

CHILI ZONING BOARD OF APPEALS  
June 22, 2010

A meeting of the Chili Zoning Board was held on June 22, 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: Adam Cummings, Robert Mulcahy, Michael Nyhan, Robert Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Ed Shero, Building and Plumbing 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: Signs. On the applicants' properties, anybody have any problems with them?

I know of one that was wind-blown. I did check and it did get put up in a timely fashion. I saw one at the other seven properties.

ROBERT SPRINGER: (Inaudible.)

PAUL BLOSER: They were visible, though, from what I saw.

Anybody else have any questions or problems with signs? No?

If not, I will -- first of all, I will make one quick announcement. The July meeting of the Planning Board has been moved to this coming Tuesday night, the 29th of June. So there will not be a meeting in July. It has been moved up to June. It is posted in the papers and on the website. I think at each of the doors right now it is there for information purposes.

1. Application of Louis Casaceli, owner; 42 Baylor Circle, Rochester, New York, 14624 for variance to erect a 10' by 12' deck to be 51' from front lot line (60' required) at property located at 38 Baylor Circle in R-1-15 zone.

Louis Casaceli was present to represent the application.

MR. CASACELI: I'm Louis Casaceli.

PAUL BLOSER: I'm sorry, could you -- sometime -- I'm a little hard of hearing and I want to make sure that the public can hear everything also. So when you do come up, please speak into the microphone and we'll start out with, um -- what is your name and address representing the application?

MR. CASACELI: My name is Louis Casaceli, and I reside at 42 Baylor Circle, here in the Town of Chili.

PAUL BLOSER: There was a raised ranch house, right?

MR. CASACELI: Yes, it is.

PAUL BLOSER: You're on a cul-de-sac, basically a dead end there?

MR. CASACELI: Yes, we are.

PAUL BLOSER: The only question I got -- you show placement on here. What are your plans for construction of the deck? What will you make it of? What will it look like and do you have shrubs or plantings proposed for around the outside of it?

MR. CASACELI: There is -- it is going to be made out of pressure-treated lumber, and it is going to be replacing a deteriorated concrete approach and several steps, and it will be surrounded by bushes and -- on three sides.

PAUL BLOSER: Okay. Are you going to stain or paint this thing?

MR. CASACELI: Stain, natural stain.

PAUL BLOSER: Do you have a color picked for that? Just curiosity.

MR. CASACELI: No, I don't.

PAUL BLOSER: In going through the neighborhood, there is a lot of -- not a -- very many natural wood decks on the front of houses. So what I would want to see is that if we proceed with this, that you have some nice shrubs to compliment the front end of it.

MR. CASACELI: That's no problem.

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

MICHAEL NYHAN: Will it be designed for a railing or some sort of walls on the deck?

MR. CASACELI: Railing on the three sides.

MICHAEL NYHAN: So it will be open, not a solid wall?

MR. CASACELI: No.

PAUL BLOSER: There is not a roof over this either, is there?

MR. CASACELI: No, there is not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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: This is pretty straightforward. I would like to put in the finding on this one. I will say a minimum of 3 foot height bushes. That would give you something around there, just to give some coverage on the corners and compliment it. This will be done through the Building Department, with application with them, building permit, and then you will be subject to the final inspection, footer inspections.

Are you doing this yourself?

MR. CASACELI: No. I'm having a contractor.

PAUL BLOSER: They have to go through the Building Department. The poles will have to be inspected.

MR. CASACELI: We're very much aware of that.

PAUL BLOSER: Okay.

Paul Bloser reviewed the proposed conditions with the Board.

ADAM CUMMINGS: Do we want to restrict it to a height or say approximately the height of the deck?

PAUL BLOSER: I would like a minimum planting of 3 foot height.

ADAM CUMMINGS: So in other words, to the bottom of the -- or to the middle -- I don't know elevation-wise how --

MR. CASACELI: To the bottom of the deck.

ADAM CUMMINGS: To the bottom of the deck.

PAUL BLOSER: How high is it?

MR. CASACELI: It slopes down, so the top where the deck itself is would be about 2 1/2 feet.

PAUL BLOSER: Off the ground to the front edge?

MR. CASACELI: It slopes down.

PAUL BLOSER: That is why I would like at least 3 foot high on the bushes to start out with. I think that is reasonable.

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.

Fred Trott 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. Minimum of three(3) shrubs/bushes 3 foot high and wide to be planted around the front edge of the new porch/deck.
2. Applicant must apply for all proper permits and obtain final inspections through the Building Department.
3. Deck to be stained a color to compliment the existing house color.

The following finding of fact was cited:

1. The proposed variance will not result in any environmental or adverse effects to the property or neighborhood.
2. Application of Thomas Krystan, owner; 4 Majestic Way, Rochester, New York, 14624 for variance to erect a 21' diameter above-ground swimming pool to be 7' from rear lot line (10' required) at property located at 4 Majestic Way in R-1-15 zone.

Thomas Krystan was present to represent the application.

MR. KRYSTAN: Hi. Tom Krystan, 4 Majestic Way, Chili.

PAUL BLOSER: I pronounced that wrong. I'm sorry.

MR. KRYSTAN: You did it right. You're the first one that -- in like 40 years.

PAUL BLOSER: This is on a corner lot, and you have got some tight clearances in the back in the little or no backyard.

MR. KRYSTAN: We have a big backyard, but I wanted to keep that space open for the kids. The side yard is kind of a dead area, so that is why we wanted to squeeze -- it is a 21-foot pool. My neighbors both have pools on the side, so --

PAUL BLOSER: I can see them from the sides.

It was kind of hard to tell from the road, from looking at the front of your house, back, right-hand side, where it is more open. How much lower is that from where the pool is? Because there seems to be a lot of --

MR. KRYSTAN: How much lower from where the pool is?

PAUL BLOSER: Is there a drop-off back in there?

MR. KRYSTAN: Not really.

PAUL BLOSER: You do have a drainage easement back there. I know you did get a letter from the Highway Superintendent for approval on that?

MR. KRYSTAN: Yes. And I got approval.

PAUL BLOSER: Do you have to cut into the ground to do a bank at all, for leveling it, to get it in?

MR. KRYSTAN: No, a Bobcat, just scrape the ground maybe 2 inches or so.

PAUL BLOSER: Have to put the base in?

MR. KRYSTAN: Yeah. It does slope a little, so he will dig into it a little.

PAUL BLOSER: So it will be minimal?

MR. KRYSTAN: Yeah.

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

ROBERT SPRINGER: One question. How close to the deck is that pool going to be?

MR. KRYSTAN: To the deck? The deck is a good 15 feet away.

ROBERT SPRINGER: So you have no intentions of running the deck, extending the deck to reach the pool?

MR. KRYSTAN: Not this year. Not this year.

ROBERT SPRINGER: Thank you.

MR. KRYSTAN: Maybe next year.

PAUL BLOSER: You do know if you make any changes, it has to go through the Building Department?

MR. KRYSTAN: Yes, I understand that. I didn't think it would take so long to get the pool.

ROBERT MULCAHY: I'm assuming that the pool is 15 foot from the house, too?

MR. KRYSTAN: It's about 12 feet from the corner of the house. The guy measured. It's 10 feet, 10 feet, 10 feet. The side is why I am here. That is the smallest pool we can put. We were going for a 24-foot, but it was too big, so we opted for the 21 footer just so we have it.

PAUL BLOSER: It is not the smallest you can put.

MR. KRYSTAN: 18. Probably have a hot tub for that.

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: This is being installed by somebody else?

MR. KRYSTAN: Pettis Pools. Subcontractors from Pettis Pools.

Paul Bloser 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 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 Michael Nyhan seconded the motion. All Board members were in favor of the motion.

The applicant questioned what the next step in the approval process would be as far as obtaining permits, and Paul Bloser advised the applicant to consult with the Building Department.

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

1. Applicant must obtain all necessary permits and inspections from the Building Department for completion as per Code.

The following finding of fact was cited:

1. The proposed variance is not substantial in nature.

3. Application of Mr. and Mrs. Charles Grotke, owner; 14 Douglas Drive, Rochester, New York 14624 for variance to erect an addition to house to be 3' from detached garage (8' required) at property located at 14 Douglas Drive in R-1-12 zone.

Mrs. Grotke was present to represent the application.

MS. GROTKE: Good evening. I'm Carol Grotke.

PAUL BLOSER: Is this a single-story?

MS. GROTKE: Two-story.

PAUL BLOSER: It is a two-story?

MS. GROTKE: Yes, it is. Two-story frame. Oh, single-story, yes. It's a -- it's -- just the addition, it is not a double story.

PAUL BLOSER: That is what I was asking, on the addition.

MS. GROTKE: Okay.

PAUL BLOSER: You're on a corner lot.

MS. GROTKE: Yes.

PAUL BLOSER: It's a nice lot, by the way, very nicely kept.

MS. GROTKE: Thank you.

PAUL BLOSER: What will you do on the outside of this? What are you proposing?

MS. GROTKE: Well, what I am going to do on the outside is make it look as nice as the rest of the property does. I need to wait and make sure what my sun conditions are. I have a micro climate probably on the south side, and I have already transplanted plants I will bring up. I have to wait to see what I actually have there, but I intend to landscape it like the rest of the property is.

PAUL BLOSER: As far as the construction itself, what is the outside of the building going to be?

MS. GROTKE: They told me to bring up the plans that we had for you, so I have got two sets. So one -- one of the sets sits in the middle. If there is any technical questions, could I --

PAUL BLOSER: We won't get into anything technical. What I am looking for more importantly is the look after it -- when it is done, that it looks like it belongs there.

MS. GROTKE: Yes. I stayed within the architectural design, the same thing with the windows.

PAUL BLOSER: Are you putting a basement underneath this or crawl space?

MS. GROTKE: If you look on, I think it -- the second or third, it's a crawl space.

PAUL BLOSER: Will the siding match what you have on the --

MS. GROTKE: Yes. As close as we can get it. We did a pretty good job getting the garage matched, so...

PAUL BLOSER: Okay. Normally on an addition like this, what we do for conditions of approval are, first of all, all permits and applications per the Building Department.

The siding type --

MS. GROTKE: Aluminum siding.

PAUL BLOSER: -- texture and color.

MS. GROTKE: It's vinyl. Sorry.

PAUL BLOSER: It's vinyl. Okay. The siding type, texture and color as close a match to house as possible.

MS. GROTKE: That's correct.

PAUL BLOSER: Being on a corner lot, I will also ask that the roofing shingles on this addition be of the same type and color on the --

MS. GROTKE: Yes. I wanted that, too.

PAUL BLOSER: Fourth, miscellaneous, windows, trim, gutters, shutters to match.

MS. GROTKE: Yes.

PAUL BLOSER: Just want to make sure it looks like it has always been there. I don't have any questions based on your yard and what it looks like that you will follow through. It's a formality that we do, because we want consistency across the Town. Just looks nice. Holds the neighbors' property values as well as yours, so they're things that we have to put on it.

ROBERT SPRINGER: I have one question. I'm reading a piece of paper here from the Building Department. In 1999 did you construct a deck?

MS. GROTKE: 19 -- we built a garage, I think. '99 -- no. '99, a deck, yes.

ROBERT SPRINGER: A deck?

MS. GROTKE: It was actually a replacement deck, but it went a little longer so we had --

ROBERT SPRINGER: They are making us aware of that, that final inspection of that particular deck was never done. The reason I'm bringing it up, when you go over to the department to get this application to do what you want to do with this single-story add-on, they're going to ask you about that. So be aware.

MS. GROTKE: Okay. Because we thought we went through everything that we were supposed to do.

ROBERT SPRINGER: No problem. I'm just making you aware that they're going to ask you about it.

PAUL BLOSER: There has to be a final inspection, certificate of compliance done on it. That was never filed. So that would be also a condition of approval when I get to the end here,

something that we would put on there to close that out.

MS. GROTKE: Thank you.

PAUL BLOSER: So we look at all properties to see if there is any open violations or open building permits, and before we would issue a C of O on this, we would want everything brought up to proper, okay?

They will discuss that with you at the Building Department and what you would have to do to make that happen.

JAMES WIESNER: Right now you have the 3 feet between the addition and the garage. You maintained the 10-foot side setback, which is obviously code. Have you considered sliding closer to the side lot line? That 3-foot lot line is controlled by the State. It is supposed to be at least 6 feet in there, fire code, at least. Have you considered moving the garage over to --

MS. GROTKE: We just had the garage built and we wanted the garage to be level with the driveway where the original framed garage was.

JAMES WIESNER: So the garage --

MS. GROTKE: The Town said no.

JAMES WIESNER: The garage is existing now?

MS. GROTKE: Yes.

JAMES WIESNER: Because it is in outline now.

MS. GROTKE: We just wanted to show you where it was.

TOM: There is a letter from my architect, if that answers any question with reference to the fire coding we're going to have to do for the 3 foot.

MS. GROTKE: This is Tom, our representative for Quality Homes of Rochester.

We wanted that -- when they -- when we put the garage in, we wanted the garage to go where the old garage was because the driveway lined up with it, and the Town told us no. The builder came up, I don't know how many times here. It wasn't Quality Homes of Rochester. It was House Works. They said no, you can't do that. So we were forced to move the garage over. I didn't know I could get a variance for that then because I thought I was following laws and now that made it hard for me to put an addition onto the bottom.

JAMES WIESNER: I didn't realize the garage was --

MS. GROTKE: It's there.

JAMES WIESNER: -- existing.

PAUL BLOSER: The deck that we're discussing, is that off the back where the addition is going, or is that on the south side?

MS. GROTKE: That is the south side, where the addition is going. The deck goes --

MR. GROTKE: No. The deck is on the south side.

MS. GROTKE: That is what I said?

JAMES WIESNER: It is shown on the blueprints.

MS. GROTKE: The deck is -- there is a porch. If you can see the porch, that is on the south side.

PAUL BLOSER: That is the deck in question.

MS. GROTKE: Then there is a deck that goes off the porch, and it will be part way into the addition. Part of the addition will be --

ADAM CUMMINGS: So we don't have that on our survey map.

JAMES WIESNER: Survey map looks kind of old.

PAUL BLOSER: That is one of the things. You will need an updated lot map to present to the Building Department.

MS. GROTKE: Where do I get that?

PAUL BLOSER: You can take your existing, and you can mark it up accurately. Your builder can help you do that when they apply for the application to know exactly where everything is. The deck that was applied for in '99 is not -- you want to show where that is on there. I didn't see anything else while I was driving around, but just anything that -- just need to know exactly where placements are and that.

TOM: We can do that for her, Mr. Bloser. It will be close to scale. You know, the maps that we got aren't exactly, but we'll do it and show how --

PAUL BLOSER: You see where your side setback to the south is 28 foot? With a tape measure, you can put it pretty close to there.

TOM: Of course.

ADAM CUMMINGS: The size of the addition, is that for accessibility, ADA compliance or can it be shrunk down instead of 18 foot long as 12 feet wide, be shrunk down so you can meet the 6 foot?

MS. GROTKE: If you look at the --

ADAM CUMMINGS: I don't have it with me. I only had a quick look at it. I saw there's a laundry room in it.

MS. GROTKE: We found it necessary, because I have had surgery and all kinds of problems with an ankle that we need a bathroom and the washer and dryer on the first floor. So in order to get the washer and dryer and the bathroom in on the first floor, you know, the washer and -- a washer is 30 inches, a dryer is 30 inches and to be able to get a handicapped shower in across the back, that takes up 6-something foot of that 18 foot, and then the -- the room is -- when you look at inside dimensions, it is basically 11 by 11. We can't go much smaller than 11 by 11 and fit a bed and an armoire, let's say, and a dresser in there. 11 by 11 --

ADAM CUMMINGS: Unless you shifted your bathroom behind the kitchen. You -- just looking at it, making it wider than deeper --

MS. GROTKE: Then it would be sticking out closer to the road lot line.  
ADAM CUMMINGS: Yes.  
MS. GROTKE: Then the house would look -- it would look choppy if you did that.  
ADAM CUMMINGS: No --  
MR. GROTKE: We would be closer to the garage.  
ADAM CUMMINGS: Closer to the garage is what I am looking. It would make it difficult on the driveway?  
MR. GROTKE: We couldn't get a car in the garage.  
MS. GROTKE: It's almost impossible now.  
ADAM CUMMINGS: Just observations. Because 3 feet is not much.  
PAUL BLOSER: Too, this being a corner lot, if they were flanked by lots on both sides, I would look at it differently. With that south exposure to a street, there goes maybe fire access, and I would -- you know, would be the concern that I would have. Corner affords a little more palatable from that respect.  
MICHAEL NYHAN: Is the 3 foot from the roof overhang or from the wall?  
TOM: There would be 2 feet from overhang. It's 3 foot from wall to the garage with 2 feet from the overhang.  
MICHAEL NYHAN: Is that 2 feet from the overhang of the garage to 2 feet to the overhang of the house?  
TOM: Yes.  
MICHAEL NYHAN: Okay.  
ADAM CUMMINGS: I guess that is a question for Ed (Shero). Does that mean we measure from the overhang or call it the footer?  
ED SHERO: Well, it is 3 feet from the wall. It is like 3 feet 1 inch, but in the code provisions when it is closer than 3 feet, protective action has to be taken on the exterior, both the overhangs have to be protected and the walls. And -- their original drawings didn't show that, but I have been in contact with their engineer to make the necessary corrections so it meets code.  
PAUL BLOSER: For both the garage and the house?  
ED SHERO: That's correct.  
ADAM CUMMINGS: Does that mean the 3 feet is adequate or should they apply for a variance of 2 feet?  
ED SHERO: I would stay with 3 feet.  
We generally, as a general rule, don't take in overhangs unless it is an excessive overhang, but I believe, and I found documentation where 12 inches or less is pretty much an accepted overhang and is not really an issue.  
ADAM CUMMINGS: I just remember the (inaudible) revisited us after they constructed it and the height became different in their application.  
Thanks for the clarification.

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 reviewed the proposed conditions with the Board. Paul Bloser rereviewed the proposed conditions of approval 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 Michael Nyhan seconded the motion. The Board all voted yes on the motion.

JAMES WIESNER: How far will the addition extend beyond the garage? Right now you're showing almost even on the map.

MS. GROTKE: It is pretty close to being even.

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 (Adam Cummings).

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

1. All permits and applications must be applied for at the Building Department.
2. Siding type, texture, color, etc. To match those on the existing house.
3. Roofing shingles to match those on existing house.

4. Miscellaneous windows, trim, gutters, shudders, etc. To match those on existing house.
5. Current lot map must be updated with accurate locations of lot and structures, and submitted to the Building Department.
6. Any open building permits or Certificate of Compliance must be fulfilled.

The following finding of fact was cited:

1. The proposed variance will not result in any environmental or adverse effects to the property or neighborhood.
4. Application of James Marchegiano, owner; 2145 Westside Drive, Rochester, New York, 14624 for variance to erect a 6' high fence in front of setback area per plan submitted (4' allowed) at property located at 2145 Westside Drive in R-1-15 zone.

James Marchegiano was present to represent the application.

PAUL BLOSER: How did I do on that one?

MR. MARCHEGIANO: Close. Marchegiano. Close enough.

PAUL BLOSER: All right.

MR. MARCHEGIANO: I'm James Marchegiano. I live at 2145 Westside Drive.

PAUL BLOSER: I see you have already got this project started?

MR. MARCHEGIANO: I had all of the posts in the ground. I did put the back section up since that really wasn't in question as far as the height goes.

ROBERT SPRINGER: The stockade fence in the back, the opposite side is 6 foot high today?

MR. MARCHEGIANO: I'm sorry, I --

ROBERT SPRINGER: The back side of the lot you have a stockade fence, right?

MR. MARCHEGIANO: Yes.

ROBERT SPRINGER: On the opposite side of what you're proposing here you also have a stockade fence; am I correct?

MR. MARCHEGIANO: Well, that fence is -- that was erected by the neighbor, my next-door neighbor.

ROBERT SPRINGER: Okay. Is the current one that is on the back side of your lot, is that 6 foot high?

MR. MARCHEGIANO: Yes.

ROBERT SPRINGER: What you're trying to do is match that up; is that the whole idea?

MR. MARCHEGIANO: Correct. My idea was to have 6 foot all of the way around the backyard. Then I found out there was a restriction when it faces the road of 4 foot. I'm just trying to keep it consistent and also provide more protection for my dogs -- I have a large dog. Honestly, I don't think 4 foot -- I think he could make it over 4 foot, to be honest with you.

PAUL BLOSER: You do have the one section up on the west side of the house.

MR. MARCHEGIANO: Correct.

PAUL BLOSER: The small section. It's pretty covered by shrubs right now, because I was driving by it.

MR. MARCHEGIANO: Yes. There are shrubs on the side that kind of --

PAUL BLOSER: Overhanging over it. I caught it out of the corner of my eye. It is not a very big section there.

MR. MARCHEGIANO: Right.

PAUL BLOSER: We have really fought these, especially on corner lots because it starts to look like a compound. I can understand privacy, but this is a Town Code that we have that we have really tried to hold pretty rigid to, and just -- because of what they look like. And courtesy to neighbors, especially coming down the side streets there.

MR. MARCHEGIANO: Well, you can see on that -- it follows the lot line pretty much on the eastern edge, and then I cut that corner off just so that -- for when I have a neighbor directly behind me, and I cut that corner off to give her a better view of the road, and also for people can -- have a pretty clear view from the corner down west side. That's one of the reasons I cut that corner off.

PAUL BLOSER: What is the length of that connection right there?

MR. MARCHEGIANO: The angled part?

PAUL BLOSER: The straight part.

MR. MARCHEGIANO: Um, well, without having -- I would say it is probably about 50 feet or so. 56 feet or something like that.

PAUL BLOSER: Your posts, what are they spaced on?

MR. MARCHEGIANO: They're every 8 foot. It's not going to be an ugly fence.

PAUL BLOSER: All pressure-treated?

MR. MARCHEGIANO: The fence itself? The posts are pressure-treated. The fence is standard pine, I guess is what it is.

PAUL BLOSER: Is it pine or pressure-treated stockade fencing?

MR. MARCHEGIANO: It is not pressure-treated fencing, no. The posts are pressure-treated. The fencing is just untreated pine.

PAUL BLOSER: Okay.

MR. MARCHEGIANO: But I am going to seal it to protect it and maintain it.

JAMES WIESNER: I have no problem.

MICHAEL NYHAN: How far from the edge of the roadway is the fence, the paved portion of the road?

MR. MARCHEGIANO: Um, I honestly don't know. The roadway is 60 feet wide. I -- I'm going to say it is 25 feet from the paved portion of the road.

MICHAEL NYHAN: So from where the fence would be, that lot line to the actual paved portion is 25 feet?

MR. MARCHEGIANO: 20 to 25 feet. Roughly.

MICHAEL NYHAN: Okay. That's the only question I had.

PAUL BLOSER: Your fence on Baylor Drive, you have got 20 to 25 foot of green grass between the fence and the edge of the road?

MR. MARCHEGIANO: On Brian?

PAUL BLOSER: On Brian?

MR. MARCHEGIANO: Yes. Yes.

PAUL BLOSER: I'm looking at this. The way I am looking at this, you have the center line of your road -- it looks like it is right on the lot line.

MR. MARCHEGIANO: You can see where that -- the driveway is drawn in there. It is not left to scale. I just kind of left it wild there.

PAUL BLOSER: Ed (Shero), did you do a site visit on this one?

ED SHERO: I did.

PAUL BLOSER: In your opinion, green space, green space between the edge of the fence and the road?

ED SHERO: I would say approximately 18 feet. Brian Drive is a 60-foot drive. Generally the pavement is approximately 20 to 22 feet in the center, so that leaves you with 18 to 20 feet on each side.

ROBERT SPRINGER: Are the posts cemented in?

MR. MARCHEGIANO: No, not required for a fence, as far as I was advised.

FRED TROTT: When I go by there I noticed metal fencing back there. Is that yours or the neighbor's?

MR. MARCHEGIANO: Metal fencing? Well, the next-door neighbor's fencing starts, overhangs just a little bit beyond his lot line. He has a chain-link fence that runs all of the way across the back and around the other side of his property.

FRED TROTT: Yours will be the -- the whole perimeter will be wood?

MR. MARCHEGIANO: Yes.

FRED TROTT: That's all I have.

ED SHERO: The only thing to add, when I went out there, you extended the fence already farther than you should have.

MR. MARCHEGIANO: How do you mean?

ED SHERO: The variance is for 60 feet, because you're in the front yard of the people behind you. You were supposed to stop at the 60 foot. That fence is going now beyond that. So I want you aware we're on the same page what the variance is for. It starts 60 feet on the back lot. Because that is the frontage of those people behind you. That is their front yard. That's your side frontage.

MR. MARCHEGIANO: Well, as far as -- to my knowledge, that was -- that was never a question. The question was the height facing the road.

ED SHERO: It is 60 feet from the road. That is a -- 4 feet allowed, 60 feet from Brian Drive. 75 feet from Westside Drive. Which is basically the front of the homes on Brian. The fence where it is currently at, you have -- you're already into that 60 feet, it looked like to me. Correct?

MR. MARCHEGIANO: I wasn't aware of that.

ED SHERO: But the fence is beyond the 60 feet.

MR. MARCHEGIANO: Okay.

Ed Shero and Keith O'Toole had a discussion.

Multiple side conversations were had by the Committee members.

ADAM CUMMINGS: I thought we were on height variance.

PAUL BLOSER: Well, there might be another, a second variance request here -- or requirement.

ED SHERO: The variance request is for 4 foot allowed in a front setback area. So the request is correct. I just don't know if we understand what is he asking for. He is asking for 60 feet.

JAMES WIESNER: Everything east of the corner of the house is considered front setback is what we typically -- how we discuss it.

Multiple side conversations were had by the Committee members.



PAUL BLOSER: 60 foot from the roadway to --

ADAM CUMMINGS: He was saying it was built on the right-of-way, part his property.

KEITH O'TOOLE: We thought we had an issue, but we don't.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: We have a very good reason for having a Town Code barring 6-foot fences in front yards. I haven't heard any hardship here at all. That is the essence of what you people decide on, is hardship. There isn't any that I have heard. Maybe you have detected one, but I haven't. The man wants to do this. That is the only reason he is here.

It's too bad that he has gone ahead and put posts in, but that is his tough luck because he should have checked prior to beginning. That is not an issue, as far as I'm concerned. He will have to take them out if you don't approve it.

And I shudder when I hear of a pine board fence in this day and age in somebody's front yard because they may get treated once, but that doesn't happen on a continuing basis as a normal rule. And in two years' time, three years' time, they're all black and discolored and I would not want to live next to a 6-foot fence in a front yard next to me.

As far as the dog goes, there is plenty of ways to keep a dog in without a 6-foot fence. So I guess your bottom line is you don't have a hardship here.

Thank you.

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 fencing goes, he has the 6 foot along the east side -- excuse me, on the west side. That is up right now. It is existing. You have completed the section between the house and the west property line.

MR. MARCHEGIANO: Yes.

PAUL BLOSER: That's up. Visually from the road, um, there is a lot of shrubbery and overhang around that. I would be inclined to allow that to remain.

As far as the balance on the east side, I -- we have run across these before, and with the exposure to neighbors on all sides, I really feel that we have a code put there for a reason. I mean looking at our balancing sheet that we do, um, or area variance criteria, what the requirements are, what the State mandates us with, one of the things is, you know, can it be mitigated by reasonable means? Yes, it could be.

Does it create an undesirable change in the character of the neighborhood or nearby properties long-term historically found in the Town? It does.

Is it a hardship that is self-created? At this point, it is a self-created hardship. I guess I am looking for comments from the rest of you and we'll bring this to a vote. I did hear a voice to say about self-created and just what our code does. This is a very busy corner. While he has made a very nice consideration for his neighbor to the south for visibility, driveway access and line of sight, it -- there are -- at least he is thinking about his neighbors and some of the aspects of this.

But I have to look at the whole entire project and what we have got before us.

Other comments?

ROBERT SPRINGER: Would shrubbery help on the outside of the fence, as far as appearance, short term, long term higher -- short term?

PAUL BLOSER: I think with a different type of material, yes. Again, historically, you know, it's a maintenance issue, and I put in here that every two years that it be stained, but then it becomes an enforcement issue and manpower to enforce that. And that becomes a commodity that we don't have, nor can we enforce on a long-term basis. So I probably wouldn't even entertain that as a condition of approval.

KEITH O'TOOLE: How about cedar?

PAUL BLOSER: Pardon me?

KEITH O'TOOLE: Cedar.

PAUL BLOSER: As an option?

KEITH O'TOOLE: Tends to be low maintenance. You can get away with not staining it.

MR. MARCHEGIANO: It tends to blacken over time, as well.

PAUL BLOSER: It does darken up, but it will weather better. It grays out.

MR. MARCHEGIANO: Triple the cost.

PAUL BLOSER: So does the vinyl. Takes it farther.

We have the code for 4 foot. You know, with animals, again, that becomes a self-created -- there are other means. You can do electric fence.

MR. MARCHEGIANO: I have an electric fence. They can be broken through easily.

PAUL BLOSER: Yes, they can, with a strong-willed dog, absolutely, yes, they can. But it is part of the training process, too.

Any comments from the Board?

JAMES WIESNER: We have seen quite a few of these corner lots and 6-foot fences, and I mean they typically don't -- if there isn't good enough reason for them to go through, this is what

it ends up being.

ROBERT MULCAHY: I don't particularly like 6-foot fences. It does take away from the neighborhood, especially on a corner.

PAUL BLOSER: I will move forward with SEQR on this.

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.

PAUL BLOSER: As far as conditions of approval on this, I can't think of any I can put on there that would be long-standing, so at this point I won't put any conditions on here.

Paul Bloser made a motion to approve the application with no conditions, and James Wiesner seconded the motion. All Board members were opposed to the motion.

DECISION: Unanimously denied by a vote of 7 no with the following finding of fact having been cited:

1. The proposed variance is a self-created hardship. Its appearance as proposed is inconsistent with Town Code and will create an undesirable change to the character of the neighborhood or to nearby properties. Variance can be mitigated by other means.

PAUL BLOSER: We'll send a letter through with our findings on this. I would look at alternatives, but based on our code and this particular application, we have a unanimous no vote on this.

MR. MARCHEGIANO: Thank you.

KEITH O'TOOLE: Mr. Chairman, are we going to adopt findings on that denial?

PAUL BLOSER: We are.

Paul Bloser reviewed findings of fact with the Board.

5. Application of Amy Sargent, owner; 1775 Scottsville Road, Rochester, New York, 14624 for variance to erect a two-story addition to house to be 25' from side lot line (40' required abutting a street), at property located at 1775 Scottsville Road in RAO-20 and FPO zone.

Amy Sargent and Arthur Sargent were present to represent the application.

PAUL BLOSER: For the record, would you state your name?

MR. SARGENT: My wife is hard of hearing.

MS. SARGENT: Amy Sargent.

PAUL BLOSER: You're the applicant then?

MS. SARGENT: Yes.

PAUL BLOSER: Sir, for the record, could you state your name?

MR. SARGENT: Arthur Sargent.

PAUL BLOSER: This a two-story addition you're putting on, family room downstairs, bedroom, one bedroom upstairs?

MS. SARGENT: Master.

PAUL BLOSER: Master bedroom. Is there a bathroom in this also?

MS. SARGENT: No.

MR. SARGENT: Not in the addition.

MS. SARGENT: A big walk-in closet.

PAUL BLOSER: Is there a basement under this?

MS. SARGENT: No.

MR. SARGENT: No. Crawl space.

PAUL BLOSER: Do you have any blueprints or drawings of what you're doing?

MS. SARGENT: No. I didn't want to pay for that unless I got the variance.

MR. SARGENT: We didn't want to put the cart before the horse, so to speak.

PAUL BLOSER: You heard what we did with the other applicant on the details of it?

MR. SARGENT: Yes.

PAUL BLOSER: Moving forward with this, I would be putting the same type of criteria on that. Similar siding, roofing, windows, so that everything matches.

MS. SARGENT: Okay.

PAUL BLOSER: I will pull that and read off of that.

What type of siding do you have now?

MS. SARGENT: Vinyl.

PAUL BLOSER: Have you checked into matching it? It was a cream color.

MS. SARGENT: Home Depot.

PAUL BLOSER: Is it still available?

MS. SARGENT: Yes. I wouldn't do it otherwise.

PAUL BLOSER: Okay. Jim (Wiesner), any questions?

JAMES WIESNER: No.

ROBERT SPRINGER: The one question. Do you have to remove any trees in that backyard?

MS. SARGENT: It's not backyard. It's the side yard. One tree does have to come down.

ROBERT SPRINGER: One does have to come down?

MS. SARGENT: Yes. It is probably 6 inches, 7 inches around. It's not big.

ED SHERO: This map was dated in 2005. And at some point between 2005 and currently there is a deck added onto the back of the house, which we didn't have a permit for.

MS. SARGENT: No, we didn't. I didn't know we needed a permit to make it larger. There was a little deck on the back that I made larger, so I will pay for it.

PAUL BLOSER: A condition of approval on this will be that a permit be pulled on that and an inspection be done and completed in order to get C of O on the house. Pretty much like the previous application. So we'll put that into the conditions of approval and I will read those over.

Anything else, Ed (Shero)?

ED SHERO: No.

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 reviewed the 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 Fred Trott seconded the motion.

PAUL BLOSER: I have a question for you. Where this addition is going on, to the side line, to your north, isn't there a restaurant club there?

MS. SARGENT: No. We're south of --

MR. SARGENT: There is a tavern to the north on the opposite side of the street.

PAUL BLOSER: On the opposite.

MR. SARGENT: On the other corner of Charles Street.

PAUL BLOSER: You're right on the corner there.

MS. SARGENT: If you look where the addition is, proposed addition is, if you go directly across the street, that is where the tavern is.

PAUL BLOSER: They're pretty close.

MS. SARGENT: Well, the parking lot -- because the tavern is up further, because Scottsville Road is there.

All Board members were in favor of the motion.

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

1. All permits and applications must be applied for at the Building Department.
2. Siding type, texture, color, etc. To match those on the existing house.
3. Roofing shingles to match those on existing house.
4. Miscellaneous windows, trim, gutters, shutters, etc. To match those on existing house.
5. Necessary permit and inspections from the Building Department must be submitted to obtain a Certificate of Compliance for the existing, unpermitted deck.

The following finding of fact was cited:

1. The proposed variance is not significant in nature and is the minimum variance to be granted for this application.
6. Application of Anchor Christian Church, owner; 375 Beaver Road, Rochester, New York

14624 for variance to erect an 8 1/2' by 5 1/2' double-faced interior illuminated freestanding sign to replace existing freestanding sign. Variance for sign to be 2 foot from front lot line (15' required) at property located at 375 Beaver Road in R-1-20 and FPO zone.

Chris Backus was present to represent the application.

MR. BACKUS: Good evening. My name is Chris Backus, the senior minister of Anchor Christian Church.

PAUL BLOSER: Thank you. Got to get a bigger sign out there, huh?

MR. BACKUS: The illuminated part is actually the same as what we have there now.

PAUL BLOSER: Okay.

MR. BACKUS: Ms. Reed in the Building Department suggested that we add the extra foot and a half on top because of the header. You may consider that part of the sign. I didn't know which way to do it.

PAUL BLOSER: For the street number up there, you mean?

MR. BACKUS: Uh-huh. And the part -- the kind of apron on top or capital, whatever you call it.

PAUL BLOSER: Very nice looking sign.

Are you going to put anything on there for your hours or phone number or anything?

MR. BACKUS: That is exactly what it is going to look like. We're not putting anything else on it. I have made that mistake in the past with signs and when it changes, where the area code changes, when the service time changes, you're very sorry you did it.

PAUL BLOSER: Very clean looking. Very clean looking.

MR. BACKUS: We're paying a little extra to get a good look. We actually went to Illinois to get it designed.

PAUL BLOSER: This is quite a bit closer to the road than --

MR. BACKUS: No. Exactly the same position. Our lot line does not go to the road edge. Our lot line cuts across what you would think of as our front yard. It's the old roadway from when Beaver Road used to not be as straight as it is now. We bought -- actually the lot line used to be farther in yet, but when we did our parking lot project, what, about five years ago, the County coincidentally was selling off some of their holdings, kind of old holdings that they didn't have any use for any more, and they sent us a letter and we bought as much as they would sell us. So if you look where the -- you can see on the site map where the guardrail is --

PAUL BLOSER: Yes.

MR. BACKUS: See it?

PAUL BLOSER: Yes.

MR. BACKUS: Then the edge of the road. So we're back from the road -- I didn't measure it, but was sitting here thinking it is probably 30 feet, 25 feet.

PAUL BLOSER: You're putting it where your existing one is. I had visions of the sign being right on top of the guardrail at that point.

MR. BACKUS: I'm sorry that -- I -- I know why you would think that, but we're putting it in exactly the same position as the current sign.

PAUL BLOSER: Okay.

MR. BACKUS: Same height from -- from ground to bottom of the sign, same dimensions, except for the header part, same dimensions, everything exactly the same. I wanted to make it as easy for you to say yes as possible. And we like where it is. It is perfect for -- for a 45-mile-an-hour road, you know.

PAUL BLOSER: Very nice. It will be a -- it will be a very nice addition to that.

MR. BACKUS: Obviously, we selected the brick to match our building so there is a better consistency across the property.

ROBERT SPRINGER: You also wanted to illuminate this sign?

MR. BACKUS: That's correct. From the interior.

PAUL BLOSER: Will there be hours of -- will that be 24/7? What will you do?

MR. BACKUS: No. I understand the code says it has to be off by 11. We'll install a timer -- we actually have a timer inside our building already on this circuit, and we'll just use that.

PAUL BLOSER: Okay.

MICHAEL NYHAN: What type of lighting bulbs are inside, fluorescent?

MR. BACKUS: Fluorescent.

MICHAEL NYHAN: How many are inside the sign?

MR. BACKUS: I don't know that. We obviously haven't bought the sign, so I don't know how many are in there. I don't have -- that's all I have. They have just designed it. But I don't have any specifications as far as that kind of stuff goes.

MICHAEL NYHAN: Do we have a standard we have used in the past for illumination, how great it can be?

PAUL BLOSER: We don't really have anything in the code that calls out for that. Depending on the sign, it has a dark blue background, so not a lot is going to penetrate that. Something like that, I have seen signs with two or three, four footers in there. Because it -- because it is doing both sides at the same time.

ROBERT MULCAHY: Will the whole sign be lit, the blue and white?

MR. BACKUS: Yes. Except for 375. When you look up above, at the color legend, it

says, "reflective film." That only refers to the 375. That part will not be lit. That will just be reflective film. But the rectangular part is a standard sign with -- that is white on the sign and it will shine through the white where it says "Anchor Christian Church."

ROBERT MULCAHY: You will see that a mile away.

MR. BACKUS: I hope they will be able to see it.

PAUL BLOSER: With the hills and the curves, though.

ROBERT MULCAHY: But it is going to be a nice sign.

PAUL BLOSER: I like the simplicity of it. I like seeing it without the phone numbers and the hours and 16 names and --

MR. BACKUS: The logo is our logo on our letterhead, that is on our stationery.

ROBERT SPRINGER: Do we in the Building Department get involved in the specs of the sign itself as far as does it meet code?

PAUL BLOSER: We don't have a code on the candles of the sign.

ROBERT SPRINGER: We don't, but someone would have to make sure that that met code related to a sign.

PAUL BLOSER: They have electric codes they have to meet. That would be done by the sign manufacturers and they would have to guarantee it for liability purposes.

No other lighting or -- you're showing shrubs on there. A typical of what you're doing?

MR. BACKUS: They threw that in as a suggestion. We do not anticipate -- our current sign has large shrubs on it and things like that, but I'm thinking that detracts from the appearance. We do have flowers now and we'll continue to have flowers, which is why that is there.

PAUL BLOSER: Because that would be something I would put in as a condition of approval, that vegetation on the base as pictured, low profile vegetation as pictured, because it really compliments the stone work.

MR. BACKUS: That is fine with me because that is what I wanted to do, to keep it low-profile vegetation.

PAUL BLOSER: It's very clean.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: It is a very nice looking sign. It is clean, it's uncluttered. It's a joy to see somebody come in here and not want to put their Bible on their church sign, practically.

MR. BACKUS: Thank you, Mrs. Borgus.

MS. BORGUS: I do question two things. The height. What is the overall height from the ground to the very peak of the sign where it is the -- where it -- the 375 number is displayed?

MR. BACKUS: I wish I -- on my way here I wish I had brought a ruler so I could tell you. The way it is spec'd out is a half inch to a foot, and I can tell you, but I'm going to -- I'm just going to estimate that it is -- let me see. 4 foot. I'm going to estimate it is 9 1/2 feet tall from -- from grade to the very top of 375, that rounded part.

MS. BORGUS: Now, the blue part is the -- is the -- as -- if I understand this correctly, is the same size as the current sign?

MR. BACKUS: May I point that out?

PAUL BLOSER: Yes.

MR. BACKUS: This is the same size (indicating).

MS. BORGUS: As the current sign?

MR. BACKUS: As the current sign.

From here on up is additional (indicating).

JAMES WIESNER: That is the extra foot.

MR. BACKUS: Right. From here (indicating). If you look on this part, from there on up is additional.

MS. BORGUS: Okay. Well, I guess what my concern would be, would be twofold. One, it is so high. The sign -- it's very pretty, but it -- but that is a high sign when you get the whole thing together. I'm wondering if there isn't some way to bring it down a little?

MR. BACKUS: May I respond to her to that?

PAUL BLOSER: I will allow it, yes.

MR. BACKUS: The grade is considerably lower than the road. Perhaps you have driven by and looked at our current sign. It's going to basically match that, except for that top part is going to match the height of our current sign.

MS. BORGUS: My other concern would be, and I -- I think I have detected it among the Board members would be the lighting of that sign. That blue, where I love the color, very pretty, but with enough lights in it, it could be a blinder.

PAUL BLOSER: What I think I would like to --

MS. BORGUS: Thank you.

PAUL BLOSER: Thank you for your comments.

On a condition of approval, um, I would like to get the specs for the sign submitted to the Building Department, and I will review them with the Building Department. I would like to know wattage of bulbs, how many bulbs, sizes of them, so we have an idea of what that is going to protrude.

If they have -- these people build these signs will tell you that 3 foot away, 10 foot away, how many lumens they project based on what you have. I would like to get those specifications. So I will put a condition of approval on this, pending application approval, condition of approval

that sign specifications still subject to approval for lighting output.

MR. BACKUS: Very good. Reasonable.

FRED TROTT: You would know what that standard --

PAUL BLOSER: Once I read them, I will probably go through them quick with our Town Engineer, the Building Department.

FRED TROTT: I have seen some that, you know, they light up -- you can see 15 miles away or they look like a UFO has landed.

PAUL BLOSER: I will go through it with the Town Engineer and I will put that in the condition of approval.

ROBERT MULCAHY: Based on the wattage of those bulbs?

PAUL BLOSER: Yes. That is what I want to be sure, that -- what is going on with it.

What is your time frame for proceeding with this?

MR. BACKUS: ASAP.

PAUL BLOSER: To be in line for fall mums. That is what those look like they are.

MR. BACKUS: It does look like that. That's not our property, by the way. I am sure you caught that. They just stuck the sign on some picture they had.

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

PAUL BLOSER: Once the sign is complete and the turf is cleaned up around it, it is inspected and signed off by the Town, you would have 30 days to have your plantings in place, and the foot traffic is out of the way so your people can come in and do what they have to do without trampling in it. Fair?

MR. BACKUS: Very fair.

Paul Bloser 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 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. Technical specifications of the proposed sign must be submitted to the Building Department for review and approval by the Town Engineer, Zoning Board of Appeals Chairman, and Building Department Head.
2. Low-profile plantings, as depicted on the submitted drawings, to be completed within 30 days of final inspection by the Building Department.

The following finding of fact was cited:

1. The proposed variance will not create an undesirable change in the neighborhood and nearby properties.

Note: That a sign permit is required before the sign is erected.

7. Application of Daniel Boon, owner; 20 Berna Lane, Rochester, New York, 14624 for variance to erect a second freestanding sign to be 5' by 3' single-faced (one free-standing sign allowed), variance to erect two directional signs (1- 2' by 1 1/2' single -faced, 1- 2' by 1 1/2' double-faced) at property located at 3520 Union Street in GI zone.

Daniel Boon was present to represent the application.

MR. DANIEL BOON: Board, Daniel Boon, 20 Berna Lane.

I will start out, we -- we had approval for this -- from our sign here, and it is actually on our mylars, and then I really didn't realize when we come in front of you to put the sign, which would have been the second sign out at Union Street, I didn't realize that -- that I kind of only get one sign. So I'm back in front of you. I guess this one was approved. It is actually a code, going in the same place. I can show you actually on the mylars, if you want, where it is going.

PAUL BLOSER: Dan (Boon), I would like to have that up, please?

MR. DANIEL BOON: You want it to see it on the mylars?

Actually, that is the mylars you're looking at there. It is just shrunk down. So it shows where that sign is.

PAUL BLOSER: If you want to step up to here (indicating) and circle it on there.

MR. DANIEL BOON: This is where -- this is where the sign is going to go, right here (indicating), on the lawn, facing the driveway, coming down off of Union Street, onto our drive. This is where --

PAUL BLOSER: Slight angle to it?

MR. DANIEL BOON: Yes. It will be angled at the proper angle. This is the first driveway (indicating). This is the second driveway (indicating). We'll have a third one down below here (indicating).

So we're going to put it there, actually have it there (indicating) because our visitors that come into the building come in this driveway (indicating). That is why I am standing there. That is the purpose for the two directional signs. We have run into a little bit of a situation now with customers coming in.

This first exit or first entrance in our -- into our gates is our truck entrance, and our employee entrance. We get people coming in to pay their bills and whatnot, and they come in that first entrance and they get kind of confused where to go. There are all cars and everything parked in there. They're actually over there where we don't want them.

So we're going to put a directional sign here (indicating) and then another directional sign at the second driveway to -- for visitors, to direct them in for visitors parking, where we want them to go.

Now, these three signs will all be same -- same as the one out at the road. I think I have supplied everybody what they're going to look like.

PAUL BLOSER: Yes.

MR. DANIEL BOON: Not as nice as Chris (Backus)'s sign, but...

But that is what we're asking. Basically the sign on the lawn is -- it is just a -- made to look a little nicer down there, and that is what we're doing, putting that one in.

The directional signs -- to my knowledge, they're -- they're -- we were just asked to put them on the application. To my knowledge, they're code. We made them to code and we just put them on there to show what we're doing.

They will be, like I said -- they will be all in the same style, same format as the other sign that we have up now.

The only thing, if I could, I would ask the Board -- I don't know if I can. I may decide down the road -- I don't know if I will do it now, I may want to illuminate this some day, just light it, very light lighting. I haven't quite decided. If I could get permission to do that, I may do it, because I have power there that actually lights our flagpole.

PAUL BLOSER: Would that be a down light or an up light?

MR. DANIEL BOON: It would probably be an up light. It would be a light, something like what you use out here. One-sided sign, one light. Of course it will be back in there where I don't think it will affect anybody anyway.

FRED TROTT: This is back in your private drive?

MR. DANIEL BOON: No. All of these are back in the private drive.

FRED TROTT: Not out at the street.

ADAM CUMMINGS: To understand the illumination, on the Boon & Sons sign, not the directional?

MR. DANIEL BOON: That's correct. Just on that one sign.

PAUL BLOSER: Dan (Boon), the main sign that says Boon & Sons, this basically is a carbon copy what you have up on Union Street right now?

MR. DANIEL BOON: Yes. It will be identical to that other than no numbers on it or nothing. It is just going to be Boon & Sons, and that's it. All these signs are -- are basically one-sided signs. The only one is the first directional sign, I'm -- it is going to be two-sided. It is going to be directional for -- for, um, employees' entrance, truck employee entrance, and on the back side of it, we're doing it just for us, it is going to tell our drivers, that -- that will be the last sign they look up going up the private drive, that says "drive safely" on the back so when they leave --

PAUL BLOSER: Dan (Boon), will you put that up on the overhead for the public to see?

MR. DANIEL BOON: The directional sign we're talking about?

PAUL BLOSER: Yep. The only comments I'm going to make is, when you came before us on the Union Street sign, one of the things that we changed on that was to make your upright posts 6 by 6 instead of 4 by 4.

MR. DANIEL BOON: Yes. These signs, to be honest with you, if you made these 6 by 6s, it would be way out of proportion. They're not very large signs.

PAUL BLOSER: The small letter ones, I agree. I'm talking about the big one.

MR. DANIEL BOON: This is a smaller sign also. It's only a one-sided sign. It won't be that large.

PAUL BLOSER: You're not afraid of the wind hitting that thing.

MR. DANIEL BOON: I can do that if you want, I just don't --

JAMES WIESNER: The sign shown in the package shows 6 by 6.

MR. DANIEL BOON: Let me look here. Maybe I'm speaking out of turn.

PAUL BLOSER: Forgive me. That is exactly what I was --

MR. DANIEL BOON: I apologize, too. So the big sign will be exactly the same as -- I don't think these are -- no, these aren't 4 by 4s. Obviously these signs will be way too much.

PAUL BLOSER: Well, the big one, those posts really made a difference on the sign out at the road.

MR. DANIEL BOON: I agree. I guess they designed it that way, so I apologize.

PAUL BLOSER: I was reading 4 by 4 on the other one.

FRED TROTT: There is a sign now back into your private drive, small, going --

MR. DANIEL BOON: Directional signs. They -- actually one of them is to let people know that -- because of the business we're in, for instance, no dumping, private property. You know, we -- we have signs that says there is surveillance cameras on the property. We have to do that. If we didn't, we would come to work every morning and find a load of tires down there. So we have to put that, it's a directional sign.

The other sign is a -- no U-turns. I have another issue that goes on there every day since we have been there. Our neighbors, um, they can't seem to give out the right directions to tell their trucks where to go, to Union Processing. I get Canadian drivers and everything in there all day, so we put in there "no U-turns, no truck" -- "no through truck traffic" because we're still trying to control that. If anybody noticed it, we named the road and that was one of the other reasons why. We are trying everything to try to stop that from going on.

FRED TROTT: My question is, do those have to get approval?

MR. DANIEL BOON: Directional signs.

PAUL BLOSER: Dan (Boon), if we were to add on your one sign, Boon & Sons sign, the larger one, lighting on that, would that be the same hours of operation as your flag?

MR. DANIEL BOON: Well, no. Because the flag is lit all night.

PAUL BLOSER: That is why I am asking.

MR. DANIEL BOON: No. We would turn it off to code.

PAUL BLOSER: I'm more concerned out there about security on that sign, if that would be an issue, tucked that far back in. If we could put side shields on it, all you're lighting is the sign, but it would be visible for your cameras if someone was to come do any vandalism on it. I guess I was thinking more of that.

MR. DANIEL BOON: We can see out there on the cameras. I mean they're designed to --

PAUL BLOSER: Pick that up?

MR. DANIEL BOON: Yes. So I mean I -- I would just illuminate.

PAUL BLOSER: Stay on the posts. Okay.

We would still put, if you did uplighting, it would be uplighting with side shields.

MR. DANIEL BOON: That's fine.

PAUL BLOSER: That just keeps the light on the sign from spilling.

MR. DANIEL BOON: I'm just looking for directional signs on the mylars. I'm just trying to read it here while you're talking. That would be fine.

PAUL BLOSER: When I did review the site the other day, the improvements you have made along those fence lines and the quality of the turf and the grass, is -- the building and the property in general, it was above my expectations.

MR. DANIEL BOON: Well, we're still trying to do things as we go along here.

PAUL BLOSER: You have done a good job from where it was to where it is now.

MR. DANIEL BOON: Thank you.

PAUL BLOSER: You're to be commended for that.

FRED TROTT: I didn't think it would come out that good, to be honest with you.

PAUL BLOSER: I kind of had hopes for that building or property, but it has come a long way.

MR. DANIEL BOON: We're proud of it now. It's doing well for us.

ROBERT SPRINGER: I have two questions. One, maybe I missed this, but why would you want to illuminate these signs at all? Your business is 6 a.m. to 6 p.m. basically.

MR. DANIEL BOON: Just pride. We're happy to -- we're open until 11:30 at night. I mean we have people there. I mean it is just nice, we're proud of it.

ROBERT SPRINGER: Just asking.

Second question, in doing the drive-by, restored lawn area, have you posted where these signs are going to be? You staked where these signs will be?

MR. DANIEL BOON: Yes. Approximately -- we're still waiting for the stake-out to make sure that is exactly, because there is a gas line that runs right there. So we may have to move them a little bit. You know, we're --

ROBERT SPRINGER: You gave me a general idea when I drove by.

MR. DANIEL BOON: Yes. That is exactly -- they will be give or take a few inches there. I'm just waiting. I'm a little reluctant, because that is where the sign company, after the conversation where they wanted to put them, but I also told them to get the stake-out and then we'll rethink that because I know there is a gas line right there, so...

ADAM CUMMINGS: And, of course, your approval granting for a variance, for all of the signs, not that you were moving forward with sign locations and everything.

PAUL BLOSER: The directionals don't count.

MR. DANIEL BOON: The directionals are kind of -- you know, I just put them in there. I was told to. I think they meet all of the codes, so we can -- we really didn't have to have permission to put them in, but we just wanted to -- to put them in there.

KEITH O'TOOLE: If I may on the directionals, we do permit directionals as exempt signs, but they have to be smaller than a foot square. These are a bit larger than that. That is why they're on the list.

MR. DANIEL BOON: All right. I won't argue that one. I just -- the sign itself, I don't believe it -- I think it is within code, but I -- it's all right. I am good with it.

KEITH O'TOOLE: Okay.



COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: As usual, Mr. Boon's signs are clean, uncluttered, functional, they're great. It is too bad more people in Chili couldn't follow his lead when it comes to sign design. So he needs the signs. It's a no-brainer.

Thank you.

MR. DANIEL BOON: Thank you, Dorothy (Borgus).

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 the application was closed at this time.

PAUL BLOSER: I will add into this the request for possible future uplighting.

ADAM CUMMINGS: I don't feel comfortable adding it to the sign. The application doesn't have illumination in it, and I'm still comfortable with the land applying the variance, so I don't want to open it up to somebody in the future. I'm okay with no illumination. He doesn't have a plan for it now.

It is similar to the church that just came in where previously they didn't have an illuminated sign and now they are coming in for another one. Just don't want to open it up. He has put a lot into the money now, but once again, the land still stands there. If he sells it, someone could put in their illuminated sign. I just don't feel right adding it when it wasn't applied for. We have added it on.

ROBERT MULCAHY: Agreed.

PAUL BLOSER: Then we'll take that off. Then there really aren't any other conditions of approval on this other than just -- there are no 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 Michael Nyhan seconded the motion. The Board all voted yes on the motion.

MICHAEL NYHAN: What is the opposition to adding lighting to this if we is --

ADAM CUMMINGS: There was no application for it.

PAUL BLOSER: Public wasn't properly notified that it would be added.

MICHAEL NYHAN: All right.

Adam Cummings made a motion to approve the application with no 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 no conditions, and the following finding of fact was cited:

1. The proposed variance will not result in any detrimental effects to the Surrounding properties or the neighborhood.
8. Application of Kerry McPherson, owner; 2017 Westside Drive, Rochester, New York, 14624 for variance to erect a 24' by 30' detached garage to be 5' from side lot line (10' required) at property located at 2017 Westside Drive in R-1-15 zone. Present:

Kerry McPherson, Mark Dede and David Burrows were present to represent the application.

MR. BURROWS: My name is David Burrows. I'm an architect for Kerry McPherson and Mark Dede of 2017 Westside Drive. They have a 70 foot wide lot with no garage and it's in an R-1-15 lot classification, which requires a 90-foot wide lot, so they're short by 20 feet of required width.

The request to construct a garage 24 feet wide, 5 feet from the property line where 10 feet is required. So because it's a -- kind of a preexisting, nonconforming lot condition, they're requesting a variance. If they had to stay 10 feet from the property line, it would push the garage into the yard and they would be looking at the garage itself. And a 24 foot wide garage is pretty much a standard width.

They have had no objections from the neighbors. The style of the garage will match the house. It will have siding the same color and as the siding on the house. Shingles will match. It will look like it was always there. That is the intention.

PAUL BLOSER: Do you have a drawing of it at all?

MR. BURROWS: It should be in the application.

North elevation facing the street. East and west elevations are identical except east elevation will have a door. The back is not worth showing. Here is the plan (indicating).

Then site plan, with the garage showing where the shed now is. So the shed will be

removed and the garage will take its place.

PAUL BLOSER: Shed is being removed from the property?

MR. DEDE: We may move it on the property to a different location.

MS. McPHERSON: But it doesn't have a foundation. It is like a 4 by --

MR. DEDE: 8 by 8.

MS. McPHERSON: Yes. It is very tight.

PAUL BLOSER: Stick construction?

MR. BURROWS: Right. Concrete slab, trench footing. 2 by 4 stone, 16 inches on center and wood trusses.

ROBERT SPRINGER: The drainage for the -- the drainage off the garage roof is to the rear?

MR. BURROWS: There will be a gutter front and back. The one in the back will just drain to the yard. The front one, I know the driveway slopes toward the street.

MS. McPHERSON: No. It slopes back towards the backyard.

MR. DEDE: We may want to have the gutter on the side or --

MR. BURROWS: We just want to make sure the neighbor doesn't get the drainage. We want to drain it into --

MS. McPHERSON: We would have to drain it into the side, towards our house.

MR. BURROWS: The downspouts will be on the east side, I think, this side (indicating).

ROBERT MULCAHY: Yes, the east.

MR. BURROWS: So we could have a condition downspouts on the east side of the garage.

PAUL BLOSER: There is no shutters on this, correct?

MR. BURROWS: No, just one small window, next to the overhead door and one window on either side. The size of those windows might change, especially that one (indicating), because it is quite small.

PAUL BLOSER: Just a solid man door?

MS. McPHERSON: Yes.

MR. BURROWS: Right?

PAUL BLOSER: Assuming you're putting electric into this, right?

MS. McPHERSON: (Nodded affirmatively.)

ED SHERO: Just a couple comments. One, if you decide to keep the shed, it has to be 8 feet from the lot lines and 8 feet from the garage or the house. Actually, currently it is not, but if you decide to keep it.

MS. McPHERSON: Say that one more time.

ED SHERO: The shed has to be 8 feet from your side and rear lot lines and 8 feet from --

MS. McPHERSON: What we would do is put it on the other side. The neighbor has a shed on his side, or on his property, and we would put it adjacent to his, but 8 feet from the lot line.

PAUL BLOSER: From the back, from the side and from any other structure.

MS. McPHERSON: Because our lot is really deep. His is probably -- I don't know.

MR. DEDE: Right about where he just drew it there.

MS. McPHERSON: Right about right there (indicating).

MR. DEDE: Is that even with the -- without a foundation, it is 8 feet?

ED SHERO: Correct.

MR. DEDE: Okay.

PAUL BLOSER: Any structure --

ED SHERO: The only other thing is something more to discuss with the architect, with that window, we'll have to address the sheer wall issues, but we can talk about that later.

MR. BURROWS: I have a structural engineer that I will use if we get this approval.

ED SHERO: Okay.

MR. BURROWS: Working drawings are just to this point right now.

ED SHERO: Okay.

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 reviewed proposed conditions with the Board.

FRED TROTT: What about the shed? I would want to see that as a condition, that it stays within --

MS. McPHERSON: Here is the other thing. The shed is kind of old. So we're going to try to move it.

FRED TROTT: If you remove it, it is fine.

MS. McPHERSON: It is one of the things where we'll try to move it, but if it doesn't move --

FRED TROTT: Removing it or moving it, that is not the issue. My issue is more of that it

stays within the parameters of current zoning, which is 8 by --

MR. DEDE: 8 feet.

FRED TROTT: 8 feet away.

Paul Bloser further reviewed the proposed conditions with the Board.

MR. DEDE: Anything we need to do for placing the shed in another spot?

PAUL BLOSER: Any place you put it, I would -- probably you're going to locate it before you start construction?

MR. DEDE: Yes.

PAUL BLOSER: So have that -- when you submit your permits to the Town, have that placement identified on your lot map to show -- that is where I had current lot map as shown must be submitted to the Building Department with placement.

MR. DEDE: All right.

PAUL BLOSER: Just show that -- your proposed spot for it so we know where it is located. You know, your architect working on it, they can plot an 8 by 8 at a push of a button pretty quickly and it will -- they will have it identified right on the map where it is located.

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

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

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

1. All permits and applications must be applied for at the Building Department.
2. Roofing shingles to match those on existing house.
3. Siding type, texture, color, etc. To match those on the existing house.
4. Downspouts shall be located along the east side of the proposed garage draining towards the rear of the house.
5. Miscellaneous windows, trim, gutters, shudders, etc. To match those on existing house.
6. Existing shed shall be moved to be in conformance with current Town requirements.
7. Current lot map must be updated with accurate locations of lot and structures and submitted to the Building Department.

The following finding of fact was cited:

1. The proposed variance is the minimum possible for this application.

The meeting ended at 9:00 p.m.