

CHILI ZONING BOARD OF APPEALS
September 26, 2006

A meeting of the Chili Zoning Board of Appeals was held on September 26, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

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

ALSO PRESENT: Dennis Scibetta, Building & Code Compliance Inspector; Keith O'Toole, Assistant Counsel for the Town.

Councilman Schulmerich, Zoning Board Liaison, was also present.

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 begin, we'll go for a Board discussion of signs. Number 1, Shawn Shonk. Any problems with signs?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 2, Vogler? I was okay on that. Any problems?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 3, Five Star Equipment. Any problems?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 4, Perna Homes. Okay on that?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 5, Barbara Denigris.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 6, Faber Homes.

The Board indicated they would hear the application.

1. Application of Shawn Shonk, owner; 146 King Road, Churchville, New York 14514 for conditional use permit to allow an office in home for an internet web site business at property located at 146 King Road in R-1-15 zone.

Shawn Shonk was present to represent the application.

BEVERLY GRIEBEL: You said you will have an E-Commerce website selling hunting, fishing and camping supplies using a drop-ship warehouse for inventory. That would mean that you would not be having customers coming to your house?

MR. SHONK: No customers coming to the house and no inventory at the house either.

DAN MELVILLE: Basically an office?

MR. SHONK: Yes. Handle paperwork only.

BEVERLY GRIEBEL: You will not have any outside people working for you?

MR. SHONK: No.

BEVERLY GRIEBEL: You're the only one doing this?

MR. SHONK: Yes, ma'am.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

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

1. Granted for a period of one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.
6. Applicant to obtain and maintain any required State and local licenses.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Keith Vogler, owner; 106 Christina Drive, North Chili, New York 14514 for renewal of conditional use permit to allow an office in home for a mobile air conditioning service at property located at 106 Christina Drive in R-1-15 zone.

Keith Vogler was present to represent the application.

BEVERLY GRIEBEL: This was approved -- it looks like March of '01. So -- is everything still the same?

MR. VOGLER: Yes.

BEVERLY GRIEBEL: So you take phone calls and that sort of thing at your home?

MR. VOGLER: Not even phone calls. Just paperwork and billing. Everything is done on site. It is a mobile repair service.

JEFFERY PERKINS: Any complaints in the past?

DENNIS SCIBETTA: Not on the business, no.

RICHARD PERRY: Your truck has the information on the side of it. Is that the only vehicle that you have that is so decorated?

MR. VOGLER: Yes.

RICHARD PERRY: That is the one you use?

MR. VOGLER: That is my personal vehicle.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Michael Martin made a motion to approve the application with the following 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 the following conditions:

1. Granted for a period of five years.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. No outside employees.

The following finding of fact was cited:

1. The home office is a customary home occupation.
3. Application of Five Star Equipment, 60 Paul Road, Rochester, New York 14624, property owner: GGBDS Realty; for variance to erect a 7' x 9 1/2' double-faced freestanding sign to be a total of 133 sq. ft. (32 sq. ft. allowed) at property located at 60 Paul Road in G.I. & FPO zone.

Norman Reynolds was present to represent the application.

MR. REYNOLDS: Norm Reynolds for Five Star.

BEVERLY GRIEBEL: What is the size of the present sign you have there?

MR. REYNOLDS: I brought a picture of it. If you would like to see it. It is -- it is -- the present variance was granted July 31st, 1984. It is actually a foot shorter. It is a two-post sign, and where the first post is, or where the post is on the present sign, the post closest to the road goes there, and then the next post goes back towards our building, so it is not encroaching towards the road.

BEVERLY GRIEBEL: Do you know what the dimension is of the top configuration of that?

DAN MELVILLE: On the old sign?

BEVERLY GRIEBEL: On the present sign.

MR. REYNOLDS: No. I took a copy of the -- from the Town, what it was. I didn't take that exact drawing. It goes way out. The new sign does not go way out.

DAN MELVILLE: The size, the square footage of the old sign?

BEVERLY GRIEBEL: Dennis (Scibetta), do you have a comment on the information in the file?

MR. REYNOLDS: The one granted in '84 is a 16 foot by 5 foot double-faced free-standing sign.

DAN MELVILLE: That is what we need to know. Thanks.

BEVERLY GRIEBEL: So that would be 160 square feet. So that is bigger than what you want to put up?

MR. REYNOLDS: Right.

DAN MELVILLE: This is smaller. That's good.

BEVERLY GRIEBEL: The new request is smaller.

MR. REYNOLDS: This is basically the same type of sign that On Trac has on Union Street. Deere mandates a new sign.

GEORGE BRINKWART: It is not indicated on the plans, but do you know what the intended distance is from the right-of-way to the sign?

MR. REYNOLDS: More than the 15 foot required. I measured that myself. I made sure.

BEVERLY GRIEBEL: Will it be in about the same area that the present sign is at?

MR. REYNOLDS: Only the front post. So the whole -- the sign from the post that you can see in the picture goes towards the road. This sign goes this way (indicating), so --

BEVERLY GRIEBEL: This is back?

MR. REYNOLDS: This is back towards the property, yes.

JEFFERY PERKINS: I'm not sure if this was asked already, but did you intend to have the street address on the sign?

MR. REYNOLDS: No. Just the company name and the John Deere. The street address is on the building. The sign only has the John Deere logo plus the name of the company.

BEVERLY GRIEBEL: So the street number is on the building?

MR. REYNOLDS: Yes.

DAN MELVILLE: We normally require the number on the sign somewhere, whether it is on the post or something. Is that possible, to put the number on the post so it is a little more visible?

MR. REYNOLDS: Just the number?

DAN MELVILLE: Yes.

MR. REYNOLDS: Yes.

DAN MELVILLE: If you can do that, it just makes it little easier for identification, especially for emergency vehicles.

BEVERLY GRIEBEL: All of the buildings in Chili don't have street numbers. But if you can pick one out, sometimes you can find the place you're looking for. So we are trying to get people to do that. It is in the Town Code, but -- trying to get people to add numbers.

MR. REYNOLDS: The numbers on the building are big enough that we get quite a few people stopping in and looking for some other addresses on Paul Road already.

BEVERLY GRIEBEL: Somebody else who doesn't have their number on?

MR. REYNOLDS: Yes. But if you require one on the leg -- we can do something.

DAN MELVILLE: That would be great.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

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

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

1. Add street numbers to the sign as discussed at the public hearing.

The following finding of fact was cited:

1. To identify business with a new dealer sign.

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

4. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624, property

owner: James Group; for variance to allow existing dwelling to be 6.8' from side lot line (10' req.) at property located at 52 Adela Circle in R-1-15 zone.

Jim Perna was present to represent the application.

MR. PERNA: Good evening.

BEVERLY GRIEBEL: Do you work for a government agency?

MR. PERNA: Pardon me?

BEVERLY GRIEBEL: Do you work for a government agency?

MR. PERNA: No. I'm Jim Perna with Perna Homes.

BEVERLY GRIEBEL: That question was not answered, so...

MR. PERNA: Um, what happened here is I did a field change. The surveyors staked out the lot at the time -- the day I was going to dig it, we went there and I noticed that the -- the garage would have been -- the garage right, and it was on the right side of that property, there is a drainage easement, like a 30-foot drainage easement and it was down in a real deep hole. So I talked to the homeowners, and I did a field change the same day I dug it, made the garage on the left. So if you went by there, you saw -- you know, they would be backing out right into the road nice and straight.

Also on the left side, there is a -- it is another storm sewer easement. So basically it is in character with the rest of the houses in the neighborhood. They're about 7 foot side ties on most of them. But it was my fault. I did a field change without, you know, thinking that the house had to be -- because I used the stakes there, and I just flipped the house around, but there was obviously a jog in it and it knocked it off a little bit.

BEVERLY GRIEBEL: That happens.

MR. PERNA: We don't do too much like this. The engineers bring the plot plans in. This is my first one I had in ten years maybe.

RICHARD PERRY: This happens so often, we ought to draw a line someplace, make them tear it down and start over.

(Laughter.)

MR. PERNA: It enhances the neighborhood.

BEVERLY GRIEBEL: It is a nice house.

DAN MELVILLE: No questions. He admitted it was his fault.

RICHARD PERRY: That is a nice thing to hear.

DAN MELVILLE: At least he didn't say somehow the stakes got moved.

MR. PERNA: The jog in the garage goofed me up. It was not Avery's fault. It was my fault.

DENNIS SCIBETTA: Could we just hear him say he was sorry again?

(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STUART MULLIGAN

MR. MULLIGAN: Stuart Mulligan. Next door, Number 2 Phyllis Lane. M-u-l-l-i-g-a-n, S-t-u-a-r-t. I don't -- I have a question. I don't object to the variance problem, the short distance from the house to my land. What I am interested in is what is on the drawing for my home that was given to me. In the front there is supposed to be 60 feet from the corner left stake over to the right side of the house, my house, that is, and that would be the neighboring property for the folks at -- on Adela Circle next to me.

If I measured right, I -- I just took a tape one day with the owner, James. He and I went out and it actually comes out into the driveway, into his driveway. So my question is, is the drawing wrong that was given to me? Or -- or am I misunderstanding something? I would like to know -- there was no stake put out there, so I don't know exactly where my property line is on that side of the house. Neither in the front of the house, nor the back of the house. I can't get a beam. In fact, I have three slow-growing blue spruces I want to plant before the winter comes and he doesn't

-- I want them somewhat close to the line --

DAN MELVILLE: That will probably be staked when it is --

MR. PERNA: Yes.

MR. MULLIGAN: That is my question. Is it going to be staked?

DAN MELVILLE: They will put a pin in the ground.

MR. MULLIGAN: If it ends up in the driveway of the new owners' --

MR. PERNA: It is not in the driveway, Stu (Mulligan). Here is the map here (indicating). Here is the lot line (indicating) -- we are about 10 feet off the lot line here (indicating). The problem is here (indicating), not here (indicating). There is plenty of room. Here is your lot line (indicating), and here is the driveway (indicating). Don't forget, when you shoot the 61 feet, it is a radius. It is definitely not in yours.

MR. MULLIGAN: So what --

MR. PERNA: You know that storm sewer pipe, that is the lot line roughly.

MR. MULLIGAN: Who would be in charge of determining where the lot line is, where it starts on the right-hand side of my house so I know where to plant the trees when I go to plant them? Is that the Town's job or --

MR. PERNA: Avery will stake it out. There is a manhole there, too, isn't there? The manhole is right on the lot line.

MR. MULLIGAN: There is a manhole.

MR. PERNA: That is right on the lot line, roughly. But I can have Avery put a stake there. It is not a problem.

MR. MULLIGAN: I would like a stake. And one in the back.

MR. PERNA: In the hedge row there is one.

MR. MULLIGAN: It is gone. I know there was one there.

MR. PERNA: It is by a steel rod in the ground. I know it is. I put it in there.

MR. MULLIGAN: If it is in the ground, I can't find it.

MR. PERNA: We have to -- I can measure 61 feet right over from the front of -- of Jim's house and I can give you that exact dimension.

MR. MULLIGAN: When I measured it over, it came out into the driveway.

MR. PERNA: 61 feet from here over (indicating), the frontage, that will show you where the line is. It is easy. I can do that tomorrow for you.

BEVERLY GRIEBEL: Jim (Perna), could you maybe have Mr. Avery put a couple of stakes?

MR. PERNA: The hubs are probably here, but they're probably buried. Wrought iron hubs. No big deal.

BEVERLY GRIEBEL: Then he can have his trees in.

MR. PERNA: We can take care of it. Thank you.

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

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

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

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

1. Minimum variance.
2. No change in the character of the neighborhood.
5. Application of Barbara Denigris, owner; 254 Archer Road, Churchville, New York 14428 to amend conditional use permit granted on January 25, 2005 for one horse

and six ducks to two horses and six ducks at property located at 254 Archer Road in R-1-20 zone.

Barbara Denigris was present to represent the application.

BEVERLY GRIEBEL: As noted, the application was January of '05. We made that for ten years. These are horses that have -- how many years have they been there?

MS. DENIGRIS: I have been at 254 for 30 years and I had two standard sized horses for just about all of that period of time. And both got old and passed away. And the reason I would like to amend the conditional use is that -- I knew this when I came before you two years ago -- is that horses tend to be herd animals. They really do need companionship. I know when my first one passed away, the second one was pretty lonely for several years. I have to be honest with you, I felt like it was prudent to soft pedal what I asked for the last time, because at that point, two years ago, we didn't know what was happening with the golf course in back of us, and I know that the original plans had stated there was going to be some kind of a -- one of the holes would be back behind my house. I thought maybe one horse would be better, and I was hoping that I would find a horse that had perhaps lived by himself all of the time so he didn't know he was supposed to be a herd animal.

But in the past year and a half I spent looking for just the right horse to work with children and individuals with disabilities, it is really hard to find one. So I don't really need, for my purpose, two standard sized horses. I just need something to keep my horse, when I hopefully find one that has good manners and is not a big eater and all of the other important things I'm looking for, just to have a companion. I looked into goats and goats are too hard to keep penned in. I have a three-line fence, electric-tape fence which is very good for a mini horse. Mini horses don't usually grow much bigger than 3 feet tall. They're a nice sized horse. Not an itty bitty thing you see at the circus. They're easy keepers that like to trot behind big horses for the most part. I have found several of those, but I didn't want to go through the process of purchasing one or go through the process to find a free one, even better, if they didn't meet your approval. That is what I am looking for.

Everything else is the same. My neighbors keep asking when I will get horses. The pasture has not changed. The size is the same. My intent in starting the program with horses is the same. I would just like to be able to add the possibility of putting a mini horse back there. Ducks are the same.

BEVERLY GRIEBEL: So you have -- you don't have a horse right now? You're looking for one?

MS. DENIGRIS: Right.

BEVERLY GRIEBEL: You want to add a mini horse. So whether it is a big or little.

DAN MELVILLE: A horse is a horse, of course.

RICHARD PERRY: Of course.

DAN MELVILLE: Couldn't pass the mini horse off for a dog?

MS. DENIGRIS: Some dogs.

RICHARD PERRY: Great Dane.

BEVERLY GRIEBEL: For most of the time then you did have two horses there?

MS. DENIGRIS: Yes. I had two standard sized horses. They worked out fine. I think probably the pasture itself is about three-quarters of an acre. I'm not sure. Probably should look at that.

BEVERLY GRIEBEL: The whole property is almost an acre and a half in size.

MS. DENIGRIS: The past year -- I don't know if you have a map -- originally I gave everybody a map of my property. But the pasture itself is actually behind my neighbor's homes. It is an L-shaped property. It is really a gem of a little piece of land there. Very lucky to have it.

PETER WIDENER: When you had the other two horses, did you have a problem getting rid of the byproduct, the manure?

MS. DENIGRIS: No, I didn't. It is a good sized pasture. No. Even in the summertime. I never had complaints from the neighbors saying that the wind was blowing this way. No. It seemed to dry up and clear up by itself.

PETER WIDENER: You didn't transport or spread it or anything like that?

MS. DENIGRIS: No.

PETER WIDENER: Do you still have an in-ground pool?

MS. DENIGRIS: Yes.

PETER WIDENER: You want a mule?

MS. DENIGRIS: I heard mules are good companions, but I was afraid I would get one that liked to bray a lot. Maybe that might not be smart.

PETER WIDENER: I was just concerned about the manure.

BEVERLY GRIEBEL: I think when you came in the past, there were questions about whether there were any complaints.

MS. DENIGRIS: I just spoke to Barbara on the phone about another matter and she said they shouldn't have any trouble. As far as the neighbors are concerned, they think it would be great back there.

GEORGE BRINKWART: How often do you have children at your place?

MS. DENIGRIS: Usually on a weekend now that school is open. In the summertime I have a Fresh Air Fund teenager, now, ninth year coming up. She is usually there for July and August. I have a couple girls I mentor through Big Brother, Big Sister. They're there on weekends or a lot during the summer because of the pool. I keep promising them that we'll find the perfect horse. I -- I just -- I would like to expand it so that we could have groups of kids, say six or seven kids at a time come out. My sister is a resident of one of the group homes and I would love to have her housemates come out and visit animals and be able to come up close to animals and not have to worry about it biting or kicking or doing all of those obnoxious things the horses can do. I'm looking for the perfect horse, I know.

But I know the value, and I'm sure most of you do, the value of animals with other -- with humans. So I know it would be a very worthwhile program. I don't anticipate a lot of people and a lot of traffic and, you know, day after day kind of thing. Just mostly on the weekends.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a comment based on the neighbor behind, which I believe is Links of Chili, that should not be a problem with the space between anything behind her place. So I think it is an appropriate amendment.

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 Richard Perry seconded the motion. The Board all voted yes on the motion.

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

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

1. Approved for a period of ten years from original date of renewal (expires 1/25/15).

The following findings of fact were cited:

1. No complaints from neighbors.
 2. Long term approvals (since 1970s).
 3. Property is almost 1 ½ acres in size.
6. Application of Faber Homes, owner; 3240 Chili Avenue, Rochester, New York 14624 for variance to allow a circular driveway yielding two driveway cuts (one driveway cut allowed) at property located at 31 Tynedale Way in PRD zone.

Shauna Lasher was present to represent the application.

MS. LASHER: Shauna Lasher with Faber Homes. We are requesting a second curb cut within the subdivision. It is a new subdivision. It is it Park Place. It is Section 8. The homeowners are relocating here from California, and that's a feature that they're accustomed to out there and they want that at their new home here in Chili.

BEVERLY GRIEBEL: Is there any other reason why a circular driveway --

MS. LASHER: Just a feature they're accustomed to. Maybe safety reasons. They don't feel like backing out. Both curb cuts would be on a non-collector road with the subdivision, which is a Town road, not a County or State road.

BEVERLY GRIEBEL: Well, it does ask what circumstances exist which prevent compliance with the requirements of the Town of Chili zoning ordinance?

MS. LASHER: This situation kind of started off in a -- before we sold this option, we did perform some due diligence by requesting approval from the Town and we were actually given written approval from the Town before we sold this option to the homeowner. Unfortunately when we applied for the building permit, it was brought to our attention that there was a mistake made and it was not acceptable by code. But at that point, we had already sold it to the homeowner.

BEVERLY GRIEBEL: Well, that doesn't answer the question. What circumstances exist that prevent compliance with the requirements of Town of Chili zoning ordinance?

MS. LASHER: I guess I don't understand your question. The normal code would be one curb cut.

BEVERLY GRIEBEL: Yes.

MS. LASHER: Yes.

BEVERLY GRIEBEL: That is what most homes have.

MS. LASHER: Right.

BEVERLY GRIEBEL: There are very, very few that have two curb cuts.

MS. LASHER: I have been at Faber for ten years. This is our second circular driveway in ten years.

BEVERLY GRIEBEL: I have seen a similar configuration, but only one actually goes all of the way out to the roadway. You know, I have seen that.

MS. LASHER: Yes. Sometimes you have turn-arounds with a little L shaped --

GEORGE BRINKWART: Did you talk to the Highway Superintendent?

MS. LASHER: We talked to Joe Carr. Joe Carr said he didn't have a problem with it, because it was not a County or State road, it was just a Town driveway cut. He didn't have a problem with it. Then he referred me back to the Building Department.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a couple of questions. Is this a dead-end street?

MS. LASHER: No. It is actually a corner lot.

BEVERLY GRIEBEL: Did you see the diagram that is up on the board?

MR. RETTIG: No, I didn't. But I have a couple of quick questions.

What is the width of the yard?

MS. LASHER: I would have to refer to the map. I don't recall offhand.

BEVERLY GRIEBEL: It looks like 31 feet from the most prominent corners on each of those frontages.

MR. RETTIG: My question is, what is the total width of the yard?

DAN MELVILLE: 70 feet it looks like on the front.

MR. RETTIG: 70 feet width is on the frontage where the circular driveway is?

DAN MELVILLE: Yes.

MR. RETTIG: That is my question, thank you.

SHARON MONTGOMERY, 28 Hilltop Drive

MS. MONTGOMERY: Sharon Montgomery from 28 Hilltop Drive in North Chili, and it is my daughter and son-in-law that are building the house. They -- because the house is a corner lot, they did want -- because of the amount -- there are sidewalks, a lot of pedestrian activity, that is one of the reasons why they wanted the corner lot -- so they could pull out and not run over and back over a child, because of the corner.

DAN MELVILLE: So for more safety?

MS. MONTGOMERY: Yes.

BEVERLY GRIEBEL: Inside road, there could be more kids riding bikes.

MS. MONTGOMERY: Right.

BEVERLY GRIEBEL: It is not a main thoroughfare in the town.

MS. MONTGOMERY: Just from checking the house every day, I notice -- I watch all over the place when I back my car up to turn around. That was another concern they had, why they wanted to go that route, with the corner.

BEVERLY GRIEBEL: I did get a communication earlier in the day that lists several approvals until the building permit could not be forthcoming. I guess a series of misinformation from various sources.

MS. LASHER: Correct.

BEVERLY GRIEBEL: So by the time you had sold the house, and your client had agreed to this circular driveway, then you found out you couldn't do it?

MS. LASHER: Correct.

BEVERLY GRIEBEL: Without the variance.

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

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

Michael Martin made a motion to approve the application with no conditions, and George Brinkwart 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. Minimal impact on neighboring property.
2. Will allow safer exit of vehicles.
3. No objection from the Highway Superintendent.

The 8/22/06 Zoning Board meeting minutes were approved as submitted.

The meeting ended at 8:45 p.m.