

EAST ROCHESTER ZONING BOARD MINUTES

PLACE: 317 Main Street, East Rochester Village Offices

DATE: August 16, 2016

TIME: 7:00pm

PRESENT:

Frank Barbero, Chairman
Eric Schoenhardt, Member
Margot Gilhart, Member
Devin Vosburgh, Member
John Belt, Member
Ed Parrone, Parrone Engineering
Dan Bryson, Village Attorney
David Smith, Building Inspector
Jennifer Raymond, Recording Secretary

NOT PRESENT:

Brian Pyfrom, Member

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

1st Item on the Agenda:

80 Bluff Drive, parcel #139.71-1-1.2 Hoselton AutoCare. Tom Fromberger from MRB Group acting as agent for Hoselton Realty Corp presented seeking four (4) Commercial Area Variances to use the facility for a new AutoCare Center located within the "Industrial District": Chapter 193, Article XII, Section 61 (B): Parking Space Size from 9' x 18' to 7.5' x 17' (Temporary storage parking area), Chapter 193, Article XII, Section 65: Required Spaces from 116 spaces to 104 spaces, Chapter 193, Article X, Section 58 (D)(6): Parking setback from 35' front setback to 5' (existing & proposed areas), from 20' property line setback to 12' (existing & proposed areas), Chapter 67, Article II, Section 18 (1) Fire Lane from current standard 26', Town Code requirement 25' to existing 24'. Village of East Rochester code Chapter 193, Article XIII, Section 45 (B). Mr. Fromberger also presented seeking two (2) Commercial Use Variances to use the facility as a new AutoCare Center located within the "Industrial District" as follows: Chapter 193, Article X, Section 58 (A) (2), (f), (j) and (l), Dealer to dealer closed bid sales, General Motor Vehicle Sales.

Frank Barbero inquired about the condition of the cars that the applicant plans to store (temporarily) on-site and the process of getting the cars there. Mr. Fromberger explained that cars that are traded in but not put on the resale lot would be temporarily stored on-site for dealer to dealer closed bid sales. Later in the meeting, Nick Wargo (employee at Hoselton) also addressed this concern. Mr. Wargo said some cars will still go to auction and that only the nicest cars waiting for dealer to dealer sales would be on-site.

Dan Bryson explained to the Board that upon further review of the Town Code with David Smith and Ed Parrone, he has spoken to the applicant concerning the Use Variance requests. It is determined that the requests are better off applied as a Special Use Permit which falls within the purview of the Planning Board to review and approve or not approve.

Eric Schoenhardt asked Mr. Fromberger for a formal request to withdraw the Use Variance requests. Mr. Fromberger stated he is withdrawing the Use Variance requests before the Zoning Board, and that he will apply for a Special Use Permit with the Planning Board.

Eric Schoenhardt asked Mr. Fromberger about maintaining the swale and managing erosion control with the proposed removal of trees on the site. Mr. Fromberger showed the Board the site plan where there will be some selective trimming and tree removal to provide access to the retention pond area, which they will have to clean out and make slightly bigger; overall they want to keep the slope stabilized and they want to keep the hedgerow and as many trees as possible. Ed Parrone commented to the Zoning Board that the Planning Board and engineering are reviewing these matters as part of the site plan review along with plans for buffering the site. Mr. Fromberger also spoke about working with their wetland consultant concerning the 100 foot wetland buffer. Mr. Fromberger mentioned a DEC permit was on file for past work in this area and also obtaining another DEC permit to clean the area out and make it slightly larger.

Eric Schoenhardt mentioned that the proposed five foot front setback for parking will still be quite a distance from the roadway. Mr. Fromberger addressed the site plan to show distances at several locations with the Board.

David Smith questioned Mr. Fromberger about the proposed light poles shown on the site plan that are in the New York State DOT's right-of-way. Mr. Fromberger replied that originally they planned to have the light poles installed by RG&E (which would be in the right-of-way, in order to utilize their existing pole lines). After further discussions with the applicant, they have decided that they are going to install their own private lighting system on site (rather than in the right-of-way).

David Smith addressed the variance request to maintain the existing twenty-four foot wide fire lane. Mr. Smith explained that the NYS code standard is twenty-six feet wide with an exception allowed for a twenty-four foot wide fire lane if adequate for the local fire department's equipment, and mentioned that the Town Code is twenty-five feet wide. ERFD Chief Matthew Parrone was consulted and said that the existing twenty-four foot wide fire lane in front is adequate for the department's equipment.

During public comments, town resident and Planning Board member Barb Marr spoke. Mrs. Marr explained that typically the Planning Board makes recommendations to the Zoning Board for any variance requests but that in this case, the applicant has tabled the Site Plan and Architectural Review application while they sort out DEC logistics. Mrs. Marr said she came to this meeting to outline concerns discussed by the Planning Board at the August 9, 2016 meeting: 1) The number of proposed parking spaces needs to take into account how many cars will be temporarily stored on the site plus having parking spaces available for the employees 2) The condition of the cars that will be kept on the lot (the Board wants to avoid having this site become a vehicle junkyard and/or an eyesore). The Planning Board strongly suggests adding conditions for buffering or screening the site as well. Mr. Smith added that the Board had discussed a berm as an option.

Mr. Fromberger assured the Board members that Hoselton intends to keep this lot tidy and presentable, and mentioned that in the future they may have general motor vehicle sales (public sales) and for that reason they also are cognizant of keeping the lot presentable and visible. A discussion continued concerning the possible general motor vehicle sales to the public; Mr. Fromberger pointed out that this use was listed as one of the two Use Variances (and which will now be reviewed by the Planning Board for the Special Use Permit). Mr. Wargo explained that only the nicer cars will be on the lot and that 'junk' cars will still go to auction; the general sales will mostly be done via internet with the customer only coming to the lot to pick up the car.

Eric Schoenhardt reminded everyone that this meeting is not going to address the use variances, only the area variances.

Mr. Fromberger pointed out two Town Codes that contradict each other: Chapter 193 Article 12, Section 58 (D) and Section 62 (C). Ultimately, it seems that the request for a variance to allow a 5 foot front setback for parking is not required, due to the site being non-residential and the parking area is not abutting a residential property. The Board agreed.

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

Eric Schoenhardt made a motion to approve the Commercial Area Variances: Chapter 193, Article XII, Section 61 (B): Parking Space Size from 9' x 18' to 7.5' x 17' (Temporary storage parking area), Chapter 193, Article XII, Section 65: Required Spaces from 116 spaces to 104 spaces, Chapter 67, Article II, Section 18 (1) Fire Lane from current standard 26', Town Code requirement 25' to maintain the existing 24' wide fire lane.

John Belt seconded the motion.

Voting was 5-0, all in favor.

Devin Vosburgh made a motion to approve the July 19, 2016 meeting minutes.

Margot Gilhart seconded the motion.

Voting was 5-0, all in favor.

Devin Vosburgh made a motion to adjourn.

Margot Gilhart seconded the motion.

Voting was 5-0, all in favor.

The meeting was adjourned at 7:46 pm.

Respectfully submitted,

Jennifer Raymond
Recording Secretary