

**Rochester Zoning Board of Appeals
Business Meeting Minutes
Hybrid Meeting
December 22, 2022**

Board Members Present:

David Arancio, Davis Sullivan, Richard Cutler, Donald Spirlet, Michelle Upton

7:25 p.m. Call Meeting to Order

Minutes:

- Business meeting minutes for November 10, 2022 was postponed until next meeting.
- Public Hearing #1184 Minutes of November 10, 2022 was postponed until next meeting.
- Business Hearing Minutes for December 8, 2022 was postponed until next meeting.
- Public Hearing #1184 Minutes for December 8, 2022 was postponed until next meeting.

New Business:

- The Zoning Board of Appeals Proposed FY2024 Budge was postponed until next meeting.

Old Business:

A motion to adjourn Business Meeting at 7:21 p.m. made by Mr. Cutler and seconded by Mr. Costa. The motion passed unanimously (5-0).

**Rochester Zoning Board of Appeals
Public Hearing Minutes
Hybrid Meeting
December 22, 2022**

Board Members Present:

David Arancio, Richard Cutler, Donald Spirlet, Jeffrey Costa

7:36 p.m. Meeting Called to Order

Appeal #1184 (Continued)

JPF Development, LLC for property located at 0 & 25 Cranberry Highway, identified on assessor's Map17, Lots 29, 29A, 30, 31A, 55, 56, whom is seeking a Special Permit to allow the use of the self-storage facility in the Industrial Zone under Chapter 20.40, Section F.6. of the Rochester Zoning By-Laws.

William Madden (Engineer) and his client John Antonio (applicant) were present.

The opening statement was made by Mr. Cutler suggesting that Mr. Arancio apprise the petitioner that there are only four board members present. Mr. Arancio then continues explaining that in order to make a motion to approve the application, all four present members would have to vote to approve. If one member opposes, it will not be approved. The petitioner and Mr. Madden were advised they have the right to either continue with the appeal at present or request for a continuance.

Mr. Madden asked if the ZBA could operate under the Mullin's Rule. Mr. Cutler advised in the affirmative. The petitioner stated that they would like to proceed with advising the board of where they (Mr. Madden and applicant) stand currently with the site plan. He stated that if everyone is comfortable with the present board members, he would like to proceed with giving all pertinent information. He continued by stating that although they prefer a five-person board, the sense from the last meeting was positive. He suggested that after disclosing the revisions, it could then be decided to move forward with a motion to vote or a motion for a continuance. Mr. Arancio said that it would be best once the information was heard to continue the appeal at a later meeting. He stated the board would need assistance from Town Council in writing the motion due to some members of the building department being absent and the ZBA without an Assistant. All parties agreed.

Mr. Madden began by presenting a large site plan for the board. He stated that in the hearing back in the November they had discussed the proposed plan for the location. He said the board had asked them to come back with a bit more detail in the site plan, specifically pertaining to the lighting, the office building being proposed and the signage. He stated that the revised plan he is presenting now shows that the previous two 60ft buildings are replaced with three 30 ft buildings. The new plan also shows where the drainage basins will go. The office building on

site has been reduced in size and is now a Cape style. Pole lighting was added along the road and back of the site. Mr. Madden also provided better elevations for the board to view. He stated that there are two different size storage units for renters to choose. He also indicated there is the same traffic circulation route. There are still two entrances but only one exit as they do not want a through way from Rt. 28 to King's Highway.

Mr. Madden continued to showing the board an image of a sign similar to what they are looking for. He stated that the site plan shows a light on each corner of the sign; facing inward toward the text. Additionally, he explained that the revised site plan shows foot candles so that there is no overflow of light off site. Mr. Madden then advised the board if they had any questions.

Mr. Cutler stated that the office building looked like living quarters and asked if this was so. Mr. Madden and Mr. Antonio immediately stated no. Mr. Cutler stated that the plans that were presented show a building that has bedrooms and a living room. Mr. Antonio elaborated that he plans on having just one main area for the office but that the design presented in the plan was something he printed offline just to have some representation for the building. Ms. Upton asked if the design was just to show the dimensions to which both Mr. Madden and Mr. Antonio agreed.

Mr. Arancio asked Mr. Madden if the overall square footage was changing given that they went from six (6) buildings to seven (7). Mr. Madden confirmed that he did not have the exact square footage. Mr. Arancio and Mr. Costa began to tally up the square footage of all the buildings and eventually determined it had not increased from the original plan.

Mr. Cutler asked Mr. Madden if the sign was compliant with the by-laws, reiterating that the industrial zone is allowed larger signage. Mr. Madden stated he gave the required by-laws to the sign company so that it would be compliant. Mr. Cutler and Mr. Costa discussed the sign on the current plan, advising Mr. Madden that the by-laws state that the signage in an Industrial Zone can be 50 square ft per side, including the podium it sits on. The plan showed a sign that was 75 square ft. Mr. Madden stated they intended to have the sign meet the dimensions of the by-law. He further stated that the picture of the sign shown is demonstrate the shape and design they are looking to have.

Mr. Arancio asked about the hours of operation. Mr. Antonio stated he hadn't officially established this but was thinking 7 a.m. to 2 p.m. Monday through Friday, with an electronic gate. There would be someone available on call 24/7. Mr. Costa asked if the property would have a fence to which Mr. Madden confirmed that there would be a perimeter fence. He indicated that there would be two electronic fences; one that is on Rt. 28 and one on King's Hwy. Mr. Arancio spoke about what the fire department might require to get into the property in case of emergency. Mr. Cutler stated that usually they want two means of entering a property that large. Mr. Madden confirmed that they had put the fire apparatus turning radius on the plan to demonstrate that the emergency vehicles would be able to maneuver. Mr. Cutler reiterated that there should be a sign at the entrance on King's Highway indicated that it is NOT a Throughway.

Ms. Upton stated she liked the new plans and was appreciative that they took the revisions requested by the board into account. She asked about rubbish removal to which it was

confirmed there would be a dumpster on site and that employees will be responsible to keeping the site clean. This concluded all new information by Mr. Madden.

Mr. Cutler inquired if the public comments for this appeal (#1184) would be closed for the continuance on January 12, 2023 after hearing the present information. Mr. Arancio stated in the affirmative.

A motion to close public comment was made by Mr. Costa which was seconded by Mr. Spirlet. The motion passed unanimously (5-0).

Mr. Arancio stated he would speak to Town Council to have the proper draft written up. He also asked Mr. Madden to email him a continuance request. Mr. Madden agreed he would.

Motion made by Mr. Cutler at 8:06 p.m. to continue appeal on January 12, 2023 and was seconded by Mr. Costa. Motion passed unanimously (5-0).

Motion made by Mr. Cutler at 8:07 p.m. to adjourn. Seconded by Mr. Costa. Motion passed unanimously (5-0).

Respectfully submitted,

David Arancio, Chairman