

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of July 22, 2013**

Zoning Board Members present

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

Absent

Seana Sartori

Conservation Board Members present

Chris Fredette
Robert Salmon

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.

NEW APPLICATIONS:

1. Michelle Lampman, as agent for Children's Tumor Foundation, requesting a Temporary Activity Permit under the Town of Perinton Zoning Ordinance Section 208-54 (F), to allow a neurofibromatosis walk on September 29, 2013. Said walk to begin in Perinton Park and continue along the canal path toward the Village (Liftbridge) and then return back to Perinton Park.

Ms. Lampman presents the application to the Board, as per letter of intent, as shown below:

Rochester NF Walk: Take Steps Toward a Brighter Future for Children with a Debilitating Disorder

Local Community Joins National Cause to Fund Neurofibromatosis Research through the Children's Tumor Foundation

WHAT: Third Annual Rochester NF Walk

Participants will walk the 3K route, followed by a family picnic at Perinton Park.

WHO: Individuals, friends and families. (Approx. 200 people)

WHERE: Perinton Park, 99 O'Connor Road, Fairport (Walk will begin at Perinton Park-continue on the Erie Canal path-halfway point at Liftbridge-to continue back to Perinton Park for finish)

WHEN: Sunday, September 29, 2013
8:30-10:00 AM Check-In
10:00 AM Walk Begins

WHY: To raise funds for the Children's Tumor Foundation. The Foundation's mission is to end neurofibromatosis (NF) through research. NF is a common, yet under-recognized, genetic disorder that causes tumors to grow on nerves throughout the body. The disorder can lead to blindness, bone abnormalities, cancer, deafness, disfigurement, learning disabilities, and excruciating and disabling pain. NF affects one in every 3,000 people, making it more common than cystic fibrosis, Duchenne muscular dystrophy, and Huntington's disease combined. Approximately 300 people in the Rochester area have NF.

- * Trash from walk and picnic will be carried out at end of event.
- * Additional parking spaces have been provided by local businesses near park.

About Children's Tumor Foundation

The Children's Tumor Foundation is a 501(c)(3) not-for-profit organization that is dedicated to improving the health and well-being of the millions of people worldwide living with neurofibromatosis (NF), a term for three distinct disorders: NF1, NF2 and schwannomatosis. NF causes tumors to grow on nerves throughout the body and can lead to blindness, bone abnormalities, cancer, deafness, disfigurement, learning disabilities and excruciating and disabling pain. NF is under-recognized and underdiagnosed yet affects more people than cystic fibrosis, Duchenne muscular dystrophy and Huntington's disease combined. The Children's Tumor Foundation funds critical research to find treatments for NF. In addition to benefitting those who live with NF, this research is shedding new light on several forms of cancer, brain tumors, bone abnormalities, and learning disabilities, ultimately benefiting the broader community. For more information, please visit www.ctf.org.

Contacts:

Connie Sorman
Rochester NF Walk Director

Jessica Berckerman
Program Coordinator
Children's Tumor Foundation

Simon Vukelj
Director of Communications
Children's Tumor Foundation

Ms. Lampman states that her son has this disorder. She states that copies of letter of intent have been sent to Fairport Fire Department, Perinton Ambulance, and Fairport Police Department. Qualitrol Corp has given permission for use of their parking lot if needed and that documentation has been submitted to the Town. This is their 3rd year for this event, but the first year at this location.

Mr. Space questioned potential extreme weather conditions, and the applicant states that she would review that and make an appropriate determination on the date of the event. Mr. Space questioned if Canal Corp has reviewed this request, and Mr. Beck states that they have been notified.

Ms. Barrett asks how many participants they hope to have, and the applicant states 200.

Ms. Ezell asks if that many people show up will there be enough parking available. The applicant states that not everyone will come in their own car; there will be families. Ms. Ezell questions safety on the canal path and making sure that participants stay out of neighbor's yards and off of the road. The applicant states that they will have measures in place to ensure safety and regulations are satisfied.

Mr. Young states that the Conservation Board, the Planning Board, and the DPW had no concerns regarding this application.

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

All the necessary paperwork (insurance, notification letters, and parking agreement) has been received; the CED Dept. has no concerns with this application and recommends approval.

Mr. Young asked for questions or comments from Attorney Place. Mr. Place states that a SEQR determination is required for this unlisted action.

Mr. Young 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 this property or adjacent property. There will be no negative impact to the public health, safety, or general welfare. This use is in harmony with the most recent Town Comprehensive Plan. The topography of this site makes it suitable for the use. Additional parking has been accommodated if needed.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

Mr. Space made a motion to grant a Temporary Activity Permit under the Town of Perinton Zoning Ordinance Section 208-54 (F), to allow a neurofibromatosis walk on September 29, 2013. Said walk to begin in Perinton Park and continue along the canal path toward the Village (Liftbridge) and then return back to Perinton Park, subject to the following conditions:

1. This event is for this date only as per application and supporting documentation submitted. If applicant wishes to hold this event again in the future, same application process is to be followed.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

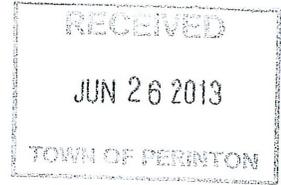
2. Joseph Posella, owner of property located at 120 Mason Road, requesting the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-32 D(1), to allow a proposed front porch to set 40 feet from the front property line and to allow a proposed garage addition to set 47' 1" front the front property line, both instead of 50 feet.

2. Section 208-32 D (3), to allow the proposed garage addition to set 9.9' from the side property line instead of 12 feet.

3. Section 208-14 R (2), to allow an attached garage to be 711 sf. instead of 705 sf. - based on 1/3 rule. Said property located in a Residential B District.

Eric Ferri presented the application to the Board as per letter of intent as shown below:



June 19, 2013

Town of Perinton
Code Enforcement
1350 Turk Hill Road
Fairport NY 14450

Re: Request for variances at 120 Mason Road, Fairport, NY

To Whom it May Concern:

The following variances are needed for a residential renovation and addition on 120 Mason Road, Fairport, New York 14450.

We are requesting for the front setback to be 40'-0" instead of 50'-0". The plans for the garage is 47'-1" set back and covered 40'-0" setback porch additions will encroach into the 50'-0" setback in the front. New garage layout will fall on 9'-9" setback variance approved July in 1994. Due to site constrictions and the amount of square footage required by the owner for the new garage, we would like to request this variance be accepted. The design of the new addition will enhance the look of the existing house, and function better for the family.

The existing garage and shed will be demolished. The 1/3 rule, house-verses-garage, is over by 6 sq. ft. The sq.ft. overage happened due to combining square footage amounts from the existing shed and garage into one. Please refer to drawings. The house was built in the 1960's and the owner would like to incorporate modern updates to accommodate his family needs. The family would prefer to be able to make these modifications to their existing home, which will allow them to remain in the area.

Thank you in advance for your consideration. If you have any questions, please feel free to contact me at

Respectfully submitted,

Eric Ferri

Mr. Young asked if any of the neighbors have offered any comments on this request. Mr. Posella states that he has spoken with several neighbors who are satisfied with the proposed plans. Mr. Beck states that the Town sent out a notice to residents within 100' of the property.

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

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

Had a discussion with Mr. Posella regarding the discharge of two downspouts now directed toward the neighboring property to the north. In view of the proposed construction on site, there will probably be the equipment required to install storm water piping to discharge near the rear of the property. Although not shown on the drawings, we assume that the new additions will have gutters and downspouts. We talked about appropriate methods for storm water piping, and suggested that he contact DPW or Building Department, as there is staff that could suggest / guide him in installation.

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

The CED Dept. recommends screening be placed along the side property line. We have no other concerns with this application.

A building permit to be issued within one year.

Mr. Place questioned whether there would be enough room for screening in that location. Mr. Beck states that there should be room as there is over 9'. Mr. Posella inquired if a fence would be approved instead of shrubbery. Mr. Beck states that up to a 6' fence in that location or evergreen shrubbery would be appropriate. The applicant is unsure which one they would select at this point, until the garage is up to see what it looks like.

Mr. Young asked for questions or comments from Attorney Place. Mr. Place inquired if the applicant would be ok if it were a condition of approval to construct as per elevations submitted to the Town. Mr. Posella states that would be fine.

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

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

1. Section 208-32 D(1), to allow a proposed front porch to set 40 feet from the front property line and to allow a proposed garage addition to set 47'1" front the front property line, both instead of 50 feet;
2. Section 208-32 D (3), to allow the proposed garage addition to set 9.9' from the side property line instead of 12 feet;
3. Section 208-14 R (2), to allow an attached garage to be 711 sf. instead of 705 sf. - based on 1/3 rule,

all subject to the following conditions:

1. Screening (evergreen shrubbery or 6' fencing) be placed along the garage side property line.
2. Applicant to construct as per elevations submitted.
3. Applicant to work with DPW regarding gutters/downspouts.
4. Applicant to obtain building permit within 12 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.

With respect to the garage size variance, 6 sq feet is a minor request. With regard to the request to allow the garage to set 9'9" from the side property line, there is already an existing setback variance for the shed that was approved by the Zoning Board of Appeals on 7/25/1994 and they are proposing to build to this same setback. The front setback for the garage addition is only about 3' and is relatively minor. The front porch is a 10' variance, but is what is needed to be able to construct a covered front porch. This addition has been laid out in the most logical place on the property given the layout of the existing home. Granting these variances will not be a detriment to nearby properties. It will enhance the home and the neighborhood. There is no other way to obtain the benefit being sought (covered front porch). The requests are not substantial. There will not be adverse effects on the physical or environmental conditions of the neighborhood by granting these variances. The variances, as requested, are minimal to accomplish the task.

Ms. Ezell seconds the motion.

Motion carries 6 – 0.

3. Jeffrey Doll, owner of property at 358 Eaglehead Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to replace the existing front porch; the proposed new porch to set 40 feet from the front property line instead of 50 feet.
Said property being located in a Residential B District.

Jeffrey Doll presented the application to the Board. He is proposing to replace an existing concrete stoop and step that has settled with a new stoop and step. It will be in the same location.

The Board members feel that it is a simple request and have no questions or concerns.

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:

The applicant is proposing to replace the existing porch; the CED has no concerns with this application and recommends approval.

A building permit to be issued within one year.

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 the Town of Perinton Zoning Ordinance Section 208-32 D (1), to replace the existing front porch; the proposed new porch to set 40 feet from the front property line instead of 50 feet, subject to the following conditions:

1. Applicant to obtain building permit within 12 months from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

This is a simple replacement of an existing front porch that is old and has settled. There is no other way to obtain the benefit being sought. There will not be any undesirable change to the character of the neighborhood or nearby properties. It is a minor request. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Barrett seconds the motion.

Motion carries 6 – 0.

Discussion:

Minutes – 6/24/13

Mr. Arcarese made a motion to approve the minutes of 6/24/13 as submitted.

Mr. Young seconds the motion.

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

There being no further business before the Board, the meeting adjourned at 8:04 PM.

Respectfully Submitted,

Lori L. Stid, Clerk