

**MINUTES OF ZONING BOARD OF APPEALS PUBLIC HEARING
AND MEETING HELD JULY 05, 2006**

Present: Donald Mordue, Chairman William Henry
 Michael Haley

Absent: Anthonly Muscolino, Rick Beaton

Others Present: Jeffrey Liberati, James Hayes, Don Eastman

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

The public hearing was called to order at 7:30 PM by Chairman Mordue. He stated that **Mr. James Hayes** has requested an area variance to build a 20 ft by 32 ft detached garage at his home at **20 South Avenue** that does not meet village code Schedule 1 of the Village of Manchester Zoning Ordinance which would require a 5' setback from the side property line. Application shows only 3 ft to the south property line.

No one was present to speak against the appeal for James Hayes.

Chairman Mordue read the hearing notice for **Jeffrey Liberati** of **35 State Street** for an area variance to erect a 15 ft X 30ft above ground swimming pool with deck that does not meet village code Schedule 1 and Section 100-34-B1a which would require a 5 ft setback from the side property line and a maximum building coverage not over 30% of lot size. Application shows only 4 ft to the west side property line and a total building coverage over 30% of lot size.

No person was present to speak against the appeal for Jeffrey Liberati.

Chairman Mordue read the third public hearing notice of the evening for **Conveyor Concepts, LLC**, Jason & Janine Boor, property owners, of **89 South Main Street** for a use variance to permit a church (Eastside Church of Christ) to conduct church related business on their premises as a tenant of one of their buildings. A church is a non-confoming use in an Industrial-2 Zone.

This application was sent to the Ontario County Planning Board and returned as a Class 1 with the only requirement is to consider OCPB comments. The following segment is part of the OCPD April 2006 meeting: *Staff Summary: Public water and sewer are available. There appears to be ample space for parking. No changes to the site are proposed. The building is an office attached to the Conveyor Concepts facility. Board Comments: 1. It does not appear that this proposal meets the stringent use variance requirements spelled out in NYS enabling legislation. A change in local law to allow the use would be more appropriate. Citing a lack of potential countywide or intermunicipal impact, Terrence Hopper made a motion that was seconded by Glen Wilkes to retain application 79-06 as a Class 1 and send all comments to the referring agency for their review. The motion passed by a unanimous vote (11).*

No person was present to speak for or against the appeal for Conveyor Concepts, LLC.

The public hearing was adjourned on motion.

The meeting was called to order at 7:30 PM by Chairman Mordue.

After discussing the request for **James Hayes**, the following resolution was offered by Mr. Henry, seconded by Mr. Haley and carried:

WHEREAS, Mr. Hayes has applied for a variance to allow him to build a detached garage at 20 South Avenue; and

WHEREAS, Mr. Hayes is requesting a 3 ft setback to the south property line so he may utilize space; and

WHEREAS, Mr. Hayes does not appear to create a hardship for any area owners and no one opposed this use; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow Mr.. Hayes to build a detached garage at his home.

BE IT FURTHER RESOLVED, that the garage will not be constructed until necessary fees have been paid and permits have been obtained from the Code Enforcement Officer.

The above resolution was put to roll call vote, which resulted as follows;

Michael Haley	Voting	“AYE”
Donald Mordue	Voting	“AYE”
William Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

After discussing the request for **Jeffrey Liberati**, the following resolution was offered by Mr. Haley, seconded by Mr. Henry and carried:

WHEREAS, Mr. Liberati has applied for a variance to allow him to erect an above ground pool with deck at 35 State Street; and

WHEREAS, Mr. Liberati is requesting a 4 ft setback to the west side property line and a total building coverage over 30% of the lot size so he may utilize space to aid in his quality of life; and

WHEREAS, Mr. Liberati does not appear to create a hardship for any area owners and no one opposed this use; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow Mr.. Liberati to erect an above ground swimming pool with deck at his home.

BE IT FURTHER RESOLVED, that the swimming pool and deck will not be constructed until necessary fees have been paid and permits have been obtained from the Code Enforcement Officer.

The above resolution was put to roll call vote, which resulted as follows;

Michael Haley	Voting	“AYE”
Donald Mordue	Voting	“AYE”
William Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

After discussing the request for **Conveyor Concepts, LLC**, the following resolution was offered by Mr. Haley, seconded by Mr. Henry and carried:

WHEREAS, Conveyor Concepts has applied for a variance to allow them to permit a church to conduct church related business on their property; and

WHEREAS, Conveyor Concepts request is a non-conforming use in an Industrial –2 Zone so that the income received from rent aids the business; and

WHEREAS, Conveyor Concepts does not appear to create a hardship for any area owners and no one opposed this use; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

WHEREAS, the members of this board reviewed all comments from the Ontario County Planning Board; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow Conveyor Concepts, LLC to rent to the Eastside Church of Christ.

The above resolution was put to roll call vote, which resulted as follows;

Michael Haley	Voting	“AYE”
Donald Mordue	Voting	“AYE”
William Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

The meeting was adjourned on motion at 8:30 PM

Respectfully submitted,

Rita J. Gurewitch
Deputy Clerk/Treasurer