

CHILI ZONING BOARD OF APPEALS
November 27, 2012

A meeting of the Chili Zoning Board was held on November 27, 2012 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: Michael Jones, 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 signs?

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

1. Application of Tim Mullen, 57 East Bellaqua Estates Drive, Rochester, New York 14624; property owner: Mr. and Mrs. Anthony Elia; for variance to erect an 8' by 10' utility shed 55' from rear lot line (considered frontage due to facing on a public street) at property located at 57 East Bellaqua Estates Drive in R-1-20 zone.

Tim Mullen was present to represent the application.

MR. MULLEN: My name is Timothy Mullen. I live at 57 East Bellaqua Estates Road, and we have a shed on our property that we got sent a letter stating that it was in the front setback. That shed had been moved and then we received a letter. I was unaware of the code regarding that, um, front setback rule, and the shed has been placed 10 feet from the adjacent property line and 14 feet, um -- I believe you have maps that indicate 14 feet from the house corner. It's at least 55 feet from the rear property line, and there is also a buffer area between our property line and Scottsville Chili Road.

Um, petitioning that the shed be allowed due to the fact it is in good repair. I have landscaping that lessens the impact of the shed. There is a small berm behind the house that adds about 4 feet to the height of the regular backyard, and, um, I -- I intend to keep it in good repair and hopefully, mostly not visible to the neighbors. So that is my petition.

PAUL BLOSER: I really don't have any questions on this one.

FRED TROTT: We were just talking about the setback. We're not talking about the shed at all.

PAUL BLOSER: We have done a couple of these already on the Bellaqua because of the road. They're up over the berm, so depending where you're at on Chili Scottsville, it is kind of hard to see from the road.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott 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.

PAUL BLOSER: Pretty straightforward. There is no building permit required on this one. So there is really nothing other to do other than you have it located -- is that the final location where you have it on here?

MR. MULLEN: It is, yes.

PAUL BLOSER: Ed (Shero), do you need anything further than what -- how it is located here now?

ED SHERO: No.

PAUL BLOSER: You're satisfied with that?

ED SHERO: Yep.

PAUL BLOSER: With that, then -- anybody have any questions? Anything?

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.

PAUL BLOSER: There are no conditions of approval on this one. It is just the findings of fact that we covered basically already. So I will move ahead with the vote on this.

Robert Mulcahy made a motion to approve the application with no conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

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

1. Due to this property backing up to Chili Scottsville Road, this is considered frontage per Town Code. The size of this shed does not require a building permit. There are no violations on the property. There have been similar requests in this tract for like structures and placement. Due to location of property in reference to Chili Scottsville Road, there will be no impact on the environment or to value of neighboring properties.
2. Application of John Wing, owner; 68 Morgan Road, Scottsville, New York 14546 for variance to allow the total square footage of garage area, including a new 50' by 70' detached garage to be a total of 5,000 square feet (1200 square feet allowed), variance for new garage to be 40' from rear lot line (50' required) at property located at 68 Morgan Road in AC zone.

John Wing was present to represent the application.

MR. WING: Hi. I'm John Wing, and I live at 68 Morgan Road and I'm applying for a permit to build a pole barn.

PAUL BLOSER: I'm sorry, could I get your name again?

MR. WING: John Wing, Wing.

PAUL BLOSER: The map you turned in -- did you submit one yet showing where your leech field is?

MR. WING: No. The leech field is in front of the house on the south -- the south side of the house.

PAUL BLOSER: Okay. Is it Allied that is going to do this for you?

MR. WING: No. I haven't committed to anybody yet until I get approval.

PAUL BLOSER: Basic use of this building is?

MR. WING: Storage and a shop area for repairing my cars or campers, whatever I have to work on.

PAUL BLOSER: Will there be electric to the barn?

MR. WING: Yes.

MICHAEL NYHAN: There will be.

You're looking for a variance, 40 rear setback. Is there a reason why you can't move it forward?

MR. WING: Yes. I was thinking about it. Once I -- once I -- I abandoned my document here, I can move it back. It doesn't have to be that far back. I was just keeping it away from the other, um, garage. That's all. I mean, I can move it in 8 feet to get it within the 50 feet. That's not a big deal.

PAUL BLOSER: You're what, 40 right now? To the rear?

MR. WING: 42, I think.

PAUL BLOSER: 42.

MR. WING: It was 8 feet in the 50 feet, so -- so if I remember my numbers down there.

PAUL BLOSER: So you're okay with moving it down the 50 feet?

MR. WING: Yeah.

PAUL BLOSER: Do you have site work to do?

MR. WING: Yes. I have to do site work. It will be springtime probably when I break ground or whatever.

PAUL BLOSER: Are you going to be bringing in fill for that?

MR. WING: Um. No, I'm probably just going to move -- relandscape the front of the garage because I have a little bit of a hill there. I will knock it down a little bit, bring the fill in and then it will be stone that I will fill the rest with.

PAUL BLOSER: Any fill you bring in, if you have to bring any in, that has got to be -- run that by the office.

MR. WING: Okay. It has to be approved first?

PAUL BLOSER: Yes. The type of fill you use, what it is, and how much you're bringing in. It is just part of our wetlands and our watershed area for displacement of water. So we know what --

MR. WING: Oh, okay. Okay.

MICHAEL NYHAN: Driveway leading up to it, will it be stone or what will you have?

MR. WING: It will be stone. I will change the driveway a little bit to access the back side of the barn. Did I draw that on there?

MICHAEL NYHAN: No.

MR. WING: The one driveway on the west side will continue on straight to connect to the --

MICHAEL NYHAN: From the existing structure, so it will connect the existing structure with the proposed structure?

MR. WING: No. It will be behind the existing structure at the barn -- if -- I will obviously move the barn in a little and I have a large door there to park the bigger equipment, the camper and the boat and the stuff like that, so I have -- have a driveway in the back.

MICHAEL NYHAN: The idea is to get all of the equipment you have outside inside; is that correct?

MR. WING: Yes.

MICHAEL NYHAN: So you won't be storing anything outside?

MR. WING: Yeah.

ROBERT SPRINGER: You use the word "shop." Is that shop for your personal use of your farm equipment, whatever is in there?

MR. WING: I just -- I say "shop" like I'll go change my tires in there, you know, rotate my tires. It will be my garage.

ROBERT SPRINGER: Not a business shop.

MR. WING: No, no. Sorry. I -- I work in a sheet metal shop and I call it the shop. So.

FRED TROTT: What is the exterior of the building going to be like?

MR. WING: The roof is going to be a -- like a dark charcoal, and the sides are going to try to match the -- I can't match exactly the color of the house, the light gray, but it will be close to light gray and then white trim that will match close to the house.

PAUL BLOSER: A tin roof or --

MR. WING: Tin. Tin.

MR. JONES: I'm a little confused. Did the applicant indicate that you are moving the building close -- further in?

MR. WING: I can. If that is what they like me to do, I can keep that in the 50 foot property line and move it closer to the larger garage.

I can redo the map and send that map in to show you exactly where I -- if you need me to come back and discuss it, I can.

MR. JONES: I'm just not clear, because as the Board knows there has to be a hardship. So if you're able to do that.

MR. WING: Yeah. I have no -- I have no site work done or anything. It all depends on approval of this, and then I can go forward.

MR. JONES: Thank you.

PAUL BLOSER: How old is your house?

MR. WING: I believe it was built in 1938. '36.

PAUL BLOSER: Do you have a map from the County on your septic field and leech and how it is laid out?

MR. WING: I -- I will have to take a look. I don't remember seeing one, no.

PAUL BLOSER: For the record, I'm going to ask as part of a condition of approval that that map be submitted with your lot placement. You can get it right through the -- through the County.

MR. WING: Oh, okay. Just call the County?

PAUL BLOSER: The Health Department, it should be on file. I just like to keep track of buildings that go up in relationship to these, because there is also setback requirements for leech fields and we just know that there is not going to be any interference.

MR. WING: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Um, I -- there is a couple of questions I didn't hear asked. Is this barn going to be heated? I call it a barn, because it's really out -- pretty out size for a garage. Is this going to be heated?

MR. WING: It will have a -- I have a Salamander kerosene heater, a portable one I use in my garage now.

DOROTHY BORGUS: Will there be a cement floor?

MR. WING: In the shop part. So I will break it -- I will break it up and have a spot so I can pull vehicles in and have it so I can heat it.

PAUL BLOSER: Gravel floor on the other section?

MR. WING: On the rest of it, yes.

PAUL BLOSER: So it will be walled off inside?

MR. WING: Yeah.

DOROTHY BORGUS: Without any drawings tonight, unfortunately that I have seen.

PAUL BLOSER: For the inside layout?

DOROTHY BORGUS: Even the outside.

PAUL BLOSER: Are there other buildings on this lot besides the house? There is an existing garage back there, correct?

MR. WING: Yes.

DOROTHY BORGUS: Is there a garage on the house, as well?

MR. WING: No.

DOROTHY BORGUS: How close is the one -- will the garage be to this proposed building?

ADAM CUMMINGS: Right now it is shown as 30 feet. If we move it forward 8 feet, it will be 22 feet separated between the new structure and the existing.

PAUL BLOSER: We're still within code with that.

DOROTHY BORGUS: How high is this building to be?

MR. WING: I believe it is 18 feet to the eaves and then 4/12 pitch roof.

PAUL BLOSER: Did -- how many overhead doors?

MR. WING: Three. One in the back and two on the side.

PAUL BLOSER: 8 or 10s?

MR. WING: The back end is going to be -- the back side is probably going to be a slider, not an overhead, and then, um, the one -- the two on the side -- one is going to be a 12 -- 12 by 12 and the other will be a 10 by 12 or 12 by 9.

PAUL BLOSER: For aesthetic purposes, I would like to have, if you got two overhead doors, sliding doors on one side, aesthetically, I would like them to be the same. It keeps the consistency, if that is possible.

MR. WING: You're saying -- say --

PAUL BLOSER: Your overhead doors, you're putting two overhead doors on one side.

MR. WING: You want the size the same.

PAUL BLOSER: That they be the same. It just gives a better aesthetic appearance from any direction.

You will have a sliding door in the back?

MR. WING: Like this (indicating).

PAUL BLOSER: Yes. It just balances it out and gives a better look.

MR. WING: That is one of the proposals I had, was to do of the same size and one -- and a large one in the rear like this (indicating).

PAUL BLOSER: Okay.

DOROTHY BORGUS: I had another question.

Other than possibly some old barns, wood barns, farm barns, previous farm barns on Morgan Road, are there any other barns in the area on Morgan Road or even close by that are this large? 50 by 70 is a big barn.

MR. WING: Yeah. I just -- I removed a barn in 2005 that was 100 by 40. It was an old hay barn.

DOROTHY BORGUS: Well, I have expressed this thought to the Board before and I will express it again. Um, 5,000 feet of storage space for an individual who doesn't have a business seems exorbitant. And I have a farm, and I have 100 acres, and my barn is not 5,000 square feet. It's not 50 by 70 either. And I just question the need. I think that there are other barns there, and I know there has been one built fairly recently on Morgan Road, but even that, and -- and as -- it is Mr. Boon's, and even that is only 40 by 60 and he has room for farm tractors because he cuts his -- his whole lawn. He cuts ten -- he has ten acres, and his isn't that big.

And my worry, as I have told this Board and I have expressed this to the Planning Board before, too, is that a few years down the line, people will say how could those Boards -- that Board back then have thought this was okay? Because eventually they're going to turn into something other than what you're being asked to approve today. Sooner or later. How many barns do you know of that has been turned into apartments? There is a lot of them. Not only in Chili but in other towns. How many all of a sudden contain a business? I'm not saying this man is going to do that, but you have to look ahead. It is not only today you're worried about.

I think this is far too big for a five-acre lot. It's going to look out of place. I know the gentleman said he removed a barn that was 40 by 100, but it was a farm. It was a farm. It wasn't a five-acre lot. This is not a really big lot when you think you're taking up 5,000 square feet with just storage. I think it's too much. I don't have any problem with him having a barn. I mean you have approved 140 by 60 down the road, but I really think this could be downsized a little bit to make it more appropriately sited.

Thank you.

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

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

ADAM CUMMINGS: For the record, are you okay with getting rid of that rear variance -- the rear setback variance and shifting it up to 8 feet?

MR. WING: Yes. That is no problem.

ADAM CUMMINGS: Makes our voting easier.

PAUL BLOSER: It's just the size now.

MR. WING: I just to go to the sewer and get the map of the leech lines --

PAUL BLOSER: That will be a condition of approval.

MR. WING: Do I have to schedule another meeting?

PAUL BLOSER: It is just strictly taking it to the Town. They review it with your building permit application, site map.

MR. WING: Okay.

PAUL BLOSER: Just to make sure there is no interference.

You would also want a pin location on your map to show exactly where your proposed building is going, so that we know that we're within that 50 foot.

MR. WING: Sure.

PAUL BLOSER: Setting.

MR. WING: I will redo the map.

PAUL BLOSER: A couple other things I wanted to bring up. We show that in 1998 -- did you own the house then?

MR. WING: Yes. There was an addition to the house and there was a building permit pulled on that. Yes. I was informed Tuesday, and I started that process to get that all cleared up. I -- I -- electrical inspection is complete and then I have a schedule for the Building Inspector to come over on Friday, at 4 o'clock to take care of that.

PAUL BLOSER: That has to be completed before any other permits will be issued?

MR. WING: Uh-huh.

PAUL BLOSER: That's a condition of approval.

We also always put in the structure will be built using materials of like color and materials as much as possible.

MR. WING: Yes.

PAUL BLOSER: The biggest thing is to just maintain consistency on the property.

We also put in here a condition of approval that no business of any type can be conducted from this structure or property. So even any other structure you have there, a business cannot be run out of there without approvals or proper permits, and that would require also a variance for running a business.

MR. WING: Sure.

PAUL BLOSER: The size. Is that a -- are you pretty adamant with that big of a building?

MR. WING: I just went that way, um, figuring out once you get a camper in there, you get a boat, you get some storage racks, snowmobile trailer or whatever in there, and then if you have, a, you know, the rest -- I have a wood shop set up in my other shop part of it, so I can repair cars, I have lost a lot of space. So I went to that size. Am I adamant about it, no. The price jumped up quite a bit on materials going to that size. I could downsize.

I still have the other garage, too, you know, for storage also. So I can go both ways. It's -- the cost is -- has jumped up quite a bit, so.

ADAM CUMMINGS: So you still use that other existing building?

MR. WING: Yes.

ADAM CUMMINGS: Because it is 5,000 square feet total.

ROBERT MULCAHY: Between the two.

ADAM CUMMINGS: So the new one is 3500 and the other is 1500 and 1200 is what is allowed, so to minimize this variance, um, we could limit our -- offer to eliminate the other one and that would knock off 1500 square feet if he was adamant about the same size.

PAUL BLOSER: Eliminate --

ADAM CUMMINGS: The existing, or downsize the new one.

PAUL BLOSER: The proposed.

ADAM CUMMINGS: Because right now the variance is four times the size of what is the code allows. More than four times.

PAUL BLOSER: That is why he is here.

How much of this is going to be finished off as far as -- as far as closed-in spaces?

MR. WING: Probably a 30 by -- 30 by 20, 30 by 30 section just to -- you know, to allow enough room for pulling in a car, truck. My truck doesn't fit in the garage I have right now. It is just too narrow. By the time you work on something, you're -- you have the doors open, so. And it's too short -- shallow to pull anything in over 7 1/2 feet, so. I'm limited on what I store -- what I can store in there. My tractor barely fits in there, and that is just, um --

PAUL BLOSER: The -- the -- the part that you're -- the floor, finish shop area, is that combined work on your car and wood shop?

MR. WING: Yes.

PAUL BLOSER: Or are you doing two separate?

MR. WING: No. It will be together. The rest will be, know, just for storage.

PAUL BLOSER: The size of your current one right now, what is the outside dimension?

MR. WING: 24 by 60.

PAUL BLOSER: Current one?

MR. WING: Uh-huh.

PAUL BLOSER: 24 by 60. Okay.

FRED TROTT: What size smaller would you be -- as far as --

MR. WING: I originally started out looking at 40 by 60. That's what I have been saving on for a while, and -- and then as I got looking at it, the size -- I was going to be tight in certain areas and I figured I would go as big as I can and -- because you always want more room. But the price jumped up quite a bit going to the extra 10 feet wide. The rafters changed or the steel girders changed.

PAUL BLOSER: More for the width than the length.

MR. WING: Yes.

PAUL BLOSER: If you stayed with a 40 by 70, would you be willing to do that?

MR. WING: Yeah.

PAUL BLOSER: Okay. That keeps it a least a similar profile with the other one. Bring the square footage down. It's a wide barn. I'm -- if you have a camper or a mobile home sometime that you're backing in to work in, you need the length. 40 foot -- but you got to -- but --

MR. WING: Right.

PAUL BLOSER: Depending on the width of the shop you could always get it in the long way if you had -- is it a trailer or mobile home?

MR. WING: Tow-behind.

PAUL BLOSER: So you have plenty of room to get in and work around it if you had to.

MR. WING: Uh-huh.

PAUL BLOSER: Now, everything that -- the trailers, tractors, with your proposed plan, are you able to have everything in there stored under a roof and nothing externally stored?

MR. WING: You had -- should be able to get everything -- granted, I have a couple pieces of equipment over at my brother's house in Rush, and right now -- a trailer and stuff like that. It should be able to get all that in there, too. Keep it protected.

PAUL BLOSER: One of the other conditions I would put --

MR. WING: What about if I did a lean-to?

PAUL BLOSER: Off one side?

MR. WING: Would that have to come in for approval or --

PAUL BLOSER: Off that building, using the roof line?

MR. WING: Yeah.

PAUL BLOSER: Would that be a different roof profile or would you extend it?

MR. WING: Would it probably drop down and extend.

PAUL BLOSER: Ed (Shero), how do you figure -- it is still --

ED SHERO: Doesn't matter if it is enclosed or not. Total square footage.

MR. WING: Including any lean-to.

PAUL BLOSER: Any overhead coverage?

MR. WING: So if I added that down the road, would you have to come in for approval?

PAUL BLOSER: Absolutely because it's structure. The size, the footers -- it -- it grows.

ADAM CUMMINGS: And coming in for another variance.

PAUL BLOSER: You have to come in for another variance to do that also because it's adding square footage.

MR. WING: All right. Good to know.

MICHAEL NYHAN: You talk about tractors. Do you farm this land or are you talking about your tractor to cut the grass?

MR. WING: No. We used to farm the land. I have the one farm tractor and I use it to bush-hog. Eventually I want to turn that -- my five acres into -- I want to plant more trees and turn it into -- so I can cut it. That's my goal. Then we have the farm in Rush, and I had some equipment over there, too, to -- a couple little plows and cultivator and stuff like that that went with the tractor.

PAUL BLOSER: So getting everything over and putting it under one roof.

MR. WING: Uh-huh.

PAUL BLOSER: One of the conditions that I started to say is no external storage, external/outside.

MR. WING: I'm trying to keep everything under the -- under the...

PAUL BLOSER: Recreation vehicles, trailers, farm equipment. This keeps it tidied up.

MR. WING: Yeah.

PAUL BLOSER: You will have this all in writing. But you know when you start going to this size -- you're not filling it up with the stuff outside; you will add more stuff. And then at some point you do have to draw the line. Yeah, you have the property, but with respect to the neighboring properties, you don't want to --

MR. WING: Go too big.

PAUL BLOSER: And be a vehicle compound. That's one of the reasons we have these codes, to keep things -- some type of control.

MR. WING: Sure.

PAUL BLOSER: It's frustrating for people sometimes, but it protects neighbors and --

MR. WING: I understand.

PAUL BLOSER: Heating, the -- those type of propane burners, um, are they allowed? Without venting or chimneys by code?

ED SHERO: Portable?

MR. WING: One of those ready heaters.

ED SHERO: When you heat with that, you don't need to meet the Energy Code.

PAUL BLOSER: If you do convert to a furnace or some type of wood stove, that would require a permit. A stove that burns waste oil, any of those are required for a permit.

MR. WING: Just a wood stove also.

ED SHERO: Wood stove would require a permit from the Fire Marshal. If it is oil-fired or gas requires permit from us. But not portable doesn't.

MR. WING: What about geothermal. I have been looking into geothermal.

ED SHERO: That would require the permit and you would have to meet the energy code.

PAUL BLOSER: Are you -- will you be insulating this?

MR. WING: I would like to, but my price is -- I tried to downsize on stuff when I went to the 50 by 70 to make it affordable, so it may -- I would like to get the ceiling insulated

absolutely, so with going to a smaller size I can probably get that done.

PAUL BLOSER: Have that on paper before you submit what you're going to close in like that. It's part of their inspections. I would hate to you see you put up 1/2 inch and they will say you have to have 5/8 to meet Fire Code. Any of those you want to look at, because it will come back to bite you. Do it right the first time.

MR. WING: Sure.

PAUL BLOSER: Another thing that we put on there is, and this carries with the property then, that there be no conversion of this type of facility into any type of living, temporary or permanent, okay?

MR. WING: Uh-huh.

FRED TROTT: Are you going with the size --

PAUL BLOSER: We lowered the width from 50 to 40.

MR. WING: Yes.

ROBERT MULCAHY: Then --

MR. WING: I might just stick with a 40 by 60 and then maybe down the road come back and -- once I can save up some more money and do a lean-to to do that -- that that way. That way would save me some money.

MR. JONES: So, Mr. Chairman, if the variance is for a total square footage, I did some quick math and it would seem that the applicant would be agreeable to 4300 instead of 5,000. Just double-check my math, because they didn't teach that in law school, but just quick math that reducing it from 50 feet to 40 feet gives me that, and the variance for the total square footage. I just want to make sure the resolution specifies that.

PAUL BLOSER: You're saying going to law school you're not capable of math?

ADAM CUMMINGS: I didn't want to pick on you, but what dimensions did you use for the buildings? Did you use 40 by 70 or 40 by 60?

MICHAEL JONES: I did 40 by 70 because I only heard the reduction from the width.

ADAM CUMMINGS: Right. But I think he was just talking he would go 40 by 60. I didn't want to pick on the lawyer because the math wasn't right, but 40 by 60 --

MR. WING: The common sizes are 40 by 60. I --

MR. JONES: That is even smaller.

ADAM CUMMINGS: Right.

PAUL BLOSER: Smaller is fine. I guess initially I'm talking about taking it down to the 40 width. I'm comfortable staying with the 70. If it is less, that's not a problem.

If we leave it at the 70, that would also give you a cushion for a lean-to off the back with a cantilevered roof. It would still need a permit to be constructed but would not need an additional variance.

I will read, John (Wing), these conditions that I put down for the Board and for you real quick. On conditions of approval right now I have, the applicant must apply for the required building permit.

No business of any type be conducted from the structure or property.

As a condition of approval before a permit is issued the applicant will show on survey map where the leech beds are for septic system and have the location verified.

The building permit was issued in 1998 for addition of the house which has not had final inspection. We do require that the applicant contact the Building Department and schedule all required inspections so C of O can be issued prior to the building permit any kind of.

Five, the structure will be built using materials of like, style and color of the main structure.

Six, no external or outside storage of recreational vehicles, trailers, farm equipment.

Seven, structures cannot be converted for living purposes.

And eight, the proposed structure not to exceed 2800 square feet, making it a total of 4300 square foot.

Anything else the Board would like to see added or changed on that?

ROBERT MULCAHY: Is he going to move it ahead?

PAUL BLOSER: I will put a note that setback to be kept at 50 foot or greater as per code.

ADAM CUMMINGS: Right. Just mentioned the application for the variance was withdrawn.

That way he doesn't have to wait a year if he was going to do it if we voted it down.

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

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

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

1. The applicant must apply for the required building permit.
2. No business of any type to be conducted from this structure or property.

3. As a condition of approval, and before a permit is issued, the applicant will show on the survey map where the leach beds are for the septic system and have the location verified.
4. A building permit was issued in 1998 for an addition to house which has not had a final inspection. We require that the applicant contact the Building Department and schedule all required inspections so a Certificate of Compliance can be issued. This is to be done prior to the issuance of another building permit of any kind.
5. The structure will be built using materials of like style and colors of main structure.
6. No external/outside storage of recreational vehicles, trailers, or farm equipment.
7. Structures cannot be converted to residential use.
8. Proposed structure not to exceed 2,800 square feet. That combined with existing structure/barn, not to exceed a total of 4,300 square feet.
9. Rear setback of proposed structure to be no less than 50' from rear lot line.
10. Application for setback request/variance was withdrawn by applicant.

The following findings of fact were cited:

1. The proposed structure is similar in style, size, and use as in neighboring properties.
2. There will be no negative impact or environmental effect on neighboring properties.

The 10/23/12 Zoning Board meeting minutes were approved.

The meeting ended at 7:41 p.m.