

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 317 Main Street, East Rochester Village Offices

DATE: June 9, 2015

TIME: 7:00pm

PRESENT:

Herb Allen, Chairman

Brandi Marino, Member

Barb Marr, Member

Lafayette Eaton, Member

Christina Belles, Member

Mike Sullivan, Member

Heather Heffernan, Alternate

ABSENT:

Michael Kurrasch, Member

David Mayer, Attorney

Gary Smith, Parrone Engineering

David Smith, Building Inspector

Jennifer Raymond, Recording Secretary

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

Heather Heffernan participated as a voting alternate member.

1st Item on Agenda:

233 East Avenue, parcel #152.22-3-34. Kevin Van Scott, son of owner Patricia Van Scott represented seeking Architectural Review to install an 8' x 22' (176 Square foot) shed in the rear yard.

Christina Belles asked if the old shed would be removed. Mr. Van Scott stated that the old shed would be removed.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.

Brandi Martino seconded the motion.

Voting was as follows:

6 members in favor- Allen, Marino, Eaton, Belles, Sullivan and Heffernan.

Barb Marr abstained.

Voting was 6-0-1. Motion passes.

Brandi Marino made a motion to approve this project as submitted with the condition that the old shed be removed once the new shed has been constructed.

Christina Belles seconded the motion.

Voting was as follows:

6 members in favor- Allen, Marino, Eaton, Belles, Sullivan and Heffernan.

Barb Marr abstained.

Voting was 6-0-1. Motion passes.

2nd Item on the Agenda:

115 Main Street, parcel #139.77-4-15 South Paw Divas. Owner Melissa Fingland is seeking Architectural Review for a Sign Permit to install 2.8' x 2.55' (7.14 square feet) vinyl window graphics on the front window.

Barb Marr made a motion to table this application until next month's meeting due to no one showing up at the meeting to present the project.

Christina Belles seconded the motion.

Voting was 7-0, all in favor.

3rd Item on the Agenda:

140 East Elm Street, parcel #152.22-3-8. Angela Doslik presented seeking Architectural Review and a Special Use Permit to install a 4 foot high white picket front yard fence and gate on a corner lot (Madison Street and East Elm Street). She will be seeking a variance.

Gary Smith said that it appeared that the fence will be back far enough to avoid any line-of-sight issues.

Lafayette Eaton inquired why the applicant would like a 4 foot high fence rather than a 3 foot high fence, and if there would be any vegetation planted around the fence (as shown in the photo she submitted). Ms. Doslik replied that she prefers the extra foot in height for security purposes (it would be more difficult to jump over). She does not plan to plant vegetation around the fence.

Barb Marr said that she is aware that the applicant's property is within a high traffic area and therefore understands the applicant's desire for the higher fence for security.

Heather Heffernan made a SEQRA motion to find this project to be a Type 2 Action.

Christina Belles seconded the motion.

Voting was 7-0, all in favor.

Barb Marr made a motion for Architectural approval for the project as presented for a 4 foot high picket fence with the caveat that the corner of the fence be slanted if need be, to avoid any line-of-sight problems.

Christina Belles seconded the motion.

Voting was 7-0, all in favor.

Christina Belles made a motion for a positive recommendation to the Zoning Board for a variance to allow a 4 foot high picket fence in the front yard of this corner lot due to the high traffic in this area. Heather Heffernan seconded the motion.

Voting was as follows:

6 members in favor- Allen, Marino, Marr, Belles, Sullivan and Heffernan.

Lafayette Eaton was opposed.

Voting was 6-1-0. Motion passes.

4th Item on the Agenda:

103 Bluff Drive, parcel #139.70-1-75 Pat's Radiator Shop. Scott Petti Jr. of 103 Bluff Drive LLC presented seeking Architectural Review for a Sign Permit to install a 6' x 4' wall-mounted sign (24 square feet) with no illumination.

David Smith asked if the old hanging sign was being taken down. Mr. Petti said once the new sign is installed, the old sign is being removed.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.

Barb Marr seconded the motion.

Voting was 7-0, all in favor.

Lafayette Eaton made a motion to approve the sign as presented, with the condition that the old sign be removed once the new sign is installed.

Christina Belles seconded the motion.

Voting was 7-0, all in favor.

5th Item on the Agenda:

825 Fairport Road, parcel #152.45-2-4 Wegmans Food Markets, INC. Caitlyn Piakowski representing Wegmans Food Markets INC presented seeking Architectural Review for a Sign Permit to install 9 double-sided light pole banner signs (24" x 55" each) on the light poles in the parking lot of Country Club Plaza.

Lafayette asked what material the banners are made of, and whether they are seasonal. Ms. Piakowski said they are vinyl welcome signs. David Smith asked if the artwork will change. Ms. Piakowski said the banners will change as they become faded or ripped, but that the artwork would remain the same as presented to the Board. Mr. Eaton inquired whether the applicant would have to come back to the Board when the banners are changed. Brandi Marino said that the banners are not advertisements; merely welcome signs with artwork. Herb Allen asked David Mayer if these sign changes require Board approval. A discussion followed among the Board members. The Board determined that so long as the applicant only changes the banners with new banners showing one of the 5 approved banner artwork styles presented at this meeting, or just a welcome sign, no Board approval would be necessary.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.

Lafayette Eaton seconded the motion.

Voting was 7-0, all in favor.

Lafayette Eaton made a motion for Architectural approval for the 5 artwork designs presented for the proposed 9 welcome banner signs.

Barb Marr seconded the motion.

Voting was 7-0, all in favor.

Barb Marr made a motion to give a positive recommendation to the Zoning Board for a variance for excessive square footage of signage (more than 50 square feet) and for an excessive number of signs (more than 2 per business).

Heather Heffernan seconded the motion.

Voting as 7-0, all in favor.

6th Item on the Agenda:

701 Garfield Street, parcel #151.28-2-20. Owners Aldo and Diane Magliocchetti presented seeking Architectural Review of new plans submitted for modifications to a previously approved three-season room addition. The original architectural and zoning variances for the three-season room were granted on April 17, May 8 and May 15, 2012.

Mrs. Magliocchetti explained that there are three modifications from the original architectural plans that are submitted for review at this meeting: 1) originally the wood-burning stove was planned to be located on the inside wall of the room (outside wall of the existing house). The modification calls for a masonry wood-burning stove on the outside north side of the room (the West Spruce Street side). 2) The original plans showed a window and a sliding glass door on the east facing wall. The modified plans show two sliding glass doors. 3) The fence that was shown on the original plans has been changed to a brick knee wall (that serves as a railing for the open patio).

Gary Smith mentioned a conflict between what is shown on the elevations and what is shown as the location on the site-plan/map for the three-season room. The site plan shows the addition to be on the West Spruce Street side. Ms. Magliocchetti mentioned that the map is the old file map she had on hand, that she used before, but that the three-season room is in fact going to be on the east side.

Gary Smith also questioned what makes this addition a three-season room instead of habitable space. Ms. Magliocchetti replied that it is closed off from the rest of the house, and will be used only during the three seasons that she can. Mr. Smith confirmed that there is just the one door from the house into the three-season room; no windows between the house and the addition.

David Smith asked for the record, how long the applicants plan this project to take to complete. Mrs. Magliocchetti replied that she hopes to start this summer and complete by winter.

Herb Allen asked if a contractor would be hired to do the work. Mrs. Magliocchetti said they are doing the work themselves.

Mr. Allen asked David Smith if the Town has any permits on file for the patio extension (that has already been done). Mr. Smith said there is not. He explained that originally it was explained to the prior Building Inspector that it was going to be a patio, which does not require a permit. Once it was erected as a raised platform, the Building Inspector issued a Stop Work Order (a permit is required for a raised platform). There was further discussion about verifying work that has already been completed but never inspected (i.e.: verifying footings being compliant with New York State Residential Building Code).

David Mayer mentioned to the Board that when they are ready, they should state for the record that any approvals and conditions granted will supersede any prior approvals for this project.

Mike Sullivan and Brandi Marino both made statements about neighbors having concerns with never-ending projects on the property that have been started but not being completed.

Barb Marr asked the applicants if they would consider hiring a contractor to help them with some of these on-going projects so that they can be completed. The applicants replied that they are not willing to spend the money to do that, and that they are experienced and capable enough to do the work themselves.

Christina Belles asked questions about the grading and steps for the patio. Mrs. Magliocchetti stated that the main patio has not been poured yet. Ms. Belles inquired as to why the fence that was originally proposed has been changed to the brick knee wall. Mr. Magliocchetti said that the architect put that on there because it looks nicer; he is willing to go back to a fence if the Board wants him to.

Heather Heffernan asked the applicants if there is a way to store the items for these projects out of sight until they can complete them, and if they can agree on a time table to actually complete each of the on-going projects.

Mr. Allen shared his opinion of the on-going projects and property maintenance concerns at this property, as a resident of the town. He stated that he is averse to giving approval for another project on this property until all the other projects and concerns are completed and cleaned-up. He listed several of the on-going projects and concerns on the property that are a nuisance to the neighborhood. He stated to the Board that the Town has a responsibility to stop the applicants from starting any other projects without first fixing the current problems and then getting the required permits before starting any work.

Two residents spoke during Public Comment:

Susan McStravick, resident of 703 Garfield Street, read aloud a letter that she had submitted to the Planning Board for review and consideration in regard to this property and proposed project (see the attached letter).

Denise Giambrone, resident of 705 Garfield Street, read aloud a letter and referred to photos that she had submitted to the Planning Board for review and consideration in regard to this property and proposed project (see attached letter).

Mr. Magliocchetti shared heated comments and responses to the residents' public comment presentations. He angrily interrupted other speakers repeatedly, and Mr. Allen warned him that further interruptions would result in his expulsion from the meeting. Upon additional interruption, Mr. Allen directed Mr. Magliocchetti to leave the meeting. Mrs. Magliocchetti continued the application in Mr. Magliocchetti's absence.

Mrs. Magliocchetti explained that she had been suffering from health issues in the past couple of years, and as a result projects around the house were put on hold. Now that she is feeling better she and her husband are on track to get projects done.

Mr. Allen inquired about the structure behind the garage (on the patio). Mrs. Magliocchetti said it is a temporary storage for building supplies, just for the winter. She stated that it is not going to be permanent. Mr. Allen asked David Smith if this structure requires a permit. Mr. Smith stated that it would require a permit if it is over 47 square feet and any storage structure regardless of size must meet the setback requirements (3 feet for this property) from property lines.

Mrs. Magliocchetti says that they can see the building materials and projects in process that the neighbors are seeing, and they are ready and want to get these things taken care of now that she is in better health. They plan to get all the necessary permits and approvals to go forward.

Mr. Allen stated that he isn't adverse to the project for the three-season room, but he cannot vote to approve the project until the other items for this property are addressed first.

Brandi Marino asked Dave Smith how long a permit is good for and if there is a penalty if it isn't completed. Mr. Smith said one year. If the work isn't completed within that time frame, the permit expires, but there isn't a penalty. There isn't a code that he can cite an applicant with if they don't meet the timeline. Mr. Mayer said the applicant can apply for a new permit also.

Brandi Marino asked Mrs. Magliocchetti if she could make a list of items with a timeline for her husband to have them completed. Lafayette Eaton also spoke about having a list. Mrs. Magliocchetti said that a list would be helpful.

Mr. Allen asked David Smith that if the room were to actually have heat in it, would it meet code. Mr. Smith said it probably does. Whether or not it would be habitable space would be determined during the permit review process.

David Smith stated that he has received several complaints from his supervisor and from the residents of this town concerning this property.

Gary Smith and David Mayer discussed the situation in which a Letter of Credit (money in escrow to cover the cost of the proposed work to be done) would typically be used as a tool to have a project completed within compliance of required codes and within a specific time period. Mr. Mayer determined that this situation is not statutory for a letter of credit.

Mr. Mayer made a suggestion that the applicant request an adjournment until such a time as when the determined list of items currently on the property have been addressed and completed. Lafayette Eaton suggested also putting a time line on the listed items. Mr. Eaton reiterated that no work on this project is to be done until approvals and permit(s) have been acquired for it.

There was a discussion about giving the applicants clear direction of items to address and legal rights as to where on the property the code officials are allowed to go for inspections.

Jennifer Raymond stated for the record, that the two residents that presented during public comment have given the code officials permission to go onto their properties to view the property at 701 Garfield Street. Mrs. Magliocchetti asked about making an appointment to have Mr. Smith come over to her house, walk around the property with her and her husband to go over specific items to be taken care of and create a list. Mr. Smith said that would be the best step going forward and to call the office to set up a date and time.

Mrs. Magliocchetti requested her application to be tabled until further notice.

Barb Marr made a motion to accept the request to table this application.

Lafayette Eaton seconded the motion.

Voting was 7-0, all in favor.

7th Item on the Agenda:

158 West Commercial Street, parcel #139.77-3-9 Law Offices of Terrence C. Brown-Steiner. Owner Terrence Brown-Steiner is seeking Architectural Review for a Sign Permit to install a 16" H x 8' L (10.67 square foot) wall-mounted sign.

Christina Belles made a motion to table this application until next month's meeting due to no one showing up at the meeting to present the project.

Lafayette Eaton seconded the motion.

Voting was 7-0, all in favor.

8th Item on the Agenda:

159 West Commercial Street, parcel #139.77-2-35 Glass Elegance. Owner Linda Snyder and manager Lucien Snyder presented seeking Architectural Review for a Sign Permit to install a 12' x 30" (30 square foot) awning sign, and 2 green goose-neck lights.

Mrs. Snyder explained that the old sign would be coming down, and the window graphics will be removed.

Lafayette Eaton inquired about the new gooseneck lights above the proposed awning. Mrs. Snyder submitted photos of the goose-neck lights for the Board's review.

Mike Sullivan confirmed with the applicant that the proposed awning does not go the whole width of the windows. Mr. Snyder explained that there are two existing lights on the building on either side of the awning which prevent the awning from being any wider.

Herb Allen spoke about a past precedence whereby the Board would not allow a large amount of wording on a sign. That type of extra wording (beyond the name of the company and a logo) looks too busy and less classy. Mr. Snyder agreed, but defended the thought process saying that large trucks often park in front of their business and people cannot read about the different services offered that were displayed on the windows. By removing the graphics from the windows and moving the wording up on the awning, passersby will be able to see it easier.

Christina Belles suggested moving all the wording (excluding the Logo and company name) down onto one line. This would be easier to read and look less busy.

David Smith mentioned that the business is allowed to use the window for signage, so long as it doesn't cover up more than 25% of the window.

Mrs. Snyder suggested taking out the words 'tabletops, mirrors and screens' and to have 'commercial' and 'residential' moved down to the bottom of the awning (both on the same line).

Lafayette Eaton and Barb Marr both agreed it would look classier, especially without the window graphics.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.

Heather Heffernan seconded the motion.

Voting was 7-0, all in favor.

Barb Marr made a motion to accept the gooseneck lighting and the signage with the condition that only the GE logo, the business name, the words 'commercial, residential and auto glass' to be on the awning and to remove the words 'mirrors, table tops and screens' from the proposed awning.

Brandi Marino seconded the motion.

Voting was 7-0, all in favor.

9th Item on the Agenda:

144 West Commercial Street, parcel #139.77-3-13 Guacamole Authentic Mexican Taqueria. Gareth Aylett, manager of Guacamole Authentic Mexican Taqueria presented seeking Architectural Review for a Sign Permit to install a 13' x 28" wall-mounted sign (30 square feet).

Lafayette Eaton inquired about the reason that the width of the proposed sign is shorter than the previous business' sign. Mr. Aylett explained that the sign contractor is incorporating the fascia of the building along with the design of the sign for a nicer looking presentation.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.

Lafayette Eaton seconded the motion.

Voting was 7-0, all in favor.

Brandi Marino made a motion to approve this application for a sign as submitted.

Barb Marr seconded the motion.

Voting was 7-0, all in favor.

10th Item on the Agenda:

207 West Spruce Street, parcel #151.28-1-49. Sean Moran, architect representing owner Albert Buckner presented seeking Architectural Review to construct a 5' x 5' open front porch with a roof, stairs and railings, to provide new windows on the front and east side elevations, and to replace siding with vinyl siding.

Gary Smith asked if the existing door on the right side will be closed off. Mr. Moran said it will be closed up, brick will be taken off, and siding will be installed all the way around, installing a new window in the brick area (referring to the current façade) and removing the hexagon window. He said the existing front foundation line isn't changing; the recess for the existing door will be filled in and the wall will come forward. The open porch entrance with the roof overhang will extend into the front setback area.

David Smith asked for confirmation that the porch will encroach into the 20 foot setback area that is required by the Town. Mr. Moran explained that is correct, but that the ordinance allows an open sided porch to do so (it doesn't restrict the line of sight). The front setback of the existing house is pre-existing non-conforming with its 18 foot setback. The ordinance measures the front setback from the property line to the wall, not including the entrance steps. Gary Smith inquired if the encroaching roof made a difference. A discussion continued between Gary Smith, David Smith, Sean Moran, David Mayer and Herb Allen concerning front setback requirements. David Mayer researched and then read from the code book to the Board: setback measurement does not include entrance steps, marquee or a roof overhang that is open to air, light and visibility. He surmised that the measurement is from the front wall of the structure. Mr. Mayer says it doesn't appear that this project will require a variance. Gary Smith commented that according to this code, if a resident were to build an open porch with a roof, all the way up to the sidewalk, it would be allowed without a variance.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action.

Heather Heffernan seconded the motion.

Voting was 7-0, all in favor

Christina Belles made a motion to approve the plans as submitted.
Brandi Marino seconded the motion.
Voting was 7-0, all in favor.

New Business:

David Smith discussed a future project going before the Town Board for review and approval for the property at 300 Main Street (Techniplex). The project proposes to take public property that is for public use and allow Techniplex to fence in a patio area to be for private use (for the employees).

Heather Heffernan made a motion to table two discussion items on the agenda: rental property regulations code and for a comprehensive plan until the August 11, 2015 meeting.
Lafayette seconded the motion.
Voting was 7-0, all in favor.

A motion was made by Barb Marr to approve the May 12, 2015 Planning Board minutes.
Christina Belles seconded the motion.
Voting was 7-0, all in favor.

Christina Belles made a motion to adjourn at 8:58 pm.
Lafayette Eaton seconded the motion.
Voting was 7-0, all in favor.

Respectfully submitted,

Jennifer Raymond
Recording Secretary