

CHILI ZONING BOARD OF APPEALS

June 28, 2005

A meeting of the Chili Zoning Board of Appeals was held on June 28, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

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

ALSO PRESENT: Daniel Kress, Director of Planning, Zoning & Development;
Keith O'Toole, Assistant Counsel for the Town.

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

BEVERLY GRIEBEL: Before we get into the actual agenda, we'll review the signs. Number 1, Tim Horton's. I didn't have a problem with the sign. Did anybody?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 2, Zampatori on Golden Road. I was out on Saturday, 6/18. I did not see a sign there.

RICHARD PERRY: I was out the same day and did not see it.

GERRY HENDRICKSON: I was out on Sunday and I did see it.

BEVERLY GRIEBEL: Well, they were late getting it up, I guess.

So that will be tabled. I would like a motion to table that to --

MS. MANLEY: Could I say anything?

BEVERLY GRIEBEL: No. We -- we need no comments on that. Two of the Board members -- even one. If it wasn't up there for the full period of time, it is tabled. It will be tabled until July 26th at 7 o'clock, and can I have a motion to that effect?

RICHARD PERRY: So moved.

BEVERLY GRIEBEL: Thank you. A second on that?

MICHAEL MARTIN: Second.

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

BEVERLY GRIEBEL: The applicant will get a letter in the mail that says he needs to obtain new signs and post them as per the Town regulations.

Next one, Number 3, Anthony Pipitone. I was okay on that.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 4, Christopher Gage. I was okay on that.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 5, David Kroth. I didn't have a problem.

DAN MELVILLE: That was up.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 6, James Burkhard.

RICHARD PERRY: No problem.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 7, Rockford Construction for the video store.

RICHARD PERRY: No problem.

BEVERLY GRIEBEL: I had no problem. Signs were up.

The Board indicated they would hear the application.

Number 8, Roberts Wesleyan. Three signs up on that one.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: And Number 9, Douglas Toby, I didn't see a sign on that one.

GERRY HENDRICKSON: I did. It was up right in front of the house.

BEVERLY GRIEBEL: That was on Sunday?

GERRY HENDRICKSON: Yes.

BEVERLY GRIEBEL: I was out Saturday, and I didn't see the sign.

MR. TOBEY: It was up Saturday.

RICHARD PERRY: I didn't see it either on Saturday.

BEVERLY GRIEBEL: No, I didn't.

BEVERLY GRIEBEL: Well, that one needs to be tabled until – motion to table that to July 26th?

MICHAEL MARTIN: So moved.

BEVERLY GRIEBEL: Thank you.

Second on that?

RICHARD PERRY: Second.

BEVERLY GRIEBEL: Thank you.

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

BEVERLY GRIEBEL: We will not hear anything on that either. The letter will go out and instruct the applicant to obtain new signs and post as per regulations.

1. Application of Tim Horton's, c/o Custom Sign Center, 3200 Valleyview Drive, Columbus, Ohio 43204, property owner: Tim Donut US Ltd.; for variance to allow 2 additional wall signs (35 sq. ft. each), 7 directional signs to be 6 sq. ft. each (3 sq. ft. allowed), 2 additional freestanding signs (15 sq. ft. and 3 sq. ft.) all as per plan submitted with application at property located at 4380 Buffalo Road in G.B. zone.

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

MR. TERRAGNOLI: Good evening. My name is Lou Terragnoli, Director of Real Estate for Tim Horton's. The request in front of you tonight, as just read, includes request for two additional 35 square foot wall signs. These would be on the east and west side of the building. Currently, we have a Tim Horton's sign on the front of the building, which would be the south side.

BEVERLY GRIEBEL: Do you have some diagrams to put up for us?

MR. TERRAGNOLI: I don't. I thought Custom Signs gave you a package with the wall signs on there.

BEVERLY GRIEBEL: I don't think they did. Generally, the commercial applicants bring -- I will have you put mine up.

BEVERLY GRIEBEL: We frequently have people in the audience that want to look at the plans. We'll put them all up.

If anyone in the audience wants to go look at any of these signs and blueprints, they can do that.

MR. TERRAGNOLI: The first part of the request is for two additional wall signs. As I just mentioned, they would be on the east and west side of the building. We currently have a Tim Horton's sign on the south side of the building. Given the nature of the intersection and the customer traffic we are trying to attract, it really comes from all directions, so we feel it would be very important to have this additional wall signage there.

In addition, our analysis of the area, specifically the Eckerd's next door, we noticed that they have advertising and signage on three sides of the building. We wanted to try to be consistent with what we are requesting of the Town.

The seven directional signs that are two-sided, currently those seven signs are on the property right now, providing directions for customer traffic. However, we are asking for the

signs to have that same directional movements posted on both sides of the sign.

Once again, our neighbor Eckerd's has directional signage, and their signage is double-sided.

BEVERLY GRIEBEL: That is what doubles your --

MR. TERRAGNOLI: That is what doubles the square footage. The sign itself will be 3 square feet, but it goes to 6 square feet because it is 3 square feet on each side.

The next part of the request is for a freestanding preview board, and for a pre-ad panel. These two boards are not signage in the front of the property. This is behind the property in the drive-through lane. As a customer would enter the drive-through lane, they would have a customer in front of them that would be placing their order at a menu board. This would give them the opportunity to look at the selections and try to organize in their mind what they would want to order so when they come up to the order station, they would be prepared to give their order. Because at Tim Horton's we really stress convenience and speed which is critical to attracting customers and keeping customer satisfaction.

The freestanding preview sign is something we have at all Tim Horton's locations, in addition to the Tim Horton's we have in Chili Center. That has that preview board.

The last is a pre-ad panel, and that just goes next to the speaker board, and it is just a small way for additional advertising. This is also located behind the building. It is actually only 2 or 3 feet above the ground. It is fairly standard at all our Tim Horton's, and it is standard in the Chili Center location.

We are trying to make our signage as consistent as we can at the locations. As I mentioned, the preview board and pre-ad panel are Chili Center -- are in the Chili Center and directional center is two-sided at Chili Center. However, at North Chili, the signage is actually smaller because at Chili Center they actually have "Tim Horton's" written on there and then the directional. So these are actually smaller signs. So with that, if you have any questions or comments, I would be happy to try to answer them.

BEVERLY GRIEBEL: Now, you have been open for a couple weeks?

MR. TERRAGNOLI: Three weeks. The signage issue is something we usually like to have clarified before we are open. We had a change in our construction personnel on that side of the Tim Horton's construction process, so as part of that change, we are now back to try to fill in some of the details we normally like to have handled before --

DAN MELVILLE: That is why I am asking. Why in your original application didn't you apply for these signs at that time?

MR. TERRAGNOLI: It is because of that change in person. It should have been more of a complete application.

BEVERLY GRIEBEL: Who did -- I don't know if the Chili Center one came in here.

MICHAEL MARTIN: Yes.

BEVERLY GRIEBEL: Okay. I didn't remember that. Okay. I don't really have any questions.

RICHARD PERRY: You also have signage on the pylon sign out front?

MR. TERRAGNOLI: We do not.

RICHARD PERRY: Will you be seeking signage on that?

MR. TERRAGNOLI: I will place a call to the owner, but a review of that sign -- right now there is no panel available for another advertisement on there. This is a little bit of a different transaction. We are not leasing this parcel of the ground like the others in the plaza that are leasing. We bought this, and we bought it from the previous owner of the plaza, so I would view getting on that sign somewhat of a --

DAN MELVILLE: Yes, I would say.

MR. TERRAGNOLI: -- very minimal. Because that transaction did not take place between Tim Horton's and the current owner.

RICHARD PERRY: Do you have a street number any place on the facility?

MR. TERRAGNOLI: I don't believe we do.

RICHARD PERRY: That is something that we would ask the -- that you do, you know, in case --

DAN MELVILLE: At least on the building. That is Town code.

MR. TERRAGNOLI: We certainly could do that.

BEVERLY GRIEBEL: Somewhere on -- somewhere on the front.

MR. TERRAGNOLI: That is the south elevation, I would assume. Yes, we can do that.

RICHARD PERRY: In case somebody gets excited and calls, you know, for emergency

services and directs them to Dunkin' Donuts (sic), they will know.

GERRY HENDRICKSON: Number 11, interest disclosure there.

BEVERLY GRIEBEL: Oh, yes. Does anyone there work for a government agency?

MR. TERRAGNOLI: No.

BEVERLY GRIEBEL: Thank you.

DANIEL KRESS: Just to clarify, since obviously some of these signs are already up, the sign contractor came to me several weeks ago before the opening and asked basically how many signs could be put up merely by means of a permit that would not trigger the need for a variance, and that's why some of those are already up by virtue of permit. I made it very clear that an application for anything above and beyond would have to come through this Board.

BEVERLY GRIEBEL: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application at this time.

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

Michael Martin made a motion to approve the application with a condition, and Peter Widener seconded the motion. All Board members were in favor of the motion.

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

1. Street number per Chapter 37 of the Town Code.

The following finding of fact was cited:

1. Signs needed to identify a new business on a busy street and also direct traffic to the drive-up window.

Note: A sign permit is required before installation of these signs.

2. Application of Dana Zampatori, owner; 230 Golden Road, Rochester, New York 14624 for variance to erect a 16' x 20' utility shed to be 320 sq. ft. (180 sq. ft. allowed) at property located at 230 Golden Road in R-1-15 zone.

DECISION: Unanimously tabled by a vote of 7 yes to table until July 26, 2005 at 7:00 p.m. for the following reason/finding of fact having been cited:

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

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

Applicant must be present for the Public Hearing.

3. Application of Anthony Pipitone, owner; 140 Stottle Road, Churchville, New York 14428 for Land Use Variance to erect an in-law apartment over proposed attached garage at property located at 140 Stottle Road in PRD & FPO zone.

Anthony Pipitone was present to represent the application.

MR. PIPITONE: Just pretty much what you just read. Application -- we want to erect a three-car garage additional to the existing structure, and put an in-law apartment over the top of the garage. It is not in any way for profit. It is for an in-law apartment, just as stated.

BEVERLY GRIEBEL: Presently, you have what size garage?

MR. PIPITONE: We have a two-car garage. 22 by 22.

BEVERLY GRIEBEL: Two-car.

I had a couple questions. An in-law apartment. Now, this is a full apartment with a kitchen

and everything in it?

MR. PIPITONE: Yes.

BEVERLY GRIEBEL: Kitchen, bath, everything. Two bedrooms.

Um, I have a concern with it being on the second floor. Generally we get requests for an in-law apartment, and it's an extension on the main floor of the house to go out and stay on that main floor, because generally, as people get older, they have more difficulty with stairs. So I am just kind of wondering about this being on the second floor.

MR. PIPITONE: It's -- I can show you the latest print that we are working with an architect on. We are designing the staircase to be in excess of 3 foot in case some day that does happen where they're feeble and can't make it up the stairs. We can put an elevator in its place.

BEVERLY GRIEBEL: One of the stair --

RICHARD PERRY: Stair lift, you mean?

DAN MELVILLE: So it is adaptable.

BEVERLY GRIEBEL: Yes. Because I was wondering about that. In-law on the second floor --

DAN MELVILLE: You don't have to be old to be an in-law.

BEVERLY GRIEBEL: But they're generally older than the person making the application.

MR. PIPITONE: It was discussed, and the thought plan was going with a wider staircase for that in the future.

BEVERLY GRIEBEL: So you're making it wider. And adaptable to a stair-type elevator?

MR. PIPITONE: Yes.

GERRY HENDRICKSON: He has plenty of room for it there. No questions.

MICHAEL MARTIN: You have no intentions of ever renting the space?

MR. PIPITONE: No.

RICHARD PERRY: The existing two-car garage is being renovated. Renovated to what?

MR. PIPITONE: We are turning that basically into a main entrance, like a breezeway, which would be the entrance for the existing home as well as the addition.

RICHARD PERRY: The dimensions again of the existing garage?

MR. PIPITONE: The existing, 22 by 22.

RICHARD PERRY: So that will be a rather large breezeway.

MR. PIPITONE: We are splitting it up to give her storage, as well as trying to put a laundry in there.

DAN MELVILLE: My question, what do you plan on doing with that space should you no longer need it?

MR. PIPITONE: Well, I don't know as I know the answer to that question. Maybe me and my wife will live there. I honestly don't know. We have discussed that, and we don't know the answer to that.

DAN MELVILLE: You have no intentions of renting it out?

MR. PIPITONE: No. We like where we are, it is quiet and we want to keep it that way.

BEVERLY GRIEBEL: I had the same question, too. Because what -- if this is approved, what would -- what we would be doing is essentially be granting a second --

DAN MELVILLE: Kind of creating a two-family home. Will it all be separate utilities?

MR. PIPITONE: No. I don't believe we can do that. I was going to put in usage meters, but it has to be -- I mean, to keep it fair for billing for her so she knows her expense, but it would come off the main with a usage meter for the gas and electric. I don't believe that is even allowable to do that, split that off like that.

BEVERLY GRIEBEL: Oftentimes it is just on the main floor, and another bedroom and sitting room, and then everyone still uses the same kitchen. It is the kitchen that you're adding that creates the second full apartment.

Does the side table have any advice on that as to what would happen if it was no longer needed as an in-law apartment?

KEITH O'TOOLE: If they vary -- the variance would remain in place. Presumably at some point in the future they would sell it to someone else who would use it for the same person.

BEVERLY GRIEBEL: So it is never, at this point, to be approved for a second apartment?

KEITH O'TOOLE: No. The application is quite clear. It is an in-law.

BEVERLY GRIEBEL: So we don't have to put any conditions or anything like that.

KEITH O'TOOLE: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application at this time.

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

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

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

1. Applicant explained need for an in-law apartment and use of the second floor with possible chair lift installation if needed later.

Note: A building permit is required prior to construction.

4. Application of Christopher Gage, owner; 2 Privateers Lane, Rochester, New York 14624 for variance to erect a 14' x 16' deck to be 16' from rear lot line (25' req.) at property located at 2 Privateers Lane in R-1-15 zone.

Christopher Gage was present to represent the application.

MR. GAGE: Hello. Chris Gage. My application is to build a deck. It is going to exceed my setback by 9 feet.

BEVERLY GRIEBEL: Do you work for any government agency?

MR. GAGE: No.

RICHARD PERRY: It is marked off on mine.

BEVERLY GRIEBEL: Mine was not, so.

RICHARD PERRY: Mine has "no."

DAN MELVILLE: Says "no."

BEVERLY GRIEBEL: I guess mine did not copy very well.

Question. If you put the deck the other way, 14 foot out from the house, have you considered that?

MR. GAGE: Yes. We -- it's narrow because we have got a window and a faucet and an outlet that we did not want to cover, but we did not want to make it too small, so we are going 14 wide.

BEVERLY GRIEBEL: That answers my question.

Won't help you covering all of that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

The Public Hearing was closed for this application 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 Jeff 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 Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. The only logical place for a deck off the rear of the house.
2. Position defined by a window, faucet and outlet.

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

5. Application of David Kroth, owner; 18 Shetland Circle, Rochester, New York 14624 for variance to erect a 10' x 14' utility shed to be 30' side lot line (55' req. abutting a street) at property located at 18 Shetland Circle in R-1-15 zone.

David Kroth was present to represent the application.

MR. KROTH: Hi, good evening. The reason for my application for the variance is that with the 55 foot setback, um, it effectively eliminates my ability to put the shed behind the garage. My other options, of course, are to put it in my backyard, but I have a 3 or 4 foot grade back there.

BEVERLY GRIEBEL: It does slope down.

MR. KROTH: Right. So if I put it up into the yard, not only does it become aesthetically not pleasing, but it -- in a year or two I have plans to put an above-ground pool in there which will take up the bulk of that area behind the house. So I just want to tuck it in behind the garage, make it even, 30 feet with the existing structure, and that is about it, really.

BEVERLY GRIEBEL: You have the corner lot problem. Last week we had a -- about three of them.

MR. KROTH: It is nice to have the extra space.

BEVERLY GRIEBEL: But what good is it?

MR. KROTH: I wasn't aware of this restriction until I went to apply for the permit.

BEVERLY GRIEBEL: You essentially have two front yards.

MR. KROTH: Correct, exactly.

BEVERLY GRIEBEL: It makes it difficult, and where it slopes, you can't even put it there.

MR. KROTH: Right.

DAN MELVILLE: Is that really the name of that road that it runs on?

MR. KROTH: I mean, it is Ranchos (phonetic). The only place you find it is on the instrument survey.

DAN MELVILLE: I couldn't find a sign on that street.

BEVERLY GRIEBEL: I didn't either. I found one at the other end of it.

DAN MELVILLE: I thought it is a road they didn't give a name to. There is technically no houses on it.

MR. KROTH: The only people that know the name are the surveyors.

BEVERLY GRIEBEL: We could make a book about the oddities.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application 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 Jeff 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 Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Only logical spot as owner wants to add a pool next year.
2. Will be in line with side setback of the house.

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

6. Application of James Burkhard, owner; 106 Old Chili Scottsville Road, Churchville, New York 14428 for variance to erect a 229 sq. ft. gazebo (180 sq. ft. allowed), variance for gazebo to be 13' high (12' allowed) at property located at 106 Old Chili Scottsville Road in R-1-20 zone.

James Burkhard was present to represent the application.

MR. BURKHARD: Good evening. The variance that my wife and I are requesting is to erect a gazebo. It is on a site on the property that the previous owner had an aboveground pool, which is about the same dimensions of the -- actually a little larger 20 foot aboveground pool that has been since removed. Where we want to put it is well suited based on the property. In terms of the area of the gazebo, its being 18 foot octagonal -- which converts out to 229 square foot. The 180 square foot limit converts to a 16 foot gazebo. So essentially the gazebo is 2 feet too large for the area.

Height wise, it is 1 foot high. That includes the finial, to the very top of some ornamentation basically.

BEVERLY GRIEBEL: Now, this will be tucked behind there amongst the trees?

MR. BURKHARD: That is right. The property is very heavily wooded. There is a whole -- the east line of the property, which if you look on the survey map, is on the bottom of the map. That is a heavily wooded hedge row. Then there are a number of mature trees, apples, walnuts and bing cherries. That is where it sits there. It is in amongst the trees.

BEVERLY GRIEBEL: Probably won't be seen from the road unless you look for it.

MR. BURKHARD: Probably difficult to see it in the summertime, for sure.

PETER WIDENER: Looks like he has plenty of room there. I have no questions.

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

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application 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 Jeff 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 motion.

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

1. Minimum variance on a large lot.
2. Will be minimally visible among the trees.

Note: A building permit is required before gazebo is erected.

7. Application of Rockford Construction, 8165 Graphic Drive NE, Box 450, Belmont, MI 49306, property owner: Gregory Stahl; for variance to allow front parking for 33 vehicles per plan submitted for proposed video store at property located at 4369 Buffalo Road in G.B. zone.

Ed Martin was present to represent the application.

BEVERLY GRIEBEL: This went to the Monroe County Department of Planning. It came back as a local matter. It also went to the Planning Board with approvals, and one of them was our approval for the variances needed.

MR. ED MARTIN: Good evening. My name is Ed Martin. I'm a licensed engineer with Landtech. Our offices are located at 130 East Main Street, in downtown Rochester. I'm here tonight on behalf of Family Video and Rockford Construction, and the application before you.

The site, I'm sure you're familiar with. It is currently used by Gregorio's. Most of us have gotten pizza and wings there over the years. For whatever reason, Greg Stahl who is the owner has chosen to sell the property to Family Video which has had a long presence in the Midwest. And they're looking to make sure their presence known out here in the east. They have chosen this site to construct a 5,000 square foot store.

The configuration of the parcel -- you mentioned corner lots earlier. That is what we have

here. A corner lot with 75 foot setbacks required from Buffalo Road and Union Street, which if you look closely on the 11 by 17 printout I gave you, there is a dashed line. If you don't mind, I will point that out. The 75 foot setback from each road frontage goes right through the hatched area to the north of our proposed building, and just west of it on the Union Street side. All of that to say, if we were to build a structure and provide rear parking, you're looking at an ice cream stand with about six parking spaces. So much like Alexander's market to the west and Eckerd to the northwest of us, we are asking for a variance to allow the parking. We have listed in the Application 3 three spaces.

Changes requested by the Conservation Board are going to reduce that to 32 spaces. I can go over the details of that if you would like.

As you mentioned, we did meet with the Planning Board. The Planning Board was pretty persistent that we make architectural changes to the plans to be consistent with the recent build of Tim Horton's, Phil's Pizzeria down the road, Town and Country Restaurant and the restaurant being built behind McDonald's right now. The design team is in the process of making those changes and we are scheduled to reappear before the Planning Board.

BEVERLY GRIEBEL: Now, will your parking be somewhat similar to what is presently there?

MR. ED MARTIN: Yes, ma'am. In fact, you will be hard-pressed to notice a difference other than a much improved side. Better landscaping, more landscaping. The parking lot is going to be torn out and replaced with a more current design. There is going to be more base involved than what Gregorio's has. Gregorio's has suffered with potholes.

As a side note to that, Family Video does something unique. Adjacent to the sidewalk, that is just outside the building they install 7 feet reinforced concrete from the parking lot out. That is with the idea that cars generally park with the front of the car in towards the store. Older cars may leak oil and concrete stands up to that and other things such as salt a lot better than asphalt. So in the future, maintenance and repairs are a lot easier.

BEVERLY GRIEBEL: With the construction of the corner, are you going to lose some of that land that is there? Probably in the right-of-way?

MR. ED MARTIN: Yes. These plans do reflect the changes, the takings by the State D.O.T. So the red boundary shown on the hand-out we gave you does reflect that.

BEVERLY GRIEBEL: The loss of property. It will not really affect your plan. You will be able to get sufficient parking in there?

MR. ED MARTIN: Yes, ma'am.

BEVERLY GRIEBEL: It looks good. That corner is going to be changed very soon. I hope.

DAN MELVILLE: Yes.

BEVERLY GRIEBEL: I avoid it when I can.

RICHARD PERRY: Anything would be an improvement.

MICHAEL MARTIN: Strictly a video store?

MR. ED MARTIN: Yes, sir. Much like Blockbuster, but better.

DAN MELVILLE: He had to say that.

(Laughter.)

MICHAEL MARTIN: The same kind of stuff as Blockbuster?

MR. ED MARTIN: Yes.

PETER WIDENER: I was a little concerned about the two trees on the corner. If they both -- the visibility of the traffic in the parking lot there. Do you think they're necessary, or don't we address that?

BEVERLY GRIEBEL: Well, that is part of the Planning Board, and I don't know if they're trees or more low shrubs.

MR. ED MARTIN: Well, they are proposed to be taller type of shrubs. The landscaping plan has gone through some of what an evolution from feedback from the Conservation Board, but if I may, I will go over here -- where we are showing those trees right now is back here (indicating). Something to keep in mind is that our red boundary --

PETER WIDENER: I'm concerned about the trees you just pointed to. The other two by the intersection.

MR. ED MARTIN: These two here (indicating) are markings to note the type of landscaping.

PETER WIDENER: On my drawings, they're actually trees.

BEVERLY GRIEBEL: In those two areas --

PETER WIDENER: This is the tree you spoke about (indicating). These are the other two trees (indicating).

MR. ED MARTIN: Right. These (indicating) are the two that you're worried about?

PETER WIDENER: I'm concerned about the visibility at that intersection.

MR. ED MARTIN: I tell you what, if I may draw on this.

PETER WIDENER: I'm concerned about the height.

MR. ED MARTIN: This is the actual edge of pavement (indicating). The scale of this, the full size, is 20 scale. This (indicating) is somewhere on the order of 40 scale. A car sitting at the intersection would take up about that much room (indicating). So even if you were to pull this back to hear (indicating), they can see straight down.

PETER WIDENER: Is this a right-hand turn lane (indicating)?

MR. ED MARTIN: The right-hand turn lane is over the water valve right there. They're well back from the actual street pavement.

PETER WIDENER: I was concerned about it. Maybe it doesn't address the 33 spaces you are asking for.

DAN MELVILLE: It is not our concern.

BEVERLY GRIEBEL: You still got road right-of-way and all of that before you get to the pavement.

PETER WIDENER: Thank you.

JEFFERY PERKINS: On the southerly border, it shows, I believe, a fence; is that correct?

MR. ED MARTIN: Actually, it is a silt fence. It is a temporary measure for erosion.

JEFFERY PERKINS: Sorry.

So there is no permanent fence. Okay. You can plow snow?

MR. ED MARTIN: Correct.

BEVERLY GRIEBEL: There won't be driving around the back of the building? There is no driveway going around?

MR. ED MARTIN: No, ma'am.

GERRY HENDRICKSON: It will clean up the front there. Quite nice.

BEVERLY GRIEBEL: It will be a nice improvement.

GERRY HENDRICKSON: Disclosure. I see it is not signed.

BEVERLY GRIEBEL: Yes. Does the applicant work for a government agency?

MR. ED MARTIN: They do not.

GERRY HENDRICKSON: Your street number, house number?

MR. ED MARTIN: I believe it is 4369.

BEVERLY GRIEBEL: Will that be somewhere on the building?

MR. ED MARTIN: Um, I'm sure it will be. As I said, the architectural plans are being revised. We would be happy to show that on an elevation rendering.

BEVERLY GRIEBEL: Street number on building, or sign or somewhere.

RICHARD PERRY: Actually on a corner like that, shouldn't it be on both sides?

BEVERLY GRIEBEL: Planning Board can look into that.

DAN MELVILLE: What does the code say?

BEVERLY GRIEBEL: I don't know.

GERRY HENDRICKSON: Corner lot.

DANIEL KRESS: The Board simply wanted to establish a standard condition for sign approvals that the street number be displayed per the requirements of Chapter 37 of Town Code. I think that would be sufficient.

DAN MELVILLE: What he said.

BEVERLY GRIEBEL: Chapter 37?

DAN MELVILLE: Town Code.

DANIEL KRESS: It is quite detailed about what is required.

BEVERLY GRIEBEL: Okay. Somebody else can look that up. Sounds good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application 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 Jeff Perkins seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with a condition, and Peter Widener seconded the motion. All Board members were in favor of the motion.

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

1. Street number per Chapter 37 of the Town Code.

The following finding of fact was cited:

1. Front parking will be similar to the present business on the corner.
8. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for variance to allow front parking for 45 spaces per plan submitted at property located at 7 College Greene Drive in PUD zone.

Ed Martin was present to represent the application.

BEVERLY GRIEBEL: The government agency – does the applicant work for a government agency?

MR. ED MARTIN: They do not.

BEVERLY GRIEBEL: Went to the Monroe County Department of Planning and came back as a local matter. Also went to the Chili Planning Board. It was sent here then for the approval for the front parking variance.

MR. ED MARTIN: Good evening.

PETER WIDENER: The application was not signed.

BEVERLY GRIEBEL: Let's see.

PETER WIDENER: The others were signed. This one is not signed.

MR. ED MARTIN: I believe the applicant stopped by the Building Department and signed the original.

PETER WIDENER: Who has the original?

BEVERLY GRIEBEL: Mr. Kress, I guess, has the original. I assume yours is signed?

DANIEL KRESS: Yes, ma'am. We apparently had pointed that out to the applicant, but we were ultimately provided with a signed copy.

BEVERLY GRIEBEL: Good.

MR. ED MARTIN: Good evening. I'm still Ed Martin.

This proposal, as you mentioned, did go before the Planning Board last week. We did receive preliminary approval, and the Planning Board waived final approval requirements.

The proposal is to add approximately a third of an acre of asphalt parking lot to increase the number of parking space, both south and east of the existing building. You may recall this as being the Chesboro Center. It was a medical building used by the St. Mary's Hospital until it closed. The reason we are asking for additional parking is for internal changes to the building to allow classroom use, evening students, adult learners, coming straight from work that need more parking. It is a unique parcel in that it has actually three frontages. You mentioned at the beginning three signs. We are required to post on all frontages.

To the north of our building is a storm water pond that is part of a complex system designed as part of that Planned Community Development in 1990. To the west is existing parking. South, existing and some vacant land, and east is vacant land so we really have only that area to increase parking.

What we have done to buffer the neighbors on Pleasant Street is to propose a berm along the east side with plantings, 20 Serbian Spruce also be planted there to provide the buffer.

One change that occurred as a result of the Planning Board approval is the addition of an emergency vehicle access near the south end of this addition. If you would like, I can point it out on my plan over here.

The shaded area here (indicating) is new pavement to go in. There is a wide path leading down here (indicating), at the southeast corner to Pleasant Street. That access will be gated with a sign stating for emergency vehicles only. It will not be used on a regular basis, whatsoever.

We have put the berm and the plantings as close to that as possible to prevent any headlight spillage through to neighbors. Like everything else Roberts does, they want to be a good neighbor. There was a concern raised about people leaving at night and talking and conversing. They will make an announcement at the classes requesting students to leave. You have Jitters and Tim Horton's down the road to grab a cup of coffee to go talk at.

BEVERLY GRIEBEL: So the emergency lane is going to be kind of down opposite -- there

is a walkway through there?

MR. ED MARTIN: Yes. I can show you on the plan.

BEVERLY GRIEBEL: There is a walkway at the top here (indicating). That will be down here (indicating)?

MR. ED MARTIN: It will actually take up the bottom two spaces there (indicating).

So the numbers changed slightly. Originally we proposed 101 total spaces. We are down to 99 now.

BEVERLY GRIEBEL: That should still give you enough for your evening students.

MR. ED MARTIN: Yes, ma'am.

BEVERLY GRIEBEL: That is kind of a nice concept that you will be able to use this, rather than the big college campus and everything. This will be a nice little building for them.

MR. ED MARTIN: There were comments about why not use the main campus. There was administrative decisions about adult learners having their own identity. They don't have a dorm room on campus. It is a perfect use. With St. Mary's going out of business a few years ago, the College found a good use for the building.

BEVERLY GRIEBEL: The building was sitting there not being used.

MR. ED MARTIN: Since they closed, they used it for administrative offices, but...

BEVERLY GRIEBEL: It looks like a good use of it.

Now you will lose the two trees that are in the parking lot? Which direction?

MR. ED MARTIN: The existing parking lot?

BEVERLY GRIEBEL: The west end of the new parking lot, there are two big trees there –

MR. ED MARTIN: Yes. I believe they're silver maples.

BEVERLY GRIEBEL: Big fir trees of some kind. So those will go?

MR. ED MARTIN: They are going. We'll have to do some grading there. There is a drop-off that is too steep for safe vehicle travel or parking.

The perimeter landscaping will be 20 Serbian Spruces. We do propose a couple flowering crab apples at the islands created near the southeast corner of the building.

DAN MELVILLE: That emergency road that you're putting in is going to be gated?

MR. ED MARTIN: Yes.

DAN MELVILLE: Can that be an emergency road if it is gated?

MR. ED MARTIN: Simply put, there is a padlock on it. They can push through it with an emergency vehicle or most emergency vehicles are fitted with bolt cutters. The actual configuration using the padlock was a request by Mr. Carr, because it is a fairly standard use.

BEVERLY GRIEBEL: There is one on the Attridge Road property from Union Street that had a gate there with a padlock that could be broken through by the fire truck or whatever.

MR. ED MARTIN: Right across from Meadow Brook.

GERRY HENDRICKSON: A lot of times they give the key to the Fire Department to use. I offered that as a lock box or a key. He said that would fine. We'll provide a key, or just replace the lock in the event of an emergency.

BEVERLY GRIEBEL: Bolt cutters, break it away.

PETER WIDENER: The spruce trees you put there, what is the maturity?

MR. ED MARTIN: 6 feet when they're planted, and, boy, I see things in black and white as an engineer, so I don't know my landscaping too well. But Mr. Smith from the College said they can get to heights of 40 to 50 feet and --

PETER WIDENER: Over the time. But to begin with, we are starting off with a 6 foot tree.

MR. ED MARTIN: 6 foot minimum. And the berm ranges from 1 foot to the -- south of the addition to 3 to 4 feet near the north end.

PETER WIDENER: Thank you.

DANIEL KRESS: Just by way of general background, Mr. Martin contacted me sometime to find out if, in fact, a variance was required, if perhaps front yard parking is part of what would have been approved by the PUD zoning process. Obviously, you have already got some parking in -- required front yard parking on the western side of the parcel. Interestingly enough, there is no mention of it in the minutes. There is no variance on record, so I advised him since he was extending the front yard parking in the other direction, best to come to this Board for a variance.

BEVERLY GRIEBEL: Grandfather it all in.

DANIEL KRESS: Clearly it is not inconsistent with what is there.

BEVERLY GRIEBEL: It has been there, and nobody has complained about it.

DANIEL KRESS: That is a fair statement.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MR. ELMER: All we are concerned about --

BEVERLY GRIEBEL: Can we have your name and address?

MR. ELMER: E-l-r-o-y, E-l-m-e-r, and we live at 11 College Greene Drive, which is right next door to the parking lot. We are concerned about the lighting situation. We have one light that shines in our bedroom already. And we don't know where the lighting situation is going to be on this new parking system that they're putting in.

And our biggest concern is, how is it going to affect our selling purpose when it comes time to sell our home? Are people going to be for it or against it, because we -- when it was over -- taken over by St. Mary's, and Park Ridge hospitals, they had Cardinal take care of their lawn and property and they did a beautiful job. But since the College took it over, it has all gone to hell. But, you know, as far as the upkeep goes.

And even the parking lot is not in the greatest of shape that they use now.

And we are just concerned about when it comes time to sell our house, what are people going to think.

BEVERLY GRIEBEL: Well --

MRS. ELMER: Will it be difficult?

BEVERLY GRIEBEL: Are you Mrs. Elmer?

MRS. ELMER: Yes. Will it take away the value of our property?

BEVERLY GRIEBEL: Well, that I can't answer, but the parking that they're going to add is well beyond your property line.

MR. ELMER: Yes. It is over on Pleasant Street.

BEVERLY GRIEBEL: They're not changing what is most adjacent to you.

MR. ELMER: But will they take care of the property? This is what we're concerned about.

DAN MELVILLE: We don't know.

BEVERLY GRIEBEL: Well, I can't answer that. But that would be something, if the property is not taken care of, that is something that you can talk with Mr. Kress in the Building Department about, in the Town. Is that correct, Mr. Kress?

DANIEL KRESS: Well, there are some basic property maintenance requirements and other things that have to be maintained according to the conditions of the original zoning approval, yes. So if that is not being done, and we get a complaint, we follow up on it.

BEVERLY GRIEBEL: Okay. Or maybe a call to the college Maintenance Department.

MR. ELMER: We have done, too.

MRS. ELMER: Well, we know it is going to be done anyway. It is just upsetting, because our back porch is right there, and I enjoy sitting out and looking at the environment right now. It looks like a park, and that gorgeous huge big green tree, and --

MR. ELMER: The maple.

MRS. ELMER: The maple tree. I can -- I have no objection to the parking lot next to us. They are quiet. I wouldn't even know they are there. There is no problem with that. And it is all empty now. There is hardly any cars there all summer, and not as much as a couple years ago. It used to be filled up. But not in the last year or two. And when they put -- last November, when they erected this --

MR. ELMER: Lights.

MRS. ELMER: This light, it's not attractive looking. The base is a huge, big, white base, and then this tall light, and I know they have to have it for the students. They get out of school at 10. And, of course, I had to tell them it was on from 5:00 at night until 7:30 in the morning, but they corrected that to go off at 10:30 at night, which is fine. And -- but it is the appearance of it, and right now, we have a huge evergreen tree in front of it, covering it. But it has a disease, and we had them -- One Step come over, and their expert tree man told us last December, yes, it will die eventually because the branches are turning brown. Well, when that goes, when I look out my porch window, there is going to be not an attractive looking base and light fixture.

BEVERLY GRIEBEL: Now, this is a light that is on a pole?

MRS. ELMER: Yes.

BEVERLY GRIEBEL: You're saying it shines in your bedroom?

MRS. ELMER: Lights up the back bedroom.

BEVERLY GRIEBEL: Mr. Kress, is that something --

DANIEL KRESS: Mr. Martin will have to point out where we are talking on the plan. I cannot tell where we are talking about.

MRS. ELMER: I don't object to it, because I close my eyes and it is dark. But in

the summer -- but when we have to sell our house --

PETER WIDENER: Maybe the College will buy your property.

BEVERLY GRIEBEL: Sometimes they can make a correction or put a shield on a light so it won't shine right into somebody's house nearby.

MRS. ELMER: When that evergreen tree dies, which it will have to be removed, then I will be looking or whoever buys my home, will be looking at that not very attractive white huge base.

MICHAEL MARTIN: They do have proposed new landscaping around that perimeter.

MRS. ELMER: Pardon?

MICHAEL MARTIN: There is proposed new landscaping around that light perimeter on this drawing.

BEVERLY GRIEBEL: Have you asked at the Planning Board about this issue with the light?

MRS. ELMER: No. I just -- we -- we accept it. But it is -- I'm not going to like it if that evergreen tree dies.

BEVERLY GRIEBEL: I understand, but there might be something that the College can do with that light to put some kind of shield on it. Have you asked the College about it?

MRS. ELMER: No.

BEVERLY GRIEBEL: Or talked with Mr. Kress in the Building Department?

KEITH O'TOOLE: Perhaps Mr. Martin can enlighten us.

MRS. ELMER: I did mention the light lighting up. That is not the only one. We have a big spotlight on the building that is there all night to morning that hits you. It is our side window, the south window, and the two -- I can walk in my house and I can see all my furniture. It is real, you know -- as it is, but you can't do anything about that. Also, we have the stadium lights, but that is all right. That goes off at 11.

BEVERLY GRIEBEL: Now, do you have any advise what they should do, who they should contact?

MR. ED MARTIN: If it is okay with you, Jim Cuthbert, one of the Vice Presidents over there, made an offer to all of the people that showed up at the Planning Board to contact him. I will get his direct number. Actually, I will invite him to contact you, as well.

Shielding is kind of a slippery slope. If you shield it too much -- because lighting is for safety purposes. If it is a diseased tree, they can be replaced. The problem is, I imagine the tree is probably 16 or 18 feet tall there.

MRS. ELMER: It would be great if it stays there.

MR. ED MARTIN: The one next to the light.

MRS. ELMER: Yes. The evergreen tree.

MR. ED MARTIN: The one that One Step says is diseased.

MRS. ELMER: Yes. One Step did.

MR. ED MARTIN: So, you know, the option -- the options are to leave it alone, and replace it when it does go, or replace it now. Either way, it won't be a tree of nearly the same height.

BEVERLY GRIEBEL: Now, is that your tree, or is that the College's?

MRS. ELMER: I believe that is on our property. It -- it is funny, the way it slopes. A lot of the trees are on their property. But now I maintain underneath. I weed it, because I don't like looking at the weeds.

BEVERLY GRIEBEL: I guess the issue with the light, this gentleman will give you a person that you can contact to see what they can do about that light that shines into your house.

MRS. ELMER: What about the appearance of it when the tree goes?

BEVERLY GRIEBEL: Well, that is something I guess -- I guess there is not that much control over it.

MRS. ELMER: What about all of the other lights that will be just like that light? Will I be able to see it from my backyard?

BEVERLY GRIEBEL: Well, you would have to talk to this gentleman from the College. This man is going to give you the name -- you will give their name to this man so he will call them?

MR. ED MARTIN: Yes, ma'am.

BEVERLY GRIEBEL: They will call you from the College, and then you can talk to them. Maybe they can come out and talk to you.

MRS. ELMER: He would come up and take us out there and show us where the lights will be? Because I don't know. I don't know if I will be able to sell my property in the future.

MR. ED MARTIN: I can tell you if you look at the Facilities Department that went up

recently, the intention is to put up fixtures similar to that with a shoe box fixture, turned in towards the site. If you look -- they're called isometrics. They show lighting contours. For that type of light fixture, it shows no light going behind it. You can still see it, because it lights up the area around it, much like you can see a stadium way off in the distance, away from the city, the way it kind of lights the ambient area. But I would be happy to put Mr. Cuthbert in touch with you.

BEVERLY GRIEBEL: He will be calling you, and he will come out and you can explain your questions to him.

MRS. ELMER: Thank you.

The Public Hearing was closed for this application 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 Jeff 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 motion.

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

1. Front parking needed for new evening program at the college.
2. No objection concerning the parking from adjacent neighbors.
9. Application of Douglas Tobey, owner; 90 Battle Green Drive, Rochester, New York 14624 for variance to allow total square footage of utility shed, including a new 10' x 18' shed to be 360 sq. ft. (180 sq. ft. allowed) at property located at 90 Battle Green Drive in R-1-15 zone.

DECISION: Unanimously tabled by a vote of 7 yes to table until July 26, 2005 at 7:00 p.m. for the following reason/finding of fact having been cited:

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

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

Applicant must be present for the Public Hearing.

The meeting ended at 8:20 p.m.