

EAST ROCHESTER ZONING BOARD MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices

DATE: April 17, 2012

TIME: 7:00pm

PRESENT:

Frank Barbero, Chairman

Matthew Fox, Member

Margot Gilhart, Member

Christina Belles, Alternate Member

NOT PRESENT:

Tony Gonzalez, Member

Eric Schoenhardt, Member

Gary Smith, Engineer

Dave Smith, Building Inspector

Rob Leni, Village Attorney

Tracie Miller, Recording Secretary

NOTE: Christina Belles participated as a voting alternate.

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

1st Item on the Agenda: 512 Madison Street, parcel #152.30-1-54. Allison Hendershot, Mike Townley and Jerry Hendershot were present seeking approval for an area variance to erect a stockade fence around the side yard. Allison's father, Jerry Hendershot spoke on her behalf. He said the fence was needed for safety and privacy and pointed out that there are five registered sex offenders living in the area. Mr. Hendershot produced a revised survey map with a new drawing of the fence placement. He extended the angle of the fence near the Filbert Street driveway showing the line of sight. Mr. Hendershot also produced a sketch of shrubbery and flowers that would be planted in front of the fence. He mentioned that his daughter has 17 letters from neighbors supporting the fence. Mr. Hendershot spoke with Mayor Ricci and Mark Florack and said they are both in favor of the fence proposal.

Matt Fox agreed that the fence proposal looked aesthetically pleasing and the only problem he sees is the line of sight issue. Dave Smith said that the DOT sight distance chart provided by the engineer shows that the line of sight in Mr. Hendershot's proposal is not safe.

Mr. Leni said he didn't see any way to keep the driveway and erect the proposed fence safely, but he did agree the cosmetic issues have been addressed. Ms. Hendershot confirmed that they no longer want to remove the driveway as previously stated at the March Planning Board Meeting.

Mr. Hendershot pointed out that there is a stop sign on Filbert Street at Madison which would slow speeds to less than 30mph past his daughter's driveway. Mike Townley also mentioned that they live in a school zone and the speed limit is only 20mph. Since the chart starts at 30mph Mr. Leni said he would have to defer to the engineer. Mr. Leni stated that if an accident occurs because of sight issues the homeowner and the Village would be responsible. Ms. Hendershot said she had a surveyor come over and he said the bushes were dangerous and on Village property. Mr. Leni told her to contact the Village and they would address the issue.

Dave Smith told the applicants that he would discuss the stop sign and speed limits with the engineer and see if there are any exceptions. Rob Leni addressed the fact that this application has been changed between the Planning and Zoning Board Meetings and needs to be reviewed by the Planning Board again for a recommendation.

There were no comments from the audience. Chrissy Belles made a motion to table the application with the consent of the applicant. Matt Fox seconded the motion. Voting was 4-0, all in favor.

2nd Item on the Agenda: 909 Fairport Road, parcel # 152.54-1-1.1. Phil Kunzer, Drew Hoselton and Tom Fromberger were present requesting a variance for the height, size and placement of the new Hoselton pylon sign. Mr. Fromberger told the Board that the pylon sign's size had been reduced. The new height is 36 feet tall and the signage is 11 feet 3 1/4 inches by 11 feet 3 1/4 inches. Mr. Fromberger said the setback from Fairport Road is a little less than 15 feet. Mr. Leni asked if the placement of the sign was taken into account by the Planning Board. Mr. Fromberger pointed out that the original plans indicated it to be plus or minus 15 feet.

Matt Fox made a motion to grant the three variances as proposed (height, size and location) subject to engineering approval with regard to placement. Margot Gilhart seconded the motion. Voting was 4-0, all in favor.

3rd Item on the Agenda: 701 Garfield Street, parcel #151.28-2-20. Aldo and Diane Magliocchetti were present requesting architectural review and site plan approval for an area variance to build a three season room. Diane Magliocchetti told the Zoning Board that their application received a positive recommendation from the Planning Board pending the review of their elevation drawings. She told the Board that they would need an area variance for the three foot setback from their south property line. Mr. Leni reiterated that the Planning Board needs to do an architectural review of the elevation drawings before the variance can be granted. Margot Gilhart asked about the grey stockade fence. Mr. Magliocchetti said it belonged to the neighbor. Dave Smith told the Board that New York State requires a five foot setback from the property line and since the proposed structure is only three feet away, the wall needs to be fire rated and the window size needs to meet code. Rob Leni pointed out that the Village Code setback is four feet from the side property line and that is why a variance is required.

Matt Fox made a motion to grant the area variance as proposed subject to final architectural approval from the Planning Board. Chrissy Belles seconded the motion. Voting was 4-0, all in favor.

New Business: Margot Gilhart pointed out that Wells Landing has large flags and a wooden sign up without approval.

A motion was made to approve the minutes, but was not specified as to which minutes; therefore, the approval of the December 2011 (which were tabled from last month) and March 2012 minutes will be tabled until the May 15th meeting.

A motion to adjourn was made by Margot Gilhart and seconded by Matt Fox. Voting was 4-0, all in favor. The meeting adjourned at 7:55 pm.

Respectfully submitted,

Tracie Miller
Recording Secretary