

Minutes of the special meeting of the Fairport Zoning Board, held June 18, 2013, at 5:30 p.m., in the Board Room, Village Hall, 31 South Main Street, Fairport, New York.

PRESENT:

J. Himmelberg
M. Fortner
D. Davis
E. Wierzbicki
T. Nadler
G. Wolf, Attorney
J. Steen, Code Enforcement Officer

OTHERS PRESENT:

Andrew Spencer
Mark Lang
John Grazioso

ABSENT:

P. Cantwell (alternate)

Area Variance

Andrew Spencer, BME Associate and Mark Lang, Contract Vendee of 114 East Church Street in the R-E Residential District to permit the construction of a six unit apartment dwelling having lot coverage of 23.6% instead of 20%. [The variance calculation and request contingent upon the acquisition of a ten-foot strip of land from the owner adjacent to the west and an administrative re-subdivision of the two properties.]

This application was tabled at the May meeting. Neighboring property owners were contacted regarding the application prior to the May meeting, no one appeared for or against the application.

Chair Himmelberg asked if the Planning Board had granted preliminary and/or final approval at its June 17, 2013 regular meeting. Attorney Wolf explained that the Planning Board had granted final approval based upon four conditions:

- A 5' wide impervious surface be striped and marked "no parking" for a pedestrian walk way on the driveway
- Administrative re-subdivision be completed within three months
- Construction to commence within six months of permit being issued
- Dumpster location be coordinated and approved with the DPW Foreman

A. Spencer described the site. This is a 0.51 acre site. The proposed plan complies with the 3500 square feet of land space per unit. Each unit will be two bedrooms and will be approximately 1200 square feet. One enclosed parking space will be provided for each unit inside a 5200 square foot, six bay garage. Each bay of the garage will be approximately 11' x 20'; large enough for added storage for each tenant.

J. Himmelberg asked if a driveway easement will be put in place for the shared driveway. He suggested it be done prior to the issuance of the required building permit(s). He also asked about snow removal and how the applicant would feel if the neighboring property (to the west) built a garage for its ten unit apartment building. A. Spencer explained that a small amount of snow will be stored adjacent to the driveway and large amounts of snow will be removed from the site. Mr. Lang commented that he would have no objection to a garage being built at the neighboring property.

E. Wierzbicki asked about the existing driveway not having a ten foot setback as required by code; she also asked about the green space use at the upper level near the retaining wall. A. Spencer explained that the retaining wall will be approximately 8'-10' in height not allowing for tenants to have use of the land for recreational purposes such as grilling. Attorney Wolf explained that the driveway is existing and

the use proposed has not changed from previous, therefore the driveway could remain without question or a variance.

D. Davis asked if the applicant could achieve his goal without a lot coverage variance. Mr. Lang explained that studies show the need for covered parking. The apartment building could be built without the need for a variance (if there were no garage) but he felt that the garage would substantially enhance the property giving tenants a great amenity. Ms. Davis commented that this project will be a positive contribution to the village.

Chair Himmelberg invited the applicant to add any additional comments before he closes the public hearing and completes the SEQR review.

A. Spencer asked that the board review with the consideration of the site as an urban setting.

No one else wished to speak for or against the application, the public hearing was closed.

Chair Himmelberg reviewed the SEQR form. It was unanimously resolved to declare a negative declaration.

Checklist for consideration of Area Variances:

1. *Will an undesirable change be produced in the character of the neighborhood, or will a detriment to nearby properties be created by granting the variance?* No, the neighborhood was described East Church Street to Turk Hill Road (all members agreed)
2. *Can the applicant achieve the desired end by some means other than a variance?* No, the enclosed garage makes it desirable. (all members agreed)
3. *Is the requested variance substantial?* No, 3% over allowed (3 members agreed, 2 disagreed). It was stated that combined with the neighboring multi-family, the lot coverage is a total of 12%.
4. *Will the proposed variance have an adverse impact or effect upon physical or environmental conditions in the neighborhood or district?* No, there will be proper drainage used and will have green space (all members agreed)
5. *Was the need for a variance self-created?* Yes. (all members agreed)
6. *Would a decision to grant the application be inconsistent with a prior decision of the board?* No, Chair Himmelberg referred to a recent development on Perrin Street. (all members agreed)

Motion was made by D. Davis, seconded by M. Fortner and it was unanimously resolved to permit the construction of a six unit apartment dwelling and six bay garage having lot coverage of 23.6% instead of 20%. The granting of the variance was conditioned upon completing the Planning Board requirements and having a driveway easement in place for the shared driveway with the property to the west.

GRANTED

There being no other business the meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Deborah L. Fuller, Secretary
Village of Fairport
Zoning Board of Appeals