

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of May 20, 2013**

Zoning Board Members present

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

Absent

Sam Space

Conservation Board Members present

Chris Fredette

Town Officials present

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

Mr. Young called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures. Application #2 – Stonebrook for Special Permit for topsoil removal has withdrawn from tonight's agenda and will reschedule.

NEW APPLICATIONS:

1. Thomas and Jacquelyn Moore, owners of property located at 184 High Street Extension, requesting a variance of Town of Perinton Zoning Ordinance Section 208-14R(2), to allow a garage addition of 360 s.f. to the existing 528 s.f. garage, for a total of 888 s.f., instead of 600 s.f. Said property being located in a Residential B District.

Mr. & Mrs. Moore presented their application to the Board. They need the additional space to store three vehicles and lawn equipment.

Mr. Young asks if this gets approved, will all of that be stored inside, and the applicant states yes. Mr. Young asks whose stockade fence? The applicant states it is the neighbor's fence.

Mr. Moose asks if the neighbors have expressed any concern, and the applicant states that there has been no objection.

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

Ms. Fredette states that the Conservation Board issued comments as follows:

Existing site is a flat surface at the rear of the existing garage. Storm water from gutters and downspouts will have to discharge to splash blocks as there is no storm sewer. Existing shed has been removed to the rear of the yard.

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

1. The CED Dept. has no concerns with this application. A building permit is to be issued within six months.

Mr. Young asked for questions or comments from Attorney Place, and there were none.

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

Mr. Moose made a motion to grant a variance of Town of Perinton Zoning Ordinance Section 208-14R(2), to allow a garage addition of 360 s.f. to the existing 528 s.f. garage, for a total of 888 s.f., instead of 600 s.f., subject to the following conditions:

1. There is to be no outside storage.
2. Applicant to build as per specs.
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.

There is no other way to obtain the benefit being sought. This will not be an undesirable change to the character of the neighborhood by granting this variance; the inside storage will enhance the property. It is not a substantial

request based on the layout of the property. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Sartori seconds the motion.

Motion carries 6 – 0.

2. BME Associates, as agent for Stonebrook Development, LLC, owner of property located as Stonebrook Subdivision tax account number 180.02-1-58.111, requesting a Special Permit of the Town of Perinton Zoning Ordinance Chapter 122, to allow the removal of excess topsoil from the site. Said property being located in a PDD District.

withdrawn - to be rescheduled

3. Cynthia Edington, as agent for Horace Edington, owner of property located at 70 Saint Andrews Blvd, requesting a renewal of a Special Permit under Section 208-31A(3) “Customary Home Occupation”, to allow a Life Coaching Business from the home. Said property being located in a Residential A District.

Ms. Edington states that she is here to renew her permit. The terms are the same as what was previously approved.

Mr. Young asked if there have been and comments or concerns from her neighbors, and the applicant state no.

Ms. Ezell asked if the business was working well for her within the parameters of the permit, and the applicant said yes.

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

Mr. Young asked for questions or comments from CED. Mr. Beck states the following:

CED received a satisfactory Fire Marshall report today.

CED has not received any complaints regarding this Special Permit. Therefore, it recommends approval with the same previously approved conditions, and any future renewals may be renewed administratively, provided there are no changes to the business or any complaints regarding the business.

Mr. Young asked for questions or comments from Attorney Place. Mr. Place suggests this application be renewed administratively for a longer time period if this goes forward.

Mr. Arcarese made a motion to grant renewal of a Special Permit under Section 208-31A(3) “Customary Home Occupation”, to allow a Life Coaching Business from the home, subject to the following conditions:

1. No signage at property.
2. No other employees.
3. Hours of operation are Monday through Friday from 5 PM – 9 PM & Saturdays from Noon – 6 PM.
4. There are no UPS or Fed-Ex deliveries to the home regarding the business.
5. Customers to park in driveway; not street.
6. Homeowner’s car(s) to be parked either in garage or driveway during these business hours.
7. Amount of space in home allocated for the business is to be less than 20% of total square footage.
7. There is to be only one client at a time, and are by appointment only.
8. There will be at least a 15 minute window between clients.
9. This permit will run for three years, and will expire on 7/1/2016, at which time it may be renewed administratively, provided there have been no changes to the business or any complaint regarding the business. If you do not renew your permit prior to the expiration date your permit will become null and void.
10. If you no longer wish to have this permit on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing that you have discontinued the use, and we will mark it null & void.

There are no other employees and no signage. There is no UPS or Fed Ex delivery for the business. There is adequate parking the in driveway. There will only be one client at a time and they will be scheduled in advance. Granting this use will not tend to depreciate the value of any adjacent property. There will not be a hazard to health, safety, or general welfare. Granting this use will not be a detriment to the flow of traffic in the area. Granting this use will not tend to depreciate the value of any adjacent property. Granting this use will not be a detriment to the flow of traffic in the area.

Ms. Barrett seconds the motion.

Motion carries 6 - 0

4. Clark, Patterson, Lee, Design Professionals, as agent for Southeast Quadrant Mobile Critical Care Unit, Inc., owner of property located at 2527 Baird Road, requesting the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-27 – Public Building and Grounds:

- a. To allow the lot width to be 118 feet instead of 250 feet.
- b. To allow the lot area to be 21,300 sq. ft. instead of 100, 000 sq. ft.
- c. To allow the front setback for the existing building to be 71.5 feet , and the proposed garage/office addition to be 61 feet instead of 100 feet.
- d. To allow the side setback for the existing building to be 25.5 feet and the proposed garage/office to be 29 feet instead of 80 feet.
- e. To allow the rear setback for the proposed garage/office to be 34 feet instead of 80 feet.

2. Section 208-16 B, to allow 4 parking spaces instead of 11 parking spaces.

Said property being located in an Industrial District.

Greg Lane, Esq., as Attorney for SEQ, presented the application to the Board as per the letter of intent as shown below.



April 15, 2013

HAND DELIVERED

Zoning Board of Appeals
Town of Perinton
1350 Turk Hill Road
Fairport, New York 14450

**RE: Southeast Quadrant Mobile Critical Care Unit, Inc.
2527 Baird Road**

2013
orig

Clark Patterson Lee
DESIGN PROFESSIONALS



Dear Board Members:

On behalf of Southeast Quadrant Mobile Critical Care Unit, Inc., a New York not-for-profit corporation (SEQ), we are submitting the following Request for Variance application for review and approval for the project described below. We are requesting to be heard at the Zoning Board of Appeals' May 20, 2013 meeting and public hearing. Application has been made to the Planning Board of the Town of Perinton with the intent on being heard at the Planning Board's April 17, 2013 meeting. Please note that SEQ received a special use permit for the project from the Perinton Town Board on January 23, 2013 following a public hearing thereon.

Enclosed are 12 sets of the following application materials:

- Site Plan
- Zoning Board Application
- Property Deed

Project Details:

SEQ is proposing to construct a 2,300-SF addition to SEQ's existing facility located at 2527 Baird Road, an improved 0.49-acre parcel adjacent to the property of Midvale Country Club. The addition will consist of a 1,300-SF garage to house three SEQ vehicles and approximately 1,000 SF of combined storage, office and multi-purpose space. The garage will be used for climate-controlled vehicle storage only, with no maintenance activities or vehicle servicing being performed at the site. The office space addition will be used for general office purposes by what is generally a maximum of two SEQ employees at any one time. Paramedics will also use the facility to re-stock their vehicles.

This facility is not a "walk-in" facility for emergency or urgent care services. In fact, there will be no signage for the facility at all and no advertising for services will be made from the site.

Variances Required:

Discussions with Town staff indicated that the subject property, upon completion of the project and its use by SEQ, would fall under the definition of "public buildings and grounds" under Sec-

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tion 208-8 (Definitions) of the Town’s Zoning Code.¹ Despite the property’s zoning classification as Industrial, its characterization as public building/grounds means the setback and other area requirements in Section 208-27 of the Zoning Code apply.² The existing building and proposed addition currently do not meet the required setbacks for building and parking. Specific discussion of the variances required is as follows.

Building Setbacks – As Public Buildings and Grounds, Zoning Code § 208-27 requires a minimum lot size of 100,000 square feet and minimum lot width of 250 feet. The existing lot is approximately 21,300 SF and has a lot width of 118 feet. The requirements for front building setback is 100 feet and side/rear setbacks is 80 feet. Given the lot’s width and depth, the lot dimensions do not allow for a Public Buildings and Grounds building use on the parcel to comply with these requirements. The following table presents the existing and proposed building setbacks

Setback	Existing	Proposed
Front	71.5’	61.0’
Rear	82.5’ Building 10.5’ Garage	33.0’
Side (North)	24.5’ Building 6.0’ Garage	24.5’
Side (South)	60.5’	29.0’

The Project is proposing to remove an existing garage that is significantly closer to the north and west property lines than proposed by the new garage addition, thus increasing (improving) the side and rear setbacks from existing.

Therefore, with the approval of the Special Use Permit from the Town Board as a Public Buildings and Grounds use, the existing building and the proposed addition cannot meet the building setbacks. Building setback variances are required to continue to operate the facility at this site.

Parking Requirements

The building’s gross leasable floor area (GLFA) is 2,180 square feet (SF). In accordance with Zoning Code § 208-16B, five (5) spaces are required per 1,000 SF, yielding a requirement of 11 spaces. The project is proposing 4 exterior spaces and three internal spaces in the garage, for a total of seven (7). The existing lot dimensions do not permit parking more than the four exterior spaces (seven total), and as such, a variance from the number of parking spaces is requested.

¹ Zoning Code § 208-8 defines “public buildings and grounds” as “not-for-profit fire, ambulance, public safety and humane society buildings.”

² Zoning Code § 208-27 sets forth the minimum width and area and setback requirements for public buildings. They are generally more restrictive of developing the subject lot than the corresponding requirements in the Town’s Industrial District.

Parking Setback - For similar reasoning and rationale as the building setback and parking requirements above, the required parking setbacks for Public Buildings and Grounds cannot be met by the existing lot or the proposed addition. There will be no parking proposed in front of the building. The side setback of 0 feet proposed is required to meet the number of parking spaces required for the site. Waiver of the parking setback are being requested from the Planning Board to allow a side/rear setback of 0 feet.

If you have any questions or require additional information, please contact Steve Mattern at (800) 274-9000 ext. 1056 or me at Ext. 1017.

Very truly yours,

Clark Patterson Lee

Thomas A. Carpenter, P.E.
Principal

He states that SEQ purchased this property for general office space and housing of a couple of vehicles. When the property was purchased it was a vacant building that had been owned by a landscape company with their intention of using it as offices for the landscape company, in an Industrial Zone. With discussing this with the Town, it was determined that the Town felt that the use of this project would be a public use under Section 208 of the Town Code. Because of this designation, it required the issuance of a Special Use Permit by the Town Board, which was granted on 1/23/13, subject to the following conditions:

1. No more than 3 response vehicles on site at any time.
2. No lights or sirens are to be used leaving 2527 Baird Road until a vehicle reaches an intersection with a County Road.
3. Special Use Permit expires in one year.

The Planning Board granted preliminary and final site plan approval on 4/17/13, subject to the following conditions:

1. Satisfaction of any remaining concerns of the DPW.
2. Parking striping to be double striped as per Town Code.
3. The proper setbacks are to be shown on the final plan.
4. Applicant to obtain necessary variances from ZBA, and date and variances received to be listed on final plans.
5. Applicant to enhance landscaping on the east elevations as shown per the architectural elevations.
6. Final drawings to show the date that the Special Use Permit was granted by the Town Board and what the use was granted for.
7. Applicant to consider removing one of the handicap access aisles in order to add an additional parking space.
8. Applicant to list materials, height, and colors for both the new and existing on the architectural elevations.

This property was previously used as a business office and the intended use from SEQ is to also use it as a business office with parking of a couple of their vehicles. There will not be any maintenance performed on site. The emergency response vehicles are stored in a climate controlled environment. There will not be an undesirable change to the character of the neighborhood. There is no other feasible method available to be able to park these vehicles in a climate controlled environment creates the need for the addition which causes the necessity to obtain the variances. The variances are substantial under Public Buildings & Grounds zoning classification, but not for an Industrial District. Right next door is Midvale maintenance & grounds facility. If this was considered as Industrial Zoning, the only thing they would be seeking are side setbacks. There will not be an adverse significant environmental impact. The property complies with the Town green space criteria. This has been self-created, but the Town considered the use to be under public buildings & grounds which intensified the need for variances.

Mr. Young asked if any of the neighbors at Braeloch Crossing have any objection. Mr. Lane states that there were some residents at the public hearing and the Board added some conditions of approval regarding enhanced landscaping for the garage addition. He believes that the concerns of those neighbors were addressed by the Planning Board.

Ms. Barrett asks who the parking spaces are used for; just the employees on site? Mr. Lane states that employees on site and drivers, who would drive their personal vehicle to the site, park it, and then take the emergency vehicle out. There are two staff on site. This is not a public facility. There will be no signage or services delivered on site.

Mr. Young states that the Planning Board issued comments on this application as shown below.

The Planning Board recommends approval of the aforementioned variances for the following reasons:

The following variance requests are pre-existing and non-conforming and the new requested setbacks are minimal compared to the current existing conditions.

- a. **To allow the lot width to be 118 feet instead of 250 feet.**
- b. **To allow the lot area to be 21,300 sq. ft. instead of 100,000 sq. ft.**
- c. **To allow the front setback for the existing building to be 71.5 feet, and the proposed garage/office addition to be 61 feet instead of 100 feet.**
- d. **To allow the side setback for the existing building to be 25.5 feet and the proposed garage/office to be 29 feet instead of 80 feet.**

The following variance request is consistent with the approved site plan. In addition, the property is well buffered from the adjacent property.

- e. **To allow the rear setback for the proposed garage/office to be 34 feet instead of 80 feet.**

The applicant's business operations do not require more than 4 parking spots and the approved site plan will not allow for 11 spaces to be constructed.

2. **Section 208-16 B, to allow 4 parking spaces instead of 11 parking spaces.**

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

Mr. Young asked for questions or comments from CED.

Mr. Beck states that CED issued comments as follows:

1. This application received site plan approval on April 17, 2013.
2. The CED Dept. has no concerns with this application. Therefore, it recommends approval with the condition a building permit is to be issued within one year.

Mr. Place states that a SEQR determination is required regarding the number of parking spaces.

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

Mr. Young made a motion to grant a Negative Declaration of SEQR, specifically with the portion dealing with the reduction of parking spaces. This facility is not a walk in facility. There will be no signage and no advertising for this facility. Allowing the reduction to 4 parking spaces is consistent with what the Planning Board recommends for the intended use. There will not be a hazard to health, safety, or general welfare in the neighborhood. There will not be a detriment to the flow of traffic or alter the character of the neighborhood.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

Mr. Young made a motion to grant the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-27 – Public Building and Grounds:
 - a. To allow the lot width to be 118 feet instead of 250 feet.
 - b. To allow the lot area to be 21,300 sq. ft. instead of 100, 000 sq. ft.
 - c. To allow the front setback for the existing building to be 71.5 feet , and the proposed garage/office addition to be 61 feet instead of 100 feet.
 - d. To allow the side setback for the existing building to be 25.5 feet and the proposed garage/office to be 29 feet instead of 80 feet.
 - e. To allow the rear setback for the proposed garage/office to be 34 feet instead of 80 feet.
2. Section 208-16 B, to allow 4 parking spaces instead of 11 parking spaces,

all subject to the following conditions:

1. 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.

This project was designated by the Town as a public buildings and grounds use, and there is no other way to obtain the benefit being sought without the variances being requested, as the existing building and the proposed addition cannot meet the setback requirements that the Code imposes for public buildings and grounds. There will not be any environmental impacts to allowing this use and the construction. The Town Board imposed a condition that no lights or sirens are to be used leaving 2527 Baird Road until a vehicle reaches an intersection with a County Road. Approving these variances, based on these facts, will not create an undesirable change to the character of the neighborhood or be a detriment to nearby properties. The benefit cannot be achieved in any other manner to allow this use on this piece of property. They are able to fit the intended use on this parcel; this is not a walk in facility, there will not be any signage, and there will not be any advertising for this site. Approving these variances will not have any adverse effect to the physical or environmental conditions in the neighborhood. The difficulty was not self-created, as once it got designated as public buildings and grounds use, there wasn't anything they could do to fit this onto the site.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

5. Peter Grasso, owner of property located at 184 Jefferson Ave, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow two accessory buildings (shed) on the property instead of one accessory building. Said property being located in a Residential C District.

1. The applicant should maintain the existing fence along the boundary line.
2. A building permit is to be issued within six months.

Ms. Barrett recused herself from this application and stepped down from the dais.

Mr. Grasso presents his application to the Board. He is proposing to build a second accessory building to be built. He proposes the sign to be 10 X 16. He needs it for storage space for rider mower, push mower, snow blower, garden supplies, etc.

Mr. Young asked if the Board approves this would he be allowed to have no outside storage of lawnmowers, tractors, cars, snowmobiles, etc. The applicant states he is fine with that condition. Mr. Young asked whose stockade fence it is. The applicant states it is his. Mr. Young asked if the fence goes far enough to screen the shed from the neighbors view. The applicant states no. He is not proposing to add any more fencing. The only part that is not screened by the fence is Jefferson Avenue. If you come into the driveway from Jefferson Avenue, you are looking at one side of the shed; the backside (south side) is screened by the stockade fence. The north side is screened by the neighbor stockade. The side of the shed that faces neighbor at #190 is screened by the existing fence.

Mr. Arcarese asks if the neighbor at #190 has commented on this request. The applicant states there is no issue, as this is so secluded within the property.

Ms. Ezell states that the driveway is very long and she does not feel that any additional screening is needed.

Mr. Young asked for questions or comments from the Conservation Board. Ms. Fredette states that the Conservation Board issued comments as follows:

Site for shed will be at the end of the existing driveway, which is a flat surface and marked out. The Conservation Board has no concerns with this application.

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

- 1. The applicant should maintain the existing fence along the boundary line.**
- 2. A building permit is to be issued within six months.**

Mr. Young asked for questions or comments from Attorney Place, and there were none.

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

Mr. Arcarese made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow two accessory buildings (shed) on the property instead of one accessory building, subject to the following conditions:

1. The applicant to maintain the existing stockade fence along the boundary line, which screens the proposed shed.
2. A building permit is to be issued within six 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.
3. There is to be no outside storage.

The applicant needed extra storage space, and there is no other means feasible to obtain the benefit being sought. This is well screened and will not really be seen. There is a long driveway and it will not affect anyone else. The request is not substantial due to the layout of his lot. There will not be any adverse physical or environmental effects.

Mr. Moose seconds the motion.

Motion carries 5 – 0, with one abstention of Ms. Barrett.

- 6. Lindsey Michaels, owner of property located at 5 Brannigans Cut, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-31 D(3), to allow a garage extension (6' 4" X 20' 6") to set 7.1 feet from the side property line instead of 12 feet. Said property being located in a Residential A District.**

Mr. Lindsay Michaels states that his father Bob Michaels, who is a former builder and developer will present the application to the Board. Mr. Bob Michaels presents the application to the Board as per letter of intent as shown below.

Mr. and Mrs. Lindsey P. Michaels
5 Brannigan's Cut
Town of Perinton, NY

April 14, 2013

Town of Perinton
Zoning Board of Appeals
1350 Turk Hill Rd.
Fairport, New York 14450

Dear Mr. Chairman and Board Members,

Permit this letter to discuss the background of our area variance application, as well as some of the factors that we have considered in asking your permission for this variance.

We purchased our home at 5 Brannigan's Cut in 2005. At that time we were just expecting our first child. Today, we are blessed with 3 sons...2, 5, and 7 years of age. Along with our 3 sons, of course came tricycles, bicycles, sports equipment, and numerous other essentials for 3 little guys. We would very much like to keep our yard as tidy as possible and discussed the possibilities. Since the previous owners had installed a concrete dog run with fence enclosure attached to the east side of our garage, and since we do not have a dog, we felt that this existing, but unused, concrete slab area would be the perfect place to do an extension on the garage to house our sons bikes and other outdoor possessions. The existing concrete slab measures approximately 6'4" x 20'6" and is located on the east side of our garage. We would simply remove the chain link fence enclosure and that same concrete slab would be the footprint for the garage extension. The Building Department calculated that 33 % of our living space would permit a total garage area of 776 sq. ft. Our 2 car garage and the requested extension would total 669 sq. ft., well under the allowable area for our garage structure.

The extension would result in a side setback of 7.1' instead of the required 12'. We feel that this is a reasonable request since the front and side of the extension is well obscured by existing dense evergreens and very mature full shrubbery. The extension would be constructed using the same materials and colors that are used on the house and garage. There would be literally no impact from the street view or upon our neighbor to the east.

The alternate method of achieving the needed storage would necessitate a free standing shed of some sort in our yard. While the extension would be more costly, we would prefer this solution since a detached shed would not be as accessible year round and we would also prefer the aesthetics of the extension versus a detached shed. There will be no changes to the amount of lawn area and no additional asphalt since this extension is strictly for storage and not vehicles.

We respectfully request relief from the strict requirements of the side setback guidelines in order to accomplish our garage extension.

They propose that the coloring will match the existing home. They realize that they could add a free standing shed, but they would prefer not to have any change to the lawn area. He submits a letter of support into the record signed by neighbors at # 3, 6, 7, 8 and 9 Brannigan's Cut.

Mr. Young asks who owns the existing trees/screening. Mr. Michaels states that most of it is on neighboring property, other than what screens from the street view.

Ms. Barrett thanks the applicant for such a thorough application.

Ms. Ezell asks if you will be able to access the addition from anywhere else other than from within. Mr. Michaels states that there will be a door in the rear and an opening from within the garage. The existing window in the current garage will come out. There will not be any vehicles stored in this addition. She asks if he will be removing any existing landscaping and the applicant states no. Ms. Ezell thinks this is a very good use of the existing slab and it will look very nice when complete.

Mr. Young asked for questions or comments from the Conservation Board. Ms. Fredette thinks that this is an intelligent solution for the existing concrete slab. The Conservation Board issued comments as follows:

Site is a flat surface next to existing garage. Gutters and downspouts should be connected to existing storm sewer.

Mr. Michaels states that they are putting a roof over the existing concrete slab and there will not be any additional runoff than what exists now. It is not possible to connect the downspouts to the existing storm sewer based on the location as the downspouts are on the other side of the garage door on the other side of the asphalt, and there is a swale there that they do not wish to touch as they don't want to change any grade, as it works and has always worked.

Mr. Young states that DPW issued comments as follows:

The applicant should maintain the drainage swale along the property line and also collect roof runoff from the proposed addition in the gutter and downspout system, which is connected to the storm sewer. We recommend that a final grade inspection be required as part of their building permit.

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

1. A building permit is to be issued within one year.

There was discussion as to the applicant working with DPW to satisfy their concerns.

Mr. Young asked for questions or comments from Attorney Place, and there were none.

Mr. Moose made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-31 D(3), to allow a garage extension (6' 4" X 20' 6") to set 7.1 feet from the side property line instead of 12 feet, subject to the following conditions:

1. The applicant should maintain the drainage swale along the property line and also collect roof runoff from the proposed addition in the gutter and downspout system, which is connected to the storm sewer. A final grade inspection is required as part of the building permit. Applicant to work with DPW regarding connection to the storm sewer. Applicant to obtain DPW approval prior to the issuance of a building permit.
2. Applicant to obtain a 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.

This is a good use of the existing slab and an area variance to solve storage issues. Adding a building in the rear of the property is an alternative, however, this makes more sense. The neighbors are in support. There will not be any adverse physical or environmental effects created by granting this variance.

Ms. Ezell seconds the motion.

Motion carries 6 - 0

7. Paul & Rebecca Girouard, owners of property located at 51 Little Brook Drive, requesting 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).

Said property being located in a Residential B District.

Mr. Girouard states that he wishes to have this addition for an in-law apartment for his mother in law. Sid Burton, Architect, presents the application to the Board. They have done extensive remodeling on the inside since they have been there. The house is small. This is a deep lot with a swimming pool. There are dramatic grade changes to this lot. This is a corner lot, and according to code has two front yards. They will match the roofline, siding, windows and shutters. They have met with 12 surrounding neighbors and they are all supportive. This addition allows good vision on the roadway and does not interfere.

Mr. Young states that 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 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.

Mr. Girouard states that he is aware of these restrictions.

Mr. Young asked for questions or comments from the Conservation Board. Ms. Fredette states that the Conservation Board issued comments as follows:

Site is relatively flat with the exception of a slight slope at the rear. Existing maple tree will remain. CB has no other concerns.

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

1. **There is mapped LDD located on the property for moderate flooding.**
2. **A building permit is to be issued within one year.**

Mr. Young asked for questions or comments from Attorney Place, and there were none.

Ms. Ezell applauds the applicant for building a space for a family member to age in place.

Mr. Young made a motion to grant 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.

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.

Ms. Sartori seconds the motion.

Motion carries 6 – 0.

Discussion:

Minutes - April 22, 2013

Mr. Arcarese made a motion to approve the minutes of 4/22/13, as submitted.

Ms. Barrett seconds the motion.

Motion carries 4 – 0, with two abstentions of Messrs. Young & Moose, due to absence.

There being no further business before the Board, the meeting adjourned at 8:46 PM.

Respectfully Submitted,

Lori L. Stid, Clerk