

CHILI ZONING BOARD OF APPEALS

March 22, 2005

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

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

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: Supervisor Tracy Logel is in attendance this evening.

Before we begin, the Board will discuss signs, starting with Application 1, Dario Marchioni. Now, this one, unfortunately, still had the old public hearing sign from the February meeting. The applicant did get a letter in the mail stating that the application was tabled. We needed more information. Applicant to obtain new signs at the Building Department to post and maintain as per Town regulations. The applicant must be present for the public hearing.

So in light of this, I will ask for a motion to table this to the April meeting which would be April 26th. That should be the right date. April 26th. Can I have a motion for that?

MICHAEL MARTIN: I will make that motion to table.

JEFFERY PERKINS: I'll second it.

The motion to table was approved by a vote of 6 yes to 1 no (Peter Widener).

BEVERLY GRIEBEL: Anyone who is here for that application, nothing will be heard on that tonight. You can return on the next month's meeting. If you can't attend the next month's meeting, you can send in a letter that would be entered into the record.

Moving onto Application 2, Richard Saunders, owner 18 Old Ivy Circle.

RICHARD PERRY: Before we get to that, we should probably establish that all of the signs have been done.

BEVERLY GRIEBEL: I'm sorry. Right. Okay.

Application 2.

DAN MELVILLE: That was there.

BEVERLY GRIEBEL: I did look at those on 3/12 in the afternoon. Anyone have a problem with Number 2?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Number 3, Paul Road Industrial Center?

RICHARD PERRY: No problems.

PETER WIDENER: No issue.

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Application 4, Matthew Coccia?

RICHARD PERRY: No problem.

DAN MELVILLE: It was there.

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Number 5, Janice Bonehill?

DAN MELVILLE: No problems.

The Board indicated they would hear that application.

1. 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 & FW zone.

DECISION: Tabled by a vote of 6 yes to 1 no (Peter Widener) for the following reason/finding of fact:

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

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

Applicant must be present for the public hearing.

2. Application of Richard Saunders, owner; 18 Old Ivy Circle, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 410 sq. ft. garage addition to be a total of 1,070 sq. ft. (900 sq. ft. allowed) at property located at 18 Old Ivy Circle in R-1-15 zone.

Richard Saunders was present to represent the application.

MR. SAUNDERS: Richard Saunders, recent owner of 18 Old Ivy Circle, and as stated in the application, I'm looking to add a 410 square foot addition on the garage, making the total of 1070. Basically it is taking the existing two-car garage and putting on additional two-car garage behind that. It will not change the front of the house whatsoever except that I'm changing from the existing double door to two 9 by 7 single doors. That would be the only frontal change involved.

There would be no change in the setback requirements or infringements on any setbacks from the property lines.

As far as the structure, all of the siding would match the existing siding, roof design. There will be a new roof put on the whole house with a tear-off, so there will be no change in siding or anything like that involved.

BEVERLY GRIEBEL: And this backs up to a wooded area?

MR. SAUNDERS: Yes, yes. No trees will be removed either.

BEVERLY GRIEBEL: A lot of woods between you and the adjacent neighbor on the next street?

MR. SAUNDERS: Right. Basically, I'm only going back an additional 15 feet from where the garage ends currently, because there is already a little setback on the existing garage of 5 feet by 12 feet approximately.

BEVERLY GRIEBEL: You note on your application you have four vehicles which you want to garage?

MR. SAUNDERS: Right. Three are classic cars and one is I will call -- getting to be more of a classic truck, I guess.

BEVERLY GRIEBEL: The older it gets, it is labeled classic.

MR. SAUNDERS: Right, right.

DAN MELVILLE: Is that the only thing you need the additional space for is the vehicles?

MR. SAUNDERS: Correct.

DAN MELVILLE: Concrete floor on it?

MR. SAUNDERS: Yes.

DAN MELVILLE: You will not run any kind of business out of that garage, any repair work?

MR. SAUNDERS: No. In fact, on these cars, I don't do any repairs myself. I'm not a mechanic. The only work would be washing and waxing.

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 Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

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

1. Applicant described need for additional storage.
2. No change in the character of the neighborhood.

Note: A building permit is required prior to construction of this garage.

BEVERLY GRIEBEL: For late arrivals, we tabled Application 1, Mr. Marchioni, until the April meeting, April 26th. That was failure to post the new sign there.

3. Application of Paul Road Industrial Center, LLC, owner; 1 S. Washington Street, Rochester, New York 14614 for variance to allow front parking for approximately 89 vehicles at property located at 200 Aviation Avenue in L.I. zone.

Duncan Jackson and Richard LeFrois were present to represent the application.

BEVERLY GRIEBEL: This application went to the Monroe County Planning Department and came back as a local matter. This also went to the Planning Board with approvals given subject to this front parking variance.

MR. JACKSON: Good evening. My name is Duncan Jackson. I'm with the MRB Group, representing Paul Road Industrial Center. We are requesting front yard variance for parking as we did for the property just to the north of this property which is known as the Curbell building. This is a 5.4 -- 04 acre site. It is a long site, and it is encumbered because it is -- the pre-existence of Aviation Drive makes this a long, narrow piece of property.

What we have done is put the parking in the front and tried to -- well, we have put the loading in the back and the landscape plan shows that we are going to try to mitigate that front yard parking by berming and landscaping.

I have a -- the purpose of the drawing on the -- on the left is to show the front yard parking that exists out there, and I have a formal -- a form which shows the area. This is our site right here (indicating). This is the Bausch & Lomb building (indicating). This is the parking area here (indicating).

BEVERLY GRIEBEL: If anyone in the audience wants to go look at the diagrams, please feel free to go over there.

MR. JACKSON: It is not an unusual situation in that area for front yard parking.

That's about it. My justifications are -- have been submitted with the application, and if you have questions, I would be happy to answer them.

JEFFERY PERKINS: The size of the building has been predisposed by what? I mean -- it is a new building going in.

MR. JACKSON: New building, that is correct.

JEFFERY PERKINS: They can't get away with anything smaller to move the building back?

MR. JACKSON: What we have done -- I didn't bring them tonight. We have done three sketches. We tried to do two buildings facing each other. There was about a 12 to 15 foot differential in grade from one end to the other, so we are cutting the north end and filling the south end, and it just -- it is more economical to do this as one building. There will probably be -- it is conceivable there could be as many as -- as few as three tenants in the building, possibly six.

The parking is per code. It just adds something that we talked about at the Planning Board meeting -- the parking required for the Curbell building by code was 179 spaces. We land-banked 90 spaces and we constructed 89 spaces, and if you go over there during the day, I think you will find 44 cars in that parking lot.

So the -- you know, the code is -- calls for quite a few more spaces than we actually need. This is also going to be a -- in fact, the use in this building will probably be less than the Curbell building because it is planned to be 20 percent office and 80 percent warehouse and

will probably end up being 10 percent office.

JEFFERY PERKINS: The landscaped berm between the building and Aviation Avenue is how wide?

MR. JACKSON: I can scale that for you.

It is about 10 feet wide. It will be high enough to -- oh, probably disguise the headlights. Not that they need to be disguised for the other side of the road.

BEVERLY GRIEBEL: That is pretty much an industrial site.

MR. JACKSON: Yes.

BEVERLY GRIEBEL: It is not residential there anyway.

MR. JACKSON: That's right.

RICHARD PERRY: And never will be.

PETER WIDENER: Could you tell me what the capacity of that parking is going to be again? I heard you mention 90 spaces, 89 spaces?

MR. JACKSON: The proposed building?

PETER WIDENER: Yes. The capacity.

MR. JACKSON: I will get it. It is on the drawing.

Parking required is 119 spaces. We have provided 89, and we are land-banking 90.

PETER WIDENER: That is where the 89 and 90 came up.

As far as the dock requirements for loading and unloading, is that ample space back there?

MR. JACKSON: Yes. We have it set up so we can have a truck in the dock and be able to get by with another truck.

PETER WIDENER: Yes. You have to.

MR. JACKSON: We actually have it set up so that -- yes. So that one truck can go by the other one when it is in the dock.

PETER WIDENER: And the -- they will be able to back up and turn around.

MR. JACKSON: It is set up so the truck comes in the south entrance and when he backs up, the mirror is on the right side for him to see where he is going into the dock. So that will be the route.

RICHARD PERRY: One way.

MR. JACKSON: They will come in that way and go out the other way.

RICHARD PERRY: Marked as such?

MR. JACKSON: We can do that.

MICHAEL MARTIN: Your basic intent is to stay with the keeping of the other buildings with the front parking and try not -- try to fit into the area?

MR. JACKSON: This is going to be the last building on this site of Aviation Drive. It is hard to say how the rest is going to be developed, because you know there is a restricted area there.

MICHAEL MARTIN: What is already up, it seems to be consistent with what is already in existence?

MR. JACKSON: Yes.

DAN MELVILLE: One question. Did you look at any other possibilities for parking other than the front?

MR. JACKSON: Yes.

DAN MELVILLE: Did you explore other alternatives?

MR. JACKSON: Yes, we have. As I said, because of the long, narrow property, we put the parking in the front and the loading in the rear. I think the loading is -- belongs in the rear of the building.

The parking in the front accesses the front doors to the offices and makes sense to have it in that relationship.

The land-banked parking, as you can see is located on the ends, the back, which, you know, if you park in the back, you have to walk all of the way around the front.

DAN MELVILLE: How many employees do you expect to be on that site?

MR. JACKSON: It is difficult to say. The owner just came in.

Do you have any idea?

MR. LeFROIS: I would say it will vary. I mean, I would estimate there would probably be 50, give or take, employees.

DAN MELVILLE: Visitors during the day?

MR. LeFROIS: Minimal. This will probably be more distribution or light manufacturing, where it --

DAN MELVILLE: 50 cars then?

MR. LeFROIS: Probably about 50 cars.

DAN MELVILLE: You're asking for 89?

MR. LeFROIS: We are asking for a little more parking, because it seems as though today we all jam, leaving a little for growth if we find a tenant that has a larger group.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would just like an explanation what the term means "land-banked." I'm familiar with that with agricultural land, but with regard to parking spaces, what does that mean?

BEVERLY GRIEBEL: The way I am interpreting it is there are future parking areas designated on this diagram, 18 cars, 18 cars, 32 cars and another 22 cars totalling 90. 90 additional if they need it.

MS. BORGUS: Where would they be? They're in the front?

RICHARD PERRY: At the end. On the map, Dorothy (Borgus), it shows it at the north end, a number of them.

BEVERLY GRIEBEL: Maybe the gentleman could point that out on the map over there.

MR. JACKSON: We have shown them here (indicating), in the back, and here (indicating) and on the ends (indicating).

MS. BORGUS: Does the grade allow for that?

MR. JACKSON: Yes.

MS. BORGUS: So in other words, it means they're there in the future should they be needed, but they're not being put in right now.

BEVERLY GRIEBEL: If they have a tenant that needs more spaces, they can set them up in other areas around there.

MS. BORGUS: Thank you.

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 no conditions, and Jeffrey Perkins seconded the motion. All Board members were in favor of the motion.

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

1. Front parking is in keeping with most other businesses in the area.
4. Application of Matthew Coccia, owner; 117 Stottle Road, Churchville, New York 14428 for variance to allow the total square footage of garage area, including a new 1,334 sq. ft. detached garage to be a total of 1,728 sq. ft. (900 sq. ft. allowed), variance for detached garage to be 27.5' from side lot line (50' req.) at property located at 117 Stottle Road in PRD zone.

Matthew Coccia was present to represent the application.

BEVERLY GRIEBEL: Do you work for any government agency?

MR. COCCIA: No, I do not.

BEVERLY GRIEBEL: Now, you have an area that is fenced, I believe?

MR. COCCIA: Yes.

BEVERLY GRIEBEL: So you want to get the garage kind of behind that fenced area?

MR. COCCIA: The fence is going to come down, so yes, if you were able to see the fence when you swung by the property, that whole fence is going to be gone. There is a little shed there that is going to be gone.

BEVERLY GRIEBEL: You want it -- to push that far back where you have this diagram?

MR. COCCIA: Yes.

BEVERLY GRIEBEL: This diagram that you have here, showing a shed, shows a shop

area.

MR. COCCIA: Shop area, did you say?

BEVERLY GRIEBEL: This --

MR. COCCIA: Oh. That was just a general rendition of what the structure is going to be like. It's -- I don't believe -- that was something that I pulled out of a -- off the Internet or something. The sizes are not right, but it is generally what the look of the garage is going to be.

BEVERLY GRIEBEL: So you will not have a shop in there?

MR. COCCIA: No. Oh, no, I see what you mean. They call it a work area or shop area. That is aside from the vehicle bays, I believe, right?

BEVERLY GRIEBEL: Yes.

MR. COCCIA: Yes. That --

BEVERLY GRIEBEL: You will not do that?

MR. COCCIA: No, no, no. It will be all vehicles in there.

BEVERLY GRIEBEL: Just garage?

MR. COCCIA: Yes.

BEVERLY GRIEBEL: Because this shows two garage doors and a little window and a door to go into this workshop area.

MR. COCCIA: Right. Well, if you -- the two bays, with the garage doors are going to be taken up with my vehicles.

The area that doesn't have a garage door I have got an ATV, a very large lawn mower, a lot of yard tools. I have got a boat that I currently pay for winter storage on, so I didn't want to have a three-garage-door style. I wanted to just have it look like two.

BEVERLY GRIEBEL: Be able to get all your stuff in there.

MR. COCCIA: Yes.

BEVERLY GRIEBEL: Get it out of sight, protected from the winter.

MR. COCCIA: Exactly. Even bigger would be better, but I didn't want to get carried away.

DAN MELVILLE: Will it have a concrete floor?

MR. COCCIA: Yes, sir.

BEVERLY GRIEBEL: Electric and all that stuff?

MR. COCCIA: Yes.

DAN MELVILLE: You won't run any kind of a business?

MR. COCCIA: No.

MICHAEL MARTIN: What vehicles do you plan to keep there?

MR. COCCIA: I have a full size truck that I have a plow on. That is somewhat the size to be determined. By the time you have a full size truck, with the length of the plow blade, 26 feet or something, pulling in a 32 foot garage seems deep until you pull something in there and you want to walk around, with a shelf on the wall or something, the room really gets eaten up in a hurry. So that is kind of what I judged the size on.

RICHARD PERRY: Cab, extended cab?

MR. COCCIA: This is a regular cab with an 8 foot box, but when this one goes, I'm -- I might go back to extended cab. I have had it before, and they are nice. But they're longer, and bigger.

RICHARD PERRY: 8 foot box with a crew cab.

MICHAEL MARTIN: What kind of access do you plan? Will you have a --

MR. COCCIA: I will extend the -- the existing driveway is going to swing to the left of the existing garage, about 15 foot off of that garage. There is a -- the grade tapers off there, about 15 foot and then it flattens out to the property line. So I am going to keep -- the edge of the driveway will be about 15 foot from the edge of the existing garage, and part of how I determined the side setback was I add -- from starting at the existing garage, which is 119 ½ feet off the property line, I subtracted 15 feet for where the driveway is going to be placed.

Then a truck with a plow on it needs a 45 foot turning radius, so I could comfortably just turn into the garage without having to back up and jockey around, and then a 32 foot depth on the garage. That adds up to 92 feet, so minus 92 from 119 ½, I come up with 27 ½.

Also, there is a natural lane from the edge of the property line that is roughly 25 to 30 feet long -- or wide, and it goes from Stottle Road all of the way back into my woods. Maybe it was an old logging trail of some kind. It is a very nice clear cut path, and I would like to keep that accessible. I don't want to encroach on that.

BEVERLY GRIEBEL: What is the size of your property?

MR. COCCIA: A little over 8 acres. I think 8.1.

DAN MELVILLE: One question. I didn't think to ask it earlier. Why couldn't you pull that

in to be 50 feet with all that acreage? Why do you need the variance for the setback?

MR. COCCIA: Well, part of the reason is aesthetics. Right now when you pull into my driveway, and there is -- even though I have an existing single-car garage, the driveway bows out to the two wide there. When you pull up to the side of the house, you have a real nice view of the backyard. There is kind of an expansive lawn and then nice look at the woods. I didn't want to a building blocking that view.

Also, from inside the house, I didn't want to have to look outside and have the view be disrupted by a building. I kind of wanted to hide this thing.

There is a hedge row there that is really -- if you want to say overgrown. There are trees and brush and thickets, and a lot of that stuff is going to come out to accommodate this, but it will be tucked in there in a way that it is still going to be hidden.

So that is the reason why I didn't want to bring it out the 50 feet.

MICHAEL MARTIN: You said the turning radius, too.

MR. COCCIA: Yes. That was really the big factor.

RICHARD PERRY: What about the height of your house?

MR. COCCIA: Somewhere around 25 feet, I think.

MICHAEL MARTIN: It drops down so it is a lower grade?

MR. COCCIA: Actually this grade is about 3 foot lower than the house, so -- which is one of the reasons why I wanted to push it behind the house, also, because this garage will probably be a little bit taller than the house. If they were on the same grade -- but by pushing it back and the fact the grade is lower, I think the perspective from the road will be very close to the same.

DAN MELVILLE: It can't be over.

MR. COCCIA: I think 35 feet was the -- which I was kind of surprised.

BEVERLY GRIEBEL: It depends on the height of the house.

MR. COCCIA: Oh.

BEVERLY GRIEBEL: Maybe we need an opinion from the side table. If the garage is going to be taller than the overall height of the house, but if the garage is in a dip in the land...

DANIEL KRESS: Our code says, is that the garage is limited to a size to not larger than 900 square feet and also that it -- it says, "nor shall it be higher than the ridge line of the dwelling for that lot."

BEVERLY GRIEBEL: No matter the placement.

DANIEL KRESS: Now we have 18 ½ feet on here. We also have 23 feet on here, and I just heard 25 feet, so I would suggest the Board would want to be specific about what height it will be at.

MR. COCCIA: When I applied for the variance, at your office, Dan (Kress), it was a woman who filled out the paperwork for me. I did ask her that question what the height requirement was, and she specified to me that it was 35 feet. Is that a misrepresentation then from what you're reading?

BEVERLY GRIEBEL: Well, this --

DANIEL KRESS: I can't answer the question without knowing how high your house is.

MR. COCCIA: That was --

DANIEL KRESS: Maybe that is where some of the confusion was. She didn't confront me with that question. It was just the height allowable is 35 feet.

DAN MELVILLE: That is the maximum height you're allowed, but the garage cannot be any higher than the highest point on your house.

MR. COCCIA: Okay. See I didn't -- when she said "35 foot," I said, "I'm under that." So I didn't know that that should have been possibly part of my application.

JEFFERY PERKINS: Can we make it a condition, that the top of the peak point of the garage will be no greater in elevation than the peak point of the house?

MICHAEL MARTIN: That is a requirement.

BEVERLY GRIEBEL: That is a requirement unless he asks for a variance to exceed the height.

MICHAEL MARTIN: Which he should be okay as long as the grade is what it is.

BEVERLY GRIEBEL: Well, it doesn't -- what Mr. Kress read to us, it doesn't matter the grade. It is the overall height.

DAN MELVILLE: But not -- if it sits down on the property, then it is still -- might still be lower than the house.

BEVERLY GRIEBEL: But it didn't say that from what he read.

DANIEL KRESS: That is not really what the book says.

DAN MELVILLE: What does the book say?

RICHARD PERRY: The way it sounds, it sounds like as long as the -- the line of sight --

BEVERLY GRIEBEL: No. It is the measurement. If it sits --

DANIEL KRESS: Residential garage, attached or detached may not be larger than 900 square feet, nor shall it be higher than the ridge line of the dwelling for that lot.

DAN MELVILLE: Do you consider that higher than the ridge line?

BEVERLY GRIEBEL: Measure from the ground up.

DANIEL KRESS: I would measure from the grade at the point of the garage to the peak of the roof on the garage, and then I would measure from the grade at the house to the peak of the roof on the house.

RICHARD PERRY: I understand what you're saying, Dan (Kress). I'm not arguing with that, but I would say that if you listen to that reasonably, you could interpret it either way. If, you know -- height above sea level, if you use that term, as long as it is below the height above sea level for the ridge line of the house would be appropriate.

DANIEL KRESS: The dimension I'm readily able to verify is from the grade to the peak. I don't want to have to start getting up on structures with a transit and surveying equipment to try to figure that out for the structures.

RICHARD PERRY: It is reasonably vague. It is open to some interpretation.

DANIEL KRESS: The Board certainly has the authority to make a definitive interpretation.

MICHAEL MARTIN: The plan for your garage is 32 by 32 and approximately 23 feet high. You feel your house is?

MR. COCCIA: I did measure it at one point, although I didn't make a note of it, but I believe it to be right about 25. Although I'm not 100 percent certain on that. But if -- I plan on having a 10 foot ceiling in this garage. So based on that, if -- even if I went with the maximum pitch of roof, 12/12, I think that truss design would become 16 feet, so with my 10 foot ceiling and my 16 foot truss, that would be 26 feet maximum, and then if we are saying the grade is about 3 foot lower, it brings me down to around 23 feet, and if you want to measure it that way. I don't believe I will go with a 12/12 roof because it so darn steep. I wouldn't want to have to get up there to do anything.

BEVERLY GRIEBEL: Who will build the garage?

MR. COCCIA: I am.

BEVERLY GRIEBEL: Are you a builder?

MR. COCCIA: No. I'm an electrician.

BEVERLY GRIEBEL: The way I hear it is that it must be no higher than the ridge line of the house as measured from the ground up. Is that the correct interpretation?

DANIEL KRESS: That would be my understanding of what the code requires.

BEVERLY GRIEBEL: So if that is the understanding -- now if this gentleman finds that it is going to be taller, he would then have to come back and ask for a variance; would that be correct? We had this come up on Westside Drive.

DANIEL KRESS: If it was going to be taller than whatever the -- whatever the height of the house is, either the height would have to be adjusted accordingly or a variance would be required.

MICHAEL MARTIN: There is a little play with the pitch depending how you pitched it, to save you some money.

BEVERLY GRIEBEL: So I guess if you keep that in mind, when you get to the final design or the diagrams or whatever, see if it is going to be lower than the measurement of the house.

MR. COCCIA: Okay.

BEVERLY GRIEBEL: If the only way to do it is to be higher, to get the space that you want, then you would have to come back here and see if you could get a variance for that increase.

MR. COCCIA: Right. I understand that. I apologize. I didn't have that --

BEVERLY GRIEBEL: Well, it is a confusing issue, as you can see.

MR. COCCIA: Right. Otherwise I would have certainly had it. I would have had some definitive information for you and applied for that particular variance. Um, but that is something I will look at, and if I -- I will -- if I go above the ridge line of my house, I will certainly apply and come back in front of the -- in front of the Board.

MICHAEL MARTIN: Prior to construction.

MR. COCCIA: Certainly.

PETER WIDENER: Most of my questions have been answered. I was concerned about acreage. You have 8 acres. The height of the building has been brought up and discussed. My concern with 8 acres, why don't you just build a barn back there and call it a barn instead of a garage? I'm just throwing -- you don't have to answer that. I'm just curious about that. But I don't see any problem with this as long as we can settle the height requirements. I have no other questions.

GERRY HENDRICKSON: You talked with your neighbors?

MR. COCCIA: Yes. I have talked to the neighbor to the south which would -- if you want to say it would be the neighbor that would have the most impact.

GERRY HENDRICKSON: I talked with him last night.

MR. COCCIA: Oh, you did?

GERRY HENDRICKSON: Yes. He is in favor of it, and it will dress it up. It will dress up your place. The ones that were there before, they didn't get along.

MR. COCCIA: Right. I understood that. Like I say, it is a pretty overgrown area, too, and I hope this will really clean it up by putting a driveway that goes back there and getting rid of some of that brush.

GERRY HENDRICKSON: His only complaint was -- or not complaint -- was he hopes it is not too high.

MR. COCCIA: Okay.

GERRY HENDRICKSON: That is his -- other than that, he is, you know, satisfied.

MR. COCCIA: All right.

BEVERLY GRIEBEL: There is a certain roof pitch that you need, I guess, especially in this climate to get rid of snow. You don't want a flat roof.

MR. COCCIA: Something that I did think about, before I applied, but I didn't seriously consider was this -- like you say a barn style or gambrel style roof. I had that suggested to me by some of the lumber companies that gave me some material lists, and I sort of ruled it out because I didn't really care for that look. But now the guy three doors up from me is putting one up and he put the trusses up last week and it is that style, gambrel style roof and it looks nice. I don't know if any you have driven by it when you went to run by my place, but it looks nice with a very rustic look to it, more of a barn look.

So I guess my -- my roof design is not finalized, but when I do come up with something definitive, again, if it is over the height requirement, I will come back.

BEVERLY GRIEBEL: Side table, if it is a barn, labeled a barn instead of a garage, does that change the height requirement or is that still the same, to not be taller than the house?

DANIEL KRESS: Strictly speaking, the -- I wasn't present for the initial conversation, but possibly this is the source of whatever confusion there might have been. The requirement I just read you is specific to residential garages. Certainly one of the questions we ask people when they come in is what is the intended use of the building. Certainly if it is going to be exclusively for agricultural purposes, we would call it a barn. If people store vehicles in it, it really becomes a garage.

But the answer to your question is no, that particular height limitation would not apply to a barn. We would be back to the 35 foot overall height for structures generally in that district.

BEVERLY GRIEBEL: So if he changed it to be a barn --

DAN MELVILLE: Looks like a barn to me.

DANIEL KRESS: It is not just a question of calling it a barn. It means we are not putting vehicles in it.

MR. COCCIA: Would I have to buy a horse?

(Laughter.)

BEVERLY GRIEBEL: I guess it better stay a garage.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Just a clarification. Where is your access going to be? On the north side or the south side of the garage?

MR. COCCIA: I appreciate your bringing that up. I was going to get to that. The way it is laid out, that -- that the Board has, the garage doors, the overhead doors are facing north across the backyard of the property.

BEVERLY GRIEBEL: Facing your house?

MR. COCCIA: No. They're facing -- I guess if you want to say the garage doors are perpendicular to the back side of the house. So if you're looking out the garage door, you would be looking across the backyard.

PETER WIDENER: North.

MR. COCCIA: North, right.

MR. RETTIG: Your property is on the west side of Stottle; is that correct?

MR. COCCIA: Yes, that was correct.

MR. RETTIG: For the total square footage listed here, that is including your existing garage, which is attached to the house for the total square footage?

BEVERLY GRIEBEL: That is the present garage.

MR. RETTIG: Thank you very much.

MR. COCCIA: On that point, the other -- I wanted to bring it to the Board's attention, that there is a -- I have been entertaining the idea that the garage doors not face the backyard, that they face the street. None of the setbacks would change other than what I have already applied for. I'm certainly well off the front enough to -- where I don't have to worry about that. The side would stay the same. So I guess it is possible that I may install the doors in the front.

I think once I get the fence down and that existing shed out of there, and some of the overgrown thickets and trees out of there and I can actually start driving around in there and getting the site cleared, I will have a real good idea of what I am going to do as far as the doors.

BEVERLY GRIEBEL: So if you decided to do that, instead of having the long way, would you swing it around the --

DAN MELVILLE: You would keep the setbacks the same, though, right?

MR. COCCIA: Correct.

RICHARD PERRY: His choice.

MR. RETTIG: Another question for clarification. Driveway location, are you going to use the existing access driveway?

MR. COCCIA: Yes.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: If that garage were turned and now the doors are on the front, I guess I'm not clear as to how you would get back to it. Go around the back of the house?

BEVERLY GRIEBEL: Well, he was planning on using the present driveway, so it would just go back there and access -- the doors alongside of the garage would be facing the street, if he does that. If he decides --

MS. BORGUS: Kind of a messy set-up.

MR. COCCIA: It is a question of when we pull in the existing driveway, and -- right now, the way the driveway is shaped, it bows out to two cars wide, so there is one lane, if you want to call it, to the left of the existing garage. I will just continue that, and whether or not I make a left-hand turn into the new doors or I just kind of pull straight in, is yet to be determined.

BEVERLY GRIEBEL: It would go off the present driveway.

MR. COCCIA: And extends off the driveway.

MS. BORGUS: Um, does this gentleman currently have a double garage?

BEVERLY GRIEBEL: No. This is a single.

MR. COCCIA: It is a single.

BEVERLY GRIEBEL: Small one.

MS. BORGUS: I tend to agree with a couple comments from the Board. With 8 acres, I don't see why we have to apply for a side lot line variance. It is a lot of land. It seems as though there ought to be a way to work this out so we could stick with the code. 8 acres is a big lot.

My other concern would be this is not agricultural land. That is PRD, and, you know, down the line, who knows what will end up in that area. You want to be very conscious of the fact that we are letting some very big garages in there. This may have not work out too well if this PRD zone is developed as it was intended under our zoning law.

His garage space will exceed the size of my home. That seems a little large to me for a PRD zone especially. We are not talking about agricultural here.

BEVERLY GRIEBEL: He does want to put a boat in there.

MS. BORGUS: It is still huge. That is a huge amount of garage space for a -- you know, not an overly large home. In fact, in looking at that map, I was wondering if the garage space wouldn't exceed the size -- the dimensions of the living area. And he doesn't know how --

MR. COCCIA: The footprint is larger than the house. The footprint of the garage is larger than the house.

MS. BORGUS: I don't know if our code addresses that either.

BEVERLY GRIEBEL: I will ask the side table. What does our code require regarding footprints, other than the house, for an accessory structure?

KEITH O'TOOLE: There is no restriction.

BEVERLY GRIEBEL: No restriction.

MS. BORGUS: Well, I know I come to these meetings all of the time and it seems as though every month there is at least one of these huge, humongous garages people want to put up. I just

wonder down the line if we are not going to overdo here. In view of the fact this man has 8 acres, it would seem he could come up with a little better plan than that and at least go by our side lot line requirements.

MR. COCCIA: The width of my lot is 300 feet.

BEVERLY GRIEBEL: Your house is right in the middle.

MR. COCCIA: Just about dead center. By coming in 50 foot on either side, and if you want to put up a roughly 40 foot garage, that is 90 foot, and then I am only 30 feet from my house. I don't want to put this garage in a place where down the line -- I expect my wife and I will have kids, if he -- it is not a large house. I love the spot. If we ever want an addition on the house, I don't want to crowd the garage. If I sell the house, I don't want the next person to worry if they put an addition on, they're crowding the garage.

Like I say, the existing lawn is very nice, expansive backyard. I would say I probably cut almost four acres of grass over there. And even though I love to suck up 1,000 or so foot of that grass so I don't have to cut it, I just don't want to obstruct the view. It is a real nice piece of woods back there. When I look behind my house, I get a nice shot of it.

BEVERLY GRIEBEL: You want to see the woods and not garage.

MR. COCCIA: I want the garage to be hidden a little bit.

MS. BORGUS: I still would refer to the code, and I don't see where just because he wants to save his view it is a hardship. We have to show hardship here.

KEITH O'TOOLE: Actually, we don't.

BEVERLY GRIEBEL: Not any more. They changed it.

MS. BORGUS: Not any more. You will be inundated by people that want us to forget the code to save their view. I think in a PRD zone, it is too big.

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 Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

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

1. Applicant described need for additional storage for vehicles, equipment and boat.

Note: A building permit is required prior to construction of this garage.

5. Application of Janice Bonehill, owner; 618 Cardile Drive, Webster, New York 14580 for variance to erect an addition to house to be 24.6' from front lot line (100' req.) and 27.8' from side lot line (50' req.) at property located at 470 Chili Scottsville Road in PRD zone.

Dick Rizzo and Janice Bonehill were present to represent the application.

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

Do you work for any government agency?

MR. RIZZO: Dick Rizzo, representing Janice Bonehill who is hearing impaired, and I can answer any of your questions for you.

BEVERLY GRIEBEL: Now, this house is one of the very old houses in Chili.

MR. RIZZO: 1850.

BEVERLY GRIEBEL: That goes back quite a few years. I guess what your plan is -- Jeff (Perkins), can you put up this diagram?

Do you want to take off the front porch and do some additions to the inside of the house to push that out where the porch was?

MR. RIZZO: The plan is to demolish the existing porch, the front porch, and regain 7 1/2 feet more from the setback from the road. Other than that, there is going to be a plan, general

renovations to the existing dwelling, a new kitchen, bath, upgrade all of the mechanicals, bring them up to code. A new roof for the entire structure and also revise the new layouts of the house.

BEVERLY GRIEBEL: Now, will that come out a little further than the present porch?

MR. RIZZO: No. In fact, it is going to be brought back in about 2 1/2, 3 feet from where the porch was. From the front of the porch.

BEVERLY GRIEBEL: Less intrusive than presently?

MR. RIZZO: Exactly.

JEFFERY PERKINS: What is the total square footage difference? Increase or decrease with the house?

MR. RIZZO: Um, it is hopefully to be an increase from about 1090 to maybe 1450. Or 1500.

PETER WIDENER: The parcel of land that this sits on, according to my map is just a little over 12 acres?

MR. RIZZO: Yes, sir.

MICHAEL MARTIN: I can see what you're trying to do. Very extensive project.

MR. RIZZO: Challenging.

BEVERLY GRIEBEL: The house is in good condition. It doesn't look that old.

MR. RIZZO: Well, it has had a new wrap around it.

PETER WIDENER: It was a salt box at one time, with a lot of additions on it, renovations.

RICHARD PERRY: The one sketch in here indicates a rather large garage, but the sketch on the last page doesn't appear to be nearly as big. Do you have any idea what the dimensions of the garage are going to be?

MR. RIZZO: The garage will stay the same. It is the same garage.

RICHARD PERRY: Okay.

MR. RIZZO: The garage as pictured there with the attached breezeway, that is going to be the same old one.

DANIEL KRESS: So the Board is clear, why I ask this application be made, the building presently encroaches on a front setback. The porch that is going to be demolished encroaches more than the addition in place. The problem is once the porch is down, you lost that nonconforming status, so that is why I asked them to come in.

But certainly by the time we are done, we'll have a building less nonconforming than what is there.

BEVERLY GRIEBEL: It will be less intrusive. But because the porch is demolished in the process --

DANIEL KRESS: You lose your non-conformance. I don't see problems with it, but that is why the applicant is here.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is this going to be professionally done? In other words, will this be let out?

BEVERLY GRIEBEL: Who will be doing the renovations?

MR. RIZZO: I really don't know, but it will be professionally done. It is a -- she'll hire a builder when this happens. It is not going to be me.

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 no conditions, and Jeffrey Perkins seconded the motion. All Board members were in favor of the motion.

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

1. Overall impact will be less than the present porch setback as the porch will be removed.

Note: A building permit is required prior to construction of this addition.

The meeting was adjourned at 8:06 p.m.