

Call to Order: Chairman Tom Knitter called the meeting to order at 6:47 pm.

Roll Call:

Present: Tom Knitter, Chairman
Kyle Burns
Tim Ozminkowski
Tom Sands
Evan Dumrese
Kevin Norton

Absent: Dan Magill, Village Attorney

Also Present: Charlie Floeser, Code Enforcement Officer
Anne Hartman, Village Clerk
Christie Offen, Trustee
Ruben Ortenberg, Woods, Oviatt, Gilman, LLP (Appellate)
William Bauer, Woods, Oviatt, Gilman, LLP (Appellate)
Nick Pearl
Henry Williams
Tony Adams
Ashley Bow, Court Stenographer
Approximately 40 residents

Approval of Minutes:

Motion: made by Tim Ozminkowski and seconded by Tom Sands to approve the minutes of the Thursday, March 22, 2018 Zoning Board of Appeals Meeting as submitted.

Vote: (Carried 5-0)

Thomas Knitter	AYE	Tom Sands	AYE
Timothy Ozminkowski	AYE	Kyle Burns	AYE
Evan Dumrese	AYE	Kevin Norton	ALTERNATE

Public Hearing Public Hearing opened at 6:50 pm.

**Legal Notice
Notice of Public Hearing
Village of Scottsville**

PLEASE TAKE NOTICE that a Public Hearing will be held by the Village of Scottsville Zoning Board of Appeals on Thursday, May 24, 2018 at 6:45 pm at the Wheatland Municipal Building, 22 Main Street, Scottsville, New York to review the Notice of Appeal received April 17, 2018 of Building Permit No. BP 2018-013 (9 Oakwood Lane) issued April 17, 2018 pursuant to New York Village Law 7-712-a. A copy of the Notice of Appeal is available at the Office of the Village Clerk where it may be inspected by any person during office hours. Office hours are Monday-Friday 9am - 5pm.

Public Comment opened at 6:50 pm.

Anthony Adams, Pearl's attorney – Planning Board did the job properly
Submitted pictures of other barns in the village from Google Maps

Violation of Stop Work Order not true
The law does not state that an appeal means SWO

Ruben Ortenberg, appellate attorney – March 22, 2018 BB2018-003 was rescinded
Under Article 9 of Village Code the application should have gone before the Planning Board
Went to the PB, who recommended a permit to be issued
Code Enforcement Officer issued at the strength of the PB
BP2018-013 was not issued properly
CEO never determined it as an accessory structure
Object to the three minute limit

Clay Pearl, 65 Oakwood Lane – has no problem with the building, it will not bring property value down, and it will look good and bring value up

Wendy Marks, 10 Beckwith Ave. – Village government, Planning Board and ZBA must carefully focus and consider the future of the Village, we may not all agree, people look to leadership to figure it out

Kevin Marks, 10 Beckwith Ave. – ZBA must interpret the code correctly, 170-50 location, not in rear yard, 170-6 not insubordinate in use, 170-50 not insubordinate in size, it must be in the rear yard, not side and it requires variances.

Jan Brewster, 37 Browns Grove – should not be granted hardship, moved the fence without permit, not an accessory, Nick should be responsible for all expenses to take it down, fined for moving a fence without a permit, Nick feels he is entitled and above the law, site plan for run off

Dave Whalen, 464 North Rd – building looks fine, other neighbors need to take care of their own, building permit has been approved twice, this is a waste of tax payer money

Steve Drexler, Veteran Business Council – driving down Rochester St., building is not noticeable, to contain Nick's vehicles to make his property neat, will be well landscaped, 2 building permits have been approved and issued twice, Veterans Business Council sees that Nick does things by the book

Harvey Specht, 15 Oakwood Lane – against this project from the beginning

Sharon Brewster, 37 Browns Grove – size – his entire house fits in it, pole barn is a commercial building for monster trucks, height – it does not fit the neighborhood, of the 17 houses 14 are below the height of this barn, it does not sit in the location of the application, fence was moved, now it is in the front yard, no inspections have been done

Nick Pearl, 9 Oakwood Lane – home is 2592sqft and barn is 2496sqft, personal truck is 11,000 lbs therefore need a 12,000lb lift

John DiStefano, 9861 Union St – Nick has followed all the proper procedures, does not see the issue, Nick has proven to be a class act in the Village and American Legion, storm water pertains to over an acre, his family helps others, barn is an asset to that street, other stuff on the street looks bad, it is not a commercial building

Maggie Manchester, Winslow Rd. – barn doesn't fit in the community, but we have the right to build what fits code

Chris Pearl, 65 Oakwood Lane – unfortunate we are wasting time and energy on a project that has been approved, before saying it is an eyesore – wait until it is done and landscaped, it will be beautiful, and it is legal and necessary for Nick's lifestyle

Ruthie Thompson, 26 Scott Crescent – Thanks you for your time and training, I want to be sure that I can do what I want on my property, support the people put in place to review, building permit has come up twice, if it is not a safety issue, wrap it up and save money

William Bauer, Woods Oviatt Gilman, - violations to Chapter 63 of code - detailed plans were not submitted, plot not drawn to scale, no signature of a licensed architect, no signature of the building inspector, distance and height of accessory building in residential, only one accessory structure permitted, Workers Comp insurance inaccurate, changes to size making it unclear as to with building permit was issued

Nancy Jurs, 80 Oakwood Lane – accessory structure in the rear yard only, one application applies for heat and electric the other does not

Sharon Brewster, 37 Browns Grove – safety of the building, with a SWO there are no inspections

Public Comment closed at 7:39 pm.

Public Hearing closed at 7:39 pm

Motion: made by Tim Ozminkowski and seconded by Kyle Burns to allow for discussion of the denial of the appeal dated April 17, 2018.

Vote: (Carried 5-0)

Thomas Knitter	AYE	Tom Sands	AYE
Timothy Ozminkowski	AYE	Kyle Burns	AYE
Evan Dumrese	AYE	Kevin Norton	ALTERNATE

Tom Knitter summarizes the reason this has been appealed twice.
Anyone with a concern can appeal causing a Stop Work Order
March 22, 2018 the first permit, BP2018-003, was rescinded because it did not appear before the Planning Board
April 12, 2018 the PB requested more documentation, reviewed and made the recommendation to issue the building permit
Second BP2013-013 was issued and a second appeal came in

Board Discussion

Using Table 170-11-1 in a R-1-16

It is an accessory structure with a permitted use

Dimensional requirements satisfy the side yard and front yard setbacks

Height requirement as defined by the average of the height of the peak and the side walls

At 13 % it falls under the maximum lot coverage of 25%

Subordinate in size home is 2592sqft and barn is 2496sqft

SEQRA approved

Does the denial of the appeal lift the SWO?

Add conditions, no further work can be done until the legal issues and fines are cleared and all required inspections completed.

Board Comment closed at 8:25 pm.

Motion: made by Tim Ozminkowski and seconded by Tom Sands to deny the appeal dated April 17, 2018 and that no further work be done on the building until all litigation issues and appropriate inspections are remedied.

Vote: (Carried 5-0)

Thomas Knitter	AYE	Tom Sands	AYE
Timothy Ozminkowski	AYE	Kyle Burns	AYE
Evan Dumrese	AYE	Kevin Norton	ALTERNATE

Old Business

Review the recommendation letter to the Village Board to combine the Planning and Zoning Board of Appeals

Adjournment:

Motion: made by Tom Sands and seconded by Evan Dumrese to adjourn the meeting at 8:37 pm

Vote: *(Carried 5-0)*

Thomas Knitter AYE
Timothy Ozminkowski AYE
Evan Dumrese AYE

Tom Sands AYE
Kyle Burns AYE
Kevin Norton ALTERNATE

Respectfully Submitted by,



Anne Hartman
Village Clerk