

January 17, 2011 Village of Phelps Zoning Board of Appeals Informal Meeting

Village of Phelps Zoning Board of Appeals Members:

Present: Pat Hemminger, Chair Denise Schlossnagle  
Dennis King

Absent: Ron Grube & David Clark

Also present: Deputy Clerk/Treasurer: Jill Seifert & Dean Williamson

Purpose: Informal Meeting regarding 114 Main Street, no motions necessary.

Chairperson Hemminger opened meeting at 7:02 p.m. No public present.

**J&D Properties, LLC – 114 Main Street:**

The property in question contains a building housing a pizza shop (1<sup>st</sup> floor) and an apartment (2<sup>nd</sup> floor) and a garage (single story block building). Dean presented the proposal; this meeting is to determine the likelihood of obtaining an area variance to split the property thus facilitating the sale of the garage at the rear (north) of the property. The current tenant wishes to purchase the building to continue using it for repairs to his personal vehicles and storage of parts used in his refrigerant business. The proposal would include both properties retaining (easement) use of the pavement area between the two buildings for deliveries and access. Questions and discussion followed.

Pat brought up the fact that if the variance is granted the garage would then become a landlocked property, requiring easements for vehicular and pedestrian traffic. Dean acknowledged this fact, and is hoping to obtain an easement from Ray Howard whose property is adjacent to the garage and the Village of Phelps who owns the large municipal parking lot off of Exchange Street.

Pat also indicated that area variances would be required for both properties due to the fact that minimum lot size requirements would not be met.

Due to the fact that the property is within 500 feet of State Route 96 (Main Street) the application would have to go before the Ontario County Planning Board prior to being placed on this Board's calendar.

If the area variances were to be granted, there would be no physical changes to the property, all changes would be on paper only. Per NYS code; granting of these area variances would not be detrimental to the health, safety or welfare of the neighborhood or community; would not produce an undesirable change in the neighborhood or to nearby properties; no other feasible method is available to pursue the benefit; the variance is not substantial as the footprint of the buildings would not change, there would be no adverse effect or impact on the physical or environmental conditions of the neighborhood and the difficulty was not self-created as the garage was already on the property when the current owners purchased it.

With no further questions, the Board advised Dean as to his next steps in the process.

Meeting adjourned at 7:28 p.m.

Jill K. Seifert  
Deputy Village Clerk/Treasurer