

**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, October 2, 2014, 7:00pm.**

**PRESENT:** Chair John Bush, Vice Chair Robert Duff, Member Douglas Wolcott, Member Sal Sciremammano, Building/Zoning Officer David J. Miller, Clerk Pamela Krahe.

**EXCUSED:** Member Laurence Vaughan

**ALSO PRESENT:** Brian Thomas

**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 minutes.

➔ Member Sciremammano moved, Member Wolcott seconded, unanimously carried to approve the minutes of the meeting held September 4, 2014 as written.

**NEXT MEETING:** Thursday, November 6, 2014 at 7:00pm. One application already submitted.

**OLD BUSINESS:**

1. Name: Brian Thomas  
Address: 26 Kimberlin Drive  
Tax Map #: 068.43-2-14  
Property Code: 210  
Zoning: O-Residential  
Lot size: 85' x 146' deep  
Purpose: Area variances to (1) allow a setback of less than 4' for camper trailer, (2) use > 50% of side yard for parking, and (3) not pave the existing parking area  
Provision of Zoning Ordinance: (1) 51-5 B (5); (2) 58-22 B (i); and (3) 58-22 B (2) (k)

**Continued discussion on application:**

Mr. Thomas was asked if he came up with any case law on whether or not stone is considered dustproof. He said he reread village code and has prepared a new application with only one variance requested. He reasoned that in Chapter 51-5 B (7), the code says the board can set conditions and issue a waiver for 51-5 B (1)-(6), so instead of a variance for the required 4' setback from a lot line he is only requesting a waiver which he feels will eliminate setting a precedent. The waiver would stay with him but if he moves the waiver would go away. Member Wolcott questioned that if the applicant moves the waiver goes away, but what about the pad? The applicant reiterated he is withdrawing his application for an area variance of 51-5 B (5).

He continued, addressing the paving requirement stated in Chapter 58-22 B (2) (k). He clarified he is not requesting a variance for "paving" because the rest of that code section says "...or otherwise surfaced with an all weather dustproof material." The parking pad is surfaced with gravel, which Mr. Thomas insists is dustproof. He did mention finding a code from Hinsdale, Illinois that listed stone among its acceptable surfaces, but could not find any other case law about dustproof. Therefore, Mr. Thomas said the only variance that remains is to use more than 50% of the side yard for parking. Because the backyard slopes down the camper cannot be parked in the rear, the only option is to park in the side yard.

Rehashing the dustproof issue, Thomas pointed out our code does not say it must be an impervious surface. CEO Miller maintains stone is dusty. If you were to broom a stone surface, you will create dust. Miller feels this is being made into more of an issue than it really is. Member Wolcott asked about the house on Park Avenue that graveled the backyard. CEO Miller replied he has a case in court right now because of a stone driveway extension.

Member Wolcott recapped his understanding that the board is not having any trouble waiving the 4' setback or allowing more than 50% of the side yard to be used for parking, so the remaining issue is stone and if it is dustproof. Mr. Thomas opined CEO Miller is making this issue more than it is. Thomas countered that he could broom off his paved driveway and raise dust. Member Wolcott asked Thomas if he believes his property is his, and he can just do whatever he wants. Wolcott noted he grew up on Erie Street where many backyards are graveled for parking areas. If we just let people do what they want, that can lead to a bad situation. Member Sciremammano reinforced the board must decide each on a case-by-case basis. Chair Bush reiterated if Mr. Thomas moves the waiver goes away, but what happens to the gravel?

Mr. Thomas said he walked up Monroe Avenue and there are 10 driveways, 6 of which are stone.

Regarding the stone, the board wondered what precedent they would be setting. Member Wolcott opined the Park Avenue lot is the precedent. Member Sciremammano mentioned neighbors of Mr. Thomas who have their boat parked on the side of their house in the grass. Mr. Thomas indicated the

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boat has been there since 2004 and the registration on the boat is from 1996. Thomas said the same neighbor also has a travel trailer on the grass. Thomas restated his pad is less than 300 sq. ft. and he doesn't drive at speeds to raise dust. He is backing the camper up, trying to center it on the pad, and getting it the appropriate distance from the garage wall. It is slow maneuvering.

Member Sciremammano voiced there is no precedent being set because each application is case-by-case. Chair Bush suggested clarifying this is one parking spot, not a whole parking lot. Member Sciremammano emphasized when the applicant is backing up his camper, he goes so slow no dust is raised. Member Sciremammano noted his own paved driveway can accumulate dust. Chair Bush brought up that the motion could specify the size of the pad and that the application was approved because the pad is such a small area. Member Sciremammano explained that if the board had to defend its decision, it would be because the area is so small the dust wouldn't be an issue, and the camper isn't on the lawn like the neighbors'. Member Duff pointed out the motion should be worded clearly so someone else can't take it out of context to suit their own purpose.

- ➔ Member Sciremammano moved, Member Duff seconded, unanimously carried to waive, as allowed by Chapter 51-5 B (7), the side yard setback specified in Chapter 51-5 B (5) of less than 4' for a camper trailer.
- ➔ Member Duff moved, Chair Bush seconded, unanimously carried to approve the area variance for the use of more than 50% of the side yard and for the use of a non-dustproof surfaced pad, designed by the applicant for long-term storage of a non-motorized trailer, in this residential district. Nothing in this motion is to be construed as to allow for the temporary parking of a motor vehicle on such a non-dustproof surface.
  - Roll call vote: Member Duff – aye
  - Member Sciremammano – aye
  - Chair Bush – aye
  - Member Wolcott - aye

The board additionally commented that this approval, subject to the stated conditions, would not affect the essential safety, health, or welfare of the people of the village because the pad is such a small area, the speed of the camper while in motion is minimal, and the camper is moved no more than a dozen times during a season.

### **Adjournment:**

- ➔ Member Duff moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 8:14pm.

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Pamela W. Krahe, Clerk