

CHILI ZONING BOARD OF APPEALS
July 23, 2013

A meeting of the Chili Zoning Board was held on July 23, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Adam Cummings, Robert Mulcahy, Michael Nyhan, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Michael Jones, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

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

PAUL BLOSER: I will start by going over signs. The only one I did not see was on Scottsville Road.

JAMES WIESNER: It was on the back of his A-frame outside.

FRED TROTT: Yes, on the Chili side.

PAUL BLOSER: The Chili side. Okay. I came from the north twice and didn't see it.

JAMES WIESNER: It was from the south.

PAUL BLOSER: Okay. If there are no other problems with signs, we'll move forward with the agenda.

1. Application of Sonbyrne Sales, Inc., owner; 171 State Road 5, Weedsport, New York 13166 for variance to allow a 36' by 1 1/2' foot sign on west side of canopy over pumps totalling 54 square feet, variance to allow sign area around bottom perimeter of canopy over fuel pumps totaling 45 square foot at property located at 3771 Chili Avenue in GB zone.

Mike McCarthy was present to represent the application.

MR. MC CARTHY: Evening. My name is Mike McCarthy, representing Sonbyrne Sales, Byrne Dairy, 9868 Town Line Road, Weedsport, New York.

As part of a new branding campaign that Sonbyrne Sales Byrne Dairy rolled out to its gas stores over the course of the past year, and looking to update the look of the fuel canopies at our stores, the initiative seeks to better blend the look of the fuel canopies with our store and the surrounding area. It's accomplished by matching the base color of the canopy to the actual roof line so it blends in with the roof and tree lines, or with the green background on the canopy rather than having them -- the glaring white industrial look to the gas canopies which is so prevalent, which we had prior.

This gives a more natural feel to the -- what is an industrial type of application. The complimentary colors and design blend with the country store atmosphere and hometown feeling.

New design greatly reduces the impression of the canopy as you approach either down Chili Avenue or Union. Again, rather than seeing a large metal canopy, white background, it blends in with the roof line, blends in with the trees as you approach the store.

The graphics, it's a vinyl adhesive that's directly adhered to the existing fascia. There is no change to the actual fascia of the canopy itself. There was -- or was an existing 3 foot by 5 foot illuminated sign on the west side of the canopy that was removed and replaced with this new -- the new graphics package which -- again, I have to apologize. There was -- the graphics are currently up at the store. The --

There was a pause in the meeting for a passing train whistle.

MR. MC CARTHY: The graphics were put up at the store. The company that we had contracted to do the stores were supposed to do the interior of the store, not the exterior canopy at this time. We're doing an upgrade in the inside, as well, above all of the cooler freezer doors, supporting local -- showing local farmers, local family-owned company. That was what was contracted to be done at the store.

The -- the sign company did the canopy instead of the interior at the time when they were supposed to be doing it.

The -- the signage as it is now, the -- there is a Byrne Dairy logo with -- which is flanked on either side by "Since 1933," which represents the founding of Byrne Dairy. Again, it's a family-owned company. It's the third generation now.

And along the -- the base of the canopy in the light brown area, um, it's -- it's "Byrne Dairy

Since 1933" again. That continues around the base of the canopy.

The signage is consistent with other gas stations, stores in the Town and in the Rochester market in general.

We have done 25 of these rebrandings. The store here has the -- only has one logo. Out of the 25 we're doing, 19 have either 3 or 4 of the Byrne Dairy logos on each -- each side. We have four that only have two, depending on different zoning constraints as well as the layout of the building. Some of them could have had four. We chose to do three, because they would butt up to building visibility for it.

So again, here we chose -- because of the zoning constraints, we only use one of the Byrne Dairy logos instead of, again, either three or four, which is typical of what we have -- what we have done and -- as well as what you would see around the Town. As you go to the other C Store stations, they have either two or three of their identifiers on the canopy, as well.

The new graphics package increases the -- the appearance of the property, again, makes it blend more naturally with the surroundings.

There is no undesirable change in the character of the neighborhood or any of the surrounding areas produced by the new graphics package. Actually, it reduces the existing -- the sign that was existing on the canopy again was illuminated, the sign facing Union. These aren't. There is no illumination, no electric with this.

Are there any questions?

PAUL BLOSER: Um, a couple things. Why did you chose to put it on the west side of the canopy as opposed to the street side where the actual address is?

MR. MC CARTHY: That was -- as part of the initial site plan review, it was -- they wanted it on that side because it was a corner lot and the building, the sign on the building faces Chili Ave. so they wanted it on -- facing that, the opposite direction. I would have preferred it on the -- the other.

PAUL BLOSER: I don't really have a question. I have more of a comment here. You kind of came in after the fact.

MR. MC CARTHY: Yes.

PAUL BLOSER: You have got enough properties around and you have been in this business for a while and you know the procedures. I understand it was a logistical problem, but the positioning of the whole property, if you were going to be doing any changes, one of my recommendations would have been to raise the height of the perimeter of that canopy to blend off some -- blind off some of the structures on top. Some of the venting, the satellite dishes to just kind of blind those on the north and west side. So even the neighbors to the east, from a visibility standpoint, there is a lot going on in that canopy, because it's recessed down.

MR. MC CARTHY: It does sit down.

PAUL BLOSER: They're very prominent features when you're driving by.

And I -- I would like to have you take that back to the office and discuss that for any future renovations on this property.

MR. MC CARTHY: Okay.

PAUL BLOSER: The other thing I want to bring up is you're back asking for more signage. From day one, we have kind of had a problem with Byrne Dairy with -- with excessive use of signs and banners and A frames and signs in the front. Even going down there today and getting gas, morning coffee, it -- you were -- had advertising signs all over. Those are technically more signs and not allowed in the Town. I get people come to me on several occasions, "We want to do this. We want to do this."

"Well, it is not allowed in Town."

"Well, Byrne Dairy does it all of the time."

There comes a point where I go to Code Enforcement and say, "We got to clamp down on this a little bit."

It's -- you know, we're pretty strict here in Town. Even as much as last month or the month before, Wegmans was looking for banner signs in the parking lot, and I think it is the first time we have ever turned Wegmans down for everything anything. They're just not -- we don't allow them in Town.

MR. MC CARTHY: Right.

PAUL BLOSER: We hold firm on that.

So keep them in your windows and inside, you know. You know, the property is taken care of. We just -- we don't like --

MR. MC CARTHY: Yes.

PAUL BLOSER: -- all of that stuff all over.

MR. MC CARTHY: Right.

PAUL BLOSER: You know, your gas prices are on the pumps. That's the extent of what we would like to see. With the other banners and promotionals, it -- save them for inside.

MR. MC CARTHY: Okay.

PAUL BLOSER: I know you have got the little display on the -- on the gas pump --

MR. MC CARTHY: Scrolling.

PAUL BLOSER: -- while people are pumping their gas, let them read it from there, utilize that feature. That is not seen from the sidewalks and road. Just comments going forward from my standpoint.

JAMES WIESNER: I'm just trying to understand better, and maybe Ed (Shero) is the better one to answer that. What is truly in this variance? Is it just for the gray area along the bottom plus the "Byrne Dairy" words?

ED SHERO: All of the lighting.
MR. MC CARTHY: They --
ED SHERO: Right now, it is all of the way around.
JAMES WIESNER: Everything, the whole perimeter.
PAUL BLOSER: The ribbon around the base, that you see. On the second photo, I think.
ADAM CUMMINGS: The two "Since 1933"s, and the big "Byrne Dairy" in the middle on the west side.
MR. MC CARTHY: Which they wanted --
ED SHERO: It might be a little confusing, some of the pictures aren't of the store. The last picture -- I don't know where the other dairy is located, but these are not.
MR. MC CARTHY: This is of it.
ED SHERO: This is off of Chili Ave.? Maybe you have different pictures. I have a Byrne Dairy here that is not the one in Chili. And you should have the same packet as I do. I mean, there is a Sunoco in the background in one of them. Two -- there is a two-story --
ADAM CUMMINGS: That was last month's packet. We were going over the one he just handed out. Yes, I agree.
ED SHERO: There is a large blue building. These are not of the building.
PAUL BLOSER: That's showing the rendition what they're standardizing in colors.
ED SHERO: But I think just to clarify what Jim (Wiesner)'s question was, the last one is the most accurate. It is of it. You can see the little banner, the gray banner and about 6 inches in width.
MR. MC CARTHY: The printing is 2.8 inches tall.
ED SHERO: You have it all of the way around facing Union Street.
MR. MC CARTHY: Right.
Then the square footage for the -- for the Byrne Dairy logo is an encompassing rectangle, including going all of the way to the edges, to the edge of both "Since 1933"s, which is where it goes to the 55 square feet. The actual Byrne Dairy -- the actual Byrne Dairy logo is 27 square feet and the "Since 1933"s are 3.3 apiece. But if you do an encompassing rectangle, which expands that out and treat it as one full sign, then it goes to the 55 square feet.
JAMES WIESNER: How many different colors are there actually up there? Like four? Four different colors from what I see?
MR. MC CARTHY: There would be four. Yes.
JAMES WIESNER: And there is no limit -- is there a limitation on the number of colors?
ED SHERO: There is.
JAMES WIESNER: I thought it was three.
MR. MC CARTHY: I think it is four.
JAMES WIESNER: While he is looking it up, that is all of the questions I have got.
ADAM CUMMINGS: I guess more of a Board question. Are we looking at this for two variances or -- it is kind of worded as both, with the perimeter banner as one sign and the big one as another.
PAUL BLOSER: We're looking so it would be one variance for combined square footage because it's a completed project.
ADAM CUMMINGS: A combined square of 99 square feet?
PAUL BLOSER: Yes.
ADAM CUMMINGS: Okay.
PAUL BLOSER: At least that is how I'm treating it.
ADAM CUMMINGS: That's how I'm reading it.
ED SHERO: Are you allowed four colors?
PAUL BLOSER: It was supposed to and got done by mistake.
ROBERT MULCAHY: Whose mistake?
I think I would have seen it going up, if I was the manager of that store. Here we go again, asking for forgiveness.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Adam Cummings seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

MICHAEL NYHAN: They were granted a variance for the signage out by the road that is double-faced, correct, when they built it in 2004?
PAUL BLOSER: Yes.
MICHAEL NYHAN: So they just need a fourth sign on that property, correct?
PAUL BLOSER: Yes.
MICHAEL NYHAN: This one is oversized, as well?
PAUL BLOSER: Well, yes. It just adds to the square footage overall for the property, so yes.
MICHAEL NYHAN: Okay.
ROBERT MULCAHY: Is the signage on the pumps, does that mean anything? We had a discussion that they're not supposed to be there.

MR. MC CARTHY: That I can have removed. I will have --

PAUL BLOSER: I will propose that as I start making citations.

MR. MC CARTHY: That I will have removed tomorrow, within -- within this week.

PAUL BLOSER: Also have a tree down. Looks like someone ran it over.

MR. MC CARTHY: I just took a picture and sent that to Maintenance as I was on my way in here.

PAUL BLOSER: Some things you can't fix. No matter how good the property is.

MR. MC CARTHY: Yes, no matter how big the driveway is, the grass is always greener.

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

PAUL BLOSER: Under conditions of approval, I will put sign permits must be obtained as required from Chili Building Office. Building Department, excuse me.

Number 2, no additional signage to be allowed on the property. We're maxed out.

MR. MC CARTHY: Understood.

Robert Mulcahy made a motion to approve the application with the following conditions, and Adam Cummings seconded the motion. The vote on the motion was 5 no to 1 yes (Fred Trott).

DECISION: Denied by a vote of 5 no to 1 yes (Fred Trott) with the following findings of fact having been cited:

1. The requested variance is significant in nature with respect to allowed square footage of signage. Between what is allowed and what has already been added on previous variance, the additional requested is considered excessive and redundant in consideration of neighboring businesses and properties. In addition, renovations were completed

Without proper application for permits or review. Applicant was also reminded of the consistent display of advertising signage around the property attached to poles, gas pumps, etc., and, outdoor display of stored sale items on front porch areas of which none of the stated are allowed by code.

Note: All illegal signs to be removed immediately.

2. Application of Mr. and Mrs. Ronald Glor, owner; 20 Chili Riga Town Line Road, Churchville, New York 14428 for variance to erect a 24' by 36' attached garage to be 9' from side lot line (50' required) at property located at 20 Chili-Riga Townline Road in AC zone.

Ronald and Deborah Glor were present to represent the application.

MR. GLOR: My name is Ron Glor and my wife Deborah is here with me tonight. Our address is 20 Chili Riga Town Line Road, Churchville New York 14428.

I have one more thing for the package here. One of our neighbors went out of town and gave us this.

PAUL BLOSER: For the record, I will briefly read this.

Do you have an address for this neighbor?

22 Chili Riga Townline Road. The neighbors wrote a letter to support the project. They have no concerns with the construction of this, so for the record, it's there.

MICHAEL NYHAN: That would be the neighbor to the south, 22?

MR. GLOR: Correct.

MICHAEL NYHAN: Okay.

MR. GLOR: What our plans are, is to remove the existing one-car garage that is on there and turn it into a two-car garage so it would be 24 feet wide and 36 feet deep. That's going to bring us 9 feet from the property line. Our property is -- is narrow. It's 100 feet wide to start with, and it's 500 and -- 535 feet deep.

If you look at -- well, he has got a picture up on the board here that kind of shows in red the outline of what we're trying to plan. And if you look on the -- on the following page after that one in your packet there, it shows the -- a picture of the front of our house with the one-car garage, and we saw a house over here on I believe it is Beaver Road that is a similar house, and it has -- that's the plans that we have for the two-car, how it would look on the front.

Then the bottom picture shows the back of the one car, and you can see it -- it just doesn't blend in with the house, you know, like the new one would.

PAUL BLOSER: So you would be going into the concrete patio in the back?

MR. GLOR: We would -- we would slice the concrete patio straight back, yes.

PAUL BLOSER: Is the little room to -- as I'm looking at your house now, is that a little breezeway or den?

MR. GLOR: Yes. That's a breezeway. We would like to keep that. That is very nice for coming in and taking off your boots, clothes. It's also -- there is like a little porch area over the top in the front there, and that would stay. We would bring the new garage out even with the front of the house, so it would blend it in across the front there.

PAUL BLOSER: Thank you.

Are you doing a design similar then to what this other one is?

MR. GLOR: Correct. Similar to the picture in the middle.

PAUL BLOSER: The roof line and everything?

MR. GLOR: The two-car garage -- or the two doors in the front. We just like the looks of that. I think it adds a --

PAUL BLOSER: Single-story, or are you putting a second floor on it?

MR. GLOR: No. Basically. There might be some storage up there, but it won't be -- whatever the peak would come to with the roof dimensions.

PAUL BLOSER: So the garage that you had approved for the rear of the property, you're not moving forward with that then?

MR. GLOR: No. That was done by Ken Biggins, the person that we bought the property from. He was looking to, I think, put like a two-story pole barn type building behind the existing house. But we just feel that this attached garage would look much better on the house than a two-story building behind the house.

PAUL BLOSER: Okay. Is the shed still back there?

MR. GLOR: There is a shed on the side, yes.

PAUL BLOSER: Okay. That -- do you have intention of keeping that there?

MR. GLOR: I was. Is there --

PAUL BLOSER: Because on the previous -- that was going to be removed.

MR. GLOR: Oh, okay. I didn't know anything about that. We keep our garden tools in there, whatever. That is on the -- let's see. That would be the page 6 there. Page 6 shows the shed is still there. Of course, the in-ground pool is behind that.

PAUL BLOSER: I have right now a question for Counsel on this one.

Because this -- in 2008 was approved for a two-story detached building in the rear of the property, and now they want to put one attached to the house, new owner, um, we still have a variance for this one in the back.

Is there anything we can do to negate that at this point, because they do follow the land?

MICHAEL JONES: They do. I would recommend that the Board consider it if they plan to approve it imposing a condition with the applicant's consent and agreement that the previous variance of -- it looks like September 2008 be abolished and replaced with any new variance if the Board is so inclined to go in that direction.

PAUL BLOSER: So doing this in lieu of previous?

MR. JONES: Correct. I would just ask that if the applicant would be agreeable to that, that he would say so for the record.

MR. GLOR: Yes. We would agree with that. We like the looks of this other garage attached to the house much better than a separate building behind the house. And the looks on the back of the garage, to me the garage that is there, that one car just doesn't look right attached to the -- you know, the way it is. The roof line is not the same. The whole thing is really not what we want.

PAUL BLOSER: Okay. One of the notes we had before also was to have an updated map to show where your leech field was located for proper setbacks.

MR. GLOR: Okay.

PAUL BLOSER: I will make a note that will carry so we know exactly where that is, prior to the issuance of any building permit.

MR. GLOR: Okay.

PAUL BLOSER: There is a required setback for those.

MR. GLOR: Uh-huh. I don't -- from what I have been told, I'm not exactly sure where it is there, but we wouldn't be anywhere's near the septic.

PAUL BLOSER: You can just get them through the County. We have them on record. Call and they usually just photocopy and mail one out to you. But for our records here, we would like to have that on file with the building permit for inspection, but that will be part of the conditions that we'll put on this, okay?

MR. GLOR: Okay.

PAUL BLOSER: Just a comment real quick. The other thing we do with these, is a standard siding, roofing, windows, doors, trim, everything will match the house.

MR. GLOR: Right. Correct.

PAUL BLOSER: We don't want different style roofing. We want it to look like it has always been there when it is done.

MR. GLOR: We figured where the breezeway is, that would all be reroofed when they blended it, the side roofing.

PAUL BLOSER: Right. But just -- just so you know, that that is a standard whenever we do something like this.

MR. GLOR: Okay.

MICHAEL NYHAN: Excuse me. One question. What is the width of your breezeway porch area from the house to the garage?

MR. GLOR: Side to side or front to back?

MICHAEL NYHAN: Side to side.

MR. GLOR: I have that written down here. Um, I think it says 113 on this, the one that is behind you. No, I'm sorry. I guess it would be that 211 minus the 113. About 10 foot approximately.

MICHAEL NYHAN: Okay. Thank you.

FRED TROTT: The -- it looks like on the plans that the driveway is to be a little bit wider than the garage.

MR. GLOR: The driveway is probably eventually going to have to be redone, and I would -- I would say we would match it to the -- to the garage.

FRED TROTT: Okay.

MR. GLOR: There is actually a tree in the front there that is kind of breaking up the driveway a bit and that might end up having to come down. But I'm not sure on that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ELAINE ZUKAITIS, 14 Chili Riga Town Line Road

MS. ZUKAITIS: Elaine Zukaitis, 14 Chili Riga Town Line Road, Churchville, New York 14428. I'm Mr. Glor's neighbor on the north side which is lower on the hill than he is, and I know when Mr. Biggins wanted to build his barn, there was an issue of the drainage.

I just want to make sure that that is also taken care of. With the garage and the driveway, it's going to be wider. There is going to be more drainage. We paid a lot of money to put a swale in and when we had that bad storm, everything was flooded. I just want to make sure there -- the issues with the drainage are taken care of with the building permit.

PAUL BLOSER: Okay.

MS. ZUKAITIS: Otherwise he can have his garage.

PAUL BLOSER: I have a question. Did you have by any chance any photos of any flooding there when that happened?

MS. ZUKAITIS: No, I didn't.

PAUL BLOSER: When you get a heavy rain, it would be a good idea to have that, because then if you are having an engineer look at it, it gives a good visual.

MS. ZUKAITIS: We did when Mr. Biggins requested his barn, and there were some stipulations on what he could do with the dry well because of the issue, because we're -- we're north and we're lower than everyone else on the hill. And the French drain for that property runs into our property. So my south side of my lawn is always wet because the sump pump -- although yours didn't run as much as mine does, but the sump pumps are always running because we're going down into that little creek. So there is the issue of drainage.

PAUL BLOSER: On the previous variance, there were two notes in here under conditions. And that -- to meet with the Town Highway Department, Town Engineer to review adequate drainage for proposed layout and approval and then consult the Conservation Board for plantings to promote water absorption and all-season buffer to the north property line.

MS. ZUKAITIS: That's fine.

PAUL BLOSER: Those will carry. I will make sure those things carry over so that that is addressed.

MS. ZUKAITIS: Great. Then I have no problem.

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

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

ADAM CUMMINGS: It's a smaller square footage.

JAMES WIESNER: I was just looking at it.

ADAM CUMMINGS: It was 1,015 square feet. I lost my calculation sheet. 864 now.

PAUL BLOSER: It is less. I like the idea, the photograph concept. It will make that a much nicer looking property. I would rather see that than a barn out back.

So under conditions of approval, permits as required must be obtained.

I will put down the owner consents to previous variance for two-story in rear in lieu of this proposed two-car attached garage.

Correct?

MR. GLOR: Sounds good to me.

PAUL BLOSER: The owner to meet with Highway Superintendent/Town Engineer to review adequate drainage for the proposed layout in relation to neighbors to the north.

Number 4, consult with Conservation Board for the plantings to promote water absorption and all-season buffer to the north property line.

5, construction materials (roofing, siding, doors, windows, trim and gutters) to match existing house in type and colors.

Anything else the Board would like to see for conditions on this?

MICHAEL JONES: Mr. Chair, did you include the condition that the previous variance --

PAUL BLOSER: Yes.

MICHAEL JONES: I didn't hear it. I'm sorry.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on

evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

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

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Permits as required must be obtained from the Chili Building Department.
2. Applicant agrees and consents to abolish the variance that was granted on September 23, 2008.
3. Owner to meet with the Town Engineer to review adequate drainage for proposed layout and approval to minimize drainage impacts to the neighbor to the north.
4. Consult with the Conservation Board for plantings to promote water absorption and all season buffer to north property line.
5. Construction materials (roofing, siding, doors, windows, trim, gutters) to match the existing house in type and colors.
6. Applicant to submit updated site plan showing the location of the septic fields to the Town Plumbing Inspector prior to permit issuance.

The following finding of fact was cited:

1. The proposed variance is not significant in nature and will have no negative impact on neighboring properties. In addition, the property owner agreed to have the previous request by the previous owner for a two-story detached barn eliminated from approvals to property in lieu of this one-story attached garage. Further, it was agreed to allow existing shed in rear of property to stay as it was previously planned for removal if two-story barn was completed. The combined square footage of the new proposed garage and the shed combined is still less than that of the two-story barn alone.
3. Application of Lorrie Divers, owner; 37 Jensen Drive, Rochester, New York 14624 for variance to erect an 18' by 8' deck 51' from front lot line (60' required) at property located at 37 Jensen Drive in R-1-12 zone.

Lorrie Divers was present to represent the application.

MS. DIVERS: I'm Lorrie Divers. I'm the property owner of 37 Jensen Drive.
PAUL BLOSER: This is the corner house, right?
MS. DIVERS: That's correct.
PAUL BLOSER: With the broken down concrete steps in the front?
MS. DIVERS: Correct. Which I would like to replace.
PAUL BLOSER: This is fairly typical. A lot of the neighborhoods in Chili, people have done this. As the stairs have deteriorated, they replaced them with a deck.
MS. DIVERS: You understand I have a contractor doing the work for me? I'm not doing it myself.
PAUL BLOSER: Your neighbor to the north has already done that, and the one across the street.
MS. DIVERS: Yes. That is where I got the idea from actually. I --
PAUL BLOSER: I really don't have any questions.
Is it a wood deck?
MS. DIVERS: It will be wood pressure-treated.
PAUL BLOSER: Will you stain it a color?
MS. DIVERS: I will, but I won't be able to stain it until I guess the spring.
PAUL BLOSER: You need to let it sit over the winter.
MS. DIVERS: It will be stained the same color as the back deck.
MICHAEL NYHAN: Is there a railing on the deck?
MS. DIVERS: There will be, yes.
MICHAEL NYHAN: The exit is out to the driveway; is that correct?
MS. DIVERS: Actually, there will be two. There will be one towards the driveway, so on the -- you know, the south end and then there will be one actually facing -- facing Jensen.
MICHAEL NYHAN: Facing the street?
MS. DIVERS: Yes. So to the west.
PAUL BLOSER: How high is that going to be off the ground?

MS. DIVERS: The deck. I'm not positive.
Well, it has to be high enough to match up with the correct step height to my front door.
PAUL BLOSER: Okay.
MICHAEL NYHAN: Is it -- is it 18 feet by 8; is that what this says?
MS. DIVERS: That's correct. It will -- it will actually only come out 8 feet towards the front property line, but it will go down, match up with the corner of the house, which is actually before it gets to the driveway. Because I have a horseshoe-shaped driveway.
MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: Under conditions I'm going to put permits as required will be obtained from the Building Department prior to construction.
MS. DIVERS: I think he plans on being here at 9 o'clock in the morning.
PAUL BLOSER: That is when they open here.
Building drawings of the deck, where the footers are going to be placed and footer holes have to be inspected before they can fill them or you will be digging them out. Okay?
MS. DIVERS: Okay.
MICHAEL NYHAN: There is no roof on this, correct?
MS. DIVERS: On the deck? No. Just an open deck.
MICHAEL NYHAN: Have we been putting conditions to the decks on the front of other homes that there will be no roof constructed on them?
PAUL BLOSER: I will throw that on there, without approvals.
No addition to size or roof covering deck.
MS. DIVERS: I don't want to put an awning up, but I assume that would apply to an awning, as well.
PAUL BLOSER: That is just another one that we put. Some people do it, and it's not attached properly and it falls.
MS. DIVERS: I don't want to.
PAUL BLOSER: But if you sold the house next year, it carries to the new owner and they could do it without, so this -- this clearly says in the property log that they can't.

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

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

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Permits as required must be obtained from the Town Building Department prior to construction.
2. No addition to size of deck or installation of roof covering is allowed.

The following finding of fact was cited:

1. The proposed variance is not significant in nature and will have no negative impact on neighboring properties. This proposed project is similar in nature to neighboring properties who had front steps deteriorating from age and were replaced by a wood deck.
4. Application of Mr. and Mrs. William Fisher, owner; 12 Chiswick Circle, Rochester, New York 14624 for variance to erect an 18 1/2' by 14 1/2' addition to house to be 35' from rear lot line (40' req.) at property located at 12 Chiswick Circle.

William and Cynthia Fisher were present to represent the application.

MR. FISHER: Good evening. My name is William Fisher. I reside at 12 Chiswick Circle with my wife Cynthia. We're long-term residents of Chili and lived here 43 years at Chiswick Circle. As we age, we have mobility issues which makes it difficult for us to use our basement laundry, which -- which brought forth the plan to move the laundry up to the first floor. By putting an addition on, we're basically taking the space for the old bedroom and turning it into closet space and a first floor laundry room. And then the bedroom would go in the new area and

we would also make the bedroom handicapped accessible and expand the bathrooms for the same thing, to make it handicapped accessible.

The problem is that we are 40 feet -- or 50 feet from the property line, rear property line now. The addition is 15 feet deep which puts us 35 feet from the property line, and -- with the addition. So we are requesting a variance for 5 feet, to 35 feet to the property line.

The map, the tape map shows the location of the proposed addition. It will be integrated into the existing house. We are -- we'll redo the roof at the same time so the roof lines match, and we have -- we'll obtain -- we have retained an architect to develop plans for the addition, which are shown in the package.

PAUL BLOSER: This is a very clear package what you're doing. I really don't have any questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: I will put some conditions of approval. The first is -- you can sit down if you would like.

Permits as required -- as required to be obtained from the Building Department.

Materials to match main structure, existing structure in type and color.

I don't have any other conditions.

It is not that often we get a package this thorough from a homeowner. We appreciate it. It makes it very easy.

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

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

DECISION: Unanimously approved by a vote of six 6 with the following conditions:

1. Permits as required must be obtained from the Town Building Department.
2. Materials (roofing, siding, trim, windows, doors) must match the existing structure in type and color.

The following findings of fact were cited:

1. This project for an addition off the back of the house is well documented in drawings and makes a valuable contribution to the character of the house and neighboring properties.
2. The handicap accessibilities will make the property a desirable feature in years to come if and when the property may change owners.
3. This project will have no negative physical or environmental impact on neighboring properties.
5. Application of Wegmans Food Markets, owner; PO Box 30844, Rochester, New York 14603 for variance to erect an 8' high chain link fence per plan submitted (6' allowed) at property located at 249 Fisher Road in LI zone.

Art Pires was present to represent the application.

MR. PIRES: Good evening, Mr. Chairman, members of the Board. Art Pires with Wegmans Food Markets.

If I might take a moment to put an exhibit. I will also -- and reduced copies of same which I will have up on the board.

What I have handed you there is a -- just a couple of the exhibits I will be referring to in the presentation.

Once again, Wegmans, we're here requesting a variance for an 8 foot high fence. That would be replacing sections of a 6 foot high fence which I will refer to in a minute -- in a minute pointing to the plan. I will walk through the site plan in a moment.

But the application is for a replacement of a section of 6 foot high fence which runs along

our existing or preexisting Wegmans private road, which at some point will be the Jet View Drive Extension roadway and is currently in the location of Town lands through donation from Wegmans.

There will also be an additional 8 foot high fence which is an extension of the existing high fence we're asking for a 6 foot replacement. Once again, north and south along the now Jet View Drive Extension driveway, which I will refer to when I walk you through the site plan in a second.

The exhibits I have shown the Board is first of all, an extract from a summary of Board actions from the Town of Chili. In particular, dated October 24th, 1995, where the Zoning Board did, in fact, grant an 8 foot high fence around the property, and there was justification for that, I trust, at the time. I don't have minutes or specific records of that, but just because it is an approved warehouse complex and, therefore, the Board granted that. But that is supposition on my part.

I will go into arguments for the current application in a second.

The second exhibit is the site plan, a reduced site plan. In yellow you will see the path of the existing 8 foot high fence along the westerly property line and then extending into our property.

The third is a site photo, Exhibit B, which is an extract from the overall site plan which you have a reduced copy of same, which it shows the vista standing on the site, um, basically at the end -- east end of one of the parking lots for the warehouses, looking westerly, the point being there you have the berm in the distance and certainly a great separation, a 20 foot high berm landscaped between our complex and the western residence to the west of the property line.

Can I walk over here? Can you hear me all right, or do you need that for the recording?

So here again, the orientation north is up; running left and right is the westerly property line. This is Lexington (indicating). This currently (indicating) -- these are currently lands, all of the Town of Chili has donated to -- from Wegmans to the Town to allow for the extension of the existing Jet View Drive which terminates at this point (indicating), with new roadway northwest, northerly, and then tying into the existing roadway (indicating).

Once again, this portion of the roadway is existing. That roadway west of the existing warehouse parking lots is existing pavement. However it is being re-worked as this new Jet View Drive Extension.

There is currently a 6 foot high fence west of the parking lot of Building 360. That's the 6 foot high section which we would like to raise. And then you can see in red on your exhibits which mimics what we have up on the board is the proposed 8 foot high fence, which if you will, runs on the north and east side of the new Jet View Drive Extension, which we anticipate once completion is done, end of September/October, it will be dedicated to the Town of Chili.

As noted on the plan also, you can see this 8 foot high fence would be approximately 190 feet away from the westerly property line number one and that's just on a plane view consideration.

You throw in a 25 foot berm, heavily landscaped, probably 30, 40 foot high evergreens and deciduous trees, there is certainly no impact of this fence on the adjacent properties.

As far as the traveling public, the new fence would be located outside the right-of-way line and outside of the tree line once installed.

So the trees break the view of the fence to some degree. Certainly doesn't hide it, but it breaks the perspective.

Walking through these photographs now, perspective A, first photograph to the left, and if you come up, this area of the site you can see once again standing in the parking lot of Building 350, looking west once again, the point is in the distance, berm, heavily landscaped.

B is looking backwards, so I'm standing at the west side of the existing roadway looking in. The point being, in the distance, and I put a red arrow, that indicates the location of an existing 8 foot high fence, certainly not an impact on anything as far as the eyesight. Seeing that as a 6 foot versus an 8 foot, is not noticeable. I will lead to the point of it is not a substantial change or variance that we are asking for.

C and D are both southerly and then northerly directions again to see along the entire property line that we have the location of the berm, again, heavily landscaped, 30, 40 foot trees.

Sum total we're asking the Board with consideration of the added safety and security for food processing and warehouse facilities, that this is certainly a benefit to Wegmans with absolutely no adverse impact or negative impact on any of the neighbors or community at large.

And with that, weighing all those factors, we ask that the Board grant approval for this application.

As far as being substantial, we -- we respectively submit it is not substantial with consideration of its location, its setback from the westerly property line, which is 190 feet. Once again, with the -- with the introduction of a berm and heavily landscaped plantings. And then last but not least, with the additional trees along the roadway.

Here again, the benefit to the applicant, nothing detrimental to the community, neighbors. It's not self-created in the sense that the roadway was requested by others, and we are just asking for the fence as a continuation of the others, following in suit for the same reasons I believe the 1995 plan was granted, a variance being for protection of property, warehouse, food and product safety.

Thank you. Be glad to address any questions.

PAUL BLOSER: I have got just one question, Art (Pires), in this whole thing where you're moving the existing 6 foot and replacing it there to the -- where the southern end jogs --

MR. PIRES: Yes.

PAUL BLOSER: -- you have got a -- well, a jog there, and then to the north farther where you have the little jog.

MR. PIRES: Right here, yes (indicating).

PAUL BLOSER: Why not straighten that whole thing out from a maintenance perspective in mowing and trimming? It is a continuous line.

MR. PIRES: That's a good point. We can certainly do that. I think quite frankly, it's a matter of we're focused on the whole Jet View Drive. We had the plans. The engineers that designed this placed it there, but we'll certainly bring it back to the engineers who -- we're working with Monroe County DOT for that consideration, but it's their contract, so we'll have to defer to them. I trust they will see the logic you present and there will be no issue.

PAUL BLOSER: Just from a visual standpoint, from both inside the gate and outside the gate, you're following the trees; you're following the fence. It just keeps the lines cleaner.

MR. PIRES: Yes. I --

PAUL BLOSER: As long as you're moving it.

MR. PIRES: I am in total agreement with your observations and I will present that to the County.

PAUL BLOSER: I understand where you're going with this from a security standpoint, and I -- I wholeheartedly agree that I would like my food safe. But that's going to -- with that proposed drive, that -- you know, there will be a lot of traffic up and down there.

MR. PIRES: That's correct.

PAUL BLOSER: It could also invite pedestrian traffic or bicycling, I don't know. But I appreciate your looking at that in advance. I think it's a great move.

MR. PIRES: Thank you.

PAUL BLOSER: So there is no hatch or barbed wire on this, just straight chain link fence; is that correct?

MR. PIRES: Yes.

PAUL BLOSER: Just steel, not vinyl-coated or anything?

MR. PIRES: Correct.

PAUL BLOSER: Will that continue at all with that on the eastern side?

MR. PIRES: Um, it's currently on the eastern -- on the western side? Not on the western. Strictly on the eastern side. Outside of the right-of-way, on Wegmans property. And here again, excluding the pond, which is Wegmans's -- and I will explain this. This is side information, but this is a 60 foot right-of-way to the Town. Approximately this point here (indicating) as it starts the bend, then it -- then the property of the Town is currently here (indicating). So it extends on the east side of the right-of-way, the 60 all of the way to the westerly property line and then as it comes up to the crossing of the RG&E/National Grid properties, then it becomes a 60 foot easement across those properties, and then a 60 foot across Wegmans again and then across New York State DOT land, so a lot of parties. So a lot of background information, but the fence would strictly be on Wegmans property in answer to your question.

PAUL BLOSER: Okay. It's great. I don't have any other questions.

JAMES WIESNER: I'm just curious the trees you shown lining the fence, by looks of your pictures, are trees that are already there?

MR. PIRES: There are a number of trees that are in the west -- off the west end of the existing warehouse parking lot. The Town, when we had the cheese affinage building approved, which is contiguous of the south end of the Building 360, they required 6 trees at this corner (indicating) and then 40 trees along the new roadway, which is under construction.

So this plan reflects -- we didn't differentiate the color, but it shows -- and these might not be here (indicating). I apologize in the presentation, but the point is we'll be -- excuse me, these are all new on the east and west side of the new driveway, roadway (indicating).

MICHAEL NYHAN: The roadway on the Wegmans property inside the fence line, is that a new roadway that is being constructed as a result of the new Town roadway that is being developed?

MR. PIRES: Yes. Here again, looking at Building 300, 350, 360, each have their respective parking lots. Prior to the road construction and the land donation, there were exits between the parking lots out to our private ring road, if you will.

When the County road, County project road was constructed, we thought it would be best, as well as the County, not to have curb cuts from one and two and possibly three locations, so they closed it off.

In order for Wegmans to have their employees to come in the -- now it's a parallel private service road that is substantially complete as well as a 300 -- or excuse me, an additional parking lot west of the 300 Building, so that is what you have seen. So a parallel driveway which is private, parallel to the future Town roadway.

MICHAEL NYHAN: The only way in or out of this back section behind these three buildings, four buildings actually, would be from the northern portion of the property, correct? The road being constructed.

MR. PIRES: These, the only location is up here (indicating). This private drive, correct, and then ultimately up through and to the new Jet View Drive Extension.

MICHAEL NYHAN: There is security on site 24/7; is that correct --

MR. PIRES: Yes, absolutely.

MICHAEL NYHAN: -- to monitor that entrance?

MR. PIRES: Yes. Yes. Absolutely.

MICHAEL NYHAN: I have no further questions.

FRED TROTT: I didn't quite understand why you didn't have at least one cut out to Jet View Drive.

MR. PIRES: Wegmans private cut out there?

FRED TROTT: Yes.

MR. PIRES: Here again, the whole idea was to -- it's a Town road, and we don't see the need to have another point of access to the development. We wanted single access to the development. I mean, there is actually two with the previous Market Street driveway and then Wegmans's northern driveway, so there is two, I guess, off Chili Avenue. But we preferred to have again the security of the development and did prefer not to have two.

And the other thing, too, it would leave it open to the public to travel in if we had a southern access point. Here again, the safety and security of the site.

MICHAEL NYHAN: I have one more thing relative to the fence how it jogs. It comes around the curve from the start where the existing Jet View Drive is on the inside of the property line, coming around the next curb and then it jogs in. You just talked about that where you mentioned straightening it out so it meets up with the other end.

MR. PIRES: Short of there being an underground reason or some other underground utility, yes, we will bring that recommendation back.

MICHAEL NYHAN: What I will say about that, I certainly wouldn't want to make that a condition, but by breaking the fence, that will break that line of sight when you are driving down the road and you see this very long, um, 8 foot high fence. Where if there is a jog, it looks like you're driving down the road, the fence would actually break and then you would go by it. So I actually think that would be a good feature of a fence that long to have it broken like that, jog in and jog back out. I just wanted to mention that.

PAUL BLOSER: There are trees along there. It's -- you are going to have a lot of -- you know, the berm, that's -- a lot of it is going to be out of sight.

MR. PIRES: That's a good point. If you look at Exhibit C, off to the left, once again, we're looking south. So we're at this point (indicating) looking south with the berm on the right. You can see existing tree line on the left, so the fence will be left of that if you're looking at this photograph.

So as you're traveling the road, obviously you will note that there is fencing, but the trees, as Mr. Chair noted, will be the predominant visual as you travel that road, and hopefully people have their eyes on the road anyways.

MICHAEL NYHAN: Okay. Just wanted to mention that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MR. PIRES: Just with that point of clarification, if we could have it subject to hear again the County's engineer, County sign-off, because I can't speak specifically to that, as far as their --

PAUL BLOSER: Art (Pires), I'm not going to put it as a condition of approval.

MR. PIRES: I will let you know the results personally.

PAUL BLOSER: I'm just making the suggestion from my visual and looking at it from a maintenance standpoint.

MR. PIRES: Right.

PAUL BLOSER: And the guys out there trimming with the weed-whackers and mowing, it is less work for them at the end of the day. Not a lot of extra, but when you have a property this big, all those little things add up.

MR. PIRES: Absolutely, and our maintenance people would thank you for that and would be in support of that statement. I will bring that back. I agree with you. I will bring it back and keep you pointed as to the response from the County.

PAUL BLOSER: Those also become collection points, corners like that for debris, for leaves.

MR. PIRES: Right.

PAUL BLOSER: It just -- those are the things that I look at from the back side of it.

MR. PIRES: Very good. Thank you.

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

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

PAUL BLOSER: I think the only condition we have to put on this is an approval for a commercial fence.

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

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

DECISION: Unanimously approved by a vote of 6 yes with the following condition:

1. Permit required for commercial fencing must be obtained from the Town Building Department.

The following findings of fact were cited:

1. The installation of this fence is necessary for security around a food handling/storage facility.
 2. This fence will have no negative physical or environmental impact on this or neighboring properties.
6. Application of Daniel Spychala, owner; 29 Minute Man Trail, Rochester, New York 14624 for variance to erect a 6 foot high stockade fence in front setback area per plan submitted (4' allowed) at property located at 29 Minute Man Trail in R-1-15 zone.

Daniel Spychala was present to represent the application.

MR. SPYCHALA: Good evening. I'm Dan Spychala. I'm the owner and I live at 29 Minute Man Trail.

As you see by the plans here, I'm just looking to erect a fence up along the side. The 6 foot stockade.

The reason for it is -- are you all kind of familiar with the area, the neighborhood? You know Daunton heads down and runs right into Battle Green. We all like to sit in our backyard and like a little privacy. I'm having none. You know, I have the headlights coming down the streets from Daunton.

If you turn left on Battle Green, no big deal. If you make the right, you get the quick flash of headlights going around you. That's why I would like to put the fence up.

It would come straight off the house. I do have a number of trees in my yard. Um, to come straight back, I run into a lot of the roots from the existing trees. I don't want to take any more trees down in the yard. I already have removed a couple.

I would like to come out and back and include the existing trees that I have in my landscaping in my backyard.

Originally I went into the easement for the sanitary sewers. I had Pure Waters come out and they ran where the sewer line was. They marked the sewer line for me and then when they came back and marked where the easement ends -- which after seeing where it ends, it's enough for me to just end it right there. I don't want to go farther into it.

The property that is behind -- the back area of the house, I just want to put a 4 foot chain link up in that area, and that's the -- that's the area that backs up by the sanitary sewer lines.

Right now, that's all kind of overgrown, full of poison ivy, oak, sumac. I got it all; so do my kids. We learned that right away.

My plans are to clear that out and have that put back as lawn, which is I guess what originally was done when the house was built.

The owners afterwards kind of let it go and all that came overgrown.

I guess that's it. Any questions? Concerns?

PAUL BLOSER: I understand where -- because you're on a side street, that is considered a front setback, even though it's a side yard and that is why the 6 foot rule.

The fence, I will say to the south side, um, is behind the house. You don't need anything there.

It is just the side along Battle Green that basically is the issue there for the six-footer.

We have done this in some cases. You're 20 foot -- how far off the road are you?

MR. SPYCHALA: I don't have my paperwork here with me in front you. Just from what I got there, and if I put my glasses on, it's too far away.

ADAM CUMMINGS: 20 foot minimum. And the stockade fence is beyond that. So probably --

MR. SPYCHALA: If you're at the corner of Minute Man and Battle Green, it does not obstruct your view at all, as for -- you know, to view down Battle Green. Cars are coming either way. There is no obstruction there. No obstruction coming up Battle Green towards Daunton or anything like that.

PAUL BLOSER: So the 4 foot fence, though, that is in the sanitary easement?

MR. SPYCHALA: I'm -- if after he marked it, I was originally -- that was my original plan. After Pure Waters came out and marked sanitary sewer and then marked the easement, where I saw where the easement was, is -- I'm not going -- once I saw where it was, I said that's fine; I don't need to take my fence any farther into that area.

PAUL BLOSER: You're good with keeping it outside of the easement?

MR. SPYCHALA: Outside of the easement.

PAUL BLOSER: Okay. What we would need then is that properly marked on a -- you know, on a print submitted where it is so we know.

Did they do a stakeout for you?

MR. SPYCHALA: Yes, they did.

PAUL BLOSER: Do you know where the easement starts and finishes?
MR. SPYCHALA: Yes. As a matter of fact, the flags are still up.
PAUL BLOSER: As long as that was documented.
MR. SPYCHALA: It was tough to do with the kids, but they're still up.
PAUL BLOSER: So you won't need any County approvals on that as long as you're on the -- your side of it. That's one of the bigger issues.
So your doing side -- what --
MR. SPYCHALA: It's going to be a stockade wood, yes.
PAUL BLOSER: Staining it.
MR. SPYCHALA: I will probably stain it. It will have to sit for a while and dry out, but I will stain it probably a light color brown, something to match the landscaping and stuff throughout the yard.
PAUL BLOSER: There were cedar trees around there? Pine trees?
MR. SPYCHALA: On the other side of Minute Man, the lady had the pine trees on her corner. I just have ash, oak and other things I do not know.
PAUL BLOSER: I'm -- it was well shaded there going around the corner.
MR. SPYCHALA: Yes.
PAUL BLOSER: I don't have any other questions.
JAMES WIESNER: How far is the fence going to extend off the house, the Battle Green Drive side?
MR. SPYCHALA: I believe it comes out to be 17 feet off the side of the house. I would like to be able to put a gate there to bring a riding lawn mower in, lawn mower, any apparatus, anything to work in the backyard, carry anything in or out.
MICHAEL NYHAN: One question for the Building Department maybe. Did the applicant already come into the Building Department and give the specification for the distance from the house, because it doesn't sound like we really know where it is going to go.
ED SHERO: No. What you see is what the applicant gave us.
PAUL BLOSER: What we see what?
ED SHERO: What you see in front of you is what the applicant gave us. We have --
MR. SPYCHALA: I -- I measured it out to be, I believe, 17 feet. And what that does, is that comes in between a line of trees that I have. Um, to come off the house, we're still coming between trees if I went straight back, but the root system of the trees is really going to hamper my installation. Not my installation. The fence company's installation.
MICHAEL NYHAN: So we're about 24 foot from the roadway then?
MR. SPYCHALA: Yes.
MICHAEL NYHAN: Okay.
MR. SPYCHALA: We're back from any of the easements that is around the front, with the -- with the cable, electric. It doesn't -- nowhere near --
PAUL BLOSER: The fence company will have to do a stakeout. They're required to.
MR. SPYCHALA: I had one done right away when I moved in just to know where everything was at.
PAUL BLOSER: They have to for their insurance purposes. They will do another one.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: Hard to see where this is going to be being exactly, where the fence is going to end up.
ADAM CUMMINGS: Do we want it as a condition? Really the variance is on the height part, but we could put it as a condition.
PAUL BLOSER: I would like to see an as-built drawing with what the actual --
MR. SPYCHALA: I did measure 17 feet out from my house and that is basically where it comes in to go between the trees.
PAUL BLOSER: I'm looking at the easement distance here, it is very close to what that is.
ADAM CUMMINGS: He has to come up with where the 6 foot stockade is going.
PAUL BLOSER: Right, that distance from there to there (indicating). That distance is very close to that distance (indicating). It's going to be close to 20. If you're 20 foot there, you know you will have --

Multiple side conversations were had by the Committee members.

PAUL BLOSER: I would like a set of as-builts.
ADAM CUMMINGS: Yes. I think the Town Building Department will require that or request that, as well.
ED SHERO: Just as a reminder, we don't permit these. So there is no permit.
PAUL BLOSER: On these fences?
ED SHERO: It's not unlike the commercial one where we do. There is no permit for this.

PAUL BLOSER: No. I would have to put that in as a condition.

ADAM CUMMINGS: You would like to request a little updated site plan that shows this improvement?

ED SHERO: Up to the Board what they want to do with it.

PAUL BLOSER: I would be comfortable because you have County issues there, and the side setback with the street that we're within everything. I would like to see a replacement.

MR. SPYCHALA: Would you like me to bring in an updated drawing of what we're doing? I --

PAUL BLOSER: With measurements on it so we know where it is in relation to this, so we know that -- you know the length of that fence on the side, um, and the width across the back, so we know exactly what those lengths are and where it falls in relation to the distance between. You know, if you got 6 inches between the County line, for the easement from your fence, exactly where that falls, how far behind your house and then your -- from the edge corner of your house going north for the -- where the fence shoots east, that corner there, what your actual dimensions are.

MR. SPYCHALA: You want me to step up to the table here?

PAUL BLOSER: So from the rear of the house, from this corner (indicating), to your proposed fence line, so I know where it is in relation to the setback and then from that corner of the house to, you know, where your fence is there, so we know in relationship to this line, where it is at. I want to know that measurement (indicating), the length.

MR. SPYCHALA: I will stop it right here (indicating).

PAUL BLOSER: But that is what I want to have, an updated document to show exactly where the fence is going so we can say okay, go ahead and proceed. If you get that to the Building Office, you know, I will stop by and review it just with Ed (Shero) so that we know we don't have issues.

MR. SPYCHALA: Not a problem.

PAUL BLOSER: That's the big one. Because they will come in with a backhoe and take it right out.

MR. SPYCHALA: That is what they said. If I put something in, I'm actually responsible for removing it. They said they would remove it, but they make me responsible. I'm paying for it, I guess.

PAUL BLOSER: That is exactly what it is.

After I -- after he came back and marked where the easement was -- because when I first moved in, I wasn't sure where anything was there with the easements. So like I said, that is why I actually called and had people come in.

When he came, he marked the sanitary sewer line and then came back and marked them. Once I saw where the easement ended, I realized I didn't need to go back any farther.

We just put a pool in, so we would just like to keep that area, you know, kind of private, too, be able to sit in my backyard and barbecue and relax without everybody coming around the corner to take a look at me. And -- I think I am the nicest neighbor in the neighborhood around because I wave to everybody as they come around the corner to stop to look at me.

I have a question.

PAUL BLOSER: Go ahead.

MR. SPYCHALA: If I'm approved for the fence, is there a time limit on how long I have to put the fence up?

PAUL BLOSER: You will do it all at once or over 15 years?

MR. SPYCHALA: Well, the house we purchased is an older home and very outdated. My wife has just designed a kitchen, so I'm probably not going to do the whole fence at one time because the kitchen is really going to cost me more than anything.

PAUL BLOSER: Well, what I -- there is no permits required for this. The biggest thing I'm looking for is the updated lot map showing where it is going, and as you complete the phases, that -- that we can verify it.

MR. SPYCHALA: The first thing I would want to do is just the area that is off of Battle Green, coming from Daunton, just to stop the lights.

PAUL BLOSER: I would assume that, yes.

MR. SPYCHALA: The rest I was hoping maybe I can do next year.

PAUL BLOSER: That's fine. It's just, again, there is no permit required for it, but we want to see the placement as it is, and as -- as it goes. So the drawings are -- before you can proceed, I would like to have the updated drawing.

MR. SPYCHALA: How about can I bring some in for you tomorrow? Would that be sufficient?

PAUL BLOSER: Take it to the Building Office, tie it to the lot and you're good to go.

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

James Wiesner made a motion to approve the application with the following condition, and Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following condition:

1. An updated site plan be submitted showing an accurate representation with measurements and dimensions of the proposed fence from the house and lot boundaries.

The following findings of fact were cited:

1. This fence will have no negative physical or environmental impact on this or neighboring properties.
 2. Property owner agreed to have east side of property fence moved west to be completely clear of Water Authority easement.
7. Application of Haydar Ogultekin, owner, 380 Park Avenue, Rochester, New York 14607 for variance to allow front parking per plan submitted at property located at 1415 Scottsville Road in GI zone.

Ed Martin and Haydar Ogultekin were present to represent the application.

MR. ED MARTIN: Good evening, for the record, my name is Ed Martin. I'm a licensed engineer with LandTech here tonight representing Mr. Ogultekin and his application before you.

This project actually began several months ago. We held a preapplication meeting with staff and the comment was made, "Gees, I think we can probably maybe get this approved administratively."

Someone made the comment, "You know what, it is not approved for the proposed use, so let's get the record clean."

We came in. County DRC did not have comments available for the first Public Hearing, so somebody from my office came last month, at which time a concerned resident raised the point that in this zoning district, which is General Industrial, front yard parking is not permitted, which really came as a shock to me, because if you know the area, and I'm guessing that you do, and I'm not exaggerating when I say every single property, both sides of the road, north and south, have front yard parking, including this site.

Um, had I been here last month at the Planning Board, I might have tried to make the argument this is preexisting, nonconforming. I will not try to make that argument. We have already made application. The form work is in front of you. The burdens of proof I believe we have met. We're not changing the character of the neighborhood. We're not creating any negative impacts. We truly are just asking for a continuance of what has existed for years.

Mr. Ogultekin has been praised by Town staff in how much he has cleaned the property up. It is a very clean operation and he is eager to continue business in the Town. So with that, I would be happy to answer any questions that you might have.

PAUL BLOSER: I don't really have any questions myself because I thought this was going to go through like I say with the paperwork thing. So I'm surprised it came to us really. There has been really no change.

MR. ED MARTIN: I'm sorry.

PAUL BLOSER: There is a gas station.

MR. ED MARTIN: It was an RV repair place, as well.

PAUL BLOSER: I really don't have any questions. It is nice to see it cleaned up for a change, because it has been sorry-looking for quite a few years.

FRED TROTT: With the front parking with the RV, they didn't follow --

PAUL BLOSER: It was never caught, picked up.

FRED TROTT: Because it says front parking for 24 vehicles. Under Stacys Campers.

PAUL BLOSER: Right.

MR. ED MARTIN: I should note the Planning Board did approve the site plan contingent among other things your granting of the variance.

I do have an aerial photograph if anyone is interested or doubts the fact that every single property has front yard parking.

FRED TROTT: Very familiar with.

ROBERT MULCAHY: Been there a couple of times.

ED SHERO: To answer your question, Fred (Trott), on that was, there was never a variance granted for it. Because of the change of use, they need a variance. The Planning Board prior to that -- and then they changed the law and had the -- and the Committee at the time put in the front yard parking. So then there was a change of use after that, and that is why he is here for the variance.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: I don't really have anything else to -- any conditions on this that I can see.

MICHAEL NYHAN: All of the conditions of the Planning Board move forward. This is just simply a --

PAUL BLOSER: A formality. They have already approved the site plan. It has gone through every Committee. It is just for this.

MICHAEL NYHAN: Okay.

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

Robert Mulcahy made a motion to approve the application with no conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions and the following finding of fact was cited:

1. This request will have no negative physical or environmental impact on this or neighboring properties. It is consistent in nature with every other surrounding business location.

The 6/25/13 Zoning Board of Appeals minutes were approved.

The meeting ended at 8:41 p.m.