

**EAST ROCHESTER ZONING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices  
DATE: June 16, 2015  
TIME: 7:00pm

**PRESENT:**

Frank Barbero, Chairman  
Devin Vosburgh, Member  
Brian Pyfrom, Member  
Margot Gilhart, Member  
John Belt, Alternate Member

**NOT PRESENT:**

Eric Schoenhardt, Member  
Gary Smith, Parrone Engineering  
Jason Steel, Alternate Member

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

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

John Belt participated as a voting alternate member.

**1st Item on the Agenda:**

140 East Elm Street parcel #152.22-3-8. Tenant Angela Doslik presented seeking a Residential Area Variance to install a 4 foot high wooden white picket front yard fence and gate on a corner lot with less than the required 40 foot setback from a street, and a height that's higher than 36 inches (corner of Madison Street and East Elm Street).

Frank Barbero inquired why Ms. Doslik would like to have a 4 foot high fence instead of a 36 inch high fence. Ms. Doslik replied that this area has heavy foot traffic and she wants to have the extra foot in height to provide a greater deterrent for trespassing and for safety. David Smith added that Ms. Doslik had explained to the Planning Board that because it is a corner lot many people cut across her yard and have caused damage to the property or taken planters.

For the record, Jennifer Raymond asked for clarification of the proposed gate's location. Ms. Doslik explained that the gate will be to the left of the entryway stairs.

Frank Barbero asked if there were any line-of-sight issues. David Smith explained to the Board that Gary Smith had gone over this concern at the Planning Board meeting on June 9, 2015 and determined that due to the property line being 3 feet back from the sidewalk, there wouldn't be any problems. David Smith mentioned that the Department of Public Works also requires a setback to avoid any problems with clearance for the sidewalk plow.

David Smith explained to the Board that East Rochester is unique in that the property lines do not always go up to the sidewalk/road; they are often set farther back. In most towns, the property line goes up to the sidewalk.

Margot Gilhart mentioned that Ms. Doslik has an extensive collection of plants and asked Ms. Doslik whether she plans to leave grass between the fence and the house or would she be extending her garden area. Ms. Doslik replied that she would leave some grass but would also be extending her garden area.

Mr. Smith stated that Ms. Doslik has a quite a few plants hanging from her roof and asked Ms. Doslik if she is sure the roof can handle all that weight. Mr. Smith said the roof wasn't designed for that. Ms. Doslik replied that she is quite confident that the roof is capable of holding the weight, and she has been very careful of the types of planting material she has used. Mr. Smith spoke about the snow load that a roof is designed to handle. Mr. Smith strongly suggested she get that verification checked out by a professional to be sure. Frank Bello mentioned that the roof is about 2 years old.

Margot Gilhart stated that she would like to have a condition of any approval the Board makes to require the area between the fence and the sidewalk to remain a grass area.

Margot Gilhart made a motion to grant approval for the variance to have 1 additional foot in height for the front yard fence in a high traffic area with the condition that the area between the fence and the sidewalk to remain a grass area.

Devin Vosburgh seconded the motion.

Voting was 5-0, all in favor.

**2nd Item on the Agenda:**

825 Fairport Road, parcel #152.45-2-4 Wegmans Food Markets. Art Pires representing for Wegmans Food Markets presented seeking a Commercial Area Variance for excessive number of signs and excessive square footage of signage. They are proposing 9 light pole banner signs (Town Code 193-19 Sec A allows 2 signs per business) with a total square footage of 164.88 for the banners (Town Code 193-19 Sec B allows a maximum of 50 square feet).

Art Pires passed around a photo to the Board that shows a rendition of the entire parking lot. He explained that only 9 of the 19 light poles in the parking lot will have these banners. There is a distance of approximately 160 feet between light poles. He explained that these banners are just welcome signs, some of which have artwork (like veggies) on them and others just have 'welcome' on them. The banners are not advertisements for Wegmans.

Frank Barbero asked what the distance is between the bottom of the banner and the ground. David Smith stated that the Planning Board application specifications have 16 feet as the distance.

Mr. Pires said the banners are basically a farmer's market kind of theme (with the veggies); they are there to welcome customers and to enhance the parking lot. They are not a detriment to quality of life or distracting to the traffic on the roadway. He emphasized that the banners are subtle, and that even though the requested variance is self-created, it is not substantial, given the size of the parking lot.

Frank Barbero asked about the frequency of the banners being changed or replaced. Mr. Pires said there isn't a set plan or cycle. The banners will be replaced as needed when they are faded or ripped.

Margot Gilhart asked if the artwork would change with the seasons and/or holidays. Mr. Pires replied that any future banner changes would only be one of the five artwork designs approved at the Planning Board meeting on June 9, 2015, or they may be a basic welcome sign with no artwork.

Brian Pyfrom mentioned that the proposed banners are similar to the banners hanging around Town for the Chamber of Commerce. David Smith noted the exception that the Chamber's banners have business names on them.

David Mayer and Jennifer Raymond had a discussion concerning the Planning Board's positive recommendation to the Zoning Board with the details of their conditions.

Brian Pyfrom made a motion for the Zoning Board to approve the area variances for the nine banners presented at this meeting (for excessive number of signs and excessive square footage of signs), with the condition that any replacement banners that differ from the artwork presented to be non-advertisement welcome banners, and any other artwork proposed to be administratively approved by the Architectural Review Board.

Devin Vosburgh seconded the motion.

Voting was 5-0, all in favor.

### **New Business:**

David Smith discussed a proposal presented to the Town Board for review and approval for the property at 300 Main Street (Techniplex). The project proposes to take public property that is for public use and allow Techniplex to fence in a patio area to be for private use (for the employees). When Mr. Smith shared this information with the Planning Board at the June 9, 2015 meeting, the Board was adamantly opposed to the project. Since last week, the Town Board has made a condition that there be two patios (instead of the one patio as proposed).

Brian Pyfrom inquired whether any other projects from the June Planning Board meeting would be coming before the Zoning Board. Mr. Smith explained that a project that was originally on the agenda for tonight's Zoning Board meeting, 207 West Spruce Street for a new open front porch and façade changes has been withdrawn. The Planning Board decided the previous week that this project can proceed without a variance.

Jennifer Raymond spoke briefly about training requirements required for Board members. Currently only John Belt needs to take a training program; everyone else has renewed credentials for the year.

Devin Vosburgh made a motion to approve the May 19, 2015 meeting minutes.

Margot Gilhart seconded the motion.

Voting was 5-0, all in favor.

Margot Gilhart made a motion to adjourn.

Brian Pyfrom seconded the motion.

Voting was 5-0, all in favor.

The meeting was adjourned at 7:36 pm.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary