

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of June 23, 2014**

Zoning Board Members present

Vincent Arcarese, Acting Chairman
Sam Space
John N. Moose
Melissa L. Barrett
Seana Sartori
Robin Ward Ezell

Absent

Thomas Young, Chairman

Conservation Board Members present

Ken Rainis
Chris Fredette
Robert Salmon

Town Officials present

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

Mr. Arcarese called the meeting to order at 7:30 pm, introduced the Board and staff present, and explained the procedures. He states that application for 193 Loud Road will not be heard tonight and has been rescheduled for 7/28/14.

1. Stonebrook Development, LLC, owner of property located south of Route 31 between Thayer Road and Loud Road (tax account #'s 180.02-1-58.11 and 180.02-1-58.2), (Stonebrook Subdivision), requesting a Special Permit of the Town of Perinton Zoning Ordinance Chapter 122, to allow the screening /removal of excess topsoil from the subdivision.

Said property being located in a PDD District.

Mr. Longwell presented the application to the Board from application submitted to the Town on 5/21/14. There is a total of about 18,850 cy and there are 4,350 cy needed to obtain a 6" coverage. This allows 15% compaction. They are looking to remove approximately 14, 500 cy. There will be approximately 178 cy that was not a part of the calculations. They will keep that on site so that they don't run short of soil.

Mr. Arcarese states that DPW issued comments as follows:

We have reviewed the application by Stonebrook Development to remove topsoil from this project. The applicant's engineer has indicated that there is currently a total of 18,785.3 cubic yards of topsoil on this site, located in three separate piles. Their engineer has calculated that 4,350.4 cubic yards is required to restore all green space areas with 6" of topsoil. The raw (unscreened) volume of topsoil remaining after restoration is figured to be 14,434.9 cubic yards. On previous applications we have required the applicant to reduce the volume of screened topsoil to be removed from the site by 15% due to spoil removal during screening. This reduces the amount by 2,165.2 cubic yards, leaving an amount of 12,269.7 cubic yards to be removed. The DPW would support the removal of approximately 12,000 cubic yards of screened topsoil base on a number of conditions listed below:

- 1. The applicant constructs and maintains a stabilized (stoned) construction access from the screening location to the paved roadway.**
- 2. Dust needs to be controlled at all times.**
- 3. The ZBA consider establishing hours of operation to be 7 AM to 4 PM Monday through Friday.**
- 4. The applicant needs to provide the DPW with weekly records for the amount of topsoil that has been removed from the site.**

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

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that CED & DPW have no concerns with this application.

Mr. Arcarese asked for questions or comments from Attorney Place. Attorney Place states that a SEQR determination is required on this application.

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

Mr. Space made a motion to grant a Negative Declaration of SEQR. The use will not prevent the orderly use of adjacent properties or properties in adjacent use districts. The use will not interfere with the general character of the neighborhood.

Mr. Moose seconds the motion.

Motion carries 6 – 0.

Mr. Space made a motion to grant a Special Permit of the Town of Perinton Zoning Ordinance Chapter 122, to allow the screening /removal of excess topsoil from the subdivision, subject to the following conditions:

1. The applicant is to construct and maintain a stabilized (stoned) construction access from the screening location to the paved roadway.
2. Dust is to be controlled at all times.
3. Hours of operation are to be 7 AM to 4 PM Monday through Friday.
4. The applicant is to provide the DPW with weekly records for the amount of topsoil that has been removed from the site.

This proposal is consistent with Town Code Section 122-10.

Mr. Moose seconds the motion.

Motion carries 6 – 0.

2. Fairport Soccer Club, requesting a Temporary Activity Permit under Section 208-54 F, to allow a fund raising event in the parking lot of Center Park, 1100 Ayrault Road on July 12, 2014 from 4 PM – 7:30 PM.

Peter Vars, Fairport Soccer Club, presented the application to the Board as per letters of intent as shown below:

Event: Fairport Soccer Club Sticky Lips BBQ Fundraiser

Date: Saturday, July 12th, 2014

Time: 4:00pm – 7:30pm

Location: Center Park parking lot

Details:

Stick Lips will set up a 10' x 20' serving tent in the parking lot of center park as shown in the photo which is part of this packet. There will be road cones along the front of the tent to help guide traffic far from the tent. People picking up their dinners will be able to stand just under the tent as well. If a line forms the people will be standing in a line between the tent and the road cones.

Sticky Lips will set up two BBQ Pits to cook chicken on site. These BBQ pits will be set up between the front of the parking lot and the serving tent. This is also shown in the photo within the submitted packet.

Any cars coming into center park will be able to safely pass and park.

Based on sales from previous years we anticipate an average of 30 customers per hour. This year Sticky Lips has reduced the sides they offer so every dinner will be the same. This will remove custom orders and make our process more efficient. We do not anticipate large lines.





playing the beautiful game...

Ms. Lori Stid
Town of Perinton
1350 Turk Hill Road
Fairport, New York 14450



RE: Fairport Soccer Club 20th Annual Soccer Tournament
Sticky Lips Barbeque @ Center Park West

Dear Board Members:

The Fairport Soccer Club (FSC) will be hosting its 20th annual soccer tournament in July and as part of this event FSC will be hosting a fund raising barbeque at Center Park West on Saturday July 12, 2014. We provide you the following information concerning the event and by copy of this letter are also notifying the appropriate emergency service providers of the event.

Event: Sticky Lips catered barbeque
Date: Saturday July 12, 2014
Time: 3:00 p.m. – 7:00 p.m.
Location: Center Park West lower parking lot (off of Ayrault Road)
of Attendees: 150-200 people

An area of the parking lot will be reserved for the barbeque and access will be provided from the existing driveway from Ayrault Road. Patrons will park in the lot to purchase their meals; there will be no “drive-thru” service. The parking lot drive aisles and access will remain open throughout the event and provide vehicular circulation through the parking lot.

If you require any additional information or have any questions, please do not hesitate to contact me.

Thank you

Fairport Soccer Club

Peter Vars

c: Fairport Fire Department
Perinton Volunteer Ambulance
Monroe County Sheriff's Office

With him is John Suiter, Director of Operations for the tournament. This is the 4th year that they will have operated the barbeque in this location. (Have not had ZBA approval in the past). They understand that traffic flow will need to be maintained. He acknowledges receipt of memo from Parks & Rec, which is a part of the record as shown below.



**Perinton Recreation
and Parks Department**

Memo

To: Thomas P. Young, Zoning Board Chair
From: Jeffrey D. Myers, Commissioner of Recreation and Parks *JDM*
CC: Lori Stid, Zoning Board Secretary
Date: June 11, 2014
Re: Fairport Soccer Club Barbeque Fundraiser

Our department has received and approved an application for the use of the Center Park West parking lot and shelter area from the Fairport Soccer Club. The event is scheduled for Saturday, July 12, 2014, and is part of a larger event, their annual soccer tournament. Our staff has discussed the proposed fundraiser with the local representatives of the Fairport Soccer Club (FSC). This event was conducted in 2013 with much success.

Requests regarding Barbeque event:

- All FSC signs must be removed immediately after tournament from all Town property and road intersections.
- We require food pick up areas be roped and/or coned off the entire length of the area to ensure safety of customers, volunteers and food service staff members.
- We request additional volunteers be positioned to monitor and control the flow of traffic into the parking lot, and direct them to appropriate designated parking.
- Under no circumstances can vehicles block the entrance to the park or handicap spaces in parking lot.
- All trash, litter or food items must be cleaned up and removed off site by the tournament committee and/or volunteers the evening of July 12, 2014.
- Any additional staff labor or town supplies required to support event will be invoiced after event. FSC will be notified immediately if this occurs. This is separate from Tournament fees associated with athletic fields.

We do not have a problem with them conducting this activity as long as they meet all town requirements and pay for the costs associated with this event. Please let me know if you have any questions.

Ms. Ezell inquired if there have been any negative issues in the past with this event. Mr. Vars states no; they have been doing this for a number of years and have worked out the issues.

Mr. Space inquired if there would be music, and Mr. Vars states that the amphitheatre has been booked with Parks and Rec for music.

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

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

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

- 1. No parking is permitted along Ayrault Road.**
- 2. The applicant shall adhere to the conditions from the Parks Dept. as per the memo dated June 11, 2014.**

Mr. Arcarese asked for questions or comments from Attorney Place. Attorney Place states that a SEQR determination is required.

Mr. Space made a motion to grant a Negative Declaration of SEQR.

The use will not interfere with the orderly and reasonable use of adjacent properties or properties in any adjacent use districts. The use is in general harmony with the most recent Town Comprehensive Plan. The use will not interfere with the general character of the neighborhood.

Ms. Ezell seconds the motion.

Motion carries 6 – 0.

Mr. Space made a motion to grant a Temporary Activity Permit under Section 208-54 F, to allow a fund raising event in the parking lot of Center Park, 1100 Ayrault Road on July 12, 2014 from 4 PM – 7:30 PM, subject to the following conditions:

1. Subject to the terms and conditions of memo from Parks & Recreation dated June 11, 2014.
2. No parking is permitted along Ayrault Road
3. This permit may be renewed administratively by the applicant through the Office of Code Enforcement & Development (Zoning Board of Appeals Clerk) & Perinton Recreation & Parks Department, provided there have been no changes to the terms of the event, and there have been no complaints to the Town regarding the event.

This proposal is consistent with Town Code Section 208-54.

Ms. Ezell seconds the motion.

Motion carries 6 – 0.

3. Higgins Henderson RE LLC, (Kevin Henderson), owner of property located at 6819 Pittsford Palmyra Road, requesting a variance of the Town of Perinton Sign Code Section 174-9B, to allow a second tenant sign 10"x108" on the bottom of the previously approved building mounted sign instead of a freestanding sign. Said property being located in a Restricted Business District.

Mr. Place states that he has a conflict of interest with this application and steps down.

Mr. Henderson presents the application to the Board as per application submitted to the Town on 5/2/14. He states that they were before the Planning Board and Zoning Board in August of 2013 and received approvals. They bought the building about two years ago. One of the tenants was one of the owners and he signed a five year lease with a five year renewal. He was an oral surgeon, and had no need for any type of signage on the building. He developed a health problem in October and was forced to give up his practice due to poor health. They have been trying to lease the front part of the building, which is over 2000 square feet since October 2013, and as potential tenants come in, they want a sign on the building. He has told them they can't have a sign on the building as it is against Perinton Sign Code. He has told them that they are allowed to have their name on the directory, but he has lost potential tenants because of this issue. They have a pending tenant currently, subject to them being able to get a sign on the building. He is asking for a second tenant sign 10"x108" on the bottom of the previously approved building mounted sign instead of a freestanding sign. He states that they have received a lot of compliments on the existing signage that was done by Craig Tesler and it compliments what Perinton Dental has done. They have asked him to design a new sign that will adhere to all of the Town size requirements and make it look like one sign.

Mr. Arcarese states that on 8/26/13 the Zoning Board of Appeals granted a variance of the Town of Perinton Sign Code Section 174-9 B, to allow one building mounted sign (40" x 108" – 30 sq.ft.) instead of a freestanding sign, subject to the following conditions:

1. Sign is to be mounted on the front (north side) of the building facing Route 31.
2. There is to be only one directory sign on the building; applicant may choose location to be either the east side of the building at the front door or south side of the building facing parking lot.
3. There is to be no other building mounted signage for any business located on the building.

Mr. Arcarese states that they have received comments from the Planning Board as follows:

The Board denied the applicants sign application in part due to the requested added second tenant on the building mounted sign. When that applicant recently received approval for their current building mounted sign instead of a freestanding sign, they agreed to the condition of no additional tenants on the sign. The Board vote for the recent sign application was not unanimous but was in favor of denial of the application. The vote was 5-2 for denial.

The majority of the Board recommends denial of the variance request for the previous reasons stated. A few members of the Board recommend approval of the variance because they feel the additional tenant added to the sign will enhance the overall visibility of the future tenant. They believe it would be difficult to find the second tenant due to the building frontage (and sign) on Rte 31 while the actual entrance is from Chardonay.

Mr. Arcarese states that he understands that the circumstances have changed and he supports this variance.

Mr. Moose agrees and feels that allowing this will allow the space to be rented out rather than being left vacant. This is a minor request for this location; this is a very small sign.

Ms. Barrett feels that the tenants of this building need identification and this is a minor request. She inquires if this tenant leaves, will they be able to swap out the signage, and the applicant states yes. Ms. Barrett inquired if it would be the same color, style and font, and the applicant states yes, unless there is a logo that they require.

Ms. Ezell asks if it is just one sign or two. The applicant states it is two signs, but will look like one. It is about 1" apart.

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

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW had no comments on this request. CED issued comments as follows:

- (1)The Planning Board reviewed this on June 4, 2014 and denied the application.**
- (2)The CED Dept. feels this is not a substantial request because it comprises just 7.5 sq. ft. of additional space.**
- (3)There are unique circumstances specific to this application, which substantially differentiates it from future requests for building-mounted signage in a Restricted Business zoning district. A building-mounted sign with an additional tenant would be a safer alternative to a freestanding multi-tenant sign as permitted by code. Additionally, the proposed sign should help in identifying the building on an extremely busy road, thereby reducing potential traffic hazards.**
- (4)If approved, CED would recommend that the second tenant sign be consistent with the existing sign with respect to background / letter color. A sign permit is to be issued with six months.**

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

Mr. Moose made a motion to grant a variance of the Town of Perinton Sign Code Section 174-9B, to allow a second tenant sign 10"x108" on the bottom of the previously approved building mounted sign instead of a freestanding sign, subject to the following conditions:

1. The 2nd tenant sign is to be consistent with the existing sign with respect to background/letter color.
2. A sign permit is to be issued within 6 months from meeting date. If you do not obtain your sign 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 minor request. The sign is only 7 ½ sf of additional space. The tenant situation has changed and proposed new tenants want signage. This is a minor request, and the tenants should be able to have signage to advertise their business. The benefit cannot be achieved in any other manner. There will not be an undesirable change to the character of the neighborhood. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Barrett seconds the motion.

Motion carries 6 – 0.

4. Bob Easterly, owner of property located at 19 Parkland Drive, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14R (2), to allow a garage addition (10' x 26') 260 sq. ft. to the existing 624 sq. ft. garage, the total garage to be 884 sq. ft. instead of 657 sq. ft. Said property being located in a Residential B District.

Mr. Easterly presented the application to the Board as per his application to the Town on 5/7/14. The shingle and the siding and the roofline will match the existing home. There is already a concrete pad in place. He has met with Fairport Electric regarding this project as the electric will need to be moved. He needs space for storage of outdoor equipment. He is impeded by Code, as he has two front yards.

Mr. Arcarese inquired if this is granted would he be able to keep all storage inside, and the applicant states that is his intent; to keep things inside.

Mr. Moose inquired if the applicant would be ok if that was a condition of approval and the applicant states yes.

Ms. Ezell inquired if there would be additional screening and the applicant states no. He states that he has spoken with immediate neighbors and they support the request.

Mr. Arcarese asked if all storage would now be inside, and the applicant states yes.

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

Proposed surface is flat, storm sewers are in place so that new gutters and downspouts can be connected, and the new garage addition will be screened from neighbors by an existing hedge.

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW had no comments on this request.

Mr. Beck states that CED issued comments as follows:

(1)The proposed garage addition is well screened from the adjacent property; the CED Dept. has no concerns with this application.

(2)A building permit is to be issued with one year.

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

Ms. Ezell made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14R (2), to allow a garage addition (10' x 26') 260 sq. ft. to the existing 624 sq. ft. garage, the total garage to be 884 sq. ft. instead of 657 sq. ft., subject to the following conditions:

1. 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.
2. There is to be no outside storage of lawn equipment.

The applicant needs space for storage. There is already a concrete pad in place. There will not be any negative impact to the neighborhood by granting this variance. The applicant is impeded by Code as he has two front yards. There is no other way to obtain the benefit being sought. It is not a substantial request. The house sits way back on the property and there is a shallow backyard. There will not be any adverse physical or environmental effects caused by granting this variance. The addition is well screened from the neighbors by existing hedging.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

5. Michael Henry, owner of property located at 14 Kerry Hill, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-31 D(3), to allow a garage addition to set 10 feet from the side property line instead of 12 feet.

Said property being located in a Residential A District.

Mr. Henry presented the application to the Board as per application submitted to the Town on 5/8/14. They want to add a first floor master bedroom, and as a result of the way the house is laid out they have to do it this way. They wish to age in place in this home. They plan to recoup the space by moving the front of the garage forward. His immediate neighbors are in support.

Ms. Ezell states that there are already a lot of trees (neighbors) in place to help to screen.

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

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

Proposed surface is flat, storm sewer is in place so that new gutters can be connected, addition will be screened from neighbor to the left by existing trees.

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

The applicant should connect the gutters for the proposed addition to his storm lateral.

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

(1)It appears only the front portion of the garage will encroach within the side setback, therefore, the CED Dept. has no concerns with this application.

(2)A building permit is to be issued within one year.

Mr. Arcarese asked for questions or comments from Attorney Place. Attorney Place asks if the applicant plans to build as per elevations submitted and the applicant states yes. Mr. Place asks if he is ok with that being a condition of approval and the applicant states yes.

Ms. Barrett made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-31 D(3), to allow a garage addition to set 10 feet from the side property line instead of 12 feet, subject to the following conditions:

1. 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.
2. The applicant should connect the gutters for the proposed addition to his storm lateral.
3. Applicant to construct as per elevations submitted to the Town.

The applicant states that he has spoken with his immediate neighbor who is in support of this request. The applicant wants to be able to stay in the home and needs a first floor master bedroom. There will not be any undesirable

change to the character of the neighborhood or nearby properties. It is not a substantial request. There will not be any adverse physical or environmental effects caused by granting this variance.

Mr. Moose seconds the motion.

Motion carries 6 – 0.

6. Patio Enclosures, as agent for Christian & Raphael Kuhn, owners of property located at 6 Red Post Crescent, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow an addition to set 35 feet from the front setback instead of 40 feet, as per the approved subdivision map. Said property being located in a Residential B District.

Phil Hart, Patio Enclosures, presented the application to the Board as per application submitted to the Town on 5/13/14. They are proposing a 12 X 16 unheated sunroom. This property is a corner lot. There isn't anywhere else to place this to obtain the benefit being sought. There is already landscaping in place which will help to provide some screening.

Ms. Ezell inquired if the neighbors' right behind them are in support. Ms. Raphael Kuhn states that they have spoken with their neighbors and they are supportive.

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

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW had no concerns on this request. CED issued comments as follows:

1. The CED Dept. has no concerns with this application; a building permit is to be issued within one year.

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

Mr. Arcarese 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 208-32 D (1), to allow an addition to set 35 feet from the front setback instead of 40 feet, as per the approved subdivision map, subject to the following conditions:

1. 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 minor request. There is no other way to obtain the benefit being sought. This property has two front yards according to Code. There will not be an undesirable change to the character of the neighborhood or nearby properties; this is an enhancement to the property.

Mr. Space seconds the motion.

Motion carries 6 – 0.

7. Dawn Laszek, owner of property located at 11 Black Mallard Circle, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a front porch addition to set 25 feet from the front property line instead of 30 feet, as per the approved subdivision map. Said property being located in a Residential B District.

Ms. Laszek presented the application to the Board as per application submitted to the Town on 5/16/14. She is proposing to add a porch to the front of the home where there is currently a cement slab. She has spoken with her immediate neighbors who feel it is a good idea and will look nice. She was advised to ask for 23' and that is what her application says.

The Board members feel that this will enhance the home.

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

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW has no concerns. CED issued comments as follows:

1. The CED Dept. has no concerns with this application; a building permit is to be issued within one year.

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

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

Ms. Sartori made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a front porch addition to set 23 feet from the front property line instead of 30 feet, as per the approved subdivision map, subject to the following conditions:

1. 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 porch addition will enhance the home and will be aesthetically pleasing. The applicant states that the neighbors are in support of the request. There is no other way to obtain the benefit being sought. It is not a substantial request. There will not be any adverse physical or environmental effects caused by granting this variance.

Mr. Moose seconds the motion.

Motion carries 6 - 0

8. Robert Freemantle, owner of property located at 3 Nandia Pass, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a garage addition of 392 sq. ft. to the existing 440 sq. ft. garage, the garage total to be 832 sq. ft. instead of 705 sq. ft. Said property being located in a Residential Transition 1-2-5 District.

Mr. Freemantle presented the application to the Board as per application submitted to the Town on 5/16/14. He is adding a 3rd bay that will wrap around. He will store lawn equipment in it. The HOA will not allow a free standing shed. They are not allowed to have any outside storage.

Mr. Arcarese asked if he is ok with no outside storage being a condition of approval and the applicant says that is fine; it is a requirement of the HOA.

Ms. Barrett inquired if the neighbors were in support. The applicant states that he spoke with his one neighbor, Dave Messina who supports the request. Mr. Beck was out at the property today and also spoke with him.

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

This is a new house under construction; CB assumes that gutters and downspouts on the new addition will be connected to the storm sewer.

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

The applicant should not impact the side lot swale, which drains towards the back of his and his neighbor's lots.

Mr. Arcarese asked for questions or comments from DPW. Mr. Beck states that he visited the site today and based on this site visit have revised the comments that were previously sent out. CED requires the applicant to not impact the swale on the side lot line and recommend that some arborvitae or some sort of screening be added along the side. Applicant to obtain building permit within one year. He did speak with the neighbor today and they have no concerns.

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

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

Mr. Moose made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a garage addition of 392 sq. ft. to the existing 440 sq. ft. garage, the garage total to be 832 sq. ft. instead of 705 sq. ft., subject to the following conditions:

1. 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.
2. The applicant should not impact the side lot swale, which drains towards the back of his and his neighbor's lots.
3. Applicant is required to add some screening to the west side to help to screen the addition.

This is a new home for the applicant and the HOA does not allow free standing accessory buildings. The applicant needs the storage space for lawn equipment. There is no other way to obtain the benefit being sought. There will not be any undesirable change to the character of the neighborhood. There will not be any adverse physical or environmental effects caused by granting this variance provided the applicant adheres to the concerns of the DPW.

Ms. Ezell inquired the screening would interfere with the swale, and Mr. Beck states that the DPW will work with the applicant to ensure that does not happen.

Ms. Sartori seconds the motion.

Motion carries 6 – 0.

9. Jerry Spanganberg, owner of property located at 27 Larchwood Drive, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-24 A (2), to allow an above ground pool to set 10 feet from the rear property line instead of 15 feet.
Said property being located in a Residential A District.

Mr. Spanganberg presents his application to the Board as per application submitted to the Town on 5/16/14 with addendum dated 5/28/14. They modified the application so that they would not have to remove a tree. The power lines are to the north and there is a substantial leach field in the backyard that really restricts the location.

Mr. Place inquires if he has any documentation showing where the leach field is. The applicant submits a report from the Monroe County Department of Health into the record showing a sketch of where they are. This location puts him on the very last one, but if he were to move it over to the 15' required, he would be over two.

Mr. Beck states that CED issued comments on this application, however, he visited the site today and CED is prepared to go forward in the proposed location. They would like to see the existing rear screening be kept in place and a building permit be issued within 6 months. CED would like a copy for the record of the septic report from the county.

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

Mr. Salmon states that CEB issued comments as follows:

What is the size of pool? There appears to be a new foundation for a shed which is not on the sketches furnished? There appears to be an in ground sump with a wooden cover, which will be under the pool, and what or where does this service? Will the pool be screened from neighbors in the rear?

The applicant states it is a 24' round pool. That information is a requirement of the building permit and not the variance application. The applicant states that the sump has been there since before he moved into the house. There is no record of what it is. The Town has no record of it. It is a small crock and is about 16" in depth, and one inlet and one outlet pipe of about 4" and flows to the north. He doesn't know where it comes from or where it goes. Typically, it is dry. This will not be under the pool; it will be about 10 – 15' away from the wall of the pool. Mr. Salmon inquired about an existing foundation for a shed. The applicant states that is another project that is under a building permit with the Town.

Mr. Arcarese asked for questions or comments from the Town Attorney, and there were none.

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

Mr. Space made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-24 A (2), to allow an above ground pool to set 10 feet from the rear property line instead of 15 feet, subject to the following conditions:

1. Applicant to submit a copy of the report from Monroe County regarding the leach field to the Office of CED for their review and approval.
2. Applicant is to leave existing rear screening in place.
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.

Ms. Ezell seconds the motion.

Motion carries 6 - 0

10. Todd Alexander, as agent for John Shuman, owner of property located at 17 Peachtree Lane, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow an accessory building (shed) to be 320 sq. ft. instead of 200 sq. ft.
Said property being located in a Residential B District.

Mr. Alexander presented the application to the Board as per application submitted to the Town on 6/16/14. The Shuman's need storage space; they currently only have a one car garage. The existing storage behind the shed is temporary and will go into the screened in porch that is being built. They plan to add gutters and splash blocks. The shed next door doesn't have gutters and he inquires why the Town is asking for gutters on this shed. The shed is aesthetically pleasing and the neighbors have no issues with it.

Ms. Ezell inquired why there is outside storage if the shed is already constructed. The applicant states that they are constructing a screened in porch and a lot of the material outside the shed will be going into the screened in porch. They don't plan to have any outside storage.

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

Shed has been erected. There are no gutters or downspouts on the shed. There is misc. materials behind the shed, ZBA generally requires no outside storage if application is approved.

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW has no concerns on this application. CED issued comments as follows:

- 1. The CED Dept. has no concerns with this application; a building permit is to be issued within one month.**

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

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

Ms. Ezell made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow an accessory building (shed) to be 320 sq. ft. instead of 200 sq. ft, subject to the following conditions:

1. Applicant is to install gutters with splash blocks.
2. Applicant is to obtain a building permit within one month 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 of equipment.

The shed is already erected and is attractive. There is another building project going on at the same time, and when that project is completed the outside storage will all be inside. The applicant needs the storage space. There will not be any undesirable change to the character of the neighborhood. There are other properties in the immediate neighborhood with similar structures. It is not a substantial request. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Sartori seconds the motion.

Motion carries 6 – 0.

11. Al Kupchella, owner of property located at 18 Port Meadow Trail, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32D (3), to allow a garage/workshop addition to set 8.4 feet from the side property line instead of 12 feet and Section 208-14R (2), to allow said garage /workshop to be 1152 sq. ft. instead of 785 sq. ft.

Said property being located in a Residential B District.

Mr. Kupchella presented his application to the Board as per application submitted to the Town on 5/19/14. He states that he has a hobby of woodworking and he wants a workshop and to be able to store his tools. The neighbors are far away and will likely only see this addition in the winter months. The style and roofline will match the existing home. It will look like a part of the home and not a workshop. The downspout will be connected.

Mr. Arcarese states that no one will really be able to see this addition as it is well screened and the lot is configured in such a way that it is not visible.

Mr. Space inquired if he would be operating a business out of the home for woodworking, and the applicant states no, it is just a hobby.

Ms. Barrett thanks the applicant for all of the detail on the application that was submitted.

Ms. Sartori inquires if it will be heated and the applicant states yes.

Ms. Ezell feels it is well screened.

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

Proposed location is flat. Gutters and downspouts should be connected to storm sewer. It appears that proposed addition will be screened from the left side.

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW had no comments on this application. CED issued comments as follows:

1. **The CED Dept. typically does not support a garage of this size. However, the proposed location is well screened from the neighbors, and will not be seen from the road. Therefore the CED has no concerns with this application.**
2. **A building permit is to be issued within one year.**

Mr. Arcarese asked for questions or comments from Attorney Place. Attorney Place inquired if there would be screening from the trail. The applicant states that he could add evergreens if they want him to. Ms. Ezell feels that is unnecessary as there is already so much screening in place. The applicant states that it is over 100 yards from the pedestrian bridge and is really not visible. Mr. Place states that if there is enough screening in place then he shouldn't have to add additional.

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

Mr. Space made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32D (3), to allow a garage/workshop addition to set 8.4 feet from the side property line instead of 12 feet and Section 208-14R (2), to allow said garage /workshop to be 1152 sq. ft. instead of 785 sq. ft., subject to the following conditions:

1. 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.

There will not be any undesirable change to the character of the neighborhood as it is so well screened and the way the house is laid out, no one will be able to see it. If the applicant wishes to add additional screening he may do so, but is not required to. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Ezell seconds the motion.

Motion carries 6 – 0.

12. Christopher Ruff, owner of property located at 715 County Line Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 C (2), to allow a fence in front of the front setback (approximately 140 feet) to be up to 6.5 feet in height instead of 3 feet in height. Said property being located in a Residential Transition 1-2-5 District.

He states that it is currently vacant land that he purchased several years ago with the intent that they will eventually build a house there. They are looking to install a fence approximately 250' in length. They are looking for privacy and security, as there have been security issues in the past. He would like to be able to clean up the area between his land and the golf course. They are proposing a stockade fence. The neighbors are in support. He has been cleaning up the property.

Mr. Arcarese inquired why 6 ½'. The applicant states for privacy and security, and with the golf course right there, there are golf balls all over his land. There is a grade variation.

Ms. Barrett inquires when he plans to build a home there. The applicant states that hopefully, it will be in about 7 years.

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

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that the DPW had no comments on this application. CED issued comments as follows:

1. **The CED Dept. typically does not support a 6 foot fence in front of the front setback. However, this property has no immediate neighbors and will not create an undesirable effect to the surrounding properties.**
2. **A building permit is to be issued within 6 months.**

Mr. Arcarese asked for questions or comments from Attorney Place. Attorney Place states that although the request is for the front setback, it is a side property line.

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

Mr. Moose made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 C (2), to allow a fence in front of the front setback (approximately 140 feet) to be up to 6.5 feet in height instead of 3 feet in height, subject to the following conditions:

1. 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.

The applicant is looking to improve the property where he will eventually build his home. He has had security issues in the past at this location. Given the location of the proposed fence, he doesn't feel that this fence will be

obtrusive. There is no other way to obtain the benefit being sought. The area is wooded and a wooden stockade fence will fit in nicely. There will not be an undesirable change to the character of the neighborhood. It is a substantial request, but given the circumstances with the golf course next door and safety and security it is a reasonable request.

Ms. Barrett seconds the motion.

Motion carries 6 – 0.

13. Kathy Santos, owner of property located at 107 Harvest Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a 12'x 22.5' garage addition to set 8 feet from the side property line instead of 15 feet. Said property being located in a Residential B District.

Ms. Santos presented the application to the Board as per application submitted to the Town on 5/21/14. She is looking to add another bay to the existing garage for a 2nd vehicle. They will follow the existing roofline and matching the brick front and siding of the home. The neighbor on the effected side recently passed away, but she has spoken with his family members, and they did not express any concerns to her about this proposal. There have been vehicle break-ins in the neighborhood and she would like the vehicles housed. She wants this for safety and security.

The Board members felt this was a straight forward application and had no questions or concerns.

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

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

Roof runoff from the proposed addition should be directed towards the back and not towards the neighboring property.

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 one year.

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

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

Ms. Barrett made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a 12'x 22.5' garage addition to set 8 feet from the side property line instead of 15 feet, subject to the following conditions:

1. Roof runoff from the proposed addition should be directed towards the back and not towards the neighboring property.
2. 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.

The applicant is concerned about security and wishes to store a 2nd car. The benefit cannot be achieved in any other manner. There have been safety issues in the neighborhood and this is a valid request. There will not be any undesirable change to the character of the neighborhood caused by granting this variance. The request is not substantial and will not have an adverse physical or environmental effect.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

14. Anthony Palone, owner of property located at 20 Lambeth Loop, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a garage addition of 360 sq. ft. to the existing 420 sq. ft. garage; the garage total to be 780 sq. ft. instead of 600 sq. ft. Said property being located in a Residential B District.

Mr. Palone presents the application to the Board as per application submitted to the Town on 5/21/14. He wishes to store an addition to store another vehicle and for a work bench and to store equipment that is currently outside. He has been in contact with most of his neighbors and no one has expressed any concern with this request. He does not wish to store equipment outside. He has spoken to the neighbors most directly impacted, and they do not wish him to install any screening as they have a pool and don't want any evergreens there. He has some shrubbery planted along the fence line and a garden there, which is what the neighbors requested. The shrubbery will be about 3 – 4' in height when it is grown out and the neighbors don't want anything bigger than that.

Ms. Barrett questions why the application states the proposed garage size is for a total of 1070 sf, when the agenda states it is for 780 sf. Mr. Beck states that the agenda is correct; the application is incorrect; he has already reviewed this with the applicant based on the drawings. The applicant states that as a part of his application he submitted numerous neighbors' signatures acknowledging support of the request.

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

Proposed site is a flat area. Gutters and downspouts should be connected to storm sewer. Neighbor to the left only has windows on the upper floor.

However, the Conservation Board has no concerns.

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

The applicant should connect gutters for the proposed addition to the storm sewer.

Mr. Beck states that CED issued comments as follows:

- 1. The proposed garage addition will be in line with the existing garage. The CED Dept. recommends screening be placed along the side property line.**
- 2. A building permit is to be issued within one year.**

However, after reviewing the site and hearing the applicant tonight; additional screening is not required.

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

Mr. Arcarese 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 R (2), to allow a garage addition of 360 sq. ft. to the existing 420 sq. ft. garage; the garage total to be 780 sq. ft. instead of 600 sq. ft., subject to the following conditions:

1. The applicant should connect gutters for the proposed addition to the storm sewer.
2. 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.
3. There is to be no outside storage of equipment.

The benefit cannot be achieved in any other manner feasible to the applicant and is not an undesirable change to the character of the neighborhood. The request is not substantial. There will not be any adverse physical or environmental effects caused by granting this request. It is self created; however, it is mitigated by there being no outside storage of equipment.

Mr. Space seconds the motion.

Motion carries 6 – 0.

15. Anthony Rounding, owner of property located at 25 Kreag Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow an accessory building to be 1440 sq. ft. instead of 200 sq. ft. Said property being located in a Residential B District.

Mr. Rounding presented the application to the Board as per application submitted to the Town on 5/23/14. Along with this request, he is removing an existing 864 sf barn; thereby increasing the storage size by about 576 sf. The property is 2.7 acres and the driveway is 500' long. In order to maintain this much property he has to have a lot of equipment and he wishes to store it inside. He does not believe that there will be an adverse effect to the character of the neighborhood; it will enhance it. He will side it to match the home. The nearest residence to this barn is approximately 400'. It is heavily screened and it can hardly be seen for most of the year. He has reviewed this with his adjacent neighbors and submits a petition into the record of support from those neighbors. He submits into the record a couple of minor changes. The application shows the man doors on the wrong side of the barn; and he is requesting those to be on the north side and not the south side. In addition, he has changed the roof to be a shingle roof and not steel.

Mr. Arcarese states that he needs this for storage of equipment to maintain the property within the barn; is that accurate and the applicant states yes.

Mr. Moose asks if it is stonework on the front, and the applicant states yes; it will be a skirt on the front.

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

Mr. Arcarese asked for questions or comments from CED. Mr. Beck states that DPW had no comments on this application.

Mr. Beck states that CED issued comments as follows:

- 1. The proposed oversized accessory building is replacing an old existing 864 sq. barn; the proposed location is well screened from any adjacent properties and cannot be seen from the road. The CED Dept. has no concerns with this application.**
- 2. Applicant to obtain building permit within one year.**

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

Mr. Arcarese asked for questions or comments from the audience. Phil Wise, 411 Ayrault Road states that he is very much in favor of this request.

Gerald & AntoinetteThompson, 17 Kreag Road, state that they are in support of this request.

Ms. Sartori made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow an accessory building to be 1440 sq. ft. instead of 200 sq. ft., 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.
2. Applicant is to remove old existing 864 sf barn.
3. Applicant has amended the elevations from application submitted to what he has submitted into the record tonight.

The applicant needs this for storage. This is a large structure; however there are 2.7 acres of land and can support this size of a structure. The applicant is going to remove the existing barn and replace with this structure. There will not be any adverse physical or environmental effects caused by granting this variance. Several neighbors are in attendance tonight and support this request, as well as the applicant has submitted a petition into the record from a number of neighbors who support this request. The benefit cannot be achieved in any other manner. There will not be any undesirable change to the character of the neighborhood. There will not be any adverse physical or environmental effects caused by granting this variance.

Mr. Space seconds the motion.

Motion carries 6 – 0.

16. Matthew Presher, owner of property located at 193 Loud Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 C (2), to allow a fence in front of the front setback to be up to 6 feet height instead of 3 feet in height. Said property being located in a Residential Sensitive District.

rescheduled to 7/28/14

Discussion(s):

Minutes 5-19-14

Mr. Arcarese made a motion to approve the minutes of 5/19/14 as submitted.

Ms. Barrett seconds the motion.

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

2466 Turk Hill Road –Larry Cypher - modification to previous approval of 4/28/14

Mr. Beck states that on 4/28/14, the following was granted by the ZBA:

The Zoning Board of Appeals has granted the following variances of the Town of Perinton Zoning Ordinance Section 208-14 G: to allow a second accessory building (shed) on the property instead of one accessory building per property, to allow the proposed second accessory building to be 384 sq. ft. instead of 200 sq. ft., and further to allow the proposed second accessory building to be located in the front yard instead of the rear yard, subject to the following conditions:

- 1. Applicant to obtain building permit for existing shed and for proposed shed on the property 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.**
- 2. Proposed shed color is to match either the existing shed (red) or may be dark brown with a white trim, or is to match the color of the existing home.**

This applicant has a large parcel and is heavily screened. The structure is off of the road quite a distance. The neighbors (Holmes) are here tonight in support of the application. There should not be any undesirable changes to the character of the neighborhood or nearby properties. This is not a substantial request due to

the size of the lot. There will not be any adverse physical or environmental effects caused by granting the variance. It is self-created, but there is a need for storage.

Mr. Beck states that the exiting accessory building was also oversized at 208 sf and is located in the front yard. This should have been discussed back in April and was not inadvertently. It is a housekeeping issue.

Mr. Arcarese feels this is a minor request and Mr. Place states that he did not feel it was necessary to advertise for this minor request. It already exists.

Mr. Space made a motion to also allow the existing accessory building to be 208 sf and located in the front yard. The remaining terms from the approval of 4/28/14 are the same.

Ms. Sartori seconds the motion.

Motion carries 6 – 0.

There being no further business before the Board, the meeting adjourned at 9:25 PM.

Respectfully Submitted,

Lori L. Stid, Clerk