of the property to the Board. Chair Bush summarized that L. Gangemi was here for a variance on front setback and lot coverage. L. Gangemi continued that the survey was done as needed and they concluded that the 10.2' setback is really an average of others on the street and the land coverage would be at 37%, which is 7% over the 30% allowed in the Code. He added that neighboring properties have setbacks of 8', 7.3' and 16' and that in 1974, the house actually had a similar structure that had been removed.

Chair Bush asked CEO Zarnstorff for comment. CEO Zarnstorff responded that both the front porch and the deck are already in place and that no building permits had been issued. After asking the contractor to stop work, CEO Zarnstorff spoke with Mr. Gangemi the following day. While reviewing the property file, he did see that in the early 1970's there had been an open porch with almost the identical footprint as the new porch. He noted that any new construction would have to conform to Code, but he does not see the new porch as a detriment. He concurred that the average setback on that side of the street is 7-8' and added that the property owner still has to ask for a variance.

L. Gangemi apologized for getting carried away. His original intent was a front stoop and it got bigger than that. He did add that the neighbors have given positive feedback. Member Hamlin inquired if the east side setback is adequate as it looks like the corner of the house is on the line. He asked how far it was to the deck, to which CEO Zarnstorff replied 6-7'. Member Hamlin asked whose fence it is and L. Gangemi replied it came with the house.

Member Sciremammano mentioned that the house looks great but he expressed that he had been asked why the application was made after the work was completed. He wondered if it was an oversight and who the contractor was. L. Gangemi stated he was the contractor and he was just going to tear off the front stoop and fix it up with a little roof where the water was coming in and he got carried away and built the entire porch. He stated he is both embarrassed and apologetic. Member Sciremammano continued that people are sensitive to the process and the next person may say this case sets a precedent with submitting an application after the fact. Again, L. Gangemi apologized. Member Sciremammano went on to ask who is the backyard neighbor and CEO Zarnstorff noted that the property backs up to Spring Street.

Public Comment: There was no one to comment, so Chair Bush encouraged the Board to continue with questions.

Continued Board discussion on application:

Member Sciremammano asked if L. Gangemi lived there and he answered no. His intent is to sell it and he added that he has put in hard-wired smoke detectors as requested by the CEO and would do whatever else it takes to make the property safe and good for the neighborhood. Chair Bush offered that the property looks nice and asked if L. Gangemi had sided it. L. Gangemi said no, it was that way when he bought it. Chair Bush noted it looks very neat.

Member Hamlin explained that he does not have a problem with the porch but that the deck is his concern. L. Gangemi replied that it was a 10'x20' deck and previously had been a steep set of steps coming down that were of no use and now there's a raised area out back to have dinner or sit outside. Member Hamlin continued that his concern was being able to view the neighbors' back yards from the deck. L. Gangemi responded that there was no one there tonight to protest and he actually had a neighbor say he loves it.

Chair Bush revisited the 37% land coverage and asked how many square feet that represented and L. Gangemi replied that his guess was it was about 163 square feet over the limit. There were no other comments or questions.

⇒ Member Sciremammano moved, Member Manitsas seconded, carried 4-1 with Member Hamlin opposing, that the area variances be granted as requested.

Other: Code Enforcement Officer Zarnstorff noted that there should be at least one, if not two, applications for the July meeting. One application being for a potential new business owner and the other for a Department of Public Works project.

Adjournment:

→ Member Borrayo moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 7:37pm.