

CHILI ZONING BOARD OF APPEALS

June 27, 2006

A meeting of the Chili Zoning Board of Appeals was held on June 27, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: George Brinkwart, Michael Martin, Dan Melville, Jeffery Perkins, Richard Perry, Peter Widener and Chairperson Beverly Griebel.

ALSO PRESENT: Dennis Scibetta, Assistant Building & Code Compliance Inspector; Keith O'Toole, Assistant Counsel for the Town; Jeron Rogers, Director of Planning/Engineering.

Beverly Griebel declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. She explained the meeting's procedures and introduced the Board and front table. She announced the fire safety exits. The Pledge of Allegiance was cited.

BEVERLY GRIEBEL: Before we get into the agenda, the Board will discuss the signs, starting with Number 1, Wegmans.

Any problems with the public hearing sign?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 2, Shirley Duell, is that one okay?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 3, Terrance Holihan. I was out Saturday, the 16th, in the afternoon, and there was no sign.

MICHAEL MARTIN: I was out that evening and it was up.

BEVERLY GRIEBEL: It wasn't out in the afternoon.

DAN MELVILLE: I was out this weekend. It was okay.

MICHAEL MARTIN: I saw it the first day.

BEVERLY GRIEBEL: I was out yesterday. It was out then, but that first day it was not out.

MICHAEL MARTIN: I drove by it several times, including the first day.

BEVERLY GRIEBEL: I started going around about 2:30, so it was probably about 2:30 to 4:00 -- I don't know what time I was there. The applicants are instructed to put the sign up on the day before, the Friday, just to be sure it is up in time. So what is the Board's pleasure on this?

MICHAEL MARTIN: I saw it probably like 5 o'clock. It was the first night.

MR. BRINKWART: I saw it on the 22nd. I have no problem hearing this one.

JEFFERY PERKINS: I saw it.

BEVERLY GRIEBEL: They didn't have it up in time. Technically, no. They put it up late. I don't know if people don't read the instructions or don't understand them. I don't know. Do you want to hear it or not?

MICHAEL MARTIN: Okay.

PETER WIDENER: Yes.

BEVERLY GRIEBEL: Number 4, and 5, there were two things on the -- Kathleen Yarid.

RICHARD PERRY: I saw it.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 6, Beverly Stymus?

RICHARD PERRY: No problem.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 7, Michael Cavanaugh?
MICHAEL MARTIN: I saw it.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 8, Linda Procida?
RICHARD PERRY: No problem.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 9, Dale Foster?
RICHARD PERRY: No problem. Had both the signs up.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Most of the people did very well this time.
Number 10, Jenna Christopher?
RICHARD PERRY: No problem.
BEVERLY GRIEBEL: Okay. Number 11, Richard Timian?
DAN MELVILLE: It was there.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 12, I didn't see a sign there, and I was out yesterday, and there was no sign.
RICHARD PERRY: It is there. It's --
BEVERLY GRIEBEL: Where?
RICHARD PERRY: It's -- the address, 870, is out on the street. It's just to the north of that. It was there in the trees. I went by there on two different occasions.
BEVERLY GRIEBEL: Hmm.
MICHAEL MARTIN: It was for the 860 property.
BEVERLY GRIEBEL: It was in front of the 860.
MICHAEL MARTIN: Which is where the application is.
BEVERLY GRIEBEL: I didn't look for it. I looked for it at the 870. I had someone else in the car with me yesterday. I drove by, because it is -- it is a busy road. I went way down, turned around and came back on that side, and I didn't see it.
RICHARD PERRY: I missed the first time by, but when I came back --
BEVERLY GRIEBEL: I went by four times.
RICHARD PERRY: It was clearly there that Sunday, and I passed it this Sunday, too.
BEVERLY GRIEBEL: How about the rest of the Board?
PETER WIDENER: I had no problem.
BEVERLY GRIEBEL: Everyone else see it? Do you want to hear it, even though it is at the wrong property, apparently?
RICHARD PERRY: Well, 860 is what is on the sheet. So it was in the right place.
BEVERLY GRIEBEL: Okay. Do you want to hear that?
RICHARD PERRY: Yes.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: I will have to drag out some more diagrams.
PETER WIDENER: You can use mine.
BEVERLY GRIEBEL: Because Kathy (Reed) made me ones that weren't color vision -- so we'll be hearing all of them.

1. Application of Wegmans Food Markets, owner; c/o Eric Bartles, P.O. Box 30844, Rochester, New York 14603 for variance to allow 9 dumpsters without enclosures at property located at 3175 Chili Avenue in G.B. zone.

BEVERLY GRIEBEL: This went to Monroe County Planning and Development, and it came back as a local matter. It was there for airport approval.

DAN MELVILLE: Maybe you can put that stuff up on the board?

MR. BARTLES: Actually, if I could, I would like to approach the Board with a couple of handouts, if I could.

These are some handouts?

MR. BARTLES: I have three copies of each of the photographs taken from the neighbors.

BEVERLY GRIEBEL: Is -- are these the same ones we got? We did get some.

MR. BARTLES: Yes. And -- but these are actually -- we have changed our proposal slightly. I wanted you folks to take a look at the --

BEVERLY GRIEBEL: Okay.

The first photo is an existing photo, and the second photo is our proposal for screening.

Then I can explain -- I have some bigger displays. This is actually a second photo taken from the restaurant.

BEVERLY GRIEBEL: Okay. The one up on the hill.

MR. BARTLES: There are ones for the valley and the restaurant next door.

BEVERLY GRIEBEL: It is a slightly different angle.

MR. BARTLES: Right. Actually, the reason I brought those, is -- I have read the dumpster code, and I totally understand it and respect it. Um, one of the issues that we have -- at that site is I'm wondering if the Town and the public can be better served with the screening that we're proposing. Right now there is the nine dumpsters in the back of the store.

BEVERLY GRIEBEL: Anyone in the audience, at any time wants to go look at the diagram with the pictures on the board, you can just quietly walk over and look at them.

MR. BARTLES: I apologize.

Our thought is that because you can't see any of the dumpsters behind the store, our thought is that maybe, you know, from -- the only place you can see anything towards the back of the store is from the neighboring deli, and the restaurant next door.

And you have the plan. The plan hasn't changed as far as the neighbors go.

Basically, the whole site is surrounded by woods and swamp, except for the site from the restaurant and the deli.

BEVERLY GRIEBEL: Now, that is from behind those two buildings?

MR. BARTLES: Correct.

BEVERLY GRIEBEL: There are parking lots behind there for the customers?

MR. BARTLES: Right.

BEVERLY GRIEBEL: So I guess they would only see them from the parking lot.

MR. BARTLES: Right. That is -- basically, that is what we're saying, is that we -- you know, we're showing the two line-of-sights. These are the dumpsters that are positioned behind the retail area (indicating). Then there is another couple dumpsters back behind the food market here. You really can't see any of those. So what our thought was, um, would -- would the Town be better served by -- I mean obviously it would be easier for us, but would they be better served -- this -- this is kind of a bigger picture of what I have given you there (indicating).

BEVERLY GRIEBEL: A screening not at the dumpsters, but at the edge of the building.

MR. BARTLES: That way we would screen any of the cars that are parked back there that you can see in the -- in the existing photos.

Also, the transformer, and the switch and kind of all that unsightly stuff there. We would propose to put a 25 foot fence to block the view of the cars, board-on-board, probably stained to match the building, and then we would put a 50 foot 8 foot high fence to block the view of the transformer and the switch.

BEVERLY GRIEBEL: I'm not good at distances. How far is that from the back of those restaurants to the dumpsters?

MR. BARTLES: About 11 -- 1000 to 1100 feet.

BEVERLY GRIEBEL: So it is a distance.

MR. BARTLES: The other thing we thought, is if -- if, you know, the Town would entertain something like this, um, the other thing that we would offer is to put evergreens along this guide rail. So we would propose a screen fence that would block a little bit of the unsightly view you do see, plus add the evergreens there to kind of spruce up this side by the guide rail.

BEVERLY GRIEBEL: That would -- that would look good.

MR. BARTLES: These are just -- this is line of sight one, and line of sight two (indicating).

BEVERLY GRIEBEL: And they coincide with the pictures.

MR. BARTLES: Correct.

BEVERLY GRIEBEL: So -- so you would actually ask to do that rather than just leave them totally unscreened, which was your application request.

MR. BARTLES: We had a proposal to screen, but after looking at it closer, what we're -- what were we really trying to screen? You -- you can't see the dumpsters, so why not screen what is unsightly from that view. And it is just a thought we had.

Obviously, you know -- our dumpsters, we're very particular with our carriers. We keep the dumpsters clean. We have different carriers for each individual retail space, and we have, you know, the retail folks, the employees park back there. And obviously it would be a benefit to us to not have to do any individual enclosures, and then --

BEVERLY GRIEBEL: And easier on the trash men.

MR. BARTLES: Yes. The trash men and the tenants.

So it is a thought that we had, that you know, we think would look really decent. It would block any, you know -- any of the unsightly view. Really the only view that you can see. And we just wanted to run that proposal by you, totally respecting the zoning code.

BEVERLY GRIEBEL: I had never driven back there until this application came, and I didn't know if someone was going to be coming with a card asking what I was doing back there, but nobody -- nobody bothered.

Did anyone else drive back there?

DAN MELVILLE: Yes.

MR. BARTLES: I think it is -- with the different retail spaces, you know, there is a lot of activity back there with the store and all of the different retails.

BEVERLY GRIEBEL: Trucks and all kinds of stuff back there.

All those other little store deliveries and all of that?

MR. BARTLES: Correct.

BEVERLY GRIEBEL: Side table, do you need to see some of these pictures?

DENNIS SCIBETTA: No.

BEVERLY GRIEBEL: Do you want a copy of them over there?

DENNIS SCIBETTA: No. I think we're well aware of the situation.

BEVERLY GRIEBEL: And their proposed screening, have you seen that?

DENNIS SCIBETTA: I don't know that that is an issue for this time. I think that that is something that needs to be discussed with the Planning Board from their site plan approval, which they did require they have the dumpster enclosure. From an enforcement standpoint, now I have to go out and tell everybody -- I have to go through this. Now we're going to hear all these dumpster enclosures now, we'll have countless numbers of them around the town that will want relief from that site plan condition.

BEVERLY GRIEBEL: Well, there's a couple that I'm aware of that got relief many years ago before I was on this Board. And this -- this is, I think, a peculiar situation in it is so far from any neighbors and it is such a big building.

DENNIS SCIBETTA: The key is "at this time." With any proposed development that is going in that area or behind that, that could change at any time in the near future. And I think that is something that if we take it into account now, you know, we're saying we're going to screen it from one side but not the other, and then that other side opens up, or a newer development occurs in that area, and then we have a problem on that side.

BEVERLY GRIEBEL: Now, who owns the land behind there, behind all of those woods and everything?

MR. BARTLES: Behind our building, we actually own back another at least 400 feet. Um, we have our retention facility back there.

And that is really undevelopable -- undevelopable land back there. I understand what you're saying, that you may be -- you may think you may be setting precedence, but I think the Zoning Board needs to -- as have you said, um, you know, judge each -- each individual project on its own merit. I don't think you are really setting a precedent. We're willing to -- obviously if we have to do the dumpster screening, we will, but we just don't see it will be a benefit to anybody, and why not do something that would be a benefit to people.

BEVERLY GRIEBEL: So Wegmans owns all of the land behind the store?

MR. BARTLES: Correct.

BEVERLY GRIEBEL: And part of that, as you have said, is wetlands and --

MR. BARTLES: Most of it is wetlands and wooded area.

BEVERLY GRIEBEL: So the likelihood of anything coming back there is not great, unless we have a severe drought.

MR. BARTLES: It is beyond our property, all of the way over to -- what is the next road?

BEVERLY GRIEBEL: Beaver Road?

DENNIS SCIBETTA: I don't think you can make that statement.

PETER WIDENER: Archer Road, you're speaking about. We have already approved a 90-home subdivision in there.

DENNIS SCIBETTA: That is my point exactly. And -- and the other part of that is, the -- the dumpsters enclosure is to keep the trash that comes out of the dumpsters, which we have had complaints about, and in several cases, contained on the property. We're not looking to -- to necessarily screen it off from the -- from the property. It is to contain any trash that might be out of the dumpsters, as well. So I mean there is a -- I'm not saying that -- to be unreasonable about it, but it is something --

BEVERLY GRIEBEL: What I am hearing you say is, is if and when that adjacent property, the Fallon property and the rest of that gets developed, um, if and when, that then there might be that visibility from that side.

DENNIS SCIBETTA: That's correct. That's part of it, yes.

From an area that we -- there is another subdivision, Pearl Development has the already approved subdivision off of Archer Road that will come in from the back side of that, directly towards them. I mean if we have got people on -- on Beaver Road complaining about what The Fathers House church looks like on Archer Road, and Paul Road, then you're talking about less of a sight distance from that development to the Wegmans than what they're looking at there. I'm just -- just pointing that out. That is all. I wanted to make you aware of it.

MR. BARTLES: We wouldn't have a problem, you know, being re-evaluated for that at a future time, if that is at all possible, if that is something that could be read into the resolution.

Um, you know that is up to you folks. It just doesn't seem to --

BEVERLY GRIEBEL: That -- with Dennis (Scibetta)'s input, it sheds a different light on it, with the possible, probable development coming all of the way over to Archer Road.

DAN MELVILLE: They could also screen the back of the property with trees or shrubs, if they need to.

DENNIS SCIBETTA: Why which is why -- if you're thinking of a proposal to screen the property, then I think that you -- you're asking for relief from a number of things, and it may not be the seven. It may be something that you're granting relief from the site plan that was approved by the Planning Board, which is a concern. And their actions on -- on those also. So I'm not saying that it is -- it is not out of the question, but you -- but you're asking -- going against the site plan that was approved by the Planning Board, and now you're asking for relief from that.

BEVERLY GRIEBEL: Because the town code is pretty clear on requiring screening for all dumpsters.

DENNIS SCIBETTA: That is correct. That is something that the Planning Board requires. That is why I was concerned with that on that. On their site plan approval, that is one of the things that they, you know, impress upon everybody, is to have their dumpsters located in the enclosures.

BEVERLY GRIEBEL: And as you said, to also contain the trash that might slip out.

DENNIS SCIBETTA: Correct.

BEVERLY GRIEBEL: Keeps it in the enclosure.

Um, any more questions?

RICHARD PERRY: I have no questions.

MR. BRINKWART: When I was out there, the -- the dumpster locations seemed to be rather helter skelter. In the proposal you have, what do you recommend or propose to make sure that they're safe and secure locations?

MR. BARTLES: Well, the -- they're actually placed behind each -- residential -- okay. Each little commercial or retail area there. I don't see that changing.

BEVERLY GRIEBEL: That is that whole wing of stores that -- there is a telephone store and --

MR. BARTLES: Super Cuts and the auto parts store. And that is not going to change. I guess one -- you know, the thought is, what are eight dumpsters enclosures going to look like, you know. I mean I -- even in the future development, um, we would be willing to put screening at the back of our property, you know -- if we wanted to put screening at the back of our loading dock area, um, you know, put screening back here for the future development, we would be willing to even do that now.

I guess it just -- my thought, like I say -- the code is very clear, understandable. But what are all these little individual enclosures going to look like? To me, I would think it would -- would look better with a nice brown board-on-board fence here, and then like we have proposed here and here (indicating), and now we have -- we have basically taken care of all of the view shots. And I just think that that would look much better than individual enclosures at each little retail

area.

MICHAEL MARTIN: How does the screening address the loose garbage issue?

MR. BARTLES: We -- we're on top of it constantly. I think I -- I would bet -- any time I have been out there, I haven't seen any loose garbage blowing around. I don't know what you folks found when you were out there, but every time I went out there, it was very clean.

BEVERLY GRIEBEL: Yes. I didn't see any, but that is the first time in -- that I have ever driven back there, so.

MR. BARTLES: Well, I think it is -- makes a difference -- obviously if it let it go -- just like your homes, if you let it go, it gets a mess. We keep on top of it. We're hard on our trash carriers. We can certainly do the enclosures, and then we're in compliance, but I just -- our thought is it is just not going to -- it is not going to look any better than it does today. Why not make the whole area look better.

PETER WIDENER: It is my understanding that there is no dumpster sharing?

MR. BARTLES: Pardon me?

PETER WIDENER: There is no dumpster sharing between the businesses back there?

MR. BARTLES: No. Each retail, they're allowed to pick their -- each has their own character -- character -- carrier, and they also have, you know, different types of materials that they're throwing away, too.

PETER WIDENER: How about seasonal snow removal? Do you have any problem with that now?

MR. BARTLES: No.

PETER WIDENER: Do you foresee any?

MR. BARTLES: Um, not really. It is going to be a little cumbersome. Quite honestly, I'm not really familiar with the ins and outs of the enclosures, but I can see if you have closed gates in a snowstorm, to get at the dumpster -- that is part -- that is part of the deal. We understand that. If we have the enclosure, we'll just have to do deal with it.

PETER WIDENER: Is there any light back by the dumpsters, because that is a concern of the neighbors on Beaver Road.

MR. BARTLES: The lighting?

PETER WIDENER: Yes. The lighting across the railroad tracks. Is there any major lighting on the dumpsters back there?

MR. BARTLES: No. Just the normal building-mounted lighting.

PETER WIDENER: Okay. I have no other questions.

BEVERLY GRIEBEL: Side table, any additional questions or comments?

KEITH O'TOOLE: No.

DENNIS SCIBETTA: If it is granted, if they're granted a fence, they need to come in for the commercial fence -- a permit for a commercial fence.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I didn't hear the whole discussion here, but I hear the gist of it. I think if you let Wegmans circumvent the law or get an excuse, a reason not to obey the law, you will have many problems. And fences don't take the place of the dumpster enclosures.

I don't know how this came about here tonight and why they're here, but I'm glad to see that the Building Department is finally cracking down maybe on lack of building -- of dumpster enclosures. There are many places in town that need attention, and this is no place to start easing up on our law when we're just maybe beginning to crack down on it and get it right for a change. Thank you.

BEVERLY GRIEBEL: This came by way of a site plan, Dennis (Scibetta), for the -- from the Planning Board? Was this a recent site plan?

DENNIS SCIBETTA: No. It was an original site plan when constructed. This probably evolved because we cited them for not having dumpster enclosures. That happened -- probably occurred in January, or maybe February, we sent the notices out, and I have been working on it since then. And I did not realize that they were coming in for this, or I would have probably sent them to the Planning Board instead for -- to ask for relief from the site plan. This is not something that I necessarily think belongs here or the decision belongs here because of all of the other development.

BEVERLY GRIEBEL: So there were other citations sent out to other people with dumpsters, I would presume?

DENNIS SCIBETTA: Yes.

MR. BARTLES: This was the fir -- obviously I was not around when the store was approved originally. This was the first, I guess, that somehow was missed. This is -- when we did get the citation in January, that is when we thought, you can't see -- so that is why we thought we would try to offer something that might be better for everybody.

BEVERLY GRIEBEL: Okay.

MICHAEL MARTIN: Could we have a legal ruling if we should vote on this or defer it to the Planning Board?

BEVERLY GRIEBEL: Keith (O'Toole), an opinion on that.

KEITH O'TOOLE: They have applied for a variance from the dumpster enclosure statute which is, in fact, a zoning standard. They may well need an approval from the Planning Board for site plan amendment, but that is a different issue.

BEVERLY GRIEBEL: So we can reach a decision on this tonight?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: And it will impact --

MR. BARTLES: If we did want to go to the Planning Board -- obviously we do not want to cause any friction with the Town. Is -- is there any merit to, you know, wanting to -- what we feel would be better for everybody to go back to the Planning Board? If not, if it is going to cause friction, you know, within folks within the Town, we don't want to do that.

BEVERLY GRIEBEL: Well, I guess it lays with this Board, as to whether or not they need to enclose the dumpsters. That is -- you're asking for a variance from the town laws; is that correct?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: So I guess it rests here.

RICHARD PERRY: But if we rendered the decision, then going back to the Planning Board would -- would preclude them getting any relief from the Planning Board.

BEVERLY GRIEBEL: Well --

RICHARD PERRY: So wouldn't they be better served to let us table it and let them go back to the Planning Board? And see what the Planning Board is going --

JEFFERY PERKINS: If the Planning Board is okay with us, bring it back to us for the legal --

DAN MELVILLE: Yes.

GEORGE BRINKWART: The Planning Board is going to want them to follow the zoning code.

BEVERLY GRIEBEL: They would have to still get a variance here.

MR. BARTLES: I think we can ice it here tonight, if -- you know, if you folks really don't see any merit in our proposal, then I think we should just go on and, you know, we'll do the enclosures.

BEVERLY GRIEBEL: Now, with the Board, are you ready to make a decision on whether or not they should enclose these dumpsters? Are you ready to make that decision tonight?

MICHAEL MARTIN: Based on the application, yes.

BEVERLY GRIEBEL: Based on the application, what we have heard from the side table and what is going on.

JEFFERY PERKINS: Can we make it contingent on Planning Board approval?

KEITH O'TOOLE: Please don't.

BEVERLY GRIEBEL: That would complicate it. Because they are going to send it back here.

MICHAEL MARTIN: I understand the intent of Wegmans. I think is a very nice intent, but I think in this case, the town law, and the -- and everything that goes with it, has to take precedence.

BEVERLY GRIEBEL: The impact on all of the other businesses in town who -- I kind of have to agree with Dennis (Scibetta), they will be in asking for relief. We had one out next to where I live, and it took about three years for them to get an enclosure around it. It was like pulling teeth. It was terrible. And everything -- all of the junk was scattered, and it was a total mess. And it was -- well, 100 feet from a residential area. You know, and that -- that is a different situation, but finally they did what they were supposed to do, and -- any more questions of the applicant?

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination

of no significant environmental impact, based on the testimony and the material presented at this hearing, and Richard Perry seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to deny the application, and Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

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

1. Compliance with Town Code ensures better appearance and containment of trash.
2. Application of Shirley Duell, owner; c/o Todd Juzwiak, 63 Creekview Drive, Rochester, New York 14624 for variance to erect a 10' x 10' deck to be 38' from front lot line (50' previously approved) at property located at 63 Creekview Drive in R-1-15 zone.

BEVERLY GRIEBEL: Now this is a deck. Minimum set back of the house does not allow for a 10 by 10 porch. So the house is presently sitting back 48.2, so it is 50 feet. The house is closer than it should be, I guess.

MR. JUZWIAK: Yes. We didn't know that when we purchased the house.

BEVERLY GRIEBEL: Do you know if there was a variance granted on the house previously?

To build anything in the front, you would have to ask for approval.

MR. JUZWIAK: I slowly realized that.

BEVERLY GRIEBEL: When that happens, that is kind -- that is kind of a common -- this was dated in '04. Okay. I guess Dennis (Scibetta) is looking to see if that was previously approved, which is not part of this application, but anyway, all of these things are kind of confusing unless you're on a board like this.

MR. JUZWIAK: Very confusing, yes.

PETER WIDENER: Wood deck?

MR. JUZWIAK: Yes. It is replacing the steps there that are cement there now that are falling apart.

PETER WIDENER: Are you removing them?

MR. JUZWIAK: I'm removing the cement steps and building a deck over it. The deck will come out 10 feet, which is only a foot past the sidewalk. The stairs come down and then there is a sidewalk leading to the stairs, so the deck will only be a foot past that.

PETER WIDENER: It is attached to the house.

MR. JUZWIAK: It will be attached to the house, yes, sir.

PETER WIDENER: That is another 100 square foot. 10 by 10, the square footage, is -- could be added to your living space?

MR. JUZWIAK: Can the deck be living space?

PETER WIDENER: If it is attached to the house, yes.

MR. JUZWIAK: Well, my brother who is going to -- I can make it so it is not attached.

DAN MELVILLE: It is an open deck.

PETER WIDENER: Oh, okay.

MR. JUZWIAK: It's an open deck.

PETER WIDENER: I stand corrected. Thank you. I have no other questions, then.

JEFFERY PERKINS: You're mentioning that the existing concrete steps will be replaced, and that goes to an existing sidewalk.

MR. JUZWIAK: Yes.

JEFFERY PERKINS: So this deck will be replacing the concrete steps and goes to the existing sidewalk?

MR. JUZWIAK: It is going to go over the existing sidewalk, and instead of the -- when you walk up through the sidewalk, you turn left to go onto the stairs.

Well, with this deck you're going to walk through the sidewalk right to the stairs.

JEFFERY PERKINS: How high off the ground will the floor be?

MR. JUZWIAK: Um, I don't have it. I -- I thought my brother turned it in, the designs for it. Um, it is going to run the same height as the current steps that are there now.

MICHAEL MARTIN: Probably not much more than 3 feet.

MR. JUZWIAK: No, it's (indicating) -- it's about that high (indicating). I don't have the

specs. I thought my brother turned it in. I apologize.

MICHAEL MARTIN: For the construction permit, we may have it in the office.

GEORGE BRINKWART: The existing concrete steps and a little bit of a landing.

MR. JUZWIAK: Yes.

MR. BRINKWART: Do you know how far that is from the house?

MR. JUZWIAK: From the house? It comes out -- I would have to say -- I believe it is 6 feet. 5 or 6 feet. The landing comes out and goes down two steps.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

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

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

1. Replacing existing concrete steps.
2. No impact on neighborhood or line of sight.

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

3. Application of Terrance Holihan, owner; 30 Bucky Drive, Rochester, New York 14624 for variance to erect a 12' x 18' utility shed to be 216 sq. ft. (180 sq. ft. allowed) at property located at 30 Bucky Drive in R-1-15 zone.

Mr. and Mrs. Terrance Holihan were present to represent the application.

BEVERLY GRIEBEL: What are you going to be putting in the shed?

Is somebody here with you?

MR. HOLIHAN: Yes, my wife.

BEVERLY GRIEBEL: Okay.

MRS. HOLIHAN: I'm his wife. We're going to be storing -- we have quite a wet basement. We have no storage. We're going to be storing our lawn furniture, excess tools, lawn mower, those type of items in there.

MR. HOLIHAN: Seasonal items.

BEVERLY GRIEBEL: Lawn furniture.

MRS. HOLIHAN: Lawn furniture, right, tools. You know, the lawn mower, things like that.

Some of my craft materials.

BEVERLY GRIEBEL: All kinds of stuff?

MRS. HOLIHAN: Uh-huh.

DAN MELVILLE: Will you run any electric out to it?

MR. HOLIHAN: Eventually I will.

MRS. HOLIHAN: Eventually we would like to have lights out there to see, so we could have --

DAN MELVILLE: Won't be used for a business or anything like that?

MR. HOLIHAN: Oh, no, no, no, no.

JEFFERY PERKINS: What type of floor do you intend to put in?

MR. HOLIHAN: Um, plywood.

JEFFERY PERKINS: So a raised floor?

MRS. HOLIHAN: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

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

1. Applicant described need for additional dry storage.

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

4. Application of Kathleen Yarid, owner; 24 Cross Bow Drive, Rochester, New York 14624 for variance to erect a 13' x 21' utility shed to be 273 sq. ft. (180 sq. ft. allowed) at property located at 24 Cross Bow Drive in R-1-15 zone.

Rockwell Yarid was present to represent the application.

BEVERLY GRIEBEL: We'll probably discuss these separately, but you have another application.

5. Application of Kathleen Yarid, owner; 24 Cross Bow Drive, Rochester, New York 14624 for variance to erect a 16 1/2' x 8' open porch to be 52' from front lot line (60' req.) at property located at 24 Cross Bow Drive in R-1-15 zone.

Rockwell Yarid was present to represent the application.

MR. YARID: I'm Kathleen (Yarid)'s husband.

BEVERLY GRIEBEL: Now, your application says the shed will replace existing smaller shed. Concrete block foundation, concrete floor, 2 by 4 wood frame, plywood sheeting, final side, truss roof and asphalt shingles.

MR. YARID: That's correct.

BEVERLY GRIEBEL: To store -- what are you storing in there?

MR. YARID: The current shed is falling apart, in need of repairs. It is not built with much quality, and I'm proposing to build a new shed with a full foundation, concrete floor, standard construction. The current shed is loaded. It is filled up when you have your winter tires and your lawn mower and rototiller, and things like that. It is just loaded at the current size. So I have a utility trailer that I keep inside my current two-car garage. I would like to park my cars in there, but I keep the trailer in there because it does not look nice outside. I'm putting on the extra footage to store the trailer and the equipment that I store and use. That is the purpose of making it 7 feet long.

The current shed that is there actually has a footprint 13 by 14. I think it is 10 feet by 14 feet usable, but it has something like a porch or something on the outside. What I would like to do is make the shed 7 feet longer and bring it out to the -- where the porch is.

BEVERLY GRIEBEL: It is all usable. You don't need a porch?

MR. YARID: No. The porch does not add much to it. It has that gingerbread look and it doesn't --

BEVERLY GRIEBEL: You need the room.

PETER WIDENER: On your interest of disclosure, do you work for the government at all?

MR. YARID: I do not.

JEFFERY PERKINS: You mentioned in your application that you're going to do concrete block foundation and concrete floor?

MR. YARID: Yes.

JEFFERY PERKINS: Pretty extensive for a shed.

MR. YARID: I would like it to be solid. If you see the current shed, they poured the concrete right on the ground and after a while, it tends to crack, and really, it -- and the concrete

tends to separate. That is one of the reasons why I need to rebuild the shed, because things are starting to move and break apart. It really looks kind of ratty. Would rather build it right. I intend to be there for a while, so I may as well build it right and do it once.

JEFFERY PERKINS: What kind of door are you going to put on it?

MR. YARID: I'm intending to put a small, probably -- small overhead door on the south side of it, and a single door on the west side.

BEVERLY GRIEBEL: Have you just recently moved in there?

MR. YARID: We moved in three years ago.

BEVERLY GRIEBEL: Okay. What are you doing on the side of the house?

MR. YARID: Um, the basement collapsed, and -- I had to replace the basement.

BEVERLY GRIEBEL: That whole wall?

MR. YARID: Well, actually it was a -- preexisting when we bought the house. We had to do major work, and it is just one of the two sides that we're -- we have had to work on it.

BEVERLY GRIEBEL: That is a lot of work.

MR. YARID: Yes.

BEVERLY GRIEBEL: I guess that was probably built in --

MR. YARID: '65.

BEVERLY GRIEBEL: I used to live over there in that area, on Red Bud. I think most were built in '60s.

MR. YARID: Yes.

BEVERLY GRIEBEL: So you have a lot of work going on there.

MR. YARID: Yeah.

RICHARD PERRY: Who is going to be building the shed?

MR. YARID: I am.

RICHARD PERRY: As well as the deck?

MR. YARID: Yes.

DAN MELVILLE: You mention you had a utility trailer. Do you run a business out of there?

MR. YARID: No business. Just personal use.

DAN MELVILLE: As far as the shed, is that going to be sided to match the house?

MR. YARID: Yes. That is the intent. There are major renovations going on, as indicated, and part of that is to totally redo the siding and the roofing and the shed is part of that whole plan.

DAN MELVILLE: Will you run electric out there?

MR. YARID: Yes.

BEVERLY GRIEBEL: You sound like you have done this type of work before?

MR. YARID: Oh, yeah. Built several houses myself.

BEVERLY GRIEBEL: So you're a builder?

MR. YARID: I'm not a builder by profession. I just do it as a hobby.

BEVERLY GRIEBEL: That is a big hobby.

MR. YARID: Yeah. Talk to my wife about that.

(Laughter.)

MR. YARID: We're not moving again.

BEVERLY GRIEBEL: Sometimes that is hard. It is better to try to renovate what you have if you like the area. It is a nice area.

MR. YARID: Besides that, I'm past 50 and it kind of gets to you after a while.

DAN MELVILLE: I know the feeling.

DENNIS SCIBETTA: They do both require building permits. I'm a little concerned no one has notified my office about the structural damage to the basement.

MR. YARID: Yes. The -- there was -- there was an appeal made to the appraisal of the house two years ago, and -- at which time, a complete engineering study was presented. An appraisal of the property was presented, a very large amount of information was presented to the Town in general regarding the conditions of the basement.

DENNIS SCIBETTA: I'm not aware of that, sir. I have no -- nothing. This is the first I'm aware of this project, or -- or this problem. I would appreciate it if you could call my office tomorrow and I will need an update on that.

MR. YARID: I can do that.

BEVERLY GRIEBEL: You're still in the midst of all of the work on it?

MR. YARID: Yes.

BEVERLY GRIEBEL: That is a big project.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TOM WALTON, 10 Labrea Drive

MR. WALTON: I'm the next property adjacent to the proposed shed. My only question is, when the applicant first moved in, he indicated he wanted to build a large workshop on the property, and my question is if this is truly going to be a storage shed, I don't have a problem. If it is going to be a wood shop, it will be 20 feet from my bedroom. I would have a problem with that. If it is truly a storage shed, I have no problem with that.

BEVERLY GRIEBEL: That is what he said, it is going to store some things that are already in storage out there, plus his utility trailer.

MR. WALTON: No objection if that is the case. I have a huge problem with power equipment. But if it is truly a storage facility, I have no objection to that.

MR. YARID: That's correct. There is no workshop there. The -- the house has a very small workshop next to it, and the -- I have the ability within the -- the zoning and -- requirements to actually increase that by an additional 220 square feet, but that will be on the house. That is permitted use, and I intend to submit an application along with the building permit application for all of the other work I have to do -- to increase the size of that garage area by -- by the 200 square feet allowed. So that is --

BEVERLY GRIEBEL: Towards the back on the garage?

MR. YARID: Yes. But that would be some -- that would be attached to the house and 70 feet I think away from Tom (Walton)'s property. But that particular garage is not a workshop. Storage.

DAN MELVILLE: One more question before you close.

BEVERLY GRIEBEL: Did you have another question?

MR. WALTON: That being the case, I have no objection.

BEVERLY GRIEBEL: Okay. Thank you.

DAN MELVILLE: I just had a question on that shed, on that back corner. How far is it from the property line?

MR. YARID: The current shed?

DAN MELVILLE: You one --

MR. YARID: Oh, 8 feet. The required setback.

DAN MELVILLE: What is the current one?

MR. YARID: Varies. On the left side, it is 7 feet --

DAN MELVILLE: That is why I wanted to make sure you didn't put the new one 7 feet from the property line.

MR. YARID: No. It will meet code.

BEVERLY GRIEBEL: Good. Keep you out of trouble.

MR. YARID: Sure.

PETER WIDENER: The -- the applications that you're going to apply for should be done in a timely fashion, and as much as our Building Inspector doesn't know what you're doing there for the last two years -- I kind of ask if you could get that to us so we know what you're doing there.

MR. YARID: Sure.

PETER WIDENER: I mean you're talking now about adding another 200 square foot to the house which you say is okay to do, and I believe it is okay, but we still don't know what is happening to the rebuilding of your house.

MR. YARID: I was not aware that repairing the basement needed -- I needed to inform the Town that I was repairing the basement. That is what it amounts to.

PETER WIDENER: That is okay.

MR. YARID: I will certainly contact the -- you know, the office and let them be aware.

PETER WIDENER: Talk with Dennis (Scibetta) tomorrow or the next day, and he will clear you right up on that.

BEVERLY GRIEBEL: I think maybe if plans -- as you said, if they were submitted, we had different staff in there. That might have been part of the problem. It may have gotten lost in the shuffle.

Anyway, you will get your heads together to discuss it.

BILL LUDWIG, 14 Bright Oaks

MR. LUDWIG: I live on Bright Oaks Drive.

I -- I guess first.

BEVERLY GRIEBEL: What number Bright Oaks?

MR. LUDWIG: 14.

My family and I walk that area quite a bit, and I consider the -- the property personally to be unsightly. There is a mound of dirt along the east side of the property line, about 3 feet tall. It has been there for over a year. There is a huge mound of dirt which I assume is from the basement excavation. There is a pallet of concrete block on the west side. Concrete -- or excuse me, a pallet of brick on the east side, over near his gazebo. The siding was taken off the west side of the house well over a year ago. It has never been replaced. Part of the chimney was torn down this year. It has not been replaced. And I haven't seen a project completed yet. I question why he would start more projects before he completes any of the ones that he has begun, and further, I guess the thought of having an oversized storage shed on a corner lot, where there is no way to shelter it from visibility, from either sheet, is also something that -- that should be taken into consideration.

BEVERLY GRIEBEL: Okay. I hear -- I think by what he said, the present shed is almost the same size that the new one is going to be, only there is like an open porch. There is an open area on it. So the footprint will be very similar.

Is that right?

MR. YARID: Currently it is 13 by 14. It will be 7 foot long.

MR. LUDWIG: Does that include the gazebo?

BEVERLY GRIEBEL: No that gazebo is separate, in the middle of the yard.

MR. LUDWIG: So he wants to build a shed that is 50 percent larger and put it next to the gazebo?

BEVERLY GRIEBEL: No. Did you see on the diagram, it is in the back corner, rather than next to the gazebo, according to the diagram. That is all I have to go on.

MR. LUDWIG: I'm opposed to it.

MR. YARID: Let me comment on -- if you wish. -- I don't personally care to comment on it, but I would certainly like to put the gentleman's mind at ease and the Town's mind at ease. The house, when I bought it, was in extremely -- in extreme need of repairs. Everything about the house was bad. Some of it caught me a little bit by surprise. Others we knew ahead of time, that it was in need of repair.

I have spent thousands of dollars to remove approximately 25 trees from the property, trying to clean it up.

The dirt that I mentioned, yes, is in part from all of that excavation. Part of the problem I have had is that the previous owner did not disclose the problems as he should have, and it took almost two years to try to resolve that issue in a legal fashion. Um, in the meantime, I had -- I have to continue to move along to try to repair things.

In order to rebuild something, you have to first tear it apart, the bad things. You have to remove the bad things. That is part of what is happening. I don't like it any better, and I'm doing most of the work myself, because if I hired it out, I may as well tear the house down and build a new one, because it would cost me that much to build. I have to do it on my own time and my own dime. It has been a long, arduous task, but I'm investing a lot of money -- probably more money that I should invest. The money I will invest in that house by the time I'm through with it, I will never get from that house if I try to turn it around and sell it in the future.

So you can believe that I intend to be there for a quite a while; I intend to get it done. All of the those things will take time. Whether it is The Fathers House, with their construction, or my house, you will see some of that until you get to a point where okay, everything -- the underlying foundation is built and everything is solid and I can move onto doing the finishing work.

MICHAEL MARTIN: Is it fair to say that the materials mentioned were all related to the construction of the foun -- the foundation blocks and the dirt? And once everything is done --

MR. YARID: Oh, yeah.

MICHAEL MARTIN: That all of that material --

MR. YARID: In fact, the dirt is -- he is absolutely correct. The dirt that is sitting there -- but until I can repair the foundation and get it graded, the dirt is going to stay there. The intent later on, about September is just to have a truck come in and remove the excess. I will have excess because I have to bring in several truckloads of dirt that -- the clay that I pulled out. I can't put the clay back in the foundation. That is not the right thing to do. The extra dirt is from the excess --

MICHAEL MARTIN: Do you have a time frame?

MR. YARID: I expect to complete all of the construction, including what I am asking for, within two years, yes. I'm going to steadily work at it in two years. I'm tearing the chimney down because the chimney is leaking. What do you want me to do? I don't want a fireplace. I am tearing the chimney down. I have to replace the whole side wall with sheeting because it is rotten.

The flashing was leaking. That -- and the reason why you see a lot of the house torn apart, I had to replace the insulation because the insulation in the walls was not adequate. So I took -- I have been taking the walls off, the siding off, replacing all of the insulation, putting all brand new sheeting. I have replaced all of the windows in the house. I had to recase, or recut and recase the windows, because the old windows are not standard size. I can't buy them standard windows, so I had to recase all of the windows. So yes, it has been a major, major construction. What I am asking for here in terms of these variances and permits, goes towards a comprehensive plan that I'm trying to put in place. If I can't have permits to put a front porch and a shed, I may as well button up the house, clean it up, and reside it and forget the front porch and back shed and anything else, get it cleaned up, sell it and move on someplace else. But that is not what I want to do.

I have a two-year plan, and I need to know where I'm going, therefore, I'm here to ask for the variances. If I get the variance, that is okay, now, you can go ahead and do the things you want, and move forward with a comprehensive plan to -- to finish up the repairs over the next two years. It will take me about two years.

PETER WIDENER: You're asking for a variance for this shed here tonight?

MR. YARID: Yes.

PETER WIDENER: All of the other materials and rebuilding of the home, I think you better talk with our Building Inspector, because it sounds like you're building a new house there.

MR. YARID: Just about.

PETER WIDENER: That takes permits and applications.

MR. YARID: All of the things that I want to do to the house, which is more than the shed and the front porch, um, the other things are permitted, with regards to the -- you know, what size I can have for --

PETER WIDENER: That may very well be. That is not my issue tonight. But that may be our Building Inspector's issue when you talk with them. I'm looking at the framed shed that you're asking for a variance in the setback and the square footage. That looks okay to me.

MICHAEL MARTIN: Can we discuss the porch, too?

BEVERLY GRIEBEL: Does that help you, in the back, sir?

MR. LUDWIG: I guess I'm still opposed, and I still don't understand why the shed needs to be 13 by 21 on a corner lot, where it is visible from every direction. If -- if --

BEVERLY GRIEBEL: He explained initially that he wants to put the utility trailer back there in the shed.

MR. LUDWIG: The zoning -- the code says 180 square feet. It should be 180 square feet.

BEVERLY GRIEBEL: But he -- but he -- he explained initially. I don't know if you were here. He explained initially that presently he has a utility trailer in the garage and he wants to move that out of the garage and doesn't want to leave it on the driveway or beside the house. He wants to put it in the shed. That is why he needs the extra feet on the shed. He is trying to get something else undercover. He is going to replace the shed apparently because everything is cracking and falling apart.

MR. YARID: I have no animosity towards the gentleman's concern. I can certainly understand that. If he wishes to talk to me outside the meeting, I would be more than happy to discuss it with him if that would help any.

BEVERLY GRIEBEL: I don't know if that is necessary. I don't know if that helps or not.

MR. LUDWIG: It doesn't help.

BEVERLY GRIEBEL: So be it.

DAN MELVILLE: Thank you.

ANNA MARFIONE, 22 Cross Bow Drive

MS. MARFIONE: I live next door to this gentleman, and for -- for a year and a half, and I have watched what has been going on. Why nobody besides Tom (Walton) who lives directly behind him, would have any objection -- it would be one of the two of us. Um, he has been working and trying to do things, and he has done everything himself. So I -- it is just a matter of trying to understand and living with it. I think he will -- no, I'm not opposed to it. That is all there is to it. But I think it should be noted that he is -- he is making an attempt to make the property better and the house is very liveable.

BEVERLY GRIEBEL: We'll go on to discuss the front porch.

I don't know if there were steps there.

MR. YARID: No. If you look at the house from the front, it is a plain flat ranch, and part of the purpose of putting a porch on is to break the ranch look up. That is the primary reason I want to do that. There is -- there is no other way I can make that place look nicer other than to put a

front porch and do a couple other things, siding and some bricks and that type of thing. That is the primary reason for wanting to do that. Of course, the front porch is nice to sit on in the summer months and that type of thing.

So as it is right now, there is just a little cove, as you walk down the house, it is a very flat front with no character at all. And that is the reason why I would like to do that. The house sits back nominally 61 feet at the location that the porch would be installed. I would like to make the porch 8 feet out from the house. I need a little extra room in the front.

BEVERLY GRIEBEL: You -- so you would have enough room to have a lawn chair out there or something like that.

MR. YARID: Yes.

BEVERLY GRIEBEL: And if -- if you do that, you obviously want to do it before you put more siding on and all of the other work.

MR. YARID: That is all part of the plan, yes. I like to know where I am going. This is part of it.

RICHARD PERRY: You will put a roof on the porch?

MR. YARID: Yes.

RICHARD PERRY: You will build that yourself?

MR. YARID: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing portion of these applications were closed at this time.

On Application Number 4, Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and George Brinkwart seconded the motion. The motion was approved by a vote of 6 yes to 1 no (Jeffery Perkins).

DECISION ON APPLICATION #4: Approved by a vote of 6 yes to 1 no (Jeffery Perkins) with no conditions, and the following findings of fact were cited:

1. Applicant described need for additional storage space.
2. Existing shed needs replacing.

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

On Application Number 5, Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

DECISION ON APPLICATION #5: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact were cited:

1. Applicant described need for a front porch to be built during present repair/construction.
2. In keeping with the character of the neighborhood.
3. No change in line of sight.

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

6. Application of Beverly Stymus, owner; 53 Harold Avenue, Rochester, New York 14623 for variance to erect a 13' x 9' deck to be 28' from front lot line (40' req.) at property located at 53 Harold Avenue in RAO-20 & FPO zone.

Beverly Stymus was present to represent the application.

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

You're on one of the typical small lots in Ballantyne. So it is hard to do much of anything. The actual house is -- your house is not even 40 feet in the front, is it?

JEFFERY PERKINS: No.

BEVERLY GRIEBEL: 35.

MS. STYMUS: 35, the property line. That is what it was built originally.

BEVERLY GRIEBEL: The front step is 35.

MS. STYMUS: Right.

BEVERLY GRIEBEL: Those lots are pretty small. 120 feet deep by 50 foot wide.

MS. STYMUS: I think it is a little wider. He bought another 25 feet. So it is 75.

BEVERLY GRIEBEL: Still pretty small to do anything on the front or the sides.

So you want to replace what is presently there?

MS. STYMUS: The porch steps and then just take the deck on over to the side a little bit. The concrete steps are falling apart. We want railings.

PETER WIDENER: Concrete steps are dangerous. They need to be removed. I have no questions.

RICHARD PERRY: Who will do the work for you?

MS. STYMUS: My husband and my brother-in-law.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

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

1. Replacing concrete steps with a larger deck.
2. In keeping with character of the neighborhood.
3. No impact on line of sight.

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

7. Application of Michael Cavanaugh, owner; 9 Irvington Drive, North Chili, New York 14514 for variance to erect a 12' x 24' addition to garage to be 4.6' from side lot line (10' req.) at property located at 9 Irvington Drive in R-1-15 zone.

Michael Cavanaugh was present to represent the application.

BEVERLY GRIEBEL: Do you work for a government agency?

MR. CAVANAUGH: I do not. Can I approach? I have three sets of photographs I would like to let the Board see.

BEVERLY GRIEBEL: Okay.

MR. CAVANAUGH: Photo 2 is intended to show the current roof line and Photo 1 is showing the distance between the adjoining house. You will notice the driveway slopes towards the street so the current drainage is in that direction.

I have a copy, if you want to, of that architect's rendering in case anybody has any specific questions with regard to the construction.

BEVERLY GRIEBEL: Yes. We can pass that along here.

MR. CAVANAUGH: I have one for each if you want it.

BEVERLY GRIEBEL: I noticed on your diagram that the new garage is planned to go just a little bit inside of the present driveway.

MR. CAVANAUGH: Yes, ma'am. There is going to be about 18 -- 14 to 18 inches at the front and about 2 feet at the rear of the current paved driveway that should remain.

BEVERLY GRIEBEL: I noticed something on this survey. There's references on the side. Subject to an easement to RG&E.

MR. CAVANAUGH: The line runs along the back of the property between the houses, behind us and our house.

BEVERLY GRIEBEL: It is on the back side of the property.

MR. CAVANAUGH: Yes. Telephone poles in the backyard.

BEVERLY GRIEBEL: There is nothing on the side there?

MR. CAVANAUGH: No, ma'am.

BEVERLY GRIEBEL: Good. How does your next door neighbor feel?

MR. CAVANAUGH: Arthur (Prouty)? Arthur (Prouty) and I have talked about it, and he is concerned with the drainage issue. That is one of the reasons why I pointed that out with regard to the driveway. I told him what we'll try to do is where the new garage meets the existing building, run the gutter down that way and into the backyard.

Another thought I had while coming over here tonight, I could run all of the water to the end of the new structure, diagonally down across the garage and onto the garage so it continues to run out to the street because no more or no less rain will fall in that area than it currently falls.

BEVERLY GRIEBEL: It would go down the driveway because it is sloped there.

MR. CAVANAUGH: Yes. The grass there is higher than the driveway.

BEVERLY GRIEBEL: Other than that, he didn't have any problem?

MR. CAVANAUGH: Well, you would have to ask him. He is here, ready to contribute.

BEVERLY GRIEBEL: Going to a double garage, you need that to put --

MR. CAVANAUGH: Well, the answer to that question is, the Rochester winters, and we're getting ready to retire, and I would like my second car to last a little longer before I have to think about replacing it, and putting it in the garage is the best thing to do. And the wife's car goes in the current garage.

MICHAEL MARTIN: You have two cars total?

MR. CAVANAUGH: Yes.

DAN MELVILLE: Just park hers out and put yours in.

MRS. CAVANAUGH: Absolutely not.

BEVERLY GRIEBEL: That's a big no, I think.

(Laughter.)

MR. CAVANAUGH: I know who the boss is.

DAN MELVILLE: It will not be used for any kind of business or anything?

MR. CAVANAUGH: No. Strictly to house the car.

MR. BRINKWART: The existing blacktop that is there, behind the proposed garage, do you plan on taking that out?

MR. CAVANAUGH: No. I will leave it in because I'm putting a garage door front and rear on the new structure so I don't have to use any neighbor property if you want to bring anything in or out.

GEORGE BRINKWART: What about the asphalt remaining between the proposed garage and your neighbor? Will that strip be taken out?

MR. CAVANAUGH: I think that strip will be taken out, but the more I thought about it, I'm not positive. And when I -- when they get done, I will have to have an asphalt person come in, because there will be an -- a gap between the asphalt they remove and the concrete block they pour. When I have them bring that gap with the new asphalt, I may replace it along the garage. They may want to take it out just for work purposes when they install the concrete block.

BEVERLY GRIEBEL: So it could change a little bit?

MR. CAVANAUGH: Yes, it could.

JEFFERY PERKINS: Do you know the distance between the property line and your

neighbor's house?

MR. CAVANAUGH: Well, the property line is on the drawing, 4 feet, 6 inches at the front -- you mean between the neighbors' house and the property line? The distance from the side wall of the new structure to his house will be 21 feet, 3 inches at the front, and 17 feet, 3 inches at the rear.

BEVERLY GRIEBEL: So he has more room on the side of his house.

MR. CAVANAUGH: Yes. He has -- yes.

BEVERLY GRIEBEL: Okay.

MR. CAVANAUGH: Has 11 feet and -- well, on the front he would have -- I would have to stop to figure it out, but he has yes, at least 10 feet on his side.

PETER WIDENER: The roof line of the new garage will match the old garage?

MR. CAVANAUGH: Yes. That is part of your diagram. That is one of the reasons why I took the photographs, to show it will coincide with what the drawing says. It will be on the -- I think -- if you look at the architect's rendering -- that is clear. It is coming straight up. Yep.

PETER WIDENER: I have no other questions.

DENNIS SCIBETTA: Only question I had, there -- there wasn't a necessary variance for the front setback as well, but where that little curve occurs, are we encroaching on the front setback on that -- on the front -- from the garage?

MR. CAVANAUGH: To be honest with you, I looked at the diagram and see that on the diagram.

DENNIS SCIBETTA: You don't --

MR. CAVANAUGH: I don't see it at the street. It seems to run straight downwards where the street is paved.

DENNIS SCIBETTA: I see the pictures don't really show that, as well.

BEVERLY GRIEBEL: They must have paved it in more or something, the road paving.

MR. CAVANAUGH: Actually, that has been the paved line since we moved in, almost six years ago, even though they did repave the street just in the past six weeks. They went right over the top of it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ARTHUR PROUTY, 11 Irvington Drive

MR. PROUTY: I'm not sure if I am speaking in favor or against. I live at 11 Irvington Drive, next door, east. The Cavanaughs and we are friends.

I understand their desire for the garage for their second car. What he didn't mention is his screen room on the back of his house serves as a garage during part of the winter months, but I understand it is inconvenient to get in and out of there.

I do have some concerns, and one of them is the distance between my bedroom windows and the proposed addition to his garage. Um, very close. And obviously, from a personal preference, we would prefer the present open arrangement which was there when we moved in a number of years ago.

Other properties in the neighborhood are close. I looked at actual -- actually measured a couple that were -- appeared to me to be as close as any, and one of those was 20 feet and 122 feet, and those houses were at a greater angle than my house is to his so that their windows tended to look out more toward the street.

Um, I guess my question here is would it be establishing a precedent were the Board to approve a permanent structure this close to a property line and an adjoining property in our area, and if so, do you desire to make such a precedent?

BEVERLY GRIEBEL: This Board does not set precedent. Each case is taken on its own merit.

MR. PROUTY: I'm sorry?

BEVERLY GRIEBEL: Each application is decided on its own merit. There is no precedent that is set that then will allow anybody to do anything without coming before this Board and explaining what they're doing.

MR. PROUTY: I have no way of knowing at this point whether the closer proximity will negatively affect the value of my property, but that is somewhat of a concern. The other issue Michael (Cavanaugh) has addressed this evening regarding drainage.

Actually, the current drainage from this garage, both front and back, dumps onto the driveway, and it flows east to the edge of the driveway and then to the street. So whatever portion of it percolates into the ground close to my foundation, um, hopefully that can be addressed if the --

if the request is approved so that the drainage goes onto his backyard farther away from my property, rather than where it may -- where it may percolate toward two corners of my house which already has some problem with dampness.

And I think that expresses my major concerns here.

BEVERLY GRIEBEL: Now, regarding the drainage, you will put some out in the back?

MR. CAVANAUGH: Yes.

BEVERLY GRIEBEL: Will that be kind of away from his house?

MR. CAVANAUGH: No different than it currently is. In fact, it would be better if I use an extension as opposed to what is there now, because it just comes down -- I don't know if it shows in the photograph. It just comes down the rear edge of the porch in the back and drops onto the driveway.

BEVERLY GRIEBEL: Okay. If you put an extension, put it out further towards the middle of your yard, then it --

MR. CAVANAUGH: He is talking about straight back, and -- I will be talking to the contractor about doing that or like I talked before, running the drain tile diagonally down the side of the new structure, the outside wall of the new structure so it runs more appropriately and catches the slant of the driveway towards the street.

BEVERLY GRIEBEL: Probably would be the best if they can work that out.

MR. CAVANAUGH: I thought about that, too, at the last moment because you don't know what is going to be happening draining into the backyard, where it is going to go.

BEVERLY GRIEBEL: It can go down the sloped driveway into the street, into the gutters then.

MR. CAVANAUGH: Hopefully.

BEVERLY GRIEBEL: Hopefully.

BEVERLY GRIEBEL: Sometimes water has its own mind.

MR. PROUTY: I have another question. If the drainage from the back of the garage were drained to the west, and then back along your sun porch and dumped at the back corner of your sun porch, that would take the load farther away from my back corner. It may be that the front corner of your garage is better headed toward the street, rather than back toward the -- or the -- that is closer to the back corner of my house.

MR. CAVANAUGH: The front will always go forward. That is not a problem.

MR. PROUTY: You're saying perhaps the back would go forward also?

MR. CAVANAUGH: Yes, correct.

MR. PROUTY: Alternatively, if it might be possible to move that toward your screen room and back to the north.

MR. CAVANAUGH: The problem with that, Arthur (Prouty), has to do with if I bring it down east of the screen room, how do I structure the pipe so it is not a hazard to people walking in that area and is above level of the ground? So -- so if I run it back over to where the porch line is, that is contrary to where it runs now. I don't want to run it over the porch roof itself. I can't do that because the porch roof is such a shallow pitch that I have already had to replace a 20 year roof after only 10 years.

BEVERLY GRIEBEL: So I think the best thing is to talk with the contractor.

MR. CAVANAUGH: That is what I intend to do.

BEVERLY GRIEBEL: Maybe they can with the gutters and drainage system, to get it more -- more of it to the front. You may be able to do that.

He will look into it anyway.

MR. PROUTY: What I was visualizing was moving it west and then diagonally down the roof line more or less of your screen room, so it wouldn't be down where it would be a tripping hazard.

MR. CAVANAUGH: I see. That is a thought. I will look into it.

MR. PROUTY: It might be worth looking into as a possibility. That would be far enough away from both of our houses so it doesn't bring a problem. I have had 24 years as a physical plant manager at the college and private school, and I know the -- I know that water can create all kinds of problems.

BEVERLY GRIEBEL: Water seeks its own -- any other questions of the applicant?

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this

hearing, and George Brinkwart seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. The motion was approved by a vote of 6 yes to 1 no (Jeffery Perkins).

DECISION: Approved by a vote of 6 yes to 1 no (Jeffery Perkins) with no conditions, and the following findings of fact were cited:

1. Applicant described need for garage expansion in the Rochester climate.

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

8. Application of Linda Procida, owner; 10 Meeting House Drive, Rochester, New York 14624 for variance to erect a 10' x 7 1/2' deck to be 54 1/2' from front lot line (60' req.) at property located at 10 Meeting House Drive in R-1-15 zone.

Linda Procida was present to represent the application.

MS. PROCINDA: I'm Linda Procida. Right now I have a 3 foot by 3 foot like a concrete slab in front of my house. It is my only step, porch, whatever. That is all I have. I want to take that out, get rid of it. And I want to put on an open front porch which is just small. 10 foot by 7 1/2 foot. I will be using a Timber Tech composite which doesn't rot or warp or chip or anything like that. And -- which will have railings and have it more for a safety issue also. I do have a design if you want to see a design, and I have a sample of the material.

BEVERLY GRIEBEL: Are you guys familiar with that?

The Board indicated they were familiar with it.

MS. PROCINDA: Supposed to be pretty good stuff. It is pretty expensive. It has to be good stuff. It will last. You don't have to stain it. No staining, no nothing. It just won't rot, chip, won't get slivers. Just going to be open with no roof.

BEVERLY GRIEBEL: The front of the house is 62 feet from the road. To have a porch of any sort out there that is big enough to put a chair on to sit out there, you would have to add a little bit onto that.

MR. BRINKWART: You said you had the drawings for your porch?

MS. PROCIDA: Yes. I have a design.

Ms. Procida showed the Board the sample of the material she will be using.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

BEVERLY GRIEBEL: This went to Monroe County Planning and came back as a local matter for airport approval.

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

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

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

1. Replacing concrete steps with deck.

2. No impact on line of sight.
9. Application of Dale Foster, owner; 124 Stover Road, Rochester, New York 14624 for renewal of conditional use permit to allow an amateur radio tower at property located at 124 Stover Road in R-1-15 zone.

Dale Foster was present to represent the application.

MR. FOSTER: Evening. I'm Dale Foster.

BEVERLY GRIEBEL: Haven't seen you in a while.

MR. FOSTER: Every five years.

BEVERLY GRIEBEL: Nice to see you again. How are things going?

MR. FOSTER: Good. There have been no changes in the tower since it was put up. It is still the original tower, specifications, no problems, and I just want to renew it for the use of my wife's and my hobby.

BEVERLY GRIEBEL: Now, this, as I remember, is an antenna that you can crank up when you need to use it.

MR. FOSTER: Yes. I keep it in the down position -- like when we go to Florida for the winter or not using it, I keep it down so it is only 21 and 1/2 feet off the ground.

DAN MELVILLE: I think this is my fourth time hearing this.

BEVERLY GRIEBEL: Quite a few times, yes.

MICHAEL MARTIN: My first.

MICHAEL MARTIN: Any problems?

DENNIS SCIBETTA: No. I never heard any.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MR. FOSTER: Nobody said it ever bothered them or had any problems with it.

BEVERLY GRIEBEL: They would speak up if they had a problem.

MR. FOSTER: I'm sure they would.

RICHARD PERRY: Given the track record, maybe we could extend it for a ten-year period.

BEVERLY GRIEBEL: How long have you had that in place?

MR. FOSTER: '92, I believe it was, that it was put in.

BEVERLY GRIEBEL: Without any problems. That has been pretty good.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Dale Foster seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following conditions, and Richard Perry seconded the motion. All Board members were in favor of the application.

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

1. Permit granted for ten years.
2. Permit granted for one tower.
3. Attach anchor from home to tower.
4. Owner to correct any problems to neighbors due to interference of electronic communications from broadcasting.

The following findings of fact were cited:

1. Not detrimental to neighborhood.

2. No complaints from neighbors.
 3. Best location of tower on property for neighborhood.
10. Application of Jenna Christopher, owner; 44 Red Bud Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a massage therapy practice at property located at 44 Red Bud Road in R-1-15 zone.

Jenna Christopher was present to represent the application.

MS. CHRISTOPHER: Hi. My name is Jenna Christopher. I'm a licensed massage therapist licensed through New York State and nationally. I have insurance and registration. I have proof of all those documents if anybody would like to see them. I have been practicing since 2003. I have rented space right now in Gates, and I would like to move that to my own property in Chili.

There will be no apparent difference to the house and very minimal traffic. One car, two at the most, which is very unlikely. Appointments are set usually an hour and a half time difference. They usually last an hour, so the first client will get there -- say if the appointment is 7 o'clock, between 6:45 and 7:00, and leave usually between 8 o'clock and 8:15.

BEVERLY GRIEBEL: So there is no overlap.

MS. CHRISTOPHER: Not usually.

BEVERLY GRIEBEL: So only one extra car in the driveway.

MS. CHRISTOPHER: No signs out front. No noise disturbance. I take a couple appointments during the week, evening hours, 5:00, 6:00, 7:00. 7:30 would be the latest and then on Saturdays, usually early afternoon.

BEVERLY GRIEBEL: I guess it just depends on when people are able to come in and when you can accommodate then.

MS. CHRISTOPHER: Yes.

BEVERLY GRIEBEL: There has been a lot of this in the news lately.

MS. CHRISTOPHER: I -- I have all my licenses. I can show you.

DAN MELVILLE: I was going to ask that question, but you mentioned it right up front.

MS. CHRISTOPHER: I can show you proof. I'm fully licensed, fully certified.

BEVERLY GRIEBEL: Not like some of the others apparently.

MS. CHRISTOPHER: Right.

BEVERLY GRIEBEL: Now, normally, when we grant this home office type of thing, normally we would grant it for one year with no on premises advertising, no on-street parking pertaining to the business. The hours of application is per the application. You don't have any outside employees?

MS. CHRISTOPHER: Just myself.

BEVERLY GRIEBEL: And applicant to obtain and maintain any required State and local licenses. That is the normal items that we require. And -- I guess any questions from the Board?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

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

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

1. Granted for a period of one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.

4. Clients by appointment.
5. No more than two clients at one time.
6. No outside employees.
7. Hours of operation as per application.
8. Applicant to obtain and maintain required State and local licenses.

The following finding of fact was cited:

1. The home office is a customary home occupation.
11. Application of Richard Timian, owner; 534 Paul Road, Rochester, New York 14624 for conditional use permit to allow an office in home for an internet business at property located at 534 Paul Road in R-1-15 zone.

Richard Timian was present to represent the application.

MR. TIMIAN: Good evening. I'm Richard Timian.

BEVERLY GRIEBEL: Okay. And you're right across the street from the Carriage House?

MR. TIMIAN: Correct.

BEVERLY GRIEBEL: This did go to Monroe County Planning and came back as a local matter.

Your business, internet business to critique resumes, and -- you're not going to have any vehicles or signs and no -- no one is coming to your house or anything?

MR. TIMIAN: Correct.

BEVERLY GRIEBEL: Everything will be through the computer?

MR. TIMIAN: Correct.

BEVERLY GRIEBEL: Okay. So the hours I think you put on some of these days, 2 p.m., but it is -- I guess going to be whenever.

MR. TIMIAN: Um, yeah. Normally, it -- it is going to be a part-time business. I work full-time for the Al Sigl Center. Looking to supplement my income by a couple hundred dollars a week, and hoping this will be the avenue to do that. So if business is good, I will be working at it two hours a night.

BEVERLY GRIEBEL: So you hope it will keep you busy that long?

MR. TIMIAN: Right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following conditions, and George Brinkwart seconded the motion. All Board members were in favor of the application.

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

1. Granted for one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.

5. No outside employees.

The following finding of fact was cited:

1. The home office is a customary home occupation.
12. Application of Richard Schickler, owner; 870 Chili Scottsville Road, Scottsville, New York 14546 for variance to erect a 4' x 8' double-faced freestanding sign to be a total of 64 sq. ft. (32 sq. ft. allowed) at property located at 860 Chili Scottsville Road in A.C. zone.

Richard Schickler (the son) and Dick Schickler (the father) were present to represent the application.

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

MR. RICHARD SCHICKLER: Richard Schickler, son of the applicant. If I can approach with an additional -- there is the landscape design around the --

BEVERLY GRIEBEL: We did get a colored portion. Now, this was at the Planning Board. And it came here because of the oversized sign; is that correct?

MR. DICK SCHICKLER: Correct. Two-sided sign.

BEVERLY GRIEBEL: And why do you want it bigger than the code?

MR. RICHARD SCHICKLER: Well, we felt due to -- as what you found yourself, it is a fast-moving area. My father, right from the beginning has developed the area right along the road with mature trees. The trees there are now 30 foot trees down the entire length of the area. With the help of Sign Language, the design firm, they felt that a sign that ran parallel with the road would be ineffective. The 4 by 8 size would be adequate, but to run that parallel to the road would not be as effective as it should, thereby requiring --

BEVERLY GRIEBEL: Because there is quite a curve.

MR. RICHARD SCHICKLER: Yes. Being on the inside of the curve, lower than the center of the road makes it difficult to see.

MR. BRINKWART: Do you know what the posted speed is?

MR. RICHARD SCHICKLER: 55 miles an hour.

BEVERLY GRIEBEL: It says curve ahead. Does it recommend a lower speed there?

MR. RICHARD SCHICKLER: There is an intersection to the north which is Morgan Road and there is a flashing yellow light. I believe that reduces the speed to 45 miles an hour. I'm not exactly sure.

BEVERLY GRIEBEL: I don't believe there is a light.

MR. RICHARD SCHICKLER: There is a yellow flashing warning light that there is a -- an intersection ahead.

MICHAEL MARTIN: There's a Y.

BEVERLY GRIEBEL: That's a bad corner.

I come out Morgan Road and try to cross there. I tell you, I am looking like crazy. There have been fatalities there or some bad accidents there. Because people speed. They're going 55 or even more around there.

MR. DICK SCHICKLER: People actually go through that stop sign.

BEVERLY GRIEBEL: Wow. That is asking for -- a death trap.

MR. RICHARD SCHICKLER: You know the apple farm there, somebody ended up inside the apple stand about six months ago.

BEVERLY GRIEBEL: Well, it has always been bad. I know in talking with the firemen some times, they're called out there frequently for -- for little skirmishes and accidents and crashes and whatever. But anyway, that is another issue.

The speed doesn't really drop around there. If you have ever tried to get out Morgan Road and go across that, that is nuts.

GEORGE BRINKWART: On your plans you didn't really show us a dimension for the distance from the property line to the edge of the sign. Do you have a particular number there?

MR. RICHARD SCHICKLER: We wanted to stay to the minimum setback.

GEORGE BRINKWART: 14 feet.

MR. RICHARD SCHICKLER: Yes. We feel we need to make sure we get a surveyor in

there to make sure we're at the right distance, but we don't want to be any closer than the minimum.

PETER WIDENER: As I was putting up your diagrams, did -- did you mention about the lighting of the sign or something?

MR. RICHARD SCHICKLER: No lighting.

PETER WIDENER: We don't need lights on that bend.

MR. RICHARD SCHICKLER: Only for the intention of being seen during the day.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

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

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

1. Applicant described need for the sign on a curve on a high-speed road.

Note: A sign permit is required before the sign is erected.

The meeting ended at 9:08 p.m.