

CHILI ZONING BOARD OF APPEALS
October 25, 2011

A meeting of the Chili Zoning Board was held on October 25, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

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

ALSO PRESENT: Keith O'Toole, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

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

PAUL BLOSER: The only sign I did not see was at 51 Clifton Road.

ROBERT MULCAHY: Saw it.

FRED TROTT: Yes.

PAUL BLOSER: Wasn't there this afternoon.

FRED TROTT: It's not --

JAMES WIESNER: That is the owner's address. I did the say thing.

PAUL BLOSER: 937 Morgan Road. I missed that one.

FRED TROTT: I did the same thing.

PAUL BLOSER: I drove by 937. All right.

No other questions, I will move forward.

1. Application of Mr. and Mrs. Jeffrey Spring, owner; 51 Clifton Road, Churchville, New York 14428 for variance to erect a dwelling with attached and detached garage to be 3' from front lot line (100' required), 20' from rear lot line (100' required abutting a street), variance to allow the total square footage of attached and detached garages to be 2376 square feet (1200 square feet allowed) at property located at 937 Morgan Road in AC zone.

Rob Fitzgerald, Jeffrey Spring and Pamela Spring were present to represent the application.

MR. FITZGERALD: My name is Rob Fitzgerald, Project Engineer with Razak Associates. With me tonight is my clients, Pam and Jeff Spring, as well as their family. They do own this parcel. They have owned it for some nine years now.

As everyone can see on the rendering up above -- a little bit of history on this site. There is a creek running through the property. And so my client did want me to do -- to investigate it to see if we can make the mechanics of this site work.

When I say that, can we have adequate separations from the stream, can we have a suitable percolation test?

We have done topos to see if we can get proper drainage around a proposed house. We have finished up that work over the last year or so and we have taken care of the septic. You have local utilities we can tie into, so this is kind of our next step. Because it is a unique parcel where it has three road frontages. We have three front setbacks, no sides, no rear. So all three setbacks are 100 feet, which obviously makes it very limited where we could propose a house on this existing parcel.

So what we did is again we tried to look closely at the mechanics of the site to make sure we protect the stream corridor and then also try to protect to the greatest extent possible the existing vegetation.

I'm guessing most of the Board has been by the site. It is kind of like a park-like setting. They have been maintaining it. They have a park bench out there. They want to keep that, but they also want to have their future home on the site.

So with that said, the trees along old Morgan Road -- even along Morgan Road itself, as it drops off quite a bit from the road, but they want to leave as much vegetation as possible.

I have switched the site around probably a half dozen times, just because they are so intent on keeping it natural like. You know, they (inaudible) destroying a 24-inch tree by the house, so we did shift it the best we could. We tried to maintain -- because Morgan Road is the most traveled road, we tried to maintain the greatest setback from that road. That is why we did push the septic system to the south of this parcel and any improvements to the north.

But with that, like I said, my clients are here to answer any questions, and I will try to answer any questions that the Board may have, as well.

PAUL BLOSER: It's a tight corner right there. What is the elevation difference between the creek bed where you're building?

MR. FITZGERALD: It is a few feet higher. We did do some drainage calcs, to make sure that we would not have backing up of water that would affect the basement of this, and we did do that preliminary calculation. That is how we established the elevation of the basement floor, such that we would be out of harm's way, if you will.

PAUL BLOSER: Is -- the perk tests were completed for the septic?

MR. FITZGERALD: Yes, and witnessed by the Monroe County Health Department and approved.

PAUL BLOSER: They have been approved?

MR. FITZGERALD: Yes. Yes, it is a tight site. I would add, it is an approximately 2 1/2 acre parcel with that approximately 100,000 square foot parcel, and we're proposing maybe 4 or 5,000 square feet of impervious area, so we're really only developing 5 percent of the parcel. To an impervious.

PAUL BLOSER: The proposed barn, what are you looking at constructing that of? There is no detail here.

MR. FITZGERALD: I would like Jeff Spring to answer that. What kind of siding? Probably vinyl.

PAUL BLOSER: One of the things that gets me right up front, this is pretty residential right there. There are a couple houses on that Old Morgan Road, near -- just right on the corner going into Clifton. One of the things I would be concerned with with that barn being up right at the corner of both of those roads is the fact that it is a barn, and I might lean towards whatever we put on the siding for the house, we do on the barn the same with the roof. So that they're matching. A little bit more aesthetically pleasing, because you're tucking it right into that corner.

MR. SPRING: Yes.

PAUL BLOSER: Just a thought. I'm one of seven, but we may look at that as a condition.

MR. SPRING: I don't think we would have an issue with that. We're not looking for a damper roof.

PAUL BLOSER: I understand, but it -- I -- but understand where we're coming from. On the approach, coming down the hill, or coming from the east, heading west, the barn pretty much is all you're going to see. It will be a major focal point, so I'm a little more concerned about aesthetics there of the barn.

MR. SPRING: Yes. We could work with that.

PAUL BLOSER: So for the roof on that, what were you proposing? Because they do shingle roofs and they do metal roofs. What were you looking at doing on the barn?

MRS. SPRING: We were thinking metal.

MR. SPRING: We were thinking metal for the house, too. So we could match them.

PAUL BLOSER: I'm going to look for a match. You know, whatever we do on one, I would want to do on the other.

MR. SPRING: Okay.

PAUL BLOSER: So I'm going to listen to the other members of the Board, their thoughts, but, again, because of location and exposure on both roads, I will look at it a little harder from the aesthetic side.

Have you proposed any shrubbery on that corner around the barn, anything?

MR. SPRING: There is quite a bit there, and hopefully we'll be kind of tucked in the middle of it. There is a lot of -- I guess brush along the top of the hill.

PAUL BLOSER: You're not going to clean that right out to the tip of the corner?

MR. SPRING: No. That is not our intent.

PAUL BLOSER: Do you know how many trees you have to remove for this?

MR. SPRING: As minimal as possible. There are --

MR. SPRING: At least a dozen or 15 just for that.

MRS. SPRING: But with the way -- as Rob (Fitzgerald) had mentioned, we had been going back and forth because we didn't agree -- because we wanted to preserve it as much as possible. That route that he proposed up there, a lot of those trees are dead. Um, a lot of our -- them are immature. The more mature ones and the healthy ones are on the other side, and in front -- and behind. And that's -- was kind of our -- that is the attraction to the whole area, there.

PAUL BLOSER: The healthy ones and thin out the --

MRS. SPRING: Exactly. So it is our intent to really leave as much as possible.

PAUL BLOSER: Okay. Is that driveway going to be paved or stone?

MR. SPRING: Paved.

MR. FITZGERALD: Mr. Chairman, if I could add, too, yes, it looks tight, but actually from the edge of the barn to the street, it is 190 feet separation, so we definitely have a nice chunk there that we can leave existing vegetation and also complement adding some spruce or whatnot to fill in some voids. But again, throwing a scale on that, it is about 180 feet. Over 180 feet. So there is a nice chunk of land.

PAUL BLOSER: It is hard to tell from the small drawing.

MR. FITZGERALD: From an 8 1/2 by 11, sure.

PAUL BLOSER: Just for the record, did you get her name?

MRS. SPRING: I'm Pam. Pamela.

PAUL BLOSER: Thank you.

JAMES WIESNER: So as far as garage space, there is actually two separate structures then. There is a garage on the house and then another one, a separate outbuilding by the corner. What are the two sizes of those two structures?

MR. FITZGERALD: Attached to the house is approximately a standard two-stall garage.

I think we have it a little larger, 24 by 24 feet. Typically, they're 22 by 20. That is -- and to the house. And then the pole barn, we had 30 by 60, which is kind of a standard pole barn size.

JAMES WIESNER: Can you just point out where the actual, um, distances are that we're looking for the variance? From the two roads.

MR. FITZGERALD: So we have this distance here (indicating), to the right-of-way line. To the house proposed is 75 feet. We're trying to keep that off. Because again, this is more traveled road. Actually to the edge of asphalt, it's actually over 100 feet. It is about 110 feet off the edge of road. This does fall down, too.

Actually, the road is shifted on the south of the right-of-way line because there is a steep bank that falls towards this property. We're proposing 40 feet on both Morgan.

See the existing structure, the existing structure -- actually, this plot is based on aerial photos. It appears to be right on the right-of-way line.

And then for the pole barn, we had a setback at 30 feet from the right-of-way. And then add another 20 feet or so if you're measuring from the asphalt. Then again, this distance, (indicating), which is -- the house, if you're traveling westbound from this intersection, the house itself is about 300 feet back from the intersection of Old Morgan Road and Morgan Road, so it is actually set back quite a bit.

PAUL BLOSER: Is the address actually going to be Old Morgan Road or Morgan Road?

MRS. SPRING: Our tax bill says Old Morgan Road. I had to stop and think.

MR. FITZGERALD: I would assume just for emergency service, 911, wherever the driveway is accessed from, that is the address that eventually we'll get.

PAUL BLOSER: So they show the project address as Morgan Road, and I'm seeing the entrances and setbacks referring to Old Morgan Road. Okay.

MICHAEL NYHAN: I'm sorry, one measurement I missed was the corner of the barn. To the asphalt of Morgan Road.

MR. FITZGERALD: To the asphalt?

MICHAEL NYHAN: Yes.

MR. FITZGERALD: Glad I brought my scale tonight. I have a setback around 30, and then add another 25 of grass strip, so about 55 to Old Morgan Road.

MICHAEL NYHAN: What about to Morgan?

MR. FITZGERALD: To Morgan? It's approximately 60.

MICHAEL NYHAN: 60 feet?

MR. FITZGERALD: Yes.

MICHAEL NYHAN: Thank you.

ADAM CUMMINGS: Robert, is this a setback from Old Morgan -- it is listed in the application as 20 feet, and then on the plan, it is 30 feet. Are you looking for 20 feet or 30 feet? On Old Morgan Road.

MR. FITZGERALD: I will check. We actually have a setback more than that now, so it would probably hold -- we actually have it at like 40 now. We would probably want to hold 30.

ADAM CUMMINGS: That is to the barn?

MR. FITZGERALD: Yes.

ADAM CUMMINGS: The same to the house, because the house is labeled as 40 feet, but then the pole barn is listed as 30.

MR. FITZGERALD: Correct.

I think the intent was -- when we last looked at it, we wanted to keep the barn off a little more from Morgan Road and closer to Old Morgan.

ADAM CUMMINGS: Okay.

MRS. SPRING: If I could just say something, the area with that Morton building, there's a patch of trees, and what we're trying to do is get it in the center of those trees as best as possible. It's not too easy to measure, because you got the berm that is there. You know what I mean? So that is why these -- it might be a -- like -- but that might be why it is a -- because we have been going back and forth on it, and it's -- trying to tuck it in there.

MR. FITZGERALD: The quick answer there is approximately 50 feet of wiggle room, so we just don't set this building dead nuts. If anything, we would shift it to the north, towards old Morgan Road.

ADAM CUMMINGS: So you want a variance of 20 feet, 30 feet?

MR. SPRING: We would prefer 20.

ADAM CUMMINGS: You want 20?

MR. SPRING: Yes.

ADAM CUMMINGS: What is the square footage of the house?

MR. FITZGERALD: I don't believe it has been established at this point.

MRS. SPRING: It hasn't been. It's --

MR. SPRING: Anywhere from 1600 to 2000.

MRS. SPRING: 18. Smaller. Less to clean.

ROBERT MULCAHY: Is that a pond on your property there?

MR. SPRING: Yes, it is. It is the old -- I guess, the goose pond or the drain way from the mill that used to be on the site.

ROBERT MULCAHY: I didn't see much swale in there. Any cattails or anything like that?

MR. SPRING: No.

ROBERT MULCAHY: Pretty clean?

MRS. SPRING: Yeah.

MR. SPRING: Usually it dries up a few times during the summer.

MRS. SPRING: It will fill up during the rain and then drain out.

FRED TROTT: Do you -- would you consider going -- I guess I'm a little concerned about the size of the pole barn. Making that smaller -- it seems as maybe you have more storage space than you have of a house, if you combined the two garages.

Is that something that --

MRS. SPRING: I just want to park my car.

MR. SPRING: Yes. 30 by 40 would be the next common size down. I would be happy -- okay with that.

FRED TROTT: Um, how are you with flood plain, wetlands? Is that all -- you're all safe from that?

MR. FITZGERALD: Yes, we are.

FRED TROTT: Beautiful piece of property.

MRS. SPRING: Thanks.

MR. SPRING: We put a lot of work in it.

MR. FITZGERALD: It is interesting. You will find people that will go to the site to maintain it and people will be sitting on the bench and stuff like that, and they think it is a park, a public park, so they have to kick people off the property once in a while.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BOB EVANS

MR. EVANS: From just adjoining parcel up on top of the hill there. Um, as far as the parcel, I grew up around there. It's a gorgeous piece of land, and if they can develop it with the restrictions, I mean it is a tough one to put something on. Then it should be. Um, as far as the issue of the pole barn versus the house and matching, there are so many pole barns in that area, mine included.

PAUL BLOSER: You put one up a couple years ago, didn't you?

MR. EVANS: Yes. You do wainscotting, windows, shutters, good man door, overhangs, they're beautiful. Coming down Morgan, you will only be looking at the end of that pole barn so really if you even reduce width 10 feet, that's -- by the side, it really doesn't look that much smaller and tin roofs on houses are great.

And there's probably 10, 12 examples easy that I have here right now of pole barns and houses right within a mile radius right there. So I don't see that -- for me, anyways it is not an issue. I live up on the hill. I hope they do build. I looked at the property at the auction. I loved the property. I grew up half a mile from the road. I think they should be able to do it and they will do it fine; they will do it tastefully. They do love it, if you look at the property. They cleaned it up. It looks great.

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

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

MICHAEL NYHAN: What is the height of this barn?

PAUL BLOSER: Do you have the height of the barn, the side wall?

MICHAEL NYHAN: Side wall height and peak?

MR. FITZGERALD: Would you have that? Check, Jeff.

PAUL BLOSER: What are your side walls?

MR. SPRING: 8 foot side walls and -- and 6/12, 9/12 pitch maybe.

MR. FITZGERALD: I think they may find out that they want 8 or 10 walls. 8 sounds pretty tight, but it doesn't sound like they're going too extreme. If that is a condition, I would hate to limit them.

MR. SPRING: I don't need 12 feet, but 9 or 10 would be nice. I guess 8 is a little short.

PAUL BLOSER: You just can't exceed the roof height of the structure of what the house is without a variance.

MR. FITZGERALD: Two-story house or a ranch?

MRS. SPRING: We're still debating. I would like a ranch. We -- we would like to use the berm and -- so we use the berm as the driveway to go up and have the ranch sit on top of the berm, with a walk-out basement. Um, that would be ideal. And we're still kind of going back and forth on that.

MR. FITZGERALD: So would it be the peak of the house that has to be higher than the peak of the barn.

PAUL BLOSER: Or the same -- or the same. The barn has to be the same or less without a variance.

MR. FITZGERALD: Okay. Probably safe, because typically the barn would have probably less of a pitch roof than the house would typically.

PAUL BLOSER: Depending on what you do with the house when you're designing, but I mean that is something -- the Building Department, when they're looking at the blueprints, they do look at that, and that could stop your project or hold it up.

The other thing here --

MR. FITZGERALD: Great point, thank you.

PAUL BLOSER: The -- your statements about the positioning of everything and -- and the lines weren't exact where the barn is being placed, you need to establish that on prints because when the final C of O comes along, if it is not where you say it is on the print versus actual, again, you will be in for another variance. So you need to make sure that where you're placing it, your measurements are accurate.

Our inspectors are tough. But that's what you have to abide by. Okay?

MR. FITZGERALD: Okay.

PAUL BLOSER: Going back to conditions of approval. This is an old lot. This is subdivided out a long time ago. A lot of the older houses in this area are all in those lower setbacks from the road, especially right in there, I think there are a couple that are fairly close to the road. So that would be fairly consistent with other properties.

If you go up and down Morgan, there is a lot of barns. Almost every house has a detached of some type -- not all of them, but there is a higher percentage than I would say normal. I think -- I'm familiar with that little parcel. I have always admired it every time I have been through there. I have very often cut down old Morgan just to make that little circle just because it is a nice little setting there. So it will be very nice.

On conditions of approval, I would like to see that the house and the out structures, similar siding, colors and materials, so that would be doors, windows, trim. Your packages between the two to be consistent. Just if you're doing vinyl siding on the house, that is what I want to see on the barn. I don't think we were quite as hard on you. Yours is up on the hill and you really can't see it from the road.

MR. EVANS: Right, but vinyl really drives the cost of the building up, big.

PAUL BLOSER: I understand that, but we have set standards, and this is what we look at. So based on the placement of this property, location, that is a condition of approval I would like to see.

Board discussion on that?

FRED TROTT: If you can find a color to match.

JAMES WIESNER: You're still in an agricultural district, too.

PAUL BLOSER: You want to stay with color match then? Roof match and color match?

JAMES WIESNER: I think being consistent should be sufficient.

PAUL BLOSER: Okay. Windows, shutters? You can still put those on a barn. I just would like consistency between the two. We're close to the road. There is a lot of -- the visibility of everything.

JAMES WIESNER: I mean, I don't -- I could go either way.

PAUL BLOSER: I will go with like roofing materials and same colors, okay?

MRS. SPRING: Yep.

PAUL BLOSER: Trim would be the same colors. Window trims if you're doing shutters, that everything match between them. Okay?

Are you doing an overhead door on the barn, pole barn?

MR. SPRING: Probably one small one.

PAUL BLOSER: That that door match what you have on the house, whatever you do on the house. So all your amenities, they match. Gutters match, so forth and on, okay?

Also any appropriate building permits and inspections as required by the Town. Okay?

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

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

ADAM CUMMINGS: Was there a third condition to get the building permit and approvals from what you said?

PAUL BLOSER: Condition one is --

ADAM CUMMINGS: Oh, okay. So that was just a run on one with the color and the match?

PAUL BLOSER: Yes.

ADAM CUMMINGS: Okay. Never mind.

PAUL BLOSER: So two conditions.

ADAM CUMMINGS: You got it?

PAUL BLOSER: Did we have a second on that motion?

ROBERT MULCAHY: Yes, you did.

DECISION: Approved by a vote of 6 yes to 1 no (Michael Nyhan) with the following conditions:

1. Siding, shutters, doors, and roofing materials of the barn and main structure to match in color. Roofing materials of the barn and main structure to match in type.

2. Necessary building permits and inspections shall be obtained from the Building Department.
3. Stamped site plan with exact placement of structures to be provided prior to permit issue.

The following finding of fact will be cited:

1. Upon review of the size of the lot parcel, the fact that it is a wedge shaped lot that flanks two roads, and borders to low lying wet areas, the Board determined structure placement is adequate and consistent in structure sizes with neighboring properties.
2. Application of Mr. and Mrs. Eric Pappert, owner; 47 Constitution Circle, Rochester, New York 14624 for variance to erect a 24' by 20' addition to house 19' from rear lot line (30' required) at property located at 47 Constitution Circle in R-1-15 zone.

Eric Pappert was present to represent the application.

MR. PAPPERT: Good evening, Mr. Chairman. My name is Eric Pappert. I'm the property owner at 47 Constitution Circle. I have got building plans.

I don't know if everybody on the Board has seen them. If you would like me to, I would be happy to put them up on the cork board if you want.

PAUL BLOSER: We do need them up there.

MR. PAPPERT: Very well. So these are the architectural drawings for the room. We're just adding a family room to our home here in Chili. We bought the house back in 2000, kind of right at the beginning of, you know, the housing boom, and the way the market was at the time, we would have preferred to have a little larger house than the one we actually purchased. Our intent at the time always was -- as money was permitting to have the option of putting on an addition as our family grew.

So we're kind of at that point now where we're -- the funds have become available and our family is such a size when we get together for the holidays and Christmas and siblings and nieces and nephews and their children are there with us, we have kind of outgrown our current space.

The plans as they are up on the Board now are a little different than the ones we originally submitted. And I understand Mr. Shero has spoken to our builder and the architect. There were a couple concerns with the initial design we had. We were hoping to be able to do it on piers, but it was my understanding from the Building Department it would be more appropriate to have the foundation.

So we have moved to having a foundation under that room. Also, I know there was some discussion regarding the way we were going to heat and ventilate this particular space. We have had Crossfield Heating & Air-conditioning and a couple other places come out, so we will not be modifying the -- the HVAC system on the original city. Instead, we have opted to add a heat exchange unit that actually -- it's a 24,000 BTU, 22 SEER unit that is actually more efficient than the equipment we currently have in the house. So the heating and cooling for this portion of the house will be taken care of by that unit.

We have had an electrician come out to the site. They have seen the site. They looked at the box. There is plenty of power, so we don't need to add any additional electric service of any kind, and really, the plan as it is, it will be sided to match the existing house. It will also be shingled to match the existing house. We were originally, um -- if you look -- if I can walk over to the board for a minute?

PAUL BLOSER: Yes.

MR. PAPPERT: We were originally hoping -- this is the second floor of the house (indicating). There is a couple windows there. I know one of the questions was, this represents the south face of the house or the back of the house. So there are two full-sized windows here. We were hoping to use a modified truss so we didn't have to lose those windows. It was suggested by the builder and the architect that we use the same, basically the same angled truss that we have on the rest of the house and the garage. So what we're going to do is move these windows here (indicating) down into this room (indicating). There are two full-sized windows on the west side of the house, on the second floor. So for the fire code, regarding a form of egress for the house, there are two full-sized windows on the west wall of the master bedroom upstairs. So these two windows here (indicating) that we're -- that we're going to downsize, there are two windows on the west wall that would affect rescue if we needed to in an emergency situation.

But that is pretty much it.

PAUL BLOSER: Couple questions I have. Are -- your lot map shows a swim pool.

MR. PAPPERT: Yes, sir.

PAUL BLOSER: It's not on the paperwork that was submitted.

MR. PAPPERT: Correct. I actually submitted the aerial photo. That should be in the packet to show that pool has there been since 2000 -- 2007, I believe. Either 2006 or 2007. But there were plans through the Building Department, because there was a deck that was added. That was inspected. That pool still is on the property directly behind the garage.

PAUL BLOSER: Okay. What we're going to need is measurements from the edges of the

pool to this addition.

MR. PAPPERT: Okay.

PAUL BLOSER: For setback.

MR. PAPPERT: I have those from the side wall of the pool, the closest the pool will be to the new foundation is 12 feet, 6 inches.

PAUL BLOSER: Okay.

MR. PAPPERT: So the closest wall of the pool to the foundation for the new build-out is 12 1/2 feet?

PAUL BLOSER: Okay. That will need to be documented on your prints.

MR. PAPPERT: Okay, sir.

PAUL BLOSER: The other thing is on the back of those lots, there is a common swale with drainage.

MR. PAPPERT: Yes.

PAUL BLOSER: Then all the lots go into -- on both sides of Constitution.

We need documentation on that as far as where those lines are and what the setbacks are going to be for that.

Those need to be on a stamped drawing and submitted to the Town Engineer or the Highway Superintendent.

MR. PAPPERT: Okay.

PAUL BLOSER: Because there is probably a -- an easement, access for them --

MR. PAPPERT: The swale line on this property -- I will put them on the plans for you.

The swale line on this particular property is actual -- actually runs directly along the fence on the instrument survey, but I do understand.

PAUL BLOSER: As your architect is putting these plans together, it needs to be documented on the print and needs to be stamped and submitted to be approved.

MR. PAPPERT: Okay, sir.

PAUL BLOSER: No building permit will be issued without those.

MR. PAPPERT: Okay, sir. That would be documented distance between the foundation and the --

PAUL BLOSER: Any corner of the house, so that it is identified in every respect.

MR. PAPPERT: With -- yes, sir.

PAUL BLOSER: With the new addition and what is existing and then placement of that swale and where the setbacks are for that.

MR. PAPPERT: Okay, sir.

PAUL BLOSER: They need all those delineated on there.

MR. PAPPERT: Okay.

PAUL BLOSER: That will be a condition of approval.

MR. PAPPERT: Thank you, sir.

PAUL BLOSER: I see you have in your package it will be similar siding and roofing as to the rest of the house.

MR. PAPPERT: Yes, sir.

I know potentially there was a question earlier on for the headers for the doorways coming out of the new addition. There are already exiting headers on the south side.

PAUL BLOSER: For the door --

MR. PAPPERT: For the windows that are already there, so the headers are already in place on the existing structure.

PAUL BLOSER: The opening will not change width wise.

MR. PAPPERT: No, no. If anything, it would be narrower, but it will -- it actually will not be any wider and in all likelihood it will be narrower than what is there.

PAUL BLOSER: On your print, just put a note identifying the size of that header and what it is so it is clarified for the Building Department.

MR. PAPPERT: Yes, sir.

PAUL BLOSER: As they're doing their review of prints for permit approval.

The crawl space underneath, you will do a slab under there. Will they vent that into the basement?

MR. PAPPERT: Our intent at this point is not to open into the foundation of the main house. Our intent there is to vapor barrier and gravel.

PAUL BLOSER: And not put a slab down?

MR. PAPPERT: Um, I would prefer not to put a slab down just because of the expense involved. If we have to, it was suggested to me that -- that -- a vapor barrier and gravel, because it will not be opening into the main home may be more appropriate.

PAUL BLOSER: Just has to be well vented or you're going to rot your floor out.

MR. PAPPERT: Understood, sir.

There definitely would be a vapor barrier there and we're certainly planning on putting gravel underneath as well to make sure it is properly ventilated, sir.

PAUL BLOSER: Additional gutters, downspouts on that?

MR. PAPPERT: Um, we will -- they're not on the plans, but it is my understanding it is part of the --

PAUL BLOSER: The requirement.

MR. PAPPERT: Before you give us a Certificate of Occupancy, we have to have -- the way this addition is set, the thought is we'll be able to tie into the existing drainage system at the rear -- on the garage side of the house that runs down into the rainwater runoff system, so we'll

be tying --

PAUL BLOSER: Is that an underground system?

MR. PAPPERT: Yes, sir, it is.

PAUL BLOSER: So everything feeds out to the swale and the storm sewer?

MR. PAPPERT: Everything feeds out to the storm sewers, as far as I'm aware of. Side of the home, the east side of the home, the downspouts come down into an underground pipe. I'm assuming that runs out to the storm sewer.

PAUL BLOSER: Okay. Just make a note that you identify where they're going, where they terminate.

MR. PAPPERT: Yes, sir. Yes, sir.

ROBERT MULCAHY: On the foundation of the new addition, you're going to put gravel and plastic, correct?

MR. PAPPERT: Um, again, the architect has designed that. My understanding is yes, there will be a physical vapor barrier and there will be gravel -- from what I understand, there will be gravel over the top of the vapor barrier.

ROBERT MULCAHY: Will you have vents in there to get air in there?

MR. PAPPERT: I'm assuming as part of the building that will -- will be. There be an access, as well, to get underneath that, but I mean we can certainly put any ventilation --

ROBERT MULCAHY: I think you need air vents in this.

MR. PAPPERT: Okay, sir. If it is necessary, we'll put them there. I guess the thought was, you know, just to make sure that, you know, no moisture gets trapped under there if need be. Absolutely, sir.

FRED TROTT: Are there going to be two AC compressors outside the building?

MR. PAPPERT: There is one -- no. The unit we have right now, there will be an external heat exchange unit, but it's not going to be -- we have a central air unit for the house right now that is located on the west side of our property. The heat exchange unit, there is an AC unit in the house and that will run down to a heat exchange coil outside, so there will be a small unit, about the size of a -- like a carry-on suitcase that you would bring on a -- on an airplane. I have a photo of it if you want to see it. Can I --

FRED TROTT: Uh-huh.

MR. PAPPERT: This isn't necessarily the exact unit, but this will be all gutted in and then this is the external unit. On the inside it's a unit that mounts up on the wall.

FRED TROTT: And where will that be to the existing one, in reference to --

MR. PAPPERT: It will be on the rear of the property.

FRED TROTT: The same area or -- like one on one side of the house and one on the other side of the house?

MR. PAPPERT: It will be -- the existing house, on that diagram, my AC unit is on the west side, probably three-quarters of the way back on the existing house. This one is -- the plan right now is for this to be on the south wall. So you won't be able to see both of the units.

FRED TROTT: Okay.

MR. PAPPERT: Did anybody else (indicating)?

MICHAEL NYHAN: For perspective, what is the size of the deck?

MR. PAPPERT: The deck, if you actually look on the aerial photo, the existing deck is 12 foot deep by 10 foot wide. From the back of the house it comes out 12 foot, and then it is 10 foot wide. There is a separator there for the aboveground pool with a child -- a 4 foot high child separation gate to go onto the pool deck. That deck runs -- it's 20 foot long and it's kind of -- obviously it is an elliptical shape to kind of match up to the shape of the pool.

MICHAEL NYHAN: So the door that is going to be on the addition, it will be on the side of the deck.

MR. PAPPERT: It will open on to the existing deck.

MICHAEL NYHAN: That portion of the deck is 12 foot back from the house until it ends.

MR. PAPPERT: Yes, sir.

JAMES WIESNER: How many square feet is the existing house?

MR. PAPPERT: Total liveable square footage of the house is 1583.

JAMES WIESNER: So this is about a third more.

MR. PAPPERT: Yes. This will put the square footage of the house right around 2,000, which is pretty common for the neighborhood that we're in. We're one of the smaller Colonials on that -- we're kind of on the inside of that loop. The majority of the Colonials that are there when built spec'd between 1840 and 2160 from the builder. So this will actually bring it square footage wise or living space wise in line with the majority of the Colonials in the neighborhood.

ED SHERO: The only thing I have to add is the deck that was built in 1995 is probably the deck that you're going to be walking out onto from the addition?

MR. PAPPERT: Yes, sir.

ED SHERO: The proposed addition. That never had a C of O on it. There has never been a final inspection, so we ask that we put a condition on the variance that if it so passed, that that deck has to be finalized also.

MR. PAPPERT: Okay. That -- the deck that is there -- I'm sure this probably doesn't matter, but just as -- an aside, when we purchased the home, that deck was there. That wouldn't have been --

ED SHERO: It -- yeah. It -- the permit was pulled in 1995. Foot inspection was done. Nobody ever called the Building Department for a final.

MR. PAPPERT: That would just be part of the final inspection? I'm not sure what that

would entail.

PAUL BLOSER: That means the inspection has to be done before a building permit is issued for the new addition.

MR. PAPPERT: Okay. I don't know what that entails.

PAUL BLOSER: So call them any time and say, "Come and take a look at it."

It's just a matter of putting the phone call in to get that closed out, but that would be a condition of approval, that any open permits need to be closed.

MR. PAPPERT: Very well, thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

LAURIE LACCAVA

MS. LACCAVA: I share the backyard, so our backyards connect. The southwest side I would say.

Um, and, you know, I found out about the addition through the letter in the mail, and I guess I'm a little bit concerned just about the closeness, because you have a smaller lot than I as far as going back, and it seems to be a larger structure. And I'm just concerned, um. I had my house up on the market a couple years ago when I was considering selling and that was the feature that everybody said, "Your backyard is like a fish bowl."

And I feel that a structure this size is going to -- there is not going to be any privacy. I mean it is so close to the lot line. I guess I was just wondering about what plans you had for beautification as far as keeping it, you know -- for privacy and such.

MR. PAPPERT: May I answer directly?

PAUL BLOSER: You may answer that, but you address comments to the Board.

MR. PAPPERT: From the standpoint -- obviously this time of year that we're starting to build, um, you know, we haven't really put in any landscape considerations yet because we're -- because we're running a bit high on the cost already with some of the things we had to do preliminary, which I understand is just part and parcel of putting on a project.

Um, from the standpoint, if it would make a difference to put like a (inaudible) back there or some shrubs or something so it looks nicer from your side, I'm not --

MS. LACCAVA: Is just -- we have no backyard already, and, you know, it's -- I don't know.

MR. PAPPERT: I'm not adverse to putting in, if we need to, landscaping or shrubs or something so it looks a bit nicer, but I don't think from the -- I mean from -- from, you know -- if that would work for you to make sure -- it will look very nice. We're not -- you know, we have just decided at this point to do this and stay in the house perpetually so we're not going anywhere, and this is kind of the first, um -- the first big capital improvement project we're going on, and now that we know we're staying here permanently, once we invest in this, there are other upgradings we need to do. You know, we put the roof on a couple years back, brand new windows last summer. So there are going to be a lot of things to enhance the property.

You know, at this point, knowing that we're staying for the long haul and not planning on going anywhere, our point is to, you know, do additional landscaping and get it kind of brought up.

MS. LACCAVA: I guess I'm just worried, too, because you explained that our house is one of the smaller ones. Not really. If you look in the neighborhood, it's our -- our model is the Hathaway, the Colonial. There are only like, I would say, three Saxtons, which are my next-door neighbor, which is a little bit larger than ours, but most of the neighborhood is -- I have the same size house as he does, and that is most of them. It's kind of a carbon copy neighborhood. It's a Ryan home. Most of them are constructed of either the raised ranch, our model, which is the standard Colonial.

MR. PAPPERT: There are five Hathaways on the loop.

MS. LACCAVA: Ours is a Hathaway.

MR. PAPPERT: The larger.

MS. LACCAVA: Saxton?

MR. PAPPERT: There is the one that is setback behind the other two, kind of at the top end of Constitution, the big white one that sets up there is -- Ron's, that in-ground pool that backs up to the houses out on Chili.

MS. LACCAVA: But let's consider those versus all of the Hathaways. There are way more -- there has to be at least 15, 20.

MR. PAPPERT: I agree.

PAUL BLOSER: I would ask that you keep your comments addressed to the Board and not between each other.

MS. LACCAVA: Okay.

PAUL BLOSER: Thank you.

MR. PAPPERT: Yes, sir.

PAUL BLOSER: I understand the applicant -- public speaker, what you're saying. I'm going to, I think, make a recommendation that you submit the aerial photo that you have in here and a copy of your plans to the Conservation Committee. It's not another application permit. There is no other fees attached to it, but get some thoughts from them on what we have seen to to -- cost effective way to remedy that situation and they will make recommendations to you.

MR. PAPPERT: That is for like trees and shrubbery, that type of stuff, sir?

PAUL BLOSER: Yes. Something -- I will make a recommendation that you discuss it

with them.

MR. PAPPERT: Okay, sir.

PAUL BLOSER: For their recommendations to address that situation.

MR. PAPPERT: That would also be a condition of approval, sir?

PAUL BLOSER: To get their blessing on it, yes. There is not another permit or fee for that.

MR. PAPPERT: I understand, sir.

PAUL BLOSER: But I think to help with the neighbors, we have done this when we get into tighter spots.

MR. PAPPERT: Yes, sir.

PAUL BLOSER: And this addresses other problems down the line.

MR. PAPPERT: Yes, sir.

PAUL BLOSER: It is tight.

MR. PAPPERT: It is, sir.

PAUL BLOSER: It's going to diminish everything back there. So we do want it to look nice for everybody involved.

MR. PAPPERT: Yes. As do we.

PAUL BLOSER: Plus, the plantings -- what I will say, I want that done after you get your site plan finished and stamped, because that is going to show where the boundaries are for the drainage swale.

MR. PAPPERT: Okay, sir.

PAUL BLOSER: Because you can't put plantings in a drainage swale. So they will want to see where those lines are with setbacks and make their recommendations accordingly.

MR. PAPPERT: Understood, sir. Thank you.

PAUL BLOSER: So that will be part of the process.

MR. PAPPERT: Yes, sir.

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

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

PAUL BLOSER: We have covered a few things here. Certainly in his application he addressed the fact that this addition was going to be done with like materials, siding, roofing, windows, trim packages and such. That is a condition of approval also. Any open permits right now need to be closed prior to any issuing of new permits. That will be a second condition of approval.

I am going to request that the plot plan show all of the improvements you're making dimensionally, setback issues, where the pool is located and that needs to be done prior to the building permit.

Fourth is the permit for the existing deck that was not approved, that be closed out. That is part of the first one I said.

Paul Bloser reviewed the proposed conditions of approval with the Board.

PAUL BLOSER: That site plan needs to be approved by the Commissioner of Public Works prior to permit issuance. Then the proper permits you have to have for the actual job itself.

MR. PAPPERT: Very well, sir. Thank you.

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

Michael Nyhan made a motion to approve the application with the following conditions, and Robert Springer seconded the motion. All Board members were in favor of the motion. SEQR:

PAUL BLOSER: Make sure the Conservation Board condition of approval is put in there.

DECISION: Approved by a vote of 5 yes to 2 no (Adam Cummings, Michael Nyhan) with the following conditions:

1. A revised plot plan showing all of the improvements on the site along with dimensions showing the distance between each of the structures and all required setbacks prior to obtaining a building permit.
2. A final inspection of the deck that does not have a Certificate of Compliance must be completed to close out this permit and prior to issuance of any additional permits.

3. A site plan showing grading elevations and drainage prepared by a licensed engineer or land surveyor that must be approved by the Commissioner of Public Works prior to the issuance of the building permit.
4. Review and approval from the Conservation Board shall be obtained for plantings and/or buffering of adjacent properties.

The following finding of fact was cited:

1. While the addition is not significant in size, the lot is small, and based on this and also that there is an easement for the drainage swale in the rear of this and all of the neighboring properties, the Commissioner of Public Works is to review, approve, and make recommendations and/or any required changes for setback and drainage issues. In addition, we request that the Conservation Board review and recommend adequate vegetation buffering for neighbors considerations.
3. Application of Michael Whitney, owner; 84 Wheatland Center Road, Churchville, New York 14428 for variance to erect a 40' by 24' attached garage 5 feet from side lot line (30 feet required) at property located at 84 Wheatland Center Road in RA-1 zone.

Michael Whitney was present to represent the application.

PAUL BLOSER: For the record, state your name and address, please.
MR. WHITNEY: Michael Whitney, 84 Wheatland Center Road.
PAUL BLOSER: You have some tight setbacks there also.
MR. WHITNEY: Yeah.
PAUL BLOSER: Based on your package information, this proposed building is going to go up in place of the existing garage that is attached right now?
MR. WHITNEY: Yes. I was going to tear the old one down and rebuild a new one.
PAUL BLOSER: How much of a grade is there from front to back on that?
MR. WHITNEY: From right to the end of the building it's pretty level, but it drops off after the garage probably like 3 feet, 3 to 4 feet.
PAUL BLOSER: You have to bring some fill in for that?
MR. WHITNEY: Well, the garage is going to stay on the part that is level.
PAUL BLOSER: Okay. So the proposed garage doesn't drop off?
MR. WHITNEY: No, it does not.
PAUL BLOSER: Okay. All right. That is what I wanted to see. No -- no fill is going to be brought in for that?
MR. WHITNEY: No. No, no fill.
PAUL BLOSER: Do you know what the distance is, the neighbor to your north, their house, to the lot line?
MR. WHITNEY: I would say it is probably 3 to -- 3 feet or so, 3 to 4 feet.
PAUL BLOSER: I'm not sure. That's why I'm guessing.
Ed (Shero), do you know if there is a State minimum requirement between buildings?
ED SHERO: There is. Without a -- it would be -- 10 foot would have to be required without any -- with a combustible wall. It would have to be 10 feet.
PAUL BLOSER: With or without?
ED SHERO: If it is a combustible wall, you need 10 foot separation.
MR. WHITNEY: It would be at least 10 foot, then, I think.
PAUL BLOSER: We'll, if you're looking for 5 feet, and that is 3 to 4 foot --
MR. WHITNEY: I said 5 feet, but it is actually closer like 7 feet. She told me, you know, "Don't go over. Make sure you're within."
So I said 5. It is closer to 7, though.
PAUL BLOSER: Okay. I will have to have some real clear documentation for both properties so that we're not closing that State boundary. I want that well documented.
MR. WHITNEY: Sure.
JAMES WIESNER: I'm trying to read what size the garage --
MR. WHITNEY: The garage is 22 by 16.
JAMES WIESNER: You're increasing it to what?
MR. WHITNEY: 24 by 40.
JAMES WIESNER: Okay.
FRED TROTT: I have a concern about being so close to the property lot line. Is there -- have you considered going smaller to give yourself more of a buffer?
MR. WHITNEY: If I have to, I could, yes.
I'm trying to clean up the yard and get the truck off the road because my driveway is so short, that when the salt -- salt trucks go by, it sandblasts my vehicles, and I can't get my truck in the garage as it is because the truck is bigger than the garage.
FRED TROTT: You're going quite large.
PAUL BLOSER: I'm more concerned about the width than the depth and then he will not accomplish what he wants to do by narrowing it. You won't get two vehicles in there like that.

I'm more concerned about distance between the side of his house than the neighbor to the north. Plus vehicle access. He is right across the street from the Fire Department, but vehicle access, in an emergency --

MR. WHITNEY: I am putting a garage door on the front and back; it will go right through the place. The garage.

PAUL BLOSER: That is okay if somebody is home to open up the doors and vehicles aren't in there. You know. This is coverage 24/7 when you're in the Bahamas on the beach someplace, it --

MR. WHITNEY: Right.

PAUL BLOSER: We look at worse-case scenarios. So that is a concern. My only concern is that we stay within the State -- I would like a little discussion on that. I would like 12 foot separation for emergency vehicle. 10 foot is not much for an emergency vehicle. That would be the only thing I would really want documented clear.

MR. WHITNEY: You want 12 foot between the garage and the neighbor's house.

PAUL BLOSER: The north side of your garage and the south side of your neighbor's structure.

MR. WHITNEY: Okay.

PAUL BLOSER: Between the two properties, I would want a minimum clearance of 12 feet, as a condition of approval, I would want to see. It's tight. I just -- for everybody's safety, I don't know if there is a neighbor here to speak on it, but it's a tight -- it's a tight area right there.

KEITH O'TOOLE: Just a comment. Depending on what kind of setback we agree to, you might want to consider requiring that the surveyor come out and stake the foundation so we get it done right the first time.

Nothing further.

PAUL BLOSER: Thank you.

ED SHERO: Nothing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

AL JAWORSKI

MR. JAWORSKI: I'm the property to the north. It's kind of my belief that that would be -- the 40 foot would be too large and too close to my house. Because if there were a fire in his house, my house would burn also. My house was first erected in 1862. So it has field stone basement walls. I'm afraid that if he were to put in footers for his garage, it's going to change the water flow and possibly flood my basement. Right now there is a hedge as a buffer between the two properties. It's probably -- our property lines are probably only from the building to the hedge, 5 feet. Total.

The other concern I had was the sewer systems are in the backyards. If he needs to get an excavator in to do anything with his leech fields, sewer tank, he is going to have to either drive through my yard or the neighbor to the south, Bruce (Costello), his yard, because there would be no way for him to -- at 40 foot to get through to the backyard.

PAUL BLOSER: When you're saying "sewer," it is actually septic.

MR. JAWORSKI: Septic, excuse me, yes. And leech fields. I'm not saying that Michael (Whitney) shouldn't be able to have a larger garage. As a neighbor. But I'm thinking maybe more to the size of like 28 by 40, which would leave 12 foot space, someplace thereabouts between the property line and his structure that he would like to build. That's pretty much what I got.

PAUL BLOSER: Okay. Thank you.

FRANK LEONARD, 83 Wheatland Center

MR. LEONARD: Frank Leonard. My wife, Joan and I live at 83 Wheatland Center. We're Mike (Whitney)'s neighbor directly across the road. He has been our neighbor for quite a number of years, been a good neighbor. And I can see his garage is too small for his vehicle. He's got like a -- I guess maybe what you would call a car and a half garage at this point in time.

But kind of a comment, we're all -- and in our immediate area living in homes that were built probably in the 1800s, so we're into the old village homes, two-story, store-and-a-half type of thing, and I guess from the appropriate standpoint of it's nice to have more space, it just, um -- a 40 foot garage would look kind of out of balance with his home, from my standpoint. He has a home that has been remodeled, nicely sided and all of that, and I'm just thinking in addition to Al's concern about too close to his house, um, it's -- it just wouldn't look as appropriate.

I'm not trying to say what size he should have, but a 40 foot garage is probably wider maybe than his home. And we all like to have more place to store things, but I'm just thinking it is a bit oversized. So that would be my concern and he has kept his home up.

We all like to collect things. Everybody in Clifton has something in their backyard and we would all kind of like to store it, I know that. So I'm not opposed to it, but I'm just thinking something lesser size for the width.

Thank you.

PAUL BLOSER: For clarification, is that the 40 foot the width of it?

MR. WHITNEY: Yeah.

PAUL BLOSER: Not the depth?

MR. WHITNEY: No. If I went deep, I would be dropping down. Like you're saying, it drops down in the backyard.

PAUL BLOSER: That is what I was picturing first, is a 40 deep by 24 wide?
MR. WHITNEY: No. 40 wide, 24 deep.
PAUL BLOSER: That's a little different.
How wide is the front of your house?
MR. WHITNEY: Probably about 45.
MICHAEL NYHAN: Purpose of this garage is to store your vehicle?
MR. WHITNEY: Vehicle and other stuff I have.
MICHAEL NYHAN: What kind of vehicle are you trying to store, standard sized truck?
MR. WHITNEY: Yes. Brand new vehicle I bought -- just bought. It's standard, I suppose, but the garage I got ain't standard. It's like a shed.
MICHAEL NYHAN: That I understand. I just didn't know if it was something other than a regular type truck.
MR. WHITNEY: Just a standard size truck.
MICHAEL NYHAN: Okay. Thank you.
PAUL BLOSER: Where is your leech field?
MR. WHITNEY: Behind my house. The house part of it.
PAUL BLOSER: And the proposed garage, do you know what the setback is from the corner closest to the leech field, to the corner of the garage?
MR. WHITNEY: Of the existing one? Right now, I would say --
PAUL BLOSER: Of the proposed.
MR. WHITNEY: Well, it would be the same corner, because that is not changing, so it -- the closest one I would say is may be 10 feet.
PAUL BLOSER: Well, if this measurement is right, your garage right now is 21 feet long, the way I am reading that; is that correct?
MR. WHITNEY: Yes. No. That's -- that's the width. The depth of it is 21. 16 wide.
PAUL BLOSER: You're looking for 24 feet deep?
MR. WHITNEY: Yes. It is 22. By 16. Right now. 22 deep, 16 wide.
PAUL BLOSER: If you're going 24 deep, is that going to move that corner 2 foot closer?
MR. WHITNEY: The 2 foot was going to come in the front.
PAUL BLOSER: So you really can't go any further back.
MR. WHITNEY: I can't go any further back. Unless I brought in a bunch of fill, you know.
PAUL BLOSER: Well, you can't be any closer to your leech field?
MR. WHITNEY: Right.
PAUL BLOSER: You're on the edge of it. Is it 10 or 15 foot?
ED SHERO: With the tank -- it's 10 feet from the tank. 20 feet from the leech lines.
PAUL BLOSER: So it won't even be compliant right now?
ED SHERO: Yes, but because it is prior, non-conforming use, but we just can't have it any closer.
PAUL BLOSER: If he is putting up a new structure, would that change -- would he have to be compliant to existing?
ED SHERO: He couldn't get any closer than what he has.
PAUL BLOSER: I understand that. But if he is demolishing completely the one that is there now and put a new foundation?
MR. WHITNEY: One part of the foundation was staying; the back wall foundation was staying. We were just adding onto it, whatever. I mean it's not going to change it. That wall is going to be there, right where the old one was.
PAUL BLOSER: I don't have any questions now. Anybody else?
FRED TROTT: The driveway you're going to have, is it going to stay the same --
MR. WHITNEY: The driveway was going to get a little bigger because there would be two garage doors in the front, instead of having just the one like now.
PAUL BLOSER: So you will have the driveway cut at the road, too?
MR. WHITNEY: No. That wouldn't be any wider. I would just swoop in towards the other garage door.
FRED TROTT: How far is -- is the setback from the -- from the road to -- to the front setback?
MR. WHITNEY: It's over 30 feet. I mean -- I mean, even over 30 feet after I take 2 foot of it. Just about 30 feet.
From the road. To the new front of the garage.

BRUCE COSTELLO

MR. COSTELLO: Bruce Costello. I live to the south. And I just want to echo what Frank (Leonard) said about aesthetics. Um, you know, I'm not opposed to Mike (Whitney) having a bigger garage for his vehicles. Um, I just think 40 feet wide is too big. It's not -- it is going to look out of place. I mean, listening to the other approvals here, you guys are -- you are high on aesthetics, matching roofs, matching siding. I just think a 40 foot wide garage in this neighborhood is just going to be out of place.

And also from a fire standpoint, from Al (Jaworski), the neighbor to the north, I think that is not a good idea to have it that wide. That's all I have to say.

Again, I'm not opposed to him having a bigger garage. Everybody wants more space. I just think 40 feet is a little bit too -- too big.

That's all I have to say.

PAUL BLOSER: Any other public comment?

JOAN LEONARD, 83 Wheatland Center

MS. LEONARD: Joan Leonard, 83 Wheatland Center, neighbor across the street. You know, some of the applications want to know how they will be finished off. I guess I want know what I will be looking at across the street, how will you finish this.

MR. WHITNEY: It will be vinyl siding, and designed roofing pretty much. Same as the house.

MS. LEONARD: The same blue and everything?

MR. WHITNEY: Yes. Whatever I can get close to match.

PAUL BLOSER: That would be a condition of approval that we would put on there anyway.

MS. LEONARD: Oh, okay.

PAUL BLOSER: That is a standard that we do.

MR. JAWORSKI: One more question of Michael (Whitney).

PAUL BLOSER: You through, ma'am?

MS. LEONARD: Yes.

PAUL BLOSER: You can ask the question to the Board.

MR. JAWORSKI: Okay. I would like to know how high this building will be.

PAUL BLOSER: What are your side wall heights?

MR. WHITNEY: 10 feet.

PAUL BLOSER: On the side walls?

MR. WHITNEY: Yep.

PAUL BLOSER: What is your peak?

MR. WHITNEY: Um, it would be a total -- total would be probably 15 feet.

PAUL BLOSER: Do you have a forward elevation view, as far as how that is going to look attached to the house? I mean, you got a -- you got a view of the side. You know, a view of the front, how it attaches to the front in relationship --

MR. WHITNEY: I didn't draw one, no. I got a two-story house, though.

PAUL BLOSER: Okay. There is not storm sewers through Town.

MR. WHITNEY: Yes, there is.

In the front.

PAUL BLOSER: On the street.

MR. WHITNEY: Yep.

PAUL BLOSER: Is this -- if we approved this, I would want to see a condition placed that the drainage be reviewed by the Commissioner of Highways and where that water is going. Again, the distance that you're looking at between the houses, concern he has with the foundation, basement, and you can't drain into a leech field. So we would want documentation where that rain water would be going. It's a lot of square footage to displace water, so that would be a condition I would want to see on here also. And have the -- and have the Highway Department review that for drainage issues. Okay?

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

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

ROBERT SPRINGER: Mr. Whitney, question for you. Would you consider going from a 40 foot length to a 34 foot length? If you did that, stayed with the same depth, the 24, I believe it is, you would only lose 44 square feet, but you might gain a closer relationship to your neighbors with aesthetics and with the side line to the gentleman there. 44 square feet out of -- you will go from 357 square feet -- 357 square feet currently. And you want to go to 860 square feet. If you only went to 34 foot length, you would go up to 816 square feet versus your current 357 square feet. In other words, if you drop 6 feet, you lose 44 square feet.

MR. WHITNEY: If that is what I had to do to build a garage, I could do that.

ROBERT SPRINGER: Well, it is something to consider because your neighbors would have less -- 6 foot less to look at, point blank from across the street, and the gentleman sitting over here (indicating) would have -- you would now have 11 feet from your garage side to your property line, rather than 5. Just a suggestion.

ADAM CUMMINGS: I think it is a very good suggestion. I was going to say 32. I have got, as we have stated, Ryan homes. We have the standard two-car garage door with single door and we can fit two cars in there and it is tight. You don't store very much equipment. But if you move up to a 30 foot wide, 32, 34, I think that is a pretty good size. Your 24 foot depth should accommodate just about any vehicle unless you have an extended bed truck with a super cab.

MR. WHITNEY: I was thinking about lawn mowers and stuff. Backyard floods, so if you put a shed there, it rots out.

ADAM CUMMINGS: But you have one vehicle and have you another bay, plus excess space inside. So just like Robert (Springer) said, between -- with the setback, I would be comfortable with that. It gives you the greater than 10 feet setback from the side and it gives ample space, plus a compressed view from the front, from Wheatland Center Road.

PAUL BLOSER: That will also -- I would like the 32 foot because it would make it less

than the width of the house. To have something larger than the house -- I guess this is unusual. I'm going to look at the neighbors and say is 32 foot more palatable than 40?

It's unusual.

MR. JAWORSKI: I would like it a little less myself. I would feel a lot more comfortable having less than 11 feet for the fire, if there were possibly one, on the prevailing wind to blow over to my house and catch my house on fire.

I would like to see, like I say, 28 foot. I kind of paced it off, walking down the front of the building Sunday, and I'm thinking 28 foot will make me feel more comfortable.

Because what I was thinking was, even with 12 foot doors, his SUV that he has, is only 7 feet wide. That gives 5 feet of space to pull into the -- into the garage. So leave it another bay, even, 14 foot apiece, that's giving lot of space for him to park stuff there. So I'm just -- like I say, feel more comfortable about 28 feet.

PAUL BLOSER: Thoughts from the neighbors across the street?

MR. LEONARD: I would agree with Al (Jaworski).

PAUL BLOSER: To the south?

MR. COSTELLO: Yes, I agree also.

PAUL BLOSER: This is unusual. I don't -- probably never done this, but this does affect the neighbors.

MR. COSTELLO: It does.

PAUL BLOSER: And I'm concerned about that.

MR. LEONARD: And the other thing is, we're talking about the lot line between Mike (Whitney) and Al (Jaworski). We're not talking an open lot line. We're talking a hedge that's 8 or 10 feet tall and that wide (indicating). So if you're saying you have a combined distance between buildings of --

PAUL BLOSER: Still can't get a vehicle down?

MR. LEONARD: You don't have that, unless the whole hedge is going to come down. I think the hedge is not yours, Al (Jaworski), is it?

MR. JAWORSKI: If I look at the property marking here, I would say the hedge is probably all Mike (Whitney)'s.

MR. LEONARD: I mean, it's -- the hedge is obviously something that could be moved, but it's there. It is a sizable old hedge from -- we have been there 45 years. The hedge has been there before we got there.

So the thing is that wide (indicating) and however high Al (Jaworski) wants to let it grow before you can't see his house. So these are not complaints against Michael (Whitney). I'm just saying overall, it may not -- we're talking feet as space between buildings, but in reality, we don't quite have that.

PAUL BLOSER: I appreciate your input. Public comment is now closed.

MR. WIESNER: A two-car garage is like 20 feet.

ADAM CUMMINGS: I just did some -- off the dimensions on this, the existing garage is 17 -- 16.9 feet wide. You extended, so say 17. Extended it 15 to get 32, that leaves with you 15.6 feet between the property line.

PAUL BLOSER: And the side of the garage?

ADAM CUMMINGS: And the side of the garage. For instance. Now, if you -- if you bring it to a 34 width, it knocks it down to 13.6 of a distance. That is enough to get equipment back to clean the septic. And -- and --

PAUL BLOSER: Michael (Whitney), I'm going to look at the 32 so that we have got 15 foot to the side, I think is what I am going to make a recommendation for a condition of approval. We can get something down there if we have to. That is clear space. I want to be able to get down there. Not to be tromping over bushes. There is a lot --

MR. WHITNEY: But if a vehicle goes down there, it drops off. I don't know how it --

PAUL BLOSER: They sit up high off the ground. They could if they wanted to. We'll worry about getting it out of there later, but servicing your septic systems, you know -- you live where you want to live, but there also comes into play neighbors, and I guess I would want to be able to get along with my neighbors.

MR. WHITNEY: Sure.

PAUL BLOSER: And everybody be able to sleep well at night. I like that 15 foot cushion. The houses are small. This is a big structure you're looking to put. It will look out of place from the original design of these houses. And I hear that. I can respect that, too, in seeing it.

The other thing I want to make sure we look at is putting a ceiling on the height of side walls. Be consistent with the house. I don't want 12 foot side walls on this, so I think I would like to say bottom of eaves or floor -- a maximum of 10 foot so that we're not going to the barn on the side of a garage.

I think that is -- that would be reasonable. So your floor height, from concrete level to the bottom truss or bottom of fire drywall, whatever you're putting up this, I would want 10 foot clear. Okay? That is enough to work around.

MR. WHITNEY: That is what I was going to do anyways.

PAUL BLOSER: I just want it in the record so we don't try to get that extra square footage and loft up a two-story building there.

MR. WHITNEY: Yep.

ROBERT MULCAHY: What is the pitch of the roof?

PAUL BLOSER: It will change right now because of the --

ADAM CUMMINGS: It will be the same pitch but a different height.

MR. WHITNEY: No. It will be a different pitch. It has like a -- still will have a roof on it. It is short and then long. That will be gone. It will be a 5 pitch when I'm done.

ROBERT MULCAHY: 5/12?

MR. WHITNEY: Yes, 5/12. That's a normal pitch.

PAUL BLOSER: Still long.

MR. WHITNEY: That's what I put on the addition on the house.

MICHAEL NYHAN: Any way to see an elevation of this, Paul (Bloser)? We're trying to design a garage here for this gentleman.

KEITH O'TOOLE: Here it is. (Indicating).

MICHAEL NYHAN: In relationship to the house. One of the concerns is the look of the neighborhood and we can't see what that is going to look like without elevation.

KEITH O'TOOLE: If -- if you want to, and I don't know if this is proportionate to what the gentleman is applying for. You have to make that determination.

PAUL BLOSER: Counsel, could you speak into the microphone? I can't hear you. I'm sorry.

KEITH O'TOOLE: Yes.

PAUL BLOSER: Thank you.

KEITH O'TOOLE: If you would like to, you can require the gentleman to go get an architect to draft an elevation, bring it over to the Architectural Review Board and have them do the final approval and leave it at that.

PAUL BLOSER: Thank you.

Did you understand what that was?

MR. WHITNEY: Not really, but.

PAUL BLOSER: We have an Architectural Review Committee. It's not a Board; it's a Committee. I'm going to make a condition of -- a condition of approval that you have a final print put together because you're going to need a print to be submitted to the Building Department anyway for your permit, that that final print be submitted to the Architectural Review Committee so that they can look at how it ties to the house.

MR. WHITNEY: Something I can draw up?

KEITH O'TOOLE: I'm thinking not.

PAUL BLOSER: I would prefer it be done by an architect on this one so that it is -- I want to see it on the lot line. I want to see the setbacks, and I really would like to see where it is in relationship to your septic system. If you don't have a print of that, you can get that through the County, but I would like to see where everything ties in on a site plan, and I would like to see front elevation view of what it looks like tied to the house. Your roof lines, where they flow. Just so we have got a good picture of it. In order to get a building permit.

MR. WHITNEY: Expensive, right? Whatever.

PAUL BLOSER: You will save money because you're not going 40 foot wide, so.

MICHAEL NYHAN: There is a lot of concerns on this piece of property. The neighborhood has a certain look and there is a concern about the way this property is going to be relative to the size of the garage you're drawing, so we need to see an elevation on that to make sure it doesn't substantially change the look of the neighborhood.

ROBERT MULCAHY: I'm concerned about the setback from the garage to the front lot line is not 30 feet.

ADAM CUMMINGS: Where?

ROBERT MULCAHY: From the lot line here.

FRED TROTT: He will take 2 feet.

ROBERT MULCAHY: From here (indicating), here (indicating), but not from there (indicating) to there (indicating).

ADAM CUMMINGS: There 30 is there. He is adding 15 feet more there.

Multiple discussions were had by the Board members.

ROBERT MULCAHY: What? From here (indicating) to here (indicating) ?

ADAM CUMMINGS: I don't know that dimension.

ROBERT MULCAHY: That is what I am saying. Doesn't it have to be more?

ADAM CUMMINGS: Yes. The front -- I was looking at the -- the side.

ROBERT MULCAHY: We don't have the front setback.

PAUL BLOSER: We don't. That is why I want to see an updated site plan, so we know exactly where this is being set on the lot.

FRED TROTT: Will we make like a recommendation to table this until we have this stuff? Because we're asking him to change the size of his garage.

JAMES WIESNER: Basically we have revamped this whole application which doesn't really make a whole lot of sense.

FRED TROTT: I'm kind of getting the feeling I would be more comfortable if I table it.

MICHAEL NYHAN: He has heard our comments, his neighbors' comments. I would like to see another application come in that we can vote on.

ADAM CUMMINGS: We can table this one.

PAUL BLOSER: Until he comes back with the information?

ADAM CUMMINGS: Not a full reapplication.

MICHAEL NYHAN: No. Just to come back.

ADAM CUMMINGS: But there is a question of the front setback. A variance for a front

setback? That was a good question.

ROBERT MULCAHY: We don't have that here.

MICHAEL NYHAN: Do you need one?

ADAM CUMMINGS: There should also be a variance for a front setback.

ED SHERO: The setback is where the house lines are established. You can see it is only like 2 1/2, 3 feet, so he is not going in front of that sight line.

ADAM CUMMINGS: So we'll maintain the preexisting, nonconforming.

ED SHERO: The preexisting would allow him to go that 2 feet closer to the road.

PAUL BLOSER: I think based on what the Board has said, I'm going to make a recommendation that we table this then until we have a full set of prints to look at with this.

ROBERT MULCAHY: Agree.

PAUL BLOSER: Take a vote on that? To table this? To table?

JAMES WIESNER: I don't know. I mean I -- I think you're putting him through an awful lot, and I -- are we going to be any further ahead when we get that, I guess, is the question.

PAUL BLOSER: We have got the setbacks that we're looking for that we have asked, downsizing the structure like we have asked.

JAMES WIESNER: I'm not totally comfortable with the whole thing, even if it has been revamped or proposed. You are looking at me to answer the question, but I'm not happy with the whole thing.

MICHAEL NYHAN: What is the question?

PAUL BLOSER: Table or -- or hear it tonight?

MICHAEL NYHAN: Um, I think I would rather see it tabled, otherwise he can't come back for another application for a year.

If we don't table this and vote on it, and it were to get declined or turned down, you wouldn't be able to come back in front of this Board for another year.

Is that right?

PAUL BLOSER: That's right.

MICHAEL NYHAN: With another application.

JAMES WIESNER: So I guess in that case it gives him the opportunity.

MICHAEL NYHAN: To make some changes based on what he hears from us and the neighbors to make it a little more palatable to be able to have his vote on that. So I think it would --

JAMES WIESNER: I can see that point then.

PAUL BLOSER: We have a unanimous decision to table this. So do you understand what we're looking for here? You have the size of the building, 32 foot. We want to maintain a 15 foot side setback. I don't want to see a -- I want to see a print that shows where your gutter water is being diverted to with the direction, and I want to see your -- placement and size of the structure. I want to see a front view of the garage attached to the house so we know what the lines will look like and that will be submitted to Architectural for their comments and review.

ROBERT MULCAHY: And the septic.

PAUL BLOSER: Septic system has to be shown on the lot also. If you would like, we'll have that typed up as a condition of tabling and why we're tabling it and we can have that sent to you.

MR. WHITNEY: Okay.

PAUL BLOSER: Okay.

MICHAEL NYHAN: Just one comment. I will made the comment a 32 foot structure. I'm not sure.

PAUL BLOSER: 32 foot wide or a 15 foot setback to the side lot line. Between that and what the neighbor to the north has, we'll have almost 20 foot buffer between the structures at that point. We'll also have detail on how the drainage is falling so it is not going into the neighbor's basement or footers, where it is directed to, and it is not being directed to a leech field. And that -- and that I want the Highway Department Superintendent to look at for approval on drainage.

MICHAEL NYHAN: Understood. I just don't want to give the impression this will automatically get approved, because there is still opposition to a 32 foot garage from the neighbors.

PAUL BLOSER: We'll have the Highway Department Supervisor approval and Architectural Review Committee approval before it comes back to us.

ADAM CUMMINGS: And it is still not guaranteed that we would vote yes.

PAUL BLOSER: Yes. I want their input and approval before we look at it.

MICHAEL NYHAN: Goes back to Jim (Wiesner)'s comment, this is an awful lot of expense if it doesn't get approved. I guess I don't want to put numbers on it that the 32 foot is it, is the point I'm making.

PAUL BLOSER: I'm saying if Architectural and Highway Department is good with it and they have met our criteria, I'm good with it at that point. So we're tabling it. I will get those conditions off to you.

Okay?

MR. WHITNEY: Yep.

PAUL BLOSER: Thank you.

DECISION: Unanimously tabled by a vote of 7 yes pending resubmission with the following as conditions for return to the Zoning Board of Appeals:

1. Minimum clearance of 15 feet (open free space for emergency or service vehicles between the north side of the proposed garage addition and the south side of the neighbor's house).
2. Drainage design on the front, side, and back to be submitted on a stamped site plan to be reviewed and approved by the Commissioner of Public Works.
3. Building side wall height to eaves shall not exceed 10 feet.
4. Addition and elevation design shall be submitted to the Architectural Advisory Committee for review and approval for neighborhood "fit".
5. Building size shall be a maximum of 32 feet in width and 24 feet in depth.
6. Building materials used (roofing, siding, doors, windows, trim, etc.) Must match existing house.

The following finding of fact was cited:

1. Based on concerns of the Board and all flanking neighbors, the requested size would be very out of character for the location and neighborhood. In addition, there are concerns of drainage and its effect on neighbor to the north and septic in the rear, and also the lack of rear access by emergency or service vehicles.
4. Application of First Presbyterian Church of Chili, owner; 3600 Chili Avenue, Rochester, New York New York 14624 for variance to allow existing second freestanding sign in a residential zone to be 4' by 4' double-faced non-illuminated, variance for sign posts to be 9'2" high maximum (5' allowed), variance for sign to be 1' from front lot line (15' required) at property located at 3600 Chili Avenue in R-1-15 zone.

Andrew Atwater was present to represent the application.

MR. ATWATER: Andrew Atwater, Chairman of the Board of Trustees for the First Presbyterian Church of Chili.

A little history. The Town sent paperwork asking what signs we had. I sent back pictures and information, measurements and you came back and said, "You only have one permit. You need a variance for a second sign."

We decided which sign we had the permit for which was -- the one directly in front of the church which was installed by a contractor in 1990. The one we do not have a permit for was erected about 1980.

Took it before the Architectural Board. They would like me to make the sign post heights even as opposed to looking as the silhouette of the church. I believe that is the recommendation. I did not see their final output. It is most of the time, displays as you see in the picture. It is used for an event sign. Currently it has the fall supper announcement in it. Probably 90 percent of the time it looks as it is presented in the picture.

The option was to go this way rather than putting cardboard signs on telephone poles all over Town. This is the way we announce our events.

PAUL BLOSER: The second one there has been up since when?

MR. ATWATER: 1980. The one we do not have the permit for. It originally was a 4 by 4 wood structure. I don't remember exact -- four or five years ago we vinyl cladded it. It was the same existing 4 by 4. We just thought it looked nicer with the vinyl cladding on it.

PAUL BLOSER: Okay.

MR. ATWATER: Variances, the height, if we make the post even, it comes down to -- I don't have it right in front of me, 7 foot something instead of 9 foot. The variance off the lot line had to do with coming off the road. There is three more width -- because I mow the lawn -- of grass between the sign and the ditch. It was dug by the County or State last year. The 1 foot number was come by my approximate measurement from the center road which happened to be on the drawing when I made the application.

As far as the sideways to the, um, school, it's -- there -- the distance there is more than 15 feet, which I believe is what we need.

Number of signs, you can only have one. We're asking for two.

Free-standing, not in a residential. They are -- there is a school lot between the next house and going the other direction. Across the street there is no houses, it's a wooded area and then the townhouses. It is residential, but not a housing tract that the Church is in. And the location off the --

PAUL BLOSER: I don't have any questions.

FRED TROTT: If you were to lower the one that is 9'2" -- no, let me rephrase that. The Architectural Review wanted you to even out the poles, right?

MR. ATWATER: Yes. I would lower one rather than try to mimic the other one taller.

FRED TROTT: I noticed what you do is you put signs on that piece above.

MR. ATWATER: Currently there is a sign on the piece above. Yes. Sometimes it is used to hold the chicken up for the chicken barbecue.

FRED TROTT: Would you still be able to hold the sign up there?

MR. ATWATER: I'm sure I could. It -- they're temporary -- the -- I'm sure we could make something to hold the sign up there if we needed to, temporary. Would I like it left? Yes. I have no problem shortening it if --

PAUL BLOSER: How many times a year are you using it for advertising?

MR. ATWATER: Huh?

PAUL BLOSER: How many times a year are you using it for advertising?

MR. ATWATER: Chicken barbecue, roast beef dinner, Family Fun Fair, spaghetti dinner for the Scouts.

PAUL BLOSER: Four to five?

MR. ATWATER: Yeah. Without stretching I will say six, but that's a stretch.

Roast beef dinner is the 5th.

PAUL BLOSER: I don't have any other questions.

ED SHERO: I will ask that all -- we just ask that a condition of the variance that all -- all signs get permits on the property.

MR. ATWATER: We have application in for both. They would not give me the first permit because there is a second one.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: For the amount of events that happen during the course of the year, I kind of agree with Architectural to make those posts even. I imagine there is somebody on your staff that is clever enough to come up with a way to hang a chicken. For the balance of the year it would look a little more balanced with matching top caps on it.

MR. ATWATER: I have no problems with it.

PAUL BLOSER: That is not a major thing, but -- but we're -- but being on the main corridor coming into Town, I was just trying to get everything in line and everybody on the same page.

MR. ATWATER: I can give you the -- the art. It looks like the steeple on the church, the perfect silhouette, but we won't go that far.

PAUL BLOSER: This will be a lot easier?

Paul Bloser reviewed the proposed conditions of approval with the Board.

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

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

MR. ATWATER: Did you require me to lower --

PAUL BLOSER: The posts so they're even with each other.

MR. ATWATER: Yes. Did you put that in the motion?

PAUL BLOSER: I will put that in.

MR. ATWATER: As a condition?

PAUL BLOSER: Yes. The posts must be equal in height. Parentheses, the height of the lower of the two. The top caps match.

MR. ATWATER: Absolutely.

PAUL BLOSER: Post caps match.

MR. ATWATER: Second question for information? In the fees, are, um -- the Board can vote to not charge the fees for a non-profit.

Is that this Board or the Town Board?

PAUL BLOSER: We don't get involved with fees.

MR. ATWATER: Town Board. Okay. Thank you.

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

1. Sign permits must be obtained for all signs on the property.
2. Posts must be equal in height. The height to be the lower height of the two posts. Post caps must also be installed in accordance with the

recommendation of the Architectural Advisory Committee.

3. No additional changes can be made to either sign without approvals from the Town first.

The following finding of fact was cited:

1. The request is not significant in nature and is part of the Building Department's goal to have all existing Town signage to be properly recorded and permitted. The sign has been in place for almost 30 years and has been well maintained and does not create a safety situation for Chili Avenue traffic flow or vision. The changes the Zoning Board of Appeals has imposed makes this sign more consistent in size and appearance with the other sign on the property.
5. Application of Dale Lindsay, owner; 1831 Scottsville Road, Rochester, New York 14623 for variance to erect a 26' by 28' detached garage to be 20' from side lot line (40' required abutting a street) at property located at 1831 Scottsville Road in RAO-20 and FPO zone.

Dale Lindsay was present to represent the application.

MR. LINDSAY: Good evening.

PAUL BLOSER: Your name?

MR. LINDSAY: What would you like to know?

PAUL BLOSER: Your name and address.

MR. LINDSAY: Dale Lindsay, 1831 Scottsville Road.

PAUL BLOSER: So the garage that is in the back, the existing detached garage, right now that one is being demolished?

MR. LINDSAY: Right.

PAUL BLOSER: All of the debris being removed from that?

MR. LINDSAY: All of the debris being removed. It is a cinder block frame. That will be used partly for fill, because the garage now is at or below grade, and when it rains, the garage fills with water. And so I am going to bring the -- the pad up to road level or above, so the garage will be like 3 feet higher than it is now, the pad?

PAUL BLOSER: Okay. You going to be bringing in additional fill for that?

MR. LINDSAY: Oh, yeah.

PAUL BLOSER: You will need it, a fill permit required for that?

ED SHERO: Maybe. One thing that comes to concern is you can't drain onto the Greyson Road. You have to put a swale in your driveway. You're higher than -- if you make your garage higher than Greyson Road.

MR. LINDSAY: Make it higher? Or don't make it higher?

ED SHERO: You're bringing fill in. So the base of your floor of your garage will be probably higher than Greyson Road?

MR. LINDSAY: Should be higher or lower?

ED SHERO: I'm asking you.

MR. LINDSAY: I would like it at least level with Greyson Road. It could be level. It doesn't have to be higher or lower. It doesn't matter. Whatever you recommend. But I'm saying level with Greyson Road.

ED SHERO: Okay. All I'm saying is you can't drain your driveway onto Greyson Road. You would have to -- I would have to have an elevation -- because you have in a flood plain, you will have to have -- extra expense because you will need a flood plain permit from the Flood Plain Manager, who is also the DPW Superintendent, and he would determine depending how much fill you will bring in -- I don't think you will need a fill permit, but you may have to look at that driveway, that you may have to put a swale in it. The water can't sheet from your garage down into Greyson Road.

MR. LINDSAY: It won't. It won't because the eaves are going the other way.

ED SHERO: Left to right.

PAUL BLOSER: The runoff from the driveway.

MR. LINDSAY: The runoff won't be in the driveway. It will be that way (indicating).

PAUL BLOSER: Off to the sides.

MR. LINDSAY: Off to the side and there will be double doors.

PAUL BLOSER: Okay. We will need -- because of this being in the flood plain, um, we will have to -- we'll have to have that identified on the prints and those will need to be submitted to the Town for approval. You will need that flood plain permit.

MR. LINDSAY: I got that. I just haven't made that -- it out. I understand, too, being in the flood plain, somebody mentioned that certain number of feet of the garage should be pressure treated. And actually, this garage is going to be 3 feet higher than the surrounding land. So the entire neighborhood would flood before this garage would ever see any water.

PAUL BLOSER: Okay. That's -- I guess that is something that the Building Department will work with you as far as what is required in that aspect. Okay. That is -- that would not be this Board.

MR. LINDSAY: Okay.

PAUL BLOSER: So again, when you submit your drawings on what you're using and how you're building it, that is a detail that they will work with you on.

MR. LINDSAY: In the flood plain.

PAUL BLOSER: We're concerned about your finished floor height and your finished driveway height in relationship to the road. Okay?

MR. LINDSAY: Yep.

PAUL BLOSER: That will be required on the print. That has to be approved by -- like I say, with your flood plain permit, that will go to DPW for approval this.

MR. LINDSAY: Okay.

PAUL BLOSER: Other than that, I'm -- you have the size of it this, but that -- the materials will be similar to what the house is.

MR. LINDSAY: Well, the house is aluminum sided but painted, and some of the houses got vinyl siding. It matches the aluminum. So this will be vinyl siding, same color as the house.

PAUL BLOSER: That is what I am looking for. Just the same color, to have the look. They're far enough apart from each other. I want to be able to look at it from that same distance in either direction and say they're the same materials.

MR. LINDSAY: Absolutely.

PAUL BLOSER: Color and materials.

MR. LINDSAY: Absolutely.

PAUL BLOSER: Same with the roof, that the roof matches what your house is.

MR. LINDSAY: Yes. It will.

PAUL BLOSER: The trim colors and so forth. With the detail of the garage, as far as your height and where your drainage is, and you're putting gutters on the garage, where the drainage for that is going, just so it is identified on the print where it is all directing.

MR. LINDSAY: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: We have the conditions there.

Paul Bloser reviewed the proposed condition with the Board.

PAUL BLOSER: Nothing outstanding on the proper -- wait. There is. You do have two permits open from the 1983 dormer addition. For an open porch.

UNIDENTIFIED FEMALE SPEAKER: '83.

PAUL BLOSER: '83 for a dormer addition and '88 for an open porch that were never closed out.

MR. LINDSAY: I have no idea.

PAUL BLOSER: Okay. I would in the next couple of days get ahold of the Building Department to make arrangements to close those out and get your final inspections on those because that has to be completed before you can apply for a permit for the new garage, okay?

MR. LINDSAY: Uh-huh.

PAUL BLOSER: So that is a condition of approval.

MR. LINDSAY: There are two permits?

PAUL BLOSER: Yes.

ROBERT MULCAHY: Did you add a dormer on?

MR. LINDSAY: No.

ED SHERO: Did you buy the house in '88?

MR. LINDSAY: I bought the house in '88.

ED SHERO: These were actually prior to you purchasing the house.

MR. LINDSAY: That will be interesting.

ED SHERO: The open porch was in '88. So it was either right before you bought it or right after you bought it. I'm not sure.

MR. LINDSAY: Which? One is '88?

ED SHERO: The dormer addition was '83. Permits were given. They were never closed out.

MR. LINDSAY: I believe when I bought the house, they raised the roof. That would have been the dormer.

ED SHERO: That would have been the dormer.

MR. LINDSAY: What is the other permit?

ED SHERO: Open porch.

MR. LINDSAY: Porch. Okay. We can get the porch inspected or whatever.

PAUL BLOSER: Okay. They just need you to close it out. Contact the Building Office and they will walk you through that. But that's a condition of approval that they have to be closed before -- before any other permits are issued.

MR. LINDSAY: Okay.

PAUL BLOSER: With those.

ADAM CUMMINGS: I have two.

Paul Bloser reviewed the proposed conditions of approval with the Board.

MR. LINDSAY: Excuse me, do I have to close the one that was permitted before I bought the house?

ED SHERO: Yes. Even though -- you know, you kind of inherited the problem. Um, I doubt if there will be much of a problem closing it out. The big thing was that the permit was issued. Just final was never done.

PAUL BLOSER: Okay.

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

Robert Mulcahy made a motion to approve the application with the following conditions, and Robert Springer 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. Siding, roofing, and trimming of the proposed garage shall match the main structure on the property.
2. All outstanding permits on the property must be closed out with the Building Department.
3. Any new building or floodplain permits must be obtained from the Building Department.
4. Drainage design and flow of the front, sides, and back of the garage, the structure floor, and driveway elevations in relation to the flanking road to be submitted, on a stamped site plan to be reviewed and approved by the Commissioner of Public Works.
5. Fill permit, if required, must be obtained.

The following finding of fact was cited:

1. The requested structure is not significant in nature and will have no negative impact on the neighborhood. The Zoning Board of Appeals does recommend stamped drawings be completed and submitted to the Commissioner of Public Works for review and approval to be certain proper elevations and drainage is maintained such that there is no flow or back-up onto the road.

The meeting was adjourned at 9:00 p.m.