

March 21, 2011 Village of Phelps Zoning Board of Appeals Public Hearing

Village of Phelps Zoning Board of Appeals Members:

Present: Pat Hemminger, Chair David Clark
Denise Schlossnagle Dennis King Ron Grube

Also present: Deputy Clerk/Treasurer: Jill Seifert, Deputy Clerk/Treasurer: Melissa Westfall, Applicants Diane & Mark Colegrove

Public: Jolene Colegrove, Samantha Colegrove, Deb Dennis and Nancy Seyfried.

Purpose: Zoning Permit Application for erecting a 6ft vinyl stockade fence on property line.

Chairperson Hemminger opened meeting at 7:02 p.m.

Approval of January 17, 2011 meeting minutes: Denise motioned to approve the minutes as presented, Dennis second. Unanimously approved.

ZBA 02-11 Diane & Mark Colegrove – 51 Pleasant St:

Mark presented their proposal; they would like to build a fence on the lot line between 51 and 47 Pleasant Street rather than the required 18 inch set back, the fence will be white vinyl that will be nice looking to both properties and will be 5 sections of fencing running from the northeast corner of an existing garage to a tree located near the property line. They hope to keep recycling and garbage from blowing on to their property while maintaining maximum parking availability on both properties. Due to escalating hostilities between the neighbors, the Colegroves feel that “good fences make good neighbors” and that this will be a solution to some problems.

Dave Clark – does not believe that the convenience of either neighbor constitutes a zoning hardship.

Dennis King – has the property been surveyed recently?

Mark – not recently but the pins are still on the property.

Dave – proposing a six foot fence?

Mark – yes, will not project past their home, allowing for adequate line of sight for exiting both driveways.

Chairperson Hemminger opened the public hearing at 7:15 p.m.

Nancy Seyfried – owner of 47 Pleasant Street, has no objection to a fence being erected on the property line, agrees that the fence will solve multiple problems between the neighbors.

Deb Dennis – co-owner of 47 Pleasant Street, also in favor.

Denise Schlossnagle – how do you propose to handle snow removal?

Mark – it won't be any different than now, snow is not normally piled on the property line.

Deb – shovel 1.5 car driveway currently, has never been an issue.

Dave – a fence line maintenance agreement might be in order, would need to be filed with the County for inclusion on both property's deeds. Survey stakes should be verified for accuracy of lot lines.

Mark – would be willing to do whatever it takes to get this project completed.

With no further questions/comments; Chairperson Hemminger closed the public hearing at 7:20 p.m.

Board Comments:

Denise – still concerned over snow removal but if both property owners are okay, has no objection to issuing the variance.

Dennis – no problem with issuing a variance; pending conditions previously mentioned by Member Clark.

Ron – no issues hope it works.

Pat – if there are no further comments, we can entertain a motion.

SEQR: Motion by Dave Clark; this is a Type II action, Section 617.5, Paragraph C. The following actions are not subject to review under this Part: (12) granting of individual setback and lot line variances. Seconded by Ron Grube and unanimously carried.

Motion: Motion by Ron Grube to **grant** the area variance submitted by Mark & Diane Colegrove, 51 Pleasant Street, to allow a fence to be closer than the 18 inches from the lot line allowed and located on the Colegroves' property pending verification of the boundary lines and that a fence line maintenance agreement be signed by both property owners and filed with Ontario County prior to issuing a building permit. Seconded by Dennis King. Motion carried unanimously.

Adjournment: With no further business; Pat adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Jill K. Seifert
Deputy Village Clerk/Treasurer