

EAST ROCHESTER PLANNING BOARD MINUTES

PLACE: 120 West Commercial Street, EastRochester Village Offices
DATE: December 11, 2012
TIME: 7:00 p.m.

PRESENT:

Herb Allen, Chairman
Matthew Hogan, Member
Brandi Marino, Member
Barb Marr, Member
Molly Rountree, Alternate
David Schultz, Member
Hendrik van Edig, Member

Rob Leni, Attorney
David Smith, Building Inspector
Gary Smith, Parrone Engineering
Amy Monachino, Alternate / "Acting" Recording Secretary

NOT PRESENT:

John Alfieri, Member

Molly Rountree participated as a voting alternate member.

The Pledge of Allegiance was recited.

1st Item on Agenda:

300 Main Street, parcel # 152.22-1-70. Carla Biuso, Office Manager, presented the application for the facade changes. She explained there would be two new facades associated with the south entrance on Elm Street. No structural changes. They would like to remove the "'70's look" and replace with updates, cleaner look. The exterior window cases would now match to create a more uniform look.

There were no comments or questions from the Board.

David Schultz made a motion to approve as presented. Brandi Marino seconded the motion. All in favor / no one opposed. 7-0, motion carried.

2nd Item on Agenda:

350 West Commercial Street, parcel # 138.84-1-10. Katuscia Baldwin, owner of InstantSignCenter presented the application for updates resulting from a business name change. She would like to replace the existing sign with the name change and updated logo.

Rob Leni, Esq. asked if the dimensions would be the same. Ms. Baldwin responded "exactly the same." Hendrik van Edig asked if the new sign would be made of the same material.

Ms. Baldwin responded "Yes."

Brandi Marino commented that she liked the new sign a lot.

Molly Rountree made a motion to approve as presented. Matt Hogan seconded the motion. All in favor / no one opposed. 7-0, motion carried.

3rd Item on Agenda:

115 West Commercial street, parcel #139.77.4-40 (Despatch Pizza) Charles Monachino, contractor, appeared seeking architectural review for facade changes approved by the New York Main Street Grant Program.

Mr. Monachino stated:

- Structure to remain the same
- State granted a new awning, so there would be removal of existing
- Two proposals for new awning: solid or striped
- Damaged corners of building to be refinished
- Building to be power washed, bleached, and repainted white in the front
- Bottom portion of building has deterioration which would require refinishing

Herb Allen asked which awning they wanted. Mr. Monachino answered that they would like the striped, but would go with whichever one the Planning Board approved.

Mr. Allen also noted that he felt the new sign (with new business name) would require a sign permit. Rob Leni, Esq. confirmed that.

Dave Schultz questioned whether anything was being done on the driveway side. Mr. Monachino stated that the side of the barber shop would be painted and that the State grant included a fence to be put across the driveway. It would be 6' tall security fence.

Dave Schultz asked if the gate would be locked. He was concerned about the Fire Department having easy access to an apartment located in the back. Mr. Monachino said he did not know and would look into that.

Dave added that he prefers the solid awning.

Hendrik van Edig asked about the painting of the block walls. Mr. Monachino answered that the blocks would be painted in a checkerboard fashion (every other one).

Hendrik added that he prefers the striped awning.

Molly Rountree said she had no questions, but likes the striped awning idea.

Barb Marr asked if there was definitely going to be a name change. Mr. Monachino said yes. Barb added that she prefers the striped awning.

Charles Monachino said the owner prefers the striped as well because the building next door has solid awnings, so stripes would draw more attention to his business.

Brandi Marino said she likes what they're proposing for the building and that she doesn't have a strong feeling for either striped or solid awning.

Matt Hogan said he likes the idea of the striped awning and that it would match the façade with the staggered blocks.

Herb Allen said with black painted blocks, he prefers the black awnings. It might be too busy with checkered blocks and striped awnings.

Hendrik van Edig made a motion to approve as presented with striped awnings and all white painted blocks.

Rob Leni, Esq. added that the new sign is excluded from this motion.

Barb Marr seconded the motion.

Brandi Marino said she has concerns because the Board was telling them striped awnings, but no black blocks. Matt Hogan added that he likes the checkered idea. It highlights architectural features. Prefers the striped awnings with highlighted façade.

Voted: 4 in favor, 3 opposed, motion carried.

4th Item on Agenda:

146 West Commercial Street, parcel #139.77-3-12 (McGraw's Irish Pub) Charles Monachino, contractor for the building owner appeared and was seeking architectural review for façade changes approved by the New York Main Street Grant Program.

Mr. Monachino stated the following:

- The front of the building is deteriorated
- Needs acid wash
- Whole length and crown and joints of building need to be redone and refinished
- Holes need to be filled
- Windows need to be replaced
- State approved upper awnings and bottom doors
- Work to be completed will leave building the same color and same styling, just fresh, clean, and newer.

Hendrik van Edig asked if the crown would look the same. Mr. Monachino said yes. Hendrik also wanted to confirm that the only "new" items would be the awnings. Mr. Monachino said yes, and the joints.

Matt Hogan asked if the exterior doors and windows would be wood. Mr. Monachino explained that the door would be vinyl and the windows he believed would be wood. He would like wood doors if possible, but there may be a cost factor.

Mr. Monachino asked if there would be an issue using a skyjack. David Smith asked that he notify the Village if he definitely planned on using one.

Hendrik van Edig asked if they would consider awnings added to the lower windows as well. Mr. Monachino said that monies for that were not approved by the State, but he agrees it would look nice.

Matt Hogan asked if the Planning Board recommended lower awning, would it be easier for the State to consider funding it. Rob Leni, Esq. interjected that it wouldn't make a difference.

Brandi Marino made a motion to approve as presented assuming the doors are the same, just updated. Molly Rountree seconded the motion.

All in favor – Motion carried.

5th Item on the Agenda:

115 ½ West Commercial Street, parcel #139.77-4-40 (Roy's Barber Shop) Charles Monachino, contractor appeared seeking Preliminary Architectural Review for façade changes approved by the New York Main Street Grant Program.

Mr. Monachino explained that the State has approved \$7000 for a gate across driveway (without installation)

Herb Allen asked if it's a keyed lock. Mr. Monachino said no.

Dave Schultz asked if it would be 6' high. Mr. Monachino answered yes.

Dave Smith added that Marty D'Ambrose is trying to get rid of all of the alley ways along West Commercial Street.

Mr. Monachino continued his presentation by stating that the structure is mainly wood which is rotten with poor insulation. He would also remove existing awning and update outside of structure with a material called CBT which does not rot and paints easily. There would also be a light fixture in awning.

Mr. Monachino also said that the left corner is all rotten from snow melting. The structure would be repainted and sanded all the way down the alley. Same colors, all wooden panels down the side of the building. There is just no money to do more than that. The building would basically get a facelift and power wash.

Discussion was opened for "general opinion" (no vote on this item tonight):

Matt Hogan asked if the CBT material was cheap looking at all. Charles Monachino answered no.

Rob Leni, Esq. said he was concerned that it will block an entrance way / blocking access area if it is a fence. It may require a variance. He asked if we should be calling it a "gate" or a "fence".

Gary Smith asked if it can be 5' high and serve the same purpose.

Herb Allen asked if we need to research anything before he perfects his application.

Rob Leni, Esq. said that we have to take into consideration emergency response to the apartment in the back. The Fire Department needs to be considered and also whether or not it can be 5' high.

Dave Smith needs to contact emergency responders' opinions.

6th Item on the Agenda:

237-241 East Linden Avenue, parcel #139.62-3-5.1 Scott Shaw from S. Development in seeking Subdivision Plan Review for the construction of ten single family patio homes on a currently vacant lot.

Continuation of Public Hearing: James Bonsignore, Esq. appeared with Scott Shaw of S Development. Mr. Bonsignore reported that the engineer re-worked a configuration to allow a turnaround for full size fire engines as a result of a concern that was raised at the previous Public Hearing.

The number of units in the proposal remains the same.

Sprinklers no longer required because of turnaround.

Gary Smith confirmed that the "hammerhead" now meets codes requirements and that the Fire Department did request the turnaround. He did seek clarification on a few minor discrepancies including the easements. Mr. Smith said he wasn't seeing any hydrants and he was concerned about the 26 feet required around a fire hydrant and it is a 20 foot road.

The engineer responded that it wouldn't be an issue.

Rob Leni, Esq. asked if the properties will be taxed at full market value.

Answer: Assessor will tax on the rent.

Mr. Leni: There is a difference between the market value and rental value

Answer: They are apartments, the project does not support that. There is not cash flow to

agree to that scenario.

Mr. Bonsignore, Esq.: Permitted use regardless of how it's taxed.

Mr. Leni, Esq.: But we can still do pilot as a condition.

Answer: As a rental we cannot commit but maybe as home ownership is achieved after the 15 years.

Herb Allen: You're not asking for tax abatement, but law allows for tax abatement? Mr. Allen expressed concern that there was not full disclosure.

Mr. Bonsignore, Esq.: Usually Planning Boards do not cover this.

Rob Leni, Esq.: Mr. Shaw represented that it would be taxed at full market value at the Public Hearing on Wednesday.

Mr. Bonsignore, Esq.: Apologized for miscommunication.

Barb Marr: Said she was under the impression that full market rate and not according to a statute that reduces it.

Mr. Leni, Esq.: Said it is not an abatement, but it effectively acts like one.

Engineer: There was no subsidy request.

Herb Allen: Very concerned / felt very misled.

Barb Marr asked what they are assessed at right now? Gary Smith answered \$150,000.

Engineer: \$3500 annually village/county/school taxes

Brandi Marino asked if there would be a fence and what it would be made out of.

Engineer: 6' shadow box, pressure treated wood, surrounding the property

Brandi Marino asked if there would be landscaping.

Engineer answered that yes, on the outside only.

Brandi Marino questioned whether a fence or a landscaping-type of barrier would be better. She'd like the two communities to blend rather than look like a fort.

Engineer answered that they are willing to go either way.

Herb Allen asked if any of the buildings were moved to accommodate the turnaround.

The engineer said no.

Herb Allen expressed concern that even though there was a deed restriction for future homeowners to be members of the HOA (15 years down the road), how do we know that future common areas will always be taken care of?

Mr. Bonsignore, Esq.: The issue will have to be revisited with the state. Nothing will happen and any conversion must include maintenance through HOA.

Dave Schultz said he was concerned with the "Y" and the fact that there are now no sprinklers in the plan. He said we all agreed last week to include sprinklers and now he has the feeling that small changes are being made to save money, but are ones that risk lives.

Comments from the Audience:

Diane S. (47 Milrace Drive) said she thought we were getting rid of rentals.

Herb Allen stated that we cannot consider rentals because the property is legally permitted for use.

Diane S. asked what happens with the HOA in 15 years when they are being transitioned into homeownership and some are rentals and some are owned.

Mr. Bonsignore, Esq. answered that any owners would be required to contribute their share to the HOA.

Diane S. asked what the value would be in 50 years.

Mr. Bonsignore, Esq. said he cannot even speculate.

Diane S. asked applicant's engineer what he thought.

The engineer answered \$165,000 - \$175,000

Dan R. from 115 Lincoln Mills asked whether or not they even physically own the property at this point.

Scott Shaw answered no, that it is contingent on financing.

Dan R.: Everything is contingent? No funding yet, correct? Taking sprinklers out is irresponsible. Why would you do that? This project has been constantly changing over the last 7 years. All the terrace units are going to look at roofs and buildings.

Mr. Bonsignore, Esq. said he understands the concerns of the neighbors, but the property owner has the right to develop the property in accordance with the law. In regards to the sprinklers, as long as the plan meets the codes, sprinklers are not required because of the

turnaround. He added that there are 2-hour rated firewalls between dual homes.

Dave Schultz asked if the Fire Department had seen the new plan yet.

Dave Smith said that as long as it meets the code, the Fire Department does not need to be contacted.

Herb Allen asked if there would be zero tolerance in regards to drugs. Also wanted the packet to include the regulations that the state will make part of it.

The engineer said that the state regulations are very specific and that the Board would be provided a copy of the lease agreement.

Herb Allen said that we need all of that as part of our packet. He also questioned if there is an architectural plan.

The engineer answered yes, there are guidelines and rules for longevity (30 year single).

Mr. Bonsignore, Esq. said it would be brick and vinyl siding, each unit would have Energy Star appliances, and would include certain green building initiatives.

Mr. Leni, Esq. said that the Public Hearing is still open, but once it's closed, the Board can take action on approval of the preliminary plan. Motion can be made for purposes of SEQRA to discuss the approval of the preliminary plan.

Dave Schultz asked who owns the chain link fence and who took it down. He also was concerned whether or not Fire Trucks can get to the backs of the units where they back up to the condos.

The engineer said he didn't know who took it down, but that he proposes a landscape barrier instead of a fence to allow spacing for a ladder truck.

Gary Smith asked the Board what the difference is between this proposed development and the Wells Landing. He said there's a fence all the way around that development.

Mr. Leni, Esq. said we need to either have landscaping or a fence.

Matt Hogan commented that the Board needs to have a clear idea of what the landscaping OR fence plans are going to be.

Molly Rountree suggested that maybe the neighbors would like the fence because it would protect them from any potential "bad neighbors" that they have expressed concern about.

Diane S. asked if the residents of Linden East could give their opinion of what they'd like to look at. Suggested that it may create a sense of camaraderie and people would appreciate having a say.

Mr. Leni, Esq. reminded everyone that at the Public Hearing on Wednesday, the plan was a fence.

Barb Marr commented that fences build barriers and that no fence would make things better.

Herb Allen asked if they'd be willing to have additional trees for screening without an additional barrier. (i.e. white pines)

Scott Shaw et al responded positively.

Barb Marr made a motion to close the Public Hearing. Dave Schultz seconded. All in favor. Motion carried.

Discussions regarding SEQRA:

Rob Leni, Esq. advised that Gary Smith, upon review, had indicated that a negative declaration could be issued.

Brandi Marino made a motion for purposes of SEQRA to approve the negative declaration. Molly Rountree seconded. All in favor. Motion carried.

Preliminary Approval with Conditions:

- Private road for all purposes
- The applicant takes responsibility for all items including: construction, maintenance, garbage, snow removal, all utilities other than water and all other reasons
- Storm water maintenance agreement
- Tenant buyout after 15 years
- Formation of an HOA once there is homeownership with respect to any unit
- Additional plantings in place of fencing (white pines)
- Subject to satisfying all conditions as set forth in our engineers' letters dated 10/30/12 and 12/5/12 and any and all other conditions as subsequently determined by Village engineers.
- Subject to being provided with specifications for all construction materials, etc.
- Subject to being provided with copy of lease
- Subject to being provided with copy of all rules and regulations from the State and any other governing entity
- Minimum clearance around fire hydrant

Motion to grant preliminary approval subject to the above-referenced conditions made by Herb Allen. Seconded by Barb Marr.

Verbal vote:

Molly Rountree: yes

Hendrik van Edig: yes
Herb Allen: yes
Barb Marr: yes
Brandi Marino: yes
Matt Hogan: yes
Dave Schultz: no

6 to 1 in favor. Motion carried.

Mr. Bonsignore, Esq. thanked the Board for their time and consideration.

Old Business:

None

New Business:

None

Brandi Marino made a motion to approve the minutes from the November 13, 2012 meeting. Dave Schultz seconded. All in favor. Motion carried.

Dave Schultz made a motion to adjourn the meeting. Molly Rountree seconded. All in favor. Motion carried.

Respectfully submitted,

Amy Monachino
Recording Secretary