

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of August 25, 2014**

**Zoning Board Members present**

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

**Conservation Board Members present**

Chris Fredette  
Ken Rainis

**Town Officials present**

Robert Place, Town Attorney  
John Overacker, Assistant Building Inspector  
Stephanie Stussman, Acting Zoning Board Clerk

**Absent**

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.

Mr. Young states that the DPW reviewed the items on this agenda and have no comment on any of them.

**NEW APPLICATIONS:**

1. Ray and Kate Seigfred, owners of property located at 765 Furman Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-36 C (2), to allow a proposed carport to set 79 feet from the front property line instead of 100 feet and to set 13feet from the side property line instead of 30 feet. Said property being located in a Residential Transition 1-2-5 District.

Ray & Kate Seigfred presented their application to the Board. They wish to attach a carport to the east wall of their existing garage for the purpose of having his truck under it in the winter time as it will not fit in the garage.

Mr. Young states that this applicant is also asking for the next request for a CHO for a hair salon. He inquired where the entrance to the hair salon would be located. Mr. Seigfred states that the entrance into the hair salon from where you would walk along under the carport as well, instead of going through the center of the garage.

Mr. Young inquired if the immediate next door neighbor has offered any comment. Mr. Seigfred states that the neighbors across the road are the only ones who have inquired as to what they are proposing. Mr. Young inquires who owns the trees that screen the property line. Mr. Seigfred states that they just had two pine trees removed a couple weeks ago in preparation for paving alongside the garage. North of that and along the east property line there are some shrubs. The carport will have an asphalt shingle roof.

The remaining Board members had no 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. Overacker states that CED issued comments as follows:

**The CED Department does not have any concerns with this application. A building permit should 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. Young closed the public hearing on this request.

Mr. Space made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-36 C (2), to allow a proposed carport to set 79 feet from the front property line instead of 100 feet and to set 13feet from the side property line instead of 30 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.

The benefit cannot be achieved in any other manner feasible to the applicant. There will not be an undesirable change to the character of the neighborhood. There will not be any negative impact to the health, safety or general welfare of the neighborhood by granting this variance. This is not a substantial request. There will not be an adverse physical or environmental effect caused by granting this variance.

Mr. Moose seconds the motion.

Motion carries 7 – 0.

2. Ray and Kate Seigfred, owners of property located at 765 Furman Road, requesting a Special Permit of the Town of Perinton Zoning Ordinance Section 208-36 B (3), (Customary Home Occupation), to operate a hair salon from the property. Said property being located in a Residential Transition 1-2-5 District.

Ms. Seigfred states that the proposed hair salon is proposed to be approximately 112 sf of existing garage. It would be accessed by the door entering the side of the garage. It is for one chair. Her current business, which she is relocating from, has about 4 people per day and that is what she is proposing for this. She would like Tuesday, Thursday and Friday from 9 AM – 1 PM and one evening a week from 4 PM – 8 PM. She is the only one working. They have modified the paving so people don't have to back into Furman Road to get back out.

Mr. Space inquires how she advertises. The applicant states that it is word of mouth only.

Ms. Barrett inquires if it is one customer at a time. The applicant states yes; only one at a time. There is no overlap.

Ms. Ezell inquires if the immediate neighbor is aware of this proposal. The applicant states that the neighbor to the left has not spoken with her about it, but the neighbor across the street has. She hasn't met them as they recently purchased the home and haven't met them.

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. Overacker states that CED issued comments as follows:

**This is a relocation of an existing approved business. The CED Department has no concerns with this application and recommends approval under the condition that a building permit and Certificate of Occupancy is to be issued for the business to operate out of newly created space within the home.**

**The CHO permit is to be valid for one year from the date of the Certificate of Occupancy.**

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

Mr. Young asked for questions or comments from the audience.

A man in the audience inquired how long the permit would run for. Mr. Space states that typically, the first approval is for one year, and then they have to come back to the Board for renewal. If there are no issues or any significant changes at that time, the Board generally approves it for a three year term, at which time it may be renewed administratively by Code Enforcement & Development, provided there are no issues or any significant changes to the terms.

Mr. Young closed the public hearing on this request.

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

The use will not prevent the orderly and reasonable use of adjacent properties or properties in adjacent use districts. The public health, safety and general welfare of the Town will not be adversely effected by the proposed use in its' location. The use will be in general harmony with and promote the general purpose the most recent Town Comprehensive Plan. The use will not interfere with the general character of the neighborhood.

Mr. Moose seconds the motion.

Motion carries 7 – 0.

Mr. Space made a motion to grant a Special Permit of the Town of Perinton Zoning Ordinance Section 208-36 B (3), (Customary Home Occupation), to operate a hair salon from the property, subject to the following conditions:

1. A building permit and Certificate of Occupancy is to be issued for the business to operate out of newly created space within the home.
2. Special Use Permit to run for one year from the date the Certificate of Occupancy is issued, at which time it may be renewed by the applicant (same process as this year) through the Zoning Board of Appeals, provided there have been no changes to the terms of the business or any substantiated complaints regarding the business. If you do not renew your permit prior to the expiration date your permit will become null and void. If you no longer wish to have this permit on the property, please notify the Town in writing that you have discontinued the use, and we will mark it null & void.

3. Hours of operation may be on Tuesday, Thursday and Friday from 9 AM – 1 PM and one evening a week from 4 PM – 8 PM.

The benefit cannot be achieved in any other means feasible to the applicant. There will not be any undesirable change to the character of the neighborhood. The request is not substantial and there will not be any adverse physical or environmental effects caused by granting the permit.

Ms. Ezell seconds the motion.

Motion carries 7 – 0.

3. Glenn and Barbara Harvey, owners of property located at 1 Victoria Rise, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed garage ( 22x23) to set 29 feet from the front property line (Victoria Rise) instead of 50 feet. Said property being located in a Residential B District.

Glenn Harvey presented the plans to the Board. They wish to remain in this property and not move to a larger home, but need the space for their family. This proposal is to convert the existing garage into a first floor master bedroom/bath. The new garage would be bumped out in front of the existing garage. They have spoken to adjacent neighbor (on the right) and the neighbors across the street on Bradford Hill and are in favor of the request.

Mr. Young thanks the applicant for staking out the location of the addition. He inquires if the trees will remain. The applicant states that they may have to be trimmed, but they will try to leave them if possible.

Mr. Moose feels that it will be an improvement and will look nice.

The remaining Board members commented on the thoroughness of the application.

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. Overacker states that CED issued comments as follows:

**Applicant should build to elevations submitted.  
A building permit for the proposed garage and interior renovations should 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. Young closed the public hearing on this request.

Mr. Moose made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed garage (22x23) to set 29 feet from the front property line (Victoria Rise) instead of 50 feet, subject to the following conditions:

1. Applicant to build as per elevations submitted.
2. Applicant to obtain a building permit for the proposed garage and interior renovations 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 wishes to stay in their home and need more space. The benefit cannot be achieved in any other manner feasible to the applicant. There should not be an undesirable change to the character of the neighborhood or nearby properties. The request is not substantial. There will not be an adverse physical or environmental effect caused by granting this variance.

Mr. Arcarese seconds the motion.

Motion carries 7 - 0

4. Paul Simmonds, owner of property located at 19 Matthew Drive, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed deck to set 44 feet from the front property line (Rolling Hill Drive), instead of 50 feet. Said property being located in a Residential B District.

Mr. Simmonds presents the application to the Board and states that his home is on a corner lot between Matthew and Rolling Hills and he has two front yards according to Code. When he purchased the home there was a concrete patio slab that was broken and this is the same space that he wishes to have the deck.

Mr. Young inquires if the existing shrubbery will remain. The applicant submits 5 photos into the record. The existing arborvitae and shrubbery offers them privacy and they have no desire to remove them.

The Board members feel that this will be an improvement to the home.

Ms. Ezell inquires what kind of deck material he will use. The applicant states it will be all weather material that does not need to be stained.

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. Overacker states that CED issued comments as follows:

**The CED Department has no concerns with this application and recommends approval under the condition that a building permit 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. Young closed the public hearing on this request.

Ms. Barrett made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D (1), to allow a proposed deck to set 44 feet from the front property line (Rolling Hill Drive), instead of 50 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.

The benefit cannot be achieved in any other manner feasible to the applicant. The applicant has two front yards according to Town Code. This change will not be undesirable to the character of the neighborhood or nearby properties. The request is not substantial. There is vegetation already in place that screens the proposal from view. There will not be an adverse physical or environmental effect caused by granting the variance. It is self-created, but does not outweigh the benefit.

Mr. Moose seconds the motion.

Motion carries 7 – 0.

5. Paul Sandle, owner of property located at 421 Jefferson Ave, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow a proposed accessory building (shed) to be 260 sq. ft. instead of 200 sq. ft. Said property being located in a Residential B District.

Mr. Sandle presents the application to the Board. He wants it for storage space for lawn and pool equipment. The shed will be screened by an existing 6' fence that is owned by a neighbor. The back side of the shed will face the power lines.

Mr. Young states that he drove by and sees that the shed is already up. The applicant states that one is coming down and the new one will go up if he obtains approval.

Mr. Arcarese inquired if he obtains this variance, will he be able to store everything inside so that there will be no outside storage. The applicant states that is what he is trying to do.

Mr. Moose inquires if this is a permanent structure. The applicant states that it will be anchored down per the Code. Mr. Moose inquires what the door is made out of. The applicant states it is a tarp like material. Mr. Moose inquired if there is a door, and the applicant states yes.

Ms. Sartori inquires if any of his neighbors have expressed any concern to him. Mr. Sandle states that he spoke with one neighbor next door who had no issue.

Ms. Ezell wants to make sure that the applicant understands that if this is approved, it will be a condition of approval that all equipment must be stored inside. The applicant feels that there should be enough square footage to fit it all in. He states that he has a large trailer that he will probably have to get rid of.

Ms. Barrett inquires if he is trying to erect this structure as a result of working with the Town Building inspectors to try to clean up the property. The applicant states 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. Overacker states that CED issued comments as follows:

**The CED Department supports this application. Mr. Sandle has been working with the CED Department to address concerns on his property, and this would further that goal.**

**The existing accessory structure on the property should be removed prior to issuance of a Certificate of Compliance for the new structure.**

**There should be no outside storage of materials, per §208-22 of the Town Code.**

**A building permit should 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. Young closed the public hearing on this request.

Mr. Arcarese made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow a proposed accessory building (shed) to be 260 sq. ft. instead of 200 sq. ft, subject to the following conditions:

1. The existing accessory structure on the property should be removed prior to issuance of a Certificate of Compliance for the new structure.
2. There shall be no outside storage of materials, per §208-22 of the Town Code.
3. Applicant to obtain a building permit 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.

The applicant wishes to store everything that is currently outside to be inside this structure. The benefit cannot be achieved in any other means feasible to the applicant. There will not be an undesirable change to the character of the neighborhood or nearby properties; it will enhance the appearance by storing the items inside. There will not be any adverse physical or environmental effects on the property. The difficulty is self created given that he has items that need to be stored, but is not out-weighted by the benefit being obtained by having the ability to store everything inside.

Ms. Ezell seconds the motion.

Motion carries 7 – 0.

6. Design Works Architecture PC, as agent for Stephen Blust & Lori Perez, owners of property located at 7 Beatrice Cove, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-31D( 3), to allow a proposed screened porch to set 9 feet from the rear property line and to allow a proposed porch to set 14 feet from the rear property line, both instead of 15 feet, and further to allow the existing house to set 14.4 feet from the rear property line instead of 15 feet. Said property being located in a Residential A District.

Chuck Smith, Design Works Architecture, presented the application to the Board. They wish to make the home look more like a home that was built along the canal at the time the canal was built. They wish to have a screened porch and an open porch. They have checked with three immediate neighbors, who have no objections. The existing home doesn't meet setbacks and this variance is requested to clean that up.

The Board members likes the elevations submitted.

Ms. Ezell inquired if they plan to build as per the elevations submitted as part of this application, and the applicant states 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. Overacker states that CED issued comments as follows:

**Applicant should build to elevations submitted.**

**A building permit should 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. Young closed the public hearing on this request.

Mr. Moose made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-31D( 3), to allow a proposed screened porch to set 9 feet from the rear property line and to allow a proposed porch to set 14 feet from the rear property line, both instead of 15 feet, and further to allow the existing house to set 14.4 feet from the rear property line instead of 15 feet, subject to the following conditions:

1. Applicant to build as per elevations submitted to the Town.
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.

The benefit cannot be achieved in any other manner. There will not be an undesirable change to the character of the neighborhood or nearby properties; it should enhance the property. The request is not substantial. There will not be any adverse physical or environmental effects caused by granting the variances. Wanting a porch is self-created, but will fit in nicely and does not out-weigh the benefits.

Ms. Sartori seconds the motion.

Motion carries 7 – 0.

7. Peter Kladstrup, owner of property located at 18 Crow Hill Drive, requesting a variance of the Town of Perinton Zoning Ordinance Section 208- 31 D (1), to allow a proposed front porch to set 66 feet from the front property line instead of 70 feet. Said property being located in a Residential A District.

Piero Forgensi, acting as agent for Peter Kladstrup, presented the application to the Board with Peter Kladstrup. They are looking to have a covered front porch for protection from the elements.

The Board members support the 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. Overacker states that CED issued comments as follows:

**The CED Department has no concerns regarding this application.  
A building permit should be issued within one year.**

Mr. Young asked for questions or comments from Attorney Place. Attorney Place states that the request appears to be de minimis.

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

Mr. Young closed the public hearing on this request.

Ms. Sartori made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208- 31 D (1), to allow a proposed front porch to set 66 feet from the front property line instead of 70 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.

The applicant wishes to have a covered porch to protect from the elements. The benefit cannot be achieved in any other manner feasible to the applicant. There will not be any undesirable change to the character of the neighborhood; it will enhance the property. This is a de minimis request.

Mr. Arcarese seconds the motion.

Motion carries 7 - 0

8. BME Associates as agent for Greg Polisseni, owner of 97.9 acre parcel located on the west side of Victor Road, south of its intersection with Keck Road, tax account number 194.02-1-15.1 requesting the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-14 R (1) to allow a proposed garage to be 8,125 sf. and 35 feet in height instead of 600 sf. and 20 feet in height.
2. Section 208-14 G to allow a proposed accessory building (pool house) to be 630 sf. instead of 200 sf.

Said property being located in a Residential Sensitive District.

Linc Swedrock, BME Associates, presented the application to the Board as per letter of intent as shown below.

69-14

July 28, 2014



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

**Re: Polisseni Property, Keck Road  
Area Variances**

2398

Dear Board Members:

On behalf of Greg Polisseni, property owner of the Polisseni Property project on Keck Road, we are requesting area variances for the above-referenced project which is located within a Residential Sensitive (R-S) Zoning District. We request to appear at your August 25, 2014 meeting and have enclosed the following application materials for your review:

- Twelve (12) copies of the Application Form
- Twelve (12) copies each of the Site Plan
- Twelve (12) copies of the Authorization to Make Application
- \$50.00 Application Fee

This application is for an area variance to increase the allowable area and height for a detached garage as required under § 208-14R(1) within Article V: Regulations Applicable to All Districts of the Town of Perinton Code. Per § 208-14R(1) “detached garages shall not exceed 600 square feet in garage building area or 20 feet in height.” This project proposes an 8,125 square foot garage with a proposed maximum height of 35’. This application is also for an area variance to increase the allowable area for a one-story accessory building as required under § 208-14G of the Town of Perinton Code. Per § 208-14G “A one-story accessory building not more than 200 square feet in area is permitted, provided that there is an existing residence on said lot and that the exterior is finished in conformity with the style of said residence.” This project proposes a 630 square foot, one-story pool house structure.

For your consideration, we offer the following information in response to the five (5) factors that the Zoning Board of Appeals must consider for area variance requests:

**1. Whether the variations requested are substantial in relation to the requirement set forth in the Zoning Ordinance**

While the proposed area and height of the detached garage and area of the proposed pool house could be considered a substantial increase over the zoning ordinance requirements; we feel that they are not substantial when considering they will be constructed on a 97.9 acre single-family home parcel. The total building area of the proposed garage and pool house equals ±0.2 acres (or 0.2% of the 97.9 acre parcel).

**2. Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to adjoining properties will be created, if the variance is granted.**

An undesirable change in the character of the neighborhood will not be created, nor will a detriment to the adjoining properties be incurred. The proposed detached garage and pool house will be located on a single 97.9 acre parcel. The proposed location for the detached garage and pool house is buffered to the north and south property lines by existing vegetation which is proposed to remain.

**3. Whether the benefit sought by the applicant can be achieved by some reasonable, alternate method, other than a variance.**

The size of the proposed detached garage is necessary to accommodate the owner's need to store automobiles and equipment. The size of the proposed pool house is necessary to incorporate the desired pool side amenities. The required size of the detached garage and pool house cannot be constructed without obtaining area variances.

**4. Whether the alleged difficulty was self created (this will not necessarily preclude the granting of an area variance).**

Although the variances requested can be considered self-created (as with any variance); we feel that the magnitude of this request is minor in nature, considering the area variances requested are to be within a single lot 97.9 acre parcel.

**5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.**

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The total building area of the proposed garage and pool house equals ±0.2 acres (or 0.2% of the 97.9 acre parcel). The proposed location for the detached garage and pool house is buffered to the north and south property lines by existing vegetation which is proposed to remain.

We look forward to our appearance before the Zoning Board on August 25, 2014 to discuss this request. If you require any additional information prior to then, please contact our office.

Thank you for your consideration of this application.

On 6/4/14 they received site plan approved from the Planning Board. It was a condition of the Planning Board approval that there be no further subdivision of this land. The garage is for storage of vehicles and his personal use only. He does not wish to have storage outside. The pool house will house storage items for the pool and amenities for the pool. He submitted a context plan into the record which shows the layout of the proposal and the topography of the 97.9 acre parcel. They are leaving wooded area along the frontage on Victor-Egypt Road. He pointed out areas that will remain wooded. It is about 800' off of the road.

Mr. Place inquired how far away the closest outbuilding structure is from other homes. Mr. Swedrock states the closest is anywhere from 300' – 500'. They are leaving the old barn foundation. They have tried to save woodlands and cluster the home and outbuildings to avoid disturbing slopes and streams.

There was a discussion as to where on the property the home and outbuildings are situated in comparison to property lines and the road. Mr. Swedrock pointed out on plans.

Mr. Space supports the request.

Mr. Arcarese has no questions.

Mr. Moose has no questions.

Ms. Barrett feels the application was very thorough and detailed. She understands that this is a large parcel of land. She inquired why the garage needs to be so large. Mr. Swedrock states that it will store 12 cars, an art studio, bathrooms, 4-wheelers, and other equipment.

Ms. Sartori inquired if the garage will be used as living quarters. Mr. Swedrock states not at this time. There will be a bathroom for the shop area. Ms. Sartori inquired if the garage will be heated. Mr. Swedrock is not sure. Mr. Place states that they would have to come back to the Town to request to use it as living space. Mr. Swedrock states that the plan is to use the studio as a painting studio; not using it as living quarters.

Mr. Ezell feels the application is very through and she feels this is a good use of nearly 100 acres in the Town.

Mr. Young states that the Planning Board issued comments as follows:

**The Planning Board recommends approval of the aforementioned variances because the requests for the oversized structures will not affect the site. The current property is extremely a large and can accommodate the proposed structures. The plan is to have only the proposed structures on this property. These structures will fit into the character of the neighborhood nicely and will be setback from Victor Egypt Road; therefore they will not be easily seen by the general public.**

Mr. Young asked for questions or comments from the Conservation Board. Mr. Rainis states that the Conservation Board has field walked this site with Town staff and the engineer and compliments BME for making sure that they stayed out of LDD and placed the buildings on essentially flat land. The buildings conform to the site.

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

**The applicant received site plan approval for development of this property from the Planning Board on June 4, 2014.**

**The CED Department has no concerns with this application. The proposed garage and accessory structure are situated on 90+ acres of land and do not appear to be excessively large in relation to the property on which they are proposed to be built.**

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

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

Mr. Young states that they did receive comments in writing on 8/14/14 from a neighbor on adjoining road (Spring Creek Drive), which is a part of the record. The resident objected to the size of the structures and the use.

Mr. Young asked for questions or comments from the audience.

Roger Crandall, 101 Keck Road is concerned about the big slope on the back side of the barn. It is about a 30' – 40' drop. There are large trees there. He inquires if those trees will be removed as he is concerned about erosion and his view. Mr. Swedrock states that they are staying out the slope LDD area. The bank will remain and so will the trees. The applicant is also proposing additional landscaping in this area.

There were no further questions. Mr. Young closed the public hearing on this request.

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

1. Section 208-14 R (1) to allow a proposed garage to be 8,125 sf. and 35 feet in height instead of 600 sf. and 20 feet in height.
2. Section 208-14 G to allow a proposed accessory building (pool house) to be 630 sf. instead of 200 sf., all 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.

Findings of fact are adopted from letter of intent from BME dated July 28, 2014, which is a part of the record.

Mr. Arcarese seconds the motion.

Motion carries 7 - 0

9. Molly Bailey, as agent for Girls on the Run of Greater Rochester, requesting a renewal of a Temporary Activity Permit under the Town of Perinton Zoning Ordinance 208-54(F), to allow a 5K event at Town of Perinton Center Park, (Ayrault Road & Turk Hill Road), on November 22, 2014.

Molly Bailey presented the application to the Board as per letter of intent as shown below.



70-14



July 21, 2014

Town of Perinton  
1350 Turk Hill Road  
Fairport, NY 14450

Dear Town of Perinton Zoning Officer:

Girls on the Run of Greater Rochester (“GOTR”), a registered 501(c)3 non-profit organization (tax ID # 45-2272691), is an independent council of Girls on the Run International. We are respectfully requesting permission to hold our fall 2014 end of season 5k at Center Park in Perinton. This is a non-competitive, fun run to celebrate the accomplishments of our program participants as well as a fundraiser. We intend to comply fully with the Town of Perinton regulations and requirements.

I have discussed event details with Stacey Estrich, Parks Director, as follows:

- The event is scheduled to be held on Saturday November 22, 2014, GOTR council staff and volunteers will be on site at 8 am to set up, and will conclude clean-up at 2 pm.
- Participant check-in will begin at 11 am; the run start time will be 12 pm. It is estimated that approximately 300 program participants and outside registered runners will participate in the run; outside runners pay a \$20 fee to run.
- The run will follow the enclosed route which includes: paved, gravel, mowed grass, and chip paths.
- Event parking will be in the Center Park West and East parking lots, if necessary spots in the Community Center parking lot will be reserved closer to the event date. Event volunteers will be stationed at the road entrance to both parking lots to direct traffic.
- Council staff, including the Executive Director, will remain on site for the entire duration of the park rental.
- Council staff and volunteers will inspect the course prior to the run and will clearly mark the course with non-invasive methods including: wire stake signs/flags, colored ribbon markers, and adult volunteer course marshals.
- Safety of our participants is ensured by adult volunteers running ahead, behind, and throughout the course with the girls.
- A request has been sent to Perinton Volunteer Ambulance for stand-by service as a precaution.
- A water stop will be set-up on the pavement in the Center Park East parking lot. Bottled water will be provided by GOTR.
- We are aware that the park bathroom facilities will be closed and water will be turned off, so GOTR will rent portable toilets to be set up in the Center Park West parking lot.
- Our Start/Finish line will be set up on the grassy area adjacent to the Center Park West Shelter.
- We will have a tent set up by McCarthy Tent and Rentals in compliance with Town and Park regulations and/or requests in the grassy area adjacent to the Center Park West shelter as specified by the park director (exact location tbd).
- We will also utilize the shelter for check-in, pre-run fun activities (face painting, temporary tattoos etc.) as well as the distribution of post-run snacks if weather permits.
- Post-run snacks provided to the runners includes: bananas, granola bars, and bottled water.
- **All trash will be collected in trash cans located around the shelter provided by GOTR. All trash will be removed from the park by GOTR staff and volunteers at the conclusion of the event.**

Girls on the Run is a transformational physical activity based positive youth development program for girls in 3rd-8th grade. We teach life skills through dynamic, interactive lessons and running games. The 10 week program culminates with the girls being physically and emotionally prepared to complete a celebratory 5k running event. The Greater Rochester Council serves Monroe, Livingston, Ontario, and Wayne counties.

Mr. Young states that the application was very thorough. He supports the request. The application includes Certificate of Insurance, notification to Monroe County Sheriff’s Dept, Perinton Ambulance, Fairport Fire Department, and Perinton Recreation & Parks. Mr. Young states that the Board received a memo from Jeff Myers, Commissioner of Recreation & Parks regarding this event, which is a part of the record as shown below.

**To:** Thomas Young, Zoning Board Chair  
**From:** Jeffrey D. Myers, CPRP, Commissioner of Recreation and Parks *JDM-*  
**CC:** Lori Stid, Zoning Board Secretary  
**Date:** July 31, 2014  
**Re:** Comments on application for park use-"Girls on the Run" Race

Our department has received and approved an application for the use of Center Park West/ East and Cross Country Course from Molly Bailey, Executive Director. The event is scheduled for Saturday, November 22, 2014.

The organizing group was made aware of the Town's event policy and has included solutions in their proposal for the event. The organizing committee has also agreed to follow our suggestions.

Requests to event plan:

- For use of Center Park, the Recreation and Parks Department requires directional signs along race course as described in their proposal.
- We also will require course marshals for assisting runners.
- We suggest additional volunteers be positioned at the Rochester, Syracuse and Eastern Trolley trail to monitor the flow of traffic from runners and path users.
- We also require parking lot volunteers and signage coordinate traffic flow for safety and ensure proper parking locations.
- Under no circumstances can vehicles block any parking lot lanes or sidewalks.
- Trash barrels and removal are the responsibility of the event organizers. Any trash associated with event causing additional Town Park labor may be invoiced.
- *Event organizers are responsible for providing restrooms (port-a-potties) for event.*

**By mid October, all water and restroom access to Center Park West and East is shut down for the season.**

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.

Mr. Young inquires if the applicant is aware of the conditions being imposed by Parks & Rec, and the applicant states yes.

Ms. Barrett feels that if the applicant chooses to have this event again it should be requested administratively through the Town and not require Board approval.

Ms. Sartori inquired how many participants last year. The applicant states 125 girls in the program, and 150 outside runners (mostly parents).

Ms. Ezell inquires if they anticipate the same number this year. The applicant states it should be higher as there are more girls in the program now. Ms. Ezell inquires if they are equipped for that additional number, and the applicant states 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. Overacker states that CED issued comments as follows:

**This application should include any conditions imposed by the Parks and Recreation Department as per its memo from July 31, 2014.**

**The CED Department has no concerns with this event.**

Mr. Young asked for questions or comments from Attorney Place. Attorney Place states that a SEQR determination is not required on a renewal application.

Mr. Young asked for questions or comments from the audience, and there were none. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a renewal of a Temporary Activity Permit under the Town of Perinton Zoning Ordinance 208-54(F), to allow a 5K event at Town of Perinton Center Park, (Ayrault Road & Turk Hill Road), on November 22, 2014, subject to the following conditions:

1. Subject to the terms of memo written by Commissioner Myers dated 7/31/2014 (see attached).
2. Subject to terms of letter of intent submitted by the applicant to the Town dated 7/21/14, and received by the Town on 7/28/14.
2. This permit is valid for this date only.
3. This permit may be requested to be renewed administratively in the future by request to Code Enforcement & Development (Zoning Board of Appeals Clerk), provided there has been no substantial change to the scope of the event.

The Certificate of Insurance has been received by the Town. All emergency personnel have been notified. The use will not prevent the orderly use of this property or any adjacent property. There will be no negative impact to the health, safety or general welfare of the neighborhood or the Town. The site is suitable for the use. The applicant has provided sufficient information relating to the use.

Mr. Space seconds the motion.

Motion carries 7 - 0

10. Mark IV Enterprises, as agent for Mike Rosen, contract vendee for property located at 142 Park Road, requesting a Special Permit of the Town of Perinton Zoning Ordinance Section 208-31 A (3), (Customary Home Occupation) to operate an Architect Office from the property. Said property being located in a Residential A District.

Bryan Powers, PE, Mark IV Enterprises, presented the application to the Board as per letter of intent which is a part of the record as shown below:

## Mark IV Enterprises

301 Exchange Boulevard  
Rochester, New York 14608  
Phone (585)232-1760  
Fax (585)232-5846

July 28, 2014

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

**Re: 142 Park Road, Pittsford, NY (Mushroom House) – Special Use Permit**

Chairman Tom Young and Fellow Board Members:

On behalf of Mr. Mike Rosen, AIA, contract vendee to purchase the referenced home and property from current owners James Gagnier and Teresa Sherrad, we are pleased to submit the attached Special Permit application for purposes of a customary home occupation. Mr. Rosen desires to operate his own Architectural Consulting business within the home. The business will initially include Mr. Rosen himself, but may expand to one employee as the business needs may require. The home office will be located with the addition area of the home constructed in 2001. This area includes approximately 600 sq. ft. of space which is about 20% of the total living area of the home. Currently this area is used as a great room area and is tucked into the adjacent hillside of the mushroom house away from the general living areas, not within one of the original 5 pod areas of the home.

The hours of the business will generally be 9 AM till 5 PM Monday through Friday. There may be occasional weekend or evening hours as may be necessary to meet the clientele needs. Client visits will be scheduled and only one client at a time will be present at the home office. Clients, as well as, the future employee will park within the existing driveway as there is more than adequate space. There will be occasional deliveries of plans, specifications, and other work products utilizing Federal Express or other carriers. These deliveries are not expected to amount to more than a couple per week. Most of the business will be conducted over the phone and through e-mail and web services.

The following items are provided for your consideration in the Special Permit review.

1. 12 copies of the Special Permit Application.
2. 12 copies of a complete Short EAF.
3. Check in the amount of \$50.00 for the application fee.
4. 12 copies of a Monroe County Property Data sheet.

We respectfully ask that this matter be placed on the Zoning Board of Appeals August 25, 2014 meeting agenda. Representatives of Mr. Rosen will be present to address any questions. In the meantime, should there be any questions, or if additional information is required please feel free to contact me.

They are not proposing any renovations with this proposal. Clients will park in the driveway, the way it is currently configured. There will be no parking on the private driveway adjacent to the home.

Mr. Moose states that this is a shared driveway; are there any comments from those neighbors. The applicant states that there have not been any comments as they don't know the neighbors as he has not yet purchased the residence. The applicant states that the next home in is buffered by topography and vegetation from this residence. The driveway is tucked in.

Ms. Barrett inquired when he plans to purchase the home. The applicant states that his contract is subject to this process tonight and the bank process. There is no time frame at this time.

Ms. Sartori feels this is a good use for this unique home.

Ms. Ezell states that CED recommends one client at a time in the residence. She inquires if that means one car; one person. Mr. Overacker states one vehicle. Ms. Ezell feels that may be restrictive. Mr. Moose states that the site is pretty tight and you wouldn't want to have two – three cars blocking that drive. Ms. Ezell inquires if the client will accept that. The applicant states that it is his understanding that the permit, if approved, will run for one year and will be a trial period. If they need to come back and talk about details to expand parking or number of employees, they will. Mr. Place inquired how many cars will fit in the driveway. The applicant states if it is filled, there is room for 5 cars. Mr. Overacker states that the concern is emergency vehicle access to the house.

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. Overacker states that CED issued comments as follows:

**Applicant is restricted to one client at a time at the residence.  
Client parking should be restricted to the driveway and not permitted on the private drive or on neighboring properties.**

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

Mr. Young asked for questions or comments from the audience.

Frank Cabron, 152 Park Road states that he shares a property line and a private drive with the mushroom house. He is concerned that there will be a negative change to the character of the neighborhood. He doesn't want any signage put up; this is a residential neighborhood. He is concerned about additional traffic being on this one lane road going up a steep hill with five houses at the top of the hill. There is no room to pass on the road. One of his neighbors sent him an e-mail who is also concerned with additional traffic on the road.

James Parker, 150 Park Road inquired if this is commercial or residential architectural business. The applicant states that Mr. Rose does both residential and commercial. Mr. Parker expressed concern that if it for commercial, there will be multiple cars showing up with multiple people. He is concerned about the driveway and parking area. Mr. Parker states that the neighbors want to protect the character of their neighborhood, and their properties. He inquires what the relationship is with Mark IV. The applicant states that he has been an architect on one of their projects and that is how they have gotten to know him. Mark IV offices are in the city of Rochester and if they need to meet with him, they would have him to their offices.

Mr. Powers states that his client will become acquainted with the Special Permit and parking and if he gets into a situation where there are going to be a number of clients/cars; he can go to their office and meet with them; it doesn't have to be at his office. He does a lot of architecture out of the state and travels to other sites.

Mr. Parker states that this house has been used as a location for benefits with people using the fish hatchery for parking and shuttling people back and forth. He doesn't want to see this as a regular thing in this neighborhood. The applicant states that Mr. Rosen will reach out to the neighbors if the purchase goes through; he has not been in Town.

Ms. Ezell inquires if there will be signage proposed. The applicant states that signage was not proposed as part of this request. A lot of the business is conducted over the internet. He has a web page. Ms. Barrett inquired if the applicant would be ok if that no signage was a condition of approval. The applicant states that is fine.

Mr. Cabron asks if it can be a condition that there be no more than one employee. Mr. Place states that is automatically a condition of approval for a CHO. This permit, if approved, will run for a period one year, and if there are any issues, he encourages the neighbors to talk to Mr. Rosen and the Town staff in Code Enforcement and make them aware of concerns regarding the business as they occur.

There were no further questions. Mr. Young closed the public hearing on this request.

Ms. Ezell made a motion to grant a Negative Declaration of SEQR. The use of the "cave" section of this property as an architect office will not alter the view or the reasonable use of adjacent properties. The number of cars in the driveway will be restricted and the use of the road. There will not be any adverse physical or environmental effects caused by granting this use. The Conservation Board has reviewed the request and has no objection. This will be an improvement to the neighborhood, in that the property will become occupied, which is better than remaining unoccupied. It will not tend to depreciate neighboring properties. The character of the neighborhood will not be

adversely affected as there will be no signage and will not look any different from the outside than it does now (as a residential property). The use will not create a hazard to the health, safety, or general welfare or be a detriment to the flow of traffic in the vicinity.

Mr. Young seconds the motion.

Motion carries 7 – 0.

There was a discussion on number of cars in the driveway if one of the cars is an employees and one or more is a client. How many cars is the Town allowing to be in this driveway for the business? Mr. Place states that the owner and his wife can park in the garage and then one employee in the driveway and then two other cars for clients; making it a total of three cars in the driveway. Ms. Barrett feels that is too many cars in the driveway for this business. This is in a neighborhood and will adversely affect it by allowing that number of cars. Ms. Ezell disagrees; there is room for five cars in the driveway. The applicant states that CED wrote comments stating that. Applicant is restricted to one client at a time at the residence. Client parking should be restricted to the driveway and not permitted on the private drive or on neighboring properties. He is ok with this as a restriction on the permit to run for one year. This can be revisited next year at the time of renewal if they wish to modify that in any way. He has heard the concern of the neighbors and would rather be on the good side. He is ok with one car for the client and one car for the employee. Ms. Barrett states that the letter of intent states that one client at a time will be present in the home office and is unsure why we would offer more than what they are asking for. At this time the business doesn't have any additional employees other than Mr. Rosen. Ms. Ezell feels that a client could have more than one car. The applicant states that the Code says one client at a time; it doesn't refer to number of vehicles. There was a discussion on if the permit ran with the property or with the owner. Mr. Place states it runs with the property, but has a one year term limit on initial approval.

Ms. Ezell made a motion to grant a Special Permit of the Town of Perinton Zoning Ordinance Section 208-31 A (3), (Customary Home Occupation) to operate an Architect Office from the property, subject to the following conditions:

1. There shall be no more than one client at a time at the residence; any larger gathering of clients shall be done offsite.
2. There may be one additional employee other than Mr. Rosen.
3. Client & any future employee parking shall be restricted to the driveway and not permitted on the private drive or on neighboring properties.
4. Office hours are from 9 AM to 5 PM, Monday through Friday, with an occasional weekend or evening hours to meet clientele needs.
5. Client visits shall be scheduled and only one client at a time.
6. There may be an occasional delivery of plans, specifications and work products utilizing Federal Express or other carriers and shall not amount to more than a couple per week.
7. There shall be no signage on the property.
8. There shall be no advertising using the property address for this business.
9. Applicant to submit to the Town of Perinton, Office of Code Enforcement & Development Zoning Board of Appeals Clerk, a copy of deed showing when the title transferred.
10. Applicant to contact Perinton Fire Marshal (223-0770), after title has transferred to schedule a Fire Marshal Inspection for the proposed business prior to business opening on site.
11. Special Use Permit to run for one year from the date of Fire Marshal Inspection, at which time it may be requested to be renewed by the applicant (same process as this year) through the Zoning Board of Appeals. If you do not renew your permit prior to the expiration date your permit will become null and void. If you no longer wish to have this permit on the property, please notify the Town in writing that you have discontinued the use, and we will mark it null & void.

She doesn't feel that the owner, should he purchase the property, would be able to create a reasonable return on the property in any other way without the business on site. The use as an architect office is appropriate for the area. Having this business in this unique location will enhance his business. She doesn't feel that the benefit can be achieved in any other manner. The applicant has stated that any larger number of clients can be done offsite so as to not interrupt any traffic flow to the five neighbors on the private drive. The hardship is self-created, as this is a unique piece of property; however that is outweighed by the benefit of the home no longer being vacant.

Mr. Young seconds the motion.

One of the neighbors expresses concern as to number of cars in the driveway and he would rather see a number of cars tied to the business rather than one client at a time. One client could mean many cars. People could park in the fish hatchery and be transported to the site. The applicant doesn't feel that there will be droves of people coming to the office. Mr. Space feels that Mr. Rosen could advise people that only one car is allowed. Mr. Young states that this is a home office and is not for commercial use. It will be reviewed again by this Board in a year. The expectation of this Board is a light use.

Motion carries 7 – 0.

11. Lollypop Farm, the Humane Society of Greater Rochester, owner of property located at 99 Victor Road (Lollypop Farm) and Egypt Park, requesting a Temporary Activity permit under Section 208-54 F, to allow the annual Barktoberfest with Obstacle Race and Walk for Animals on Saturday September 27, 2014 from 9 AM to 4:00PM, with registration beginning at 7:30 AM. Said property being located in a Residential Transition 2-5 and Residential Sensitive District.

Kevin Beck presented the plan to the Board as per letter of intent as shown below:



July 30, 2014

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

Dear Board Members,

Lollypop Farm, the Humane Society of Greater Rochester, will have its 17<sup>th</sup> annual Barktober Fest with Obstacle Race and Walk for the Animals on Saturday, September 27<sup>th</sup> from 9:00 AM until 4:00 PM, with registration for the walk beginning at 7:30 AM. The walk will begin at 9:00 AM and the Ruff Rampage Obstacle Race will begin at 10:30 AM.

The Obstacle Race and Walk for Animals course begins and ends at Egypt Park and will run through the Lollypop Farm grounds using existing pathways. The bulk of festivities will be held at Egypt Park and we hope to have 3000 attendees with over 40 vendors/sponsors this year!

We are in front of you today to get approval for the changes being made in this year's event. We have changed our 5-mile run into a 5K obstacle run to try and boost the number of participants. Obstacle runs have become a major trend in the last few years and Lollypop wishes to use that public interest in those events for their fundraising activities. Participants will not be allowed under the age of 13 and everyone will sign a hard copy waiver upon arrival to the festival. Insurance coverage for the obstacle run will be obtained by Race Management Group, the company assisting in producing the run.

The second item in review is the addition of a Beer Tasting Tent. We featured this same tent last year with the help of local breweries offering samples of their beverages. We wish to get back to the roots of the "Oktoberfest" theme that helped shape the Barktober Fest atmosphere. We have filed the proper application for temporary wine, beer and cider permit from the NYS Liquor Authority and will follow all guidelines set forth by that agency.

Please let me know if you'd like further information on Barktober Fest and thank you for your support on this amazing event!

Sincerely,

Kevin Beck  
Event Planner  
585-442-1740 x 229  
[kbeck@spoonevents.com](mailto:kbeck@spoonevents.com)

With him is Esca Encina & Russell Roberts, both from Lollypop Farm. This is the 17<sup>th</sup> annual Barktober Fest. There have been some changes to the event which has triggered the need for Board review. They have made the 5 K run and obstacle run and have added a beer tasting tent. They had the beer tasting tent last year. The race organization crew is from downstate.

Mr. Place asked him to review the beer tent procedure. The applicant states it is a 20 X 30 tent sectioned off with fencing. In front of the tent will be a seating area with vendors inside. The front of the tent entrance will be a station with ID checking. Colored wristbands will identify over and under age 21. There will also be food tasting.

Mr. Young states that the application was thorough. The applicant has notified appropriate emergency personnel. The Certificate of Insurance is a part of the application. There are two sets of regulations that have to be abided by. One is the Town of Perinton Parks & Rec general rules for tents and tarps and how they are to be anchored and where used. In addition, there is a memo that the Board received from Parks and Rec., which is a part of the record as shown below:

(014)

99 Victor Road Fairport, NY 14450

Voice: 585 223 1330  
Fax: 585 425 4183

Web: [www.lollypop.org](http://www.lollypop.org)



# Memo

**To:** Thomas Young, Zoning Board Chair  
**From:** Jeffrey D. Myers, CPRP, Commissioner of Recreation and Parks -JDM-  
**CC:** Lori Stid, Zoning Board Secretary  
**Date:** August 15, 2014  
**Re:** Comments on application for park use-"Barktober Fest" @ Egypt Park

Our department has received documents and correspondence regarding the 17<sup>th</sup> annual Barktober Fest, scheduled for Egypt Park on September 27, 2014. Our contact for this event has been Kevin Beck, with Spoon Exhibits and Events. This event planning organization has been contracted by the Humane Society at Lollypop Farm, to plan and implement this year's festival.

The organizing group was made aware of the Town's concerns and has included solutions in their proposal for the event. The organizing committee has also agreed to follow our suggestions to prevent potential incidents.

Conditions of use include:

- All garbage receptacles brought in for the event must be removed from the park by 5:00pm on Monday, September 29<sup>th</sup>.
- All damage to turf areas, including, but not limited to divots, indentations, etc. must be repaired to a safe condition for park users by the same deadline, using premium top soil and grass seed.
- Traffic control devices (cones, barrels and gates) must be placed along the south curb of NYS Route 31, parallel to the park, as well as the west shoulder of Egypt Road. No vehicles may enter the turf areas in those designated areas, and may not park along there either. The organizing group must take action to remove any vehicle not adhering to this condition.
- Adult beverage service must be limited to the use of 3 ounce "Dixie" cups. Entry to the adult beverage serving area must be controlled by a person that checks photo identification cards for all people entering. Those under the age of 21 must be clearly identified as a person that cannot be served adult beverages. No adult beverages can be taken out of the controlled service area.
- All appropriate permits for food and alcoholic beverage service must be obtained and on-hand the day of the event. The Town needs a copy of each permit prior to the event.
- Any participant showing signs of being intoxicated should be asked to leave immediately.
- Motorized vehicle use on turf areas is prohibited by Town Code. I have the authority to allow exceptions. I will allow motorized vehicles to access turf areas in the park for setting up of structures no earlier than Wednesday, September 24<sup>th</sup>, up until Friday, September 26<sup>th</sup>. On Saturday, September 27<sup>th</sup>, only golf carts and support utility vehicles, such as side-by-sides, are permitted on turf areas. Following the event, motorized vehicles that need to remove structures may re-enter the turf area. They have

until Monday, September 29<sup>th</sup> to complete the removal of temporary structures. All turf damage must be repaired by the deadline stated in the second condition above.

- Group must acquire use of Porta-Let restroom facilities and coordinate placement with Parks Director.
- No new trails within the park may be cleared for use. The latest version of the route map, with the accompanying description that was provided by the event planner in an email dated Monday, August 11<sup>th</sup>, at 9:26am meets our approval and must be adhered to.
- Group may receive an invoice for additional paper products used in restroom facilities.

We hope that this event is a grand success. It has been a huge benefit to the Humane Society, as well as the region for many years. My conditions stated above serve to return the park to a safe and enjoyable destination for the general public in a minimal amount of time.

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.

He asks the applicant if they are prepared to abide by all of those restrictions and the applicant states yes.

Mr. Space recommends that they speak with someone from Sheriff's Office on how to recognize someone who has had too much alcohol.

Mr. Beck states that this is a tasting tent; they are not serving a full beer; 3 oz servings only. There will not be any consumption of alcohol outside of the tent area. There is a law enforcement officer who works with Lollipop who will be there that day. There will be three of them who will train staff to recognize proper ID, etc.

Ms. Sartori inquired if there were any issues with the beer tasting tent last year. The applicant states no issues.

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. Overacker states that CED issued comments as follows:

**This application should include any conditions imposed by the Parks and Recreation Department as per its memo from August 15, 2014.**

**The CED Department has no further concerns with this application.**

Mr. Young asked for questions or comments from Attorney Place. Attorney Place states that it does not appear that the changes in the proposed activity are significant enough to require a new SEQR determination. He recommends imposing the conditions requested by the Recreation Department in their August 15<sup>th</sup> memo.

Mr. Young asked for questions or comments from the audience, and there were none. Mr. Young closed the public hearing on this request.

Mr. Young made a motion to grant a Temporary Activity permit under Section 208-54 F, to allow the annual Barktoberfest with Obstacle Race and Walk for Animals on Saturday September 27, 2014 from 9 AM to 4:00PM, with registration beginning at 7:30 AM, subject to the following conditions:

1. Applicant to abide by all of the conditions in the Town of Perinton Recreation & Parks rules for tents, tarps & bouncy huts. (copy attached).
2. Applicant to abide by all of the conditions of memo from Perinton Recreation & Parks Dept dated August 15, 2014. (copy attached).
3. This permit is approved for 9/27/14 only.
4. Applicant may request to renew this permit administratively in the future through the Office of Code Enforcement and Development provided the terms of use are not altered significantly from the scope as provided to the Town this year and the Commissioner of Recreation and Parks has reviewed and approved the request for the use of the park and facility.

The use will not prevent the orderly use of adjacent properties. The public health, safety and general welfare of the Town will not be adversely affected by allowing this activity to occur. The use is in general harmony with the most recent Town Comprehensive Plan. The proposed use will not interfere with the general character of the neighborhood. The physical characteristics of the site make it suitable for the proposed use. The site has sufficient area for this use.

Mr. Arcarese seconds the motion.

Motion carries 7 – 0.

12. Harris Beach PLLC, owner of property located at 99 Garnsey Road, requesting a Temporary Activity Permit under Section 208-54F, to allow a Film Festival event in the rear parking lot of the property on Saturday September 20, 2014 from 6:00 PM to 9:00 PM. Said event to include portable outdoor movie screening and a band. Said property being located in a Restricted Business District.

William Albert presented the application to the Board as per letter of intent as shown below:

August 6, 2014

Mr. John J. Beck  
Deputy Director of Code Enforcement & Development  
Town of Perinton  
1350 Turk Hill Road  
Fairport, NY 14450

Re: Letter of Intent

Dear Mr. Beck:

This letter shall serve as a letter of intent to have an event hosted by Harris Beach PLLC to which the public would be invited on September 20, 2014 from approximately 6:00 p.m. to approximately 8:30 or 9:00 p.m. This event would be conducted in conjunction with the High Falls Film Festival as a promotion prior to the Film Festival's annual event, which this year runs October 23-26 in downtown Rochester. Our plan for the September 20<sup>th</sup> event at Harris Beach would be held in the parking lot in the rear of the building and would feature a screening of "A Hard Day's Night" on a portable outdoor movie system to be located in the center space of the parking lot (see enclosed map). The audience would be invited to bring lawn chairs to view the movie. Parking would occur in the lots on either side of the center lot. We also plan to have a local 1960's cover band play immediately before the screening of the movie and possibly immediately afterward. We would also invite two-three food trucks that would be parked in those lots as well. The promotion of this event and the selling of tickets would be conducted by the High Falls Film Festival. Volunteers would assist with directing traffic to the rear of building and with parking. They would also assist with directing traffic off the Harris Beach campus at the conclusion of the event. Thank you for your consideration.

Very truly yours,

William P. Albert  
Senior Manager of Media and Community  
Relations

They are still working on obtaining sponsors. If they don't get the sponsors, this event won't go forward.

Mr. Young states that the application was thorough. Emergency personnel have been notified. This is all held on private property; therefore no certificate of insurance is required to the Town. Neighbors in the immediate area have been notified.

Ms. Barrett inquired if this is a drive-in, where people sit in their car to watch the movie. The applicant states no. They would park the car, bring a lawn chair and sit outside to watch the movie. She inquired how many people they anticipate. The applicant states that they would like to get 500 – 1000 people, which would make it profitable. This is a fundraiser for High Falls. Any profits would go to High Falls.

Ms. Ezell inquires if they have received any feedback from any of the neighbors and the applicant states no.

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. Overacker states that CED Department has no concerns with this application.

Mr. Young asked for questions or comments from the audience, and there were none. . Mr. Young closed the public hearing on this request.

Mr. Space made a motion to grant a Negative Declaration of SEQ. The use will not prevent the orderly and reasonable use of adjacent properties or properties in adjacent use districts. The applicant has notified the immediate neighbors and has not received any negative comment. The physical characteristics and topography of

the proposed site make it suitable for the use. The property has sufficient and adequate area for the proposed use. Access to the facilities are adequate for the anticipated use.  
Ms. Sartori seconds the motion.

Motion carries 7 – 0.

Mr. Space made a motion to grant a Temporary Activity Permit under Section 208-54F, to allow a Film Festival event in the rear parking lot of the property on Saturday September 20, 2014 from 6:00 PM to 9:00 PM. Said event to include portable outdoor movie screening and a band.

The use will not prevent the orderly and reasonable use of adjacent properties or properties in adjacent use districts. The applicant has notified the immediate neighbors and has not received any negative comment. The physical characteristics and topography of the proposed site make it suitable for the use. The property has sufficient and adequate area for the proposed use. Access to the facilities are adequate for the anticipated use.

Ms. Sartori seconds the motion.

Motion carries 7 – 0.

13. Art Pires, Project Manager Wegmans Development Group, as agent for Wegmans Food Markets, Inc., owner of property located at 6604 Pittsford-Palmyra Road, requesting an amendment to a previously approved area variance on 2/27/01 under Town of Perinton Zoning Ordinance Section 208-14P, to allow an 80' clock tower. The amendment is to change conditions # 1 & #3 to allow three internally lit clock faces; one on each of the east, west, and south tower faces instead of the previously approved one clock face on the south side, and to allow up lighting, one on each side of the tower at the base of the steeple, providing for architectural up lighting of the tower for the three clock faces instead of no lighting allowed. Said property being located in a Commercial District.

14. Art Pires, Project Manager Wegmans Development Group, as agent for Wegmans Food Markets, Inc., owner of property located at 6604 Pittsford-Palmyra Road, requesting a variance of the Town of Perinton Sign Code Section 174-9 D (2), to allow the total building signage to be 949 sq. ft. instead of 538 sq., and further to allow the individual "Wegmans" sign to be 436 sq. ft. instead of 200 sq. ft. Said property being located in a Commercial District.

Mr. Young recuses himself from the two Wegmans applications, due to a conflict of interest, and steps down from the dais.

Mr. Arcarese states that they will review both requests at the same time and then make separate motions on the requests.

Mr. Pires submitted documentation (5pages) into the record regarding these two applications. This is a modification of the already approved 80' clock tower. He first reviewed photos from existing East Avenue Wegmans showing the clock tower with up-lighting and the faces of the clock being back lit. The up-lighting would be four 26 watt LED lights located at each of the four corners of the clock tower washing the structure. The 2<sup>nd</sup> sheet shows the location of the four led lights at each of the corners. (They are behind the parapet). It is a nice architectural treatment.

He reviewed the 3<sup>rd</sup> page showing the requests for signage. The building is very wide. The signage is nominal considering the size of the building and its' location relative to the ROW. The signage is substantially setback from the roads (Route 31 & 250).

The 4<sup>th</sup> page shows the setback dimensions. The 5<sup>th</sup> page shows perspective photos.

Mr. Arcarese inquired if other Wegmans have three clock faces. Mr. Pires states yes. Mr. Arcarese supports the request. He has seen other Wegmans with the multiple clock faces and it is a nice look.

Mr. Space supports the request and commends the applicant for the look of their attractive buildings.

Mr. Moose states that there has been extensive review of this proposal with the Planning Board. He feels it is a well thought out plan.

Ms. Barrett is looking forward to the re-enhancement.

Ms. Ezell inquires if there is any lighting on the back side of the building (towards Georgetown). Mr. Pires states that the Planning Board has approved the lighting plan. There are pole light and building mounted lights. They will be within, if not below, what the Town approved.

Mr. Arcarese states that they have received comments from the Planning Board on these two requests, as follows:

(clock tower)

**The Planning Board recommends approval of the aforementioned variance because the request is minimal. Allowing the additional clock faces will not negatively affect the character of the site and will help customers see the time from 3 different angles, in lieu of one angle. The Board also recommends architectural "up lighting" with the understanding the lighting will be a "wash" instead of complete illumination of the clocks.**

**The architectural lighting should be at a lower level of lighting and should focus on the structure, not the clocks themselves.**

**One Planning Board Member recommends denial of the variances as the member does not feel the tower should have any clocks on the structure. The Board member cannot support additional clocks for this reason.**

(signage)

**The Planning Board recommends approval of the aforementioned variances because the requests are minimal given the building size. The proposed structure is very large and additional signage will not be cumbersome. The proposed signs are scaled appropriately to the building. Allowing the larger signs will not negatively affect the character of the site and will help customers identify the building better from Route 31.**

Mr. Arcarese asked for questions or comments from the Conservation Board. Mr. Rainis states that the Conservation Board has worked extensively with the applicant throughout the site plan process and has no concerns regarding these requests.

Mr. Arcarese asked for questions or comments from CED. Mr. Overacker states that CED issued comments on the requests as follows:

(clock tower)

**This project received final site plan approval on June 18, 2014.  
The CED Department has no concerns with this application.**

(signage)

**The CED Department has no concerns regarding this application.**

Mr. Arcarese asked for questions or comments from Attorney Place. Mr. Place states that the Board can make one SEQR determination for both applications as they don't deal with setbacks.

Mr. Arcarese asked for questions or comments from the audience, and there were none. Mr. Arcarese closed the public hearing on this request.

Mr. Arcarese made a motion to grant a Negative Declaration of SEQR for both requests. The proposed use and the variances requested will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The public health, safety, and general welfare and order of the Town will not be adversely affected by the proposed use and its location. The use is in general harmony with and will promote the intent of the most recent Town Comprehensive Plan and of the zoning ordinance. The physical characteristics and topography of the site make it suitable for the proposed use.

Mr. Moose seconds the motion.

Motion carries 6 – 0, with one abstention of Mr. Young, due to recusal.

Mr. Arcarese made a motion to grant an amendment to a previously approved area variance on 2/27/01 under Town of Perinton Zoning Ordinance Section 208-14P, to allow an 80' clock tower. The amendment is to change conditions # 1 & #3 to allow three internally lit clock faces; one on each of the east, west, and south tower faces instead of the previously approved one clock face on the south side, and to allow up lighting, one on each side of the tower at the base of the steeple, providing for architectural up lighting of the tower for the three clock faces instead of no lighting allowed, subject to the following conditions:

1. The up-lighting shall be a single 26 watt LED fixture located at each of the four corners of the clock tower base, on the back side of the parapet on the south, east and west sides of the clock tower. (as per lighting information submitted to the Town on 7/8/14 and this evening)

The request is minimal. Allowing the additional clock faces will not negatively affect the character of the site and will help customers see the time from 3 different angles, in lieu of one angle. As to the architectural "up lighting" it is with the understanding the lighting will be a "wash" instead of complete illumination of the clocks. The architectural lighting shall be at a lower level of lighting and should focus on the structure, not the clocks themselves. This look will be aesthetically pleasing when you drive down Route 250 and Route 31. This will be a great benefit to the community.

Mr. Moose seconds the motion.

Motion carries 6 – 0, with one abstention of Mr. Young, due to recusal.

Mr. Arcarese made a motion to grant a variance of the Town of Perinton Sign Code Section 174-9 D (2), to allow the total building signage to be 949 sq. ft. instead of 538 sq., and further to allow the individual "Wegmans" sign to be 436 sq. ft. instead of 200 sq. ft, subject to the following conditions:

1. Applicant to obtain sign permit(s) from CED prior to any signage installation.

The requests are minimal given the building size. The proposed structure is very large and additional signage will not be cumbersome. The proposed signs are scaled appropriately to the building. Allowing the larger signs will not

negatively affect the character of the site and will help customers identify the building better from Route 31. This will be an enhancement.

Mr. Moose seconds the motion.

Motion carries 6 – 0, with one abstention of Mr. Young, due to recusal.

**Discussion: Minutes – 7/28/14**

Mr. Arcarese made a motion to approve the minutes of 7/28/14 as submitted.

Ms. Sartori seconds the motion.

Motion carries 4 – 0 with three abstentions of Space, Moose & Barrett, due to absence.

There being no further business before the Board, the meeting adjourned at 9:59PM.

Respectfully Submitted,

Lori L. Stid, Clerk  
(as transcribed from audio recording)