

CHILI ZONING BOARD OF APPEALS
July 24, 2012

A meeting of the Chili Zoning Board was held on July 24, 2012 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: Robert Mulcahy, Michael Nyhan, Robert Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser. Adam Cummings was excused.

ALSO PRESENT: Richard Stowe, 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 would also like to recognize Jim Martin, Chair of the Planning Board, in the audience.

We'll start with signs for the five applications.

JAMES WIESNER: No problem.

ROBERT MULCAHY: No problem.

PAUL BLOSER: No problems with the agenda.

1. Application of 1350 SR LLC, owner; 1 South Washington Street, Rochester, New York 14614 for variance to erect a tire wholesale distribution center to be 31.46 feet from rear lot line (50' required abutting a street); variance to reduce and/or waive in full or part, requirements for landscaped buffers between GI and GB districts (100' required); variance to allow front parking per plan submitted at property located at 1350 Scottsville Road in GI zone.

Betsy Brugg and Ken Glazer were present to represent the application.

MS. BRUGG: Thank you very much, Mr. Chairman. For the record, my name is Betsy Brugg. I am an attorney with the firm of Fix, Spindelmann, Brovitz & Goldman, and I'm here on this application. I was here at the last meeting and I'm back. We were adjourned and carried over to tonight's meeting.

Ken Glazer from Buckingham Properties, the property owner, is also here with me tonight to answer any questions.

It has been a little while since we were here, so what I would like to do is kind of summarize and update you as to where we have been. I believe we're going to go forward with this application that we have submitted. We put up an updated color rendering. The only difference between this one and the one you saw at the last meeting is that the fire lane has been extended. That is referenced actually in our submission that we had planned to make that change as requested by the Fire Marshal, but it had not been made on the actual drawing that was submitted. We have updated it on this plan. Everything else is essentially the same.

I think a couple minor changes have come about. I think they were on the plan the last time, but I will just highlight them. When we were last here, we were not in a position to move forward with a decision from this Board. The SEQR needed to be completed. We appeared at the Planning Board last week. The SEQR was completed. They issued a negative declaration essentially making a determination under SEQR that -- that the project had no significant environmental impact. The Planning Board also granted site plan approval.

Also since we were last here, we have made some visits in connection with the site plan process, and I think it is relevant to the considerations of this Board. We did visit the advisory boards of the Town.

There was a meeting held and we attended a meeting of the Architectural Review Committee. They had issued some comments. Nothing that can't be addressed. We discussed it at the Planning Board as part of that process. We also went to the Conservation Board. They have actually signed the plan and were okay with the landscaping in the plan as proposed.

We went to the Planning Board last week. There were some discussions about revisiting, possibly adding a little berming on the frontage or some other tweaks to landscaping, and we have agreed to go forward and meet with them again. And if changes need to be made, to satisfy them, we'll go ahead and do that as part of the process. Those are the kind of things that have occurred since we were last here.

At the last meeting I think there was an issue with the Public Hearing notice signs. My understanding is that -- that those have been properly posted and we're in compliance so it is not an issue this time around.

There was a question that wasn't raised by this Board, but it was raised at the Planning Board so I will just bring it up. The process does require in compliance with General Municipal

Law, there was a notice sent to the City of Rochester that the adjoining property owner, a municipality was within the distance required to receive notice. The notice was sent. The City Director of Planning and Zoning responded that they have no comments on this particular project whatsoever. It is considered a local matter.

We also had comments from County Planning, so this did go through the County Planning referral process, as well. There was one minor comment that came back to this Board regarding asking the Board to encourage landscaping to be concentrated along the Scottsville Road frontage. That is exactly the way the landscaping has been approached and pursuant to some comments from the Conservation Board, landscaping actually was enhanced along the frontage, and you see there is a little landscaped island kind of in the front center, close to Scottsville Road. That was actually closer to the building and has been relocated at the request of the Conservation Board, as well. Essentially we're in compliance with their comments. Those are just comments. They actually do recommend that the Board approve the application. That was their recommendation.

Let's see. There were a bunch of comments that came up at the last meeting from various members of the public which I think we can address. We have talked about the public notice signs. Um, there was a question as to whether we provided sufficient parking to comply with code. We did revisit and review the parking with staff. Dave Lindsay and I had talked about it extensively. As it turned out, we had applied a higher parking requirement than actually that applied to this project. We are now applying the parking applicable to wholesale establishments. This is a wholesale use.

Dave Lindsay agreed with that interpretation. That was discussed at the Planning Board. And, um, as a result of that, we are no longer asking to land bank parking that -- we didn't need that parking anyway for this particular type of use. That was originally part of the site plan application. The size of the parking spaces is also in compliance with code. We no longer needed relief from the Planning Board to reduce the size of the parking spaces. We have -- we're over on the parking that is required, but we think it is appropriate and adequate for what is being proposed. And it also really makes for a much better site plan. So we're pleased with the way the parking turned out. So we don't need any variances for parking.

There was a question about the depth, dimension of the loading docks. Um, the plan showed a dimension of 55 feet. That was actually not the loading dock dimension. That was a dimension of the concrete pad. The 60 feet is provided. It is just code does not regulate materials. We just showed the concrete extended to 55 feet, so we comply with the loading dock requirements.

Both at this Board and at the Planning Board, members of the public raised issues regarding compliance with State Fire Code regarding the emergency access and the turnaround and things like that. That matter we are deferring to the Fire Marshal and the Building Department. Those are issues specifically within the jurisdiction of the Building Department and Fire Marshal and they are not matters really before this Board. So I am not going to address those other than to say that we're doing everything to comply with the requirements.

Finally, let's see. I think this is one issue -- as you know, in reviewing the variance application before you, we're asking for three variances. I will start with the easiest one. That is to permit the parking to be located in the front yard. We have gone through the standards in my last letter to the Board and my initial letter and also at the last meeting, but this is a variance that is often associated with this type of development. It is consistent with the character of the neighborhood. I think you have all been through this neighborhood and I'm sure you looked at the site in connection with this application.

If you any questions about it, I would be happy to talk about it, but essentially, I think we would like to allow what, 56 spaces, 4 which are on the side and I believe the remainder are in the front.

So we're showing parking in the front yard, consistent with the adjacent neighbors. It allows us to maintain a cross-access with Comfort Windows & Doors. It -- it really works on the site. We have a little issue. The site is a little bit irregular along Weidner Road. It sort of cut off the corner. If you have been on Weidner Road, you know it is not a road that has any kind of through traffic. It is kind of the -- at the end of the road, I don't know if it is a DOT facility, but there are mountains of dirt and a whole bunch of big giant trucks. Um, if you go along Weidner Road, what you will see is kind of the back corner of a Comfort Windows & Doors -- I don't know if it is a garage or a small building that they have very close to Weidner Road.

Then we have this site and then we have all kinds of outdoor storage of, I would say, electrical cable, big spools, electrical utility equipment for RG&E on their property, and then it kind of gets this kind of -- kind of -- of wild area. You probably know better than I what is over there, but you basically hit the end of the road.

On the opposite side of the street, we have the parking areas for essentially the Wegmans/Palmer building that is zoned Industrial. Um, so we are proposing a setback variance on Weidner. Technically, there is a front setback. Even though it is to the southwest corner of the building, it's considered -- it is being considered as a front setback which is a requirement of 60 feet. We considered a rear would be 40 feet. We haven't really gone over which one it should be, but we're applying for a variance because we don't meet either requirement. We're showing 31.46 feet for that corner. It doesn't have any adverse impact on any of the properties or, you know, the potential development for Weidner Road. It's a very quiet street and it is really not going to be particularly visible. There is some grade changes. There is some green proposed and it is very consistent with -- kind of with the conditions in the neighborhood and won't have any

adverse impact.

The third variance we're asking for is relief from the landscape buffer requirements. That was sort of reworded and re-worked after a discussion with Dave Lindsay because there was a question or comment or inquiry from a member of the public at the last meeting regarding the 6 feet shown -- there is a drainage swale adjacent to the Comfort Windows & Doors site, and it's shown in gray because it -- while grass may grow, it's a gravel swale area in connection with a dry detention in the rear of the site. So it is part of the drainage system for the site. So instead of starting to argue over words, what we're really proposing to do is what we have always proposed to do. That is to really substantially reduce the buffer requirement. And a comment was made at the Planning Board, so I will just kind of preempt that.

I think some of my comments were misconstrued a little bit in terms of whether there is any benefit to the buffer. I need to make sure that we're clear as to what a buffer is. It's not defined in the code, but it is a term commonly used in zoning ordinances. It's in the dictionary. A buffer provides a cushion and a protection. And I think the Webster Collegiate Dictionary calls it a cushion shield. It's there to cushion, shield or protect.

We're not talking about the amount of green space on the site. We're not talking about green space in general and landscaping. What we're talking about is buffering, which is a requirement in the code, in the Industrial District. It is required only for development adjacent to property that has not zoned Industrial.

So -- and there's comparable provision. If you look at the General Business section, there is protection for residential property that might be adjacent. The idea is to protect less intense uses, less intense activity from more intense activity. Industrial obviously being more intense than what you would contemplate as a General Business type activity. In fact, quoting right from your code, the purpose of the GB District is to make provisions in the Town for larger concentrations of retailing and service activity in the form of unified shopping centers.

So can I walk over here? Can you hear me? Okay.

So we have a parcel over here that is Industrial (indicating), but our other neighbors are zoned General Business. Their quirky and very unique fact that has to be considered by the Board is that while these might be zoned General Business, they're generally not developed in a way that is consistent with the code. These are not retail shopping centers. These are actually industrial uses, and I would say that we have RG&E with lots of outdoor activity and outdoor storage of very heavy industrial equipment and materials. Comfort Windows & Doors is basically a wholesale distribution center very much like this one. They have all of the loading docks that we will have. So we're talking about uses that really are consistent, regardless of how you want to talk about the zoning. And this one over here (indicating), the Palmers or Wegmans facility, whatever you want to call it, is zoned Industrial.

So buffering -- buffering not -- we're not talking about green space. We're talking about a buffering requirement that is intended to protect a less intense zoning district from a more intense zoning district. But what you actually have are all industrial uses. These are uses that are all permitted or would be permitted in the Industrial zoning. I don't know if they're preexisting, nonconforming. I don't know if there were variances. I really don't know how they got there with the zoning. This is a very unique situation. There is no -- the intended benefit of buffering, which is to protect -- you know, a less intense use, maybe a -- maybe a Target or a strip plaza or some kind of retail, you know, consumer type use where people might be coming in to do their shopping, you don't need that here.

We have something very intense over here (indicating). We have something very intense on all -- on all sides (indicating). The airport is probably the most intense use you could find anywhere, as far as activities. And the airport in general is not subject to your zoning, so I am not even going to ask -- you know, as a County government facility, they most likely were never subject or are not subject to your zoning regulations anyway, so I won't talk too much about the airport.

But essentially we're in an Industrial area. This use is completely compatible, and the benefit that was intended by the code is not served by requiring a buffer here. It is just not. And that is because of the specific circumstances of this particular property and this particular neighborhood and this particular case. That is why this variance is very much appropriate.

So, again, I know the Board is familiar with the standards that you must apply, which is a balances test: The benefit to the applicant; the detriment to health, safety and welfare of the community. I think we have demonstrated very clearly that none of these three variances have any detriment to the health, safety or welfare of the community and yet they're extremely beneficial and extremely important and essential for this project to go forward. They're very beneficial to the applicant and I think we have met our burden.

But I felt it was important to address that because I don't think we have looked at it in this way. If you look at the code and you read the language of the code, you see this is not a green space requirement. This is not a requirement that we have X amount of green on the site. This is a requirement of a separation between uses that are not compatible with each other, for the purpose of protecting a less intense use from a more intense use. So I felt it important to make that point.

So I could go back through and go through all of the standards, um, but I know you know they are and I have done it before. I guess I will ask if you have any questions for me. I am happy to go back and do it, but I just don't want to give you information I have already given you before. So if that is helpful.

JAMES WIESNER: I have a couple of questions for you. You said the parking space size

has increased; is that correct?

MS. BRUGG: Yes. The Planning Board can grant relief to reduce the size of parking spaces, and that actually -- it's common. A lot of times parking spaces are 9 by 18. They can be 8 1/2 by 19. Anywhere from 18 to 20 in length. We're actually in conformance with code as far as the size of the parking spaces. We don't require any accommodation to squeeze in more.

JAMES WIESNER: I take it you decreased the amount of parking spaces when the parking space increased probably?

MS. BRUGG: Actually what happened is, we had applied the wrong parking requirements. So when we went back -- I promised after the last meeting I would go back and sit down and go over the code with staff and I did. I went over it with Dave Lindsay, who is the official who is responsible for reviewing the code and applying the code, so I went over it with Dave (Lindsay), and we realized that from the start we just hadn't really -- we had been focused on the site plan more than on discussion of the nature and the operation and the use. Parking is based on use. The determination was made that we applied the wrong parking, so we corrected that. The parking requirement for wholesale establishments, which are establishments that are essentially in the business of selling to retailers or other vendors who then resell to wherever they sell is 1 space per employee, plus 1 space for every 700 square feet of service area. Which basically at 25 or 30 employees you're talking about no more than 30 spaces for your employees. And we don't have more than 700 feet.

This is type of operation does not have customer traffic. There is an occasional customer that might come in. Usually it's a large truck to make a pick up. So there is really no need for a Customer Service area. Let's say there is a desk area. That is how we determined -- we really don't need more than maybe 31 or 32 spaces, and we're showing 56.

JAMES WIESNER: Makes sense.

MS. BRUGG: That gives you the background on that.

JAMES WIESNER: Then the fire access road, it looks like it has already been extended in that drawing.

MS. BRUGG: It has been extended. I understand that there is -- there is still discussion going on with the Fire Marshal regarding that, but I really don't think it is pertinent to the review of the particular variances at hand. It certainly goes through the area that would be buffer, and that is why the request has been written broadly enough so that the -- the Board can certainly approve it as being a proposed as opposed to arguing whether it is a couple extra feet of road that intrudes to the buffer or that kind of thing.

This is a concept. This is what has been approved by the Planning Board. Subject to approval of the Fire Marshal, as well.

PAUL BLOSER: Jim (Martin), I will comment on that. As part of Planning Board's decision this past week, one of the conditions of approval, the first one they put down would be the applicant shall obtain an operational permit from the Town of Chili Fire Marshal indicating that the proposed structure is in compliance with all current fire codes. So that is the --

JAMES WIESNER: It's a condition?

PAUL BLOSER: It's a condition, correct. If we were to move forward on conditions tonight, it would be that all of the conditions placed by the Planning Board are also met.

MICHAEL NYHAN: I believe at the property right now there are three curb cuts that go to this piece of property. Are two of those going to be eliminated? I saw curb cuts on the Scottsville Road that appears two or three of those would be part of this property, but they're not shown on the drawings. Have they been eliminated or will they be eliminated?

MR. KEN GLAZER: The current one on the east side is being moved. The -- the curb cut down on Weidner is going to be removed, if that is what you mean. And the third one, the one that I think you're saying is on RG&E property.

MICHAEL NYHAN: RG&E property.

MR. KEN GLAZER: Yes. We only have one curb cut on our property.

MICHAEL NYHAN: There is one at the signal light, correct? And then directly in front of where Olympic Bowl used to be where this building will go there were two curb cuts on Scottsville Road.

MR. KEN GRAZER: One of them is not on our property, the RG&E. The second one is just sliding down. So we'll have one entry for the trucks on Scottsville. And the one on RG&E is not -- is not really Town us. It's not our property.

MICHAEL NYHAN: And the way I understand this is, you will have a common driveway with Comfort Windows & Doors, and the RG&E, so vehicles will be able to enter and exit at the signal light on the RG&E property, in front the RG&E property?

MR. KEN GLAZER: There is currently easements to allow for that.

MICHAEL NYHAN: So that road will be connected to the exit where the signal light is in front of the RG&E property, to -- to the east?

MR. KEN GLAZER: I'm trying to think where the light is. There is no light here (indicating). Is there?

MICHAEL NYHAN: No. Next -- the next one down.

When you said -- you were going to be -- a curb cut to the RG&E property, is that --

MR. KEN GLAZER: That is existing.

MICHAEL NYHAN: That --

MR. KEN GLAZER: This entrance right here (indicating).

FRED TROTT: Signal light is down further.

MICHAEL NYHAN: So you will not be able to use the signal light for this piece of

property.

MR. KEN GLAZER: No. We won't be using that light at all. All our trucks will be coming in and out of here (indicating). We don't really need this at all. It is just it is RG&E, and there is an easement, so it is not actually on our property.

MICHAEL NYHAN: Okay.

PAUL BLOSER: Ken (Glazer), for the record, did you give your name and address?

MR. KEN GLAZER: I'm sorry. Ken Glazer, Buckingham Properties.

MICHAEL NYHAN: Thank you. The reason I ask, I'm just concerned about the additional truck traffic with Scottsville Road being such a busy road and the back corner of Weidner Road, the entrance to the industrial piece of land where the Wegmans is storing at the warehouse, there is an approved road now for tractor-trailer traffic. If that was a consideration by the Planning Board, I'm not sure, as another way in and out of the piece of property.

MS. BRUGG: This has been reviewed and we are working with the State DOT.

MICHAEL NYHAN: Sorry?

MS. BRUGG: We are working with the State DOT regarding the access to Scottsville Road.

MICHAEL NYHAN: Okay. All right. Thank you.

PAUL BLOSER: Just a quick question, Mr. Martin. Did Traffic and Safety sign off on this?

JAMES MARTIN: I don't believe they did a real formal review, since it is a State highway. Really the Town has no purview over, you know, Traffic and Safety issue regarding a State highway, so the answer is no.

PAUL BLOSER: Okay. Thank you.

FRED TROTT: I have a question. Will you have any building sign? I didn't see it in the plans.

MS. BRUGG: I think the intent is to comply with code. It's not in the package, I don't think.

MR. KEN GLAZER: A monument sign?

FRED TROTT: Any sign. Any building sign.

MS. BRUGG: I didn't see any drawings of signs.

MR. KEN GLAZER: There is a sign on the building, but that is it.

MS. BRUGG: It will comply with code. That's the intent.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Chili's code does not State that 100 foot landscape buffer is required if it suits the applicant. This is between two different zoning classifications. The code, and -- it irritates me no end to hear applicants, not necessarily just this one, but any of them come in and say, "Your code was intended to mean X."

Who are they to say? They don't live here. All they do is they want to finagle the code around until it suits them. It's annoying. There is no exception in the code for an applicant's interpretation.

Our code was definitely set -- stated, set, passed to provide for a buffer between two different zoning classifications. You have got it right here. You have got two. And I'm sorry if it doesn't fit the applicant's wishes, but this is not what the applicant wants. I think if you start eliminating this buffer, you're going to have a hard time defending it every time it comes up. Everybody wants to use every square inch of land they got. They want to put up as big a building as they can, squeeze it in, and the trade-off is you're supposed to forget the code.

I haven't heard any argument that says -- from the applicant that says this building couldn't be reduced in size enough to comply. They just want every square foot they can get on this property. It's a self-induced hardship. The building is too big for the site. It has been from the beginning. And this is not something that you people should just disallow. The code should stand.

Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: The fact is, that this project is a big tire warehouse, rubber tires. The fact is, that per the New York State Fire Code, rubber tires are a high hazard, not low, not medium, but a high hazard commodity. Therefore, it should be a serious concern to this Board to do the right thing.

The fact is that New York State Fire Code setbacks and the Chili Town Code setbacks have been established as law for a reason. Public safety and welfare. The fact is, that this project is a self-inflicted hardship as presented today.

Therefore, it's requested that this Chili Zoning Board approach this project as a self-inflicted hardship project and go through -- go thoroughly through the proper review of all five parts for the area variance, the self-inflicted hardship accordingly. The Board owes it to the Town of Chili and the County of Monroe and the people of the towns for public safety and welfare.

Thank you.

Michael Nyhan made a motion to close the Public Hearing portion of this application and Robert

Springer seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

PAUL BLOSER: As we move forward on this we have three separate variances here, and I feel we probably should handle them separately. Usually we do this -- in the name of consistency, I would like to move -- handle each one individually.

I think in everybody's box you got a copy of the minutes, the Planning Board decision from the other night, the decision -- did you all get those?

JAMES WIESNER: The property sheet. I'm trying to remember if it had it on it or not.

PAUL BLOSER: I can pass it around, if you would like. They were given site plan approval and final was waived on this. With the conditions of Fire Code is still going to be addressed by the Fire Department. Any issues they may have with anything with the structure. As far as materials being stored or moved through the warehouse, again, that's not within our jurisdiction. It's the Fire Marshal to handle what, how, based on Fire Code. We do not address Fire Code.

Um, they have met the conditions of the Architectural Advisory Committee.

Um, the application is subject to final approval by the Town Engineer and Commissioner of Public Works.

They're still working with Conservation Board to determine if further landscaping improvements, if they're possible.

And then the standard, you know, building permits, C of Os, are required, which we would also for any of these.

Any discussion?

MICHAEL NYHAN: So this -- was this originally Industrial and zoned -- or General Business and rezoned to Industrial recently, my understanding?

PAUL BLOSER: That was done through the Town Board.

ROBERT MULCAHY: May. May 22nd.

PAUL BLOSER: May 22nd, yes.

SEQR has been completed. So that's done. I would still do SEQR from our standpoint, but they have done the comprehensive SEQR review, the Planning Board has. It has been completed.

MICHAEL NYHAN: Well, I'm going around the entire piece of property, down Weidner Road and through that entire area. You know, the setback does not seem substantial for the type of area that is back on Weidner Road. With the industrial complex right across the street, with the trucks in and out of there as a warehouse, and right behind them.

And -- it is the same with the neighbor to the north, with RG&E and all of the stuff they have stockpiled in their yard.

MICHAEL NYHAN: Correct. They have that stored right up to the edge of the fence, transformers, cable spools. Then to the west, the door -- the Comfort Windows & Doors.

They're -- the building was when I was there, so we do have loading docks on one side of the building, with storage, and the RG&E outside storage, all types of industrial equipment on the other side of the building. The character of the neighborhood standpoint.

PAUL BLOSER: As I look at that, I -- based on what else has been done up and down that road, it's consistent everything else that is there. If they were putting an extension on the Paul Road complex, other places, I -- I think the buffers are huge. We looked at it real close with the project on Jet View.

Where this is setting, the neighbors are pretty much consistent with what they're requesting here.

MICHAEL NYHAN: I agree.

PAUL BLOSER: The back side, Weidner Road, they own right up to the road, so there is no other business going up to that. If they had a neighbor coming from the rear, I would look at that differently for a setback.

FRED TROTT: I don't have a problem with it. I think it's -- in fact, it's going to enhance the area.

PAUL BLOSER: They have been through a lot with Planning Board to get where they're at right now with the site plan approval. They have been worked over pretty well there. The variances, I don't think any of the three are significant in nature. Weighing them out, I think in a different location, if this was being asked for, I think I would look at it a little differently. But based on their neighbors, there -- there is no buffering going on.

MICHAEL NYHAN: Reviewing the 2030 Master Plan, the entire stretch of Scottsville Road is all General Business and industrially zoned, that entire corridor on the Scottsville Road with the exception of, of course, the airport property, which is not part of that -- didn't appear to be part of that.

So I don't foresee -- the reason I say this, I don't foresee the type of use, the RG&E building changing any time in the near future or for Comfort Windows & Doors. Is that something else -- different name on there. Is that Precision Properties? Is Comfort Windows & Doors, is that the same thing as Precision Properties? I'm assuming it is.

MS. BRUGG: Yes.

MICHAEL NYHAN: Those are my comments from reviewing the Master Plan.

PAUL BLOSER: Okay.

MICHAEL NYHAN: And reviewing the land.

PAUL BLOSER: I will move to some conditions then. Conditions placed in final site plan approvals must be met to completion. All necessary permits to be obtained prior to any site work.

FRED TROTT: Can I ask you a question?

PAUL BLOSER: Yes.

FRED TROTT: I'm looking at the plans here. You have got a -- am I correct in seeing that there is a wooden fence going around the whole facility in the back?

MR. KEN GLAZER: I don't think so.

FRED TROTT: Oh, no?

MR. KEN GLAZER: No. I don't believe so.

FRED TROTT: I notice then there is a security fence.

MS. BRUGG: That's correct.

MR. KEN GLAZER: Yes.

FRED TROTT: I didn't know if that was on top of the wooden or no.

MR. KEN GLAZER: No. The only security fence is around the truck yard.

FRED TROTT: All right. Just in fence here (indicating).

PAUL BLOSER: I will specifically point out, too, on the third condition, that Fire Marshal approvals must be obtained. And Conservation recommendations be fulfilled. That way, if they're looking into some type of shrubbery down the side lines, across the front, that we're getting some character to the property, besides building and just pavement. I do believe we should have something like that. So with those four conditions, you want me to read them again?

ROBERT MULCAHY: Please.

Paul Bloser reviewed the proposed conditions with the Board.

PAUL BLOSER: So for this first one, I'm going to do three votes here. The first one will be --

RICHARD STOWE: Mr. Chairman, question from the new kid. I apologize. It's been a while since I have been here.

Is it customary for your Board to do the SEQR determination that you mentioned you were going to do before you vote --

PAUL BLOSER: Yes.

RICHARD STOWE: -- on the variances?

PAUL BLOSER: Yes.

RICHARD STOWE: Okay. I wanted to be sure you were going to do that in order if you were going to do it. That's all.

PAUL BLOSER: Yes.

RICHARD STOWE: Okay. Thank you.

PAUL BLOSER: The three votes are going to be for the -- for the setback on the rear lot line will be the first one. The -- the buffers and the parking plan. 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 James Wiesner seconded the motion. The Board all voted yes on the motion.

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

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

1. Conditions placed on final site plan approvals by the Planning Board must be met to completion.
2. All necessary permits will be obtained from the Chili Building Department prior to any site work or construction start-ups.
3. Fire Marshal approvals must be obtained for entire project.
4. Conservation Board recommendations must be fulfilled.

The following finding of fact was cited:

1. The requested variance for rear setback relief is not significant in nature. This setback is consistent with neighboring lots and area businesses. There will be no significant environmental impact with these variances.

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

1. Conditions placed on final site plan approvals by the Planning Board must be met to completion.
2. All necessary permits will be obtained from the Chili Building Department prior to any site work or construction start-ups.
3. Fire Marshal approvals must be obtained for entire project.
4. Conservation Board recommendations must be fulfilled.

The following findings of fact were cited:

1. The requested variance for the North side waiver, in full, for a landscaped buffer relief is not significant in nature. This setback is consistent with neighboring lots and area businesses. There will be no significant environmental impact with these variances.

DECISION ON THE PARKING VARIANCE: Unanimously approved by a vote of 6 yes with the following conditions:

1. Conditions placed on final site plan approvals by the Planning Board must be met to completion.
2. All necessary permits will be obtained from the Chili Building Department prior to any site work or construction start-ups.
3. Fire Marshal approvals must be obtained for entire project.
4. Conservation Board recommendations must be fulfilled.

The following finding of fact was cited:

1. The requested variance for front parking and number of spaces required by code to be reduced is not significant in nature. This variance will better suit the needs of the building use and allow better traffic and emergency vehicle flow. There will be no significant environmental impact with these variances.

MS. BRUGG: I want to thank you very much for your effort and your work on on this with us.

PAUL BLOSER: Good luck with your project.

2. Application of Patricia Albanese, owner; 800 East River Road, Rochester, New York 14623 for variance to create a lot with a lot width for proposed Lot Number 3 at the building line of 362' (500' required for a farm) at property located at 2300 Scottsville Road in AC, FPO and FW zone.

Patricia Albanese was present to represent the application.

MS. ALBANESE: Good evening. I'm -- my name is Pat Albanese, and I'm one of the owners of the property located at 2300 Scottsville Road. There is actually three lots in a subdivision for -- those three lots was approved about two weeks ago. Um, the variance is being requested on one of those lots to allow it to remain designated as a farm, and placing a house, um, in the field that is closest to where the barns are, up toward the road. The current code, it requires 500 feet of width. This property, by the nature of the property itself, makes that very difficult on this piece of -- of the subdivision.

The width of the field is 362 feet, instead of 500 and it's required in the code.

Um, the intent is to keep all of these three lots zoned as farms and to be used in an agricultural way. The property itself is a rather unique shape in that it's pretty narrow at Scottsville Road and then widens out toward the river, making it difficult to have any house located close to Scottsville Road.

By close to Scottsville Road, it's hard -- it's not at all on the road. It's set back and would not be seen by Scottsville Road.

The request is consistent with the neighborhood. It's surrounded by farms. And the lot itself, the Lot 3 where the variance is being requested is a 37 acre parcel. It does have a number of barn structures that are located up towards the Scottsville Road side, and the desired location for a house is relatively close to those barns to be able to care for animals and/or feed and those kind of things associated with taking care of the farm.

So that is -- so that is the request. The other owners of the property are also here and able to answer questions that you might have.

PAUL BLOSER: Okay. I will make a comment also. This past week at Planning Board, the site plan for subdivision approval for these three lots was approved unanimously with the

final waived. So we're just looking for setback issues on this because the site plans have been approved.

FRED TROTT: I'm sorry if I missed this. What is the purpose of making it into three farms?

MS. ALBANESE: There are three -- three parties who purchased the property and we are in the process of subdividing it, and each of us would like to be able to have a farm designation on -- on our lot.

FRED TROTT: Okay.

MICHAEL NYHAN: This is just for lot width, right, Paul (Bloser)? Not setback.

PAUL BLOSER: Yes.

JAMES WIESNER: It's interesting because at the building line, there is no -- there is no building shown on the site plan, so.

PAUL BLOSER: There will be new buildings constructed?

MS. ALBANESE: Correct.

JAMES WIESNER: Say that again.

PAUL BLOSER: We're just looking for the lot width now to get the -- the designation that they're looking for.

JAMES WIESNER: So the -- so the little -- on the far left property, that is just considered a flag lot and that little strip of land is not considered part of the frontage or part of the width of the property?

PAUL BLOSER: Flag lot would not be considered frontage, is my understanding on that.

MICHAEL NYHAN: So Lot 1, for the purpose of Lot 1, that -- that property that goes out to Scottsville Road -- is for being able to get back to the lot, which would be along, excuse me, the Genesee River.

MS. ALBANESE: Yes. There is a 40 foot width on Scottsville Road which is required to have a lot designation on Lot 1. That's been approved.

Lot 2 has more than 40 feet on the -- on Scottsville Road frontage, and Lot 3 has about 270 feet of frontage on Scottsville Road. Um, the -- and those other two lots don't have an issue with farm designation because as they go back, they get wider. They're much wider lots to begin with. It is Lot 3 that has the issue because it's a relatively long and narrow lot.

MICHAEL NYHAN: So the intention for Lot 3 then is the existing buildings up near the road will remain there; is that correct?

MS. ALBANESE: That's correct.

MICHAEL NYHAN: There is no building along Scottsville Road?

MS. ALBANESE: There is one large barn at the road. There is another barn adjacent to that on the road, a smaller barn. There is another road back. There is no intent to add any other buildings along Scottsville Road.

MICHAEL NYHAN: Okay. All right.

It looks like you will be removing the dilapidated barn?

MS. ALBANESE: There are a couple of barns that were half falling down, and so those will be removed because they really -- they were only half standing, and those will be removed, and we'll go after the appropriate permits to do that.

MICHAEL NYHAN: The intention is to keep each of these three lots designated as farmland; is that correct?

MS. ALBANESE: Correct.

MICHAEL NYHAN: They would be agricultural lots; is that correct?

MS. ALBANESE: That's correct.

MICHAEL NYHAN: No other questions. Thank you.

PAUL BLOSER: Just a question on the ones that are -- I will say dilapidated, Ed (Shero), has the Town done an inspection on those? Have they been condemned or any paperwork on those?

ED SHERO: Existing buildings? No.

PAUL BLOSER: Is that something you would want to see as a condition, that they be removed at a certain point from a safety standpoint?

ED SHERO: I don't think so.

PAUL BLOSER: Side table, any comments?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JAMES MARTIN, 34 Sunset Hill, Planning Board Chairperson

MR. MARTIN: As a correction, the Planning Board approved the subdivision. There was no site plan provided to the Planning Board that night. So I wanted to correct the record on there. There is no approved site plan at this time. Only an approved subdivision of the three lots, okay?

PAUL BLOSER: I did misspeak on that. I apologize.

JAMES MARTIN: The other thing I want to say, is having been involved with the applicants through several meetings now, I just want to say in their support, they're probably the most environmentally conscious applicants I have ever seen come before the Planning Board as far as their desire to preserve this very beautiful piece of property, which I think you are probably all familiar with over there on Scottsville Road, in a very natural pristine state as opposed to a plan that previously came in at one time with about 300 houses that wanted to be built over there.

So I just wanted the Board to be aware of that that, you know, these -- this applicant and

their fellow owners of the property over there, I think are doing a marvelous thing preserving this property.

PAUL BLOSER: Thank you.

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

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

PAUL BLOSER: I don't have any questions. I sat through Planning and listened to the whole -- I think it is going to be very nice.

JAMES WIESNER: Is it your intent to leave them -- those three parcels as farms, or do you plan to build houses and actually live on the property at any point in --

MS. ALBANESE: Um --

JAMES WIESNER: Just curiosity more than anything.

MS. ALBANESE: The intent of the three owners is to build a house there.

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

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

PAUL BLOSER: As this is just a subdivision right now -- no setback issue with that, no building permits required or any permits required at this point from the Town, so I am not going to put any conditions of approval on this.

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

1. Conditions placed in final site plan approvals by the Planning Board must be met to completion.
2. All necessary permits will be obtained from the Chili Building Department prior to any site work or construction start-ups.

The following finding of fact was cited:

1. The requested variance for reduction in lot size is not significant in nature. This variance will better suit the needs of the land owners of all the attached properties. There will be no significant environmental impact with this variance.
3. Application of Church Radiant, owner; 525 Paul Road, Rochester, New York 14624 for variance to allow existing 5' x 3'8" double-faced freestanding sign (previously approved in 1983 for a 4' x 6') to be 5' from front lot line (15' req.) at property located at 525 Paul Road in R-1-15 zone.

Shane Smith was present to represent the application.

PASTOR SMITH: Good evening. My name is Shane Smith. I'm the lead Pastor of Church Radiant located at 525 Paul Road, and we moved in on -- we actually closed on the property March 1st, moved in on April 1st and we have been going crazy trying to get things done. We spent about \$150,000 on upgrades, all new drywall, all new windows. The inside of the building, it's unbelievable. If you have ever been in the Carriage House, I would encourage you to stop by at any time. I would love to show you through so you can see just exactly what we have done, a lot of hard work, a lot of time and also trying to preserve the property, the integrity of the property.

Things were kind of in the last few years let go. If you live in this area, as I do, um, you know it. If you drive Paul Road, it's just kind of things just not looking the way that they used to look. So we took all of the trees that were out in front, all of the scraggly trees, chopped all those down so it now creates more of a park-like atmosphere feel and getting ready to reseal and restripe our parking lot Monday. Ed (Shero) will be happy about that. That's a done deal.

And then there is some other things with the projects that we're working on. But the big thing right now that a lot of people in our congregation have asked about, we want to invite our friends. We want people to be a part of something great that is happening in the community. We would like to have a sign. So we really don't want to go by "The Carriage House" any more, which is the sign that is plastered on our barn, and there is a sign that was out front that, again, was falling apart.

So we went out to the sign sanded some of that down, painted it white, and then I was told

that before we could put any lettering on that or our logo or anything, that we needed to get approval. So I had our sign company put that -- put that together, Sky -- Skylight Signs, and they put together a drawing for you.

And then I also have gone through the proper channels and know that where it is, that is what I am applying for, is a variance. It's been there since 1983, and again, it's falling apart. And I really don't want to dig it all up. You know, the cement that is under there, the project, the time, the money and move it. I basically want to use the money for other projects that I deem more important than ripping up a sign. You know, if it's not broken, why fix it? So my thought is it needs to be refurbished, so I would rather put that money -- I'm not asking, I guess -- what I am saying tonight is I'm not asking for a shrine. I'm not asking for a sign that is, you know, as large as some churches in this community. I'm asking just for the existing sign that is already there to just be able to paint it, which I have already done, sorry, because it was falling apart. It looked terrible. I'm asking to put our logo on that sign and I'm asking to clean that existing sign up and for us to be allowed to keep it where it is right now.

PAUL BLOSER: Is there lighting on this sign?

PASTOR SMITH: There is light, yes. It's not like a -- it's just lights that are used to shine --

PAUL BLOSER: Lit from the canopy?

PASTOR SMITH: Right.

PAUL BLOSER: Not a back-lit sign?

PASTOR SMITH: Not back-lit. Most churches are going with the backlit signs and stuff like that. Again, because of the expense and because we're, you know, almost out of money, I -- I want to be able to just spend the \$700 that we used to have the sign designed professionally, I just want to have that professionally put on the existing sign.

PAUL BLOSER: You're not putting a phone number on there?

PASTOR SMITH: No. We have the website.

PAUL BLOSER: Okay.

PASTOR SMITH: Which is what most people are doing now.

PAUL BLOSER: I don't have any questions.

MICHAEL NYHAN: So the lighting is a roof over the sign?

PASTOR SMITH: Yes.

MICHAEL NYHAN: The structure of the sign will remain as it was and the lighting will remain as it was, correct, sir?

PASTOR SMITH: Correct.

MICHAEL NYHAN: So you are just going to paint.

And what you have shown here is all that will be on the sign: The street, the name of your church, the street number and the --

PASTOR SMITH: Then the shingles on top of that little thing looked like trash, too. I obviously want to clean it up. We put so much money into this place, I don't want to stop at something that is very important. That is, you know, a sign. So people know where we are. You know what I mean?

MICHAEL NYHAN: No other questions.

FRED TROTT: The -- the painting that you did on the existing, um, sign, is that going to match the -- the painting that is of the sign?

PASTOR SMITH: It's just white. Just a white background. So the sign will all be white like it was. It was all chipped. The paint was all falling off. It will be freshly painted. It is sanded down, white. Everything will be white. And then the lettering will be black with -- I think there is like a red --

FRED TROTT: I just want the white -- did you use the same color white, you know, not a different shade?

PASTOR SMITH: No. The white is just -- it's -- it's -- I went to Sherwin Williams here in Chili and told them what we were doing. We're painting an outdoor sign. It was white. "What is the paint I'm supposed to use for exterior?"

And that is what they gave to me. So yeah, it matches. That paint was -- probably last painted in 1983, so it's -- it looks a little better.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I understand that this is an expensive proposition to convert this to a church. And I understand that sign has been there for a long, long time. And I -- and I don't have any problem with it staying where it is. I would just suggest, though, that the Board make a condition that when that day comes that that sign needs to be completely redone, different style, whatever, that you take another look at the setback at that point.

Thank you.

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.

PAUL BLOSER: I like the sign, very simple, very plain. I think it will go well in that

area. It is smaller than what was originally approved. Not much, but it was smaller than what was originally approved.

I do agree that if you were ever to do a total sign package makeover, that I would want to go with the setbacks and do it officially to code. The fact that you're using the existing posts, canopy, everything, won't enforce that. Basically you're just replacing the sign itself within the structure.

Paul Bloser reviewed proposed conditions of approval with the Board.

PAUL BLOSER: The sign on the barn, is that changing?

PASTOR SMITH: Coming down.

PAUL BLOSER: Completely? You won't put anything up there?

PASTOR SMITH: No.

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

PAUL BLOSER: This is something we do on just about every package. It just -- you're right in the middle of residential, so we want to be very cognizant of what is going up. It will be viewable to the neighbors and you. So if it is coming down, it can't be replaced without coming back in and discussing it.

PASTOR SMITH: Sure. Absolutely.

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 reread the list of proposed conditions for the Board.

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.

JAMES WIESNER: Will we condition them to take the "Carriage House" down, to make sure it gets taken down?

PASTOR SMITH: I would request, if I may, that, you know, I have spent -- our church has spent over 500,000 -- probably about \$600,000 on a building and a facility, and I want people to be able to know where they are, so as long as we don't have a sign out front, okay, I -- my -- my hope would be that's my reference point, the old Carriage House. And that's the sign. So my thought would be, you know, as soon as I have a sign out front -- obviously don't want to be a contradiction. I don't want to be Carriage House/Church Radiant. I want that sign down as soon as possible, but right now it's a point of reference.

JAMES WIESNER: Condition it as a certain time period.

PAUL BLOSER: If I gave you six months --

PASTOR SMITH: That would be great.

PAUL BLOSER: That would give a good transition and put you through a good season anyway. That will pull you almost to one year?

PASTOR SMITH: That would be great.

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

1. Sign is approved in design as presented.
2. All necessary permits will be obtained from the Chili Building Department prior to any site work or construction start-ups.
3. Any future upgrades/changes or structural repairs will need to be approved by the Town of Chili.
4. No additional signs allowed on the property/structures without Town approval.
5. The "Carriage House" sign on the barn must be removed within six months after the completion of the new street sign.

The following finding of fact was cited:

1. The requested variance for sign setback is not significant in nature. This sign has been there for over 25 years for the previous business owner. The main structure is being repaired and maintained in size but sign area will be new and smaller than previous. There will be no significant environmental impact with this variance.

4. Application of Amanda Spring, owner; 15 Sunnyside Lane, Rochester, New York 14624 for variance to erect a 10' x 16' deck 35' from front lot line (45' setback previously approved) at property located at 15 Sunnyside Lane in R-1-15 zone.

Amanda Spring was present to represent the application.

MS. SPRING: Hi. I'm Amanda Spring. I live at 15 Sunnyside Lane.

We just wanted to put a deck on the front of our house so we could sit outside and enjoy the neighborhood. And then in order to do that, the setback needs to be from -- we want to put a 10 by 16 foot so it would be 10 feet out from the house, so the setback needs to be reduced by 10 feet.

It would follow the character of the neighborhood. Our neighbors right next to us actually have a deck right next -- to -- to the left of us have a deck on the front of their house, as well as there are a couple neighbors throughout the circle right there on Sunnyside and Irvington that also have a deck on the front of their house.

PAUL BLOSER: Is this something you're putting up yourself?

MS. SPRING: Yes.

PAUL BLOSER: Have you started work on it yet?

MS. SPRING: No.

PAUL BLOSER: With -- the existing concrete steps you're leaving there?

MS. SPRING: Yes. We'll put it just right over top of it and just take the railings down.

MICHAEL NYHAN: Looks like you have the wooden railings and the steps will match the lumber of the deck itself?

MS. SPRING: Yes.

MICHAEL NYHAN: Will there be any cover over the top of this?

MS. SPRING: The top of it, no.

MICHAEL NYHAN: No cover whatsoever?

MS. SPRING: No.

PAUL BLOSER: The lattice work underneath, what is that going to be?

MS. SPRING: I didn't really -- I guess just plastic, I was thinking. I don't know. I haven't really -- that was just kind of my vision, I thought it looks better than just leaving it.

PAUL BLOSER: Plywood?

MS. SPRING: Right.

PAUL BLOSER: You painting this at all?

MS. SPRING: Not painting it. I was going to stain it.

ROBERT MULCAHY: How big is the cement step that was there?

MS. SPRING: I believe it's maybe 3 feet by 4 feet.

ROBERT MULCAHY: 3 foot by 4 feet.

MS. SPRING: Yes.

PAUL BLOSER: Very typical of --

ROBERT MULCAHY: Those houses, yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question. Was the 45 foot setback previously approved, was that at the time it was built? When did that come into play?

JAMES WIESNER: 1957.

DOROTHY BORGUS: That was probably when the house was built.

MS. SPRING: The house was built, I believe, in '45.

FRED TROTT: 1957.

MS. BORGUS: So what was the 45 foot setback previously approved for?

MS. SPRING: That might have been, um -- originally I believe the garage was detached and then they went ahead and they attached the garage to the house, so that might have been when they attached the garage to the house.

ED SHERO: The -- that house wasn't built in '45. That was about '57.

PAUL BLOSER: The -- the setback was --

ROBERT MULCAHY: '57.

PAUL BLOSER: Done in 1957.

MS. SPRING: My paperwork must be wrong.

MS. BORGUS: At the build-out then.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Robert Springer 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.

ROBERT MULCAHY: Pretty common for people to be doing that.

Paul Bloser reviewed proposed conditions of approval with the Board.

PAUL BLOSER: In other words, when you start digging footers before you put posts in there and cover them up, the depth has to be verified by the Town Inspector because you fill them full of cement and put your wood in there, they will make you dig them out. So save yourself a lot of time and work.

PAUL BLOSER: The materials you're using, I am going to put down that the lattice work at least match the color of the house, so that you don't end up with three colors, the house color, the deck color, and the lattice color. I want the trim basically to match the house.

MS. SPRING: Okay.

MICHAEL NYHAN: Or the deck?

PAUL BLOSER: That is going to be natural wood. Stained to match.

MICHAEL NYHAN: Could the lattice match that, as well? Either consist with the deck or the house.

PAUL BLOSER: She said she was going to do plastic lattice work. You will not get --

MICHAEL NYHAN: She didn't sound like she was sure. So from a direction standpoint, it would have to either match the house or the deck material, something other than those two that are there.

MS. SPRING: That's fine.

PAUL BLOSER: Are you redoing the sidewalk at all?

MS. SPRING: We might, by I'm not sure. The sidewalk is kind of cracked, so I was thinking about tearing it up and laying down pavers, instead.

PAUL BLOSER: There is no permit required for -- for that.

MS. SPRING: Okay.

PAUL BLOSER: Just more curiosity.

MS. SPRING: We'll see how hard it is.

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 Fred Trott seconded the motion. The Board all voted yes on the motion.

Robert Springer made a motion to approve the application with the following conditions, 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 conditions:

1. All necessary permits and inspections must be obtained and completed as required by code.
2. Trim pieces (lattice work, etc.) Must match either the house or the deck wood in color.
3. No roof or porch covering to be added without Town approvals.

The following finding of fact was cited:

1. The requested variance for the new porch setback is not significant in nature. This type of reconstruction is very consistent with other houses in this neighborhood as they are all about the same age and similar in construction. There will be no significant environmental impact with this variance.
5. Application of Mr. & Mrs. John Mertz, owner; 11 Pine Ridge Drive, Rochester, New York 14624 for variance to allow existing 12' x 16' utility shed to be 5 1/2' x side lot line (8' req.) And 6' from rear lot line (8' req.) At property located at 11 Pine Ridge Drive in R-1-15 zone.

Mr. and Mrs. John Mertz were present to represent the application.

MRS. MERTZ: Good evening.

MR. MERTZ: John Mertz, 11 Pine Ridge Drive.

MRS. MERTZ: Maureen Mertz, you might remember us from last month. We had a couple of, um, issues that we had to deal with before we were able to add the front porch to our home.

The first of those was our shed that was too close to the lot line. So we had a gentleman come out and move the shed for us as far as he could without, um, you know, major excavation. He was able to move it -- although we're not exact -- we don't know exactly where the lot line is, so we gave ourselves a little bit of leeway. The shed was able to be moved almost 6 1/2 feet from the side lot line and about 7 feet from the rear lot line.

However we're asking for a variance. We gave an extra foot on that again because without a survey, we're not exactly sure where the actual lot line is and we don't want to come into

problem with that later.

We weren't able to move it the full 8 feet because on the side lot, the, um, yard starts to incline quite a bit, so the shed would have been either tilting or we would have had to put it up on some higher stilts or blockers, and the gentlemen that moved it didn't think that that would be safe. So we moved it as far as we could, and we're hoping for a variance, um, for that. Please.

PAUL BLOSER: You haven't started the front addition yet, have you?

MRS. MERTZ: No. Obviously we have a couple more things. We wanted to make sure we get the variance for the shed, and then we have to actually have a building permit for the shed which would be the next step because it's larger than, um, the standard sized shed. So that is our next step.

We also had someone come out and give us an estimate on actually redoing the pool deck. Mr. Fafinsky is working on that, and that old deck will come down and a new deck will be built. And building permit and then we'll go forward on the front porch. There is a couple things we have to do one at a time. We have to get one done before we do the next one. So that is where we are.

PAUL BLOSER: With the deck, you won't have to be coming back to us for that. That is just a matter of getting the Town --

MRS. MERTZ: The building permit and that kind of thing.

FRED TROTT: Unless you want to.

MRS. MERTZ: Well, you know. We'll invite you out for coffee, you know.

PAUL BLOSER: They always put you last on here, too.

MRS. MERTZ: We're getting quite an education with the other things going on in Town. We know where all of the new churches are now.

PAUL BLOSER: Now you learn what is going on in your Town.

JAMES WIESNER: The 12 by 16 is right at code, 192, which is code, so I don't have any questions.

MICHAEL NYHAN: No questions. I remember the last time they came in.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Robert Springer 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: Did you submit a map where you felt it was, to the Town?

MR. MERTZ: Yes.

Paul Bloser reviewed proposed conditions of approval with the Board.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Springer 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 Springer 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. This is the first of two conditions imposed at previous meeting when applicant applied for variance to remodel the front of the house and porch.
2. All necessary permits and inspections must be obtained and completed as required by code for the deck prior to construction of porch or remodeling begins.
3. Updated lot map must be submitted showing shed placement and deck placement. This can be done when final drawings are submitted for the front end renovations and porch setbacks.

The following finding of fact was cited:

1. The requested variance for the shed setback is not significant in nature. Property owner has made effort to move shed as far as possible to code requirements. However, based on topography of the lot, any further movement of shed would require significant excavation and site work to make the shed level. This is the first of two conditions imposed at previous meeting when applicant applied for variance to remodel the front of the house and porch. This condition has been unanimously approved by the Board as complete. There will be no significant environmental impact

with this shed variance.

The meeting ended at 8:26 p.m.