

EAST ROCHESTER ZONING BOARD MINUTES

PLACE: 317 Main Street, East Rochester Village Offices
DATE: May 17, 2016
TIME: 7:00pm

PRESENT:

Frank Barbero, Chairman
Eric Schoenhardt, Member
Brian Pyfrom, Member
Margot Gilhart, Member
David Smith, Building Inspector
Jennifer Raymond, Recording Secretary

NOT PRESENT:

Gary Smith, Parrone Engineering
John Belt, Alternate Member
Devin Vosburgh, Member
Jason Steel, Alternate Member
Dan Bryson, Village Attorney

Frank Barbero called the meeting to order at 7:15 pm.

1st Item on the Agenda:

208 Bluff Drive, parcel #139.63-1-5. Owner Peter Sutton presented seeking a Residential Area Variance to widen his eight foot wide driveway by eight feet (total width of the proposed driveway would be sixteen feet), requesting a six foot variance. Mr. Sutton explained several reasons for needing the wider driveway: given the location of his property on the bend (of the road) there have been many accidents in his front yard in the winter, when his kids are home from school there are additional cars that need to be parked in the driveway, he has been given a violation notice for parking on the front lawn area and he has allowed an East Rochester fire fighter to move in and he needs to be able to get his vehicle out for emergency calls.

Frank Barbero mentioned that the tape location map of the property indicates that this property is long and narrow, but not very wide. Mr. Barbero also inquired about the work for the driveway addition having been started before obtaining approval and a permit. Mr. Sutton said he was told by someone at the Town that he didn't need a permit but that he had called 811 dig. Mr. Sutton then explained that the Town inspector had contacted him to stop work, apply for a variance and if approved, to obtain a permit before continuing work.

David Smith confirmed with Mr. Sutton that a tenant is living there and is also parking a vehicle on the property.

Frank Barbero inquired whether the applicant plans to pave the driveway addition. Mr. Sutton said that due to financial constraints, he plans to use crusher-run for now and hopes to pave it in the future. Eric Schoenhardt explained the Town Code 193-69 (B) that allows for a ten foot wide driveway for properties with no garage or a single-car garage, and then said that other properties in the neighborhood have gotten approvals for driveways that are wider than ten feet; the precedence set is that those driveways

are paved. Mr. Sutton gave an example of a house on Magnolia Ave that had gravel for part of the driveway rather than asphalt.

Margot Gilhart asked the applicant how many cars the family owns. Mr. Sutton said the family has four cars, and the fireman that lives there has one car. Ms. Gilhart confirmed that the applicant also stores a large camper on the driveway up next to the house. Mr. Sutton said that it is a thirty-two foot long trailer and that there is a fence across the driveway behind the trailer; there is also a pool in the rear yard.

Brian Pyfrom said that he used to live next door to this property and was under the impression that the number of accidents had decreased at the bend due to improvements made on the roadway. Mr. Sutton agreed that it has gotten better, but that there are still accidents that are right near his vehicles (with the current footprint of the driveway). Mr. Pyfrom asked at what location the applicant is measuring the width of the current driveway (Mr. Sutton says it is currently eight feet wide). Mr. Sutton replied that he measured from the stake on the property line. Mr. Schoenhardt confirmed with Mr. Sutton that from that stake, the applicant is proposing to have a sixteen foot distance across with the width expansion. Mr. Sutton mentioned that he would like to have a curb cut if possible, but if not then his truck can still get over the curb. Mr. Smith told the Board and the applicant that if that part of the road is considered a County road, then the Town cannot grant approval for a curb cut; the applicant would have to seek a Monroe County DOT permit for that.

Eric Schoenhardt said that he is inclined to vote in favor of the project, but would prefer that the applicant pave the driveway expansion. Margot Gilhart inquired whether the gravel area would become a mud-hole after a while. Mr. Sutton said he hopes to pave the expansion when money allows. Mr. Sutton said that currently there is a large dirt area on the front lawn where grass does not grow (and vehicles have been parking on), but if he is granted the variance he will have a gravel area to park on that will alleviate the mud problem.

Dan Bryson submitted a print-out to the Board stating the five factors to take into consideration with an Area Variance determination (as detailed on the variance application): 1) Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance, 2) Whether the benefit sought by the applicant can be achieved by any practical alternatives, other than an area variance, 3) Whether the requested area variance is substantial in relation to the zoning requirement, 4) Whether the posed area variance will have an adverse effect or impact on the physical, environmental and/or "quality-of-life" conditions in the neighborhood or district, and 5) Is the need for the variance self-created or was it caused by factors outside the control of the applicant. The Board's discussion determined that although it is self-created, it would not necessarily have an adverse effect on the neighborhood, although they would prefer to have the driveway paved.

Mr. Schoenhardt explained that he works with a construction company and therefore has some experience with specifications for driveways; he urged the Board to make a six-inch-system requirement

for the gravel in order to avoid the dirt from rising up through the stone and creating muddy conditions. The Board members agreed.

Eric Schoenhardt made a motion to approve the Residential Area Variance to allow the driveway's width to be expanded eight feet, for a total driveway width of sixteen feet as measured from the stake on the property line, with the condition that the applicant use a six-inch-system of either four inches of stone/two inches of asphalt or six inches of gravel.

Margot Gilhart seconded the motion.

Voting was 4-0, all in favor.

New Business:

David Smith told the Board that JB's Smoke House located at 211 Main Street was issued their construction permit today and is hoping to open the restaurant in three weeks.

Margot Gilhart made a motion to approve the April 19, 2016 meeting minutes.

Brian Pyfrom seconded the motion.

Voting was 4-0, all in favor.

Eric Schoenhardt made a motion to adjourn.

Margot Gilhart seconded the motion.

Voting was 4-0, all in favor.

The meeting was adjourned at 7:46 pm.

Respectfully submitted,

Jennifer Raymond
Recording Secretary