

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices

DATE: July 14, 2015

TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman  
Brandi Marino, Member  
Michael Kurrasch, Member  
Christina Belles, Member  
Mike Sullivan, Member  
Heather Heffernan, Alternate

### **ABSENT:**

Barb Marr, Member  
Lafayette Eaton, 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:**

158 West Commercial Street, parcel #139.77-3-9 Law Offices of Terrence C. Brown-Steiner. Terrence Brown-Steiner presented seeking Architectural Review for a Sign Permit to install a 16' H x 8' L (10.67 square foot) wall-mounted sign. He is proposing to have gold lettering, but is open to the Board's suggestions for the background color (the sample submitted shows a dark brown background).

Christina Belles commented that she liked the dark brown background presented with the application. Other members of the Board agreed.

Christina Belles made a SEQRA motion to find this project to be a Type 2 Action. Heather Heffernan seconded the motion.

Voting was as follows:

5 members in favor- Allen, Kurrasch, Belles, Sullivan and Heffernan.

Brandi Marino abstained.

Voting was 5-0-1. Motion passes.

**2nd Item on the Agenda:**

211 West Commercial Street, parcel #139.77-1-40 La-Tea-Da! Managers Albert and Maureen Becker presented seeking Architectural Review for a Sign Permit to re-face the existing free-standing double-sided 36" x 24" sign.

Maureen Becker spoke about the food, services and amenities being offered and the hours of operation. They do not plan to illuminate the sign since they will not be open for business in the evening.

Heather Heffernan asked why the applicants have chosen a red sign with white writing instead of purple (like the shutters). Al Becker stated that the old panel sign (that they are re-facing) was illuminated, but since they won't be illuminating their new sign, they needed to choose a color that stands out. Mrs. Becker explained that they were advised by marketers that yellow or red catches the eye more; since they don't care for yellow they decided on red.

Mike Sullivan made a comment that the red seemed very bright and can certainly be seen once you get off the expressway. Christina Belles commented that she isn't wild about the red. Ms. Belles said she'd prefer a sign that is more 'frou-frou' (in keeping with the reputation of La Tea Da!) however she understands the applicants' purpose for choosing a bright red color. Brandi Marino asked why the applicants are using the old panel sign rather than designing a new sign with a new design; she explained that the proposed sign doesn't seem to be in keeping with the character of the business. Al Becker said La Tea Da! has a following of customers from 10 years of being in business. Their old sign at a prior location was purple, but didn't feel it would fit in with the new location. Ms. Belles and Ms. Heffernan both gave color and decoration suggestions for signage. Ms. Marino also commented that the sign lacks character.

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

Mike Kurrasch seconded the motion.

Voting was 6-0, all in favor.

Brandi Marino made a motion to approve this sign as presented.

Heather Heffernan seconded the motion.

Voting was as follows:

5 members in favor- Allen, Kurrasch, Belles, Marino and Heffernan.

Mike Sullivan opposed.

Voting was 5-1-0. Motion passes.

**3rd Item on the Agenda:**

825 Fairport Road, parcel #152.45-2-4 Landmark Family Restaurant. Stephen Tubiolo representing Landmark Family Restaurant and his business partner David Gavitt presented seeking Architectural Review for a Sign Permit to install a 72 square foot internally illuminated channel letter wall-mounted sign (within Country Club Plaza).

Stephen Tubiolo explained the venue for the restaurant and that they had gutted and renovated the whole entire inside with all new building materials and appliances. He explained that the sign is similar to the prior tenant's sign (Forest Hill). David Smith confirmed the extent of the upgrades and renovations to the property for the restaurant.

David Smith spoke to the Board about a 62 square foot variance granted for this property in 1973 to the tenant at the time (Marjax Enterprises) for a 112 square foot sign. He explained that the proposed sign by the applicant tonight for Landmark Family Restaurant will be only 72 square feet (22 square feet more than the Town Code allows).

David Mayer confirmed in a discussion that the 1973 variance is grandfathered and carries forward to the current tenant so long as the total square footage doesn't exceed the 112 square feet approved in that variance.

Jennifer Raymond told the Board that in addition to having the Owner Authorization form (to make application) submitted, Wegmans has sent an e-mail on July 10, 2015 advising the Town and this Board that the proposed sign is within their specifications and requirements and was approved at their meeting the previous week.

Mike Kurrasch stated that Wegmans is known for having strict guidelines and specifications for signs on their property. He feels that if it's good enough for them and with the grandfathered variance in place, this proposed sign is good enough for him.

Brandi Marino made a SEQRA motion to find this project to be a Type 2 Action.

Christina Belles seconded the motion.

Voting was 6-0, all in favor.

Heather Heffernan made a motion to approve this sign as presented.

Christina Belles seconded the motion.

Voting was 6-0, all in favor.

**4th Item on the Agenda:**

108 Oak Street, parcel #139.61-2-32. Owner Greg Semeraro presented seeking Architectural Review and a Special Use Permit to install a 3 foot high chain link fence in the front yard (north side property line up to Oak Street).

Mr. Semeraro explained that this lot only has a three-car garage on it, which he plans to use to store his classic cars in. He is making extensive repairs to the garage because it is in disrepair, and he wants to secure it properly. He is proposing to install the fence in order to delineate this property from the property at 112 Oak Street, to provide security to the property and to keep other people from using the property as a parking lot. He has chosen to use a chain link fence in order to match the other fencing along the property.

Herb Allen inquired about ownership of the fencing along the right side. A discussion followed between Mr. Allen, David Smith, Gary Smith and David Mayer concerning which side the poles are on, painting the fencing, ownership and location in relation to the property lines. Gary Smith noted that the survey map submitted shows the fencing in question to be 1.5 feet within Mr. Semeraro's property.

Herb Allen confirmed with David Smith that the chain link fence is not considered decorative (a requirement of any front yard fence) and that the applicant would be seeking a Board recommendation for a variance. Mr. Smith confirmed that to be correct and told the Board that Mr. Semeraro will be seeking a variance from the Zoning Board at next week's meeting.

David Smith spoke on behalf of the residents saying that they are pleased to have this property cleaned up. He has had to post the property in the past in order to avoid various activities and violations from continuing to occur there. Mr. Smith said that after having many conversations with Mr. Semeraro he determined that property and proposed use (to store classic cars in the garage) to be a perfect fit. Mr. Smith urged Mr. Semeraro to purchase this property and make an application to the Planning Board for the fence.

Mr. Semeraro thanked Mr. Smith and stated that he really appreciated all his information. He explained that he had been looking for a property that was a good fit for what he needed. He feels that this property is perfect for his needs.

Mike Kurrasch said that Mr. Semeraro should definitely invest in security to protect the classic cars and the property; he lives in the area and is aware of certain activity at night. Mr. Semeraro explained the renovations and security measures he plans for the building and property. The fence should also deter loitering on the property.

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

Mike Kurrasch seconded the motion.

Voting was 6-0, all in favor.

Christina Belles made a motion for a positive recommendation to the Zoning Board for a variance to allow a 3 foot high chain link fence in the front yard of this property for aesthetics (to match the chain link fencing on the surrounding properties).

Heather Heffernan seconded the motion.

Voting was 6-0, all in favor.

### **Old Business:**

137 West Commercial Street, parcel #139.77-2-41 Lemoncello's. Fausto and Massimo Albano approved project to extend the patio into the driveway next door at 141 West Commercial Street. Brick and wood fencing is proposed for the enclosure, with poured concrete patio.

David Smith explained that since the time that the Board approved the project and the subsequent permit was issued, a tent has been erected over the new patio area. Mr. Smith explained that the applicant has not called for any required inspections. He asked the Board for confirmation that the applicant never mentioned a tent being erected as part of the project. The Board members agreed within the discussion that a tent was never proposed. Heather Heffernan also inquired about the water run-off path being affected by the tent; David Smith and Gary Smith both agreed that this tent will change the run-off locations and concerns. Herb Allen also brought up the location of the garbage storage location; the Board's approval of the project stated that it must be stored on Lemoncello's own property (not the neighbor's property at Dog Spaw). Mr. Smith noted that his assistant Building Inspector Jim Herko had mentioned that the garbage is currently behind Dog Spaw. Gary Smith mentioned that there are currently a string of lights underneath the tent too; the project's approval did not include any new lighting.

701 Garfield Street, parcel #151.28-2-20. Owners Aldo and Diane Magliocchetti submitted new plans for modifications to a previously approved three-season room addition. At the June 9, 2015 Planning Board meeting this application was tabled until violations and other site issues were addressed by the homeowners.

David Smith explained to the Board that he and Jennifer Raymond had gone to the property on June 11, 2015 for a walk-through with the homeowners to determine items/violations

to be addressed before they come back to the Board for the three-season room. Mr. Smith outlined many of the findings, spoke about the list drawn up, the follow-up meeting with the homeowners in the Building Department office to go over them, and the timeline to get items completed.

Mr. Smith also shared with the Board an event he witnessed last week whereby Mr. Magliocchetti had a large truck filled with vegetation (from a tree cut down from the neighbor's property possibly).

#### New Business:

Jennifer Raymond led a discussion with the Board concerning training program requirements and options as well as the Town's current payment schedule process. Several Board members mentioned options they have found for training.

David Smith discussed a public meeting scheduled for August 13, 2015 at the Town Board meeting regarding the Fryatt Building located at 901 Main Street. There is a proposal for the Town to sell the property located within the R-1-70 district to a computer business with seven employees. Currently the code doesn't allow a business within the R-1-70 district, and the Code has requirements for the number of parking spaces as well as a specific size for each spot. Mr. Smith explained that the Town is looking to alter the language for a Special Use Permit in order to make an allowance for this proposed sale. Mr. Smith explained that this could be considered 'spot zoning' and explained to the Board what that means. Herb Allen urged any Board members and residents that would like to learn more and have a say in this proposal to please come to the public hearing.

A motion was made by Mike Kurrasch to approve the June 9, 2015 Planning Board minutes. Brandi Marino seconded the motion.

Voting was 6-0, all in favor.

Brandi Marino made a motion to adjourn at 8:11 pm.

Heather Heffernan seconded the motion.

Voting was 6-0, all in favor.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary