

## **EAST ROCHESTER PLANNING BOARD MINUTES**

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: August 10, 2010  
TIME: 7:00pm

### **PRESENT:**

Herb Allen, Chairman	David Schultz, Member
Brandi Marino, Member	Jan Hendrik van Edig, Member
Barbara Marr, Member	Matthew Hogan, Member

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

### **NOT PRESENT:**

Herman Parson, Member

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

**1st Item on Agenda:** 108 Brizee Street, parcel #152.37-1-1. Applicant Rosanne Fabi was present requesting an area variance to widen two driveways. She said the driveways haven't been resurfaced in a long time. Her reason for widening them would be to make her property look neater and be easier to maintain. Ms. Fabi stated that the property to her east (which is vacant) has large overgrown plants and the ground is raised up from her property line. The property to her west (112 Brizee St.) is just a small strip and she produced a letter of approval from the owners.

Herb Allen asked Mr. Pierce what the code is regarding driveways. Mr. Pierce cited the Village of East Rochester Code 193-69-B, which states that driveways can be no wider than 10 feet for no garage or a single car garage. Mr. Pierce pointed out that Ms. Fabi's driveways are pre-existing, non-conforming to the Village Code. They are currently 19 feet and 10 feet wide and she wishes to widen them to 27 feet and 11 feet 6 inches respectively.

Rob Leni stated that Ms. Fabi's request requires a variance.

Brandi Marino commented that the resurfacing of Ms. Fabi's driveways is a great idea, but from an aesthetic point of view she isn't sure that widening it is a good idea. Ms. Fabi said the driveways have been the same since the house was purchased in 1964. The property is a lot of work for Ms. Fabi to maintain and she is trying to keep the yard manageable by paving these areas. Mr. Hogan said he

understands Ms. Fabi's reasoning, but he already has concerns about the non-conforming driveway. Mr. Hogan pointed out that it is the responsibility of the Planning Board to maintain the character of the Village and the current excessive pavement in a residential area already stands out. Ms. Fabi mentioned that at the end of Brizee Street there are two driveways that are at least as long, if not longer than her driveways. Mr. Schultz said he was concerned about making a "parking lot". He felt that paving to the lot line was not a good idea and is concerned about drainage issues. Hendrik van Edig was also concerned about the stormwater runoff and felt that part of owning a house is lawn maintenance. Barb Marr said she would like to keep as much green space as possible and suggested just repairing the current driveways. Ms. Fabi said she hopes she can at least pave the 112 side as those neighbors agreed to it. Mr. Allen said he doesn't feel the water runoff should go to the neighbors and is also concerned about the shrubbery roots being damaged. Larry Pierce said it was acceptable to resurface the existing driveways.

Herb Allen asked if anyone in the audience would like to speak, to which there was no response.

Matt Hogan made a motion for a negative recommendation to the Zoning Board of Appeals regarding the widening of both driveways based on concerns about drainage, green space and the overall character of the neighborhood. Brandi Marino seconded the motion. Voting was 6-0, in favor of the motion.

**2nd Item on Agenda:** 501 West Commercial Street, parcel #138.75-1-10. Gary Keim, John Keim and their attorney, Ron Hall were present requesting final site plan approval, a special use permit and approval for a sign variance. Rob Leni recommended starting with the site plan approval.

Gary Smith said he sent a letter to the Keim's requesting more information on items that needed to be addressed such as; lighting definitions and additional impervious areas. Mr. Smith asked the Keim's if they were doing anything to the curb cut to which they replied; they were not. Gary Keim also said they were not making any changes to the rear of the building. Mr. Smith asked about changes to the shed roof. Gary Keim said only repairs would be made if they were needed and security lighting will be added.

Herb Allen asked about snow removal. Gary Smith said that snow storage would be adjacent to the building and behind the building. Gary Keim said he will be paying an independent contractor for trash removal. Gary Smith said RW Manufacturing will not be using a dumpster, only totes; therefore no enclosure is required. Mr. Smith asked the Keims what the number of employees will be when they move into the building. Gary Keim said there will be 66 employees, four of which take public transportation and three that carpool.

Rob Leni said as far as the final site plan goes every issue has been addressed. He said the special use permit and sign variance should be voted on independently with public input. Hendrik van Edig was looking at the RW Manufacturing parking layout and questioning the door to the far left. Gary Keim answered that it was an emergency exit. Mr. van Edig asked if the new metal roof would match the existing roof, to which Gary Keim said yes it would. Gary and John Keim said the building would be finished in EIFS material with the main part being light gray, the windows being dark bronze and a decorative line in red to add depth. Gary Keim passed out color samples for the Board to see.

Barb Marr focused on the parking issue and calculated that the 66 employees minus four that take public transportation, one that doesn't drive, and three husband/wife teams brings the parking spot requirements to below 60. Ms. Marr went on to say there are 33 on-site parking spots and with the signed parking contract from Bill Mendick for 42 spots, RW Manufacturing has enough parking for 75.

Dave Schultz asked if sprinklers were installed at 501 West Commercial Street. Gary Keim said the sprinklers were already there, have been tested, and will be hooked into a 24 hour monitoring system. Dave Schultz asked if RW Manufacturing would have a Knox Box, to which they said they would not. Mr. Schultz asked about the off-site parking. Gary Keim said parking would be near the dumpster behind Tim Horton's and RW Manufacturing parking spaces would be marked by blue stripes. Dave Schultz asked who the Keim's would contact if someone was parked in their spots. John Keim said his employees are in by 8:00am and didn't anticipate a problem. Gary Keim said the Jazzercise parking spots are closer to the building and the RW Manufacturing spots are further from the building, so he also did not foresee an issue.

Herb Allen asked if anyone in the audience would like to speak. Bill Mapstone said that his property was downhill from 501 West Commercial Street and he was concerned about stormwater runoff issues. Mr. Mapstone asked if the solution was addressed in writing. Gary Smith told Mr. Mapstone yes, he had the solution in writing. Mr. Mapstone is also concerned about the asbestos on the back of the building. Herb Allen told Mr. Mapstone that the situation would improve with RW Manufacturing moving in. John Levato said he realized the Board was in favor, but he still had reservations. Mr. Levato is upset because the parking lot at 501 West Commercial Street was raised up six inches by Mr. Weber, the current owner, without approval. He would like the pavement which is above his fence and property line to be cut back down.

Mr. Levato is also concerned about people parking against his fence and snow being pushed up against it. Mr. Allen asked Gary Smith if the drywells can accommodate the runoff. Mr. Smith said a specific area can be dished and forced away from Mr. Levato's property. Mr. Allen asked Mr. Smith if he anticipated improvement in drainage with the RW Manufacturing plan. Mr. Smith said based on the drawings he did anticipate drainage improvement for both Mr. Levato's and Mr. Mapstone's

properties. Mr. Levato said he would not tolerate snow issues with regard to his fence. Gary Keim responded to this by asking Mr. Levato if he would like them to erect a stockade fence on their property. Mr. Levato said that sounded fine and they could talk about it another time. Gary Smith asked Mr. Levato if a stockade fence would block visibility and if that would be a problem. Mr. Levato said the fence is not the problem, but the snow is. Mr. Allen asked if there were any more questions from the audience, to which no one replied.

Dave Schultz made a motion for final site plan approval as presented, provided that all engineering issues are complied with. Barb Marr seconded the motion. Voting was 6-0, in favor of the motion.

Regarding the special use permit, Rob Leni stated that at the May 18, 2010 Zoning Board meeting a variance was granted subject the following conditions being met; minimum space requirements for parking, two year lease with six months to obtain more parking should they lose their lease, and the waiver of the 500 foot distance requirement. Mr. Leni went on to say at this time the current lease agreement includes 42 spaces in the northwest part of the Techniplex III parking lot and RW Manufacturing has 32 spots at 501 West Commercial Street for a total of 75 spots; therefore the variance conditions have been satisfied subject to verifying the number of RW Manufacturing employees. Mr. Leni went on to say the special use permit is needed because the business is a dual operation of manufacturing and sales. Mr. Pierce agreed with what the attorney said. Gary Smith had no comment. Dave Schultz said the dumpster and parking issues have been satisfied. Ron Hall mentioned that the initial resolution did not require a two year minimum. Rob Leni acknowledged that the May Zoning Board minutes say there is a two year lease requirement, but the discrepancy is moot because the Keim's have acquired a three year lease.

Herb Allen asked if there was any public comment, and there was not. Mr. Allen asked the attorney if the Keim's have met the lease requirements to which Rob Leni replied, yes, they have met the Zoning Board requirements.

Barb Marr made a motion to approve the special use permit for the manufacturing and sale of fine jewelry subject to RW Manufacturing meeting the approved variance for parking. Matt Hogan seconded the motion. Voting was 6-0, all in favor.

Regarding the sign variance, Gary Keim furnished renderings of all four signs. Mr. Keim said the monument sign base would match the color of the building, the body would be black granite and the letters will be offset 3/8" aluminum. The monument sign will also be lit from the top with LED lighting. Mr. Keim passed around samples of the granite and lettering material. The sign for the building will say RW Manufacturing Co., will be made out of architectural foam using corporate colors and attached to the EIFS of the building. The final two signs are 18 inch logo signs which will be placed on each of the double entrance doors. Mr. Keim said labeling

the glass doors helps to ensure there is no confusion with the emergency exits. Mr. Allen asked what the door on the east side of the building was being used for. Gary Keim said that door will be removed and replaced with double doors as seen on the elevation drawing. Mr. Pierce stated that the Keim's were seeking relief from the Village codes: 193-19(A), 193-19(B), and 193-17 B. (3) & (4). Mr. Pierce also stated that the setback requires the sign to be no closer than 15 feet to the front property line, 5 feet to the side property line and 25 feet to another sign. Mr. Pierce said he still needs to verify this with the 501 West Commercial Street property. Mr. Allen asked the Keim's if they were willing to downsize the monument sign to 24 square feet per side. John Keim said that visibility is a problem with the two state trees blocking the side of their property. Gary Keim said the changes to the monument sign would involve taking off 12 inches in width which would make the sign tall and skinny, but he would have his sign person work on it. Ron Hall said the Board was asking for a 20% reduction in the size. Herb Allen said he did not want to set a precedent as the Board has made other businesses scale down their monument signs to 24 square feet also. Rob Leni stated that the Planning Board needed to make a recommendation to the Zoning Board for the other signs presented. Dave Schultz asked the Keim's about the placement of the monument sign. Mr. Schultz asked about the lighting on the monument sign and the Keim's said they weren't sure of the timing, but it would be lit with soft LED lighting, would be on a timer and would comply with the Village regulations. Larry Pierce cited Village Code 193-15 (E) which says signs may be lit during business hours or until midnight, whichever is later. Gary Keim said that was not a problem. Mr. van Edig asked the Keim's if they had any plans for a sign facing the expressway. Gary Keim said no they did not due to the trees blocking that side of the building. Mr. Keim said he would like to have the trees trimmed, but has no plans for that at this time. All Board members agreed that the size of the monument sign needed to be reduced. Herb Allen asked where the monument sign was located on the plans. John Keim said it was about five feet off the property line. Herb Allen mentioned that relative to the sidewalk, the sign doesn't look like it will cause a vision problem for drivers. Rob Leni said the way the Village Code reads the sign needs to be 15 feet from the front property line and five feet from the side property line. Gary Keim said there was space of at least one car length past the monument sign when pulling out of the parking lot. Gary Keim said there will be no changes to the existing curb cut. Herb Allen opened questioning to the audience and no one wished to speak. Ron Hall asked if the Keim's would have to come back to the Planning Board if the Zoning Board gave their approval. Herb Allen said no.

Hendrik van Edig made a motion to forward a positive recommendation to the Zoning Board regarding the variance application for relief from the total number of signs being greater than 2 (193-19A), the total square footage exceeding the 50 square foot code (193-19B) and the location within setback limits (193-17[B]2). Dave Schultz seconded the motion. Voting was 6-0, in favor of the motion.

Mr. van Edig then made a motion to forward a negative recommendation to the Zoning Board regarding the current size proposal for the monument sign. If the sign size is scaled down to 24 square feet per side to meet with Village Code (193-17[B]3&4) then the Planning Board would change their recommendation to a positive one. Barb Marr seconded the motion. Voting was 6-0 in favor of a negative recommendation as proposed.

Herb Allen asked for a motion to give architectural approval for all sign materials and script. Barb Marr made a motion to approve the architectural design of all signs as presented. Dave Schultz seconded the motion. Voting was 6-0 in favor of the motion.

**Old Business:** none

**New Business:** Barb Marr mentioned the Cricket flag by the Metro Pharmacy. She said she didn't like the way it looked and wondered if it was violating any codes. Larry Pierce said he would check into it.

Board members started talking about the new billboards in the Village and how they didn't care for them. Dave Schultz suggested that Barb Marr draft a letter to the Village Board concerning the billboards (recycle bins) being put in place without getting Planning Board approval. Larry Pierce brought up the fact that the recycle bins violated the Village sign and setback codes.

Herb Allen asked for approval of the July 13, 2010 Planning Board Meeting minutes. Dave Schultz made a motion to approve the minutes and Matt Hogan seconded the motion. Voting was 6-0 in favor of the motion.

Barb Marr made a motion to adjourn and Brandi Marino seconded the motion. Voting was 6-0 in favor of the motion.

The meeting adjourned at 8:38pm.

Respectfully submitted,

Tracie Miller  
Recording Secretary