

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: May 8, 2012  
TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman  
John Alfieri, Member  
Matthew Hogan, Member  
Brandi Marino, Member  
Molly Rountree, Alternate  
David Schultz, Member  
Hendrik van Edig, Member

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

### **NOT PRESENT:**

Barb Marr, Member  
Amy Monachino, Alternate

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

NOTE: Molly Rountree participated as a voting alternate.

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

512 Madison Street, parcel #152.30-1-54. Jerry Hendershot was present, speaking on behalf of his daughter, Allison Hendershot. Allison is seeking approval for an area variance to erect a stockade fence around her side yard.

Rob Leni started out by saying he spoke to Mr. Hendershot and his attorney at length about the architectural approval and zoning board recommendation processes of the East Rochester Planning Board.

Jerry Hendershot spoke regarding the reasons his daughter needed a fence. These reasons are stated in the prior two months' Planning Board Minutes. He also passed out photos of the corner lot, a new survey map with the new fence proposal drawn out, letters of support from 17 neighbors and a letter from the neighbors at 510 Madison Street agreeing to the removal of their wire fence.

Gary Smith told Board Members that he met with Jerry Hendershot regarding the sight-distance issue. He calculated a suitable line-of-sight angle for the area conditions. Dave Smith commented that the Village Code requires the finished side of a fence to face neighboring properties.

John Alfieri asked if the fence was five feet away from the inside edge of the sidewalk. Mr. Hendershot said yes, it was. Mr. Hendershot also said he and Gary Smith agreed that any plantings in front of the fence cannot exceed two feet in height.

Mr. Schultz said he would like to see a gate in the fence closer to the house for safety purposes. He also asked if the fence posts could be no taller than six feet and Mr. Hendershot agreed.

Mr. Leni told Mr. Hendershot that the Planning Board would make a recommendation to the Zoning Board and the current proposal cannot change before going before the Zoning Board. Hendrik van Edig said there was an inconsistency with the angle to the garage on the survey map as compared to the drawing provided. Mr. Hendershot agreed and said the red line on the survey map was the correct placement of the fence. Mr. van Edig also said he believes a well maintained hedge could accomplish the same goal as the proposed fence.

Molly Rountree told Mr. Hendershot that she also lives on a corner property, has young children and had to get Planning Board approval to erect a three foot front yard fence. Rob Leni pointed out that the modifications listed on the written fence description apply to fence section "B" and "C". Mr. Hendershot agreed.

Brandi Marino told Mr. Hendershot that she also has a small child and many friends that live on corner lots. She doesn't believe safety from pedophiles is an issue as long as the children are being supervised. She also said that everyone is entitled to privacy and she supported their last fence proposal and this proposal is also suitable.

Matt Hogan likes the way the new fence proposal looks and said it addressed the "fortress" issue. There was no comment from the audience. Herb Allen commented that he has not been in favor of the six foot stockade fence, but the new proposal with the sidewalk setback is much less intrusive.

Dave Schultz made a motion for approval and positive recommendation to the Zoning Board for the modified fence proposal (dated 5/8/12) as submitted with the addition of a gate by the house. Brandi Marino seconded the motion. Voting was 7-0, all in favor.

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

Aldo and Diane Magliochetti were present seeking architectural approval for a three season room and site plan approval for an area variance to erect a concrete and metal fence around their side yard. Rob Leni said the three season room has already been granted the area variance by the Zoning Board subject to the Planning Board giving architectural approval.

Herb Allen pointed out that the plans for the three season room include the old window size (5'4" x 6") on the south side of the three season room. He asked if Mr. Magliochetti would be changing that to conform to the New York State Fire Code. Mr. Magliochetti said he was reducing the window size to conform to the Code and this would be reflected on the final plans. Mr. Allen also wants to confirm that the siding will match the rest of the house, not like the current T111 siding on the north side of Mr. Magliochetti's house. Mr.

Magliochetti said the house is currently sided with aluminum siding and the new siding will match as closely as possible. He also said the T111 and the fireplace area will be repaired and match the rest of the house. No one in the audience wished to comment.

Gary Smith advised that because the concrete posts are permanent structures the owner's should have their lot surveyed and staked out to make sure the proposed fence is not being erected in the Village right-of-way. The owner's said they would do that.

David Smith told the Board that he asked Dave Bussey of the DPW to look at the fence and make sure it wasn't going to interfere with the sidewalk plow.

Rob Leni said the fence needed a variance, because the materials it is made of are not considered fence materials in the Village Code. Mr. Leni also said the fence needs architectural approval and the motion should be subject to right-of-way clearance and not affecting underground gas and electric lines. Mr. Magliochetti said that he already had the ground utilities staked out.

Mr. van Edig asked what material the fence posts were made of and if Mr. Magliochetti was proposing to erect a chain link portion. The owner said the posts are a concrete masonry unit. He went on to say that he spoke to his neighbor and decided against erecting a chain link fence, but will continue on the south side of his property with the proposed concrete and metal fence.

Hendrik van Edig made a motion for architectural approval for the three season room, subject to the north side of house being repaired as stated and conforming to all New York State Building and Fire Codes for the three season room. Molly Rountree seconded the motion. Voting was 7-0, all in favor.

John Alfieri made a motion for a positive recommendation to the Zoning Board regarding the fence proposal subject to the engineering recommendation of a property survey to establish right-of-way and replacement of the chain link portion of the fence with the proposed metal and concrete style. Dave Schultz seconded the motion. Voting was 7-0, all in favor.

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

311 East Chestnut Street, parcel #152.23-1-2. Lori Neva and Mark Friga from Frozen CPU attended the meeting to discuss a recommendation for an area variance and to gain architectural approval for a building addition. She explained that the original plans had been revised to move the building five feet away from the rear lot line. She passed around photos taken from four different street views, looking toward their property, showing how much green space was already existing. Mr. Allen said only green space within your property can be considered.

Gary Smith told the Board that he met on site with the contractor. He said the proposed project would increase the impervious area and a drywell would be needed to pick up the extra stormwater and then made to leach out into the ground. Mr. Smith also said an infiltration test would need to be done. He is concerned with the infiltration of the surrounding area with regard to sink holes and the new foundation being built. Frank

Sudore, the general contractor, said there was record rainfall in April and there has been no standing water on the property. Mr. Smith also told the applicant that the County needed to review the site plan after it was submitted.

Mr. Leni said that the proposal is subject to a SEQR environmental assessment. He also stated that a variance is needed for the rear and side setbacks, the green space being less than 25 percent and possibly for the number of parking spaces required, if not adequate. He told the applicant that the Planning Board cannot give site plan approval without a stamped site plan but can give a recommendation to the Zoning Board regarding the variance requests. Ms. Neva said they didn't want to pay thousands of dollars for drawings until they received approval. Gary Smith asked Dave Smith to determine the number of parking spaces required per the State Code.

Mr. Loren Fairbanks, the architect for Frozen CPU, said they would be adding 1300 square feet of additional blacktop. Lori Neva said they are supposed to have 19 parking spaces, but have room for 17.

Dave Schultz said the dumpster needed to be enclosed and asked if the garbage truck would be able to access it. Ms. Neva said she will address the access issues with her refuse service.

Ms. Neva and Mr. Friga both said they understood if they received Zoning Board approval for the variances requested and the site plan differed, they would have to go back to the Zoning Board for another variance. They also agreed they would like to table the site plan review, but receive a recommendation on the variances to the Zoning Board at this time.

Mr. van Edig asked how many employees Frozen CPU had. Ms. Neva said there were 12. Brandi Marino asked if parking has ever been a problem. Lori said that two of their employees walk to work and they have no retail business, so parking is not a problem. Their new proposal is only to add warehouse space which will not change their parking needs.

John Alfieri made a motion for architectural approval as presented and to table the site plan review until next month at the consent of the applicant. Brandi Marino seconded the motion. Voting was 7-0, all in favor.

Molly Rountree made a motion for a positive recommendation to the Zoning Board for variances regarding back and side setbacks, number of parking spaces and green space requirements. John Alfieri seconded the motion. Voting was 7-0, all in favor.

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

112 Worthing Terrace, parcel #152.31-1-24. Al Szklany was present requesting architectural review to enclose a carport. He pointed out that there was one change to the plans submitted, there would be no window in the back of the enclosure.

John Alfieri asked if there was an existing slab and roof trusses. Mr. Szklany said there was a full foundation with 4 foot deep footers underneath and the roof is pre-existing, there are

no trusses. Dave Smith told Mr. Szklany that an inside firewall and one course of block around the perimeter are also needed for this project.

Dave Schultz made a motion for approval as presented subject to adding the inside firewall and course of block per the Building Inspector. Hendrik van Edig seconded the motion. Voting was 7-0, all in favor.

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

509 McKinley Street, parcel # 138.83-1-50. Warren Mapes was present seeking architectural review to build a front porch/deck and a retaining wall. Mr. Mapes said the existing porch is falling apart and hazardous. He is proposing a four foot square entry deck with stairs that point toward the driveway with a white vinyl railing. He said the framing in the bottom will be composite decking and not lattice as shown in the drawing. Mr. Mapes is also proposing a two to three course retaining wall, set back one foot from the sidewalk.

Gary Smith told Mr. Mapes, in order to be clear of the Village right-of-way he needed to be 12 feet from his house foundation, not 16 feet; therefore, he would have to pull the retaining wall back toward his house four more feet from the drawing presented. Mr. Alfieri asked the applicant if he was removing the sidewalk to his front door and he said yes.

Dave Schultz made a motion to approve the porch steps as presented. Brandi Marino seconded the motion. Voting was 7-0, all in favor.

John Alfieri made a motion to approve the retaining wall, as long as it is inside the owner's property line and an excavation permit is obtained from the Building Department. Brandi Marino seconded the motion. Voting was 7-0, all in favor.

**Old Business:** None

**New Business:** None

A motion to approve the April 10, 2012 meeting minutes, with modifications submitted by Mr. Leni, was made by Brandi Marino and seconded by John Alfieri. 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 9:15pm.

Respectfully submitted

Tracie Miller  
Recording Secretary