Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of October 27, 2014

Zoning Board Members present
Thomas Young, Chairman
Sam Space
John N. Moose
Melissa L. Barrett
Robin Ward Ezell

Absent
Vincent Arcarese
Seana Sartori

Conservation Board Members present
Chris Fredette

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.

Mr. Young states that application #3 for 2 Whisperwood has been rescheduled at the request of the applicant to be heard on 11/24/14.

NEW APPLICATIONS:

1. Arthur Holtz, as agent for property owned by Linda G. Holtz and located at 291 High Street Ext., requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G to allow an accessory building to be 1600 sq. ft. instead of 200 sq. ft.
Said property being located in a Residential B District.

Mr. Holtz states that he wishes to store tractors, camper, pick-up truck (winter only), lawn mower, various lawns tools and lawn furniture.

Mr. Place inquired if the building would be all the way in the back of the lot. The applicant states no.

Mr. Young inquired what the height of the building is at peak. The applicant states it is 14' at peak. Mr. Young thanks the applicant for staking out the location. Mr. Young states that the surrounding neighbors have signed off on a letter of support that was a part of the application.

Ms. Ezell inquired if there would be a driveway to the structure, and the applicant states no; not at this time. Ms. Ezell inquired how far it is from the back of his home and the front of this structure. The applicant states about 145'.

Ms. Barrett inquired if this is approved, will he be able to store everything inside. The applicant states yes.

Mr. Moose inquired if the applicant is planning to build the structure as submitted in the application, and the applicant states yes.

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

Outstructure was well-marked. It sites well within the deep lot area on level ground.
The Conservation Board has no environmental concerns with this application.

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

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

CED Dept. has no concerns with this application with the following conditions:

(1) Existing sheds be removed from the property within 14 days of the completion of the proposed accessory building.
(2) Applicant to obtain a building permit within 6 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. Moose made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 G to allow an accessory building to be 1600 sq. ft. instead of 200 sq. ft, subject to the following conditions:

1. Applicant to obtain a building permit within 6 months from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.
2. Existing sheds be removed from the property within 14 days of the completion of the proposed accessory building.

This is a two acre parcel and some of the neighbors have signed a document that is a part of the application that they support this request. It does not appear that this structure will be seen by any of the neighbors. There is no other way to obtain the benefit being sought as the applicant needs the space for storage of vehicles and property maintenance equipment, etc. There will not be an undesirable change to the character of the neighborhood or nearby properties; no one will see the structure and it will be an improvement to get the items stored outside to be inside. It is a substantial request; however the lot size can support the structure. There will not be any adverse physical or environmental effects caused by granting this variance.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

2. Whitney Kaufman, owner of property located at 14 McCoord Woods Drive, requesting a Special permit under Section 208-30 A (3) "customary home occupation" to allow a digital garment printing business from the home. Said property being located in a AA District.

Ms. Kaufman presented her application to the Board as per letter of intent as shown below

Whitney Kaufman
14 McCoord Woods Drive
Fairport, NY 14450

September 22, 2014

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

Dear Zoning Board of Appeals Members:

My name is Whitney Kaufman, and I am writing to apply for a Customary Home Occupation Special Use Permit in order to operate a digital garment printing business out of my home. This involves using a digital ink jet printer to print directly to garments such as t-shirts or towels. The printer I plan to use is a Mimaki brand printer that uses water based ink. This type of printer is geared towards highly customized low volume printing.

The proposed hours for my business are Monday through Friday from 9am-5pm. The amount of space used for the business will be approximately 120 square feet of our home which is 2,764 square feet. There will be no other employees and no signage for the business. Most of my interaction with customers will be facilitated over the phone or via email. Occasionally (estimated 2-3 times per month) customers may come to my home to pick up orders and there is adequate parking in the driveway for such times. Deliveries to my home will arrive via UPS or FedEx and will also occur several times monthly. This will in no way interfere with normal neighborhood traffic.

Thank you for your consideration.

Sincerely,

Whitney Kaufman

Mr. Young states that the Perinton Fire Marshal has reviewed the request and submitted a report stating that the property was found to be in compliance for the use.

Mr. Young inquired if the neighbors have offered any comments. The applicant submits two letters into the record from neighbors at #15 & 9 McCoord Woods who have no concerns.

Ms. Barrett inquired how long the applicant has run the business, and the applicant states that she hasn't yet. This printer is her father's from his business in Michigan and he has offered her the printer.

Me. Ezell cautions the applicant about having a lot of deliveries as this could cause an issue with neighbors. The applicant states that it wouldn't be anything out of the ordinary and doesn't feel that anyone will notice anything different than what she or any of the neighbors order for personal delivery.

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

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

Mr. Young asked for questions or comments from CED. Mr. Beck states that CED Dept. has no concerns with this application.

Mr. Young asked for questions or comments from Attorney Place who stated 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 is consistent with Section 208-54. The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The public health, safety, general welfare, or order of the Town will not be adversely affected by the proposed use in its location. The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance. The proposed use will not interfere with the preservation of the general character of the neighborhood. There will not be an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

Mr. Space made a motion to grant a Special permit under Section 208-30 A (3) "customary home occupation" to allow a digital garment printing business from the home, subject to the following conditions:

1. Special Use Permit to run for one year from today, and will expire on 10/27/15, at which time it may be requested to 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.
2. The amount of space used in the home for the business is approximately 120 square feet.
3. Business hours are Monday through Friday from 9 AM – 5 PM.
4. There are to be no other employees.
5. There is to be no signage for the business.
6. Any clients coming to the home to pick up order are to park in the driveway.
7. There may be occasional deliveries (several times monthly) to the home for the business via UPS/Fed Ex and will not interfere with normal neighborhood traffic.

The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The public health, safety, general welfare, or order of the Town will not be adversely affected by the proposed use in its location. The use will be in general harmony with and promote the general purposes and intent of the most recent Comprehensive Plan of the Town and the Zoning Ordinance. The proposed use will not interfere with the preservation of the general character of the neighborhood. There will not be an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Mr. Moose seconds the motion.

Motion carries 5 - 0

3. Salvatore Mauro, owner of property located at 2 Whisperwood Drive, requesting the following variances of the Town of Perinton Zoning Ordinance:

rescheduled to 11-24-14

1. Section 208-37 B (1), to allow a second garage (de[illegible] instead of one garage,
2. Section 208-14 R (2), to allow said second garage to be 832 sq. ft. instead of 600 sq. ft. and to be 26 feet in height instead of 20 feet in height,
3. Section 208-37 C (2), to allow the proposed garage to set 22 feet from the side property line instead of 30 feet.

Said property being located in a Residential Transition 2-5 District.

4. Congregation Etz Chaim, Perinton Nursery School, and Mountain Rise United Church of Christ, owner of property located at 2 Mountain Rise, requesting a variance under Town of Perinton Sign Law Section 174-7 B (1), to allow an additional 10.8 sq. ft. of new signage to the existing 22 sq. ft. of signage, the total to be 32.8 sq. ft. instead of 16 sq. ft.

Said property being located in a Residential A District.

Adrian Luh, Board of Directors, Perinton Nursery School, presented the sign application to the Board. Both Perinton Nursery Group and Congregation Etz Chaim use the facility and both groups wish to have signage added onto existing Mt. Rise Church sign so that people know where they are located. People don't notice that the facility is there and they have received comments from people stating that they didn't realize that they were located at the site. They will add flat panels on each side of the sign.

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

The Planning Board recommends approval of the aforementioned variances because the request for the additional signage will not affect the site. The current property is large and its buildings are well hidden from Route 31 and Mountain Rise. The proposed additional signage will achieve better visibility and we feel the additional sign will be better for identification, traffic safety and overall visual needs. This request is also consistent with our signage approval.

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

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

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

The applicant received sign approval from the Planning Board on August 20, 2014.

CED Dept. has no concerns with this application, with the following condition:

(1) Applicant to obtain a sign permit within six months.

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.

Granting the variance will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The public health, safety, general welfare, or order of the Town will not be adversely affected by the signage in its location. The sign will not interfere with the preservation of the general character of the neighborhood. There will not be an adverse effect or impact on the physical or environmental conditions in the neighborhood. This signage will improve safety, as it will help people to understand that they are in the correct location.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

Mr. Space made a motion to grant a variance under Town of Perinton Sign Law Section 174-7 B (1), to allow an additional 10.8 sq. ft. of new signage to the existing 22 sq. ft. of signage, the total to be 32.8 sq. ft. instead of 16 sq. ft., subject to the following conditions:

1. Applicant to obtain a 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 benefit cannot be achieved in any other manner feasible to the applicant; there are three separate uses here and this will identify them. There will not be an undesirable change to the character of the neighborhood or nearby properties. There will not be an adverse physical or environmental effect caused by granting this variance.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

5. Paul Zachman, owner of property located at 604 Pittsford Victor Road, requesting the following variances of the Town of Perinton Sign Code:

1. Section 174-9 E (5), to allow a proposed freestanding on the property instead of no freestanding sign permitted,
2. Section 174-10, to allow the proposed freestanding sign to be 0 feet front set back instead of 25 feet.

Said property being located in a Mixed Use District.

Mr. Zachman presents the application to the Board as per letter of intent as shown below:

Letter of intent for Area Variance Request(s) October 27th 2014

Property:
604 Pittsford Victor Road
Pittsford, NY 14534

Attention:
Town of Perinton Zoning Board of Appeals

I am proposing to erect a free standing monument style sign front of a former single family residential property converted to an office/gallery/canal amenity rental commercial use The subject property is a very small parcel located just west of the Canal Walk commercial development, both properties located along the canal.

Area Variances were granted this past spring for property for several pre-existing non-conforming setback issues including front setback, west side setback, rear setback, lot area, and lot width.

My overall sign proposal concept is the following

- A monument sign located in green space between the sidewalk and brick handicap parking space in front of the building. The sign itself would identify two entities that share the same space and entry: "Boardwalk Design Inc" and "Gallery 96 – Fine Art Photography" – No other signage would be on the building for these two entities.

Review of the required Area Variances under the existing mixed use zoning code reveal the need for two variances.

Number One: An Area Variance that would permit the installation of a free standing monument style sign in front to the building. I propose a reasonable case for variance relief from the code due to:

- Without trying to overstate it, nearly every business or group of businesses, particularly along the north side of 96 currently have monument signage … 604 Pittsford Victor Road would suffer a distinct disadvantage with regard to similar settings within the district that now enjoy monument signage
- Our location, in particular, is at the western gateway to the area and vehicle speeds are higher as traffic comes into the area from the east. A monument sign would be much more effective catching the attention of eastbound traffic vs. building mounted signage. A monument sign in this early entry point coming in from the west may actually add a traffic calming benefit as it would be an early indication that you are entering a pedestrian oriented business district. I know that is kind of an ironic statement (pedestrian oriented) because monument signs are effective for vehicular traffic, but that is my point, we are at the gateway.
- Until the recent change converting the district to Mixed Use and the associated zoning code revisions, free standing signs were permitted. Most of this district is

built-out and most all of the converted historic residential houses in the district have free standing signage. It is my belief that proper free standing signs add character to the district and look more appropriate than signage mounted on the front facades of historic homes. These properties are unique and differ significantly from other existing or future standard commercial style buildings in the district.

Number Two: A front setback variance is required due to the pre-existing non-conforming nature of the property. The proposed location of the free standing sign is approximately 3' inside of the new public sidewalk, consistent with other free standing signs servicing similar properties in the district.

I look forward to presenting the proposed signage for this renovated property and am confident that the proposed signage and granting of the variances required will enable changes to go forward that will add significant positive contributions to the district in general.

Thank you,

Paul Zachman
Owner
604 Pittsford Victor Road
Pittsford, NY 14534

Mr. Zachman showed the Board poster boards of other signage along this stretch of road that already has monument signs. He plans to bring this with him to HAC also.

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

The Planning Board recommends approval of the aforementioned variances

1. The proposed freestanding sign will achieve better visibility and we feel the new sign will be better for traffic safety and overall visual needs. The current building on the property is under a much needed "facelift" renovation. The applicant is performing a renovation to an existing building, not a full demolition and/or new development. The site itself is basically staying the same as the existing conditions. Under the previous zoning, the applicant would be allowed a freestanding sign similar to the other similarly zoned properties in the Basin. In our opinion, the intent of the new sign section of the zoning change was for a new development and major site changes, not building rehabilitation and renovations. In addition there is not an aesthetically pleasing and functional place for a building mounted sign for visibility and architectural needs.

2. The proposed sign location will achieve better visibility and we feel the new sign will be better for traffic safety and overall visual needs. This request is also consistent with our signage approval.

Ms. Ezell feels that the letter of intent was well written and the reasoning is compelling.

The Board members feel that the signage is tasteful.

Mr. Space had questions about potential for sign lighting being on a timer.

Mr. Moose had concerns about snow covering the lighting and the sign not being visible at times.

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

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

The proposed sign should be located a minimum of two feet back from the existing Town maintained sidewalk along Pittsford/Victor Road.

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

The applicant received sign approval with conditions from the Planning Board on October 15, 2014.
The proposed sign location appears to be located within the State road right-of -way; the applicant should clarify this matter.

(1) New York State DOT approval will be required if located within the right-of-way.
(2) Applicant is to obtain a Certificate of Appropriateness from Historic Architecture Commission.
(3) Applicant is to obtain a sign permit prior to installation of any signage.

CED Dept. offers no additional comments regarding this application.

Mr. Zachman states that he has already been in contact with the State DOT and is waiting to hear back from them. He submitted a document into the record showing location of sign. He feels that the sign will be about 3 ½ feet from the sidewalk, which is further from a number of existing signs that are adjacent to the sidewalk. It does straddle State DOT ROW.

Mr. Young asked for questions or comments from Attorney Place. Mr. Space states that a SEQR determination is required and any approval should be subject to applicant obtaining Certificate of Appropriateness from HAC.

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

Granting the variance will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The public health, safety, general welfare, or order of the Town will not be adversely affected by the signage in its location. The sign will not interfere with the preservation of the general character of the neighborhood. There will not be an adverse effect or impact on the physical or environmental conditions in the neighborhood. This is an attractive sign.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

Mr. Space made a motion to grant the following variances of the Town of Perinton Sign Code:

1. Section 174-9 E (5), to allow a proposed freestanding on the property instead of no freestanding sign permitted,
2. Section 174-10, to allow the proposed freestanding sign to be 0 feet front set back instead of 25 feet, all subject to the following conditions:

1. New York State DOT approval will be required if located within the right-of-way.
2. Applicant is to obtain a Certificate of Appropriateness from Historic Architecture Commission.
3. Applicant is to obtain a sign permit from Office of Code Enforcement & Development prior to installation of any signage.
4. The proposed sign should be located a minimum of two feet back from the existing Town maintained sidewalk along Pittsford/Victor Road.

The benefit cannot be achieved in any other manner that is feasible to the applicant for the needs of the business. It is not a substantial request as there are already a number of signs that exist on this stretch of road. This signage will fit in with the character of the neighborhood. Granting the variance will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts. The public health, safety, general welfare, or order of the Town will not be adversely affected by the signage in its location. The sign will not interfere with the preservation of the general character of the neighborhood. There will not be an adverse effect or impact on the physical or environmental conditions in the neighborhood. This is an attractive sign.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

6. Diane Myers, owner of property located at 4 Meadow Glen, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G to allow a proposed accessory building (shed) to be located in the front yard (Turk Hill Road) instead of the rear yard.
Said property being located in a Residential B District.

Ms. Myers states that she wishes to store lawn mower, outdoor furniture, etc. She has two front yards according to Code. Mr. Young inquired as to location. The applicant states it is 14.6" from the back of the garage back and is about 15' from the side property line.

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

1. Outstructure foundation already prepared and sited as depicted on plans.
2. The Conservation Board has no environmental concerns with this application.

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

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

CED Dept. has no concerns with this application with the following condition:

(1) Applicant to obtain a building permit within 6 months.

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

Mr. Young asked for questions or comments from the audience. Mr. Harold Morehouse, 12 Meadow Glen states that he is a neighbor. He supports the request and does not feel that there will be any negative impact to the environment or neighborhood.

Mr. Young 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 located in the front yard (Turk Hill Road) instead of the rear yard, subject to the following conditions:

1. Applicant to obtain a building permit within 6 months from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

There is no other way to obtain the benefit being sought as under the Code; this property has two front yards. This will not be a detriment to any nearby properties. There will not be any adverse physical or environmental effects on the conditions of the neighborhood. This is not a substantial request.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

7. Virginia Damick, owner of property located at 35 Sunset Trail, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 C (2), to allow a 4 foot fence in front of the front setback (Creek Bend Drive) instead of a 3 foot fence.
Said property being located in a Residential B District.

Ms. Damick presents the application to the Board. She wishes to contain her dog and does not feel that 3' is high enough. She has two front yards according to Code. The fence is a split rail with mesh screening on the inside. The Board members feels that the style of fencing is aesthetically pleasing.

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

Intended location is to the back of the house.
The Conservation Board has no environmental concerns with this application.

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

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

CED Dept. has no concerns with this application with the following condition:

(1) Applicant to obtain a building permit within 6 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.

Ms. Ezell made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 C (2), to allow a 4 foot fence in front of the front setback (Creek Bend Drive) instead of a 3 foot fence, subject to the following conditions:

1. Applicant to obtain a building permit within 6 months from meeting date. If you do not obtain your building permit prior to this date, the variance is null and void. If you decide that you are no longer going through with the proposal that required the variance on the property, please notify the Town (Zoning Board of Appeals Clerk) in writing of your decision, and we will mark the variance null & void.

The applicant wishes to contain her dog. She has a corner lot and has two front yards according to Code. The request is reasonable and is not substantial. The proposed fencing will be aesthetically pleasing. There is no other way to obtain the benefit being sought in any other manner. It will not be an undesirable change to the character of the neighborhood. There will not be any adverse physical or environmental concerns caused by granting this variance.

Ms. Barrett seconds the motion.

Motion carries 5 – 0.

Discussion:

Minutes 9/22/14

Mr. Young made a motion to approve the minutes of 9/22/14 as amended.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

There being no further business before the Board, the meeting adjourned at 8:21 PM.

Respectfully Submitted,

Lori L. Stid, Clerk