

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of October 28, 2013**

Zoning Board Members present

Thomas Young, Chairman
Vincent Arcarese
John N. Moose
Seana Sartori
Robin Ward Ezell

Absent

Sam Space
Melissa L. Barrett

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.

Mr. Young states that the application for 433 Garnsey Road has been withdrawn from the agenda. In addition, the application for Be Walters Retail application has been removed from the agenda, and will be rescheduled.

PENDING APPLICATIONS:

1. Kathleen Cunniffe, owner of property located at 40 East Pointe, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. Said property being located in a Residential B District.

Mr. Young states that at the September meeting a motion was made to grant the request, however the motion failed to carry by a vote of 2 – 3. He asks Mrs. Cunniffe to keep her comments limited to new information since last months' meeting.

Mrs. Cunniffe states that at the September meeting, she was told that this request would be carried over to tonight's meeting for a decision as the motion failed to carry at that meeting, and she was asked to submit more detailed elevations. Since that meeting, she has installed new landscaping, has submitted accurate, to scale renderings of the proposed addition, and has accurate calculations drawn to scale on graph paper of the proposed addition. She feels that she has shown proof that the variance requested is not substantial. The property will continue to be used in a permitted manner; she plans to rest and read in the shade and fresh air during the fair weather seasons. She would like to be out of direct sunlight and away from insects. This area will be used quietly as she has no pets and does not smoke or drink. The rear of her home faces southwest and at peak sunlight hours is on that side. This is the only available exterior wall for the proposed porch. It will be a screened porch with an overhead fan. It will be 13' square and will blend in with the current structure. There will be matching siding, roofing, and trim. The builder, Dave Valeria is here with her tonight to describe the revised renderings.

Mr. Place states that the focus is on the additional information that the applicant has submitted, which show landscaping being added and shows the porch addition being at a 26° angle. When the motion failed to carry last month, it can be carried over to try to get 4 votes one way or the other. If you can't get an affirmative vote of 4 within 62 days, then it acts as a denial. After the applicant has explained the additional information being submitted, the Board can decide whether to make another motion or not. If they don't make another motion, then the motion from the last meeting will stand.

The applicant states that there is a lower pitch on the roof being proposed. The elevations have been submitted to the Board. The highest point of the proposed porch roof is 12' from ground level. Her home has a highest point of 17'. The closest point of the porch will be 9.31' from the lot line, and because the porch is at an angle, the furthest away point of the porch will be approximately 15' away from the lot line. The porch area is 169 sq ft. About 2/3 of that will set within the 20' setback area. The other 1/3 will lie outside of the setback area. There will not be any undesirable change produced by granting this variance. There will not be any detriment created. She reviewed the aerial photo that was submitted to the Board. There is an 8' fence that currently runs along the lot line to the direct north and at about the halfway point, another neighbor has planted a 14' arborvitae hedgerow which is very thick. At the back lot line, Mr. Shiroshok has installed a 6' fence. Within the last week she has planted a hedgerow of arborvitae (green giant, quick growing) that are currently 6' in height. They will grow to be approximately 14' in height. Bristol Garden has advised that within three years they will almost be at full height. They are 31/2' on center apart and the diameter will be 4' or more at maturity, so they will be webbed together and will be an effective screen. To the south, there is a privacy fence between her half of the duplex and her neighbor that is effective, and

they may put up another tree. The porch will be contained within a nicely screened area. Her neighbor, Mrs. Lorenzo, is looking forward to the addition and does not feel it will be a detriment. She has considered several other alternate methods to achieve an outdoor screened and covered area; none were satisfactory. If she changed the shape of the porch from square to rectangle and built it flat along the back of her side of the duplex, but there are two windows along the back wall, and access to those windows would be obstructed, which is a safety concern. Another possible plan would be to relocate the porch. If the porch were built on the north side of the townhouse, they would run into the same problem with windows, where there is a window over the sink and on in the dining area, and would be obstructed and there would be no way to access the porch from the house. If they removed the deck, they could lower the roof line even further by building on the already existing 12 X 12 concrete patio. This would require two steps from the kitchen floor level to the concrete pad. She has had knee surgery recently and has osteo-arthritis making stairs very difficult for her. Same level deck is important to her quality of life. Yes, the alleged difficulty is self created; she bought this house after her knee surgery as she couldn't stay in her previous home with all of the stairs, and having a porch wasn't forefront on her mind as she was looking for a home without stairs. As healing progressed, she realized that she could find joy with having a modest screened porch. She doesn't feel that there will be any adverse physical or environmental effects caused by granting this variance. She states that at the September meeting the comments from Code Enforcement & Development stated

The area is well-screened. The request is not substantial due to the existing fence to the rear and the screening to the north. The CED does not believe there will be a negative visual impact to the surrounding properties. The existing patio is concrete slab on grade. The structure would be 13' x 13' and would basically enclose the patio.

The applicant states that if the variance is approved, and the neighbors then removed existing shrubbery or existing fences, she would install fencing or shrubbery to retain the same level of privacy. She reviewed the aerial elevations that are also a part of the packet she submitted. There is also a row of arborvitae that has been added that creates additional screening. The arborvitae trees are in and are healthy and she feels that they enhance. Bristol Garden Supply installed them and they have supplied her with a graph of growth, which she gives to the Board. They are currently 6' in height and will grow a foot in one year, and by two years they will be 10', and within a year or two from then; they will grow to their full height of 14' and they will mesh together. At the September meeting, Mrs. Ezell's motion was in support of allowing this variance and she felt that it would enhance the area, rather than diminish.

The applicant states that she has taken several proactive steps to help to mitigate the request by adding 35' of green giant arborvitae that have been professionally installed by Bristol Garden Supply, which provide a visual screen and increased privacy for her property and that of her neighbors (Shiroshek), with whom she shares a common property line. The builder has lowered the pitch on the roof line, and it will now be 12' at the highest point. Originally, she wanted to have a higher roof line to put an octagonal window there as she thought it would be pretty. Putting beauty aside, and going with pure functionality, they have lowered the pitch line. It wasn't for her to look at; it was for the Shiroshes. She created a sketch on graph paper that would be numerically accurate, and she sought help from Ms. Diane Myer, a licensed professional engineer, and she has her address and phone number if the Board would like to contact her. Only one point of the porch is close to the lot line; which is 9.31' and the remainder is 15' away.

At the September Zoning Board meeting the only voice in opposition was Mr. Shiroshes. She states that she strongly desires to have a small porch built for summer relaxing that will not be a detriment to the community, but rather a substantial improvement to the property.

Mr. Young asked for questions or comments from the audience, and asks the neighbors to keep their comments limited to new information since last month's meeting.

Marina Shiroshes, 54 East Pointe, spoke in opposition to the variance. There is an elevation difference between the two properties and if this is built it will reduce their privacy and lower their property value. This will interfere with the resale of their home. The fence does not block the view at all. She understands why the applicant wants this and can appreciate it; however, it will be a big detriment to them.

Frank Shiroshes, 54 East Pointe appreciates the arborvitae that the applicant has added, however it does not diminish the view. If this is built it will invade his privacy and negatively affect his living space. This is a substantial request and will be very detrimental to them. He posts pictures of the view of the applicant's property from various locations on his property. Grade is an issue and drainage is a concern. He feels that there are other options available to her. This is a self-created issue and the applicant should have known when she bought the home what the restrictions are on the property. Mr. Shiroshes expressed concern about additional drainage that would be created for Mrs. Cunniffe's home that could be a problem if this addition were to be built. He feels that there are other options available for the applicant.

Dawn Lorenza, 38 East Pointe, spoke in support of the request and feels it will look very nice when it is complete. She states that all of the other neighbors in the immediate area support this request except for the Shiroshes's. She states that only a small portion of the porch is closer to the property line as it is being built on an angle.

Dave Valeria states that he is the contractor who Mrs. Cunniffe has hired to construct this addition. Mrs. Cunniffe is trying to be a good neighbor and has compromised a great deal by dropping the roof line 14" lower and it will blend in with the rest of the home. Neighbors see neighbors all the time from their homes. Adding a metal roof will look terrible, and building it out any different would look bad. A 4/12 pitch won't even go half way up the roof of the existing home.

Mr. Salmon, Perinton Conservation Board feels that there could be an alternate plan that would make everyone happy and described what he thought might work and be more visually acceptable to the neighbor. The applicant

states that she would need to see what he is describing sketched out so she could understand it visually. Mr. Place states that the Board has a request before them right now, and that is what a decision is being made on tonight.

Mr. Young closed the public hearing on this request.

Mr. Young called for a motion and none was made.

Mr. Young states that on 9/23/13, the Zoning Board of Appeals made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-32 D(1), to allow a proposed (13'x13') screen porch to set 8 feet from the rear property line instead of 20 feet per the approved subdivision map. Motion failed 2 – 3, with Ms. Sartori & Ms. Ezell in favor and Mr. Arcarese, Mr. Moose and Ms. Barrett opposed. The failure to obtain four votes in favor of your variance application acts as a denial.

Your application was carried over to the 10/28/13 Zoning Board meeting, to provide the opportunity for you to acquire a majority vote in favor of your application. No Board member made a motion to amend their September 23rd motion at the October meeting. Therefore, your application is denied.

NEW APPLICATIONS:

1. James E. Bates, Jr., as agent for John Felton, owner of parcel located at 433 Garnsey Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-30 D (1), to allow an existing garage to set 14.4' from the northwest side property line and 14.9' from the southwest and further to allow the existing garage to set 14.9' from the east side property line all instead of 15 feet. Said property being located in a Residential AA & A District. **this application has been withdrawn**

2. Steve Reuter, as agent for George Reuter, owner of property located at 8206 Pittsford Palmyra Road, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow a 14'x14' shed to be located in the side yard instead of the rear yard. Said property being located in a Restricted Business District.

Dave Reuter states that he is the Power of Attorney for his parents, Steve & Kathy Reuter, and presents the application to the Board. They built this shed on their property to hold lawn equipment which cannot be stored inside their duplex. The home is classified Restricted Business and they are right across the street from Wayside. There are a lot of accidents in front of this house. He states that he spoke with the Building Department and was told that if the shed was moveable that they could put it on the side yard of the house. That was when they stopped the building permit process because then it became a moveable shed. There is no paved drive to the back of the property, and they need this shed here because it stores winter equipment and equipment to maintain the duplex and in the back they would not be able to get to it because of snow. They take of the area around the Perinton sign and help with accidents that happen in front of the house. They need this shed in the side yard as there are a lot of people that come in from the city that go to Walmart and he has a lot of problems with people walking by the house and there is a camera in front of the property now. The shed is located by his bedroom where he can see it at night. He submits a number of photographs in record that shows sheds on properties that he doesn't think have permits; some may have permits, but not all of them.

Mr. Place asks why the shed can't go in the backyard. The applicant states that he uses it every day, and he would have to pave his backyard for the shed to go back there. Mr. Place doesn't understand why it would need to be paved. The applicant states that he uses it every day, and he may want to put power in it, and it is closer to his house now. The back of the property is wetlands. The wetlands enclose the house. The applicant states that the shed is not a fixed structure because of the wetlands. Mr. Place states that the Zoning Board should look to see if there is any alternative; there is certain criteria that has to be met. The applicant states that there is too much wind and snowfall coming off the field into his backyard. He would have to maintain it with a plow daily.

Mr. Young asks if it could be moved back a little bit so that it was in the part of the yard behind the house where it would be considered the back yard. The applicant states that the septic tank is back there. Mr. Young asked if there were other locations in the back yard that would be an option. Mr. Young asks how large of an area the septic is. The applicant states that he can move it if they want him to. Mr. Young states that if there is an alternative that doesn't require a variance, then that is what has to be done. The applicant states that for security reasons he needs the shed by his bedroom. People from Flaherty's and people from the city walk down the road and come to his house. He has to give them gas. This is why he had to put up a camera. Mr. Young asks if he could just lock the shed. The applicant states that they kick in people's doors every day in the city. Mr. Arcarese asks what city. The applicant states Rochester. Walmart gets robbed every day by people from the city coming out and they go right by his house.

Ms. Ezell inquires about the concrete pad that is shown on the map he provided. The applicant states that is gone. Ms. Ezell states that essentially he wants this shed located on the side of the house because it is located by the bedroom window where he can monitor it 24/7. She asks where the camera is pointed at, and the applicant states the driveway. Ms. Ezell asks why he can't put it in the back, and the applicant states that he would have to put a driveway in to access it; the backyard is mud. She asks where the stone goes up to now. The applicant states it goes up to the shed. Ms. Ezell asks if any other windows in the house that can see the shed if he moved it to the back yard. The applicant states his next door neighbor could see it, as the house is a duplex. The applicant states that the snow blower is in there and it would be a hardship for him to have to lay stone so he could access the shed in the rear of the property. He states that all of his neighbors have sheds in the side yard and he doesn't believe that they have permits. Ms. Ezell asks if his main concern is security and maintenance, and the applicant states yes. The applicant states that he maintains the sign and removes the litter around it.

Ms. Sartori asked the applicant to clarify on the map that was provided where the gravel is currently, and the applicant points it out.

Mr. Moose inquires why the shed can't just be moved a few feet back, so it is considered his backyard. The applicant states that there is a tree in the way and he doesn't want to remove the tree because it provides shade for the shed so it doesn't get as hot in there. The applicant states that when there is an accident out front, he is the first one there to help out. He keeps the fire extinguishers in the shed to help out people in accidents. He is fixing the property up and making it look better. He will be re-siding the house.

Mr. Young states that the Conservation Board had no comments on this application.

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

The applicant built this structure without obtaining a building permit, there appears to be sufficient amount of land to support this shed to be located in the rear yard without obtaining a variance. , therefore the CED Dept. does not support this application, and recommends the shed to be relocated to the rear yard, the CED Dept. recommends this application be denied.

Mr. Young asked for questions or comments from Attorney Place. Mr. Place states that the Board should provide findings for their decision.

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

Mr. Young asks if he moved the shed back 12' would it put it into the tree and the septic. The applicant states that the Building Department said he could put this shed in this location as long as it was moveable. That is why they built it where they did. His parents don't live here year round and they had to get this done before his parent went out of done. Mr. Place states that the Code is clear that the shed is supposed to be in the back yard and it is up to the homeowner to understand the Code. The applicant states that he takes care of the Perinton sign. Mr. Place states that is nice, but it doesn't apply to the standards of an area variance that the Board is required to use.

Mr. Place states that the map that was provided is not really a survey. There is nothing on it that says it is a survey and it doesn't say who prepared the map. The applicant states it is a survey. Mr. Place suggests that the applicant provide a survey to the Town and have the surveyor locate the septic system. The applicant states that this is just a shed. Mr. Place states that the applicant is asking for relief from the Code and the question becomes, is there an alternative. He feels that based on what the applicant has submitted so far, he hasn't shown that there is no other alternative. The applicant states that the whole house is in the wetland. The applicant states that he would like to talk about the Wayside shed. Mr. Place states that this public hearing is not about Wayside; the applicant can file a complaint with the Town if he wishes to.

Mr. Arcarese made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 G, to allow a 14'x14' shed to be located in the side yard 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.
2. Exterior of the shed to match the home. The Board acknowledges that the applicant is changing the siding of the home.

The applicant has stated that the purpose of the shed is to house his snowplow and maintenance equipment, and because he uses the equipment in the shed to aid other people in the street, and because he alleges that he has trees behind his shed and a septic system that would prevent him from moving the shed back a little further so that it is behind the house. The applicant alleges that he has had some issues with people coming by and possibly going onto his property and he wants to have an opportunity to watch the shed, especially at night. The benefit that the applicant is seeking cannot be achieved in any other manner that is feasible to the applicant. This will not be an undesirable change to the character of the neighborhood or nearby properties based on what the applicant has provided to the Board based on other sheds in the area. This property is very remote in that it is at the edge of the Town and is the last property before you get to Wayne County on Route 31. It is neighbored by vacant land. It is not going to create an undesirable change; this is not a large shed. It is not a substantial request in light of the configuration. It will not have any adverse physical or environmental effects. It is self-created, but because he says that he cannot move the shed on that side of the property back unless he goes all the way back; and because he houses snow plows it would be prohibitive for him to be able to get to the shed in the winter because of the snow. The purpose of the shed would be moot if he had it put it all the way back there. The septic system and trees that are allegedly there also prevent him from doing what would be the easy fix of moving it back about 12'.

Ms. Ezell seconds the motion.

Motion carries 5 – 0.

3. Daniel McKenna as contract vendee of property owned by Steve Maneen and located at 825 Furman Road (Lot R6-2 Bortle Homestead Subdivision), requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R(2), to allow a proposed attached garage to be 966.8 sq. ft. instead of 937 sq. ft. – (based on the 1/3 rule). Said property being located in a Residential Transition 1-2-5 District.

Mr. McKenna presents the application to the Board and states that he is building this home on Furman Road, and the closing is coming up within the next few days. The garage is in line with the house itself. It is an end load garage and is not very visible from where the road is.

Mr. Place asks the applicant if he is ok with constructing according to the elevations submitted, and the applicant states yes.

Mr. Young feels that this is a minor request, and the other Board members agree.

Mr. Young asked for questions or comments from the Conservation Board.

Mr. Salmon states that the Conservation Board issued comments on this request as shown below:

It appears that house and garage locations are staked out in a relatively flat area of the property. CB has no concerns with this application.

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

The CED Dept. has no concerns with this application and recommends this application be approved.

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 R(2), to allow a proposed attached garage to be 966.8 sq. ft. instead of 937 sq. ft. – (based on the 1/3 rule), subject to the following conditions:

1. Applicant to build as per plans submitted.
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.

This is a minor request; only 30'. The benefit cannot be achieved by any other means feasible to the applicant. There will not be any adverse physical or environmental effects caused by granting this variance, and will enhance the area.

Ms. Sartori seconds the motion.

Motion carries 5 – 0.

4. Bill Gray's Inc., as agent for DiPrima Properties LLC, owner of property located at 1333 Fairport Road, requesting a variance of the Town of Perinton Sign Code Section 174-9D (4), to allow a second sign (8'x5') building mounted face sign in addition to the existing freestanding sign, instead of one sign. Said property being located in a Commercial District.

Dan Gray presented the application to the Board. They have been trying to get approvals to give the old McDonald's a face lift and to make it the Tom Wahl's brand. They have suffered for over 5 years because of the nature of the physical appearance of the building and they recently met with the Planning Board for site plan approval, which includes the building mounted sign.

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

The Planning Board recommends approval of the aforementioned variance because the new approved façade would look unfinished without a sign on the "Tower". The additional sign will enhance the overall visibility of the property. In addition, many properties in this area have also received similar variance requests (i.e. McArdles, Dunkin Donuts, and the Old Friendly's).

All of the Board members feel that this will be an improvement to the building and support the request.

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

This applicant received Planning Board approval on September 18, 2013 for façade changes which included a new building mounted sign.

The CED Dept. feels the new façade changes will enhance the look of this building and will help revitalized the Fairport Road area. The CED Dept. recommends approval of this application.

Building permits for the facade and sign to be issued within six months.

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

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

This sign will not prevent the orderly use of this property or any adjacent use districts. This sign will not interfere with the general character of the neighborhood; this is a Commercial area and will fit in.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

Mr. Arcarese made a motion to grant a variance of the Town of Perinton Sign Code Section 174-9D (4), to allow a second sign (8'x5') building mounted face sign in addition to the existing freestanding sign, instead of one sign, subject to the following conditions:

1. Building permits for the facade and sign to be issued 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.

This will be an improvement for the site and for the area. This is not a substantial request. There will not be any adverse physical or environmental effects caused by granting this variance on this property or any surrounding properties.

Mr. Moose seconds the motion.

Motion carries 5 – 0.

5. Mamasan's Perinton LLC, owner of property located at 721,725, 735,741,747, and 751 Pittsford Victor Road and 6 Laird Lane, requesting the following variances of the Town of Perinton Zoning Ordinance:

1. Section 208-42 D: **this application has been removed from agenda & will be rescheduled**
 - a. To allow the front setback for existing building #721 to be 13.33 feet instead of 85 feet, and to allow the side setback to be 15.67 feet instead of 30 feet.
 - b. To allow the front setback for existing building #725 to be 5.91 feet instead of 85 feet.
 - c. To allow the front setback for existing building #735 to be 16.79 feet instead of 85 feet.
 - d. To allow the front setback for proposed building #1 to be 11.08 feet instead of 85 feet.
 - e. To allow the front setback for proposed building #2 to be 17.05 feet instead of 85 feet.
2. Section 208-42 G: to allow the access points to be 180 feet apart instead of 350 feet.
3. Section 208-25 – to allow the buffer area to be 15 feet (west side), instead of 50 feet.
4. Section 208-16 C (2) to allow the front parking setback to be 8 feet instead of 85 feet, and to allow the parking side setback to be 15 feet instead of 30 feet.

Said property being located in a Commercial District.

6. DiRisio Builders, Inc., owner of property located at 19 Windchase Rise – (Lot 6 Estates at Windchase), requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a proposed attached garage to be 951 sq. ft. instead of 889 sq. ft. (based on 1/3 rule). Said property being located in a Residential 1-2-5 District.

Lou DiRisio presented the application to the Board. The home is a 2667 sq ft ranch. This is 62 sq ft larger than the allowable 889 sq ft. He described the elevations. The client needs additional storage space; there are deed restrictions in place that do not allow any outside storage. This home is being built on a walkout lot; however the lower level is not being done at this time. They may add up to 2400 sq ft more in the future if they finish the basement.

Mr. Place asks if they plan to build as per elevations submitted, and the applicant states yes.

All of the Board members liked the plans and felt it would look nice.

Mr. Young states that Conservation Board had no comments on this application.

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

The CED Dept. has no concerns with this application and recommends this application be approved.

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 made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a proposed attached garage to be 951 sq. ft. instead of 889 sq. ft. (based on 1/3 rule.)

This is a minor request. The house is going to be a substantial structure once it is complete. Asking for this kind of approval during the building stage is appreciated before it is built. There are a number of deed restrictions for homes built in this subdivision limiting outside storage which is causing the applicant to need more storage space. There will not be any undesirable change to the character of the neighborhood if they build in accordance with the plans as submitted. There will not be any detriment to any nearby properties. The benefit cannot be achieved in any other manner. There will not be any adverse physical or environmental conditions to this property or any properties in the neighborhood.

Ms. Sartori seconds the motion.

Motion carries 5 – 0.

7. Everett Lago, owner of property located at 12 Meadow Wood Drive, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a proposed garage addition of (13x26) 286 sq. ft. to the existing 352 sq. ft. garage for a total of 638 sq. ft., instead of 451 sq. ft. – base on 1/3 rule, and Section 208-32 D (1), to allow the proposed garage addition to set 11 feet from the side property line instead of 15 feet. Said property being located in a Residential B District.

Mr. Lao presents his application to the Board. He needs additional storage space for sports equipment and lawn equipment. In the garage, there is a stairwell that takes up a lot of space and they can only store one car in their two car garage. They wish to have two bays to the garage. He planted 10 arborvitae to help to build up a privacy screen.

Mr. Place asks the applicant if he will be ok to maintain the arborvitae if it is a condition of approval, and the applicant states yes.

Mr. Place inquired about the elevations. The applicant states that it will have the same roof line and same siding.

Mr. Young asked if the neighbors have offered any comments, and the applicant states there are no issues that he is aware of.

Ms. Sartori inquires if everything will fit inside with the garage being the proposed size, and the applicant states yes.

Ms. Ezell inquired if the chain-link fence will be removed, and the applicant states that they will be removing about 13' of it to allow for the addition.

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

This area is flat, and there have been small arborvitae planted along the lot line, which in time should shield the garage side to the neighbor.

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

The applicant is proposing an addition to the existing one car garage, creating a two car garage. The proposed garage addition will not have any negative effect to the adjacent properties, therefore, the CED Dept. recommends this application be approved.

A building Permit to be issued with one year.

Mr. Beck states that DPW issued comments as follows:

The increase in impervious surface from the proposed addition and driveway widening will increase storm water runoff by approximately 600 gallons during a 1" rain event. The applicant should take care not to direct storm drainage towards the neighboring property.

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 made a motion to grant a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a proposed garage addition of (13x26) 286 sq. ft. to the existing 352 sq. ft. garage for a total of 638 sq. ft., instead of 451 sq. ft. – base on 1/3 rule, and Section 208-32 D (1), to allow the proposed garage addition to set 11 feet from the side property line instead of 15 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.
2. The increase in impervious surface from the proposed addition and driveway widening will increase storm water runoff by approximately 600 gallons during a 1" rain event. The applicant should take care not to direct storm drainage towards the neighboring property.
3. Applicant to maintain the row of arborvitae that exists today along the side of the addition which helps to screen this proposed addition.

The applicant needs the storage space for sports and lawn equipment. There is room for this to occur on this side of the home. Allowing this addition will not create an undesirable condition to the character of the neighborhood or be a detriment to any nearby properties. The applicant will maintain the newly planted row of arborvitae for some screening along the side of the addition. There is no other way to attain the benefit being sought. Given the layout of the property and what he is hoping to accomplish, the request is not substantial. There will not be any adverse effects to the physical or environmental conditions to his property or to the neighborhood.

Mr. Moose seconds the motion.

Motion carries 5 – 0

Discussion:

Minutes – 9/23/13

Mr. Arcarese made a motion to approve the minutes of 9/23/13 as submitted.

Mr. Moose seconds the motion.

Motion carries 4 – 0, with one abstention of Mr. Young, due to absence.

There being no further business before the Board, the meeting adjourned at 9:10 PM.

Respectfully Submitted,

Lori L. Stid, Clerk