

CHILI ZONING BOARD OF APPEALS
October 28, 2008

A meeting of the Chili Zoning Board was held on October 28, 2008 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 Blos'er.

PRESENT: Jordon Brown, David Cross, Adam Cummings, Tracy DiFlorio, Robert Mulcahy, James Wiesner and Chairperson Paul Blos'er.

ALSO PRESENT: Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Town Counsel.

Chairperson Paul Blos'er 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: Before we start, I will go over the signs. Anybody have any problems on any of the signs, any of the locations?

The Board indicated they had no problems with any of the notification signs for the applications.

PAUL BLOSER: Before I go any farther, I want to say if anybody is here for either the Microtel application that was advertised previously, and Heritage Christian Services on Westside Drive, that application, both of those are withdrawn for tonight, so they will not be heard. Heritage has been pulled, as no variances are required for that application, and Microtel has been pushed out to November, subject to Planning Board site plan approvals. So if you're here for those, you can stay, or you can leave.

1. Application of Arthur Long, owner; 1993 Westside Drive, Rochester, New York 14624 for variance to allow the total square footage of utility shed area, including a new 12' x 12' utility shed to be a total of 336 sq. ft. (192 sq. ft. previously granted) at property located at 1993 Westside Drive in R-1-15 zone.

Arthur Long was present to represent the application.

MR. LONG: My name is Arthur Long. I live at 1993 Westside Drive.

PAUL BLOSER: Okay. Mr. Long, going by your lot, you don't have a very big lot there. And it is set at kind of strange angles. The existing shed that you have to the front right now, that was built in 1984. On this application, am I reading this, you're going to keep that one, retain that one?

MR. LONG: Yes.

PAUL BLOSER: You're looking for additional?

MR. LONG: Yes.

PAUL BLOSER: The new shed is a 12 by 12 back there?

MR. LONG: Yes.

PAUL BLOSER: How is that going to be built? What are you looking at doing with that?

MR. LONG: Actually, that's already built. It was a shed that was at Roberts Wesleyan College, and they let me have the shed to be able to move it down to my property.

PAUL BLOSER: I didn't -- it's not there now, is it?

MR. LONG: No, it's not there.

PAUL BLOSER: I didn't think I saw it behind the pool.

MR. LONG: I figured I would get in trouble if I moved it down there.

PAUL BLOSER: How was it constructed? What is it made out of?

MR. LONG: Texture 111, and it's -- it doesn't have a floor in it, but it's 4 by 4s up 8 foot, and 4 by 4s all of the way around it, and at the base it's also got on top of the 4 by 4s, 2 by 4s and --

PAUL BLOSER: So it is a wood construction, T-111 shingled roof, I'm assuming?

MR. LONG: Yep.

PAUL BLOSER: You're starting to stuff that lot. What color did you say it's going to be?

MR. LONG: It's kind of a beach color, I guess it would be.

PAUL BLOSER: Your existing one is white, and what color is the house? I'm sorry.

MR. LONG: The house is blue.

DAVID CROSS: What is your need for additional storage?

MR. LONG: Well, we installed a pool, and I wanted a spot to store stuff for the pool, plus excess storage of other things that I incurred over the years.

PAUL BLOSER: There is no garage for the house at all. That's correct, there is no garage?

MR. LONG: There is no garage.

JORDON BROWN: Is there any way you can make due with just one of these two sheds?

MR. LONG: No.

JORDON BROWN: The other one is full? Can you explain?

MR. LONG: The one I presently have on the property is really full, and this other one, like I say, it was given to me, so it's a chance to add to my storage space and free up a lot of...

PAUL BLOSER: It's a raised ranch also, is it?

MR. LONG: Split level.

TRACY DiFLÓRIO: No garage?

PAUL BLOSER: No garage?

ADAM CUMMINGS: Is there a deck around the pool, any storage on that?

MR. LONG: No, there is no deck around the pool yet.

CHRIS KARELUS: Just that the plan as submitted I think would suffice if asked for the variance based on size. I think with the location of it, the only thing I'm concerned is maintaining the 8-foot setbacks. The plan is not scaled accurately. The pool is relative. So we'll do some work if the Board sees fit to grant it with Mr. Long, but I ask a condition be placed if he cannot be at the least 8 feet from each lot line, it would have to come back before the Board for consideration and we'll try to help him out with this.

PAUL BLOSER: Is there a required structure setback from the pool, for the Building Department?

CHRIS KARELUS: Not necessarily. The 10-foot that is shown I think was brought in through the applicant. Again, I just have problems scaling this map and generally tape location maps aren't the best for accuracy. They tend to have some variance when you find the precise survey done on the property updated.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: First off, could we see a map, a drawing, something?

CHRIS KARELUS: There you go.

PAUL BLOSER: Thank you, Chris (Karelus).

MS. BORGUS: First question. You mentioned it was a strange shaped lot.

PAUL BLOSER: It does have a curve at the front corner, and then the house is set angular to the corner.

MS. BORGUS: This is a corner lot?

PAUL BLOSER: Yes.

MS. BORGUS: Extra problem right there.

How old is this shed that's -- this used shed?

PAUL BLOSER: You can answer that, sir.

MR. LONG: The one --

PAUL BLOSER: The one you're getting from Roberts, I believe you said you're getting it from.

MR. LONG: I really couldn't tell you how old it is. It was on the property, and when they demolished the house that was there, I -- they let me have the shed. It is in very good shape, though.

MS. BORGUS: Would this have been on the old Burns property, originally?

PAUL BLOSER: I don't know. I don't know --

MS. BORGUS: I ask that --

PAUL BLOSER: I know it was coming from Roberts.

MS. BORGUS: I ask that, because if it came from that property, I would be surprised if it was in good shape. That wasn't, you know, a well-kept place.

It sounds to me like instead of more sheds, this man needs a garage. Sheds and sheds and sheds don't cut it.

I would be very concerned about having all these colors, especially if it is on a corner lot. You got a blue house and a white shed and a beige shed. It seems as though something ought to match here pretty soon. I don't think that lends to a neighborhood when you have a variety of colors, especially on a corner lot.

I don't know. This sounds like it is just too much on a small lot, too, especially -- I don't see the curve there, but I take your word for it, it is an irregular shape. It seems overcrowded, the colors don't match and another shed is not what he needs, but he needs a garage, instead.

Thank you.

MR. LONG: I am hoping to go ahead and take -- side that shed with white siding.

PAUL BLOSER: Thank you.

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

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

PAUL BLOSER: The point was made about painting, which is one of the things I was getting at, asking what the house color was, verifying as a condition of approval. In addition to what Mr. Karelus stated, I would like to see a condition be either they be white or a similar blue to the house, both sheds so that there is a similar appearance and a time frame to complete that. I

know we are getting into non-painting weather, so we might have to consider extending that out to the springtime sometime, but I think that would be a consideration as a condition for approval.

There's a lot going on here. It's a tight lot.

DAVID CROSS: I think it would be very well screened behind the pool. There is a tree line on the west property line.

PAUL BLOSER: There is. It was hard to see behind the pool.

From both the west and the south side, there would be good shrubbery coverage. I would rather see one larger shed than two small ones, but...

DAVID CROSS: Condition if he builds a garage in the future, that one of the sheds comes down, something like that?

PAUL BLOSER: But it would be major variances for a garage based on the location of the house, having setback issues on the garage, also.

Paul Bloser reviewed the proposed conditions with the Board.

CHRIS KARELUS: I would ask, too, if the Board does move on it, that an instrument survey be provided to the Building Department before permit is issued so we have a surety that it is 8 feet or at least 8 feet to the lot line.

PAUL BLOSER: Chris (Karelus), based on the size, would there be any building permit required for this construction or inspection?

CHRIS KARELUS: Yes.

PAUL BLOSER: If the Board is to approve this, I have five conditions of approval.

Paul Bloser reviewed the proposed conditions.

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 Tracy DiFlorio seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with the following conditions, and Adam Cummings seconded the motion. The motion was approved by a vote of 4 yes to 3 no (Adam Cummings, Robert Mulcahy, James Wiesner).

DECISION: Approved by a vote of 4 yes to 3 no (Adam Cummings, Robert Mulcahy, James Wiesner) with the following conditions:

1. Shed must be placed a minimum of 8' from any south and west property lines.
2. Instrument survey must be provided prior to permit issuance by the Building Department.
3. Shed will conform to all current building codes.
4. If garage is ever built, sheds to be removed.
5. All out structures to be painted or sided contrasting color to house and be identical paint and complete by 5/15/09.

The following finding of fact was cited:

1. Variance will not have any adverse physical or environmental impact on neighborhood.

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

The applicant indicated he had white siding for the sheds.

PAUL BLOSER: I will change the fifth condition that the structures be painted or sided, contrasting color to house and be identical between them, okay? So if you have siding on one, the siding needs to match on the other.

2. Application of Matthew McGee, owner; 4 Rochelle Drive, Churchville, New York 14428 for variance to allow existing utility shed to be 3' from side lot line (8' req.) at property located at 4 Rochelle Drive in R-1-15 zone.

Matthew McGee was present to represent the application.

MR. McGEE: I'm Matthew McGee, 4 Rochelle Drive.

PAUL BLOSER: The map does not really show the shed placement. What size is this shed?

MR. McGEE: 12 by 8, I believe. 96 square feet.

PAUL BLOSER: It has been there for seven years?

MR. McGEE: Yes, it has.

PAUL BLOSER: Have you been the owner since then?

MR. McGEE: Since 1997, right.

PAUL BLOSER: Did you go for any permits or anything at that time?

MR. McGEE: I was informed I didn't need one due to the size of the shed.

PAUL BLOSER: They didn't talk to you about placement of it?

MR. McGEE: Not that I recall. The -- one of the reasons we had placed it there, we had an ongoing drainage problem since we moved into the property, and I have been ongoing -- you know, call-in session with the building works, and I was assured constantly that the Foreman would get the message, come look at my property and that has been ongoing since we bought the property in '97. So where we placed it was realistically where it would avoid contact with the water.

PAUL BLOSER: You also have a pool back there?

MR. McGEE: We do, in the backyard.

PAUL BLOSER: That is not shown on the map. Do you have permit for that?

MR. McGEE: Yes, and a deck that goes with the pool. We have a permit for that, as well. Those have been there almost the same amount of time, if not longer.

PAUL BLOSER: Okay. By looking at records, your neighbor to your south, or as you're facing your house to the right side also had a shed on the line?

MR. McGEE: I believe that --

PAUL BLOSER: He has moved his -- is that --

MR. McGEE: That's how we got --

PAUL BLOSER: Does he have similar drainage problems?

MR. McGEE: I wouldn't -- I couldn't attest to that. I know the neighbor to the north of us does, as well, which would be 6 Rochelle.

PAUL BLOSER: Because it is kind of flat right there, is why I am asking.

MR. McGEE: It's flat, but the property behind us, there is an incline. There is a definite... And it's standing water. It's not just when it rains hard. After the winter thaw, it takes a good three, four weeks before it all disseminates.

JAMES WIESNER: What is in the space between the fence and the shed? Is that -- are you able to get in there and mow?

MR. McGEE: Yes. That is about what there is.

JAMES WIESNER: There is grass in there.

MR. McGEE: There's grass. The fence was there preexisting before we put the shed there.

PAUL BLOSER: Is the fence right on the line?

MR. McGEE: The fence -- to my knowledge, the fence is right on the line. It was preexisting. It has been there since we owned the house.

ROBERT MULCAHY: What type of floor is in the shed?

MR. McGEE: What type of floor is in the shed?

ROBERT MULCAHY: Yes.

MR. McGEE: It would be like a particle board.

ROBERT MULCAHY: The water hasn't affected that at all.

MR. McGEE: No, because the shed is up on cinder blocks. They have sunk. I think even moisture affects that area.

PAUL BLOSER: Without footers, they're going to sink, regardless, over time.

MR. McGEE: Probably. They have already, yeah. Yeah, either way.

JORDON BROWN: A question to the side table. Chris (Karelus), should the permit for the pool and deck show up on the property card?

CHRIS KARELUS: No, there is a separate --

JORDON BROWN: Separate.

CHRIS KARELUS: Both Board actions -- (Inaudible.)

JORDON BROWN: Thank you.

CHRIS KARELUS: Just I'm -- Mr. McGee, you put the deck up? You built the deck, right?

MR. McGEE: Yes.

CHRIS KARELUS: It was my understanding you bought it with the property. I guess what I will do if the Board sees it fit to grant the approval, I will meet with him ensuring the location is precise. Less than 3 feet, it is a State variance, not this Board variance. It is a measure off the fence line, so hopefully I can get some type of survey that is redacted showing me that is exactly where it sits.

PAUL BLOSER: Where the fence sits on the line?

CHRIS KARELUS: If -- this shed's location off the line.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I live about a half mile from this. Um, the gentleman says the shed has been there for seven years. That shed? The shed that is there now has been there seven years?

PAUL BLOSER: That is my understanding, yes.

MS. BORGUS: Maybe you would like to ask the applicant.

PAUL BLOSER: Sir?

MR. McGEE: Yes, you're correct. That is the only shed that has been there. It's a new shed.

MS. BORGUS: Now, the fence that is there is not the fence that has been there forever. It's a -- partially a new fence, two sides of it are new. Two sides of it are vinyl. And then the rest is --

PAUL BLOSER: Chain link?

MS. BORGUS: No. It's wood. It's a stockade.

Um, that shed really jumps out at you when you drive by. That's why I questioned if it is the same shed that has been there for seven years.

JORDON BROWN: Didn't jump out at you a couple years ago?

MS. BORGUS: No, it didn't.

So I guess there's -- I guess the question is how much room is there between this new fence and the shed? Do we know?

PAUL BLOSER: No, we don't know for sure.

MS. BORGUS: Well, it looks to me like there is enough room there that you could at least move it over somewhat and still have room to maintain the grass between the fence and the shed. There's -- there's quite a lot of room there.

The other thing, if you're going to even consider this, there are bushes planted on the south side of the shed, like in the rear of the shed so that you really don't see it so much when you're looking directly, you know, up the street at it. It's when you come from the west, and you're headed east --

MR. McGEE: You're referring to the neighbor's property, though. You're talking about their shed and their property.

MS. BORGUS: Maybe I have the wrong house now. I'm sorry.

PAUL BLOSER: Can you direct your comments to the Board?

MS. BORGUS: I'm sorry, I may.

MR. McGEE: I'm sorry. She is referring to the -- 2 Rochelle Drive. Their fence is the -- the fence she is talking about is new, and their shed is -- does stick out at you. That is a new shed. She is talking about Number 2, not my property.

MS. BORGUS: I sincerely apologize.

MR. McGEE: It's okay.

MS. BORGUS: I did have the wrong house. Thank you.

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

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

PAUL BLOSER: I do have a question. Is that a wood fence or chain fence behind your shed?

MR. McGEE: Behind my shed there is chain link and there is wood. The neighbor's fence is wood behind the shed.

PAUL BLOSER: The portion of the fence from the house over to the lot line was chain, correct?

MR. McGEE: Correct.

PAUL BLOSER: Then it goes wood?

MR. McGEE: Then it goes wood.

PAUL BLOSER: I was looking at chain and chain registered when I was looking at it.

MR. McGEE: You're correct.

PAUL BLOSER: The shed, though, is a bright red, correct, barn red?

MR. McGEE: Yes.

PAUL BLOSER: What color is the house?

MR. McGEE: The house was just sided this month. It is blue. The colors are inverted. The house was red and blue and the shed did match the house, but now the trim on the house is red, so this shed is just inverted from the house. We do intend to either repaint the shed to match the house or -- or leave it as it is, but we had intended to paint it.

JAMES WIESNER: How much room is there between the shed and the pool?

MR. McGEE: Well, the deck -- between -- from the deck to the shed, there is probably 10, 12 feet. If it was easy to move, I would move it, but it is a wood structure. Like I said, placement was taken just in consideration of the water at the time.

PAUL BLOSER: What size was the neighbor's shed?

MR. McGEE: The new shed or the shed that caused -- I couldn't -- probably similar size.

PAUL BLOSER: The one that they moved.

MR. McGEE: The one they moved. Yes. It is probably about 10 by 10 maybe. They did disassemble it and move theirs.

PAUL BLOSER: Okay. You can be seated.

MR. McGEE: Thank you.

PAUL BLOSER: Right now it sticks out like a sore thumb. I would like at least a condition that it does match, because it is very obvious where it is. I would also like to put a condition that if we were to approve this, approve it, they do provide a current instrument survey map to the Town so we know placement, exactly where it is to the fence.

TRACY DiFLORIO: Just so you know, State Law -- you are familiar --

MR. McGEE: Go ahead. You can tell me.

TRACY DiFLORIO: State Law does not allow you to have it any closer than 3 feet. That is not Town Law. That's State Law.

MR. McGEE: Thank you.

PAUL BLOSER: Are there neighborhood associations in your tract?

MR. McGEE: No, sir.

PAUL BLOSER: Some associations wouldn't allow that either, the change in colors. They would have to be maintained.

Paul Bloser reviewed the proposed conditions 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 Tracy DiFlorio seconded the motion. The Board all voted yes on the motion.

Jordon Brown made a motion to approve the application with the following conditions, and Tracy DiFlorio 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. Shed to be sided or painted to be matching to the house, and completed by May 15, 2009.
2. Updated survey map be submitted to building department showing location of all structures on property (fence, shed, pool, deck).

The following finding of fact was cited:

1. Variance will not create an undesirable character change in the neighborhood.
3. Application of Laurence Swan, owner; 9 Rose Road, Rochester, New York 14624 for variance to allow a 39' long recreational vehicle on property (28' long allowed) at property located at 9 Rose Road in R-1-15 zone.

Laurence Swan was present to represent the application.

MR. SWAN: I'm Laurence Swan. I reside at 9 Rose Road.

PAUL BLOSER: Okay. So is this a fifth wheel?

MR. SWAN: It is.

PAUL BLOSER: Originally, by the way it was written, I thought it was a motor home, but it is a trailer.

MR. SWAN: It's a trailer.

PAUL BLOSER: Assuming one of the trucks that was in the driveway is what you pull that thing with?

MR. SWAN: Yes.

PAUL BLOSER: You can't miss it, pulling into the street. It's a good size, a nice looking unit.

MR. SWAN: Yes. I resided at this address for over 30 years, and I have had a trailer there for the -- for all that period of time. This trailer is a 2002, and it's been there since it was new. The reference that they make to being parked in the front yard I kind of resent because I have extended the driveway there and had parked the trailer there for, as I say, the last 30 years.

PAUL BLOSER: But it was a smaller trailer at the time, yes?

MR. SWAN: Yes. As time goes on, trailers get larger, and --

PAUL BLOSER: Very familiar with that.

MR. SWAN: One of the things that comes to mind is maybe your 28-foot limit is not realistic any longer, because the size of recreational vehicles are getting larger.

PAUL BLOSER: The code is what it is, and it is specifically for --

MR. SWAN: Yes, but it could be changed.

PAUL BLOSER: Anything could be changed. At this point the Town has elected not to. That is in the new code review, also, and that has just gone through the whole update process.

How often is it there versus not there? I mean not to get into the specifics, but is it a seasonal thing? Are you gone for the winter? Is it --

MR. SWAN: It likely could be that way now. I just retired, and the reason that we bought that was with the intentions of perhaps going someplace where it was warmer for three months or so. And that is why the trailer is that size.

Um, however, we do use the trailer during the summer months and generally a week or two weeks at a time.

TRACY DiFLORIO: Currently not situated the way it is shown on the picture, though?

MR. SWAN: No, it is not, because the ground is soft and it would have to be prepared to

hold the weight of the trailer. I did move it back initially, and it caused damage to my tow vehicle and to the trailer, and I'm not going to move it again for that reason until I know that I can go ahead with the -- preparing the ground to accept the weight.

JORDON BROWN: When you purchased the trailer, were you aware that it was 11 feet longer than code?

MR. SWAN: I'm sorry?

JORDON BROWN: When you purchased the trailer, were you aware of the fact --

MR. SWAN: I wasn't aware we had a Town ordinance.

DAVID CROSS: A question to the side table. Chris (Karelus), the code says 28 foot maximum and it has got to be behind the front line of the house?

CHRIS KARELUS: Correct.

ROBERT MULCAHY: You ever thought of storing the trailer somewhere?

MR. SWAN: I prefer not to do that. I have had experiences in the past where I have had trailers burglarized and broken into in storage facilities. It's safer and suits my needs better to have it stored at home.

Insurance wise, to have the trailer stored on your property, it's a lesser rate for the insurance than it is if you store it in a storage facility.

PAUL BLOSER: Is this used as a -- maybe a seasonal or temporary living quarters?

MR. SWAN: Absolutely not. I was -- the accusation was made. I resent that, because it was explained to the person to -- or Code Enforcement Officer that that was definitely not used for living space.

PAUL BLOSER: For the record, I do have a letter from a neighbor at 11 Rose Road. "I, Thomas P. France, of 11 Rose, being the neighbor most affected by the proposed variance to allow a 39-foot recreational vehicle on the property of 9 Rose Road, have no objection to this variance of Laurence Swan, owner, 9 Rose Road." Further states that "I propose that the variance be specific to the current owner only, which this would be as a condition."

TRACY DiFLORIO: So that --

ADAM CUMMINGS: Um, are we sure we can put it to the certain owner? I thought it went to the land.

PAUL BLOSER: I don't know. I can propose that to the Counsel.

KEITH O'TOOLE: Variances run with the land.

PAUL BLOSER: Then it would be --

JORDON BROWN: I would just ask the side table. Have there been any other -- any complaints?

CHRIS KARELUS: Yes, there have. The Code Enforcement Officers --

PAUL BLOSER: They have responded?

CHRIS KARELUS: I talked to Mr. Swan.

MR. SWAN: Can I make a comment on that?

CHRIS KARELUS: Yes, there have --

MR. SWAN: The people you have received complaints from do not reside in the Town of Chili, and I feel that in order to -- to have a complaint, that they should probably be residents. I have spoke with all my neighbors and have had good relationships with them for the over 30 years I have lived there and none of them have complained about the trailer. The complaints that you have, the individuals who may have made the complaints, they bear an anonymous state. I did FOIL it. I did a Freedom of Information Law. However, the two individuals that were involved, one is a minor, and the other is not a resident of Chili.

CHRIS KARELUS: If I could -- regardless who makes the complaints, they were valid in nature, so it was brought to the Board, this application tonight. There are issues with the code, so I can tell you, yes, there were complaints logged. Some anonymous, some formally presented. Um, again, part of the code. And we're responding to them, and he is responding to our notification to him on violation.

JORDON BROWN: Thank you.

TRACY DiFLORIO: Just to clarify for me, Number 11 is the side that the trailer is on?

MR. SWAN: Yes. That would be -- to the south, yes.

ADAM CUMMINGS: Is there any landscape buffer on that side? Or probably not since it hasn't been put there.

MR. SWAN: No. There is a tree that we have to probably remove. There is a hedge row that Mr. France has on his property. Those are the only existing separations of the property. We have never had any fences or anything in that neighborhood. People knock golf balls up and down between the houses up and back.

PAUL BLOSER: Mr. Swan, if we were to approve this, as a condition of approval we may put on there that a driveway be put in to support the weight of it so that the front edge of the trailer would not extend farther than the front edge of the garage. Would you have a problem with that?

MR. SWAN: As long as -- I feel that the material, you know, rather than blacktop, I think I would rather have a stone base, because it would be able to --

PAUL BLOSER: Drain?

MR. SWAN: If it settled -- we have clay here. You know, we can't do too well. I think over enough period of time, we get enough stone in there, it would be leveled out, yes.

PAUL BLOSER: Because I would be looking at putting that as a condition of approval. That is --

DAVID CROSS: It is substantial.

PAUL BLOSER: Code is set for a reason. I would like to see it at least be equal to that. Also, we have on two other occasions, I -- similar, we had a landscaping buffer put in to help disguise some of it. A couple evergreen trees, just to break up the site line. Not continuous, but just something to act as a break. So that may be something that you think you want to hear public comment on this? Any other comments before I open it?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RONALD DOWNS, 17 Wills Road

MR. DOWNS: My name is Ronald Downs. I live at 4 -- 17 Wills Road. I'm sorry. Just about four houses away from this gentleman. This trailer knowingly, originally was supposed to be what, 28 feet long allowed and he deliberately put a 38-foot long trailer there, and it's been there for a long time, with water and electricity hooked up to it and people living in it, and I object to that. If he wants to have people living in it, he should be paying taxes on that. We have witnessed the people in there. I think it is absolutely wrong.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Now I have the right house.
(Laughter.)

This is a substantial difference in the length of the -- the RV that would be allowed under our code. We're not talking a few feet. We're talking 11 feet here. The -- the gentleman says he stored a trailer there for 30 years. I dare say they weren't that big. Did that question get answered?

PAUL BLOSER: Yes.

MS. BORGUS: Were they that long?

PAUL BLOSER: Back then?

MS. BORGUS: No, no. Were previous trailers parked there as long as the one --

PAUL BLOSER: No. They were --

MS. BORGUS: They were smaller?

PAUL BLOSER: Yes. Within code.

MS. BORGUS: This is a 2002 trailer. Did he buy it new?

PAUL BLOSER: I believe he said it was new when he purchased it?

MS. BORGUS: So he had had it there seven years now.

I notice it had a bump-out. If you're going to even consider this for approval, I would suggest that you make it a condition that that bump-out be closed when it's ever -- when it's on the property. Because that's an added width, and it's an added problem for the neighbors. It just makes the bulk of it that much bigger.

And the other thing I'm thinking is that if you -- if you're even thinking about this, that you could make it a condition that whenever the trailer is on the premises, that it be in the spot you approve and not even temporarily left out in the driveway.

I frankly wouldn't want to live in that neighborhood and look at that all of the time. It's a nice -- it's a very nice fifth wheel, but those things don't belong in subdivisions like that. And frankly, I agree to -- I believe it was Mr. Brown asked the question, did he realize when he bought it that, you know, that he couldn't park anything of that dimensions in Chili and obey the code. It's amazing to me how many people live in this town, go out and buy things and never think that they are buying something that they can't handle, that's against the Town law to store or place.

Um, storage is available, right on King Road, and it's very secure. It's fenced even, and they specifically allow parking area in back of their sheds for just this reason, just this purpose. That's the place for it. It's awfully close. It's very, very close to this gentleman's home. It would be the ideal solution. And I can appreciate it, he would like to have it at his house. If I had one, I would want it sitting at my door step, too, but that is not realistic. That is not in the best interest of the Town or the neighbors. It may be in his best interest and I understand that, but you have got to consider the rest of the people here, too.

And I should say that if you approve this application, you are going to be opening Pandora's box. Because you will have whoever has something of this size in pointing to this case that you approved. Bear that mind before you vote.

Thank you.

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

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

PAUL BLOSER: I will go back to conditions of approval, if approved.

Paul Bloser reviewed proposed conditions with the Board.

Paul Bloser expressed his opinion he didn't see the need for water to be hooked up.

PAUL BLOSER: I would like to have the utilities disconnected at the end of any day. I feel that would be reasonable.

The Board discussed whether landscape buffering should be put in place.

Chris Karelus indicated he could work with the applicant and the Conservation Board to make some plan.

CHRIS KARELUS: I would ask the Board indicate what view you're trying to mask. Probably just the northbound and southbound traffic or northbound traffic?

PAUL BLOSER: Yes.

CHRIS KARELUS: I think that is buffered along that south line.

PAUL BLOSER: Yes.

CHRIS KARELUS: With that point there to make sure the Conservation Board (inaudible) to come up with a plan to try to accomplish that the best we can.

PAUL BLOSER: Do we want to consider the height, too? If we want a 1-foot evergreen there, it would be 15 years before it would cover the height. Do we want a minimum height with the vegetation, initial planting?

ADAM CUMMINGS: It will tear apart the gravel, too, the root system.

JORDON BROWN: We can leave that up to the Building Department.

Paul Blosier reviewed the proposed conditions with the Board.

MR. SWAN: The trailer has house batteries in it. It has both a 110-volt system and a 12-volt system. The reason that there is an electric line leading to the trailer is to maintain the house batteries in the trailer. There is parasitic draw on the 12-volt system, and that's why it is hooked up with the electric, so it keeps it -- maintains the batteries.

PAUL BLOSER: Than I will add, other than a battery charger, okay?

MR. SWAN: Okay.

PAUL BLOSER: That would mean, after dark we're not playing cards in there or --

MR. SWAN: It's not used like that. It is just parked there. There is no one living in it. The only time we go in and out of it is to perform maintenance or prepare it for a trip to move, you know, your food and supplies in and out of the trailer.

PAUL BLOSER: The sixth thing I would put is no guest accommodations for overnight stays in the trailer. That would clear up any questions the public has about it --

MR. SWAN: It never has been.

PAUL BLOSER: That's fine. We're just making it clear that they're not allowed in the Town.

MR. SWAN: Yes.

ADAM CUMMINGS: How wide is this trailer?

MR. SWAN: 96 inches wide.

ADAM CUMMINGS: So 8 feet. You have 20 feet wide, so that leaves you 12. It is 8 feet wide. You have 20 feet from the edge of your garage to the property line --

MR. SWAN: 20.5, plus or minus.

ADAM CUMMINGS: 12 1/2 feet.

MR. SWAN: No. It is 20 feet .5, plus or minus, according to the tape location map.

PAUL BLOSER: I see it as 20 foot, 5 inches.

ADAM CUMMINGS: But I'm saying the structure, say you pinned it right up to the garage, 8 feet wide, so from the edge of that trailer to the property line could be a buffer of 12 feet. I'm not saying -- to --

MR. SWAN: I misunderstood what you were saying.

ADAM CUMMINGS: That is where I am going with it.

MR. SWAN: That's true.

ADAM CUMMINGS: Which is not practical to tie it right next to it.

MR. SWAN: No.

ADAM CUMMINGS: I'm just trying to convey the size of it. This is a trailer going on this land, not specifically his trailer, so someone could come in with conceptually a wider trailer, or a wider recreational vehicle.

MR. SWAN: For your edification, the widest ones today built are 102 inches and there are laws because of the width of vehicles that can travel on roads or highways. So only certain highways, interstate highways allow vehicles that are wider than that.

ADAM CUMMINGS: So we accomplished the law now, but who knows as they get bigger.

PAUL BLOSER: I understand. We're voting on the variance to allow the 11-foot -- we have put conditions on it. We still have to weigh whether we want longer vehicles stored on the properties. One of the things that was pointed out is there are places that accommodate storage for these. The fact that it may be more expensive on insurance, that is a self-imposed hardship. As far as storing it, it is cost of ownership. It's not part of a business. If it falls within the code, if it costs you more above and beyond, it is what it is. It's a lifestyle that you choose and a hobby that you choose. So -- so public comment has closed, sir. I'm sorry.

Any other question? Visual impact on the neighborhood.

ADAM CUMMINGS: It is a third of an acre lot, approximately, so a tiny lot, with a big, monstrous vehicle. Just pointing it out.

MR. SWAN: It doesn't exceed the area that you could build a structure on. I have had

people that build additions on their homes with similar sized lots that are greater in area than my trailer.

ADAM CUMMINGS: Right, but we have a different code for structures than we do for these vehicles.

MR. SWAN: Uh-huh.

Paul Blos'er 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.

Adam Cummings made a motion to approve the application, and Tracy DiFlorio seconded the motion. All Board members were opposed to the motion.

DECISION: Unanimously denied by a vote of 7 no with the following findings of fact having been cited:

1. Request can be mitigated by reasonable means of storage off site.
 2. Excessive length is not in harmony with character of the neighborhood.
 3. Variance is substantial in nature, and is a self-created hardship.
4. Application of Yaro Enterprises, owner; 228 Rosemont Drive, Rochester, New York 14617 for variance to erect a 1,440 sq. ft. addition to building to be 32' from side lot line (40' req.) at property located at 793 Beahan Road in L.I. zone.

Robert Avery and Mr. Kirik were present to represent the application.

MR. ROBERT AVERY: Good evening, Mr. Chairman, Robert Avery, surveyor from Avery Engineering. I'm here with the owners of Yaro Enterprises, who are the applicants before you, Mr. Kirik and his son, sitting right back here (indicating).

The property is located at 793 Beahan Road, existing 1.9 acre parcel outlined in yellow on the drawing over on the board. This property is located in the Limited Industrial Zone here in the Town. Um, the application before you involves a proposed 24 by 60-foot addition to be added on to the south side of the existing building, and that is colored all in pink over there on the drawing. It's a 1440 square foot addition that basically covers a concrete pad where currently they work on some of the trucks, the tractor-trailers, doing work such as changing tires, vehicle lights, mud flaps, et cetera, and they would like to enclose that area to work out of -- out of the elements.

And in doing so, um, that brings us before you, due to the fact that we are unable to meet with the 40-foot side tie requirement in this zone, we have computed that the side tie would be 32 foot, to the 48-inch overhang on the building, 34-foot to the actual southwest corner of the actual addition.

Now, this has been before your Planning Board last week, and it received preliminary and final approval with certain conditions, one of them being appearing before you to receive the variance for the tie.

PAUL BLOSER: I was at the hearing Tuesday night for that, and I do have a copy of Mr. Martin's approvals and the conditions, so...

Do you have anything else to add this point?

For the record, Board members, I don't know if you got a copy of this in your mailbox. This was from Jim Martin. The Planning Board did approve unanimously the application with the following conditions, that they obtain approval of all zoning variances, which is why they're here to submit the architectural elevations to review for the Architectural Review Committee.

The finish floor elevation should be shown on the plan.

Grading should be shown on the plan indicating how the project tends to integrate the addition to the site.

All existing utilities servicing the building should be shown on the plan and the site should be cleaned up of debris and removed.

For this Board, I'm assuming that you're just going to extend it down at that level. There is not going to be a raise in the floor?

MR. ROBERT AVERY: It's actually, lower, Mr. Chairman. That's a step down from the main floor --

PAUL BLOSER: Because it is dock level?

MR. ROBERT AVERY: Right. It's lower than the floor elevation in the main building.

PAUL BLOSER: Is this going to be like a truck bay --

MR. ROBERT AVERY: Trucks would pull into there and the minor repairs would take place in there. It is more like a garage/lean-to type addition even though it's going to fit with the existing architecture of the building. Overhead door on the east side.

PAUL BLOSER: Am I understanding from the approvals also these are dry repairs?

MR. ROBERT AVERY: Yes.

PAUL BLOSER: You're not doing any fluid changes, oil changes, lubricants, coolants?

MR. ROBERT AVERY: No, all clean repairs. Major fluid change repairs are done off site.

PAUL BLOSER: The applicant, I did hear him speak the other night and it is pretty clear based on licensing and permits to have those done on site, is it cheaper to have them done someplace else?

MR. ROBERT AVERY: Yes.

PAUL BLOSER: Having the fleet that I do take care of, I understand that.

The building itself, how are you going to construct this?

MR. ROBERT AVERY: The building itself is metal sided, like the existing building. It is going to match.

PAUL BLOSER: Color?

MR. KIRIK: Yes, same color.

MR. ROBERT AVERY: Same color.

PAUL BLOSER: Painting the blue color.

MR. KIRIK: It's preordered, Hawaiian blue.

PAUL BLOSER: Tough to match, because there is a few years of fading there?

MR. KIRIK: Yes.

PAUL BLOSER: Flat roof?

MR. KIRIK: Slight pitch, matching the existing roof.

PAUL BLOSER: A flat roof. You're not putting any trusses up there to arch anything or shingling?

MR. KIRIK: No.

PAUL BLOSER: Do you maintain the architectural?

MR. KIRIK: Yes.

PAUL BLOSER: The slab itself is broken up. Are you doing any slab replacement?

MR. ROBERT AVERY: Yes. We'll be coating that floor right now and repairing that.

PAUL BLOSER: Okay. Is this going to be like a pole structure?

MR. ROBERT AVERY: To my knowledge.

PAUL BLOSER: So you will be drilling footers for --

MR. ROBERT AVERY: Yep.

PAUL BLOSER: That will all be inspected by the Town?

MR. ROBERT AVERY: Yes. I'm not sure whether we have submitted the plans yet or not.

CHRIS KARELUS: No.

MR. ROBERT AVERY: They soon will be.

PAUL BLOSER: Just one overhead door?

MR. ROBERT AVERY: Yes.

PAUL BLOSER: Any man doors other than that?

MR. ROBERT AVERY: I believe we have one man door.

MR. KIRIK: Yes, one man door.

PAUL BLOSER: One in the back for any emergency escape. I'm assuming you will do it to codes anyway, so I don't have to concern myself with that. That has got to be approved.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

The Board discussed the application.

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 Jordon Brown seconded the motion. The Board all voted yes on the motion.

Jordon Brown made a motion to approve the application with the following condition, and Tracy DiFlorio seconded the motion. All Board members were in favor of the motion.

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

1. Building Department approvals for all permits needed.

The following finding of fact was cited:

1. Requested variance will not create an undesirable characteristic in the neighborhood.
5. Application of Brian Ziegler, owner; 25 Gary Drive, Rochester, New York 14624 for variance to erect a 24' x 4' open porch to be 52.6' from side lot line (60' req. abutting a street) at property located at 25 Gary Drive in R-1-12 zone.

Brian Ziegler was present to represent the application.

MR. ZIEGLER: My name is Brian Ziegler. I live at 25 Gary Drive.

PAUL BLOSER: This overhang is going on -- over your front door, basically over the garage area, too?

MR. ZIEGLER: Originally we were planning on doing it over the garage area, but I think we're going to stop before getting to the garage. We changed that part of the plan.

PAUL BLOSER: You got plans for this? Are you doing it yourself?

MR. ZIEGLER: Doing it myself with the help of my wife's father and uncle.

PAUL BLOSER: You're extending it to the end of the house, the right end of the house, all across the front?

MR. ZIEGLER: We were planning on going all of the way across the front originally. We changed our plan to stop at the driveway area. If you look at the site plan, currently you see on the right-hand side of the house, there is a little bit of an overhang down in there, and instead of going all of the way across the front, we would be stopping at the driveway.

DAVID CROSS: So it is really 4 foot out by maybe 12 foot long.

MR. ZIEGLER: Yes. Exactly. There is an existing smaller overhang there now.

PAUL BLOSER: Just over the front stoop?

MR. ZIEGLER: Just over the front door, yep.

PAUL BLOSER: Same shingles that is on the roof?

MR. ZIEGLER: Yes.

PAUL BLOSER: Are you extending the porch out, too, or just an overhang?

MR. ZIEGLER: Right now there is a small porch there with a sidewalk. And -- there is actually a little planter next to the front door, as well. We're going to take out that planter, take out the little garden area that is there and put a slab across that whole space.

PAUL BLOSER: So you have slab concrete coming out?

MR. ZIEGLER: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had a question. This is probably a good -- good idea. I just wonder about the measurements. If we're -- if you take 52.6 and he needs 4 feet, that looks to me like it was only 56.6 in the first place. If he needed 60, did this ever fit the zoning? It looks like it never was in -- it never was in compliance.

PAUL BLOSER: The problem with the house was built -- you're still within the 50 or 40 foot setbacks.

MS. BORGUS: Could be.

PAUL BLOSER: It's an older --

MS. BORGUS: Older home.

PAUL BLOSER: Yes. It's not a new house.

MS. BORGUS: Thank you.

PAUL BLOSER: Or he would be at 75 foot?

MS. BORGUS: Thank you.

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

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

ADAM CUMMINGS: I just want to point out, in 1956 it said there was a house front setback of 45 feet, just to -- just to answer Dorothy (Borgus).

MS. BORGUS: 45?

PAUL BLOSER: 45 feet was the setback requirement then when the house was built.

MS. BORGUS: But he was 56.6.

PAUL BLOSER: Correct. So he was -- okay. 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 Tracy DiFlorio seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following condition, and Tracy DiFlorio seconded the motion. All Board members were in favor of the motion.

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

1. Follow through will all inspections and permits as required.

The following finding of fact was cited:

1. Requested variance is within character of neighborhood.

6. Application of Pearce Memorial Church, owner; c/o Sign Language, 6491 Rt. 20A, Perry, New York 14530 for variance to erect a 7'4" x 2' double-faced changeable copy sign to replace existing freestanding sign, variance to allow a total of three wall signs totaling approximately 52 sq. ft. at property located at 4322 Buffalo Road in R-1-15 zone.

Jeff Fitch was present to represent the application.

MR. FITCH: Thank you.

Mr. Jeff Fitch, owner of Sign Language in Perry, New York representing Pearce Memorial Church and Pastor Dave Carden.

What we're trying to do is really overhaul the signage that they have, straighten it out and get rid of that changeable orange yellow sign they have currently up on the property by the driveway. As soon as I saw that one, I said, "Well, that's the first thing we got to get rid of," so this kind of gets rid of that up there and also cleans up their other sign down there.

Originally what they wanted to start with was LED message board, and I said, "Well, let's pursue a different avenue, and let's go with something a little more benign that you can work with." Also saves them a whole bunch of money, too. I don't think an LED would be a best choice for that property right there.

Currently, what we would take is that existing sign, we would refurbish it and just mount it on the side wall of their entranceway off Orchard Street where people cross the street. A lot of people have wondered what that is, and they would like to just denote that. The other sign that is around back on the end where they have a large parking lot, they have people walking in the wrong door and they're trying to get people to come in the right area for service, so that's --

PAUL BLOSER: The rear one won't even be visible to any of the streets?

MR. FITCH: Not until you get into the parking lot, which is really what they were trying to achieve, because even they told me, "Go around and park in the back and walk in the door."

And I walked in the door I thought I should walk in and I don't know where I ended up, but eventually found somebody and that was noted to me to be the wrong door, so they showed me the right door on that, which I can point out if anybody needs as far as drawings or what -- wherever you are on the property.

Do you have a question? On the quantities?

TRACY DiFLORIO: Three signs.

MR. FITCH: Actually they pointed out to me there was an existing one and I never knew there was. That was -- they have some small letters up over the top of their -- (indicating) it wasn't until Ron had told me his father had done them. I looked up in the air half a mile and I go, "Oh, I had never seen them."

Well, I don't know if Pastor Dave really knew they were there either so he turned around and looked and we took a picture of him looking. But that is to be considered one right there (indicating). That's a 20-foot wide area, the letters are 12 inches, 12 inches high, so that is where 20 of the square foot would come from out of the 52. That is a current sign that they have in that location.

What we would do is take this off, refurbish them. We take them back, strip them, start over, repaint, prime, paint, gold leaf and then mount it on the side of that, the empty wall. I think that is their kitchen also. They got into the kitchen, but there is a walkway, crossway across here (indicating) that leads into one of their entrances there on Orchard. This is around behind in the parking lot, to try to get people to go in that door right there (indicating).

PAUL BLOSER: So the third one, because I'm not really clear, that is -- where is that building? The third one there?

MR. FITCH: This one (indicating)?

PAUL BLOSER: Next one over.

MR. FITCH: There (indicating). Orchard. Right up on -- as you came off of Buffalo Road, you know, whether you turn left or right.

PAUL BLOSER: That building, that sign is facing Orchard then?

MR. FITCH: Right. If you drove up, you would see it. They have a parking lot across the street over here (indicating), too. So they're trying to tell people if you're parking over there, come this way. This is an entranceway. It is utilizing basically the original and they had only refurbished it and brought it back to new standards.

TRACY DiFLORIO: Has that sign always been there, Number 3?

MR. FITCH: Yes. It's down here currently.

TRACY DiFLORIO: So it is currently not on that wall then?

MR. FITCH: Right.

TRACY DiFLORIO: I thought I was losing it.

MR. FITCH: We get that when we go to church boards, when do we get the new sign. You can have fun with them for a while before you just tell them it's a digital photo. It just gives people a better perspective.

TRACY DiFLORIO: The one on Buffalo Road right now is gone, the changeable sign, currently?

MR. FITCH: It will go, yes.

TRACY DiFLORIO: It will be replaced with Sign Number 1?

MR. FITCH: That one right there (indicating). That gets rid of that. This is already the existing one. This has the proper setback, you know, the brick work and everything. That's in the right location as far as distances and so forth. They had originally wanted to put one up

where the yellow sign was, and we had investigated the -- the -- and talked in the office and so forth, and that was just not going to be a viable alternative and it wasn't going to work up there. So I said you ought to really concentrate back on where you have a good setback, you're tucked in, you're a good ways from traffic and you already have an existing planter. You have brick, you have landscaping. It looks nice there. Why not utilize something you already have instead of trying to make something that won't work for you?

PAUL BLOSER: The letters over the pillars, are they already there?

MR. FITCH: Yes. I guess they were since -- Ron -- I would guess the fellow on the Board that I spoke with by the name of Ron must be probably late 50s and he said his dad did them. That must date back a little while.

PAUL BLOSER: Chris (Karelus), the letters over the pillars there, do those constitute signage?

CHRIS KARELUS: Yes. That is why everything is calculated.

JORDON BROWN: What are they made of, those letters? I didn't notice them.

MR. FITCH: They're probably old -- I would imagine if he made them -- I doubt he cast any metal, so I would imagine they are probably a wood, without getting up in the air, 35, 40 foot, and rapping on it or scratching it. Usually most letters put up that high, you go with a cast letter because you're never going to visit that site again.

CHRIS KARELUS: I would just ask the Board, they do have that mobile temporary changeable copy sign. With their association with Roberts, I would just ask that that doesn't show up anywhere if the Board does see it fit to have the changeable copy sign more permanent than the church. This is unique. Just so the public is aware, changeable copy signs, the allowances by our code are only given to certain rights and religious institutions or churches is one of those.

MR. FITCH: That was the first thing I mentioned to them is I would really love to see this go.

PAUL BLOSER: The lighting that is on that sign, do you know what type of lighting that is at this point, if it is changing?

MR. FITCH: Um, what I had recommended to them is some of the new 42-watt outdoor fluorescents. They replace a 28-watt unit, but they're basically kind of a square unit like this, very nice, very soft.

PAUL BLOSER: Still looking at an up-light?

MR. FITCH: Yes. It can work within their landscape area, you know, quite well.

PAUL BLOSER: Everything they have done to date has been very tasteful, so --

MR. FITCH: They spent seven months on this so far, so they really distilled it quite a bit from...

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I see in our -- the sign code that I have -- now maybe I thought I had the latest version, but it says, "A sign not exceeding 32 square feet in area for each church," and it goes on, "will be allowed."

Where in the code does it say it can be changeable copy? Do I not have the last revision of the sign law?

CHRIS KARELUS: I can read it if --

PAUL BLOSER: Yes.

CHRIS KARELUS: 115.34, changeable copy signs, changeable copy commercial speech signs, commonly known as bulletin boards, not exceeding 40 square feet in area, of any public, religious or charitable organization located within the Town shall be allowed when such signs are in conformance with all other restrictions for the zone district."

PAUL BLOSER: Chris (Karelus), what was that code number again, please?

CHRIS KARELUS: 115-34.6, Subsection A 2?

MS. BORGUS: Subsection 18?

CHRIS KARELUS: A 2.

JORDON BROWN: A?

CHRIS KARELUS: A.

PAUL BLOSER: Does that answer your question?

MS. BORGUS: Yes, it does. Now, I wonder, how big is that sign that would be on the Orchard Street side?

MR. FITCH: 3 by 5.

MS. BORGUS: I just wonder how much good that will really do. I understand the sign on the back of the church because I, too, have been in that parking lot and I think, what door do you go in here. It isn't clear, so that's fine, but -- and I realize the print was over the front of the church and that's very tasteful, and their new sign for the front looks very nice, but I just wonder how much good that sign on the Orchard Street side is even going to do. There -- that building is so close to the street, then I wonder if it is really necessary.

TRACY DiFLORIO: Is that where the sidewalk is to go to the door?

MR. FITCH: It goes across there, yes. It will be quite visible, actually, Dorothy (Borgus), it really will be. In fact, you can take a picture like that, and we do them digitally accurate, and if you can get back from a picture 6 or 7 feet and discern what it is, when you take and blow it up into real live scale, you can really notice it. Their concern is, again, people coming up the street

that still don't know that, hey, you can come in here. You park across the street. Again, it was when I first came there seven months ago and Pastor Dave said, "Park across the street."

I said, "Street, go where, what?" There is no indication as to is this the church part or where are we around this building? I kept walking around the building going what doors are open, what are locked, what are you trying to get people to do there?

TRACY DiFLORIO: The playground is right there.

MR. FITCH: Then you add that, the nursery, the playground, and the kiddies out there. So yes, you will, to answer your question, um, yes, it's sufficient size. It's not over size, though, because that was a concern, too, being that you didn't have something up there that looked like you were putting a billboard on the side, the end of the building, because that wouldn't be tasteful either.

PAUL BLOSER: But this sign is existing right now in the front?

MR. FITCH: Yes.

PAUL BLOSER: In that front bricked area?

MR. FITCH: Yes.

PAUL BLOSER: You're just going to re-work it then?

MR. FITCH: Refurbish it.

PAUL BLOSER: So we're not putting a used weathered sign up there?

MR. FITCH: No, it can be refurbished and brought back to new. If it can't be on premises, I will tell people. We have done this for 23 years, and we can tell exactly what you can do with something as far as bringing them back or not.

MS. BORGUS: It seems like a lot of signage, but I'm sure it will be tastefully done. Thank you.

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

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

PAUL BLOSER: Is there a street number?

MR. FITCH: 4322.

ADAM CUMMINGS: On the sign?

MR. FITCH: No. I don't think they had it anywhere on any part. I asked them about that. You have quite a large property here. Do you want a number on there for like deliveries or anything like that because the majority of our signs always do just for ease of drop-off for commercial and they said no, they didn't -- didn't want a number on there. Okay.

PAUL BLOSER: That's something that we can -- you know what it is. It is not like a --

DAVID CROSS: But you can have the street number be a reference point.

PAUL BLOSER: A reference point. That is something I can put as a condition of approval.

TRACY DiFLORIO: Something we have been requiring on all new signs.

MR. FITCH: It's a great idea. First thing I ask people, let's put a street number on there.

ROBERT MULCAHY: Do we not have an ordinance for street numbers?

PAUL BLOSER: I don't think there is an ordinance, per se, on signs, is there? To have a street number on a sign?

KEITH O'TOOLE: We have a requirement that you post a street number, but it has been the custom of this Board to have it attached to a freestanding sign.

MR. FITCH: You see where we could do on that one is take the lead post on the end towards Buffalo Road and put a vertical plaque right down through there and put the numbers on there and then when you're going by, you can easily read it on the vertical section.

PAUL BLOSER: Will that be visible from the shrubbery? Would it be on the white fluted post?

MR. FITCH: Yes. I thought if you were going to ask, is that going to be an additional cost. Yes. Hey, I own the business.

(Laughter.)

MR. FITCH: I got to pay people.

JORDON BROWN: Condition is you don't charge them more.

(Laughter.)

PAUL BLOSER: Chris (Karelus), is there a distinguishing characteristic between Pearce Memorial property and Roberts Wesleyan property in that if we put a condition on this, that no portable or transportable changeable letter signs be allowed on property, would this be for Pearce and/or Roberts or just Pearce?

CHRIS KARELUS: This is just for the applicant asking only as a courtesy, because I know they hold hands.

PAUL BLOSER: So I would have to do it as Pearce.

Paul Blosier reviewed the proposed conditions with the Board.

Paul Blosier 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 Tracy DiFlorio 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 Tracy DiFlorio 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. Street number be added to monument sign.
2. Uplighting be maintained.
3. No backlit or neon lighting allowed.
4. No portable/transportable changeable letter signs be allowed anywhere on Pearce Memorial property.

The following finding of fact was cited:

1. Requested variance will have no adverse physical or environmental impact on neighborhood.

Note: A sign permit is required for these signs.

7. Application of Ryan Homes, owner; 400 Airpark Drive, Suite 30, Rochester, New York 14624 for variance to allow existing dwelling to be 39.03' from front lot line (40' req.) at property located at 12 Box Car Drive in PRD zone.

Ed Freeman and John Stone were present to represent the application

MR. FREEMAN: Good evening. I'm Ed Freeman from Passero Associates. Our offices are located at 100 Liberty Pole Way, Rochester, New York 14604. I'm here tonight representing Ryan Homes of New York for an area variance to allow the garage at 12 Box Car Drive to be 1 foot into the front setback.

While circumstances exist that prevent compliance with the requirements to the Town of Chili zoning ordinance, when the house was built, there was a request to change the size of the house. The builder held the rear line of the house and executed the change. The change was -- made the house longer, which put the garage over the front setback by 1 foot. The request will result in no substantial character or be detrimental to the surrounding properties. No one -- the same structure would have been built if it -- with no violation or variance, so there should be no change, no character change.

Is this area variance requested the minimum necessary to overcome the problem? Yes, it is. Are there any alternatives available that would not require a variance? Yes, because if we moved the front of the garage and moved the front of the garage back 1 foot, this would cause interior change in the house. The house is finished, ready to be moved in at a very large expense.

Any other information I would like to bring to the Board is this house is on a curve -- right at the beginning of the curve and there are only three houses on that straight section of the road and very unnoticeable being on the outside of a curve. And also the fact that it is only a small portion of the house, only the garage portion of the house that is sticking over, not the whole face of the house, so very unnoticeable to a person driving down the street.

Solution for the problem so we don't have this problem in the future is any times there is any changes in the house after it is staked out by my office, the engineer will review it to make sure that no vi -- setback violations are created by the change in the house, and we will also recommend that if there is a change in the house, that, um, the -- the builder make sure that he adheres to the front setback and side setbacks by not creating any violations.

Any questions?

PAUL BLOSER: It's more comment than questions. It's not like you guys just started in business.

MR. FREEMAN: No, it's not.

PAUL BLOSER: You know, we have our code set for a reason, and it's -- it is what it is, and I agree it's an expensive cost to try to move it at this point. We get builders in here, though, that they make change orders along the way and figure, well, we'll fix it at the tail end and we'll just get it.

MR. FREEMAN: This was an honest mistake by the builder. If he held the front of the house as he should have and pushed the house back the extra distance, there would be no problem. The mason made the wrong call and held the back of the house.

PAUL BLOSER: I understand it does happen. It is just sometimes it gets exhausting hearing from builders about their mistakes, and if it was within our power, and we were that type of Board, we would love to impose a fine or see you make a nice donation to the Senior Center or something so everybody feels good at the end, but we can't do that.

I do understand mistakes do happen in the field. It does happen. Driving by it and seeing the location, I can understand also that from the street you're not going to see that percentage of a foot difference. Is there an impact, no. It's kind of the principle of it. I don't really have any questions.

MR. FREEMAN: Can I make an additional comment? To my knowledge, Ryan, who has been building out at Union Station for a long time, to my knowledge, I don't think we have been in front of this Board for a setback violation in the years we have been here.

PAUL BLOSER: I can't recall when you have been, and I guess in fairness I have to say it's not every builder. I mean it is some.

MR. FREEMAN: Some with multiple --

PAUL BLOSER: It does get exhaustive sometimes.

I hate to steal somebody's thunder out there in the audience, but, you know, it is what it is. That's why the Board is here, is to hear these variances, and grant them if deemed appropriate. There is no questions from the Board.

JORDON BROWN: Just a comment. I appreciate hearing about the additional procedures you're putting into place if a similar circumstance comes up. I will also point out there are some builders who have never been here.

MR. FREEMAN: True. But in defense of Ryan and the multiple number of houses they build in the area -- we service 80 or 90 percent of their subdivisions, and I'm -- I don't go to many variance meetings for Ryan at all. So in their defense, the magnitude of buildings they do, they have a very good track record.

PAUL BLOSER: If John Caruso was here, I would give him a harder time.

MR. FREEMAN: Tomorrow when I see John (Caruso), I will tell him Mr. Blosner was very hard on me.

JAMES WIESNER: Another curious question. When the architectural plans change, they had to be resubmitted to the Town. Wasn't there something that was resubmitted or something they might have been able to catch?

CHRIS KARELUS: Change order was not given to the Town.

MR. STONE: John Stone, I represent Ryan Homes, 400 Air Park Drive. The change order wouldn't have necessarily been reflected in the architectural plans in that the -- basically the plot plan was ordered incorrectly. That is why the survey was done as it was. We noticed that the plot plan had a 2-foot variance in it. We sent it back to be corrected, and unfortunately, the stakeout had already been performed and that is why we didn't pick up on the fact that the rear house line was actually 2 feet forward from where it should have been. The architectural plans were submitted accurately, but there is a new process where our Sales Department was actually ordering the plot plan off the sale, and we have discontinued that as a result of this.

Now I have one specific individual in my office that is not only ordering all of the plot plans, but is now also checking them all when they come in in addition to our Project Managers.

PAUL BLOSER: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: It's only 9 inches. It doesn't appear to me, unless they have had some other documentation offer here that it makes any difference. 9 inches is 9 inches. I would say let's go ahead and do it.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: It sounds like these gentlemen have this under control and it sounds like it shouldn't happen again with this builder.

And that was a very good speech you gave, Mr. Blosner. I would suggest you make copies, because you won't have to think it through the next time when some of these other builders come through. You have said it correctly, and it's the lesson that they all should get when they show up here after they have made mistakes.

Thank you.

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

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

CHRIS KARELUS: Mr. Chairman, just to clean it up, I notice the one setback is just a tad bit -- actually closer than the 39.03. Can you make the request 39 feet flat so there is no questions on fractions of inches?

MR. FREEMAN: That is how the application was submitted, for 39 foot.

CHRIS KARELUS: Okay.

PAUL BLOSER: New instrument survey maps.

MR. FREEMAN: We'll take the existing instrument survey map and add a note if the variance is granted that an area variance for setback was granted and such statement will be put on the survey and resubmitted to the Town if the variance is granted.

PAUL BLOSER: Can I ask a question of you?

MR. STONE: Yes.

PAUL BLOSER: Forgive me, I didn't catch your name.

MR. STONE: Sorry, John Stone.

PAUL BLOSER: In your Sales Department, when you're closing on a house and you turn

the keys over, do you give your new homeowners a list of what our code requirements are? If they're going to put a shed in, what is required. Setback issues, if they're putting a fence in. If it is a shed, it has to have a footer. This is something we get a lot. If you have been here tonight, you know, new home buyers, first time buyers never done it and they think, oh, let's go get a shed down at the Amish outlet and pop the thing in to store our lawn mowers and bikes and we can put it anywhere we want.

Do you advise them, something in your literature, there are requirements or any changes to the lot or building structure they do they must talk to the Town Building Department?

MR. STONE: I will try to answer the question the best I can because it's an awfully big question. The first answer is no, we don't provide a specific packet on a township's requirements. The only time that we do is in the event that there are deed restrictions with the property, um, that we're subject to the original approval of the subdivision or in the event that there is a covenant and restriction that we have basically filed with the property. Or in the event there is a Homeowners' Association, we're, of course, required to provide the bylaws. So at this time we do not do that.

PAUL BLOSER: Could I ask that maybe you make a suggestion to your marketing people that if nothing more than a clause, that if they're going to put any additions on their property, such as -- just give them a couple, sheds, pools, decks, these things must be approved by the Town before proceeding? Just something in a sales package that is turned over to a new homeowner.

MR. STONE: We actually do have a package right now we're reformatting and I'm sitting on a committee that is doing that. I can certainly suggest to have at least some general guidelines.

PAUL BLOSER: You can't have specifics because there is so much, but a general guideline, any changes they make must be approved throughout?

MR. STONE: I think it would be a great idea and good reference guide for our homeowners. It would save them a lot of time and trouble.

PAUL BLOSER: Not to talk us out of a job, but...

MR. STONE: I think you will still have a job.

PAUL BLOSER: True. 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 Tracy DiFlorio seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following condition, and Tracy DiFlorio seconded the motion. All Board members were in favor of the motion.

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

1. Setback be no less than 39' (40' required by code).

The following finding of fact was cited:

1. Request is reasonable and cannot be mitigated without significant cost.

There was discussion whether they could go ahead with a closing without receipt of the decision letter. Chris Karelus felt there was no need to hold up their process.

The 9/23/08 Zoning Board meeting minutes were approved as modified.

The meeting ended at 9:00 p.m.