

Zoning Board of Appeals

October 20, 2009

Public Hearing
Joel Capolongo
Use Variance Application
2262 County Route 12

Zoning Board Members present: Mike Sperling, Bob Loran, Tyler Gervaise, Jacques Monica.

Code Enforcement Officer – Mark Bombardo
Village Trustee – Heather Stevens

Guests: Joel Capolongo, Mary Warner, Kendra Murphy – Variance applicants

Meeting called to order at 7:06 pm by Chairman, Mike Sperling. Public hearing notice read.

Mark Bombardo notified all adjacent properties and those across the road from the applicant and the information is available in the applicant's information packet.

Joel Capolongo addressed the board. Joel is child of Frederick & Barbara Capolongo who both passed away in December 2008. Reason for use variance is there is a trailer on the property that does not comply with the village code. Joel stated that his father's request was for Barbara to live in trailer in the event of his death. She predeceased him. He had put a great deal of work into the property and would prefer to sell the property with the trailer on it.

Mr. Capolongo stated that his parents were good neighbors and family feels sale of property would not negatively affect the neighborhood. Mr. Capolongo has received no indication from the neighbors that they would object to the trailer remaining on the property. Joel is executor of the estate. Sale of property will be used to fulfill the will of the parents. There are several interested parties in the property.

Property is still being maintained is being prepared for sale by the children. The property is the first property within the village limits. If it were not inside the village limits, the restriction for the trailer would not apply.

Mark Bombardo, Code Enforcement Officer addressed the board. The Capolongs purchased the property with the trailer on it in 1987. At the time it was in the Town of Hastings and not the Village of Central Square and the trailer restriction did not apply. Through annexation of properties, it became within the village limits. Areas for the board and the applicant to discuss when making a decision on the variance are; 1) the value of the property with the trailer vs. without the trailer. 2) Is this a self

created hardship? Was this law in effect and did they knowingly purchase it that way? Since this is an estate situation, there was no purchase of the property by the Capolongo children. 3) Return on investment. Is there are reasonable expectation of the return.

Mr. Capolongo stated the property was purchased at \$29,000 in 1987. They are currently asking \$20,000 with trailer, asking less for the property than what it was purchased for.

There was discussion regarding individual purchasers, an adjacent property owner, with his property in the town and his desire to own this property and join it with his current property. Does this present a problem? Mr. Bombardo indicates corporate boundaries will stay the same. The decision can not be based on personal issues such as purchaser. The variance decision will go with the property, not the individual.

Not able, under present laws to take trailer out and put another in. The only way boundaries can change is by public referendum with village and town. Variance is to allow transfer from here forward and stays with the property upon subsequent transfer of ownership. The ZBA has the ability to close hearing and make decision within 45 days.

Tyler Gervaise stated that this is a complicated issue as a precedent would be set by the ZBA. There are no conditions that could be put on the variance. Concern is to sell to someone who decides to rent the trailer out.

Mark Bombardo stated that some reasonable conditions can be outlined – such as restricted sizes, etc. The board can also continue public hearing to a specific date and time. Purpose of continuing to allow more questions to be answered

Mr. Capolongo indicated that moving the trailer is cost prohibitive. Last assessment was 18,900 thereby asking 20,000 for the property.

Consensus of the board is that more time is needed to make a decision. If concerns can be satisfied, conditions could be put into the approval to meet these concerns. Holding the public hearing open can get the questions answered – such as time frame to remove trailer, or rental of the property.

Jacques Monica stated he would like time to evaluate the impact on the village – when does the property become an eyesore to neighbors. Need to protect village interests. Tyler Gervaise would like a little time to be sure as the zoning laws are very specific that the trailer should be off the property.

Ms. Murphy stated the risk is taken any time a home is sold – someone could rent it regardless of whether it is a mobile home or otherwise. The ability for upkeep of a home is same with mobile home or other.

Need clarification on the zoning law when the parents purchased the property. Property was in Town of Hastings when purchased. Having a realtor come and assess the property with and without the trailer might be beneficial to the applicant. Starting dollar value –

investments – cost of selling. Perhaps an estimate to remove the trailer from the property.

Motion by Tyler Gervaise to continue public hearing 7:00 PM – October 27. Seconded by Jacques Monica. Motion carried.

Motion by Bob Loran to approve minutes from June 23, 2009 public hearing. Seconded by Tyler Gervaise. Motion carried.

Motion by Jacques Monica to close the meeting at 7:59 PM. Seconded by Bob Loran. Motion carried