

CHILI ZONING BOARD OF APPEALS
October 22, 2013

A meeting of the Chili Zoning Board was held on October 22, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Adam Cummings, Robert Mulcahy, Michael Nyhan, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Michael Jones, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

ADAM CUMMINGS: Paul (Bloser) is running late. I will be Acting Chair tonight, Interim Chair. He is stuck in traffic on the east side.

Acting Interim Chairperson Adam Cummings declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Anybody have any issues with the notification signs on the board?

The Board indicated they had no problems with the notification signs.

1. Application of Mr. and Mrs. Kerry Kourofsky, owner, 3711 Chili Avenue, Rochester, New York 14624 for variance to erect an open porch 50 feet from front lot line (75 feet required) at property located at 3711 Chili Avenue in R-1-15, FPO, FW zone.

Kerry Kourofsky was present to represent the application.

MR. KOUROFSKY: Good evening. My name is Kerry Kourofsky, and I live at 3711 Chili Avenue, Rochester, New York 14624.

ADAM CUMMINGS: Just a little bit on what you're proposing to do and --

MR. KOUROFSKY: Well, basically what we have is an existing 4 foot entry.

Paul Bloser arrived.

MR. KOUROFSKY: The face, the front of the house is kind of in need of a little something. So this -- that decision, that discussion, we said, well, why not let's extend this 4 foot out a little bit so now when it rains, thunderstorms, et cetera, we don't have to run in the house. We know we'll get wet. We'll have a little more cover. So in the process of doing that, maybe we'll do that.

Obviously we went with the first contractor and he made me aware of the variance because we are now sitting at 60, which was the old variance, I believe. Which has since been changed to 75.

Um, I picked 10 foot. I didn't know how far to go out. I did talk to a couple contractors. They did not want to get too far into it, too much work until we could decide whether or not, you know, what -- what we can and can't do.

As far as that, I mean, I went for 10. I mean, I don't know if I have to have 10 or it can be less. I don't know how that would work here. As far as the width, it's not an issue, but it's going to be probably less than 24 foot wide.

The main thought would be -- since it would be a little eye candy, a little eye appeal, maybe a gable type, because the house kind of looks like this. Just to come out a little bit, and, um, I don't know. I think that would look a little better and -- I don't think it's going to downgrade the neighborhood by any means. It looks better, will be better for everybody.

MICHAEL NYHAN: Excuse me, that is not your elevation (indicating), not your plan?

MR. KOUROFSKY: No, no. I just used it because it was there.

MICHAEL NYHAN: Do you have one?

MR. KOUROFSKY: No. The only thing I have is what I gave in here, from the survey map.

MICHAEL NYHAN: All right.

ADAM CUMMINGS: That was just given for example.

MR. KOUROFSKY: Yes. Since it was there.

MICHAEL NYHAN: I just wanted to clarify that.

ADAM CUMMINGS: I don't see on the property card there was a previous variance for it. It was just the old regulations had a 60 foot front setback and it is 75 feet now.

MR. KOUROFSKY: Correct. Right. Because if you look right down the line, pretty much all of the houses are kind of built. Even if it was 60, they built them -- why, I don't know,

but they built them as tight as they could get. Of course, in my case, I'm in a flood zone. I will bring that up. Of course, you have that there. But the flood zone is really the rear of the property.

The front of the property is actually one story higher than the rear. Kind of built into a hill a little bit like. So the front where this is going is, like I say, one story higher than it is in the back.

ADAM CUMMINGS: Helps probably why they pushed it towards the road as much as they could.

MR. KOUROFSKY: If they built it up another couple foot, probably would have been better yet.

ADAM CUMMINGS: I will push it off to the Board.

MICHAEL NYHAN: So the porch depth now is currently 4 foot?

MR. KOUROFSKY: The width. It's like an entry, and it's 4 foot wide. It's just coming in, comes right into the entry way.

MICHAEL NYHAN: How deep is it from the front of your porch to the front of your house? There's a covered porch there now?

MR. KOUROFSKY: Yes.

MICHAEL NYHAN: How deep is that?

MR. KOUROFSKY: 4 foot.

MICHAEL NYHAN: All right.

MR. KOUROFSKY: Another thing would be an additional, I guess, caveat to this is, is the entryway, because it's only a 4 foot, is only so -- so wide. I'm only able to put a 32 foot -- or 32 inch door in that entry way. If down the road, if -- if this variance, and I only need like -- not 4 feet even, extend that, as well, so I could put a 36-inch door in there. It makes life easier when you're trying to get stuff in and out of there. It's hard to get 32", you know, chairs and whatever. Some of the things we have to actually roll around the back, up the deck, up the stairs to come in the sliding glass because we can't get it in the front door.

MICHAEL NYHAN: This is just going to be a covered porch, not enclosed?

MR. KOUROFSKY: Not enclosed. Covered.

MICHAEL NYHAN: That gives you a 14 foot porch?

MR. KOUROFSKY: Yes. And I'm not saying I will go all of the 10. I might only go 8. And depending on cost, I may decide against that totally, too.

MICHAEL NYHAN: How wide is it from side to side?

MR. KOUROFSKY: That I want to build?

MICHAEL NYHAN: Yes.

MR. KOUROFSKY: It will be anywhere from 20 -- 16 to 24 feet probably wide.

MICHAEL NYHAN: You will follow the existing line that you have?

MR. KOUROFSKY: Well no, the existing line goes from the garage to the end of the entry, which is about 32. It will be less than that.

ADAM CUMMINGS: I would just like to comment before we open up public comment that we did have some -- some property issues in terms of the designated flood zone, as you mentioned, and we would also put a condition on that you apply for a flood plain permit for this, because it is on your property. And a building permit for the construction of this. Just wanted to put that out there before it goes to public comment and somebody else comments.

Robert Mulcahy made a motion to open the Public Hearing and Fred Trott seconded the motion. All Board members were in favor of the motion.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Fred Trott seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

ADAM CUMMINGS: I guess there is a lot of questions in terms of this -- so you're looking for 10 as your maximum?

MR. KOUROFSKY: Yes.

ADAM CUMMINGS: But you really don't know what you're looking for.

MR. KOUROFSKY: Like I said, I have not -- the cost potentially may be a killer. It may be just a reface with a fake gable or something, just to redo the front. But, again, I don't know because I can't even talk about it until I know whether I can do it. Plus, the variance allows me now if I want to get the entryway, so I can put a bigger door, I'm good to go with that, too. So it is kind of killing two birds with one stone.

MICHAEL NYHAN: So I have a question. The -- the -- the current setback is 75 feet. However, it appears as though when the house was built, it was a 60 foot setback.

Does he need a variance for the current existing 4 foot in addition, and if he would want to go beyond that 4 foot or just beyond the existing structure?

ED SHERO: Beyond the farthest point.

MR. KOUROFSKY: Since I'm already 60, if I want to go 6 inches, I need a variance?

ED SHERO: 1 inch you need a variance.

MICHAEL NYHAN: So we're looking -- it's a 14 foot porch off the front of the house, which I think is pretty extensive for that area because all those houses do line up. 8 foot porch is a little more reasonable than the 10 foot variance.

MR. KOUROFSKY: The front of the entry is equal to the existing 4 foot.

Know what I am saying?

MICHAEL NYHAN: No.

MR. KOUROFSKY: If you look on the --

ADAM CUMMINGS: I wish that screen would work.

Where you have the bump-out on the front you're saying, on the western third front of the building, you got that bump-out.

MR. KOUROFSKY: See the bump-out. That's -- if you take that bump-out and go straight across, that is the existing front porch.

ADAM CUMMINGS: Right.

MICHAEL NYHAN: You want to go 10 foot beyond that?

MR. KOUROFSKY: Yes.

MICHAEL NYHAN: Which would give you 4 foot for the existing porch plus 10 foot for the extension for a variance which would give you a 14 foot front porch --

MR. KOUROFSKY: Okay.

MICHAEL NYHAN: -- right? I am reading that right?

MR. KOUROFSKY: Yes. Which would be 10 foot from the bump.

ADAM CUMMINGS: Correct.

MICHAEL NYHAN: 10 foot from where, I'm sorry?

ADAM CUMMINGS: From the same line. The bump-out.

MICHAEL NYHAN: Where the existing porch is now.

MR. KOUROFSKY: Well, the existing -- can I show you?

MICHAEL NYHAN: Sure.

MR. KOUROFSKY: It will be 10 foot from here (indicating), which is where the --

There was conversation had at the dais.

ADAM CUMMINGS: We'll have to work with the IT Department next time.

All clear on that one? It is that line continued across.

MICHAEL NYHAN: 10 foot from that line going out, which would give him a 14 foot porch.

ADAM CUMMINGS: Correct. 14 foot in depth and however wide.

MR. KOUROFSKY: But only 10 foot from the 60.

ADAM CUMMINGS: We're -- just once you do the -- it is still the overall porch is --

MR. KOUROFSKY: Okay.

ADAM CUMMINGS: That's what we're going for, is the minimum variance. This is even going to go beyond you. The next property owner still allows that 10 foot beyond it, so we're trying to minimize that. So if you only need an 8 foot porch instead of a 14 foot porch, that's what Mike (Nyhan) is going at there. We're trying to minimize that.

MR. KOUROFSKY: And I don't -- that's -- I don't know what I need.

ADAM CUMMINGS: We need a real justification -- 14 is kind of where he is going -- this 14 foot depth is significantly larger than standard porches that are in that area.

MICHAEL NYHAN: That's a whole back patio and that's a whole room. 14 by 25 looks like your existing size right now.

MR. KOUROFSKY: Nobody really has any porches on these houses for the most part.

MICHAEL NYHAN: Exactly, which is why we want the minimum on the front of the house.

MR. KOUROFSKY: Personally, do I think that looks -- I don't know. I don't think that looks all that great, to be honest with you, but that is personal opinion.

ADAM CUMMINGS: We're just going off the code and how that stands so that is why we're trying to go through the variance. I would just point that out. So it is 14 foot depth, but the variance is 10 feet.

MICHAEL NYHAN: So you could end up with a 14 by 32 front porch?

ADAM CUMMINGS: Yes.

MR. KOUROFSKY: But that won't happen.

ADAM CUMMINGS: It could.

MR. KOUROFSKY: It could. It could. Because I can go side -- I can go forever.
(Laughter.)

ADAM CUMMINGS: All right. Well, no other discussions?

JAMES WIESNER: Now that -- that is pretty substantial really, the 14 feet. Most of the porches that we have seen or come against have been probably more like 8 feet or something more that you would stand on than as opposed to something you could live on per se.

ADAM CUMMINGS: There won't be anybody living on it, but I see what you're saying. It's a full room.

MR. KOUROFSKY: Wild parties on it, right?

MICHAEL NYHAN: 14 by 32 on the front of the house facing a State highway is what it is. The neighborhood doesn't have that.

MR. KOUROFSKY: Now, the projections down the road, I'm sure, you have thought about it, talked about it, that road will be widened some day, yes?

MICHAEL NYHAN: Could be. We don't know that.

MR. KOUROFSKY: Don't know that yet?

MICHAEL NYHAN: I don't know that.

ADAM CUMMINGS: No idea.

MR. KOUROFSKY: No idea yet?

Now, as far as we have talked about permits, I would need -- would I need a flood plain permit if I didn't extend and I just refaced?

PAUL BLOSER: You're in the flood plain. You will need a permit regardless.

MR. KOUROFSKY: Even if I do like a roof job, I need a permit?

PAUL BLOSER: In the flood plain, yes.

MR. KOUROFSKY: So why would I need a building permit in the flood plain?

PAUL BLOSER: Two different organizations. Flood plain goes through the County, DEC; building permit goes through the Town.

MR. KOUROFSKY: So I will need them regardless what I do?

PAUL BLOSER: Exactly.

MR. KOUROFSKY: Okay.

PAUL BLOSER: I can also put in a stipulation on conditions of approval that the porch cannot be extended or added onto without coming before the Board, and that would keep them from going side to side farther. Even though you're out 10 foot on a variance, they can't go side to side without an additional building permit.

ADAM CUMMINGS: We don't even know how far side to side is going.

MR. KOUROFSKY: Right now, the existing, if you draw that line across, it's about 32 foot, and I'm not going to go that far. That's just -- it is too much of a peak. I would have to go too high. It will be more like 16. 24 to 16, but I -- it will be less than 24.

ADAM CUMMINGS: It looks like we would at least restrict it on that condition 24 foot.

PAUL BLOSER: I -- I will pop in and say looking at this, you have a substantial deck and patio in the back for your personal entertainment purposes. The front of the house, I would like to see what Dave echoed, minimal impact to the front. I don't have a problem coming out a certain distance, but do you need another room size porch or another deck, basically is what we're doing out front. And at that point, that -- that becomes fairly substantial in that neighborhood in comparison to everything else. If you were a little farther out in the country and houses weren't so close together, we might look at it with a different perspective. What we're looking at is where it is located. Being in a flood plain, there is a lot of variables that we look at. So having the patio in the back, we're asking you what would be the minimum you could live with there, and then we would vote based on what you're asking for.

MR. KOUROFSKY: Well, the minimum, like I say, if it would solve -- I would like to come out -- if I was going to come out with that entryway, I would like to come out at least 4 to 6.

ADAM CUMMINGS: So you could have an entryway.

MR. KOUROFSKY: I could make the door wider, put maybe a side light in there and a bench and make it more like a mud room than it is now.

ADAM CUMMINGS: Like an access ramp or platform.

PAUL BLOSER: Will not want to scrunch it in there either. So, you know, looking at within reason what can you live with, without -- you know, just what can you live with, what is acceptable? You know, if you want -- and I understand the door, side light, and have the architectural looking nice, we have no problem.

MR. KOUROFSKY: Well, I guess it's a question of what you guys think is reasonable and not reasonable, I guess. I guess 6, 8? Less than 10 is -- I don't know. I mean, that's -- I can live with 6, I guess.

PAUL BLOSER: Okay.

ROBERT MULCAHY: That would give 10 foot overhang.

PAUL BLOSER: You have to look at the overhang, where the structure overhangs onto the property. That goes into consideration with that.

You're going to maintain that profile?

MR. KOUROFSKY: Yes. It's just going to be more --

PAUL BLOSER: You don't want a 3 inch overhang off the front when everything else has got a reasonable overhang with gutters on everything else. So we want it architecturally consistent with everything you have also.

Do you understand what we're saying with the overhang?

MR. KOUROFSKY: Not 100 percent sure.

PAUL BLOSER: If your house wall stops here (indicating) and your overhang comes out, we look at the edge of the overhang as your setback, not the front face of the structure.

MR. KOUROFSKY: Right.

PAUL BLOSER: So it's the overhang. So when I asked you what can you live with, that is all-inclusive. So if you need --

MR. KOUROFSKY: Oh, that is all-inclusive?

PAUL BLOSER: Right. If you need 5 foot for a door and a side light.

MR. KOUROFSKY: 10 maybe, 10 total meaning 10 foot, which would be --

PAUL BLOSER: 6 additional.

MR. KOUROFSKY: -- 6 additional.

PAUL BLOSER: Instead of 10 additional. So we're asking you what number can you really work with. That is basically what we're saying. Minimal impact.

MR. KOUROFSKY: 6. How about from 10 to 6? Do I -- do I hear a 6 -- (Laughter.)

Well, yes, I can live with less. I mean --

ADAM CUMMINGS: Where the open porch is now, from the garage over to that entryway, I'm trying to read it. I think it says 25.3 feet per dimension, so. So that would be the maximum dimension on the width of it. Then 6 foot depth. 6 foot we're saying depth is how I'm viewing this one.

ROBERT MULCAHY: I'm with you.

ADAM CUMMINGS: So we can put a condition on there for a re -- revising this to a 6 foot -- how did we even word it in the application? From the front -- so we'll change this from 50 foot to --

MR. KOUROFSKY: 54?

ADAM CUMMINGS: -- 54 feet. So many numbers. 54 feet. So variance requested, 54 feet. So we would like a condition on there the span width be the same dimension as the existing open porch, 25.3 feet? It cannot exceed -- existing width of the open porch.

MICHAEL JONES: Mr. Chairman, if I can understand the conditions, is the proposal that the variance, if granted, would not include an extension for living space or storage space and only for the open porch area?

ADAM CUMMINGS: Correct.

MICHAEL JONES: I would just suggest respectfully that we add that down the road, that they can't employ the variance for living or storage space, only --

MR. KOUROFSKY: We can't enclose it, you are saying?

MICHAEL JONES: I'm suggesting that to the Board. If that is the Board's concern --

PAUL BLOSER: That's a typical that we do on a porch, Counselor, is --

MICHAEL JONES: Typical with porches.

PAUL BLOSER: Any additional changes to it after final inspection, if they're doing a different enclosure with the top, screening it in, windows, three-seasoning the room, any additional modifications after this would have to come back to the Building Department and/or the Zoning Board if the Building Department felt it was -- it warranted additional zoning approval. Right now it's an open porch.

MICHAEL JONES: Thank you.

PAUL BLOSER: So that is where, you know -- the Building Department comes in with that.

One question I would ask, Ed (Shero).

Did you want to see any architectural drawings on this for tie-ins? It's a fairly large width.

ED SHERO: Yeah. I would say yes.

PAUL BLOSER: Okay. Do you understand what I meant by that?

MR. KOUROFSKY: Tie-ins to the existing structure?

PAUL BLOSER: This is more than just a 6 foot front porch you're replacing, the stoop.

MR. KOUROFSKY: For the structural stability basically.

PAUL BLOSER: Exactly. Now you're tying into existing structures, and there are building code requirements to support snow load, weight load, any distribution whatsoever. So with the footers, proper spacing to support the loads so it is all done right so you don't have roof separation, broken doors, windows or anything else. We want to make sure it's -- you know, not questioning any of your abilities, but --

MR. KOUROFSKY: No. It will be the contractor. Hopefully he has enough -- I hire a guy with enough sense to do that.

PAUL BLOSER: Well, you would be surprised.

MR. KOUROFSKY: No, I probably wouldn't. You're right. Absolutely right.

PAUL BLOSER: This protects you, as well, with the bank, mortgage, insurance, everybody. It's a standard procedure pretty much in any Town.

MR. KOUROFSKY: No problem. No problem.

PAUL BLOSER: With this, we normally do -- to put a clause and condition that roofing materials, if you used siding, trim, um, or anything that is used on the project are consistent with what is on the existing structures in like colors and materials. And we'll ask for that color match and what you use for materials when you apply for the building permit. Just --

MR. KOUROFSKY: We talked about changing the whole front to match everything.

PAUL BLOSER: Okay. Just when you have your final everything put together, your package put together, that is when you apply for your permit and they will review those items with you on the structure to make sure it's consistent.

Adam Cummings went over the proposed conditions.

ADAM CUMMINGS: The use shall be for -- or use and storage -- want to do use or do you want to do enclosure? Do you want to keep it as an open?

PAUL BLOSER: Right now it's being proposed as an open porch. So I mean, any future changes would be subject to approvals by the Building Department. And possibly Zoning.

MR. KOUROFSKY: Can you define what would be enclosed versus not open? Screens, is that enclosed?

PAUL BLOSER: Any time you change a structure and add any additional weight to that structure, it becomes a structural change. Because you're supporting it somehow. And just that it is done right and it's not going to be falling apart.

MR. KOUROFSKY: But like adding a little section of mosquito screen or something so

you can sit without getting chewed up, would that be an enclosure?

PAUL BLOSER: Usually what we do is that becomes a definition for the Building Department to classify that. So my suggestion is to ask them. If it is just putting some screen with some -- screen moulding type of thing, it may be fairly simple and they will say not a problem. If it is structurally adding and there is any support of any type being added, structural members, that changes. It would be the Building Department that would make that decision if any permits are required or if anything additional is required.

MR. KOUROFSKY: Okay.

PAUL BLOSER: Better to ask ahead of time than have them put a stop work order and have to take it all down.

MR. KOUROFSKY: You guys don't like the stop work order?

PAUL BLOSER: They don't bother me. You don't like them.

MR. KOUROFSKY: No. I know I don't like them.

PAUL BLOSER: You're on Chili Avenue, so there is a lot of visibility of things going on, so they see those things and they -- they act on them sometimes quicker than if it was a side street or back road just because they're visible.

ADAM CUMMINGS: So I have four conditions on here. The width cannot exceed the width of the open porch, which is 25.3 feet. The architectural details showing the structural connections to the existing structure shall be provided to the Building Department.

Um, actually, I forgot building permit and the flood plain permit.

PAUL BLOSER: Ed (Shero), are the flood plain permit applications available in the Building Office?

ED SHERO: Yes, they are.

PAUL BLOSER: You can get all that there.

ADAM CUMMINGS: Number 3 was the use shall be for the open porch only and use for storage purposes is prohibited and any proposed structural changes must be submitted to the Building Department prior to construction.

Number 4, the roofing materials, trim building materials shall match the materials of the existing main structure and permits, including the flood plain and the building permit will need to be obtained by the respective agencies.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Paul Bloser made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

DECISION: Approved by a vote of 4 yes to 2 no (James Wiesner, Michael Nyhan) with the following conditions:

1. Width cannot exceed the existing width of the open porch, which is 25.3 feet and setback of 54 feet.
2. Architectural details showing structural connections to existing structure shall be provided to the Building Department prior to construction.
3. Use shall be for open porch only. Use for storage or living space is prohibited. Any proposed structural changes must be submitted to the Building Department prior to construction.
4. Roofing materials, trim, building materials, shall match the materials of the existing main structure.
5. Permits (floodplain and building) will need to be obtained.

The following finding of fact was cited:

1. The requested variance has no negative impact on neighboring properties, however, as it is in a floodplain, a floodplain permit will be required prior to issue of a building permit.
2. Application of Mr. and Mrs. Scott Willett, owner; 27 Iva Mae Drive, North Chili, New York 14514 for variance to erect a 12' by 20' utility shed to be a total of 240 sq. ft. (192 sq. ft. allowed) at property located at 27 Iva Ma Drive in R-1-15 zone.

Scott Willett was present to represent the application.

PAUL BLOSER: First, I apologize for being late. I got held up coming back from Syracuse with traffic. So I do apologize for that.

For the record, state your name and address, please.

MR. WILLETT: Scott Willett, 27 Iva Ma Drive, North Chili.

PAUL BLOSER: Scott, tell us what you're doing.

MR. WILLETT: I have an existing shed that is 10 by 16. I just wanted to get one a little bigger so my wife can park her car in the garage this winter. We have a few extra things we need to store. That's pretty much it.

PAUL BLOSER: The other shed that you have back there, you're going to be removing then?

MR. WILLETT: Yes. I have a friend taking it actually.

PAUL BLOSER: In the back, you are putting it in the same spot, correct?

MR. WILLETT: Yes.

PAUL BLOSER: Is this -- this a prefab unit you're having delivered then?

MR. WILLETT: Yes.

PAUL BLOSER: Is this on a concrete pad or stone base?

MR. WILLETT: Stone, crushed stone.

PAUL BLOSER: Power out there?

MR. WILLETT: No.

PAUL BLOSER: So are you removing the old shed prior --

MR. WILLETT: Yes.

PAUL BLOSER: -- to --

MR. WILLETT: Yes.

PAUL BLOSER: Do you have access to get it back there? It's a pretty tight squeeze.

MR. WILLETT: I have to remove part of the fence on the right side of our house.

PAUL BLOSER: The driveway side?

MR. WILLETT: Pardon?

PAUL BLOSER: The driveway side or the other side?

MR. WILLETT: The other side.

PAUL BLOSER: So you can pass through that without taking out the neighbor's yard also.

MR. WILLETT: Yes. I think it will be okay. I talked to the guy. I explained to him what it was and he said he shouldn't have a problem.

PAUL BLOSER: And this Duratemp is the one you're getting?

MR. WILLETT: Yes.

PAUL BLOSER: What color are you getting?

MR. WILLETT: I'm not sure. I was going to try to get one to match the house. The -- but the gray one, I don't know if he has sold it yet or no. I may buy that one if I can get it a little cheaper.

ED SHERO: So my understanding is you're going to remove the existing shed prior to the new shed coming in?

MR. WILLETT: Yes. It's also an Amish shed. I talked to the guy who has it -- it is his business. He said he can come pick it right up. He will deliver it to my friend's house.

ED SHERO: Is your friend in Chili?

MR. WILLETT: No. (Laughter.)

PAUL BLOSER: Good answer. (Laughter.)

ED SHERO: I think we probably did require a permit for that, so I am pretty sure we require a demo permit for the old shed. 10 bucks or something.

PAUL BLOSER: If it is being hauled away, do you need a demo permit? It's being hauled away in one piece? It's not being demolished at one point, just moved away.

ED SHERO: Then we have a permit for two sheds.

ROBERT MULCAHY: So they have to erase the first one and bring in the new one.

PAUL BLOSER: You can't do that administratively, Ed (Shero)?

ED SHERO: That is why we made the cost so low, at \$10. It kind of takes care of it.

PAUL BLOSER: It's not a full building permit.

ED SHERO: No, no. It just cleans up the records.

MR. WILLETT: So I have to get a demolition permit?

ED SHERO: We'll do it at the same time you get the other permit for the other shed.

PAUL BLOSER: It's more an administrative fee to do the paperwork, get it off the deed and the lot maps and show it. He is right, it would show two sheds otherwise in the records and then it has to all be cleared off. So it -- for that, then it's a \$10 permit. That's basically the cost of something going into the system and to change everything.

MR. WILLETT: 10 bucks is okay.

PAUL BLOSER: It isn't quite what I thought it was, so this is better. So the demolition permit is required.

MR. WILLETT: Okay.

PAUL BLOSER: I was thinking about something else, because then you're into dumpsters and having materials checked for anything that shouldn't be in it. As long as it is going out in one piece, that is a completely different animal.

ED SHERO: That is more or less to clean up the records.

MR. WILLETT: That's fine.

PAUL BLOSER: Thank you. Thanks, Ed (Shero).

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Fred

Trott seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: Pretty straightforward. Taking one out and putting one in. Conditions of approval, I will put that the applicant does apply for a building permit and also a demolition permit for the old shed.

The -- Ed (Shero), the structure of this thing, the prefab units from this company, you're kind of familiar with those. Is there anything you need?

ED SHERO: Generally we do have some type of a description.

PAUL BLOSER: Cut sheet how they're built from the factory.

ED SHERO: The overall height isn't over 12 feet.

MR. WILLETT: I talked to him. He told me it was 11 or under.

PAUL BLOSER: When -- when you apply for the permit, if you just have a cut sheet you can provide with the exact dimensions with the peak height, um -- basically they have them in their sheets, how they're made, what they're constructed of.

MR. WILLETT: I talked to the girl at the office and I called him because I didn't know how tall it was. He said they're under 11 feet. I told her that. She said that is not a problem. So hopefully he will have something for me.

PAUL BLOSER: Just get something in writing from them, a sales slip or something that shows what the construction is, how it is made, what the peak height is, outside dimensions. When it is exactly placed, we'll need a copy of your lot map updated with where -- pretty much the approximate location is, side and back, lot lines and a point of reference off the back of the house. So pick a corner of the house, and the distance to it.

ED SHERO: You're buying it from Tuscarora Structures?

MR. WILLETT: Yes.

ED SHERO: I think we have done quite a bit of work with them in the Town. I guess it's a pretty standard cut sheet on it.

PAUL BLOSER: Just have that. And put in that the color and materials be as close as possible to the house.

ADAM CUMMINGS: It doesn't fit.

PAUL BLOSER: Doesn't fit what?

ADAM CUMMINGS: There is no way to get it on the property.

PAUL BLOSER: He just said --

MR. WILLETT: I'm taking the fence out.

ADAM CUMMINGS: That's -- I missed that statement. Sorry about that. He got a verbal access agreement.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with the following conditions, and Adam Cummings seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Building permit will need to be obtained from the Building Department prior to construction.
2. Colors and materials of structure to match that of the dwelling as close as possible.
3. All lawn and garden equipment to be stored in shed. No outside storage of any items allowed.
4. Operation of any type of business is prohibited within the detached structure.

The following finding of fact was cited:

1. The application is not significant in nature nor will it have a negative impact on neighboring properties or the environment.
3. Application of James McNulty, owner, 691 Morgan Road, Scottsville, New York 14546 for variance to low the total square footage of garage area, including a new 30 foot by 40 foot detached garage to be 1,816 sq. ft. (1,200 sq. ft. Allowed) at property located at 691 Morgan Road in AC zone.

James McNulty was present to represent the application.

PAUL BLOSER: For the record, state your name and address.
MR. MCNULTY: Jim McNulty, 691 Morgan Road, Scottsville. South Chili.
PAUL BLOSER: You have a small barn going up.
MR. MCNULTY: Yep.
PAUL BLOSER: Is this a Finger Lakes barn or something like that?
MR. MCNULTY: Santelli Lumber.
PAUL BLOSER: Okay. They do a pretty good product.
This would be a full pole barn type construction?
MR. MCNULTY: Yes.
PAUL BLOSER: Concrete floor, dirt floor?
MR. MCNULTY: Concrete. Well, eventually it will be concrete, but for the construction process, it will be gravel.
PAUL BLOSER: Right.
Concrete always goes in last on those, usually. Your construction materials are on there.
What colors are you doing this?
MR. MCNULTY: Red, with a green roof.
PAUL BLOSER: Country barn?
MR. MCNULTY: Yes.
PAUL BLOSER: Metal roof or --
MR. MCNULTY: Metal roof.
MICHAEL NYHAN: Any electric back to the --
MR. MCNULTY: There will be electric.
MICHAEL NYHAN: Driveway electric?
MR. MCNULTY: Yes.
MICHAEL NYHAN: There is an overhang on the three sides of it; is that correct?
MR. MCNULTY: No. Two sides. The -- the side on the left and the side in the back will have like a covered porch type area.
MICHAEL NYHAN: Okay. One main garage door on the front, towards the Morgan Road?
MR. MCNULTY: Uh-huh.
MICHAEL NYHAN: Any other doors or windows?
MR. MCNULTY: Man door on the side and man door on the rear. And windows, I don't know how many there will be.
Incidentally, there -- this driveway that is going to be is going to be an extension of the private driveway now for the house, so it's not going to be another --
PAUL BLOSER: It will continue out the road -- the cut will continue on from the existing?
MR. MCNULTY: Yes.
MICHAEL NYHAN: Thank you.
PAUL BLOSER: Are you going to be storing anything under the overhang or is this a sitting area?
MR. MCNULTY: Might be a picnic table and a gas grill out there.
PAUL BLOSER: Typically what we do with these, um, is we'll put a condition that it doesn't become a storage area of things. There has, in the past, been properties where they will put something up like this and just pack as much underneath there as they can for additional storage.
MR. MCNULTY: I didn't foresee that coming, but I --
PAUL BLOSER: Patio furniture and you know, general living area is what I appear to read this as being, and that is acceptable. It is just not as a -- a storage area for boats and RVs and firewood and all kinds of scrap collectors and other things. It is just --
MR. MCNULTY: Yes.
PAUL BLOSER: You know what I'm saying?
MR. MCNULTY: I got it.
PAUL BLOSER: It is going to be in the conditions that it's not a storage area.
MR. MCNULTY: Right.
PAUL BLOSER: That is what --
MR. MCNULTY: It will be a workshop, hobby shop.
MICHAEL NYHAN: You're talking about the overhang?
MR. MCNULTY: Oh, the overhang, no. It might --
PAUL BLOSER: If you want to put it inside, that is your business, as long as you're not running a business.
MR. MCNULTY: No.
PAUL BLOSER: Just around the overhang, around the outside, the open area porch portion is not to be a place to be --
MR. MCNULTY: I understand.
FRED TROTT: Normally we ask the color to match.
PAUL BLOSER: When we get into more of a rural setting, and they have acreage, a red barn is fairly typical in the country. And we let that one go because it's very consistent with what is out there. If this was being proposed in the backyard of a dense neighborhood, we would look at it completely different, but in the country, this is -- this fits more of the area. Okay? Any other questions?

ED SHERO: The only other thing that I ask is that you will need a licensed, professional drawing on this. A licensed architect or engineer stamped drawings.

MR. MCNULTY: Okay.

PAUL BLOSER: And they usually have those on staff where they can get those. This is a fairly typical size building for them, so they should be able to come up with those drawings pretty quickly. It's nothing out of the ordinary on this. That's a normal request on something this big. It's like --

MR. MCNULTY: Yeah, okay. I'm new to it. At this age.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PETER WIDENER, 4280 Union Street, North Chili, New York.

MR. WIDENER: Peter Widener, 4280 Union Street, North Chili, New York. I have not seen the site location, and my only concern is that the west side of the building is at the correct setback from that fence row.

PAUL BLOSER: Pete (Widener), did you see the drawing at all?

MR. WIDENER: No, I hadn't seen it.

PAUL BLOSER: If you would like to step forward, I can show you here. There is Morgan Road (indicating). This is the barn (indicating).

MR. WIDENER: My concern is the distance from here to there (indicating). Is it within the neighborhood of -- 50 feet you think it is?

PAUL BLOSER: We'll find out.

Mr. McNulty, I don't -- I see where this is being placed on here, the barn.

Can you tell me what the setback is? I can see something written there, but it is so small, we can't make it out. Your side setback.

MR. MCNULTY: Side setback from his property line?

PAUL BLOSER: Yes.

MR. MCNULTY: 100 feet.

PAUL BLOSER: 100 feet.

MR. MCNULTY: Yep.

PAUL BLOSER: To your edge of the barn over here (indicating)?

MR. MCNULTY: Yep.

MR. WIDENER: That meets the requirements. No problem. I support the barn then.

Thank you.

PAUL BLOSER: When you do apply for the permit, I want to make sure that that dimension is on there clear enough so they can see it in the Building Department. So that just needs to be updated accordingly.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and James Wiesner seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

MICHAEL NYHAN: What is the required setback?

PAUL BLOSER: 50 foot.

MICHAEL NYHAN: It's 50.

PAUL BLOSER: On this.

ADAM CUMMINGS: It's 50 for the sides and the rear and then 100 on the front.

PAUL BLOSER: It would be more if he had livestock in there, I think.

MICHAEL NYHAN: He has 280 total, so he is well --

PAUL BLOSER: You're not storing livestock in there, correct?

MR. MCNULTY: No way. Unless it's mice or rats, but I have a way of taking care of them.

PAUL BLOSER: I'm satisfied with that.

We'll also put a condition in that the building is not used for any type of business. That's standard because there are separate applications and permits required for that.

So other than that, standard building permit we already mentioned and because of the size of the building, they will require stamped drawings on that.

MR. MCNULTY: I will bring them when I --

PAUL BLOSER: When you -- with your permit, get it all together and make one trip in.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Michael Nyhan made a motion to approve the application with the following conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Building permit will need to be obtained from the Building Department prior to construction.
2. Storage underneath the open porch shall be prohibited.
3. Applicant shall submit design drawings stamped by a licensed professional engineer or architect.
4. Operation of any type of business is prohibited within the detached structure.

The following finding of fact was cited:

1. This application will not have any negative impact on neighboring properties or the environment. Structure is consistent in nature with neighboring properties.
4. Application of Janet LeCesse, owner, 20 Ramble Wood Drive, North Chili, New York 14514 for variance to erect a 22' by 22' addition to garage to be 45' from front lot line (60' required) and 6'8" from side lot line (10' req.) at property located at 20 Ramble Wood Drive in R-1-15 zone.

Janet LeCesse and Andrew LeCesse, Jr. were present to represent the application.

PAUL BLOSER: This is the same thing that we had. Is there any changes?

MR. LECESSE: I don't believe there is anything. Maybe just to the frontage of it. The garage front is a little different.

PAUL BLOSER: Which one are you doing? The -- the shake look or the horizontal siding?

MR. LECESSE: The look I just gave you.

PAUL BLOSER: The simpler design with the old slide over and keystone over the garage?

MR. LECESSE: That's correct.

PAUL BLOSER: It will change the front of this house dramatically.

MS. LECESSE: It will greatly improve the look of the home, yes.

PAUL BLOSER: Who do you have doing the work on this, the builder?

MR. LECESSE: We'll put it out for bid, so we're not sure. We have to get approval of everything before -- before we get to that stage.

PAUL BLOSER: Is there a -- there is a single car in there, correct, now?

MR. LECESSE: It's an undersized, single-car garage.

PAUL BLOSER: You can't get a full-sized car in any of them?

MR. LECESSE: Correct.

PAUL BLOSER: Right now I don't have any questions.

JAMES WIESNER: I guess the only question I have, so the existing garage -- and it looks like it will be folded into the house, become living space?

MR. LECESSE: No.

MS. LECESSE: We would like to turn that into a shed. Reverse the existing single garage door that is in the front and to the back, and you will see the little bump-out, and -- and the drawing, into the garage. We're going to make that a closet from the home. But that's not going to be any living space at all. Storage, shed.

JAMES WIESNER: Storage. Okay.

ED SHERO: You will get stamped drawings on this?

MR. LECESSE: Yes. That's correct.

ED SHERO: You came in to make the application.

PAUL BLOSER: Ed (Shero), can you flip on the mike? I can't hear what you're saying.

ED SHERO: Okay. It's on. I'm done.

PAUL BLOSER: That was easy. (Laughter.)

Other than permit drawings, do you have anything else you're interested in?

ED SHERO: No. Other than permit drawings, nothing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Fred Trott seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: We did one around the corner from here, not quite similar to this, but it was a pretty good sized garage that went on. The people did a couple dormers on the roof. It really changed the look and appearance to the house in a dramatic way, and really added nicely to the neighborhood. This is very consistent with that one. That was actually on the Buffalo -- Westside Drive side, I'm sorry. But it really, really improved the neighborhood. It came out

very, very nice. So it's nice to see that -- something like this happening.

Um, you have heard a couple of the other applications here, things that we require are the stamped drawings, prints for something of this magnitude. Roofing and siding to be consistent with what the house is or architecturally compatible.

You are changing some of the finishing touches on the front of it. So what we look at with that, when you do your presentation to the Building Department, the type of materials you're using and colors so that we know that you're not putting purple with orange or just --

MR. LECESSE: That would go with the application for permit? When would you need all that to know?

PAUL BLOSER: As soon as you can. I would like it with the permit, if it is possible.

MR. LECESSE: Okay.

PAUL BLOSER: So we know what your colors are. You're showing -- I'm thinking there is some stone touches around the front of the garage there?

MR. LECESSE: Yes, that's correct.

PAUL BLOSER: What type of stone you're using, just looking for some colors, you know, how it is blending in. These places all have cut sheets of what -- different type stone, cultured stone, what they are. So anything you can present would be nice. It -- just even looking at the pictures right now, it's going to look -- add a lot to that house. It will be nice. I don't have any other conditions I would like to put on it other than the permit, the stamped drawings, and then the color matches that they be maintained, and that is trim, gutter, roof, siding, windows, doors are consistent with what the rest of the house has. Okay?

So with those items, anything else the Board would like to see? Any additional comments, questions?

It is going to be tighter on the property, but that has been done. The other side of the house, you have the setbacks for clearances to get back there, so one of the things that I look at on that, also, in the event of an emergency, we can still get around, if necessary. There is still room to do that, so.

I will move forward with SEQR on this.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Adam Cummings seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following conditions, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Building permit will need to be obtained from the Building Department prior to construction.
2. Building materials selection shall be consistent with the existing main house structure and shall be submitted to the Building Department prior to construction.
3. Applicant shall submit design drawings stamped by a licensed professional engineer or architect.

The following finding of fact was cited:

1. The additions to the property in this remodel will add greatly increased aesthetic value to not only the property, but also the neighborhood. There will be no negative impact to the neighborhood or the environment.
5. Application of Lynne Cohen, owner, 27 Haverhill, Circle, Churchville, New York 14428 for variance to erect a 12' by 20' utility shed to be 240 sq. ft.) 192 sq. ft. allowed) at property located at 27 Haverhill Circle in R-1-12 zone.

Lynne Cohen was present to represent the application.

FRED TROTT: I would like to be excused from this application.

PAUL BLOSER: Okay. Another one of the prefab sheds?

MS. COHEN: Yes, sir.

PAUL BLOSER: So you do have 10 foot from the side lot line where you're putting it?

MS. COHEN: Correct.

PAUL BLOSER: Do you know what your rear -- 8'6" is what you have back there?

MS. COHEN: That's correct.

PAUL BLOSER: Do you know what color this is going to be?

MS. COHEN: Yes. It's going to match my house, a tan, taupe color.

PAUL BLOSER: Shingles the same way?

MS. COHEN: Shutters and roof matching the house.
PAUL BLOSER: Shingles? Shingles?
MS. COHEN: It's sided.
PAUL BLOSER: No. The shingles will match your house, too?
ROBERT MULCAHY: Roof shingles.
MS. COHEN: The roof?
PAUL BLOSER: Yes.
MS. COHEN: Yes.
PAUL BLOSER: Do you have any other sheds back there right now?
MS. COHEN: Um, on other properties?
PAUL BLOSER: On your property.
MS. COHEN: No, I do not.
PAUL BLOSER: Before I move forward with anything, I do see that you have a pool deck out that never had a permit on it.
MS. COHEN: Yes. That's correct.
PAUL BLOSER: It's a "yes" or "no."
ED SHERO: As of today, it has a permit.
PAUL BLOSER: You're all set now?
MS. COHEN: Yes.
PAUL BLOSER: So they can just move forward with the building permit then? You're good with that?
ED SHERO: Yes.
PAUL BLOSER: Very good. That was easy.
MICHAEL NYHAN: Any electric going to the shed?
MS. COHEN: I hope some day.
MICHAEL NYHAN: Will there be any gutters, downspouts on it? The picture doesn't show any.
MS. COHEN: No. No gutters.
ADAM CUMMINGS: Paul (Bloser), what was your question about the 8'6" inch off the back?
PAUL BLOSER: I didn't see that at first. I was looking back directly to the shed for the measurement. I looked a little to the right.
ADAM CUMMINGS: So we would be looking for a variance for that, too.
PAUL BLOSER: 8 foot is required in this neighborhood.
ADAM CUMMINGS: No. It is 10.
ED SHERO: No. It is 8.
ADAM CUMMINGS: Oh, it's 8. Wait. Am I on the wrong sheet here? I was just reading the property card.
ED SHERO: It's an accessory structure, so it will not come up.
ADAM CUMMINGS: You're right. My mistake.
ED SHERO: The only reason it is 10, the size, is because of the easement.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Adam Cummings seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion, with Fred Trott abstaining.

Robert Mulcahy made a motion to approve the application with the following conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion, with Fred Trott abstaining.

DECISION: Approved by a vote of 5 yes with 1 abstention (Fred Trott) with the following conditions:

1. Building permit will need to be obtained from the Building Department prior to construction.
2. Building materials selection shall be consistent with the existing main house structure and shall be submitted to the Building Department prior to construction.

The following finding of fact was cited:

1. The requested variance will have no negative impact on neighboring

properties or the environment.

ADAM CUMMINGS: I would like to point out that the projector did not work tonight. The information last month was it was Time Warner.

The meeting ended at 8:08 p.m.