

Minutes of the Town of Manchester Zoning Board Meeting of May 7, 2019 – 7:00pm

Present: Scott DeCook, Michael Blazey, Leonard Bolton - members, Kenneth Blazey - Chairman, Steve DeHond - Code Enforcement Officer and Jill Havens - Recording Secretary

Absent: none

Also present: Francis J. Modafferi - Applicant

Chairman Blazey introduced the board members and the applicants were informed of their right to appeal the decision of the board within 30 days.

Appeal 4580-19: Frank Modafferi was present representing applicant Christy Modafferi (wife) and requesting an area variance of 25 feet from the front setback for an above-ground pool when the code says pools must be in the rear yard, on property located at 241 State Route 21, tax map no. 2.01-1-27.000 in a(n) A-1 district pursuant to Chapter 325 section 42-A-2.

Chairman Blazey read the public hearing notice and application for the area variance. Eight (8) surrounding property owners were notified of this hearing of which none were present.

Chairman Blazey: How long has the previous pool been down?

Mr. Modafferi: About 7 years.

Chairman Blazey: In my estimation, this is asking for quite a substantial variance, I have an alternate suggestion for this situation. If you were to move the existing fence up to a minimum of 1-2 feet setback from the front of the house, there should then be enough room for the pool to then sit next to the house but behind the front of the house and not hitting your septic system. This may also decrease the size of your pool from a 24 ft. pool to a 20 ft. pool in order to get it to fit.

At this time the board reviewed the Area Variance Findings and Decision form. The ZBA, taking into consideration the five factors, finds that the benefit to the applicant does impose a detriment to the neighborhood or community.

A motion was made by Len Bolton to **deny** Appeal #4580-19 for Frank Modafferi & Christy Modafferi who are requesting an area variance of 25 feet from the front setback for an above-ground pool when the code says pools must be in the rear yard, on property located at 241 State Route 21, tax map no. 2.01-1-27.000 in a(n) A-1 district pursuant to Chapter 325 section 42-A-2. An alternate solution was agreed upon between the applicant and the Zoning Board of Appeals to move the privacy fence forward but keeping it setback a minimum of 1 foot from the front of the garage/house and place the pool behind the privacy fence. This compromise will allow the applicant to build the desired pool without the need for a variance.

The motion was seconded by Ken Blazey, Chairman. All voted "Aye". Motion carried.

Previous Minutes:

A motion was made by Scott DeCook to approve the minutes from the last meeting which took place on February 6, 2019, as amended. The motion was seconded by Mike Blazey. All voted "Aye." Motion carried.

Other Business: Steve DeHond updated the ZBA regarding the Leonard's Express (former GLK) project - The Current M-1, M-2 and PUD-Industrial Districts do not adequately address the goals of a comprehensive plan for the Rail Enabled District, therefore, the Town of Manchester and the Ontario County Planning Department have created a proposed M-3 Rail Enabled Industrial Zoning District and Rezoning Thirteen Parcels for that purpose.

Meeting adjourned.

Respectfully submitted,

Kenneth Blazey
Chairman, Zoning Board of Appeals

Jill Havens
Recording Secretary