

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of September 22, 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
Lori Stid, Zoning Board Clerk
John Overacker, Assistant Building Inspector

Absent

John Beck, Zoning Officer

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 Young states that the application for 1 Park Forest Drive has withdrawn from the agenda and will not be heard.

Mr. Young states that DPW had no comments on the two applications that are being heard tonight.

NEW APPLICATIONS:

1. Randall Freeman as owner of property located at 437 Wilkinson Road, requesting a variance under Town of Perinton Zoning Ordinance Section 208-14 G, to allow a 2500 sq. ft. addition to a previously approved 1200 sq. accessory building. The total accessory building to be 3700 sq. ft. instead of 1200 sq. ft. as previously approved on March 22, 2010.
Said property being located in a Residential Transition 2-5 District.

Mr. Freeman presented the application to the Board. This structure is set back far from the road and is not visible to neighbors as it is surrounded by woods and farmland. A number of his neighbors have very large barns that are visible.

Mr. Young asked for questions or comments from the Conservation Board. Mr. Rainis states that the Conservation Board reviewed this request and offers the following comment:

The proposed building (eastern edge) is very close to the top of slope. They would like the applicant to stay away from the top of the slope. They would like the applicant to protect slope LDD during construction and suggest the placement of construction fencing along the top of slope. They would like there to be no incursion into LDD (to protect the slope). They would like the applicant to install a gutter on the eastern eave to collect rooftop runoff and direct it to the S/E building edge via a drainpipe into a gravel-filled catch basin.

The applicant inquired what the concern is about the slope. Ms. Fredette explained LDD. They are concerned with protecting the slope from erosion. They are concerned with rain coming down the roof will erode the soil and undercut the building.

The applicant inquired if he could bring fill in and plant shrubs. Ms. Fredette inquired what the fill would be. The applicant states dirt. Ms. Fredette inquired if this would take the place of installing a gutter on the eastern eave. The applicant states that he would still add gutters. Mr. Rainis states that the Conservation Board wants to protect what is already there. The Conservation Board just wants to make sure that there is no incursion into the slope area.

Mr. Space inquired what he will be storing. The applicant states that he needs the space to store tractor, bobcat, jeep, snowmobiles and vehicles.

Mr. Moose inquired why he needs more space since the approval in March, 2010. The applicant states that his father recently passed away and he has a lot more to store because of that.

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

- (1) **This property is located on approximately 7 acres. The CED Dept. does not feel this oversized structure will have a negative visual effect on the adjacent properties, therefore**

we recommend approval of this application, with 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. Space made a motion to grant a variance under Town of Perinton Zoning Ordinance Section 208-14 G, to allow a 2500 sq. ft. addition to a previously approved 1200 sq. accessory building. The total accessory building to be 3700 sq. ft. instead of 1200 sq. ft. as previously approved on March 22, 2010, subject to the following conditions:

1. Applicant to obtain a building permit within one year from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Applicant to protect slope LDD during construction by the placement of construction fencing along the top of slope as recommended by the Conservation Board.
3. Applicant to install a gutter on the eastern eave to collect rooftop runoff and direct it to the S/E building edge via a drainpipe into a gravel-filled catch basin as recommended by the Conservation Board.

There is no other way to obtain the benefit being sought for the storage space that he needs. There will not be any change to the character of the neighborhood or any nearby properties. This structure is surrounded by trees and woods and is no visible to the neighbors. It is a large request, however due to the size of the property being over 7 acres of land it is not an issue. There will not be any adverse physical or environmental effects caused by granting this variance under the conditions of approval.

Mr. Moose seconds the motion.

Motion carries 7 – 0.

The applicant inquired where he is supposed to put the construction fencing as he is not really sure of the purpose. Mr. Rainis states it is for erosion control. Ms. Fredette states it is to protect the slope. Mr. Overacker states that the applicant should contact the Building Department during business hours to discuss this.

2. Michael Szlachetka, owner of property located at 1 Park Forest Drive, requesting a Special Permit under Town of Perinton Zoning Ordinance Section 201-4H, to allow relief from Section 201-4B to allow a Recreational Vehicle (40 ft. in length x 11 feet in height) to be stored in the front yard near Thornell Road, instead of no storage permitted in the front yard.

Said property being located in a Residential A District.

3. Michael Szlachetka, as agent for 333 North Washington Street, LLC (Dick Ide Volkswagen), owner of property located at 333 North Washington Street, requesting a Temporary Activity Permit under Section 208-54 F of the Town of Perinton Zoning Ordinance to allow a European Car Show/ Oktoberfest on October 17, 2014 from 5PM to 9PM and on October 18, 2014 from 9AM to 6PM. Said property being located in a Commercial District.

Mr. Szlachetka presented the application to the Board as per letter of intent as shown below:

*"Another Fine
Dick Ide Dealership"*

VOLKSWAGEN
of
East Rochester



(585) 586-2225
333 North Washington St.
East Rochester, NY 14445

IDE Volkswagen IDE-toberfest Special Use Permit request

To: Town of Perinton Zoning Board of Appeals

We are requesting the issuance of a Special Use permit for a European car show as well as our version of a small Oktoberfest being held on October 17th & 18th. We will be having a 40'x60' tent as well as a 24'x32' stage for a band that will be appearing during the show. Food and beverages will be offered but will be located on the Pittsford side of the property. The hours will be 5pm – 9pm on the 17th and from 9am – 6pm on the 18th.

Thank you for your consideration.

Volkswagen Certified Master



Michael Szlachetka
Service Director

Volkswagen of East Rochester
333 N Washington St
East Rochester, NY 14445

The portion of the event that is in the Town of Perinton is a stage that they are leasing and the tent in the parking lot. The food trucks and breweries are on the Pittsford side of the property. It is his understanding that the stage is on wheels.

Mr. Young inquired if they would have enough parking. There will not be any parking allowed on the road. The applicant states that no parking will be allowed on the road. Mr. Young inquired if they have notified emergency responders. The applicant states that they did notify East Rochester, Pittsford, Monroe County Sheriff and Perinton Ambulance. Mr. Young inquired if they have anyone to monitor parking to prevent anyone from parking on the side of the road. The applicant states that they can; he doubts anyone would try to park there.

Mr. Moose inquired how many people they are expecting. The applicant states that they don't know. This is the first year of this event. Mr. Moose inquired how many cars are coming to be in the show. The applicant states about 35 – 40. Mr. Moose inquired what it meant to be a European car show. The applicant states that they may have a Bugatti and Lamborghini on site.

Ms. Ezell inquired how many spectator vehicles the lot will accommodate. The applicant states that they will likely move all of the cars from the storage lot next door and utilize that lot. They have permission from Mr. Holtz to park cars at the Acura location. There are about 120 spots over there. They will move any vehicles in the lot that are there for service into the building in the back. Ms. Ezell inquired if that number of parking spots will be adequate. The applicant believes so. Ms. Ezell inquires what would happen if the lot got full. The applicant states that they would have to do some valet parking and bring cars down to Mazda. They would have staff available to do that.

Ms. Barrett inquires if the food and beverages are both being served on the Pittsford side. The applicant states yes. Ms. Barrett inquires if they are serving alcohol. The applicant states yes. Ms. Barrett inquires if people will be able to travel from Pittsford to Perinton on site with their alcohol. The applicant states yes. Ms. Barrett inquires what kind of alcohol they will be serving. The applicant states beer. Ms. Barrett inquires what the time limit is for the beer. The applicant states it will be from 5 PM – 9 PM. Ms. Barrett inquires if they know how many people will attend and the applicant states he does not know.

Ms. Sartori inquires if they will check photo ID. The applicant states yes. The people who are serving have a permit to allow them to do this with a NYS liquor license. They are the ones who will be doing this. They will have wrist bands and will only be allowed to be served three times. Ms. Sartori inquires how they will advertise. The applicant states radio and Facebook.

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:

(1) The CED Dept. has no concerns with this application.

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

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

Based on information provided by the applicant, there is substantial parking on site for this event. The applicant has already arranged for overflow parking across the street at the Acura Dealer location that is no longer there. There will not be a hazard to the health, safety, or general welfare of the community. It will not be detrimental to the flow of traffic in the vicinity. The applicant has stated that they will police the parking and ensure that the guests will park on site or across the road, and not parking on the street. This will not alter the essential character of the neighborhood.

Ms. Sartori seconds the motion.

Motion carries 7 – 0.

Mr. Young made a motion to grant a Temporary Activity Permit under Section 208-54 F of the Town of Perinton Zoning Ordinance to allow a European Car Show/ Oktoberfest on October 17, 2014 from 5PM to 9PM and on October 18, 2014 from 9AM to 6PM, subject to the following conditions:

1. No parking is allowed to be on the road.
2. This permit is for these dates and times only.

The applicant has notified the Sheriff's Department and the Perinton Volunteer Ambulance Corp. This use will not prevent the orderly use of adjacent properties. There will not be an adverse effect to the public health, safety and general welfare of the community. The use will not interfere with the general character of the neighborhood. The property has sufficient and adequate area for the use. Based on the information provided this evening, there should be adequate parking and internal traffic circulation can be accommodated on the property in compliance with the Code.

Ms. Sartori seconds the motion.

Motion carries 7 – 0.

Discussion – Minutes 8-25-14

Mr. Young made a motion to approve the minutes of 8/25/14 as submitted.

Mr. Space seconds the motion.

Motion carries 7 – 0.

There being no further business before the Board, the meeting adjourned at 7:55PM.

Respectfully Submitted,

Lori L. Stid, Clerk