

**Village of Brockport
Planning and Zoning Board of Appeals
Meeting Agenda
Monday, December 11, 2023, 6pm**

CALL TO ORDER / PLEDGE / ROLL CALL:

APPROVAL OF MINUTES: July 6, 2023

CORRESPONDENCE:

NEW BUSINESS APPLICATIONS:

1. Applicant: William P. Fox – 36 Gordon, LLC
 Address: 36 Gordon St, Brockport, NY
 Tax Map #: 069.13-2-12
 Property Code: 418 – Rooming House
 Zoning: Residential Use District
 Lot Size: 58.5f x 65.2d x 0.1ac
 Purpose: The applicant seeks an area variance to increase by 25%, from 4 legal occupants to 5, the use of the structure with no physical changes to the exterior. There are no current zoning districts that allow rooming houses. All rooming houses are pre-existing non-confirming conditions.
 Zoning Code: Per the definition Chapter 58-2 rooming houses are allowed up to 30 residents.

ADJOURNMENT:

UPCOMING REGULAR MEETINGS/DEADLINES (only upon application):

Meeting: January 8, 2024 - 6pm Deadline: December 22, 2023 - Noon
Meeting: February 12, 2024 - 6pm Deadline: January 29, 2024 - Noon

--Unapproved--

**Meeting of the Village of Brockport Zoning Board of Appeals
Conference Room, Municipal Building, 49 State St, Brockport, NY
Thursday, July 6, 2023, 6:00 p.m.**

PRESENT: Chair Robert Duff, Vice Chair Robert LeSuer, Member Karen LoBracco
Member Edmund Starowicz

ALSO PRESENT: Village Board Liaison Annie Crane, Assistant Code Enforcement Officer Carol McNees, Carol Hannan, Ann Lee Walker, Geri Rightmeyer, Kevin Jenkins, Mary D'Agostino, Joe Rocchio

ABSENT: Melissa Norment

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

INTRODUCTION: Chair Duff introduced himself, as well as Member Karen LoBracco, Member Robert LeSuer, and Member Ed Starowicz.

ANNUAL SELECTION OF CHAIR & VICE CHAIR for fiscal year:

→ Member Duff moved, Member Starowicz seconded, unanimously carried to nominate Member Duff as Chair and Member LeSuer as Vice Chair.

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

→ Member LeSuer moved, Member LoBracco seconded, unanimously carried to approve the minutes of the meeting held April 6, 2023 as amended.

Chair Duff was interrupted multiple times by attendees in the audience during the review and amending of the April 6th minutes. One attendee asked to give the Zoning Board a letter, Chair Duff instructed them to give it to the Assistant Code Enforcement Officer Carol McNees.

CORRESPONDANCE: The Zoning Board of Appeals provided a letter to the Planning Board for consideration for any subsequent planning board action as a result of the zoning board's work session held on April 27th, 2023, regarding 180 South Ave.

NEW BUSINESS:

1. Applicant: Melissa Norment
Address: 242 Holley St, Brockport, NY
Tax Map #: 068.15-1-7
Property Code: 210 – Single Family Residential
Zoning: Residential Use District
Lot Size: 60.5f x 265d x 0.4ac
Purpose: Applicant seeks an area variance of 6 foot 9 inches to build a structure 3 foot 3 inches off property line.
Zoning Code: Chapter 58-9 F(3) O Residential Use District

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- (F) Yards. Yards of the following minimum depths and widths shall be provided for all buildings, structures and uses:
(3) There shall be two side yards, both of which shall be not less than 10 feet in width. [Amended 7-7-1969]

Applicant Presentation:

Chair Duff reviewed Village Code and asked the Applicant to present the proposed application:

The Applicant is not in attendance so the board will proceed based on the written submission. The applicant is requesting an area variance based on the dimensional needs of a proposed project, an addition to the single-family dwelling.

Public Comment:

- Member LoBracco moved, Member Starowicz seconded, unanimously carried that the regular meeting be closed, and the public hearing be opened at 6:21 pm.

No public comments.

- At 6:21 pm, Member Starowicz moved, Member LoBracco seconded, unanimously carried that the public hearing be closed, and the regular meeting be reopened.

Continued Board discussion on application:

A discussion took place concerning the potential of a future owner converting the single-family home into a duplex, the current footprint of the house containing a pre-existing non-conforming setback, and the vacant land surrounding the property.

Motion:

- Chair Duff made a motion to table the application until such time that the applicant can appear to further explain in more detail and to answer any questions. No second. Motion fails.

Motion:

- Member LeSuer made a motion that the project is to be declared a Type II action and does not require a SEQR environmental impact study. Member LoBracco seconded.

Chair Duff asked for a Roll call vote:

Roll call vote:

Chair Duff	Aye
Member LoBracco	Aye
Member LeSuer	Aye
Member Starowicz	Aye

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The motion carries with 4 votes in favor, 0 against

The Board reviewed the 5 Findings of Fact and determined that they did not present any negatives that would warrant a denial.

Motion:

Member Starowicz made a motion to approve the area variance for 242 Holley Street as applied. Member LoBracco seconded.

Chair Duff asked for a Roll call vote:

Roll call vote:

Chair Duff	Nay
Member LoBracco	Aye
Member LeSuer	Aye
Member Starowicz	Aye

The motion carries with 3 votes in favor, 1 against.

ADJOURNMENT:

- Chair Duff called for a motion to adjourn the meeting, Member LoBracco moved, Member Starowicz seconded, unanimously carried that the meeting be adjourned at 6:51pm.

Theresa Weed, Clerk

Review submission requirements & deadlines prior to submitting

VILLAGE OF BROCKPORT

127 Main St, Brockport, New York 14420

Phone: (585)637-5300 ext.114 Fax: (585)637-1045

Website: www.brockportny.org

ZONING BOARD OF APPEALS APPLICATION

Area Variance: Use Variance: _____
 Interpretation: _____ Special Permit: _____
 Other: _____



Meeting Date: 12/11/23
 Date Submitted: 11/14/23
 Application Fee: \$ 200.00
 Supporting Documents(10 sets): _____
 Environmental Assessment Form:

Please note:

- Applicant must attend meeting(s).
- Failure to show, withdrawal of application, or denial will result in forfeiture of fee.
- Applicant may be billed for Village Engineer fees related to the review of application.

PROPERTY ADDRESS: 36 Gordon

Tax Map Parcel #: 069.13-2-12

Parcel Size: 58.5' width 65.2' depth

Property Zoning District: residential use

Property Class: 418

Present Use of Property: _____

Proposed Use of Property: _____

Flood Zone: Yes No

Historical designations? Yes No

Provision of Code Appealed (section and subsection): in reference to 58-2

Previous applications that pertain to this application? _____ Planning Board Zoning Board of Appeals

Description of Proposal / Detail of Request:

Remodel Kitchen
Add bed room from spare room

Certification of Statements:

The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.

I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named is/are authorized to make the application described herein.

William P. Fox
Applicant Signature O.B.O. 36 Gordon LLC

William P. Fox O.B.O. 36 Gordon LLC
Owner Signature

William Fox
Applicant Name Printed/Typed

William Fox
Owner Name Printed/Typed

Street _____

Street _____ City/ State / Zip _____

Phone # _____ E-mail _____

Phone # _____ E-mail _____

AREA VARIANCE TEST

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
- 5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

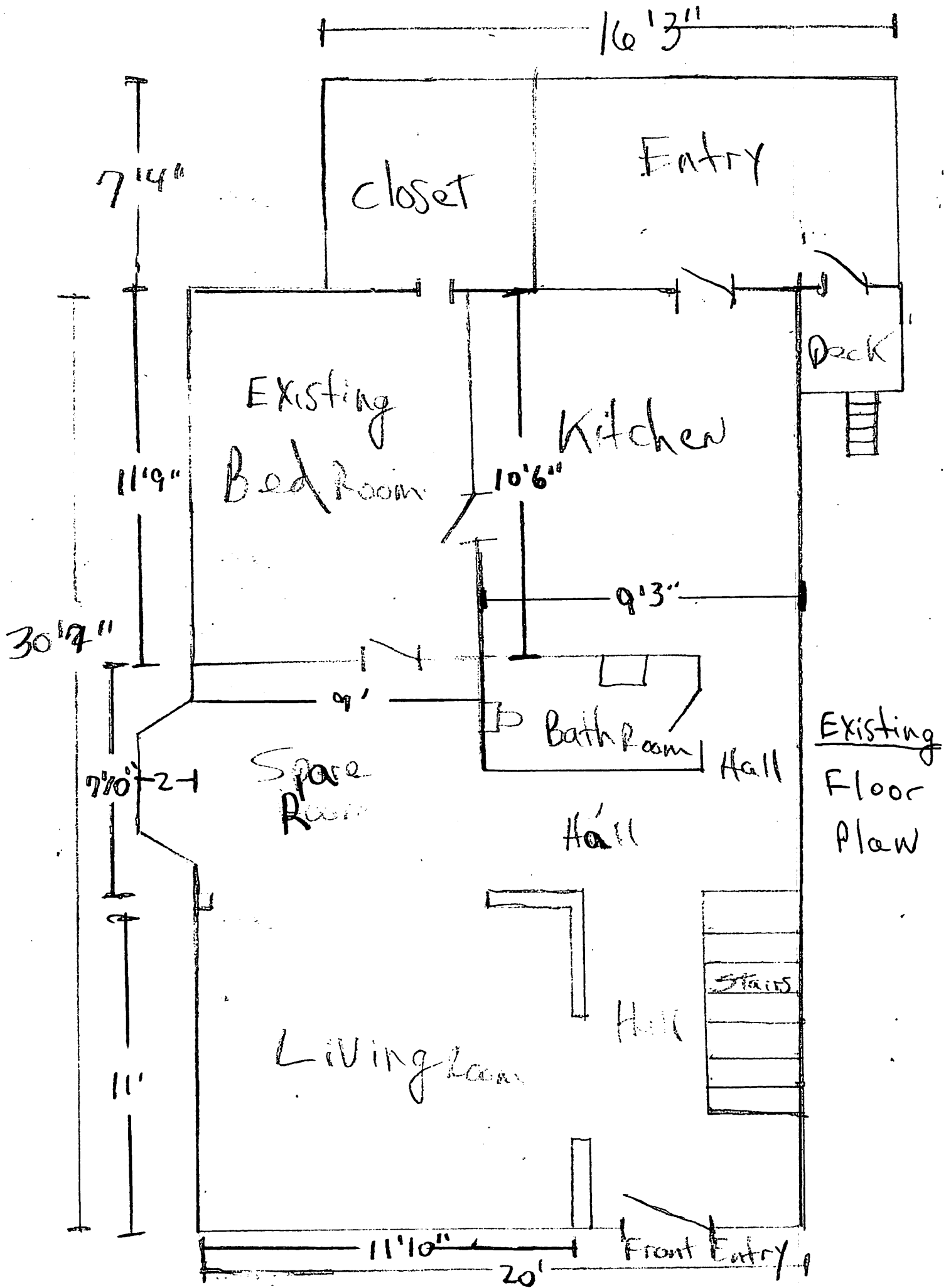
USE VARIANCE TEST

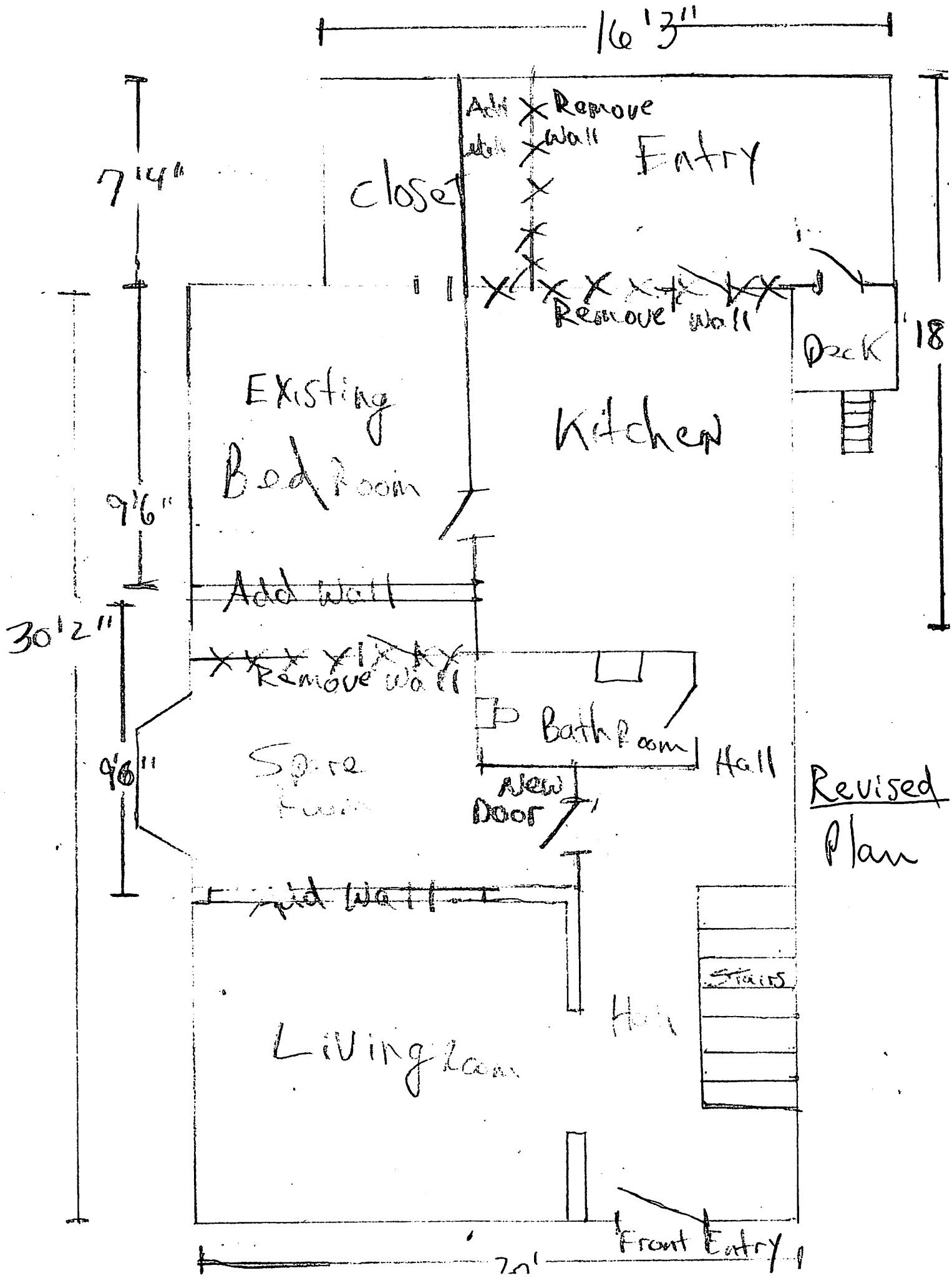
New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
- 2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- 3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4) that the alleged hardship has not been self-created.

The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.





Revised Plan