

**Minutes of the Town of Perinton  
Zoning Board of Appeals  
Meeting of August 26, 2013**

**Zoning Board Members present**

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

**Absent**

John N. Moose

**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.

1. Craig Tesler (Premier Sign Systems, LLC), as agent for property owned by Higgins Henderson, LLC and located at 6819 Pittsford Palmyra Road, requesting a variance of the Town of Perinton Sign Code Section 174-9 B, to allow one building mounted sign (40" x 108" – 30 sq.ft.) instead of a freestanding sign. Said property being located in a Restricted Business District.

Mr. Place states that he has a conflict of interest with this application, and steps away from the staff table.

Mr. Tesler presents the application to the Board. With him is Kevin Henderson, owner of parcel. The sign is 40 X 108 and is a non-illuminated building mounted sign.

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

**The Planning Board recommends approval of the aforementioned variance because the adjacent business has a similar situation and has an approved building mounted sign. Eliminating a free standing sign is a good compromise for adding a single building mounted sign. The applicant is the owner of the building and has directed his tenants to use only the directory signs provided on the building for their business sign exposure. These directory signs are in lieu of a multitenant free standing sign or additional individual building mounted signs. The Planning Board has approved the requested building mounted sign, pending Zoning Board approval, and has made a condition that no additional tenants be placed on the building mounted sign.**

Ms. Ezell states that she feels it fits in well with the neighborhood.

Ms. Barrett asks if the sign will be completed as submitted, 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. Beck states that CED issued comments as follows:

**The applicant is proposing a 30 sf building-mounted sign. The linear frontage of the building is 52 feet, which would allow a 78 sf sign.**

**There are two pre-existing directory signs located on the building. The CED Dept. recommends the pre-existing directory sign located on the building front be relocated to the east elevation.**

**On August 21st, 2013, the Planning Board approved the proposed building-mounted sign with the condition that the existing front directory sign be relocated to the east elevation and the existing south directory sign be removed.**

**The CED Dept. supports this application, with the condition that a sign permit be issued within six months.**

Mr. Beck states that the DPW has no comments on this application.

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. This sign will not prevent the orderly use of this property or any adjacent property. The sign will not interfere with the general character of the neighborhood. The sign is non-illuminated.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

Mr. Space made a motion to grant a variance of the Town of Perinton Sign Code Section 174-9 B, to allow one building mounted sign (40" x 108" – 30 sq.ft.) instead of a freestanding sign, subject to the following conditions:

1. Sign is to be mounted on the front (north side) of the building facing Route 31.
2. There is to be only one directory sign on the building; applicant may choose location to be either the east side of the building at the front door or south side of the building facing parking lot.
3. There is to be no other building mounted signage for any business located on the building.
4. Applicant to obtain sign permit within 6 months from meeting date. If you do not obtain your sign permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

The adjacent business has a similar situation and has an approved building mounted sign. Eliminating a free standing sign is a good compromise for adding a single building mounted sign. The applicant is the owner of the building and has directed his tenants to use only the directory signs provided on the building for their business sign exposure. These directory signs are in lieu of a multitenant free standing sign or additional individual building mounted signs.

Mr. Arcarese seconds the motion.

Motion carries 6 - 0

2. Richard & Michelle Tuyn, owners of property located at 108 Nettlecreek Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a proposed 12 x 16 – 192 sq. ft. garage addition to the existing 462 sq. ft. garage; the total garage to be 654 sq. ft. instead of 542 sq. ft. Said property being located in a Residential B District.

Mr. & Mrs. Tuyn presented their application to the Board. They need the storage space.

Mr. Young asks if any of the neighbors have offered any comments on this application. The applicant states that they have spoken to the neighbors on the south side, which will have the most visual impact, and they have no objections. The neighbors behind them have offered no objection; there is a lot of tree coverage.

Ms. Ezell asks what they need the additional space for. The applicant states it is for storage. Ms. Ezell states that CED submitted comments about additional screening. The applicant submitted a number of photos into the record showing views of what the neighbors will see, and they do not feel that they need additional screening. Ms. Ezell agrees and doesn't see a need for any additional screening.

Ms. Barrett asks if the additional space will satisfy all of the storage needs. The applicant states yes.

Ms. Sartori asked if the addition would be heated or used as living space. The applicant states no.

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

**The area staked out for the addition is flat. CB asked if gutters and downspouts were going to be connected to the existing storm sewer. Mr. Tuyn stated that there would be two inlets for the storm sewer on the outside corners. The roof changes/design would alter the existing gutter and the addition of the new gutter would require downspouts in the two locations.**

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. It has no other concerns with this application.**

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

Mr. Beck states that DPW had no concerns with this application.

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.

Ms. Ezell made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a proposed 12 x 16 – 192 sq. ft. garage addition to the existing 462 sq. ft. garage; the total garage to be 654 sq. ft. instead of 542 sq. ft. subject to the following conditions:

1. Applicant to obtain building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to build as per plans submitted.
3. There is to be no outside storage.

The applicant needs additional storage space for recreational activities and vehicle storage. There is no other way to obtain the benefit being sought. It will not be an undesirable change to the character of the neighborhood as it is in keeping with what a number of the other neighbors in the area have done. It will look much nicer than having storage outside. It is not a substantial request. There will not be any adverse physical or environmental effects caused by granting this variance.

Mr. Arcarese seconds the motion.

Motion carries 6 – 0.

3. James Holzwarth, owner of property located at 961 Pittsford Victor Road, requesting the following variances of the Town of Perinton Zoning Ordinance Section 208-31 A (1) and Section 208-14 R (1), to allow a second garage on the property instead of one garage, and to allow the second garage to be 1400 sq. ft. instead of 600 sq. ft.  
Said property being located in a Residential A District.

Mr. Holzwarth presented the application to the Board. He has lived here since 1971. He previously owned Holzwarth Auto on Fairport Road from 1974 and just retired. During the time he worked there, he did a lot of antiques and restorations of vehicles; classic cars, etc. He has a couple of classic cars that he owns and is in the process of restoring two others that he owns. He has been storing everything in numerous locations and it is too costly. He was hoping that this could work out to allow him to store and work on the cars that he owns at his own home instead of going somewhere else and having to pay rental.

Ms. Fredette states that she spoke with the applicant on the phone today regarding the comments that the Conservation Board had written (see below)

**The site for the proposed garage is a flat surface. There appears to be no storm sewers on the property, so the downspouts will probably discharge to splash blocks. Will there be a driveway to the new garage? This lot is not sewer. That means there is a leach field somewhere on the lot. Will the new building avoid it? Will a driveway to the new building avoid the leach field? There is a "dirt driveway" indicated on the plan and it exists in-field. It leads from the back of the house, along the north side, on the neighbors' (John and Mary Ann McCabe) property, to Route 96. Is there an easement for this driveway? Is there an approved access for this driveway to NYS Route 96?**

She found out from talking with the applicant that this lot is sanitary sewer and the leach field concern is void. The Conservation Board will defer to Town staff and the Board.

Mr. Young inquired about the 2<sup>nd</sup> driveway curb cut that is just outside of the property line. He asks who uses it. The applicant states that belongs to John McCabe, who owns the property behind him. Back in the 1970's he was reserving it for access to his home, but since then they have created Calvin Way which runs off of Pinehill Drive. This allows access for him. Mr. Holzwarth thought that Mr. McCabe had turned that section over to the Town as the cemetery is right next door, which is owned by the Town. The Town comes in and uses it with trucks and trailers for maintenance. This is right next to his living room window, and since 1971, he has maintained that property with leaves/sticks, etc. He adds stone to the driveway as it needs it so that it appears nice. He also picks up a lot of debris at the cemetery front lawn, as he can see it from his window.

Mr. Young states that the applicant submitted, as part of his application, letters of support from 7 neighbors, but the letters were written in February 2012. The applicant states that he has been working on this process for a long time now. After he sold the business, there was a lot of paperwork involved, so this project has dragged out for a while. Mr. Young asks if he showed the neighbors a rough sketch of the plans at that time. The applicant states he gave them a size, but did not show them a plan, as he did not have any drawn at that time. He states that this will not be visible to the neighbors. Mr. Young states that this structure is very large for a ½ acre lot. The applicant agrees, but if you look at what is around it, it is not objectionable. His house will block the front view of it; the cemetery side is not an issue. The south side is Vicki Lucas, and his property is the same depth as his, but everything she has is toward the front of the property and nothing in the back. The other two properties on Vinecrest, the front of it and the backyard comes back to his backyard, but there is nothing back there except trees.

Mr. Young states that the DPW issued comments as follows:

**The proposed structure will generate approximately 950 gallons of runoff during a 1 inch rain event. We recommend the applicant state if he proposes additional impervious surfaces ie; pavement and how stormwater runoff will be handled. We agree with the Conservation Board, that the applicant should explain the situation with the part of his driveway that runs along the north side of his house and appears to be off his property.**

Mr. Young asked if he plans to pave back to the garage. The applicant states no; it will be gravel. It will be an extension of existing driveway which is blacktop. The neighbor's driveway and his driveway are together because they are so close together, and rather than have a one foot grassy plot between the two driveways; this looks better. Mr. Young asked how he plans to handle stormwater runoff. The applicant states that Tim Oakes came to the site in June, and he said that the Town would probably require him to hook into the storm sewer, but he didn't see any problem as the area is sand and not clay. He states that he has no objection to putting in a drywell for drainage, as he doesn't think anyone in this area is hooked up to a storm sewer. He did hook up to sanitary sewer in 2009, even though his septic system was fine at that time. Mr. Young asked what the proposed use is for. The applicant states storage. He has the cars, lawnmower, yard equipment, trailer, etc. Mr. Young states that even though there is a lot of screening around the property, this is a 1400 square foot garage on a narrow, deep lot. This large structure is proposed to be 12 ½ feet from the side lot lines. The applicant states that he meets setback requirements, which are 12'.

Ms. Ezell states that she understands that he wants to consolidate all of these vehicles that he works on in one location and get out from underneath the expense of storing them. Her concern is however, that is it odd for the Board to grant a variance for a garage that is larger than the house on a lot this small. This is a very large structure behind a smaller structure (the house). She expresses concern about what this will look like to Vicki Lucas. This Board has turned down requests for free standing garages that are larger than the house. The applicant states that he talked to Ms. Lucas and advised her that the Town may ask her questions, but to his knowledge that has not happened. The applicant states that he is willing to add arborvitae or whatever the Board would like to see to help screen this. Ms. Ezell asks whose driveway he would use. The applicant states his driveway; he would extend it with gravel straight back.

Ms. Sartori inquires how many cars are stored in the current garage. The applicant states two. Ms. Sartori asks how many cars he plans on storing in this new structure. The applicant states that there are 7 vehicles; one of them is a boat.

Ms. Ezell inquired what the height of the structure is. The applicant states that he doesn't have that information on him tonight, but it is less than the home.

Mr. Arcarese asked if he could get by with less size. The applicant states no, as it won't work if it is any smaller. Mr. Arcarese expresses concern that the lot is very narrow and this is a large structure. The applicant states that it will be done tastefully and will look nice. He doesn't think it will be an issue.

Mr. Space inquired if all of the vehicles were licensed/registered. The applicant states yes.

Ms. Barrett asks who owns all of these vehicles. The applicant states that he does. Ms. Barrett inquires if this is approved, will it meet all of his current storage needs. The applicant states yes. Ms. Barrett states that she would like to see some elevations. The applicant states that he did submit elevations with the application.

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

**The CED Dept. feels this request is excessive in nature and will have a negative visual impact to the adjacent property owners. Additionally, an oversized structure such as the one proposed does not fit within the character of a typical small lot residential zoning district featuring properties that average one-third to one-half acres in size. The applicant's property is approximately one-half acre. The CED Dept. does not support this application and recommends this application be denied.**

Mr. Beck states that notification letters were sent out to adjacent properties within 100' of the proposal. The existing house is 1380 sf. The existing garage is 704 sf. The driveway question has been answered; the applicant is not extending that dirt driveway.

The applicant states that if he were to add onto the existing garage it would be more of an impact; he feels that this is the best location with little impact.

Mr. Young asked for questions or comments from Attorney Place. Mr. Place states that the garage is bigger than the house, and he is not aware of any variances that have been granted by the ZBA with a lot this size. Part of the criteria they need to look at is whether or not the request is substantial and what impact will be to neighbors. One of the neighbors is a cemetery. If the Board does approve this; they will to distinguish why it would be permitted in this instance.

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

Mr. Young made a motion to deny the following variances of the Town of Perinton Zoning Ordinance Section 208-31 A (1) and Section 208-14 R (1), to allow a second garage on the property instead of one garage, and to allow the second garage to be 1400 sq. ft. instead of 600 sq. ft., with the following findings of fact:

This is a very large proposed detached garage and the applicant already has a 704 sf garage. The size of this structure is proposed to be larger than the home, which is 1380 sf. This is a relatively small residential lot of approximately ½ acre. This proposed structure is out of proportion for this lot. This Board has never granted something like this before with this situation. It would set a precedent if this was approved. If granted, this would create an undesirable change to the character of the neighborhood; these are relatively deep, narrow lots. If granted this would have an adverse effect on both visible and environmental conditions in the neighborhood. This proposed structure is just too big for the size of the lot.

Mr. Space seconds the motion.

The applicant inquired what size would be acceptable for a second garage. Mr. Young states that the Town would need to see a new proposal; he does not have a square foot amount in mind.

Motion to deny carries 6 – 0.

4. Clark Patterson Lee, as agent for Fairport Baptist Homes, owner of property located at 4646 Nine Mile Point Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-27 “Public Building and Grounds”, to allow a front canopy addition to set 50 feet from the front property line instead of 100 feet. Said property being located in a Residential A District.

Steve Mattern, Clark Patterson Lee, presented the application to the Board as per letter of intent as shown below.



July 22, 2013



Clark Patterson Lee  
DESIGN PROFESSIONALS

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

**RE: AREA VARIANCE SUBMISSION  
Entrance Modifications / Canopy Addition  
Fairport Baptist Homes  
4646 Fairport Nine Mile Point Road**



Dear Board Members:

On behalf of the Fairport Baptist Homes, we are submitting the enclosed Request for Variance Application for review for a project involving the construction of a new entrance canopy on the Fairport-Nine Mile Point Road (State Route 250) entrance to the Fairport Baptist Homes campus. The new canopy will not meet the front building setback necessary for a public buildings and grounds use in which FBH is designated. We are requesting to be placed on the agenda for the Zoning Board of Appeals August 26, 2013. Application has been made to the Planning Board and will be heard on August 7, 2013

Enclosed are 12 sets of the following application materials:

- Site Plan showing setbacks
- Zoning Board Application
- Property Deed

**Parcel Description**

The tax parcel is approximately 18.4 acres, with several adjacent parcels encompassing a total of over 23 acres of adjacent lands associated with FBH uses for Senior Housing and Assisted Living facilities. The parcel is currently zoned Residential A. Its use is considered by Town Code to be Public Buildings and Grounds use.

**Project Description**

Fairport Baptist Home is proposing to complete internal modifications to their main entrance into the facility, along with a vestibule addition of approximately 150 square feet and a porch / canopy addition of approximately 2,400 square feet. The renovation / addition will provide a new, covered, main entrance to the facility. There will be only a minor change to the internal traffic circulation for the campus, with no changes proposed in the State Route 250 Right-of-Way. The proposed Project will involve disturbance of less than one acre, with an overall reduction in im-

pervious surface of approximately 800 square feet. There will not be significant changes to any utility needs or existing drainage patterns.

### **Variations Requested**

The property's use falls under the definition of "public buildings and grounds" under Section 208-8 of the Town Zoning Code. As such, the setback requirements exceed those of Residential A. The setback required from the front (west) property line is 100 feet and the proposed setback is 50 feet. It should be noted that the existing building to the south of the addition is 21 feet from the west property currently non-conforming to the required setback.

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

**The Planning Board recommends approval of the aforementioned variance because the request works well with the approved site plan and the existing building is a structure without a well defined entrance. This application and request allows for a defined covered entrance to be built. The canopy and its setback request will not deter from the existing traffic flow or green area. The new structure will be a good amenity to the site and cannot be accomplished easily any other way.**

Mr. Young supports this request and feels it will be a nice addition.

Ms. Ezell supports this request and feels it will be a nice addition.

Ms. Sartori asked if there would be the same number of parking spaces that exist now, and the applicant states yes.

Mr. Space inquired if the transportation bus would fit under the canopy and the applicant states yes.

Mr. Young asked for questions or comments from the Conservation Board. Mr. Salmon questioned if the entrance to the right would still be there. The applicant states that all entrances will remain.

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

**This applicant's site plan approval application was approved by the Planning Board on August 21st, 2013. A building permit is to be issued within one year of final site plan approval**

Mr. Beck states that DPW had no comments on this request.

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

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

Mr. Arcarese made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-27 "Public Building and Grounds", to allow a front canopy addition to set 50 feet from the front property line instead of 100 feet, subject to the following conditions:

1. Applicant to obtain a building permit within one year from date of final site plan approval, which was 8/21/13. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

There is no other way to obtain the benefit being sought. This application and request allows for a defined covered entrance to be built. The canopy and its setback request will not deter from the existing traffic flow or green area. The new structure will be a good amenity to the site and cannot be accomplished easily any other way. This will not be an undesirable change to the character of the neighborhood or nearby properties. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Sartori seconds the motion.

Motion carries 6 – 0.

5. Molly Bailey, as agent for Girls on the Run of Greater Rochester, requesting 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 on November 23, 2013 from 9 AM to 4 PM.

Ms. Bailey presents her application as per letter of intent as shown below.

orig 53-13

July 19, 2013

Girls on the Run  
is a life-changing after  
school program for 3rd  
through 8th grade girls.

Town of Perinton  
1350 Turk Hill Road  
Fairport, NY 14450



The highly interactive  
curriculum combines  
self-esteem enhancing  
lessons with uplifting  
workouts aimed to  
develop the whole girl;  
her physical, mental,  
emotional and social self.

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 2013 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.

Young girls are empowered  
with a greater self-awareness,  
a sense of achievement,  
and a foundation in team  
building to help them  
become strong, contented  
and self-confident women.

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

learn  
dream  
live  
run.

- The event is scheduled to be held on Saturday November 23, 2013, GOTR council staff and volunteers will be on site at 9 am to set up, and will conclude clean-up at 4 pm.
- Participant check-in will begin at 1 pm; the run start time will be 2 pm. It is estimated that approximately 200 program participants and outside registered runners will participate in the run, outside runners pay a 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 paved path adjacent to the Center Park West Shelter.
- We will utilize the shelter for check-in, pre-run fun activities (face painting, temporary tattoos etc.) as well as the distribution of post-run snacks.
- 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 of Greater Rochester  
PO Box 71  
Fairport, NY 14450

office

[www.gottrrochester.org](http://www.gottrrochester.org)



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 comprehensive and the Board appreciates that. The Board received comments from Jeff Myers, Commissioner of Recreation and Parks as shown below.



**Perinton Recreation  
and Parks Department**

# Memo

**To:** Thomas Young, Zoning Board Chair  
**From:** Jeffrey D. Myers, CPRP, Commissioner of Recreation and Parks  
**CC:** Lori Stid, Zoning Board Secretary  
**Date:** August 21, 2013  
**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 23, 2013.

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 states that the Board has received a copy of the Certificate of Insurance. He inquires if they will hold this event rain or shine and the applicant states yes. Mr. Young inquires how many will attend. The applicant states that they think about 200 – 250 range.

Ms. Ezell inquires how they advertise. The applicant states that they use social media using their website. It is mainly the girls and their families.

Ms. Sartori inquired if there is a registration and fee involved. 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. Beck states that CED issued comments as follows:

**Any approval should be subject to terms of memo from Commissioner of Recreation & Parks dated August 21, 2013.**

The Town has received Certificate of Insurance.

Mr. Beck states that DPW has no concerns with this application.

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

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 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.

Ms. Ezell 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 208-54(F), to allow a 5K event at Town of Perinton Center Park on November 23, 2013 from 9 AM to 4 PM, subject to the following conditions:

1. Subject to the terms of memo written by Commissioner Myers dated 8/21/2013 (as shown above).

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.

Ms. Ezell seconds the motion.

Motion carries 6 – 0.

**6.** Nancy Wheeler, owner of property located at 7 Lambeth Loop, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14C (2), to allow a 6 foot fence in front of the front setback (Macedon Center Road) instead of a 3 foot fence.

Said property being located in a Residential B District.

Ms. Wheeler presented her application to the Board. She is looking for privacy from Route 31F traffic and people throwing their garbage in her yard as they drive/walk by. Many of her neighbors have fencing similar to this.

The Board members feel that this is in keeping with the neighborhood.

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

**CB walked the site with the applicant, and has no concerns. This application is similar to several recent applications on Lambeth loop.**

Mr. Young states that the DPW issued comments as follows:

**The proposed fence location is within a Drainage Easement to the Town of Perinton. Similar fences exist on either side of this property for which the owners have signed an Easement Encroachment Agreement with the Town. We request that a condition of approval be that the applicant be required to sign an Easement Encroachment Agreement prior to obtaining a Building Permit.**

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

**This application is consistent with requests from other residents who have received variances to install 6-foot fences on property that borders Macedon Center Road.**

**Applicant needs DPW approval for fence to be in easement and is required to sign an Easement Encroachment Agreement prior to obtaining a Building Permit.**

**A building permit is to be issued with six months.**

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

Mr. Young asked the applicant if she understood and agreed with the comments from the DPW regarding an easement encroachment agreement, and she states yes.

Mr. Young made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14C (2), to allow a 6 foot fence in front of the front setback (Macedon Center Road) instead of a 3 foot fence, subject to the following conditions:

1. The applicant is required to sign an Easement Encroachment Agreement prior to obtaining a Building Permit. Applicant to contact Department of Public Works to sign this agreement.
2. Applicant to obtain a building permit within 6 months from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

This applicant has two front yards according to code. The applicant is seeking privacy and security from Macedon Center Road.

Motion carries 6 – 0.

**Discussion: Minutes – 7/22/13**

Ms. Ezell made a motion to approve the minutes of 7/22/13, as submitted.

Mr. Young seconds the motion.

Motion carries 5 – 0, with one abstention of Ms. Sartori due to absence.

There being no further business before the Board, the meeting adjourned at 8:45 PM.

Respectfully Submitted,

Lori L. Stid, Clerk