

CHILI ZONING BOARD OF APPEALS

October 25, 2005

A meeting of the Chili Zoning Board of Appeals was held on October 25, 2005 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: Gerry Hendrickson, Michael Martin, Peter Widener, Jeffery Perkins, Dan Melville, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Daniel Kress, Director of Planning, Zoning & Development;
Keith O'Toole, Assistant Counsel for the Town.

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 begin, I will go to the agenda about signs. The first application, Buckingham Properties or Home Trends, that sign was not posted. I don't think anybody saw it, because I just heard today the applicant didn't pick it up. I don't think anybody saw it.

MICHAEL MARTIN: I will make a motion to table it.

GERRY HENDRICKSON: Second.

The Board voted unanimously in favor of tabling the application.

BEVERLY GRIEBEL: If anyone is here to talk about that application, nothing will be heard on it this evening. If you want to address it, you will have to come back for that meeting or else send a letter in.

1. Application of Buckingham Properties, 1 S. Washington Street, Rochester, New York 14624, property owner: COMIDA; for variance to erect a 15' x 4' and 6' x 3' double-faced freestanding sign to be 10' from front lot line (15' req.) at property located at 100 Beaver Road in L.I. & R.B. zone.

DECISION: Unanimously tabled until 11/22/05 at 7:00 p.m. for the following reason/finding of fact:

1. Applicant failed to properly 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.

BEVERLY GRIEBEL: Number 2, Jeff Scarpino, any problems?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: All right. And Number 3, John Testa?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 4, Joseph Gomes?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 5, Estate of Marjorie Wehle?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: And Number 6, George Mancuso?

GERRY HENDRICKSON: No problem.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: All okay. We'll now go back to Application Number 2.

- Application of Jeff Scarpino, owner; 2 Deb Ellen Drive, Rochester, New York 14624 for variance to erect a 10' x 25 ½' addition to house to be 28.8' from side lot line (60' req. abutting a street) at property located at 2 Deb Ellen Drive in R-1-15 zone.

BEVERLY GRIEBEL: Jeff Scarpino was present to represent the application.

If anyone wants to go to the Board to look at the diagram, please feel free.

BEVERLY GRIEBEL: You have already started work on the addition.

MR. SCARPINO: Yeah.

BEVERLY GRIEBEL: You noted on your application, the existing house is already out of compliance. It will be adding 10 feet on to it, which will still leave 28.8 feet to the road, and this is a corner lot. It was 38.8 feet before.

MR. SCARPINO: Right.

BEVERLY GRIEBEL: So I don't know if it is preexisting, or what happened, but -- anyway.

RICHARD PERRY: Who is doing the construction? Yourself?

MR. SCARPINO: Yes.

RICHARD PERRY: All of it?

MR. SCARPINO: Yes.

RICHARD PERRY: Does that include electrical?

MR. SCARPINO: Everything.

RICHARD PERRY: You're qualified as an electrician?

MR. SCARPINO: Um, I'm not licensed, but it is going to get inspected; is that correct?

RICHARD PERRY: Yes.

MR. SCARPINO: Okay.

RICHARD PERRY: No other questions.

MICHAEL MARTIN: The new construction and the addition, all of the siding will match the existing house?

MR. SCARPINO: Um, it's going to be finished -- it will be presentable, let's put it that way, for now, until -- eventually what I will do is reside the whole thing all at once.

MICHAEL MARTIN: The whole house?

MR. SCARPINO: Yes. That's the plan.

DAN MELVILLE: What do you mean by "presentable"?

MR. SCARPINO: Well, it will be finished off. I'm not sure exactly how I will finish it off now, to be honest with you. I don't know if I will use some kind of paneling on it, some kind of -- I'm not sure what I am going to do yet, as far as the outside. I have been thinking about it -- I'm not going to -- as far as the siding is concerned, it -- I -- I want to side the whole house, all at once. So what I do to it now, it's going to be finished off in a way where it will look finished. It might be wood with trim on the bottom. Something like that. Finished off to a point where, you know -- and sealed. I have part of my house is -- kind of like -- it is kind of like that now, so it is just -- kind of like a rough finish, and it is grooved.

DAN MELVILLE: Texture 111?

MR. SCARPINO: Yes, something like that. Either it will be a sealer, or I might paint it the same color, you know. But the house is white, so. It is going to look -- it will look fine. I mean it will not look bad. I won't want it to look bad, so.

PETER WIDENER: What is the purpose or the necessity of this addition?

MR. SCARPINO: Um, just to add more space to our home. That's really all it is. I want to add more to our bathroom -- well, not so much as the bathroom as our bedroom, and I just need more space in the house really. That's really all I'm doing. We have three kids now, and we only have three-bedrooms, and I want to try to possibly make another bedroom. I think it's going to be probably a -- add onto our bedroom, plus another bedroom. That's pretty much what my idea was.

JEFFERY PERKINS: Why weren't you able to go towards the -- towards your shed, in that direction? Instead of that side of the house?

MR. SCARPINO: Well, because the rooms that I want to make larger are on that end

basically. And it -- it wouldn't -- the way the house is set up, there's two bedrooms in the back, in that corner, and there is no hallway or anything like that. It would be a lot more work to do it that way. So it just seemed easier to do it the way I was doing it now.

JEFFERY PERKINS: That is at the end of your hallway right there?

MR. SCARPINO: Yes, pretty much.

BEVERLY GRIEBEL: So the inside floor plan doesn't let you --

MR. SCARPINO: That's what it comes down to, yeah. I just -- it felt more -- it is not as much construction that way. I'm not putting myself -- it is less money that I have to spend, actually, too. You know, I'm not trying to spend too much. No more than I can afford.

PETER WIDENER: Is there a basement in your home now?

MR. SCARPINO: Yes.

PETER WIDENER: Will this portion have a basement also?

MR. SCARPINO: No.

PETER WIDENER: Slab?

MR. SCARPINO: Yes. Well, it is not going to be a slab. It's going to be -- there will be posts. It will be 4 x 4 posts all of the way around, framed.

PETER WIDENER: Does that need approval by the Building Inspector?

BEVERLY GRIEBEL: I don't know. I guess Mr. Kress, he is going to need building permits, so you will go over all those things with him.

DANIEL KRESS: Apparently construction got started before anyone realized the building permit was necessary, so obviously a set of construction drawings will have to be turned into the office.

BEVERLY GRIEBEL: So you will clarify that, the outside finish, and all of those details you will work out with him?

DANIEL KRESS: Yes, but I would hasten to add if the Board has concerns like getting things to match the siding, during the building permit, please be specific about that in your decision.

DAN MELVILLE: How long is a building --

DANIEL KRESS: I'm hearing words like "eventually," and I don't want in a year and a half from now be in a position that work is done, but not done per your expectations and "eventually" could be, can be a very long time.

BEVERLY GRIEBEL: How long is a permit good for?

DANIEL KRESS: Year and a half.

BEVERLY GRIEBEL: Would that be a time frame within your expectation, sir, to reside it?

MR. SCARPINO: To reside the whole house, probably not.

BEVERLY GRIEBEL: I do want to add that even though this is on a corner lot, this addition does not give any corner vision problems with people turning the corner. It is deep enough, so there is no safety issue with that.

MR. SCARPINO: There are trees that block actually part of what is going to be added on.

BEVERLY GRIEBEL: We always want to watch that on corner lots, if it is going to impede the vision around the corner. There is no problem about that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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 Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following conditions, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Approved by a vote of 6 yes to 1 no (Peter Widener) with the following condition:

1. Exterior finish to match or blend with existing color of home.

The following finding of fact was cited:

1. Applicant described need for additional room in a small home for a large

family.

Note: A building permit is required prior to construction.

3. Application of John Testa, owner; 75 Chestnut Drive, Rochester, New York 14624 for renewal of conditional use permit to allow the sale of seasonal produce at property located at 3498 Chili Avenue in R-1-20 zone.

John Testa was present to represent the application.

MR. JOHN TESTA: I'm here to renew my conditional use permit to sell in-season produce at my barn on Chili Avenue.

BEVERLY GRIEBEL: Okay. This was originally granted a year ago, and I was absent that evening. I will read the conditions at that time. It was approved for a period of one year. This was on -- dated November 1st. At the meeting of October 26th of '04.

Approved for one year. Four additional family members may be employed. They open from March 1st to November 1st. Can only stay home from dawn to dusk. Stand to be moved to minimum 40 feet from the road right-of-way. Only seasonal produce may be sold. Entrance and exit signs to be properly posted to code.

How is it working out over there?

MR. JOHN TESTA: Very well. The response from the people in Chili has been great. It has -- it is a great asset to the Town. People in Chili have been very supportive.

BEVERLY GRIEBEL: I know one thing that is difficult -- I was stopped a week ago looking. I was stopped right in front of the sign between the two driveways, the big horseshoe driveway. As I was sitting there, I saw somebody go in the exit. Do you have that problem?

MR. JOHN TESTA: We have made the signs larger. The Town said I could make the signs larger so they don't do that. Most are repeat customers. So when they come in, we tell them not to park alongside the road and always use the entrance and exit.

I spoke to Mr. Kress several times about the signage issue. We have been trying to address and make it better.

We have paved both entry ways so there is no stone going out to Chili Avenue so it is nice and clean. Anybody that parks along the road, address it. Most of the people are the same customers that come all of the time.

BEVERLY GRIEBEL: They know where to go in and out?

MR. JOHN TESTA: Right. My dad is always there. He addresses that with them if there is an issue of parking. We never park along the side of the road. It has gotten a lot better. Think by making the signs a little bigger, they can see it.

BEVERLY GRIEBEL: Sometimes that doesn't help. We wish it would, all of the time, but I guess that is a problem, because they're there, and I saw this car go right in -- they -- there weren't any other cars in there at the time. He didn't interfere with traffic --

MR. JOHN TESTA: It is wide enough to have three cars, side by side, so if they do come in the wrong way, there is always enough room for cars parked there, if they are coming in the wrong way.

BEVERLY GRIEBEL: It is not like it is far away. I guess if you nicely asked them --

MR. JOHN TESTA: Most of the people are pretty -- yeah.

BEVERLY GRIEBEL: Okay.

GERRY HENDRICKSON: I have no questions. I think it is -- it looks great there. It is very attractive when you go by there, and it looks like there is plenty of room to work with. And the stand is back off the road far enough, so it is visible from all -- the customers can get to it. I think it is -- to me, I think everything is great.

PETER WIDENER: No questions. He seems to have met the conditions of our application from last year.

MR. JOHN TESTA: I did also pave the area, so if there is a handicapped wheelchair or someone that needs assistance, if they step on to the pavement where the cart is -- it has been paved there, so it makes it a lot easier for people.

PETER WIDENER: Are you having any problem with the March to November deadline?

MR. JOHN TESTA: No. I think that's good weather conditions.

PETER WIDENER: Dawn to dusk okay, too?

MR. JOHN TESTA: That's fine.

MICHAEL MARTIN: Have you had any problems with any of the neighbors in the area?

MR. JOHN TESTA: We have had a couple. I have tried to address those problems. I'm very open with them. You know, if there is a problem, we make sure it is taken care of. We are right immediate -- especially with the parking. If there is a problem, it is addressed immediately. And my father is there. I'm there. My two daughters are there. It is our family, so they know what the expectations are to try to control the issues.

RICHARD PERRY: Dan (Kress), any formal complaints?

DANIEL KRESS: We have received several complaints regarding parking, regarding signs, and regarding an auction that was held several weeks back, but I have been in touch with Mr. Testa about these various things, and I think we have made some progress. I think the letter that was faxed to the office yesterday that you have got a copy of -- in front of you --

BEVERLY GRIEBEL: I will read that into the minutes.

DANIEL KRESS: That pretty much summarizes the gist of the various issues that have come up.

BEVERLY GRIEBEL: I can read that letter in. This was dated October 24. It's from Dave Casilio of Autumn Wood. He wasn't going to be here tonight. He is out of town.

“Please have the Board read this letter which is written in opposition to the appeal at 3498 Chili Avenue for a conditional use permit to allow the sale of seasonal produce at this R-1-20 zone site. I will be out of town and cannot attend the meeting.

I would like to request that this appeal be denied. I do not see this as a hardship to the user since this residential property is being commercially exploited. The barn could easily be torn down and residences built.

There have been cosmetic improvements to the property since last year. Exit and entrance signs have been added. The large stand has been moved back from the road. The driveway has had some pavement and repair, but still the whole thing needs to be paved.

Here are some of the problems that have occurred over the past year: A number of freestanding signs with no permits were placed on the property. I called the Town to have them removed. They were removed, then they were replaced with different freestanding signs. I had to call the Town again, as they do not want to seem to want to monitor the situation. If a conditional permit is issued, I would like to see it pulled immediately if there are any more non-permitted freestanding signs.

Auction: A public auction was held at the site with no facilities for parking. The owner put cones in front of his property to prevent people from parking on his grass. Neighbors were not warned of the impending onslaught of cars. Reckless people even drove up on top of our berm. Auctions should not be permitted here, or if they are, at least 50 to 100 parking spaces need to be allotted for buyers.

I have the following objections regarding safety, finance and cosmetics to the present use of selling seasonal produce:

The business site is literally in my backyard's view. I have a pool in the backyard. I do not want a bunch of strangers looking in on our pool side activities every day during the summer.

Presently, the business runs 24 hours a day, 7 days a week. Product is always out and transactions can be made at any time.

The site is zoned Residential. The sites immediately next to it have been sold as residential building sites within the past five years. The site can easily be sold so the property can be used for its intents and purposes. The site is not supposed to be a profit center but for residential use. Any mention that the site is an economic hardship should be discounted because in R-1-20 zone it is designed for residential use.

I think the product needs to be stored and sold inside the barn, if it is going to be allowed at all.

Appearance of the site needs work. The barn has not been painted in over 20 years. Roof shingles fly off and land in my yard. Homes in this area run from \$130,000 to over \$230,000. If a business were to be here, it needs to blend into the neighborhood.

A commercial district is only a mile down the road with plenty of vacant lots and buildings. This is where this business belongs. There is parking, garbage storage and pickup, sign regulations and regulated business hours there. Why should this business be in a non-commercial area and not have to pay taxes or heed the restrictions that these other businesses do?

The produce is not grown at the present site, so there is no need to be in the middle of a residential district. The produce should be sold where it is grown or else in a commercial district.

Another problem is traffic. Chili Avenue is a very busy highway, and for some strange reason many accidents occur on this straight stretch of road. I think a traffic analysis needs to be done to determine if it is safe for this business to operate here. This section of Chili Avenue is a

main thoroughfare that acts as a short-cut for western commuters to go from Route 490 to head to RIT and Marketplace Mall.

I also have a concern about the business growing. Presently its fruits and vegetables. Now it seems to be moving into flowers. I'm sure milk is next, and soon it will be a regular 711 convenience store. I think it should be stopped now before it grows any further.

I would think that if political signs were to be posted on the property, they would be in a row rather than the haphazard way they are now.

The Town is losing taxable income by allowing this business to operate in a residential zone, and not a commercial zone where it belongs.

I am sure many of my neighbors appreciate the convenience of having a fresh produce stand so close to their homes. But it is not in their backyard, and there is no reason other than that it's a lot cheaper, as to why it cannot be moved a mile down the road to a commercial district where this business belongs. This business does not use the barn except as a back-drop.

Please do not renew permit unless it has tighter controls. I would prefer that it is not renewed at all. Respectfully."

C-a-s-i-l-i-o.

Any comments on that? Are you selling all night long?

MR. JOHN TESTA: No. Everything is brought in. My neighbor is here. My dad brings the majority in before he goes home and my neighbor brings the rest of it into the barn at night.

This problem with the gentleman that lives across the barn, he was bidding against me when Wilcox had the auction. It was me and him. He wanted the barn so bad, that -- it has been terrible. I outbid him. I got the barn, and that's when the problem started. Before I even started the stand. I mean this is years ago.

I went -- he came to my auction. He was very nice. I already knew him. Introduced himself, shook my hand. I said I will make sure all of the cars stay off your land. He was bidding there. I had extra stuff there, my equipment. He stood right next to me, bidding on merchandise. And I addressed the cars sitting on his property, and Mr. Wilcox got on the speaker phone and said, "Will you please move off?" I said that "I'm sorry they parked there. We'll remove this."

He was very nice to me.

He said, "When are you going to paint the barn?"

I didn't realize he wanted the barn painted. "It is an eyesore. My wife is sick of looking at your barn."

"I will get some color chips from Sherwin Williams and see what color you want it painted."

Since then -- I think it looks good. I have applied for a grant from the Federal government to restore the barn. I'm getting grant money and doing a full restoration on it with the grant money I get. I don't think we should tear it down. It is a beautiful barn.

I mean why would anyone want to tear -- it is a gorgeous piece of property. I have the pond behind me. I will build a house next door. I don't think it is an eyesore. I really don't. I think we have done a great job over there. I mean, he -- he was at my auction, buying stuff. I can't believe that he would write something like that.

BEVERLY GRIEBEL: Odd. So you don't run 24 hours a day, 7 days a week?

MR. JOHN TESTA: I guess people do drive in there, but I don't run it, no, I don't.

BEVERLY GRIEBEL: Now, he asks why it is not done out of the barn? What is in the barn?

MR. JOHN TESTA: Nothing. I mean we could do that. It would be easier for us to keep the stuff out of the weather. That would be a lot easier than to have to bring the stuff in and out.

BEVERLY GRIEBEL: What do you use the barn for now?

MR. JOHN TESTA: I have old antique cars and boats, and stuff like that. After I had the auction, there is not much left in there. I auctioned off all of the stuff that was in there.

BEVERLY GRIEBEL: Got rid of a lot?

MR. JOHN TESTA: Yes.

BEVERLY GRIEBEL: Now, Dan (Melville), did you have questions?

DAN MELVILLE: No.

MR. JOHN TESTA: Any of the signage issues -- I wasn't aware we weren't supposed to put signs out there. To Dan Kress. We took the signs down, put smaller signs. We didn't realize we couldn't do that. Any time there has been a problem, we have addressed it immediately. My dad is there every day, so when the code enforcement people come, it is taken care of immediately. So -- we -- Dan (Kress) stopped the other day, reviewed everything, made sure everything was the way it was supposed to be. We don't even use the sign. People know we are there. We don't need a

sign to advertise anything.

MICHAEL MARTIN: The cart, too. They think produce.

MR. JOHN TESTA: Most. Customers are repeat customers from around the area.

BEVERLY GRIEBEL: I don't know what he means by "political signs."

MR. JOHN TESTA: Tracy has a sign out there --

BEVERLY GRIEBEL: They're not regulated very much.

MR. JOHN TESTA: I didn't put them there. I mean, whatever he is talking about, they put their own signs there. They asked if they could do it. They came and put them there. If they need to be taken down, that --

BEVERLY GRIEBEL: No. Just minimal regulation on that. I guess that is it way to put it.

MR. JOHN TESTA: There are four signs there that they put up. We didn't put those signs up.

BEVERLY GRIEBEL: They're in a certain -- a certain number of days they're allowed before the election and they come down after the election, so that is kind of moot in there.

MR. JOHN TESTA: The only signs I have up there are enter and exit. They're allowed by what you told me I could use.

BEVERLY GRIEBEL: They were needed to direct people.

MR. JOHN TESTA: As far as the fruit, the corn, sweet corn sale signs and that, we threw them out. We don't use them any more, so.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Many of the points made, Madam Chairwoman, in that letter are pertinent and true.

I have the minutes from when Mr. Testa was present before on October the 26th, 2004, and at that time, he was talking, he was going to restore this barn. In fact, he was doing it. He said, "We are doing a full restoration of that property. I put \$100,000 into that property."

And somewhere in these minutes -- I can't put my finger right on it, but he was going to replace the proof. Replace the roof. That was a year ago.

BEVERLY GRIEBEL: Of course that doesn't come under what we can regulate here.

MS. BORGUS: Right. I'm just saying that man made statements last year that he hasn't really adhered to.

If you read the minutes from the last time, and I'm sure -- I hope at least that every member of this Board did -- hopefully -- it talks about selling produce off of a hay wagon that he bought from another farmer. That whole lot now is covered. There are extra tables, there are crates he is working off of. He has flowers hanging off the roof. He has bales of hay that he has got pumpkins on. It is -- it is solid produce. That was not the intent -- you read the minutes when he was present before, that was not the intent for this piece of property. I can understand that neighbor's unhappiness with the present situation.

From the same minutes, page 201 of the ZBA minutes from October 26th, 2004, he is specifically asked by Mr. Melville, "You will not sell any firewood or anything like that? Mr. Testa: No."

Well, I can attest to the fact that he did sell firewood out of there last winter, because I saw it coming in and going out. So he broke that -- that rule right there.

It seems as though he has had signs up there for corn and strawberries and Heaven only knows what he and seems to put them up, and then they just use them until the Code Enforcement Officer comes up there and gets on his case, and then he takes them down and then he starts off with some more. He has had signs up, illegal signs up there for a good share of the summer.

Cars still park in the road. It wasn't more than three weeks ago, I was coming up the road and some car was parked there along the road, and just as I got there, he flings the door open. It's a wonder I didn't hit him and the door, and the car. I mean, you have no warning when people are just going to fling a door open and they're parked on the side of the road.

He stated in last year's conversation with this Board that his daughters who were 16 were going to be working there. We go by -- I go by there at least -- once -- at least once a day, sometimes twice. I can honestly say I have never seen daughters there may be more than once or twice. There's an older gentleman there, but that's all.

Obviously the produce he is selling has not been grown on his father-in-law's farm as he was talking about last -- when he was present last. If you go by in the morning, they're putting produce out and they're taking it out of cardboard, corrugated boxes. It certainly looks like

produce from the public market to me. I cannot believe that any one farm is going to be able to grow everything from flowers to eggplant, to strawberries, to peaches, to apples, to squash, potatoes, onions. I would like to see the farm that does that. Obviously this produce is being bought and resold there. We do have a law about that in Chili.

When he was present before, Mr. Hendrickson brought up the fact that he would like to see the stand moved back, so it wasn't such a problem. Well, the stand -- it's -- it's not any further back than it has ever been.

GERRY HENDRICKSON: It sure is.

MS. BORGUS: It is not back far enough. The agreement was at the time he was in here, he would move it closer to the barn. He is still -- he is only about -- he is still way out toward the road.

BEVERLY GRIEBEL: Stand to be moved a minimum 40 feet from the road right-of-way.

MS. BORGUS: That was an arbitrary figure. Nobody knew how many feet it was the night the Board made the decision. It was an arbitrary number they came up with without a tape measure, without talking about it, without being there. That was an arbitrary number just drawn out of the air. Something had to be done, and it certainly is not a satisfactory number.

As far as the auction goes, the gentleman also has a proper complaint there. That was terrible that day. That was awful. And he doesn't know why -- why in the world we have to have auctions like that in the middle of a residential area where there is no provision for parking or anything. It was a zoo there that day.

There has been a Chili Avenue Corridor Study done which has listed a number of problems, including heavy traffic, which once the Ballantyne Bridge is completed and Beaver Road and Archer Road are a conduit for more and more traffic, the traffic is going to get worse. It will not get better. We have a lack of signals in that corridor. The roads aren't wide enough for the traffic now. Just this morning there was a very, very bad accident an eighth of a mile from his stand. Very bad.

I just don't think it is the place for a stand. It is the -- the gentleman who wrote the letter is totally right. It -- it's just not the place for a stand at all, and it certainly isn't a place for a -- for anything that has grown off of a farm wagon and onto that much property just in a matter of a year.

It doesn't -- it is neat. I will give him that. It is always well kept. It is neat. The grass is cut. I don't know how he cuts it around all those pumpkins, but it is neat. I do think that the pavement he talks about is minimal. I think that is just one small area by the wagon. That is not the driveway.

BEVERLY GRIEBEL: He said he did the driveway ends near the road to prevent gravel from going out in the road. Then he did a small area near the wagon.

MS. BORGUS: You know, I think the barn is a very convenient place for him to store his landscaping and lawn cutting equipment because I see that go in and out, as well.

I just think you have a problem here. You gave him a year. You gave him a trial, and there -- it is not working. Because all the Building Department does is waste their time with the Code Enforcement Officer to go up there over and over and over to try to get him to conform to with some simple rules you laid down. The year was a trial. I think it is a failure. I would suggest hardly that you disapprove this application. Thank you.

RICHARD PERRY: Dorothy (Borgus), are you suggesting that the bad accident was in any way contributable to --

MS. BORGUS: No, I'm not. But I'm saying -- but there have been extensive Chili Avenue corridor studies there that say we already have bad traffic. It's going to get worse. That is no place for people to be parking along the side of the road and flipping a door there. I don't believe this man can control what his customers do. He has no right to tell his customers not to park there. Who is going to handle this? They do park in the road.

RICHARD PERRY: I have seen accidents happen in Wegmans parking lot. Should we hold them to that same standard?

MS. BORGUS: Wegmans is in a commercial space where they belong.

RICHARD PERRY: Nonetheless, the traffic is --

MS. BORGUS: I think we are mixing apples and oranges there. I'm talking about one residential spot in the middle of a huge residential area where there are very expensive homes and this doesn't belong there.

BEVERLY GRIEBEL: Wood. Was wood being sold there in the wintertime?

MR. JOHN TESTA: No. That was addressed at our last meeting and there was no wood ever sold there.

As far as my daughters working there and other people that work there. My daughters work

during the summer. My dad is there every day. He is here right now. I have pictures of the stand, with the pavement. I have pictures of the neighbors across the street. I have pictures of his view onto the barn. I mean it is just -- if I can show you these, this is from the barn looking out onto the gentleman's property. He has a berm here.

BEVERLY GRIEBEL: He has a berm with a lot of trees.

MR. JOHN TESTA: You can't see the pool or hear them there. This is from his side (indicating). Here are the political signs that are there (indicating). This is the stand, where it is from the barn (indicating).

Mr. Kress came over. We measured it. It is in the right spot. I have addressed all of the issues that were in the last meeting. I mean the facility -- it is a beautiful place. I mean as far as painting it, I don't think it needs to be painted. I think the natural finish on the barn --

BEVERLY GRIEBEL: If you're waiting for a grant to restore it --

MR. JOHN TESTA: You can see I have patched the roof right here on this with rolled roofing where the shingles blew off. It has been repaired. This is two weeks ago. So that has been addressed.

It is \$20,000 to do that roof. I mean, so -- I mean, I have repaired it so it doesn't leak. I think the place looks great. The stand where the pavement is around it is for people to shop.

PETER WIDENER: Madam Chairwoman, the condition of four additional family members did not hold any gender.

BEVERLY GRIEBEL: Well, I don't think that is material, because family can work, if that is a home business.

MR. JOHN TESTA: As far as the older gentleman, my father is there every day. He is the only one that works there besides myself, my daughter and the wife. I mean the customers love him. He is 75 years old. They enjoy it. I mean they -- some people stop every day just to talk to him. I mean it is a great -- it is a great asset for the Town of Chili.

BEVERLY GRIEBEL: I don't have a big problem with the family members. I have a question for the side table, Mr. Kress, Mr. O'Toole. This is a residential lot. It's in an R-1-20 zone.

DANIEL KRESS: That was correct.

BEVERLY GRIEBEL: Now, produce that is not grown on premises, what are the regulations on that?

DANIEL KRESS: There are no regulations on that. The regulation in question here is Section 115-12, Subsection ©) 9 which permits quote, "Sale of agricultural products subject to the limitations they're sold only during their local individual harvest season."

So I suppose if they were selling pumpkins in March, we might have an issue. I haven't yet seen that sort of thing.

BEVERLY GRIEBEL: Okay. Thank you.

MICHAEL MARTIN: Would you characterize like the pumpkins as a seasonal display, common with neighborhoods that put up outdoor --

MR. JOHN TESTA: All that is produce. Every item there. The hay, the straw, the pumpkins, the corn stalks, anything there is seasonal produce. It can be eaten. And it is only there during the season.

MICHAEL MARTIN: Nothing dissimilar to what people have during the neighborhood with lights and Santa Claus.

MR. JOHN TESTA: The place is beautiful. Who is going to decorate their place like that? I spent a lot of time and effort and money to make it look nice.

BEVERLY GRIEBEL: Mr. Kress, do you want these pictures for your file?

DANIEL KRESS: Sure.

BEVERLY GRIEBEL: Is that okay?

MR. JOHN TESTA: Yes, that is fine.

BEVERLY GRIEBEL: You only have one more week and then you're closed.

MR. JOHN TESTA: Right.

BEVERLY GRIEBEL: So when did you sell the wood?

MR. JOHN TESTA: It was last -- I was -- I was operating without a conditional use permit last year. Section ©)9 states that you can sell in-season produce at my facility without a permit. The Town came to me and asked me to fill out a conditional use permit to operate there, because of the liability issue, with traffic control and that.

Which I said fine. I filled the application out, came to your hearing and you granted me the permit.

Before that -- before I received a permit -- I was only open a week after I received my

permit. I don't know what Mrs. Borgus was -- if I was selling wood for one week, that would be the time frame, from the 26th to the end of the month, November 1st.

BEVERLY GRIEBEL: So you sold the wood, not this winter, but the prior --

MR. JOHN TESTA: Prior to the application. That is -- so I cut down -- I burn wood at my home. I had wood there. We split it all up. I put it in my dump truck and brought it home. Just like this year, I have split wood.

Any wood there, I split it and bring it home with me.

As you can see in the photographs that were taken two weeks ago, there are no wood piles, there are no logs.

BEVERLY GRIEBEL: Did you sell any this past winter?

MR. JOHN TESTA: No, no. We closed November 1st. So I mean it was only a four-day or five-day period there that we were open anyway. I did not sell any wood there.

MS. BORGUS: I don't know where that wood came from. He was splitting it there and going out on a truck. It was being split there last winter. There was a lot of snow on the ground. It was --

BEVERLY GRIEBEL: But I don't know it was for sale. He may have been --

MR. JOHN TESTA: It was my wood. I have a wood burning -- the neighbors next door, we are going to split it up in the next few weeks and burn it.

BEVERLY GRIEBEL: You're just using that vacant area to chop it up.

MR. JOHN TESTA: Right. My log splitter is in the barn. We pull it out, split it and put it in the truck and bring it home.

BEVERLY GRIEBEL: But you're not selling it?

MR. JOHN TESTA: No.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: As the produce, he is selling -- if he is selling produce and -- since it is on the agricultural section in the Town, that is one thing. What I have an objection on is that auction. That went over three-quarters of a day. Both sides of Chili Avenue.

BEVERLY GRIEBEL: Well, that's done. And I think that that was addressed.

MR. GINOVSKY: No, it has not. Not as far as I'm concerned, Madam Chairwoman. The traffic was up and down Chili Avenue, quite a ways --

BEVERLY GRIEBEL: This Board -- excuse me. This Board does not regulate auctions.

PETER WIDENER: Or permits for auctions.

MR. GINOVSKY: Conditional use -- is that part of your conditional use you're approving?

BEVERLY GRIEBEL: No, that is not part of what is approved on here, and I would guess that this gentleman will not have another auction on the --

DAN MELVILLE: That is a separate issue. It has nothing to do with this application.

MR. GINOVSKY: On the application with traffic on Chili Avenue?

DAN MELVILLE: No, nothing to do with -- a private owner could have an auction just like they have garage sales and everything else that people park on streets.

MR. GINOVSKY: Parking on Chili Avenue, as a corridor, over a half mile both ways, and there was not only this morning an accident on Chili Avenue, but last evening about 5:30, over at -- by that new church.

DAN MELVILLE: How many garage sales are on Chili Avenue where people park on the streets? Can you answer that question?

MR. GINOVSKY: With 30 cars on each side, that is what I am saying.

BEVERLY GRIEBEL: Right. This Board does not regulate auctions. There is no way we can regulate auctions. We can't regulate the amount of parking that is over there. We are hopeful with the conditions that were placed on this gentleman that we can regulate the in and out, and hopefully that people on site can -- can regulate the parking, and if people park in the road, they would only be doing it once, I would hope.

If they're not doing that, then I don't know what to say. I don't know if it becomes a Building Department issue that they would have to regulate? Or -- or what else they can do.

MR. GINOVSKY: Madam Chairwoman, Building Department is not open on Saturday. Who do you call? You call the Sheriff's Department. Zip happens. They will not address it. As a condition, what I am asking is, possibly to make that as a condition, you do not park on Chili Avenue because of the traffic, especially on both sides, as consideration. That's all I'm asking. I'm not trying to say shut the guy down. But as a condition there, out of common safety for the community.

BEVERLY GRIEBEL: But if we put that condition on, that is not enforceable because the

Building Department doesn't go out and enforce the no parking. The Sheriff's Department won't enforce it. We'll not enforce it as Board members.

MR. GINOVSKY: Then if it is an R-1 area, then maybe you have to shut them down.

BEVERLY GRIEBEL: People have garage sales. People have prayer meetings, they have a birthday party or Bills football parties with cars up and down the street. There is no -- in my opinion there is no way to regulate that.

MR. GINOVSKY: Then also on the property, as the auction point of selling other wears not of your own and having that many. It -- it is --

BEVERLY GRIEBEL: It is seasonal produce. It doesn't have to be grown on site. That was just --

MR. GINOVSKY: I'm saying on the parking point. On the parking on the road, and as a conditional for this as an R-1 area. We should have something nailed down a little bit tighter.

BEVERLY GRIEBEL: Your comments are noted.

MICHAEL MARTIN: Mr. Testa, you stated that the auction was the contents of the barn that you purchased?

MR. JOHN TESTA: Yes.

MICHAEL MARTIN: One time auction.

MR. JOHN TESTA: Yes. There have been several auctions. I bought the barn at auction. The land. Mrs. Kaiser this spring sold her home at auction.

BEVERLY GRIEBEL: Is that -- Mrs. Kaiser, is that next door?

MR. JOHN TESTA: Farm house two up. There have been several auctions. No one has complained about their auctions, which draw 1,000 people, too. There was another auction on Chestnut Ridge that I went to last month.

MICHAEL MARTIN: There were cars the entire length of Chestnut.

MR. JOHN TESTA: I don't think I'm doing anything wrong. By law you can have an auction on your property. It states that without getting a permit or doing an application. I'm not going to have another auction there.

BEVERLY GRIEBEL: You don't have enough stuff left.

MR. JOHN TESTA: Right.

BEVERLY GRIEBEL: It would be pretty small.

MR. JOHN TESTA: I'm not the only one that has had auction. Within a half mile there are three separate auctions.

RICHARD PERRY: I never saw an auction that didn't create a traffic problem.

TONY TESTA, 83 Bentwood Lane

MR. TONY TESTA: In reference of the cars parking on the road, in the last two and a half months, three months, I am there every day. There have been about three cars. As soon as I go out there, I go out there and have them come in.

As far as that barn, I have had people from RIT come over. They love it. They take pictures.

MR. JOHN TESTA: The RIT students come weekly and have done photographs. They did a scene on the pond, the back of the barn. Girls in Victorian dresses. The photographic team comes. I have several photographs of the barn that the RIT -- as part of their class come over and do. I have several photographs of my dad at the stand. I can bring them to you. RIT is using it as a backdrop for their photographs because it is so beautiful.

I can't see tearing the barn down or it being an eyesore. It is a historic landmark. There are not that many barns in the Chili that look that good. If you can show me a barn in Chili that looks that good.

BEVERLY GRIEBEL: Still has all four walls.

MR. TONY TESTA: Two weeks ago I had a bus pull in there with handicapped people that got out. They wanted to take pictures. They were thrilled. They spent a half hour there taking pictures. It was great to see those people with a smile on their face.

I have people coming in there, elderly people that can't get out of the car, that they tell me what they want, and I serve them. They love it. Now, how anyone in this room could say that they want to stop something like that, the people in Chili, Churchville, Riga, all over, they love that place. I just can't understand it.

BEVERLY GRIEBEL: You must have been making sales or you would have closed it.

MR. JOHN TESTA: It is a great summer job for my daughters, too. They go with their grandfather and buddy up. We all grew up in Chili and we'll stay in Chili.

I will build a home next door in the spring, so I'm going to be right there. I can control

everything. My dad is there every day.

BEVERLY GRIEBEL: So you own the property next to it?

MR. JOHN TESTA: Either side of it.

BEVERLY GRIEBEL: Both sides.

MR. JOHN TESTA: Yes.

BEVERLY GRIEBEL: Okay.

MR. TONY TESTA: Thank you.

PETER WIDENER: Mr. Testa, maybe they should consider putting that barn in the Preservation District.

MR. JOHN TESTA: I have applied for the federal grants.

PETER WIDENER: I mean the Town Preservation District.

BEVERLY GRIEBEL: You can talk to Peter. He is on the Historic Preservation Board.

PETER WIDENER: It is a love.

TODD PRITCHARD, 3490 CHILI AVENUE

MR. PRITCHARD: Todd Pritchard, 3490 Chili Avenue, next to the barn. I do put Mr. Testa's wares away every night. Just generally before it gets dark. Once in a while if I get home, I do it by truck light. It goes home every night by dusk, 99 percent of the time. I can't be home every day.

And as far as Mr. Casilio's view, I lived there ten years. I can't see his house. He can't see ours. We can't see them in the pool. You can hear them in the pool, the music. He does entertain. I have done work for Mr. Casilio. I know him personally. They always thought that was an eyesore. That is why they planted the big trees, to block that view. Personally, you know my personal opinion, I guess it doesn't really matter, but it sounds to me like sour grapes. I know both these guys pretty well. Thank you.

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

MR. JOHN TESTA: As far as the renewal, I have conditional use permits on other properties and I would like to renew it for a five-year term.

BEVERLY GRIEBEL: The Board will discuss that.

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 Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Approved for a period of three years.
2. Four additional family members may be employed.
3. May open from March 1st to November 1st.
4. Can only stay open from dawn to dusk.
5. Stand to be moved to a minimum of 40' from road right of way.
6. Only seasonal produce may be sold.
7. Entrance and exit signs to be properly posted to code.

The following finding of fact was cited:

1. Provides employment for family members.
4. Application of Joseph Gomes, owner; 2652 Chili Avenue, Rochester, New York 14624 for

variance to erect two 4'8" x 7' double-faced freestanding signs to be 5' from front lot line (one sign on Chili Avenue, one sign on Westside Drive) where 15' is required (one 4' x 2 ½' sign previously approved on 8/26/86) at property located at 2652 Chili Avenue in R-1-15 zone.

Joseph Gomes and Dan Melville were present to represent the application.

DAN MELVILLE: Madam Chair, I will not be participating in any discussion or voting on this application as far as a Board member goes, but I will be available if there are any questions because I'm involved in this application.

BEVERLY GRIEBEL: You have an office there?

DAN MELVILLE: Yes.

MR. GOMES: Good evening.

BEVERLY GRIEBEL: Now, you made the application because you put up the sign before you knew that you were supposed to ask us.

MR. GOMES: Right. It has been such a long time. It was back in '86.

BEVERLY GRIEBEL: It was a few years.

MR. GOMES: Long time. So I went to replace the post. They were rotted. We just replaced them with the size that came from Home Depot. So that is why -- it was needed. We had planned to do it, because we had additional tenants that came into the office building, and there wasn't enough space there. Then winter, you -- snow covers the signs. People go up and down Chili Avenue, looking for the particular business, they can't find it. So that was another reason.

BEVERLY GRIEBEL: Kind of difficult, right after the major intersection there with traffic lights and traffic every which way.

MR. GOMES: Yes.

BEVERLY GRIEBEL: It is difficult to see it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MICHAEL SPUCK, 2650 Chili Avenue

MR. SPUCK: Michael, Spuck, S-p-u-c-k. I'm against him adding signs to the backyard and plus the one in the front is not within the code that he has up in the front.

BEVERLY GRIEBEL: Well, he put it up before he got the approval.

MR. SPUCK: It should never have been put up until you had a meeting on it.

BEVERLY GRIEBEL: I hear you, but that happens a lot in Chili, with a lot of things. The gentleman started building the addition to his house before he had at approval, so things happen.

MR. SPUCK: I'm against the signs going up in the backyard. There are too many signs in that area. That's all I have to say.

JEFF HOLMES, 2651 Chili Avenue

MR. HOLMES: I'm also against the signs. There are too many signs there. He does have a fluorescent sign. I wasn't aware of all of the businesses there. But there is the fluorescent sign there for insurance and real estate which is on at this time, which tends to be left on at night.

BEVERLY GRIEBEL: Is that in the front window or something?

MR. HOLMES: Yes, ma'am. I'm not aware of all of the businesses there, but I don't see where -- someone coming through would be looking for insurance or real estate by looking for a billboard sign, if that is my understanding what he is going to put up.

BETTY SPUCK, 2650 Chili Avenue

MS. SPUCK: I live next door, 2650 Chili Avenue. And I don't see any need for these extra signs. The area is too congested with traffic for one thing. And I would like to look out one of my windows and see grass and not signs. So I'm against it.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question. Why does this have to be so close to the road?

BEVERLY GRIEBEL: Now there was a sign there before.

MR. GOMES: Right.

BEVERLY GRIEBEL: It was the bottom part of this sign. Was that in the same place?

MR. GOMES: The variance issued back in '86, it went in the same place. We did not change the location from the road. It has been there.

BEVERLY GRIEBEL: So you just changed the poles?

MR. GOMES: The height a little bit.

BEVERLY GRIEBEL: The bottom of it -- I'm trying to remember what was there. The bottom stayed pretty much the same.

MR. GOMES: The bottom stayed the same but went up a few inches because the snow covers it up, people looking for the businesses, so we raised it a little bit.

BEVERLY GRIEBEL: Then you added your name at the top, insurance and real estate.

MR. GOMES: Right. The location of the sign has always been the same. It hasn't changed in 20 years.

BEVERLY GRIEBEL: It is in the same spot as the old one.

MS. BORGUS: I can't help but agree with these people. It must be awful to live so close and have a big sign that you can't even enjoy the small view you have from a small lot. We have too many signs in Chili. Very cluttered.

MS. SPUCK: That sign that he made larger, when I'm going out of the driveway, it makes it difficult to see the driveway at the apartments when cars are pulling out of their driveway.

BEVERLY GRIEBEL: Now, was it difficult before?

MR. SPUCK: Pardon?

BEVERLY GRIEBEL: Before --

MS. SPUCK: This is the sign that he enlarged, he put a bigger sign out there, and the higher post. So when I pull out of my driveway, I cannot see the parking -- or driveway of the apartments to see if anybody is pulling out.

BEVERLY GRIEBEL: Could you see over the --

MS. SPUCK: The smaller sign, yes.

BEVERLY GRIEBEL: You could see over the top of that.

MS. SPUCK: Yes, the smaller one. The one that he had the permit to put up. The 4 feet by 20 ½. That was all right.

BEVERLY GRIEBEL: So you could see over the 4 foot one, but not over this one.

MS. SPUCK: Yes. This one is about 6 feet high, the posts and the writing on it. My son is 6'4", and it is taller than him.

BEVERLY GRIEBEL: Okay.

DAN MELVILLE, 32 Wellington Ponds

MR. MELVILLE: The original sign that there was a variance on was for 4 ½ feet in height. Now pulling out of our driveway, there we have no problem seeing around that sign, and we are coming out right next to it, on Chili Avenue.

I know the Westside Drive sign was brought up. The reason we are asking for the Westside Drive sign is because we are going to put a parking lot, which we do have approval from the ZBA back, I think, in 1986 to put a parking lot back there. Since business is growing, we kind of need the parking spaces. We have only, I think, four or five parking spaces there now.

BEVERLY GRIEBEL: You have more tenants there.

DAN MELVILLE: There are more tenants than there used to be.

BEVERLY GRIEBEL: So the sign in the back would not be put up until you put the parking lot in the back.

MS. SPUCK: I want no parking lot.

BEVERLY GRIEBEL: Please sit until you're recognized again.

DAN MELVILLE: There is a variance for parking. It needs Planning Board approval yet, but there is a variance.

BEVERLY GRIEBEL: You had the approval from the ZBA.

DAN MELVILLE: For front parking. It is called front parking because it is on Westside Drive.

BEVERLY GRIEBEL: Okay.

PETER WIDENER: That was in '86?

DAN MELVILLE: Yes.

PETER WIDENER: But that approval has already been by the Zoning?

MR. GOMES: Yes. That has been approved.

BEVERLY GRIEBEL: That was before my time.

Is that noted on the card, Mr. Kress, that parking is -- they said to go ahead with that, or do they have to see a site plan?

DANIEL KRESS: We have record of previous approvals.

BEVERLY GRIEBEL: They have the approval to put the parking lot?

DANIEL KRESS: I need to discuss with Mr. Gomes the specifics what he wants to put in to make sure it is consistent with the approval given, but assuming it is, he has an approval, yes.

BEVERLY GRIEBEL: So they'll have to go to the Planning Board.

DANIEL KRESS: I need to look at it. We need to discuss that. Because frankly, I don't have enough information.

MS. SPUCK: My backyard floods every year since he regraded the back of his house. I want no parking lot, because the water will surface in my yard. We get water from the apartment parking lot, plus Mr. Gomes' yard. If they blacktop it, it will come up in my yard, the lowest part.

BEVERLY GRIEBEL: But that approval for parking lot is apparently already done.

MS. SPUCK: Not to my knowledge, it hasn't been. How can you approve it when it floods like a lake every year?

BEVERLY GRIEBEL: Ma'am, I don't know.

KEITH O'TOOLE: Madam Chairwoman, if I may. Mr. Kress hasn't indicated that the parking lot is approved. He says he has to look into it. If there is a variance, that by itself may not be sufficient for a permit to build it. And besides, the parking issue really is not before the Board this evening. All we are here to do is to discuss signs. Thank you.

BEVERLY GRIEBEL: So parking, ma'am, we don't know. It may or may not be done. That is something you will have to be checking with the Building Department.

MS. SPUCK: You were going to send an engineer and Highway Department man out to look at the situation for the flooding, and they never came out. I have called.

BEVERLY GRIEBEL: Then call them again. Because this Board does not handle that. Call the Building Department or call the Drainage Committee.

MS. SPUCK: They told me that Joe Carr would come out, and I -- every time I call, he is never in.

BEVERLY GRIEBEL: Well, I can't do anything about that from this Board. You will have to make some more phone calls about that.

MS. SPUCK: Well, if they tried to put in the parking lot --

BEVERLY GRIEBEL: We are only talking about the sign tonight.

MS. SPUCK: Yes. I want the sign as it was in code. No higher. I have been living there 49 years paying taxes, and I would like to look out one of my windows and see grass, not signs.

BEVERLY GRIEBEL: Okay. Thank you.

STEVE GINOVSKY, 19 Hubbard Drive, North Chili

MS. GINOVSKY: I would like to speak in defense of this young woman here (indicating). She stated, Madam Chairwoman, that she could see before with the sign that was on Chili Avenue. With the increased size, she cannot see.

Second, is the second sign that is being proposed and asked for over on the Westside Drive side.

Since there is some confusion, precisely with parking or whatever, I can't see where this Town Zoning Board can give approval on something that there is no real clarification until you have a -- something tangible in your hand. I think from 1986, you better have something on line proper. This lady has a real concern here. I think this Zoning Board should stop at that point, from saying a sign on Westside Drive. Thank you.

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: I'm not sure -- I think I understood Mr. Gomes said -- I'm sorry, I can't remember his name. Mr. Gomes? Said that people go up and down -- they go by his property, and they don't see, you know, the sign. Well, you're immediately leaving Gates, and all of a sudden you're coming into Chili. I would hate to see a sign that is so humongous over the entrance into the Town of Chili. That's always been something I -- I travel that all of the time.

I even wonder today, where exactly does Chili start? You're entering Chili. But yet if you're going to see big signs as you come into Chili, it gives a wrong impression that signs, signs, signs. I can't wait sometimes, many times, come election is over, because at that spot, that is all you see are signs. It looks a mess. And I wish I could be more proud that upon coming, entering into Chili, there would be a sign entering Chili. So that when you drive by, you don't miss the place you want to get to. You don't know where it is exactly.

He said it himself. He said people go by, and they go up and down. I can understand what -- what he means. I really can. I think you better be very cautious about the size of the sign that you're putting, that it doesn't compete with the word "Chili." You don't know you're in Chili

maybe, you know? You go by it, because you're close to Gates. I don't know exactly where we begin Chili. Is it right at Westside Drive? Is that where Chili --

BEVERLY GRIEBEL: No. Because Battisti's salon is in Chili.

MS. BRIXNER: That's right. You see? But you don't recognize that. I can see how he means, you go by my property, and you miss it. I can understand that.

BEVERLY GRIEBEL: I'm kind of confused about the height. There is no way to put the information that you want and make it shorter?

MR. GOMES: Right. In the winter, the two bottom signs get covered up. This is why they can't find it. In the summertime, 7 foot signs are fine.

And Mrs. Spuck, her -- it should not block her view at all, because it -- it tapers. Chili Avenue tapers -- her driveway extends out a lot farther than my office building. So...

BEVERLY GRIEBEL: She is further west than you?

MR. GOMES: She is further out into Chili Avenue than I am. So it should not block her view at all.

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

BEVERLY GRIEBEL: This was sent to the Monroe County Department of Planning and came back with an approval.

Beverly Griebel made a motion to declare the Board lead agency for SEQR with regard to the Chili Avenue sign, 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 conditions, and Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

Beverly Griebel made a motion to declare the Board lead agency for SEQR with regard to the Westside Drive sign, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION REGARDING THE CHILI AVENUE SIGN: Approved by a vote of 6 yes with 1 abstention (Dan Melville) with no conditions.

The following findings of fact were cited:

1. Only one complaint in about 20 years.
2. New sign is in same position as prior sign.
3. Larger sign needed to readily identify new businesses in the office.

DECISION REGARDING THE WESTSIDE DRIVE SIGN: Approved by a vote of 6 yes with 1 abstention (Dan Melville) with the following conditions:

1. Sign approved as submitted but must be 15' from front lot line.
2. Sign not to be installed unless/or until the rear parking lot is clarified, approved and completed.

The following finding of fact was cited:

1. Sign will be needed if Westside Drive parking lot is completed.

Note: Sign permits are required for both signs.

5. Application of The Estate of Marjorie Wehle, c/o Lisa Huson, 4 Madaket Drive, Penfield, New York 14526 for variance to allow existing agricultural barn to be 82' from proposed side lot line (100' req.) at property located at 2175 Scottsville Road in A.C. & FPO zone.

MS. HUSON: Hi. I'm Lisa Huson, broker/owner of Bright Skye Associates Real Estate and Marketing, and I'm acting here as agent on behalf of the Estate of Marjorie Wehle this evening. We are asking for a variance on an 82 foot distance as opposed to 100 feet from a four stall horse barn there based on a proposed subdivision, and if it is all right, I would like to point it out on the map here if I could.

This is a 70-acre parcel here, and we are proposing -- we have a proposal to subdivide out a 10-acre parcel, which is the main entrance at 2175 Scottsville Road. This is Scottsville Road out here at the road (indicating). This is off of Old State Road (indicating), which is a Town road off of Scottsville.

The barn in question is a four stall horse barn, right here (indicating), a Yankee barn. The parcel here, the 10 acres is 82 feet from a proposed lot line here (indicating). There are two buyers for these properties. There is a purchase offer on this 10 acres currently with buyers hoping to -- they're going to refurbish the main residence here (indicating). They will be using the horse barn. The remainder of the property here is the -- the purchaser is Carolyn Wehle, who currently owns the adjacent property. It is the granddaughter of Marjorie Wehle, and her husband Justin Andre.

In the will of the estate, actually there was a first right of refusal on this portion of the property here (indicating), and also this road way here (indicating). And this roadway also was instrumental for the remainder of the property for Carry Wehle and Justin Andre. They have this land down here (indicating) with an indoor riding arena and training facilities. This will complement the rest of their property, provided we get the subdivision approval and also the variance of 82 feet for the distance of the barn.

The residence up here at 2175 is a long distance away, almost over 1,000 feet away from the barn, and there are no other residents anywhere near this area of the barn here (indicating), with the 82 feet.

The only other residence is out on Scottsville Road here, and it's not impacted by the barn right there (indicating).

BEVERLY GRIEBEL: That's pretty much serviced by Old State Road and then some internal roadways.

MS. HUSON: Yes. Private lanes on the interior.

BEVERLY GRIEBEL: So doing this is not going to leave anybody without access?

MS. HUSON: No.

BEVERLY GRIEBEL: Okay. Good. Thanks for pointing that out. It is a little hard to see on our diagrams.

Because you have decided it up to leave the roadways available to everybody, that gives you the setback problem?

MS. HUSON: Yes.

BEVERLY GRIEBEL: On the barn.

MS. HUSON: Yes. The 82 feet. So the -- so this road, this farm lane can be incorporated into the rest of the Carry Wehle, Justin Andre property.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MS. HUSON: Both buyers are here tonight, and they're both in agreement.

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 Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact was cited:

1. This allows a large parcel to be divided and still maintain access to internal roads.
6. Application of George Mancuso, owner; 19 Edgeware Road, Rochester, New York 14624 for variance to erect a 30' x 8' open porch to be 54' from front lot line (60' req.) at property located at 19 Edgeware Road in R-1-15 zone.

George Mancuso, Ms. Mancuso and Don Cubalery (phonetic) were present to represent the application.

MR. MANCUSO: My name is George Mancuso. I'm the property owner of the projected porch. Aside from the personal reasons for the construction, I would like to defer any questions you have about its design or construction or duration of the project to my builder, Don Cubalery (phonetic) who is with me this evening.

BEVERLY GRIEBEL: Present application, front setback is now 62 feet. Code is 60. We need it to be 54, because you will have such a narrow porch you couldn't do anything with it. This is going to have a roof. It is going to be similar to the picture that --

MR. MANCUSO: Yes.

BEVERLY GRIEBEL: This is on another house (indicating).

MR. CUBILERY: That is actually on my house (indicating). It would be a smaller version of that.

BEVERLY GRIEBEL: He is going to copy your front porch.

MR. CUBILERY: Yes.

DAN MELVILLE: Nice looking front porch. Wish I had it. It looks like it will be a nice addition to the house. We get a lot of them like that when they put those porches on.

BEVERLY GRIEBEL: It can be contagious. The other people see it in the neighborhood and think they will do it, too.

MR. MANCUSO: I'm enamored with anything with pillars, the antebellum southern houses. It will have columns.

BEVERLY GRIEBEL: It's nice.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY

MR. GINOVSKY: It's going to be gorgeous. I'm serious about it. It's going to be nice.

MS. MANCUSO: I'm the other owner of the home. I retired yesterday, and he does need a place to park my rocking chair.

BEVERLY GRIEBEL: It needs to be more than 2 foot wide or you couldn't place your rocker there.

MS. MANCUSO: Definitely.

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 Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of facts were cited:

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1. Porch will allow room to hold seating and enhance the appearance of the house.
2. No change in the character of the neighborhood.

Note: A building permit is required prior to construction of this porch.

The meeting ended at 8:50 p.m.