

## EAST ROCHESTER ZONING BOARD OF APPEALS MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: August 17, 2010  
TIME: 7:00pm

### **PRESENT:**

Frank Barbero, Chairman  
Margot Gilhart, Member  
Patrick Piccioli, Member  
Eric Schoenhardt, Member–Alt

### **NOT PRESENT:**

Tony Gonzalez, Member  
Matthew Fox, Member

Larry Pierce, Building Inspector  
Rob Leni, Village Attorney  
Tracie Miller, Recording Secretary

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

**1<sup>st</sup> Item on the Agenda:** 108 Brizee Street, parcel #152.37–1–1. Applicant Rosanne Fabi was unable to attend so her sister, Joan Deuel, was present requesting an area variance to widen the driveways at 108 and 110 Brizee Street. Ms. Deuel said the house is a duplex with two driveways, one which is extremely narrow at ten feet wide with little room to shovel a path in the snow for walking. Ms. Fabi is looking to widen the 110 driveway one foot six inches to the property line. She has spoken to the neighbors and they are happy she is trying to make the property look better. Ms. Deuel said this driveway is probably the smallest one on Brizee Street. She went on to say the driveway in front of 108 is presently 19 feet wide and would like to extend it eight more feet to the property line.

Mr. Barbero asked if the driveways would also be resurfaced. Ms. Deuel said that they would be. She mentioned that she was also part owner of the property. She said there was a little bit of grassy area on the 108 side and didn't think aesthetically it would make a big difference. She also mentioned that there is a lot of greenery on that property line which would remain. Mr. Barbero asked what her reasoning was for widening the driveway which is already 19 feet. Ms. Deuel said that part of the property gets damaged from plowing and it would not be a lot of green space lost. She said 110 especially needs widening because there is just enough space for one car.

Eric Schoenhardt asked Larry Pierce about the code regarding this matter. Mr. Pierce stated that the applicant was looking for relief from Village code 193–69(B), which says that a driveway shall not be wider than ten feet wide for

no garage or a single car garage. Mr. Schoenhardt asked Ms. Deuel what hardship is caused by the 110 side being ten feet wide. Ms. Deuel said there is little walking space, especially in the winter and it is physically easier not having to walk on the grass. She also mentioned again that the neighbors on that side are fine with widening it. Mr. Schoenhardt pointed out that widening the 108 side would make it large enough for three cars, which would be twice as much as the code allows. He cannot see how widening it is appropriate. Mr. Schoenhardt commented that there is nothing unusual about this property compared to other Village properties which have to adhere to the code. He doesn't see a hardship to warrant widening.

Mr. Barbero asked if the public would like to speak, to which there was no reply.

A motion was made by Eric Schoenhardt to deny the variance request to widen either driveway based on the lack of hardship. Margot Gilhart seconded the motion. Ms. Gilhart went on to say that the Zoning Board is trying to keep the Village green and paving causes problems with stormwater runoff. Voting was 4-0, against granting a variance.

**2<sup>nd</sup> Item on the Agenda:**

501 West Commercial Street, parcel # 138.75-1-10. Applicants John Keim, Gary Keim and John Miner of RW Manufacturing were in attendance requesting a sign variance for relief from the Village code regarding the number of signs, total square footage and setback requirements. Gary Keim said they have adopted the suggestion from the Planning Board and reduced the size of the monument sign. He produced a new drawing with dimensions of 48 inches wide by 54 inches tall. Gary Keim said the RW Manufacturing sign will be on the rear building and the monument sign will be in front for the retail building. Eric Schoenhardt asked what constraints the property line variance is asking for. Gary Keim explained the positives and negatives of the monument sign placement.

Margot Gilhart asked if the monument sign will be installed perpendicular to the sidewalk and Gary Keim said yes. Mr. Leni said that since the Planning Board's suggestion on size reduction has been complied with, the negative recommendation to the Zoning Board has been removed. Larry restated that the Keim's were asking for relief from Village codes 193-19(A&B) and 193-17 (B) 2.

Mr. Barbero asked if the public had any comment, to which no one responded.

Margot Gilhart made a motion to approve the variance according to the presentation and plans submitted today by Gary Keim. Pat Piccioli seconded the motion. Voting was 4-0, in favor of granting the variance.

**Old Business:** There was no old business to discuss.

**New Business:** Ms. Gilhart mentioned the recycling bins that have been installed around the Village. She said that Mark McDermott is the Green Committee Chairman and thinks he should have been involved in making the decision regarding these bins. Eric Schoenhardt said that the bins should meet with Village code. Larry Pierce told the Zoning Board that the Planning Board also had concerns about the recycle bins. Frank Barbero asked if permission was received for the recycle bins. Larry Pierce said no, there was no presentation to the Planning Board. Rob Leni said Planning Board members felt the signs should have come before the Planning Board and if they didn't meet code they should have required a variance.

Eric Schoenhardt responded to a copy of an e-mail sent by Tony Gonzalez to Mike Flanigan regarding neighbor concerns at 501 West Commercial Street. The e-mail was given to Frank Barbero by Matthew Fox to present to the Zoning Board members. Mr. Schoenhardt said that if the Zoning Board has concerns they should be unified in what they do instead of one member taking it up with a Village Board member. Margot Gilhart mentioned that at the last Zoning Board meeting, which Mr. Schoenhardt was not at, they briefly discussed this issue. Rob Leni said that the Zoning Board clearly approved the variance for 501 West Commercial Street with specific terms. Mr. Leni pointed out that there was much deliberation by the Zoning Board before making their decision and the Planning Board accepted their decision.

A motion to approve the July 20, 2010 minutes was made by Patrick Piccioli and seconded by Eric Schoenhardt . Voting was 4-0 in favor of approval.

A motion to adjourn was made by Eric Schoenhardt and seconded by Margot Gilhart. Voting was 4-0, in favor of adjourning. The meeting was adjourned at 7:35pm.

Respectfully submitted,

Tracie Miller  
Recording Secretary