

EAST ROCHESTER PLANNING BOARD MINUTES

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

PRESENT:

Herb Allen, Chairman
John Alfieri, Member
Matthew Hogan, Member
Brandi Marino, Member
Barb Marr, Member
Hendrik van Edig, Member
Amy Monachino, Alternate
Molly Rountree, Alternate

Jim Herko, Building Inspector
David Mayer, Attorney
Gary Smith, Parrone Engineering
Tracie Miller, Recording Secretary

NOT PRESENT:

David Schultz, Member

Mr. Allen called the meeting to order at 7:05pm.

NOTE: Molly Rountree participated as a voting alternate. David Mayer, an Attorney from Harris, Chesworth, O'Brien filled in for Village Attorney, Rob Leni.

1st Item on Agenda:

46 Westwood Drive, parcel #152.29-2-34. Homeowners, Greg and Lynn Sullivan were present seeking a variance to install a privacy fence and a shed. Mr. Sullivan told the Board his property was unique in that it has two front yards, one on Westwood Drive and one on East Ivy Street.

Herb Allen pointed out that only a small portion of the Sullivan's property is in East Rochester. He asked the Sullivan's specifically where they would like to put the shed. Ms. Sullivan said it would be inside the fence line. Mr. Allen asked if it would be on East Rochester property or Perinton property, because only a small triangle of land is in the Village of East Rochester. David Mayer said that anything erected in East Rochester needs to abide by East Rochester codes and in Perinton needs to comply with their codes. Mr. Sullivan asked what would happen if the shed bridged both town lines. David Mayer said they would then need approval from both Towns. Mrs. Sullivan said that Perinton considers the part of her yard in question, the back yard. Gary Smith said the section of Northwood Avenue bordering the Sullivan's property is considered frontage in Perinton.

Herb Allen stated that the current fence on the Sullivan's property is pre-existing, non-conforming and therefore can be repaired or replaced with the exact type of fencing, but cannot be changed without getting an area variance and needs to follow setback rules. Mrs. Sullivan said currently there is eight feet between the fence and the road. Herb Allen asked Jim Herko what the setback was for the Sullivan's property. Mr. Herko said the setback is five feet from the side or rear lot for accessory buildings. Mr. Allen asked what the front yard setback was. Gary Smith said the front setback does not really apply to this situation because the shed is an accessory structure and not the main dwelling.

John Alfieri said he has no problem with the proposed fence or shed, and he considers that part of their yard the "back" yard. He said the proposed fence looks nicer than chain link and will probably improve the property. Hendrik van Edig also feels the Sullivan's proposal is for their "back" yard, and as long as they follow the East Rochester Codes he has no problems. Mr. van Edig asked how tall the fence would be. The Sullivan's said it would be six feet tall and you would barely be able to see the shed over it. Barb Marr asked if the shed was six or eight feet tall. Mr. Sullivan said the tallest part is eight feet, but they are flexible about the height. Barb Marr asked if the Sullivan's were going to remove shrubbery or work around it. She suggested putting the shed in a corner and camouflaging it with shrubs. Mr. Sullivan said they have considered removing the overgrown shrubbery and putting in new plantings but the pine trees block sunlight, so he is not sure how well new plantings will grow. Matt Hogan agrees that the proposed fence is more aesthetically pleasing than the current chain link fence. He considers the Sullivan's property a unique one and because of this should have a variance for their request. He is also concerned about setting a precedent for other properties.

Molly Rountree asked the Sullivan's if they are putting the fence up primarily for privacy. Mr. Sullivan said their bedroom, dining and living room windows are on the East Ivy side and yes, the fence would provide more privacy.

Herb Allen suggested doing staggered plantings like Tim Henry did on the corner, then no variance would be needed. Mr. Sullivan said his concern was that the acid and lack of sun from the pine trees combined with the sandy soil would make that difficult. Mr. Allen is also concerned about the six foot fence height because it impedes police from being able to see over the fence. Mr. Sullivan said they would like to keep the existing six foot metal fence posts to attach the new privacy fence to. Mr. Smith asked the Sullivan's if they would be hiring someone or installing the fence themselves. Greg Sullivan said that he was undecided about that. Gary Smith suggested hiring someone because of the grade changes. Mr. Sullivan said it would have to be a custom made fence with individual panels.

David Mayer suggested getting feedback from Perinton regarding this project to coordinate two different sets of rules between the towns. Herb Allen said a plan is needed that meets both East Rochester and Perinton regulations. Herb Allen said the Zoning Board doesn't have a complete plan to vote on since the applicant isn't sure where the shed will be installed. Barb Marr suggested making a recommendation to the Zoning Board and asking the applicants to speak with Perinton. Mr. Sullivan asked about only erecting the shed and no fence. Mr. Allen said it depends on which town you are erecting the shed in. Gary Smith suggested the Sullivan's use their current survey map and measure off the fence line to

where they want to put the shed. Herb Allen said the Planning Board can make a recommendation based on the current application. Mr. Allen also said both towns need to be involved in this decision. David Mayer suggested that East Rochester and Perinton have an intermunicipal agreement in place for issues such as this. Hendrik van Edig asked where the mailbox was on the Sullivan's property. Mr. Sullivan said it was on Westwood Drive. Mr. van Edig feels that determines which yard is the front yard.

Barb Marr made a motion for a positive recommendation to the Zoning Board based on the current application with the stipulation that before the December Zoning Board Meeting the Sullivan's draw on their survey map where they want the storage unit to be built and they check with the Town of Perinton regarding their codes for erecting the proposed fence and shed. The Sullivan's expressed concern that they wouldn't be able to get the information together before next weeks' Zoning Board Meeting. Ms. Marr told them if that was the case they could table their application until the following month. John Alfieri seconded the motion. Voting was 8-0, all in favor.

Old Business: There was no old business to discuss.

New Business: Mayor Fred Ricci was present in the audience and told the Board that the Village was awarded a \$500,000 Main Street Grant for façade work, but not windows. This grant would affect the 100, 200 and 300 blocks of Main Street and the 100 block of West Commercial Street. The funds are available after January 1st and eligible merchants must put up \$1.00 for every \$3.00 of grant money received. Herb Allen asked how the Village was going to go about keeping uniformity and style consistent. Mayor Ricci said he would seek input from the Planning Board.

Mayor Ricci also said that three Planning Board Members are up for reappointment and asked if they would like to remain on the Planning Board. Those three members are Brandi Marino, Dave Schultz and Barb Marr. Mr. Schultz was not present, but both Ms. Marino and Ms. Marr said they would like to seek reappointment.

A motion to approve the November 8, 2011 meeting minutes was made by John Alfieri and seconded by Molly Rountree. Voting was 8-0, all in favor.

A motion to adjourn was made by Barb Marr and seconded by Brandi Marino. Voting was 8-0, all in favor of adjourning.

The meeting adjourned at 7:49pm.

Respectfully submitted

Tracie Miller
Recording Secretary