

OGDEN ZONING BOARD OF APPEALS
July 1, 2010

Members Present

Duane Fregoe, Chairman
Noelle Burley
Tom Hall
Mark Irwin
Corey McAtee
Mark Young
Kristen Zale

Members Absent

Others Present

Jack Crooks, Building Inspector
Angella O'Hara, Secretary
Pam Norstrand

Bridget Field, Esq., Zoning Board Attorney
Frank Grossmann

The Ogden Zoning Board of Appeals was called to order at 7:04PM.

The recorder failed to record this meeting. The following minutes are just the required resolutions showing the votes for each application.

I. PLEDGE OF ALLEGIANCE

II. OLD BUSINESS - None

III. PUBLIC HEARING

1. Appeal of Frank Grossmann, 47 Kristen Drive, Rochester, NY, 14624, for an area variance for the following;
 - To erect a 18' x 22' (396 sq. ft.) accessory structure, whereas the maximum land coverage by accessory buildings allowable in the R-1 district is 1% (200 sq. ft. for this property), pursuant to Chapter 210-28.F(3)(b);
 - To erect a 6' high vinyl fence of closed construction, whereas, the maximum height allowable is 4' and the minimum spacing between verticals is 1 ½", pursuant to Chapter 210-47.A(8)(a) and 214-47.B(1), respectively;
 - To install an in-ground pool with a side setback of 5', whereas the minimum side setback for a pool is 20', pursuant to Chapter 179-2,This in a R-1 Residential District. Tax Acct. #117.03-4-22

Mr. Frank Grossmann presented this application.

Audience Comments

Mr. Fregoe asked for audience comments.

RESOLUTION #1A

Introduced by Mr. Young
Seconded by Mrs. Burley

That the Board classify the application of Frank Grossmann, for property located at 47 Kristen Drive, Rochester, NY, 14624, as a Type II SEQR Action.

Vote of the Board

Ayes: Fregoe, Burley, Hall, Irwin, McAtee, Young, Zale
Nays: None
Absent: None

RESOLUTION #1B

Introduced by Mr. Fregoe
Seconded by Mr. Hall

That the Appeal of Frank Grossmann, 47 Kristen Drive, Rochester, NY, 14624, for an area variance for the following;

- To erect a 18' x 22' (396 sq. ft.) accessory structure, whereas the maximum land coverage by accessory buildings allowable in the R-1 district is 1% (200 sq. ft. for this property), pursuant to Chapter 210-28.F(3)(b);
 - To erect a 6' high vinyl fence of closed construction, whereas, the maximum height allowable is 4' and the minimum spacing between verticals is 1 ½", pursuant to Chapter 210-47.A(8)(a) and 214-47.B(1), respectively;
 - To install an in-ground pool with a side setback of 5', whereas the minimum side setback for a pool is 20', pursuant to Chapter 179-2
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- That the accessory structure, fence and pool be constructed and installed to professional standards and is to be well maintained;
 - That the accessory structure not be used for commercial activity;
 - That the exterior lighting is limited to motion sensor lighting. No dusk-to-dawn or mercury vapor lighting;
 - That the fence be constructed 5' high with a 1' lattice on top;
 - That the applicant's attorney contact the Zoning Board of Appeals Attorney to prepare a *Declaration of Restrictions* to be recorded in the Monroe County Clerk's Office, along with the deed to the subject property for the shed and fence;
 - That a building permit for the accessory structure, fence and pool be obtained from the Building Department prior to commencing construction.

Vote of the Board

Ayes: Fregoe, Burley, Hall, Irwin, McAtee, Young, Zale
Nays: None
Absent: None

2. Appeal of Pam Norstrand, Pam's Dollhouse, 1297 Vroom Road, Spencerport, NY 14559, for a Special Use Permit renewal, to operate an in-home business consisting of Dog and Cat Breeding, at property located at same; whereas, this is an in-home occupation that may be allowed with a permit granted by the Zoning Board of Appeals pursuant to Chapter 210-51.C in an R-1 Residential District. Tax Acct.# 116.01-1-11.2

Ms. Pam Norstrand presented this application.

Audience Comments

Mr. Fregoe asked for audience comments.

RESOLUTION #1A

Introduced by Mr. Young

Seconded by Mrs. Burley

That the Board classify the application of Pam Norstrand, for property located at 1297 Vroom Road, Spencerport, NY 14559, as a Type II SEQR Action.

Vote of the Board

Ayes: Fregoe, Burley, Hall, Irwin, McAtee, Young, Zale

Nays: None

Absent: None

RESOLUTION #1B

Introduced by Mr. Fregoe

Seconded by Mr. Hall

That the appeal of Pam Norstrand, Pam's Dollhouse, 1297 Vroom Road, Spencerport, NY 14559, for a Special Use Permit renewal, to operate an in-home business consisting of Dog and Cat Breeding, be granted approval with the following conditions.

- All customer and employee parking shall be limited to the driveway;
- No persons, other than members of the immediate family residing on the premises, may be employed;
- That the Special Use Permit is granted for a period of **five (5) years** and will **expire on July 1, 2015**;
- Business must stay in compliance with provisions set forth in The Code of the Town of Ogden.

Vote of the Board

Ayes: Fregoe, Burley, Hall, Irwin, McAtee, Young, Zale

Nays: None

Absent: None

IV. MINUTES

RESOLUTION #3

Introduced by Mr. Fregoe

Seconded by Mr. Hall

That the minutes of the **June 3, 2010** meeting of the Ogden Zoning Board of Appeals be approved with previous corrections.

Vote of the Board

Ayes: Fregoe, Burley, Hall, Irwin, McAtee, Young, Zale

Nays: None

Absent: None

Motion made by Mr. Fregoe to adjourn the July 1, 2010 meeting of the Ogden Zoning Board of Appeals at 7:45 pm.

Respectfully submitted,

Jack Crooks, Secretary