

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 317 Main Street, East Rochester Village Offices

DATE: April 12, 2016

TIME: 7:00pm

PRESENT:

Herb Allen, Chairman
Barb Marr, Member
Christina Belles, Member
Mike Sullivan, 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:

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

1st Item on Agenda:

101 Ontario Street, parcel #139.79-1-1 North Eastern Pool & Spa. Owner Paul Habeck presented seeking Site Plan Approval, Architectural Review and a recommendation to the Zoning Board of Appeals to convert a portion of the parking area (up front near Ontario Street) to a storage and display area for fiberglass one-piece pools, to install a six foot high chain link fence with black privacy slats around the area and to install six foot high black chain link fencing and gates in the employee parking area (south side of the property).

Gary Smith asked if there would be paving, crushed stone or gravel within the fenced-in area. Paul Habeck said there would be crushed stone. Mr. Smith explained line-of-sight concerns in regards to proposed landscaping by the road. Mr. Habeck replied that he was looking to spruce up the area but understands the safety concerns and will consider leaving just grass area rather than landscaping (trees or bushes). Herb Allen suggested moving dirt on the site to the south end of the property to create a berm which would deter people from parking where they should not be parking. Mr. Habeck said he liked that idea.

David Smith inquired as to where Mr. Habeck plans to store dirt (accrued from in-ground pool installations) now that the current dirt pile area will be a storage and display area for

the fiberglass pools. Mr. Habeck said they will have to find somebody to let them use a portion of land to store the dirt; currently they do not plan to store dirt at 101 Ontario Street anymore (there is no room to do that). Mr. Habeck said if they did need a temporary dirt pile on-site, he would ask the Town's permission first.

Dan Bryson stated that the Board needs to classify this to be a Type 2 Action.

Herb Allen asked if this application was to review only the front section by Ontario Street for storage and display area rather than including the other highlighted areas on the west side of the submitted site plan for storage areas with additional fencing and gates. Mr. Habeck said he plans to immediately take care of the front storage and display area, and in the future he may continue with the additional fencing and gates. Barb Marr mentioned that if he was approved for the future portion of this proposal and then he decides to do something different, he will have to come back before the Board. She suggested possibly waiting for review of that portion until he is ready to actually do it to seek approval. Mr. Habeck decided he would rather have it all reviewed at this meeting and understands that if he wants to deviate from the original plan in the future he will have to present the changes to the Board first.

Lafayette Eaton commented that his only concern with the project is the line-of-site issues with the proposed plantings (unless the trees were high enough to avoid obstructing the view).

Dan Bryson stated that the Board classify this project as a Type 2 action under SEQRA. It is not subject to further environmental review under SEQRA.

Mr. Allen asked David Smith to explain to the Board the reason for the variances the applicant will be presenting to the Zoning Board next week. Mr. Smith explained that town code doesn't allow storage within the front yard of a commercial property; also the proposed front yard fencing is non-decorative and exceeds the 36 inch maximum height requirement.

Christina Belles made a motion to approve the plans as presented with the suggestion that the first 25 feet to be green space without any trees and to approve the west side proposed improvements shown on the submitted site plan as submitted.

Brandi Marino seconded the motion.

Voting was 7-0, all in favor.

Brandi Marino made a motion to give a positive recommendation to the Zoning Board for the variances to allow storage within the front yard of this commercial property and to

install non-decorative fencing that exceeds the 36 inch maximum height allowance. Lafayette Eaton confirmed that any variance granted will stay with the property and any future business that may be there.

Christina Belles seconded the motion.

Voting was 6-1-0 as follows:

Allen, Marr, Marino, Kurrasch, Belles and Sullivan in favor.

Eaton was opposed.

No one abstained.

Motion passes.

2nd 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 owner Patrick Bernunzio, 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 he had submitted a revised site plan and cover letter for the Board to review. The access at Walnut Street is now proposed to be a right-in/right-out only, with curbing and bollards installed. Mr. Markevicz said that the right-in/right-out, raised curbs, narrow driveway and signage ("No Trucks") would restrict access, therefore addressing the Board's concerns mentioned at the March 8, 2016 Planning Board meeting. Mr. Markevicz said the dumpster enclosure has been reconfigured to address access for garbage truck service. Mr. Allen inquired about the size of the area by the dumpsters so that the garbage trucks can have access but so that larger semi-trucks would not be able to drive through. Mr. Markevicz explained the dimensions (not shown on the updated site plan).

Mr. Markevicz then addressed the nine plan review comments submitted by Parrone Engineering dated April 8, 2016 to the Board and the applicant. David Smith specifically asked for more detail concerning how the dumpster enclosure opening would work. Gary Smith spoke about the garbage truck access (not going to back up a long distance to the dumpsters). Mr. Markevicz said that the details for the dumpster enclosure accessibility have not been completed yet and would need to be worked out with Gary Smith and David Smith. Gary Smith highlighted his concern with work required as part of a past approved site plan where-by dry-wells were supposed to be installed and have concrete capping grates installed, but were never completed. Mr. Markevicz addressed this concern saying that they would install the drywells up to Parrone Engineering's specifications and have Gary Smith inspect them. Mr. Smith replied that the load has to be able to handle the weight of a full garbage or delivery truck going on the site.

David Smith asked about the need for a street light at the Walnut Street access area. Mr. Markevicz replied that there is some lighting in the back of the building but that he will go out to the site after dark to assess the need for additional lighting.

Dan Bryson stated that this project would be an Unlisted Action under SEQRA that does not have a negative impact on the environment. The Planning Board is declared as Lead Agent.

Lafayette Eaton inquired whether the Planning Board could vote on the site plan given the issues with the dumpster enclosure and lighting. Gary Smith said the Board could vote on architectural approvals with the condition that engineering issues be addressed during the permit review process.

Mr. Eaton asked about the history of another business requesting access on Walnut Street and was subsequently denied. Mr. Eaton was concerned about setting a precedent to allow one business access but not another business. David Smith said the two business situations are not the same. Mr. Mendick's property already had two access points (on Despatch Drive) and was requesting a third access (on Walnut Street). Leo's Bakery site has one access point (on Despatch Drive) currently.

Mike Kurrasch asked if Perlo's Restaurant will benefit from Leo's project. David Smith mentioned that owner Brian DiNardo is present and would speak about that later in the meeting.

Barb Marr said that in her opinion having access on Walnut Street isn't a problem; Walnut Street is not a highly desirable street to drive down. Mike Kurrasch disagreed saying that by 5:50 pm traffic backs up to Despatch and people may be more inclined to use Leo's as a cut-through.

Mr. Allen mentioned possibly using drop spikes to deter people from illegally trying to go out the right-in/right-out access the wrong way. Pat Bernunzio and Chris Wegner (both in the audience) both said they would not install spikes. Gary Smith said any problems with illegal use of the access to Walnut Street would be the property owner's issue.

Perlo's co-owner Brian DiNardo spoke during public comments. Mr. DiNardo had submitted a letter dated April 12, 2016 to the Board outlining his concerns with the proposed project, with the outcome of discussions he had with the Village Administrator Marty D'Ambrose and with Leo's owner Mr. Bernunzio, he explained the parking agreement between the two businesses and stated his support for the project. Mr. DiNardo said he would prefer a full access driveway onto Walnut Street rather than the proposed right-in/right-out driveway. Mr. DiNardo pressed upon the Board the importance of

approving the site plan and expansion of Leo's project, as it is imperative to Perlo's survival.

Mr. Allen explained to Mr. DiNardo and to members of the Board that were not at the last meeting that at the March 8, 2016 Planning Board meeting the biggest concern with the Walnut Street access was that large trucks would use the access to go in and out of Walnut Street. It was determined after discussing several options that a right-in/right-out access would be the most beneficial. David Smith explained that Walnut Street was designed with dirt and stone originally, which was not designed to handle tractor trailers or to have commercial traffic dump into the residential district. Mr. Allen explained that the right-in/right-out approach will deter large trucks from utilizing the Walnut Street access.

Marty D'Ambrose spoke as the Village Administrator in favor of the propose project. He explained that Walnut Street was not a dedicated road and was designed with dirt and stone (later it was paved). It was never meant to be used by large trucks. Mr. D'Ambrose told the Board that the Town plans to reconstruct Walnut Street next year to be straight instead of curved with stops at both ends to help with speeding issues and proper curbing and drainage would be installed. Mr. D'Ambrose said the Walnut Street access will be beneficial and would work well with the Walnut Street improvements. Mr. D'Ambrose said the Town is tentatively planning on adding sidewalks to both sides of the road as well as widening the road.

David Smith explained that the Board had different constituents to please. Patrick Bernunzio is happy to have access to Walnut Street, Brian DiNardo has needed more parking for Perlo's for a long time and this opportunity helps with that need and residents do not want tractor trailers going down the North side, so the right-in/right-out access will help deter that.

Christine Belles mentioned use of a head-ache bar (as mentioned at the March meeting) located at the Walnut Street access (rather than in the middle of the site to block through traffic) to keep tractor trailers from using Walnut Street. Mr. Markevicz suggested installing the Walnut Street access without the channelization and try it out for a couple of months and if there's a real problem then adjustments could be made. Mr. Allen said he did not like that suggestion. David Smith mentioned that the truck issue isn't the only concern associated with the Walnut Street access. The other concern is that people will utilize the Leo's parking lot as a cut-through between Despatch and Walnut and vice-versa.

Mr. Markevicz gave a brief overview for the architectural improvements for the building expansion and bumping out the front vestibule and the separate entrance for Watermark. Gary Smith reminded the applicant that building lighting must be 'Dark Sky' compliant.

David Smith inquired about engineering for the two roof lines that will be coming together with the addition. Mr. Markevicz said the details were still being worked out and would be given to Gary Smith and David Smith for approval.

Ms. Belles commented that the building addition was very plain and suggested adding some detailing (like the front of the building) since it has visibility from North Washington Street. Mr. Markevicz said the addition is plain to match the existing rear metal building and that there are trees by North Washington Street that partially block the view.

Christina Belles made a motion to find this project to be an Unlisted Action under SEQRA that does not have a negative impact on the environment. The Planning Board is declared as Lead Agent.

Lafayette Eaton seconded the motion.

Voting was 7-0, all in favor.

Lafayette Eaton made a motion to approve architectural review and site plan for the project as submitted with the condition that it is contingent incorporating Parrone Engineering Comments dated April 8, 2016 for engineering, lighting, right-in/right-out Walnut Street access and logistics of the dumpster enclosure to be addressed by the applicant to Gary Smith and David Smith's specifications before issuing the building permit.

Christina Belles seconded the motion.

Voting was 7-0, all in favor.

3rd Item on the Agenda:

232 West Commercial Street, parcel #138.84-2-24 Vida Bella Organic Salon. Owner Kristen Weltman presented seeking Architectural Review for site plan and front façade changes to install new front steps and an ADA ramp. Ms. Weltman explained that she had purchased this fire damaged two-family rental building that had been vacant for approximately four years. Ms. Weltman said she intends to convert it to a mixed-use building with an apartment upstairs and a salon downstairs, which is an approved use within the Limited Commercial District. The side entrance will be altered to be a front central entrance with an awning overhead, and shutters will be installed to dress up the building as well. Ms. Weltman passed out an updated tape location map showing the general location on it for the ADA parking space in the front and ADA ramp in the rear.

Gary Smith inquired whether Ms. Weltman planned to remove any asphalt and plant grass. Ms. Weltman said she needs parking space for the tenant and the ADA parking up front. David Smith suggested adding planters up front to soften the front area that is all asphalt.

Ms. Weltman said she will need a dumpster for approximately six weeks during renovations; David Smith said it is expected and perfectly fine to have the dumpster upfront while she is renovating.

David Smith expressed concern for the ADA ramp fitting in the rear of the building (due to not having specific dimensions of the ramp or having distances from the ramp to the property line shown on the tape map). Mr. Smith explained that in order to meet ADA compliance, there will have to be stripping in the parking lot along with designated handicap parking marked with signage and the spot next to it crossed out for no parking.

Dan Bryson declared this to be a Type 2 Action under SEQRA. It is not subject to further environmental review under SEQRA.

Ms. Belles inquired about the six-panel (front door way area) and the size of the awning. Mark Zazubec from I Love Awnings was present to explain the configuration of the awning.

Mr. Eaton asked if there would be any parking in the rear. Gary Smith said that rear area is basically a walking path area only. Mr. Eaton asked where the upstairs tenant is supposed to park if a salon customer fills the spot upfront. Ms. Weltman said they can park in a spot on the street. David Smith mentioned to the Board that most of the commercial properties on West Commercial Street have tenants on the second floor and have the same parking concerns.

Pamela Allen, owner of the commercial property located next door at 234-236 West Commercial Street spoke during public comments. She expressed concern with the parking situation, especially at night in the winter when the Town ordinance restricts parking on the street. Gary Smith reiterated David Smith's earlier comments concerning a lack of parking for many commercial properties with tenants on the second floor in this area. David Smith mentioned that at night the salon would be closed and therefore off-street parking would be available.

Christina Belles made a motion to approve architectural review of the plans as submitted. Mike Kurrasch seconded the motion. Voting was 7-0, all in favor.

4th Item on the Agenda:

232 West Commercial Street, parcel #138.84-2-24 Vida Bella Organic Salon. Owner Kristen Weltman and Mark Zazubec from I Love Awnings presented seeking Architectural Review

to install a 7' W x 3' H awning sign with black and white vertical stripes (no illumination). The business name will appear on the scalloped portion of the awning.

Brandi Marino asked Ms. Weltman if the font size of the business name would be big enough. Ms. Weltman expressed her desire to have the font the size presented due to the business being portrayed as a cute up-scale salon.

Lafayette Eaton made a motion to approve the sign as submitted.

Barb Marr seconded the motion.

Voting was 7-0, all in favor.

New Business:

Jennifer Raymond reminded Board members to sign up for training programs as soon as possible to secure a spot before they fill up.

Lafayette Eaton made a motion to approve the March 8, 2016 minutes.

Mike Kurrasch seconded the motion.

Voting was 7-0, all in favor.

Brandi Marino made a motion to adjourn.

Lafayette Eaton seconded the motion.

Voting was 7-0, all in favor.

The meeting was adjourned at 8:46 PM

Respectfully submitted,

Jennifer Raymond

Recording Secretary