

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: May 11, 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

Martin D'Ambrose, Village Administrator
Rob Leni, Town Attorney
Gary Smith, Parrone Engineering
Tracie Miller, Recording Secretary

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

1st Item on Agenda: 226 West Commercial Street, parcel #138.84-2-21.
Applicant Donna Finlayson of Buffalo Pug and Small Breed Rescue is requesting a special use permit to open a dog rescue adoption center on weekends only.

Donna Finlayson of 155 Crossover Road Fairport, NY was present as the representative for Buffalo Pug and Small Breed Rescue. Ms. Finlayson and her husband have both been volunteers since the adoption center's inception five years' ago. The center used to be located on Culver Road in Irondequoit, but is interested in relocating to East Rochester because it's closer to Ms. Finlayson's home. Adoption center hours will be Saturdays and Sundays from 12 noon until 4:00pm.

Rob Leni stated that the request was a permitted use and requires a special use permit.

Herman Parson asked how many dogs would be at the adoption center at one time and Ms. Finlayson said that there could be up to five dogs, but sometimes as little as zero to one. Mr. van Edig asked if any dogs would be at the center on weekdays; Ms. Finlayson replied that on rare occasions some adoptees will meet at the East Rochester adoption center to pick up animals outside of weekend hours. Ms. Finlayson also said that the dogs do not live at the shelter and will never stay there overnight, they live in foster homes and the foster parents pick them up and drop them off to the shelter.

Ms. Marino asked if five would be the maximum amount of dogs at one time and

if the shelter would only house small dogs. Ms. Finlayson said in the past they had five to six dogs at a time and that was too many in her opinion, she would like to keep it at 2–3 dogs, 30 pounds or less. Ms. Finlayson also noted that there is a small grassy area behind the building that the landlord said they could use to walk the dogs when necessary and she assured that the waste would be cleaned up. Ms. Finlayson said the adoption procedure takes about half hour and that volunteers sometimes bring their own dogs to the center. Mr. van Edig asked if people need to be invited to come to the adoption center and Ms. Finlayson said no. She stated that they have a website telling their location and hours and on a typical day 2–3 people are at the center at a time. Matt Hogan reiterated that dogs would be there only occasionally on weekdays. Ms. Finlayson said that having dogs there on weekdays is very non-typical. Mr. Hogan asked what the center would typically look like if he walked in. Ms. Finlayson replied that there would be a couple volunteers with coffee and dogs, but there would never be more than five to six people at a time. Barb Marr asked if Buffalo Pug planned on putting up a sign to which Ms. Finlayson replied that they had a sign from the previous location they would like to put up and they also would like to put a flag out when they are open. Herb Allen told Ms. Finlayson there was a permit requirement for signs.

Ms. Finlayson mentioned that they are insured if an incident should occur and that they try not to take dogs in that bite, but it's not always easy to tell. Dave Schultz asked if the dogs would be in cages. Ms. Finlayson said they have crates, but do let the dogs run around and will keep the interior door closed or use a gate so the dogs cannot run out into the street. Mr. Schultz asked how they acquired the dogs. Ms. Finlayson said that people surrender them due to allergies, moving and other reasons. They also get dogs from high-kill shelters when they are in danger of being euthanized. Mr. Schultz asked where the un-adopted dogs go at the end of the day and Ms. Finlayson said they go to foster homes. Herb Allen asked what Ms. Finlayson's lease terms were to which she said month to month. Matt Hogan made a motion to approve the special use permit for six months and Herman Parson seconded that motion. Mr. Allen explained to the applicant that it was necessary to come back at the end of six months to reapply, as long as there are no complaints. Voting was a unanimous 7–0, all in favor.

2nd Item on Agenda: 100 Lincoln Parkway, parcel # 139.70–1–79.1. Applicant Douglas McAvoy was present to request approval for a sign permit. He also submitted a rendering of the signs done by Patti Ransco of Art Parts Signs. Dave Schultz liked the signs, but said they were over the permitted 50 square feet and they needed to be scaled down or would have to go to the Zoning Board for a variance. Herb Allen and Rob Leni agreed that both signs together need to be a combined 50 square feet or less. Mr. McAvoy said it wasn't a problem to make the signs smaller. Hendrick van Edig asked if the signs would be illuminated to which Mr. McAvoy replied no. Herman Parson made a motion to approve the two

signs subject to the size requirements. Dave Schultz seconded the motion. Voting was a unanimous 7-0, all in favor.

3rd Item on Agenda: 504 South Washington Street, parcel #138.84-3-16. Applicants Angelique and Pavlos Delmadoros were present to request a special use permit for a decorative fence in their front/side yard. Mrs. Delmadoros introduced herself and stated that they have lived at 504 South Washington Street for five years. They have a three-year-old son and an eight-year-old daughter. Last year an SUV drove into and damaged the hedges which used to surround their property. They tried to re-grow the hedges without success and ended up removing them. They would like to erect a 3 1/2 foot high, open-style wooden picket fence as per the drawings submitted. As of now their children and two dogs are confined to the back yard and they used their cars to block the driveway, which isn't working out well. Mr. Delmadoros said the bushes were an eyesore and people used to throw garbage into them. The fence would be unpainted cedar. It would look nice, be safer for his children be more open and shorter than the bushes were. Mrs. Delmadoros produced photo renderings of what the fence would look like and discussed it with neighbors and an SUV driver that stopped at the intersection in question. Rob Leni said this request would require a special use permit.

Gary Smith is concerned that a smaller, lower vehicle would have difficulty seeing around the fence. Herb Allen asked about the line of sight if someone pulled up to the stop sign. He said a tall car would see over the fence fine, but a shorter car may have problems. Mr. Delmadoros said the hedges were 4 1/2 feet tall and his proposed fence is shorter. An audience member said that that Washington Avenue is on a hill and that the concern raised by the Village Engineer is not valid. Mr. van Edig asked if the fence was 3 1/2 feet tall and Herb Allen said that he recalled a precedent that was set from a fence installed at West Avenue and Grant Street where the top bar was at three feet. Rob Leni said that based on using the past precedent the fence proposed by the Delmadoros can be used. Mr. van Edig thinks because of the line of sight issue the Delmadoros may have to cut off a little of the corner of their proposed fence. Mrs. Delmadoros asked how far from the sidewalk the fence should be. Gary Smith answered that the fence should be on their property and they should get a survey to be on the safe side to make sure they know where their lot line is so the fence is not erected in the right-of-way. Mr. Smith also said the State frowns on movable items on state property. He then asked if the Delmadoros' were gating the driveway entrances. Mrs. Delmadoros said that eventually they would like to do that but not at this time. Matt Hogan said the fence was a smart move considering the location and it looks good, as long as the line of sight is ok. Herb Allen told the Delmadoros to check the property line. Brandi Marino lives near the applicant and commented that this intersection is not usually a safety issue. Ms. Marino said when the hedges were there they did not cause a visibility issue so she can't see any problem with the fence as long as the Delmadoros' address the right-of-

way-issue. Herb Allen said he was concerned about the fence not having a finish on it and weathering to look unsightly. Mrs. Delmadoros said she takes pride in her property and will keep the fence looking nice. Rob Leni said the decorative fence was permitted subject to determining the property line. Dave Schultz made a motion to approve the fence as presented as long as the right-of-way issues were solved. Hendrick van Edig seconded the motion. Voting was a unanimous 7-0, all in favor.

4th Item on Agenda: 214 West Commercial Street, parcel # 139.77-3-1. Sean Christie from Ewing Graphics, 1100 Hook Road Farmington, NY was present as a representative for Lilac Family Dental. Mr. Christie passed around the PVC plastic material the proposed sign would be constructed of to show that it was not flat, but had dimension to it. Mr. Christie explained that the whole sign would be cut out of a 4'x8' sheet of the material and would be well within the 50 square foot Village code.

Rob Leni said everything looked fine. Gary Smith asked if the material would be painted and Mr. Christie replied that the lettering would be vinyl. Brandi Marino asked if the sign would be lit to which Mr. Christie replied that he was only hired to do the sign without lighting and wasn't sure of the owner's intention for sign lighting. Mr. Christie himself was doing no electrical work and mentioned that he was a subcontractor for Mr. Paul Bush who represented Lilac Family Dental. Ms. Marino mentioned that the sign cannot be backlit and Herb Allen said it needed to be top-lit and asked Mr. Christie to relay this to his client. Mr. Schultz told the applicant that this parcel was in the downtown revitalization area and wanted to know if the sign would include some depth. Mr. Christie said the letters are all individually cut out and would have depth to them. Herman Parson made a motion to approve the sign as presented and Brandi Marino seconded the motion. Voting was a unanimous 7-0, all in favor.

5th Item on Agenda: 223 West Filbert Street, parcel # 151.28-1-16. Applicant Jim Markham was present to request a special use permit to operate a small bait shop. Mr. Markham stated that he has lived at this location for five years and would like to start the business in his garage and eventually open a storefront in the village. Rob Leni stated that this is permitted use. Barb Marr expressed concern about the smell on hot days and questioned if it would upset the neighbors. Mr. Markham replied that there should be no smell as the worms would be refrigerated and other bait would be live in an aquarium with a closed lid. Ms. Marr was not sure she could approve the request and would like to get input from her fellow Board members. Hendrick van Edig asked Mr. Markham if he had spoken with his neighbors to which Mr. Markham said he has spoken to his two next door neighbors, but not the neighbor across the street. Mr. van Edig was most concerned about running a business out of a garage and setting a precedent. Herman Parson was concerned about where customers would park saying it was a busy street with lots of children. He also wasn't comfortable

having a business run from a garage. Mr. Schultz said he didn't agree with running a business out of a garage. Mr. Hogan agreed with fellow board members. Brandi Marino questioned the amount of people patronizing the bait shop per day, which the applicant's letter said would be 10 - 20. Ms. Marino felt that was a lot of customers to have in the center of a residential district. The applicant's mother, Jackie Markham spoke on her son's behalf. Ms. Markham stated that she has been an East Rochester resident her whole life. She said that if the traffic becomes excessive she will be the first person to complain. She asked if her son's request could be approved even if just on a trial basis. She said the street is already very busy and she can't see it being any worse. Herb Allen said that traditionally a special use permit was for at home businesses, such as in home beauty shops with a small number of customers at one time. Having many customers come and go belongs in a business district and is outside the intent of a special use permit. Barb Marr asked Marty D'Ambrose if he knew of any area businesses that had rental space available. Mr. D'Ambrose said he wasn't sure, but would take the time to help Mr. Markham try to find a rental location for his business. A resident in the audience gave Mr. Markham his business card and said he may have a rental unit for him. Barb Marr made a motion for a negative recommendation for turning the garage into a bait shop. Dave Schultz seconded the motion to reject the application. Voting was a unanimous 7-0, not in favor of issuing a special use permit.

6th Item on Agenda: 501 West Commercial Street, parcel #138.75-1-10. John Keim, John Miner and Gary Keim from RW Manufacturing were present and stated that they were the prospective buyers of 501 West Commercial Street. They are present to seek preliminary site plan approval and a zoning variance request for additional parking spaces. John Keim said RW Manufacturing currently rents at 1255 University Avenue and has for the past 26 years. Their company has been in business for 28 years. They are a jewelry manufacturer with a small retail base employing 65 people. The reasons they are interested in the parcel at 501 West Commercial Street is the location right off the highway, which allows for clients to find them easily, the building is well-suited for manufacturing, and the front building is perfect for a small retail store. Gary Keim mentioned that RW Manufacturing is the largest service center in the United States for jewelry and watch repair. They have been able to grow both their retail and manufacturing areas during this difficult economy. Rob Leni informed the Board that this was RW Manufacturing's initial presentation for preliminary approval only. Marty D'Ambrose told the Board that Gary Smith and he visited the site and would like to note that this is a very specific, detail-oriented, craftsman type of manufacturing business. Gary Smith said that engineering-wise there are no issues. There are no curb cuts to be made, just infilling of the building. Herb Allen asked about the requirements for parking and how they will be handled. Gary Keim said they do not do shift work and the total number of employees there at one time is 67. Herb Allen asked what the parking requirements would be with the retail facility included. Marty D'Ambrose said

that a certain number of parking spaces were being secured within a certain distance from the property and Mr. Allen said that it was an engineering requirement. Rob Leni said RW Manufacturing will need a variance to meet the parking requirements. He also said a special use permit was needed for light industrial/ light assembly use.

Dave Schultz had a fire concern regarding casting types and asked if the manufacturing area would be kept clean and ventilated and if there would be a sprinkler system. Gary Keim responded that they do wax casting work with gold, silver and platinum. The grinding is done under vacuum conditions so the excess can be reclaimed. They have already had the sprinkler system tested and it passed. A fire code inspection has been completed which the building also passed. Mr. Schultz asked if the facility would be using a Knox Box to which John Keim replied that the facility will be alarmed and monitored 24 hours a day, seven days a week. Barb Marr asked if this would be a second location for the business to which the Keims replied no, they are relocating. Mr. van Edig asked if the parking situation requires a variance and special use permit. Marty D'Ambrose clarified that the business would need a certain number of parking spaces and they are a couple shy, hence a variance is required. Mr. van Edig asked the Keims if they were happy with the parking situation to which they replied, yes.

Gary Keim discussed the floor plans, saying they would like a full-view area of the workers from the retail area. He mentioned that everything would be secured with controlled entry. Mr. van Edig asked if most of their employees were bench jewelers. Gary Keim said yes, instead of having one jeweler sitting at a bench, they have 36 at a bench. Mr. van Edig asked how their business would affect traffic. John & Gary Keim replied that their employees are there by 8:00 a.m. and they anticipate most of the traffic during mid-afternoon and after work. Gary Keim said he has been watching the traffic pattern in the area and there are ample holes in the traffic. John Keim added that this project has lots of positive consequences for them such as; owning the property and greater business exposure. Gary Keim said the exterior of the building would be all the same color of EIFS and the corrugated part would be covered. They have exciting ideas for the interior which includes incorporating the walkway. The drawing he produced is their concept idea.

Mr. van Edig mentioned that the neighbors are in the lawnmower business and asked RW Manufacturing if they had any issues with that, to which they replied no. Barb Marr asked if the Keim's had a closing date set for the property. Gary Keim replied that they are predicting mid-June. Discussion was opened to the audience and at this time the owner of the building next door to 501 West Commercial Street, Ed Brown, asked to speak. Mr. Brown was concerned about the lack of parking available for the proposed business. He said it is a difficult area to find parking in and mentioned that on-street parking and parking to the

north is usually full. Mr. Brown also expressed concerns about the traffic not slowing down coming off the highway and about snow removal in the winter. Gary Keim said they are working on agreements with nearby businesses for parking, specifically with Bill Mendick. Mr. Keim produced a signed letter from Bill Mendick regarding the rental of spaces at Techniplex III. The Keims are also working with two other area businesses for additional parking, but do not have signed agreements yet. Dave Schultz made a motion for preliminary approval as presented and Barb Marr seconded the motion. Voting was a unanimous 7-0, all in favor.

Herb mentioned to RW Manufacturing that the sign permit application, which was received late, would not be acted upon at tonight's meeting and mentioned that the Planning Board cannot approve more than a 50 square foot sign and what RW Manufacturing is proposing is far beyond that size, therefore; a variance would be necessary. Mr. Allen recommended that they look at their sign request closely, so that an unreasonable variance request isn't made. Gary Smith noted that the trees are on State DOT property and they may want to rethink the signs on the west side. RW Manufacturing may not want to go for a variance if it's not approvable. Gary Keim said the State may approve the tree removal if they are replaced with other greenery. Ed Brown said he'd entertain that idea. Marty D'Ambrose asked if the Keims had a State DOT contact to which they replied no. Mr. D'Ambrose said he would provide them with one. Rob Leni reiterated that this was preliminary approval for site plan and that RW Manufacturing would have to come back to the Planning Board for the special use permit.

Old Business: 141 West Commercial Street, parcel # 139.77-2-39. Fausto Albano was present to seek final approval regarding the refurbishing of the garage adjacent to his property (Lemoncello - 137 West Commercial Street). Mr. Albano said that a new roof was put on the garage and it's stable and looks nice. Rob Leni stated that Preliminary approval was already granted and Mr. Albano was here for final approval. All Board members agreed that property looked great and Mr. Albano said the garage would be painted to match the Lemoncello building. Herb Allen asked what the pad with the pipe sticking up was. Mr. Albano said the pad was for the dumpster and the fence will be erected in front of it to hide the dumpster. Mr. Parson made a motion to approve and Mr. Hogan seconded the motion. Voting was a unanimous 7-0, all in favor.

Old Business: 24 Pond Bridge Way, parcel #152.53-1-84. Ed Orlando from Wells Landing, LLC was not present to receive final approval, therefore; Rob Leni advised the Board members that a motion needed to be made to table this item to the June 8, 2010 Planning Board Meeting. Barb Marr made a motion to table this item and Herman Parson seconded the motion. Voting was a unanimous 7-0, all in favor.

A motion to approve the April 13 minutes was made by Barb Marr and seconded by Hendrick van Edig. Voting was a unanimous 7-0, all in favor.

New Business: Marty D'Ambrose told the Planning Board he would like to commend them on the wonderful job they've done lately. He spoke briefly about the Main Street Business Grant saying that it would provide over \$400,000 in facade and interior renovations and thanked people for their support. He also mentioned that if new businesses come into the Village they may apply for the grant also.

Mr. D'Ambrose also invited the Planning Board Members to attend a Webster Planning Board Meeting on June 1 or June 15. If any Board members are interested, please let Herb Allen know by Friday, May 22.

Marty D'Ambrose discussed that the Planning and Zoning Boards should have a Vice Chairman and a Secretary to approve the minutes (separate from a recording secretary). Mr. Allen said that Dave Schultz was the Vice Chairman, but they did not have a Secretary and if someone on the Board is interested in this position, please give him a call. Mr. D'Ambrose said that a Vice Chairman is important, when the Chairman is not available. The Vice Chairman is re-elected annually. It was decided to vote for the Vice Chairman at the June 8 Planning Board Meeting. Herb Allen mentioned that they were missing alternates for the Planning Board and asked Mr. D'Ambrose if he could get the Village Board to act upon this issue. Mr. D'Ambrose said that he felt John Alfieri would be a good candidate for an alternate and said that he needs to get more applicants and would work on that.

Mr. Parson asked what Perlo's Restaurant had going on. Mr. D'Ambrose said that the dumpster was there to fix a wall that was approved administratively. Mr. D'Ambrose also mentioned that they are installing an outdoor pergola that they applied for four years ago. He is checking into if they have a permit on file and if there are any issues because it's near a state road.

Mr. D'Ambrose also requested the State look into speed issues at Grant Street and Roosevelt/Commercial Street. The road coming off the highway is not East Rochester's jurisdiction, although we have permission to issue tickets. Last month 162 speeding tickets were issued, but police cannot be there all the time.

Dave Schultz asked what happened to the Wendy's project. Mr. D'Ambrose said he was disappointed that Mr. Fox waited until the final hour to make his decision and then couldn't get approval. Wendy's is now seeking approval to remodel their drive-thru and knock down the building behind them.

Barb Marr brought up the issue of a barber shop being run out of Nonna's restaurant on West Commercial Street and asked if it is a permitted use and if it

needed approval. Herb said that the Nonna's sign is not down and is a non-conforming, pre-existing pole sign that doesn't reflect the current business and shouldn't be there.

Gary Keim from RW Manufacturing returned to the room to ask the Planning Board some additional questions. He wanted clarification on the special use permit, because an earlier one was granted for a six month time period and this short time period would not be good for his business. Gary Smith said it was ok as long as the special use went with the business. John Keim expressed concern regarding problems securing parking and how it would affect them. Mr. D'Ambrose said that if they lose their parking lease down the road the Village will work with RW Manufacturing. Gary Smith is concerned about bringing a new business in that doesn't conform to the use and creates a self-imposed hardship. He said that RW Manufacturing needs to get a formal lease agreement from Bill Mendick for parking. John Keim said this is a million dollar investment for them and he is questioning what will happen if Mr. Mendick isn't around in the near future. Mr. D'Ambrose suggested the Keims get a lease with renewable terms over a certain period of time. Herb Allen said they may want to consider purchasing the leased parking spaces in the future. Gary Keim said that the Village was asking RW Manufacturing to take a risk and if they lose their parking the Village can withdraw the variance. Rob Leni stated that the variance is based on the current parking necessity, but can change over time. Herman Parson suggested using the Park & Ride near St. John Fisher College. Gary Keim wants to make sure all bases are covered so as not to encumber the Village. Marty D'Ambrose said the Village will work with RW Manufacturing to get the parking issue to work. Gary Keim thanked the Board and Village employees. Herb Allen said he would like to have their business in town and said the Planning Board will do everything they legally can to help.

Dave Schultz made a motion to adjourn and Matt Hogan seconded the motion. Voting was a unanimous 7-0, in favor.

The meeting adjourned at 9:15pm.

Respectfully submitted,

Tracie Miller
Recording Secretary