

## **EAST ROCHESTER ZONING BOARD MINUTES**

PLACE: 317 Main Street, East Rochester Village Offices  
DATE: November 25, 2014  
TIME: 7:00pm

### **PRESENT:**

Frank Barbero, Chairman  
Devin Vosburgh, Member  
Eric Schoenhardt, Member  
Jason Steel, Alternate Member

### **NOT PRESENT:**

Tony Gonzalez, Member  
Margot Gilhart, Member  
Mike 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.  
Jason Steel participated as a voting alternate member.

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

100 Bluff Drive, parcel #139.71-1-1.1 RW Dake & Co. Ralph Baranes from Premier Signs presented seeking a Commercial Area Variance to install a free-standing, double-faced, non-illuminated 2'2" x 8' (17.33 square foot) panel sign with less than the required 15 foot setback from the front property line. Mr. Baranes explained that the sign was already approved by the Planning Board on February 11, 2014, but then he and his client determined that the 15 foot setback would have the sign too far back from the road to be seen. He is seeking a 10 foot variance to allow the sign to be setback only 5 feet from the property line.

Frank Barbero told the Board that he had been out to the site and determined that the proposed location is a good fit in this situation.

Devin Vosburgh said his only concern would be that having the sign closer to the road might cause a problem with line-of-sight.

Dave Smith questioned the distance from the road. Mr. Baranes did not have that measurement with him, but he did have a photo of the road and the proposed location. Mr. Smith determined that there weren't any problems concerning the line-of-sight. Mr. Smith also spoke to Mr. Baranes about having an inspection of the proposed location before the

sign is installed, as part of the permit conditions (as noted in the Planning Board's condition of approval on February 11, 2014).

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

Eric Schoenhardt made a motion to approve the project as submitted so long as the sign is located on (the building's side) between the building and the right-of-way. Jason Steel seconded the motion. Voting was 4-0, all in favor.

**2nd Item on the Agenda:**

117 West Spruce Street, parcel #152.21-2-29. Owner Jennifer Lenio presented seeking a Use Variance to harbor more than two dogs. Ms. Lenio explained that one of the two dogs that she currently owns is 14 ½ years old, and in very poor health. She works with a rescue group and came upon an opportunity to obtain a rare breed of dog. She does not intend to replace the dog that is old and sick once he passes.

David Smith explained to Ms. Lenio and the Board that right now the Town is in the process of changing the Town Code so that a Special Use Permit rather than a Use Variance for harboring more than two dogs can be issued. A variance stays with the property forever, whereas a Special Use Permit is granted to the individual and can be taken away if there are any problems with having more than two dogs (violations and/or complaints). The Town attorney is currently working on the language for the code change and then the Town Board votes on the proposed changes at their monthly meeting. It is anticipated that the Town Board will approve this change. After that, it goes to the Department of State for approval. Once approved, it will be officially entered into the Town Code Book (approximately a 6 month process).

Eric Schoenhardt made a motion to table this application pending the outcome of the Town Board's decision to change this to a Special Use Permit and for the Zoning Board not to consider a variance at this time. Jason Steel seconded the motion. Voting was 4-0, all in favor.

Mr. Smith explained to Ms. Lenio that the Town will take no further action until the code is revised by the Town Board. The Zoning Board will contact her to submit an application to go before the Planning Board for a Special Use Permit after the code has been changed (no charge to her). Mr. Smith also shared with the Board that the building department had received a call the previous day from a near-by neighbor, inquiring about the public

hearing for this property. The neighbor said she wasn't even aware that Ms. Lenio has any dogs at all. This shows that Ms. Lenio's dogs are not a nuisance and that she's a good candidate for this code change.

**3rd Item on the Agenda:**

304 Bluff Drive, parcel #139.63-1-1.2. Owner Phil Nelson presented seeking a Residential Area Variance to maintain a 10'W x 14'L x 11'H wood shed that has been built on the vacant lot adjacent to his other property (his house is located at 308 Bluff Drive). Mr. Nelson says the shed was built to replace an old shed that was crushed by a tree that fell. He didn't realize that he needed a permit to replace the shed. He explained that the prior owner had sub-divided the lot into the two current lots, which placed the shed on the now vacant lot, and the house on the other lot.

Mr. Smith explained that the reason for the variance is because the shed is an accessory structure, and by definition, it is accessory to a principal structure on the same lot. In this case, the house (principal structure) is on one lot and the shed (accessory structure) is on the other vacant lot.

Jason Steel asked if there are any line-of-sight or setback issues. Mr. Smith said that there are not any concerns.

Eric Schoenhardt asked Mr. Nelson what his intension is for the vacant lot. Mr. Nelson explained that when he bought the property with the house, he decided to buy the vacant lot next door so that no one else would buy it and build on it. He plans to eventually combine the two lots.

Jason Steel made a motion to approve the variance to maintain the existing shed on the vacant lot. Devin Vosburgh seconded the motion. Voting was 4-0, all in favor.

**4th Item on the Agenda:**

207 Garfield Street, parcel #139.77-1-37 St. Jerome's Church. Ralph DiTucci presented seeking a Commercial Area Variance to install a free-standing, double-faced 5'W x 4'H x 2' base (20 square foot) sign. He is seeking a 12 foot variance to install the sign 3 feet from the property line, which is less than the required 15 foot setback from the front property line (western right-of-way of Garfield Street at its intersection with West Commercial Street). He is also seeking a 4 foot variance for a height that exceeds the maximum 6 foot allowable height above the front entry of the building. Mr. DiTucci explained that the old sign was taken down during restoration of the church and that the new entrance way is 4 feet below the grade at the base of the proposed new sign.

Eric Schoenhardt made a motion to approve the two variances for the proposed sign with the positive recommendation given to the Zoning Board by the Planning Board and with the limitations that this property already has.

Jason Steel seconded the motion. Voting was 4-0, all in favor.

Devin Vosburgh made a motion to approve the October 21, 2014 meeting minutes. Eric Schoenhardt seconded the motion. Voting was 4-0, all in favor.

Jason Steel made a motion to adjourn. Devin Vosburgh seconded the motion. Voting was 4-0, all in favor. The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Jennifer Raymond  
Recording Secretary