

Village of Bergen
Planning Board Meeting
July 18, 2007

Planning Board Attendees:

Kevin Donovan, Chairman
Holden Miller
Marian Partridge

Vicky Truax, Alternate
René Vurraro, Secretary

Others in Attendance:

Felipe Oltremari, Genesee County Department of Planning
Robert L. Smith

Meeting opened: 7:37 pm

Kevin Donovan stated that alternate planning board member Vicky Truax would have voting rights during this board meeting.

Review and approval of prior meeting minutes:

June 20, 2007

Motion by: Holden Miller

2nd by: Kevin Donovan

The motion carried by the following vote:

Vicky Truax – aye

New Business:

Kevin Donovan confirmed that Marian Partridge, Jean Stewart and Vicky Truax have each earned 2 hours credit for Site Plan Review Training held at County Building II from 6:30 – 8:30 P.M. on May 8, 2007. A memo from the Genesee County Department of Planning to Wayne Bailey is attached for reference.

René Vurraro will contact the Genesee County Department of Planning to make sure the Village of Bergen receives the proper paperwork on additional trainings completed by planning board members in the month of May.

An additional training opportunity will be offered this month. On July 26, 2007 there will be Planning & Zoning Summer Schools. The seminars are on a first come first serve basis and all board members should have received information in their mailboxes.

Review of Zoning Law:

Kevin Donovan welcomed Felipe Oltremari from the Genesee County Department of Planning to the floor and thanked him for his time.

***Please note the information contained in blue is the actual information from the handout “Revisions to the Village of Bergen Zoning Law” dated July 2007 written by Felipe Oltremari for the Village of Bergen Planning Board.**

❖ Issue: Inflatable signs

Amend: Section 107 by adding the definition:

“Sign, Inflatable: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product, event, or business.”

Amend: Section 407, Subsection B: by adding:

9. Inflatable Signs

a. All inflatable signs shall be permitted for a period not exceeding fourteen (14) days prior to the activity or event nor exceeding fourteen (14) days after the activity or event. Such signs shall not exceed sixteen (16) square feet in commercial or industrial districts nor eight (8) square feet in residential districts, nor be attached to fences, trees, utility poles, rocks or other facets of the natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

b. The dimensions of the inflatable sign will be obtained by converting the sign to a two dimensional scaled image and/or scaled drawing of the largest surface displayed that can be viewed from a single location at grade and then proceeding as a conventional sign. The sign area shall include the entire inflatable object and is not limited to those areas with a commercial logo or text. The scaled drawing and/or scaled image shall be provided by the applicant.

A cash deposit equal to the fee shall be deposited with the Zoning Enforcement Officer to insure removal of such signs upon expiration of the permit period. The Zoning Enforcement Officer, after seven (7) days written notice to the permit holder to remove such signs, and after the failure of the permit holder to do so, shall cause said signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven (7) days written notice provided herein shall be computed from the date of mailing said notice. Said notice shall be directed to the permit holder at the address provided to

the Zoning Enforcement Officer on the permit application, and shall be sent to the owner by regular first class mail.

Felipe noted there was not much information from other municipalities on this issue so some of the language was written from scratch. Felipe looked closely at closing all loopholes on scales and sizes of signs. The section on cash deposit for inflatable signs is the same language used in the Village of Bergen zoning law for temporary signs to keep the document consistent throughout this section.

Kevin Donovan asked if 16 square feet was reasonable and feasible for an inflatable sign. Felipe responded that he was trying to keep it consistent with the current temporary sign restriction which is 16 square feet in business or industrial districts. Kevin asked if a special use permit should be required for larger inflatable signs, for example a grand opening sign could be larger than 16 square feet. Felipe responded that this would require an area variance not a special use permit. He noted that if in the future you see that the village is receiving a large number of area variances for this issue, then the zoning law could be adjusted.

❖ **Issue: Site Plan Review**

Amend: Section 208, Subsection C(2)(a) as follows: "Survey of property showing existing features, including contours, utility easements, large trees, buildings, uses, structures, streets, rights-of-way, zoning, *the boundary and buffer area surrounding any State or Federally regulated wetlands, flood hazard area, and ownership of surrounding property.*"

❖ **Issue: Outside Solid Fuel Burning Devices**

Amend: Section 301, Subsection I as follows:

I. Outside Solid Fuel Burning Devices

Outside solid fuel burning devices shall not be installed in any Residential District (R-1, R-2, R-3) or within 500 feet of such district. ~~When installed~~ *The installation of such units outside the Residential Districts (and the required 500 foot buffer), shall require a special use permit and such units shall be installed and operated in accordance with the manufacturers instructions so as to not allow smoke or fumes to enter buildings on surrounding properties.*

❖ **Issue: Carports**

Amend: Section 107 by replacing the definition of building with the following:

“Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.”

Amend: Section 107 by adding the following definition:

“Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.”

Felipe felt that the definition of building needed to be updated, opening up the definition of a building to a structure that does not have walls. He stated a carport would be subject to the same rules as any accessory building. If a homeowner wanted to put a carport in their front yard, it would require an area variance.

❖ **Issue: Dumpsters and Storage Containers**

Amend: Section 301 by adding the following section:

K. Other Enclosed Storage Is Permitted As Follows:

Semi-trailers, cargo containers and/or motor vehicles or portions thereof (i.e., truck bodies) may be used for accessory storage purposes related to a permitted principal use in the C-1, C-2 and I Districts. When used in a C-1, C-2 and I District for a period of more than 60 days, such trailers and/or motor vehicles or portions thereof shall be placed or parked in compliance with the provisions of Subsection B of this Section. Semi-trailers, cargo trailers and/or motor vehicles or portions thereof, shall not be used for storage purposes for longer than 60 days in any Residential Districts (R-1, R-2, R-3). In no instance shall semi-trailers, cargo trailers and/or motor vehicles or portions thereof be placed in such a manner as to interfere with, or pose a hazard to, traffic circulation. Mobile homes shall not be used for storage purposes.

Felipe noted that the language written is similar to the Town of Darien.

❖ **Issue: On Going Garage Sales**

Felipe stated that upon further review of this issue it is already addressed in the current Village of Bergen zoning law, Section 412 – Home Occupations.

❖ **Issue: Opening Burning**

This issue will need to be reviewed in tandem with the Fire Department, Fire Chief and Tom Williamson. The board agreed to discuss this issue further at a later date.

❖ **Issue: Townhouses and Associations**

The Planning Board discussed and reviewed the document titled “251-52 Multi-family Development – Townhouses, Condominiums, and Apartments” provided by Felipe Oltremari at the June Planning Board meeting. This document was originally drafted for LeRoy, who did not adopt it to law.

Kevin Donovan asked who the legal entity is as it is referred in section H. Open Space Standards and Condominium Common Areas, 5. Common Areas for Condominiums? Felipe responded that this term was used to cover whoever owns the common area if it is not an association. An example would be a trust or not for profit organization.

Kevin also asked about associations with a small number of condos and the feasibility of maintaining the common area. Felipe answered that the business model would dictate and that more than likely the common area would be smaller if there were a fewer number of condos in the association. The owner has an investment in keeping the common area looking good.

The definition of townhouse and condominium were discussed. The difference between a condominium and a townhouse is that a townhouse is like a single family home where the owner owns the grass; the single family homes are just attached. In a condominium the grass is common area and the owner owns the walls and/or building.

Felipe stated that developers prefer to have a law in this area that is more specific. The developer likes to see exactly what the specifications are before moving forward with their project. It eliminates much of the back and forth when the specifics are written in the law. Felipe stated that currently there are no condominiums in Genesee County.

Felipe asked if this is something that the Village of Bergen would be interested in. The board agreed that they would like more time to review.

❖ **Issue: Pictures and Diagrams**

Holden Miller asked if we could put more pictures and diagrams into the zoning law to make it more user-friendly. Felipe said that this does help when people are looking at the zoning law and once pictures or diagrams are public law they are public domain and can be used and changed by anyone. Kevin asked whether there is a particular format in which pictures or diagrams must be inserted into the document. Felipe noted the Village of Bergen zoning law is currently in a word document. The zoning law could be changed to a PDF format so that information in the document cannot be changed once it is in the public's hands. Felipe stated it would be a good idea to put the Village of Bergen zoning law on the website.

Results of the Zoning Law Review:

1. The board agreed they liked the new and revised language that Felipe Oltremari presented in the document titled “Revisions to the Village of Bergen Zoning Law – July 2007”.
2. The board agreed to have further discussion on two issues: Open Burning and Townhouses and Associations.
3. The board will continue to investigate the addition of pictures and diagrams into the Village of Bergen zoning law.
4. Information on the zoning law issues addressed by the planning board will be given to the village board for review.

Other Business:

Holden Miller stated that he will be working at Batavia Downs during the live horse racing season this year and will make every attempt to be at the planning board meetings, but it is possible he could miss some. The racing season runs from the end of July to the beginning of December. He will keep Kevin Donovan posted on his status.

Meeting Closed: 8:37 pm

Motion by: Marian Partridge

2nd by: Vicky Truax

The Motion carried by the following vote:

Kevin Donovan – Aye

Holden Miller - Aye

Respectfully submitted,

René Vurraro
Planning Board Secretary

