

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: March 13, 2012  
TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman  
Matthew Hogan, Member  
Brandi Marino, Member  
Barb Marr, Member  
Amy Monachino, Alternate  
David Schultz, Member  
Molly Rountree, Alternate  
Hendrik van Edig, Member

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

### **NOT PRESENT:**

John Alfieri, Member  
Dave Smith, Building Inspector

Mr. Allen called the meeting to order at 7:00pm.

NOTE: Amy Monachino participated as a voting alternate.

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

300 Main Street, parcel #152.22-1-70. Laura Baranes from Premier Signs was in attendance seeking approval for a sign permit to change the current Allworx sign to Windstream. She stated that the sign would be the same size and material, only the name and colors would be changed.

Amy Monachino made a motion to approve the sign as presented. Matt Hogan seconded the motion. Voting was 7-0, all in favor.

### **2<sup>nd</sup> Item on Agenda:**

326 West Commercial Street, parcel # 138.84-1-8.1. Business owner, John Vallone was present requesting approval or an area variance to add additional signage to the windows of his new business, Good Smoke BBQ. Mr. Vallone stated that he would like window signs to increase his businesses visibility. He also said the colors of the window decals are the same as the pole sign.

Rob Leni said the request requires a variance and Zoning Board approval due to excess signage. Herb Allen pointed out that the existing pole sign has already received Planning Board approval.

Matt Hogan made a positive recommendation to the Zoning Board for an area variance as presented. Brandi Marino seconded the motion. Voting was 7-0, all in favor.

**3<sup>rd</sup> Item on Agenda:**

47 Waterworks Drive, parcel # 152.53-1-81. Project Manager from Wells Landing, Robert Nix was present requesting architectural review for the construction of a single family dwelling. Mr. Nix noted that the floor plan for this house is identical to the last one the Planning Board approved. He passed around a sample of the exterior color, which members agreed was aesthetically pleasing.

Gary Smith asked if this was the last single family home to be built at Wells Landing. Mr. Nix said it was and he anticipated the rest of the townhomes to be completed in approximately two years. Rob Leni had no questions and deferred to the engineer. Dave Schultz asked Mr. Nix if the foundation was dug. Mr. Nix said it was. Mr. Nix went on to say that Wells Landing will be building a berm with arborvitae along the Ford dealership side of their property.

Barb Marr made a motion to accept the application as presented and the exterior color. Amy Monachino seconded the motion. Voting was 7-0, all in favor.

**4<sup>th</sup> Item on Agenda:**

512 Madison Street, parcel # 152.30-1-54. Allison Hendershot stepped up to the podium and introduced herself as the homeowner. She explained that the area she would like fenced has frontage on two streets, but functions as her back yard.

Gary Smith pointed out that there is a sight-distance issue with a six foot tall stockade fence when pulling out of the driveway on Filbert Street. He recommended reconfiguring the plans to make that area of fence shorter as it poses a safety concern. Ms. Hendershot said they do not use that driveway, they use the driveway on Madison Street. Mr. Smith said it could still be an issue when the house is sold.

Rob Leni stated that the Hendershot's request requires a variance. He asked Ms. Hendershot if there was an existing chain link fence on the Filbert Street side. She said there is only three feet of chain link fence and the rest are bushes.

Herb Allen asked if the Code would allow a six foot tall stockade fence on the north side of the rear yard. Gary Smith said the fence may be allowed by Code to wrap around the corner to the rear of the garage. Mr. Allen told the homeowner that a three foot high picket fence would not require a variance, just a special use permit. Mr. Leni pointed out that the current proposal requires a variance. Barb Marr asked Ms. Hendershot what the purpose of the fence would be. Ms. Hendershot replied that she has three small children, ages one, three and six. She is concerned for their safety because people do not stop at the corner. She would also like the fence for privacy. The bushes allow kids to cut through their yard and leave trash. They also look terrible and she feels a fence would look nicer.

Matt Hogan said that safety issues were a priority and asked if a three foot fence would meet the Hendershot's needs. Allison Hendershot said it would not suit their needs because their son would go over it. Hendrik van Edig feels that a six foot stockade along the neighbor's property line would be fine, but along Filbert Street a shorter fence would be a better choice. Dave Schultz asked what would be done with the existing chain link fence. Ms. Hendershot said they were going to erect their stockade right next to it. Herb Allen said that wasn't a good idea because trash and weeds accumulate between the fences. Dave Schultz asked if they used the garage on Filbert Street. Ms. Hendershot said they used it as a shed only. Dave Schultz asked where the gates would be. She replied there would be a gate next to the garage by the driveway and at the back of the house. Mr. Schultz feels there should be more exits from the rear yard and an additional gate should be added.

Mr. Allen asked if anyone in the audience would like to speak. Sean Moran from 215 East Spruce Street stated that he had some concerns. He is worried about visibility from the driveway with children going up and down the sidewalk. He also said that a six foot tall stockade fence at the street line is intimidating and maintaining the chain link fence abutted with the stockade will be difficult.

Herb Allen asked Ms. Hendershot if she has approached her neighbors regarding the fence on the East side of her property. She said she did and they were agreeable to the idea. Mr. Allen gave Ms. Hendershot the option to continue on to the Zoning Board with her application or to table her application to rethink her plans. She said she would like to proceed to the Zoning Board for a variance.

Dave Schultz made a motion for a negative recommendation to the Zoning Board of Appeals for the application as presented, due to the vision issues near the auxiliary garage, lack of ingress and egress, the likelihood of debris accumulating between the chain link and the stockade, and the safety concerns of a neighbor. Barb Marr seconded the motion. Voting was 7-0, all in favor of a negative recommendation.

#### **5<sup>th</sup> Item on Agenda:**

Tom Fromberger , Drew Hoselton and Phil Kunzer were present seeking site plan approval and an area variance for a building addition, sign changes, a new building façade and parking improvements to Hoselton Chevrolet.

Mr. Fromberger spoke on behalf of Hoselton. He stated that the dealership would like to put on a new façade, a new entry, and reorganize the parking layout. He produced a plan to show the Board.

Mr. Fromberger spoke on behalf of Hoselton. He said they would like to remove islands in the parking lot to improve traffic circulation, add a 2200 square foot addition, relocate the showroom entry, add a new landscaping area, add a flagpole and a freestanding pylon sign. Mr. Fromberger said the green space would remain the same with the reorganization. The current Hoselton sign would be removed and the Hoselton name would become secondary to the Chevrolet name.

Mr. Fromberger went on to say that Hoselton Chevrolet has been a landmark in East Rochester since the 1960's and it is a difficult decision to make these changes. He said that Chevy is basically mandating the changes and the loss of the current Hoselton sign is significant.

The current "Hoselton" sign is 560 square feet and will be minimized to 20 square feet. Mr. Fromberger produced sign renderings and photos of how the proposed signs would look. He also showed a photo of the pylon sign that Chevy and General Motors would like erected. He said the current total signage ("Hoselton" & "service") is 589 square feet and the proposed signage would be 109 square feet plus 245 square feet for the pylon sign, for a total of 354 square feet.

Dave Schultz asked how tall the pylon sign would be. Mr. Fromberger said 47 feet tall. Mr. Fromberger said this type of signage stands out and is what Chevy wants them to install. Mr. Fromberger then passed out photos of existing or formerly existing pylon signs in the area (Gulf, Toyota, Jeep, Geo).

Gary Smith asked if the light pole in the west corner of the lot could be removed. Mr. Fromberger pointed out that the reason the pole is there is because over the years Hoselton has lost frontage due to the Fairport and Marsh road widening. He also said that Hoselton sits down in a cavity. Mr. Smith asked how low the sign would sit due to this. Mr. Fromberger said about 12 feet down. Mr. Smith asked what the height of the proposed Chevy sign was compared to the Gulf sign. Mr. Fromberger replied that the Chevy sign would be equal or slightly taller. He said it depends on the relation to the road and the grade.

The Board discussed the Monroe County Development Review Committee comments. Comment number two recommends the removal of pavement and parking stalls within the right-of-way at the southeast corner of Route 31F and Marsh Road. Gary Smith said that this condition is pre-existing, non-conforming and if the State has an issue with it, that needs to be addressed separately.

Rob Leni said the pylon sign proposal needs a variance. Herb Allen said that the Board has worked with Hoselton in the past with their Toyota and Nissan signs. He remarked that the reason the sign code was changed was to prevent East Rochester from becoming like Henrietta. Matt Hogan said the parking proposal looked fine, but it is unfortunate that Hoselton's name needs to be made secondary because it is a historical icon. Mr. Hogan asked if a hardship could be articulated to justify the need for the pylon sign. Mr. Fromberger said there is a visibility loss and he was hoping to recapture the Hoselton name by adding it to the pylon sign. Mr. Hogan asked if Chevy was insisting that the Hoselton name be made secondary. Mr. Fromberger said they were and other dealerships were being made to do the same. He also said the signs are owned by Chevy, not the dealership, and they can remove them anytime they choose. Matt Hogan asked if the logos could be enlarged. Mr. Fromberger said the logo ratio was set by Chevrolet. Brandi Marino commented that it seems like a forced hardship by Chevy, but goes against the Village Code. Herb Allen feels that Chevy is trying to dictate to East Rochester and he is concerned that once you deviate from the Code, others feel the Board is being biased and want to follow

suit. Rob Leni told the Board they had an obligation to look at applications on an individual basis.

Amy Monachino asked exactly what Chevy is mandating. Tom Fromberger said they are mandating the building changes and the pylon sign. He also said, because of the dealership's size, they need to meet certain criteria. Hendrik van Edig asked if they would lose parking spaces. Mr. Fromberger said they actually gain one or two spaces with the reorganization. Mr. van Edig said he could understand erecting a pylon sign in a "sea" of car dealerships, but Hoselton is highly visible and the monument sign on 31F looks pleasing. Mr. Fromberger said that sign is non-conforming and people are currently pulling into the wrong area.

Mr. Schultz said he remembers when Hoselton presented their Nissan sign and the Planning Board initially denied it because of size so Hoselton made it smaller. Barb Marr said that Hoselton has been in this location for a long time and people know where it is. The tall pylon sign would take away from the attractive sign on the building. She asked if the pylon sign would be lit. Mr. Fromberger said it would be internally lit. Mrs. Marr asked them to consider direct lighting on the building sign as opposed to having a huge pole sign. She feels the new frontage will stand out well enough without the pylon sign.

Herb Allen asked what flag would be flying from the flagpole. Mr. Fromberger said the American flag only. Mr. Allen said even if the pylon sign was 12 feet below grade it would still be a 35 foot eyesore. Mr. Allen asked if anyone in the audience would like to speak. Fred Ricci, the Village Mayor said if it wasn't for the Hoselton family, the dealership would now be part of Perinton. He pointed out that the Planning Board is dealing with a family and their business that has been very loyal to the Village of East Rochester, but he is not asking the Board for favors. Mayor Ricci also told the Planning Board they have control over setting a precedent.

Rob Leni said that in order to receive a variance a hardship needs to be demonstrated. Herb Allen said that Vanbortel is doing great business and only has a monument sign. Mr. Fromberger replied that their sign is unique because the property sits higher and has more green space. Mr. Allen said that Hoselton is built on reputation and repeat customers. Mrs. Marr asked if other dealerships have pylon signs. Mr. Fromberger said he wasn't sure. Mr. Hogan asked if the sign that is being presented is a Chevrolet design. Mr. Fromberger said yes it was. Brandi Marino pointed out that the proposed signage is less than the current square footage and asked if there will be more illumination with the new signs. Mr. Fromberger said they will be lit from within and the lighting pointed downward. Gary Smith said he was more concerned about the parking lot lighting. Rob Leni asked during what hours the signs would be lit. Mr. Fromberger said until 11pm. Barb Marr asked if the pylon sign had to be erected at this point, or if it could be added later if a hardship is realized. Mr. Fromberger said that would interfere with the General Motors program.

Gary Smith said there were three items to be voted upon: Architectural review, site plan approval and a variance for the pylon sign. He asked Mr. Fromberger if he would like the Board to vote on these items individually or as a whole. Mr. Fromberger said he would like separate votes on each issue. Rob Leni said the Planning Board would make a

recommendation to the Zoning Board of Appeals for a variance. Gary Smith pointed out that only the pylon sign needs a variance and not the building signage.

Matt Hogan asked Mr. Fromberger what Chevrolet would do if the variance wasn't granted. Mr. Fromberger said the loss of the Hoselton name is an advertising hardship, and they have vocalized this to Chevrolet to no avail. He also said there is too much of a gully around the perimeter of their property to add a monument sign and if they built it up, it would then be a freestanding sign. Amy Monachino asked if Chevy was dictating what signage is on the building and the removal of the Hoselton name. Tom Fromberger said that all signs are being dictated by Chevy. Ms. Marino asked why the pylon sign needs to be 47 feet tall. Mr. Fromberger said General Motors determined the sign height. Molly Rountree asked if the location of the sign is important and could it be put on Marsh Road? Mr. Fromberger said the road bends at the intersection and there are other difficult landscaping issues.

Mr. Allen expressed his displeasure about an invitation he received regarding a plan review of the Hoselton project. He is upset that he did not receive a follow-up response to his affirmation that he could attend such meeting and was not involved in the review. Gary Smith told Mr. Allen that it was no fault of the applicant.

Mr. Hogan asked Mr. Fromberger if Chevy could pull their franchise from Hoselton. Mr. Fromberger said it was a possibility. Amy Monachino asked if the height of the pylon sign was negotiable. Mr. Fromberger was not sure.

Barb Marr made a motion to approve the building addition site plan as presented, including the parking lot reconfiguration and landscaping. Dave Schultz seconded the motion. Voting was 7-0, all in favor.

Barb Marr made a motion for architectural approval of the façade and signage on the front of the building as presented. Amy Monachino seconded the motion. Voting was 7-0, all in favor.

Dave Schultz made a motion for a highly negative recommendation to the Zoning Board of Appeals for the erection of the 47 foot pylon sign. Matt Hogan seconded the motion based on a lack of articulated hardship. Voting was 6-1. Amy Monachino, Dave Schultz, Barb Marr, Matt Hogan, Brandi Marino and Herb Allen were in favor of the negative recommendation. Hendrik van Edig was opposed to the motion.

**Old Business:**

None

**New Business:**

None

A motion to approve the February 14, 2012 meeting minutes was made by Barb Marr and seconded by Brandi Marino. Voting was 7-0, all in favor.

A motion to adjourn was made by Dave Schultz and seconded by Matt Hogan. Voting was 7-0, all in favor of adjourning.

The meeting adjourned at 8:53pm.

Respectfully submitted

Tracie Miller  
Recording Secretary