

## **EAST ROCHESTER ZONING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices  
DATE: April 21, 2015  
TIME: 7:00pm

### **PRESENT:**

Frank Barbero, Chairman  
Eric Schoenhardt, Member  
Devin Vosburgh, Member  
Margot Gilhart, Member  
Brian Pyfrom, Member  
Jason Steel, Alternate Member

### **NOT PRESENT:**

John Belt, Alternate Member  
Gary Smith, Parrone Engineering

David Smith, Building Inspector  
David Mayer, Village Attorney  
Jennifer Raymond, Recording Secretary

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

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

117 West Commercial Street, parcel #139.77-4-41 Morabito Law Office. David Morabito presented seeking a Commercial Area Variance to have a greater number of signs than the maximum 2 signs per business allowed by Town Code 193-19 (A). Mr. Morabito wants to install a new 8' x 2' wall-mounted sign on the front of the building, over the second story windows, and to maintain the existing window signage and the existing awning with the company name on it. The three signs combined are still under the 50 square foot maximum allowed by Town Code 193-19 (B) at a business.

Margot Gilhart commented that the signage already existing on the awning and on the front window is very easy to spot and can't be missed from the parking lot across the street. People don't seem to have a problem finding the business. Mr. Morabito spoke of the historical value of the wall-mounted sign (it used to be hung on the building in a different spot, for 40 years). He also spoke about the need to cover up the cracks on the brick wall (he was advised from several different agencies that painting over the cracks to cover them up wouldn't be a good idea). Ms. Gilhart explained that she wouldn't want to see other businesses cover up the front of their buildings along the same street with signage. She felt that it would take away from the historical architecture. Mr. Morabito replied that in the case of his building, it has a flat-surfaced front with no class design to enhance it. The sign he is proposing to install there would enhance the building because the sign is very classy.

Eric Schoenhardt inquired about the Planning Board's decision and conditions for their Architectural Review. Jennifer Raymond explained the Planning Board's decision to the Zoning

Board. The Planning and Architectural Review Board determined at the October 14, 2014 meeting that the existing awning with lettering on it, and the window decals are 2 signs. The proposed wall-mount sign (an old sign that was restored and being put back up, but in a new location) counts as a third sign. The PB gave a positive recommendation to the ZB for Mr. Morabito to apply to the ZB for a variance to allow the 3 signs.

Mr. Schoenhardt reminded the Board that the Planning Board takes care of the Architectural Review. The Zoning Board approves or denies variances; in this situation they are only determining an approval/denial for a variance to allow an excessive number of signs beyond what the Town Code allows.

David Smith and Mr. Morabito spoke about the square footage of the three signs combined and reminded the Board that the business would still be below the 50 square foot maximum allowance by Town Code 193-19 (B).

Mr. Schoenhardt commented that he doesn't think the three signs will look gaudy or atrocious.

Mr. Morabito mentioned that another business along the same street has a wall-mounted sign that's higher up than the sign he is proposing to install. Brian Pyfrom spoke about the area of the building that would be covered up on Mr. Morabito's building. Mr. Morabito re-iterated that the sign is beautiful and will be covering up the cracks, not covering up the masonry with the year built stamped on it.

David Smith said he understood Margot Gilhart's concerns and that if this project was proposing to have 3 signs and to be over 50 square feet then it would be a different situation. He reminded everyone that this project will still be under the 50 square foot rule.

Collette Morabito discussed the possibility of not including the business name on the awning when they (eventually) replace it. She explained that when they had the awning made no one told them that the business name on the awning would be considered a sign.

Eric Schoenhardt made a SEQRA motion to find this project to be a Type 2 Action.

Margot Gilhart seconded the motion. Voting was 5-0, all in favor.

Eric Schoenhardt made a motion to grant the variance to allow the three signs with the stipulation that the business name would not be put on the new awning when it is eventually replaced.

Devin Vosburgh seconded the motion. Voting was 5-0, all in favor.

### **2nd Item on the Agenda:**

233 East Commercial Street, parcel # 152.22-1-17. Owner John Ross presented seeking a Residential Area Variance to install a 4 foot high black vinyl coated chain link fence (not decorative) in the front yard (East Commercial Street side) of his corner lot, with less than the required 40 foot setback from the road, and a with a height that's higher than 36 inches.

Mr. Ross explained that the fence will be 15 feet to 17 feet from the road. He has also taken the suggestion from the Planning Board to add a second gate (on the East Commercial Street side, for an emergency access route).

Jennifer Raymond told the Board that the Planning Board gave a positive recommendation to the Zoning Board (at the April 14, 2015 meeting) for the fencing to be installed as submitted with the option of adding a second gate along the East Commercial side of the property.

David Smith explained to the Board that the way our Town Code reads, Mr. Ross' corner lot has two front yards. Since his fence is within 40 feet of the road, it's considered to be front yard fencing.

Eric Schoenhardt made a SEQRA motion to declare this project to be a Type 2 Action.  
Brian Pyfrom seconded the motion. Voting was 5-0, all in favor.

Margot Gilhart made a motion to approve the variance requests as submitted.  
Eric Schoenhardt seconded the motion.  
Voting was 5-0, all in favor.

**New Business:**

David Mayer and David Smith had an open discussion with the Board concerning Special Use Permits, variances, hardships (both existing and self-created).

David Smith also questioned why a front yard fence (that is decorative in style and not more than 36 inches in height, per code requirements of a front yard fence) application would need to go before the Zoning Board for a variance. In his opinion, the fence should only have to be presented to the Planning Board for Architectural Review.

Margot Gilhart made a motion to approve the March 17 2015 meeting minutes.  
Devin Vosburgh seconded the motion. Voting was 5-0, all in favor.

Devin Vosburgh made a motion to adjourn.  
Brian Pyfrom seconded the motion.  
Voting was 5-0, all in favor.  
The meeting was adjourned at 7:35 pm.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary