

ZONING BOARD OF APPEALS DECISION GRID
January 21, 2010

CASE #	ADDRESS	RECORD OF VOTE	WALKER	KHALEEL	VAN DUSEN	O'DONNELL	TOBIN	HANNA	BOSEK
V-036-09-10	641-645 Park Avenue	5-1-0	Grant w/Condition	Deny	Absent	Grant w/condition	Grant w/Condition	Grant w/Condition	Grant w/Condition
V-038-09-10	300 Monroe Avenue	6-0-0	Grant	Grant	Absent	Grant	Grant	Grant	Grant
V-040-09-10	84 Richmond Street	6-0-0	Grant	Grant	Absent	Grant	Grant	Grant	Grant
V-041-09-10	1144 Joseph Avenue	6-0-0	Grant w/Condition	Grant w/Condition	Absent	Grant w/Condition	Grant w/Condition	Grant w/Condition	Grant w/Condition
V-042-09-10	100 Fernwood Avenue	The Application was postponed to February 18, 2010 hearing to allow time to resolve SEQR issues.							

641-645 Park Avenue/V-036-09-10:

The variance was granted (1) to waive the off-street parking requirement specifically for the proposed gallery/café; (2) as per floor plan submitted by the applicant which showed that the floor area will be used as a mixture of gallery and café; and (3) on condition that there be no kitchen in the proposed establishment.

300 Monroe Avenue/V-038-09-10:

The variance was granted to install two 17.36 sq. ft. attached signs; one 17.63 sq. ft. attached sign and two 3' 1 ½" X 6' 4 ½" X 4 ' high detached signs for the Dunkin Donuts restaurant.

1144 Joseph Avenue/V-041-09-10:

The variance was granted to allow the store to operate from 6:00 AM to 11:00 PM, seven days a week.

ELECTION: At the Zoning Board of Appeals meeting held on January 21, 2010, **Joseph O'Donnell** was elected chairperson and **Patrick Tobin** was elected Vice-Chairperson for the 2010 calendar year.

ZONING BOARD OF APPEALS DECISION GRID
February 18, 2010

CASE #	ADDRESS	RECORD OF VOTE	WALKER	KHALEEL	VAN DUSEN	O'DONNELL	TOBIN	HANNA	BOSEK
V-042-09-10	100 Fernwood Avenue	5-0-0	Grant	Absent	Absent	Grant	Grant	Grant	Grant
V-043-09-10	713-729 Lake Avenue	The application was adjourned to allow the applicant to address numerous concerns regarding the existing use of the subject property. The problems include the storage of material and debris on the site and the storage of excessive number of vehicles on site which are in different stages of disrepair. The applicant should submit a revised site plan to the Manager of Zoning showing the proposed changes to the site, including any new landscaping and screening. In addition, the applicant should also submit revised Statement of Income and Expense itemizing all his claimed financial expenses. Because the sales use is under enforcement, the required information must be submitted to the Zoning Office by March 18, 2010 for the ZBA public hearing of March 25, 2010.							
P-001-09-10	134 Spencer Street	5-0-0	Overturn CNC Decision	Absent	Absent	Overturn CNC Decision	Overturn CNC Decision	Overturn CNC Decision	Overturn CNC Decision
V-044-09-10	171-175 Genesee Street	The application was adjourned to the March 25, 2010 hearing to enable the applicant to provide additional information on the proposed detached sign with regards to design and color of the sign. The Board felt that the proposed sign should be consistent with the architecture and material of the building. The sign, as was submitted at the February 18, 2010 hearing, had more of commercial design and look than for that of a church use.							
V-045-09-10	630 Brooks Avenue	4-1-0	Grant	Absent	Absent	Deny	Grant	Grant	Grant
V-046-09-10	527-531 Monroe Avenue	4-1-0	Grant	Absent	Absent	Deny	Grant	Grant	Grant
V-047-09-10	985-997 N. Clinton Avenue	5-0-0	Grant w/Condition	Absent	Absent	Grant w/Condition	Grant w/Condition	Grant w/Condition	Grant w/Condition

134 Spencer Street/P-001-09-10:

The Board **overturned** the Director of Zoning denial of a Certificate of Nonconformity to maintain use of the property as a two family. Pursuant to Section 120-199G(4) of the Zoning Code, the Board granted the applicant's request to extend the period of abandonment/discontinuance thereby allowing the applicant to legalize use of the house as a two family dwelling.

985-997 N. Clinton Avenue/V-047-09-10:

The Board approved the following three (3) signs: (1) a 4'X6'X11' high detached (pole) sign; (2) a 4' X 6' attached (wall) sign above doorway facing N. Clinton Avenue; and (3) 4' X 6' attached (wall) sign facing the parking lot on the south side of the building.

ZONING BOARD OF APPEALS DECISION GRID
March 25, 2010

CASE #	ADDRESS	RECORD OF VOTE
V-044-09-10	171-175 Genesee Street	Grant w/Condition 5-0-0
V-023-09-10	3885 Lake Avenue	Grant w/condition 5-0-0
V-043-09-10	713-729 Lake Avenue	Deny 0-5-0
V-048-09-10	83 Laburnam Crescent	Deny 0-5-0
V-049-09-10	938 St. Paul Street	Grant w/condition 5-0-0
V-050-09-10	55 Oliver Street	Deny 0-5-0
V-051-09-10	643 Emerson Street	*See comments below
V-052-09-10	24 Wellington Avenue	Grant w/condition 4-1-0
V-053-09-10	162 Waring Road	*See comments below
V-036-09-10	641-645 Park Avenue	*See comments below

CONDITIONS

171-175 Genesee Street/V-044-09-10:

The variance was granted on condition that landscaping be installed beneath the proposed sign.

3885 Lake Avenue/V-023-09-10

The variance was granted to legalize a 51.66 sq. ft. (16 ft. 4 in. high) detached sign; two (2) Valero canopy signs (18 sq. ft. each); two (2) Valero gestures (3.5 sq. ft. each); one (1) Valero logo (5 sq. ft.); one (1) attached sign, 48" X 57", for repair shop; and a 3'X10' attached sign for repair shop. The signs were approved on condition that the existing detached sign for car wash and Valero signs on the pumps be eliminated.

938 St Paul Street/V-049-09-10:

The variance was granted to legalize a 2 ft. X 24 ft. attached sign facing St Paul Street. In addition, the Board also waived the size requirements to legalize two (2) signs (8 ft. 4 in. X 3 ft. 4 in. each) attached to the north and south sides of the building only as informational signs for the applicant's comic shop. This means that future business use of the subject building will have rights to the 2 ft. X 24 ft. sign but not the two informational signs.

24 Wellington Avenue/V-052-09-10:

The variance was granted on condition that landscaping (plantings) be installed along the sides of the proposed driveway and that the existing chain link fence be removed from the front yard.

***COMMENTS**

643 Emerson Street/V-051-09-10

Application was adjourned to the April 29, 2010 hearing because additional information is needed from the applicant.

162 Waring Road/V-053-09-10

Application was adjourned to the April 29, 2010 hearing because additional information is needed from the applicant.

641-645 Park Avenue/V-036-09-10

The Board to have further discussion at their April 29, 2010 hearing to clarify the conditions of their January 21, 2010 variance approval for the gallery/sit-down café.

ZONING BOARD OF APPEALS DECISION GRID
April 29, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-051-09-10	643 Emerson Street	4-1-0	Grant w/Condition
V-053-09-10	162 Waring Road	5-0-0	Grant w/Condition
V-054-09-10	100 Normandy Avenue	0-5-0	Deny
V-055-09-10	850 Ridgeway Avenue	5-0-0	Grant w/condition
V-056-09-10	75 Marshall Street	5-0-0	Grant w/condition
P-002-09-10	20 Miller Street	4-1-0	Uphold CNC Decision
P-003-09-10	18 Wadsworth Street	4-1-0	Uphold CNC Decision
V-036-09-10	641-645 Park Avenue	See Comments Below	

CONDITIONS

643 Emerson Street/V-051-09-10:

The variance was granted on condition that the proposed enclosed porch be redesigned by providing double hung windows that are comparable to the existing windows on the second floor of the subject house and on the enclosed porch of the house at 663 Emerson Street; that the porch windows be installed along the entire front and side façade and the redesign of the porch is subject to review and approval by the Manager of Zoning.

162 Waring Road/V-053-09-10:

The Board granted the variance to maintain front yard parking area on condition that the parking area be no wider than 20 ft measured from the west property line; and that asphalt from the remaining portions of the existing parking area in front of the entrance, except for the walkway(s), be removed (see attached site plan).
The Board did not consider the request to legalize a 23 ft. X 23 ft. shed because the shed extends into the public right-of-way and the Board has no jurisdiction to consider variances in the right-of-way.

850 Ridgeway Avenue/V-055-09-10:

The variance was granted to install the 6 ft. high vinyl fence on condition that the top portion of the proposed 6 ft. high fence (one foot) be lattice fence, see attached site plan.

75 Marshall Street/V-056-09-10:

The variance was granted to install a 3 ft. X 4 ft. detached sign, which includes the informational portion of the sign at the bottom of the main sign. The variance was granted on condition that the 1.3 sq. ft. attached logo sign be installed on the left side of the house as shown on the attached picture and that the proposed external lighting should not shine onto the adjoining uses.

20 Miller Street/V-P-002-09-10:

The Board **overturned** the Director of Zoning denial of a certificate of nonconformity to maintain use of the property as a three (3) family dwelling. Pursuant to Section 120-199G(4) of the Zoning Code, the Board granted the applicant's request and extended the period of abandonment/discontinuance for six (6) months from the issuance date of this Board's decision thereby allowing the applicant to legalize use of the house as a three family dwelling.

18 Wadsworth Street/P-003-09-10:

The Board **Overturned** the Director of Zoning denial of a Certificate of Nonconformity to maintain use of the property as a two (2) family dwelling. Pursuant to Section 120-199G(4) of the Zoning Code, the Board granted the applicant's request and extended the period of abandonment/discontinuance for six (6) months from the issuance date of this Board's decision thereby allowing the applicant to legalize use of the house as a two family dwelling.

***COMMENTS**

641-645 Park Avenue/V-036-09-10:

On January 21, 2010, the Zoning Board of Appeals granted a variance and waived the off-street parking requirement for a gallery/sit-down café at 641-645 Park Avenue. The variance was granted on condition that there be no kitchen in the gallery/café. At their April 29, 2010 meeting, the Board clarified this variance condition. According to the Board's determination, any cooking system that would involve the installation of permanently installed cooking equipment, the installation of cooking equipment that would require an exhaust hood system or any cooking system that would require the installation of a fixed pipe extinguishing system would be considered a commercial kitchen and would exceed the intent of the approval of sit-down café.

The use of plug-in counter top appliances would not be considered a commercial kitchen and can be used in the subject gallery/café.

ZONING BOARD OF APPEALS DECISION GRID
May 27, 2010

CASE #	ADDRESS	RECORD OF VOTE	WALKER	KHALEEL	VAN DUSEN	O'DONNELL	TOBIN	HANNA	BOSEK
V-058-09-10	175-177 N. Winton Road	The application was postponed to the June 24, 2010 hearing at the request of the applicant.							
V-059-09-10	743 S. Plymouth Avenue	The application was postponed to the June 24, 2010 hearing at the request of the applicant.							
P-004-09-10	940 Glide Street	4-1-0	Absent	Overturn CNC Decision	Uphold CNC Decision	Absent	Overturn CNC Decision	Overturn CNC Decision	Overturn CNC Decision
V-060-09-10	1144 Joseph Avenue	0-5-0	Absent	Deny	Deny	Absent	Deny	Deny	Deny
V-061-09-10	82 Clayton Street	5-0-0	Absent	Grant w/Condition	Grant w/Condition	Absent	Grant w/Condition	Grant w/Condition	Grant w/Condition
V-062-09-10	650-656 Blossom Road	3-2-0	Absent	Grant	Grant	Absent	Grant	Deny	Deny
V-063-09-10	1143 Joseph Avenue	2-3-0	Absent	Grant	Deny	Absent	Grant	Deny	Deny
V-064-09-10	2569-2611 Mt. Read Blvd.	0-5-0	Absent	Deny	Deny	Absent	Deny	Deny	Deny
V-032-09-10	1104-1112 Monroe Avenue	The hearing was conducted and adjourned to the June 24, 2010 hearing pending additional information.							

940 Glide Street/P-004-09-10:

The Board **overturned** the Director of Zoning denial of a certificate of nonconformity to maintain use of the property as a two family dwelling. Pursuant to Section 120-199G(4) of the Zoning Code, the Board granted the applicant's request and extended the period of abandonment/discontinuance for six (6) months from the issuance date of this Board's decision thereby allowing the applicant to legalize use of the house as a two family dwelling.

82 Clayton Street/V-061-09-10:

The variance was granted on condition that plantings (trees and shrubs) be planted along the north lot line to screen the swimming pool from the adjoining property at 74 Clayton Street and also along the north side of the parking area to screen the proposed parking area from public view.

650-656 Blossom Road/V-062-09-10:

The application was **denied** due to failure of the Zoning Board to obtain the concurring vote of four members to approve the application in accordance with Section 120-186D(1) of the Zoning Code.

1143 Joseph Avenue/V-063-09-10:

The application was **denied** due to failure of the Zoning Board to obtain the concurring vote of four members to approve the application in accordance with Section 120-186D(1) of the Zoning Code.

DISTRIBUTION:

Zoning Staff	City Clerk	Andrea Guzzetta	C. Carballada
Mayor Duffy	J. Mustico	J. Brennan	R. Cutt

ZONING BOARD OF APPEALS DECISION GRID
June 24, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-059-09-10	743 S. Plymouth Avenue	0-4-0	Deny
V-058-09-10	175-177 N. Winton Road	4-0-0	Grant w/Condition
V-062-09-10	650-656 Blossom Road	DECISION HELD; ADDITIONAL INFORMATION IS REQUIRED FROM THE APPLICANT	
P-005-09-10	751 Atlantic Avenue	DECISION HELD; ADDITIONAL INFORMATION IS REQUIRED FROM THE APPLICANT; HEARING TO CONTINUE AT THE JULY 29, 2010 HEARING	
V-065-09-10	1551 Mt. Hope Avenue	4-0-0	Grant w/Condition
V-066-09-10	313 Norton Street	4-0-0	Grant w/Condition
V-067-09-10	583-593 Hudson Avenue	4-0-0	Grant
V-068-09-10	850 Lake Avenue	CANCELLED; VARIANCE WAS NOT NEEDED	
V-069-09-10	56 Stutson Street	4-0-0	Grant
V-070-09-10	382 Ames Street	DECISION HELD; ADDITIONAL INFORMATION IS REQUIRED FROM THE APPLICANT; HEARING TO CONTINUE AT THE JULY 29, 2010 HEARING	
V-032-09-10	1104-1112 Monroe Avenue	4-0-0	Grant w/Condition
V-071-09-10	145 Culver Road/56 Hinsdale Street	4-0-0	Grant

CONDITIONS

175-177 N. Winton Road/V-058-09-10:

The Board approved the following signs: (1) a 48"X33'5" CVS/Pharmacy sign on east building elevation facing N. Winton Road; (2) a 48"X33'5" CVS/Pharmacy sign on north building elevation facing Blossom Road; (3) a 48"X33'5" CVS/Pharmacy sign on the west building elevation; (4) a 2'2"X13' Drive-thru Pharmacy/Full Service sign on the west elevation; (5) a 2'2"X13' Drive-thru Pharmacy/Full Service sign on the north building elevation facing Blossom Road. The variance was granted on condition that the detached clock tower sign be redesigned subject to review and approval by the Director of Zoning.

1551 Mt Hope Avenue/V-065-09-10:

The Board approved an 18ft. high detached sign with two sign faces, an 11.1 sq. ft. and a 6 sq. ft. The Board also approved an attached sign subject to the approval of Director of Zoning.

313 Norton Street/V-066-09-10:

The variance was granted on condition that the proposed building façade and parking lot improvements be subject to review and approval by the Director of Zoning.

1104-1112 Monroe Avenue/V-032-09-10:

The variance was granted on condition that (1) solid screening/landscaping be provided along the rear property lines of 1104-1112, 1114-1116 and 1120 Monroe Avenue; (2) leased parking spaces be increased from ten (10) to thirteen (13) parking spaces; and (3) a directional sign be installed on the subject property (1104-1112 Monroe Avenue) informing customers of the available parking at 1161 Monroe Avenue.

ZONING BOARD OF APPEALS DECISION GRID
July 29, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-062-09-10	650-656 Blossom Road	Application was adjourned at the request of the applicant. The application will be rescheduled for a hearing after the applicant has submitted the required additional information.	
P-005-09-10	761 Atlantic Avenue	The application was adjourned to enable the applicant to meet with the Manager of Zoning to develop a site improvement plan for the affected parking lot.	
V-070-09-10	382 Ames Street	6-0-0	Grant w/condition
V-001-10-11	12 Castleman Road	1-5-0	Deny
V-002-10-11	190 Seneca Parkway	0-6-0	Deny
V-003-10-11	319 Hudson Avenue (aka 82 Holland Street)	The application was adjourned to the August 26, 2010 to enable the applicant to provide additional information.	
V-004-10-11	283-321 Flower City Park	The application was adjourned to the August 26, 2010 hearing to enable the applicant to provide additional information.	
V-005-10-11	264-266 Park Avenue	2-3-0	Deny
V-006-10-11	860-888 Maple Street	The application was postponed to August 26, 2010 hearing because time was needed to refer application to other governmental agencies (per 239-M).	
V-010-07-08	495 Emerson Street	The applicant's request to extend the variance approval for additional three years (to August 22, 2013) was denied by the Zoning Board. The applicant will be required to submit another variance application if the project is to be continued.	

CONDITIONS

264-266 Park Avenue/V-005-10-11:

The application was **Denied** due to failure of the applicant to obtain the concurring vote of four members to approve the application.

382 Ames Street/V-070-09-10:

The variance was granted on condition that **(1)** the proposed apartment be enlarged by including floor area, currently being used as a bedroom, from the front portion of the existing first floor apartment; **(2)** a revised floor plan reflecting the changes in the size of the proposed apartment, should be submitted to the Manager of Zoning for review and approval; and **(3)** the affected lots at 378 Ames Street and 382 Ames Street be combined into one lot.

ZONING BOARD OF APPEALS DECISION GRID
September 2, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-003-10-11	319 Hudson Avenue aka 82 Holland Street	4-1-0	Grant
V-004-10-11	283-321 Flower City Park	5-0-0	Grant
V-006-10-11	860-888 Maple Street	The application for a digital advertising sign was withdrawn because the NYS DOT could not approve its location because the proposed sign does not meet the State's distance separation requirement of 5000 feet from the existing digital sign at 1099 Jay Street.	
V-007-10-11	1011 Culver Road	5-0-0	Grant
V-008-10-11	537 Maple Street	4-1-0	Deny
V-009-10-11	1006-1010 Lyell Avenue	0-5-0	Deny
V-010-10-11	564 Chili Avenue		
P-001-10-11	416 W. Ridge Road	The hearing for this case was adjourned to the September 30, 2010 meeting because additional information from the applicant is needed.	
V-011-10-11	415-425 Ames Street	4-1-0	Grant
V-005-10-11	264-266 Park Avenue	4-1-0	Grant w/Condition
V-012-10-11	12 Calumet Street	2-3-0	Deny

CONDITIONS

564 Chili Avenue/V-010-10-11:

The variance was granted to re-establish bar/restaurant with live entertainment and to operate the bar/restaurant with live entertainment from 6:00 A.M. to 12:00 A.M. (midnight), seven days a week.

264-266 Park Avenue/V-005-10-11:

The variance was granted on condition that the dining /seating area portion of the proposed restaurant should not exceed 550 sq. ft. in floor area.

12 Calumet Street/V-012-10-11:

The application was **denied** due to failure of the Zoning Board of Appeals to obtain the concurring vote of four members to approve the application. The applicant has requested for another hearing and the application has been re- scheduled for September 30, 2010 meeting.

ZONING BOARD OF APPEALS DECISION GRID

September 30, 2010

(Revised 10/18/2010)

CASE #	ADDRESS	RECORD OF VOTE	WALKER	KHALEEL	VAN DUSEN	O'DONNELL	TOBIN	HANNA	BOSEK
P-002-10-11	510 Hudson Avenue	At the request of the applicant, the hearing on the appeal was rescheduled to the October 28, 2010 hearing. In addition to the Application for Administrative Appeal, the applicant will also request for a use variance to operate a towing business on the site as a principal use.							
P-003-10-11	448 Frederick Douglass St.	0-5-1	Uphold Director's Decision	Uphold Director's decision	Uphold Director's Decision	Uphold Director's Decision	Absent	Uphold Director's Decision	Abstain
V-013-10-11	1646 Mt. Hope Avenue	0-6-0/Deck	Deny	Deny	Deny	Deny	Absent	Deny	Deny
		6-0-0/Front yard parking	Grant	Grant	Grant	Grant	Absent	Grant	Grant
		6-0-0/Signs	Grant w/Condition	Grant w/Condition	Grant w/condition	Grant w/Condition	Absent	Grant w/Condition	Grant w/Condition
V-014-10-11	1841-1845 Lyell Avenue	5-1-0	Grant	Deny	Grant	Grant	Absent	Grant	Grant
V-015-10-11	810-832 University Avenue	4-2-0	Deny	Deny	Grant	Grant	Absent	Grant	Grant
V-016-10-11	27-27.5 Glasgow Street	0-5-1	Deny	Deny	Deny	Abstain	Absent	Deny	Deny
V-017-10-11	635 Norton Street	The application was adjourned to the October 28, 2010 Zoning Board of appeals hearing because additional information from the applicant is required.							
V-018-10-11	583-593 Hudson Avenue	6-0-0	Grant	Grant	Grant	Grant	Absent	Grant	Grant
P-001-10-11	416 W. Ridge Road	5-1-0	Overturn Director's Decision	Overturn Director's Decision	Overturn Director's Decision	Overturn Director's decision	Absent	Overturn Director's Decision	Uphold Director's Decision
V-012-10-11	12 Calumet Street	DECISION IS INVALID DUE TO NOTIFICATION ISSUES							

1646 Mt. Hope Avenue/V-013-10-11:

The Board approved a 4'X3.5'X5' detached sign and 2'X11.5' awning sign and denied a 4.5'X6.5' attached sign.

416 W. Ridge Road/P-001-10-11:

The Board overturned the Zoning Director's CNC decision thereby allowing the applicant to maintain use of the property as an adult cabaret.

DISTRIBUTION:

Zoning Staff
Mayor Duffy

City Clerk
J. Mustico

Andrea Guzzetta
J. Brennan

C. Carballada
R. Cutt

ZONING BOARD OF APPEALS DECISION GRID
OCTOBER 28, 2010

CASE #	ADDRESS	RECORD OF VOTE	WALKER	KHALEEL	VAN DUSEN	O'DONNELL	TOBIN	CHAPPIUS	BOSEK
P-005-10-11	761 Atlantic Avenue	3-1-1	Approve	Deny	Absent	Absent	Approve	Abstain	Approve
V-017-10-11	635 Norton Street	2-2-1	Approve	Approve	Absent	Absent	Deny	Abstain	Deny
V-019-10-11	1130 N. Clinton Avenue	5-0-0	Approve w/Condition	Approve w/Condition	Absent	Absent	Approve w/Condition	Approve w/Condition	Approve w/Condition
V-020-10-11	1144 Joseph Avenue	5-0-0	Deny	Deny	Absent	Absent	Deny	Deny	Deny
V-021-10-11	547 Arnett Blvd.	This case was postponed to the November 18, 2010 hearing due to failure of the applicant to attend the hearing.							
V-022-10-11	1999 Mt. Read Blvd.	5-0-0	Approve	Approve	Absent	Absent	Approve	Approve	Approve
P-002-10-11		Adm. Appeal 0-5-0	Uphold	Uphold	Absent	Absent	Uphold	Uphold	Uphold
V-023-10-11		Economic Hardship Finding 4-0-1	Approve	Approve	Absent	Absent	Approve	Abstain	Approve

761 Atlantic Avenue/P-005-10-11:

The application was denied due to failure of the applicant to obtain the concurring vote of four (4) members to approve the application. Per Section 120-186H(4) of the Zoning Code, this case has been placed on the next scheduled Board meeting of November 18, 2010 for rehearing.

635 Norton Street/V-017-10-11:

This application was denied due to failure of the applicant to obtain the concurring vote of four (4) members to approve the application. Per Section 120-186H(4) of the Zoning Code, this case has been placed on the next scheduled Board meeting of November 18, 2010 for rehearing.

1130 N. Clinton Avenue/V-019-10-11

Application was granted on condition that the applicant makes repairs to the affected fence along the Bloomingdale Street frontage.

510-524 Hudson Avenue/P-002-10-11:

The Board upheld the decision of the Director of Planning and Zoning denying the applicant's request to maintain use of the property for vehicle sales with accessory repair and accessory towing operation. The appeal was denied.

510-524 Hudson Avenue/V-023-10-11:

The Board made the determination that the applicant met the hardship standards pursuant to Sections 120-195B(3)(a), (b) and (c) of the Zoning Code related to the use of the property for towing operation. Because of the Board's determination, the applicant will now be required to apply for Site plan/environmental review, area variance approval and approval of the remaining standards of the use variance request (120-195B(3)(d), and (e) of the Zoning Code).

DISTRIBUTION:

Zoning Staff	City Clerk	Andrea Guzzetta	C. Carballada
Mayor Duffy	J. Mustico	J. Brennan	R. Cutt

ZONING BOARD OF APPEALS DECISION GRID
November 18, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-024-10-11	752-766 Ave D	Expand nonconforming store 6-0-0	Grant w/condition
		Roll down shutters 0-6-0	Deny
V-025-10-11	528 South Avenue	6-0-0	Grant w/Condition
V-026-10-11	125 McGuckin Street	Decision was held pending investigation of other front yard parking areas on the subject street by staff. The case will be re-scheduled for a hearing at a later date.	
V-027-10-11	30 Starling Street	6-0-0	Grant w/Condition
V-028-10-11	1506-1508 Dewey Avenue	5-1-0	Grant Lesser Relief
V-029-10-11	292 Hudson Avenue	6-0-0	Grant w/Condition
V-030-10-11	704-706 University Avenue	6-0-0	Grant
V-021-10-11	547 Arnett Blvd.	0-6-0	Deny
V-012-10-11	12 Calumet Street	5-0-1	Grant w/Condition
P-005-09-10	761 Atlantic Avenue	4-1-0	Overturn Director's CNC Decision w/Condition
V-074-06-07	1979-1985 E. Main Street	4-0-1 Extension of Variance Decision to June 1, 2011	Grant

CONDITIONS

752-766 Avenue D/V-024-10-11:

The variance request to expand the store into the first floor apartment space was granted on condition that (1) the number of spaces in the proposed parking lot be reduced to seven spaces and the landscaped areas be increased as a result of the reduction in parking spaces; (2) a revised site plan showing the increased landscaped areas be submitted to the Director of Planning and Zoning for review and approval; and, (3) Signage must be brought into compliance. The Board denied the request to legalize the roll down security shutters.

528 South Avenue/V-025-10-11:

The variance was granted on condition that the proposed window signs (decals) should not exceed 25% of the window space.

30 Starling Street/V-027-10-11:

The variance was granted on condition that (1) the existing pavement in front of the house be removed and the area be restored to lawn; (2) the bedrooms in the first floor apartment be reduced from four bedrooms to three bedrooms; and, (3) two or three windows be installed on the front porch and be subject to review and approval by the Director of Planning and Zoning.

1506-1508 Dewey Avenue/V-028-10-11:

The Board waived the off-street parking deficiency allowing the applicant to establish a bar/restaurant on the first floor of the front building. The Board denied the parking variance request to use the rear building as an accessory kitchen associated with the bar/restaurant or as a take-out restaurant. The rear building is to be used only as an accessory storage building. A fence must be erected on the north and east property lines.

292 Hudson Avenue/V-029-10-11:

The variance was granted on condition that the width of the proposed sign should be two feet less than the width of the existing landscaped setback area along Hudson Avenue. A site plan showing the location of the sign and the width of the landscaped space should be submitted to the Director of Planning and Zoning for review and approval. The sign shall be off-white or beige instead of white. All other signs on the site must be removed.

704-706 University Avenue/V-030-10-11:

Although the application was for live entertainment on one Sunday a month from 12 pm-4 pm, the Board granted the request for every Sunday from 12 pm to 4 pm.

12 Calumet Street/V-012-10-11:

The variance was granted on condition (1) that the proposed parking area, consisting of two parallel concrete strips, be 10 ft. in width and be developed along the east lot lines; (2) that a site plan showing the location and size of the parking area, as well as landscaping, be submitted to the Director of Planning and Zoning for review and approval prior to obtaining the Certificate of Zoning Compliance (CZC).

761 Atlantic Avenue/P-005-10-11:

The application for Administrative Appeal was granted on condition that (1) the parking lot be used only for up to 20 customer and employee licensed vehicles; (2) the proposed fenced-in vehicular storage area at the rear of the parking lot be eliminated; (3) the portion of the parking lot (1,900 to 1,999 sq. ft.) along the Atlantic Avenue frontage be paved; and (4) a revised site plan, drawn by design expert, showing fencing along the side (south) and rear lot lines, as well as the existing vegetation along the side (north) lot line, be submitted to the Director of Planning and Zoning for review and approval prior to obtaining any legalizing documents.

1979-1985 E. Main Street/V-074-06-07:

The Zoning Board extended the variance decision for the Salvatore Pizza restaurant to June 1, 2011. All the work must be completed prior to June 1, 2011.

ZONING BOARD OF APPEALS DECISION GRID
DECEMBER 16, 2010

CASE #	ADDRESS	RECORD OF VOTE	DECISION
V-031-10-11	206-210 W. Main Street	5-0-0	Grant
V-032-10-11	232 Moulson Street	5-0-0	Grant w/Condition
V-033-10-11	34-36 Electric Avenue	5-0-0	Grant w/Condition
V-034-10-11	155 Farmington Road	5-0-0	Grant w/Condition
V-035-10-11	758-760 Harvard Street	6-0-0	Grant w/Condition
V-036-10-11	366 Alexander Street	The decision was held pending submission of additional information by the applicant related to landscape improvements on the site and drainage within the site to prevent rain water from draining on to the neighboring properties. The hearing will continue at the January 20, 2011 hearing.	
V-037-10-11	959-961 N. Clinton Avenue	The application was adjourned to the January 20, 2011 hearing because the applicant did not attend the hearing.	
V-038-10-11	712 Meigs Street	3rd Floor Use/2-3-0	Grant w/Condition
		Lot Coverage/5-0-0	
V-039-10-11	34 Canfield Place	4-1-0	Grant w/Condition
V-040-10-11	674-676 Monroe Avenue	The decision was held and the hearing was adjourned to January 20, 2011 because representatives of the neighborhood association requested for more time to discuss the sign proposal with the applicant. Additional information on the proposed signage will be submitted by the applicant after consultation with the neighborhood association.	

CONDITIONS

232 Moulson Street/V-032-10-11:

The variance was granted on condition that windows on the proposed vestibule addition match the existing windows on the house with regards to size, shape and design and that there be no arch windows installed on the proposed vestibule. That final drawings (building elevations) be submitted to the Director of Planning and Zoning for review and approval prior to obtaining a Certificate of Zoning Compliance and a Building Permit.

34-36 Electric Avenue/V-033-10-11:

The variance was granted on condition that windows be added to the west side (left side) of the affected porch and that the existing wood skirt at the bottom of the porch be painted with color that matches the color of the house. That drawings showing the additional windows be submitted to the Director of Planning and Zoning for review and approval prior to obtaining any legalizing documents.

155 Farmington Road/V-034-10-11:

The variance was granted on condition that the 1' to 2' top portion of the proposed fence be lattice fence. The Board also granted the variance to legalize the existing one space front yard parking space at the side of the garage.

758-760 Harvard Street/V-035-10-11:

The variance was granted on condition that window(s) be installed to replace the door on the second porch that is being removed and that the new window(s) should match the existing windows on the house with regards to size, shape and design.

712 Meigs street/V-038-10-11:

The Board granted the variance on lot coverage on condition that (1) only three (3) parking spaces, including the garage, be maintained on the subject property and that any excess pavement be removed and the area be restored to lawn; and, (2) a site plan showing site changes be submitted to the Director of Planning and Zoning for review and approval prior to obtaining any legalizing documents. The application to utilize third floor in conjunction with the existing apartment was denied due to failure of the applicant to obtain the concurring vote of four (4) members to approve the application.

34 Canfield Place/V-039-10-11:

The variance was granted on condition that the deck be maintained within the subject property and not extend on to the neighboring property.