

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: September 13, 2011
TIME: 7:00pm

PRESENT:

Herb Allen, Chairman
John Alfieri, Member
Matthew Hogan, Member
Brandi Marino, Member
David Schultz, Member
Hendrik van Edig, Member

Gary Smith, Parrone Engineering
Rob Leni, Village Attorney
Jim Herko, Building Inspector
Tracie Miller, Recording Secretary

NOT PRESENT:

Barb Marr, Member

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

1st Item on Agenda:

307 Cedar Place, parcel #152.22-2-45. Tom Zedick was present requesting site plan review for a variance to widen his driveway. Mr. Zedick stated that he was the owner and landlord of 307 Cedar Place. He purchased the property approximately three years ago. Mr. Zedick stated that he has remodeled the property and gotten more reputable tenants to occupy it. He went on to say that it's a legal two-family with only enough parking for one. Mr. Zedick said that every property in the neighborhood has at least two to three parking areas and he is asking for less than what currently exists on the street. Mr. Zedick explained that he wants to pave to the left of the sidewalk where there is currently a two to three foot grassy area. He also wants to pave three feet to the right of the existing blacktop driveway. This would make a total of 16 ½ feet of parking area. He is not paving further to the right of the driveway because he doesn't want to damage the tree. Mr. Zedick said that if he cannot widen the driveway he will have to try and negotiate with his neighbor to use her driveway to get into his back yard to park. Gary Smith asked if Mr. Zedick and the neighbor had a shared driveway. Mr. Zedick said no, he only owns four feet of the driveway and the neighbor owns 13 feet. Mr. Zedick said there was no written agreement in place to use the neighbor's driveway to access his back yard.

Jim Herko said the Code only allows a ten foot driveway for Mr. Zedick's property. Mr. Leni asked if the concrete sidewalk would stay and if tenants would be parking over it. Mr. Zedick said yes to both questions. Mr. Zedick said that currently his tenants are parking on

the grass. Rob Leni asked Mr. Zedick if he spoke to his neighbors about what he is proposing to do with his driveway. Mr. Zedick said he has not.

Brandi Marino asked how many vehicles the property needed to accommodate. Mr. Zedick said there are two apartments and one tenant has two vehicles, so he would like the ability to park three cars. Mr. Allen stated that what Mr. Zedick is calling a driveway is pre-existing/non-conforming and was never intended to be a driveway because there is no curb cut. He believes someone installed it without approval from the Village. Mr. Zedick said he did not know who initially paved it.

Mr. Leni reiterated that the property has no garage and the Code limits the property to one, ten foot driveway. He went on to say Mr. Zedick is proposing widening the current driveway to 16 feet. Herb Allen pointed out that Mr. Zedick is looking for space for three cars to park across the front yard. Mr. Allen feels the ideal solution would be for Mr. Zedick to have a shared driveway agreement with his neighbor and park behind his property. He also pointed out that parking on the front lawn is a Code violation. Mr. Allen and Mr. Smith agreed that at least 18 feet is needed for two cars to park side by side. Mr. Leni asked if there were any two car garages on that street. Both Brandi Marino and Jim Herko said there were none. Matt Hogan said there were a number of properties with similar situations and he doesn't want to set precedence. Mr. Hogan feels the Board should look at each application individually to see if a hardship exists, what the Code requirements are and determine what is good for the community.

Mr. Zedick said the least expensive and most aesthetically pleasing way to replace his whole parking area would be to remove the existing pavement and pour a concrete driveway. Hendrik van Edig said so much paving puts stress on the stormwater system and "seals" the whole yard. He went on to say that if exceptions keep getting granted nothing in the Village will change. Mr. van Edig suggested talking to the neighbor to have part of their driveway removed or used as a right-of-way for Mr. Zedick's tenants to use his backyard for parking.

Mr. Alfieri agreed that this is a difficult neighborhood for parking and a common problem. Mr. Alfieri doesn't want to see a "patchwork" of pavement and would be more agreeable to all new material. Mr. Zedick said what he is proposing leaves enough grass to plow the snow onto and allows the melting snow to drain into the road. Mr. Schultz expressed his displeasure about this happening and setting precedence for others to follow suit. Mr. Zedick said if his tenants park in the road they get ticketed. Mr. Leni asked how much grassy area is left after paving up to where the tree is located. Mr. Zedick said there is eight to ten more feet of grass remaining.

Matt Hogan said he doesn't feel the Village should accommodate that number of vehicles for tenants. He feels that more cars does not necessarily mean better tenants. He asked Mr. Zedick if he knew about the property's limitations when he purchased it. Mr. Zedick said yes he did, but he has improved the property and the caliber of tenant and now has to meet their needs for parking. Mr. Hogan told Mr. Zedick that he and his family accommodate their parking issues so as not park in the road. He also said the best way to attract good tenants is to have a nice looking neighborhood.

Mr. Zedick said he is at a loss as how to solve this problem. Herb Allen said the dilemma arises because the property was built at a time when people did not rely on cars.

Gary Smith re-capped the situation by saying that Mr. Zedick has a two-family house he is trying to market and there is currently no access to the back yard for parking. The current driveway is pre-existing/non-conforming and vehicles are not allowed to park in the front, but that is the only available place to park. An easement would need to be acquired from the neighbor to use their driveway to access Mr. Zedick's back yard for parking, but may result in more paving of the neighbor's yard which may not be possible.

Matt Hogan acknowledged that Mr. Smith feels a hardship exists for Mr. Zedick, but also believes it is not the responsibility of the Planning Board to grant variances to improve the property's marketability as rental property, especially if granting the variance undermines the desirability of the entire community. Mr. Hogan stated that he has reservations about accommodating the needs of rental properties as a basis for granting variances. He went on to say that every time a driveway is widened it eliminates green space. Mr. Zedick felt that using his back yard would eliminate even more green space.

Brandi feels that Mr. Zedick's proposal isn't a solution to the problem because it only grants two legal parking spaces and he has three vehicles to accommodate. Mr. Leni reiterated that more green space would be taken away with that solution. Mr. van Edig said that in this case aesthetics are more important than green space. Herb Allen suggested that Mr. Zedick tell his tenants there is only room for each to have one car and they need to find a legal place to park it. Gary Smith pointed out to Mr. Zedick that the Planning Board doesn't make the final decision, but gives their recommendation to the Zoning Board, who determines the final outcome.

Herb Allen called for a motion. Dave Schultz made a motion for a negative recommendation to the Zoning Board citing the fact that vehicles are already parking on the lawn (pre-existing, non-conforming), there will be no place to put snow, and the owner knew of the parking hardship when he purchased the property. Matt Hogan seconded the motion. Voting was 4-1 (Matt Hogan, Dave Schultz, Herb Allen, Hendrik van Edig to John Alfieri) in favor of a negative recommendation with 1 abstention (Brandi Marino).

2nd Item on Agenda:

350 West Commercial Street #138.84-1-10. Building owner, John Sebastian was present requesting site plan review and a variance for excess signage on his building and the addition of a directory sign.

Mr. Sebastian said that he is looking to extend the existing red awning by a few feet. He also said that the Re-Bath sign and the red canopy sign are the only signs on the building. He is proposing to change the Re-Bath sign to have a red border so it matches the canopy better.

Mr. Leni asked Mr. Sebastian if he understood that in the future, each time a sign changes, or a new one is added, it needs to be approved by the Planning Board prior to making the

change. Mr. Sebastian said that he understood. Herb Allen said the awning looks like it has three current businesses on it (Village Yarn & Fiber Shop, Active Labs and Instant Sign Center) and one empty space for a future sign. Mr. Sebastian said that was correct.

Rob Leni asked about illumination for the signs. He said that details on wattage and the hours the sign will be illuminated need to be provided to the Board. Mr. Sebastian said the awning will be lighted from within and the directory sign will be illuminated with a bulb shining up from the ground onto it.

Mr. Leni pointed out that the drawing for the directory sign indicated that it was forty feet wide instead of forty inches and Mr. Sebastian said forty feet is incorrect; they would like to make the directory sign forty inches by six feet. Mr. Allen said the sign is in Code compliance because it is less than 24 square feet per side. Brandi Marino asked why Re-Bath still had their own colorful sign. Mr. Sebastian explained that the company is a national franchise and is trying to keep its logo. It would also cost them \$6000 to put another canopy up to match the existing red one. Mr. Leni pointed out that the red border was being added to the Re-Bath sign to make it coordinate better with the existing awning. Matt Hogan asked if the font was all the same for the directory sign and Mr. Sebastian said yes.

Ms. Marino then asked about the massage business which has a small sign on the side of the building and a "sandwich-type" sign also. Mr. Sebastian said that the massage business was still occupying space in his building but is not having their name put on the awning. He said he will tell them to remove their signs.

Mr. Leni noted that architectural approval was already given to Instant Sign Center for the sign above the door to their business. They just need final approval from the Zoning Board.

Mr. Allen made a motion for architectural approval of (1) the forty inch by six foot, single sided directory sign, (2) the extended red awning sign to include Village Yarn and Fiber Shop, Instant Sign Center, Active Labs and one blank spot for future use, (3) and for the revised Re-Bath sign to add a red border. Hendrik van Edig seconded the motion. Voting was 6-0, all in favor.

John Alfieri made a motion for a positive recommendation to the Zoning Board for a variance to permit excess signs on the building as proposed. Dave Schultz seconded the motion. Voting was 6-0, all in favor.

3rd Item on Agenda:

20 Ontario Street, parcel #139.79-1-3.2. Building owner, Thomas O'Brien, was not present. His application was for Site Plan Review for a use variance to construct apartments in an industrial zoned district.

John Alfieri stated that the apartments were currently occupied. Jim Herko informed the Board that the apartments were ordered vacated and have been since August 28, 2011. Mr. Leni mentioned that Mr. O'Brien was in court for using an industrial zoned district for residential purposes. Jim Herko mentioned that the previous owner was allowed to live

there as the “caretaker”. He went on to say that Mr. O’Brien was trying to say his tenants were “watchmen”. Mr. Allen said the purpose of an industrial area is to keep industry and residences separated, as industry creates noise, odors and heavy truck traffic.

Many agreed that granting Mr. O’Brien’s request would lead to complaints and an increase in potential liabilities. Mr. Alfieri asked if Mr. O’Brien is permitted to live at 20 Ontario Street. Mr. Leni said there is no functioning business there, therefore; a “watchman” is not permitted.

Dave Schultz made a motion to table the application until the October Planning Board Meeting. Matt Hogan seconded the motion. Voting was 6-0, all in favor.

Old Business: None

New Business: Mr. Allen asked about the sign for Danrick Homes at 213 West Commercial Street. He said the sign has an existing variance, but the Planning Board never approved the new business name on it. He also mentioned that it has a telephone number which is a Code violation. Mr. Allen would also like to see the sign removed from the old deli building, since it has been vacant so long.

A motion to approve the August 9th meeting minutes was made by Matt Hogan and seconded by Brandi Marino. Voting was 6-0, all in favor.

A motion to adjourn was made by Dave Schultz and seconded by Brandi Marino. Voting was 6-0, all in favor of adjourning.

The meeting adjourned at 8:20pm.

Respectfully submitted,

Tracie Miller

Recording Secretary