

CHILI ZONING BOARD OF APPEALS

October 24, 2006

A meeting of the Chili Zoning Board of Appeals was held on October 24, 2006 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 Beverly Griebel.

PRESENT: George Brinkwart, Michael Martin, Dan Melville, Richard Perry, Peter Widener and Chairperson Beverly Griebel.

ALSO PRESENT: Dennis Scibetta, Building & Code Compliance Inspector; Keith O'Toole, Assistant Counsel for the Town; Jeron Rogers, Director of Planning & Engineering.

Councilman Schulmerich, Zoning Board Liaison, was also present.

Beverly Griebel declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. She explained the meeting's procedures and introduced the Board and front table. She announced the fire safety exits. The Pledge of Allegiance was cited.

BEVERLY GRIEBEL: Before we proceed, the Board will discuss the signs. Starting with Number 1, Kessler? I didn't have any problem. Anybody have any problem?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 2, Stacy Wawrzyniec. I was out Sunday, the 15th, in the afternoon, and there was no sign there. There was no sign posted other than the "for sale" sign.

GEORGE BRINKWART: I was out the 23rd and the sign was up.

BEVERLY GRIEBEL: It was up then?

PETER WIDENER: 22nd I saw it. This Sunday.

BEVERLY GRIEBEL: Anybody else?

DAN MELVILLE: I'm trying to remember what day. I might have been out that same day. I didn't notice it.

BEVERLY GRIEBEL: It wasn't up. I drove back and forth a couple of times to make sure. Do you want to table that until next month?

DAN MELVILLE: Yes.

BEVERLY GRIEBEL: Motion to table until November 28th at 7:00.

MICHAEL MARTIN: I will move to table.

MS. WAWRZYNIEC: Excuse me, do I have an opportunity to respond?

BEVERLY GRIEBEL: No. It is not open for discussion.

Second on that?

RICHARD PERRY: I will second that.

The motion to table was approved by a vote of 4 yes to 2 no (George Brinkwart, Peter Widener).

BEVERLY GRIEBEL: Number 3, Mr. Gomes?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 4, Mr. and Mrs. Kollom?

The Board indicated they would hear the application.

1. Application of David Kessler, owner; 1 Minute Man Trail, Rochester, New York 14624 for variance to erect an 11' x 22.3' addition to garage to be 3'1" from side lot line (6'9" previously approved) at property located at 1 Minute Man Trail in R-1-15 zone.

David Kessler was present to represent the application.

MR. KESSLER: Good evening. I was here in July for the variance, and Dennis (Scibetta) -- Dennis (Scibetta) called me saying the numbers didn't look right to him. So...

BEVERLY GRIEBEL: I think at the time you said you had kind of taken them off your neighbor's --

MR. KESSLER: I did.

BEVERLY GRIEBEL: -- map? Is that where you ran into the difficulty?

MR. KESSLER: Yes. At Dennis (Scibetta)'s advice, I had the line surveyed since. And that -- at the time I was going for a 12-foot addition. Now, it brought it down to 11 feet wide because of the 3 foot 1 -- he suggested 3 foot was the minimum I would need to have. So I went down a foot in the width of the garage, and I wanted to be sure I didn't have an issue down the road. That is pretty much the way it is.

BEVERLY GRIEBEL: Because I was wondering, and I looked at the old minutes and I thought maybe it was because you were kind of getting at it then.

MR. KESSLER: I didn't think I was, but I was. It was good advice from him. I didn't want an issue down the road. We'll just wait until next year to build it.

BEVERLY GRIEBEL: So the 11 foot will still give you enough of a garage size?

MR. KESSLER: Yes. My previous design showed two 9-foot garage doors. Instead I went to one 16-foot.

BEVERLY GRIEBEL: So that will work?

MR. KESSLER: That will work. In order to not have an issue in the future in the back, I was going to put the single new door in the front now and put it in the back of the garage. So rather than a man door, I will have a garage door.

BEVERLY GRIEBEL: I have seen some other places with that, too.

MR. KESSLER: It works good for taking your equipment, your tractor or whatever out the back. That 3 foot 1, I didn't want there to be an issue. If I need to take it off the back, I could bring it through there. Or the other side of the property also has a lot of area.

BEVERLY GRIEBEL: There is a letter from Eric Labar (phonetic).

MR. KESSLER: He is my neighbor next-door.

BEVERLY GRIEBEL: He said he reviewed it and reviewed the survey and proposed garage addition, "proximity 3 feet, 1 inch to my property line is acceptable to me." So he is really the only one that is going to be affected by it?

MR. KESSLER: Yes.

BEVERLY GRIEBEL: With the close proximity to his property.

MR. KESSLER: Yes. It is funny. That one corner. The other side has 23 feet.

BEVERLY GRIEBEL: It is funny how the property lines go.

MR. KESSLER: It would help me a lot.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application at this time.

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Richard Perry seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. The only logical place for a garage addition.

Note: A building permit is required prior to construction.

2. Application of Stacey Wawrzyniec, owner; 30 Bolton Trail, North Chili, New York 14514 for renewal of conditional use permit to allow an office in home for a consulting business at property located at 30 Bolton Trail in PRD zone.

DECISION: Tabled by a vote of 4 yes to 2 no (George Brinkwart, Peter Widener) until 11/28/06 at 7:00 p.m. for the following reason/finding of fact having been cited:

1. Applicant failed to post the required public hearing notice sign.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for the public hearing.

3. Application of Joe Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for variance to allow front parking (Chili Avenue) for 11 vehicles (5 vehicles previously approved in 1986) at property located at 2652 Chili Avenue in R-1-15 zone.

Joe Gomes was presented to represent the application.

DAN MELVILLE: I will excuse myself from this application. I rent space in this building, so I don't think I should participate as a Board member in this application.

BEVERLY GRIEBEL: You should probably sit down there somewhere.

MR. GOMES: Good evening. Joe Gomes. I own 2652 Chili Avenue. We need to add six -- I had more, but for now we'll have to deal with six parking spaces, six parking spaces. Our business has grown through the years, and just want to stay in Chili. I need to have more parking spaces.

BEVERLY GRIEBEL: When you have more than one business there -- you rent space?

MR. GOMES: There are three people now.

BEVERLY GRIEBEL: Now, we had approved the parking in your other frontage on Westside Drive, but I understand that has run into some drainage issues there.

MR. GOMES: Yes.

BEVERLY GRIEBEL: That precludes putting parking there?

MR. GOMES: Parking, yes. At this time, it is kind of cost prohibitive. So, yes, the issues of flooding and -- so it led us to go to the front. That is the only alternative that we have.

BEVERLY GRIEBEL: That would have solved your problems because there is a lot of space there, but it is too low.

MR. GOMES: Right.

BEVERLY GRIEBEL: So you only have the front, which is not -- not very --

MR. GOMES: Right.

RICHARD PERRY: When we were talking about the back, was that for the same number of spaces?

MR. GOMES: That was for 14 parking spaces.

RICHARD PERRY: Were you going to do away with the front parking, if you had been able to do it in the back?

MR. GOMES: Yes. That was the plan.

RICHARD PERRY: So you are not really gaining any -- same number in total?

MR. GOMES: Yes.

RICHARD PERRY: I don't have any other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BETTY SPUCK, 2650 Chili Avenue

MS. SPUCK: I live next-door.

BEVERLY GRIEBEL: What is your name?

MS. SPUCK: Betty Spuck at 2650 Chili Avenue.

BEVERLY GRIEBEL: How do you spell your last name?

MS. SPUCK: S-p-u-c-k.

BEVERLY GRIEBEL: Thank you.

You live next door?

MS. SPUCK: Yes. And I always have water in my yard when it rains, or in the spring when the snow is plowed and melting, and Mr. Gomes would have to have the parking lot plowed of snow, and I do not want it pushed towards my yard.

As a matter of fact, his parking lot now is oversized for the amount of property that he owns, and I have never had the sheriff to my house as I have since he has taken over the property. I have had them there four times; about two complaints from Mr. Gomes, two from me. He came into my yard and my property and cut down three lilac bushes that were 20 years old, and on my property line, without asking about it.

I called the sheriff once. Then he tried to have my son arrested for taking pictures of the junk in his yard, and these pictures were taken from my property. Then the other time he called -- Mr. Gomes called the sheriff because the leaves from my tree were falling on his parking lot. Now, that tree was there when he bought the house, so I don't know why it would bother him all at once. But I want no parking anywhere's near my lot line. There is no drainage, no storm sewer, and any covering up of the land with blacktop would prevent the water from drying up. There is no berm to separate it.

As a matter of fact, I had to call the zoning attorney and have my property surveyed and the fence put up because when I had tree surgeons there, doing tree work, he came over, Mr. Gomes, in my yard, and was telling them to take some trees down on my property. Now, I think that's going a little bit far. I'm very sorry that I ever agreed to let him operate from that place. Originally it was to be an office for himself, for his insurance company and real estate. Now, he has five mailboxes out there. So I think he has more than gone over it. He has several violations my zoning attorney told me. So I don't want any more. I just don't want any changes in that land. If he wants a bigger parking lot, let him buy some more land and move there.

So I'm against it. As long as I live in that house, I will not consent to it.

BEVERLY GRIEBEL: Okay. Thank you.

MS. SPUCK: That's it.

MICHAEL SPUCK, 2652 Chili Avenue

MR. SPUCK: My name is Michael Spuck, S-p-u-c-k. I live at 2652 Chili Avenue. I'm against him adding more parking spaces. He doesn't really need it. He doesn't do the business over there to have that many parking spaces. He changed the front of his house without a permit. The sign is too close to the road. You can't see down the road from cars coming out of the parking lot or Elly's (phonetic).

MS. SPUCK: He has them on the land --

MR. SPUCK: He has signs in the window that he doesn't turn off at night sometimes. He drives in between our house and his. Plus he goes out onto Westside Drive from his backyard. I'm against any further stuff he wants done over there. I'm against it.

BEVERLY GRIEBEL: Okay. Thank you.

Did this go to the Planning Board? Was this at the Planning Board at all?

KEITH O'TOOLE: The previous version of the plan was.

DENNIS SCIBETTA: Different application.

BEVERLY GRIEBEL: Okay. For parking, or for the business, or for --

KEITH O'TOOLE: The site plan, that included parking, yes, and it was not warmly received.

BEVERLY GRIEBEL: Okay.

RICHARD PERRY: That was the previous plan that went to the Planning Board?

KEITH O'TOOLE: Yes.

RICHARD PERRY: Why did this not have to go to the Planning Board?

DENNIS SCIBETTA: It wasn't in the site plan. It was a parking variation, according to the code, not a site plan variation. The other one was -- requested different parameters that were germane to the Planning Board.

BEVERLY GRIEBEL: Now, this came to our Board for the parking on the Westside frontage, Westside Drive frontage, and that was approved, but then he can't get that parking, because of the drainage problem that is there. The Town is not ready to do anything about it, I guess, so you're kind of stuck in the middle with the rest of the lot. Is that all one lot from front to back or is that two lots?

MR. GOMES: One lot. One parcel.

BEVERLY GRIEBEL: So you have half a lot you can't use there in the back?

MR. GOMES: The majority is back there.

BEVERLY GRIEBEL: So in order to do your business there --

MR. GOMES: We need to expand.

BEVERLY GRIEBEL: You need additional space.

MR. GOMES: We need additional spaces.

BEVERLY GRIEBEL: Is there a drainage problem in the front?

MR. GOMES: No. Chili Avenue, no problem there.

BEVERLY GRIEBEL: When you plow, does the runoff now run to the street?

MR. GOMES: No. No. It stays on the property. There are no issues with plowing.

BEVERLY GRIEBEL: But any runoff, is that --

MR. GOMES: No, there is no runoff. It stays on the property. It is very sandy, too, the soil there.

BEVERLY GRIEBEL: Does it run on to neighboring properties?

MR. GOMES: No. No. When they plow it, it stays right on my property.

BEVERLY GRIEBEL: So you will -- your plan is to have a couple grass areas.

MR. GOMES: Both sides.

BEVERLY GRIEBEL: On both sides. I would assume then they would push the snow to those areas. That would be -- that would allow drainage through the lawn area.

MR. GOMES: Yes.

BEVERLY GRIEBEL: Do you anticipate that being a problem onto Mrs. Spuck's property?

MR. GOMES: No, no. She -- no. There -- I think there is 4 or 5 feet in between, and she has a fence there and a -- the tree is -- speaking -- I don't want to get involved in dialogues. I don't even want to go there.

GEORGE BRINKWART: Where do you plan on putting the snow?

MR. GOMES: Right on my property.

BEVERLY GRIEBEL: In those grassy areas?

MR. GOMES: Yes. Most of it will be -- if you're facing the building, it will be to the west.

BEVERLY GRIEBEL: The larger grassy area?

MR. GOMES: Yes.

BEVERLY GRIEBEL: It is really the only way you can get some additional parking. You can't park in the street there.

MR. GOMES: No. We had a couple close calls there, too, people trying to get in and they can't, there is cars behind them.

BEVERLY GRIEBEL: People are tearing along there to --

MR. GOMES: There is a lot of traffic. Walmart opened up and there is additional traffic coming down.

BEVERLY GRIEBEL: Additional traffic all over. So that is a difficulty.

GEORGE BRINKWART: I believe the parking space size you depicted are substandard, as well.

9 ½ by 19?

MR. GOMES: Those were done by the engineer.

KEITH O'TOOLE: The engineer is wrong.

The spaces called out are too small. That's correct.

BEVERLY GRIEBEL: So they should be what size?

GEORGE BRINKWART: 9 ½ by 19 -- Dennis (Scibetta)?

DENNIS SCIBETTA: 9 ½ by 19.

BEVERLY GRIEBEL: Okay. So the length of them is all right. And then the 9 feet is a little bit under.

Do you know what page that is on the book?

DENNIS SCIBETTA: 115.83.

BEVERLY GRIEBEL: 19 in length.

DENNIS SCIBETTA: 9 ½ feet wide.

BEVERLY GRIEBEL: I don't know why the designer made them smaller. Do you think you will get that extra --

MR. GOMES: Yes. There is still additional -- not much, but, you know, to make the 11 parking spaces.

BEVERLY GRIEBEL: 6 foot grassy area on one side, and 4 foot on the other.

MR. GOMES: Right.

BEVERLY GRIEBEL: So it may have to go to 4 feet on both sides.

MR. GOMES: Yep.

BEVERLY GRIEBEL: Probably be the way to go.

MR. GOMES: Yep.

BEVERLY GRIEBEL: I guess you will have to look at it again and redraw it.

MR. GOMES: Yes. I can ask them to do that.

BEVERLY GRIEBEL: Good job, George (Brinkwart).

PETER WIDENER: I have a concern about the drainage. Have you ever considered about sub-soil dry wells or anything of that nature?

MR. GOMES: In the front, no. There is no --

PETER WIDENER: In the proposed new area.

MR. GOMES: No. In the back, that has been brought up -- but the front is fine. There is no water there, no water issues.

MICHAEL MARTIN: Looking at elevation, it drains to the back. It is higher in the front quite a bit and goes all of the way back.

BEVERLY GRIEBEL: You have one of the lowest backyards around there.

MR. GOMES: It's a pool.

BEVERLY GRIEBEL: You could have a swimming pool out there.

MR. GOMES: We have had ducks.

BEVERLY GRIEBEL: After some of these heavy rains, I see a lot of ducks around on the properties.

MICHAEL MARTIN: I don't know if that is going to fit with this plan, having to make the spaces 9 ½ by 19, without having to be revised.

BEVERLY GRIEBEL: Well, they would have to revise it, but if they go -- you see one side is 6 foot? And --

MICHAEL MARTIN: But the depth.

GEORGE BRINKWART: You're right. It is tight. And then to put the snow in a 6-foot area -- I have plowed snow before. It chews up a lot of real estate in a hurry. You might want to consider not having so -- maybe one or two less spaces and provide a little bit of area for snow storage.

BEVERLY GRIEBEL: I think what he says is he needs the parking. That is the problem. You have people who rent the space there, and then there are customers who come?

MR. GOMES: Yes. Right now we can't even allow customers to come in.

BEVERLY GRIEBEL: Because there is no place --

MR. GOMES: No place.

GEORGE BRINKWART: How many spaces do you currently have?

MR. GOMES: Five.

RICHARD PERRY: How many people, including yourself, drive vehicles there that work there?

MR. GOMES: Two, four -- five. Exactly five. Five parking spaces. So if everybody is there at the same time, there is no -- no customer can come in.

BEVERLY GRIEBEL: So you were hoping that the back was going to solve the problem?

MR. GOMES: That was the ideal thing, but the flooding is just -- right now --

BEVERLY GRIEBEL: With the wet summer it has gotten worse.

MR. GOMES: Oh, yes.

BEVERLY GRIEBEL: You would have a floating asphalt slab.

MR. GOMES: Yes.

GEORGE BRINKWART: If he did decide to do something out back, you would have to probably have some material to bring that up a little bit. I don't think that is completely out of the question.

BEVERLY GRIEBEL: But that would be a lot. And then there is a drainage problem in that area in the back.

MR. GOMES: In the back, from the apartments next-door. Everything is coming into my property. It is slanted this way (indicating). It is a pond. It is a mole. The engineer calls it a mole.

BEVERLY GRIEBEL: Because it is private property, there is nothing that the Town can do.

MR. GOMES: The Town has been working at it. They have got the County involved and --

BEVERLY GRIEBEL: But no solutions?

MR. GOMES: No solutions, no.

BEVERLY GRIEBEL: Because it is so low. There is a lot of runoff. Lexington has a lot of asphalt there, the -- the apartments.

MR. GOMES: Oh, yes.

BEVERLY GRIEBEL: I guess it is not Lexington any more.

MR. GOMES: It is Chili Gardens.

MICHAEL MARTIN: I would be more comfortable with a revised drawing.

BEVERLY GRIEBEL: Everybody hear what Mike (Martin) said?

PETER WIDENER: I agree with him.

BEVERLY GRIEBEL: Do you want to table it then until the drawing is revised so we can see what it will look like?

MICHAEL MARTIN: I would be more comfortable with that.

BEVERLY GRIEBEL: Do you think you could get it revised for the next meeting?

MR. GOMES: Yes.

BEVERLY GRIEBEL: Which would be November 28th.

GEORGE BRINKWART: What do we feel about snow storage?

BEVERLY GRIEBEL: Well, how much snow storage area does he need?

GEORGE BRINKWART: Depends how much it snows.

BEVERLY GRIEBEL: Well, I live in condos, and what we have to do if there is a lot of snow, they have to bring in a pay loader to haul it somewhere else.

KEITH O'TOOLE: May I suggest if you're going to approve the number of spaces, but you're a little concerned about the snow storage and such, ship it back to the Planning Board so they can kick it around.

BEVERLY GRIEBEL: Okay.

KEITH O'TOOLE: Then the Town Engineer there will have a chance to look at it.

BEVERLY GRIEBEL: Just leave it tabled here?

KEITH O'TOOLE: Or approve it subject to Planning Board approval.

BEVERLY GRIEBEL: Well, when people get that, they think it is written in stone and then the Planning Board has to approve it because we did.

KEITH O'TOOLE: That is fine.

Perhaps the Chair can discuss it with Jim Martin and clarify the position, so that the Planning Board doesn't have a tendency to kick it back here and we have a game of ping-pong.

MICHAEL MARTIN: I just want to see a new drawing with the proper space sizes. I think there is plenty of room for snow storage if they push it back, because everything is going that way, drainage wise.

RICHARD PERRY: As an observation, any more pavement there or anywhere else is just going to exacerbate the problems in the back of not only your property, but the Spucks'. By this, it looks like they share in that low land in the back that floods.

MR. GOMES: The topography map shows they're higher. I'm in the low area.

RICHARD PERRY: It shows a fairly substantial portion that is the same elevation.

BEVERLY GRIEBEL: The 92 feet is over both lots.

RICHARD PERRY: But again, that is just something that -- whatever he does there is going to

exacerbate the problem more because it is all going to go back to the backyard area.

GEORGE BRINKWART: That is a valid point, because I think there are some more issues here than just number of parking spaces.

BEVERLY GRIEBEL: I am reluctant to approve it pending Planning Board approval. That has gotten us into some trouble in the past. I would rather leave it open here.

PETER WIDENER: I agree with you. I think the Planning Board has to look at this, because -- I don't think a complete feasibility study has been done, what can be done with that land. I think we are just band-aiding more and more things.

BEVERLY GRIEBEL: Have the engineer look at it. We'll see if there is another solution.

RICHARD PERRY: I agree. I think that is the way we should go with it. That is why I asked the question in the first place.

BEVERLY GRIEBEL: We'll table it here.

RICHARD PERRY: I think it should go back to the Planning Board.

BEVERLY GRIEBEL: To look at all of the issues?

RICHARD PERRY: Right.

PETER WIDENER: Definitely drainage. There has to be something to work with there.

BEVERLY GRIEBEL: Snow storage, et cetera. We'll table it here.

MR. GOMES: Can I say something about this? It has gotten to the point where it is critical, okay. We don't have parking for the customers. I'm willing to cut back on number of parking spaces so we can get some relief, but we need to do something in there. Put another parking space, two. I have to put something in there.

BEVERLY GRIEBEL: You're running out --

MR. GOMES: I -- you know, I'm waiting. This has been going on for almost a year.

BEVERLY GRIEBEL: The next meeting is November 14th, but the application deadline was October 13th. So the next meeting for the Planning Board is December 12th, and November 9th is the application deadline. That is probably the soonest they could hear it if the new diagrams are ready. I don't know if it will work out for you or not.

MR. GOMES: I can't control it.

BEVERLY GRIEBEL: It's a tough one. It looks like it will drag on a little longer.

We can't really table it to a date. Table it to resolution of the issues at the Planning Board.

DECISION: Unanimously tabled by a vote of 6 yes to table until questions are resolved at the Planning Board for the following reason/finding of fact having been cited:

1. Applicant to apply to the Planning Board for site plan approval: parking, drainage, snow storage, etc.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for public hearing.

4. Application of Mr. & Mrs. Vance Collom, owner; 109 Christina Drive, North Chili, New York 14514 for variance to erect a 16' x 20' utility shed to be 320 sq. ft. (180 sq. ft. allowed), variance for shed to be 4' from side and rear lot lines (8' req.) at property located at 109 Christina Drive in R-1-15 zone.

Mr. & Mrs. Vance Kollom were present to represent the application.

MRS. KOLLOM: Good evening. We would just like to put a 16 by 20 shed on our property so we can store lawn equipment, patio furniture, snow equipment and various other things. No car.

BEVERLY GRIEBEL: Why do you need the setback variances? I don't see anything on this diagram -- there is nothing else showing in the backyard.

MRS. KOLLOM: I have a fence on the property and we were trying to tuck it in as close to the back line as possible, not to lose any other usable lawn area.

BEVERLY GRIEBEL: This doesn't show anything in there now.

MRS. KOLLOM: Anything as in? I don't understand the question.

BEVERLY GRIEBEL: Your diagram doesn't show there is anything at all in the backyard.

MRS. KOLLOM: Correct. There is a fence that is 6 inches off the lot line. This diagram was done prior to us putting up the fence.

BEVERLY GRIEBEL: Okay. There has to be a reason for the variance to be 4 feet from the side and rear lot lines.

MRS. KOLLOM: I was just requesting it. My reasoning for that is to have the most usable space left available. If it is 4 feet off, I still have 4 additional from the back and 4 additional from the side to tuck it into the corner, because I couldn't -- I would -- ultimately, I would have liked to just tuck it right on the property line. If that variance is not granted, I understand that. That is what I would ultimately like.

BEVERLY GRIEBEL: Well, generally, you know, we need a reason why you need the variance on it. We need the reason for size. Now, you explained you need to put in the lawn equipment, the snow removal stuff.

MRS. KOLLOM: Patio furniture. My husband has hobbies that are -- he has a video game hobby where he --

DAN MELVILLE: Usually when you request a variance like that for side setbacks, it is because you can't get it anywhere else, so the terrain maybe. You know, you have hills and you have to -- that is the only place you have to put it. In this case, that is not the case. You have the room there to put it. You know, 8 feet from each side setback.

MRS. KOLLOM: Okay. So does that mean I'm not allowed.

DAN MELVILLE: I don't know if the Board will go along with that.

BEVERLY GRIEBEL: There has to be a reason.

DAN MELVILLE: Like if you had a pool in the backyard and nowhere else to put it, then, you know, you --

MRS. KOLLOM: Okay. I understand that.

DAN MELVILLE: You might have a case there.

BEVERLY GRIEBEL: Whether the benefit can be achieved by other means feasible to the applicant, you can go within the code on that.

MICHAEL MARTIN: Do you have plans to put things in the backyard?

MRS. KOLLOM: Yes. We plan on putting a deck on next summer.

MICHAEL MARTIN: Off the back of the house?

MRS. KOLLOM: Yes. And we would like a swing set up next year as well for our daughters.

PETER WIDENER: You do have a lot of room there. 100-some-foot.

Is there any shrubbery on the lot lines of your property?

MRS. KOLLOM: No.

PETER WIDENER: No trees and your neighbors aren't concerned or anything?

MRS. KOLLOM: No. The neighbors have a tree that sits to the -- sits on their side of the lot. We don't have any trees. We have our fence up. That is all we have.

PETER WIDENER: I don't know. I can see some dead space in that 4 foot by 4 foot. It is pretty hard to mow around that. 8 foot would be better, I think.

MRS. KOLLOM: Okay. We can do 8 foot.

PETER WIDENER: I mean, I'm just thinking out loud. I don't think it would harm you on putting the deck on next year. Because you would have 69 feet from the house to the road -- that still gives you almost 90-some-feet to work with there or more. So I don't think you would even have a problem putting a deck on next year either.

BEVERLY GRIEBEL: Just looking at it as presented --

PETER WIDENER: Yes.

MRS. KOLLOM: I understand what you're saying.

PETER WIDENER: The square footage of your shed, to 320, as to 180 allowed, I would have no problem with that.

MRS. KOLLOM: The size of the shed is okay?

PETER WIDENER: In my mind the size of the shed is okay. The setback is kind of a little snag right now.

BEVERLY GRIEBEL: You have a two-car garage, right?

MRS. KOLLOM: Yes.

BEVERLY GRIEBEL: That fills up pretty fast. Then you have kids' play things and all kinds of stuff like that.

MRS. KOLLOM: And even though it is a two-car garage, the way the interior is built, there are steps that take up room and they put like a mud room, so it does eat into the actual two-car garage space.

BEVERLY GRIEBEL: Can't pull all of the way out?

MRS. KOLLOM: Correct.

BEVERLY GRIEBEL: Or you park carefully.

PETER WIDENER: On your frame house to the lot line, it is 8 foot 2. If your shed is 8 foot, you kind of sort of line them up instead of having them off like that (indicating), too. Do you have any trouble getting to your backyard, ingress, egress on either side of the house with the 8 foot?

MRS. KOLLOM: No.

PETER WIDENER: You could go around your shed real easy with your -- with the 8 foot. Those are just my thoughts.

GEORGE BRINKWART: I share the same thoughts. I think 4 foot is pretty close to the fence. I would rather see compliance with 8 feet. As to the size of the shed, I don't have an issue.

RICHARD PERRY: You mentioned that you have hobbies. Does this mean that the shed is going to have electricity?

MRS. KOLLOM: No.

MR. KOLLOM: Just extension cord run out there for lighting. Nothing permanent.

RICHARD PERRY: Just for yourself, not for any business?

MRS. KOLLOM: No, just storage.

DAN MELVILLE: Will you have any kind of concrete or blacktop floor on it or anything like that?

MR. KOLLOM: No. Just raised.

DAN MELVILLE: What kind of design is it, what type of shed is it?

MRS. KOLLOM: It is pretty much almost identical to the one our neighbors have up. I do have a picture what our neighbor's looks like.

DAN MELVILLE: Will it match the color of the house and all of that?

MRS. KOLLOM: Yes.

PETER WIDENER: Are you building the shed or having it prebuilt?

MR. KOLLOM: We'll do it -- we'll have a subcontractor friend help me do it. So he -- he knows the codes to stay within. He will advise us in that regard.

DENNIS SCIBETTA: There is no vehicle storage here?

MRS. KOLLOM: No.

DENNIS SCIBETTA: Lawn mowers?

MRS. KOLLOM: Just a riding mower.

BEVERLY GRIEBEL: I think one of the first things you said --

MRS. KOLLOM: First thing I said was no car.

DENNIS SCIBETTA: I'm sorry. I didn't catch it -- hear it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application at this time.

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following condition, and George Brinkwart seconded the motion. All Board members were in favor of the motion.

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

1. Two setbacks (side and rear) to conform to Town Code.

The following findings of fact were cited:

1. Setbacks to conform to Town Code.
2. Applicant explained need for additional storage space.

Note: A building permit is required before the shed is erected.

The 9/26/06 Zoning Board minutes were approved as submitted.

The meeting ended at 7:53 p.m.