

ZONING BOARD OF APPEALS

Minutes

Thursday, June 25, 2015

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

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

Others present: Meg Chilano - Recording Secretary, Doug Randall - Code Enforcement Officer

I. Roll Call

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

II. Call to Order

Mr. Gillard called the meeting to order at 6:02 pm.

III. Pledge of Allegiance

IV. Approval of Minutes from May 28, 2015 Meeting

MOTION: Dr. Licata moved to approve the minutes; the motion was seconded by Mr. Gillard, and on roll call, was approved 5-0.

Result: Approval of May 28, 2015 minutes.

V. Zoning Board of Appeals statement

Mr. Gillard explained the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

- A. Widen an existing 11.41' wide asphalt driveway to 23.31' by placing a 12' wide stone addition to the north side of the existing driveway

Address: *23 Seneca Avenue*

Applicant: *George Mirrione, owner*

- Actions:
1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Vice Chairman Hayes read the proposal summary for the board.

2. Public Hearing and Discussion

Mr. Gillard opened the public hearing at 6:06 pm. Mrs. Mirrione related to the board that the proposal was modified based on the recommendation of the Planning and Development Committee (PDC). The width of the driveway was reduced to 20' instead of 23.31'. Mrs. Mirrione pointed to the diagram in the application showing where the driveway will be going. She indicated that there are 7' between the driveway and the neighbor's property line.

Mr. Gillard noted that the PDC also recommended paving the driveway within one year. He asked if Mr. and Mrs. Mirrione were agreeable and they answered yes.

Mr. Gillard closed the public hearing at 6:08 pm.

3. 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
- Self-created: no

MOTION: Mr. Gillard moved to approve the application with the changes recommended by the PDC, with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 5-0.

Result: Approval of Area Variance

- B. Widen an existing 10' wide stone driveway by placing 13' of stone to the east side of the existing driveway

Address: *17 Maple Street*

Applicant: Timothy Corcoran, owner

- Actions: 1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Hayes read the summary of the proposal.

2. Public Hearing and Discussion

Mr. Gillard opened the public hearing at 6:10 pm. Mr. Corcoran told the board that he wants to open up more space in the driveway so there is enough room to maneuver more than one

car. He said there is never any street parking and it is a hassle to move cars around to accommodate different schedules.

Betty Baldwin, 15 Maple Street, wished to speak about the project. Mrs. Baldwin stated that she has lived at her present location for 15 years. She said that the previous owner had made a parking area large enough to accommodate one car at the end of the driveway near the sidewalk. This space was made from stone while the remainder of the driveway was constructed from concrete. According to Mrs. Baldwin, she went to the City to obtain a permit to have the parking spot paved like the rest of the driveway, and she was told she was not allowed. She said she was told to return the parking area to grass because only a single lane driveway was permissible.

Mr. Gillard explained that the board could not answer as to what happened before; they can only deal with what is before them. Dr. Licata added that Mrs. Baldwin could apply again if she chose.

Mr. Hyatt asked the applicant if the stakes belonged to him and if he intended to put up a fence. Mr. Corcoran responded that the stakes are his and he is going to install a fence.

Mr. Gillard related to Mr. Corcoran that one of the PDC's recommendations was to create parking space to the rear of the house. Mr. Gillard asked if there was a reason why he could not do that. Mr. Corcoran responded that he would like to put up a garage.

Mr. Hyatt observed that according to Mr. Corcoran's plan for the driveway, a car would have to be parked sideways. Mr. Corcoran replied that he does not believe so.

Mr. Hyatt asked what he intends to do with snow. Mr. Corcoran answered that he can blow it onto the front yard. Mr. Hyatt said that he does not think residents should be parking their cars sideways in front of the house. Dr. Licata said that she does not see how he could put a vehicle sideways.

Neil Jacobs, 13 Maple Street, spoke about past negative interactions with Mr. Corcoran.

Mr. Gillard closed the public hearing at 6:36.

3. Action by the Board

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

- Undesirable change in neighborhood character: Mr. Hyatt said he believes there is. He stated that a parking area should not go in the front. Mr. Gillard pointed out that all of the other houses have parking in the front. Mr. Hyatt said that they need to stop it some time.

- Alternative cure sought: Mr. Hyatt and Mr. Hayes said the parking could go in the back. Mr. Gillard estimated that the back yard is 80' deep. Dr. Licata said she would not want parking to ruin the back yard for entertaining. She said it does not make sense to do that especially when other neighbors have parking in the front. Mr. Hyatt expressed concern that Mr. Corcoran will not have enough room to park vehicles one behind the other in the driveway and he will park them parallel to the house. Mr. Gillard said he believes there is enough room. Mr. McCarthy asked if Mr. Corcoran would be parking his vehicle in the garage when he builds it and he answered yes. Mr. McCarthy pointed out that Mr. Corcoran will not need extra parking at that time. Dr. Licata said that he will still need more parking because people will need to get in and out of the driveway. Mr. Hayes asked if it would be a two-car garage and where Mr. Corcoran intends to put it. Mr. Corcoran said that he wants a large structure so he has room for working on his vehicles and plenty of storage. He does not want to put it too far in the back because he said his patio area is in the back along the fence.
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: Mr. Gillard said that there are similar situations in the neighborhood but Mr. Hyatt disagreed.
- Self-created: no

MOTION: Dr. Licata moved to approve the Area Variance with 60 days to obtain the permit. Mr. Hayes asked if they could put a stipulation on parking. Mr. Randall answered that they could but it would be difficult to enforce. Dr. Licata moved to approve the Area Variance with the condition that parking must be perpendicular to the road, with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 5-0.

Result: Approval of Area Variance

- C. Establish an auto detailing, protection, and accessory shop on this parcel which shares lot lines with a church to the west and is within 500' of the required set back

Address: *311-313 West Main Street*
 Applicant: Tony Mattiaccio, President/CEO of Monroe County
 Automotive Services Inc./prospective owner

Actions: 1. Review application
 2. Public hearing and discussion
 3. Action by the board

1. Review Application

Mr. Hayes read the summary of the proposal.

2. Public Hearing and Discussion

Mr. Gillard opened the public hearing at 6:45 pm. Tony Mancuso spoke on behalf of the applicant. Mr. Hayes asked him if the property is the old Pepsi garage and he said that it is. Mr. Gillard clarified that both buildings will be used: the one in front will be the show room; and the one in the rear will be the work area.

Mr. Gillard asked about environmental issues with spray from the undercoating. Mr. Mancuso responded that everything meets DEC code.

Mr. Gillard asked if there was any correspondence or contact from anyone at the church and Mr. Randall replied that there was none. Mr. McCarthy verified that the business is closed on Sunday. Mr. Mancuso said that the hours of operation are from about 7 am to 6 pm five days per week, with an occasional Saturday.

Dr. Licata asked about parking. Mr. Mancuso said that the areas designated for parking are behind and to the east of the building.

Mr. Hyatt asked about the yellow lines on the diagram. Mr. Mancuso explained that the lines represent two separate tax parcels.

Mr. Gillard closed the public hearing at 6:48 pm.

3. 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
- Self-created: no

MOTION: Mr. McCarthy moved to approve the Area Variance, with 60 days to obtain the permit; the motion was seconded by Mr. Hayes, and on roll call, was approved 5-0.

Result: Approval of Area Variance

VII. New Business

VIII. Setting of Next Meeting: July 23, 2015

IX. Adjournment

Mr. Gillard made a motion to adjourn the meeting at 6:47 pm. Dr. Licata seconded. All voted in favor.

A handwritten signature in black ink, appearing to read "Meg Chilano". The signature is written in a cursive style with a large, stylized "M" and "C".

Meg Chilano

Bureau of Inspection Clerk