

## **EAST ROCHESTER ZONING BOARD OF APPEALS MINUTES**

PLACE: 120 West Commercial Street, East Rochester Village Offices  
DATE: September 20, 2011  
TIME: 7:00pm

### **PRESENT:**

Frank Barbero, Chairman  
Matthew Fox, Member  
Margot Gilhart, Member  
Tony Gonzalez, Member  
Eric Schoenhardt, Member

### **NOT PRESENT:**

Gary Smith, Engineer

Jim Herko, Assistant 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:** 350 West Commercial Street, parcel #138.84-1-10. Instant Sign Center owner, Katuscia Baldwin, was present seeking a variance to keep the existing sign over the door to her business.

Rob Leni stated that the Planning Board issued a positive recommendation for Ms. Baldwin's sign as well as all the proposed signs on the building at 350 West Commercial Street. Margot Gilhart asked why Instant Sign Center needed a variance. Mr. Leni explained that Ms. Baldwin's signs exceeded the permitted quantity and square footage. Mr. Gonzalez pointed out that this variance would stay with the property and would be in addition to the approval of the directory sign and other signs on the building. Rob Leni said Ms. Baldwin's sign above her door needs to be approved independently of the other building signs.

Matt Fox made a motion to approve the variance for the Instant Sign Center sign above the business door in the lower level, as presented. Margot Gilhart seconded the motion. Voting was 5-0, all in favor.

**2<sup>nd</sup> Item on the Agenda:** 350 West Commercial Street, parcel #138.84-1-10. Mr. John Sebastian was present seeking a variance for the excessive number of signs on his building and to install a directory sign. Rob Leni clarified that the signs needing approval are; the directory sign which has six spaces with only four filled; the red awning with four spaces, but only three filled; and the independent Re-Bath sign with a red border added. Mr. Leni made it clear to Mr. Sebastian that when the signs need modified they need to get Planning Board approval each time.

Tony Gonzalez asked if the directory sign would be lighted. Mr. Sebastian said it would have low impact exterior illumination that would be turned off by the close of business, but no later than midnight. Margot Gilhart likes the red awning because it coordinates with the Piano Works Mall. She would like to note that if the Re-Bath sign ever changes, she would like it to coordinate with the red awning better.

Tony Gonzalez made a motion to approve the variance for (1) the directory sign with four filled spaces (Re-Bath, Active Labs, Village Yarn & Fiber Shop and Instant Sign) and two open spaces; (2) the extension of the canopy as proposed with signage for Instant Sign Center, Village Yarn & Fiber Shop and Active Labs with one open space; (3) the independent Re-Bath sign to be modified with a red border; (4) and the Instant Sign Center sign over the door in the lower level with the understanding that any modifications or changes to these signs need prior Planning Board approval. Matt Fox seconded the motion. Voting was 5-0, all in favor of approving the variance.

**3rd Item on the Agenda:** 307 Cedar Place, parcel #152.22-2-45. Thomas Zedick was present seeking a variance to widen his driveway. Mr. Zedick introduced Greg Bourgeois, who helps him manage his rental properties. Mr. Zedick stated that he purchased the house about three years ago from an estate sale for about 50K. Since purchasing it he has done an estimated 30K in repairs (roof, kitchen, bath, flooring, appliances) and found reputable tenants. He has two apartments, one which the tenants are husband and wife who each work and own a car. His property only has space for two cars to park legally.

Mr. Zedick spoke to Dave Bussey regarding a curb cut and Mr. Bussey told him it was possible to do an 18 foot curb cut if the project was approved. Mr. Gonzalez confirmed that Mr. Bussey said this. Mr. Zedick went on to say that if he makes the driveway modifications as proposed he will be losing 100 square feet of green space but he wants to save the tree which is about 18 feet 4 inches from the west side of his property. The alternative is to get an easement to use the neighbor's driveway and backfill and pave both the neighbor's back yard and his, which would eliminate 500 to 600 square feet of green space. Mr. Gonzalez said that parking in the back yard would be dangerous as the property drops off.

Mr. Gonzalez looked at Mr. Zedick's property and confirmed that there are many upgrades. Mr. Zedick said the reason he is a landlord is because it keeps him active and he gets satisfaction from giving people a safe place to live. He doesn't do it because he needs the income. Mr. Zedick said that compared to the rest of the neighborhood what he wants to do is minimal and there would still be 11 ½ by 20 feet of lawn left.

Mr. Barbero asked where the tenants park now. Mr. Zedick said one parks on the grass. Mr. Schoenhardt asked where the two current parking spaces are located. Mr. Zedick referred to the picture included with his application and said one car parks to the left of the front door and one to the right. Mr. Leni added that one car parks on the front yard which is not a legal parking space. Mr. Zedick stated that he would like to make the parking area on the west side of the property 16 feet wide.

Tony Gonzalez strongly recommended that Mr. Zedick get an easement to use his neighbor's driveway. Mr. Leni restated that Mr. Zedick is proposing to pave his own property, but the Village Code only permits a ten foot driveway and Mr. Zedick is proposing to almost double that. Mr. Leni also mentioned that currently, cars are parking on the concrete walks. Mr. Leni told the Zoning Board that the Planning Board was 4-1-1 in favor of a negative recommendation.

Referring to an e-mail received from Matt Hogan, Zoning Board Member, Mr. Gonzalez said he understands Mr. Hogan's point about the property being purchased with the parking problem. Matt Fox mentioned that if Mr. Zedick didn't buy the property it might still be unimproved.

Mr. Gonzalez asked Mr. Zedick what other rental properties he owned to which Mr. Zedick replied 201 Wilson Ave. Mr. Gonzalez asked if there have been any police reports on his rental properties. Mr. Zedick said there was a call on Wilson Avenue when his tenant, who is a war veteran, got drunk.

Eric Schoenhardt said that Mr. Zedick came into the Village, improved a property and provided decent housing with minimal problems which shows good faith and benefits the Village. Matt Fox feels the benefits outweigh the negatives. Margot Gilhart asked Mr. Zedick if he had spoken with his neighbor, Ms. Falcone. Mr. Zedick said he did not, but he plows her driveway in the winter and doesn't want to interfere with her rights to come and go as she pleases. Rob Leni said to continue parking the way his tenants are parking now and easement would need to be procured.

Eric Schoenhardt asked about the pavement that goes right up to Mr. Zedick's house. Mr. Zedick said the previous owner paved it that way. Mr. Schoenhardt suggested removing that pavement to make up for the green space he would be losing by paving the front. Mrs. Gilhart thought it would look odd seeing how there is an entrance there. Mr. Zedick said it also helps keeps moisture out of the basement and away from the house.

Ms. Gilhart asked what Mr. Zedick would do with the concrete sidewalk. Mr. Zedick said it would remain on the east side and on the west side it would become part of the 16 foot driveway. Board Members agreed that keeping the driveway the same type of material would be more cosmetically pleasing. Mr. Schoenhardt asked if any neighbors have expressed concern about the paving. Mr. Zedick said no. Mr. Zedick's tenants were present and said that the neighbors were friendly and Ms. Falcone and the neighbor across the street allow them to park in their driveways.

Tony Gonzalez made a motion to approve the paving of 16 feet on the west side of the front yard, as proposed, provided that it is all one single-type material. Margot Gilhart seconded the motion. Voting was 5-0, all in favor of granting the variance.

**3rd Item on the Agenda:** 20 Ontario Street, parcel #139.79-1-3.2. The applicant agreed to table his Zoning Board application until the October 18<sup>th</sup> meeting so the Planning Board can review it first.

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

**New Business:** There was no new business to discuss.

A motion was made to approve the July 19, 2011 minutes by Margot Gilhart and seconded by Matt Fox. Voting was 5-0, all in favor.

A motion to adjourn was made by Eric Schoenhardt and seconded by Matt Fox. Voting was 5-0, all in favor. The meeting was adjourned at 8:00 pm.

Respectfully submitted,

Tracie Miller

Recording Secretary

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