

CHILI ZONING BOARD OF APPEALS
August 23, 2005

A meeting of the Chili Zoning Board of Appeals was held on August 23, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

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

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

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

BEVERLY GRIEBEL: Before we get into the agenda, we'll take on signs, starting with Number 1. Johnson, Westside Drive.

GERRY HENDRICKSON: No problem.

BEVERLY GRIEBEL: No problem with signs there.

The Board indicated they would hear the application

BEVERLY GRIEBEL: Number 2, the Legion?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: They had the two signs up.

Number 3, Randall Johnson. Scottsville Road property. I had a problem with that.

GERRY HENDRICKSON: Sign was up.

BEVERLY GRIEBEL: The sign was behind the hedge, behind the bushes. The sign instructions say, "Signs must be prominently displayed."

It is not prominently displayed if it is behind the fence and you can't see it when you're headed south on the road. So I don't think that is real proper. I guess if the applicant had a question about before to put it, dimension wise, if put -- if -- the instructions say --

DAN MELVILLE: Is behind the fence--

BEVERLY GRIEBEL: "No closer than 8 feet, no closer than 15 feet from the front property line."

But if that is going to put a sign behind a shrub, so you can't see it, a high shrub, then perhaps the applicant should have called the Building Department.

DAN MELVILLE: He may have did it to those instructions.

BEVERLY GRIEBEL: But the -- the second bulleted item, "Signs must be prominently displayed," which would mean visible from the road. So I would like a motion on this to table that to next month.

JEFFERY PERKINS: I will make a motion.

MICHAEL MARTIN: I will second it.

BEVERLY GRIEBEL: Thank you.

DAN MELVILLE: Only thing I have to say, is if he displayed it according to the instructions

--

BEVERLY GRIEBEL: Prominently.

DAN MELVILLE: What does "prominently" mean?

BEVERLY GRIEBEL: So you can see it. If there is a businessman who has a store front and he makes up a big sign, 50 percent off sale, puts it there so it can be seen in the window and pulls down the shade, what good is that? You know, that is a -- that is a sign of no use. It is supposed to inform the public. When you can't see it, when you're driving by it -- if you're headed south on that road, you couldn't.

I turned around, and I -- I went by, I saw the next number -- it is 2150 Scottsville Road, and I saw 21 -- or 12. No. 2156. So I went and turned around and came back, and there you could see it when you were headed north on the road, but when you were headed south, you couldn't see it. So the vote on that, Dan -- or is there any other discussion about this?

JEFFERY PERKINS: I think it goes back to what you said. The purpose of the sign is to make it visible to the public that there is a meeting going on. If -- if it is not visible to the public, it does not serve the purpose of the sign.

BEVERLY GRIEBEL: A vote on that to table that to next month, which is September 27th.

MR. RANDALL JOHNSON: Am I allowed to make a comment on this?

BEVERLY GRIEBEL: No.

DAN MELVILLE: No.

RICHARD PERRY: Yes.

MICHAEL MARTIN: Yes.

PETER WIDENER: No.

JEFFERY PERKINS: Yes.

GERRY HENDRICKSON: No.

BEVERLY GRIEBEL: I will vote yes. Four to table; is that right?

RICHARD PERRY: Correct.

BEVERLY GRIEBEL: That will be tabled until September 27th at 7 o'clock. The applicant will get a letter in the mail that will state he has to obtain new signs in the Building Department and post them correctly so they can be seen from the road.

If anyone is here to talk about that application, we won't be hearing anything on that tonight. Number 4, Mr. Trzyzewski on Gateway?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 5, David Triassi?

RICHARD PERRY: No problem with all those signs.

BEVERLY GRIEBEL: He had it --

DAN MELVILLE: Were there four of them?

BEVERLY GRIEBEL: Yes.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 6, Bill Howard for the candy -- no, the ice cream place. Any problems with that?

RICHARD PERRY: I was out Sunday. As I mentioned to you, it looked like somebody had torn it down. It was laying at the foot of the telephone pole.

BEVERLY GRIEBEL: So it wasn't visible to the --

RICHARD PERRY: Well, it was. It was just that it was torn. Somebody had torn it down, and it was laying there. You know, there was one corner of it that was still up on the -- on the post.

BEVERLY GRIEBEL: Which could -- but you couldn't read it.

DAN MELVILLE: This past Sunday?

RICHARD PERRY: Yes, this past Sunday.

BEVERLY GRIEBEL: Well?

RICHARD PERRY: It was right side up, so I could, you know, read it, but had to stop to do so.

BEVERLY GRIEBEL: But the whole idea is it is supposed to be posted.

DAN MELVILLE: Is there anybody in the Town Hall on Sundays to get new signs?

RICHARD PERRY: That is obviously a problem.

MICHAEL MARTIN: Sounds like vandalism.

BEVERLY GRIEBEL: Maybe, but that is not -- that is not a thing that -- kids out to rip it down, I wouldn't think. You never know. If it wasn't -- I was out the first weekend and it was okay.

GERRY HENDRICKSON: I was out on Saturday and it was all there.

DAN MELVILLE: So was I.

GERRY HENDRICKSON: All clear and everything. It was great.

JEFFERY PERKINS: What does it say about maintaining the signs in the instructions?

BEVERLY GRIEBEL: "Failure by applicant to maintain required signs for the full ten-day period prior to the public hearing will result in a tabling of the application."

JEFFERY PERKINS: Pretty clear.

BEVERLY GRIEBEL: Pretty clear. It doesn't say it may be tabled. Should be tabled.

DAN MELVILLE: Are they able to pick a sign up on a Saturday or Sunday if they need one?

BEVERLY GRIEBEL: Well, I don't know. That is not the Board's problem. I think it has to be put up so that it's hopefully impervious to the rain. I have seen people put plastic around it or something to be sure that the sign will stay in place where it is.

DAN MELVILLE: But if somebody tears it down --

RICHARD PERRY: Yes, that --

DAN MELVILLE: That is beyond their control.

BEVERLY GRIEBEL: It is pretty clear here, as Jeff (Perkins) said. Will result in tabling.

MICHAEL MARTIN: Did you go by today?

RICHARD PERRY: I meant to go by today. It did not look like the elements brought it down.

BEVERLY GRIEBEL: We didn't get that pouring rain until Sunday evening.

BEVERLY GRIEBEL: Well, the other signs were up. So you can't really blame it on the elements or the wind or whatever.

So at this point, will I have a motion to table that to the next meeting? Anybody want to make a motion?

JEFFERY PERKINS: I will make a motion.

BEVERLY GRIEBEL: Second?

I will second it. Any more discussion on that?

DAN MELVILLE: I vote no.

RICHARD PERRY: Well, I guess I got to be consistent and vote yes.

MICHAEL MARTIN: Yes.

PETER WIDENER: I vote no.

JEFFERY PERKINS: I vote yes.

GERRY HENDRICKSON: Yes.

BEVERLY GRIEBEL: I vote yes.

So that is tabled. A vote to table to 9/27 at 7 p.m.

MR. ARILOTTA: I'm the architect and put that sign up myself twice, for the record, or off the record.

BEVERLY GRIEBEL: Well, it must be up, because that is notification for the public. So that is tabled. We won't be hearing that tonight, and that will be on the agenda for next month.

Going back to the beginning we'll start with Number 1.

1. Application of Mr. & Mrs. Kenneth Johnson, IV, owner; 861 Westside Drive, Rochester, New York 14624 for variance to allow existing fence to have good side facing inward (good side facing outward required) at property located at 861 Westside Drive in R-1-20 zone.

Kenneth Johnson was present to represent the application.

BEVERLY GRIEBEL: How did you get to come here? Was there a complaint, or --

MR. KEN JOHNSON: I assume so. I have no idea. We received notice that we had -- we were in violation of code and needed to get a variance or fix it.

BEVERLY GRIEBEL: How long have you lived at the house?

MR. KEN JOHNSON: A little over three years now.

BEVERLY GRIEBEL: Three years?

MR. KEN JOHNSON: Yes.

BEVERLY GRIEBEL: And the fence was there when you bought the house?

MR. KEN JOHNSON: Yes. That was submitted with the paperwork.

BEVERLY GRIEBEL: So you don't have any idea how long the fence was up.

MR. KEN JOHNSON: No. Not documented.

BEVERLY GRIEBEL: There is a pool in the backyard?

MR. KEN JOHNSON: Correct.

BEVERLY GRIEBEL: Which is the reason for the fence.

MR. KEN JOHNSON: Yes.

BEVERLY GRIEBEL: Part of the fencing is chain link?

MR. KEN JOHNSON: No. The survey indicated some chain link which was incorrect. It wasn't updated for many years.

BEVERLY GRIEBEL: It was a board fence with an in-ground pool.

MR. KEN JOHNSON: Correct.

BEVERLY GRIEBEL: When I looked at the pictures of the fence -- I looked at the fence when was coming along Fenton Road, with that bar across the middle of it, it looks as if it would be climbable. I don't know how the rest of the Board feels. Because the pool is -- because a pool is supposed to have a non-climbable fence. I'm not a fence climber. I don't know if that is climbable or not.

MICHAEL MARTIN: Not easily.

BEVERLY GRIEBEL: Mr. Kress, what is your opinion on that? Is that a climbable fence?

DANIEL KRESS: I would not -- without going into all of the technical aspects, I would not regard that -- although I suppose, you know, if someone wanted to put their mind to it, they could climb it, but I would not regard that as so climbable per what the code talks about that it would have to be dis qualified on that basis.

BEVERLY GRIEBEL: Okay. And this came, I guess, as a result of a neighborhood complaint.

DANIEL KRESS: Apparently we got a phone call. Not entirely clear on the entire history of the property, but we certainly do not go out looking for fences that might be facing the wrong way, so the only reason I went out is because yes, we got a phone call.

BEVERLY GRIEBEL: Okay.

RICHARD PERRY: I don't know if it is just the shading of the photographs, but it looks like the interior side of the fence that has been either stained or washed while the exterior doesn't appear to be -- having been either cleaned or washed. Is that the case?

MR. KEN JOHNSON: No, I don't believe either side has been stained.

RICHARD PERRY: Neither side?

MR. KEN JOHNSON: No.

BEVERLY GRIEBEL: It looks like one may have gotten a little more sun. Maybe that is it.

RICHARD PERRY: The fence faces a couple different directions.

I don't have any other questions.

JEFFERY PERKINS: You came to own the property in 2001?

MR. KEN JOHNSON: Yes.

JEFFERY PERKINS: It was existing then?

MR. KEN JOHNSON: Yes.

BEVERLY GRIEBEL: Now, I guess if the Board doesn't agree with this, then this fence has been there so long, you probably can't reverse it and put the boards on the other side. Is that --

MR. KENNETH JOHNSON: Not very easily, correct.

BEVERLY GRIEBEL: Probably would fall apart.

MR. KENNETH JOHNSON: Yeah.

BEVERLY GRIEBEL: It is like trying to move a shed that has been in place for a few years.

MR. KENNETH JOHNSON: Well --

BEVERLY GRIEBEL: Things don't move well.

MR. KENNETH JOHNSON: It is in good repair, but there are trees -- well, you have seen the property. There are trees surrounding the property. So it would be difficult to work. But I suppose it could be done.

BEVERLY GRIEBEL: So it would -- if it is not -- if this Board doesn't approve it, then your solution might have to be a whole new fence in that area.

MR. KENNETH JOHNSON: Yes.

BEVERLY GRIEBEL: Because it may not be able to be switched easily. Without breaking everything up.

MR. KENNETH JOHNSON: That is quite possible.

BEVERLY GRIEBEL: Getting nails out of some of the cross bars. It would be difficult.

GERRY HENDRICKSON: That should have been caught a long time ago.

BEVERLY GRIEBEL: Well, it must have been up when the pool was put up, although you really don't know that, do we, Mr. Kress? Maybe there was a different kind of fence previously and then this was put up.

DANIEL KRESS: The -- well, my best guess, based on all of the information available, I think sometime around 1998, the pool and fence went up. The fence may or may not have been -- replaced an earlier fence.

RICHARD PERRY: In that time, to date, has there been anything more than this one

complaint?

DANIEL KRESS: No, sir. No -- nobody else has --

RICHARD PERRY: Okay. I think that speaks volumes.

BEVERLY GRIEBEL: So since '98, you said?

DANIEL KRESS: Uh-huh.

MR. KENNETH JOHNSON: I think it is indicated on the survey the original date was there, and it's was resurveyed I believe in 1999.

BEVERLY GRIEBEL: I don't see that -- oh, yeah.

MR. KENNETH JOHNSON: An original date.

BEVERLY GRIEBEL: April '98, March '99. Okay. Interesting.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: You didn't get any letters in, Mr. Kress, did you?

DANIEL KRESS: No.

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

BEVERLY GRIEBEL: This did go to Monroe County Airport Review. Nothing came back on it, so I assume that is a local matter or passed airport review. If they object --

DANIEL KRESS: Yes. It is a local matter.

BEVERLY GRIEBEL: Okay.

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

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

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

1. Fence has been in place for several years and was installed prior to present owner.
 2. No objections presented at the meeting or via letter.
2. Application of Chili American Legion, owner; 450 Chili Scottsville Road, Scottsville, New York 14546 for variance to erect a 6' high fence per plan submitted where 4' is allowed at property located at 450 Chili Scottsville Avenue in PRD zone.

Tom Schreck was present to represent the application.

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

What is your name, sir?

MR. SCHRECK: Good evening, Madam. My name is Tom Schreck, S-c-h-r-e-c-k. I'm the Post Commander of Chili Legion Post 1830 located at 450 Chili Scottsville Road.

BEVERLY GRIEBEL: Now, you want to replace the existing 120 foot hedge with 120 foot vinyl fence? Both are 6 feet in height. I guess the shrubs work, but --

MR. SCHRECK: The dead shrubs are --

BEVERLY GRIEBEL: They are kind of deteriorated.

MR. SCHRECK: Yes, they are.

BEVERLY GRIEBEL: They are kind of passe at this point. That is to shield the property from Stryker Road.

MR. SCHRECK: We have a pavilion in that location. The pavilion from time to time is used for the Girl Scouts and the Boy Scouts. They may have sleep-overs.

We also use it for our disabled veterans. Sometimes they feel like a little privacy is afforded to them. They try to meet in some of the public parks and some of them do feel that they're ridiculed from the public because of their handicaps and injuries and so on.

But it is also aesthetics to make things look a little better than instead of looking at the dead bush from the public roadway.

BEVERLY GRIEBEL: If you replanted the hedges, it could be quite a while until they grew up for enough of a screening there.

MR. SCHRECK: Yes, it could be.

BEVERLY GRIEBEL: You have a diagram. What color?

MR. SCHRECK: A white vinyl with a lattice top. I believe a pamphlet was provided to the Board.

BEVERLY GRIEBEL: That is easy care, so it is white. It -- we didn't get it in color, so I was not sure what color.

MR. SCHRECK: Pretty much maintenance free once it is in and installed.

GERRY HENDRICKSON: No questions. I know what they're trying to do. It will look nice when they get through.

BEVERLY GRIEBEL: When I drove along there, I noted that the nearest neighbor is across the street, across Stryker Road, and their house actually sits ahead of where the fence would be. So they're not going to look out their house windows and see the fence.

MR. SCHRECK: Actually, if they look out the windows, they're looking at the Post building, the main Grange. The pavilion is back far enough. Where the hedges are, I'm not sure if they're opposite any of the property at all. His property line ends before the bushes.

BEVERLY GRIEBEL: Okay. Because I was noting that when I drove by, it is really not near the house. It wouldn't be obstructing any views there.

MR. SCHRECK: It is back far enough off the road as the vehicles leave our driveways on Stryker, there is plenty of vision in both directions, too.

GERRY HENDRICKSON: True.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

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

1. Fence to replace a dying/dead screening hedge.
2. Will provide a security barrier and privacy to patrons.
3. Application of Randall Johnson, 200 Wind Willow Way, #16, Rochester, New York 14624 property owner; Mr. & Mrs. Clinton Galbraith; for variance to erect a single-family dwelling to be 90' from front lot line (100' req.), 15' from north side lot line (50' req.) and 20' from south side lot line (50' req.) at property located at 2150 Scottsville Road in A.C. and FW zone.

DECISION: Unanimously tabled by a vote of 7 yes to table until the September 27, 2005 meeting at 7:00 p.m. for the following reason/finding of fact:

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

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

Applicant must be present for the public hearing.

4. Application of Mark Trzyzewski, owner; 6 Gateway Circle, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 13' high (12' allowed) at property located at 6

Gateway Circle in R-1-15 zone.

Mark Trzyzewski was present to represent the application.

DAN MELVILLE: What is the maximum square footage for a shed?

MR. TRZYZEWSKI: There is already a variance for the size and location of the shed from the April 26th meeting.

DAN MELVILLE: We are only here for a height?

MR. TRZYZEWSKI: Correct.

BEVERLY GRIEBEL: You were here earlier.

MR. TRZYZEWSKI: I already had a variance for the size and the location.

DAN MELVILLE: All right.

BEVERLY GRIEBEL: You're here --

MR. TRZYZEWSKI: Strictly for the height.

BEVERLY GRIEBEL: You were here in April.

MR. TRZYZEWSKI: Correct. April 26th meeting.

BEVERLY GRIEBEL: You found --

MR. TRZYZEWSKI: Correct. When I went to pick up the permit, there was note maximum height was 12 feet. I -- no one mentioned that when I submitted my plans and no one mentioned it here, and I wasn't smart enough to know there was a maximum height.

BEVERLY GRIEBEL: You wanted to have that to --

MR. TRZYZEWSKI: It will come somewhere 12 feet 8 inches, and I'm asking for 13 feet in case I measure differently from the Inspector. From the ground level to the top where I'm planning the roof edge will be less than 13 feet. The plans that I originally submitted that no one questioned had the roof around 13 feet 8 inches. So I took a foot off the roof line to bring it down. The cost of that was more of the loft area.

BEVERLY GRIEBEL: You want a little more storage area.

MR. TRZYZEWSKI: When I picked up the plans, I liked the way it looked and the idea of storage above the floor area. But to compromise, when you start thinking about it, it seems awful tall, so I took a foot off the pitch of the roof. It still gives me some storage but makes it more in proportion. My house, from the ground level to the peak of the roof is at least 14 feet. From the nearest neighbor's house, from the ground to his gutters is about 16 feet. I don't know how high it is to the peak of the roof because I can't really measure that one. It is higher than that, because it is 16 feet to the gutters.

I have letters from both neighbors. It only is a neighbor behind me and one to the left because I'm the corner lot. They both do not have a problem with the height of the building.

BEVERLY GRIEBEL: And we have copies of those --

MR. TRZYZEWSKI: You have copies of the variance and -- for the size and location.

BEVERLY GRIEBEL: Well, we have copies of letters from --

MR. TRZYZEWSKI: From the two neighbors. I have two neighbors.

BEVERLY GRIEBEL: And they have no objection to --

MR. TRZYZEWSKI: No.

BEVERLY GRIEBEL: -- to the height?

MR. TRZYZEWSKI: No. Nor do they object to the location or the size.

BEVERLY GRIEBEL: And one side, it is much closer to one of the neighbors.

MR. TRZYZEWSKI: To their house, yes.

BEVERLY GRIEBEL: Right. And there are some trees along there, except right where the shed is going to be.

MR. TRZYZEWSKI: Yes.

BEVERLY GRIEBEL: There are not many trees in that area.

MR. TRZYZEWSKI: I took out cotton wood trees to build the shed.

BEVERLY GRIEBEL: Cotton woods are bad.

MR. TRZYZEWSKI: The neighbors are happy the cotton woods came out.

BEVERLY GRIEBEL: They're thanking you for doing that.

MR. TRZYZEWSKI: They don't miss them.

BEVERLY GRIEBEL: I hear you. .

RICHARD PERRY: The perspective from the road makes it look not that high, especially because it is behind, and the trees.

MICHAEL MARTIN: Just is it 13 feet or 13 ½? MR. TRZYZEWSKI: Actually between -- right around 12 feet, 8 inches, but I'm asking for 13 feet in case I measure a little

differently.

MICHAEL MARTIN: The written application you had 13,6.

MR. TRZYZEWSKI: That was the original height, and I took a foot off the height from the plans. I bring it back 4 inches in case I measure differently than the Building Inspector.

MICHAEL MARTIN: 13 feet.

MR. TRZYZEWSKI: It will be less than 13 feet, measuring from the ground, if I understand correctly, to the peak of the roof.

BEVERLY GRIEBEL: So you're allowing for thicker shingles or something on the top.

MR. TRZYZEWSKI: Roof vent, so that is what I am thinking.

BEVERLY GRIEBEL: Do you work for a government agency?

MR. TRZYZEWSKI: No, I do not. No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

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

1. No objections from nearest neighbors.
2. Partially surrounded by taller trees and house.
5. Application of David Triassi, Da Vassi Homes, owner; 69 Authors Avenue, Henrietta, New York 14467 for variance to erect four single-family dwellings to be 60' from front lot line (75' req.) at properties located at 737, 739, 749, 751 Marshall Road in R-1-12 zone.

Larry Heininger, Michael Markus and David Triassi were present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning, airport review, and no large statements came back, so I presume it is a local matter. They didn't check it.

DANIEL KRESS: It is a local matter, yes.

BEVERLY GRIEBEL: I don't think it will interfere with airplane --

DANIEL KRESS: We hope not.

BEVERLY GRIEBEL: If it does, we are in trouble.

MR. HEININGER: Good evening. Larry Heininger.

I will hand out some mini copies for the Board that are updated.

BEVERLY GRIEBEL: They're updated?

MR. HEININGER: Yes.

BEVERLY GRIEBEL: Could you spell your name?

MR. HEININGER: H-e-i-n-i-n-g-e-r.

Okay. Good evening. Larry Heininger from HBMA Architect, Engineers & Land Surveyors.

With me is David Triassi in the green sweater. And Michael Markus from our office.

The reason I handed out the reduced copies that are updated, is that we think this better illustrates smoother what the re-contouring does. And also the updated drawing actually brings in the footprint of the house that Dave (Triassi) plans on building originally on Lot R-2, which would be the third house from the right.

A bit of an explanation how we got into this. David (Triassi) purchased this four-lot subdivision and came in and asked us to stake out his house on Lot R-2. And when we looked at it for stake-out, one, the driveway of the previously designed subdivision was pretty close to a 10 percent driveway grade, and we said you really don't want to do that, because people just don't buy houses with that much grade on a driveway.

And also, when we looked at it, the lot line between Lots R-1 and R-2 was offset to the north, and that wouldn't hurt what was happening on Lot R-2, but since Lot R-1 had the most grade of any of the lots, it was going to be tough to build on that lot in the future, so you're kind of painting yourself into the corner with the grading, if you went ahead and put the house on Lot R-2.

So as we looked at this and said, you know, "Dave, you really don't want to have driveway slopes over 5 percent."

Um, we talked to Dan Kress and said what would it take to move the lot line between lots R-1 and R-2. He said if you wanted to move one line, it is administrative. More than one, it is a Planning Board issue, and as you know, we went to the Planning Board.

And then the grading would have been administrative. And then we also looked at the setbacks when we were looking at the grading, and I will go over to the illustration on the wall here (indicating). But part of the other thing, I handed out the subdivision plat which is actually what would be filed here.

The way all this happened in history was back I think in 1999, the land was subdivided just as a plat by a surveyor who kind of cut the cake, starting at Lot R-4, 90 feet, 90 feet and then 91 feet and 80 feet. Without really looking at what was there.

And when you start to look at what is there, at the road, and where the fire hydrants are and where the catch basins are, it makes sense as you can see on the -- on the plat map here, so adjust the lot line between Lots R-4 and R-3 from 90 feet to 81 feet, and then your lot line lines up with the catch basin out at the road. And the same situation happens when you adjust the lot lines between Lots R-1 and R-2, is now the lot line lines up with the catch basin at the road so you can run a pipe to the backyard and put a catch basin in the backyard, and that eliminates the 6 foot deep ditches that were between the house pads. I'm 5 foot, 10 ½, so I would have been standing in a ditch kind of playing G.I. Joe had the plan been built to the previous design.

So we just said look, this is just kind of a -- not the best design. We suggest you submit to the Planning Board and then also request the variance from the 75 feet to the 60 feet which is more in keeping with the -- with the two neighboring homes, and the other benefit to a homeowner is the other line would be where the back of the house would be if you held the 75 foot setback.

Um, what we are proposing is that they would have about a 35 foot rear yard to where the swale is, the low point. Otherwise it is reduced to 20. So you go from 30 to 15 and so on. And it just makes it a much more usable backyard and lines up with the rest of the street.

So we were granted an approval by the Planning Board several weeks ago for the adjustment of the lot lines, and the regrading, and I hope he passed on a favorable recommendation to you on the setback variance. But that is essentially why we are here.

PETER WIDENER: Madam Chairwoman, I would like to bring to our attention this application is invalid. There are no signatures or dates on it. I don't know if we can waive it or approve it -- if not --

BEVERLY GRIEBEL: Mr. Kress, is that signed on your official copy? Sometimes the copies are made before it gets officially signed.

DANIEL KRESS: The file copy has a signature and date on it.

PETER WIDENER: Thank you. I withdraw that statement.

BEVERLY GRIEBEL: Thank you. Had it circled and ready, too.

So we can proceed.

MR. HEININGER: Okay.

BEVERLY GRIEBEL: So you said that that setback, the 15 foot less front setback is more in keeping with the neighborhood houses?

MR. HEININGER: Yes. The two -- the two as shown on the grading plan, we are showing the two houses to the north and to the south.

BEVERLY GRIEBEL: Oh, okay.

MR. HEININGER: And they are both 60 feet or 56 feet.

BEVERLY GRIEBEL: Right around that?

MR. HEININGER: Yes. I mean by scale, I think one scale is 56 feet, but they're basically the 60 foot setback.

BEVERLY GRIEBEL: So that is in keeping with the neighboring properties?

MR. HEININGER: Right.

RICHARD PERRY: Actually, I think it is even less, closer to the Chili Avenue.

MR. HEININGER: Probably.

RICHARD PERRY: So this is very much in keeping.

BEVERLY GRIEBEL: You go by there a lot.

RICHARD PERRY: Yes. At least twice a day.

BEVERLY GRIEBEL: At least.

JEFFERY PERKINS: It looks like, Larry (Heininger), when I scale it, it is more than 60 feet to the garage.

MR. HEININGER: The way we have drafted them?

JEFFERY PERKINS: Yes. I mean -- not that it means anything, but --

JEFFERY PERKINS: Either the scale on the drawing --

MR. HEININGER: The scale on the drawing may not be accurate half scale, but I did come prepared.

And the real drawing is 60 feet from -- but again, that's -- when we stake it out, we'll probably stake it out at 61.5 feet, and -- while we are here, in the Town of Chili, is it the eave of the roof, or the -- or is it the foundation as to where the setback is determined?

DANIEL KRESS: Foundation.

MR. HEININGER: Would that be the foundation of a front porch, as well?

DANIEL KRESS: Including the front porch, yes.

MR. HEININGER: The reason I'm asking that is, it never happened to me, but I know of a builder that was familiar building in one town and went to the other side of the County and in one town the front porch didn't count and in the new town it did, and he was a quarter million dollars of house down the road and instead of a nice front porch with colonial stuff, they wound up with a door tacked in the front of the house because -- so anyway, I'm asking this question for David (Triassi).

BEVERLY GRIEBEL: Be sure he gets it right the first time around because you can't move a house.

MR. HEININGER: Yes. Because when we stake it out, we are picking up the liability. It is a question we wind up asking once we go forward.

BEVERLY GRIEBEL: Right. That would be an expensive error to make.

MR. HEININGER: It was an expensive error.

RICHARD PERRY: It will be a vast improvement over what has been there for so long.

BEVERLY GRIEBEL: There were houses there before?

RICHARD PERRY: Yes.

DAN MELVILLE: There was an old house.

BEVERLY GRIEBEL: Pretty bad shape.

RICHARD PERRY: Pretty bad.

MR. HEININGER: Yes. And I guess the -- to help you out, the old house was probably 30 feet from the right-of-way.

RICHARD PERRY: Yes.

MR. HEININGER: Probably an old farm house.

DAN MELVILLE: Yes. It was close.

MR. HEININGER: So historically, things were a lot closer than 60 feet.

BEVERLY GRIEBEL: That will be a big improvement in there.

RICHARD PERRY: Oh, absolutely.

MR. HEININGER: That is why David (Triassi) wanted to start with Lot R-2 because the existing sewer lateral and water service are already in for that lot. That was the logic behind that.

BEVERLY GRIEBEL: Makes it easier.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

1. Setback requested is in keeping with neighboring properties.
6. Application of Bill Howard, 3313 Chili Avenue, Rochester, New York 14624, property owner; Five Star Properties; for variance to erect two additional wall signs - Sign #1 to be

4' x 3', Sign #2 to be 5' x 3'10" at property located at 25 Old Chili Scottsville Road in G.B. zone.

DECISION: Tabled by a vote of 4 yes to 3 no (Dan Melville, Peter Widener, Gerry Hendrickson) until the September 27, 2005 meeting at 7:00 p.m. for the following reason/finding of fact having been cited:

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

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

Applicant must be present for the public hearing.

The meeting ended at 7:55 p.m.