

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: June 8, 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

Larry Pierce, Building Inspector
Rob Leni, Town Attorney
Ed Parrone, Parrone Engineering
Tracie Miller, Recording Secretary

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

1st Item on Agenda: 210 West Spruce Street, parcel # 151.28-2-19. Applicant Frank Deciantis was present to request site plan approval for a variance to install a front driveway wider than ten feet. Mr. Deciantis explained that a few years ago he expanded the driveway, but over the years tenants have driven on the grass, “extending” the current driveway. He would like to pave this area which is adjacent to Jon Lewis’ property (#214) and says there will still be some grass remaining.

Larry Pierce disagreed with the applicant and stated that the driveway was pre-existing, non-conforming in the front yard and cited East Rochester code 193-56. Mr. Pierce also stated that the driveway was over 30 feet wide already and the maximum per East Rochester code is 16 feet. He acknowledged that parking on the grass was missed by code enforcement and is a violation. Rob Leni reiterated what Mr. Pierce said.

Discussion ensued between Mr. Pierce and Mr. Deciantis regarding driveway width and lot size. Mr. Pierce said a driveway for a two car garage cannot exceed 16 feet in width without a variance. Mr. Deciantis countered saying his property is on a double lot. Mr. Pierce said that didn’t matter because his parcel has only one tax ID number.

Mr. van Edig stated that the Village is trying to refrain from adding more blacktop. Mr. Deciantis said he could add a fence and a tree. Barb Marr asked if Mr. Deciantis had talked to the neighbor about encroaching on the lot line. Mr.

Deciantis said he received a verbal ok from his neighbor, Jon Lewis. Mr. Deciantis also said that he would stay three feet from the lot line.

Mr. Schultz said Mr. Deciantis was taking a non-conforming driveway and making it more non-conforming and if the Village allows him to do it, others will follow suit. Mr. Schultz asked if the main concern was getting to the garage and asked how many cars there were at 210 West Spruce. Mr. Deciantis said there were six cars at the property to which most Board members responded that six was a large number of cars.

Matt Hogan said that more parking doesn't improve aesthetics, which is a concern of the Village, and he would not like to set a precedent. He asked Mr. Deciantis if he told the tenants not to park on the grass. Mr. Deciantis said that the complaint notices are sent to him and not the tenants doing the parking. Rob Leni responded by saying the homeowner/landlord is the owner on the tax record.

Brandi Marino had the same concerns as her fellow Board members. She stated that she owns a double house and the tenants have to juggle cars because they have a single driveway. As a landlord, Ms. Marino said they have to stay on top of the tenants and enforce the Village rules. Ms. Marino commented that tenants should be told how many cars they are allowed to have before they sign a rental agreement.

Herb Allen asked if the garage is used to park cars in. Mr. Deciantis said the third bay is used for storage, and the others used for bikes. Mr. Allen said six cars are excessive and he is very concerned about where the snow will be put in the winter if the driveway is widened. If the driveway is widened it will become an impervious surface with nowhere for melting snow to go except the storm sewer and road, which then becomes other peoples' problem. Mr. Deciantis said that snow removal has never been an issue. Mr. Allen stated that 214 West Spruce also uses that grassy area to put their snow.

A motion was made by Hendrick van Edig for a negative recommendation to the Zoning Board of Appeals, citing the main concerns as aesthetics, water drainage, snow removal and the driveway already being non-conforming. Dave Schultz seconded the motion. Voting was a unanimous 7-0, all in favor of a negative recommendation.

2nd Item on Agenda: 203 Bluff Drive, parcel # 139.62-4-32. Applicant Mark Leeper was present seeking site plan approval for a variance to install a front driveway wider than ten feet. Mr. Leeper stated that he came before the Planning Board last year when he put up his new garage. At that time he was referred to Dave Bussey, DPW Supervisor for a curb cut. The old owners had stone on one side of driveway and now Mr. Leeper would like to pave that part.

Mr. Parrone stated that the new driveway would be a width increase of about five to six feet, making it 16 feet wide and recommended 16 feet be the widest based on previous precedents. Mr. Pierce said a 16 foot curb cut was approved during Mr. Leepers' last Planning Board application, but widening the driveway past ten feet was not approved. Mr. Pierce went on to say the curb cut is made at the discretion of the DPW Supervisor.

Rob Leni stated that a driveway wider than ten feet in the front yard, up to the plane of the house would require a variance. Brandi Marino commented that this lot has much more green space and yard area than the prior agenda item at 210 West Spruce Street. Mr. Leeper stated he would also like to pave between the house and garage. Herb Allen mentioned that the flat portion of the curb cut was ok to pave but the curved part may cause some problems and the driveway should only be 16 feet wide. Mr. Leeper said the driveway measured 16 feet 6 inches. Mr. Allen was ok with that. All other Board Members had no issues with Mr. Leepers' application.

Herman Parson made a motion for a positive recommendation to the Zoning Board of Appeals based on the driveway being aesthetically pleasing, there are no snow storage issues, there is enough green space remaining and the stones will be covered. Barb Marr seconded the motion. Voting was a unanimous 7-0, all in favor of a positive recommendation.

3rd Item on Agenda: 201 West Avenue, parcel #139.77-3-58. Applicant Dan Gekoski was not present. Mr. Pierce told the Board that the applicant was removing an existing chain link fence and replacing it with a split rail fence. Herb Allen was concerned that without a survey map he is not sure exactly where the fence will be installed. Mr. Pierce said the fence can be easily moved and is more aesthetically pleasing. Dave Schultz said he spoke to the applicant and told him to make sure the fence was installed on his property. The Board decided that the applicant needed to be present for a determination to be made. Barb Marr made a motion to table this item due to the applicant being absent. Dave Schultz seconded the motion. Voting was a unanimous 7-0, all in favor of tabling the item to the next Planning Board Meeting.

4th Item on Agenda: 101 Ontario Street, parcel #139.79-1-1. Applicant Philip Kunzer was present asking for site plan approval to install security lighting on a 1.3 acre lot belonging to North Eastern Pools for the purpose of storing vehicles. Ed Parrone cited the Village of East Rochester code 193-11 stating the fence height cannot exceed six feet in height if located more than 40 feet from the road, or in this case the Lincoln Road setback is 35 feet. Mr. Parrone asked Mr. Kunzer for an indication of what the isometrics of the lamps are and to identify the intensity. Mr. Kunzer said they were 250 watt overhead lights with five foot candles. Mr. Parrone questioned if Mr. Kunzer was before the Board for the

fence or lighting? Mr. Kunzer said the fencing was a separate issue that he was working on with Mr. Pierce. Mr. Pierce added that he has worked with Mr. Kunzer before and Hoselton has the best interests of the Village in mind. Barb Marr asked if Mr. Kunzer was leasing the property from North Eastern Pools. Mr. Kunzer said they were and they will be renting the light poles from Rochester Gas and Electric. The agreement with RG&E states that if the lights are not used for a 12 month period they will be removed, as long as North Eastern Pools wants them removed. Mr. van Edig asked why Hoselton wanted to install lights instead of an alarm system. Mr. Kunzer said that all vehicles are locked and the lot is patrolled. The reason for the lights is to detract kids and people driving through. Barb Marr made a motion to approve the installation of lighting as presented in the application and Matt Hogan seconded the motion. Voting was a unanimous 7-0 all in favor of approval.

5th Item on Agenda: 501 West Commercial Street, parcel # 138.75-1-10. Applicants John and Gary Keim were not present. Mr. Allen stated that there was a request to speak from a member of the audience, John Levato.

Mr. Levato stated that he was the owner of the property at 493 West Commercial Street (rear). His property borders 501 West Commercial Street on two sides. Mr. Levato claimed he did not know the property was subject to a public hearing and said the posted sign was not visible enough. He stated that he had been out of town when the sign was posted and didn't subscribe to the Messenger Post Newspaper. He went on to say that neighboring towns send letters to properties adjacent to those subject to public hearings. Mr. Levato is concerned with the lack of parking in the area and feels the Keim's should have a permanent parking solution, not a temporary lease. Mr. Levato is also concerned about snow being plowed up against his fence and damaging it.

Mr. Allen told Mr. Levato that the Keim's did not want to purchase the property at 501 West Commercial Street unless they could secure legal parking, showing that they are concerned about complying with Village code. Ed Parrone stated that the proper legal agreements were in place and the Zoning Board of Appeals has already made their decision. Rob Leni agreed that the Zoning Board already made their recommendation with the condition that the correct number of parking spaces be secured to meet Village code. Mr. Leni also noted that the public hearing regarding this property was properly published and posted and other concerned citizens were in attendance at the May 18th Zoning Board Meeting.

Herb Allen told Mr. Levato that parking would be addressed and no permission will be given to park on any property without a lease agreement. The Village will not allow this parking issue to affect the neighbors. Ed Parrone stated that 501 West Commercial Street has the proper easements and agreements in place for the Planning Board to give approval. Mr. Levato became agitated and said that

temporary parking is not good enough and he will hold the Village accountable. Mr. Allen used the gavel to call order.

Mr. Bill Mapstone, the owner of 511 West Commercial Street, then asked to speak. Mr. Mapstone's is concerned with pieces falling off the roof of 501 West Commercial Street, and children playing with them. Mr. Allen stated that someone would like purchase the building and fix the roof. Mr. Parson pointed out that the building has sat empty for five years and now a respected company wants to come in, but it appears Mr. Levato and Mr. Mapstone would rather it sit empty and become more run down. Mr. Mapstone acknowledged that he'd like to see some economic activity in the building. Mr. Allen stated that the Planning Board tries to protect the Village's integrity, follow the regulations and do what is in the best interest of the residents. Mr. Allen suggested Mr. Levato and Mr. Mapstone come to next month's meeting, listen to what the Keims are proposing and not make a decision until they have heard their plan. Dave Schultz made a motion to table this item until the next Planning Board Meeting on July 13, 2010. Herman Parson seconded the motion. Voting was a unanimous 7-0 all in favor of tabling the item.

6th Item on Agenda: 305 West Commercial Street, parcel #138.84-1-1.

Applicant Greg Barkstrom of Wendy's Restaurant was present to request architectural review and site plan approval for the modification of the drive-thru area. Mr. Barkstrom cited the main reason for the drive-thru modification was to add more queuing space for cars waiting in line to keep congestion off the road. Ed Parrone pointed out that an administrative subdivision needs to be done to eliminate the setback requirements. Mr. Parrone also suggested that the dumpsters be moved to the northwest side of the lot and landscaping be planted around them. He questioned Mr. Barkstrom about the possibility of using split-faced block to build the dumpster enclosure. Mr. Barkstrom replied that Wendy's was hoping to remodel the whole building within the next five years and at that time it would be more prudent to use split-faced block for the enclosure. Mr. Barkstrom said that landscaping around the dumper enclosure would not be a problem. Mr. Parrone also requested some additional items from Wendy's; isocontours are needed, flat lenses instead of convex ones for lighting are recommended so as not to disturb area residents, drainage specifications are needed and a demolition permit is required from the Building Department. Mr. Barkstrom stated that after the building is demolished most of the area will be left as grass except for what is currently asphalt at the time. Mr. Barkstrom noted that Wendy's has an easement for 40 parking spots. Rob Leni said that approval of the application is subject to the engineering recommendations. Larry Pierce said that a new demolition plan needs to be submitted to the Building Department with details on how dust, runoff and asbestos will be managed. Rob Leni stated that a permit was already in place. Matt Hogan made a motion to approve the site plan subject to the engineering issues being addressed which include; moving the dumpster, landscaping around it and

providing an updated demolition plan. Herman Parson seconded the motion. Voting was a unanimous 7-0, all in favor.

7th Item on Agenda: 16 Pond Bridge Way, parcel #152.53-1-82 and 24 Pond Bridge Way, parcel # 152.53-1-84. Ed Orlando was present requesting Final Architectural Review for the construction of these houses. Mr. Parrone asked Mr. Orlando to make sure in the future that Final Architectural Review is received before building begins. It was stated that there are two more houses left to build in the Wells Landing subdivision. Herman Parson asked if these houses are the same as the previous ones built in Wells Landing. Mr. Orlando said they took the floor plans from the town houses and made them into house plans. Mr. Parrone pointed out that the Board was looking at the architecture of the houses. Herman Parson made a motion to approve the architectural review of both 16 and 24 Pond Bridge Way. Dave Schultz seconded the motion. Voting was a unanimous 7-0, all in favor.

Informal Review: Dave Chambers was present and stated that he had just purchased the old Jack's Grill and is changing it to Jill's Café. It is located on the Elm Street side of the Techniplex Mall. Mr. Chambers would like to offer a walk-up ice cream window because the Techniplex Mall is closed on weekends and there is no access to his café. Currently there are four windows and Mr. Chambers would like to replace those with two larger windows. Mr. Pierce said Mr. Chambers' request is a change in use, because a window is customarily used for air to pass through. Mr. Pierce cited a similar application from a few years ago which was withdrawn before final approval and that is why he suggested an informal review to the applicant. Herb Allen, Dave Schultz and Barb Marr all recalled the application Mr. Pierce was referring to. Mr. Allen said the neighbors across from the Techniplex location complained, but the most vocal complainant has since moved. Most of the protests involved people gathering in a quiet residential neighborhood. Dave Schultz mentioned that there are a lot of other matters involved such as signage, outside tables, parking, lighting and hours of operation. Mr. Chambers said he did not want to stay open past 7:00pm through early fall. Mr. Allen asked if Mr. Chambers had approached the Techniplex Mall about installing a door to directly access his café. Mr. Chambers said he was considering not having a seating area to which Mr. Schultz said people would sit under the tree. Mr. Allen suggested that if he sold ice cream indoors people would not linger. When asked about the rear door, Mr. Chambers replied that it was a delivery door with electrical panels on the walls. Mr. Hogan liked the idea of a walk-up ice cream window. He thought it was a family-friendly idea that encouraged people to walk around the Village. Mr. Hogan understood the neighbors' concerns and asked Mr. Chambers if he had spoken with them. Mr. Hogan also liked the outdoor seating idea. Mr. Allen asked whose property the seating would be on. Mr. Parrone said parking is part of the Techniplex Mall and he anticipates concerns about traffic and safety. Mr. Chambers said that the lot is pretty full during the week, but not on weekends

and holidays. He mentioned that it is a quick walk from the community pool and there are no other ice cream stands in the Village. Herb Allen suggested Mr. Chambers speak with neighbors before he goes forward with his application. Matt Hogan suggested removing the garbage from the area regularly. Ms. Marino pointed out that tables would be more organized than loitering. Mr. Chambers asked what stopped the previous applicant and was told by Board members that unhappy neighbors and the fact that the previous owner opened his window before getting Planning Board approval were both factors. Mr. Parrone suggested having a defined plan. Rob Leni said the applicant did not need a special use permit but would need to apply for a change in use through the Planning Board. Mr. Pierce stated that an outdoor dining application would be required. Mr. Parrone strongly recommended not having tables, because it promotes people to loiter.

Old Business: Voting for the Vice Chairman and Board Secretary took place. Herb Allen stated that Dave Schultz would like to remain the Planning Board Vice Chairman for the year 2010. Matt Hogan made a motion to approve Dave Schultz as Vice Chairman and Herman Parson seconded the motion. Voting was a unanimous 6-0, all in favor (Mr. Schultz abstained from voting). Mr. Allen noted that a Board Secretary was needed to review what the Recording Secretary's work. He asked if anyone would like to volunteer to be the Board Secretary. Barb Marr volunteered. Dave Schultz made a motion to appoint Barb Marr the Board Secretary and Herman Parson seconded the motion. Voting was a unanimous 6-0, all in favor. (Ms. Marr abstained from voting).

A motion to approve the May 11 minutes was made by Barb Marr and seconded by Hendrick van Edig. Voting was a unanimous 7-0, all in favor.

New Business: Mr. Schultz mentioned that Lemoncello has a flashing neon sign in the window and Larry Pierce said he was aware and working on the issue. Mr. Schultz also mentioned that Salvatore's had a sign that takes up their whole front window. Herb Allen said the Village sign regulations were vague and signs have gotten out of control. He also stated that the 25 percent mentioned by the code related to temporary window signs. Mr. Allen would like to get two Planning Board and two Zoning Board Members together to rewrite the sign codes, and have Rob Leni approve them. Mr. Parrone said this would be version number three and some of the current Board Members wrote the last sign code. Herb Allen felt that both the Planning and Zoning Board should be included and in agreement about the sign codes. Mr. Parrone agreed to meet with the Planning and Zoning Boards with authorization from the Village Board, because an expense would be involved. Rob Leni confirmed that the Village Board needs to give their approval to change the sign code. Mr. Parrone suggested the Chairman write a letter to the Village Board stating the Planning and Zoning Board's wishes to revise the sign code as a joint effort. Mr. Hogan asked Mr. Pierce how he felt about the current sign code to which Mr. Pierce replied that it

presented a challenge. Herb Allen suggested that if non-conforming signs are not in code compliance they should be made to be within a certain time period. Rob Leni said the procedure sounded right, but he would like to see how the code was revised last time. He also said that some signs are in compliance with the rewritten code and some have a variance.

Herman Parson asked Mr. Pierce if he has been in 109 West Filbert Street. Mr. Pierce said he was there this morning and said that the owner, Susan Paeth, was in court and the property is vacant. Mr. Pierce stated that the East Rochester Housing Authority would like to gain control of the property.

Mr. van Edig brought up the issue of 501 West Commercial Street and notifying adjacent properties about public hearings in writing. Mr. Parrone said that a long time ago if a variance was requested residents within 500 feet of the property were notified by mail and it got too expensive. Mr. Parrone went on to say that the prospective buyers of 501 West Commercial need a permanent easement. Rob Leni said that the Zoning Board ordered the Keim's to get a lease(s) for parking. Ms. Marino asked what code states the parking requirements. Mr. Pierce cited code 193-61, off-street parking requirements and Article XII of the Village of East Rochester Code. Conversation took place regarding parking alternatives for 501 West Commercial Street.

Barb Marr suggested that someone attend next weeks' Zoning Board Meeting to support the Planning Board's negative recommendation for item #1, driveway widening at 210 West Spruce Street. Herman Parson said he would attend and Ms. Marino may also attend.

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

The meeting adjourned at 9:10pm.

Respectfully submitted,

Tracie Miller
Recording Secretary