

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: April 13, 2010
TIME: 7:00pm

PRESENT:

Herb Allen, Chairman	David Schultz, Member
Barbara Marr, Member	Brandi Marino, Member
Herman Parson, Member	Matthew Hogan, Member
Jan Hendrick van Edig, Member	

ALSO PRESENT:

Larry Pierce, East Rochester Building Inspector
Rob Leni, Town Attorney
Gary Smith, Parrone Engineering
Tracie Miller, Recording Secretary

Mr. Allen called the meeting to order at 7:03pm.

1st Item on Agenda: 144 West Commercial Street, parcel #139.77-3-13. Applicant Christopher Buell of Tastebuds Catering is requesting approval for sign installation.

Mr. Buell introduced himself as the sole proprietor of Tastebuds Catering and stated that he would like to put a sign up on the outside of the building in the exact location of the old sign, using the same four holes. The sign will stand out one inch from the building and not be lighted. Ms. Marino questioned if the website should be on the sign and Mr. Allen countered that it shouldn't. Ms. Marr asked if the colors conform to the downtown district requirements. Rob Leni stated that the colors are just recommendations and this sign was on the side of the building. A motion was made by Ms. Marino to approve the sign with the website removed. Mr. Hogan seconded the motion. Voting was a unanimous 7-0.

2nd Item on Agenda: 330 West Commercial Street, parcel # 138.84-1-9. Applicant Maria de La Cruz of Body Wisdom Physical Therapy is requesting approval for a sign change and reinstallation.

Ms. de La Cruz introduced herself and asked to change the top half of the current sign from "Moonflower" to "Body Wisdom". Mr. Pierce asked if the sign contained more than two fonts. Ms. de La Cruz stated it only contained two fonts, in upper and lower case. Mr. Pierce noted that the sign was outside the

downtown area. Mr. van Edig asked if the sign was lighted to which the answer was yes. Mr. Schultz pointed out that the lights could not be on all night, and Ms. de La Cruz agreed to that. Mr. Schultz made a motion to approve the sign and Mr. Hogan seconded the motion. Voting was a unanimous 7-0.

3rd Item on Agenda: 871 Fairport Road, parcel #152.46-1-1. Applicant Steve Jacobs of Lobster Trap is seeking site plan approval to sell food from a concession trailer.

Steve Jacobs presented his case by saying he would like to sell seafood out of a concession trailer on a temporary basis, specifically on Friday nights. He said the trailer would be there Thursday afternoon or Friday morning until Saturday morning when it would be removed. Larry remarked that Steve came before the Planning Board again because his past application was not approved. He encouraged the owner to come back to the Planning Board for temporary approval because the Village code cites occasional use as less than twice per year, which his business exceeds. Mr. Pierce stated that he has eaten at Steve's and sat on a nearby picnic bench watching for any violations and witnessed none. Mr. Pierce also noted that the flow of traffic was non-invasive to the area's use and suggests approval of this temporary concession stand. Rob Leni said this is a permitted use for this parcel. Ms. Marr said that as long as Mr. Jacobs has a permit from the Health Department the Village has to allow him to sell food. She asked that he keep the trailer looking presentable. Dave Schultz said that he is nervous about the use of propane so close to the gas pumps, as he was last time Mr. Jacobs came to the Planning Board. Larry Pierce commented that the distance between the gas pumps and propane was sufficient from a Fire Marshal's standpoint. Matt Hogan shares Dave Schultz's concerns, but based on Larry Pierce's recommendation he feels comfortable with approval. Herman Parsons is comfortable with approval of the trailer. Ms. Marino said that aesthetics and safety were her main concern, but she also trusts Mr. Pierce's recommendation. Herb Allen wanted affirmation that the trailer would be gone by Saturday morning, to which Mr. Jacobs replied that it would be. Mr. Allen also mentioned that the trailer blocked a path to one gas bay, but Mr. Jacobs said the trailer was far enough to the East not to block the lane. Hendrick van Edig made a motion for site-plan approval to sell food from the concession trailer once per week and Herman Parsons seconded the motion. Voting was a unanimous 7-0.

Preliminary Architectural Review: Requested by Fausto Albano regarding the refurbishing of the garage adjacent to Lemoncello at 141 West Commercial Street, parcel # 139.77-2-39.

Mr. Albano stated that Lemoncello (137 West Commercial Street) is operating with a very small kitchen and he would like to move some equipment and trash containers to the garage adjacent to his restaurant (141 West Commercial

Street). Larry Pierce noted that the application has total approval from the garage owner (Lalit Shah) and that dealing with the trash is a challenging issue and the applicant has found a solution to this challenge. Mr. Pierce also said that the current condition of the adjacent garage is dangerous because the roof is falling in and it is in the communities best interest to get this project started (preliminary review), then get final approval. Gary Smith asked if the garage would be made taller, if there would be a dumpster in that area and if the driveway would be altered. Mr. Albano said that the roof would be two to three feet higher, there would be no dumpster and nothing is being done to the driveway as of yet. Mr. van Edig asked if a second story would be added to the garage and Mr. Albano replied no. Herb Allen asked where the trash would be and Mr. Albano said it would be outside the garage with screening. Barb Marr asked if Lemoncello was attached to the garage via a walkthrough and Mr. Albano said it was. All the Board Members agreed that Lemoncello looked terrific. Barb Marr made a motion for preliminary approval as proposed, subject to final approval and a permit. Matt Hogan seconded the motion. Voting was a unanimous 7-0.

Preliminary Architectural Review: Requested by Ed Orlando of Wells Landing, LLC regarding the new construction of a single family home at 24 Pond Bridge Way.

Mr. Orlando was not in attendance so Larry Pierce presented for him. Mr. Pierce said the new construction home has the same vinyl siding and stone as other homes in Wells Landing and the side and front elevations are similar. Mr. Allen asked if preliminary approval could be given because applicant was not present and Rob Leni said yes. Mr. Pierce commented that he had a full set of stamped drawings and there was nothing challenging about the elevations, they were much the same as the rest. Matt Hogan asked if the builder had ever caused reason for them not to want to grant approval and Mr. Pierce replied that he did not. **Herb made a motion** for preliminary approval and Dave Schultz seconded the motion. Voting was a unanimous 7-0.

Old Business: Mr. Schultz asked why the fire hydrant at Wells Landing has never been moved back. Larry Pierce said that the wrong plans were read when it was installed and it is too difficult to move.

New Business: Barb Marr asked what the Village's procedure was for stray cats. Mr. Pierce said that New York State does not regulate cats, but the village would pick them up and transport them to Lollipop Farm for a fee of \$25.00 per cat. Mr. Pierce also mentioned that you have to be sure they are not owned by someone before picking them up as this could cause problems.

Ms. Marr asked about Nonna's being used as a barber shop. Mr. Pierce replied that he wasn't aware that was occurring and he would check into it.

Herb Allen asked if Mr. Pierce got a chance to look into 141 West Ave, a residence which looked like it was being used as a double. Mr. Pierce said he did look into it and the residence is listed as a double in the assessor's book.

A motion to approve the March 9 minutes as presented was made by Dave Schultz and seconded by Herman Parsons.

A motion to adjourn was made by Herman Parsons and seconded by Brandi Marino. Voting was a unanimous 7-0.

The meeting adjourned at 8:00pm.

Respectfully submitted,

Tracie Miller
Recording Secretary