

Town Of Phelps Zoning Board Meeting

Date: Thu, Mar 21, 2013, 7:00 PM - 8:00 PM

Location: Phelps Court House and Meeting Rooms

Minute Taker: Stephanie Kelly

Attendees: Brooks McKinney, Ed Clark, Zoning Officer, Stephanie Kelly, Joyce Mitchell, Scott Fremouw, Chairman, Glen Wilkes, Jeff Caves

No.	Tag	Title	Remark	Responsible	Due
1		CALL TO ORDER	<p>Chairman Mr. Fremouw called the Zoning Board Meeting to order at 7:03 p.m. at the Phelps Town Courthouse.</p> <p>The Pledge of Allegiance was said by all.</p> <p>Introductions were made.</p> <p>Not in attendance: Mr. Westfall</p>		
2		REVIEW OF PAST MINUTES	<p>Review and approval of the January 17, 2013 minutes. One correction was noted. Mr. Caves made a motion to accept the minutes with the correction. Mr. Fremouw seconded. Mr. McKinney, Ms. Mitchell and Mr. Wilkes abstained. The motion carried.</p>		
3		TILLACK APPLICATION REVIEW	<p>Application: Lawrence Tillack, 430 East Street, Canandaigua, NY 14424: Construction of a 3,750 square foot office/storage building.</p> <p>Mr. Fremouw asked if everyone had reviewed the documentation that was provided. Everyone had.</p> <p>Ms. Mitchell had done some research regarding NYS law and two businesses on one parcel and found that this requirement referred to residential buildings for safety purposes such as fire protection. Mr. Fremouw did re-read the Zoning Board's decision which stated that the application had been deemed having two businesses operating on one parcel. Mr. Wilkes stated that he feels a use variance is in order not a special use permit.</p> <p>Ms. Mitchell asked who maintains the facility. Mr. Tillack maintains. He needs the storage building to house his equipment. Mr. Fremouw informed the board that the decision regarding the accessory building has already been voted on and was not up for discussion at this meeting.</p> <p>Mr. Clark was clarifying that the use of the second building is "light industrial" in a C1 district as he is storing equipment and different building materials. Mr. Tillack said it will be a Lawrence Construction office building. It will be used as his office space for his business. Mr. Wilkes debated if this was actually "light" industrial. Mr. Tillack stated that the neighbors don't want a barrier and that they are willing to come to a Zoning Board meeting to express that. Mr. Tillack stated that he and his neighbors get along great.</p> <p>Mr. Caves wanted to confirm that the entire parcel is zoned a C1. Mr. Clark confirmed that it is a C1. Planned Unit Development could be</p>	Brooks McKinney	3/22/13 (overdue)

No.	Tag	Title	Remark	Responsible	Due
			<p>used but Town of Phelps doesn't have that in place at this point. Mr. Clark read from the code book regarding information on District Lots (145-18) Planned Development Groups. Ms. Mitchell states that the information needed to fulfill 145-18 B is provided by Mr. Tillack in his application.</p> <p>The Zoning Officer is comfortable taking this information to the attorney to see if a Development Group could be used here. Mr. Fremouw wants to know if the Zoning Board should just make a recommendation to the Planning Board that they also consider this and provide an opinion.</p> <p>Mr. McKinney did find information in the code book 145:46 and 145:47 article V that states a special use is required. Mr. Wilkes is sure this needs Town Board approval.</p> <p>Mr. Fremouw asked Mr. Tillack if he was agreeable to wait another month for the attorney feedback. Mr. Clark agrees and is comfortable doing so. Mr. Tillack agreed with the 30 day extension.</p> <p>Mr. Fremouw would like a letter drafted to the attorney/planning board asking for their input. Mr. McKinney will draft. He will forward to Mr. Clark. Mr. McKinney reviewed what the letter will contain for everyone's approval.</p> <p>Ms. Mitchell had some questions about the Environmental form that was provided. She was provided answers.</p>		
4		OLD BUSINESS	<p>Mr. and Mrs. John Duchesneau regarding grievance will lighting on the neighboring property. They were present to discuss the Zoning Officer and Zoning Board's findings.</p> <p>Mr. Clark did get a light meter. Mr. Clark went out to visit and used the meter. Mr. Clark received a letter from the neighboring location to Mr. and Mrs. Duchesneau. He read this to the board. The letter was addressing all the issues that needed to be addressed from the original grievance from the Ducheaneaus.</p> <p>Mr. Clark also read the Planning Board's lighting ordinance. Mr. Clark references this ordinance to help determine his findings. His findings are that this is a new installation not a pre-existing fixture.</p> <p>Light meter details: *Property line can have .5 lumen shown on it. On the Duchesneau's property .01 lumens were shown. *Another area allows for 1-2 lumens and the neighboring property was measured at 2.2 lumens. *None of the lights had opaque shades. Those are required. based on this situation.</p> <p>Findings: East light is ruled a new installation and needs a smaller lumen bulb and an opaque shade per section 92 1 of the new lighting legislation. Mr. Clark will need to address this with the homeowner. All lights are non compliant with 92 15 B 2-in the code requirements. The</p>		

No.	Tag	Title	Remark	Responsible	Due
			<p>neighboring homeowner did refuse the motion light recommendation.</p> <p>South: needs opaque cover North: needs opaque cover East: on a timer/lower lumen bulb/opaque cover</p> <p>Mr. Fremouw stated that the Zoning Board will ensure the new lighting legislation is followed through on. Mr. Clark will handle compliance.</p> <p>It was discussed that ALL buildings fall under this new legislation.</p>		
5		ZONING OFFICER BRIEFS	None.		
6		ADJOURN	<p>Ms. Mitchell made a motion to adjourn the meeting. Mr. Wilkes seconded the motion. The motion carried unanimously. The meeting was adjourned at 9:00 p.m.</p> <p>The next meeting is scheduled for April 18, 2013.</p>		
7		FINAL MINUTES: April 19, 2013	DRAFT MINUTES: March 23, 2013		