

EAST ROCHESTER ZONING BOARD MINUTES

PLACE: 317 Main Street, East Rochester Village Offices
DATE: September 16, 2014
TIME: 7:00pm

PRESENT:

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

NOT PRESENT:

Tony Gonzalez, Member
Michael Russo, Alternate Member
Gary Smith, Parrone Engineering

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

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

Margot Gilhart made a motion to have Jennifer Englert present for 503 Sycamore Street first.

Eric Schoenhardt seconded the motion. Voting was 4-0, all in favor.

1st Item on the Agenda:

503 Sycamore Street, parcel #151.27-1-12. Owner Jennifer Englert is seeking a Residential Area Variance to expand the existing 16 foot wide driveway to be wider than the maximum 16 foot width that Town Code allows.

Jennifer Englert explained to the board that only the top of the driveway up by the garage would be widened to match the width of the (expanded) garage door area. The apron of the driveway (by the road) will not be changed.

Frank Barbero asked how far down the driveway the expansion would go. Ms. Englert stated it would be approximately half way down the driveway. Eric Schoenhardt spoke about the space needed by the garage to enable a vehicle to swing into the expanded garage.

Jennifer Raymond advised the board that the Planning Board has given a positive recommendation to the Zoning Board for the proposed project, with the condition that the apron of the driveway would remain unchanged.

David Mayer advised the board to make a motion for SEQRA.

Margot Gilhart made a motion for a Type 2 action under SEQRA for this project having no impact of environmental significance. Devin Vosburgh seconded the motion. Voting was 4-0, all in favor.

Margot Gilhart made a motion to approve the project as submitted and to grant the variance for a driveway width greater than the 16 feet allowed by Town Code with the condition that the apron of the driveway would remain unchanged. Devin Vosburgh seconded the motion. Voting was 4-0, all in favor.

2nd Item on the Agenda:

100 Station Road, parcel #139.69-1-20. Mike Virgil from Construction Management Systems, Inc., acting as agent for Stanley Slade, is seeking a Commercial Area Variance for a proposed new 2,690 square foot commercial building (to replace an existing building for the same business that was recently destroyed in a fire). The applicant is requesting an area variance to allow the rear setback of the proposed building to be reduced from the required 20 foot setback to a 10 foot setback. The applicant is also seeking a use variance to allow the same business to be located and to continue to operate a retail business in an Industrial District.

David Mayer presented the board with a hand-out of Village Code Article VI, Chapter 193 Section 35- Restoration of damaged structures, part A “Any building damaged by fire or other unintentional causes to the extent of more than 50% of its fair market value shall not be repaired or rebuilt except in conformance with this chapter,” and Section 36 part A “A non-conforming structure which is damaged or destroyed to the extent of more than 50% of its fair market value may be rebuilt or restored within one year thereafter and such nonconforming use continued therein” and part B “For the purposes of this section, a “non-conforming structure” shall mean those with a pre-existing and approved use under the codes of the Village. Structures with no such approval must be rebuilt to the express purpose of the zoning classification of record.”

The board had a discussion concerning the structure that existed on this property before the fire that was built in 1884 (before these setback requirements and use codes were in place) was considered pre-existing/non-conforming. When a permit was issued at the time

it was built, and again in 1986 when it was remodeled the structure was compliant and had approval for its use.

Eric Schoenhardt asked about the footprint. David Smith said the difference is that the new building will have a basement, whereas the old building did not. Mr. Virgil said the footprint of the new building will not go outside the original footprint (of the old building).

David Smith also mentioned writing a letter to the DEC as an interested party (for lead agency under SEQRA) due to the area being considered a brownfield.

Eric Schoenhardt made a motion stating that the Zoning Board finds the structure to be non-conforming, but that it is a non-conforming pre-existing issue and that it is going to be rebuilt within a year and therefore the Zoning Board does not have to make a determination as to side setbacks or any other variances the building may require because it is going to be built within the original footprint.

Devin Vosburgh seconded the motion. Voting was 4-0, all in favor.

The applicant has determined that with Architectural and Planning Board approval, they will be able to complete construction of the proposed structure within a year from when the fire destroyed the pre-existing structure. Therefore, given the Village Codes 193-35 A, 193-36 A and B, no variances will be necessary.

New Business:

The board will request that the mayor advertise for new board members to fill vacancies.

Eric Schoenhardt made a motion to approve the August 29, 2014 meeting minutes. Devin Vosburgh seconded the motion. Voting was 4-0, all in favor.

Margot Gilhart made a motion to adjourn. Devin Vosburgh seconded the motion. Voting was 4-0, all in favor. The meeting was adjourned at 7:40 pm.

Respectfully submitted,

Jennifer Raymond
Recording Secretary