

CHILI ZONING BOARD OF APPEALS
June 23, 2009

A meeting of the Chili Zoning Board was held on June 23, 2009 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, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Chris Karelus, Building Department Manager; 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 five applications. I saw all of them except for Application Number 3.

JAMES WIESNER: I would agree with that.

ROBERT MULCAHY: I would agree with that.

PAUL BLOSER: Okay. Due to the signage not being up over this required time, I'm going to ask for a motion that we move this for next month's meeting.

ROBERT MULCAHY: I will make that motion.

JAMES WIESNER: Second.

PAUL BLOSER: I will move Application Number 3 to July's meeting.

Is there a Christopher Holley here?

No one responded.

PAUL BLOSER: So that will be moved to July.

With that said, I will move to Application Number 1.

1. Application of Yelena Revutskaya, owner; 2 Rochelle Drive, Churchville, New York. 14428 for variance to allow existing utility shed in front yard to be 62' from side lot line (Chili Avenue) and 50' from front lot line (Rochelle Drive) where 55' is required abutting a street, variance to allow existing rear shed to be 3' from side and rear lot lines (8' req.), variance to allow existing 6' high fence in front setback (4' allowed) at property located at 2 Rochelle Drive.

Yelena Revutskaya was present to represent the application.

PAUL BLOSER: So we have basically three different issues here that we have to look at. I'm going to start, I guess, with the shed on the front yard.

ADAM CUMMINGS: Mr. Chairman, should we put a map up on the overhead?

PAUL BLOSER: Yes. We have the first shed seen in the picture that is penciled in, right in the corner of Rochelle and Chili. Are these all, the sheds, both of them, are they sitting on the ground, on blocks? They're not on a foundation; is that correct?

MS. REVUTSKAYA: Yep.

PAUL BLOSER: It says here you have moved them a couple of times. Did you talk --

MS. REVUTSKAYA: Yes, the shed was -- we put it on the right side of the house, and the -- probably complained a lot of times, and we tried like do better and put in the front. And they start complain in the front, too. We don't have any place else to put the shed.

PAUL BLOSER: Did you talk to the Town at all about where to put them?

MS. REVUTSKAYA: Yes. I -- last time I ask and I put like in the front -- in the back now to -- two sheds in the back. Even though we don't have a lot of place for the kids to play, but we have to put back. She said go in the hearing and after that they decide what they want to do.

MICHAEL NYHAN: The total square footage of each shed, and what is the purpose of the two sheds?

MS. REVUTSKAYA: Both of them 8, 10. Both of them size of 8, 10.

MICHAEL NYHAN: 8 by 10?

MS. REVUTSKAYA: Yes.

PAUL BLOSER: They're both the same size?

MS. REVUTSKAYA: Both the same size.

MICHAEL NYHAN: What is their use? What are they used for?

MS. REVUTSKAYA: For what I use for them? For kids like -- bicycle, everything. I put like the kids stuff in them. And one, my husband tools.

MICHAEL NYHAN: Okay. And do you have a garage on this house? A garage?

MS. REVUTSKAYA: Oh, yeah. We park in -- like in the wintertime, we put cars in garage. We try like empty garage and put everything in the shed.

MICHAEL NYHAN: Okay. I think it is a two-car garage; is that correct?

MS. REVUTSKAYA: Yep.

ROBERT MULCAHY: I would like to know what is in the front shed.

PAUL BLOSER: Kids toys, bicycles and toys.

PAUL BLOSER: The fence that is shown, this goes all of the way around the yard, correct?

MS. REVUTSKAYA: Uh-huh.

PAUL BLOSER: Is it the same height all of the way around?

MS. REVUTSKAYA: Yes. I was broke in two years ago, when the winter -- weather was bad and insurance, like cover it and we put new one, the same height like it was before, the same size. We just put it the same place.

CHRIS KARELUS: Just reiterate what I said in the front. Code -- this is a corner lot. That is still considered a front yard, so it is within the front setback of the -- I guess the location of it still is within the front yard. If -- if the Board sees it fit to grant them a variance, I would just suggest that it be moved somewhere within that fenced area so it is less obtrusive.

The fence was found by Code Enforcement. It is preexisting. When we review the application, everything that we find that was not in conformance, we asked them to apply.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: This is in my neighborhood, and I must say that that shed on the corner looks terrible. It sticks out like a sore thumb. And I would have to question the fence. I wonder what is going to happen with the rest of the fence, because it is partly new, partly old. The fence on the west side has never been replaced, so we don't even have fence that matches here. You have two sides of one kind of fence and the third side is an old stockade fence, still -- I believe still 6 feet. And I have a pool myself. I'm very happy with a 4 foot fence. I don't see the need for the 6 foot fence. That also does not look good on that corner. And when it was a stockade fence, it kind of blended in, but when it's a white vinyl fence, it looks terrible.

So if they have to have another shed, I would suggest that Mr. Karelus has given them good advice. Get it inside the fence. At least it wouldn't be so obnoxious there.

And I guess the Board will have to decide what they want to do about these 6 foot fences on corners, because they don't add anything to the appearance of our Town.

We have that code for a reason. And I haven't heard a good reason why they need a 6 foot fence.

Thank you.

ALEX MAYSWK

MR. MAYSWK: I live on Chili Court, and I'm friend of her, but I just want to say my opinion. Alex Mayswk. I just think she has pool. She has to have some higher fence because she has girls like 15 years old, 12 years old. Why she not can have higher fence or even actually the same -- is maybe because ground not level and when the fence become new and white, yeah, it not blend like this woman said. You know what I'm saying?

I don't know what like -- like fire code or a safety code for pools, but I just know I lived Chili two years ago, but when I lived in different Town there was safety code for pool, especially when you have girls, and teenager girls.

PAUL BLOSER: Okay. Thank you.

DOROTHY BORGUS: In response to that, all I can say is if you're so concerned about privacy -- and let me tell you, I had three teenage girls, so I understand this man's point of view, but a 4 foot fence sufficed. And if you're so concerned about privacy, then a corner lot is a self-imposed hardship if you're going to plan on a pool and you want a high fence.

This Board has strict rules and definite thoughts and written regulations on self-imposed hardships.

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.

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

PAUL BLOSER: On the sheds, I guess I will look at the one on the north first. It is enclosed in the fence. I guess that one I would be myself -- it's a tight corner with the deck in there. I don't know if you can get the clearances without having the shed right on -- the one in the front, um, the first time I went by there, I thought it was a utility shed of some type, like a pump station or something. On a second look, realizing it was privately owned.

I guess my thoughts on that is there is so much exposure and this should be within the Town Code, the shed be adjusted and the fence adjusted around it to make more room that way, but I -- I think that one should be within the front and side setbacks just because of location.

DAVID CROSS: I agree. It's a -- I think it is asking a lot. There is room within the

fenced area.

ROBERT MULCAHY: It is an eyesore.

PAUL BLOSER: It is sticking out.

ROBERT MULCAHY: It sticks right out.

ADAM CUMMINGS: Even in the fence, it is technically still in the front setback because it is a corner lot.

JAMES WIESNER: What is the proper front setback we would have to have?

PAUL BLOSER: 55.

DAVID CROSS: It is not 62 we're looking at. It is the 55.

PAUL BLOSER: This is not necessarily to scale either the size of the shed, or the size of the pool. I guess that fence is right on the pool.

ROBERT MULCAHY: It's a smaller shed.

PAUL BLOSER: Yeah.

ROBERT MULCAHY: I would think that that could be moved inside.

PAUL BLOSER: Within the fence area.

ROBERT MULCAHY: Within the fence area on the southeast side.

PAUL BLOSER: You could have clearances.

ROBERT MULCAHY: Just to clean that area right up there in front. It's a nice neighborhood. It's a brand new neighborhood, very delicate.

PAUL BLOSER: Do you want to discuss the fence, now, too? We had comments on it from the public. This is a package. I would like to address the shed separately.

JAMES WIESNER: You know, looking at that, if I understand that correctly, it is 123 feet, that side line. I mean half of that is a 61, 62 -- we got to have 55. I don't know if it is going to fit. I mean, that is only 6 feet or so back to 5 feet. I don't know. I don't know if it is going to fit or not. I guess that is not for us to decide.

DAVID CROSS: It would be closer to the deck, too.

PAUL BLOSER: Are you talking about the north one or the one on the south side?

DAVID CROSS: This shed right here, it would be right about here (indicating).

JAMES WIESNER: It will be right near the fence.

PAUL BLOSER: Well, I would even be willing -- because it is on Chili Avenue, I would be willing to even give them relief on the side setback, if it was in the fenced-in area, and it was clear of the front.

It is a busy street. There's a lot going on there. It is not like you're going to have a neighbor on the south side. So I would be -- I would agree to give some relief on the south side, but I would want the front --

MICHAEL NYHAN: Again, the position of that is as a result of the placement of the fence and the placement of the deck.

PAUL BLOSER: Right.

MICHAEL NYHAN: So, they placed the deck there. They placed the fence there and created this hardship. When you look at that, it is clearly the front yard, either side you put it on. I think if you put it towards the back, it is a corner lot that makes it more irregular and difficult to place this in there. However, they have 28 by 10 foot sheds, and for us to decide where it would fit, I think, is beyond our scope. I think we just need to decide should it stay where it is or not, and, you know, if they want to make more room in their back -- usable back space by taking that fence down, that is their prerogative, but we shouldn't be trying to figure out where we place this for them. That is beyond our purview.

We just need to look at this and say should that be in the front yard or not, and do they need to follow the code which says, they have to follow the setbacks. If because they constructed a fence, it makes it more difficult to do that, then I think the homeowner is responsible to find out how to make that work.

ROBERT MULCAHY: Do we know if they had a permit for the fence?

MICHAEL NYHAN: There were no permits for the fence or the sheds; is that correct?

CHRIS KARELUS: No.

MICHAEL NYHAN: But there was no permit necessary for the sheds.

CHRIS KARELUS: No permit needed for the sheds. The fence -- the fences do not have permits either.

MICHAEL NYHAN: But with the -- but --

PAUL BLOSER: But the 6 foot on the public side.

MICHAEL NYHAN: Because of the above-ground pool, they needed -- they are not required to have a fence either.

PAUL BLOSER: Not required to have a fence either. But the code is clear as far as having the 4 foot --

MICHAEL NYHAN: There is plenty of ways to shield for privacy. You see it all of the time. Berms, trees, Chili Avenue, there is lots of ways to shield things. You don't need to go against the code to do that. In this particular instance, I think, there is plenty of room. There is a lot of space between Chili Avenue and where that fence sits. There is a lot of ways to shield that backyard to make it very attractive from Chili Avenue and from the backyard and to the neighbors on both sides. Because there are neighbors very close on Rochelle Drive right next door.

So again, it goes back to, you know, perhaps if they planned it out differently and understood the code, perhaps, we wouldn't have the things we do now. I think they have placed things they shouldn't have and now just to get a variance rather than to have them changed, I

think, um -- I don't see the hardship that -- that is placed on the homeowner to do those things.

PAUL BLOSER: You want to vote on this as a package then, or do you want to break them separately?

DAVID CROSS: I would like to break them up.

JAMES WIESNER: Break them up.

MICHAEL NYHAN: Is that correct, if I'm looking from the deck to the shed, is that 10 feet? Is that what that means?

ROBERT MULCAHY: That is what I understand, yes.

MICHAEL NYHAN: Is that 10 feet from the shed to the deck? Is that what we're seeing?

MS. REVUTSKAYA: Yes --

PAUL BLOSER: Right there.

MS. REVUTSKAYA: When people start complaining we moved the shed, too, from -- like half the size, like 6 feet from one side of fence and then 6 feet on another side. But it was too close to the fence before.

PAUL BLOSER: What is this dimension here (indicating)?

MS. REVUTSKAYA: 4 feet.

PAUL BLOSER: And to the lot line? Is the fence right on the lot line?

MS. REVUTSKAYA: Fence, yeah.

DAVID CROSS: It is 2 feet off.

JAMES WIESNER: Who installed this fence? Was it installed by a fence company?

MS. REVUTSKAYA: Fence? Fence was -- I buy house with the fence, 6 feet.

JAMES WIESNER: Who replaced the section of fence?

MS. REVUTSKAYA: We did by ourselves.

JAMES WIESNER: You did it as a homeowner, you did it yourself.

MS. REVUTSKAYA: It was there -- 20 years a fence there. I buy with 6 feet fence, and no people complained. They see this fence for 20 years, 6 feet. Just white fence -- but same size feet, same place.

DAVID CROSS: I would like to say, I think 6 feet is reasonable for the damage to your lot, the fact Chili Avenue is a State highway and there is not another residential lot to the south --

PAUL BLOSER: No. The west side, I think, should be to code over there.

DAVID CROSS: This is all at 6 feet here (indicating).

PAUL BLOSER: There. In the back.

But the west side, facing Rochelle.

DAVID CROSS: I think 4 feet is fine there.

PAUL BLOSER: Yes.

DAVID CROSS: Then 6 foot on the north side.

PAUL BLOSER: Correct.

I will start calling this Application 1A, will be the shed setback for the southwest corner, and that is the shed that is in the front yard.

PAUL BLOSER: Counsel, if I do SEQR once for Application 1, will that cover all three?

KEITH O'TOOLE: I think once is fine.

PAUL BLOSER: Okay, 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 Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Motion to adopt shed A, for the shed in the front yard in the southwest corner.

On Application 1A, Michael Nyhan made a motion to approve the application with regard to Shed A, for the shed in the front yard in the southwest corner, and Robert Mulcahy seconded the motion. All Board members were opposed to the motion.

PAUL BLOSER: On this first shed, you're going to have to get with the Town to discuss a position where it would fit on the lot. That is the one on the south -- this shed up there (indicating). Okay?

Application 1B. We'll do the shed setback for the northeast corner.

MICHAEL NYHAN: Question on this. Is that setback -- they're showing on this diagram setback from the fence. Is it setback from the lot line or the fence?

PAUL BLOSER: 4 foot from the fence and 2 foot in the rear.

MICHAEL NYHAN: From the lot line it is actually 6 foot?

PAUL BLOSER: Right.

MICHAEL NYHAN: All right.

PAUL BLOSER: Again, that one within the fence, being 6 foot high and it is a smaller shed of stature, there is room to get around it for mowing and maintenance purposes. As per vote proposed in the application --

ADAM CUMMINGS: Before we move further, I would like to nail down what setbacks we're going with this application, because I have heard 3, 4, 6.

ROBERT MULCAHY: The setback here is 4 feet (indicating).

ADAM CUMMINGS: What does the application say? Not the map.

ROBERT MULCAHY: 3 foot.

PAUL BLOSER: 3 foot from side lot line and 8 -- 3 from side and rear. That is how it is written on the application.

ADAM CUMMINGS: Are we granting a variance for 3 feet, or let's mark it down where we're setting the setback. If we're more comfortable with the 6, then we make it 6. Regardless of --

DAVID CROSS: The application reads 3 feet. I think we should stay with that.

PAUL BLOSER: It is 6 now, though.

ADAM CUMMINGS: I don't want to set a variance that allows someone to set a shed 3 feet closer.

PAUL BLOSER: It is 6 foot now -- what is the side --

ROBERT MULCAHY: Looks to me like the side is 4 foot. It is 3 foot from the fence to the shed, and there is a foot between the fence and the lot line.

MICHAEL NYHAN: Chris (Karelus), were you there?

CHRIS KARELUS: Yes.

MICHAEL NYHAN: Did you measure it?

CHRIS KARELUS: We didn't tape it. We looked at the exterior shed. Because of the way it varies on the relation of the lot line, I think the measure they're taking is a little narrower. It looks like it is within a few feet of the fence. In order to have a true variance measure, the fence that is on the north side -- or the east side, excuse me, appears to be the one that is closest to the lot line and still a foot are in error. So a few feet off that lot line, 3 and change, 4 and change is the closest tie.

PAUL BLOSER: 4 foot from the fence is written in here.

CHRIS KARELUS: Any closer than 3 feet it is a State Code variance. So the Town can grant up to a 3 foot variance. It is definitely outside of 3 feet, because it is not a survey measured. The best we can do is take a tape measure --

PAUL BLOSER: So we'll say shed to be 3 feet from the fence.

CHRIS KARELUS: That is the closest the Town can allow them to get. I believe that would cover the bases that we need to cover.

ADAM CUMMINGS: Thanks, Chris (Karelus).

MICHAEL NYHAN: Thank you.

PAUL BLOSER: The condition of approval I will put on this north shed is the shed can be no closer to fence on the north and east sides than 3 foot. Okay?

On Application 1B, Robert Mulcahy made a motion to approve the application with the following conditions, and Michael Nyhan seconded the motion. The Board was unanimously in favor of the motion to adopt this portion of the application as written with a condition of approval.

PAUL BLOSER: What we're calling Application 1C, this is for the fence height. Condition of approval on this, fence exposures to west will be within Town Code. That puts it very clearly for those. On the bordering properties and on the east side. They're within code on the north, east -- north, east sides. It is just on the south side that we would have to give the relief for that to maintain the 6 foot.

ADAM CUMMINGS: Question, why are they in conformance on the east side? Because it is still a front side of the house. So technically half of that fence, if you're going by front yards, would -- should then be 4 feet.

PAUL BLOSER: For right here (indicating)?

ADAM CUMMINGS: Right.

PAUL BLOSER: I see what you're saying. We would have to give --

ADAM CUMMINGS: Then you're going 4, 6, 4. Going from west, south and then east.

CHRIS KARELUS: If I can just make one point for the Board to be leery of. There is probably about five steps in that fence because of grade. So just recognize what is 6 foot is actually probably at the home, I would gauge, probably 4 feet higher. 3 or 4 feet higher. You saw the fence. You saw how there was a series of steps to accommodate grade. How they translate a 6 foot fence back to a 4 foot fence, I'm not sure. Just a point.

PAUL BLOSER: Suggestions for conditions on this? Or just vote on it as is.

MICHAEL NYHAN: Part the fence that is out of compliance is the south and west sections; is that correct?

PAUL BLOSER: South, the west and part of the east side because of the setback requirements. Because that is --

MICHAEL NYHAN: From Chili.

PAUL BLOSER: Because it is considered a frontage.

MICHAEL NYHAN: Okay. All right.

PAUL BLOSER: So if we were to say 4 foot on all, they would have to go with shrubs or something, too, to make up that difference if they wanted the height for shielding.

MICHAEL NYHAN: We don't know the slope from Chili Avenue to the house, the rise?

PAUL BLOSER: No.

CHRIS KARELUS: 3 to 4 feet at least.

PAUL BLOSER: As you're headed west on Chili Avenue, would you have further exposure to the house?

MICHAEL NYHAN: You can see the pool.

PAUL BLOSER: Yes.
CHRIS KARELUS: You get more exposure of the yard is the way that -- yes, Chili Avenue is even a few feet lower than that.
PAUL BLOSER: So again, I was kind of in the mind set to maintain the fronts of the required south side and east side.
DAVID CROSS: (Inaudible).
ROBERT MULCAHY: That would be all of the way across, wouldn't it?
PAUL BLOSER: It would be at that point. Yes. We would have to give them relief for it.
ROBERT MULCAHY: Just the front.
PAUL BLOSER: Any western exposure. So that would be -- on the south side of the house, and anything that is fence -- fencing that is over here would have to be also.
ADAM CUMMINGS: No. The one on the north side wouldn't have to be. Because it is behind the house.
JAMES WIESNER: It is in the backyard.
PAUL BLOSER: Is that where the fence is? So just the --
ROBERT MULCAHY: No. I take that back. That is up in the front there, too.
ADAM CUMMINGS: The front of the house is where the 20.5 is.
ROBERT MULCAHY: 21.8 is where the fence is up to on the north side.
ADAM CUMMINGS: That is backyard. Because the front goes to Rochelle Drive.
ROBERT MULCAHY: I don't know what that fence is inside the -- that area is, but it seemed to me the fence went all of the way up.
PAUL BLOSER: It did. It was the same height all of the way around.
I would do a condition of approval, fence exposure to the west to be within Town Code. All others permitted as installed.
ROBERT MULCAHY: Sounds good.
PAUL BLOSER: Conditions of approval, fence exposures to the west will be within Town Code, so that is all to Rochelle Drive. All other height exposures --
MICHAEL NYHAN: What about the south side facing Chili Avenue?
ROBERT MULCAHY: That is the one that is stepped down in the back.
PAUL BLOSER: You bring it down 4 foot from Chili Avenue, you would be looking at the base of the pool with the elevations. So I would be inclined to give them that just because of that -- the topographicals.
MICHAEL NYHAN: Would we want any shielding for the fence? Or is that --
PAUL BLOSER: As far as --
ADAM CUMMINGS: That is beyond.
PAUL BLOSER: That is beyond us.
ADAM CUMMINGS: To clarify, that mark-up there with the 21.8, that is outside of the purview of what we can do. That is not -- that is not inside the front setback. That is set behind the house, so that can still be 6 feet in height. Even though it is a west-facing fence.
PAUL BLOSER: It is the west-facing fence within the setback. Southwest. Fence exposures to southwest. Rochelle Drive.
ADAM CUMMINGS: Yes.

On Application 1C, David Cross made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion. The motion was approved by a vote of 5 yes to 1 no (Michael Nyhan).

JAMES WIESNER: What is the conditions on this again?
PAUL BLOSER: The fence exposure to the west, Rochelle Drive is 4 foot. All other exposures permitted as installed.
JAMES WIESNER: Okay.
PAUL BLOSER: Do you want to put anything in here the fence should be consistent in material?
JAMES WIESNER: It is kind of late for that now.
ADAM CUMMINGS: I don't know if we can do that.

DECISION ON APPLICATION 1A: Unanimously denied by a vote of 6 no with the following findings of fact/reasons having been cited:

1. Creates an undesirable change in the neighborhood by being outside of allowed setbacks.
2. Condition is a self-created hardship.

DECISION ON APPLICATION 1B: Unanimously approved by a vote of 6 yes with the following condition:

1. Shed can be no closer to fence on north and east sides than 3 feet.

The following finding of fact was cited:

1. Does not create an undesirable change or have an adverse effect on neighborhood.

DECISION ON APPLICATION 1C: Approved by a vote of 5 yes to 1 no (Michael Nyhan) with the following conditions:

1. Fence exposures to south west (Rochelle Dr. Side) will be within Town Code.
2. All other exposures permitted as installed at 6 foot height.

The following findings of fact were cited:

1. The difficulty of the fence location was pre-existing when applicant purchased the property and therefore a self-created hardship.
2. The condition of west exposure could be mitigated by reasonable means such as lowering height to 4 foot to be within code.

Paul Bloser reviewed with the applicant what the decisions were by the Board.

MS. REVUTSKAYA: How do I do that? Who is going to do that for me?

PAUL BLOSER: I don't know people that do the fencing. I don't know. You can talk to the Building Department, discuss it with them. They may have ideas for you, but it's better than replacing everything on the south, the majority of the fencing.

MS. REVUTSKAYA: I don't know how I'm going to do that. I don't know how I'm going to do that. My husband never home because he is working. I don't know. I just don't know. I can't do that.

ALEX MAYSWK: I just learned of her presentation. They have kids. They have five kids. Husband and wife. Husband working. Now you know economy. They about to lose house and you're worried about a piece of fence, four, six inches. They're like you. Everybody human, yeah?

PAUL BLOSER: We all are.

ALEX MAYSWK: But for 2 feet, it's kind of like this fence was made 6. You cannot cut top. You cannot cut bottom. I could help her, yeah?

But when I see in this presentation, it's like you know -- I learn this this year, it's called joke. Plus she was living five years. Nobody was bothering her. Yes? When just -- they had an old automobile, and they just bought a newer one because husband got job. Because economy went down, he start to do truck driving instead of working metal factory. When they start to drive the newer Honda, neighbors started watching driveway and fence. Why nobody complain three years ago?

PAUL BLOSER: I don't have the answers for you. I don't. We have, as a Town, rules. We have given you relief from some of the conditions or from some of our requirements. We're giving you variance on --

ALEX MAYSWK: What's going to happen? She start paying contractors and not paying mortgage? They're already behind in some bills. What going to happen? Bank come over and put another sign, foreclose. Who going to lose money? Town, because they not pay mortgage. Not pay mortgages, not pay taxes for little 2 feet of fence? I -- I don't understand.

PAUL BLOSER: I understand what you're saying. It's the Board's decision right now. What I would suggest is talk to the Building Department on what your options are and how it can be done.

ALEX MAYSWK: But I just wondered why didn't it happen when they moved? Once they put house, they move, we have difficulties. I explain. What is his problem? Because I have accent? Because I'm immigrant and driving expensive car or something? What is going on? Nobody was bothering previous owner.

MS. REVUTSKAYA: I buy house with the fence. It was 6 feet for 20 years.

ALEX MAYSWK: Now it is everything change, why? Because she speak with accent and neighbors stop saying, "Hi"? I know I was in same situation twice. I changed few houses, you know. And I know situation. My wife started driving convertible in summer, people stop saying, "Hi." Same thing going on here. In Rochester area, the Ukrainian people.

MS. REVUTSKAYA: They make me so stressed.

ALEX MAYSWK: And I don't know who you sue, neighbors, Town for discrimination. It is very easy. I work for Meineke (phonetic). You know, I won case because I speak this accent. When I finally learn English, I start talking for myself and not ask somebody to translate.

PAUL BLOSER: We don't show partiality to any group. I mean, we try to be fair and equal to everybody who comes before us based on the application.

ALEX MAYSWK: I understand, but why didn't it happen three years ago?

MS. REVUTSKAYA: 20 years ago. Woman live there and sold me this house with 6 feet fence. Why didn't they bother her? Why me?

PAUL BLOSER: I don't have an answer for you. I really don't. You do have a right to appeal these. That is your decision.

ALEX MAYSWK: We all set?

PAUL BLOSER: We're all set, yes.

Thank you.

2. Application of Sandra Spring, owner; 647 Beahan Road, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 3' from side lot line (8' req.) at property. located at 647 Beahan Road in RA-10 & FPO zone.

Sandra Spring was present to represent the application.

PAUL BLOSER: This is replacing this on the south side, south lot?

MS. SPRING: Yes.

PAUL BLOSER: Drawing shows two sheds there right now. I can see the top of one.

MS. SPRING: One is the new shed.

PAUL BLOSER: So it is the proposed one?

MS. SPRING: Yes.

PAUL BLOSER: That is the rear one, on the photo.

MS. SPRING: Right.

PAUL BLOSER: Is the -- does -- in the notes it does say it will be knocked down upon completion.

MS. SPRING: Yes.

PAUL BLOSER: Is there a fence going down that line?

MS. SPRING: Yes.

PAUL BLOSER: Is the fence right on the lot line?

MS. SPRING: Um, it was there when I purchased the house. Yes.

PAUL BLOSER: That is not what I asked.

MS. SPRING: Yes. Yes, it is on the lot line.

PAUL BLOSER: So it looks like the existing shed is right on the line, right at the fence?

MS. SPRING: No. There is a little space in between.

DAVID CROSS: That 1.3 is close to the difference between the lot line and the shed, the existing shed, so the fence is probably (inaudible).

PAUL BLOSER: Is this a prefab shed you're getting?

MS. SPRING: It's a DuroShed, yes.

PAUL BLOSER: It's a pretty narrow lot here. It's not placed, though, yet, correct?

MS. SPRING: No.

DAVID CROSS: May I ask what the hardship is or why are you looking to put this 3 feet instead of what code says is 8 feet?

MS. SPRING: We have some big huge trees in the backyard. If we bring it out 8 feet, the tree will be right where you come out if you come out of the doors of the new shed. So it would be placed where it would not interfere with the trees. That is why we wanted it positioned that way or that far away from the fence, so it is not in the way of the trees.

MICHAEL NYHAN: So is there anywhere else in the yard this can go?

MS. SPRING: Yes.

MICHAEL NYHAN: And maintain the 8 foot.

MS. SPRING: Along the back fence, but again, um, 8 feet from the fence is going to bring it in the middle of the yard and then we have the tree -- the part with the tree again. There are trees over in the corner of the lot also, on the north -- northwest lot, the corner of the lot.

MR. NYHAN: Just so I understand, this is trees all through this back lot and nowhere else for the shed to go without being in the way of a tree?

MS. SPRING: Right.

PAUL BLOSER: What side of the lot are you bringing the shed in from?

MS. SPRING: The south side. Next to the garage.

PAUL BLOSER: You have room to get back through there.

MS. SPRING: That is the only way you can get to the backyard.

PAUL BLOSER: It looked like there was a bunch of shrubs in front of the existing shed?

MS. SPRING: No. There is no shrubs against -- the existing -- no. There is the fence that runs on the south side of the shed. Then there is -- is shrubs -- there is a fence right by the end of the garage there, and then there is shrubs going all of the way down the lot line by the front yard.

ROBERT MULCAHY: That shed is 12 foot wide?

MS. SPRING: Yes.

ROBERT MULCAHY: The fence comes right up to the back of the garage?

MS. SPRING: They will be building -- they will be building the shed in the backyard.

ROBERT MULCAHY: They will build it. It is not a prefab.

MS. SPRING: No. They're bringing the pieces in and putting it together.

PAUL BLOSER: They build them on site.

MS. SPRING: Right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I have a suggestion. Why don't you -- why don't they put it where the old shed is. If there is no tree problem there --

MS. SPRING: We have to leave the old --

MS. BORGUS: just a suggestion.

PAUL BLOSER: That one is right on the fence.

DOROTHY BORGUS: I know, but if the trees evidently are a problem back further -- but it doesn't sound like trees are a problem where the other one would be. I mean, move it forward a little bit. The whole yard can't be treed.

PAUL BLOSER: Any other public comment?

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.

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

MICHAEL NYHAN: Chris (Karelus), have you been to the property or did you just see the drawing?

CHRIS KARELUS: We just saw the drawing and looked at it. There are some trees on the property. But there is more than adequate area to be able to site the shed within the setback.

PAUL BLOSER: I'm looking at the width and the length. It is a good-sized, deep lot. The codes are the codes. I think this is a situation where they're doing it right with the permits for this size shed. I think we should be within the code on this. This prevents situations from happening down the line.

ROBERT MULCAHY: This is a machine shop, is it not?

PAUL BLOSER: This?

ROBERT MULCAHY: Yes.

PAUL BLOSER: Machine shop?

ROBERT MULCAHY: There is a machine shop in the garage. Are you moving the shop into the shed? Do you have a shop in the garage?

JAMES WIESNER: I think that was a lot of years ago, Bob (Mulcahy).

MS. SPRING: It's just a garage.

JAMES WIESNER: That was 27 years ago.

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

ADAM CUMMINGS: I don't think she ever did.

MS. SPRING: No. I didn't even know there was a machine shop there.

PAUL BLOSER: Yes, there was.

MS. SPRING: Thank you. I was wondering why the walls were like they were.

PAUL BLOSER: This is just lawn and garden equipment, I'm assuming?

MS. SPRING: Yes.

DAVID CROSS: I can see some hardship with the lot width, but 3 feet is pretty unreasonable. We're not here to negotiate.

ADAM CUMMINGS: Even the 8 feet, the farthest, the building will be 20 feet out, so that is still only a third of the whole lot width.

MICHAEL NYHAN: If our Building Department was there and said this is the only spot the shed could go without cutting down a tree, I would say that is a hardship and I can understand it. But if there are other places on the lot for the shed to go or can be moved in a different area -- Chris (Karelus), you have not been to the property?

CHRIS KARELUS: No. No. I looked at the aerial, just took an aerial interpretation of it. They do have trees on the property, but it didn't look like they monopolized the entire yard.

MICHAEL NYHAN: Okay.

PAUL BLOSER: So I think on a new application, I'm inclined to (inaudible) the code without having seen any of the hardships.

MICHAEL NYHAN: I would say if the Building Department did see a hardship out there, I would reconsider, but -- I don't know if there is a way to do that either. Is there?

PAUL BLOSER: Of?

MICHAEL NYHAN: Building Department to inspect the property to see if there is a hardship or suitable spot to put the shed.

PAUL BLOSER: Not unless the applicant wanted to table for a month and have it looked at. Then I would suggest at that point Conservation --

MICHAEL NYHAN: Okay.

JAMES WIESNER: It is somewhat their burden to bring in the proof, too.

PAUL BLOSER: That is what I would say without anything else this in front of me. I think it is pretty straightforward the way it is, the application.

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

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

DECISION: Unanimously denied by a vote of 6 no with the following reasons/findings of fact having been cited:

1. Shed can be placed within code on lot.
2. No reasonable hardships presented.
3. Application of Christopher Holley, owner; 10 Harmon Lane, Churchville, New York 14428 for variance to erect a 12' x 24' utility shed to be 288 sq. ft. (192 sq. ft. allowed), variance for shed to be 4' from side and rear lot lines (8' req.) at property located at 10 Harmon Lane in RA-1 zone.

PAUL BLOSER: Application 3, as I stated earlier, has been tabled.

DECISION: Unanimously tabled until 7/28/09 at 7:00 p.m. by a vote of 6 yes for the following reason:

1. Applicant failed to show for public hearing. Sign(s) not posted properly on property. Applicant to obtain new signs at the Building Department to post and maintain as per Town Code.
4. Application of Steven Thomas, owner; 21 Bellaqua Estates Court, Rochester, New York 14624 for variance to erect a 14' x 16' utility shed to be 224 sq. ft. (192 sq. ft. allowed), variance for shed to be 13'3" high (12' allowed) at property located at 21 Bellaqua Estates Court in R-1-20, FPO, FW zone.

Steven Thomas was present to represent the application.

PAUL BLOSER: What have you got?

MR. THOMAS: I have -- the placement of the shed, I wanted to build a utility shed with the riding lawn mower and all of the garden materials in that location, and I wanted to build a shed that looks similar to the house, with a brick facade and have it a little larger than the permit. I also have to have a roof a little bit higher, about 15 inches.

PAUL BLOSER: Can you speak more into the microphone?

MR. THOMAS: Repeat what I said? Okay. I'm sorry. I wanted to build a shed for garden materials, for lawn mower, riding lawn mower, and so I want to build shelving going around one side and be able to have the riding lawn mower and all of the garden tools and workman's tools in there.

So what I wanted to do is build a shed to look similar in structure to the house. I think I provided a photograph that is similar to one of my neighbor's. He built a shed along his driveway and -- similar in the concept. I wanted to build a brick facade with double doors, a window there, and I wanted to -- matching the house, and I wanted the shingles to match the house, so it would be an aesthetic structure.

The placement I originally wanted to have it back set deeper on the proper, but my understanding is that I'm -- that that can't be done because it is in the buffer zone.

PAUL BLOSER: Right.

MR. THOMAS: So I -- so I have put it on the property in what, I think, is the best location, and to the -- to the east side of the shed, I -- I have lined the property with trees, so it would be within the shadow of some trees there, and outside the buffer zone. And my only -- I guess the only -- and I have a deep property, so it is -- so it goes down and so I -- I can't say with certainty how far. You can partially see the facade from the road, so it is aesthetic and I can also see it from my house. And my neighbor, I didn't bring a letter, but my neighbors are -- they're -- I flagged it out and went for a walk and they're okay with it also.

PAUL BLOSER: Okay. So all we're looking at right now is the size of the shed.

MR. THOMAS: Correct.

PAUL BLOSER: You're doing everything within the setbacks that are required?

MR. THOMAS: Yes, sir. And am I correct, what -- the placement of how I flagged it, where I want to put it, I have the south corner, I have it about a foot outside. I don't know if -- as long as it -- my understanding is as long as I'm outside the 100 foot buffer zone, I'm okay, and I -- I left about 1 foot at that south corner.

PAUL BLOSER: Chris (Karelus), that satisfies the needs of the wetland buffer?

CHRIS KARELUS: Yes.

PAUL BLOSER: That's correct.

CHRIS KARELUS: Yes.

PAUL BLOSER: You're fine with the sides. That is not a problem at all.

ADAM CUMMINGS: What about height on this application?

PAUL BLOSER: It is a 13 foot height.

MR. THOMAS: 15 inches.

PAUL BLOSER: It is a two-story house. It is well below the peak of the house.

MR. THOMAS: Sir, I'm sorry, I hope that doesn't go -- it's a ranch, but it -- because of the size of the ranch, it is also -- I'm sorry, you said it is a two-story.

PAUL BLOSER: The size of that roof looks like two-story.

MR. THOMAS: That's because they had to accommodate the size.

DAVID CROSS: We're only deciding upon the area, the square footage.

PAUL BLOSER: The height would be an issue also.

JAMES WIESNER: I thought the square foot looks like it is within, though.
MR. THOMAS: My understanding, the permit allows 192. It is 224.
ADAM CUMMINGS: Over by 32 square feet. That would be my question. Is there also a variance for this application for a height variance?
MR. THOMAS: Yes. 15 inches.
PAUL BLOSER: Yes.
ADAM CUMMINGS: Okay. I got lost. I can't read.
JAMES WIESNER: As far as the height goes, that's obviously dictated by the pitch of the roof. If you didn't have that -- it is a pretty steep pitch structure.
MR. THOMAS: Because I wanted to keep it consistent with the house. So I want --
JAMES WIESNER: Same pitch of the house.
MR. THOMAS: Yes. I went with the shingles, the brick. I thought it would be most aesthetic to keep it in line with the appearance of the house.

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.

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

PAUL BLOSER: Nice-looking shed.
MICHAEL NYHAN: Is the square footage dictating the height of the roof?
MR. THOMAS: Yes.
PAUL BLOSER: The architectural style to match the house. He is matching the house pitch to the shed pitch. But he is still lower than the roof line.
MICHAEL NYHAN: Yes, I would think so, 13 feet.
JAMES WIESNER: It slopes down there, too.

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 no conditions, and Adam Cummings seconded the motion. The motion was approved by a vote of 5 yes to 1 no (Adam Cummings).

DECISION: Approved by a vote of 5 yes to 1 no (Adam Cummings) with no conditions, and the following finding of fact was cited:

1. The requested variance will not have an adverse physical or environmental impact on the neighborhood.

Note: A building permit is required before the shed is erected.

5. Application of Boon & Sons, 20 Berna Lane, Rochester, New York 14624, property owner: Jarvee Associates; for variance to erect a 6' high fence around roll-off container units in location #1 on plan on two sides only (fully enclosed fence enclosure at 1' above units req.), variance for dumpster enclosure area not to be located at all times, variance to allow enclosure height on one side of location #2 on plan to be 10' high and not fully enclosed or locked, all as per plan submitted at property located at 3520-A Union Street in G.I. zone.

Kip Finley and Daniel Boon were present to represent the application.

MR. FINLEY: Hello, everyone. I'm Kip Finley with Avery Engineering. My client Dan Boon is here with me to help answer questions.

We have got two different topics that have a lot of similarities. This project went through the site plan review process, and we were here before for a variance, and it was approved on May 12th by the Planning Board. And it was with the condition that we take care of variance needed with respect to fences.

We have it split into two locations because they do have two different situations. I do have a full-sized map of the property if that would help you for orientation, or do you all understand where it is?

MICHAEL NYHAN: I understand where it is.

MR. FINLEY: The location one would be the southwest corner of the property. The place where it says, "screening with trees," is where the Amish Outlet is in front of this. And our buildings are to the north and east of this location.

There is the area for the roll-offs container storage, and in this case, a lot of this was worked through the Planning Board to where on -- you have to -- I just have to point here instead of describing it.

On the south side here (indicating) -- or south side here (indicating), west side here (indicating), we talked about all different situations with fences, screening, could we do taller fences, things like that.

For this particular area, one of the conditions is that we cannot store the nominal 8 foot tall containers in this front yard. So we didn't need to go to a 10 foot or 9 foot fence for that.

What we do have is an existing 6 foot chain-link fence that it was agreed that the most visually suitable situation was to put in final privacy slats, somewhere 15 feet beyond the limits of the container area here and then 15 feet more here (indicating). And put in evergreen screening on the whole west side and wrapping around the south side. Planning Board, Conservation thought that was more palatable than putting a taller fence in.

That leaves us with a situation where our fence isn't technically tall enough to be a foot above the 5 foot 7 inch containers, so we're asking for 5 inches of relief there for that.

Also, one of the things that was a little confusing with the code that we technically want to request relief is that when you introduce this as for dumpsters, the other two items with being locked and being fully surrounded tends to be more with true trash dumpsters behind a restaurant or a bank or wherever.

Where for safety, you want them locked so kids aren't climbing in and getting toted away with the truck. You want to make sure people aren't dumping illicit materials in your dumpster in your restaurant and you want them fully enclosed.

In this case, it is in a fully fenced-in and locked compound, other than during the business hours when they have their windows facing right out on the entrance. So it is secure. No one is going to be able to come in, dump illicit things in or kids get caught in there, and they're all empty to start with. It would be very noticeable if someone snuck in and put something in. So that is the situation with this.

We also do have -- we have talked in pretty big depth last time we were here about the buffer. So we are maintaining the 60 foot vegetative buffer, and we did have a landscape plan. With our site plan package, I think it was 90 -- all together, with this and the landscaping, something like 92 plants, trees, shrubs we have put in.

So we think we're pretty adequately screened, and we think that if the roll-offs are 7 inches below the top of the fence instead of 12 inches, that is really not an impact to the neighbors.

As far as hardship, we're kind of caught in a situation where that was the recommended best solution through the other Boards, and if we were to go to replace this fence with something that totally met the code, like a foot taller, we had a price in about \$9,000 to do that on top of what ended up being about \$40,000 in landscaping vegetation that we had hadn't planned on. So we would like to use the existing fence, only seven years old, put slats in and have relief for that.

So that is the one topic.

Location two is further back on the property. This is the southeast corner. This is another place where we talked about the buffer. This is where we're going to leave the fence, and you had us take the pavement out of this area (indicating).

The other building that was here (indicating) is gone. That has been demolished. Then we have the building that is being retrofit and clad with siding and doors and all of that.

One of the conditions from our site plan review was that we weren't allowed to have the 8 foot tall containers in the front yard, but to run the business, they still do need to keep, two, three, four containers able to come to this site to be dispatched.

So all of the talk with the various Conservation Board, Planning Board was to put the containers back behind the building so nobody could see them from the road. There is nobody on the east side. There is nobody on the north side. And to the south side, we have this vegetative buffer that has been -- is being planted. So it is really fairly well hidden, but as an offer to make this meet the code in the same way as we did up front, Dan Boon suggested putting in an opaque screening which could be a fence, could very likely be the same masonry units. These salt bunkers are modular 2 foot by 2 foot by 4 foot concrete stacking legos, and that could probably very well be what this is. But that is just another added layer of protection.

You have the buffer, you have the buildings, but it wouldn't hurt to have one more layer of protection for visual screening. Except to cover up an 8 foot tall roll-off container and get another foot, you need at least 9 feet. They come in 2 foot modules, so it is up to 10 feet to do the job.

So in that case, again, it is not totally surrounded, and the roll-offs are not going to be locked because they're dead storage, empty and it is in a fenced compound. So those are the two situations.

I believe I have told -- the hardship is these can't go in the front. They can go nowhere else on the property, except hidden behind buildings from what we were instructed by the Planning Board, and he does need to have at least a few to be able to run the business.

PAUL BLOSER: The fence on the north side, what is the height of the north fence?

MR. FINLEY: The north chain link fence?

PAUL BLOSER: Yes.

MR. FINLEY: It's 6 feet on the whole compound.

PAUL BLOSER: Okay. Higher if you drive-thru the gates?

MR. DANIEL BOON: Gates is the only thing there. They just have a -- all they have is a framework, because the gates are -- slide open.

MR. FINLEY: Just to hold the posts.

PAUL BLOSER: For some reason I was thinking that fence was a little higher.

MR. DANIEL BOON: Whole compound is 6 foot.

MR. FINLEY: There are three gates. At least three. There is on the north side -- you do see a lot of tall structure because of those gates.

PAUL BLOSER: Board questions?

MICHAEL NYHAN: Just be sure to summarize, location number one, you're looking for relief, the dumpster is to be 5 foot -- or 5 inches below the top of the fence, not 12 inches below the top of the fence?

MR. FINLEY: It is actually 7 inches below. We're asking for relief of 5. We're asking for about 40 percent relief.

PAUL BLOSER: That is because the actual fence -- what is the planting height -- proposed planting height of the trees?

MR. DANIEL BOON: 6 to 7 foot starting out.

MR. FINLEY: That's Dan Boon, for the record.

MR. DANIEL BOON: I'm sorry.

JAMES WIESNER: They're on a berm or -- will they be on a berm?

MR. FINLEY: About a foot of mounded mulch but not -- there is physically no room for a berm.

MR. DANIEL BOON: I'm working on that now. We cleaned a drainage ditch out and we're working on trying to see if we can raise that a little bit on the outside. Done it today. Had a machine in there all day working, pulling everything out of there.

MR. FINLEY: Ultimately they picked a species of White and Norway Spruce that get to be about 30 to 40 feet tall eventually.

MICHAEL NYHAN: The second one was if you're not secured, each dumpster, but the whole compound is secured when someone is not there.

MR. FINLEY: Correct. The code calls for each dumpster, so our roll-off containers are secured in a secured yard.

MICHAEL NYHAN: Got it.

CHRIS KARELUS: I'm not sure how the Planning Board approved the slatting in the fences, but what I would ask is the Board, if they decide to move on an approval, at a minimum, as shown in the plans that they presented for the variance, but as approved by the Conservation and Zoning Board (sic), because I can't remember what extent it was agreed upon with the vinyl slatting through the fence.

MR. DANIEL BOON: They have to be slatted and maintained.

CHRIS KARELUS: Kip (Finley), it sounded like you indicated you would have 15 feet beyond where the --

MR. BOON: That is what we were told. Basically the way we posed it -- told to do it was 15 foot beyond it's slatted -- so it is actually like 285 feet, I believe, of fence will be slatted, and then has to be maintained.

CHRIS KARELUS: I would just leave it as approved by the Planning Board. That is -- a good extent to get that hammered out.

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.

MR. DANIEL BOON: We're going with basically an earth-tone color, so basically what the color of the building is.

MR. FINLEY: The new building color.

MR. BOON: The new building color.

MR. FINLEY: Yes. Not the color of Paul (Bloser)'s shirt. It is going to be tan.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of the application, and Adam Cummings seconded the motion.

PAUL BLOSER: I sat through a lot of hours of -- between Zoning and Planning on this project listening to it. We hammered out a lot of stuff to satisfy the needs of the neighbors and the community. I will say by representation of the audience tonight, we have come to a great -- I guess made great strides on this project where we started.

MR. FINLEY: No news media.

PAUL BLOSER: Yes. Planning Board has hammered out a nice plan with Conservation Board. The tree line. That is only going to get better overtime. And what is there, and what is proposed, I think it is going to be a -- my own personal thing here is it has satisfied the requirements that we're charged with.

MICHAEL NYHAN: The intent of the law is clear. I think they satisfied it by locking in the entire compound instead of each and every dumpster.

Also with the screening, it is 5 inches -- 7 inches below the top of the fence, but these trees are going to grow, it sounds like, far beyond the top of the fence, so.