

## **EAST ROCHESTER ZONING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices  
DATE: July 19, 2016  
TIME: 7:00pm

### **PRESENT:**

Frank Barbero, Chairman  
Eric Schoenhardt, Member  
Margot Gilhart, Member  
Devin Vosburgh, Member  
John Belt, Member

### **NOT PRESENT:**

Brian Pyfrom, Member  
Ed Parrone, Parrone Engineering

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

Frank Barbero called the meeting to order at 7:09 pm.

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

507 Wilson Ave, parcel #152.31-1-7.1. Owner Devin Hollands presented seeking a Residential Area Variance to allow him to maintain three curb cuts onto a public road. Mr. Hollands explained that he had gotten approval from the Zoning Board April 21, 2009 to allow for a U-shaped driveway (with less than the 50 foot required setback) but only with two curb cuts. Mr. Hollands said when the driveway was paved they decided to put asphalt up to the road due to drainage issues (rather than leaving a grass area between the driveway and the road). Mr. Hollands said that his property is situated on the curve of the road and therefore there is no parking along the road side, there are no line-of-sight issues and the neighbors are not affected by this; it is safer to pull in and pull out of the driveway rather than backing out on the curve.

David Smith explained that as a New York State Code Official, the Department of State requires him to follow-up on any complaint received. If any Board in NYS makes a decision for a property, it is law. A neighbor had complained that the closest part of the U-shaped driveway and curb cut allowed Mr. Hollands to park over onto his property. Mr. Smith explained that he had inspected Mr. Hollands' property (for the complaint), researched the property files and notified Mr. Hollands that he would need to remove one curb cut. Mr. Hollands chose to submit an application to the Zoning Board seeking a Residential Area Variance to maintain the third curb cut.

Mr. Hollands explained that he had paid for a new survey to be done, which shows that the distance from the edge of the U-shaped driveway to the property line shared by the complaining neighbor is 14.9 feet and that the neighbor's house is only four feet from the shared property line.

Eric Schoenhardt spoke about the variance approval conditions from 2009 that required the northern curb cut to be removed/terminated. Devin Vosburgh explained that DPW Superintendent David Bussey wanted a turn-around rather than a third curb cut as a requirement of the 2009 approval.

Dan Bryson asked Mr. Hollands for clarity concerning which two of the three curb cuts were approved. Mr. Hollands explained that the two accesses furthest from the complaining neighbor's property were approved and that the paver ended up placing asphalt up to the road at the turn-around point (third curb cut) due to a drainage issue. Mr. Hollands said that the Town Code allows turn-around driveways; Mr. Smith added that the Town Code also mentions the 60 foot of frontage requirement with a 50 foot setback from the front wall of the building. Mr. Hollands only has 24.8 feet.

David Smith told the Board that DPW's concern with this project is setting a precedence to allow other properties to have three curb cuts. Mr. Smith told the Board that with this in mind, an approval of this project would have to include the unique elements of this property and situation.

Margot Gilhart asked if there were any safety issues with line-of-sight. Dan Bryson asked Mr. Smith if there were any engineering concerns about this. Mr. Smith said that engineering could have a concern, but in this situation there is not an issue.

Margot Gilhart and Devin Vosburgh both said it would seem safer to allow the applicant to use a turn-around and go straight out rather than backing out.

David Smith mentioned that the turn-around is the point of contention with the neighbor. Mr. Hollands reiterated that based on the new survey done, the turn-around is 15 feet away from the property line.

Dan Bryson explained that the requested residential area variance will be a Type 2 Action under SEQRA and as such not subject to SEQRA.

Eric Schoenhardt led a discussion with Board members concerning safety issues; Devin Vosburgh pointed out that this property has a wide area of frontage that sits right on a blind curve on the road.

Devin Vosburgh made a motion to approve the Residential Area Variance to maintain the third curb cut subject to keeping the line-of-sight free and clear, based on the unique situation whereby this property has a wide area of frontage located on a blind curve on the road and for safety to avoid backing-out onto the roadway.

John Belt seconded the motion.

Voting was 5-0, all in favor.

**New Business:**

Eric Schoenhardt requested that if the situation were to arise again whereby an applicant comes back to the Board after applying for a similar/same situation as in the past, it would be beneficial to the Board to get copies of the entire original application so as to have all the original proposals and Board decisions for review.

Margot Gilhart made a motion to approve the June 21 2016 meeting minutes.

Devin Vosburgh seconded the motion.

Voting was 5-0, all in favor.

Eric Schoenhardt made a motion to adjourn.

John Belt seconded the motion.

Voting was 5-0, all in favor.

The meeting was adjourned at 7:51 pm.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary