

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices  
DATE: March 8, 2016  
TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman  
Christina Belles, Member  
Brandi Marino, Member  
Lafayette Eaton, Member  
Mike Kurrasch, Member  
Heather Heffernan, Alternate Member  
Daniel Bryson, Attorney  
Gary Smith, Parrone Engineering  
David Smith, Building Inspector  
Jennifer Raymond, Recording Secretary

### **ABSENT:**

Barb Marr, Member  
Mike Sullivan, Member

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

Heather Heffernan participated as a voting alternate member.

### **1st Item on Agenda:**

435 West Commercial Street, parcel #138.76-1-6 Total Sports Experience. David Dillon from Art Part Signs acting as agent for Gallina Development Corporation presented seeking Architectural Review to replace two existing wall-mounted signs with two new non-illuminated, wall-mounted Dibond panel signs with applied graphics: 88 square feet (front) and 15 square feet (rear). Mr. Dillon explained that the wording is changing from Unity Health System to Rochester Regional Health.

David Smith notified the Board that there is already a commercial area variance for this property to allow for more than fifty square feet of signage. The variance to allow excessive signage was granted May 20, 2013.

Lafayette Eaton commented that the font size for the business name is smaller. Mr. Dillion explained that the business is most frequently referred to as TSE, so that has been made the focus of the sign rather than the full name.

Dan Bryson stated that this project would be a Type 2 action under SEQRA.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.  
Lafayette Eaton seconded the motion.  
Voting was 6-0, all in favor.

Christina Belles made a motion to approve the signs as presented.  
Lafayette Eaton seconded the motion.  
Voting was 6-0, all in favor.

**2nd Item on the Agenda:**

701 Garfield Street, parcel #151.28-2-20. Owner Diane Magliocchetti presented seeking Architectural Review of new plans submitted for modifications to a previously approved three-season room addition. Mrs. Magliocchetti went over many of the property maintenance items that they agreed to take care of after the June 9, 2015 Planning Board meeting discussions and subsequent property inspection by David Smith (before returning to the Board to have architectural review approval). Mrs. Magliocchetti explained the progress that has been made with cleaning up the property. They plan to utilize their new shed for storage of tools and building materials. Mrs. Magliocchetti told the Board that they have installed two new garage doors and rather than paint the garage, they will be installing a brick façade. They plan to have both the brick façade and the three-season room construction completed by the end of September 2016.

David Smith said that he had inspected the property before tonight's meeting to confirm the progress made for property maintenance. Mr. Smith sited items that have been addressed and mentioned other items such as a pallet of brick delivered before winter that is still sitting out on the property and scaffolding that has been up all winter (in fact, it has been there at least four years). Mrs. Magliocchetti replied that the scaffolding is the first item to be taken down once the work (that it is needed for) is completed. Mr. Smith asked the applicant what the estimated time to finish everything and clean up the property is. Mrs. Magliocchetti said it all could be done by the end of September 2016; the only goal she and her husband has is to complete the garage and the three-season room.

Heather Heffernan asked the applicant whether they plan to hire out any of the work to contractors or if they are planning on just the homeowners doing the work themselves. Mrs. Magliocchetti said for the most part it would be her husband and sons; they have spoken about possibly hiring contractors for a portion of work to help stay on track to get the work done. Mike Kurrasch and Lafayette Eaton also spoke about the applicant having accountability for a timeline to get the work done.

Christina Belles asked the applicant about the new Woodtex shed. Mrs. Magliocchetti explained that the shed was already built and inspected; it is empty now but they plan to store tools and some building supplies in it.

Herb Allen asked David Smith whether the construction plans submitted meet code. Mr. Smith explained his process: once the Board has approved architectural review, the applicant must submit a building permit application and then he will perform a complete plan review for code compliance before issuing a building permit.

Herb Allen asked Dan Bryson if there is any way to guarantee a time line for work to be completed. Mr. Bryson explained that for commercial projects either a Financial Guarantee or a Letter of Credit would ensure compliance for required inspections within a specific period of time (usually by the building permit expiration date). David Smith mentioned that within Town Code, these processes are mentioned for commercial projects and under the chapter for Storm Water, however residential projects are not specifically mentioned. Mrs. Magliocchetti suggested setting specific dates for required inspections to keep the project on track to be completed. David Smith explained that when a building permit is issued, the required inspections (needed to obtain a Certificate of Occupancy or a Certificate of Compliance) are listed and by having the applicant's signature on the permit, they agree to contact the Building Department to have these inspections done. Lafayette Eaton inquired as to what happens after a due date passes and work hasn't been completed. David Smith explained that the Town Code allows a permit to have up to two three-month extensions if requested before the current permit expires. Mr. Smith and Jennifer Raymond also explained the process of issuing a new permit with fees associated for the portion of work to still be completed. Lafayette Eaton inquired about the Board approving the project with a money guarantee. Mr. Bryson explained that with a Financial Guarantee, a percentage of money is returned once a portion of work is completed; he hasn't approached this with a residential project. Herb Allen asked Mr. Bryson if the Town Code allows for any kind of penalty fee for not completing work. Mr. Bryson did not think so. Jennifer Raymond suggested a six month permit (rather than one year) to have work completed. Mr. Smith followed up saying any portion of work not completed by that time would require a new permit with fees for the portion of work not yet completed. Mr. Bryson asked the applicant if she would be willing to amend the permit length to six months; Mrs. Magliocchetti replied that she is willing to do that.

Dan Bryson stated that this would be an Unlisted action under SEQRA.

Christina Belles made a SEQRA motion to find this project to be an Unlisted Action and to declare the Planning Board as Lead Agent.

Heather Heffernan seconded the motion.

Voting was 6-0, all in favor.

Dan Bryson advised the Board to vote to amend this action to say this project does not have a negative impact on the environment.

Christina Belles made a motion to amend the SEQRA motion to state that they find this project to not have a negative environmental impact.

Lafayette Eaton seconded the motion.

Voting was 6-0, all in favor.

Lafayette Eaton made a motion to approve architectural review for the project as submitted with the condition that the building permit expire on September 30, 2016.

Christina Belles seconded the motion.

Voting was 6-0, all in favor.

**3rd Item on the Agenda:**

317 Main Street, parcel #139.77-4-48 Flower City Dental. Manager Steve Campo presented seeking Architectural Review to install four 35" x 51" (12.4 square feet each) vinyl window graphic signs (46.5 square feet total); two on windows facing Main Street and two on windows facing West Commercial Street. Mr. Campo explained that the proposed signs will have the business phone number and website displayed due to being at a new location, and patients not being able to figure out where in the building they are located. Mr. Campo told the Board that he is appearing before the Zoning Board of Appeals at the March 15, 2016 meeting seeking a commercial area variance for having four signs and to display the phone number and website.

Herb Allen explained the need for the variances and why the Town does not like having phone numbers and e-mail addresses displayed on signage.

David Smith explained to the Board that most commercial properties in the Downtown District have only a 20 foot wide lot; Lilac Dental on the other hand has a huge façade facing Main Street and facing West Commercial Street. Mr. Smith said that the extra signage makes sense with a bigger façade.

Lafayette Eaton agreed that the additional number of signs isn't a concern for him, but he said he still has concerns with the phone number and website being displayed (lacks continuity with the rest of the Town). Mr. Eaton said he likes the over-all design of the signage.

Christina Belles said she prefers to have one sign on each façade side.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.  
Mike Kurrasch seconded the motion.  
Voting was 6-0, all in favor.

Heather Heffernan made a motion to approve architectural review of the signs, less the phone number and website portion.  
Lafayette Eaton seconded the motion.  
Voting was 6-0, all in favor.

Christina Belles made a motion to give a negative recommendation to the Zoning Board for having four signs instead of the two signs allowed by Town Code.  
No one seconded the motion.  
Motion is removed.

Mike Kurrasch made a motion to give a positive recommendation to the Zoning Board to allow four signs.  
Heather Heffernan seconded the motion.  
Voting was 5-1-0 as follows:  
Heffernan, Kurrasch, Eaton, Allen and Marino approved.  
Belles opposed.  
No one abstained.  
Motion passes.

Lafayette Eaton made a motion to give a negative recommendation to the Zoning Board to allow the phone number and website to be displayed on the signs.  
Christina Belles seconded the motion.  
Voting was 6-0, all in favor.

**4th Item on the Agenda:**

101 Despatch Drive, parcel #139.69-2-31 Leo's Bakery & Deli. Todd Markevicz of APD Engineering, acting as agent for Leo's Bakery & Deli presented seeking Site Plan Approval and Architectural Review for a 13,100 square foot expansion of the current building towards Walnut Street.

Mr. Markevicz explained that his client is looking to expand the rear of the building, to bump out the front vestibule 12 feet (the original plans submitted showed 8 feet) for Watermark's entrance and to have a curb cut on Walnut Street primarily for employees and deliveries (small vans/trucks). The rear addition will match the current building with no

treatments added, the ADA ramp and parking will be located on the eastern side of the building plus additional parking spaces with lighting for employees behind the building. The existing dumpster will be relocated to the rear of the building as well. Seven trees will need to be removed and some new plantings will be added in new locations.

David Smith told the Board that he had submitted plans to Monroe County Planning and Development Department on February 25, 2016 and that he is still waiting for a reply from their review. Gary Smith said that until the County submits their replies to the Town, the Planning Board cannot approve any proposed site plan proposals. Gary Smith said that in addition, there are several outstanding site conditions that haven't been addressed from prior projects approved by the Board in 2007 and 2013 such as having drywells with concrete openings with grates.

Mr. Markevicz, Gary Smith, David Smith and the Board had discussions concerning the proposed curb cut at Walnut Street. There were many concerned comments made in regard to trucks accessing Walnut Street (a residential street not designed for large delivery trucks) and for vehicles to use the parking lot as a cut through between Walnut Street and Despatch Drive to catch the traffic light. The Board and Gary Smith and David Smith all stated that they are not in favor of having a curb cut that would be used by trucks and it would provide a cut through for vehicles. Mr. Markevicz presented several different options to avoid large trucks from using the Walnut Street entrance and to minimize other cut through traffic (right-in/right-out signage, 'head-ache' bars, and bollards).

Herb Allen asked David Smith if the green space criteria for this Commercial/Industrial property would still be in compliance with the proposed addition. Mr. Smith said that they are required to have 25% green space, which they would still have with the proposed addition.

Dan Bryson addressed question #20 on the Short Environmental Assessment Form which addresses the property having been the subject of remediation for hazardous waste. The applicant marked 'yes' but supplied no description. Gary Smith said the area was part of the train car shops site and has been studied in the past. David Smith also mentioned that UNICORN has test wells in the area, one monitoring well is located at the rear corner of this lot (by Walnut Street). Mr. Bryson advised the applicant that he should request to table this application until comments are received back from Monroe County Planning and Development and it will give the applicant and his client time to reconsider issues with the dumpster location and the Walnut Street curb cut concerns that the Board has expressed at this meeting.

Todd Markevicz requested to have this application tabled.

**Old Business:**

501 Main Street, parcel #152.21-1-55 Oil Depot. David Smith told the Board that a Temporary Certificate of Occupancy set to expire June 1, 2016 has been issued so that Muhammed Raza could open for business. A Letter of Credit for landscaping, stripping the parking lot including signage for ADA spaces and to install a fence has been given to the Town.

207 West Spruce Street, parcel #151.28-1-49. Owner Al Buckner has submitted a building permit application and construction plans for the front porch and façade work for his property. The Board had approved this project at the June 9, 2015 meeting.

901 Main Street, parcel #152.29-1-39 Fryatt Building. The property is pending sale for use as a single family dwelling.

232 West Commercial Street, parcel #138.84-2-24. This two-family rental house sustained fire damage March 11, 2013 and was posted as an unsafe structure not to be occupied. A purchase offer at the Monroe County auction has been accepted. The new owner has spoken with David Smith about future plans to make this a mixed-use property with a salon on the first floor and an apartment on the second floor (which is compliant with the Limited Commercial District).

Christina Belles made a motion to approve the February 9, 2016 minutes.

Lafayette Eaton seconded the motion.

Voting was 6-0, all in favor.

Heather Heffernan made a motion to adjourn.

Lafayette Eaton seconded the motion.

Voting was 6-0, all in favor.

The meeting was adjourned at 8:58 PM

Respectfully submitted,

Jennifer Raymond  
Recording Secretary