

## **EAST ROCHESTER ZONING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices  
DATE: March 15, 2016  
TIME: 7:00pm

### **PRESENT:**

Frank Barbero, Chairman  
Eric Schoenhardt, Member  
Brian Pyfrom, Member  
Margot Gilhart, Member  
John Belt, Alternate Member  
Jason Steel, Alternate Member

### **NOT PRESENT:**

Gary Smith, Parrone Engineering  
Devin Vosburgh, Member

Dan Bryson, Village Attorney  
David Smith, Building Inspector  
Jennifer Raymond, Recording Secretary

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

John Belt and Jason Steel participated as a voting alternate members.

### **1st Item on the Agenda:**

317 Main Street, parcel #139.77-4-48 Flower City Dental. Manager Steve Campo presented seeking a Commercial Area Variance for excessive number of signs and to display the business phone number and website. They are proposing four vinyl window graphic signs 12.4 square feet each, for a total of 46.5 square feet (Town Code 193-19 Sec A allows two signs per business and Town Code 193-15 R which does not allow the business' phone number or e-mail to be displayed).

Mr. Campo explained that the proposed signs need to have the business phone number and website displayed due to being at a new location, and patients not being able to figure out where in the building they are located; it is not a self-made hardship. The linear length of both facades (facing Main Street and facing West Commercial Street) are much larger than other business' facades due to the large size of his corner suite in the building. Having two signs on each façade will help patients find the business as well as advertise. Mr. Campo showed photos to the Board of eighteen business on Main Street and West Commercial that have phone numbers and/or websites on their windows; he said that it is common practice among other businesses to have a phone number displayed, despite what the Town Code allows. Mr. Campo outlined problems with patients missing appointments or showing up late due to arriving at the building but not able to find where the office is located inside (the phone number could enable those with phones to call the office). Mr. Campo mentioned to the Board that most all real-estate offices in Town have phone numbers displayed also.

Margot Gilhart asked the applicant what type of business this is. Mr. Campo said it is a dental office. Ms. Gilhart inquired whether it is a teaching facility. Mr. Campo said it is not; it is a treatment center.

Eric Schoenhardt commented that the Town Code opposing phone numbers and e-mail on signage seems antiquated and suggested to David Smith and Dan Bryson to have the Town Code updated with conditions to make allowances for displaying this information. Mr. Campo agreed to these comments, but stressed to the Board that his needs are immediate (to have the signage to enable patients to find them) rather than waiting until code changes are approved.

David Smith and Dan Bryson reminded the Board that a commercial area variance (if granted) stays with the property and therefore it is imperative to have specific unique conditions under which the approval is granted.

Eric Schoenhardt remarked that he personally does not have an objection to granting permission to a business to display their phone number, or of setting a president so long as there are conditions as to where it can be displayed and how big the font is. He commented that in today's society, people are mobile and as such they expect to have contact information readily available (with use of cell phones and devices to access the internet).

Mr. Schoenhardt and Brian Pyfrom said that Town Code 193-15 (R) only mentions that displaying phone numbers and e-mail addresses on signage is not allowed; the applicant tonight is requesting to have the website displayed, which is not mentioned anywhere to be against Town Code.

Margot Gilhart made a motion for the Zoning Board to approve the Commercial Area Variance to allow two business signs to be displayed on each façade (West Commercial Street and Main Street).

Dan Bryson re-iterated the following to be added to the motion as Finding of Fact to allow for the area variance to be granted for this unique situation: This variance request has not been found by this Board to have a negative impact on near-by properties, nor will it negatively impact the character of the near-by neighborhood. There are no other practical alternatives for the applicant to otherwise enable him to advertise his business other than by the relief requested. The variance is not substantial (to have two additional signs), and although the variance requested is self-created, that in and of itself is not a dispositive request because with an area variance the Board looks at all the factors in the specific situation. In this case, the business has two large facades (in relation to other businesses in the area that are located on twenty foot wide lots).

Jason Steel seconded the motion.

Voting was 6-0, all in favor.

Eric Schoenhardt made a motion for the Zoning Board to approve the Commercial Area Variance in this case for this business to display the business phone number for this type of sign with proportional window graphics relative to the size of these windows due to the variance request not being substantial in accordance with zoning.

Brian Pyfrom seconded the motion.  
Voting was 6-0, all in favor.

Brian Pyfrom confirmed with Dan Bryson that the website request does not need an area variance due to a website not being included in Town Code (193-15 (R) that opposes phone numbers and e-mail addresses. Mr. Bryson replied that the Code Official is also interpreting the Town Code as indicating that he does not believe that the inclusion of the website address needs a variance.

**New Business:**

Jennifer Raymond reminded the Board that it is time to think about signing up for training programs for credit hours.

Eric Schoenhardt made a motion to approve the October 20, 2015 meeting minutes.  
John Belt seconded the motion.  
Voting was 6-0, all in favor.

John Belt made a motion to adjourn.  
Margot Gilhart seconded the motion.  
Voting was 6-0, all in favor.

The meeting was adjourned at 7:25 pm.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary