

**Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, September 7, 2017, 7:00pm.**

**PRESENT:** Chair Robert Duff, Vice Chair Sal Sciremammano, Member Laurence Vaughan, Member Eileen Ryerse, Building/Zoning Officer David J. Miller, Clerk Katie Brown

**EXCUSED:**

**ALSO PRESENT:** Debra Cody, Annie Crane, Nancy McCann

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

**REVIEW OF MEETING MINUTES:** Chair Duff called for a motion to approve minutes.

- Member Vaughan moved, Member Sciremammano seconded, unanimously carried to approve the minutes of the meeting held June 1, 2017 as written.

**SELECTION OF CHAIR, VICE CHAIR FOR 2017-2018:**

- Member Vaughan moved, Member Sciremammano seconded, unanimously carried to elect Robert Duff as Zoning Board Chairman for 2017-2018.
- Member Duff moved, Member Ryerse seconded, unanimously carried to elect Laurence Vaughan as Zoning Board Vice Chairman for 2017-2018.

**CORRESPONDENCE:** None

**NEW BUSINESS:**

1. Name: Nancy McCann (on behalf of Lori Mufford)  
Address: 191 Evergreen Rd  
Tax Map #: 068.11-7-21  
Property Code: 210 – Single Family  
Zoning: O- Residential  
Lot size: 85 x 130'  
Purpose: Install portion of rear fence that is 8' high  
Zoning Code: Chapter 6-3(B)  
*"No fence, hedge or screen plantings shall be erected or maintained over six feet in height, and they shall not extend beyond any required front setback line."*

**Applicant Presentation:**

Nancy McCann introduced herself as a 35 year resident and 25 year home owner of Brockport. Ms. McCann explained the close proximity of a neighboring house at 195 Evergreen Rd to 191 Evergreen Rd which has a side window that overlooks Ms. Mufford's yard. Ms. McCann presented the Board with photos showing the location of the adjacent house and window. Ms. McCann stated that Ms. Mufford feels uncomfortable using her backyard because she is observed by her neighbor through the window. Ms. Mufford would like to have greater privacy when using her pool and walking her dogs. Ms. McCann has never witnessed anyone looking out the window herself, but has observed the window's view obstructed with bubble wrap, causing her to believe that both parties desire more privacy. The distance from the window to Lori Mufford's fence is approximately 10ft.

Nancy McCann read a statement submitted by Betsy Fitzpatrick of 187 Evergreen Rd, the neighbor to the east of Lori Mufford's property. [Copy of statement attached for the record. See attachment A].

Nancy McCann read a statement submitted by Lori Mufford. [Copy of statement attached for the record. See attachment B].

Ms. McCann added that she can't imagine another solution. She acknowledged that sometimes people do not see eye to eye and believes this to be a reasonable solution.

Chair Duff explained the considerations of granting a special use permit to the applicant and noted that the Board will examine whether the applicant's proposed fence is harmonious with the community or poses any disadvantages.

**Public Comment:**

- Member Sciremammano moved, Member Vaughan seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:17 pm.

- Debra Cody of 195 Evergreen Rd addressed the Board. She states that she has no objection to the fence. She noted that she has consulted with her attorney on this matter who advised there are no laws that restrict the opening/lifting of curtains or shades. Ms. Cody went on to say that Ms. Mufford places

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the excrement from her multiple dogs over her chain link fence, within her property line, along with liquor bottles. Ms. Cody states that she has photos of this action which she did not bring with her tonight. Ms. Cody notes that she has lived next to Lori Mufford for a long time and has never experienced problems until recently. She reiterated that she has no objection to the fence, but worries that the placement of bottles and feces on her side of the fence will continue. Ms. Cody feels she is a good neighbor and a good citizen.

Ms. Cody requested copies of the statements read by Ms. McCann. CEO Miller advised Ms. Cody that copies are available by filing a FOIL request with the Village Clerk.

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

**Continued Board discussion on application:**

Member Sciremammano referenced the adage "Fences make good neighbors" and he believes an 8ft fence might alleviate Ms. Mufford's apprehension and prevent any undesirable items going over the fence.

Member Ryerse questioned if the entire chain link fence will be replaced with privacy fence. Ms. McCann advised that it will be replaced with vinyl privacy fence.

Chair Duff asked if there is fencing that runs parallel with Evergreen Dr. Ms. McCann and CEO Miller confirmed there is a section, approximately 10ft in length, at the rear of the property that runs parallel. Chair Duff requested that the contractor be made aware that the code requires access to the back of the house in the event of an emergency. CEO Miller noted that no gates will be impacted by the 8ft panels.

Chair Duff added that the Board hopes by allowing the fence it will alleviate future tension and stress.

There was discussion about the size of the section that will be 8ft high with the determination that the applicant intends on installing three 8ft wide panels totaling a 24ft long section of fence that is 8ft in height. CEO Miller has visited the property and believes the three panels will provide the desired amount of privacy.

- ➔ Member Ryerse moved, Member Vaughan seconded to approve the installation of three 8ft long sections of 8ft tall privacy fence between 191 Evergreen Rd and 195 Evergreen Rd in a way that is consistent with the application.

Role call vote:  
Member Sciremammano     Aye  
Member Duff                 Aye  
Member Ryerse             Aye  
Member Vaughan          Aye

The motion carries unanimously with 4 votes in favor, 0 against.

**Adjournment:**

- ➔ Member Ryerse moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 7:30 pm.

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Katie Brown, Clerk

## ATTACHMENT A

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Dear Brockport Zoning Board:

I own and reside in the home located at 187 Evergreen which is the next door neighbor to the east of 191 Evergreen Rd. I am in favor of my neighbor, Lori Mufford, installing an 8 foot fence for a portion of her fence. I believe that this will provide her the privacy that she needs to feel comfortable in her own backyard.

On August 18th around 7PM I was in the front yard of my home when Lori called to me from her backyard. She asked me to come over to her backyard to witness the neighbor on the other side of her property. At that time, I saw the neighbor who lives there in her back window standing very close to the glass and staring at Lori who was in her backyard. Her curtains that normally draped down the sides of the window were pulled up out of the way so that you could barely see them. Lori told me that she had been there staring since 5:30 that night. My 3 sons and their friend who were in the pool in my backyard said that they had noticed that she had been standing there for some time as well. Within about 30 seconds of me standing there talking with Lori, she left the window.

In many conversations over the course of a few months prior

to this incident, Lori has expressed her concerns to me with her neighbor's behavior towards her. Lori has expressed concern for her emotional and physical well-being and shared that she no longer feels comfortable being in her back yard.

For the sake of Lori's well-being, and in order to keep peace in the neighborhood, I would be in favor of the Brockport Zoning Board granting a variance to the code and allow her to install a section of 8 foot fence.

Thank You,  
Betsy Fitzpatrick

585-737-5118



www.brockportny.com

# ATTACHMENT B

I was unable to attend the meeting due to work schedule that had me traveling to the west coast this week.

My neighbor and I do not get along due to her illness that was detected over a year ago. She has been staring at me thru her window for over 6 months and in speaking with professionals, this could be described as menacing.

On September 18 I began mowing my yard at 5:15 PM and it appeared she dragged a chair to her window and placed the curtains high above the curtain rod. This was not normal presentation of her window dressings. For over 1½ hours, she stared at me, made puffing gestures with her chest and arms. I ignored it and continued to mow my yard. I also began vacuuming my pool, placing chemicals in it, etc., until I could not take the stress.

I called Betsy Fitzpatrick over to my fence and asked her to document the staring and the menacing. Betsy did observe her to be standing in her window. Her children overheard us talking and got out of the pool to tell their mother that this was indeed what was taking place for a long time. I am very sad that young children of 10 -12 were observing this behavior.

On Saturday September 2<sup>nd</sup> early evening, I asked Betsy to stand by my fence and watch my neighbor's window as I was going to mow the yard. I was too stressed to do it without someone near me. My neighbor heard the lawn mower and approached the window again, but saw Betsy standing there and immediately left the window position.

As a 4<sup>th</sup> generation Brockport resident I asked for your consideration to allow me privacy and to live in peace. I would like to install three panels of 8 foot vinyl fencing to ensure my privacy. With what I have been through, I am starting to have panic attacks when I have to mow my backyard.

Thank you,

Lori Mufford

A handwritten signature in cursive script that reads "Lori Mufford". The signature is written in black ink and has a long, sweeping flourish that extends to the right.