

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: March 10, 2011  
TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman  
Matthew Hogan, Member  
Brandi Marino, Member

Jan Hendrik van Edig, Member

Rob Leni, Town Attorney  
Larry Pierce, Building Inspector  
Tracie Miller, Recording Secretary

### **NOT PRESENT:**

Barb Marr, Member  
Herman Parson, Member  
David Schultz, Member  
Gary Smith, Parrone Engineering

Mr. Allen called the meeting to order at 7:00pm. He also pointed out that only four Members were present and all votes must be unanimous for a motion to be granted.

### **1<sup>st</sup> Item on Agenda:**

Eric Schoenhardt was present seeking a Special Use Permit to rent his property at 403 East Linden Avenue, parcel # 139.55-1-2.1, for special events. Mr. Schoenhardt stated that he lived at and built his house at 403 East Linden Avenue in 1995. The house is on a bluff overlooking the creek and he held his daughter's wedding there. After that event, people commented that there was no other venue like it in Monroe County and that spurred Mr. Schoenhardt's proposal to the Planning Board. Mr. Schoenhardt admitted that his proposal is tricky because his property cuts across the Town of Perinton. He spoke with Perinton and has a verbal agreement saying they would grant him a permanent easement if East Rochester approves his Special Use Permit.

Rob Leni told Mr. Schoenhardt that it made sense to get Perinton's approval in writing. He also said that Mr. Schoenhardt's application was a permitted use. Larry Pierce said Mr. Schoenhardt's proposal fell under Public Assembly and referred to Village Code 193, 53-C (2). Mr. Pierce stated that he had several concerns regarding this application; including, but not limited to: emergency vehicle access and the close proximity to the Irondequoit Creek.

Brandi Marino asked Mr. Schoenhardt if he had informed his neighbors of his plans and said he should get their permission. Mr. Schoenhardt said no, the neighbors have not yet been notified, but they had no problems when he held his daughter's wedding there.

Ms. Marino asked if an ambulance was able to access the property. Mr. Schoenhardt responded by saying his four wheel drive truck can easily access his property, but a two wheel drive vehicle probably can't. He also said he would not allow the road to be blocked and the portable restrooms would be located away from the creek.

Matt Hogan said the Planning Board is concerned with balancing the needs and desires of the community. Mr. Hogan acknowledged that Mr. Schoenhardt's property has unique characteristics which set it apart from other properties, but that uniqueness also presents some problems. Mr. Hogan said he would not support the granting of a Special Use Permit unless Mr. Pierce's concerns were addressed.

Mr. Schoenhardt brought up the point that his property was not located in a residential neighborhood, even though according to Mr. Pierce it is zoned residential (R-1-48). He asked if his application could be tabled to give him time to speak with his neighbors and address Mr. Pierce's concerns.

Mr. van Edig asked who the neighbor was to the west of Mr. Schoenhardt's property. Mr. Schoenhardt said it was a church in the town of Penfield. Mr. van Edig asked if off-site parking would be addressed. Mr. Schoenhardt said he plans on checking with the Potter's House and Frozen Ropes regarding off-site parking. He's also considering asking Techniplex to use their lot for off-site parking and setting up shuttle service. He acknowledged that if he couldn't procure parking his proposal wouldn't work. Mr. van Edig feels it is important for Mr. Schoenhardt to speak with his neighbors because the frequency of events may be an issue with them. Mr. van Edig asked Mr. Schoenhardt if he would agree to limit the number of guests allowed and Mr. Schoenhardt said yes.

Herb Allen explained that a Special Use Permit is granted for a certain period of time and can be extended by the Planning Board if there are no complaints during that time. Ms. Marino asked Mr. Schoenhardt how often he would rent out his property. Mr. Schoenhardt said the most he would rent it out was four or five times per year, with about 200 people in attendance. Herb Allen said that he agreed with Mr. Pierce with regard to the property being used as a public assembly. Mr. Allen went on to list issues that he would like Mr. Schoenhardt to address in writing. Those issues include, but are not limited to:

- Parking
- Sanitary facilities
- Handicap accessibility
- Research of weekend traffic studies with regard to 1) ingress, 2) egress and 3) sanitary facilities

Mr. Pierce said that because of the steep slope and wet conditions of Mr. Schoenhardt's property he would like the Fire Department and Ambulance to do an egress assessment. Mr. Pierce also mentioned that recent traffic studies may have been done for the proposed Linden East Development.

Herb Allen expressed concern about the Irondequoit Creek Watershed and possible Porta-John spills and asked Mr. Schoenhardt how he would prevent this. Mr. Schoenhardt said that DEC regulations stated the Porta-Johns had to be located at least 100 feet from the creek. Mr. Schoenhardt asked if he needed to get permits from any other towns. Mr. Pierce said that comment may be needed from Monroe County and other municipalities within 500 feet. Herb Allen said he would like to get a comment from the Penfield Planning Board.

Mr. Schoenhardt asked the Board if they thought his proposal was a bad idea. Matt Hogan told Mr. Schoenhardt it was a good idea, but there are other considerations to take into account. Eric Schoenhardt said addressing the Board's concerns doesn't matter if his proposal is not in East Rochester's best interest. Herb Allen said that there are issues that need to be addressed and the neighbors' concerns need to be taken into account.

Rob Leni said it made sense to table this item so Mr. Schoenhardt can address the concerns as long as he agrees with them. Mr. Pierce said that Mr. Schoenhardt's property is in a residential zoned district (R-1-48) and he recommends the following issues be addressed in writing and delivered to the Planning Board at least two weeks prior to the April meeting:

- Comment from Ambulance
- Comment from Fire Department regarding access and the tent being close to house
- Comment from Police regarding the public way and increase in traffic
- The frequency of use defined
- The number of attendees defined
- How caterer's would ingress, egress and cook
- Parking issues addressed
- Sanitation issues
- The notification of events to emergency crews

Mr. Schoenhardt agreed that these were all legitimate concerns.

Herb Allen asked Ms. Miller to provide Mr. Schoenhardt with a list of the issues that needed to be addressed. Mr. Schoenhardt agreed to table his application to the next month in order to address these concerns.

Hendrik van Edig made a motion to table this item until the April Planning Board Meeting to allow the applicant time to address the issues brought up by the Board and Building Inspector. Mr. van Edig went on to say if the applicant is not ready for the April meeting, the issue could be heard at the May Planning Board Meeting. Brandi Marino seconded the motion. Voting was 4-0, all in favor.

**Courtesy Review:**

The scheduled presentation regarding banners on Village light posts did not take place because Joe Cavallaro was not present.

**Old Business:**

There was no old business to discuss.

**New Business:**

There was no new business to discuss.

**Annual Voting:**

Discussion took place regarding whether or not to vote for Vice Chairman and Secretary in the absence of three Planning Board Members. Mr. Leni said there is no legal reason that voting cannot be tabled again. Mr. Leni also said if the Board Members wanted to go ahead with voting the Chairman was allowed to make a nomination. Mr. Allen said he would like to nominate Matt Hogan for Vice Chairman. Mr. Hogan said he appreciated the nomination, but would like to wait until more members are present. Mr. Allen agreed to wait until April's Planning Board Meeting, but expressed that he would like voting to take place next month whether or not all members were present.

Matt Hogan made a motion to table the annual voting for Vice Chairman and Secretary until next month. Hendrik van Edig seconded the motion. Voting was 4-0, all in favor of tabling the vote.

A motion to approve the January 11<sup>th</sup> meeting minutes was made by Matt Hogan and seconded by Hendrik van Edig. Voting was 4-0, all in favor.

A motion to adjourn was made by Brandi Marino and seconded by Hendrik van Edig. Voting was 4-0, all in favor of adjourning.

The meeting adjourned at 7:58pm.

Respectfully submitted,

Tracie Miller

Recording Secretary