

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: January 8, 2013
TIME: 7:00pm

PRESENT:

Herb Allen, Chairman
Matthew Hogan, Member
Brandi Marino, Member
Amy Monachino, Member
Molly Rountree, Alternate
David Schultz, Member

Rob Leni, Attorney
David Smith, Building Inspector
Gary Smith, Parrone Engineering
Tracie Miller, Recording Secretary

NOT PRESENT:

Barb Marr, Member
John Alfieri, Member

The meeting was called to order at 7:00 pm and the Pledge of Allegiance was recited.

Molly Rountree participated as a voting alternate member.

Herb Allen welcomed Amy Monachino as a permanent board member.

1st Item on Agenda:

234-236 West Commercial Street, parcel #138.84-2-25. Richard and Pamela Allen were present seeking site plan review for a use variance to convert a second floor office into an apartment in a limited commercial zoning district. Also in attendance, was their realtor, Randy Haller of Select Realty.

Mrs. Allen started by saying the second floor office has been vacant for well over six months and they've made every effort to rent it. They've hired Randy Haller from Select Realty to market the rental, but have had no success. Mr. Haller said he has had success renting out other East Rochester properties, but not with this particular one. There is no parking right in front of the building on the street and that has deterred people from renting the storefront. He feels residential is the best use of the property because it requires less parking need. The main complaint he gets is about parking.

Mrs. Allen said they have to pay the heat for the whole building without tenants which is a hardship. She also occupies the storefront because she couldn't rent it out. The building has four parking spaces and only one tenant owns a car currently.

Dave Schultz asked if there was plumbing on the second floor and if it would be a studio apartment. Mrs. Allen said there is a toilet and a sink upstairs and it would be a one bedroom apartment. She said the prospective plans are on file in the Building Department. The current entrance would be closed off and all tenants would use a single one. Mrs. Allen said there is egress onto a roof on the second floor. She went on to say that they are proactive landlords and visit the Building Department often. Mrs. Allen told the Board that the building is actually two separate buildings. Mr. Leni asked Mrs. Allen if she acquired the building as a single unit and she said yes.

Rob Leni told the Allen's that this use requires a variance and the Planning Board is only responsible for giving a recommendation to the Zoning Board, who will make the final decision. The current use is pre-existing and already a non-conforming use. The code only allows 50% of the building to be used for residential purposes. Mr. Leni told the applicants they need to prove that they are losing money by not renting the storefront and upstairs office with written documentation. He told them they also needed to show that the hardship is not self-created. Mr. Leni advised the Board that not enough evidence has been presented tonight to approve the granting of a use variance. He also mentioned that the same application was presented in February of 2012, but no motion was made and the applicant abandoned the request. Herb Allen told the applicants that parking cannot be used as a hardship because it is a pre-existing issue that they knew about when they purchased the property. Gary Smith told the applicant to address the five questions on the variance application to prove their hardship.

Mrs. Allen passed around a layout of what the second floor currently looks like and a layout of the proposed changes. Mr. Schultz pointed out that there is no egress from the stairwell and is concerned about the egress onto the roof. Herb Allen asked if the outside stairway was currently the only access to the second floor office and if the office would be more marketable with the stairwell gone. Mrs. Allen confirmed that it was the only access to the office and takes up a majority of the room. Mr. Haller added that removal of the stairwell would make it less desirable to a business because their clients would have to use the same entrance as the building tenants. Mrs. Allen pointed out that they spent \$200 on the canvas barrier to separate the business entrance from the tenant entrance, because this was a common complaint from prospective office renters. Herb Allen is concerned because this property has been extended far beyond what the current code allows.

The Board requested more information regarding a financial hardship and the applicant agreed to table their application until the February 12, 2013 meeting to provide that information.

Brandi Marino made a motion to table the application at the request of the applicant. Dave Schultz seconded the motion. Voting was 6-0, all in favor.

2nd Item on Agenda:

108 Main Street, parcel #139.78-1-38. This item will be heard at the February 12, 2013 meeting at the request of the applicant, Mary Croce.

3rd Item on Agenda:

115 West Commercial Street, parcel # 139.77-4-40 (Despatch Pizza) Charles Monachino, contractor for the building owner, attended the meeting requesting a sign permit to change the existing building sign to an awning sign.

Mr. Monachino said the business owners would like the black and white striped awning with the new business name "Crust Pizza Kitchen" written on it. He said there are two existing gooseneck lights that he has sanded and repainted which will remain. The actual signage size is three feet tall by five feet wide. He told the Board that the interior is about 98% complete and he hopes to install the awning in the next few days. Molly asked if the restaurant would have seating. Mr. Monachino said it would.

Brandi Marino made a motion to approve the application as presented. Amy Monachino seconded the motion. Voting was 6-0, all in favor.

4th Item on Agenda:

Charles Monachino, contractor for the building owner, was present seeking final architectural review for façade changes under the New York Main Street Grant Program for 115 ½ West Commercial Street (Roy's Barber Shop).

Rob Leni stated that the application was heard at last months' meeting but wasn't published correctly; therefore, a vote could not be taken. He also said, his only concern about the application was for the six foot tall gate being installed across the alley way. He would like to get input from the Fire Department and Chief of Police in writing to make sure there are no access issues.

David Smith said there were no code issues involved, only safety issues. Mr. Smith asked for a shop drawing of the fence specifications. Mr. Monachino said he would provide them tomorrow.

Herb Allen questioned if the Village wanted the gate there at all. Mr. Monachino said Mr. D'Ambrose would like it to conceal the garbage bins in the alley ways.

Gary Smith also pointed out that the DPW may also need access through the gate.

Mr. Monachino said there would be a latch on the fence and it would have two side pins going into the ground on the inside of the fence. The Attorney, Engineer and Board Members all had safety concerns with regard to ingress and egress for tenants and the Fire Department and height for law enforcement visibility. With this being the first gate approved under the Main Street Grant, it would set a precedent for other gates to follow. When asked about lighting in the alley way, Mr. Monachino said there is one light in the very back part.

David Smith pointed out that New York State Code says every exit door is required to have an exterior light. Mr. Smith also said all the fence conditions would be made part of the permit process.

Amy Monachino pointed out that the Police and Fire Chief should be informed that approval of this gate will set precedence for other gates in the downtown district.

Dave Schultz made a motion to accept the application *subject to* the shop drawings being reviewed, the determination of height (up to six feet tall) and approval of security lighting in the gate area by the Police Chief, Fire Chief and Building Inspector prior to installation. Amy Monachino seconded the motion. Voting was 6-0, all in favor.

New Business:

Herb Allen asked Board members if they knew of anyone interested in being an alternate to have them send a letter of application to Marty D'Ambrose.

Matt Hogan made a motion to approve the December 5, 2012 public hearing minutes. Molly Rountree seconded the motion. Voting was 6-0, all in favor.

Dave Schultz made a motion to approve the December 11, 2012 planning board minutes. Matt Hogan seconded the motion. Voting was 6-0, all in favor.

Amy Monachino made a motion to adjourn at 8:18pm. Molly Rountree seconded the motion. Voting was 6-0, all in favor.

Respectfully submitted

Tracie Miller
Recording Secretary