

CHILI ZONING BOARD OF APPEALS

February 22, 2005

A meeting of the Chili Zoning Board of Appeals was held on February 22, 2005 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: Michael Martin, Peter Widener, Jeffrey Perkins, Dan Melville, Richard Perry and Chairperson Beverly Griebel. Gerry Hendrickson was excused.

ALSO PRESENT: Daniel Kress, Director of Planning, Zoning & Development; Richard Stowe, Counsel for the Town.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, and therefore, are subject to change.

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: I was out the first Saturday, 2/12 in the afternoon. Application 1. I didn't have a problem with that, Kathleen Marmo. Anyone have a problem?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Number 2, Robert Drzewiecki, any problems with that?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Number 3, Dario Marchioni.

DAN MELVILLE: Those were up.

BEVERLY GRIEBEL: I was all right with that.

The Board indicated they would hear that application.

BEVERLY GRIEBEL: I'm asking, because the Board doesn't go out as a group. People go at different times and look, and these signs are supposed to be up for the entire period.

Number 4, Susan Spino, Davis Road, any problem?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Number 5, Mary Rose?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Number 6, Amerada Hess?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: We are on a roll.

Number 7, Sam Gallo?

PETER WIDENER: I had a problem with that. The application was addressed to 4 Krenzer Road and the sign was not on Krenzer Road, but I did see a sign on Morgan Road that addressed this undersized lot.

To my understanding, the sign should be on the property of the road address, or not?

BEVERLY GRIEBEL: The first Saturday I drove down that road, and it was there oh, just before the driveway, it was in the lawn. It was on there.

PETER WIDENER: Just thought I would bring it to your attention.

BEVERLY GRIEBEL: Not on Krenzer?

PETER WIDENER: I did not see one on Krenzer. I saw one on Morgan.

BEVERLY GRIEBEL: Then that one wasn't up for the required period of time.

PETER WIDENER: If you saw it --

BEVERLY GRIEBEL: Well, I saw it on the first day, but it is supposed to be up for the full ten-day period of time.

PETER WIDENER: It was on the property -- being that it is a corner lot, maybe it was facing the wrong way. Krenzer and Morgan --

BEVERLY GRIEBEL: I drove down Krenzer. That is a little dead-end road. I drove down there and it was there on the lawn, oh, maybe two-thirds of the way down there before the driveway.

PETER WIDENER: I can accept that.

BEVERLY GRIEBEL: Well --

DAN MELVILLE: I did see it, too. I saw it.

BEVERLY GRIEBEL: But it wasn't up when you were there. That --

PETER WIDENER: The only sign I saw was on Morgan Road.

DAN MELVILLE: Unless you missed it or something.

PETER WIDENER: That was on 2/20. So there is that possibility if you saw it before.

BEVERLY GRIEBEL: Well, it is up to the applicant to make sure it is posted for the entire period of time.

PETER WIDENER: It was on the property. I'm just stating the fact that it was facing to the Morgan Road side instead of the Krenzer side. Krenzer and Morgan Road both are on that property.

MICHAEL MARTIN: Maybe it just turned a little bit.

BEVERLY GRIEBEL: Was it up on Morgan Road?

JEFFERY PERKINS: It was there.

PETER WIDENER: The sign was there on the property. I'm just clarifying what road it was on --

BEVERLY GRIEBEL: But the lot in question is on Krenzer.

PETER WIDENER: And Morgan, I believe.

BEVERLY GRIEBEL: No. It is Krenzer.

PETER WIDENER: Krenzer?

BEVERLY GRIEBEL: Uh-huh.

PETER WIDENER: Would there be another sign on that property for any other reason? 2.9 acre? 2.49?

BEVERLY GRIEBEL: I don't have any idea.

If it was not there --

PETER WIDENER: Well, I'm not saying I have a problem with it. I'm just saying I'm questioning where the sign should have been facing on the property, because there was a sign on the property.

BEVERLY GRIEBEL: What road was it posted on? Krenzer?

PETER WIDENER: It is a corner lot. Krenzer and Morgan. It was posted on that lot.

RICHARD PERRY: So it was on Krenzer Road. You're saying it was facing --

DAN MELVILLE: Facing the other way.

PETER WIDENER: It depends how you look at it. That is my question. If you're on Krenzer Road, looking at it, you would see the sign side ways. If you're on Morgan Road, looking at it, you would see the sign forward. But it was still on said piece of property.

MICHAEL MARTIN: Might have turned.

BEVERLY GRIEBEL: You went down Krenzer Road and you saw it there?

PETER WIDENER: No.

BEVERLY GRIEBEL: You didn't see it there.

PETER WIDENER: I was on Morgan Road and saw it on Morgan Road, facing Morgan Road with -- the option is it could have turned in the wind. I was just bringing this up because I had a question about it.

RICHARD PERRY: Being a corner lot, there is no requirement for dual signage, is there?

PETER WIDENER: I don't think so.

BEVERLY GRIEBEL: Mr. Kress?

DANIEL KRESS: The law provides if you have multiple road frontages, the sign needs to be posted on each frontage so typically on a corner lot, there would be a sign facing each way.

BEVERLY GRIEBEL: Both sides?

DANIEL KRESS: That is what the code provides for.

DAN MELVILLE: Should have been two signs then.

PETER WIDENER: I saw one sign.

BEVERLY GRIEBEL: Well --

PETER WIDENER: Was he given two signs?

BEVERLY GRIEBEL: I don't have any idea.

MR. AVERY: Robert Avery on behalf of the applicant. We were given two signs and posted one on Morgan and one on Krenzer.

PETER WIDENER: I saw the one on Morgan.

DAN MELVILLE: I did see the one on Krenzer.

PETER WIDENER: Then I'm satisfied with that.

DAN MELVILLE: I don't know. I know sometimes I have gone out and missed them, too, and I have had to go back again.

BEVERLY GRIEBEL: It was a snowy day.

MICHAEL MARTIN: Okay with that.

BEVERLY GRIEBEL: Is the Board okay with that?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: It was snowing when I went out. I saw it on Krenzer, turned around in the driveway.

DAN MELVILLE: I saw it three or four days ago.

PETER WIDENER: I stand corrected. I understand it now. Okay.

BEVERLY GRIEBEL: Number 8 and 9, Kevin Sands?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: I guess we give gold medals to everybody tonight. That is a first in a long time for a large agenda, somewhat large agenda.

We'll go back to the top, and Application 1 for Kathleen Marmo.

1. Application of Kathleen Marmo, owner; 62 Pinewood Knoll, Rochester, New York 14624 for renewal of conditional use permit to allow a catering business in home at property located at 62 Pinewood Knoll in R-1-15 zone.

Kathleen Marmo was present to represent the application.

MS. MARMO: Hi.

BEVERLY GRIEBEL: This was from the fall of 19 -- 2003, and that was the first application.

MS. MARMO: Yes.

BEVERLY GRIEBEL: How are things going?

MS. MARMO: Good. Very well.

BEVERLY GRIEBEL: Okay. I guess questions.

DAN MELVILLE: You're doing a catering business out of that?

MS. MARMO: Yes.

DAN MELVILLE: Do you have any people come to the house?

MS. MARMO: No. Just over the phone and I deliver it.

DAN MELVILLE: Do you make the stuff there?

MS. MARMO: I do. I have a certified kitchen in my basement.

RICHARD PERRY: Isn't there a requirement about samples?

MS. MARMO: I thought about it, but I was doing double duty at the hospital. Next time.

RICHARD PERRY: No. We would be accused of taking bribes

(Laughter.)

RICHARD PERRY: Nothing has changed in your means of operation from the first go-around?

MS. MARMO: No.

RICHARD PERRY: Dan (Kress), have there been any complaints?

DANIEL KRESS: No.

RICHARD PERRY: I wouldn't think so. I have no other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had a question. Does this business require a Monroe County Board of Health certification?

MS. MARMO: I do have one.

MS. BORGUS: My only thought to the Board would be maybe her conditional use permit should run in duration and expiration date with that.

BEVERLY GRIEBEL: Well, one of the conditions that is imposed on this type of -- with food preparation, and some others too, is applicant to obtain and maintain any required State and local licenses.

DAN MELVILLE: If she doesn't maintain it, that condition is --

BEVERLY GRIEBEL: They can close her down. Depending where you bring the food, sometimes they require that certificate.

DAN MELVILLE: Yes. You have to have a certificate usually. If you take the food somewhere.

MS. MARMO: Right.

RICHARD PERRY: There is the interest disclosure on here.

BEVERLY GRIEBEL: Yes. Do you work for a government agency?

MS. MARMO: No.

BEVERLY GRIEBEL: I had that circled.

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

BEVERLY GRIEBEL: This was approved before it was granted for one year.

The Board discussed the proposed conditions.

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 the following conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Granted for a period of five (5) 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 obtain and maintain any required State and local licenses.

The following finding of fact was cited:

1. Customary Home Occupation.
2. Application of Robert Drzewiecki, owner; 40 Bucky Drive, Rochester, New York 14624 for variance to allow existing utility shed to be 6' from garage (8' req.) at property located at 40 Bucky Drive in R-1-15 zone.

Robert Drzewiecki was present to represent the application.

BEVERLY GRIEBEL: I saw a "for sale" sign or sale pending.

MR. DRZEWIECKI: Sale pending right now.

BEVERLY GRIEBEL: This is holding it up.

MR. DRZEWIECKI: Yes, a little bit.

BEVERLY GRIEBEL: How long has the shed been there?

MR. DRZEWIECKI: About five years.

BEVERLY GRIEBEL: Did you put it there?

MR. DRZEWIECKI: Yes, I did.

BEVERLY GRIEBEL: You didn't have a permit.

MR. DRZEWIECKI: I did not have a permit. I didn't realize I needed one.

BEVERLY GRIEBEL: Sometimes these things come back to haunt you.

MR. DRZEWIECKI: Here I am.

BEVERLY GRIEBEL: Now, I noticed in the pictures that are there, the seasonal flooding would prevent placing the shed further away from the garage. You have a lake in your backyard.

MR. DRZEWIECKI: Yes. That happens just about every time it rains.

MICHAEL MARTIN: I have a seasonal lake behind my house.

BEVERLY GRIEBEL: That's terrible. I see it covers a large area of the back of the yard. If you move the shed back any further --

MR. DRZEWIECKI: As a matter of fact, last fall when we had the rain, it went almost all of the way up to the shed. If the shed would have been 2 feet further, it would have been flooded.

JEFFERY PERKINS: The only question I would have is what is stored in the shed?

MR. DRZEWIECKI: Just basically lawn equipment. Tractor, rakes. That's it.

PETER WIDENER: How long has the shed existed there?

MR. DRZEWIECKI: About five years.

PETER WIDENER: What type of floor do you have?

MR. DRZEWIECKI: Three-quarter pressure treated plywood with 10 inches of gravel underneath it.

BEVERLY GRIEBEL: I think with those pictures, would it be awful hard to move it. Once the shed is there for a while, they don't move very well.

DRZEWIECKI: I would appreciate it if I didn't have to.

BEVERLY GRIEBEL: It could crumble.

PETER WIDENER: It has been there five years and no complaints. Evidently the neighbors seem to be comfortable with it. I have no other questions right now.

MICHAEL MARTIN: What is the total square footage of the shed?

MR. DRZEWIECKI: 11 by 12, I believe.

BEVERLY GRIEBEL: Do you store gasoline in there?

MR. DRZEWIECKI: No. I store it in the garage.

BEVERLY GRIEBEL: Sometimes that creates a problem with a shed. I don't know what you -- what is safer a shed or the garage.

MR. DRZEWIECKI: I don't know which one is closer to the house. I keep it that in the garage.

BEVERLY GRIEBEL: We had one shed one time that was very close to a stone chimney and it had to be moved because it was too --

MR. DRZEWIECKI: There is no chimney there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

PETER WIDENER: I have another question. On the sale of the property -- is it for sale now?

MR. DRZEWIECKI: Yes.

PETER WIDENER: Any contingency to the shed being approved tonight?

MR. DRZEWIECKI: Yes. The owners are aware of that.

PETER WIDENER: The new buyers?

MR. DRZEWIECKI: Yes. Thank you.

BEVERLY GRIEBEL: You had to get this before --

MR. DRZEWIECKI: Absolutely. That's right.

BEVERLY GRIEBEL: So it has held up for how long?

MR. DRZEWIECKI: About ten days.

BEVERLY GRIEBEL: That is not too bad. It could be sometimes almost two months.

RICHARD PERRY: Good thing you had your sign up.

BEVERLY GRIEBEL: People don't keep them posted, we have to delay them.

MR. DRZEWIECKI: That is what they told me when I applied for this.

BEVERLY GRIEBEL: Yes. Check it every day, three times a day.

The Public Hearing portion of 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 Peter Widener 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 6 yes with no conditions, and the following finding of fact was cited:

1. Placement of the shed further into the yard would be difficult due to flooding during rain storms.
3. Application of Dario Marchioni, owner; 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to erect a 16' x 36' open utility shed to be 576 sq. ft. (180 sq. ft. allowed) at property located at 233 Beaver Road in R-1-20, FPO and FW zone.

Dario Marchioni was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and came back as a local matter.

DARIO MARCHIONI: Good evening. I need storage.

BEVERLY GRIEBEL: For what reason?

DARIO MARCHIONI: Well, I got a couple of tractors, little tractor lawn mowers, and wood, you know. Some wood and some stuff that I need. I own the houses and sometimes I hate to throw that stuff away, so I need storage.

BEVERLY GRIEBEL: Is that for use by the people who use those rental homes?

MR. MARCHIONI: No. Just for me. It is on my property.

BEVERLY GRIEBEL: Pardon?

MR. MARCHIONI: It is on my property.

BEVERLY GRIEBEL: You're the owner. But is it used for those homes?

MR. MARCHIONI: No.

DAN MELVILLE: What about the mowers, do you use that to mow those properties?

MR. MARCHIONI: Yes. Right now I have them covered up with tarps.

DAN MELVILLE: Why open shed, not enclosed?

MR. MARCHIONI: Just for the snow and rain. I would like to enclose the first bay to put some tools in there, but the rest I just need it for the rain and the snow. I might close it up later on some day, too, but right now just a shelter.

DAN MELVILLE: You will not store any vehicles or anything in there?

MR. MARCHIONI: No. It is way down there. I wouldn't be able to drive down there. There will not be a driveway there either.

BEVERLY GRIEBEL: You show part of that as being a cement floor. In your sketch it looks like a pile of dirt.

MR. MARCHIONI: The first one, I would like to put a concrete floor in that first bay.

BEVERLY GRIEBEL: It looks like about one-third of it.

MR. MARCHIONI: Right.

BEVERLY GRIEBEL: The rest of it has wood and –

MR. MARCHIONI: Just dirt.

BEVERLY GRIEBEL: Bricks -- I mean it has a gravel floor and --

MR. MARCHIONI: It's just a gravel floor.

BEVERLY GRIEBEL: And it is wood and looks like bricks or cinder blocks or something of that sort.

MR. MARCHIONI: I took this picture out of the magazine. That is just to get an idea.

DAN MELVILLE: That is not what you're storing in it?

MR. MARCHIONI: No.

RICHARD PERRY: Dario (Marchioni), will you run electricity to the enclosed bay?

MR. MARCHIONI: No. That is far away, back there. No driveway or nothing. Just something to store the stuff. It will be way in the back there.

DAN MELVILLE: How far back will that be from the road?

MR. MARCHIONI: Did I take the --

PETER WIDENER: About 450 foot back from the road in --

MR. MARCHIONI: Yes.

PETER WIDENER: 150 foot above the 100-year flood plain.

MR. MARCHIONI: Right.

PETER WIDENER: So you would be above that.

MR. MARCHIONI: Right. I couldn't build anything on the flood way.

BEVERLY GRIEBEL: The open side is facing Beaver Road?

MR. MARCHIONI: No. The open side would be facing the creek.

BEVERLY GRIEBEL: What relationship does this stuff you're storing there, what does that have to that piece of property?

MR. MARCHIONI: Okay. Well, I got two lawn mowers that -- lawn mowers, 6 footers to cut grass. I have a couple of hand snow blowers, the gasoline snow blowers. And you know -- I have all kind of stuff I hate to throw away.

BEVERLY GRIEBEL: Is that for you to use on that property?

MR. MARCHIONI: Right. Oh absolutely. It is not for sale if that is what you mean.

BEVERLY GRIEBEL: You use the two mowers on that property?

MR. MARCHIONI: Right.

BEVERLY GRIEBEL: Do you do the mowing or somebody else does it?

MR. MARCHIONI: I do the mowing and the snow plowing and everything.

BEVERLY GRIEBEL: So you have the snow blowers. How do you get them from that shed? What is your plan to get them from the shed over to the property?

MR. MARCHIONI: In the summertime I store them there. In the wintertime I bring them up to the garage and vice a versa.

BEVERLY GRIEBEL: To what garage?

MR. MARCHIONI: The garages I have up the hill. Each house has a garage. So I find a spot, whichever one is not being used.

BEVERLY GRIEBEL: In those four duplexes?

MR. MARCHIONI: Right.

BEVERLY GRIEBEL: The two duplexes.

Now, this is the first request in my recollection for an open shed. I got a problem with that.

MR. MARCHIONI: Okay. Well, I could close it up, just put barn doors on there.

BEVERLY GRIEBEL: It is really large. I mean this is more than three times the allowance. 180 square feet. You're asking for 576 square feet. Open shed. 16 by 36. It is long and narrow.

DAN MELVILLE: How many acres of land is that on?

MR. MARCHIONI: Ten and a half acres, plus -- ten and a half acres. That is what is that part. Then there is acreage behind the houses.

JEFFERY PERKINS: Is the area where the shed will be, will it be fenced?

MR. MARCHIONI: No. Just on the woods there. There are woods there, the grass area. It will look nice from the -- you can't even see it from any house, the road any ways.

JEFFERY PERKINS: The concern I have is the tenants. Do they have children in those houses at all, the tenants?

MR. MARCHIONI: Nobody goes way back there. But there are a couple of houses that have children.

JEFFERY PERKINS: With it open, there is a risk of children playing on your tractors and injury and that sort of thing.

MR. MARCHIONI: I can understand that. I would feel better if it was enclosed.

BEVERLY GRIEBEL: Yes. I have got a problem with the size. Do you need it that large for this equipment that you're going to move from -- seasonal movement?

MR. MARCHIONI: I was thinking while I was building, might as well build it that size.

BEVERLY GRIEBEL: But there has to be some justification.

MR. MARCHIONI: Right. I think I have enough stuff to put in there. You never have enough storage.

DAN MELVILLE: You want to keep a lot of that stuff undercover so it is not out in the weather.

MR. MARCHIONI: Right. Back of the house, I have a -- lawn mowers are covered up with tarps.

BEVERLY GRIEBEL: Where is it stored now?

MR. MARCHIONI: Behind the houses.

BEVERLY GRIEBEL: Behind those houses?

MR. MARCHIONI: Yes. Under the tarp, plastic.

BEVERLY GRIEBEL: Well, then I guess I don't understand why you want to put it so far away from the houses.

MR. MARCHIONI: Well, this way it is further away, not obstructing anything, you know. I got a lot of land. Might as well put it way back there so nobody sees it.

PETER WIDENER: It is out of sight of vision, because it is on the -- who will build that?

MR. MARCHIONI: I will.

PETER WIDENER: You will build it?

MR. MARCHIONI: Yes.

PETER WIDENER: I have seen Dario (Marchioni)'s work. It is very good work, when he builds something.

BEVERLY GRIEBEL: Is this to store items related to your business?

MR. MARCHIONI: To those houses. What I need for the houses up the hill, basically.

BEVERLY GRIEBEL: You do the mowing?

MR. MARCHIONI: The mowing, masonry, fixing the roof.

BEVERLY GRIEBEL: You have two mowers to do the mowing?

MR. MARCHIONI: Right.

JEFFERY PERKINS: In essence, it is acting as a maintenance building for the apartments.

DAN MELVILLE: For the rental properties.

JEFFERY PERKINS: Business support.

BEVERLY GRIEBEL: You're the only one that does it yet you have two. I guess I don't get that.

MR. MARCHIONI: I have two lawn mowers because sometimes one doesn't work and you get the other one and the other one doesn't work.

BEVERLY GRIEBEL: Do you use them on any other properties?

MR. MARCHIONI: No.

BEVERLY GRIEBEL: Looks like there is a property division. There with one of the duplexes, the furthest east is on the separate parcel.

MR. MARCHIONI: All on separate parcels.

BEVERLY GRIEBEL: And then the one, the duplex that is more westerly is on the large piece of land.

MR. MARCHIONI: Right.

BEVERLY GRIEBEL: He owns both these properties (indicating). I have a lot of concerns about it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I share Mrs. Griebel's concerns about this type of a building. I would be much more comfortable if we had a closed-in barn, shed, whatever you want to call it. It may not show, but you set a precedent when you start this, and I know it is cheaper to do it this way, but if you can afford that big a building, they should be able to do it right and close it in on four sides.

I also have a concern with the fact that only one-third of it will have a concrete floor. If we are storing lawn mowers and so forth in there, they do have gasoline in them, and I was under the impression in this Town that we had a rule, if you will, a law that anything that was used for a garage had to have a cement floor.

BEVERLY GRIEBEL: Well, for a vehicle.

MS. BORGUS: I think a tractor is a vehicle.

BEVERLY GRIEBEL: But people put -- people put lawn mowers into sheds that have just a wooden floor.

DAN MELVILLE: Or gravel floors.

MS. BORGUS: But when he talks about a 6 foot mower --

BEVERLY GRIEBEL: That's a big one.

MS. BORGUS: That's big. I'm questioning, is that a tractor with a 6 foot mower?

BEVERLY GRIEBEL: Dario (Marchioni) is this a tractor type?

MR. MARCHIONI: No, mower --

RICHARD PERRY: They're industrial strength mowers.

MR. MARCHIONI: Usually 4 foot, the regular home lawn mowers. This is 6 foot. It takes less time to cut the grass.

MS. BORGUS: In looking at the map, it appears this building would be 10 foot from the flood line. Am I right in that?

MICHAEL MARTIN: From the 100-year mark.

MS. BORGUS: Living on Black Creek I know we hit that mark often. They may call it that, but we get there quite a few times in a short period of time. It's not a 100-year flood.

BEVERLY GRIEBEL: Yes. They say it could be as infrequent as once every 100 years, but you could get it three times in one year.

MS. BORGUS: Which I think we have seen.

BEVERLY GRIEBEL: Yes, around Black Creek.

MS. BORGUS: I didn't hear the question asked as to what this was going to be built of, siding, color.

PETER WIDENER: Texture 1-11 on the siding, the drawings, it is a type of wood. It looks like rafters are 2 by 10 rafters. 6 by 6 posts.

MS. BORGUS: Well, if it is Texture 1-11, it will have to be painted quite often, and that is another issue.

BEVERLY GRIEBEL: It is described as a 16 by 36, 576 square foot open shed pole building.

MS. BORGUS: My next question was, and maybe it has been answered, the bulldozer that is presently on the -- the property up near the houses, that's not going to be stored in there?

BEVERLY GRIEBEL: Dario (Marchioni)?

MR. MARCHIONI: No. That thing is kind of tall and won't fit in there.

BEVERLY GRIEBEL: Is that over in front of the house?

MR. MARCHIONI: It is a backhoe, a bulldozer. I use it for snow plowing when I have a big snow. It is the only thing you can use down there.

BEVERLY GRIEBEL: Where does it go out of season?

MR. MARCHIONI: I just store it to the side lot out of season for now.

BEVERLY GRIEBEL: So it is there on the property?

MR. MARCHIONI: Right.

MS. BORGUS: I was in hopes if Mr. Marchioni was going to build this building, we would get his clutter undercover and out of sight. It is pretty messy around there. They're nice looking houses, but it is very messy around there. In fact, I believe there is an unlicensed truck in the yard.

MR. MARCHIONI: It has a license.

BEVERLY GRIEBEL: Maybe the Building Department could check that.

MS. BORGUS: The bulldozer, the last I noticed was parked right between the two houses. It is not attractive the way it is, and if he is going to build this shed, I would hope that he would get that stuff away from the road so it presented a better appearance from Beaver Road.

My only comment about the business-related use is I definitely feel this is a business-related use. It is to take care of -- the supplies and the equipment that he needs to maintain those rental properties, which is a business. I don't know how you can --

BEVERLY GRIEBEL: Well, what I meant was he is in the building business.

MS. BORGUS: Right.

BEVERLY GRIEBEL: He builds. I was asking if material related to that part of it was going to be stored here versus items that he only used on that property. That was the question that I was asking.

MS. BORGUS: Sounds like it would encompass just about anything that he would do work wise, which is his business. I mean if it is gravel and bricks and whatever, I'm sure that is not just going to be used for those two houses, two duplexes. Even if it were, this is still a business use so -- in a residential area.

BEVERLY GRIEBEL: What you have pictured on there, Dario (Marchioni), is not what you're going to store in it?

MR. MARCHIONI: No.

BEVERLY GRIEBEL: That was not very clear. It does show a pile of dirt. It does show logs. It does show bricks, cement blocks or something of that sort.

MR. MARCHIONI: I looked at it. It is bales of hay, wood and looks like sand. That is not

BEVERLY GRIEBEL: But that is not what you're going to store in there?

MR. MARCHIONI: No. I took this out of a book. I thought it looked good.

BEVERLY GRIEBEL: Well, okay. So that is -- that picture is not representative of what he is going to store in there, Dorothy (Borgus).

MS. BORGUS: Well, I still think it is a business-related use, and on -- on a residential

piece of property, and I still feel if he is going to build a building, regardless of the fact it is supersized for the area, it should be a four-sided building with doors on it or whatever he needs in order to do what he wants to do. It is a dangerous precedent to start. We don't have any of these in other parts in Town as you mention.

BEVERLY GRIEBEL: I don't recall any while I have been on the Board.

MS. BORGUS: The only one I know, a very old one is on the Town's own property on the Baker property. And that is the only one I know of. In Chili. But I think that for this Board, it is a dangerous precedent to start approving three-sided sheds.

DAN MELVILLE: Dario (Marchioni), do you have any problem enclosing that and putting doors on it?

MR. MARCHIONI: No.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Madam Chair, I agree it is three times the size that is allowable in this Town.

Another point to be brought out is subdivided properties here for the duplexes, and he doesn't know if it is a true ten and a half acres. Maybe both of them added. But if that is subdivided, it needs to be brought into consideration.

Enclosed, if there is going to be a structure there, I would probably make a condition that it would be enclosed and maybe a slab put on it, full concrete. If you have a tractor or any vehicle there that can possibly leak any oil, it will get to the creek.

That also comes into question, we had a problem with a past developer, and I'm not picking on Dario (Marchioni) on this -- with -- in regards to some trees or whatever and ponds going on Town land.

Does the DEC have a ponding situation here that is required as a filtering type system? Has any of that been brought into consideration? At this point, I'm personally not in favor of seeing something on the east/west corridor coming up Beaver Road or even a chance of it.

There are children in the duplexes. Kids will be kids. They be back there messing around no matter what you say, or some other kids in the area. I think it is a hazard and the Town is looking for a possibility of problems.

BEVERLY GRIEBEL: He said that right now they're just behind the house with a tarp or plastic over them. So that is probably a worse situation.

MR. GINOVSKY: I think the Town needs to take that into consideration. If he has a garage where he is living, maybe put it under shelter in there and leave a vehicle outside if that is the case. If you're just going to need it seasonally. And a tractor with a loader on the front for snow -- I thought I heard two snow blowers. What do you need the tractor for? There are some inconsistencies here. At this point I don't believe it is in the Town's best interest. Thank you.

BEVERLY GRIEBEL: Dario (Marchioni), you did say you need the snow blowers there to remove the snow and you said the dozer is used because you can't use anything else over there. Which way --

MR. MARCHIONI: When you have nice thin snow, it is easier for the snow blower. When you have heavy snow, it won't work. You really need something big to push that stuff around.

BEVERLY GRIEBEL: How much of this property do you mow in the summer?

MR. MARCHIONI: I mow the duplexes and the backyard down to the creek. Also the other three or four houses up the hill. Six houses.

BEVERLY GRIEBEL: Oh, you have other houses up the hill that you mow?

MR. MARCHIONI: Right. The four up there.

BEVERLY GRIEBEL: That sheds new light on this. So that is for all your properties, not just this property?

MR. MARCHIONI: Right. If I put anything there, it would be used for everything.

BEVERLY GRIEBEL: So it is not strictly related to this property?

MR. MARCHIONI: Right. In essence, I could put little small buildings behind each house, 140 -- maximum is 180 square foot little buildings behind each house that I could do. On the other hand, I was just thinking one big one back there that would do the same thing.

BEVERLY GRIEBEL: So it is for six rental properties?

MR. MARCHIONI: Yes. I could have six little 180 square foot buildings.

PETER WIDENER: Six houses behind each one or this way.

MR. MARCHIONI: I was thinking about that way, but then I would have to have everything spread all over the place, and I have would have to remember which building I put it in --

JEFFERY PERKINS: With the use being more of support for the overall business, isn't it --

does this fall into a conditional use for business situation versus a shed size?

BEVERLY GRIEBEL: This is a different situation.

KEITH O'TOOLE: I don't see that, because the shed is certainly an accessory use for residence. The things he is talking about storing there are accessory to have a residential use.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I note on the map that there is only one tax number, 146.03-1-21. Has this property first of all been legally subdivided?

BEVERLY GRIEBEL: Well, that I don't know.

MR. RETTIG: If you note, first, the two pieces of property shown, the same tax number is shown, so before you act on this application, I think you would be logical to table it and for this Board to get a proper and complete application first off, just as a comment.

BEVERLY GRIEBEL: The tax number is -- okay, that one.

MR. RETTIG: If you look at the tax number below the east duplex, it gives the same tax number.

BEVERLY GRIEBEL: Well, I have a correction on one of these here.

Mr. Kress, are there two different tax numbers for these two duplexes, facing Beaver Road?

DANIEL KRESS: I believe there are, yes. Although there is one on the map marked -- the original map, there is an additional mark on Lot R-6. If you look through the references, clearly this lot was previously subdivided between 5 and 6.

BEVERLY GRIEBEL: 5 is supposed to be -- what is the ending two digits on that?

DANIEL KRESS: Appears to be 21.

BEVERLY GRIEBEL: Well, that is the same as Number 6. 146.03-1-21. They're the same tax number.

I don't know. I have got problems with this application. I'm not going to vote for it the way it is. I'm not going to vote positively for it.

MR. RETTIG: Well, my comment -- sorry if I -- well, my comment is I would certainly request that it be tabled based upon the fact that we -- the Board apparently does not have complete information or we -- with this application, do not see complete information with the application.

There is a front loader on the property between the buildings. Is that ever going to be stored in this building?

BEVERLY GRIEBEL: He said no. It was too high.

MR. RETTIG: Okay. If there -- if there is an unlicensed, unregistered vehicle on the property, is that vehicle ever going to be stored in this building?

BEVERLY GRIEBEL: Well, he said it was going to be lawn mowers and snow blowers.

MR. RETTIG: Well, the reason why --

BEVERLY GRIEBEL: He didn't mention the truck.

MR. RETTIG: That is why I asked the question specifically. I didn't hear an answer from the applicant. Do we have an answer in regard to that vehicle?

BEVERLY GRIEBEL: Dario (Marchioni), is that your truck?

MR. MARCHIONI: Yes. It is a licensed vehicle. It is there. And what's the other question?

BEVERLY GRIEBEL: If -- if it is not licensed, it doesn't -- does it have a plate or not?

MR. MARCHIONI: Yes, it does. It is a licensed vehicle. Does that make sense to you? It is a licensed vehicle. I have no driveway going down there so I don't see how you would get down there with that truck to park it there. But why would I want to park it back there?

MR. RETTIG: Just asking a question, because the vehicle, as viewed from the road, does not have a license plate on the front bumper, would indicate it is not a legally licensed vehicle in New York State.

MR. MARCHIONI: It has a license in the back.

BEVERLY GRIEBEL: I will refer that to the Building Department if they would please investigate that. Send out your man.

MR. RETTIG: I just like to make a comment in regard to the fact that there is a concrete slab, one-third of the building. The building itself is three times the size allowed. My question is, technically, is this a garage and not a shed? Is this not a garage?

BEVERLY GRIEBEL: Well, garage by definition holds motor vehicles.

MR. RETTIG: I guess my further comment is, if -- my comment is, based on what I see in the pictorial, this is like a farm shed than a -- farm building, rather than a residential shed. We must remember this is in a residential area, and by putting up such a large so-called quote/unquote

farm shed or farm barn, this sets a precedent, a definite precedent in a residential area as being bad in my opinion.

I think they should also -- the Board should also note T1-11 siding is rough cut. It is not the greatest for a residential area.

RICHARD PERRY: But -- Dan (Kress) is T1-11 legal to use?

DANIEL KRESS: Yes, it is, sir.

MR. RETTIG: Thank you. I appreciate that. That is why I am asking the question.

MR. MARCHIONI: I would just like to make a comment, if I may.

BEVERLY GRIEBEL: When he is done, we'll let you make comments.

MR. MARCHIONI: Okay.

MR. RETTIG: We also heard variations on what will be stored, tool shop, a tractor and the snow blowers, et cetera. And the fact that there may or may not, as the applicant answered, be doors or enclosures on the shed as he or the Board sees fit, and -- I think it is leaving a lot open for interpretation rather than being firmly stated by this Board. As I stated, this size farm shed sets a bad precedent for a residential neighborhood.

MR. MARCHIONI: Pertaining whether these are legal lots. They're all legal lots. They're legally subdivided. I don't know what other issue you would have on that as far as the legality.

BEVERLY GRIEBEL: They seem to have the same number, tax number.

MR. MARCHIONI: Well, the ten acres which has the duplexes, that is one tax number. And then the other duplex has a different tax number.

BEVERLY GRIEBEL: Well, on this -- according to Mr. Kress, it is the same tax number.

MICHAEL MARTIN: The instrument survey provided to us on Lot 5, which is the more eastern lot has the tax ID 146.03-1-21. And then Lot 6 has the same tax ID number.

BEVERLY GRIEBEL: Well, the 1-21 is what was submitted to the Monroe County Planning Department by the Building Department. They -- based on your application.

MICHAEL MARTIN: These two numbers are the same on this survey (indicating).

MR. MARCHIONI: We'll --

BEVERLY GRIEBEL: But the 1-21 is definitely on Number 5. And this one looks like it was changed, but what was sent in on that lot, by the Building Department, was 1-21.

MICHAEL MARTIN: The application is for this lot. By the tax account number on the application, it is for this lot.

KEITH O'TOOLE: It would appear that the map was recycled from a previous use, probably a real estate transaction. When the property was subdivided, the master parcel number was probably the - 21 and then the another number was assigned at some other point, or vice versa. We presume that the subdivision is correct. We have no code violation complaint against him in Town records, and whether or not it is a legal subdivision or not, we are talking about a structure accessory to an existing use, which is the residence on that lot. And the notation or reference indicates that it was -- this is a survey map of a subdivision. It is not a subdivision map. And that may be part of the confusion, as well.

BEVERLY GRIEBEL: But what was submitted to the Monroe County Planning Department is 1-21.

KEITH O'TOOLE: What Monroe County Planning would have received is the whole packet, which includes the map. I'm not sure whether the tax account number being accurate or not, I don't see why that would change any feedback from Monroe County Planning.

MR. RETTIG: Comment, Madam Chair? I think this Board needs verification. I'm not disputing anything that either of these people said, but I think this Board needs verification on that tax number and the legality, and even a possible correction from a PLS, which is a professional licensed surveyor, or from the Tax Department in regard -- or the Building -- and/or the Building Department regarding the verification on the tax numbers before this Board acts because you're acting on a specific tax number.

MR. MARCHIONI: We are acting on a house number. The application says 233 Beaver Road. That is the correct address for this property.

BEVERLY GRIEBEL: Okay. But part of the information here is what was submitted to the Monroe County Department of Planning. So I'm not sure what they looked at. It -- I'm confused by the whole thing.

MR. MARCHIONI: We are looking at 233 Beaver Road, which has posted signs there, you know, for this upcoming application.

BEVERLY GRIEBEL: Well, I hear you. Now you're asking for more than three times because you're asking for 576 square feet. Three times would be 540 square feet. We have a diagram that is a very pretty looking diagram, but that is not accurate. And frankly, I would not

vote to approve based on that diagram.

Now, we have a couple of choices here, in my opinion. I don't know how the rest of the Board feels. We can table this and have you make corrections and get all of this neatened up, give us a correct diagram of what you're going to do with the closed shed. I don't know how many of us are pleased here with an open shed.

DAN MELVILLE: He said he would be willing to close it in.

BEVERLY GRIEBEL: I would like a diagram of that. And I would like a diagram and a request for what he needs, not what is the grand idea that he would like. If he is going to store mowers in there in the winter and snow blowers in the summer, then it shouldn't be big enough to hold who knows what. And is there any way he can get the tractor undercover?

MR. MARCHIONI: I would have to build a bigger garage then, a bigger shed.

BEVERLY GRIEBEL: How tall is the tractor?

MR. MARCHIONI: About -- with the bucket it is about 15 feet.

BEVERLY GRIEBEL: Is that in its most downward position?

MR. MARCHIONI: Right.

BEVERLY GRIEBEL: Well, I have got a lot of concerns with this. What is the feeling of the Board?

MR. RETTIG: Madam Chair, just a further comment.

Tractor or a front loader is also a construction piece of equipment, and again, this being stored permanently on a residential lot is also a very bad precedent.

BEVERLY GRIEBEL: Dario (Marchioni), can you get by with just using snow blowers like other homeowners do?

MR. MARCHIONI: If I do that, I might as just put 180 square foot buildings behind each house. I was trying to consolidate everything in one spot way in the woods there where nobody would see it. Besides across the creek is all farmland. This is ten acres. This thing looks like a dot in a piece of property, if you see this size of this building compared to all that land. It's very, very small.

BEVERLY GRIEBEL: What about this tractor?

MR. MARCHIONI: Well, I could -- to store that tractor, this building I could raise one bay 16 foot and make it higher. I could put a door in front of it. In other words, I could -- I could close this whole thing up, but I would need one that would be a lot higher to put the tractor in.

BEVERLY GRIEBEL: What is the minimum amount --

MR. MARCHIONI: The other problem is in -- the tractor in the wintertime I use it to plow snow. In other words, to drive that from down there way up the hill in the wintertime, it would still have to be stored up the hill. In the summertime I use that to plant trees, to move things around. You know you need a lot of maintenance when you have a piece of property like that.

BEVERLY GRIEBEL: Side table, what about him storing the tractor on that property? Apparently it is on the property now.

KEITH O'TOOLE: There is no code violation, if that is what you're referring to.

DAN MELVILLE: Is that licensed, the tractor?

MR. MARCHIONI: Yes.

DAN MELVILLE: It is a licensed vehicle.

BEVERLY GRIEBEL: He can have that on a residential property?

KEITH O'TOOLE: Yes.

MR. RETTIG: Front loader can be allowed as --

DAN MELVILLE: If it is licensed, yes.

MR. RETTIG: Licensed, okay.

DAN MELVILLE: Because he can drive it down the road, too.

MR. RETTIG: I appreciate that. I'm just asking the question. Because that is also considered a piece of construction equipment, and whether or not you continually store construction equipment on a residential lot --

DAN MELVILLE: It could be his new convertible.

(Laughter.)

MR. RETTIG: Good.

My comment back to the Board, I believe the -- the Assistant Attorney for the Town mentioned and I'm not sure if he referenced it, a code violation if the building is higher than 12 feet. According to the code, in a residential neighborhood, 12 feet is the maximum allowed for shed height.

KEITH O'TOOLE: Then I guess the -- that Mr. Marchioni can park his tractor out in the open.

BEVERLY GRIEBEL: Higher than 12 feet would require a variance from this Board.

MR. MARCHIONI: If you give me a condition to build one at 12 feet, I would have to follow your condition.

BEVERLY GRIEBEL: Well, as you can hear, I have got a lot of questions. I don't know about the rest of the Board. Several people in the audience have questions, too.

MR. MARCHIONI: I don't know what more I could bring up if you table this. This is what I got. It is a very simple little building.

BEVERLY GRIEBEL: Well --

MR. MARCHIONI: I like the suggestion Dan (Kress) came up with to close it in, and I wouldn't mind doing that.

BEVERLY GRIEBEL: Well, you said you are making it big enough to hold whatever you need to hold now and in the future.

DAN MELVILLE: To maintain that property.

BEVERLY GRIEBEL: But what size do you need rather than three and a half times the average, than the allowed? What size do you need to hold stuff in the summer and the stuff in the winter? After you finish mowing, where you going to put the mowers in the summer?

MR. MARCHIONI: I store them in here in the summertime because I can get down there on the grass. I can drive on the grass.

BEVERLY GRIEBEL: So you need it big enough to hold all of those?

MR. MARCHIONI: I would like to put them all in one place. I have weed whackers and stuff like that. Rakes. Shovels, picks.

DAN MELVILLE: Wheel barrels.

MR. MARCHIONI: Wheel barrels. Like I said, there is not enough storage, okay?

MS. BORGUS: A comment really. Thank you, Madam Chair.

The longer this discussion goes on, it becomes obvious that Mr. Marchioni wants to have a construction business on a residential site. Most people who have rental properties, duplexes, whatever, don't need a backhoe forever. You don't see people building rental buildings and leaving backhoes on the property forever. He has got construction stuff all over the front of that property. It looks terrible and it sounds like he is planning on just leaving it there forever.

The man is in business, and obviously he needs this equipment to build more. That makes it a business. This isn't a residential use at all. Thank you.

JEFFERY PERKINS: Quick question to the side table. I want to verify something on the application. Is this applicable zoning code Section 115-12?

KEITH O'TOOLE: Yes.

JEFFERY PERKINS: Still applies?

Question, Dario (Marchioni), do you -- for the two-family dwelling duplexes, is there a conditional use permit for that?

MR. MARCHIONI: Yes.

JEFFERY PERKINS: You have that today.

And my quick scanning of the interpretation here, and side table correct me if I am wrong, but under conditional uses, "Public and private utility buildings, structures and uses; but not including corporation, storage or repair yards, warehouse, power plants and similar uses."

The concern I have is the storage or repair yard. If we can't put a backhoe inside of a building, and we have got a large building for apparent private sector business use, we have got a greater problem, and I'm in agreement with some of the individuals in the public hearing here, because it does create a larger problem.

The other things that I see, the building should be closed for safety, for your own -- security of your own equipment, for appearances, a lot of different things like that.

I would be a little more satisfied if the building was farther away from the flood plain because of the fact that you may have oil, gasoline and some sort of contaminants can migrate from the building into the flood plain. So I'm in agreement with you, Madam Chairwoman, there are several issues here that are stacking, and I would prefer that that -- that the applicant came back with a better plan.

BEVERLY GRIEBEL: That is my inclination, too. How about the rest of the Board?

MICHAEL MARTIN: If we tabled it, will he be able to make amendments to the application?

BEVERLY GRIEBEL: Well, he has said things -- you know, what he has depicted there is not what he is going to store. So right off the bat, he started off wrong. He should have eliminated those things from the picture. Bottle of whiteout or something to eliminate those things inside that look like it is going to be part of his plan. Because I looked at that and thought what is he storing

in there.

Is -- we can table it. We can vote on it.

MICHAEL MARTIN: If we do table it, would he be able to make changes when he comes back? Or would it have to be a new application is what -- my question --

BEVERLY GRIEBEL: Well, it is tabled. We would expect some changes to really indicate what he wants to put in there. Exactly what he is going to put in, and what size does he need. This is not just a -- give-me-everything guess. It is -- should depict what you're going to put in there.

RICHARD PERRY: If you put up individual sheds to the maximum allowable, how many sheds would you be putting up for all of the properties involved?

MR. MARCHIONI: 9.

RICHARD PERRY: 9 times 180 square feet, considerably more than what he is looking for. And he could do that without having to come back before this Board for variances.

BEVERLY GRIEBEL: Nine properties there around that corner?

MR. MARCHIONI: You're allowed one for each dwelling.

BEVERLY GRIEBEL: Because we are not depicting that --

DAN MELVILLE: I would rather see one shed than nine.

BEVERLY GRIEBEL: It is beyond the scope of the map.

There are a lot of gray areas that need to be cleared up.

MR. MARCHIONI: As far as closing the building, I have no problem. I will close it up and put barn doors on it. If I got to have a concrete floor, the Building Department will not issue a permit until unless I put a concrete floor. As far as storing things inside, those are the things I would like to store inside. Picks, shovels, wheel barrels, you know, all of the different things that you will need. Sometimes put --

BEVERLY GRIEBEL: But does it require 576 square feet? I think that is what you have to come back and tell us.

MR. MARCHIONI: Well, I was -- my opinion was 500 -- 576 square feet on 10 acres is pretty small. It is a pretty small building.

DAN MELVILLE: Compared to what we have approved before.

MR. MARCHIONI: You know --

BEVERLY GRIEBEL: Just depends what people will do with it. This is a different use than other people had before.

MR. MARCHIONI: There is 400 feet of grass to get there. I will not drive a truck there, store a truck there, all these other things that are in concern. I will not do that. It is strictly a storage spot.

BEVERLY GRIEBEL: Do you have other construction vehicles on that property?

MR. MARCHIONI: No. I have a couple of mixers. Cement mixers, portable mixers.

BEVERLY GRIEBEL: Will they stay on there?

MR. MARCHIONI: Well, I need those. Sometimes I have to fix a wall, do this.

BEVERLY GRIEBEL: But how long do they stay there? I mean if I had a house, I wouldn't like a cement mixer and bulldozer in my front yard.

MR. MARCHIONI: They're not in the front yard. They're way off to the side on a ten-acre piece of property.

BEVERLY GRIEBEL: After you build a property, there comes a time where you move that stuff off.

MR. MARCHIONI: Well, I would like to put it in here.

BEVERLY GRIEBEL: Now people that mow lawns have a tractor and a -- they pull them to the lawn area and they take them off and mow the lawn and put it back on.

MR. MARCHIONI: Well --

BEVERLY GRIEBEL: They store them off site somewhere when they have large equipment like that. Is that a possibility? Is there other construction equipment?

MR. MARCHIONI: That is all I have. There isn't that much construction equipment there. There is a mixer, cement mixer and a backhoe.

BEVERLY GRIEBEL: So you're storing everything that you might use in building wherever, you store it on that property.

MR. MARCHIONI: I have no choice where I am going to put it.

BEVERLY GRIEBEL: Well, I don't buy that.

DAN MELVILLE: Did you build all of the houses on that property?

MR. MARCHIONI: Yes. In fact, I will build a couple more.

DAN MELVILLE: On those properties?

MR. MARCHIONI: Yes.

BEVERLY GRIEBEL: It doesn't belong being stored there forever and ever.

MR. MARCHIONI: It is not forever. It is just there until I use it. I would like to put it in this building here, out of the way and covered.

BEVERLY GRIEBEL: Well, you got to do a lot more work on this before I buy it.

MR. MARCHIONI: It is a very simple little building here that is for storage.

BEVERLY GRIEBEL: Dario (Marchioni), it is the first open shed we have had. I have been on this Board for about 12 years. We never had a request for an open shed. This is a huge building.

MR. MARCHIONI: I did say I would close it up. It is fine.

BEVERLY GRIEBEL: We need something that will show this. What you brought in does not show what you will do.

MR. MARCHIONI: If -- the Building Department will not give me a permit if -- unless I close it up.

BEVERLY GRIEBEL: In my opinion, you need to bring back and show us what you're going to do and really be decided about it. This is all very vague. Does somebody else have a question there?

MR. DRZEWIECKI: I was just going to ask basically how many square footage is the building versus nine sheds he would have to build.

BEVERLY GRIEBEL: He answered that.

So we can vote on it tonight or we can table and have him bring back exactly what he will do on it.

PETER WIDENER: Or the possibility of amendments. Because the counsel said he could amend it.

MICHAEL MARTIN: We would want to see the changes.

BEVERLY GRIEBEL: We want to see changes. Maybe a different plan. Maybe you want to get off site storage for this stuff.

MR. MARCHIONI: Off site?

BEVERLY GRIEBEL: In some rental space somewhere. I mean, that is what people do. They don't store it all on their property or on -- or on other rental properties that they own. I wouldn't want to -- a cement mixer in my front yard.

MR. MARCHIONI: It is not in the front yard. It is way on the side.

BEVERLY GRIEBEL: Still. Near the kids and everything. Really.

RICHARD PERRY: I think we should vote on whether or not to table it and offer Dario (Marchioni) the opportunity to come back with a -- an acceptable amended plan.

BEVERLY GRIEBEL: Okay.

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

BEVERLY GRIEBEL: If we vote for it tonight, I'm not voting for it.

PETER WIDENER: I think we ought to take a look at what Mr. Perry said. I agree with him. If we are going to table it, table it and give Mr. Marchioni a chance to make the amendments and reapply or whatever needs to be done so we can get a better picture what we are looking at.

BEVERLY GRIEBEL: Bring back exactly what he needs.

RICHARD PERRY: Then the ball is in his court as far as making something that will be acceptable.

PETER WIDENER: Then we'll make a decision on that.

BEVERLY GRIEBEL: All in favor of tabling? Is that the way we are leading?

MICHAEL MARTIN: Motion to table it.

BEVERLY GRIEBEL: Is that some time enough for you to do it, March 22nd?

MR. MARCHIONI: If you say so.

BEVERLY GRIEBEL: Or do you want two months' time frame?

MR. MARCHIONI: You're the boss.

BEVERLY GRIEBEL: Can you get us a plan in a month?

MR. MARCHIONI: Of course.

MICHAEL MARTIN: Motion to table.

RICHARD PERRY: Second.

The Board discussed what they would like to see addressed at the next Board meeting in regards to this application.

RICHARD PERRY: I have don't see how we can dictate where we put it.

DAN MELVILLE: It is legal where he has it.

RICHARD PERRY: He has to be aware what jeopardy he may be in.

DAN MELVILLE: The only thing we are considering is the size, in fact--

BEVERLY GRIEBEL: Size and the placement.

DAN MELVILLE: Well --

JEFFERY PERKINS: We don't care what it is used for?

DAN MELVILLE: He is within the code. Within the setbacks. He wasn't asking for any variances on that. He is only asking for size. That is all we really have to talk about.

BEVERLY GRIEBEL: The Building Department has to check and see what was submitted. The correct tax ID on the plan.

DANIEL KRESS: That is fine, but he is not asking for any setbacks.

DECISION: Unanimously tabled until March 22, 2005 at 7:00 p.m. for the following reasons/ findings of fact having been cited:

1. Applicant to redesign the shed per discussion at public hearing.
2. Applicant to correct the tax account numbers on lots.
4. Application of Susan Spino, 1500 Davis Road, Churchville, New York 14428, property owner: David Mack; for renewal of conditional use permit to allow a dog grooming business in home at property located at 1500 Davis Road in R-1-15 zone.

Susan Spino was present to represent the application.

MS. SPINO: Hi.

BEVERLY GRIEBEL: This was approved about a year ago. And –

MS. SPINO: I want to get it approved for another year if I could.

BEVERLY GRIEBEL: Has anything changed?

MS. SPINO: No.

BEVERLY GRIEBEL: And you have one dog coming at a time for grooming?

MS. SPINO: Yes. One at a time coming.

BEVERLY GRIEBEL: Or if the owner has two, you might get two dogs.

MS. SPINO: Normally it has just been one. But sometimes it may be two.

DAN MELVILLE: Basically one customer at a time.

BEVERLY GRIEBEL: That is better --

DAN MELVILLE: Or do you consider the dog a customer?

MS. SPINO: No. It is one dog at a time. I have three cages of different sizes in the basement, so I put them in the cage until their owner comes. Usually they come within an hour after I'm finished with them -- it has been working out okay.

BEVERLY GRIEBEL: About how many do you do in say a month's time?

MS. SPINO: This past year it hasn't been that good. I -- I am learning it is expensive to put ads in the paper, so I have been, you know, spreading the word myself, but I didn't do a lot of dogs last year, but I'm just going to put an ad in my church, St. Christopher's and see how that goes.

BEVERLY GRIEBEL: When I had a dog, I would see maybe a bulletin board at veterinarian places. I don't know if they would allow you put up an ad.

MS. SPINO: You have to ask them. I will be doing that.

BEVERLY GRIEBEL: Might be a way to reach the animal owners.

MS. SPINO: That's a good idea.

JEFFERY PERKINS: Any complaints?

DANIEL KRESS: No, sir.

PETER WIDENER: All same conditions that we had from last time?

MS. SPINO: Yes.

PETER WIDENER: There were six of them. I have no other questions.

RICHARD PERRY: Do you give discounts on Chiawawas?

MS. SPINO: I might.

(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

HELEN KAPTAIN, 1454 Davis Road

MS. KAPTAIN: My question is one, we didn't even know the business was going on until somebody just notified us and told us this business was there. Is this going to continue -- first, is she licensed for this does there have to be a license?

MS. SPINO: Certification.

MS. KAPTAIN: Is this something continuing to be residential?

BEVERLY GRIEBEL: This was a year ago. It was December it first came to the Board, and I know when it came to the Board, we had to delay it for a month because the sign had not been posted properly on the lawn, so she had to post it again. As I recollect. Is that right?

MS. SPINO: That was correct.

BEVERLY GRIEBEL: It has to be on the front of the property, this big public hearing notice sign, a big sign with the red lettering on it. That is posted there. There is a notice in the Gates-Chili Post. It is also on line. All of the applications for the Board are on line with the Chili web site. It is posted in the lobby of the Town Hall. And the paper, if you get that, that is available in the library.

MICHAEL MARTIN: Did you receive a letter?

MS. KAPTAIN: We didn't receive a letter, no, and I guess -- even this time we didn't receive a letter. It happened to be -- a neighbor that walks the street happened to see it and said you know --

BEVERLY GRIEBEL: It is only within 100 feet of the property that gets the individual letter.

DAN MELVILLE: Otherwise the sign goes up.

MS. KAPTAIN: We snooze, we loose.

BEVERLY GRIEBEL: No, but --

DAN MELVILLE: There is a sign on the property.

MICHAEL MARTIN: It was up ten days prior to the meeting.

MS. KAPTAIN: I hadn't seen it.

BEVERLY GRIEBEL: That is why we make sure the that sign is posted for the full ten days, and then it is tell a neighbor, tell a friend. So that sometimes -- well, that usually works in the neighborhood that people are notified that this is going on.

Now, normally for this type of operation, the conditions that are imposed -- we granted it the last time for one year. I wasn't here for the second meeting. It was granted for one year. No on-premises advertising. She can't have a sign on the property or the house. No on-street parking pertaining to the business. The hours of operation is per her application, which I'm not sure exactly what she said.

MICHAEL MARTIN: Monday through Saturday, 8 to 4.

BEVERLY GRIEBEL: She takes customers by appointment. No outside employees. She doesn't have anyone else working for her. And the applicant to maintain any required State and local licenses or certifications or whatever is required in that. So this is normally what we are requiring of someone that is working at the home in this type of thing.

MS. KAPTAIN: So we are basically looking at a small business, no chance of this ever becoming a commercial business, right? It will stay a residential situation.

RICHARD PERRY: No.

BEVERLY GRIEBEL: If it got larger, then people would generally move to a commercial property. She probably hopes that happens, that you can move to a commercial site, but right now this is just a small scale. She takes customers by appointment, people bring the dogs, so there is one car in the driveway. If they have more than that, they have guests over for dinner or something like that.

RICHARD PERRY: I would suggest the fact that you were not aware of it until someone brought it to your attention is probably one of the best recommendations for allowing these type of in-home businesses.

DAN MELVILLE: Nobody knows it is happening.

MS. KAPTAIN: Which is fine. It is a small business. Our only concerns is that the back property behind us has been sold, and because of the fact that the attorneys and the people that own that back property have -- want nothing to do with the -- any resident on the street to even speak to them about the property they have sold, we want to be able to make sure this isn't going to become a situation that it is going to hurt us where that owner of the back property can try to bring in say

something other than residential. You know, and that could be a concern to us, for our properties, selling, you know, in our future. That is what we are looking at.

Other than that, we don't have a grievance with her having a small business. It does not, you know, bother us. We just want to make sure this will not become an issue later on down the line for us.

BEVERLY GRIEBEL: The whole idea of allowing a business like this in a residential area is that you don't even know it is there and for a whole year, you didn't know it was there.

MS. KAPTAIN: Right. We don't hear any dogs barking. Like I said, I don't have a problem with the small business, not at all. There are going to be no signs, that type of thing, so it will not affect the value of our homes.

BEVERLY GRIEBEL: She has done a good job with the business then.

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

The Board discussed conditions of approval.

BEVERLY GRIEBEL: This doesn't mean she can do anything she wants in five years. If there is any -- if they -- there is a problem, they can ask that things be corrected or the home business can cease to operate there. So granted for five years. No on-premises advertising. No on-street parking pertaining to the business. Hours of operation per the application. No outside employees, and applicant to maintain any required State or local licenses or certifications.

Beverly Griebel made a motion to declare the Board lead agency for SEQ, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener 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 Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

BEVERLY GRIEBEL: Do you work for any local or State governments?

MS. SPINO: No.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Granted for a period of five (5) 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 State and local licenses or certifications.

The following finding of fact was cited:

1. Customary Home Occupation.
5. Application of Mary Rose, owner; 21 Bellmawr Drive, Rochester, New York 14624 for conditional use permit to allow an office in home for a floral business at property located at 21 Bellmawr Drive in R-1-15 zone.

Mary Rose was present to represent the application.

MS. ROSE: Hello.

BEVERLY GRIEBEL: You say floral business for weddings only. Clients don't come to the house. And you have a note here that you're requesting this conditional use permit to operate a small business in the home, Bellmawr Drive, residential area in Chili. Type of business is a

wedding flower business. It will not involve every day traffic at your home. "I'm proposing to meet my clients at their homes and they will tell me what kind of flowers they want to for their wedding event. On the Friday before the intended wedding, I will put the bouquets together in my garage and then on Saturday deliver them. I would be picking up flowers from wholesalers so there are no large trucks coming to my house for an increase in traffic."

Is that what you intend to do?

MS. ROSE: Yes, it is.

BEVERLY GRIEBEL: Now a customary home occupation, which is what you're asking for -- this is according to the Town of Chili code book, this big heavy old book. What you're asking for, customary home occupation, is an occupation or profession carried on wholly within the enclosed walls of the dwelling and does not use more than 25 percent of the floor area to a maximum of 500 square feet.

B, carried on by a member of the family in the dwelling.

C, clearly incidental and secondary to the use of the dwelling for residential purposes.

D, in which not more than one person outside the family shall be employed in the home occupation.

E, in which repair of gasoline or diesel engines or motors, which are not owned by one of the residents of the property for his own use is expressly excluded.

And F, will not change the character of the neighborhood in which it is located.

Now, in the Chili code book under the definition section, dwelling single-family, a building designed for use for residence purposes by not more than one family containing one dwelling unit only, and goes into intentions after that.

And further in that chapter and definitions, a garage, private garage. The accessory structure associated with dwelling units used solely for shelter for private passenger vehicles. No space therein is leased to -- so what this says is, customary home occupations carried on wholly within the enclosed walls of the dwelling, dwelling being the area where you eat and sleep. Garage is not considered part of the dwelling for this purpose.

MS. ROSE: Okay.

BEVERLY GRIEBEL: So you can't carry on this type of business in the garage.

MS. ROSE: Okay. Can I do it in my basement? I mean, there -- or is that something I have to amend to change to the basement instead of the garage?

BEVERLY GRIEBEL: Can you do it there?

MS. ROSE: Yes. I can do it in my basement.

BEVERLY GRIEBEL: Okay. Because garage is not allowed.

MS. ROSE: Okay.

DAN MELVILLE: We have had other ones I think that were doing work in their garage.

BEVERLY GRIEBEL: No. There is a beauty parlor that we said no. They wanted to have a beauty shop in the garage.

DAN MELVILLE: No. I realize that, but we had some other ones that I know were doing work in their garage.

BEVERLY GRIEBEL: The man that tuned guitars had to move it to the cellular. I mean I'm just quoting from the book.

MS. ROSE: The only reason I was going to do it in the garage, it is one day basically. So move the cars out and put up a table and do it there, but I can do it in the basement.

PETER WIDENER: You conduct other parts of the business in the home like phone calls, letters and mail?

MS. ROSE: Yes. Use my computer, those types of things.

DAN MELVILLE: Who is going to sit there and make sure she is not using her garage?

BEVERLY GRIEBEL: We just need to tell her it is not allowed in the garage.

DAN MELVILLE: Just inform her it is not allowed. What she does is her business.

BEVERLY GRIEBEL: I'm just reading from the code.

MS. ROSE: It was just easier to get in and out, not going up and down the stairs. It is not really that I couldn't do it in the house.

BEVERLY GRIEBEL: I guess she said she can do it in the basement, so.

PETER WIDENER: I was concerned about the hours, but it is only Saturdays and Fridays and, 5, 8 hours max for a week.

BEVERLY GRIEBEL: She talks to customers, they go to her house. They don't call on her.

RICHARD PERRY: Very appropriate name for a floral business, "Rose."

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing portion of 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 Peter Widener 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 Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Granted for a period of one year.
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.

The following finding of fact was cited:

1. Customary Home Occupation.
6. Application of Amerada Hess, 1 Hess Plaza, Woodbridge, New York 07095, property owner: North Chili Enterprises; for variance to erect a 9' x 7' double-faced freestanding sign to be 1' from front lot line (15' req.) at property located at 4371 Buffalo Road in G.B. zone.

Kristen Hawes, Mike Wall and Andy Lautenbacher were present to represent the application.

MS. HAWES: Kristen Hawes with Harter, Secrest in Rochester, the attorneys for the applicant. I'm here tonight with Mike Wall from FRA, and also Andy Lautenbacher from Hess. We are here to answer any questions that the Board might have about the application and Mike (Wall) can speak in greater detail about the application materials.

I submitted a letter in support of the application if you have any questions about this.

BEVERLY GRIEBEL: This did go to Monroe County Planning and came back as a local matter.

MR. WALL: Good evening. Mike Wall with FRA Engineering, offices at 530 Summitt Point Drive. Essentially it is just the D.O.T. has gone through and done some widening to the streets, as we are well aware of. What they did is took approximately 20 feet of the corner from us. What that is going to cost us or what that impact to our property is, that our -- the ID sign there now will have to come down, and what we are looking to do is because it is an older sign, it is the older sign that used to rotate, which all of the mechanics have been long since removed. We would like to replace it with a more standardized Hess sign that is -- that's been -- you can see in any other Hess stores around the area.

We worked closely with D.O.T. as far as the placement of the sign and where the location is now is pretty much the agreed upon location that everyone is pretty happy with as far as the location that will not impact any sight distances for the traveling public. With this property, too, what they're doing is -- where the sign is located, they're not necessarily taking the property. It is going to be a permanent easement, so essentially the property line is still where the old property line is. It is will just be a permanent easement. And that is one of the reasons why the sign is where it is now. Even though it is a one foot setback from the property line, we are still about 20 feet from the curb line, so it is still far back. I mean I --

BEVERLY GRIEBEL: 20 feet from the curb? Or from the roadway?

MR. WALL: If I may, this green area here (indicating) is going to be the new curb line. The new property line which is coming through here (indicating), we are approximately 1 foot back. So there is about 20 feet that we are back from the curb line so where the sign is.

BEVERLY GRIEBEL: So the road is going to be 20 feet away?

MR. WALL: With -- what they're doing -- again, Ellen Penepent is here from the State D.O.T., if there is any question, but they're putting turn lanes on both Buffalo and Union Street. What they did is took some property on both Union Street, which is running north and south, and Buffalo Road, west and east. The new curb line is approximately -- again, I don't have the scale with me, but it looks like about 5 or 10 feet. Ellen might be able to tell us how much they're really taking. But when you take into -- the fact the property line has been shifted down, that -- that -- I want to clarify that there -- even though we are asking for a 1 foot setback, we are still approximately 20 feet from the curb line, and it is not like we are asking for a sign to be right on top of the road.

RICHARD PERRY: You mention that you're still 20 feet. So it was approximately before they started this process, the same distance from the curb?

MR. WALL: Roughly. The old sign was further back a little bit. In your packet you can see what the old sign looks like. I also included some signs around the area just showing the general character. There is a Kwik Fill sign that is two parcels down from ours. But yes, it is -- it is going to be a little closer to the road but not much. Maybe 5 feet or so.

DAN MELVILLE: How far was the old one back from the road? That is what was asked.

MR. WALL: Probably about 30 feet or so. Coming off Buffalo Road. Off of Union Street, it was approximately 15 feet.

DAN MELVILLE: Old sign was 16 feet?

BEVERLY GRIEBEL: 16 feet from the road.

DAN MELVILLE: This one has to be 20 feet.

MR. WALL: I do have a scale if you want the actual --

BEVERLY GRIEBEL: How far would that sign be from the pavement? From the driving pavement.

MR. WALL: For the internal circulation or from the traveling public?

BEVERLY GRIEBEL: The road.

MR. WALL: The road. From Buffalo Road, the sign will be 20 feet.

BEVERLY GRIEBEL: 20 feet from Buffalo Road. How much from Union Street? It is closer there, is it?

MR. WALL: 15 feet. And again, that is to the edge of curb. There is also -- it is a 5 foot shoulder, so technically you could add 5 feet to both those dimensions, and that is the travel lane.

MICHAEL MARTIN: It is 25 and 20 feet to the edge of the roadway.

MR. WALL: Right.

BEVERLY GRIEBEL: Now, okay. You said 15 feet from the edge of the pavement. Is that --

RICHARD PERRY: From the shoulder.

DAN MELVILLE: From the curb.

MR. WALL: We are talking curb line.

BEVERLY GRIEBEL: I asked -- initially, I asked about three times now, how far will it be from the pavement? On Union.

DAN MELVILLE: That would be from the curb, wouldn't it?

BEVERLY GRIEBEL: I don't know. I'm getting different figures here.

MR. WALL: From the curb it is 20 feet.

BEVERLY GRIEBEL: From Buffalo Road.

MR. WALL: That was correct.

BEVERLY GRIEBEL: And Union?

MR. WALL: 15 feet.

BEVERLY GRIEBEL: From the pavement?

MR. WALL: Yes. Right to the curb line.

BEVERLY GRIEBEL: The closest a car would be to it is 15 feet?

RICHARD PERRY: No. They had to get on the shoulder -- if they got on the shoulder up against the curb, they would be that distance away. Normally, that would not happen. They would be --

BEVERLY GRIEBEL: Well, I ask again how far will it be from the pavement where cars will be driving?

MR. WALL: 25 feet.

BEVERLY GRIEBEL: On Buffalo Road and Union Street is how many?

MR. WALL: 20 feet.

BEVERLY GRIEBEL: 20 feet. From the pavement. From the driving pavement.

MR. WALL: Correct.

BEVERLY GRIEBEL: Thank you.

BEVERLY GRIEBEL: Because I live up there, and it is -- it is a mess. Hopefully it will improve.

MR. WALL: The project -- it will be a great improvement. Once the project is done.

BEVERLY GRIEBEL: There is something that concerns me. You will have shrubbery around this new sign up to 6 foot high.

MR. WALL: It is not 6 feet high.

BEVERLY GRIEBEL: Up to 6 foot.

MR. WALL: Where are you getting the 6 foot figure from?

BEVERLY GRIEBEL: Somewhere in this application that I read, it said the plantings would be up to 6 feet high.

MR. WALL: What is proposed for there, the area, is your typical burning bush.

DAN MELVILLE: Shrub planting under 6 feet. So it could be, I guess, up to 6 feet, but it is supposed to be under 6 feet.

BEVERLY GRIEBEL: So it is going to be burning bush.

MR. WALL: Those go to about 3 foot height. They're -- it is a common plant for the area in our zone. It is a deciduous shrub.

BEVERLY GRIEBEL: I have one that tall (indicating) by my house.

MR. WALL: Without maintenance it could get that high, but that is about 20 years.

BEVERLY GRIEBEL: I have a concern with visibility. There are a lot of traffic signs, a lot of stuff around in that corner. There are turning lanes. There are a lot of things to look at there. And I'm concerned about the sign and I'm concerned about the shrubbery there, too. That will block visibility around that corner.

MR. WALL: We could take the shrubbery out if that is your main concern with that.

BEVERLY GRIEBEL: How about moving that sign over west on the property?

MR. WALL: What we start to -- when you start moving west into the property -- and we did do -- looked at the truck turning templates with that. By pushing the sign further to the west, you impact the internal curb line. Then what that starts to -- well, essentially, you don't get to the safe track of internalizing traffic on site and also for the gasoline delivery trucks, they need that room to make that radius.

BEVERLY GRIEBEL: Way over on the edge of your property on the west?

MR. WALL: Right.

BEVERLY GRIEBEL: You can't move it further west?

MR. WALL: Correct. Because then what that second line --

BEVERLY GRIEBEL: Way over on the edge of your property, keep going.

MR. WALL: Over here (indicating)?

BEVERLY GRIEBEL: Yes.

MR. WALL: This is another, issue, too. This is the State D.O.T. right-of-way (indicating) which we were told the sign will not be allowed in at all. The reason we can put the sign here (indicating) and not here (indicating) is because this is technically a permanent easement. It is not the D.O.T. right-of-way. This (indicating), however, is in the D.O.T. right-of-way, and they have told us that it will not be allowed in there at all.

BEVERLY GRIEBEL: The rest of the area along Buffalo Road.

MR. WALL: Correct. The line on top, the dashed line is showing where the property line is.

PETER WIDENER: How tall is the existing sign?

MR. WALL: 21 feet, 9 inches, and the new one will be 20 feet per the code.

MICHAEL MARTIN: The sign is to code. It is just the placement is --

MR. WALL: Correct.

BEVERLY GRIEBEL: So it doesn't look like you have very many choices if you stay with having a sign there?

MR. WALL: Correct.

MICHAEL MARTIN: The construction project will force the removal of the present sign?

MR. WALL: Yes.

BEVERLY GRIEBEL: That will be in the traffic lane.

MS. PENEPENT: I can speak to that.

Ellen Penepent, and I'm the engineer in charge, and I represent New York State Department of Transportation on this project. And the reason we need to have that sign relocated is because the existing sign right now is in conflict with our proposed new sidewalk and curb. We have worked very closely with Mike (WALL) and this is the best location for this sign, and the sign

location is not in any conflict with our new sidewalk or curb.

MICHAEL MARTIN: This whole project will also improve the traffic flow over what it is presently.

MS. PENEPENT: Correct. We are putting in left-hand turning lanes.

BEVERLY GRIEBEL: Thank God.

MS. PENEPENT: And -- left-hand turning lanes on Union and Buffalo.

MICHAEL MARTIN: Thank you.

BEVERLY GRIEBEL: So your station has lost a lot of frontage there?

MR. WALL: Yes.

BEVERLY GRIEBEL: Frontage or "sideage," whatever it -- two fronts on a corner lot.

MR. WALL: Right.

BEVERLY GRIEBEL: You even had to move some of the gas vents and remote fill things. You had to move those, too.

MR. WALL: Correct. Actually, with the remote fills, those are no longer in use. They're just coming out. That was essentially a second option for filling up the underground tanks. Right now the only place that they fill them is on the tank mat.

BEVERLY GRIEBEL: Well, I have a concern about the sign there on that corner. Because there are already signs for Route 33 and Route 259.

MR. WALL: Those signs are in the median up here (indicating). As far as your sight distance, it should not impact it at all. These signs would be up in this area (indicating). Our sign is back in this area (indicating).

BEVERLY GRIEBEL: But you end up with so many things to look at, people aren't looking at traffic. That is the thing. That concerns me. I know the plantings are nice, but I have a problem with them, with the visibility there on that corner.

MR. WALL: Okay. We can take those shrubs out. We are just trying to be essentially a good neighbor making an aesthetic looking site. As far as the sign location, it is pretty much the same as other corner areas, you know, throughout Rochester. There is quite a bit of signage. The D.O.T., too, what they're doing to lessen the impact, all of the utilities are above ground now, but they will be underground. The utility poles will be coming out. That will lessen the visibility --

BEVERLY GRIEBEL: You will have light poles around your perimeter?

MR. WALL: For our site, yes. We are just relocating our yard lights, but as far as the street utilities, those utility poles, all that utility work is going underground. So that is -- as far as the utility poles, that is one less thing that the traveling public has to detract their view.

BEVERLY GRIEBEL: But there are streetlights and traffic lights --

MR. WALL: Those -- I believe those -- I'm not sure if our signal poles are on our corner or the opposite corners.

MS. PENEPENT: The new traffic signal pole will be located on the northwest quadrant and the southeast quadrant.

MR. WALL: Which is across the street. Eckerd's, and I believe it is a pizza store on that side.

MS. PENEPENT: Your question with the traffic signs, as far as directional signs, our mounting heights are 7 foot. His sign will be way over that. His sign is 20 feet. There should be no conflict with the traffic signs. Like I said, this design has gone through our office and we have approved it, location wise.

BEVERLY GRIEBEL: I hear that. I'm just concerned when you keep adding signs, we get so many things for people to look at, that you wonder if they're watching the road.

RICHARD PERRY: I don't see where this adds any additional signage.

BEVERLY GRIEBEL: Well, this sign is going to be increased lettering on it because it will have the gas prices whereas the old one didn't.

DAN MELVILLE: That is a good thing actually.

BEVERLY GRIEBEL: Well, it is more things to look at.

PETER WIDENER: When do you close?

DAN MELVILLE: You know how hard it is to look at the signs on the pumps when you're old.

RICHARD PERRY: Better off looking at the big ones.

MR. WALL: Not a 24-hour site. I believe -- and I might know what the hours of operation are.

MR. LAUTENBACHER: Andy Lautenbacher with Amerada Hess Corporation. The hours, the closing time is 10 or 11 o'clock, depending on the market any in given night.

PETER WIDENER: That is when sign lights go off.

MR. LAUTENBACHER: Correct. While I'm on my feet if I may, I would like to comment on the landscaping. We have 1,300 sites, most of them are on corners. And we like to have a nice looking site, landscaping is important to us. With all this work that is going to happen here, we want to spiff it a little bit. We never let -- have plantings on an intersection or next to a driveway that grow higher than 30 inches from the ground. And as far as visibility, blocked by the sign, the sign is above what would be required to see it.

The Departments of Transportation and all of the states on the East Coast set -- I think the lowest visibility is 7 feet. And -- in any of those states. This one, I believe, is going to be higher than that. So visibility problems, it -- if I may, just real quick while I'm still on my feet, there was a question -- not a question, but a comment made about now it will have prices on it. We are in the business that is price-driven. And in order to compete, we have to -- we have to let the people know what the prices are.

BEVERLY GRIEBEL: These -- the present sign has been there for how long?

MR. LAUTENBACHER: I don't know. It has been a long, long time since we did one that rotated.

BEVERLY GRIEBEL: I think the --

MR. WALL: I believe it goes back to in the '60s.

MS. HAWSE: 1982 it was granted for the existing signs.

BEVERLY GRIEBEL: Without the prices.

MR. LAUTENBACHER: I don't know why they did that. Maybe at the time that is all that was allowed. I don't know.

MICHAEL MARTIN: I would prefer it with the landscaping.

BEVERLY GRIEBEL: You're sure the landscaping would not be above 30 inches?

MR. LAUTENBACHER: Absolutely. We don't want it more than anyone else does.

BEVERLY GRIEBEL: It does look better with --

MR. LAUTENBACHER: We put some low growing shrubs around the base of the sign and maybe some flowers in the spring. We do things like that.

BEVERLY GRIEBEL: But if it gets too high, it is a concern on the corner.

MR. LAUTENBACHER: We try to pick things that can't get away from us.

RICHARD PERRY: It will cut down on the go-cart traffic.

(Laughter.)

PETER WIDENER: Which way will the sign be facing?

MR. WALL: Roughly parallel to Union Street, north and south.

PETER WIDENER: Thank you.

DANIEL KRESS: One question for either the applicant or the D O T. Is it safe to say when potential conflicts were evaluated for the placement, that visibility had already been taken into account for you? What I'm just trying to understand, is that an issue for the Board? Is that an issue that you folks have already looked at? Is that an issue that the Board should assume you folks have or have not looked at?

MS. PENEPENT: Mike (Wall) has turned in a preliminary permit to our department and they have gone through and pre-approved it, and all those sight distances have been reviewed.

BEVERLY GRIEBEL: Including the shrubbery? Was that looked at?

MS. PENEPENT: Including the shrubbery.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Question to ask. The new sign in comparison with the existing one, what is the size of the existing one?

MR. WALL: Existing one was roughly just about 8 feet by 5 plus or minus. 40 square feet. Essentially, all we are asking for in addition is the price panels which is roughly the same size, as well.

MR. GINOVSKY: And also the existing sign, what is the height of that one? Comparison to the new one that is being proposed.

MR. WALL: It is higher than what we are proposing now. Right now 21 feet 9 inches. Right now 20 feet per code.

MR. GINOVSKY: Also in regards to your -- you were saying the bushes that were there that you're proposing to put by there, I know for a fact this past fall you have got a lot of kids in the area and the sidewalks still are not in. Someone went through the Hess parking lot on a bike and got hit by a vehicle making a right-hand turn right there at the end of the driveway. It is very

dangerous. We have a park across the street. By adding stuff in here for distractions for the drivers, we really don't need it. And this young man was hurt real bad. I think it needs to be taken into consideration. My son happened to be the first one there and the kid's head was busted there. I'm really concerned with the park and stuff there. It really concerns me.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The 80 square feet that was the size -- the size of the previous sign is to be increased now if this is approved to 126 square feet, so we are -- we are going to have a sign that is half again as big. And I -- I kind of agree with you, Madam Chair, when you say for 23 years we didn't need these prices. People are used to that station. They know it is there. And all these prices have not been necessary up until now.

Again, we are caught up, though, in the fact that -- the statement that well, everybody else has it so we have to. This is where we get in problems with signs. I'm wondering how this sign compares with the Kwik Fill sign in size. It was stated it is similar.

MR. WALL: We are proposing something less than what Kwik Fill has. I do have the resolution for the Kwik Fill site. The Kwik Fill site is 96 square feet on each side. So we are proposing something that is less.

MS. BORGUS: Just because we made a mistake before doesn't mean we'll repeat that mistake, I hope. It is too big. With regard to the shrubbery, I'm normally in favor of that in our Town for aesthetic purposes, but in this case I tend to agree, that may be a distraction on that corner. And you can't always take the good intentions of the applicant at the time of the application as far as maintenance goes, because all you need to do is look across the street at the Eckerd monument sign. That was supposed to have been a beauty of the area on the corner. It is a disaster. So although these people may come in with good ideas and good intentions tonight, those don't always work so. So maybe we are better off without the shrubbery.

I do agree that is going to be a very cluttered corner. Frankly, I wouldn't vote for a sign half as big as what they had. If they have gotten by with what they had before. It was mentioned they will upgrade the station. Bear in mind that this sign is going to be green and white and that station is beige, which I never could quite understand why a Hess station was that color. I would think that they would want a -- I'm sure it is a standard sign, but I would think they --

BEVERLY GRIEBEL: It was a tobacco store, smoke shop.

MS. BORGUS: I don't know. I haven't seen another Hess station that is brown.

RICHARD PERRY: We are not voting on the aesthetics.

MS. BORGUS: But color is an issue with signs in Town. I think we have one colored sign and another colored store. So I would hope that the Board would you know -- size this down a little bit and forget the shrubbery. Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just to verify for the New York State D.O.T. spokeswoman, my understanding is this is the best location determined by the available space, the new intersection and the new sign; is that correct?

BEVERLY GRIEBEL: That is what we have been told, yes.

MR. RETTIG: Thank you. Just a further comment on the low-growth shrubbery, my comment to the Hess people, the applicant here, trying to do the best thing for the corner, with a maximum 30 inches, I think that would be appropriate. I think that would be reasonable for a nice site compared to just a plain corner, and not be a sight obstruction.

MR. WALL: Again, if -- I understood what the discussion is on the shrubs. There is a possibility we could, you know, place Junipers which are less maintenance and less growing and that could be a good compromise to the Town's people and the Board.

BEVERLY GRIEBEL: They're like under a foot, aren't they?

MR. WALL: Right. There are some low lying Junipers that grow outwards instead of upwards, very low maintenance. It sounds like a good compromise in this -- on this case. But again, that is at the discretion of the Board.

The Public Hearing portion of 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 the following condition, and Peter Widener seconded the motion. The motion was approved by a vote of 5 yes to 1 no (Beverly Griebel).

DECISION: Approved by a vote of 5 yes to 1 no (Beverly Griebel) with the following condition:

1. Shrubs at base of the sign to be no taller than 30 inches.

The following findings of fact were cited:

1. Compliments improvements in the intersection.
2. The setback problem is due to intersection reconstruction by N.Y. State.
3. Signage needed to advertise the business and pricing of gas.

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

7. Application of Samuel Gallo, owner; 4 Krenzer Road, Scottsville, New York 14546 for variance to create an undersized lot (Lot AR-1) to be 2.49 acres (5 acres req.) at property located at 4 Krenzer Road in A.C. zone.

Robert Avery was present to represent the application.

MR. AVERY: Bob Avery from Avery Engineering on behalf of Samuel Gallo, property owner at 4 Krenzer Road. The Gallos, I believe, are in Florida this time of year.

BEVERLY GRIEBEL: Yes. He does say that on his application. I hope we don't have questions for him.

MR. AVERY: I hope I can try to answer them, Madam Chairwoman.

You may well know this property. I think it has been in here at least once prior to this, possibly three times.

BEVERLY GRIEBEL: Kind of a family acreage.

MR. AVERY: Yes. I'm wondering. Were there any questions on the map, because once the folks -- if they (indicating) would step aside, maybe I should do some highlighting so we can see what the existing lots are, because I have -- I get my own self confused here because I have subdivided this so many times.

This application only includes one of the lots in the subdivision, so far as the variance request, but let me try to highlight here the existing lot configuration, if I might possibly succeed in doing that in yellow.

This is 130 Morgan Road (indicating) which is the existing Lot 4 of Krenmore Pines Subdivision Section 2, and it is currently 1.6 acres, and Mr. Gallo is currently building his new residence on that lot. He lives here (indicating) at Number 4 Krenzer Road in the meantime until that has been completed in a lot that is highlighted again in yellow. Make sure I get this right.

Okay?

These have been redrawn a few times. The existing area or Lot Number 4 Krenzer Road parcel which is Lot 1 of the Krenmore Pines Subdivision is 1. -- I'm sorry, 3.8 acres. Mr. Gallo had originally intended for most of his family to build on these subdivision lots here, and his daughter actually was going to build on Lot 4.

Turned out they could not afford to do such an endeavor, so the Gallos in their senior years decided to build a one-level house on this Lot 4. Unfortunately -- and they will be selling their existing home because they don't want to own two houses.

But unfortunately, back in, 2000, Sam had built a pole barn on that Lot 1, his pride and joy, which he would now like to include on his final lot that he is going to have his new house on.

BEVERLY GRIEBEL: Without moving the pole barn.

MR. AVERY: Without moving a rather large pole barn.

So when we get all said and done then, we will have, or are proposing to have a line stricken here through this R-1. Why? We want to sever the barn portion of that parcel off and include it in his house parcel. How did we set the line? We set it 50 foot minimum side tie for the pole barn. That is a -- basically where it has to go for the code.

So Lot AR-2 will be this configuration (indicating) to include the house he is selling and the

Lot R-4 then would be -- we increased it out so we are -- so we are not undersized for the area here, in the AC zone. We made it 5 acres. Okay? And it is a wonderful shaped thing, and here we go with the pinwheel.

I will add that I spent a good amount of time with Mr. Kress, probably about three weeks before this thing was even drawn and computed and brought in, so that we could try to minimize the number of variances out here to base level and I think we accomplished that. I was able to convince Mr. Gallo, based on Dan(Kress)'s recommendation, to get this thing up to 5 acres here, so the only variance that we are asking for is still this undersized lot -- Lot AR-1 which is still going to be 2.48 acres is not really out of character in this neighborhood.

MICHAEL MARTIN: So in summary, you're taking two undersized lots, creating one undersized lot, one lot within code per size to relocate a barn to property where he is building their house?

MR. AVERY: Right. That would be correct. I guess if Mr. Gallo had known what was going to happen in the future, that he was even going to build on one of the lots he had approved, he probably wouldn't have built a pole barn where he built it. Once again, this actually has three tax ID numbers. He still owns 20 acres of vacant land out behind him to the north, so we can borrow from that tax ID number to increase the size of Lot 4.

BEVERLY GRIEBEL: Does he own all of the way back to the tracks?

MR. AVERY: Not quite back to the tracks, I don't believe. But that is in excess of 20 acres to the rear there. It doesn't quite go to the tracks. There is another parcel in there owned by Mr. Gunther. That is all I have.

BEVERLY GRIEBEL: That clarifies those boundary lines.

JEFFERY PERKINS: I think Mr. Avery has earned his keep on this one.

MR. AVERY: I hope I don't have to divide the property again.

BEVERLY GRIEBEL: If you could see into the future, it would help on everything, but you can't. Then he has to do what is best for him.

MR. AVERY: He says in his letter that he wrote -- doesn't he say something about he would hope that this would be the very last time he would have to come in front of this Board?

BEVERLY GRIEBEL: Well, never say never because we don't know.

MR. AVERY: Never say never with Mr. Gallo. He says that he "would like to apologize for all of the aggravation we have put the Board through, but I honestly believe in my lifetime, this will be the final subdivision, and I would like to thank you for any consideration you may give us in this matter. Respectfully Samuel and Patricia Gallo."

BEVERLY GRIEBEL: One never knows what is going to happen. This did go to the Monroe County Department of Planning and came back as a local matter.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question. What is that easement -- that is an easement, I take it, that, that dotted line on the diagonal?

MR. AVERY: That is a major gas transmission line that has been in place on the property for probably -- I don't know, I think at least 60 years. It is a buried high pressure gas transmission line.

MS. BORGUS: Thank you.

BEVERLY GRIEBEL: The Sun Pipeline Company. Whatever -- whoever they are.

MICHAEL MARTIN: Be careful digging around there.

(Laughter.)

The Public Hearing portion of 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 Peter Widener 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 6 yes with no conditions, and the following

finding of fact was cited:

1. Consistent with other lots in the vicinity.
8. Application of Kevin Sands, 4131 Union Street, North Chili, New York 14514, property owner: M/M Timothy Sands; for variance to allow the total square footage of proposed attached and detached garages to be 4,200 sq. ft. (900 sq. ft. allowed), variance for detached garage to be 51.9' from front lot line (100' req.) at property located at 4298 Union Street in A.C. zone.
9. Application of Kevin Sands, 4131 Union Street, North Chili, New York 14514, property owner: M/M Timothy Sands; for Land Use Variance to allow an auto glass repair business in portion of proposed detached garage at property located at 4298 Union Street in A.C. zone.

Daniel Schum, Don Carpenter and Kevin Sands were present to represent the application.

MR. SCHUM: Good evening, Madam Chairwoman, members of the Board. My name is Daniel Schum, attorney with offices in Spencerport, New York. I am here this evening with the applicant, Kevin Sands. Also representative of DDS Engineers is here, as well.

I would like to take the applications in the order in which they are published. It might be easiest to do it that way.

The first two are area variances. I would like to step to the map if I could because it would help, I think, to address --

BEVERLY GRIEBEL: How do you spell your last name?

MR. SCHUM: S-c-h-u-m.

BEVERLY GRIEBEL: Thank you.

MR. SCHUM: The property is on the east side of Union Street south of -- well, adjacent across the street from the golf course is the easiest way to say where it is.

If you have viewed the property, which I have, and I have walked it, there is a slope down to about where the driveway is, the low point, and then it starts coming back up toward the expressway bridge.

Passing under a culvert, 12-inch culvert is an intermittent stream, water way that traverses to the northeast across the property.

The applicant would like to build his home on the site, and the site is rather large. It is 13 plus acres, but looking at it, you have the water tower in the back up in here (indicating). Doing perks around the whole property, this area in here (indicating) is the only area which was suitable to build a house. So we started with that premise, that that locked in the area that the house had to be located in in order to be serviced by the septic area located as you see it on the map.

Again, then we went to sight distances both to the north and to the south and this location of the proposed driveway, as you can see, provided maximum sight distance both north and south as indicated within the road right-of-way. My client, and his father before him, have conducted and his father before him, a glass business in the Town of Chili. And I will address that portion of it in a minute. But suffice to say, that this location was then looked at in terms of -- well, the rest of the site was looked at in terms of where could we locate an accessory building, and because of the unique nature of the property, we have very low drainage area that runs this way (indicating). We have a hill that comes up in here (indicating), and again another hill that comes this way (indicating). This area (indicating) was the only area before you start crowding in as well into a wetlands that punches up in this area (indicating) where we could locate the accessory building.

Then the question becomes, well, how do we, you know, can we meet the ordinance requirements of 100 foot setback. If we turn the building running north and south, we pick up a little of the setback issue. The problem with turning the building is a practical difficulty. Both the applicant his father having lived immediately north of here and having a slimmer type building that faces east and west, there are tremendous winds. Tremendous, you know, problems with trying having a building that faces east and west with exposure for opening doors and things of that nature.

So we turned the building back so that the principal face of it also faces the house, so it is visible from the house location, and again, it is protected, if you will, from wind.

The engineers -- well, I went up and down the road, but the engineers were nice enough to do something a little more scientific. We did a neighborhood front setback map of the vicinity which I would like to hand to the Board to be part of the evidence of the application, but as -- if

the Board is aware of going up and down Union Street, and in the vicinity, you will see on the upper right-hand corner of that map, that the average setback of accessory buildings and principals buildings on Union Street in the vicinity, I believe, is 61 feet in the upper right-hand corner. And we are proposing -- and again, this is 51.9 feet from the road right-of-way. The edge of the pavement is substantial, as you can see. It is marked in here. We have another half a rod. We have another 13 feet of right-of-way that is not improved. So visibly, you have the better part of 65 feet.

Below here and in your packet is a picture of the proposed accessory building to be located on the site.

And we had a -- the Board had a rather lengthy discussion with the prior applicant what will you put in this accessory building, and unlike some of the others, we have that homework all done.

In two-thirds of the building, there is going to be a concrete floor and it is going to be heated. There will be no water, no lavatory facilities. It will be basically concrete floor, heated storage facility. What is going to be in it? My client has four antique classic cars that are presently not on his site. He would like to store them in here.

In addition to having the concrete floor, my client tells me that he puts plastic underneath all these cars because you don't want any dampness coming up through the concrete to the car. Obviously that also protects any miscellaneous petroleum that might come out of the antique cars, although these are maintained much better than you would think. That won't be a problem.

The other one-third of the building is going to be unheated stone floor for glass storage. And I will get into the glass storage in a minute. But that is what is going to be within the building.

There is no Customer Service area. There is no waiting area. There are no lavatory facilities. There are no offices. There is nothing of a business nature in this building proposed or being built. It is merely a Morton building, two-thirds of which is heated with a concrete floor. It will have heat and power. That's it.

The other half isn't even going to have that. It will have a stone floor and glass storage.

This is an elevation of the building. This is what it is going to look like. In your package, there is a description of all of the materials that will go into the construction of the building itself. If you're familiar with Morton buildings, they have some of the material in there that describes it in greater detail.

We have some shutters to break up the building and give it more of a -- if you will, a Colonial residential look. We have a cupola, wainscoting across the building, two overhead doors which would be on the south side of the building. This area would be stone (indicating). No pavement area, no parking, no customer parking, no nothing.

That is the accessory building.

We have two variances we are asking for for area variances. One is the setback from the road, and the second is the size of the building.

Let me address the first which is the setback. We do have practical difficulties. This property is unique as I have just described it. The further this way we go (indicating), or the further that we try to push it back to this area (indicating), we get into the hill. We would have to cut substantially into the hill. We would have to, if you will, probably balustrade or somehow secure a cut into the hill in order to fit the building in.

So we get where -- we are limited by the elevation and the topography to the north.

To the west we are also -- or to the east, I'm sorry, we are limited because we have substantially decreasing slopes and a natural drainage channel the Town would like to maintain on the property.

We can't go to the other side of this creek because again the topography substantially goes uphill as we go further south. Looking at the entire site, the engineers, in working with the Building and Planning Department, thought that these two locations were the best for the accessory building and the house itself. That addresses the front setback. The size of the building, basically you have two parts of that application. The first is, what are you going to put in it. Um, we have already addressed the contents of what is going in the building. The alternative is to park them outside. The alternative is not to have glass storage, I suppose.

Let me address the glass business as it -- as it is proposed on the property.

Kevin (Sands) presently runs this same business out of his house in the Town of Chili. It is not a residential business in the sense it is not a business really conducted out of a residence. It is just a business that happens to be conducted in the Town of Chili. About 60 percent of his business is what you call flat glass. That is shower doors, windows, things of that nature. So he has plate glass that is delivered to his property. He will go to your residence or any residence, measure, come back, cut, bring it to the property and install it.

So really he is doing nothing more than the mechanics of cutting and grinding the edges of glass at his home. Presently, he conducts that within the confines of his house where he lives.

About 40 percent of his quote "business" is auto glass, and unlike some of his competitors in the Town, he doesn't do -- he does probably -- is the rare occasion, let me put it that, way when auto glass is installed at his home. More than 90 percent of his installations are off site. What he needs the other third of the building for, however, is to have an inventory of glass so when a customer does call, he can service that customer. So really that one-third of the building is nothing more than cold storage for the glass.

There is no physical evidence of a business on the site. There are no signs. There is no advertising. There is no customer parking. If a customer drops off a vehicle to be serviced at site, it is dropped off and brought in the building.

It is not serviced outside. There is no customer waiting. People don't bring cars and wait. 90 percent of it is serviced off site. The 10 percent serviced on site is proposed to be serviced within the two-thirds of the building that is heated. Bring a car in, put a window in, take it out and the customer would come pick it up.

Typical suppliers would deliver somewhere between two to four deliveries per week in the typical delivery van sized vehicles. So there is no -- nothing of any substantial nature that would disrupt -- nothing more than like an UPS truck or something of that nature coming down your driveway to drop off a package. All deliveries are during daytime hours, nothing at nights, nothing on the weekends. There is zero outside evidence of the conduct of a business from the location.

It is contemplated that -- well, historically, let me just step back, one of the things that was mentioned in an earlier application is one of the good things about a home occupation business or something of that nature is -- a good evidence of the fact it is a good neighbor is no one even knows it is there.

Kevin's father who occupied the property immediately north of here conducted the very same type of business at the -- immediately adjacent property for many, many years in the Town of Chili, and I dare say that anybody ever knew he was conducting any type of a business there whatsoever.

That generally is the application.

Now, in terms of the area variances, I believe we have addressed the -- that there will be no undesirable change in the character of the neighborhood as a result of the proposed building. I don't think, as we have indicated, there is no evidence whatsoever that there is any business being conducted on the property.

There is no adverse affect or impact on the physical nature of the neighborhood or the environment. There is no substantial -- no undesirable change in the character of the neighborhood, and basically, as an area variance, you're -- you're weighing whether or not there is a benefit to the applicant -- that can be derived from the granting of the application as opposed to the detriment to the health, safety and welfare of the neighborhood if it were to be granted.

There is going to be no increased traffic. There is going to be no increased traffic whatsoever on the neighborhood other than a very attractive property will be developed within the Town.

That is the area variances.

In terms of the use of the accessory building, I reviewed this with the Planning and Building Department and also with your Board's Counsel, and it -- the nature of the reason that it needs to apply or we are applying for a use variance as opposed to a permit, or a use permit, is because it is a self- -- freestanding building. It is not attached to the residence. The gal who said she couldn't cut her flowers in the garage, or she could do it in the basement -- I mean, Kevin could cut his glass in a part of his house, if it were attached. But since it is a detached building, it is not part of the residence. It can't be part of an application for a use permit. That is a unique character of your ordinance.

So we are looking for a use variance to conduct the business exactly as we have described it. Kevin (Sands) could have come here and said, "I'm going to cut the glass in my basement," but that is not true. I mean, he is going to cut the glass. He is going to store the glass in a part of a building, the majority of which he intends to use for his own personal use on a parcel of about 13 plus acres.

The hardship that he has does relate uniquely to this property. That is one of the tests of a use variance. It is not a general hardship of the neighborhood. He and his family would like to move to this site. This -- this accessory income is important to his family. His wife is a stay-at-home mother for his family. Kevin (Sands) has a full-time job that he also attends to, so this

is not a -- this is not a major source of income that -- that supports the family, but without it, the family would be -- would be unable to propose what is being proposed here and to live -- to develop this site the way they're proposing to do it.

Another standard for use variance is will it alter the essential area of the neighborhood. I think it is a very attractive building. We have told you what it will be, what it will look like and what it will be used for. Yes, you could say in some respects that any hardship that he suffers on this property is self-created, but I would argue that that is not true. Kevin (Sands) purchased this property from his father. He owns it. It does have its unique characteristics, and we believe that this proposal for the development of the site is the best use of the property. It allows for maintaining all of the issues that the Planning Board might see in site development, maintains the agricultural nature of the area.

I drove up and down that road twice in the last week or so in looking at this application, and there are many, many of the properties on Union Street that are similarly developed to what you see here. I have counted a half a dozen at least pole barns, Morton buildings, things of that nature between Buffalo Road and this property, as well as many agricultural buildings that are as close, if not closer to the road, substantially closer than this proposed structure.

And lastly, the standard test for a use variance is will the granting of the variance protect and preserve the essential area of the neighborhood and the health, safety and welfare of the community. And I welcome any questions that the Board might have or the audience might have addressing those issues. We -- we believe that it would be a positive for the neighborhood. We also have, of course, the applicant and the engineer here to answer any questions the Board might have.

Thank you for your patience.

BEVERLY GRIEBEL: And business is being done out of 4131 Union Street?

MR. SANDS: That was correct.

BEVERLY GRIEBEL: There is a sign there.

MR. SANDS: On the mailbox, small letters, yes.

MR. SCHUM: Your ordinance allows for a sign for -- it is a small sign. I read it in your ordinance, for any permitted use, and that's a permitted use. Home occupation.

PETER WIDENER: About the size of a mailbox.

MR. SCHUM: Hangs just below the mailbox.

BEVERLY GRIEBEL: Mr. Kress, is there an approval for that home business?

DANIEL KRESS: Home business is a permitted use in the AC District, so no approval is required. It is not conditionally permitted. It is a permitted as-of-right use.

BEVERLY GRIEBEL: This type of business.

DANIEL KRESS: In the AC District. As long as it falls within the definition of customary home occupation.

PETER WIDENER: What is the square footage of the proposed out building?

MR. SCHUM: It is 360 square feet of this building. 42 by 80.

PETER WIDENER: The other added square footage?

MR. SCHUM: The Planning Department said we had to include this area of the garage as part of accessory use potentially so we did. We didn't want to misrepresent it.

PETER WIDENER: Although they're couple hundred feet apart, you had to add them?

MR. SCHUM: Absolutely.

BEVERLY GRIEBEL: Side table again, customary home occupation needs to be done in a home?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: That is not the request here.

MR. SCHUM: We couldn't because it is not attached to the home.

BEVERLY GRIEBEL: I know that, but this has come up before when somebody wanted an antique shop in the adjacent barn and they couldn't do that. They had to have the antique business in the house.

KEITH O'TOOLE: That is the reason for the use variance.

MR. SCHUM: Although I think actually now in this district an antique business is a permitted accessory use. It might not have been when that application was made.

BEVERLY GRIEBEL: Well, that is a conditional use.

MR. SCHUM: You could apply for conditional use permit for an antique business in this zone, but even though you can refurnish furniture, you can't cut glass, I guess is the difference.

BEVERLY GRIEBEL: Following uses and their accessory uses are permitted outright: General farming, including but not limited to the growing and raising of trees, vines, shrubs,

berries, vegetables, nursery stock, hay grains and similar food and fiber crops. Animal husbandry, including the breeding and raising of cattle, sheep, horses, goats, pigs and rabbits. Poultry ranching. Sale of agricultural products grown, raised or produced on the premises. Dairies. One single-family dwelling per legal lot. Customary home occupations. That would be in the home. Forest and wildlife preserves. Green houses and nurseries. Ancillary or auxiliary structures, such as a tool or storage shed, pump house, gazebo or picnic shelter, garden house greenhouse, provided that such a structure is 180 square feet or less in floor area and is 12 feet or less in height above the existing grade.

Then the conditional uses: Public and private utility buildings, structures and uses but not including corporation, storage or repair yards.

Recreational uses such as parks, playgrounds, golf courses, country clubs.

Stables or riding academies.

Cemeteries and related uses.

These are all conditional.

Veterinarian offices or animal hospitals. Agribusiness.

Communication towers. Personal not commercial use. Not excluding height restrictions.

Private animal kennels.

Antique shops. Bed and breakfast establishments, tact shops. Off road track vehicles.

Another whole paragraph about that.

MR. SCHUM: We didn't fit into any of those that I could see. At first I thought public and private utility buildings but, that is for utility like your RG&E substation and the Verizon little buildings and things of that nature. Some people might call this a utility building, but it is not apparently a utility building in the true sense of the word.

So when we met with Dan (Kress) and his office, we said we'll call it exactly what it is. It is a very small percentage of on-site service but it has been -- it has been a home occupation for this family and for Dan (Kress) (sic) and his -- or for Kevin (Sands) and his father for many, many years only because they have conducted it as you have said from properties where it has been a permitted use without even a permit. And then when Kevin (Sands)'s father built this building to the north of this, actually I think at the time he added on and added on again, so it actually sort of grew into an accessory building, but it was originally attached to the house which they allowed it as an accessory use.

This property is unique that to attach that building to the house and then cut the glass in the house, so to speak is just not practical number one, and number two, the property doesn't lend itself to that. So because it is detached, we are asking for the use variance. I believe we have met the standards of the statute for use variance.

BEVERLY GRIEBEL: Side table, customary home occupation at the other site is how it has operated; is that correct?

DANIEL KRESS: I'm sorry?

BEVERLY GRIEBEL: This that been a customary home occupation.

MR. SCHUM: At his present location.

DANIEL KRESS: Present location, my understanding is this would qualify as customary home occupation.

KEITH O'TOOLE: Which makes it in this district and this district alone in Chili a permitted use that would not come before this Board.

DAN MELVILLE: Will that business cease at the other location?

MR. SCHUM: He is planning on moving his residence and family and business to this location, so the answer is yes.

PETER WIDENER: Very close to this location we granted a barn or building to be built for a landscaping business on Morgan Road and he stores his equipment and works out of there.

MR. SCHUM: I think that -- I looked at a lot of those applications, and I think they fit that in under -- one of the accessory uses is arbor, growing of trees and shrubs and that type of service and they probably fit it in under agribusiness or something of that nature.

BEVERLY GRIEBEL: Conditionally agribusiness.

MR. SCHUM: They would have come to this Board and got a permit for agribusiness and said, "Yeah, we are doing landscaping." Whether that is agribusiness would have been a decision for this Board to have made at the time.

MICHAEL MARTIN: Basically the only difference going on and what is proposed is it is -- if you want to have the garage with the extra antique cars and the -- makes sense to store the glass and equipment in that same structure so it is not being conducted out of the primary residence any more.

MR. SCHUM: That is exactly the reason why we are here. Absolutely.

BEVERLY GRIEBEL: Now this property was purchased in January of this year.

MR. SCHUM: Transfer occurred in January. In order to make application to Board, number one, and also to make the applications for funding, we had to prove ownership.

BEVERLY GRIEBEL: And the blueprints, these diagrams, whatever you want to call them, they were dated –

MR. SCHUM: The large plan?

BEVERLY GRIEBEL: The application to this -- for this variance, these variance requests and the land use request, 1/5/05. So it was all within a few days in January.

MR. SCHUM: Well, I think there was a substantial amount of work done prior to these final maps being prepared and a substantial amount of work being done prior to the deed being recorded. In fact, I think at the time that application was made, the Town of Chili had not received its copy of the deed transferring the title to the deed of the property. That is why the application is printed the way it is with the applicant's father's name on there as well so there was no misunderstanding. But the final map is -- the final map was done and application was done in January once the -- they beat up the property to try to determine what was the best way to address the issue.

MICHAEL MARTIN: They looked at all of the elevations.

MR. SCHUM: If you look at them all, I sort of in orange highlighted the drainage going through the whole area. That where the land breaks, going up the hill in both locations. Even though the parcel is large, you know it as well, it also goes to the east, way up to the water tower. So there is only this little pocket of usable land down in the value, if you will.

BEVERLY GRIEBEL: Now, for granting of a use variance, the applicant must demonstrate to the Board all of the following? For each and every permitted use. Cannot realize a reasonable return substantial as shown by competent financial evidence. I don't see that in here.

Alleged hardship is unique and does not apply to substantial portion of the district or neighborhood.

Number 3, requested variance will not alter the essential character of the neighborhood.

And alleged hardship has not been self-created.

MR. SCHUM: Right. Then the overall test for use variance is whether the granting of the variance will protect the and preserve the essential area of the neighbor and health and safety and welfare of the community.

As part of the application I believe that Kevin (Sands) did present to -- as part of the application, the economics that is addressed as part of the application. There are dollars and cents figures there concerning the investment he intends to make in the building, the anticipated revenue from this business that was previously conducted and how it will affect he and his family if, in fact, he cannot continue to conduct that business.

I believe it is there.

BEVERLY GRIEBEL: Apparently the purchase price was -- I think it said 1 dollar?

MICHAEL MARTIN: The deed transfer from the father.

PETER WIDENER: Big commission on that.

(Laughter.)

MICHAEL MARTIN: Has to be monetary --

MR. SCHUM: I'm sure the Town of Chili will assess it appropriately regardless what the deed stamps are.

MICHAEL MARTIN: Is it a quitclaim deed.

On the application for the setback variances, the interest disclosure, do you work for any Town or government agency?

MR. SANDS: No, I do not.

BEVERLY GRIEBEL: That was missed.

This went to the Monroe County Department of Planning and came back as a local matter.

BEVERLY GRIEBEL: I have a lot of concerns about this.

PETER WIDENER: The property north of there is a glass business with no complaints at all.

MICHAEL MARTIN: It was in the house.

BEVERLY GRIEBEL: This is a different ball of wax.

PETER WIDENER: It is a father/son.

BEVERLY GRIEBEL: Are signs allowed there? I don't remember that.

MR. SCHUM: We are not applying for a sign for this property presently. In the zone that the applicant presently resides, under your ordinance, it allows for a small sign -- in fact, I think it is up to 16 square feet identifying a home occupation that is permitted in the zone and his is substantially smaller, no bigger than a breadbox.

DANIEL KRESS: I believe what Mr. Schum is referring to is Section 115-34.6(b)1 which refers to permitted signs in residential uses up to no more than 16 square feet.

MR. SCHUM: But we are -- make it clear, we are not applying for one at this time. Obviously if he thought a roadside identifying sign of the same size would be appropriate in the future, he would have to apply for that. Presently all he has is a street number or would have on his mailbox which would identify the location. Again, another evidence of the fact --

DAN MELVILLE: That will identify it okay for deliveries?

MR. SCHUM: Absolutely.

BEVERLY GRIEBEL: That is in the AC zone.

MR. SCHUM: That is where he presently lives.

BEVERLY GRIEBEL: Does it say that in the AC zone code?

KEITH O'TOOLE: Within the residential district.

DANIEL KRESS: For residential districts in general.

MR. SCHUM: All residential districts, if you have a permitted use on your property, you're entitled to a sign to identify up to 16 square feet.

BEVERLY GRIEBEL: Why don't we allow other people to have them? This doesn't make any sense to me.

MR. SCHUM: I don't know that they would have to come before the Board to get it.

BEVERLY GRIEBEL: We don't allow anyone with a customary home occupation to have a sign.

MR. SCHUM: True, because people have to come to get a permit. This has nothing to do with our application, but the answer to the question is people who have to come here to get a permit for a customary home occupation, which you don't have to do in the zone in which he lives for that business, then you can impose whatever conditions you want, which normally would be no sign.

MICHAEL MARTIN: That is for conditional use and we are not doing that.

BEVERLY GRIEBEL: That is what he wants, the use variance to do --

MICHAEL MARTIN: It has to be a use variance because it is not within the dwelling.

BEVERLY GRIEBEL: But he wants to put a customary home occupation on there. Sort of.

PETER WIDENER: Zoning allows it.

BEVERLY GRIEBEL: Well, I don't have any other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MR. SCHUM: I would note for the Board and the minutes, there are attached to the application the package we submitted I believe at least four letters recommending approval. Just to put it in the record. Thank you.

BEVERLY GRIEBEL: Morgan Road.

MR. SCHUM: They're within the vicinity.

The following letters in support of this application are on file with the Building Department: Letter dated 2/5/05 from Richard E. Maier; letter dated 2/21/05 from Bob Miller of 4270 Union Street; letter dated 2/22/05 from James Martin of 710 Morgan Road & 3948 Union Street; letter dated 2/22/05 from Ken and Linda Allkofer of 4133 Union Street.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I just have some questions and I appreciate the explanation. The detached structure, I believe, you indicated was --

MR. SCHUM: 3660 square feet, I believe.

BEVERLY GRIEBEL: On our diagram 42 feet by 80 feet.

MR. RETTIG: 3360. Then the attached garage, is that existing and you're just making this part of the application?

MR. SCHUM: None exists presently, but it is proposed on the site plan to be attached to the residence to be constructed.

MR. RETTIG: Therefore, you're including that attached garage as part of this application.

RICHARD PERRY: You have to include all business.

MR. SCHUM: We are compelled to do it. All they -- we can represent that none of the business whatsoever will be conducted out of the residence garage or residence itself.

MR. RETTIG: My question is for the attached garage, what is the square footage?

MR. SCHUM: 35 foot depth and the whole structure is 80 feet long. Looks to be about somewhere in the neighborhood of 20 to 22 feet wide, I would probably guess for a minimum two-car garage so that would be about 700 square feet, I think.

MR. RETTIG: Then the property for this project is, as he understood it, and I'm just asking for clarification, is north of the golf course and --

MR. SCHUM: East of the golf course.

BEVERLY GRIEBEL: Across the street.

MR. SCHUM: East of the golf course, south of Morgan Road but on the east side of Union Street, sort of kiddy-corner across the street from the golf course is the easiest way to say it. Water tower is up on the hill on -- well, immediately to the rear of this parcel.

MR. RETTIG: Then the -- just for clarification, the Morton buildings are steel buildings.

MR. SCHUM: They are steel buildings, yes, they are.

MR. RETTIG: That is steel beam and girders?

KEITH O'TOOLE: No.

MR. SANDS: Pole building.

MR. SCHUM: Steel clad.

MR. SANDS: Exterior. Interior is wood. Exterior is steel.

MR. RETTIG: So your having steel clad sheeting or corrugated siding but pole building is a wood structure?

MR. SANDS: Yes.

MR. RETTIG: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would find it hard to sit on this Board and find anything in the line of financial hardship when this land has been evidently transferred for a dollar, and the owner of the property can afford four antique cars. I think you might just as well throw that argument right out.

MR. SANDS: What if the antique cars were given to me by grandparents?

MR. SCHUM: Maybe we put the argument back in.

MS. BORGUS: How big is the -- maybe this was said and I missed it. How big is the garage that is going to be on the house?

MR. SCHUM: 35 feet deep, Dorothy (Borgus), and I'm estimating about 22 feet wide, so that is about 700 to 740 square feet.

MS. BORGUS: Why is it so deep? Most garages are not 35 feet.

MR. SCHUM: The house is 35 feet.

RICHARD PERRY: It doesn't make any difference, Dorothy (Borgus), because that is permitted.

BEVERLY GRIEBEL: The house footprint is 35 by 80.

MS. BORGUS: I'm -- what I'm getting at here, Mr. Perry, is that maybe this building doesn't have to be so big. If we already a garage on the house that is 35 feet deep.

MR. SCHUM: We already answered the question however that the Board will not allow a customary home occupation to be conducted out of a garage -- it doesn't matter how big the garage is. You can't use it --

MS. BORGUS: But you could store antique cars two deep.

BEVERLY GRIEBEL: Dorothy (Borgus), I'm not sure if the house is totally designed. It is just a block.

MS. BORGUS: I would --

MR. CARPENTER: We are showing a building envelope on the site plan. The exact blueprints for the house will be turned into the Building Department upon permit application.

MICHAEL MARTIN: To fit within the footprint shown.

MS. BORGUS: Since you have a fairly new Board members, Madam Chair, has land use variance been undertaken and explained to them so that they understand the seriousness of this?

BEVERLY GRIEBEL: Well, I hope they understand it. I have gone over some of the criteria. It is the highest level that we can grant because it goes forever and ever.

MS. BORGUS: It doesn't ever stop. And you have got -- you got to bear in mind that Union Street is going to be more populated as time goes on. We are seeing building explosion down that

way now.

PETER WIDENER: Maybe even industrial.

MS. BORGUS: But it is not industrial.

PETER WIDENER: May be.

MS. BORGUS: It may be. Which brings me to the point of Mr. Widener, are you a neighbor of this project, Mr. Widener?

PETER WIDENER: I am a neighbor in that neighborhood, yes.

MS. BORGUS: In all fairness, I do believe Mr. Madam Chairwoman, he should recuse himself.

MR. SCHUM: I believe that is up to Mr. Widener.

BEVERLY GRIEBEL: My understanding -- well, we can go to.

RICHARD PERRY: What basis --

DAN MELVILLE: Does he have monetary gain from this property?

BEVERLY GRIEBEL: The property or the business or anything?

MS. BORGUS: I understand that, but I also have read the decisions and the recommendations that have come down through Association of Towns and any mere suggestion of impropriety should be taken as a reason to step down.

MR. SCHUM: I believe you're the only one who is suggesting it, Dorothy (Borgus).

BEVERLY GRIEBEL: I will ask Counsel at the side table.

KEITH O'TOOLE: I don't see a problem.

DAN MELVILLE: Thank you.

MS. BORGUS: I don't like land use variances. I don't think in the past the Board has looked favorably on them because there is no taking them back. There is no opportunity five years from now or ten years from now to say, "Whoops, we don't want that there."

You have done it. It's forever. And I frankly don't see why if this building were made a little smaller, that you couldn't get it back from the road. It was very close to the road. There's going to come a day when Union Street is going to be widened and there are already a lot of buildings there fairly close now. I don't see why we should make a bad situation worse.

Additionally, it is across from the golf course. It is a very nice golf course. They seem to have a good business, and I don't think that we should be putting something like this across from them. The existing buildings of this type that are further north on the road are not next to the golf course. They are across from other homes, other buildings. Maybe there are barns there. But this is across from the golf course. I don't think it is appropriate. Thank you.

MR. SCHUM: Just to address the last comment, one of the stated goals in this district is to try to preserve the agricultural nature of the neighborhood. This building is clearly an attractive accessory building that would be an attractive benefit to preserving the agricultural nature of the neighborhood as opposed to being a detraction.

DAN MELVILLE: Anybody from the golf course contacted you in opposition to this?

MR. SCHUM: None.

DAN MELVILLE: Thank you.

BEVERLY GRIEBEL: Mr. Kress, I forgot to bring in the paper from the Conservation Board. Do you have their comment? They didn't have any major problems, but I think they recommended that it be further from the road.

DANIEL KRESS: The comment that I have here from the Conservation Board indicates Number 1, the Conservation Board does not anticipate any impact by this project to the agricultural district and farmland.

Number 2, however it is felt the storage building should be set back further from Union Street, more in line with the existing structures along this road which, I guess, is why we are here talking about setback variance.

And Number 3, which I believe is what you're referring to, we recommend the plantings of trees on the north side of the proposed building to make it more aesthetically pleasing. Those are the three comments I have from the Conservation Board.

BEVERLY GRIEBEL: Thank you.

MR. SCHUM: To address those issues if I may, Madam Chairwoman, the only one that is appropriate to address is the question of their comment -- we would be glad to address you know -- we'll go to the Planning Board obviously for this parcel if this application is granted. Clearly, if we have trees in the front, there are four shown. Actually six or eight are planted there, and if trees are recommended to be planted along the north side of the building, by the Planning Board, clearly that's a condition they can impose as part of their site plan a review and approval.

As far as the building setback, I think we have addressed the reason why the building needs

to go where it is, and it is really because of the unique physical characteristics of the property and the slopes and drainage facilities that run through it.

We have also submitted to the Board a plan plat of the neighborhood showing the average setback for a half, three-quarters of the mile around this property to be in excess of what we are asking for here. Or in the reverse, closer.

SHAWN FLEMING, 4310 Union Street

MR. FLEMING: I'm directly south of the property. I have actually -- I'm more at ease from what I see here from what I read in the documents that were mailed out to me. So I will qualify my comments from there. I'm a little concerned that initially I heard no customers, then some customers, 10 percent. I -- initially you said no, no customers coming in.

MR. SCHUM: No customers will stay at the property, I'm sorry.

MR. FLEMING: I understand. But there is customer traffic in and out. You're saying it's on the rate of 10 percent. Maybe some day it will be up to 30 percent, maybe 50 percent. I'm just saying maybe. The business might grow. Hopefully for you, the business grows. I have concern about that.

I have concern right now on the property there is an abandoned trailer, back end of a tractor-trailer on that property along with two vehicles that have been there for over two years that have not moved, so I am worried about upkeep of property after all this on there. I'm wondering why those were allowed to be there.

Other than that, this building is an upgrade overall of the other buildings south of Chili Avenue, north of the Thruway. I'm directly across from the golf course. You guys are northeast. And like I said, this is an overall improvement on the buildings that are down Union Street, but I still object to businesses being started down in that area where there is really none there.

STEVE GINOVSKY, 19 Hubbard Drive North Chili

MR. GINOVSKY: The 10 percent margin of people maybe coming in there to have work done, on that one part of the building there where it is heated, where the antique cars will be there, um, I think you're opening yourself up to Pandora's Box, Number 1. You will have 10 percent come in and where will you have parking? When they're all done, you push the car outside and the people will just materialize and drive away. I doubt that very much.

Also this is agricultural. I have never seen glass itself grow. I don't think that is part of agricultural. And as a home business type situation, if there is one across the street, no one really complained about it. Do two wrongs make a right? I don't really believe so. Do I think that building the home and a building on that said structure (sic) would improve the given area? Get rid of the tractor-trailer and a couple vehicles that were junked there, I would say that would probably improve it.

Also, in the front of the building there I see a few trees. I think some better shrubbing could probably be put there to hide some of the vehicles that if -- if they have to come in, that 10 percent, and hopefully his business will increase. If not, he is going to starve to death and we are going to lose it.

When you put that in and do the conditional use change here, you're stuck with it. And you started a precedent here in this Town. Do we really want this? Madam Chair, I think you better real think real deep on it. You're walking yourself into a big Pandora's Box here.

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

On Application #8, 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 Michael Martin 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. The motion was approved by a vote of 5 yes to 1 no (Beverly Griebel).

DECISION ON APPLICATION #8: Approved by a vote of 5 yes to 1 no (Beverly Griebel) with no conditions, and the following findings of fact were cited:

1. Applicant showed need for additional storage space for cars plus the glass

storage.

2. Consistent with other area structures.

Note: A building permit is required prior to construction of these garages.

On Application #9, 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 Richard Perry 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. The motion was approved by a vote of 4 yes to 2 no (Beverly Griebel, Jeffery Perkins).

DECISION ON APPLICATION #9: Approved by a vote of 4 yes to 2 no (Beverly Griebel, Jeffery Perkins) with no conditions, and the following finding of fact was cited:

1. The applicant has met the statutory factors for a use variance as contained in the Law, Section 267-B, for all the reasons stated by the applicant in the record.

The meeting was adjourned at 10:30 p.m.