

A meeting of the Chili Zoning Board of Appeals was held on September 28, 2004 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: Dan Melville, Gerry Hendrickson, Michael Martin, Peter Widener, Jeffery Perkins and Chairperson Beverly Griebel.

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

Chairperson 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 start with signs. Number 1, Paul Hayhurst? I was out Saturday, the 18th, in the afternoon. I didn't have any problems with that.

DAN MELVILLE: That was fine.

The Board indicated there were no problems with the notification sign.

BEVERLY GRIEBEL: Application 2, Westside Christian Fellowship, I didn't have a problem with that.

The Board indicated there were no problems with the notification sign.

BEVERLY GRIEBEL: Number 3, Postell, on 133 Christina Drive, when I was out on the first Saturday, there was no sign.

PETER WIDENER: I was looking at signs from the 18th to the 26th, and I had no problems with any signs. You're saying on Christina Drive there was not a sign?

BEVERLY GRIEBEL: Not a sign.

PETER WIDENER: What date?

BEVERLY GRIEBEL: 18th, a Saturday. Because according to the new procedure --

DAN MELVILLE: Legal requirements have to be up for ten days.

BEVERLY GRIEBEL: The new sign posting notice asks the applicant to put them up on Friday, so there is no question as to what time they go up on that Saturday.

So --

PETER WIDENER: You're saying they go up on Saturday?

BEVERLY GRIEBEL: The applicant is told to put them up on that Friday, so that there is no question of whether they go up in the morning or the afternoon on that Saturday. Even put them up earlier than that. You don't have to wait until that Friday. So that was not up, and I would like a motion to table that until the October 26th meeting at 7 o'clock.

GERRY HENDRICKSON: I will make that motion.

PETER WIDENER: Second.

UNIDENTIFIED SPEAKER: Am I allowed to speak on that?

BEVERLY GRIEBEL: No, no discussion on that.

The motion to table passed by a vote of five yes to one no (Peter Widener voted no.)

BEVERLY GRIEBEL: So nothing will be heard on that application tonight. If you're here to address that application, you will have to come back next time.

PETER WIDENER: Madam Chairwoman, when they come back, do they have to pay another fee?

BEVERLY GRIEBEL: No. They have to post the sign. They have to either change the dates or get new signs. They will get a letter in the mail to that effect.

Number 4? John Weits, Woodruff.

The Board indicated there were no problems with the notification sign.

BEVERLY GRIEBEL: Application 5, Paul Pfenninger, Morgan Road. On Saturday, there was no sign on the property.

PETER WIDENER: I saw it on the 18th. That was Saturday, late Saturday, when I went out.

BEVERLY GRIEBEL: I was out right after lunch. It was not posted.

PETER WIDENER: Here again, we're looking at within just 24 hours. I know what you're saying but...

BEVERLY GRIEBEL: Well, let me ask Mr. Kress at the side table. The applicant is given this listing of dates with a posting date on it; is that correct?

DANIEL KRESS: That's correct.

BEVERLY GRIEBEL: Along with the sign instructions?

DANIEL KRESS: That's correct.

BEVERLY GRIEBEL: Which said for the September meeting, notice sign posting date is September 17th, which would be a Friday. So they are given a copy of that along with the instructions of how to post it and where to post it and to post it and maintain it.

DANIEL KRESS: Code mentions ten days. Due to the fact that so many applicants wait until late in the day on the 10th day and Board members have been by, that is why if you count those, we back them up to Friday. So we tell them, if someone goes out at 12:01 a.m., the sign is up.

BEVERLY GRIEBEL: If they're out early Saturday, they're up.

MICHAEL MARTIN: You were out Saturday?

PETER WIDENER: Yes, late Saturday afternoon. Looking at my calendar, counting today, that is ten days.

MICHAEL MARTIN: You were out after, Beverly (Griebel)?

BEVERLY GRIEBEL: I was out after lunch. Early afternoon.

PETER WIDENER: I was there 3:00, 3:30ish. I mean, that is when I started my tour.

BEVERLY GRIEBEL: I drove back and forth looking, to be sure I hadn't missed it and I didn't see it.

MICHAEL MARTIN: One Board member drove by, and a few hours later another Board member did see it. We haven't had that happen before.

DAN MELVILLE: We had that happen. Last year we started doing it if one Board member didn't see it, we didn't hear it.

PETER WIDENER: I like to inspect the properties. But if one Board members goes out the first day and doesn't see it, then no sense having the rest of us go out.

BEVERLY GRIEBEL: If it is tabled, that search of the property is still valid for the following month. So that would mean the following month, that you would have to check for the sign but not walk through the property to look and see what they're doing. So that is the reason for that. We don't go out as a group. Everyone goes individually as their time allows.

PETER WIDENER: In looking at this, it says "to erect a detached garage." There was -- we're concerned about this person probably already went -- or is going to go to the Planning Board and will be held up at another meeting?

BEVERLY GRIEBEL: No.

PETER WIDENER: Doesn't have to go to the Planning Board for that?

BEVERLY GRIEBEL: No. That is not our problem. You know. If this happens in June, and

somebody wants to put a pool up and they don't get the sign posted properly and they're tabled, then they can't do anything until the following month. It is too bad. But they're given instructions. Instructions are out there.

MICHAEL MARTIN: There are legal reasons --

PETER WIDENER: I understand legal ramifications. It is just --

DAN MELVILLE: It was last October. Actually, we started it at your request, Pete (Widener). You were the only one who didn't see one sign one time. When we started that, at one time, we said we have to do it for everybody, every one from now on, so we started getting tougher on them.

PETER WIDENER: In the same conversation here, if we investigate the signs the first day out, everybody, then we're consistent. But I didn't get out to the last one until the 26th.

BEVERLY GRIEBEL: No. Because if -- if I saw the sign on Application 2 on that first Saturday, and you go out a week later and it is not up, then --

DAN MELVILLE: Then it is not there.

BEVERLY GRIEBEL: -- then it is not there.

MICHAEL MARTIN: Then it hasn't met the requirement.

DAN MELVILLE: I normally go out the last weekend. I know there are a few that go out the first. I go out the last. If it is there the first and there the last, chances are it has been up the whole time.

BEVERLY GRIEBEL: More than likely.

That is why if it is not there part of the time, it doesn't satisfy the posting requirements of the public hearing. So that is Application 5. Morgan Road.

MICHAEL MARTIN: To be consistent, we should table that.

BEVERLY GRIEBEL: We'll table that. I need a motion to table that until October 26th.

MICHAEL MARTIN: I make a motion.

GERRY HENDRICKSON: Second.

BEVERLY GRIEBEL: Thank you.

The motion to table passed by a vote of 5 yes to 1 no (Peter Widener voted no.)

BEVERLY GRIEBEL: Anyone present to represent that application, it will not be heard tonight. Joe Benson?

DAN MELVILLE: I saw it.

BEVERLY GRIEBEL: It was not up on the 18th.

DAN MELVILLE: Then I guess we have to table it.

BEVERLY GRIEBEL: Motion to table that --

PETER WIDENER: Madam Chairwoman, aren't we trying to improve Scottsville Road's appearance? And it goes hand in hand with the last two that we just declined. This person is asking for an improvement to Scottsville Road and his business and it has been there for some years, I assume.

BEVERLY GRIEBEL: Well, that doesn't have any bearing on this sign not being posted properly.

DAN MELVILLE: We can't play favorites, allow some and others.

PETER WIDENER: That is what I am saying about 3 and 5. We're talking days, not even days in some cases. 24 hours or less.

MICHAEL MARTIN: The last two months --

PETER WIDENER: I guess maybe I would like to see this.

BEVERLY GRIEBEL: The --

PETER WIDENER: Revised.

BEVERLY GRIEBEL: Well, it has been revised umpteen times. People in the Building Department, Mr. Kress, do your staff -- do they also explain this to the applicants?

DANIEL KRESS: Yes, they certainly do.

BEVERLY GRIEBEL: So it is explained. They get instructions in writing.

Still they don't follow the instructions.

PETER WIDENER: Again, looking at this one it looks as though they may have to go to the

Planning Board because it is an addition on Scottsville Road. Therefore, our decision of just not hearing it this month goes to next month.

BEVERLY GRIEBEL: They may already be scheduled for the Planning Board next month. I don't know.

PETER WIDENER: They won't be able --

BEVERLY GRIEBEL: They can do preliminary.

DAN MELVILLE: Either or?

PETER WIDENER: They can still go to the Planning Board next month?

MICHAEL MARTIN: The last two meetings we had over 20 applications and there has not been a problem with one sign.

PETER WIDENER: There wouldn't be any additional fees again on this property as the other two?

BEVERLY GRIEBEL: No. No.

PETER WIDENER: So.

BEVERLY GRIEBEL: I need a motion to table that until 10/26.

MICHAEL MARTIN: I will move it.

DAN MELVILLE: Second.

The motion to table passed by a vote of 5 yes to 1 no (Peter Widener voted no.)

BEVERLY GRIEBEL: That one is also tabled until next month. The next one, Application 7?

DAN MELVILLE: 20th, no sign.

BEVERLY GRIEBEL: 18th, no sign.

The first four I looked at had no signs and I was very discouraged. I was about ready to check for Mr. Kress' --

DAN MELVILLE: The reason I went on the 20th was because I got a phone call saying there was no sign on the 18th, so I thought I would check it out.

BEVERLY GRIEBEL: I double checked the date to make sure I was out on the right date. The first four, no signs. Just by the chance. I did not -- I made a circuit around to do the least mileage that I could.

I need a motion to table that until 10/26.

MICHAEL MARTIN: I make that motion.

GERRY HENDRICKSON: Second.

The motion to table passed by a vote of 5 yes to 1 no (Peter Widener voted no.)

BEVERLY GRIEBEL: All of the applicants will get a notice in the mail instructing them what to do. Generally, if they fail a second time, at that point, it might be denied without prejudice and they would have to reapply. That is where the second fee would come in.

PETER WIDENER: As long as the people who had to go home tonight realize there are no extra fees, and they're not going to be held --

DAN MELVILLE: You're never charged an extra fee when an application is tabled.

BEVERLY GRIEBEL: Only if it is denied without prejudice, if they don't show up the next time. Sometimes we let them go a third time.

MICHAEL MARTIN: We don't have a choice in this.

BEVERLY GRIEBEL: No. We don't have a choice. The signs were not up.

Anyone come in since we tabled the first application?

No one responded.

BEVERLY GRIEBEL: Did anyone else come in? I didn't see.

No one responded.

BEVERLY GRIEBEL: I will have to keep watch.

Beverly Griebel read the application description for Application #2.

BEVERLY GRIEBEL: I have a letter that -- "To whom it may concern, Andrew Wilkinson is a member of the Westside Christian Fellowship Church Council and has" --

MICHAEL MARTIN: 1?

BEVERLY GRIEBEL: That was tabled.

MICHAEL MARTIN: 3, 5, 6 and 7.

BEVERLY GRIEBEL: Oh, I'm sorry. I -- I'm sorry about. That we go back to Number 1.

1. Application of Mr. & Mrs. Paul Hayhurst, owner; 4 Privateers Lane, Rochester, New York 14624 for variance to erect a canopy over existing deck to be 15' from rear lot line (25' req.) at property located at 4 Privateers Lane in R-1-15 zone.

Paul Hayhurst was present to represent the application.

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

MR. HAYHURST: I'm not sure what that means.

BEVERLY GRIEBEL: Nothing you have to worry about.

BEVERLY GRIEBEL: You said on the application the property was sold three times with a deck on it, put on the by the original owner, not you. Have you just bought the house?

MR. HAYHURST: We bought it in '97.

BEVERLY GRIEBEL: '97?

MR. HAYHURST: Yes.

BEVERLY GRIEBEL: Now you want to put a canopy over it and they said wait a minute.

MR. HAYHURST: There is no variance, yes. We came to get a permit, and we were not issued a permit because there is no variance. We're too close to the property line.

DAN MELVILLE: Well, the deck probably pre-existed the code maybe. How long has that deck been up for?

MR. HAYHURST: Give me a second. Probably '87.

BEVERLY GRIEBEL: Yeah. I was going to say about 20 years ago that section was built.

DAN MELVILLE: I believe at that time, you didn't even need a building permit at that time.

MR. HAYHURST: I think the house was built in '87. We bought it in '97. This is the first owner who did this. So...

MR. HAYHURST: I would suspect the people we bought it from didn't know the difference anyway. They just kept finishing it and left it alone.

BEVERLY GRIEBEL: Sometimes if there is no permit, it will come out when they're looking at properties at -- when you're going to be closing on a house. Sometimes it comes up and that can delay the closing. At least it didn't do that.

MR. HAYHURST: No. But with our luck, it would probably if we tried to sell the property. So it is better we take care of it now and it won't come up later.

BEVERLY GRIEBEL: It won't come up when you want to sell the house.

It is going to be a covered porch?

MR. HAYHURST: Yes. We have a wooden canopy put over it. I have kind of a -- you may have a copy of the drawing.

DAN MELVILLE: No. We don't have a copy of that.

MR. HAYHURST: This is the only copy --

DAN MELVILLE: Is that a permanent type canopy?

MR. HAYHURST: Yes. If I can --

DAN MELVILLE: Does it roll out?

MR. HAYHURST: This is what it will look like. It is probably the best side-view. (indicating). I'm not a carpenter.

DAN MELVILLE: Pass it down to the Board members.

MR. HAYHURST: I will need it back for the building permits.

BEVERLY GRIEBEL: Will it be screened?

MR. HAYHURST: No. All it is -- he is going to build kind of -- it will have like a -- the opaque kind of, you know, vinyl type top to it. There is going to be a -- the beams coming down, and then there will be like six posts going in, just generally -- just attached right to the outside of the deck.

PETER WIDENER: Corrugated roofing material, is that fiberglass, plastic?

MR. HAYHURST: I think it is fiberglass.

PETER WIDENER: Even though this was built before you bought the house, are you seeking a permit now to get this to the Planning Board?

BEVERLY GRIEBEL: No. Not a Planning Board issue.

PETER WIDENER: Building?

MR. HAYHURST: We -- there was never a variance applied for.

PETER WIDENER: I realize that. That is what you're doing now.

MR. HAYHURST: Yes. We were told to come here to do this. So we paid the fee to have this hearing, to make this application and then proceed with the building permit so we can get it done. He figures it is about a two to three-day job.

PETER WIDENER: Good luck with it.

MR. HAYHURST: Thank you. My wife is looking forward to it. She makes a lot of use of the deck particularly with the little ones. With the placement of the deck, you have a lot of sunshine on it, and it is pretty warm in the summer.

JEFF PERKINS: Elevation showing, is that a partial wall going up the outside of the deck?

MR. HAYHURST: It is just -- there -- on the -- the deck has, you know, normal deck rail, kind of thing. All he is doing is kind of putting beams into the soil. There is not -- it is not even closed or anything. It is an open-air kind of --

JEFF PERKINS: When you look at the elevation of the picture --

MR. HAYHURST: I don't understand what you're asking. Are you talking about this piece here (indicating)? That was already an existing structure. All he is doing is doing the top.

JEFF PERKINS: Just wanted to make sure that is clear.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQOR, 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 Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Minimal impact on neighboring property from a long present deck.
2. Application of Westside Christian Fellowship, 312 Fisher Road, Rochester, New York 14624, property owner: International Church of Four Square Gospel; for variance to erect a 6' x 5' double-faced freestanding sign at property located at 312 Fisher Road in R-1-15 zone.

BEVERLY GRIEBEL: And the letter came in from the Pastor Clark, allowing Andrew Wilkinson to represent this application at this manner.

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

And currently the sign is on the wall of the church?

MR. WILKINSON: Yes. Currently the sign is alongside the brick. It is an old sign that is covered mostly by plants because it is actually right in the flower bed. So we really can't see it from the road unless you know what you're looking for.

So our plans are actually designing a new sign which I believe members of the Board have received. There is one correction to the sign. It is a deletion. We're deleting the names of the pastors. They do not want their names to be on there. So that is the only modification to the sign.

BEVERLY GRIEBEL: What we approve is the sign, and what you put on it is really up to you.

MR. WILKINSON: Okay. We didn't know. We wanted to make sure.

MICHAEL MARTIN: The only requirement we have is the street address be on the sign.

MR. WILKINSON: Okay. Which I believe --

MICHAEL MARTIN: It is not on the rendering.

MR. WILKINSON: We do need that street address?

MICHAEL MARTIN: Yes.

BEVERLY GRIEBEL: It kind of helps locate properties.

DAN MELVILLE: For emergency vehicles.

MR. WILKINSON: The sign has not been built yet, so I will make sure it gets on there.

BEVERLY GRIEBEL: It will be placed nearer to the road, so people can see it.

MR. WILKINSON: Yep. Within the regulations of the Chili Town charter, we're going to keep it away from the property line, of the bordering property and the road.

I don't know if it was specified in there. We were going -- want to be able to illuminate it, if possible.

DAN MELVILLE: You do have it on the sign here, on the bottom.

You will be lighting it.

MR. WILKINSON: Currently, we don't know if we are, but we would like to be able to, if possible.

BEVERLY GRIEBEL: Since it is on your diagram, it does -- you know, it does address that on here. Lighting would be highly directional and flood over the sign itself. That would be in the evening hours?

MR. WILKINSON: Yes. Only in the evening.

DAN MELVILLE: Will you remove the existing sign on the building?

MR. WILKINSON: That's correct. We actually have no use for it. It is outdated. Some of the information on it is outdated, too.

PETER WIDENER: How large is the sign on the building?

MR. WILKINSON: The current one? It stands approximately 6 foot tall by about 4 feet wide. I'm not 100 percent certain on that.

MICHAEL MARTIN: Similar in size to what you're proposing?

MR. WILKINSON: What we're proposing might be just a little wider than the current one. I'm just trying to estimate from picturing it in my mind.

PETER WIDENER: When the sign was put up, did you have a variance?

MR. WILKINSON: I was not a member of the Church Council at the time. I would assume so.

PETER WIDENER: Side table, do you know if there was a variance for the sign?

DANIEL KRESS: I don't know that. I can look it up.

BEVERLY GRIEBEL: It is coming down anyways.

PETER WIDENER: If there is already a variance for it, he could -- he could just change the location of the sign from the building to the road with a light?

DAN MELVILLE: He needs the variance for the freestanding sign.

BEVERLY GRIEBEL: And double-sided.

DAN MELVILLE: That is not a freestanding on the building.

PETER WIDENER: But the measurement is what I am concerned about.

MICHAEL MARTIN: This is slightly larger.

BEVERLY GRIEBEL: It would be double-sided.

PETER WIDENER: I would just like to note there was one. That is my only question I have.

Thank you.

GERRY HENDRICKSON: If you put lights to it, make sure they shine on the sign and do not blind people going by.

MR. WILKINSON: It will be a dim enough light, just so that the people can see the name. Right now I don't know if we're even going to do it because then there is question of how we would power it and the extra cost. We just wanted to get the permission, if possible, so if in the future we decide to turn lights on -- as it is, we battle the airports lights at night.

PETER WIDENER: You could signal an airplane into your parking lot.

MR. WILKINSON: This would be focused, like track lighting, aimed right at the board.

DANIEL KRESS: No question. Just one suggestion to follow up on Gerry (Hendrickson)'s comment. What you might want to think about doing if you're going to light this, rather than putting fixtures on the ground shining up, would be installing low-mount fixtures at the top shining down which would more directly illuminate the face of it and be less likely -- I know you don't have a lot of neighbors in the immediate neighbor area, but we don't want it to be shining at any airplane pilots either.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Dorothy Borgus - 31 Stuart Road

MS. BORGUS: I actually have a comment and a question.

If there are drawings, it would be nice if they were put on the board for the audience, since it wasn't.

I wonder how many colors are on this sign.

MR. WILKINSON: The colors will be probably pretty general to what the sign is up there now, which is an off white and green on the posts.

BEVERLY GRIEBEL: There is a small diagram. I don't know if that would have shown from the board.

MICHAEL MARTIN: Two colors.

MR. WILKINSON: Green lettering with an off white. We're not a very -- I won't say we're not colorful, but we won't spend a lot of money on different types of colors. Just probably will be a two-tone.

BEVERLY GRIEBEL: Which probably adds to the bill.

MR. WILKINSON: Yes.

DAN MELVILLE: Anything you do adds to the bill.

MS. BORGUS: 15 feet back from the right-of-way, so we don't get into what we did at Grove Place Cemetery, at the corner, this same road.

BEVERLY GRIEBEL: 15 feet back from the right-of-way. Not 15 feet from the roadway.

MR. WILKINSON: That's correct. We're going to be 15 feet from the property line. We're going to follow what the charter says. We don't want it right up on the road. We just want people that drive by to see it. We have talked to some of our neighbors during events and some people don't even know there is a church on the street.

The Public Hearing portion of 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 Gerry Hendrickson 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 6 yes with the following condition:

1. Street number to be on sign.

The following finding of fact was cited:

1. Applicant described need for a more prominent sign on a sometimes busy street.

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

BEVERLY GRIEBEL: We had applications that were tabled until 10/26, and Mr. Caruso, you're probably here for Application 6, Joe Benson, and Application 7, Atlantic Properties. Those are both tabled until 10/26 at 7 o'clock for failure to properly post the public hearing signs.

MR. CARUSO: Okay.

3. Application of Dwayne Postell, owner; 133 Christina Drive, North Chili, New York 14514 for variance to erect a 16' x 16' deck to be 29' from rear lot line (40' req.) at property located at 133 Christina Drive in R-1-15 zone.

DECISION: Tabled until the October 26, 2004 meeting at 7:00 p.m., by a vote of 5 yes to 1 no (Peter Widener) with 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.

4. Application of John Weits, Sr., owner; 14 Woodruff Glen, Rochester, New York 14624 for variance to erect a 12' x 20' two-story utility shed to be 480 sq. ft. (190 sq. ft. allowed), variance for shed to be 15' high (12' allowed) at property located at 14 Woodruff Glen in R-1-15 zone.

John Weits, Sr. was present to represent the application.

MR. WEITS: How are you doing?

BEVERLY GRIEBEL: Good. What is going to be put in the shed?

MR. WEITS: Lawn mower equipment. Snow removal equipment. I have a 4 by 8 trailer I don't want to leave in the driveway. I want to put it in the shed.

BEVERLY GRIEBEL: So lawn and snow?

MR. WEITS: What is that?

BEVERLY GRIEBEL: Lawn and snow equipment?

MR. WEITS: Yes.

BEVERLY GRIEBEL: And a trailer?

MR. WEITS: Yes.

BEVERLY GRIEBEL: Why do you need two stories?

MR. WEITS: We're coming from a garage that is 200 square feet more, storage. We also have

full overhead storage with this house being vaulted ceilings. We don't have any overhead storage at all.

We're also moving -- we have not moved into this house yet, but it has a pitched driveway. What I want to do is put nothing in the garage, except have room for the two cars because we don't want to fall on the ice, and leave the cars outside. We have a little plateau just in front of the garage, so if we have company, they can walk and be on level ground when they come in the house.

DAN MELVILLE: Will you have electric out there?

MR. WEITS: No. I am trying to bury the building right in the woods. As I said, it would be on the northeast corner.

DAN MELVILLE: You won't park any cars in it?

MR. WEITS: No. It is going to be built on top of the ground, just patio blocks -- sitting on patio blocks with an air space under it. It will have a dirt ramp up to the doors.

DAN MELVILLE: Painted to match the house?

MR. WEITS: Yes.

MICHAEL MARTIN: Rider lawn mower?

MR. WEITS: Yes.

MICHAEL MARTIN: Push mower?

MR. WEITS: Edgers, yes.

MICHAEL MARTIN: Garden tools?

MR. WEITS: Chainsaws, yes.

MICHAEL MARTIN: You don't want to keep any of it in the garage? Intention is to keep all of it in the shed?

MR. WEITS: Yes. I don't want any of it in the garage.

PETER WIDENER: Could you refresh my memory on this one? I inspected the property. I can't recall if that woods is -- in topographical, is it higher or lower than the rest of the yard or about even? It was really sheltered back there?

MR. WEITS: It is all wooded. I will leave it that way. That is why we bought the house.

PETER WIDENER: Is it higher elevation than the front yard?

MR. WEITS: About the same. There is a little elevation because of the pitch driveway. You have a little elevation off the street. Not much.

BEVERLY GRIEBEL: What do your neighbors say? Have they said anything? They see it in the woods?

MR. WEITS: Neighbors on both sides, and the gentleman that owns the restaurant is two doors away, and Bill. I have talked to four neighbors in the cul-de-sac area, and they have no problems. I walked them back into the woods and showed them where I had it staked. So it is all measured out. 10 feet off the back line, in line with the right-of-way variance, and -- the right-of-way for the easement for the drainage, and then 8 foot off the closest line, because the lot is a pie-shaped lot on the cul-de-sac.

PETER WIDENER: Who are your neighbors to the north or back lot? Do you have neighbors back there?

MR. WEITS: Yes. They just recently installed a 6 foot -- what do they call those fences -- stockade fence.

PETER WIDENER: Have you talked with them?

MR. WEITS: No. I don't know those folks. Just after I closed, they had erected that fence.

PETER WIDENER: It is off the drainage easement.

MR. WEITS: Yes.

MICHAEL MARTIN: When do you plan to move in or hope to move in?

MR. WEITS: We're changing fixtures. We're doing a lot. All new flooring in the home. Within the next two to three weeks, I hope. I give the contractors a deadline of this Friday, because there is no sense in trying to clean the house with contractors working in there. It has been a very frustrating ordeal, but we're getting to it.

BEVERLY GRIEBEL: It comes with moving.

MR. WEITS: It does. I'm too old for it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing portion of 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 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 Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Applicant described need for additional storage room.
2. Neighbors registered no objections to project.

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

5. Application of Paul Pfenninger, owner; 20 Morgan Road, Scottsville, New York 14546 for variance to erect a 30' x 30' detached garage to be 8' from side lot line (50' req.) at property located at 20 Morgan Road in A.C. zone.

DECISION: Tabled until the October 26, 2004 meeting at 7:00 p.m., by a vote of 5 yes to 1 no (Peter Widener) with 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.

6. Application of Joe Benson, owner; P.O. Box 24817, Rochester, New York 14624 for variance to erect a 24' x 54' addition to service station to be 11' from side lot line (35' req.) at property located 1421 Scottsville Road in G.I. zone.

DECISION: Tabled until the October 26, 2004 meeting at 7:00 p.m., by a vote of 5 yes to 1 no (Peter Widener) with 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.

7. Application of Atlantic Properties, owner; 301 Exchange Blvd., Rochester, New York 14608 for variance to erect a senior apartment building to be 21.22' from proposed west side lot line (40' req.), variance to allow a density of 23.4 units per acre (8 units per gross acre allowed),

variance to allow 80 units in one building (12 units allowed), variance for building to be 3 stories, 41' high (2 1/2 stories, 35' high allowed) at property located at 3793 Chili Avenue in R.M. zone.

DECISION: Tabled until the October 26, 2004 meeting at 7:00 p.m., by a vote of 5 yes to 1 no (Peter Widener) with 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 7:45 p.m.