

CHILI ZONING BOARD OF APPEALS

December 19, 2006

A meeting of the Chili Zoning Board of Appeals was held on December 19, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: George Brinkwart, Michael Martin, Dan Melville, Jeffery Perkins, Richard Perry, Peter Widener and Chairperson Beverly Griebel.

ALSO PRESENT: Dennis Scibetta, Building & Plumbing Inspector; Keith O'Toole, Assistant Counsel for the Town; Jeron Rogers, Director of Planning & Engineering.

Beverly Griebel declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. She explained the meeting's procedures and introduced the Board and front table. She announced the fire safety exits. The Pledge of Allegiance was cited.

BEVERLY GRIEBEL: Before we start with the agenda, the Board will go through and check for signs on the different applications.

Number 1, Frank Lentine, any problems with that sign?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. On Number 2, James Sanagorski?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 3, Scott Eldridge?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Four, Michael Renna?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 5, I had a problem with that. I was out Sunday, which was the 10th, and there was no sign. Something was face-down on the ground. I don't know what it was.

GEORGE BRINKWART: I was out Monday and did see it on Monday.

BEVERLY GRIEBEL: Well, there was nothing. Because I drove around the circle by the house. I looked. I saw something flopped over on the ground.

What is the Board's pleasure?

DAN MELVILLE: I saw it. It was fine when I saw it.

PETER WIDENER: I saw it on the 15th.

BEVERLY GRIEBEL: Well, the 10th it was not up. I don't know if it was up on Saturday. I wasn't out there on the 9th.

DAN MELVILLE: I don't have a problem hearing it.

BEVERLY GRIEBEL: Technically, it is supposed to be posted for the full ten days. And if they aren't, we generally table them until the next meeting.

What is the Board's pleasure on it?

DAN MELVILLE: I vote for hearing it. It is up to everybody else.

PETER WIDENER: I don't have an issue.

DAN MELVILLE: Somebody speak.

PETER WIDENER: I don't have an issue.

BEVERLY GRIEBEL: I ask for a motion to table this. I will make a motion to table it. Do I have a second to table it?

MICHAEL MARTIN: I will second the motion.

BEVERLY GRIEBEL: A vote to table?

The Board voted 4 yes to 3 no (Dan Melville, George Brinkwart and Peter Widener) on the motion to table the application.

BEVERLY GRIEBEL: Yes. Four to table. So it is tabled to the next meeting, which is January 23rd.

January 23rd, at 7 o'clock. If anyone is here to address any questions on that, we won't hear anything on that application this evening.

Number 6, Faber Construction?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 7, Stephen Kruger, any problems?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Well, six people did very well. One didn't do so well.

1. Application of Frank Lentine, owner; 4329 Buffalo Road, North Chili, New York 14514 for variance to erect a 5' x 3' double-faced freestanding sign to be placed on front lot line (15' req.) at property located at 4329 Buffalo Road in G.B. zone.

Frank Lentine was present to represent the application.

MR. LENTINE: I would like to apologize for last month, but my father went to Emergency that afternoon, so I couldn't get there.

BEVERLY GRIEBEL: Sometimes that happens.

Now, is there -- you're the owner of the property, but you're not the manager of the salon?

MR. LENTINE: No; my daughter.

BEVERLY GRIEBEL: Somebody is renting it?

MR. LENTINE: My daughter.

BEVERLY GRIEBEL: You state there is no visibility of the sign at 15-foot setback due to the house at 4323. That is the house next-door that is close to the road?

MR. LENTINE: Right. When you're coming from east to west, um, besides the house being just about where the sign setback is, the house is 48 feet from the center line, which would be the same center line to where the sign is supposed to be. Between the house, the tree, the pole, sign and parking of the cars, you can't see that sign coming east or west. And it is really -- with that 15-foot setback from the property line, even coming west to east, it is really hard to see. I actually put the small sign that is there now, just a temporary sign about where I want to have this one put in, just to get an idea of the site.

BEVERLY GRIEBEL: Now, you want it on the property line. How many feet is that from the actual roadway pavement?

MR. LENTINE: From the pavement? From the center of line, um, I show the right-of-way of Buffalo Road being 303 feet. That is not pavement. That is into the grass. One foot beyond that, which would make it 34 feet to start the sign. 34 feet from the center line of the road. If I have a 15-foot from the property line, that is almost halfway up the lawn.

DAN MELVILLE: How much room between that sign and the edge of the road?

MR. LENTINE: Well --

BEVERLY GRIEBEL: Your best guess on it.

MR. LENTINE: Well, the pavement is roughly -- between 10, 12 feet -- I would have to say you have maybe 10, 13 feet -- maybe 10 feet of grass between the edge of the road and the right-of-way, so you have a 12 feet -- 12, 13 feet of grass between the edge of the road and --

DAN MELVILLE: Where is the sign --

MR. LENTINE: -- maybe a little more. I can't remember whether there is a gutter there now, to tell you the truth.

BEVERLY GRIEBEL: You have the pavement and the rough gutter.

MR. LENTINE: I would say you have to have at least 10, 12 feet of grass from the edge of the pavement.

BEVERLY GRIEBEL: I know that corner is busy, because a lot of people turn to cut through. I do that a lot.

MR. LENTINE: I know. Try to get out of there.

BEVERLY GRIEBEL: It is difficult. But it is very busy, and you have a lot of students, especially in bitter weather, walking, so there are a lot of things to look at. That is why I am concerned about this sign being very close to the roadway. Now, that side does not have a sidewalk; is that right?

MR. LENTINE: No. They -- the sidewalk stopped west of the road, of Orchard. There is no sidewalk.

BEVERLY GRIEBEL: Okay. And I guess there is a sidewalk on the other side, the church side?

MR. LENTINE: Right. It is mainly the traffic. I mean -- if you're not going to make that left-hand turn, you will still be going 35, 40 miles an hour. When you're coming past that house -- I have done it -- I can luckily see the sign that I just put there now, and that is it, at 1 foot. So to put it where it has to be -- nobody -- nobody will see it at all.

BEVERLY GRIEBEL: I hear you on it. I am just concerned about the visibility and pedestrians and other cars, because it is very busy. People are trying to turn both north and south, north up by the church and south by the other side of the building. That is my main concern.

MR. LENTINE: If you noticed, I put the sign -- I tried to -- I tried to keep it -- well, let me see.

30 -- from Orchard Street, you're going to be at least 60 feet, I would say, away from the center line or at least 30, 35 feet from Orchard Street, from the edge of pavement, trying to get it as close to the center as possible. I -- what I tried to do is put it as close to the center of the building, so even when you're coming from west to east, you can see it.

Because -- because the buildings coming from the other way --

BEVERLY GRIEBEL: Now, you had the barber shop there.

MR. LENTINE: Yep.

BEVERLY GRIEBEL: Did you have any problem with people finding you?

MR. LENTINE: Oh, I didn't have the barber shop. That was Conrad.

BEVERLY GRIEBEL: Now, they didn't have a sign on the lawn. I think they just had it on the building.

MR. LENTINE: They must have had a sign because we found the wires. We actually found the wires -- one time or another there must have been an illuminated sign exactly where I am asking you to put this, because we found the wires and traced them, dug it out. I don't know if you had a chance to drive by, but you will see a little stake with the two wires. That was the original wires for the sign.

BEVERLY GRIEBEL: I do not remember the sign.

MR. LENTINE: Neither do I, but there were wires there.

DAN MELVILLE: Was there a sign on the property at one time?

DENNIS SCIBETTA: No. I didn't see it. We didn't see.

BEVERLY GRIEBEL: I don't remember one.

MR. LENTINE: Neither do I.

DENNIS SCIBETTA: There was a barber pole and a sign that was up on the structure. But personally, I don't -- I don't see -- there was nothing in -- in the past records that there was one out there. It doesn't necessarily mean that there wasn't.

BEVERLY GRIEBEL: Any other questions?

DAN MELVILLE: No.

RICHARD PERRY: I don't have any questions.

MICHAEL MARTIN: All set. Thank you.

JEFFREY PERKINS: Will you illuminate the sign?

MR. LENTINE: The smallest possible flood. Just a small free-standing, three by five. A small flood, just so you can see it at night. To tell you the truth, I hadn't even thought about it when you go by

at night. But during the day, being 15 feet back from the property -- I know she had a couple customers that couldn't even see the little sign that was out there now.

BEVERLY GRIEBEL: Of course, the saving thing is, once people know where you are, they can find it again. So that helps, too.

PETER WIDENER: Your street numbers will be located on the sign as they are on the drawing?

MR. LENTINE: I told my daughter to put it out there. I know myself, when I'm looking for something -- I say you might as well put it on the sign.

PETER WIDENER: We would like to have it on the sign.

MR. LENTINE: Good. That is why I figured, rather than people looking for it.

PETER WIDENER: If not in that position, maybe lower on the sign.

BEVERLY GRIEBEL: On the post or somewhere around. Either the numbers on the sign, or on the post, or you --

MR. LENTINE: It will be there.

BEVERLY GRIEBEL: Or -- it is above on what was drawn.

MR. LENTINE: Right. That is where we would like to put it. If you want it lower, we'll have it lower.

BEVERLY GRIEBEL: Will you have a sign on the building?

MR. LENTINE: No.

BEVERLY GRIEBEL: If you don't get this, you would?

MR. LENTINE: Well, I'm saying right now, that it -- if I put -- we already had the sign made. If I have to put it to your specs, it is just going to be sitting there. You will really not have the visibility of it. Because there is not that much frontage between 33-foot setback from Buffalo Road to the front of the building. Especially with that house that sits -- again, that house sits --

BEVERLY GRIEBEL: On the property line.

MR. LENTINE: -- sits only 15 feet from the property line. Where -- I'm saying, as the house -- the front of the house sits 15 foot from the property line. That is where you want me to put the sign by your code. And you're saying -- you will not see it. Especially when they park their car, even in front of the house.

BEVERLY GRIEBEL: Blocks it more. They fill up the driveway.

MR. LENTINE: If you drive by, you see the house, the pole, the tree, the car. That is what made us --

BEVERLY GRIEBEL: They keep widening Buffalo Road.

MR. LENTINE: That is why I said it would start 1 foot beyond the property line. If they widen it any more, and they -- we have to move it, we move it.

PETER WIDENER: I believe that is a four rod road, which is 33 feet the other way, to -- at 34 feet in, he is safe.

BEVERLY GRIEBEL: Well --

PETER WIDENER: The road won't be made any wider.

BEVERLY GRIEBEL: You never know. You never know what they're doing.

PETER WIDENER: That is true. Look at Chili Center, six lanes.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would not be in favor of this sign. That is a very busy corner. I avoid it at all costs. I go out of my way not to come through that corner. You can't get out of there. And where it is an advantage to people doing business -- obviously they want to be there because it is a busy corner. I just don't think it is a good idea. There have been so many near-misses there with people pulling out. They don't see a car coming. You have the little rise to the east. You have people out of Orchard Street to the west. Besides the traffic on Buffalo Road. And lighted I really wouldn't want to see it there. That barber shop, to the best of my knowledge, never had a sign out front, and everybody knew where the barber shop was. That man did a good business there for many years.

BEVERLY GRIEBEL: I think people find things, once you describe where it is.

MS. BORGUS: Right.

MR. LENTINE: I'm sorry, I didn't catch your name?

MS. BORGUS: Borgus.

MR. LENTINE: Where do you live?

MS. BORGUS: Stuart Road.

MR. LENTINE: Oh, Stuart Road.

MS. BORGUS: Did this gentleman say he already had the sign made?

BEVERLY GRIEBEL: Yes.

MR. LENTINE: The sign -- I'm allowed to put the sign 15 foot back. I'm just asking to go 14 foot forward.

MS. BORGUS: Well, all I can say is in this Town -- I know -- I am no fan of extra signs, as this Board knows, but I thought we were going to encourage signs on the buildings and we weren't going to have signs in every single business' front yard. I can't imagine what this is going to amount to if we just keep making exceptions. Three by five is a good size sign. That is not small. I mean we are very close to the road here and that is a big sign to start with. Lit is another issue. I just think we are going for broke here with this sign and I don't see a reason for it. Put a sign on the building like everybody else does and we don't have sign clutter. Thank you.

STEVE GINOVSKY, 19 Hubbard Drive, North Chili

MR. GINOVSKY: First of all, the wires out there, that was a light pole that Conrad had there. I mean -- like at the end of your driveway. Freddy Rock ran it over. That is why you have the wires there. They were both partners, barbers. They used to sell cars -- well, anyhow. That is what happened.

As you come out of Orchard, to the right, there is that little knoll, and across the street we do have day care and such and it is only supposed to be going through there at 30, 35. It is a slow speed. You're supposed to. They don't do it. And there are a lot of near-misses and there have been some fender-benders there. I think up towards the road would really not be acceptable there. There are enough distractions, and you do have the students, too, walking.

BEVERLY GRIEBEL: Particularly in good weather there are a lot of students.

MR. GINOVSKY: Take everything into consideration, because you have to stack it somewhere -- there is the snow. And they do pile it up there pretty good. So I think that it would be a little bit too much obstruction at that location. Back you might be able to live with it, but I think it should be on the building personally. So -- as Ms. Borgus said. But that is just my opinion.

MR. LENTINE: I wouldn't have a problem on the building if I didn't have buildings next to me that block it. Every business over there has a much bigger sign than a little three by five. The only thing we put is Beach Effects and the address and what it is. We have made it as small as possible. When you say lighted, it is just a reflected light on it, flood light. As far as I know, that is still my property. You still -- I'm still 1 foot inside my property. I'm nowhere into the right-of-way when you come up to that side street. That is the right-of-way you're looking at both ways. You still have to go all of the way up to the stop sign. I don't see any problem with the snow or the sight going the other way. I see more of a problem somebody east to west and all of a sudden catching a sign that is almost up to the top of the building and maybe trying to stop -- oh, there it is, as opposed to being able to see it maybe about 50 feet before you get to it. That is all I am looking for, is a little visibility, so people aren't going by and stopping and looking for it, trying to find the address.

BEVERLY GRIEBEL: Now, the lighting would be at night?

MR. LENTINE: Yeah.

BEVERLY GRIEBEL: I mean --

MR. LENTINE: When I say --

BEVERLY GRIEBEL: Are you open at night?

MR. LENTINE: She is open to 8, 9 o'clock, sometimes 10 o'clock, for tanning.

What I am saying is, light -- if anybody has seen the building, I have put the smallest wattage bulbs around the building I could, because I know, I know I'm near residential. That is what I did. I didn't put any of the big glaring parking lot lights. The only thing I'm looking for on the sign is two small floods to hit the sign.

MICHAEL MARTIN: Ground-mounted.

MR. LENTINE: Yes. This is not a sign that is lit up. It is just three by five metal, with two small floods hitting it so they can see it.

BEVERLY GRIEBEL: Double-faced.

MR. LENTINE: Double-faced, but two small floodlights hitting it.

BEVERLY GRIEBEL: I'm concerned with it near the road. I don't know how the Board feels on a compromise of half that distance, 7 to 8 feet, rather than the 1 foot off the property line.

Half the distance?

MR. LENTINE: Are you saying that it is refused, the 1 foot or do you have to talk on it?

BEVERLY GRIEBEL: No. We have not voted on it tonight. I'm just throwing it out.

MR. LENTINE: Are you going to vote tonight?

BEVERLY GRIEBEL: Right.

DAN MELVILLE: That is up to you. If you want us to vote on it the way you have --

MR. LENTINE: I -- I mean I can always make -- I can go back and look and move the sign back -- I don't -- I think you're going -- actually, even the 1 foot, you will just see it just about by the time you get to the house.

DAN MELVILLE: Is that what you want us to consider, the 1 at --

MR. LENTINE: Yes. And then I will make adjustments after that.

BEVERLY GRIEBEL: If you don't agree to 1 foot, would you accept half of the 15-foot setback?

MR. LENTINE: I would have to really go back and look at it, because it might not even be any different. If you say 7 to 8 feet, now I might have to move it further east or something, to get that visibility coming from east to west.

BEVERLY GRIEBEL: But you do have the thought that -- as I said before, once people know where it is, across from the church entrance, once they find where it is, they don't have to look for it at any --

MR. LENTINE: If I can explain something real quick. My daughter was on West View Commons in Gates, and a sign -- the Town of Gates, signs setback, on the building, that is why we had to get out of Gates. You can't see -- you couldn't see her signs. They put trees up in the front.

BEVERLY GRIEBEL: Is that across from Harris?

MR. LENTINE: Yes, it was. And you got people moving in and out. And for years, people from the back can say we didn't even know you were here. We tried to put a little sign out front, a little -- what do you call it?

DAN MELVILLE: A frame.

MR. LENTINE: Boy, oh boy, what we went through with the Town of Gates. That is why the buildings are empty. You can't run a business without people knowing you're there. "I didn't even know you're here."

BEVERLY GRIEBEL: They are strict in Gates.

MR. LENTINE: They can be strict. If they don't want businesses there, just say it. The whole thing was she wasn't noticed because she was there. We really don't want to make the same mistake twice. Once they know, that is fine, but people move in and out, and just the month she has been open, we have had people that happened to go by and see the little sign out there to know it was a salon.

BEVERLY GRIEBEL: Once they find it, they can find it.

Well, the Board is going to vote on it. Either the 1 foot or something else, which I guess if you don't like the something else, if that -- that is what we vote on. I don't know what anybody is going to vote on. We don't discuss it ahead of time. No one knows what anyone is going to decide on.

MICHAEL MARTIN: In the month you were open, did you have a lot of drive-by, walk-up customers?

MR. LENTINE: Yes.

MICHAEL MARTIN: I don't know the business, but is -- is it drive-by, walk-ins?

MR. LENTINE: Yes. When they drive by and don't see a sign out there, they don't know what it is. That particular spot, because of the blockage of the houses and other things that are there, you just drive by and you don't see it.

MICHAEL MARTIN: That is a large part of the business?

MR. LENTINE: Absolutely. Absolutely. You got to know what you are there.

BEVERLY GRIEBEL: Well, we'll vote on it. I don't know what dimension we'll vote on it, or agree to, and if we don't agree to the 1 foot, if we agree to something else, I guess you would have the option of putting it 1 foot or putting it on the building. I don't know.

MR. LENTINE: I would like -- I don't believe you have a problem with snow. I don't believe you have a problem with sight on this small sign, and as far as the lighting, there is no big lighting or something like that. Especially when I see the signs around there. That whole corner, have you Walgreen's there, maybe a Super Hess -- just the corner sign on Buffalo and Union, by God, that is as big as the building.

BEVERLY GRIEBEL: The ones on the corner at Buffalo and Union, there is a stoplight so people are stopped much of the time when they drive through there, so they have a chance to look around.

MR. LENTINE: That is why I need it more. There is no stop sign. They will drive by me. Okay?

PETER WIDENER: I have one concern about the illumination of the sign. Is it necessary to have it illuminated all night long or could you have a timer on it?

MR. LENTINE: That's a good question. I mean if it -- if it satisfies you, we could light it during business hours. I know a lot of other places keep it lit so you know it, but if you want, we could shut it. They won't see the address as good, but if that helps your vote, I will shut it when she is closed.

PETER WIDENER: In the summer months, it wouldn't even be lit. That was just a thought I was thinking. Maybe you could have a timer on it. Or time frame that after midnight.

BEVERLY GRIEBEL: Lock the door and turn out the light?

MR. LENTINE: Absolutely. We can do that.

PETER WIDENER: That's true. Lock the door, turn out the lights.

BEVERLY GRIEBEL: Save money.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQOR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Michael Martin seconded the motion. The Board all voted yes on the motion.

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

DECISION: Approved by a vote of 4 yes to 3 no (Dan Melville, Beverly Griebel and George Brinkwart) with the following conditions:

1. Street number to be somewhere on the sign.
2. Flood lighting only during business hours.

The following findings of fact were cited:

1. Sign needed to identify new business on a busy street.

Note: A sign permit is required before the sign is erected.

BEVERLY GRIEBEL: There is one application that was tabled, and that is Application Number 5, of Robert Fallone, Jr. The sign was not properly posted. It will not be heard tonight. It is tabled until January 23rd at 7 o'clock. If anyone is here for that, we won't hear anything on that.

2. Application of James Sanagorski, owner; 902 Chili Center Coldwater Road, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for catalog sales of firearms, sporting goods display, and to allow overnight storage of theatrical special effects for rock bands and plays at property located at 902 Chili Center Coldwater Road in R-1-12 zone.

James Sanagorski was present to represent the application.

BEVERLY GRIEBEL: We heard this last month, and a lot of questions were raised about exactly what you were doing over there. And there was someone representing you, but she didn't have the answers that we were looking for at the time.

Now, overnight storage, what did you store there?

MR. SANAGORSKI: They're binary explosives.

BEVERLY GRIEBEL: What does that mean?

MR. SANAGORSKI: It means they're separate. They cannot explode unless they're mixed together.

BEVERLY GRIEBEL: Separated -- no explosion until mixed.

How long have you had those stored there?

MR. SANAGORSKI: This past year. There is nothing in there. There is nothing stored in there. What I do is when rock bands come in, they call me. If they don't have the proper State license, I will pick up the stuff and it will go in my box. There is only about three shows a year that I do here locally. And -- Water Street, Steel Music Hall, Penny Arcade. The total amount of these binary objects is probably less than 3 ounces total. They're stored in a --

BEVERLY GRIEBEL: Penny Arcade and what is the other?

MR. SANAGORSKI: Water Street Music Hall and Steel City, down here on Scottsville Road.

DAN MELVILLE: Right here on Scottsville Road?

MR. SANAGORSKI: The old VI.

DENNIS SCIBETTA: Actually closed and abandoned for business now.

Pulse, Art Stock's Playpen, if you want to go back further.

MICHAEL MARTIN: You said about 3 ounces is the total weight?

MR. SANAGORSKI: Yes. That would be the total, which would probably do about 22 effects. I'm sure you have -- you're all familiar with Jimmy Young when he does the shows out here, which is a concussion, and that is what they do. They fire them out of a 2-inch mortar, and it is just -- it is just a flash powder and when it is ignited, it makes the concussion and sounds like a great boom.

BEVERLY GRIEBEL: So you store these -- now they bring them in, but yet they can't store them. Something is escaping me here.

MR. SANAGORSKI: They don't have a State license. They have Federal, but not State. You have to have a State license, which I supplied to you.

BEVERLY GRIEBEL: A State license to --

MR. SANAGORSKI: Own, possess and store and to transport it.

BEVERLY GRIEBEL: So they bring them in without the State license.

MR. SANAGORSKI: Right. Because they have a Federal license. Federal and State, if you're not familiar with it, it will really twist you. That is all I can tell you. It is like having a gun permit. I can carry a gun here, but I can't go up to New York City with my gun.

BEVERLY GRIEBEL: Right. Unless you have a New York permit, you can't carry it from Ohio to New York and give it to someone else with a permit.

MR. SANAGORSKI: Yes, you can. As long as you notify --

MICHAEL MARTIN: What are the steps involved, I guess -- explain very easily what the process is. A band comes to town. They want to have some small pyrotechnic display. They contact you. What happens?

MR. SANAGORSKI: If they need storage is the only -- like I say, I do two, three of these a year, this storage thing.

MICHAEL MARTIN: How did you get the material?

MR. SANAGORSKI: Oh, I pick it up in my portable box.

MICHAEL MARTIN: You pick it from a supplier?

MR. SANAGORSKI: I don't pick it up. I don't supply it; it is theirs. They bring a technician.

MICHAEL MARTIN: They bring it in the State.

MR. SANAGORSKI: Yes. Just to be legal, to make all of the insurance things, with the club, the City of Rochester, whatever. If they get inspected.

MICHAEL MARTIN: They can transport with a Federal license, but once they're here --

MR. SANAGORSKI: Right. Unless they have made the arrangements. Normally they don't do

that, because when they go on tour, they're doing 50 shows in 50 days.

MICHAEL MARTIN: Would you take possession of the material?

MR. SANAGORSKI: Until the time of the show. It is five to six hours it is actually in my possession.

MICHAEL MARTIN: Then you transport it back to the location?

MR. SANAGORSKI: Goes from my portable day box to the storage, to the storage magazine.

I will explain the magazine I own. It is for high explosives. The pyrotechnics for these shows are low explosives, all right? So you -- the amount that is in there, -- well let me try to explain to you. It would take 4 ounces of CF to blow the storage magazine apart.

MICHAEL MARTIN: You're talking 3 ounces of flash powder.

MR. SANAGORSKI: You can't break into this magazine.

MICHAEL MARTIN: So you would deliver to it the show --

MR. SANAGORSKI: Then they take care of that from there. Then I just hang around and collect money.

PETER WIDENER: At that point you don't store any more on your premises?

MR. SANAGORSKI: No. It is just -- it is just for that purpose. That's it.

MICHAEL MARTIN: You don't keep supplies of the --

MR. SANAGORSKI: No.

MICHAEL MARTIN: -- the material?

MR. SANAGORSKI: No.

BEVERLY GRIEBEL: So that is on your residential property, this storage box?

MR. SANAGORSKI: The magazine is, right.

MICHAEL MARTIN: Last month she explained it was in a secured location and then that the --

MR. SANAGORSKI: It is right on the map.

MICHAEL MARTIN: The locker itself --

MR. SANAGORSKI: Double padlocked and it has welded hoods over the top of it. The only way you can break into that is if you bring yourself a set of cutting torches, and you will be there for a while. Both locks are keyed differently. You're not allowed to have the same type of lock on there.

RICHARD PERRY: You're saying that this material will not explode on its own?

MR. SANAGORSKI: No, no.

RICHARD PERRY: Is it flammable?

MR. SANAGORSKI: Only if it -- by itself, no. No, it is not.

RICHARD PERRY: So if the house were to catch fire?

MR. SANAGORSKI: It is not in the house. It is in my garage, in my storage unit. It would take, um -- I hate to make comparisons, but probably the heat of 9/11 to make -- to even set anything off inside of this box.

MICHAEL MARTIN: What would happen if you had -- say you had double -- say you had 6 ounces of this material and it mixed and some it -- some got loose and they locked it.

MR. SANAGORSKI: First they would have to get into it.

MICHAEL MARTIN: What would happen if the magazine is closed and sealed and the material inside is detonated?

MR. SANAGORSKI: It can't. It is binary.

MICHAEL MARTIN: I'm just saying.

MR. SANAGORSKI: Nothing would happen. You wouldn't even know it happened.

MICHAEL MARTIN: Would you hear a pop?

MR. SANAGORSKI: No. That is why I am saying this magazine is type two for high explosives. It more than exceeds the Federal and State guideline.

MICHAEL MARTIN: Someone pulling a champagne popper, you wouldn't hear it?

MR. SANAGORSKI: No. One-inch line with quarter-inch steel.

As far as any threat to any of the fire personnel, if there was a fire on the property, there would be no threat to it. It --

MICHAEL MARTIN: Do you have any inspection by the Fire Marshal?

MR. SANAGORSKI: Well, Dennis (Scibetta) was supposed to -- I left messages with Dennis (Scibetta) since I -- I had surgery last time. Dennis (Scibetta) called me back once, to come out to the house with a Marshal. I heard from him once and that was it.

BEVERLY GRIEBEL: The Fire Marshal has not come out?

MR. SANAGORSKI: The State has contacted. The State --

MICHAEL MARTIN: Does the State inspect your magazine?

MR. SANAGORSKI: Yes. You have all of the stuff right here.

BEVERLY GRIEBEL: This Department of Labor --

GEORGE BRINKWART: Do you have anything that says the magazine is what it says.

MR. SANAGORSKI: Yes. The last one had Gates listed on it. This one, if you want to pass it out, there are 11 that are Chili.

DENNIS SCIBETTA: The Fire Marshal is aware of it. He is aware that it is there. He just wants to see it and probably has some questions, which I believe were answered here tonight, but we can leave that for him. I think he -- it is safe to say he is all right with this application as is.

BEVERLY GRIEBEL: This is an explosives magazine certificate.

MR. SANAGORSKI: That is what we are talking about.

BEVERLY GRIEBEL: Is granted permission to store explosives in the magazine cited above giving address in accordance with industrial standards. Storage limit is based upon the physical capabilities of the magazine and quantity and distance tables given in Industrial Code Rule 39, whatever that is. Any change in conditions under which this certificate is granted is cause to be revoked.

Is this the only permit you need? It says note this certificate is for storage only. If you intend to purchase, own, possess or transport.

MR. SANAGORSKI: Do you see the picture below it?

BEVERLY GRIEBEL: Must obtain an explosive license.

MR. SANAGORSKI: Look below it. There is my auto license.

BEVERLY GRIEBEL: There are two licenses.

MR. SANAGORSKI: Yes. One is for storage magazine and the other is for my identification. If I can help you out on that --

BEVERLY GRIEBEL: Let me read this for the benefit of the audience. State of New York, Department of Labor. This is separate. I didn't understand it. This one has your name. This card must be carried to purchase, own, possess or transport explosives. Not valid in New York City. Expires 6 of '07. For the magazine, it expires 9 of '07. Okay. \$50 fee paid, for not more than 200 pounds.

So I guess you have a lot less than that amount. Then it goes up from there to 30 thousand pounds, \$200 fee for it.

MR. SANAGORSKI: Can I clear something up? There is a -- in your high school, and in your colleges around here, there are more explosives in there than I have in that magazine at any one time. But they're binary.

BEVERLY GRIEBEL: Now, you were having this material on your property. You built this magazine.

MR. SANAGORSKI: I didn't build the magazine.

MICHAEL MARTIN: Purchased it.

BEVERLY GRIEBEL: Well, you put it on your property --

MR. SANAGORSKI: You must have --

BEVERLY GRIEBEL: -- a year ago?

MR. SANAGORSKI: Uh-huh.

BEVERLY GRIEBEL: You didn't have any approval from this Board.

MR. SANAGORSKI: I didn't use it a year ago. I didn't need approval.

BEVERLY GRIEBEL: Well, when have you used it?

MR. SANAGORSKI: I haven't used it yet.

MICHAEL MARTIN: He has a portable unit that he uses to purchase or transport whenever something -- that is what you use presently, your day --

BEVERLY GRIEBEL: So you're doing it, but you're not putting it in the magazine because you --

MR. SANAGORSKI: No.

BEVERLY GRIEBEL: -- you don't have approval. So you just leave it in the box.

MR. SANAGORSKI: No. I'm not doing it. All right?

RICHARD PERRY: You have not done one of these services yet for anyone?

MR. SANAGORSKI: No. Not in 2006.

BEVERLY GRIEBEL: Did you do it before that?

MR. SANAGORSKI: Yes. But the magazine was not in Chili then. It was in the City of Rochester.

BEVERLY GRIEBEL: Now, this was originally for sporting goods, and you have -- in November of '01, renewal of conditional use permit to allow an office in the home with the catalogue sales of firearms and sports goods display at property located 902 Chili Center Coldwater Road. So that is what was approved in November of '01. This you're not doing any more?

MR. SANAGORSKI: What? I'm still doing it. This other is a division of my company. Just like you have different divisions for the Town of Chili, you have the Water Department, the Building Inspector. This here is a division of my company. All my taxes get filed the same. It is not separate.

BEVERLY GRIEBEL: And on one other place in here, general character of the neighborhood, half business, half residential. How much of your home is used for your business, which is called Pony Soldier Special Effects Products?

MR. SANAGORSKI: Just the basement area that you have on the map. On the floor plan.

BEVERLY GRIEBEL: Now, the person here last month, Debbie Carbone, said you're no longer selling firearms.

MR. SANAGORSKI: Correct. The rest I am.

BEVERLY GRIEBEL: You have the sporting goods?

MR. SANAGORSKI: Yes.

BEVERLY GRIEBEL: Now, you have those on display or is that just a sample on display?

MR. SANAGORSKI: Sample on display. Catalogue.

BEVERLY GRIEBEL: So sample clothing on display. People just can't walk in and buy a medium and an extra large?

MR. SANAGORSKI: No.

BEVERLY GRIEBEL: So you want to add this, or you have added it? You have got the permits that were issued, but you say you haven't done this yet.

MR. SANAGORSKI: Not yet.

BEVERLY GRIEBEL: Now, this explosive license, was it a new license you got?

MR. SANAGORSKI: Was a renewal. I have to renew it every year.

BEVERLY GRIEBEL: Okay. So you renewed it, but you weren't doing it.

DENNIS SCIBETTA: He wasn't doing it in Chili. He was doing it in the City. He was storing it -- the product in the City.

BEVERLY GRIEBEL: Do you have another home in the City or business?

MR. SANAGORSKI: No. I was --

BEVERLY GRIEBEL: I'm missing something here.

MR. SANAGORSKI: It was in another building that a friend of mine owned. That is where it was stored at. He sold the building -- sold the building. I brought it out to my property.

BEVERLY GRIEBEL: This was renewed from November of '01.

MR. SANAGORSKI: Right. It is just like my pesticide license. I renew them all, every time when they come out, whether I'm here or there. Whether I'm applying pesticide or not, I still renew my licenses. It takes a lot to go through investigation wise to keep them. It is a lot of paperwork involved.

MICHAEL MARTIN: So I can clarify, just to make sure I have this correct, you have -- you had the magazine at a location outside of the Town of Chili.

MR. SANAGORSKI: Right.

MICHAEL MARTIN: You operated with that magazine and your permit for the magazine and the explosive devices.

MR. SANAGORSKI: Yes.

MICHAEL MARTIN: Now you have lost access to that location.

MR. SANAGORSKI: I brought it out to Chili, to my property.

MICHAEL MARTIN: You installed it, but have not been using it until --

MR. SANAGORSKI: Until I get a go.

MICHAEL MARTIN: That is an accurate assessment?

MR. SANAGORSKI: Yes.

BEVERLY GRIEBEL: When did you move that out there?

MR. SANAGORSKI: I have would say November of last year.

BEVERLY GRIEBEL: '05. The explosives, do you store those on your property? I mean the pesticides?

MR. SANAGORSKI: No.

BEVERLY GRIEBEL: Where do they get stored?

MR. SANAGORSKI: They don't get stored. I work for the City of Rochester as a Building Superintendent and Grounds and I keep my licenses for applying pesticides for our parks.

MICHAEL MARTIN: That is a required license to do your --

MR. SANAGORSKI: Part of my job.

MICHAEL MARTIN: Has nothing to do with being a resident here?

MR. SANAGORSKI: No.

BEVERLY GRIEBEL: Because we asked last time -- this was not checked if you worked for a State, County or Town. So you work for the City of Rochester as a Supervisor in Parks and Recreation?

MR. SANAGORSKI: Uh-huh.

BEVERLY GRIEBEL: I'm trying to get clear in my own mind what is going on here because every time I ask a question, I get something different, another avenue.

So you're not selling the guns. You don't want that renewed?

MR. SANAGORSKI: Not the gun part, no. The sporting goods part of it, yes. Along with the storage. The temporary storage. The overnight storage. It is not permanent storage. I want to clarify that.

BEVERLY GRIEBEL: But the Fire Marshal didn't get out there.

MR. SANAGORSKI: No. He hasn't been out there yet. But as Dennis (Scibetta) said, he is well aware of it and he has no problem with it.

BEVERLY GRIEBEL: I would be more comfortable if he had seen it. I don't want to approve it until the Fire Marshal has inspected it.

RICHARD PERRY: If he was that concerned, he should have been out there to see it. This gentleman has been postponed once. He has done everything he was supposed to do. I would say that we approve it and vote on it, and if we approve it, we just put on -- in the proviso that -- subject to the Fire Marshal seeing --

BEVERLY GRIEBEL: Well, okay. But the way I feel, I will not approve it until the Fire Marshal has looked at it.

MICHAEL MARTIN: Didn't you say that the State has inspected the magazine?

MR. SANAGORSKI: That is the only way to get the license.

MICHAEL MARTIN: So it meets State Code?

MR. SANAGORSKI: Yes. Above State Code, for what my use is.

RICHARD PERRY: We are more stringent than the State?

DENNIS SCIBETTA: No.

RICHARD PERRY: I see no reason to hold it up.

DENNIS SCIBETTA: Our code cannot be more stringent than the State Code. If he meets the State regulation, that suffices in our eyes.

MICHAEL MARTIN: And it has been inspected by the State.

BEVERLY GRIEBEL: Okay. I guess I'm asking most of the questions.

RICHARD PERRY: I understand what he is doing now.

DENNIS SCIBETTA: Mr. Christian is aware of it. Because of scheduling problems, we just have not been able to get out there. He will get out there probably Thursday or Friday, if that -- if we can make an arrangement.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing,

and Jeffery Perkins seconded the motion. The Board voted 6 yes to 1 no (Beverly Griebel) on the motion. The motion was approved.

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

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

1. Granted for a period of five years.
2. No on premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.
6. Applicant to maintain any required federal, state, and local licenses.
7. Security system to be centrally monitored and maintained.
8. Fire Marshal to inspect premises per discussion at Public Hearing.

The following findings of fact were cited:

1. Customary Home Occupation.
2. Meets all State and Federal licensing requirements.
3. Application of Scott Eldridge, owner; 40 Shetland Circle, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (180 sq. ft. allowed) at property located at 40 Shetland Circle in R-1-15 zone.

Scott Eldridge was present to represent the application.

BEVERLY GRIEBEL: This shed is here?

MR. ELDRIDGE: Yes. Schedule glitch.

BEVERLY GRIEBEL: How long has it been there?

MR. ELDRIDGE: I believe it was put up the 6th of December.

BEVERLY GRIEBEL: Okay. So we allow 180 square feet without the approval. It is a little over. What do you store in it?

MR. ELDRIDGE: Lawn furniture. Bicycles. Lawn equipment. Lawn mowers.

RICHARD PERRY: No explosives?

MR. ELDRIDGE: No explosives.

(Laughter.)

BEVERLY GRIEBEL: It is close to the neighbor's yard. There are easements there. How does your neighbor feel?

MR. ELDRIDGE: I just moved in, I think, the 30th of May and I don't believe I have met him yet.

BEVERLY GRIEBEL: Hasn't explained --

MR. ELDRIDGE: No. There is a wide -- there is a 30 foot hedge row in between the two properties.

RICHARD PERRY: I'm assuming the neighbor was notified of the request for variance?

BEVERLY GRIEBEL: Yes. The next-door neighbors generally get a letter in the mail. And then you have the property line that other neighbors can see. Did anyone ask you about that?

MR. ELDRIDGE: There are no next-door neighbors. We are on a cul-de-sac by ourselves. The only property that we would be close to would be behind us.

BEVERLY GRIEBEL: I went around and looked at seven properties one day, so I'm trying to place them all.

PETER WIDENER: The shed looks quite a ways back from the home. Are there luxuries in there like lighting or water?

MR. ELDRIDGE: No. Nothing. Just a shed.

DENNIS SCIBETTA: I think for the record, on Shetland you don't have any neighbors, do you?

MR. ELDRIDGE: No.

DENNIS SCIBETTA: Just the people to the rear of them.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just want to understand this. The shed is there.

BEVERLY GRIEBEL: Yes.

MS. BORGUS: But he is here tonight.

BEVERLY GRIEBEL: You made the application to the Board 11/16, but somehow somebody put the shed up.

MR. ELDRIDGE: I ordered the shed before I contacted the Town to see what the provisions were for a permit. And then I was told that anything over 180 square feet I needed a variance, and the shed was already on its way.

BEVERLY GRIEBEL: They were ready to dump it off in your backyard?

MR. ELDRIDGE: Yes.

BEVERLY GRIEBEL: Comes all assembled?

MR. ELDRIDGE: No. They assembled it there, too.

BEVERLY GRIEBEL: It is already up, Dorothy (Borgus). Just put up early December.

MS. BORGUS: I think this is something the Building Department has got to deal with. Either in a -- you know, in an informational piece in the newspaper once in a while. Some kind of notice to the people in the Town what the laws are, because this -- many times they're in here and it is just total, you know, lack of knowledge of what the law reads. It isn't that they mean to break the law, but they don't know what the law is.

BEVERLY GRIEBEL: And they see a lot of people have sheds around and they think it is okay.

MS. BORGUS: Right.

BEVERLY GRIEBEL: This was small. He picked out a small one out of the models and then they find it is 192 square feet versus 180 that would be allowed.

MS. BORGUS: Right. I'm sure they see a lot of sheds, they assume they're okay, but what they don't know is that those people probably got variances and got the proper clearance. Just because they have it doesn't mean they didn't go through the rules and the regulations and the process.

BEVERLY GRIEBEL: Dorothy (Borgus), we see them bigger and we see them two level, we have had them.

MS. BORGUS: Two levels. But I think it is something that the Building Department could use a little -- the free publicity available through our local press and advertise this a little bit so people are more aware.

BEVERLY GRIEBEL: That information is on the website, and I don't know how many people read the website or would read the paper. People are so busy with everything that they're just not aware of it until kind of after the fact.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of

no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

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

1. Applicant described need for additional storage.

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

4. Application of Michael Renna, owner; 117 Stover Road, Rochester, New York 14624 for variance to allow existing utility shed to be 4.59' from side lot line (8' req.) at property located at 40 Shetland Circle in R-1-15 zone.

No one was present to represent the application.

Beverly Griebel indicated this application would be recalled at the end of the agenda.

5. Application of Robert Fallone, Jr., owner; 18 West Forest Drive, Rochester, New York 14624 for variance to allow two driveway cuts on a residential lot at property located at 15 Bellaqua Estates Court in R-1-20 & FPO zone.

DECISION: Unanimously tabled by a vote of 7 yes to table for the following reason/finding of fact having been cited:

1. Applicant failed to properly post the required public hearing notice sign

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for the Public Hearing.

6. Application of Faber Construction Co. Inc., owner; 3240 Chili Avenue, Rochester, New York 14624 for variance to allow fireplace shed to be 3.5' from side lot line (5' req.) at property located at 30 Tynedale Way in PRD zone.

Shauna Lasher was present to represent the application.

BEVERLY GRIEBEL: People are moving into the house.

MS. LASHER: Just moved in two weeks. Shauna Lasher, Faber Homes. L-a-s-h-e-r.

BEVERLY GRIEBEL: When I went by, I saw the -- them moving in. So there is the fireplace that juts out from the house a little bit, and hangs out over their property line.

MS. LASHER: Yes. The side setbacks for the subdivision as approved is a 5-foot side setback. The house itself is a -- at 5 ½, but the 2-foot by 4-foot fireplace extension protrudes over that by 18 inches.

BEVERLY GRIEBEL: Got you. Now, there is a fence, a pretty high fence.

MS. LASHER: That is on the neighbor's property. That is not their property.

BEVERLY GRIEBEL: It is the neighbor's fence?

MS. LASHER: Correct.

BEVERLY GRIEBEL: Will you see the fireplace overhang?

MS. LASHER: Just the top of it.

DAN MELVILLE: Nobody realized it when they were building the house it would encroach on the setback.

MS. LASHER: No.

DAN MELVILLE: It has happened a couple other times.

MS. LASHER: Our interpretation, the way we have done most of Park Place or all of it is what -- we have gone from the survey points, which would be foundation points, things that don't -- things that have an actual block foundation.

DAN MELVILLE: Never been like that in this Town. They know that, too. I have no further questions.

RICHARD PERRY: I notice they don't have the interest disclosure marked on this one, either.

MS. LASHER: Which one?

BEVERLY GRIEBEL: Number 11. Faber Homes, nobody works for the Town, County, City?

MS. LASHER: No.

DAN MELVILLE: Mine is marked.

MICHAEL MARTIN: Mine is not.

GEORGE BRINKWART: No footer?

MS. LASHER: No.

BEVERLY GRIEBEL: I guess some towns count it from the ground.

MS. LASHER: Yes.

BEVERLY GRIEBEL: We count it from anything that hangs over.

DAN MELVILLE: Includes overhangs, so...

BEVERLY GRIEBEL: And bay windows.

DAN MELVILLE: We had some bay windows that came in, too, for the same reason.

BEVERLY GRIEBEL: Sooner or later we see all of the builders in here for this kind of thing.

Little overhangs.

MS. LASHER: It is tough because certain towns rule one way and others do the other way.

BEVERLY GRIEBEL: The same house might need variances here and in Henrietta it might be okay.

PETER WIDENER: What is the permanence of the overhang? Is it built into the house?

MS. LASHER: Yes. The actual structure of the 2-foot overhang is built back into the house 4 to 6 feet. The floor joists come back into it. So it would be major to take it all out.

PETER WIDENER: I thought maybe it was just something added on.

MS. LASHER: No. For the lift it has to be framed back into it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I agree with Ms. Griebel that the -- almost every developer shows up here. That doesn't tell me that they're ignorant of the law. It tells me it is planned. They know full well. These builders, especially this one, has been building in Chili for probably, what, decades? He knows what the law is. And if he didn't try to squeeze houses on lots with such a little bit of side yard so they're almost touching, this wouldn't be a problem. I'm sorry. This is -- this should stop. Because he will be in -- you wait. A few more months he will be in some for something else and something else. Always a window, a fireplace, an overhang. Always something. He ought to know what the law is after a good many years of building in this Town.

Thank you.

BEVERLY GRIEBEL: I know. Since I have been on the Board, since '93, we have not had any turned down.

DAN MELVILLE: We had one turned down.

BEVERLY GRIEBEL: You turned one down prior to that. You went to court and the Court sent it back and said approved. They didn't make them --

DAN MELVILLE: No. What happened -- well, actually we had a couple of them. We had another one that we turned down. He came back to us the next month, apologized, going to put all these new -- safeguards in effect, and said it will never happen again and he has never been back for that.

KEITH O'TOOLE: If I may offer, what seems to get lost in part of the process is that things like

direct vent fireplaces are all afterthoughts, extras, so even if a conscientious builder hires the masons, set the stakes and put the house in the perfect location, if you have a bump-out added after the fact, halfway into the construction process, then you will violate it.

And the guy who approves the extra isn't necessarily thinking about zoning.

I would also point out in a number of communities these bump-outs are exempt from area variance requirements anyway. So we shouldn't make more of this than it is. And frankly, Park Place Subdivision is a large, large project. They have not been in here that often.

MS. LASHER: I have been with Faber ten years and this is the first time we have been in Chili for a variance in that ten years. So the other builders may be doing it, but we don't.

BEVERLY GRIEBEL: I have seen them all in here.

RICHARD PERRY: Regardless, what are we supposed to do? Penalize the people who have bought the house?

BEVERLY GRIEBEL: Right. They're already moved in. They want their fireplace, and you know, at this point --

RICHARD PERRY: Just doesn't make sense. If they will do anything, then figure out a way to penalize the builder. But not the --

DAN MELVILLE: That did work once when we turned it down. He was very careful from then on.

BEVERLY GRIEBEL: Well, it will happen. Because we see all of the builders and they come in rather sheepish. That is another story.

KIM PICCININNI, 30 Middlesborough Park

MS. PICCININNI: I'm behind my neighbor here with the fence. I just have a couple of questions. Is the fireplace gas?

MS. LASHER: Yes.

MS. PICCININNI: Could it cause a fire hazard for me, because literally I can't get my body between that hood and my fence?

MS. LASHER: No. Actually, I have a copy of the specs for the fireplace venting. Their manufacturer specification is the termination vent has to have 24 inches clearance and we are at 34, and your fence is inches off your property line. So we are at 38 and manufacturer requires 24. Actually, when the fireplace vents, you know, you -- in the winter when it is cold out, the heat is going up, not out.

MS. PICCININNI: I don't want, you know, my fencing or -- the rest of my house going with it.

MS. LASHER: It is a very good point, but we are within the manufacturer's recommendations. I can show the Board the manufacturer's specs.

BEVERLY GRIEBEL: I have never heard of that causing a fire around here.

MS. LASHER: It is just when they vent, because it is a rear vent, if you went out there -- I have a picture of it. I can show you. The vent is a direct vent that vents out the back.

BEVERLY GRIEBEL: Then heat rises.

MS. LASHER: Yes.

DAN MELVILLE: You're not looking at sparks coming out.

MS. LASHER: No. No.

MS. PICCININNI: That is why I asked if it was gas or woodburning. Actually, it is closed, so I should have known that.

One other thing I just wanted to make clear, prior to the houses even built, my fence was going up, and when they were doing the -- surveying the lawn, they said it was going to be 5 ½ feet from the property line. I have obviously a Faber home also, and I believe it is a standard for a gas fireplace, so they should have known about the bump-out. I know these things happen and I feel bad for my neighbor, and do what you -- I'm not expecting them to knock your house down, but I just wanted to express my concerns as the backyard neighbor.

BEVERLY GRIEBEL: No sparks will be coming out that, no wood ash or anything like that.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of

no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Jeffery Perkins 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. Overhang of fireplace not noticed until Certificate of Occupancy request.
 2. Fireplace (and house) already built and owner moved in.
7. Application of Stephen Kruger, owner; 5 Regina Drive, Rochester, New York 14606 for variance to allow the total square footage of garage area to be 1,200 sq. ft. (900 sq. ft allowed) at property located at 437 Stottle Road in A.C. zone.

Stephen Kruger was present to represent the application.

BEVERLY GRIEBEL: This is a house that is not yet built. This went to the Monroe County Planning Department and came back as a local matter.

You're Stephen?

MR. KRUGER: Yes.

BEVERLY GRIEBEL: You're building this out there?

MR. KRUGER: Yes.

BEVERLY GRIEBEL: It has a very long driveway.

MR. KRUGER: Yes.

BEVERLY GRIEBEL: And what is it going to be, the square footage of the house?

MR. KRUGER: 2,700 and I think 12. Plus a bonus.

BEVERLY GRIEBEL: What?

MR. KRUGER: Unfinished room over the garage that can be finished later. I will just use it as attic storage.

MICHAEL MARTIN: They call them bonus so they don't have to finish them.

MR. KRUGER: That's the building term. I don't know where that came from along the way. Rooms just keep changing.

BEVERLY GRIEBEL: How many acres?

MR. KRUGER: 9.1.

BEVERLY GRIEBEL: That's big.

MR. KRUGER: Yes.

BEVERLY GRIEBEL: So what will you put in the garage?

MR. KRUGER: I have three cars. I have a summer car and my truck and my girlfriend's Altima, so I want to put those three in. So as we were designing our, quote/unquote, driveway, I said I will need a tractor, so I bumped the garage a little more not knowing the code.

BEVERLY GRIEBEL: You want a tractor?

MR. KRUGER: Yes. Miscellaneous storage. I don't want a shed. I have turned the garage so it is kind of an L-shaped and think that it gives the house a little more magnitude because it is sitting on a big lot as we -- it gives the front elevation a bigger viewing area. It will look small on 9 acres.

BEVERLY GRIEBEL: So far back?

MR. KRUGER: Yes. You won't notice it back there when the trees are up.

BEVERLY GRIEBEL: You will have lawn cutting or lawn care equipment there?

MR. KRUGER: Yes.

BEVERLY GRIEBEL: With 9 acres?

MR. KRUGER: Yes. It is just storage.

BEVERLY GRIEBEL: This would be like a three-car garage?

MR. KRUGER: Well, I have put on two 16-foot doors towards the front. So -- by definition

you might call it a four-car garage. I think I can fit four reasonably-sized cars. The one bay is only 19 feet deep so my truck wouldn't fit in there.

BEVERLY GRIEBEL: There was something in the code. To increase the allowed garage on larger houses, is that in the code changes?

JERON ROGERS: Yes, it is in the code changes.

BEVERLY GRIEBEL: So we are looking at all of that right now.

MR. KRUGER: I -- like I say, the architect -- I kept changing it. I designed it myself and had him help me. Eventually we got it right, but I didn't know it was the rule until I put the building permit in.

BEVERLY GRIEBEL: It is easier to do it when you're building than adding on?

MR. KRUGER: Yes. I want a one-time shot. I don't want the stuff sitting around outside. I want as much inside.

BEVERLY GRIEBEL: Get it undercover with the winters.

MR. KRUGER: Exactly. Everything is better out of the wind and the cold.

PETER WIDENER: Is this an attached garage?

MR. KRUGER: Yes. Do you have a blueprint?

PETER WIDENER: I have a lot of prints here. But I just couldn't put it together. It was easier to ask. Probably this one (indicating).

BEVERLY GRIEBEL: They have a general footprint and then another diagram.

PETER WIDENER: 1,335 square foot house. No, 1135 square foot house -- oh, 27.

MR. KRUGER: First is 1530. The garage -- depends how they count the basement walk down. I'm not sure -- I measured about 100 -- 1150. They recommended I put the variance in for 1200 to cover it.

DAN MELVILLE: You won't run a business or anything out of there?

MR. KRUGER: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Michael Martin made a motion to approve the application with no conditions, and Richard Perry 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. Applicant described need for storage of additional cars and lawn care equipment for a 9.1 acre lot.

Application #4 was recalled. No one was present to represent the application.

MICHAEL MARTIN: Moved to table.

JEFFREY PERKINS: Second.

DECISION ON APPLICATION #4: Unanimously tabled until 1/23/07 at 7:00 p.m. by a vote of 7 yes to table for the following reason/finding of fact having been cited:

1. Applicant failed to appear for the public hearing.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for the Public Hearing.

The 11/28/06 Zoning Board of Appeals minutes were approved as submitted.

The meeting ended at 8:32 p.m.