

Present: Mark Nicholson, Mike O'Connor, Bill Baker, Bob Fantauzzo, Atty. David Mayer, Building Insp./Code Enforcement Officer Will Barham, Deputy Clerk Jo O'Neill

**One seat on the board is currently vacant.

Meeting came to order at 7:30pm.

Reappointed ZBA Members signed the Oath of Office Book.

Updated pages for the Village Code book were distributed to the board members.

Mark Nicholson asked for a motion on the minutes from June 15, 2017.

Motion: Bill Baker made a motion to approve the minutes of June 15, 2017 as written. Seconded by Mike O'Connor. All were in favor. Minutes were approved.

1) **Application:** Lisa McCarthy, 36 Fuller Ave., Tax ID#080.14-1-78. Applicant seeks to build an open front porch approximately 10ft x 16ft (160sf). Applicant seeks relief from current zoning regarding front setback. Property zoned: R1-9.6. Applicable zoning regulation: 175-13C.

Mark Nicholson informed the applicant that one seat on the board was vacant, and three of the four members in attendance would have to vote in favor of the variance for it to be approved. He offered the applicant the option of rescheduling the meeting for when an entire board could be present. They wanted to proceed.

Presentation: Lisa McCarthy would like to build a front porch, 10ft x 16ft, onto their home. They want to "extend" their house with an open porch to be able to see their neighbors. When they're on their back deck they don't get to see them. The porch will be centered on the front of the house and approximately 20ft from their front lot line. Consequently, they are asking for a 20ft setback variance.

M. Nicholson asked about the "patio porch" on the back of the house, to which the applicant replied that it was already there.

Mike O'Connor inquired as to whether they will be removing the bay window or not.

Mr. McCarthy indicated that the window will stay, as the roof of the porch will be above it.

Bill Baker questioned if the Village has variances for the setbacks on most of the houses on that street.

Will Barham noted that we do not have variances for most other houses, however the code was changed sometime after those houses were built, making them “pre-existing, non-conforming”. If you look at the bulk information for that area, the average front setback is 30ft.

M. Nicholson then asked if the McCarthy’s have checked with all the neighbors within 500ft.

The McCarthy’s indicated that they have and have not received any objections.

Open to the Public:

Rick Walter, 20 Elm Street, stated “I love porches, build it!”

Closed to the Public:

B. Baker questioned whether they will need a 10ft or a 20ft variance.

David Mayer replied that they will need a 20ft variance.

Motion: Bill Baker made a motion to declare the Zoning Board of Appeals as the lead agency for a Type II action under SEQR. Seconded by Mike O’Connor. All were in favor. Motion passed.

D. Mayer corrected that they will actually only need a 10ft variance.

W. Barham explained that by using the average front setback for that area of 30ft as the benchmark, the McCarthy’s will only need a 10ft variance.

M. Nicholson then asked the board for a motion on their request for a variance to build a front porch.

Motion: Bob Fantauzzo made a motion to grant a 10ft front yard setback variance, using the 30ft average front setback of the homes in that area, for the building of a front porch at 36 Fuller Avenue. Seconded by Bill Baker. All were in favor. Motion passed.

2) Application: Michael Conroy of 5-Star Portfolios Inc., 23-25 West Main St. Tax ID#080.47-1-3. Applicant seeking a Special Use Permit for an apartment above 23-25 West Main St. in a Central Business Zone pursuant to section 175-72C of the Village Zoning Code. Property zoned Central Business.

Presentation: Michael Conroy is purchasing the property at 23-25 W. Main St., and is looking for the best use of the space above “Game Craze”. It has been office space, but is currently not being used. In the past it was used as an apartment, and he would like to turn it back into an apartment.

M. Nicholson inquired as to how it was changed from an apartment before.

D. Mayer replied that if the use was abandoned for a period of six months, it goes back to the original allowed zoning.

M. Nicholson asked if there have been any code violations on the property.

W. Barham expressed that there have not been any violations. It already has a kitchen, bathroom and furnace room. It also has its own exit. It will need smoke and CO detectors.

M. Conroy added that there is a fire escape as well.

W. Barham indicated that other businesses in this area have similar uses. When the code changed a number of years ago, the look that was desired within the Central Business District included a residence on the second floor with a business below. This was also noted in the Comprehensive Plan.

M. Nicholson inquired if there has been any objections to the proposed change of use.

W. Barham stated that there was no need to send out letters to neighboring properties, as there was no visual, monetary or negative impact from the change of use, and it is not located in a residential district.

M. Conroy mentioned that he has spoken with Marge Pickering Picone from the vitamin store at 7 W. Main St., and she has no issues with the change of use.

M. Nicholson asked what the approximate rent will be for the apartment.

M. Conroy replied that it's a studio with parking in the rear, and the rent will be approximately \$600 - \$650 per month. An employee at Game Craze is interested in renting the apartment.

B. Baker questioned whether the tenant will have a designated parking spot, to which the applicant said they will.

Open to the Public:

No comments noted.

Closed to the Public:

M. Nicholson then asked for a motion regarding SEQR.

Motion: Bill Baker made a motion to declare the Zoning Board of Appeals as the lead agency for a Type II action under to SEQR. Seconded by Mike O'Connor. All were in favor. Motion passed.

M. Nicholson then requested a motion on a special use permit for this property.

Motion: Mike O'Connor made a motion to grant a special use permit for an apartment above 23-25 W. Main Street. Seconded by Bob Fantauzzo. All were in favor. Motion passed.

M. Nicholson reiterated that the Zoning Board of Appeals is short one member. If anyone knows of any potential candidates, please let him or Darrell Byerts know. They would like to fill the position as soon as possible, and have an alternate member as well.

D. Mayer informed the board that Brittany Woods has a change to their site plan for their entrance on Phillips Rd. Consequently, they will have to come back to the Planning Board next month, but it shouldn't affect the variance that was granted.

W. Barham added that the NYS DOT wants them to move their entrance farther south on Phillips Rd. He also indicated that 40 North Avenue may need a variance for a new sign, either free standing or on a pole. A pole sign would be preferable due to our sidewalk plows.

M. Nicholson inquired about an application for Maria's Restaurant.

W. Barham replied that they would like to relocate to the old law offices at 34 May St., but right now that will not affect the Zoning Board of Appeals.

M. Nicholson then asked for a motion to adjourn the meeting.

Motion to Adjourn: Bill Baker made a motion to adjourn the meeting. Seconded by Mike O'Connor. All were in favor. Meeting adjourned at 7:57pm.

The next Zoning Board of Appeals Meeting is scheduled for 7:30pm on August 17, 2017.
Respectfully submitted,
Jo O'Neill, Deputy Clerk