

EAST ROCHESTER PLANNING BOARD MINUTES

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

PRESENT:

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

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

NOT PRESENT:

Barbara Marr, Member

Mr. Allen called the meeting to order at 7:04pm.

1st Item on Agenda: 236 West Commercial Street, parcel #138.84-2-25.

Applicant David Sek of Instant Sign Center and Geoff Letson, the owner of Wacky Buttons, Inc. were present to request sign permit approval. Mr. Sek stated that the sign would be 132 inches by 18 inches in dimension and would include the Wacky Buttons logo. It would have vinyl lettering and no illumination.

Matt Hogan said that his only concern would be the font used and the “dot com” on the sign. Mr. Hogan felt the font didn’t portray the look the Village is trying to achieve in the business district. Mr. Letson said the font was part of his website logo and has been for five years. Mr. Allen asked what the registered business name was to which Mr. Letson replied, “Wacky Buttons, Inc.” Herman Parson added that the Board has turned down signs in the past that included a phone number or website. Larry Pierce referred to the Code of the Town/Village of East Rochester 193-15 (R). Rob Leni said the code states that no sign shall include an e-mail address or telephone number. Mr. van Edig asked if Mr. Letson could work with the colors to make them look more cohesive with other signs in the Village. Mr. Letson responded that the photo provided was not a good indicator of the actual sign color and the building color is going to be blue instead of red. Mr. Sek passed out some color swatches for the Board to see. Mr. Schultz said the “dot com” needs to come off the sign and the lettering needs more depth, otherwise he doesn’t have any problems with the colors. Mr. Schultz asked if the sign was lighted because the picture shows lights. Mr. Letson said the lights are pre-existing and he will not be

using them. Mr. Letson asked if the sign could say Wacky Buttons, Inc. to which Herb Allen replied yes.

A motion was made by Dave Schultz to approve the sign with letter shading appropriate to the downtown area and the “dot com” removed and replaced with “Inc”. Herman Parson seconded the motion. Voting was a unanimous 6-0, in favor. Matt Hogan asked if the sign currently had a border and suggested that it would make it look nicer. Mr. Letson said the sign did not currently have a border, but will work on it.

2nd Item on Agenda: 315 East Commercial Street, parcel #152.22-2-8. Applicant Mark Nudds was present requesting architectural review and site plan approval for the construction of a pole barn. Mr. Nudds explained that the current garage was built in 1906 and isn't acceptable for storage. His intended use for the new structure would be for the storage of his woodworking tools, for personal furniture restoration and for storing some vehicles. Right now he has some vehicles stored at another facility. He recently moved from a residence that had a seven car garage and needs to condense what he has.

Mr. Pierce noted that his proposal is of excessive size, but meets the setback requirements. He told Mr. Nudds that the area is residential and the new structure is only approved for personal use and not business use. Mr. Pierce also noted that when he went to inspect Mr. Nudds property he noticed a fairly new deck in back and asked if Mr. Nudds had installed it. Mr. Nudds said he did install it, but didn't get a permit and would come in to get one if he needed to. Mr. Pierce said he did need to get a permit for his deck.

Gary Smith agreed that it was a very large garage and was concerned with water runoff management, so as not to flood the neighbors' yards. Mr. Nudds said his proposed garage was small compared to the one two doors down. He also stated that he will do what he needs to so the runoff doesn't create problems. Gary Smith wanted to make Mr. Nudds aware that the current plans have the structure right at the setback limits and the overall dimensions do not include siding. Mr. Nudds said he would make sure he stayed within the setback requirements. Mr. Pierce asked if Mr. Nudds had a current survey of the property to use as a reference point on which to measure the setback. Mr. Nudds said he did and mentioned that his neighbor, Vince, encroaches on his property by five inches. Mr. Pierce told Mr. Nudds that any issues with an encroachment agreement need to be addressed by the Village Attorney.

Rob Leni asked if Mr. Nudds had an agreement on the encroachment. Mr. Nudds said yes, and he has no problem with his neighbor being on his property. Mr. Leni advised Mr. Nudds that regardless of if the neighbor encroaches on his property, he still needs to respect the setback requirements and meet Village code. Gary Smith noted that the addition the neighbor put on his house does not meet Village setback

requirements and Mr. Nudds approved that. Mr. Leni stated that the lot line is a reference line for the setback and there are no legal issues, but he yields to the engineer for construction issues.

Mr. Hogan asked if the siding and shingles used would match the house. Mr. Nudds said they would. Dave Schultz asked Mr. Nudds if he was going to be refinishing furniture in the new barn. Mr. Nudds said that he has a lot of antiques and takes pride in refurbishing them, but the barn would not be used solely for that purpose, he has a shop in downtown Rochester where he does that. Mr. Schultz asked if Mr. Nudds would be installing a sprinkler system. Mr. Nudds said he hadn't thought about it, but it was a good idea and wants to run water out to the barn. Mr. Schultz is concerned about the truss construction because this type of construction gives way to fire quickly. Mr. Schultz suggested Mr. Nudds let the fire department know he is using truss construction.

Mr. van Edig agreed that Mr. Nudds' barn is very large and pushes the setback limits. He advised Mr. Nudds to use his survey map carefully. Mr. van Edig asked if Mr. Nudds had spoken to the neighbors about his barn construction. Mr. Nudds said he did and his neighbors have no problems. Mr. van Edig mentioned that he saw trucks and trailers in Mr. Nudds yard when he walked by. Mr. Nudds said that will all be gone when the barn is built. He said the trailers store his tools for which he currently has no room for. Mr. van Edig asked if Mr. Nudds had spoken with the Building Inspector regarding the demolition of the current barn. Mr. Nudds said he had spoken with Mr. Pierce and he has a demolition plan. Mr. van Edig suggested he also speak to Mr. Pierce about drainage and driveway installation. Herb Allen told Mr. Nudds the outside dimensions of the building need to be three feet off the lot line. Mr. Pierce asked Mr. Nudds if the neighbors had any structures within three feet of the proposed construction to which Mr. Nudds replied no, they didn't. Mr. Pierce then asked if all structures were at least ten feet away for fire load reasons. Mr. Nudds answered yes.

Mr. Allen opened questioning to the audience, but no one wished to speak.

Matt Hogan made a motion to accept Mr. Nudds' site plan subject to review of the Building Inspector and Engineer with regard to construction and setback requirements as well as meeting the requirements for stormwater runoff. Herman Parson seconded the motion. Voting was a unanimous 6-0, in favor.

3rd Item on Agenda: 60 North Lincoln Road, parcel # 139.78-1-3.1. Jeff Ashline from Mossien Architects and Mike Necci of ServPro were present to request architectural review and site plan approval for a building addition, siding and roofing at ServPro. They explained that the addition would be a metal panel and brick structure that would blend with the rest of the building and add square footage. Gary Smith asked if the building would have downspouts and how water drainage would be managed. Mr. Pierce added that ServPro has been a very good community business and has conformed to all Village codes in the past. Mr. van

Edig said the plans don't look like they change the building's integrity at all and asked if the new addition would be used for offices. Mr. Necci replied yes, that addition will be used for office space. Dave Schultz asked if the expansion would involve hiring more employees. Mr. Necci said the reason for the addition was so they could hire a couple more office staff. Dave Schultz was questioning if ServPro had enough handicap parking spots to meet code for the number of employees they have. Gary Smith stated that one handicap spot was required for 25 spaces and ServPro now has two handicap spots, so it is not a problem.

Mr. Allen opened questioning to the audience, but no one wished to speak.

Hendrick van Edig made a motion to approve the plan as presented subject to compliance with the applicable engineering requirements, including stormwater management. Dave Schultz seconded the motion. Voting was a unanimous 6-0, in favor.

4th Item on Agenda: 300 Main Street, parcel # 152.22-1-70. Applicant Dave Chambers was present requesting a change in use to install two walk-up ice cream windows at Jill's Café in the Techniplex Mall. Mr. Chambers sent a letter to area residents to get their input to which he received three verbal responses. Of those responses, only one person expressed concerns about the trash and extra traffic. Mr. Chambers assured this resident that his employees would be out to clean up the trash periodically and that most of the traffic would be on weekends. Herman Parson asked Mr. Chambers if he decided to have tables outside, to which Mr. Chambers replied that he was not going to have tables. Mr. Parson also asked if there would be any construction to the brick on the building. Mr. Chambers said no, there would not be. Herb Allen asked if Mr. Chambers received any written concerns. Mr. Chambers said he did not. Brandi Marino thinks it's a great idea and is not concerned about traffic. Mr. van Edig would have preferred something in writing from neighbors and mentioned that during the day there seems to be people seen frequently standing by the windows smoking. Mr. Chambers acknowledged that the smoking has gone on for a long time in that location. Mr. van Edig asked if any signs would be put up. Mr. Chambers said no additional signs will be used, just the existing window signs. Matt Hogan said his main concern was for the neighbors. He also mentioned he would like to see a more visually attractive garbage can in place of the one in Mr. Chambers' rendering. Mr. Chambers said he would use a more restaurant-like garbage can with a swinging lid. Mr. Pierce is concerned that smokers will use the garbage can for an ashtray and said it should be non-combustible. Herb Allen expressed concern that the trash can may blow over in heavy winds and Larry Pierce suggested leaving the garbage can out only during restaurant hours, and putting it inside when closed. Mr. Chambers agreed with these suggestions. Herb Allen asked if this was a special use. Rob Leni said this request does not require a special use permit because it is a permitted use. It just requires a change in use approval from the Planning Board. Mr. Leni asked Mr. Chambers when the window would be open. Mr. Chambers said it would be open

until about October and not in the winter months. Rob Leni asked if the only thing served through the windows would be ice cream. Mr. Chambers said he would also serve grill food. Larry Pierce stated that selling grill food is still a permitted use. Mr. van Edig asked if Mr. Chambers sold alcoholic beverages. Mr. Chambers stated that he is not permitted to sell them.

Herman Parson made a motion for approval for the ice cream windows subject to Mr. Chambers using a visually pleasing garbage can that doesn't blow away and is out only during business hours. Matt Hogan seconded the motion. Voting was a unanimous 6-0, in favor.

5th Item on Agenda: 501 West Commercial Street, parcel # 138.75-1-10. Mr. Gary Keim sent a letter requesting to table his application until next month's meeting. Dave Schultz made a motion to table this item until the August 10th Planning Board Meeting and Hendrick van Edig seconded the motion. Voting was a unanimous 6-0, in favor of tabling the item.

Tabled Matter: 201 West Avenue, parcel # 139.77-3-58. Applicant Dan Gekoski was present to request a special use permit to install a split rail fence in his front yard. Dave Schultz excused himself from discussion and voting because Mr. Gekoski is a personal friend of his.

Mr. Allen asked if the fence was being put on the Garfield Street side. Mr. Gekoski said yes. Brandi Marino asked if there is already a metal fence in the back of Mr. Gekoski's property. Mr. Gekoski said there is still chain link fence on the north side of his house, but the fence on the west side has been removed. Mr. Gekoski said he only wants to put the split rail fence between and in-line (or a little higher) with the trees on the east side of his house to keep people from walking through his yard. Ms. Marino said that with a split rail fence there would be no visibility problem. Matt Hogan said it would look nice. Hendrick van Edig said it looks nice the way it is, but he has no problem with it. Gary Smith said there is a 60 foot right-of-way off Garfield Street and Mr. Gekoski needed to take care to keep the new fence out of the right-of-way. Mr. Smith said the old fence was on the right-of-way. Dan Gekoski said he was taking the new fence back further than the old fence was. Herman Parson made a motion to approve the fence as long as it is installed outside the right-of-way. Brandi Marino seconded the motion. Voting was a unanimous 5-0, in favor.

Old Business: Rob Leni asked if the Board Members saw his response letter to John Levato. The Board Members had not seen it so a copy was made and distributed to them.

It was asked by Board Members if the 501 West Commercial Street project was still viable. Gary Smith said there are several issues that still need to be addressed. The

first issue is stormwater runoff. Mr. Smith said it is difficult to determine which building's stormwater is running across Crossman Seed property. Ed Brown has no problems with stormwater runoff. Another issue still being addressed is parking. The Keims are investigating the Farash property for sale, but the seller doesn't want to encumber a possible sale by leasing. Also, Wendy's is tearing down a building and the Keims are talking to them about leasing some parking spots. Bill Mendick at Techniplex III will only give the Keims a one year lease and the Keims don't feel that is long enough. Gary Smith said he and Larry Pierce are looking at how many spots Techniplex III actually has to lease, because they need to maintain a certain number of spots to be in code compliance. Herb Allen commented that there still seems to be a lot of issues regarding this property. Gary Smith said there is not really a drainage issue, but they need a legitimate site plan for parking and architectural dimensions. Dave Schultz asked about the distance requirement for parking. Gary Smith said it is usually 500 feet, but the Zoning Board granted a variance to waive that condition. Rob Leni stated these issues are the reason the Keims decided to table their application.

New Business: Herb Allen stated that he had talked to Marty D'Ambrose regarding the code updates. The Village Board needs to give approval for code revision. Mr. Allen suggested numerous teams should work on various parts of code revisions. He thinks these teams should consist of a Zoning Board Member, Planning Board Member and a member from the Chamber of Commerce. Mr. Allen believes this will help the Zoning and Planning Boards to be on the same page. Matt Hogan felt doing this would help codes get enforced on a consistent basis and he would be happy to help. Gary Smith said Larry cannot enforce the codes if they aren't in the code book.

Herb Allen said that he would leave a message for the Mayor with regard to the May Planning Board minutes not being approved at the Town Board Meeting.

A motion was made to approve the June 8, 2010 minutes by Herman Parson and seconded by Dave Schultz. Voting was a unanimous 6-0, in favor.

Herman Parson made a motion to adjourn and Brandi Marino seconded the motion. Voting was a unanimous 6-0, in favor.

The meeting adjourned at 8:20pm.

Respectfully submitted,

Tracie Miller
Recording Secretary