

CHILI ZONING BOARD OF APPEALS
April 27, 2010

A meeting of the Chili Zoning Board was held on April 27, 2010 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: David Cross, Adam Cummings, Robert Mulcahy, Michael Nyhan, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Ed Shero, Plumbing and Building Inspector; Keith O'Toole, Assistant. Town Counsel.

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

PAUL BLOSER: First, I will go over the signs for the seven applications. The only one I had a problem with, did not see any twice when I went by was Application 6, 230 Golden Road.

MICHAEL NYHAN: Didn't see it.

ROBERT MULCAHY: Didn't see it.

PAUL BLOSER: Anybody here representing that application tonight?

(No one responded.)

PAUL BLOSER: If not, do I have a motion to table this application until the month of June?

ROBERT MULCAHY: Second.

The Board was unanimously in favor of the motion to table the application.

1. Application of Jeremiah Shannon, owner; 22 Chester Avenue, Rochester, New York 14623 for variance to allow existing dwelling to be 6.96' from proposed side lot line (8' req.) at property located at 22 Chester Avenue in RAO-20 & FPO zone.

No one was present to represent the application.

PAUL BLOSER: If not, I will move to Application 2.

2. Application of Leo Blair, owner; 7 Charmaine Road, Rochester, New York 14624 for variance to erect a 13 1/2' 18' carport to be 3' from side lot line (10' req.) at property located at 7 Charmaine Road in R-1-12 zone.

Leo Blair was present to represent the application.

MR. BLAIR: Leo Otto Blair, II, and I live at 7 Charmaine Road.

PAUL BLOSER: I did get your print, and I appreciate the effort that went into that. It makes it a lot clearer for us to look at this.

MR. BLAIR: I have additional copies if you gentlemen would like to look at them.

PAUL BLOSER: I think we all got one in the mailbox. If you can fit one up there.

MR. BLAIR: I will see if I have a smaller version of it.

PAUL BLOSER: It is pretty clear they did a nice description of how they're attaching it and what they're using. We're going to a membrane roof because of the pitch on it now. That was my concern from --

MR. BLAIR: Right.

PAUL BLOSER: -- the last meeting, we wouldn't have enough pitch on that for shingles.

At this point, I don't have any questions. Board?

JAMES WIESNER: Ed (Shero), can you clarify where they're going to measure that setback from? From the pier or to the post? It will be tight in there. Just so I know and so the applicant knows, too, I guess.

ED SHERO: It would be to the outside of the post. That will give you 3 foot from the outside of the post to the lot line.

JAMES WIESNER: That is what, 16'6" on the drawing and 13'6"? So it is exactly 3 feet.

ED SHERO: It is measured off the foundation of the building.

JAMES WIESNER: Okay.

MR. BLAIR: I just have one question in regards to the support posts that you see there. When and if this is approved, um, when I dig those holes, I will need someone to come down and measure the depth of them and so -- so I can --

PAUL BLOSER: Footer inspection will be required as part of the building permit, so pending approval tonight, um, one of the conditions of approval is a building permit to be filed with the Building Department, and they will go through the process, but there will be inspections required of the -- of the footers, the depth of them.

MR. BLAIR: Thanks.

PAUL BLOSER: So before you put any concrete or anything in them, you will -- or you will be digging them back out. I have seen that done before. So work close with them. It is not a complicated project. They will walk you through it.

Again, are you doing this yourself?

MR. BLAIR: No. I have a carpenter going to help me, a friend of mine.

PAUL BLOSER: The only thing I will say on this, a condition of approval -- I have a lot of things that I do have concerns with. This is going to be an open carport, so one of the conditions of approval is that this will not be -- you will not be enclosing this.

MR. BLAIR: That's correct.

PAUL BLOSER: That will be a condition.

MR. BLAIR: Right.

PAUL BLOSER: You will have the posts and we're not putting up any walls or wind-blocking devices. It is awful close to the line, and, you know, we're going to sketch doing this if --

MR. BLAIR: I'm thinking if it is -- we're in a talk stage here now, between the Committee right now, and we had talked about putting up some lattice work there so it would kind of make it a little more aesthetically pleasing.

PAUL BLOSER: Open lattice is different than a side wall.

Ed (Shero), I will defer to you on this, but if you put lattice work up, are you classifying that as a wall?

ED SHERO: No, I wouldn't.

PAUL BLOSER: And this -- I will put down here specifically lattice work would be approved, but no solid retaining wall or enclosing wall of any type. Okay?

MR. BLAIR: That's fine.

PAUL BLOSER: Will you do a vinyl lattice?

MR. BLAIR: Perhaps. I think so.

PAUL BLOSER: I would like to keep it -- your house has maintenance-free siding. To maintain the look -- you're wrapping the posts -- I think I saw that note in here.

Are these posts being wrapped?

MR. BLAIR: I don't think the posts will be wrapped, but the -- the end of the stringers --

PAUL BLOSER: Okay.

MR. BLAIR: It will be pressure-treated, so that is another question.

PAUL BLOSER: Based on the height of those, they do have the vinyl covers you can slide over the top of them that would blend in good with what you're doing and make them maintenance-free. It is something you might want to consider.

In the back, I'm assuming your gutter will run from front to back, and you will have a downspout in the back?

MR. BLAIR: Correct.

PAUL BLOSER: I will ask that that be diverted towards the backyard and maybe angled to the east so it is not angled towards the side property line. I don't want to be having a -- complaints to the Building Department from a neighbor about eave spouts, downspouts draining into a neighbor's property.

Back of your house is to the south, correct?

MR. BLAIR: Correct.

PAUL BLOSER: So I'm going to put the downspout to face more to the southeast direction, at the rear of the carport.

FRED TROTT: I'm looking at the width of the carport as 13'6". Is that right?

PAUL BLOSER: Outside to -- yes. To the outside post.

FRED TROTT: Could that be any more narrower? A car is probably what, 8 feet wide at the most?

MR. BLAIR: Well, it will be 13 1/2 feet wide, which -- which will be -- the posts will be in the blacktop that is presently there. The blacktop is, you know -- it's pretty wide. So the holes will be in the blacktop. Or -- or the posts will be sunk in the blacktop. I mean, you know, it's --

FRED TROTT: I mean just to give that 3 feet just seems so narrow there. You could just go another foot, you know, in.

PAUL BLOSER: To 12 foot?

FRED TROTT: Do a 12 foot.

MR. BLAIR: But you have to understand my wife is driving a car. This is going to be her carport, I don't want to repair that thing every time I turn around.

FRED TROTT: That is still 12 feet. I don't know what kind of car she drives. Normal parking spots are 9 feet.

DAVID CROSS: He will want to open the doors.

MICHAEL NYHAN: If you look at the property, the paved driveway, how far beyond the edge of the carport does that driveway go right now?

MR. BLAIR: I will just point out something here for a minute. Right where my finger is (indicating), there is already a 4 by 4 -- out about 4 foot there, which is a barrier to hide the trash containers that we have, presently have here, out about 4 feet.

So that's taken into consideration, too.

The 13 feet is from the -- from the garage, from the side of the garage, all of the way over to the posts.

If I chop back from this end (indicating), you know, it is going to really tighten it up, because like I said, there is a -- there is a storage area there, which comes out 4 foot. Approximately 4 feet to hide the trash cans and the -- so.

MICHAEL NYHAN: So the carport includes --

FRED TROTT: Will that stay? Or will you put the garbage cans on the other side of the carport?

MR. BLAIR: They will stay there, as far as we're concerned.

MICHAEL NYHAN: So the 13 foot is inclusive of that 4 foot section?

MR. BLAIR: Yes, sir.

MICHAEL NYHAN: Which is sided the same as your house?

MR. BLAIR: Yes.

MICHAEL NYHAN: The blacktop extends in how far beyond the carport?

MR. BLAIR: Well, it will be pretty close to the edge.

PAUL BLOSER: Of the carport?

MR. BLAIR: Yes, right.

PAUL BLOSER: Is it there right now? Isn't that blacktop there right now?

MR. BLAIR: Oh, yes. It has been that way since we purchased it.

MICHAEL NYHAN: I'm trying to get perspective on the width.

FRED TROTT: He will use that width of the blacktop to do his footings.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I was going to ask a question which I guess relates to these trash cans that have come up since I had the thought. Carports, to my knowledge, are pretty unusual in Chili. We don't have many. With good reason. Many times they're -- they're not the most attractive and they tend to be a problem later when other things are put in the carports, and I was thinking before the subject of trash cans was brought up, it might be a good condition to have in the approval if it is so decided that this carport could not contain anything but a car. I mean, you wouldn't want to see eventually lawn mowers and garden equipment and, you know, miscellaneous stuff in it, because that -- that really is the problem with carports, is -- is the fact that they are a -- attract things other than cars.

I agree with Mr. Trott's idea, it really doesn't have to be that wide, if it is just for a car. He may have a very good point there. I think he does.

The other thing I would like to know, has there been any comment from the adjoining neighbors?

MR. BLAIR: I have a letter. There is a letter on file as to the acceptance of my neighbor, the person who is -- whose property is adjoining, will be next to my carport.

MS. BORGUS: Has the Board seen that?

PAUL BLOSER: Yes. It was in last month's package or two months ago, the March or February package.

MS. BORGUS: No Public Hearing as I remember at that meeting? This didn't get that far?

PAUL BLOSER: That's correct.

MS. BORGUS: That would be my only suggestion, that it be limited to the width of the -- a car since it is a carport and not an open shed for trash receptacles, and maybe make it a little smaller if you're going to vote yes.

Thank you.

Robert Mulcahy made a motion to close the Public Hearing portion of this application, and James Wiesner 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 reviewed the proposed conditions with the Board.

MR. BLAIR: Are you saying I won't be able to have any trash containers there?

PAUL BLOSER: I was going to put car and refuse containers, which is what you have under there now, refuse containers.

MR. BLAIR: It is very neatly done and it -- I say that for me to be -- for it to be anything but a carport, um -- the other reason why I have got that enclosure in there, for the trash containers is simply because there is really no other feasible place to put those trash containers.

This garage is not very large to begin with, and so my point is that I really need to have that trash container -- it is very nicely done. You wouldn't even know it is a trash storage area from the road.

PAUL BLOSER: Mr. Blair, I'm putting no storage of items other than car and refuse containers. All it does is keeps it clean, keeps it neat and we're not storing lawn mowers, boats, canoes, ladders, lawn rollers, whatever. It is strictly for the car and I will put --

MICHAEL NYHAN: Existing -- existing trash containers in the 4 foot section.

PAUL BLOSER: Right.

MR. BLAIR: Thank you.

PAUL BLOSER: Again, not a storage area for firewood.

MR. BLAIR: Don't have a fireplace.

PAUL BLOSER: Or anything else, so.

I'm putting no storage of any items other than car and refuse containers.

MR. BLAIR: I have to say one thing about that. My wife wouldn't allow it anyway. I tell you right now, she wouldn't allow it.

ADAM CUMMINGS: What about single-motor vehicle? Otherwise somebody down the line could end up with three motorcycles and a go-cart.

PAUL BLOSER: I did change that. No storage of items other than a single-motor vehicle and two refuse containers maximum. That gives you a refuse container and a recycling container. Okay?

MR. BLAIR: Thank you.

The Board further discussed the proposed conditions.

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.

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

1. Carport is not allowed to be enclosed using walls. Open maintenance-free lattice to complement color of siding of house is allowed.
2. Downspout to be diverted toward backyard (southeast) away from neighboring property.
3. No storage of any items other than a single motor vehicle and two refuse containers maximum.
4. Building permit will be required by the Building Department.

The following finding of fact was cited:

1. The proposed application will not create a significant impact on the environment and neighboring property.
3. Application of LeErnest Clyde Jones, owner; 548 Chestnut Ridge Road, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 26' x 55' detached garage, to be a total of 2,122 sq. ft. (1,200 sq. ft. allowed) at property located at 548 Chestnut Ridge Road in R-1-20 zone.

LeErnest Clyde Jones was present to represent the application.

MR. JONES: My full name is LeErnest Clyde Jones, and my address is 548 Chestnut Ridge Road.

PAUL BLOSER: Thank you.

MR. JONES: For this particular -- I have some charts here. Unfortunately, they're not in a sophisticated slide.

This is my -- basically the land (indicating). This is the house (indicating). This is the approximate location of where the -- where I would be putting the barn (indicating). Actually, I would center it a little bit more between this point (indicating) and the property line.

As you can see, this is the property line (indicating). And the house is not -- is not parallel with the property line. It is kind of cocked like this (indicating). So at that corner, from that corner to right there, that is the narrow spot between the two buildings (indicating).

That is a 49 1/2 square feet where I would like to stick a 26 foot building, and so that would be 12.75 feet left on each side.

And this is a steel metal building. I have a -- some kind of a -- a picture here for you. Obviously this is not a real picture. These things are not mass-produced, so I will kind of give you a little idea. It will be crimson red. In the front it will look like this (indicating). On the side it will look something like that (indicating).

From the road, obviously the house is partly in the way, but it will look something like that (indicating).

And the building -- the place where I bought this from is a steel metal company, and they

told me, of course, that I would need a cement foundation and I would have to have an architect draw up plans for that, which I did.

This is the plans (indicating). Actually, there is another sheet behind here that explains all of the bolts, the concrete, the bolts, how it is supposed to be displayed and how much cement foundation you would need for support. It's all right here (indicating).

One thing I will point out to the Board, with this particular plan right here, this is 100 percent accurate provided that the land is perfectly flat. I will have to point out that this land does have a slope to it, and it is 55 foot long, and at the end of the 55 foot stretch, you have a dip about -- roughly about this high (indicating), roughly about 3 foot. So it means I would have to be putting up a wall.

Of course, I would have to put dirt on the -- on the back side to support the wall, and put in a lot of fill in, stone, on the inside for fill for -- for all cement.

If anybody has -- like any questions on what I will be using it for, um -- in the front here (indicating), I will be putting my car here, driving in here in the front (indicating). Other than that, I don't plan on having any big, large commercial machinery or anything like that in there. It will be just used for garage, and also I do have a lot of friends, and sometimes I rent the park pavilion down there at Chili for my friends, and I would like to use this facility also as a -- like a park pavilion in my own backyard. I have a lot of company that comes over, so I would have tables and chairs out there, a place for a picnic. In case it rains they can get out of the rain and put the car in. So that is about it.

PAUL BLOSER: Have you purchased this building?

MR. JONES: Unfortunately, yes, I did purchase the building.

PAUL BLOSER: The distance between the house, the back corner of the house and that front corner of the barn, what is that distance again?

MR. JONES: That would be 49 1/2 feet, at the narrowest point, from the -- from -- like this is the property line (indicating), and the house is not, you know, perfectly parallel. It is kind of like this (indicating). So right here would be the most narrowest corner, right here, this corner here (indicating), to the property line, 49 1/2 feet.

DAVID CROSS: 10 feet from the house to the proposed barn. That is what I read from the print.

PAUL BLOSER: That is what I am looking at. I was looking for clarification on it.

So is it 10 foot or 49 feet?

MR. JONES: The narrowest point is 49 1/2 feet. So if I stick a 26 foot wide building there, I should have 12.3 quarter feet space left on each side.

MICHAEL NYHAN: You're talking about from the lot line to the corner of your house is 49 1/2 feet?

MR. JONES: Right.

PAUL BLOSER: I was looking at distance between the house and the barn.

MR. JONES: Okay. Yeah. So right here (indicating) I would have it --

PAUL BLOSER: You're approximately 10 feet then?

MR. JONES: At least 10 feet. Yeah. Here I got 10 feet (indicating), and over here, I have roughly 13 feet (indicating). If you do the math, it's 12 --

PAUL BLOSER: Are you putting a driveway into that, too?

MR. JONES: Yes. I would be bringing the driveway in.

PAUL BLOSER: Gravel, asphalt, what would it be?

MR. JONES: Like that ground-up asphalt, crushed stone put in there.

PAUL BLOSER: How much property do you have there?

MR. JONES: I have 2.15 acres. There is a railroad track right here (indicating). This is the railroad track (indicating). My front yard is basically a big pile of dirt for a bridge to go over the railroad track, and then in the back is about three quarter miles of woods. And over here (indicating) there is another lot. It is empty right now. It is 2.64 acres, empty lot. It is right straight across from the Davis Park entrance on Chestnut Ridge Road.

DAVID CROSS: How many square feet is your house?

MR. JONES: 2067 or 68. Around there.

DAVID CROSS: What is the height of this barn?

MR. JONES: This -- from here to here (indicating) is 10 foot. Then there is a 12 by 3 pitch, so probably a little over 12 feet.

DAVID CROSS: The peak of the barn will definitely be lower than any peak on the house.

PAUL BLOSER: It's a two-story Colonial.

MR. JONES: Right. It's a two-story Colonial there.

PAUL BLOSER: Your side walls are 10 foot?

MR. JONES: That's correct.

PAUL BLOSER: What is the roofing material on this?

MR. JONES: The roofing material is that corrugated -- the steel that is kind of silverish gray.

PAUL BLOSER: What color is that?

MR. JONES: Kind of a silverish gray.

PAUL BLOSER: Are you running utilities out to this?

MR. JONES: Yes. I definitely would like to run some electric out there, so when I pull in, at least the garage door would go up, you know, through a remote button.

PAUL BLOSER: Will you put water in there or an office in there, or sinks?

MR. JONES: Um, I would just like to have a little place -- I think just electric would be

able to do -- the -- so when we have like a picnic in there, maybe have like a countertop, a place to plug in a refrigerator to keep food cold and things like that.

JAMES WIESNER: This house doesn't currently have a garage on it. This would serve as your garage?

MR. JONES: I'm sorry.

JAMES WIESNER: The house doesn't currently have a garage on it?

MR. JONES: Yes, it does. It has a two-car garage with an extra space -- in fact, I have the measurement here. The garage is 692 square feet, and the -- so this building is 1430 square feet, so that is the reason I'm applying for a variance for 2122 square feet. Because I had to -- I was told I had to take both those measurements and add them together for variance.

JAMES WIESNER: So the existing garage, you mean you have more than two vehicles? Is that -- what is --

MR. JONES: Well, I do have some toys, you know what I mean? You know, that -- the one closest to the house, it's -- basically the -- because it is closest to the house, that's the wife's. The man of the house has to have the other garage, a little bit farther away to walk through the snow in the summer -- winter.

JAMES WIESNER: What color was the house again? Was it a lighter color?

MR. JONES: You mean, my house? It's kind of a grayish color with like red shutters on it.

JAMES WIESNER: I'm just kind of picturing the two different colors, the colors of the house, and the colors of the attached garage.

MR. JONES: I know gray is like a neutral color that would go with just about anything, and this is a -- you know, this is called crimson red, and then the corrugated metal (indicating), and these doors (indicating), are -- would be white. And the trim is white.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I was waiting for an explanation as to why this building was such an odd shape. 26 by 55 is an odd -- very narrow, long building. With 2.2 -- well, over a two-acre lot, I was wondering why that is so. Why wouldn't -- why wouldn't you build a more rectangular or square building that would fit in the backyard better?

MR. JONES: Well, there you have to be so far -- with a detached building, you got to be so far away from the house and you have to be so far away from other people's property line, and I wanted enough space in there to do -- you know, like when I have friends over, saying like I use it as a park pavilion for people to have parties and what have you. I wanted to have enough space, but yet on that -- on the other hand, you know, I -- I wanted to put it there, and so that is the best size that it -- that I could come up with at the time. You couldn't have it any bigger, as far as wider, and expect it to fit in there and be -- and meet everybody's requirements, so -- and the people that I talked to on the phone, the salesman, that is what they recommended, that they would be able to help me out with, was the size, the 26 by 55.

MS. BORGUS: But there is a lot of room there. It's a big lot. So if -- it just -- the set-up looks odd. That's all. It just looks like a shotgun house. Narrow and long and -- the doors will be facing south? Am I right?

PAUL BLOSER: There are two doors on the side and one facing Chestnut Ridge Road, as I see it.

MS. BORGUS: The doors would be facing the interior of the lot.

PAUL BLOSER: The backyard, towards the railroad tracks.

MICHAEL NYHAN: Excuse me, sir, could you set that up again so the public can see your drawings, and explain them.

MR. JONES: From the road, you will be seeing that (indicating). Because I'm going to be coming in, and I will be driving through here (indicating).

Now, in the -- like if this was the house, the barn would be coming this way (indicating), the garage, and that would be this (indicating). This walk-in door would be closest to the house (indicating), and these two openings would be in the backyard. You would open these up when you're having like a picnic in there, and this would be like the backyard (indicating).

MS. BORGUS: It would be nice, I would think, for appearance sake if the colors were a little more coordinated. I -- I think when you're looking down on that lot as it is from Chestnut Ridge Road, and I think it's -- it's kind of a wild color combination to have a crimson barn and a blue house, but that's a thought. It's something the Board will have to decide, think about in their decision.

Did I hear the applicant mention boats?

MR. JONES: Mention what?

MS. BORGUS: Boats.

MR. JONES: A boat. B-O-A-T-S?

MS. BORGUS: Uh-huh.

MR. JONES: No. I don't have a boat. I said I do have some toys, but I didn't say I have a large boat.

MS. BORGUS: The concern I guess, the other concern I would have, and I think the Board -- if it is approved, make it a condition that this gentleman would not be allowed to do rentals of other people's toys, boats. We wouldn't want that to turn into a rental property.

Thank you.

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: A couple concerns I have on this, too, is number one, color. It is a residential neighborhood. We have got some fairly expensive homes up and down this road, and I would want them to be -- the value of their homes protected and not get a site with some colors on it.

DAVID CROSS: Did you say you already bought this structure? You have already bought the structure? Is it already red?

MR. JONES: I mean, I could paint it. Myself, I don't see anything wrong with a nice, you know, fire truck red barn. I mean you ought to look at the barn right across the road built in, I don't know, 18 something, but --

DAVID CROSS: Personally, I don't have a problem with the color. It is barn like. Nice-looking house.

ROBERT MULCAHY: I do have a problem with the rental.

PAUL BLOSER: That I -- I agree, it would not be used for rental.

ADAM CUMMINGS: Are you on sewers there?

MR. JONES: Yes, we are on sewers, and believe me, I was a landlord once. I don't want to rent anything. I have no intentions of renting it out.

FRED TROTT: Or for parties.

MR. JONES: I want to have a little party once in a while.

FRED TROTT: But we don't want you renting it.

MR. JONES: I don't want to rent anything else.

FRED TROTT: You are not renting it out for parties?

MR. JONES: No, just for my personal use. We have a lot of -- just have a lot of friends.

MICHAEL NYHAN: I think that is for personal use, and no business uses for the barn whatsoever.

PAUL BLOSER: A couple conditions of approval.

Paul Bloser reviewed the proposed conditions with the Board.

PAUL BLOSER: Pretty much means anything that you have will be stored in the garage or the barn. Nothing on the outside. You have a lot of storage space here, and if this is granted, it will all be inside to keep it neat and clean.

MICHAEL NYHAN: The storage outside was one of my concerns. If you build a building like this, and this is big enough, but then stuff ends up in the yard and the sides of the barn and everywhere else.

So I did have one question, sir.

Are there any windows or doors on the north or the west side of this building?

MR. JONES: There are no windows. When I went ahead and showed you -- the doors, that's all there is. There is no windows.

MICHAEL NYHAN: Okay. Thank you.

PAUL BLOSER: Are you putting gutters on the building?

MR. JONES: Yes. I will have gutters that go towards the back. Yeah.

DAVID CROSS: Quick question. The lot to the north, is it the approximate size of your lot?

MR. JONES: My lot is 2.15 acres. The next lot over is 2.64.

PAUL BLOSER: A little bigger.

The fifth condition of approval on here is certainly the building permit is required.

Six, I will put gutter downspouts to be directed away from property lines just to keep it away from that direction.

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. The vote on the motion was 6 yes to 1 no (Fred Trott).

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

1. Garage is not to be used to store business items, equipment, etc.
2. No business use is allowed on property.
3. Storage of all personal items to be within the garages.

4. No storage of any motorized equipment, gardening implements, boats, recreational equipment, construction equipment, etc. Outside of structures.
5. Building permit required.
6. Gutters and downspouts to be directed away from property lines.
7. Garage is not to be used to store items for others or for hire as in seasonal storage, etc.

The following finding of fact was cited:

1. The proposed application will not have a negative impact on the environment or neighboring properties.
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4. Application of Hanes Supply, Inc., 10 Cairn Street, Rochester, New York 14611, property owner: 20 Jet View Holdings, LLC for variance to allow front parking for approximately 30 vehicles at property located at 20 Jet View Drive in L.I. zone.

John Carr and Richard Stryker were present to represent the application.

ROBERT MULCAHY: Mr. Chairman, I will recuse myself from this hearing this application.

PAUL BLOSER: Okay.

Good evening. If you would start with your names, please.

MR. CARR: My name is John Carr with MJB Development out of Buffalo, New York. I represent William Hanes of Hanes Supply. And I have Richard Stryker here from Hanes Supply. He is the National Sales Manager.

PAUL BLOSER: Okay. What was your first name again?

MR. CARR: John.

PAUL BLOSER: Yours?

MR. STRYKER: Richard Stryker.

PAUL BLOSER: I guess I will start out. I personally am very familiar with your business, have been for a lot of years, what your operation is. I'm excited to see it come to Chili. You have done a -- a good solid company in this Town for quite a few years, and I know for even longer than that in the Buffalo area.

What I am going to ask of you, for the sake of the other members of the Board and the public, is a very brief overview of the company, what you do, and then what we're doing here in the front.

I know the building right now is empty. You are on a corner lot. I guess I will go from there.

By this we're going to be looking at doing a road cut also?

MR. CARR: Yes. A curb cut. I think it is a gutter curb right now. I don't think it will require any type of a cut into the street.

PAUL BLOSER: There is not a curb per se. Just the -- the -- the rain --

MR. CARR: The valley.

PAUL BLOSER: The swale there, but...

Are you doing any construction to the building itself in the front end?

MR. CARR: Yes. Oh, the front end, facing Jet View Drive, you mean?

PAUL BLOSER: Right.

MR. CARR: Besides the sidewalk, from the parking lot to the building, um, no. Except for --

PAUL BLOSER: You will have a new sidewalk going into that door?

MR. CARR: Yes.

PAUL BLOSER: Is that like a will call area?

MR. CARR: No. That is actually office space.

PAUL BLOSER: Over there?

MR. CARR: Yes.

PAUL BLOSER: I will let you go ahead and start, a little overview what you're doing. Assuming there is going to be a showroom going in here, a working showroom, stock room combination, like what you have done before?

MR. CARR: As far as the front elevation, going from Jet View in, we have the brick office building that attaches to the precast warehouse.

Um, there is a metal facade around that right now, and we plan to remove the metal facade which is all rusted and put up a Dryvit facade with some accent colors so it would -- with "Hanes Supply" on it, and the number -- probably the number of the building.

That would take care of Jet View.

As far as Airline Road, right now there is presently 12 dock doors with no grade-level doors. And what Mr. Hanes would like to do is put in two grade-level doors which will require us to put in one retaining wall and put in a ramp, and then we'll take out three of the dock doors and put in a -- two 12 by 14 doors so they can actually bring a truck up to the building, because

they just don't need 12 dock doors.

We're going to repave the existing park lots. It is pretty beat up now. We'll repave it -- pave the ramp going up to the building, change all of the man doors. They're all rusted out.

Change the -- there is an overhead door that is next to the dock doors right now. We'll take that out and put in an aluminum entrance door with a couple side lights and a transom. That will be the entrance to the store itself for walk-in trade.

Inside we're really not doing too much. A sales counter, changing a set of steel stairs around so that they're out of the way.

There are some four doors on the far side of the building that back up to where the rail siding used to come. Now they're all boarded up. We're going to take the boarding down and put in doors, so actually in the summertime, actually we could open the doors up and have ventilation. We were going to block them in, and we thought we could get the ventilation.

Otherwise, the offices are in very good shape. Hardly have to do anything but painting. Probably fix up the HVAC. That is in pretty bad shape.

PAUL BLOSER: I guess, Richard (Stryker), why don't you give us a little overview of the operation, what you do, and what we're looking for then for the reason for the front parking?

MR. STRYKER: Real quickly a little bit of history about the company. Started in 1956 in Buffalo, New York, by Theodore Hanes. It's owned by Bill Hanes currently, second generation Hanes family.

Hanes Supply has four industrial distribution businesses in Western New York. Rochester was the second. Hanes Supplies purchased a company named OG Schwartz in 1993 and located the building in 1999 to 10 Cairn Street. Over the last six or seven years we have been looking for property to call our home and business that we own here in Rochester, and that is how we ended up on Jet View. In the last six or seven years we have moved into Watertown, New York; Albany, New York and also have a sister company in Summerville, South Carolina.

Also in Buffalo, owned by the Hanes family we have two other sister companies called Engineered Lifting Technologies and Kinedyne that manufactures bridge bearings and joints for the State of New York.

Basically, we're an industrial supply house. It's really not like a retail store. Our business hours are basically Monday through Friday, seven to five. Some of the products that we carry are, um, industrial equipment such as generators, compressors. We started in the business back in 1956 because of rigging. We manufactured rigging products. Anything to do with the wire, chain, high performance items. We also handle a full line of safety, fall protection and very small tooling.

One of the reasons -- I just want to clarify why we put in the two grade-level doors. All of our vehicles are parked inside the building, just to get them out of the parking lot.

PAUL BLOSER: The front parking, what are we doing with that as far as -- the purpose of it, the use of it?

MR. STRYKER: We need the additional parking for employees and just easier access to the building. It's very limited as far as parking right now.

PAUL BLOSER: So this is employee parking?

MR. STRYKER: Employee parking, that's correct.

PAUL BLOSER: Then guest or visitor parking will be on the north side of the building?

MR. STRYKER: That's correct.

MR. CARR: If I may point out, going back on -- when the building was built originally, this parking lot was shown (indicating), and I know that -- they don't maintain the site plan approval all these years, but just to point out, right there (indicating), that's the same spot where we're putting the parking lot right now. That's the whole lot. That is going back where they had planned the future addition on the back with quite a few more parking spots on the back there. That was the original plan going way back when.

PAUL BLOSER: How many employees do you have right now in Rochester?

MR. STRYKER: Roughly 27, 28, 29. Depends.

DAVID CROSS: What is the gravel parking area that you use, that fronts on Airline Drive? What is that used for?

MR. STRYKER: Right now it is just -- Buzzel (phonetic) probably used it for the tractor-trailers. At this time we don't have any immediate need for it.

DAVID CROSS: Not striped out?

MR. STRYKER: No.

MR. CARR: Just a concrete dolly pad for the tractor-trailers.

MICHAEL NYHAN: Sir, do you have a showroom there?

MR. STRYKER: Yes. Very small showroom.

MICHAEL NYHAN: How much customer traffic do you get on average of a week or a day?

MR. STRYKER: Maybe 15 to 20 customers on average a day. Like I said, 95 percent of our products are delivered by our delivery vehicles.

MICHAEL NYHAN: Okay.

PAUL BLOSER: I'm looking through this. Do we have setback issues at all with this proposal?

ED SHERO: No. We wouldn't have a setback issue. You're giving the parking in the front of the building. The building would be subject to a setback, but the parking lot isn't.

PAUL BLOSER: Just for clarification, I just wanted -- the only thing we're looking at is parking on this one right now, correct?

ED SHERO: Correct, yes.

DAVID CROSS: This doesn't have to go to Planning Board?

PAUL BLOSER: It will have to go to Planning Board.

DAVID CROSS: They will look at landscaping and that sort of thing?

PAUL BLOSER: That will go through Conservation. They look at that. But site plan approval -- so this application, if we give you the -- grant this tonight, it will be pending Planning Board approval for site plan. If you don't get that --

MR. CARR: Just for our knowledge, as far as landscaping, will there be a problem, do you see, with what landscaping is there now? Or do you think we should do any type of a landscape plan to be submitted prior to the Planning Board approval? We just don't want to get held up. He is anxious to get into the building.

PAUL BLOSER: Right. I -- I can't answer for them. Um, they're probably going to request some input from Conservation Board. They don't tell you what kind of plants or anything. They look to the Conservation Board. They will look at what is there, what would they like to see to complement it. Even now, it is still fairly well maintained. So they might want to do something around the corners of the lot for accents to help.

MR. CARR: We just don't want them to hold us up for a month or two just because of a couple of bushes or trees.

PAUL BLOSER: I would go in with something. They will -- you are putting in a lot. They will probably want to dress up the corners of it. Something around the entrance to -- they look at those things.

MR. CARR: We'll get something prepared.

PAUL BLOSER: Right. If you're doing something with the front of the building with Dryvit, if you're going to be working in front of there, if there are any bushes that have kind of grown wild, they're coming out, just identify what is coming out, what you're looking at putting back in.

MR. CARR: Okay.

PAUL BLOSER: Just ahead of time. You know, so you have got that for them.

MR. CARR: Sure.

PAUL BLOSER: Anything you can get them in advance of a meeting is always beneficial with a copy to Conservation.

MR. CARR: Okay.

PAUL BLOSER: So they have a chance to look at it ahead of time, also. And just gives a jump on everything. At that meeting Conservation may have their comments and responses back already. So the sooner you get something in their hands, the better off you are. If you contact the Building Department, they can put you in touch with those people also as far as what they would be looking for.

MR. STRYKER: I would like to make one additional comment. The owner Bill Hanes owns multiple properties across Western New York. He puts a great deal of pride in all his properties and wants to make this is a class-act facility.

PAUL BLOSER: We'll also be looking at any signage that you will be putting in. We would like to keep it to the building and within -- I would like not to have to see an application, so the Building Department, they can tell you what the signage requirements are, based on your building, and if you can stay within those guidelines, that would be great. They can give you those. So when you're putting a sign together --

MR. CARR: I think all we're talking about is possibly embedding in the Dryvit on the facade, the word "Hanes." We did that in Buffalo and it worked out.

PAUL BLOSER: Again, if you have a picture similar to this -- but it is going to be how much, how -- the size, are the letters 6 foot high apiece or a foot high apiece? Are they back-lit? What are they constructed of? If you have that information -- and also the Town will tell you what the requirements are, to stay within code, so you wouldn't have to come before us again, because that would just delay it that much more for a sign variance. Okay?

MR. STRYKER: We did provide company catalogues and on the front of the catalogues are pictures of our preexisting building in Buffalo, and basically we're trying to duplicate that.

PAUL BLOSER: Again, if you have the sizes, measurements, go to the Building Department and they can tell you if it is within what the code is, and if you can get it down to within code, based on what your frontage is, that is what we would like to maintain. If you're looking for something other than that, it comes to a variance and you would be back here again. Okay?

MR. STRYKER: Understood.

PAUL BLOSER: The other thing on here is based on the history of this property, there are two permits that were issued to the previous owner. One of the things that we would be looking at is to close out anything that is open, any final inspections for those. If they're part of what your internal change is, or modifications, upgrades, renovations will be, that they be included in that so everything is closed out for a C of O.

So again, one of my conditions of approval would be any previous open permits on the property would have to be -- the conditions would have to be met and closed out.

MR. CARR: We have those from the Building Inspector?

PAUL BLOSER: Absolutely.

MR. CARR: We didn't even know about those.

PAUL BLOSER: Those are on file. That would be a condition.

MICHAEL NYHAN: If we could go back to the landscaping issues that was raised or the

discussion?

PAUL BLOSER: Sure.

MICHAEL NYHAN: One of the characteristics of this neighborhood is the industrial parks there have very little parking, with the exception of a couple of the buildings, in the front of the building. The two buildings that do have parking in the front have berms and are treed between the roadway and that parking lot. In fact, one of them, which is DHL, you don't even know there is a parking lot there until you're past their building and you turn around and come back and you see the entrance to the side.

The second one is across the street from that, and the trucking organization that --

MR. STRYKER: C&M Forwarding.

MICHAEL NYHAN: And they also have bermed and treed their parking lot. So they have really hidden the view of the parking lot and all of the vehicles parked there. So when you're talking about landscaping, that is one of the things to keep the character of the neighborhood -- the consistency is you would berm and tree between Jet View Drive and that parking lot to try to hide the view somewhat of the cars that are parked there rather than have a flat surface that is open to view as you drive down Jet View.

PAUL BLOSER: With that in mind, that is something you can -- when you do go for site plan approval for Conservation Board, you make a presentation we're doing similar character to neighboring properties, to help shield out and complement what you have got there.

MR. STRYKER: Thank you.

MICHAEL NYHAN: DHL and C&M Forwarding, you will see how they have bermed and treed their lots. Just a suggestion.

MR. STRYKER: Thank you.

KEITH O'TOOLE: With regard to the landscaping, the code requires a 1 percent project minimum cost be invested in landscaping, and certainly, if additional landscaping is required beyond that, they can impose that condition. So they do require the landscaped plan produced by a licensed landscape architect. Generally speaking, the Planning Board has almost always asked for those typically on industrial properties.

With regard to the berming and landscaping comment offered by the Board, since that does relate to the front parking variance, you could make that a condition. The manner of it certainly would be reviewed by the Planning Board, but you could make it a condition that there be berming and landscaping to screen the new front parking area in a manner approved by the Conservation Board. That would be one approach.

With regard to the existing gravel parking area, I -- if I understand correctly, that has no use to the business, and if that is the case and we're providing new parking, maybe we make it a condition that the old parking area be removed and that the land -- it be landscaped appropriately, as well.

Nothing further.

MR. CARR: If I could just comment on the last comment. Um, Mr. Hanes is planning on trying to rent out part of the building because he doesn't need 100,000 square feet. So depending who the tenant is, they could use the dock doors. So it is --

PAUL BLOSER: So you might be subdividing a portion of that building out for rental?

MR. CARR: Yes. It is quite a large building.

PAUL BLOSER: I think I would leave that to site plan approval, and I would probably talk to Jim Martin, the Chair of that Board beforehand, and he will review the minutes of this one anyway. He and I usually talk about projects that go back between the boards so we're both on the same page of things.

But that is something we would probably have Planning Board identify and capture in their findings.

ED SHERO: You touched on everything I wanted to see touched on.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is the office area of this building to change location? Compared to the prior user?

MR. STRYKER: No.

MS. BORGUS: When I looked at the drawings today in the Building Department, I counted 74 present parking spaces. 52 and 22.

PAUL BLOSER: Between the gravel parking lot and the existing --

MS. BORGUS: I don't know which one is gravel, but on the drawings they were marked off into parking spaces.

MR. CARR: There are 30 on the new one. And then there might be 20 something on the existing parking lot.

MICHAEL NYHAN: Existing parking lot has the 52 it appears. It is on the far east side of the building. Actually, if you pull that drawing --

MS. BORGUS: It is hard.

MICHAEL NYHAN: If you could show the existing loading docks.

MR. CARR: There is no 52, though, on that.

MICHAEL NYHAN: If you add all of them together.

MR. CARR: With this one, right.

MICHAEL NYHAN: No. Further to the east.

JAMES WIESNER: With the loading docks.

MR. CARR: Oh, over this way (indicating)?

MICHAEL NYHAN: Correct.

MR. CARR: The loading docks.

MICHAEL NYHAN: Continue on.

There you go. Past the edge of the building.

MR. CARR: He is showing those as someplace to park.

MICHAEL NYHAN: Looking at that, I didn't see any lines down there. It is just a gravel area.

MS. BORGUS: Well, I'm not so concerned about lines as I am parking area. Is all this parking area really needed? If you have 27 employees and not too many visitors, isn't this an awful lot of parking space for a business that isn't going to occupy the whole building? That's my point.

MICHAEL NYHAN: Okay.

PAUL BLOSER: One of the things I will -- I guess I will comment on being familiar with their business, I have gone into that establishment for parts or equipment for work, and I will say nine out of ten vehicles coming in there are work trucks, not a standard parking spot. They're big trucks, a lot of them. They can be box trucks, stake bed trucks. These spots, as far as customers, I don't know if you're going to be realigning those or widening those out, but historically, the times I have been there, RG&E going in with their vehicles, it's not a standard 9 foot parking spot. They take up two spots or a good spot and a half.

So I don't know if you are looking at -- I guess one of the things I would say is take your measurements there and see how those will be relayed out for customers, based on what your traffic is coming in and out of there.

If during the day you're parking any of your vehicles out -- because I know you have got box vans and cargo vans. If you pull them out of the building and you're putting them in there for the day, while they're not on the road, how many of those are going to be there and what are those taking up? How many vehicles do you have on the road?

MR. STRYKER: Right now in Rochester we have eight -- or five delivery vehicles and probably four or five outside sales represent vehicles. Plus --

PAUL BLOSER: That's above and beyond what your employee parking is --

MR. STRYKER: Correct.

PAUL BLOSER: -- over on this side?

MR. STRYKER: Correct.

PAUL BLOSER: So of the designated ones there on the north side of the building, at least half of those will be taken up just by your own --

MR. STRYKER: That's correct.

PAUL BLOSER: -- vehicles throughout the day?

MR. STRYKER: Yes.

MS. BORGUS: I heard the explanation for what -- the general explanation what the company sells, but what would, for instance, RG&E be coming into a store, a location like this to pick up?

FRED TROTT: Pick up a harness.

PAUL BLOSER: Harness, generator.

MR. STRYKER: Shovels, rakes.

PAUL BLOSER: Stools.

MR. STRYKER: Tools.

PAUL BLOSER: They're in and out of there. The utility companies are in and out of there all of the time.

MS. BORGUS: I see.

And where did the office people park before this request for this front end parking?

PAUL BLOSER: This building is empty. They're not in there now.

MS. BORGUS: But the prior owner. If the office is not moving -- the office is staying where it was with the prior building occupant, where did the office people park when this lot didn't exist?

FRED TROTT: They had approval for 20 parking spots in the same area.

MS. BORGUS: But I thought I was hearing it wasn't developed.

PAUL BLOSER: It was never developed but they had previous approvals for it.

MS. BORGUS: I don't care about previous approval. Where did they park?

PAUL BLOSER: To the north side.

MS. BORGUS: And walked? Is that the problem? Is it the distance?

MR. CARR: This spot here (indicating).

MS. BORGUS: My question then is why is that not satisfactory now?

PAUL BLOSER: They need additional parking.

MR. STRYKER: We need additional parking.

MS. BORGUS: Can't a few spots be added to that in front of front-end parking going in?

PAUL BLOSER: On that corner cut, I don't think you can go a whole lot farther into that corner, into the roadway.

MS. BORGUS: That parking lot is going to stay, the one shown there now?

PAUL BLOSER: Correct.

MS. BORGUS: That is how many spots did you say, 22?

MICHAEL NYHAN: 22.

MR. STRYKER: Roughly 22 right now but as we mentioned, there are smaller parking spots.

PAUL BLOSER: He has 27 employees, so just that they don't have enough for employees.

FRED TROTT: Don't they have to have a certain amount of parking spots for the square footage of the building?

PAUL BLOSER: Of the building.

MS. BORGUS: That must have been a condition before though, too, with the prior occupant.

FRED TROTT: Well, I mean I have known in the past that they have asked for relief of it if they're a smaller company and it was just storage. But I don't know exactly what was done before, but -- you know.

MS. BORGUS: I'm just concerned that we're just going overboard with parking here is all. It is a nice -- it's a very nice Light Industrial park, and I would hate to see us get carried away with all of these parking lots if we didn't need them or excess parking. It is better to have landscaping and grass and have it be very attractive. Especially if they are going to be thinking about leasing out part of the building. I just don't want to think we're looking at additional parking for a soon-to-be-possible tenant down the line. That is not what I want to see.

I think this Board should worry about that and Planning should worry about that as the occasion arises and not be providing extra parking at this point.

MR. STRYKER: The extra parking is needed to conduct our business.

PAUL BLOSER: I think what I picked up in a conversation, too, is this is part of your proposal to move into the building, along with the upgrades to the front of the building and get it all done before you move in.

MR. STRYKER: That's correct.

PAUL BLOSER: Basically you're running a different type of operation than what was previously in there?

MR. STRYKER: Totally different.

PAUL BLOSER: So you have to accommodate customers coming in and out.

MR. STRYKER: And employees.

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

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

MICHAEL NYHAN: Drainage for the parking lot, sheet drain slope drains across the parking lot to the road? I don't see any --

MR. CARR: It would be sheet drainage.

MICHAEL NYHAN: So what does that mean? It will drain to the roadway?

MR. CARR: Yes. The property -- the contour of the property all slopes to the road, and basically everything just -- we're not really changing much.

MICHAEL NYHAN: You're adding a great deal of asphalt that will drain into the front gutter system, which I don't know how to calculate that myself, but it is there.

MR. CARR: If we were to put catch basins in, we would tie into the same line, so it will eventually end up there anyways.

MICHAEL NYHAN: Okay. Except it will be draining directly into the line with drains versus draining on the surface out to the roadway.

DAVID CROSS: When it goes in front of the Planning Board, the Town Engineer will look at those.

MICHAEL NYHAN: They do review the drainage?

PAUL BLOSER: Yes.

MICHAEL NYHAN: Okay.

I guess that would be two questions. One, is the current drainage system going to handle the runoff from the parking lot?

And two, does it need to be directly connected versus sheet flow?

FRED TROTT: Would that be affected if you have the berm?

DAVID CROSS: I think these are all site plan issues that could be handled very well by the Planning Board and the Town Engineer.

MICHAEL NYHAN: Okay.

ADAM CUMMINGS: How many parking spaces are they allowed? I know this is a strange building where it is combined warehouse and office, and I don't know if the code allows it -- is it per square foot of office or retail, and it doesn't count the warehouse portion? Because if you count the warehouse portion, then there must be a whole lot of parking spaces allowed on the site. But if it is mainly warehouse out of that 100,000 square feet, they should be allowed 150 parking spaces, for instance. So I guess my question is, what is the allowable for this site, based on this use?

ED SHERO: I would have to look that up.

JAMES WIESNER: While they're looking, I will ask you another question. You're putting new parking out front. You could practically choose where you want to put that. Why there and not the side where the existing gravel area is?

MR. CARR: It is closer to the office area.

MR. STRYKER: Closer to the offices.

MR. CARR: Then if there was an addition put on the back of the building, you know, down the road, just saying.

JAMES WIESNER: But where the existing gravel parking area is, that obviously wouldn't interfere with the extension of the building.

MR. CARR: You would have 300 feet you would have to walk into your office, which is not convenient at all.

JAMES WIESNER: I mean it happens places, though. It could be an option. It is just not the best choice in your opinion?

MR. CARR: Right.

DAVID CROSS: As far as the parking calculations go -- we usually do see parking calculations. We can leave that up to the Planning Board also. But we're --

ADAM CUMMINGS: It affects our variance.

DAVID CROSS: Certainly.

KEITH O'TOOLE: If I may. The code requires -- if you have your code books with you, it is Section 500-43 on page 596. That is how they call out the number in the code.

The code says for industrial uses you have to have at least one space per employee. One per each 400 feet gross floor area, whichever is greater.

Right now, the variance you have before you is an area variance for parking located in the front setback. Code Enforcement is comfortable with the number of spaces. They have a minimum number of spaces, so they meet that standard. When they go in front of the Planning Board, zoning compliance is generally laid out on a chart and they would have to show how they came up with their parking calculation. But if we had to rough it, we could kind of extrapolate. There is no code prohibition against having extra parking spaces, at least from a Zoning Board of view, although the Planning Board could, in fact, prohibit too much parking because it exceeds the amount of impervious surface, which is another regulation contained in the code. So if you have too much impervious surface for whatever reason, that may trigger a variance, but that is not the case here.

ADAM CUMMINGS: Thank you.

MR. STRYKER: Thank you.

MICHAEL NYHAN: Berming and landscaping have to be approved by the Planning Board as well as drainage. This building has been vacant for a while. It's rather old and tired looking. I think they are sprucing it up or cleaning it up. And I think knowing what the current employees are, it sounds like they're a growing company, and to have to limit them, as well, to your current employee base, they would grow and they would have to come back to build additional.

I think if this was done properly, it could fit into the character of the neighborhood better. With a berm you're not looking at cars in the parking lot as you drive by the building.

PAUL BLOSER: I did put down conditions of approval that.

Paul Bloser reviewed the proposed conditions with the Board.

PAUL BLOSER: Certainly what we do will still be -- everything is subject to Planning Board approval. For their portion of it, to be part of their package.

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 Adam Cummings seconded the motion. The Board all voted yes on the motion.

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

DECISION: Approved by a vote of 6 yes with 1 abstention (Robert Mulcahy) with the following conditions:

1. Berming and landscaping to be added to the new proposed lot to be consistent with neighboring properties.
2. Previously issued building permits to property must be closed out to the Building Department's satisfaction.
3. Conservation Board to review site plan for recommendations and approvals.
4. Planning Board approval required for site plan.

The following finding of fact was cited:

1. The proposed application will not have an adverse effect on the environment or to neighboring properties.

5. Application of Eletheria Strembenis, owner; 8 Hunt Point, Rochester, New York 14624 for variance to allow existing 10' x 8' utility shed to be 3' from side lot line (8' req.) and 6' from rear lot line (8' req.) at property located at 8 Hunt Point in R-1-15 zone.

Pierre Marou was present to represent the application.

MR. MAROU: My name is Pierre Marou, and I have permission to represent Mrs. Strembenis. She has three small children, and they really could not come out. I also have a couple of pictures that show the location of the shed that we are in the process of obtaining a variance.

We're in the process of actually putting the property on the market for sale, and we would like to have all of the permits that are required per law right now on file. That's why we're here tonight. The shed is in existence prior to 1993, when she purchased the home, and it's about 6 feet from the rear lot line and 3 feet from the side.

I gave you the picture, because it shows there that a couple other structures, and also fences are on the drainage easement, and you would definitely call Mrs. Strembenis' hardship to remove at this point considering she is trying to sell.

PAUL BLOSER: This is the shed that is in the rear-most portion?

MR. MAROU: Sorry?

PAUL BLOSER: The shed in the rear most?

KEITH O'TOOLE: Only one shed. There is a barbecue, as well.

PAUL BLOSER: So -- so the thing along the line is actually a barbecue?

ED SHERO: That's correct.

PAUL BLOSER: Is that classified, though, as a structure?

KEITH O'TOOLE: Yes.

PAUL BLOSER: Is that within legal limits?

MR. MAROU: I'm sorry, if I may. That has been removed. It is not there. This is an old picture.

FRED TROTT: The barbecue has been removed?

MR. MAROU: Yes.

PAUL BLOSER: Was it removed?

MR. MAROU: Sometime ago. I have no idea for the exact date and time, but it is not there now.

KEITH O'TOOLE: Excuse me. This survey wasn't redated since 1993, so that may be the issue here.

PAUL BLOSER: Okay.

ED SHERO: I was there about a month ago and it was not there.

PAUL BLOSER: Okay.

So we need relief on the drainage easement also, because that is not on this sheet?

ED SHERO: That has been given.

PAUL BLOSER: Excuse me.

ED SHERO: That has been issued.

PAUL BLOSER: That has been issued.

ED SHERO: Subject to the variance.

PAUL BLOSER: Okay. That was the only question I had on it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan 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.

PAUL BLOSER: This is a pretty straightforward one.

MICHAEL NYHAN: Based on the comment we received from the Building Department, that if this shed is ever taken down, a new shed cannot be erected within the granted variance, I would want to see on there.

PAUL BLOSER: The only other thing I would like on here is nothing is to be stored outside of shed to rear or side lot lines.

Paul Bloser reviewed proposed conditions with the Board.

PAUL BLOSER: Nothing else needed from the Building Department, Ed (Shero)?

ED SHERO: Not on this one.

PAUL BLOSER: Thank you.

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.

Robert Mulcahy made a motion to approve the application with the following conditions, and Adam Cummings 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. This variance applies to this shed only. If the existing shed is removed, any new shed will need to comply with Town Codes.
2. Nothing is to be stored outside of the shed to the rear or side lot lines.

The following finding of fact was cited:

1. The proposed application will not result in a significant change in the character of the neighborhood.
6. Application of Dana Zampatori, owner; 230 Golden Road, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 30' x 30' detached garage to be a total of 1,380 sq. ft. (1,200 sq. ft. allowed) at property located at 230 Golden Road in R-1-15 zone.

PAUL BLOSER: Application 6 is tabled.

DECISION: Unanimously tabled for the following reason/finding of fact having been cited:

1. Applicant failed to appear for public hearing. Application has been tabled until the June 22nd meeting.

Note: Applicant to post and maintain required public hearing notice sign.

7. Application of Philip Pecora, owner; 12 DaVinci Drive, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new attached garage to be a total of 5,360 sq. ft. (4,950 sq. ft. previously approved) at property located at 611 Chili Scottsville Road in A.C. zone.

Phil Pecora was present to represent the application.

MR. PECORA: Phil Pecora, 12 DaVinci Drive. I'm building a house at 611 Scottsville Chili Road, 2700 square foot home, and I would like to build a 1600 square foot garage attached to the house. The house being on the leeward side, during the winter, I get a lot of snow there. I would like to park my vehicles inside. I have four drivers in the home and another one on transit.

Any questions?

PAUL BLOSER: How big is the house square footage wise?

MR. PECORA: 2700 square feet.

PAUL BLOSER: 2700?

MR. PECORA: Correct.

PAUL BLOSER: Currently what -- what do you use the big barn for in the back?

MR. PECORA: My toys.

PAUL BLOSER: Everybody has toys.

What is your acreage there?

MR. PECORA: Eight acres.

PAUL BLOSER: Are you running a business out of there right now?

MR. PECORA: No.

PAUL BLOSER: I had read a comment about topsoil being processed in the back, being sold out of there. Dirt or topsoil being processed or run out of there?

MR. PECORA: Oh, definitely. When I developed the lot, I was able to collect 5,000 cubic yards of topsoil. The driveway that you see there, there's 3 feet of topsoil that -- at the base of that. I did not cover it. I dug it out, and I put 750 loads, triaxle loads of fill in that driveway to lift it, and I saved the topsoil and I sold it.

PAUL BLOSER: This is not an ongoing business?

MR. PECORA: No. What you see there now is the fill that came out of the basement. I think somebody was bringing something in, because I didn't realize so much fill was coming out of that basement.

PAUL BLOSER: It's a big house up there. It looks -- a lot of dirt misplaced.

MR. PECORA: If you guys need any dirt, come over and fill your pockets.

That's not topsoil.

PAUL BLOSER: No. That stuff there -- I was just talking about previous -- so you are not running a business out of the property?

MR. PECORA: No. In fact, all of the topsoil is sold. There is about 500 cubic yards of topsoil left, and that is going to be used around the house and so forth. Whenever that is gone, that is gone.

PAUL BLOSER: The heavy equipment that is back there, the loader, et cetera, are those --

MR. PECORA: Those are mine, yes.

MICHAEL NYHAN: In 2003, you were granted a variance for the 459 area feet. Which of the two garages is bigger now? The one attached to the house or the one that has already been built? From the original plans?

MR. PECORA: I'm limited on the hearing so you got to --

MICHAEL NYHAN: In 2003, you were granted a variance for --

MR. PECORA: That's for the barn.

MICHAEL NYHAN: Well, my -- I understood it -- I thought that was for both garages combined was 4390. In the original plans is this garage attached to the house the same size as original plans you submitted at that time?

MR. PECORA: Yes.

MICHAEL NYHAN: The barn is the same size, as well. Which one is bigger of the original plan, the barn or the attached garage?

MR. PECORA: Attached garage.

MICHAEL NYHAN: Is bigger?

MR. PECORA: Yes.

MICHAEL NYHAN: Garage attached is going to be for car parking only? Is that why you need the size, for four cars?

MR. PECORA: Also with the 12 foot doors, there is people in the family, handicapped. I need the extra room also to open the door and get them in and out in a wheelchair. If you look at the plans, the house is set up for a handicapped accessibility.

MICHAEL NYHAN: Okay. So part of your garage space is for handicapped equipped vehicles to move people in and out of the house, with a handicapped ramp; is that correct, in your garage?

MR. PECORA: Yes, and also the -- the 12 foot doors for my wife to get out of the garage, too.

MICHAEL NYHAN: You checking to see if she was present?

MR. PECORA: You betcha.

PAUL BLOSER: That is a matter of public record, though.

MR. PECORA: Strike that. (Laughter.)

MICHAEL NYHAN: I don't have any further questions.

PAUL BLOSER: Driving by there, it is a stone driveway?

MR. PECORA: No, layers and layers of asphalt.

PAUL BLOSER: Back to the where the barn is?

MR. PECORA: All asphalt to the barn.

PAUL BLOSER: Up to the barn? I didn't go up in the driveway at all.

MICHAEL NYHAN: There is gate there.

MR. PECORA: If it is not asphalt, it is asphalt milling.

PAUL BLOSER: Okay. This will be paved right up to the garage.

MR. PECORA: Yep.

PAUL BLOSER: So you heard in one of the other applications here, with a barn that size, one of the conditions of approval I would put on here is that -- I have already written it down, all motorized vehicles, implements, boats, et cetera, to be stored in the garage and/or barn. So your -- your toys.

MR. PECORA: Well, that is why I -- I'm asking for the additional space. I don't like to park stuff outside. Too costly. Why leave them out to the weather?

PAUL BLOSER: Right. Just a condition that we do put on there.

Paul Bloser reviewed the proposed conditions with the Board.

PAUL BLOSER: Pretty standard. We don't want people to be involved in the self-storage business on the property. You understand.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Would you please read your condition again about the storage of the equipment?

PAUL BLOSER: All motorized vehicles, implements, boats, et cetera, to be stored inside the garage and/or barn. No external storage.

MS. BORGUS: Okay. We have one business in Town which comes to mind and I would hate to see that situation repeated again. The situation there is that there is a barn, and it is -- it is used for business. I mean the business isn't conducted out of there. There is no phone, there is no office, but the business is run out of that barn.

I would like to see your condition worded in such a way that that is -- that that is covered.

PAUL BLOSER: My second condition of approval on this is no business to be run out of the property.

MS. BORGUS: Well, the loophole on the other one is they say they don't run the business out of there because that is not where they pick up the phone and take appointments or talk about bills or new jobs. I just want to be sure. There is an awful lot of equipment around that place. It is very attractive and everything, but there is a lot of equipment around there. I would hate to see it be a storage point for a business, even though the business address maybe is not at that

location. That would be my concern.

This is an awful lot of storage space for evidently an awful lot of toys. And I -- it is nice up that stretch of road, and I would hate to see any kind of -- I hate to call it a loophole, but I guess that is what it would be, that somebody could run a business from there as long as they had a telephone at a different address.

For an individual -- it's a free country, but for an individual, there is an awful lot of construction equipment there.

Thank you.

PAUL BLOSER: I have modified the second condition of approval as no business to be run out of property or storage of business equipment or materials.

MS. BORGUS: Good.

PAUL BLOSER: Then no renting of property for storage purposes.

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: As far as the garage being built, that is to be attached right to the house, correct?

MR. PECORA: Yes.

PAUL BLOSER: Ed (Shero), does that need a modification to the existing building permit for the house then?

ED SHERO: He would need another permit because to keep the process going, we gave him a permit for the house without a garage just so he could get started. And we would give the garage contingent on what happened tonight.

PAUL BLOSER: Okay.

Paul Bloser further reviewed proposed conditions with the Board.

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.

Adam Cummings made a motion to approve the application with the following 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 the following conditions:

1. All motorized vehicles, implements, boats, etc. To be stored in attached and detached garages only. No outside storage.
2. No business is to be run out of property or storage of business equipment or materials.
3. No storage of others' belongings for rent or hire is allowed.
4. Building permit is required for the additional garage space/storage structure.

The following finding of fact was cited:

1. The variance requested will not have an adverse effect on the environment or neighboring properties.

MR. SHANNON: I am Applicant 1. Sorry for the tardiness.

PAUL BLOSER: Are you Jeremiah Shannon?

MR. SHANNON: Yes

Paul Bloser reread the application description.

PAUL BLOSER: Just for the record, state your name and address.

MR. SHANNON: Jeremiah Shannon, 22 Chester Avenue.

PAUL BLOSER: Tell us a little bit about what you're doing here.

MR. SHANNON: My plan is to eventually build another house there, on that lot.

PAUL BLOSER: You're just subdividing out right now?

MR. SHANNON: Yes.

PAUL BLOSER: You haven't got a proposed structure or anything yet for the second lot?

MR. SHANNON: No. I'm a little bit ahead. I just wanted to be able to get the ball rolling

is all.

PAUL BLOSER: I have been by the lot. The lots in the neighborhood are small. It really starts to push everything on the envelope on these.

The only real concerns I have here are drainage issues. There are very few houses in that area that have basements. They're slab built or they're crawl spaces at best.

What I am going to ask on this is, you know, I didn't look around the back of the house. I didn't pay a lot of attention to detail on the front, but one of the conditions, if we're going to move forward with this, would be I would want all of your gutters and downspouts to be pointing to either the very front yard or to the very backyard so that nothing is diverted towards the side lot line.

MR. SHANNON: Of the existing building?

PAUL BLOSER: Correct. That would come into play for anything new going in also. But for the existing, I would want to have those diverted so nothing goes -- wherever that staked line is, that they be diverted over as part of this condition.

In the event that, you know, you put something next door there, that prevents future problems. If you sell the house, if they become rental properties, whatever, whatever, whatever, I would want to protect the existing and future owners, so that would be a condition of approval that gutters downspouts be redone. Okay?

I don't have really any other questions on this. It falls within the -- the lot sizes fall within acceptable limits. Just a matter of making this happen, they would have to have the side setback.

MICHAEL NYHAN: It is just for the one side; is that correct?

PAUL BLOSER: One side. About a foot and a half relief. A little less than a foot and a half relief.

ED SHERO: Just suggest a condition on Building Department approval for administrative subdivision.

FRED TROTT: Can we make -- is it possible to make it a condition that they don't come into the house that is going to be encroaching on that more?

PAUL BLOSER: That would be -- that would have to come at the time the house comes proposed on that lot.

FRED TROTT: That is what I thought.

PAUL BLOSER: It would have to be part of the building permit at that point would be -- it has got to be within the 8 foot or it comes to the zoning at that point. This Board would make that decision that we're already too close.

FRED TROTT: Okay.

PAUL BLOSER: That is why I am saying right now on this one, I would like to at least pay attention to drainage for the gutters, for water diversion, so it is established here and hopefully that will carry to the next parcel.

On this parcel. We can't put conditions on the new parcel at this point without anything being there; is that correct, Counsel?

KEITH O'TOOLE: I guess I'm not sure where you -- no, I don't think so.

PAUL BLOSER: That's what I thought. It would come at the time of a building permit for the new lot.

KEITH O'TOOLE: I assume this is going before the Planning Board? Is this administrative?

ED SHERO: Administrative.

KEITH O'TOOLE: With the subdivision approval, however they get it, they would still have to comply with the area regulations, the district regulations, so that limits the size of the structure.

PAUL BLOSER: Okay. So it would come before us with any change in the zoning.

Paul Bloser reviewed the proposed conditions of approval with the Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

1. Building Department approval for administrative subdivision is required.

2. Drainage gutters/downspouts shall be directed to rear of lot or front of lot and away from side lot lines.

The following finding of fact was cited:

1. Subdivision is consistent with neighboring lot sizes and will not have a negative effect on neighboring properties.

The meeting was adjourned at 9:30 p.m.