

CHILI PLANNING BOARD  
December 13, 2011

A meeting of the Chili Planning Board was held on December 13, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Karen Cox, David Cross, John Hellaby, John Nowicki, Theresa Reilly, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Keith O'Toole, Assistant Counsel for the Town.

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

JAMES MARTIN: I recognize Paul Bloser Chairman of the Zoning Board of Appeals who is also here with us tonight.

PUBLIC HEARINGS:

1. Application of Samantha Seaman, 31 Paul Road #24, Rochester, New York 14624, property owner: Mr. and Mrs. Arthur Garcia; for special use permit to allow an in-law apartment at property located at 30 Black Creek Road in RAO-20 and FPO zone.

Linda Wilson was present to represent the application.

MS. WILSON: My name is Linda Wilson and I will be representing them. I'm their real estate agent.

JAMES MARTIN: Okay. At the last meeting we tabled this application due to the fact that we needed an updated survey map. There were several other issues that needed to be addressed. We have received an updated survey map of the property at this point in time.

I also believe the applicant has been working with the Building Department to determine all of the issues that exist as far as the property itself goes that would need to be corrected or brought up to date to meet the New York State Building Code requirements, and we have quite a list that has been given to us by the Building Department. And so at this point in time, what I would like to do, Paul (Wanzenried) -- can you put your copies up or do you have extra copies of the modified or updated -- you have a map? And --

PAUL WANZENRIED: The floor plan.

JAMES MARTIN: And also the floor plan.

Do you have any additional things to add at this point in time from where we were the -- the last meeting to where we are this meeting as far as addressing the Board?

MS. WILSON: No. Maybe just a variance that would say for owner-occupied or for family members only, if the variance can say that.

JAMES MARTIN: We have very specific conditions that would be imposed for an in-law apartment that were we to move ahead with this tonight, would be included in a decision letter regarding a particular situation. So I guess at this point, I will go to the Board.

PAUL WANZENRIED: We got in our mailbox this letter --

JAMES MARTIN: Can you put your microphone down?

PAUL WANZENRIED: Sorry.

We got in our mailbox this letter. David (Lindsay), is this issued by you?

DAVID LINDSAY: Kind of a bulleted list of items that might need to be addressed.

PAUL WANZENRIED: At minimum the following will be required prior to the issuance of the Building Department.

DAVID LINDSAY: That was, we asked the Building Inspector to meet with the applicant to give them a sense what might need to be modified in there if they decided to purchase the property so they could make an educated decision on whether they wanted to move forward with this. So it is not meant to be a comprehensive list, just some of the major items that we have seen.

PAUL WANZENRIED: Do you know when this addition was put on?

MS. WILSON: 1990.

PAUL WANZENRIED: 1990.

Would you then follow the 1990 code, or would you follow the current building code?

DAVID LINDSAY: We follow the current building code.

PAUL WANZENRIED: That is a sticky wicket.

JOHN NOWICKI: Has the building --

DAVID LINDSAY: I don't know if he has actually made a site visit -- actually, I think he did and he reviewed the plan. It is kind of not meant to be a full comprehensive list. Just kind of a list of the major items.

JOHN NOWICKI: Thank you.

KAREN COX: The major items that need to be addressed?

THERESA REILLY: Really the question would be do all of these apply to this property, or is this just a general checklist?

DAVID LINDSAY: These items would be applicable to that property. These are the things that he noticed that they would have to do to bring it up to date with today's codes.

KAREN COX: Has it been shared with the applicant?

DAVID LINDSAY: Yes, it has.

JAMES MARTIN: Well, let's go ahead and finish the Board.

Anything else, Paul (Bloser)?

PAUL WANZENRIED: No. No. That's enough.

KAREN COX: I -- I mean, I -- I guess we would need to know how these are going to be addressed.

JAMES MARTIN: Certainly, if we were to move ahead on this, with some sort of conditional approval, it would be dependent upon the applicant meeting all of the current New York State Building Code requirements, obtaining all permits and all required inspections in order for, you know, them to get a Certificate of Occupancy that would allow this to go forward.

KAREN COX: Okay. That's all I have.

JOHN HELLABY: I guess to answer everybody's question, not to beat it to death, but if they had an actual engineer come in and do an onsite survey, and some of these requirements are already met, as long as that engineer issued your office a letter saying they were acceptable, is that something that is acceptable to your office?

DAVID LINDSAY: Certainly we would want to conduct a site visit to verify that, but if we -- for some of these, you know, from a professional engineer and architect, that might satisfy some of those but not all of them. I think, you know, with this particular structure, it -- I think originally it was approved for a garage back in 1978, and at some point after that it was converted, so it was permitted for that and now we have an in-law apartment, so it now has to come into compliance with today's building codes.

JOHN HELLABY: I guess the only thing I got to add that I don't see on this is from what I can tell on the floor plan, is the only entrance in and out of this is a rear door?

MS. WILSON: Yes.

JOHN HELLABY: How does somebody access that rear door? I don't see any sidewalks or lighting or anything along the side of this garage and whatnot.

Do they physically have to walk from the driveway all of the way around the outside of the house to the back of the house?

MS. WILSON: Yes.

JOHN HELLABY: Is there a sidewalk there presently?

MS. WILSON: No.

JOHN HELLABY: That's all I got.

JOHN NOWICKI: I just -- they're going to have to comply with the codes. They have to meet the codes. These are all items on the code -- or just a sampling of the items, they have to do some more work here. They have some work ahead of them.

JAMES MARTIN: Yes. I think, you know, what -- what was trying to be addressed is where do they stand today, what are they going to have to do in the future, and -- and what impact does that have on the entire real estate deal.

MS. WILSON: We had an architect come and look at the property and he said there are no cracks or anything. It was well constructed. He said, however, to put it up in today's codes, it would be probably hard because of the plumbing and the electrical, you would have to go through the walls for today's code. When it was originally built, the footers were inspected at that time.

JAMES MARTIN: Well, we understand that. But, you know, the issue is it has to meet today's codes, not 1990 codes.

KAREN COX: I don't know how you can legally not make it -- you can't step back and look at a 1990 building code and say yes, it passes that, because there is a reason building codes get updated.

JOHN NOWICKI: Well, it's for the safety of the people, the person that will be there.

KAREN COX: It would have been different had the in-law been built legally in 1990 under that building code. We wouldn't even be sitting here.

THERESA REILLY: That's why you get a permit, because you follow the permit to the code for that time.

PAUL WANZENRIED: Yes and no. I could play Devil's advocate on that one.

JOHN NOWICKI: What is your point of view on it?

PAUL WANZENRIED: That's a lot to make them do, okay, to bring it up to code. Granted, it was built -- and it was built and not permitted. I understand that. But to make them come up to today's code, that's a task.

KAREN COX: But we -- but when we have --

DAVID CROSS: You have to hang on to some code. What other code would you hang it on?

PAUL WANZENRIED: I don't know. I just -- that's --

KAREN COX: When we have had the duplexes in the Roberts Wesleyan area come in front of us for, you know, somebody buys a house that was made into a duplex without a permit, I believe we have done the same thing. We looked at them, looked at the duplex in -- in light of the -- you know, the most viable code. So we're not doing anything with this that we haven't done with other things.

JAMES MARTIN: No. We have always addressed these, that they have to meet current code requirements, New York State Building Code requirements. I mean, there is no way around that.

KAREN COX: It's the law, isn't it?

JAMES MARTIN: Anything else?

JOHN NOWICKI: I'm all set.

DAVID CROSS: Is there a -- is there a setback issue with the northeast corner of the house?

JAMES MARTIN: Well, there is a setback issue with the shed.

DAVID CROSS: And with the shed. I point that out, too. So there are two variances that will need to be met.

JAMES MARTIN: There is -- you know, there is a side setback requirement of 8 feet for the zoning and the shed. According to the updated survey map, it's right on the property line. So you have three choices. Get a variance, move it or remove it. So that's -- that's something that will have to be addressed.

What is your concern? Because I think they're okay side setback wise. The corner of the house.

DAVID CROSS: 9.6 feet --

JAMES MARTIN: 8 feet is required.

DAVID CROSS: That's not an issue.

DAVID LINDSAY: Just a question around the shed. I don't know what the applicant's intent is with the shed, if it is to address the setback issue or to remove it.

JAMES MARTIN: Well, you know, basically, it's not in compliance. They either move it or remove it. I suppose they could come in and ask for a variance if they want to, but the suggestion would be to move it or remove it.

I think your letter from the previous meeting, you addressed the parking issue, so I think we're all set from that standpoint.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

JAMES MARTIN: I guess from the standpoint of where we're at right now regarding this application, you know, we certainly could move ahead with a condition of approval of a special use permit for the in-law and they would have to come into compliance --

JOHN NOWICKI: Subject to the codes.

JAMES MARTIN: I'm assuming, David (Lindsay), this would require a Certificate of Occupancy somewhere down the line once they have met all of the requirements?

DAVID LINDSAY: Yes, it would.

JAMES MARTIN: So with no Certificate of Occupancy, you couldn't go ahead and use it as an in-law apartment. Is there intention for in-laws to live in this apartment? I guess I should ask this question.

MS. WILSON: Yes. When they built it, they had their mother-in-law live there, and the buyers that are going to buy it, their parents will live there.

JAMES MARTIN: So it will be used as an in-law?

MS. WILSON: Yes.

JAMES MARTIN: So we could certainly condition, you know, an approval based on the applicant coming into compliance in satisfaction with all of the New York State Building Codes, all of the necessary permits and inspections, and prior to the Certificate of Occupancy being issued. If you don't get one, you can't -- you couldn't use it as an in-law.

JOHN HELLABY: Is the balance of the rest of the home, though, they are allowed to use that portion of it? Because that is not the part that is in question, correct?

DAVID LINDSAY: I'm sorry. Could you say that again?

JOHN HELLABY: The balance of the existing home, should they buy this, does that afford them the opportunity to move in and use that structure while they're possibly renovating or trying to meet the code requirements --

DAVID LINDSAY: I don't think there is any impact on the remainder of the structure.

JAMES MARTIN: So you understand that?

MS. WILSON: Yes.

JAMES MARTIN: It doesn't prevent them from moving into the main part of the house.

MS. WILSON: Yes.

JAMES MARTIN: There are some other things, if this goes forward, and -- that we attach to any in-law use in this Town. Certainly it would require approval of the Fire Marshal. A

special use permit, if it is granted, would be use for in-laws only, and if it ceases to exist were the in-laws to move out or leave the residence, the apartment cannot, may not ever be used as a rental unit.

The applicant's attorney has to file a decision letter in the book of deeds at the Monroe County Clerk's Office and provide proof of the filing to the Planning Board Attorney. When filing, decision letter shall be indexed against property owner's name. So the decision letter that I write is indexed.

And pending approval of the Building Inspector, which we already talked about.

Um, so, you know, discussion. What is the feeling of the Board? Do you want to grant some sort of conditional approval pending compliance with all of the building codes, et cetera, et cetera? Certainly he --

JOHN HELLABY: I personally don't have a problem with it. It is up to the owners or whoever to get this thing up to code to meet the -- to meet the requirements.

JOHN NOWICKI: Right.

JAMES MARTIN: Okay.

James Martin 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 an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: You have heard me read the conditions. Certainly another one will be the non-compliance setback of the shed as identified on the updated survey. Either move it, remove it or you can try spending money on a variance, but I won't predict where that will go.

As far as timeline goes, it would be indefinite per the conditions on, you know, the fact that it is an in-law, until the in-law moves out. So there is no set timeline that we could apply to this. It would be indefinite.

Um, okay.

JOHN NOWICKI: Just remains an in-law apartment.

JAMES MARTIN: It's an in-law apartment until the in-laws move out, assuming they can bring it up to code.

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

1. The applicant shall bring the in-law apartment into compliance with all current NYS Building Codes. They shall obtain all required permits and complete all required inspections prior to a Certificate of Occupancy being issued.
2. The updated survey map shows a shed situated on the property line. An 8 foot side setback is required per Town Code. The applicant must move or remove the shed to come into compliance with the required side setback.
3. Pending final approval of the Fire Marshal.
4. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
5. The apartment may not be used as a rental unit.
6. Applicant's attorney to file decision letter in book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney. When filing, decision letter shall be indexed against property owner's name.
7. Pending approval of the Building Inspector.

JAMES MARTIN: So you are approved to move ahead and try to come into compliance at this point in time.

MS. WILSON: Thank you.

JAMES MARTIN: We wish you well. Continue to work with Mr. Shero and the Building Department to work your way forward on meeting this list of things that have to be done and hopefully it will work out for you.

MS. WILSON: Thank you very much.

Do you send us a letter?

JAMES MARTIN: I will be writing a decision letter in -- tomorrow, and you should have it by next week. Okay?

MS. WILSON: Who does it go to? The person that originally applied was the buyer, so does a decision go to the buyer or to the owners?

JAMES MARTIN: To the applicant.

MS. GARCIA: Can the -- can the seller get one, too?

JAMES MARTIN: Your name, please? Sorry.

MS. GARCIA: Phyllis Garcia.

JAMES MARTIN: You're the owner -- current owner of the property?  
Decision letter will go to the applicant Miss Seaman.

MS. GARCIA: Will it go to us, too, the Garcias, the sellers?

JAMES MARTIN: Probably not, but you can certainly get a copy from Miss Seaman.

MS. GARCIA: Okay.

2. Application of Michael Saporito, owner; 4 White Birch Circle, Rochester, New York 14623 for special use permit to allow an in-law apartment at property located at 4 White Birch Circle in R-1-12 zone.

PAUL WANZENRIED: Mr. Chairman, I must recuse myself from this application.

JAMES MARTIN: You're recused.

Paul Wanzenried was recused from this application.

Vicky Saporito was present to represent the application.

MS. SAPORITO: My name is Vicky (Saporito), and my husband and I reside at 4 White Birch Circle. We were applying for a special use permit to bring into compliance an existing in-law condition on this residence.

We -- we are doing so due to a bank requirement so we can refinance our mortgage. The home was built in 1965, and the in-law apartment was added in 1968. We bought the home in 2003, and at that time no issues were raised by the lender. Um, any questions so far?

JAMES MARTIN: Is it currently being used as an in-law apartment?

MS. SAPORITO: I do have a family member that comes and stays in. She primarily resides in Erie, Pennsylvania. She does work part-time here in Rochester. I have ten-year-old twin boys so she does come and help me with them when she is staying here in Rochester, but her primary residence is out of state.

JAMES MARTIN: So there is no continuous use at this point in time as an in-law apartment?

MS. SAPORITO: No.

JAMES MARTIN: Keith (O'Toole), advice on that? It is not currently being used as an in-law specifically?

MS. SAPORITO: She --

KEITH O'TOOLE: Don't think it matters.

JAMES MARTIN: Okay. You have provided us an updated survey map. Other than this relative from Pennsylvania, is there any intent for this to be used for additional family members?

MS. SAPORITO: No. This is just short term until my kids are a little bit older. Other than that, we intend to make it our master bedroom eventually.

KAREN COX: So when you bought the house, you said in 2003 --

MS. SAPORITO: Yes.

KAREN COX: -- this never came up as an issue for the bank?

MS. SAPORITO: No. When we went to go refinance, they noticed that -- in 1995, um, the house was assessed by the Town and was being taxed as a double occupancy. I don't know how to word that properly.

Um, so when they went to do the refinance, they wanted the application, the -- the primary mortgage to match how it was assessed. When we bought it in 2003, it was just put through -- so maybe it just may have been an error on their part when they put that through.

KAREN COX: Or rules have changed.

MS. SAPORITO: I don't know.

But then it came and flagged that nothing matched, so we just wanted --

KAREN COX: So it is administrative that is causing this?

JAMES MARTIN: Yes. So it is currently taxed as a two-family, according to your letter?

MS. SAPORITO: Yes.

KAREN COX: Well, I guess based on the -- the first application we had, does this come under those same rules, building codes? You know, are -- are they going -- is somebody going to have to inspect this? I'm just playing Devil's advocate here.

JOHN HELLABY: I'm assuming this was done with a permit unlike the other ones?

KAREN COX: This was '68.

JOHN HELLABY: But they might have had a permit back in '68 to do the work.

KAREN COX: Who knows.

MS. SAPORITO: If you want to assume -- we haven't done anything to the house. This is -- I mean, I have pictures even from when we got it. We haven't done anything to it. If you can see from the front of the picture, I don't think you had this -- I mean, you can't even tell. This is the -- this -- right here (indicating).

KAREN COX: I understand. The -- the reason I'm asking that question, I'm playing Devil's advocate, is whether we open ourselves up to any -- any problems if we don't look at this, you know -- even though it is not being used as an in-law, it's in front of us as an in-law. We're going to be presumably putting the same conditions on it. Are we going to open ourselves up to any kind of problem, the Board, if we're not asking the questions that were asked of the first one? You know, I'm not trying to be a pain in the neck or -- or throw a monkey wrench into this. I'm just curious.

JAMES MARTIN: David (Lindsay), I'm assuming that if the Board were to go ahead and approve this special use permit, that it would be subject to the Building Inspector reviewing the property to be sure that there are no significant building code issues?

DAVID LINDSAY: It is essentially the same application what you just heard, the same requirements.

KAREN COX: Okay. Because maybe this person, or the owner will not be in it forever, and it should be inspected. Okay. That's all.

JOHN NOWICKI: Is -- was this built as a two-family unit?

DAVID LINDSAY: I think it was built as a single-family unit and at some later date they added an addition on and converted it to this in-law. We have no record of it being built as a two-family or having a permit for it.

JAMES MARTIN: Yes. It would be the same decision. It sounds as though they did this in '68.

THERESA REILLY: Is there a reason you're trying to get it done as an in-law instead of taking out the kitchen and getting the assessment corrected to a single-family home?

MS. SAPORITO: I don't know.

JAMES MARTIN: Well, wait a minute. That's a good question. I mean -- your intention is to keep the kitchen and all of the living space and everything intact at this point?

MS. SAPORITO: Just short term. You know, just -- not -- I don't know.

THERESA REILLY: Wouldn't that make sense -- the reason it has to be an in-law is because of the kitchen; is that correct? So if you were to take out the kitchen, couldn't the assessment be corrected to a single-family home?

KAREN COX: It would revert back to a master suite.

THERESA REILLY: That is just --

JOHN NOWICKI: Just becomes an extra bedroom. Take the kitchen out.

JAMES MARTIN: The bath is okay. The kitchen is the problem.

You understand the kitchen is the problem?

JOHN NOWICKI: Take the kitchen out, and --

THERESA REILLY: Maybe your taxes go down.

JAMES MARTIN: We're waiting for advice from the side table. Be patient with us for a second.

KEITH O'TOOLE: Basically what we look at is the occupancy. If the structure has the capability of being two units, there are indicators to that. Certainly two kitchens would be an indicator, separate entrance. You can look at other things like multiple mailboxes. We look at all of the sum total of the factors.

Certainly when the reassessment occurred in the mid '90s, the Town's contractor went through and their determination was it was a two-family. I assume what the applicant is trying to do is just make what is there legal rather than have to start ripping out kitchens and rehabbing things, which would be a significant expense. Certainly if they want to deconvert from an in-law, they can do that.

I think I would like to stress that an in-law is permitted in this district. So it is not like they're seeking a variance. They're just trying to get what is there, making it legal.

KAREN COX: It is an administrative type of application.

KEITH O'TOOLE: Yes.

JAMES MARTIN: So as the applicant, I'm assuming at this point you don't want to go through the expense of tearing the kitchen out?

MS. SAPORITO: We're trying not to. Right now.

JAMES MARTIN: I understand. So, therefore, we're going to consider that this will have an in-law use at the present time.

KAREN COX: Good question to bring up, though.

JAMES MARTIN: Okay. I know we have the shed issue.

DAVID LINDSAY: We have the shed issue in regards to the permit, but there may be a setback issue in regards to the shed.

JAMES MARTIN: Some good news and some bad news. When we got the updated survey map, um, it showed a shed on the property, and 9'7" by 16'1".

It appears from a good news perspective that you're meeting the side setback requirement of 10 feet, all right? The bad news is the shed is oversized and requires a building permit and inspection by the Town of Chili.

DAVID LINDSAY: Mr. Chairman --

JAMES MARTIN: You have a building permit?

MS. SAPORITO: Yeah.

JAMES MARTIN: Can I see that?

MS. SAPORITO: Absolutely. I have it all drawn on the map where they had -- where they had it all laid out and approved for the permit and everything.

KAREN COX: Awesome.

Do we have a copy --

MS. SAPORITO: Looks like the payment for the permit was done on 6/28/2004. Because I have the receipt for that, as well.

KAREN COX: Good job. You did your homework.

JAMES MARTIN: Okay. We'll forget that issue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I sit here very confused. Why has this become an issue right now?

JAMES MARTIN: Because they're trying to refinance the house and the Bank has come up with this technical glitch on what it is, essentially.

DOROTHY BORGUS: Okay. I don't see -- I don't see how the Town is going to control this issue, if you -- if the Board grants an approval. You're going to just let it go like it is?

JAMES MARTIN: Well, it has to be inspected.

DOROTHY BORGUS: Right. And like the prior applicant, they would have to bring it all up to code.

JAMES MARTIN: Correct.

Then we have the provisions that we apply it can only be used and never be a rental.

DOROTHY BORGUS: So these people would have to spend money to get -- to bring this up to code for a purpose they're not going to use it for --

JAMES MARTIN: That's their issue. That is not for us to decide.

JOHN NOWICKI: You really don't know that until they get it inspected to see -- if this -- this home looks entirely different than the last.

JOHN HELLABY: It might meet the code.

JOHN NOWICKI: It might meet all of the codes.

DOROTHY BORGUS: If it wasn't approved, I wouldn't put money on that. Maybe it did in -- what, in 1968 or whenever, but -- but I would -- I don't think there is much of a chance of it being up to code. Even if it did follow the rules in 1968, I strongly doubt it would now and I'm sure you did, too.

But it would just be so much easier in Town if somebody went by the code. You know that and I know that and applicants find out about it far too late. This is kind of like putting the cart before the horse, but I guess if these people don't mind spending money on something that isn't going to be of any benefit to them except to refinance, I guess that is their problem.

JAMES MARTIN: That's right. We're just trying to help them make it legal.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board approved the motion by a vote of 6 yes with 1 abstention (Paul Wanzenried).

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

James Martin 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 an unlisted action with no significant environmental impact, and the Board approved the motion by a vote of 6 yes with 1 abstention (Paul Wanzenried).

JAMES MARTIN: Essentially you will be held to the same conditions that the previous applicant was held to. That is to satisfy all of the New York State Building Code and obtain all necessary permits and inspections.

Pending final approval by the Fire Marshal.

Special use is granted for use by in-law only and shall cease to exist when the in-law ceases to use it or your relative ceases to use it, it goes away.

The apartment can never be used as a rental unit.

Applicant's attorney to file a decision letter, and that is my decision letter, okay, in the book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney. When filing, decision letter shall be indexed against property owner's name.

And is pending approval by the Building Inspector, which I already talked about.

So those will be the conditions under which this could move forward.

DECISION: Approved by a vote of 6 yes with 1 abstention (Paul Wanzenried) with the following conditions:

1. The applicant shall bring the in-law apartment into compliance with all current NYS Building Codes. They shall obtain all required permits and complete all required inspections prior to a Certificate of Occupancy being issued.
2. Pending final approval of the Fire Marshal.
3. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
4. The apartment may not be used as a rental unit.
5. Applicant's attorney to file decision letter in book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board

Attorney. When filing, decision letter shall be indexed against property owner's name.

6. Pending approval of the Building Inspector.

UNIDENTIFIED SPEAKER: Was the issue of the shed resolved?

JAMES MARTIN: Yes. We just need to verify it is 10 feet from the side property line. Then you're in full compliance. Okay?

MS. SAPORITO: Okay.

JAMES MARTIN: You're done.

The 11/15/11 Planning Board minutes were approved as submitted.

The meeting was adjourned at 7:40 p.m.