

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of January 27, 2014**

Zoning Board Members present

Thomas Young, Chairman
Sam Space
Vincent Arcarese
John N. Moose
Melissa L. Barrett
Robin Ward Ezell

Absent

Seana Sartori

Conservation Board Members present

Robert Salmon

Town Officials present

Robert Place, Town Attorney
John Beck, Zoning Officer
Lori Stid, Zoning Board Clerk

Absent

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures. Mr. Young states that application for 67 Lambeth Loop and Be Walters Retail will not be heard tonight and have been rescheduled to 2/24/14.

NEW APPLICATIONS:

1. Dan & Lynne Hawthorne, owners of property located at 67 Lambeth Loop, requesting a variance of Town of Perinton Zoning Ordinance Section 208-14 C (3), to amend a previously approved variance dated January 28, 2013, to allow a portion of the existing fence to be up to 8' 4" instead of 6 feet as previously approved. Said property being located in a Residential B District.

2. Paul & Rebecca Girouard, owners of property located at 51 Little Brook Drive, requesting to amend a previously approved variance dated May 20, 2013, under Section 208-32 D (1), to allow an addition to set 26 feet from the southeast front property line and 18 feet from the northwest front property line instead of 40 feet (per approved subdivision map). Said property being located in a Residential B District.

Paul Girouard and his mother-in-law Mary Cooney presented the application to the Board. He reviewed the May 2013 meeting and the elevation changes. Mr. Place states that in essence, he is off by 1' from what was approved in May, 2013.

Mr. Girouard states that in May, 2013, the following was approved:

The Zoning Board of Appeals granted a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow an addition to set 26 feet from the southeast front property line and 19 feet from the northwest front property line instead of 40 feet (per approved subdivision map), subject to the following conditions:

- 1. It appears that a portion of this property is within an AE Flood Zone, as shown on the latest Flood Insurance Rate Map (FIRM) information for this area. The applicant needs to show, by way of a grading plan tied to U.S.G.S. data that the lowest ground elevation where the addition is being constructed is above flood elevation 395.9. If the ground is below this elevation, the applicant will need to address the restrictions mandated by the Flood Emergency Management Association (FEMA), which have been adopted into the Town Code of the Town of Perinton. There is also an existing easement for storm sewers on this property. While the proposed addition does not appear to encroach into the easement, the DPW will need to verify the actual pipe location in relation to the proposed addition prior to beginning construction.**
- 2. Applicant to build as per specs submitted.**
- 3. Applicant to obtain building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.**

Mr. Young asked for questions or comments from the Conservation Board and there were none.

Mr. Young asked for questions or comments from the DPW. Mr. Beck states that the DPW issued comments as follows:

It appears that a portion of this property is within an AE Flood Zone, as shown on the latest Flood Insurance Rate Map (FIRM) information for this area. The applicant has stated that they are working with an engineer,

rescheduled to 2/24/14

to prepare a grading plan that shows the ground elevations around the existing house and proposed addition (Elevation Certificate) in an attempt to have the house (structure) removed from FEMA's flood plain designation. If the ground is below elevation 395.9, the applicant will need to address the restrictions mandated by the Flood Emergency Management Association (FEMA), which have been adopted into the Town Code of the Town of Perinton. We request that the applicant provide a copy of their FEMA application to the DPW. There is also an existing easement for storm sewers on this property. While the proposed addition does not appear to encroach into the easement, the DPW will need to verify the actual pipe location in relation to the proposed addition prior to beginning construction. The plumber will need to coordinate with the DPW prior to commencing any of the work for the proposed sanitary sewer connection. The Building Permit should require an inspection for this work.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED issued comments as follows:

- 1. Refer to the DPW comments.**
- 2. A building permit is to be issued within one year.**

Mr. Young asked for questions or comments from Attorney Place. Attorney Place states that if they can get the base elevation above the flood plain designation, it will be easier to sell the home in the future and it will be less costly in the long run.

Mr. Young asked for questions or comments from the audience, and there were none.

Mr. Young feels that this is a minor request for this one corner.

Mr. Young made a motion to amend a previously approved variance dated May 20, 2013, under Section 208-32 D (1), to allow an addition to set 26 feet from the southeast front property line and 18 feet from the northwest front property line instead of 40 feet (per approved subdivision map).

1. It appears that a portion of this property is within an AE Flood Zone, as shown on the latest Flood Insurance Rate Map (FIRM) information for this area. The applicant has stated that they are working with an engineer, to prepare a grading plan that shows the ground elevations around the existing house and proposed addition (Elevation Certificate) in an attempt to have the house (structure) removed from FEMA's flood plain designation. If the ground is below elevation 395.9, the applicant will need to address the restrictions mandated by the Flood Emergency Management Association (FEMA), which have been adopted into the Town Code of the Town of Perinton. We request that the applicant provide a copy of their FEMA application to the DPW. There is also an existing easement for storm sewers on this property. While the proposed addition does not appear to encroach into the easement, the DPW will need to verify the actual pipe location in relation to the proposed addition prior to beginning construction. The plumber will need to coordinate with the DPW prior to commencing any of the work for the proposed sanitary sewer connection. The Building Permit should require an inspection for this work.
2. Applicant to build as per specs submitted.
3. Applicant to obtain building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

There will not be any undesirable change to the character of the neighborhood. Provided the applicant is able to meet the concerns of the DPW, there should not be any adverse physical or environmental effects caused by granting this variance. This is a well thought out addition. This appears to be the only location on the property that will work for the intended purpose. This property is impeded by code by having two front yards as it is a corner lot. Given the property configuration and grade changes, this is not a substantial request. The difficulty is self created by trying to add on an apartment for mother-in-law, but adding on to the home to allow an aging family member to live there is noble.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

3. Michael D' Angelo (Reliable Power Systems), as agent for Mary Lou Immegart, owner of property located 34 Mill Valley Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-31 D (1), to allow a generator to set 8 feet from the side property line instead of 15 feet. Said property being located in a Residential A District.

Michael D'Angelo presented the application to the Board. It would be very costly to put it in the backyard and to run it through the house and behind the garage would be very difficult and costly. The nearest neighbor is ok with it. There are bushes in place already. They will ask the neighbor what time they want them to run the test once a week. It is about 75' to 80' away and the neighbor will not hear very much.

Mr. Young asked for questions or comments from the Conservation Board.

Mr. Salmon states that the Conservation Board issued comments as follows:

Site visit for application #3, Mary Lou Immegart at 34 Mill Valley Road requesting a variance for a generator to set 8 feet from the side property line instead of 15 feet, was made on Monday January 20th. The proposed location is to the left of the dwelling and is in a lower portion of the side yard. There is a large shrub which will shield the generator from the front and a group of bushes that will shield it from the neighbor on the left side. CB has no further concerns on this application.

Mr. Young asked for questions or comments from DPW. Mr. Beck states that there are none.

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED issued comments as follows:

- 1. There appears to be adequate screening on the property. The Town staff has no concerns with this application.**
- 2. A building permit is to be issued within six months.**

Mr. Young asked for questions or comments from Attorney Place. Attorney Place suggests that they ask the applicant to maintain the existing screening.

Mr. Young asked for questions or comments from the audience, and there were none.

The Board members had no concerns with this request.

Mr. Space made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-31 D (1), to allow a generator to set 8 feet from the side property line instead of 15 feet, subject to the following conditions:

1. Applicant to maintain existing shrubbery to help to screen the generator.
2. Applicant to work with the next door neighbor to agree upon a time of day to test the generator.
3. Applicant to obtain a building permit within 6 months from meeting date. . If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

This is a logical location for the unit and is cost effective to have it in this location. There is already screening in place.

Ms. Ezell seconds the motion.

Motion carries 6 – 0.

4. Mamasan's Perinton LLC, owner of property located at 721,725, 735,741,747, and 751 Pittsford Victor Road and 6 Laird Lane, requesting the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-42 D:
 - a. To allow the front setback for existing building #721 to be 13.35 feet instead of 85 feet, and to allow the side setback to be 15.67 feet instead of 30 feet.
 - b. To allow the front setback for existing building #725 to be 5.91 feet instead of 85 feet.
 - c. To allow the front setback for existing building #735 to be 16.79 feet instead of 85 feet.
 - d. To allow the front setback for proposed building #1 to be 11.08 feet instead of 85 feet.
 - e. To allow the front setback for proposed building #2 to be 17.05 feet instead of 85 feet.
2. Section 208-42 G: to allow the access points to be 180 feet apart instead of 350 feet.
3. Section 208-25 – to allow the buffer area to be 15 feet (west side), instead of 50 feet.
4. Section 208-16 C (2) to allow the front parking setback to be 8 feet instead of 85 feet, and to allow the parking side setback to be 15 feet instead of 30 feet.

Said property being located in a Commercial District.

Discussion:

Minutes - 12/23/13

Mr. Young made a motion to approve the minutes of 12/23/13 as submitted.

Mr. Moose seconds the motion.

Motion carries 5 – 0, with one abstention of Mr. Space due to absence.

There being no further business before the Board, the meeting adjourned at 7:44 PM.

Respectfully Submitted,

Lori L. Stid, Clerk