

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: October 11, 2011
TIME: 7:00pm

PRESENT:

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

Rob Leni, Village Attorney
Tracie Miller, Recording Secretary

NOT PRESENT:

Jim Herko, Building Inspector
Gary Smith, Parrone Engineering

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

1st Item on Agenda:

213 West Commercial Street, parcel #139.77-1-41. Daniel Catone, owner of Danrich Homes was present seeking a sign permit. Mr. Catone stated that the sign was pre-existing; he only changed the name on it. John Alfieri was surprised that Instant Sign Center didn't tell Mr. Catone that he needed a sign permit. Mr. Catone said he's not sure they knew where he was going to put the sign.

Mr. Alfieri asked what Danrich homes did. Mr. Catone stated they were home builders and remodelers. Rob Leni told Mr. Catone that under the Village Code signs are not allowed to contain telephone numbers. Barb Marr suggested to Mr. Catone that when the phone number is removed it will give him more space to make the lettering larger. Mr. Allen suggested replacing the phone number with the street address.

Dave Schultz made a motion to approve the sign as presented provided the telephone number is removed. Matt Hogan seconded the motion. Voting was 7-0, all in favor.

2nd Item on Agenda:

20 Ontario Street #139.79-1-3.2. Building owner, Tom O'Brien attended the meeting. He started by saying that the apartments he is proposing are already in the building and were there when he purchased it. He stated that a kitchen company used to occupy the building and the owner lived in the building for five years. Because of this, he thought he could use it as a rental. He went on to say that his tenants got angry with him for turning off the air

conditioning and went to the Building Department asking if their apartment had a certificate of occupancy.

Rob Leni told Mr. O'Brien that residential use is prohibited in an industrial district except for resident watchman or caretakers. He then asked Mr. O'Brien how the property was being used. Mr. O'Brien said it is used for storage with three separate units for residential use. Mr. Leni told Mr. O'Brien if he is looking to rent to people who are not watchman or caretakers then renting is prohibited. He defined watchman and caretakers as people watching over a business as employees and told Mr. O'Brien he could not create employees just to rent out his apartments. Mr. Allen said a legal employee gets a paycheck with taxes taken out and is issued a W-2 at the end of the year. Mr. Leni also told Mr. O'Brien that the previous owner had a legitimate business and was himself, the watchman.

Mr. Alfieri is concerned about a residential use in an industrial district because it is unsafe for children to be riding bikes with DPW trucks driving around. Mr. Allen asked Mr. O'Brien if he used an attorney when he purchased the property. Mr. O'Brien said he did, but wasn't sure how he wanted to use the property when he bought it. Rob Leni said there is a reason this district is zoned industrial and not residential. There is heavy equipment, manufacturing, machinery, overnight shifts and odors. Mr. Leni is surprised his insurance company would allow rental use in an industrial district.

Barb Marr made a motion for a negative recommendation to the Zoning Board for the residential use as proposed [refer to the September 2011 minutes]. Brandi Marino seconded the motion. Voting was 7-0 all in favor of a negative recommendation.

Old Business: None

New Business: Mr. Allen referred to a letter given to the Planning Board by Molly Rountree of 911 Main Street, East Rochester. Ms. Rountree would like to become an Alternate Planning Board Member. Matt Hogan told Board Members that he knew Ms. Rountree personally and she and her family are concerned about the welfare of East Rochester. He also said she is willing to put the time in that is needed to be a Board Member and he recommends her.

John Alfieri told Planning Board Members that he has been hired by the Village to look at properties and compile data about homes that may need improvements. The Village will then send homeowners grant information.

A motion to approve the September 13th meeting minutes was made by Dave Schultz and seconded by Brandi Marino. Voting was 7-0, all in favor.

A motion to adjourn was made by Barb Marr and seconded by Dave Schultz. Voting was 7-0, all in favor of adjourning.

The meeting adjourned at 7:40pm.

Respectfully submitted

Tracie Miller

Recording Secretary

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