

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, March 22, 2004 at 7:00pm.

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

EXCUSED: Building/Zoning Officer Scott C. Zarnstorff, Deputy Village Attorney Frank A. Aloï

ALSO PRESENT: Terri Green (Brockport Post), Planning Board: R. Scott Winner, John Brugger, Annette Locke, Art Appleby, James Polvino, Jim & Joan Hamlin, Norm GianCursio, Fred Webster.

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 January 26, 2004 meeting.

→ Member Maziarz moved, Member Manitsas seconded, unanimously carried to approve the minutes of the meetings held January 26, 2004 as written.

CORRESPONDENCE: None

NEXT MEETING: Monday, April 26, 2004 at 7:00pm if needed

Public Hearings: None

OLD BUSINESS:

1. Application of:

Name:	James Polvino
Address:	32 Holley Street
Tax Map #:	068.60-3-8
Property Code:	210
Zoning:	Residential
Lot size:	.20 acre (59' x 142')
Purpose:	continuance of non-conforming use as 2 family
Provision of Zoning Ordinance:	58-20 A (1)

Applicant Presentation:

James Polvino said he purchased the property over 10 years ago as a 3 family. Under the advice of a Village employee he changed it to a 2 family. There are 3 electric meters, 2 gas meters, 2 furnaces, and 2 hot water heaters. He asked if anyone has a single family home like that. It was designed to be a 2 family home. The downstairs consists of 1,600 square feet including 3 bedrooms and 2 full baths. The upstairs consists of 1,400 square feet including 4 bedrooms and 1 full bath and its own kitchen. There are separate entrances. J. Polvino said he has not changed anything. A mother, her daughter, son-in-law and child live downstairs. The same mother's other son; daughter-in-law and 3 children live upstairs. They are great tenants so he keeps the rent minimal. He said he would think the Village would want to keep him as a property owner. He has done everything the Building Inspector has asked. In addition, he has installed all new concrete steps and sidewalks. He brought in 9 loads of topsoil and graded and re-seeded the lawn. He planted flowers. He repainted the house. He installed a new furnace. He plans to continue improving the property come good weather. He would like to paint the trim and install a new fence. He said all of these improvements make the Village a better place to live. To suggest that he turn the house into a single family is ludicrous. The utilities would be astronomical if not shared by two families. He does not understand why the Village would want to push him out. He said the Village needs him more than he needs the Village. He could sell the property to someone who will let the property run down. J. Polvino said he believes it is an easy decision to make. The upside is to continue the use as a 2 family home and maintain and improve it. The downside is that someone will buy it as a single family and let it deteriorate because they can't afford it as a single family.

Continued Board discussion on application:

Chair Skoog-Harvey shared that a public hearing was held on January 26th. Since then, J. Polvino had the opportunity to provide additional documentation to prove its continued use as a two-family. Unfortunately, the documentation submitted was minimal and does not prove his case. Chair Skoog-Harvey said she feels the documentation is not sufficient to warrant the ZBA granting the continuance of a non-conforming use.

J. Polvino said it was only changed on paper to a single-family home upon the advice of a Village employee for financial reasons (to get a mortgage on it). Chair Skoog-Harvey commented that he should have thought about the implications of that before signing a document changing the use from multi-family to single family. She said it would be irresponsible for the ZBA to grant the application on what little has been provided.

⇒ Member Maziarz moved to deny the application. NO second. Motion fails.

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⇒ Member Bush moved, Member Switzer seconded, unanimously carried to table the application for further review.

James Polvino urged the ZBA to use their common sense and grant the application.

Adjournment:

→ Member Maziarz moved, Member Manitsas seconded, unanimously carried that the meeting be adjourned at 7:10pm.

Reopen Meeting:

→ Member Manitsas moved, Member Bush seconded, unanimously carried that the meeting be reopened at 7:10pm.

OLD BUSINESS:

2. Application of:	Name:	Laurel Stritzel
	Address:	44 Smith Street
	Tax Map #:	068.52-1-5
	Property Code:	210
	Zoning:	Residential
	Lot size:	.20
	Purpose:	continuance of non-conforming use as 2 family
	Provision of Zoning Ordinance:	58-20 A (1)

Applicant Presentation:

Laurel Stritzel said S. Zarnstorff contacted her about returning to the ZBA to complete the process that was begun over a year ago. A public hearing was held February 24, 2003. She said she felt stupid saying she didn't know why she was here, but she said she truly does not know why she is going through this process. She distributed a letter she wrote in December 2002 to Scott Zarnstorff. She said she does not wish to make this property a two-family. She said she always understood the code as "family plus two" and has never violated that. To make it a two-family, she would have to install a firewall and lots of other things. She does not wish to do that. L. Stritzel said S. Zarnstorff suggested making the house a double and required her to go through the ZBA process. However, she is not interested in making the house a double. She further stated that she has spent \$150 on the application and has had to leave her job early on 3 occasions to attend the ZBA meetings. She provided some documentation last year, but has nothing more to provide. Again, she said she has always been in compliance with the family plus two rule. Currently an older woman rents a portion of the house.

Continued Board discussion on application:

Chair Skoog-Harvey said the ZBA was not sure when she was returning to the Board. They were waiting for more documentation on the continuance of the property as a two family. Unfortunately, S. Zarnstorff is at a conference and not here to consult. Chair Skoog-Harvey said she will contact him and the ZBA will be in touch.

⇒ Member Maziarz moved, Member Switzer seconded, unanimously carried to table the application for further review.

Adjournment:

⇒ Member Maziarz moved, Member Bush seconded, unanimously carried that the meeting be adjourned at 7:16pm.

Leslie Ann Morelli, Village Clerk