

**Minutes of the Town of Perinton
Zoning Board of Appeals
Meeting of November 24, 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

Ken Rainis
Chris Fredette

Town Officials present

Robert Place, Town Attorney
John Beck, Zoning Officer
Stephanie Stussman, Temporary Zoning Board Clerk

Absent

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. Salvatore Mauro, owner of property located at 2 Whisperwood Drive, requesting the following variances of the Town of Perinton Zoning Ordinance:
1. Section 208-37 B (1), to allow a second garage (detached) 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.

Mr. Mauro presented the application to the Board. He needs more storage space for vehicles, lawn maintenance equipments, children's bicycles, etc. The height increase is so that it is aesthetically pleasing with the home. Several of his neighbors at #4, #3, and #10 Whisperwood support the request and have signed off on the request as part of this application.

Mr. Young feels that the plans look very nice.

The remaining Board members had no questions or concerns.

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

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

The applicant should be advised that the downspouts for the proposed garage are not to discharge towards the neighbor's property on the east side of his property.

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, we would suggest additional screening be placed along the east side property line.

A building permit to be issued within one year.

The applicant states that there are already trees there on the neighbor's property.

Mr. Young asked for questions or comments from Attorney Place. Attorney Place recommends requiring the applicant to construct according to the submitted elevations.

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

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

1. Section 208-37 B (1), to allow a second garage (detached) 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, all subject to the following variances:

1. The garage shall be built as per elevations submitted.
2. Applicant is 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 will fit into the existing neighborhood and will fit in with the existing home. The elevations submitted show that it will be attractive. The applicant has a need for additional storage. The benefit cannot be achieved in any other manner feasible to the applicant. There will not be any undesirable change to the character of the neighborhood or nearby properties. Several of the neighbors have shown their support by signing off on the submitted elevations which is a part of the record. The difficulty is self-created, but is not outweighed by the benefit.

Ms. Barrett seconds the motion.

Motion carries 7 – 0.

2. Merton and Charlene Fernaays, owners of property located at 2100 East Whitney Road, requesting a Special Permit under Town of Perinton Zoning Ordinance Section 201-4H to allow relief from Section 201-4C, to allow two Recreational Vehicles (18 ft. boat and a 30 ft. camper) to be stored in the side yard next to each other instead of one recreational vehicle stored in the side yard. Said property being located in a Residential Transition 1-2-5 District.

Mr. Place states that he has a conflict with this application and recuses himself.

Mr. Fernaays presented his application to the Board. He has had two recreational vehicles in this location for over 18 years. They are right next to his house. The property next door was sold about five years ago and there have been some issues with the new neighbors where the police have had to get involved. There are sixteen 20' tall pine trees along the border. Mr. Beck has come out to the property and he has agreed to put up some fencing. He understands the RV rules; however when he built the house, there was over 3 acres of land, and nothing else was around him. It has never been an issue.

Mr. Young states that Code talks about providing some evergreen screening or a solid fence up to 8' in height to help to screen RV's. The applicant states that he has looked at arborvitae and it will take a long time to get them tall enough to screen. He is willing to go for four 8' sections in length (32').

The Board members reviewed the photos that are in the record that show existing screening and feel that the screening is sufficient. Mr. Fernaays states that the existing trees belong to his neighbor.

Mr. Space feels that given the trees belong to the neighbor; the applicant should either add some additional screening or put up a fence.

Ms. Barrett states that it seems that the applicant is willing to add screening and this will be beneficial. Mrs. Fernaays doesn't feel that additional screening should be required. Mr. Young states that they could move the 18' boat into the driveway and keep the RV on the side of the garage, and then a variance would not be needed.

Mr. Arcarese feels that if they are willing to do the screening, because this is so isolated and they have so much land, it should work.

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

Mr. Young states that DPW 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 proposed storage of the two Recreational vehicles should not have any negative visual impact to the adjacent properties. Therefore, the CED Dept. has no concerns with this application with the following conditions:

No additional recreational vehicles be stored on the property.

The applicant has stated in his application that he will put up 8' high screening along the east property line approximately 30' in length. He has the option to put up a fence or plantings; it is his choice.

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

Mr. Young states that they received communication late today from the adjacent property owner, which is a part of the record as shown below:

To whom it may concern,

I am the property owner at 2110 East Whitney Road. I have lived here since 2010. I was not aware that the Town of Perinton doesn't allow more than one recreational vehicle on the property as I have been looking at three for the past 5 years. One Camper and two boats, of which one boat is now removed from the property or in the garage either way I do not see it anymore! Since I have learned of the Town of Perinton's Codes On Outside storage of recreational vehicles I have a couple concerns with my Neighbors plan for keeping both of them on his property which is the side of his property which we can visually see the boat and camper.

First concern is viability. He proposed that he would put up some (divider, barrier or buffer) that would be 8ft high by 30 feet long. I like to know what that actually means. As I already have my 16 Colorado Blue Spruce trees which are 20 plus feet tall and diameter of about 8-10 feet and I can still see clearly the camper and boat, which is obvious from my pictures which I have sent you. You can also see through the pictures that there is very little room between my trees and his driveway and side yard where his camper and boat are. The only divider, barrier or buffer that would be most beneficial to my property is an actual fence. One of which would be 8ft tall by how ever long he needs to block the boat and camper. According to my pictures the boat is quite some distance from the camper. I don't know if there has to be a minimum of distance from the boat and camper with regards to the house or property line. There definitely is no room for him trying to plant any conifers or arborvities there. Those conifers need plenty of room to grow. And according to my survey map of my property which I'm sure you may already have a copy of or I can get one to you, there is absolutely not much room at all to do any type of plantings that would do justice with the situation on hand.

Secondly my other concern is time frame. If the Board approves the special permit which allows both recreational vehicles to be stored there, with the provisions of a fence (Stockade fence as not to be able to see through it) when will the fence be installed?

I do not have an issue with my neighbor having two Recreational Vehicles in his yard as long as I don't have to see it. I do realize that even an 8ft fence and 30ft or how ever long he needs, will still show the 30ft Camper. I am aware of this but with the fence I will not see the boat at all and will only see half of the camper which is much much better than seeing all of it.

I do want to thank the Board for taking the time to read my letter and understanding my concerns which are legitimate. I believe I have been very patient long enough as this first appeared to me by the Town of Perinton Code enforcement officer John Overacker back on May 2nd 2014, and it is now November 24th.

Sincerely
Residents at 2110 East Whitney Road

Mr. Young states that he is comfortable with some additional evergreen screening or a solid stockade type fence in accordance with the Code, about 32' in length along the east property line.

Mr. Young made a motion to grant a Negative Declaration of SEQRA. There will not be any hazard to health, safety or general welfare of the community. There will not be any detriment to the flow of traffic in the vicinity, nor will it alter the character of the neighborhood. There will not be any adverse physical or environmental effects.

Mr. Space seconds the motion.

Motion carries 7 – 0.

Mr. Young made a motion to grant a Special Permit under Town of Perinton Zoning Ordinance Section 201-4H to allow relief from Section 201-4C, to allow two Recreational Vehicles (18 ft. boat and a 30 ft. camper) to be stored in the side yard next to each other instead of one recreational vehicle stored in the side yard, subject to the following conditions:

1. There shall be no additional recreational vehicles stored outside on the property.
2. The applicant is to provide evergreen screening or a solid wooden fence to be 8 feet tall, by 32 feet long in the area where the RV's are being proposed to be parked.
3. Screening is to be in place by June 1, 2015.

Granting this will not prevent the orderly and reasonable use of adjacent properties. The public health, safety or general welfare or order of the Town will not be adversely affected. The use will not interfere with the general character of the neighborhood. The physical characteristics of the site make it suitable for the use. The additional screening provides sufficient landscaping/buffering to protect surrounding land uses.

Mr. Space seconds the motion.

Motion carries 7 – 0.

3. Won W. Park, owner of property located at 2 Cavan Way, requesting a variance of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a 528 sq. ft. garage addition (carport) to the existing 528 sq. ft. garage, the total garage area to be 1056 sq. ft. instead of 764 sq. ft. – base on the 1/3 rule. Said property being located in a Residential AA District.

Mr. Varts (unintelligible) states that he will speak on behalf of the applicant; he is the contractor. The applicant is asking for a carport. He has a large backyard and a lot of equipment he would like to shelter. They do not wish to store these items outside in the backyard. They will extend the ridge line of the garage at the same level it is at (same elevations). The roof will match; the elevations will match. It is an open carport. There is a roof.

Mr. Place asks if there are more detailed elevations. The applicant states that they provided a sketch with the application.

The Board members feel that they understand the request and have no questions or concerns.

Mr. Young asked for questions or comments from the Conservation Board. Ms. Fredette states that the Conservation Board visited the site and agrees that the applicant needs more storage space.

Mr. Young states that DPW has 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.

A building permit to 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 of the Town of Perinton Zoning Ordinance Section 208-14 R (2), to allow a 528 sq. ft. garage addition (carport) to the existing 528 sq. ft. garage, the total garage area to be 1056 sq. ft. instead of 764 sq. ft. – base on the 1/3 rule, subject to the following conditions:

1. Applicant is 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.

There is no other way to obtain the benefit being sought; the applicant needs storage space. There will not be any undesirable change to the character of the neighborhood. It will be an improvement to have the items stored inside. It is less of visual impact to the neighborhood to have the carport be open.

Mr. Arcarese seconds the motion.

Motion carries 7 – 0.

Discussion:

Minutes 10/27/14

Mr. Young made a motion to approve the minutes as submitted.

Mr. Space seconds the motion.

Motion carries 5 – 0 with two abstentions of Mr. Arcarese and Ms. Sartori due to absence.

There being no further business before the Board, the meeting adjourned at 8:10 PM.

Respectfully Submitted,

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