

CHILI ZONING BOARD OF APPEALS
February 26, 2013

A meeting of the Chili Zoning Board was held on February 26, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Adam Cummings, Robert Mulcahy, Michael Nyhan, Robert Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Ed Shero, Building & Plumbing Inspector.

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

Michael Jones was excused due to being delayed on a flight coming in from out of Town someplace.

PAUL BLOSER: Start with the signs. I saw all four? Anybody have any problems with them? Anybody else?

The Board indicated they would hear all of the applications this evening.

1. Application of Mr./Mrs. Brian Ribbeck, owner; 883 Morgan Road, North Chili, New York 14514 for variance to erect a 14' by 24' addition to house to be 37' from side lot line (50' required) at property located at 883 Morgan Road in AC zone.

Brian Ribbeck was present to represent the application.

MR. RIBBECK: My name is Brian Ribbeck, 883, North Chili.
PAUL BLOSER: I have been by the property, looked at it. This is going on the west side?
MR. RIBBECK: Correct.
PAUL BLOSER: Are you doing a basement under this?
MR. RIBBECK: Full basement, yes.
PAUL BLOSER: Will it be walk-out?
MR. RIBBECK: No.
PAUL BLOSER: I will ask for detail on your sidings on here. Just -- because I am going to put a condition of approval on this that it matches what you have.
MR. RIBBECK: We already planned on that.
PAUL BLOSER: I want to verify that.
Also the roofing materials.
MR. RIBBECK: Same as what it is, yeah.
PAUL BLOSER: It's pretty much we want it to look like it was --
MR. RIBBECK: We do, too.
PAUL BLOSER: Your septic system and leech field --
MR. RIBBECK: Correct.
PAUL BLOSER: -- I need to know where that is.
MR. RIBBECK: That is out the back. Or it would be the south side.
ED SHERO: Paul (Bloser), I have also verified the septic system on this property.
PAUL BLOSER: So you're good with it?
ED SHERO: Yeah.
PAUL BLOSER: There is a current map on file then?
ED SHERO: Yep.
PAUL BLOSER: All right. Right now I don't have any other questions.
MICHAEL NYHAN: Just now that we know where the septic system is, we are unable to put an addition off the back of the house as a result of -- of that?
ED SHERO: No. They just want to put it on the side.
MICHAEL NYHAN: Okay. There was indication on the application it couldn't be in the back because of a septic system.
ED SHERO: Well, maybe -- maybe not that large. I shouldn't say that. A small addition could be, but I don't know about the size, because -- the septic system does take up most of the backyard.
MICHAEL NYHAN: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Can we have maps um, please? Drawings?
PAUL BLOSER: Yes.

There was discussion about the overhead projector not working.

DOROTHY BORGUS: I've seen the gentleman's. That's fine. I would just like the rest of them to go up, please.

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

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

PAUL BLOSER: Under the conditions of approval, there are no outstanding issues with the property, no violations that are on record. So for conditions of approval, the applicant will apply for the required building permits.

Second condition of approval is siding, windows, roofing and trim to match existing structure in type and color.

Have you submitted any scaled prints yet?

MR. RIBBECK: I believe we have, yes.

PAUL BLOSER: Okay. Ed (Shero), do you need stamped drawings on this one?

ED SHERO: I already have them.

PAUL BLOSER: You're set with that?

ED SHERO: Yep.

PAUL BLOSER: Then we just are going to have those two conditions of approval.

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

Michael Nyhan made a motion to approve the application with the following conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

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

1. Siding, trim and roofing materials shall match the existing structure in type and color.
2. Applicant must apply for a building permit with the Town Building Department.

The following findings of fact were cited:

1. The proposed variance will not have a negative impact on the environment or neighboring properties.
 2. This type of addition is consistent with neighboring properties and will only increase the value of this property.
2. Application of Faber Construction, 3240 Chili Avenue, Rochester, New York 14624; property owners: Archer Road Vista, LLC and Faber Construction Company, Inc. for variance to combine three lots into one lot to be a total of 53,106 sq. ft. (20,000 sq. ft. maximum allowed) at properties located at 230, 232, 234 Archer Road in PRD zone.

Bernard Iacovangelo was present to represent the application.

MR. BERNARD IACOVANGELO: Good evening, Mr. Chairman, members of the Board. My name is Bernie Iacovangelo. I'm the President of Faber Homes. And I'm co-applicant with the owner of Lots Number 1 and 2, which is the Vista Development, LLC. And we're here -- or Archer Road Vista, LLC.

We are here today asking for your approval to consolidate those three lots into one. We have received Planning Board approval conditioned upon your approval for this. We're here because this is part of the Villas that -- the Vista Villas, part of the old Links development. We purchased several of the road front lots. We built a model on Lot Number 3, and what we have come to realize is that when we were doing our due diligence before we purchased the lot, Lot Number 1 and Lot Number 2 have no opportunity to be built upon, because of the easements and the locations of very, very important telephone poles and lines that run through the property. They're a part of the major electrical grid coming through the western corridor here.

So let me just go through this with you if you don't mind, on the map.

This is Lot Number 1. Okay? And this is Lot Number 2.

The green one is Lot Number 2. Blue is Lot Number 2.

This is the easement (indicating) for the -- existing utility easement to Rochester Gas & Electric. That easement covers all of Lot 1 and a substantial portion of Lot 2.

These here (indicating) heavy red dots are the poles, okay, for the transmission lines. These here (indicating) lines here (indicating) are the existing guy wires that take up the rest of Lot Number 2.

So with -- in order to move these poles, it would cost in excess of 200 to \$250,000 because of the major power lines coming through here for the grid. Okay?

So what we're asking is that because of the easement, the poles, that it all be condensed into one. Along here (indicating) is the New York Central lines, okay, that -- the railroad. So this would be bordered on the north by the railroad bed.

So one of the reasons why we're before you is that in PUD zoning, which this development is, Planned Unit Development, no single-family residential lot can exceed 20,000 square feet. This would exceed it. And one of the things that we also brought to the attention of the Planning Board is that Lot Number 1 is 24,000, okay? So that lot was already in excess of the 20,000 lot size in the code.

So when this is combined, I believe it is 54,000 square feet, okay, for all three, and -- because of the fact that these two lots aren't of any value, can't be built on, we're asking them to be consolidated into one. That's our application before you this evening.

If there is any questions, we would be glad to go over them.

PAUL BLOSER: Thank you.

The -- one of the questions I have on this is by combining these all into one, the owner/occupant of this residence then will have maintenance responsibility for these -- all three lots into one; is that correct?

MR. BERNARD IACOVANGELO: Correct.

PAUL BLOSER: Is the intention to have that graded out and landscaped, or will that be wild, as a buffer?

MR. BERNARD IACOVANGELO: We would -- we would leave that to the intention of the homeowner that buys the property. What we will do is probably seed the entire thing. We'll probably put some trees up as buffers against the railroad tracks. And make it a nice little grassed area.

What they do with it after they purchase it, we wouldn't have any control over. But our intention is to make the whole thing lawn area.

PAUL BLOSER: Okay. Because I know the Planning Board did approve this based on us, so I know it has gone through Conservation. They were looking for -- they signed off on it.

I just didn't see anything final written from them, so I didn't know.

MR. BERNARD IACOVANGELO: They made no conditions.

PAUL BLOSER: So that is why I asked the question.

There -- is there a buffer for CSX at all on the property?

MR. BERNARD IACOVANGELO: None. No.

PAUL BLOSER: I don't have any other questions.

JAMES WIESNER: I mean obviously subdivision of these properties took place quite a while ago.

MR. BERNARD IACOVANGELO: Yeah.

JAMES WIESNER: They are -- were subdivided a while ago and now the issues have just come to the surface.

MR. BERNARD IACOVANGELO: This subdivision was approved in 2004. I think the final approval was late 2004. And improvements went in for the first phase at that time. The last three years there hasn't been any homes built at -- within this community.

We have come into an agreement with Archer Road Vistas, LLC, and we started building homes and selling homes within the community. This was discovered when we were doing our due diligence because we were going to buy six lots in the beginning, and once we started doing our due diligence, we just couldn't believe that this had gotten by the original --

JAMES WIESNER: There are no other properties that are impinging on that easement for the utilities? This is it right here?

MR. BERNARD IACOVANGELO: This is it, yeah.

FRED TROTT: No questions. They already answered my question.

PAUL BLOSER: Is this a model home, or is this for sale right now?

MR. BERNARD IACOVANGELO: It's for sale, but it's going to be our model until such time as it's sold.

PAUL BLOSER: So there is no C of O on it at this point, correct?

MR. BERNARD IACOVANGELO: No. We're in the finishing stages of it at this time.

PAUL BLOSER: The Planning Board, too, just for the record, they did request in theirs -- because this was originally designed as patio homes, going up through there, smaller square footage. So some of this you're doing individual homes now instead of side by sides; is that correct, your proposal through here?

MR. BERNARD IACOVANGELO: Not on this application.

PAUL BLOSER: Not on this application, but going up through?

MR. BERNARD IACOVANGELO: Yes.

PAUL BLOSER: Is this -- this is all been -- after we do this tonight, if this goes through, this will not be part of the site plan that they're asking for for the rest of it; is that correct?

MR. BERNARD IACOVANGELO: Correct.

PAUL BLOSER: I just wanted to make sure of that. Other than that, I don't have any questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I have a couple questions. Were all these easements and telephone lines and everything, were they there when this plan was approved?

PAUL BLOSER: The original -- yes. Those lines were -- I don't think there have been any changes in utilities right there.

MR. BERNARD IACOVANGELO: They were there when it was approved.

PAUL BLOSER: Right. But that lot was set up, I think, originally -- I don't know if they were even going to build on Lot 1 because of that. We're -- I'm looking at this myself as saying these are going to merge into one.

Now someone has some responsibility to be taking care of it. The -- the new property owner, when the house is sold. Instead of that just going to wild and maybe once every six months someone going through with a bush-hog, it is important to me that it is going to look nice.

MR. BERNARD IACOVANGELO: But originally, just so you know, Dorothy (Borgus), that was approved as a lot. That was Lot Number 1 in the community.

DOROTHY BORGUS: Well, then somebody, somebody else on the Planning Board must have been asleep on the switch. That's all I can say. This is a terrible thing to find yourself with when a project is moving along what, eight years later? Now, all of a sudden, we decide we have lots that aren't buildable. I mean, this is not the fault of this Board, but this ought to be in the minutes that this is sloppy work. This is carelessness. Very careless.

PAUL BLOSER: Originally.

DOROTHY BORGUS: Originally very, very careless.

PAUL BLOSER: But the original maps where Lot 1 is, going down through that back section, heading east, along the tracks, that line was delineated on the original prints as being an easement going all of the way through there.

So that's -- that is nothing new.

DOROTHY BORGUS: You're talking about the one that is outlined in green? On the map?

MR. BERNARD IACOVANGELO: I think he is mentioning this one here (indicating), the yellow one.

DOROTHY BORGUS: The yellow one?

PAUL BLOSER: Yep. Going down through (indicating).

So that would have encompassed Lot 1 going down through the easement that was originally placed there. That's nothing new.

DOROTHY BORGUS: That's nothing new. But Mr. Iacovangelo is saying it's not a buildable lot now.

PAUL BLOSER: I don't believe it was before, Dorothy (Borgus), but there is nothing real clean and clear in the records. Going back many years ago, I was doing some work with Dan -- on a contract basis with Bill Howard who was putting this together, and on his original plan drawings, concept drawings, that lot did not have anything on there. It was a separate, just off to the side. The housing all started south of that.

DOROTHY BORGUS: You don't know what the plan was for that at the time? It was -- you just don't leave a piece of land idle, empty, if you're a builder, I would think.

PAUL BLOSER: Well, he was still, or the corporation encompassed with the golf course, that would have been part of the privately owned.

DOROTHY BORGUS: Oh, I see.

PAUL BLOSER: Because that has all changed, it's a new game. Another developer is taking this over, and now what they're trying to do is throw this into one, and now we have whoever the future owner is for this, they're responsible for that parcel and the maintenance of it and keeping it up to date with some curb appeal.

DOROTHY BORGUS: Well, that's a big issue.

PAUL BLOSER: For me it is, yes.

DOROTHY BORGUS: For me it would be, too. We can't have, you know, patchwork subdivisions being developed.

PAUL BLOSER: No. This -- as this is proposed, this makes a lot of sense to me. I originally questioned, too, proximity to the road, but going back, this was all approved for 50 foot setbacks. So -- and based on the depth of the lot and everything else, I think it's going to fit real nice. But one person has to take care of it -- like we say, we don't have a landlord someplace -- a couple times a year that is coming through with a bush-hog. I don't want to see that. This puts the onus back on the owner.

DOROTHY BORGUS: That scenario would not be acceptable, I'm sure.

PAUL BLOSER: Well, that is part of what we're doing here, is eliminating that.

DOROTHY BORGUS: Now I had another question. Patio homes were on the original plan and now this isn't a patio home; is that correct?

PAUL BLOSER: That's correct.

DOROTHY BORGUS: How does that get changed without a different plan or something?

PAUL BLOSER: Okay. This parcel, right now, has been approved by the Planning Board

as a site plan to move forward with this and accept it. And the Planning Board Chair has put in a condition of approval for future going back into the property that a new site plan is in process right now to be proposed back for approval because there are going to be some changes back there. That's why I specifically asked if this was separate from that site plan. It is. So this is a stand-alone from the others.

MR. BERNARD IACOVANGELO: Just to clarify that, you know, this -- these lots were always -- road front lots were always single-family sites.

Also going in, most of them are single-family in this section that has already been approved, except for maybe 42 unit townhouses.

PAUL BLOSER: Most of them going up the hill and then going back to where the clubhouse and the golf course were going to be were all side-by-sides and patio homes.

DOROTHY BORGUS: Patio homes?

PAUL BLOSER: Yes. But because that was passed through as one package and some of this is changing, that is what the Planning Board said, "We want a new site plan."

That's in the process.

DOROTHY BORGUS: Well, I believe that Mr. Martin had made that statement a long time ago. He was tired of patching this thing together and having the owner come in and want changes made and, you know, lot lines changed, and he was just tired of just it being in flux all of the time.

PAUL BLOSER: Piecemeal.

DOROTHY BORGUS: Piecemeal development. I'm surprised it has taken this long to get this in motion or get it under way.

PAUL BLOSER: There's has been a lot with this property for a long time.

DOROTHY BORGUS: There has been, but it has gotten off to a very bad spot. The other question I had, if that lot is already over 20,000 square feet, how did that happen?

PAUL BLOSER: Dorothy (Borgus), I can't answer that for you. I was not part of any of the Boards at that point. I don't see where there was a record of a variance for that issued, either.

But when this property was sold off from empty land, farmland, and the concept that existed, the Vistas was started, those lots were incorporated into the global site plan and it was approved as such. So that was before us.

That might even be going back to maybe when John Cross was still Chair of Planning before Jim (Martin).

DOROTHY BORGUS: It is just so unfortunate so long after the start all these issues keep coming up and coming up. And as a lifelong resident of the Town, I'm very concerned that maybe nobody is going to be happy with it when it's done if we don't get a handle on this project.

PAUL BLOSER: Well, I think that's what the current developer is working on. They've worked with the Town. They're putting together a site plan. That's in process so that we're not here in other eight years.

DOROTHY BORGUS: Well, how did that happen?

PAUL BLOSER: It's in process right now.

DOROTHY BORGUS: We started out with a fish and we're going to end up with a foul, and it doesn't work. You're going to end up with a very unnecessary result if something isn't nailed down and soon.

Thank you.

Adam Cummings made a motion to close the Public Hearing portion of this application and Robert Springer seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

ROBERT MULCAHY: Good plan.

PAUL BLOSER: It has a lot of merit. I'm glad to see something going on this, moving. He has model houses open, the signs are up. They're advertising for it. Nice to see something other than dust bowls going through there.

JAMES WIESNER: Is this still active with the Planning Board or they have site plan approval?

PAUL BLOSER: They have not had a submission yet of site plan. There has been discussions, but there has been nothing before the Board for anything else at this point. It's being worked on, but engineering doesn't happen overnight. Not a project of this scope.

ADAM CUMMINGS: They have to resubdivide first.

PAUL BLOSER: There were originally some problems with the utilities that have to be verified and done with elevations. There's a lot going on in here that still has to be nailed down before they can even submit.

We're on the right track. It's going in the right direction.

As far as conditions of approval, all I'm putting down is building -- permits are already in place. The lot map will be -- C of O and final survey will be submitted after the C of O. That paperwork is already to go in place. So there is really no conditions of approval.

JAMES WIESNER: Are utilities sticking up out of the ground on these two properties?

ADAM CUMMINGS: All we're doing is resubdividing. We're not doing any site plan anything. We have to resubdivide, get a surveyor's map and file that with the County. That's all we're doing right now.

MICHAEL NYHAN: The utilities existing are going to be kept; is that correct?
MR. BERNARD IACOVANGELO: Yes.
JAMES WIESNER: He should have that as a condition.
MICHAEL NYHAN: I believe that was part of the approval of the -- of the Planning Board; is that correct?
MR. BERNARD IACOVANGELO: Right.
PAUL BLOSER: Yep. Other than that, there...
JAMES WIESNER: That is why you don't have it listed as a condition, because it is already a condition.
PAUL BLOSER: So this just kind of cleans up some loose ends.

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

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

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

1. The proposed variance will not have a negative impact on the environment or neighboring properties.
 2. This variance is necessary due to utility easements and building restrictions on two of the lots.
 3. By combining three lots into one it will give a nicer lot for the structure and better curb appeal to the Town of Chili.
3. Application of Jeffrey Munson and Mary Kathleen McGrath, owners; 2274 Scottsville Road, Scottsville, New York 14624 for variance to erect a 24' by 32' detached garage to be 15' from side lot line (50' required) at property located at 2274 Scottsville Road in AC zone.

Jeffrey Munson was present to represent the application.

MR. MUNSON: Good evening.
PAUL BLOSER: For the record, please state your name and address.
MR. MUNSON: Jeffrey Munson, 2274, Scottsville, New York.
PAUL BLOSER: Initially I missed the house. I thought that yours was the one with the sunroom on the front side there. You're tucked back in there to the right side of that?
MR. MUNSON: Yeah.
PAUL BLOSER: The garage then, in relationship to that -- the redwood fence --
MR. MUNSON: I'm sorry in relationship to?
PAUL BLOSER: The redwood fence that is up there, going down the driveway.
MR. MUNSON: Yeah. Yeah. The -- there is a redwood -- a wooden fence.
PAUL BLOSER: Is that your fence?
MR. MUNSON: Yes.
PAUL BLOSER: I was trying to figure from where that fence is, on this property, to where you're garage is going.
MR. MUNSON: Well, I -- if you have -- if you have -- if you have the map in front -- in front of you --
PAUL BLOSER: Yes.
MR. MUNSON: The -- the -- the fence parallels the driveway -- I don't know -- for about 100 feet. There was a point there was a break in the fence, and then the shared driveway turns into our private driveway. It goes back to -- on the -- on the -- on the drawing here, um -- or the copy of the -- of the map, survey map, you can see where the building is so that it's on the south side of the property. I don't know if that's clear for everybody, but...
PAUL BLOSER: The two dwellings that are shown on this map here, I'm assuming that they're the same right one that I have got.
Could I ask you to step forward a second? I'm confused by the map.
MR. MUNSON: Yeah.
PAUL BLOSER: Is this the house that had the sunroom on it?
MR. MUNSON: No.
PAUL BLOSER: That's up here (indicating).
MR. MUNSON: Over here (indicating). This is the driveway, the shared driveway.
PAUL BLOSER: You're putting it back here (indicating).
MR. MUNSON: I'm putting it back here (indicating).
PAUL BLOSER: You can't see it from the road?
MR. MUNSON: You can't see it from the road.

PAUL BLOSER: It dips down.

MR. MUNSON: Yes. It is all wet. This is all wet up in here (indicating). So you can't see it from the road. I mean I -- you would have to really -- well, if you were to really look, you probably could, but it is pretty well --

PAUL BLOSER: I was looking at this -- the redwood fence and I thought this was the driveway.

MR. MUNSON: I'm sorry. I misunderstood what you said. I thought you were referring to this fence (indicating). Now, but this is it here (indicating).

PAUL BLOSER: This is where the other redwood fence that I saw was going along here (indicating). That's more visible from the road.

MR. MUNSON: Yeah.

PAUL BLOSER: That's fine. I just --

MICHAEL NYHAN: Paul (Bloser), will you explain that? This is his driveway here you're saying (indicating)?

PAUL BLOSER: No, up. This is the common driveway up here (indicating).

MICHAEL NYHAN: Right.

PAUL BLOSER: Then you look down the driveway, I saw a redwood fence going down and I saw like a white van back in here (indicating). I'm looking at this thinking is that the house I was looking at with the white van here and this is the house with the sunroom.

No, the house with the sunroom was over here (indicating). I was confused by what this line said here (indicating) about the wood fence coming down the lot line. So I thought this was -- so I am off by one lot. This versus -- I was at the road not sure which one was which.

So as you're looking at the driveway, the sign, the variance sign was right here (indicating). It was to the left of the driveway, to the north of the driveway is where he had it posted.

So this is the house back here (indicating) that I'm looking at, and they're putting the barn back down under here (indicating) and you can't see it from the road because it is tucked back in. He said this is wetlands (indicating) -- up towards the front he has a high spot back there, and that is where that's going.

MICHAEL NYHAN: Okay.

PAUL BLOSER: So it --

MICHAEL NYHAN: Then I have a question.

PAUL BLOSER: Pardon?

MICHAEL NYHAN: I have a question. Where it says, "Owner retaining easement. Blacktop drive that leads back past this proposed garage and over to a framed barn," correct?

PAUL BLOSER: Yes.

MICHAEL NYHAN: Who owns that driveway?

MR. MUNSON: That's owned by Maggie Hoff. She lives -- you can't see her house on this, but if you -- but if you were to continue down the road, that easement -- that driveway past the red barn, that is where her residence is.

PAUL BLOSER: Closer down to the river.

MR. MUNSON: Closer down to the river.

But it's a great distance from the river, but in that direction, closer to the river.

PAUL BLOSER: You can't really see it from the road either. It's way back down in.

MICHAEL NYHAN: So how will you get access to this?

MR. MUNSON: There is a driveway, gravel driveway that goes from the shared -- the shared driveway, the house, to the -- to the north. It cuts across the property, directly to -- in fact, I park my cars right now where this -- where this proposed garage is.

MICHAEL NYHAN: So there isn't a need to use this other owner's driveway?

MR. MUNSON: I won't be using her driveway, no.

MICHAEL NYHAN: Okay. And all of the other property is within this area where the wood fence goes through, is wetland, and that is why this garage cannot be closer to the house; is that what I am understanding?

MR. MUNSON: Yes, that's part of the reason, yes.

MICHAEL NYHAN: What is the other part?

MR. MUNSON: Well, there are trees. There is big trees that would have to be removed. And as you get closer to the house, it's lower. And you know, in the right time of year, it's wet. You know. There is standing water.

MICHAEL NYHAN: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I saw the drawing of the building proposed. And I realized that at least from what I am hearing here it is not going to be visible from the road, but just on principle, I'm wondering why you would consider a -- passing this without an enclosed building. I can remember not too long ago a very prominent member of the community was -- wanted to do this same kind of a shed, if you will, garage, I don't remember what he called it, and it was even -- it was visible, but the back of it faces the road. The open part did not even face the road. And the Board turned it down, I believe, unanimously because they said they did not want, you know, open garages. It was not something they wanted to start. It was a precedent they didn't want to begin.

PAUL BLOSER: Is that the one that was down by the river that backed up to Black

Creek?

DOROTHY BORGUS: Black Creek, yes. Not the river. Black Creek. But it was turned down for the reason -- they said if you want to propose this, then you have to close it in. It has to be a full building. It can't be a run-in shed like for a horse or whatever, you know. And there were good reasons at that time. The applicant wanted just to be able to, you know, put machinery of various sizes in easily. He had a reason, and even then, he was denied the right to build open -- an open shed, open garage, whatever he called it. So I'm wondering if this is a precedent regardless of the fact that it isn't visible that you want to entertain.

Thank you.

FRED TROTT: I had a question about materials.

PAUL BLOSER: About?

FRED TROTT: Is it going to match?

Were you still putting that condition on it?

PAUL BLOSER: The house is a natural wood siding right now; is that correct?

MR. MUNSON: Yes.

PAUL BLOSER: So Board & Batten siding is consistent. It is a natural wood, horizontal grain. That would encompass one-third of it; is that correct, the way I read this?

MR. MUNSON: The batt -- yes, correct. Actually more than 1/3. Because one of the -- one -- one of the other sides will be enclosed also.

PAUL BLOSER: Are you going to have four sides enclosed then?

MR. MUNSON: Well --

PAUL BLOSER: Is there going to be a garage door?

MR. MUNSON: 3 and 1/3 sides enclosed, I guess would be the way to describe it.

PAUL BLOSER: 11 -- like one complete garage bay.

MR. MUNSON: Yes, will be enclosed.

PAUL BLOSER: With an overhead door locking, or is it going to be open?

MR. MUNSON: It's going to be enclosed. It's going to be use for storage, but there wouldn't be a garage door on it.

PAUL BLOSER: Is it lockable storage?

MR. MUNSON: Lockable storage door, yes.

PAUL BLOSER: That's what I'm asking. I just want to make sure.

So it's a combination of open.

MICHAEL NYHAN: It looks like a three-bay garage; is that correct? Two of the bays are open for cars?

MR. MUNSON: Three-bay garage with one of them enclosed, yeah.

PAUL BLOSER: More like a lean-to pavilion type, open two bays and one bay is completely enclosed?

MR. MUNSON: Right. Yeah. In -- there are other buildings the -- the -- you know, the red barn, the Board & Batten. There is an out building that Maggie Hoff owns that is a Board & Batten building. So design wise, it's pretty consistent with what is in the area.

JAMES WIESNER: Will you be building this yourself?

MR. MUNSON: Yes.

MICHAEL NYHAN: Is the owner of the other property here who owns the driveway?

MR. MUNSON: Yes. I have talked to her about it. She would be glad to speak on behalf of -- of going through with the project.

PAUL BLOSER: Well, that is why I asked if there was any other public comment here, if there was anyone here to speak on it.

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

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

PAUL BLOSER: So basically what this is, is a garage with an open overhang, like a shelter from weather, for storage, but the enclosed one will be four-sided lockable, so it's not like the other one that was spoken of. It's not like a lean-to where it is three sides. There is a portion of it that is closed.

This is farther back from the house. This will not be visible at all from the road. You can hardly see the house right now. It's all kind of a woodsy thing back in there. I don't really have a problem myself with this one.

ADAM CUMMINGS: Any chance we can get a clearer survey map? I don't even see all of the roadways shown --

MR. MUNSON: I have a -- I have perhaps a clearer one if you want to take a look at it.

ADAM CUMMINGS: Okay. It looks like from the aerial photos above, is that where you're going to access your new structure from?

MR. MUNSON: This is Scottsville Road (indicating). This is -- is my neighbor's house here (indicating) that Mr. Bloser was referring to, is the green lot. This is our shared driveway (indicating). The fence breaks here (indicating) and the driveway comes over and then this is where the proposed garage will be right here (indicating).

MICHAEL NYHAN: Actually shown on the map -- it is right here, isn't it?

MR. MUNSON: Well, that's right. I'm sorry.

MICHAEL NYHAN: So the driveway that is missing that I didn't see is the one that comes --

MR. MUNSON: Like this (indicating).

MICHAEL NYHAN: It goes to there (indicating) and that is where you currently park your vehicles?

MR. MUNSON: Yeah.

JAMES WIESNER: Both have a shared driveway?

MR. MUNSON: This -- this is a -- yeah, this is a shared driveway with Maggie Hoff there, yeah. I mean, I don't use it.

JAMES WIESNER: This is all wooded?

MR. MUNSON: This is wet in here (indicating). This is just a lot -- about on this property, there is about 20 pin oaks there, mature. And there is some other pines.

There is a row of pines here (indicating), a row of pines here (indicating) and then some --

FRED TROTT: This is your property?

MR. MUNSON: No. This is my property (indicating).

FRED TROTT: That's yours.

MR. MUNSON: One you can see from the road, and you can sort of see this from the road. I have done some landscaping so you can't see it, you know.

MICHAEL NYHAN: Thank you.

ADAM CUMMINGS: Thanks for putting the map up. I'm good now.

PAUL BLOSER: We have the satellite.

I like the curtains there.

MICHAEL NYHAN: So my last question, it is only 15 foot it likes like from the edge of the roadway; is that correct?

MR. MUNSON: That's correct.

MICHAEL NYHAN: It can't be moved any further off the -- that roadway without impinging on the wetlands.

MR. MUNSON: The problem is the trees more than the wetlands at that point. In order to turn and park a car in there -- I don't know if you were there, but there is -- there is about 20 mature pin oaks on the property, and so I got to deal with those.

PAUL BLOSER: On the map we're looking at, the satellite image, just to the north of your neighbors, the red barn, going to the property, there is like a clearing.

MR. MUNSON: Yeah.

PAUL BLOSER: Is that where you're proposing to put your garage?

MR. MUNSON: To the north of the wetland?

ADAM CUMMINGS: No. To the north of the barn.

PAUL BLOSER: To the north of your neighbor's barn.

MR. MUNSON: Yeah. To the north and to the west a little bit of the red barn.

PAUL BLOSER: Yeah. That's exactly what that was. So you can see what is green, and the browned-out area I can see more as a wetland, marshy type, as opposed to where the grass is. You can see the driveway comes across the front of the house and over to that.

ADAM CUMMINGS: Is it just wetland that happens to be moist, or is it an actual wetland?

MR. MUNSON: Well, I don't know. There is cattails and other, you know, wetland flora in there, so I -- so I -- no one has ever told me what it is actually designated, but it is -- you don't want to --

FRED TROTT: You might want to find out before you put --

MR. MUNSON: Before I?

FRED TROTT: You might want to find out before you build.

ADAM CUMMINGS: Right. Because the Department of Environmental Conversation might make you tear it down even if you build it. If it is a designated wetland they have delineated.

MR. MUNSON: How would that -- would I have known that when I purchased it or would someone have told me that?

ADAM CUMMINGS: Um --

ED SHERO: We have no wetlands listed on his property.

ADAM CUMMINGS: Okay. That was going to be my next question.

MR. MUNSON: I mean the garage is going to be at least 50 yards from, you know, the -- where it would be where the cattails are.

FRED TROTT: You want a 100-foot buffer?

ADAM CUMMINGS: That's only if it is a State buffer. But according to what Ed (Shero) said, there aren't any listed right now, so we'll go off of that.

PAUL BLOSER: Looking at the satellite image here, too, where he is placing that on here, it's a big green opening. Everything else around there is real dense with trees, and they're mature. So I guess I agree with him, I would rather see it going in an opening than cut down a lot of trees, for a lot of reasons.

MICHAEL NYHAN: What would be the estimate on the setback? There is a framed barn that the owner owns that has that road that you will be 15 feet from?

MR. MUNSON: The setback from the red barn?

MICHAEL NYHAN: What is the setback? It is not on this map.

MR. MUNSON: How far is the red barn from the road?

MICHAEL NYHAN: Correct.

MR. MUNSON: I would say it's 10 feet. 10, 15 feet.

PAUL BLOSER: Um, as a condition of approval on this, I would probably want to have this plotted out on the drawing so we know exactly where it is on there, so we know a distance between that red barn and this -- this structure. It won't be a problem there.

MICHAEL NYHAN: I have one other question. The orientation of the -- the orientation of the structure, will it have two open garages with no doors on it?

MR. MUNSON: Correct.

MICHAEL NYHAN: What direction will that face, towards your house or --

MR. MUNSON: It will be facing towards our house. It will be towards the north.

PAUL BLOSER: The whole back side of it or the south side will have a wall on it; is that correct?

MR. MUNSON: Correct.

MICHAEL NYHAN: Enclosed. The back side is enclosed that faces that other owner's driveway.

MR. MUNSON: It will be, yes. As -- as well as there is an Arborvitae hedge, so that, you know --

PAUL BLOSER: You can see that on here.

MR. MUNSON: There is a mature Arborvitae hedge that borders 2/3 -- well, half of our property, and part of that hedge will be in back of that shed, or that garage, so, you know, it's going to be obscured visually.

MICHAEL NYHAN: Okay. Thank you.

MR. MUNSON: Uh-huh.

FRED TROTT: Are you asking for --

PAUL BLOSER: That shows me a lot more. I like where they're doing it.

FRED TROTT: Are you asking for a survey map of the property?

ADAM CUMMINGS: Uh-huh.

PAUL BLOSER: So --

FRED TROTT: I'm almost kind of thinking are we going to get ourselves into where he is backing in, where he is thinking it is 15 feet and it actually 13 feet, 14 feet --

PAUL BLOSER: Yep.

FRED TROTT: I'm just wondering if we're going to get caught in that situation again.

PAUL BLOSER: Getting that close, I would require to have a survey to show where it is actually plotted on file. There is no issues, especially with the property if it is ever transferred and the sale -- there is no questions at that point. And I would hate to have him have it up in the air and have to take it down. And that's a -- you know, it protects the neighbor, too. The neighbor knows where it is. And if that property is ever sold, there is no issues, and -- so I would put a condition of approval to have a survey map updated to show the exact location.

So for conditions of approval, I've got all permits required will be obtained from the Town of Chili.

And two, an updated survey map plotting the proposed structure will be submitted prior to C of O. Other than that, he has his materials spelled out already. All natural wood siding like the house, so that's -- will be consistent with the other property.

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 James Wiesner seconded the motion. The Board all voted yes on the motion.

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

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

1. An updated survey plat of the subject parcel created by a NYS Licensed Surveyor must be submitted to the Building Department following completion of construction of the new structure.
2. Building permits must be obtained from the Town Building Department.

The following findings of fact were cited:

1. The proposed variance will not have a negative impact on the environment or neighboring properties.
2. Placement of the structure is required due to surrounding area being lower and subject to flooding.
3. This type of addition is consistent with neighboring properties and will only increase the value of this property.

MR. MUNSON: What happens next?

PAUL BLOSER: You could realistically apply for your permit tomorrow morning, but you will have a letter within a week or so with the Board's decision, which is you're approved. But you need to get an updated survey map of your property to show where you're placing this.

And do you know where your markers are right now, the property stakes?

MR. MUNSON: Survey markers?

PAUL BLOSER: Yes.

MR. MUNSON: No.

PAUL BLOSER: I would get them located, at least the ones on your southern boundary so you know where the line is, stake it out so you know where that thing is going, and then once it is done, you're going to have to show that on a drawing, whoever does your survey, have the drawing updated so that it shows the building located there, as it is built, as it is placed.

MR. MUNSON: Okay.

PAUL BLOSER: They will set the markers for you. You put it up and they will verify.

MR. MUNSON: It says it where it is.

PAUL BLOSER: In order to get the C of O, the final inspection, you have to have that drawing from the Town.

MR. MUNSON: Okay. Thanks a lot everybody.

4. Application of Mr. and Mrs. Luke Mekker, owner; 136 Morgan Road, Scottsville, New York 14546 for variance to erect a 26' by 14' addition to house to be 34' from side lot line (50' required) at property located at 136 Morgan Road in AC zone.

Luke Mekker was present to represent the application.

PAUL BLOSER: For the record, your name and address?

MR. MEKKER: Luke Mekker, 136 Morgan Road, 14546.

PAUL BLOSER: So this is going on the south side of the house then, correct?

MR. MEKKER: Right, yes.

PAUL BLOSER: One of the things I was looking for on this, like the other house, where your septic system and leech fields are placed.

MR. MEKKER: Yep.

PAUL BLOSER: And also, what is -- what is going into this addition?

MR. MEKKER: Bedrooms.

PAUL BLOSER: A bedroom, one, two.

MR. MEKKER: We'll end up adding one bedroom. I have approval from the County Health Department for the septic system, as well.

PAUL BLOSER: That it will hold it okay?

MR. MEKKER: Yep.

PAUL BLOSER: Again, on this one, is -- is it a yellow house?

MR. MEKKER: Um, light blue, maybe gray.

PAUL BLOSER: The first one going in?

MR. MEKKER: The second one going in.

PAUL BLOSER: Okay.

MR. MEKKER: Second on the left.

PAUL BLOSER: I saw the sign at the road on --

MR. MEKKER: Yes. Technically that is on our property.

PAUL BLOSER: -- on Morgan and it wasn't --

MR. MEKKER: Yep.

I do have a letter from the neighbors that are -- this is encroaching on, if you want to call it that.

PAUL BLOSER: Okay. Is this going to be deeper set back from the current rear line of the house right now?

MR. MEKKER: 99 percent sure it will be flush with the back of the house. I know on the drawing it has a little --

PAUL BLOSER: Offset.

MR. MEKKER: -- offset, but that's more to my non-artistic skills.

PAUL BLOSER: Okay. Can you still get the siding to match?

MR. MEKKER: Siding, roofing, windows, trim, yes.

PAUL BLOSER: That's not a problem getting a match for those?

MR. MEKKER: No. The house was built in 2001. The house was built in 2001, so it's not outdated.

PAUL BLOSER: I don't have any questions right now.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SAM GALLO

MR. GALLO: Mr. Chairman, members of the Board, Sam Gallo.

PAUL BLOSER: Sam Gallo. Okay.

MR. GALLO: I'm Luke's neighbor. I have known him since he has moved in. His place has always been immaculate. It's been kept up real nice. One of the nicest neighbors you will ever want to be attached to. I'm sure that anything he does will be an asset to the Town and the neighborhood, and that's about all I can really say. Thank you.

PAUL BLOSER: Or your wife is going to get after him, right?

MR. MEKKER: She can go after my wife. Stay away from me.

MR. GALLO: No, I --

PAUL BLOSER: I remember you from an application.

MR. GALLO: You sure do. I -- this -- I recognize that gentleman over there (indicating). Ed (Shero), my pleasure. Thank you. Keep up the good work. That's about all I can say, you know.

I know exactly what he's doing, and it's going to be an addition and --

PAUL BLOSER: Thank you.

MR. GALLO: That whole part of that neighborhood is probably the nicest thing that has ever happened to Morgan Road.

PAUL BLOSER: That's good.

MR. GALLO: With those three houses that were put on that lot that we had all those problems for from all of the neighbors across the street, because it was going to be turned into a real heavy traffic area, and this and that, and it's about all I can say. Thank you.

PAUL BLOSER: Any other comments?

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

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

Paul Bloser went over the conditions approval with the Board.

MR. MEKKER: The lot map is after construction, correct?

PAUL BLOSER: Yes. That will be your final survey that shows setbacks.

ADAM CUMMINGS: Actually, that brings up a good question. It says here from the lot line -- the south lot line to the house is 50 feet. 50.8 feet -- 0 feet, and then you're adding on -- or 14 feet. And --

MR. MEKKER: Potentially, yes.

ADAM CUMMINGS: And the variance is 34.

MR. MEKKER: 34. Right.

ADAM CUMMINGS: Okay. It gives us a little bit of room. That's all.

How about siding, windows, roof and trim to match?

PAUL BLOSER: Yeah.

Are there any doors going in?

MR. MEKKER: Exterior, no.

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 Fred Trott seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with the following conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

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

1. Siding, windows, trim and roof materials shall match the existing structure in color and type.
2. Permits as required to be obtained from the Town Building Department.
3. Submittal of Monroe County Department of Health septic system capacity evaluation to be submitted prior to issuance of a building permit.
4. Updated lot map with actual placement of structure to be submitted prior to final inspection.
5. Building plans stamped by professional engineer or architect to be submitted with application for building permit.

The following findings of fact were cited:

1. The proposed variance will not have a negative impact on the environment or neighboring properties.
2. This type of addition is consistent with neighboring properties and will only increase the value of this property.

The 1/22/13 meeting minutes were approved.

The meeting ended at 8:07 p.m.