

CHILI ZONING BOARD OF APPEALS  
February 26, 2008

A meeting of the Chili Zoning Board was held on February 26, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Todd Benz, Jordon Brown, David Cross, Adam Cummings, James Wiesner and Chairperson Paul Bloser. Tracy DiFlorio was excused.

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

Dennis Schulmerich, Town Board Liaison, was also in attendance.

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

PAUL BLOSER: First of all, on the agenda tonight, Application one, Mr. Cambisi called this morning and asked to have it removed from tonight's meeting, postponing to another meeting to be determined. So we won't be hearing that one tonight.

On the others, signs? Did everybody see the signs?

The Board indicated they saw the notification signs.

PAUL BLOSER: We'll be hearing Applications 4 and 5 together tonight because they are basically the same project and the same thing.

1. Application of Ron Cambisi, owner; 38 Red Leaf Drive, Rochester, New York. 14624 for variance to allow the total square footage of garage area, including a new 673 sq. ft. garage addition to be a total of 1,344 sq. ft. (900 sq. ft. allowed), variance for garage addition to be 8.8' from side lot line (10' req.) at property located at 38 Red Leaf Drive in R-1-12 zone.

DECISION: Unanimously tabled by a vote of 6 yes for the following reason:

1. Tabled until further notice at applicant's request.
2. Application of Heritage Christian Services, owner; 349 West Commercial Street, Suite 2795, East Rochester, New York 14445 for variance to create two lots with road frontage of 28.425' (40' req.) at property located at 1125 Westside Drive in R-1-12 zone.

Dan Steward and Kip Finley were present to represent the application.

PAUL BLOSER: I have reviewed this one with the Building Department.

JORDON BROWN: Mr. Chairman, I want to recuse myself from this application.

PAUL BLOSER: Okay.

Anyone representing that application tonight?

MR. STEWARD: Good evening. My name is Dan Steward. I'm here representing Heritage Christian Services. I will start to give you a little background on Heritage. We serve people in Monroe County and go up into the Buffalo area. People with developmental disabilities. Currently we have 51 residential homes and 17 different day programs between here and Buffalo.

This proposal here is a piece of property that was given to Heritage Christian Services by John Reidman. What we would like to do is take the back portion of this and create 26 bedroom homes for a total of 12 individuals between the two homes.

The house will consist of -- be a ranch style home, approximately 3,600 square feet. 2 1/2 bathrooms, kitchen, dining room, two living areas.

Um, the -- the transportation in and out of these houses, there will be vehicles for the homes and then there will be potential of outside pickup for the people that we serve at the house. There will be staff coming and going from the house. Shifts may vary between in the morning it might influx a little bit, during the day, quiet down as people do go to different day programs during the day. And then in the evening, once again, um, an increase in staff for the evening hours. And then at night there will be a staff on for 24-hour care at that home.

This property, as we show over here, what we would like to do is try to leave the existing farm and barn area as it exists currently without altering the changes in that area. And then create two flag lots in the rear for these two homes. So at this time I would like to turn it over to

Kip Finley to go into the detail.

MR. FINLEY: Sure. I'm Kip Finley with Avery Engineering and Land Surveying. We're taking care of the subdivision portion of this project and also will be doing site planning for it. So I'm here tonight to answer any type of site plan questions that might come up to help you better understand why we're subdividing it the way we are.

Probably the best thing is there has been correspondence from neighbors, correspondence from the Town. Probably it would be better if we answered questions unless you want me to go over and give a little orientation for the public.

PAUL BLOSER: I will have you do that, but I also want to make a comment, we have been trying to hear variances like this after site plan approvals. I talked a little bit with the Building Department about this one, and kind of felt because of what is going on with this, that the minimum that is being asked for this thing, I hear -- it is really insignificant to what everybody else has to do, the Town Board and Planning. I have just got -- well, you can go ahead, I guess, and explain your project. Why don't you do that, and then I will go.

MR. FINLEY: I would agree that usually it happens the other way around. In this case we wanted to make sure that we have the variances to know where the driveway is, and there is a few site things that hang on what the decision is tonight.

PAUL BLOSER: That is why I wanted to let it go.

MR. FINLEY: All right. Tried to color code things the same for both drawings, so orange means the same thing on both and so on.

The yellow here (indicating) are all existing buildings. This is the farm house (indicating), the barn. There is a neighbor with a garage behind it, another neighbor on the west (indicating).

Both of these north -- north is up. This is the expressway (indicating). This one (indicating) is specifically for me to explain a topic that came up in a letter, but this is generally the site plan I will be using (indicating).

What we would like to do is bring a shared driveway back in to access two lots. They will be the two ranch style homes. There will be some parking. We're going to have the driveway looped so that visitors can come in, emergency vehicles can come in, Liftline can come in and pick people right up and drop them off at the front door.

One of the things that came up in correspondence from a neighbor that will help you understand better why we have picked this spot for the driveway, we had two choices. They both dealt with access and with the property lines. We had choice -- two choices to make. This A and B were the ones we could consider. We could use the existing driveway cut, which is usually preferred so that you don't have to bring another access point onto the highway. In this case, the driveway would then be 20 feet from the neighbor's house, and it really wouldn't leave us any room to catch the storm water before it would be right at their yard and at their basement wall.

The other option, we can put the driveway in 65 feet away from the neighbor and we can drain it the way where we can at least capture the storm water and let it trickle out, so it is not impacting the neighbors. So we chose B for that reason. It's really a better spot for everybody.

There is a precedent on the street. There are some shared driveways, so that works out the same for this. So we share the driveway. All of the utilities come in that way, we share the trenches. That will allow us to save some of the trees. That was another comment in the correspondence from the neighbor.

The trees that I am showing in green here (indicating) are the ones we believe we can save without any trouble. There is a couple -- there is a very large tree in the backyard and a couple spruce trees right next to the house. If you have seen from the storms we have, spruce trees are prone to tipping over and that, and the large deciduous tree in the back is all cabled holding it together and it is starting to break loose, so there are a couple that are as -- a hazard for the house whether the driveway goes in or not.

There is five trees that will have to come out for the driveway. The one right at the street was hit by lightning and the top is blown off. We don't consider that one much of a loss. And the other three are spruce trees that may or may not be there in a couple years with the storms. We do want to keep the large tree next to this house (indicating), another spruce tree, and a maple tree that is just coming up, about a 12-inch that is in good shape. We want to try to save those and push any water services under that.

Those are really the biggest things that I saw in the letter.

The house is a nice older home. Heritage wants to keep it. They will be using that for a day program to see how that works. Storm water, these purple areas (indicating) we're able to take any of the pavement and put it into what we call a dry swale, which is basically a swale in the lawn with an underdrain so it holds the water for a couple of hours, but then it drains out and will trickle out into this yard.

A couple of things that -- just to set the stage, the person that donated the property had some conditions on this site as far as saving everybody the way it looks now, a condition that Heritage can't tear the house down, at least for a number of years, I guess, until I assume he would be dead and wouldn't see it. He is also going to be gardening in this side yard that is fenced in. He has rights for that that go on for a number of years. So the goal of this is to try to develop without touching this site (indicating).

I think with that said, it is probably just better to answer questions then.

PAUL BLOSER: First of all, the print you have there is completely different than the one we have here.

MR. FINLEY: Just the circle here (indicating) and the contours.

PAUL BLOSER: The tilting of the houses, the Circle Drive, we don't have any of that.

MR. FINLEY: Let's see what version you have.

TODD BENZ: Big difference. You got a lot more paving on that one than you do on this one, and the house is bigger on that one than this one.

MR. FINLEY: The scale is different, but -- yeah. The scale is different, so it does look -- this is 30 scale and yours is 40.

TODD BENZ: Okay.

MR. FINLEY: This was -- being a substitute tonight, I didn't realize which plan you were looking at. The plan that they're looking at for the people in the audience, this driveway comes in and Ts with the parking and the houses are turned facing each other, I think.

TODD BENZ: Yeah.

MR. FINLEY: The general topics are still the same, as far as the access. The property lines should be exactly the same. We haven't changed any of that. And then what we have done for these is rotated them to place them better on the site, work the grading. At that point we didn't have grading too well along.

And then also when we looked at the loop or the turnaround that was there, it is really not good for emergency vehicles and for Lifeline. So we have been making progress on making it a better plan.

Now that I know what you're looking at, I can at least --

PAUL BLOSER: Is the variance that you're looking for reflecting that print or this print?

MR. FINLEY: It's the same. The variance we're looking for is -- there are two flag lots that are here, that have less than 40 feet width on them. We do have 40 feet at the point where they open up into the lot, but what -- we have the side setback from the house, and trying to keep the driveway over from the trees and putting the line through, we can't get that full 80 feet in there. So our -- what we're asking for is about a 25 percent reduction in the throat width from 40 down to 28 point something. It is even a little less than 28 in one spot.

PAUL BLOSER: The fenced in area, next to the barn, there is no livestock or animals of any type? It's purely decorative at this point?

MR. FINLEY: I think at this point, it is.

MR. STEWARD: Yes. That is, though, the area that is gardened.

PAUL BLOSER: What is the proposed function of this existing house now?

MR. STEWARD: The proposed function would be a day program for six individuals to report to during the day. The barn structure would be used for storage.

PAUL BLOSER: Based on this print and what I am looking at, if we brought the driveway through on the east side, and did a cross-access easement, we would eliminate the need for a variance; is that correct? The way I am looking it.

MR. FINLEY: It is a little more involved than that. If the lots had two separate throats to the flags that were each 40 feet, we could meet all of the requirements by -- we would have 40 feet, at least 80 feet of frontage on the lot and then 40 feet. It would be a little more than that. So we could physically have the subdivision lines meet the code. Physically we still wouldn't want the driveway right tight to that house. But, I mean, we could also do that. We could have a driveway here (indicating) and a driveway here (indicating).

PAUL BLOSER: Well, I guess I was looking at if we kept one driveway on the east side, with cross-access easements --

DAVID CROSS: One driveway to serve all three.

PAUL BLOSER: To serve all three with one road cut. There was a concern in one letter from a resident that adding one more driveway so close to 386 could be a traffic situation. I measured it up twice. I don't think having two or three more driveways would make a difference. It is far enough away from that corner.

But I am concerned about multiple road cuts. For obvious reasons, that is a busy road. Right now it is about halfway between 386 and the stop sign off from Traybold, so I -- I guess I'm looking at that as my biggest, um, question.

Certainly if we put it on the east side, it would eliminate any tree removal on the west side. I know vegetation is a huge issue as far as preserving what's there. I understand what you're saying by a decrepit tree, having to cable it together, hold it together, it's a matter of time before it is coming down anyway.

MR. FINLEY: The bigger thing really deals with putting a driveway with a lot more pavement right next to that house.

The -- if this was raw land right now, there would be enough to do two lots and the County would decide whether they wanted us -- us to share driveways or not. So we would still have the potential for two driveways.

The biggest thing is that we're trying to not change the character of this at all from the benefactor's point of view. It gave us something that is worth a couple hundred \$1,000 and asked, "Don't mess with it while I'm alive."

So that is why we kept always looking here, plus the combination of being right next to that house. The impact of having a driveway 65 feet away from the house and still keeping the trees between the driveway and the house is really pretty little.

I guess I don't know if there is a perception that there is a lot of traffic with these, but --

PAUL BLOSER: I think the perception is there, but realistically, there is not.

MR. FINLEY: A six-bedroom home, a two-car garage, the van stays in the garage, usually there is overnight one employee. During the day, probably three. I have seen in the letter that it says four. A nurse could come in, a therapist or something. It's really no different than my house. I mean, I have a house that size and I have two adult kids with cars and we have four to

five cars --

PAUL BLOSER: In and out all of the time.

MR. FINLEY: -- always. And none of the people that live here drive, so really the traffic is no different than what you would have for a house.

So I mean this really -- this has to be our utility corridor here any ways. We're going to be disturbing -- we have gas, we have electric, we have water, we have sewer. We're going to push things like water service under the tree that is there, but we are going to have to open cut and displace some of these trees anyway for utilities. And really, that's -- the whole thing is trying to keep this the way it is.

The other part about technically being able to subdivide it with 240-foot throats is that this is a two-story house and they believe they can use it for their day program, but it may be possible that it doesn't really work out that well, and if they have to sell this house back to a private resident, it's going to be odd to have a property surrounding on all sides that goes with the group homes. So that is another reason we didn't really want to do that.

So we're -- I guess we're here tonight asking if we can obtain a minor variance on the width of those. It really kind of fits all of the different facets of the project.

TODD BENZ: I'm just looking at the driveway. If you put it on the east side, the people that's on -- or on the west side, sorry -- east, west.

MR. FINLEY: This is the west (indicating).

TODD BENZ: If you put it on the east side, the people on the east side already have their driveway there, right?

PAUL BLOSER: Yes.

TODD BENZ: I don't think that will affect them if you put it over there, because that's where they go anyway. If I'm looking at the plan right, that shows an asphalt driveway and that is where their garage is and that's how they come onto the property.

MR. FINLEY: There is a few more cars and the storm water that drains, they are really at the low point, so there is no room for us to catch anything.

TODD BENZ: The house on the east is the low point.

MR. FINLEY: The house is a little higher, but the yard behind the garage drops down.

I thought just to help put this in comparison to things in the past, this is (indicating) a piece of an approved subdivision on that lot. When we got a copy from the Town, it doesn't have the date, but this is all drawn in CAD, so I'm thinking this is -- within my career time or the 1990s probably. I don't know for sure, but it was already approved and had variances approved for five lots, with four new homes and they all had 10-foot throats on their flag lots.

There is also with our current proposal here, this is a hand sketch of what you actually have on your drawings. This parcel down here (indicating) has four houses served on the driveway and the throat on that is 15 and 30 feet. And there's two houses back here (indicating) -- I think I have an aerial for that.

So the situation that is right here (indicating), down the street, is going to be right there (indicating) on our property, almost -- the buildings are cocked at a little different angle. Maybe those are not 3,000-square foot houses, but it's a very similar situation and where they have it, their driveway is centered between the two houses. This is more just to demonstrate that someone in the Town, at some point, thought it was okay to put that many lots in there, so I don't think we -- we don't need to be discussing density, because even these are bigger than the minimum, but that had the throat width on the flag lots as 10 feet. And then the neighbors down the street have even less than we are asking for.

We're asking for 28.4 on each of ours. So it is just some added information.

Physically, the driveway really works better on west side, further away from buildings and for drainage, especially.

DAVID CROSS: I would be much more comfortable if this application went in front of the Planning Board before it came to us. You're coming to us for flag width -- flag widths at the front, and, you know, really all I have heard about so far is driveway. Should we put it here, should we put it there. I think that is really the jurisdiction of the Planning Board, and --

PAUL BLOSER: For site plan.

DAVID CROSS: For site plan, yeah. And I think you could come to the Zoning Board after they make a decision.

MR. FINLEY: Well, I think the rationale for why it was in first is because if we engineer it for the driveway the way we want it, and then don't get the variance after the Planning Board approves the site plan, we would have to reengineer it for the driveway in a different spot and go back to the Planning Board. So that -- it is backwards. That is why I am trying to answer all of the possible questions tonight so that you can just understand how it's -- we're hoping it fits together. The sight distance isn't a problem in either location. The street does have storm drainage on it. We're going to be mitigating storm water to try to not impact any of the neighbors.

And another site plan issue was people didn't want to view it -- or it was in a letter, but the place here (indicating) and here (indicating) and here (indicating) where we do some grading, here (indicating) we're going to have to take out a little bit of the hedge row and we'll plant back. There will be a landscape plan that comes in for Conservation Board. Same here (indicating). And even plant on this side (indicating) so from their backyard they're not looking at a house.

But I guess it all boils back down to we're supposed to be keeping this the way it looks right now. That was the donor's request.

JAMES WIESNER: It just seems like we're -- we're boxed in by the conditions put on it

by the people that are -- that are owning the property, is what it seems like. There seems to be other choices.

PAUL BLOSER: Well, that was my first question, other choices, without having to use a variance.

MR. FINLEY: I mean -- I agree, that does exist.

ADAM CUMMINGS: Same as Jim (Wiesner), if there were any other options.

PAUL BLOSER: I guess I would like some comment from the side table, from the Building Department, your thought process on this, too. I mean, usually we are looking at site plan approvals first. This only affects really where -- we're coming in for the lot, not really the layout of the buildings. Where we are subdividing this, that is the whole -- that is Planning Board. We're really just looking at this variance.

You know, we're looking at a different print than what he has up there. Do you see any differences between this one? What print do you have in the Building Department?

ED SHERO: I -- even though the difference is in the print, I don't think it really changes the facts as far as whether or not you're going to create two flag lots, which don't meet the requirements. Whether you use that print or this print, the general concept is there.

As far as the location of it, I mean -- he said that the lot lines aren't changing.

PAUL BLOSER: Right.

KEITH O'TOOLE: If I may add to that, one of the challenges with these common driveway arrangements is having sufficient room for an adequate driveway, a pavement section that allows cars to negotiate it and some extra room so emergency vehicles can go by. You would also like to have additional land to lay in utilities so they don't have to get all tangled together, and you would also like to have more land beyond that so you have room to install buffering, fencing, evergreens, what have you.

If you're going to relocate the driveway to the east of the house on Lot 1, technically from a zoning point of view, that is a reasonable argument. But on a practical level, what you're really doing is you're moving the problem away from the McKenna property down to the Smith property, and the Smith property, their house would be far closer to the relocated driveway than the McKennas'. But in terms of the point I originally made, if you have 56 feet to work with, that gives you room for a 20-foot section of pavement, 36 beyond that to do utilities, to do landscaping and everything, and you just don't have that kind of room to work with down in the east end.

PAUL BLOSER: The other side.

KEITH O'TOOLE: Yes. And the 40 feet minimum that the Town has in the code, that is really designed to prevent people from using the flag lot process. You go into other towns and they just try to clump all these flag lots together as a means of avoiding and paying for a real road. If all you're going to do is two units, however, it would seem to me that dropping it in -- where they have it or at least in that 56 feet would be the appropriate place to put it.

Nothing further.

PAUL BLOSER: Did you -- you don't have a topographical with you, do you? Is there any significant change in height?

MR. FINLEY: This has contours. From where to where are you talking? The total site?

PAUL BLOSER: The driveway, on the east side versus the west side.

MR. FINLEY: No. They're basically at the same elevation.

MR. STEWARD: At the garden, though, Kip (Finley), it does drop down to the east side of the barn -- that does drop down probably approximately 5 to 7 feet.

MR. FINLEY: There is a contour that comes through here (indicating), comes around the garage and back, and then it goes back here (indicating) to this wooded area back here (indicating), so that is why I was saying if we put a driveway here (indicating), we're -- the water is going to go right on their property.

If we do it here (indicating), all this drainage is going into these swales where we can hold it back and underdrain it and weep it out. It will still go there, but it will be an underdrain trickling out, not the whole driveway washing into their property. And then there is a couple feet of grade difference between that and their actual house. And as far as the site generally, within the areas we're working, it is 1, 2 -- it's about 6 feet from here (indicating), goes uphill gradually, and then it goes up higher.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAT McKENNA, 1143 Westside Drive

MS. McKENNA: Pat McKenna, from 1143 Westside Drive, next-door neighbors to Heritage Christian, and Mr. Reidman is still continuing to stay, apparently.

First, I want to say right off the bat we welcome Heritage Christian as neighbors. I have spoken with you on the telephone. They're very welcome. We're happy to have them. I'm sure it is going to be a wonderful good neighbor relationship as we have enjoyed with the Reidmans. We have shared some time together before they moved away, and -- but he comes over every summer and shares from his garden with us. So we look forward to being good neighbors with you folks, too.

Um, but -- but I do have a concern, and -- about the drive being on -- between our house and the Reidmans as one can imagine. That is where our bedrooms are located and we have big windows. So for us, what this will mean is more noise, more fumes and, um, headlights. The headlights at night. The night time comings and goings. That can be early. Headlights can be on

at 5 o'clock in the afternoon. So that -- and through -- or morning hours, too, I think typical shift time would be like 11 to 7 and 7 in the morning until whenever people leave their homes in the morning. So there will be headlights. And the -- the drive itself will have all that carry on, more noise for us than what we're used to. And then the -- that Circle Drive that -- I hadn't seen either on the plan that I looked -- when my husband and I came to visit here and look at the early plan, parking lots and that rounded out Circle Drive will have headlights going in different directions, and I think coming to our bedrooms. We also have a family room in the back, an enormous big glass window that faces those big old beautiful pine trees, and we just envision that we'll be having this strobe effect at certain times of the day, at night, night especially flashing into us that we really haven't had before. We have really enjoyed a nice wooded lot back there and the meadow with deer and turkey and the fox that we can't see and the beautiful wildlife, and so even though we do welcome -- that's going to be a very big change for us.

And so to minimize that for us, we have -- would prefer that the drive continue on the east side, and I don't know that property in detail, but I have been looking at it closely, the east side property -- on the other side of Reidman -- old Reidman and now Heritage Christian, as I look at that, I see there a separate garage that headlights would bounce off of that and preventing it from maybe just going into their house. And then the only windows I can see the side, I don't know what the back is like, but the side they got two small windows in the side wall, so if headlights are coming and going there, it may not, it may not have the same impact on their home life as it's going to possibly have on our home life. So that's -- that's one whole piece that I hope people will consider and it would be our wish -- our wish list would be there -- not be a new road added there.

We enjoy the grove of trees as it is, the house and the barn. And then looking back to the where the houses are to be located, I -- I worked in group homes myself, and, um, I have had to park -- I'm a speech pathologist and I have gone to a lot of group homes in this community, and I can't think I have ever had a parking lot available to me. I have had to park on whatever it was. So if there is a -- a driveway is typical. I think what we would like to see is houses back there that are typical to the neighborhood, not something that will look like a little institution or a little -- a little doctor's office or something with asphalt parking lots. So for parking, I would wonder why not just wide driveways, why can't that do the trick. It did every place I ever worked in the group homes in Monroe County.

Or maybe put them around back, any kind of parking so that would minimize this headlight coming -- situation coming into the back of our home that we really enjoy and try to sleep from, and be quiet. It is the quiet side of our house. So there is that for your consideration.

And those old plans that you put up here before, my husband did come to some meetings. I'm sorry he can't be here tonight. He is recovering from major surgery he had February 5th, so he can't be here, I'm sorry to say. He had been to a Planning meeting before, and there were some plans for some more commercialized type lots built back up there.

MR. FINLEY: Do you remember when that was?

MS. McKENNA: I think '90s, early '90s -- I'm not sure. Sometime in the '90s. I remember him coming back and noting how our property sits lower in the back.

Those pine trees are not only beautiful and I'm glad to see they're on the picture. I hope they continue -- they -- they will remain. And I think they also look as if they serve to prevent erosion, because that property back there sits higher than our lot. So there was a concern about overall drainage concerns and I can't speak to it any more than that.

My husband attended the meeting. I didn't. He came back and said there is not going to be any building back there. It is a null and void point. It can't be because of how the properties were situated and the drainage concerns. So that is all I can say about that. Maybe your minutes from the past can shed more light on it.

Let's see. And the -- I think the traffic, back to that road, the traffic is going to include the staff coming and going, and then you mentioned about the -- the -- the other traffic and it is going to be vans and it is going to be Lifeline probably. I mean Lifeline is very typical to come and go, and that is kind of towards the bus and truck size of vehicle, maybe daily coming back and forth, next to us, rumbling along there. So that would really change the character of how we have been living so far and enjoying our life right where we are.

Um, now, the swales -- oh, yes, so the swales that you have for drainage, that is a property that sits higher than our property, so it has to all be considered in your set-up.

MR. FINLEY: If they let me, I will respond to all of them.

MS. McKENNA: But anyway, you know, that is the main thing. Our main concern is -- like the Wishmire (phonetic) letter said. He sent us a copy, too. Not his solutional (sic) side so much, but rather that we enjoy the landscape, we enjoy the park-like setting, the meadow and the grove of trees and the measure of peace and quiet we can get, given we still have airplanes. We still have traffic in the back there and on the front on Westside, one that has been a corner of peace that we have really enjoyed and if you're going to respect Reidmans' property, I think it is a greater respect to the entirety of his whole lot there to keep the old driveway to the east side as it is and shoot on back.

And try to figure out -- I think if we can put people on the moon, we could figure where to put the water so it doesn't infringe. I don't want anything bad to happen to anybody in this whole picture, so the people on the east side should not suffer, either, I think. But they're used to having a drive right there and they're used to Mr. Reidman coming in and doing his gardening over on that side. So nobody has to make a big adjustment in that regard. Okay.

That's it. Thank you. Thank you for allowing -- for, you know, allowing the neighbors to

speaking like, and maybe if the minutes could reflect, too, kudos to the Reidmans for donating the land. That is a beautiful part of this whole story, and I would love to be able to do such a nice thing myself some day. It is really something that can go down in the Annals of Chili as a good, good, warm-hearted something for all of us to know and honor. So thank you.

PAUL BLOSER: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just for clarification, can you indicate which side Ms. McKenna is on of this property? She is on the west side; is that correct?

MR. FINLEY: (Indicating).

MR. RETTIG: Thank you.

Just another point of clarification, my understanding is that Lifeline does not go on to private property, therefore, I would not expect Lifeline to actually drive up the driveway. That is my understanding. You can clarify, that, Ms. McKenna, call Regional Transit and verify that. But that is one thing that may be less traffic.

MS. McKENNA: These people won't be very ambulatory. Many. It is not predictable that people won't be able to walk out to the bus stop.

MR. RETTIG: For clarification, can you just point to the two curb cuts for the driveway? There is an existing driveway and a new driveway; is that correct?

MR. FINLEY: Uh-huh. Existing (indicating). New (indicating).

MR. RETTIG: And what is the distance between those driveways, approximately?

MR. FINLEY: About 160 feet.

MR. RETTIG: Thank you.

What is the total acreage of the two properties and what is the acreage of each, please, approximately? Approximately.

MR. FINLEY: This is substitute night, so I think the whole thing is about five acres.

MR. STEWARD: 4.9 acres on -- the total lot, excuse me, is 5.6 acres, including the Reidman house and barn. It will be 4.9 acres, divided in the back portion for the two houses.

MR. RETTIG: Thank you.

The other question I have -- or the other comment I had, in regard to you, Mr. Bloser, as Chair, stating that you would normally go to the Planning Board first and the Zoning Board second, under the circumstances of site plan review, normally being first -- however, my comment would be, that because you have a lot restriction in a deed, that this would be a reasonable exception, not the rule.

PAUL BLOSER: Correct.

MR. RETTIG: Also, my current -- making a general comment, based upon what the architect was stating for the west driveway to the flag lot, in order to get utilities in reasonably, and also act as an east flag lot driveway to the back property for Heritage Services, I think that is quite reasonable.

Thank you.

PAUL BLOSER: I move the public comment portion of this be closed.

TODD BENZ: Second.

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

MR. FINLEY: While you're discussing, if maybe I can answer a couple of things regarding site plan, too.

PAUL BLOSER: Okay.

MR. FINLEY: If it helps any, the hedge that is here (indicating) across the back is on Heritage property. It is planned to stay, that's one.

Through the site plan review process, we can work with the Planning Board on more plantings or a fence or something here (indicating).

The way the drainage works is since this property is lower (indicating) and this property is lower (indicating), we're intercepting it here (indicating) and cutting it off with curtain drains and swales so whatever comes down stops and doesn't go on to the other property.

I think those were the big ones.

Headlights, this would be a pretty easy modification. We really don't -- the parking is probably exactly per code, perhaps there is a chance we can reduce a spot or two through the Planning Board, but also right now we're parking facing one way. We can park facing a different way so as cars pull into their spots their headlights won't be going in the direction.

MS. McKENNA: They will be turning around with their lights on.

PAUL BLOSER: How high is the hedge row?

MR. FINLEY: Actually, I haven't --

MS. McKENNA: Those are very high pine trees. They're very old, old growth. They're very high. But they're -- Ms. Reidman has kept them cleaned out at the base so that even though they're -- they provide some kind of a great big -- almost a shrub along the top that is rather dense along the top. At the bottom it is not so. It's going to be -- the way we walk through this in our mind's eye, we just envision cars just moving around back there getting in and out of their spot and it will be just like a strobe situation for our family room that faces right there.

MR. FINLEY: We'll need to address some plantings around that whole thing through site plan review.

MS. McKENNA: I mean, I wish -- it will look so institutional. Having worked in this -- I

put my lifetime into work helping people with disabilities not to have to live in institutions and I'm really proud to think that yes, in my backyard, NIMBY -- yes, in my backyard this will happen. But I would love to point to my friends and my neighbors and be able to say, "Isn't it beautiful? Look at those pretty little houses with the gardens around and, you know, how nice it looks."

As it is now, we'll have parking lots to look at and all of the asphalt in the parking lots. So it is really not normal to have, in the neighborhood, and most of our neighborhoods to have all of that parking lot set up that way. It is more normal to have maybe the driveway there for a few cars to park, but -- it's weird to, I think -- it has to be some massive parking thing, at least on the other side where we don't have to look at the parking and the cars and have to look at the pretty houses. But hopefully you can get this down to just driveway or in the back or something so we don't have all these lights coming into our house.

PAUL BLOSER: Question for you, Ms. McKenna. On some occasions on applications before different Boards in the Town, to satisfy needs of the public in certain situation, we had one several months ago where we made a recommendation that plantings be put in by the applicant on a neighbor's yard in agreement with the neighbor. Is that something you would be open to working with the Conservation Board to get lower plantings in front of there, and maybe a combination of decorative fencing that would block out some of that lighting? Is that something you would be open to?

MS. McKENNA: Yes, thank you. Thank you for asking, and I hadn't thought of that as an option, but that is very nice. Yes, we would be open to that. You bet. Yeah.

About how about along the side, too? Can we get the driveway to be on the east side and come around back? That is what I was kind of hoping.

PAUL BLOSER: That is not a thing this Board would address. That is something that would come for site plan approval, and part of that would be the Conservation Board would be looking at plantings to line that, so, you know, we'll be thinking along that line, if this Board is to favor this variance and it goes to the next level, um, that is something you would want to make that appeal to them and -- in conjunction with the owners and maybe have a conversation with them ahead of time so you make it as part of the proposal, their initial proposal to the Planning Board for that.

MS. McKENNA: Beautiful. Thank you.

PAUL BLOSER: So there are ways to -- to accommodate some issues.

Traffic flow, I mean for safety purposes, um, I agree that things have to be done in a proper way. I see the utilities situation with that.

With that 58 feet or so of width here, to work with the utilities, we still do have about 10 feet from our last utility line to the property line that we can plant on, versus over here (indicating) would it be very squeezed to try to get some utilities here (indicating), and we would still end up with quite a few here (indicating). I would be tearing up on both sides. But I think plantings on the side, is that something that --

MR. STEWARD: Yes. Absolutely plantings on the side.

Another thing I was looking, in -- in the center of that loop, if we elevated that as to break up the amount of pavement that you might be able to see from one aspect, you know, just create a center hump in the middle with some plantings in there might soften the look also of the amount of asphalt that is back in that area. But, yes, we're open to plantings. We prefer plants inside of a fence, if possible, to make it look as natural as possible, as what the rest of the area -- once again, setting these houses, and we're very conscious of the areas that that are back there and we're trying to maintain the best we can so we're not opening up the rear of the lot to the expressway or anything else by moving things back.

MS. McKENNA: Could I ask what you mean by utilities? Will we have poles?

PAUL BLOSER: Underground. That will all be underground.

MS. McKENNA: So it gets dug up and put down and landscaping over it. I'm sure landscaping would be lovely and all of that.

MR. FINLEY: What the Town attorney was talking about, for the space between electric lines and sewer -- has to be about 8 feet between the sewer and water, for health reasons, 10 feet, so by the time you put them all in, you need a lot of space.

MS. McKENNA: How long of a time are we dug up? Like all one summer?

PAUL BLOSER: This will be done within a few days.

MS. McKENNA: Oh, okay. Hopefully it won't --

PAUL BLOSER: Utilities can go pretty quickly.

MR. STEWARD: Complete project should take six months for the complete building.

MS. McKENNA: It will be big vehicles going back, even if it's a Lifeline van. It will be vans. I know, I know. It is always a big vehicle that can accommodate 12 people, and so it will be big vehicles rumbling back and forth.

PAUL BLOSER: Any other comments now?

The Board discussed the application.

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