

EAST ROCHESTER ZONING BOARD OF APPEALS MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: January 18, 2011
TIME: 7:00pm

PRESENT:

Frank Barbero, Chairman
Margot Gilhart, Member
Matthew Fox, Member
Eric Schoenhardt, Member
Tony Gonzalez, Member

NOT PRESENT:

Larry Pierce, Building Inspector
Gary Smith, Engineer

Rob Leni, Village Attorney
Tracie Miller, Recording Secretary

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

1st Item on the Agenda: 321 East Linden Avenue, parcel #139.54-2-2. Applicant Corey Mammen was in attendance requesting a variance for a non-conforming sign. Mr. Mammen purchased the property at 321 East Linden Avenue on January 1 and would like to change the sign from "Country Party House" to "the Potter's House" with their church schedule. Mr. Mammen went on to say he was out of town and did not attend the Planning Board meeting last week.

Rob Leni told Mr. Mammen that the Planning Board gave the non-conforming sign a negative recommendation, but approved the 4' by 6' conforming sign. Mr. Schoenhardt asked Mr. Mammen if he was asking for approval for the non-conforming sign. Mr. Mammen said the contents of the conforming sign were fine with him, but he would prefer the non-conforming sign. Rob Leni pointed out that the Planning Board only made a recommendation to the Zoning Board and that the Zoning Board would make the final decision.

Mr. Schoenhardt told Mr. Mammen the church would have to have a hardship in order for him to consider approving the pre-existing, non-conforming sign. Mr. Mammen said that not having the non-conforming sign does not cause them a hardship. Mr. Leni informed Mr. Mammen that if he didn't want to withdraw his application the Zoning Board would take a vote on it. Mr. Mammen said he would like to proceed with the voting and asked if the conforming sign would also need to be voted on. Mr. Leni advised Mr. Mammen that no vote was necessary on the conforming sign because it meets Village Code. Mr. Gonzalez stated that if the Board approves the non-conforming sign it becomes part of the property deed and the Village is stuck with it forever. Mr. Gonzalez also asked what type of lighting the sign would have. Rob Leni said indirect, external up-lighting without excessive light splash.

Mr. Barbero asked if there was any public comment. Herb Allen, who was present in the audience, said he attended because the Planning Board gave the sign a negative recommendation.

Matt Fox made a motion to deny the variance for the larger, pre-existing sign. Eric Schoenhardt seconded the motion. Voting was 5-0, all in favor of denying the variance.

Mr. Mammen asked if the type of lighting could be clarified and Mr. Gonzalez told him he'd need to speak to Larry Pierce. Rob Leni agreed that Mr. Pierce could confirm what wattage was acceptable.

Old Business: There was no old business to discuss.

New Business: Mr. Barbero called for the annual voting of Vice Chairman and Secretary. Margot Gilhart nominated Eric Schoenhardt for Vice Chairman. Matt Fox seconded the nomination. Voting was 4-0, all in favor of Eric Schoenhardt for Vice Chairman. Tony Gonzalez nominated Margot Gilhart for Secretary and Matthew Fox seconded the nomination. Rob Leni explained that the Secretary was an intermediary between the Recording Secretary and the Board. Voting was 4-0, all in favor of Margot Gilhart for Secretary.

A motion was made to approve the December 21, 2010 minutes by Eric Schoenhardt and seconded by Tony Gonzalez. Voting was 5-0, all in favor.

A motion to adjourn was made by Matthew Fox and seconded by Eric Schoenhardt. Voting was 5-0, all in favor. The meeting was adjourned at 7:13pm.

Respectfully submitted,

Tracie Miller
Recording Secretary