

ZONING BOARD OF APPEALS

Minutes

Thursday, September 25, 2014

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy*

Members late: Sandra Licata

Others present: Michael Boorom, Gerry Haitz, Chandrakant Patel, Meg Chilano –
Recording Secretary

I. Roll Call

Roll call of the members was conducted. Four members were present and Chairman Gillard declared a quorum.

II. Call to Order

Mr. Gillard called the meeting to order at 6:03 pm. (Dr. Licata arrived at 6:06 pm).

III. Pledge of Allegiance

IV. Approval of Minutes from August 28, 2014 Meeting

Motion by: *Lee Hyatt*

“I make a motion to accept the minutes as written.”

Seconded by: *William Hayes*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of August 28, 2014 minutes.

V. Zoning Board of Appeals statement

Mr. Gillard read a statement regarding the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

A. Placement of a 20' x 10' storage shed in the west side of this front yard

Address: *130 Cedar Street*

Applicant: Chandrakant Patel, owner

- Actions:
1. Review application
 2. Public hearing
 3. Discussion and action by the board

1. Review Application

Vice Chairman Hayes summarized the application for the board. When asked to explain the project, Mr. Patel said that he needs a storage place to keep supplies.

2. Public Hearing

No calls or correspondence had been received and there was no one present who wished to speak about the variance.

3. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Motion by: *Paul McCarthy*

“I make a motion to approve this variance as submitted with a 60 day limit on the building application.”

Seconded by: *Jeffrey Gillard*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

- B. Construction of a 7.5' x 24' wood frame roof structure over the existing front porch deck

Address: *655 East Main Street*
Applicant: Michael Boorom, owner

- Actions:
1. Review of application
 2. Public hearing
 3. Discussion and action by the board

1. Review of Application

Mr. Hayes summarized the proposal for the board. Mr. Boorom was available to explain the project. He said that there had been a porch with a roof when he moved into the house. According to Mr. Boorom, the porch rotted and he tore it down. He said that last year he obtained a permit and constructed a new porch, and now he wants to add a roof. Dr. Licata asked if the roof Mr. Boorom wants to put on is close to the same size as the original roof. Mr. Boorom answered that it is. He said that the previous roof went below the bay window but the new roof will wrap around the window.

2. Public Hearing

There was no one present who wished to speak about the proposal.

3. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Mr. Gillard reported that the Genesee County Planning Board recommended that Mr. Boorom put gutters on the roof. Mr. Boorom asked if one on each side was needed and Mr. Gillard read the explanation from the GCPB: "The required modification is that the applicant provides gutters and other improvements necessary to divert water runoff from the roof away from the neighboring property." Mr. Boorom responded that he would take care of it.

Motion by: *Sandra Licata*

"I make a motion to approve this variance with the modification that gutters be added so water does not go onto the neighbor's property, and the building permit be obtained within 60 days."

Seconded by: *William Hayes*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Approval of Area Variance

- C. Placement of a 10' x 12' utility shed in the side yard; and construction of a 6' tall wooden fence along the property lines in the northeast corner of this property

Address: *127 East Avenue*

Applicant: *Gerry Haitz, owner*

- Actions:
1. Remove application from table
 2. Review of application
 3. Public hearing
 4. Discussion and action by the board

1. Remove Application from Table

Motion by: *Lee Hyatt*

“I make a motion to remove the application for the Area Variance from the table.”

Seconded by: *William Hayes*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance removed from the table.

2. Review of Application

Mr. Hayes summarized the proposal for the board. Mr. Haitz was present to speak about the project. According to him, the neighbor who sent a letter is in favor of a fence between the two properties. Mr. Haitz explained that he wants to use the fence to create a corner area that affords some privacy so that he has a place to put a grill. Mr. Gillard asked if Mr. Haitz had discussed fire proofing the shed with Mr. Randall. Mr. Gillard said that he had spoken to Mr. Randall himself about fire proofing two walls so that the shed could be moved to allow Mr. Haitz more room. The north and west walls would be fire proofed; the south and east walls would match the house. Mr. Haitz agreed to the modification.

3. Public Hearing

A neighbor had sent a letter which the board read.

4. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Motion by: *Lee Hyatt*

“I make a motion to approve the variance with the modification that the building be moved back toward the rear property line and two walls are fire proofed, with 60 days to obtain the building permit.”

Seconded by: *Jeffrey Gillard*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance for the shed approved.

The PDC discussed the proposal for the fence separately. Mr. Hyatt asked if the neighbor is aware that Mr. Haitz wants to run the fence all the way to the sidewalk at 6' in height. Mr. Haitz answered that the fence would end 3-4' before the sidewalk and would afford a clear view down the street when backing out of the driveway. Mr. Haitz pointed out that he had taken down a large spruce tree which he considered more obstructive than the fence. Mr. Hyatt asked if someone was riding a bike on the sidewalk would they be able to be seen and Mr. Hayes indicated that a bicyclist would be visible. Mr. McCarthy said that the survey showed that the previous fence was set back from the sidewalk 6'. Mr. Haitz responded that he would like to gain a foot or two, but assured the PDC that visibility was good. Mr. Hyatt and Mr. McCarthy expressed concern that someone walking on the sidewalk might walk into a car backing out of the drive. Mr. Haitz said that since he had cleared away the bushes and trees, even with the fence up there would still be greater visibility.

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Mr. Hyatt asked about the construction material of the fence. According to Mr. Haitz, the fence will match the vertical wood siding on the house.

Motion by: *Lee Hyatt*

"I move that this variance be approved with 60 days to obtain the building permit."

Seconded by: *Sandra Licata*

Votes in favor: 5 (Jeffrey Gillard, William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

Result: Application for Area Variance for the fence approved.

VII. Setting of Next Meeting: October 23, 2014

VIII. Adjournment

Mr. Gillard adjourned the meeting at 6:26 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Meg Chilano". The signature is fluid and cursive, with the first name "Meg" and last name "Chilano" clearly distinguishable.

Meg Chilano