

CHILI ZONING BOARD OF APPEALS
September 22, 2015

A meeting of the Chili Zoning Board was held on September 22, 2015 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 Adam Cummings.

PRESENT: Mary Merry, Ron Richmond, Fred Trott, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel.

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

ADAM CUMMINGS: Any issues with signs from the Board?

JAMES WIESNER: I didn't see the one for Buckingham Properties.

FRED TROTT: I didn't see that one either.

ADAM CUMMINGS: I don't know.

JAMES WIESNER: Did you see it?

ADAM CUMMINGS: I did not make it to Buckingham Properties.

FRED TROTT: I was there tonight. It wasn't there.

JAMES WIESNER: I drove the circle like two or three times, saying it has to be there somewhere, but I couldn't find it anywhere.

I don't know if someone is here representing them to say it was put up or not.

ADAM CUMMINGS: I am blanking, because Mr. Lindsay did call me today on one of them tabled. Let me call him real quick. Technology.

There was a pause in the proceeding.

1. Application of Buckingham Properties, owner; c/o Paul Schroeder, 259 Alexander Street, Rochester, New York 14607 for variance to allow existing 3'2" by 4' double-faced freestanding sign to be 6' tall (5' allowed) at property located at 3171 Chili Avenue in GB Zone.

ADAM CUMMINGS: That was Mr. David Lindsay that confirmed that was the one that was requested to be tabled or withdrawn from tonight's -- tonight's meeting, so we'll go over that real quickly with the Board on tabling that until a future one. They're going to correspond with the Building Department via email to confirm that in writing that they would like to table it. I would like to entertain a motion to table that application tonight.

FRED TROTT: So moved.

JAMES WIESNER: Second.

DECISION: Unanimously tabled by a vote of 5 yes to table for the following reason:

1. Application was tabled at applicant's request.

Note: Applicant to obtain new signs at the Building Department to post/maintain as per Town regulations.

2. Application of Philip Passafiume, owner; 146 Parkway, North Chili, New York 14514 for variance to erect a 26' by 28' attached garage addition to be 6' from side lot line (10' required) at property located at 146 Parkway in R-1-15 zone.

Philip Passafiume was present to represent the application.

MR. PASSAFIUME: Philip Passafiume, 146 Parkway Drive. I'm looking to add a two-car attached garage to the existing house.

MARK MERRY: I thought I saw on the application the neighbor was notified of this.

MR. PASSAFIUME: All my neighbors.

MARK MERRY: There is also supporting document -- no letter supporting?

MR. PASSAFIUME: No. All verbal.

MARK MERRY: How does this -- what percentage of the homes in your neighborhood would you guesstimate have a two-car garage attached to their dwelling?

MR. PASSAFIUME: I would say everybody has at least a two-car garage. I have a current two-car. I'm looking -- with the side-loaded garage, I'm looking to add two as a direct pull-in, not a --

MARK MERRY: Right. When I read the application, I thought it was maybe common in

your neighborhood. I didn't necessarily see that. So is that your implication in your response on the application, that everybody else has one similar, so, "I would like the same?" Is that basically the way you're --

MR. PASSAFIUME: Yes.

MARK MERRY: Okay. No other questions.

ADAM CUMMINGS: You said it's for two-car garage, you have -- you have an existing two-car garage?

MR. PASSAFIUME: Correct.

ADAM CUMMINGS: So this is really for ease and possibly viewing it as a safety increase -- or a safer way to drive in your drive -- for your drive-through.

MR. PASSAFIUME: Correctly, and enlarging it.

ADAM CUMMINGS: And the need for a two-car instead -- since you already have a two-car -- I'm just -- you're looking at a 6 foot variance, but if you went for a one-car garage on that one, you would not need a variance. Did you look into that?

MR. PASSAFIUME: I did look to eliminate our existing two-car garage and make it some type of storage and use the new two-car as the addition -- for the parking for the vehicles.

ADAM CUMMINGS: Okay. Thank you. No more questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is that a separate building? That drawing, I guess I'm confused by the lines.

ADAM CUMMINGS: It would be attached.

MS. BORGUS: To one in the front?

ADAM CUMMINGS: It would be attached to the side of the house where the gas fireplace currently sits.

MS. BORGUS: But if you go in the driveway off Parkway, then --

ADAM CUMMINGS: Oh, I see what is confusing.

MS. BORGUS: It looks like two separate buildings there.

ADAM CUMMINGS: This is a setback line (indicating).

MS. BORGUS: Okay.

ADAM CUMMINGS: And then this (indicating) is where his new building would be (indicating) attached -- the common wall would be right here (indicating).

MS. BORGUS: I see.

ADAM CUMMINGS: This is the existing house (indicating).

MS. BORGUS: Where is the existing driveway -- or garage?

ADAM CUMMINGS: The garage, it turns 90 degrees in, pulls in here, so, you know, he wants to drive straight through instead of turning 90 degrees.

MS. BORGUS: I see.

ADAM CUMMINGS: Then that existing garage would become storage.

MS. BORGUS: I see. Okay. Thank you.

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

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

JAMES WIESNER: The setback line can't be correct because the variance is for 10 feet.

ADAM CUMMINGS: The side lot line.

JAMES WIESNER: He is going for 6, and he is right on the line right there?

ADAM CUMMINGS: Yeah, I don't think he drew the lines to scale.

Would that be a fair statement, is the square -- it resembles a square, 28 by 26 is pretty close. It's not necessarily drawn to scale.

MR. PASSAFIUME: Correct. It's not to scale. Yep.

ADAM CUMMINGS: It exceeds the 5 feet. I think it is 5 feet for State variance; is that correct?

FRED TROTT: Yes.

ADAM CUMMINGS: I do have a comment from the Building Department. It's a given with this one, you will have to get a building permit prior to the construction of this one, and because of the size and it's attaching to your house, you do qualify -- I said "qualify" -- you're required to submit stamped architectural plans.

MR. PASSAFIUME: Sure.

ADAM CUMMINGS: I'm not sure if you were aware of that.

MR. PASSAFIUME: I was.

ADAM CUMMINGS: Okay. So that -- so the building permit would be required.

That would be with the Building Department.

MR. PASSAFIUME: Correct.

ADAM CUMMINGS: So with that I have one condition there for the Board to consider. A building permit must be obtained prior to construction.

Is there anything else?

FRED TROTT: Roof and siding?

ADAM CUMMINGS: I think we can get away from that, but if you would like to, I think we can discuss it in terms of the aesthetics. I don't know if we have anywhere on our Town Code that actually says it has to match the trim and siding, but we would like you to do that.

MR. PASSAFIUME: Yeah. I'm going to try to match it absolutely, but I don't want to reside the whole house to make it match. I will do my best to match what we can. What we pull off the existing, we will put it on the front and the side that will be exposed to the street. The back we'll match as best we can.

ADAM CUMMINGS: Thank you.

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

Mark Merry made a motion to approve the application with the following condition, and Ron Richmond seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimous by approved by a vote of 5 yes with the following condition:

1. Building permit must be obtained prior to construction.

The following finding of fact was cited:

1. The structure will provide a safer traffic route to enter the garage compared to the existing orientation.
3. Application of Daniel Boon, owner; 1 Boon Drive, P.O. Box 370, North Chili, New York 14514 for variance to allow front parking for 20 vehicles per plan submitted at property located at 1 Boon Drive in GI zone.

Daniel Boon was present to represent the application.

MR. BOON: Good evening, gentlemen. Daniel Boon. 1 Boon Drive.

ADAM CUMMINGS: Looks like you got front parking.

MR. BOON: Yeah. We already have front parking. We're just asking for a little more. Our hardship is, you know, six years ago, we had 30 employees when we moved in there. Now we have over 60. So it's tough. It has become an issue where cars are just way down, in our way, and we have looked at all our options trying to figure out what we could do. It's -- the best one we got right now is to go out there in front, get 20 of them out -- out of the inside. This will be strictly during the day, employees only. It's not going to be visitors or any other type. You know, we -- we make sure everybody will know that, that's all it is going to be for -- just daily when the employees come to work, they get there -- most of them are there at 5:30, 6 o'clock in the morning and that starts weeding out early afternoon. So...

ADAM CUMMINGS: Okay. And, of course, when you first had Boon Drive before FedEx went in, Boon Drive was a private drive.

MR. BOON: That was my road.

ADAM CUMMINGS: Then it expanded.

MR. BOON: It was part of the deal with FedEx. When FedEx came in, they needed the road. It's a Town road now, dedicated road. That's the only way I would do it. We made an agreement and did it all.

ADAM CUMMINGS: That's what I was looking at. It was a private drive before and became a dedicated drive.

MR. BOON: That's correct.

ADAM CUMMINGS: And hence the front part.

MR. BOON: Then when we did it, you know, in that process of having put front parking in for -- for customers to come in -- I don't even know how many spots are there. You know, pretty much everything -- I'm up front with it -- if you look at the plans, even the side lot and everything is all front. Now. It wasn't at one time, but now it is.

ADAM CUMMINGS: No. I just wanted to clarify that for everybody's benefit.

MR. BOON: If it means anything to you, my neighbors, FedEx, it's all front parking.

ADAM CUMMINGS: That is true.

MARK MERRY: So, Mr. Boon, do you have your application in front of you?

MR. BOON: Yes.

MARK MERRY: The Short Environmental Assessment Form, could you turn to that, please? I know I'm being a nitpicker, but I read through all these, so these questions on here -- hopefully they're not relevant, but if you go to page 2, question number 9, "Does the proposed action meet or exceed the State energy code requirements?"

That's checked, "Yes."

MR. BOON: I don't know. I didn't do this, to be honest with you. The -- the -- Thornton Engineering did it.

MARK MERRY: Okay. Just didn't know how I was missing something on the application.

MR. BOON: Yeah. I don't know why --

MARK MERRY: You may want to review this in the future, who you're using to fill this out. This may be in question.

MR. BOON: Just being honest with you.

MARK MERRY: Appreciate that. Just didn't know again if I was -- because as I tend to do, I miss things from time to time. I presume the others are accordingly -- they're just missing --

ADAM CUMMINGS: It's Part I, so we can always change the answers or discuss them differently.

MARK MERRY: The relevance, I'm not sure as to what -- it's an official form that is attached --

ADAM CUMMINGS: Well, to really be accurate on this, I don't even believe this is the right short EAF form because I believe the current form, correct me if I am wrong, is about 11 pages long, not 3. So I think Thornton Engineering provided a different one. But for our application --

MR. BOON: I think -- he got this from -- excuse me. I believe they got this from the Town.

ADAM CUMMINGS: That could be. So in essence, this is serving as the Town-specific form.

MR. BOON: He brought this in, gave it all to Kathy (Reed) after I -- he brought it over and had me sign it, and then he turned all this in. I'm not an engineer.

MARK MERRY: No reason to go back on the applicant.

ADAM CUMMINGS: I don't know how it would really be applicable. With the exception of the streetlights.

FRED TROTT: Even 12D is kind of weird.

MARK MERRY: Yeah. I --

ADAM CUMMINGS: Oh, goodness.

MARK MERRY: Yeah. Okay. That's all.

ADAM CUMMINGS: Well, I don't want to stick on that one just yet, but we will get to it. I did receive from the Department of Planning and Development for Monroe County -- they did review it for Section 239-m for the zoning. They do not have any comments. The SEQR form, I think we need to discuss since it's on here. Especially since some of these checked boxes we really should discuss.

It's noting it's in an archaeologically sensitive area.

MR. BOON: It's not.

ADAM CUMMINGS: I know it's not, but it says it is.

MR. BOON: I know. But I --

MARK MERRY: That was my point, though. I don't want something to come back on you if someone reads this.

MR. BOON: I understand that, but here is my issue with it. I turned this into the Building Department. That should be viewing this and tell me if I filled it out wrong. If I filled this out -- if I filled it out wrong, they should be guiding me in the right direction. That's the first problem right there. And I will put that on the record, because if you don't get any help when you go stand at the table -- that's where you go with it.

ADAM CUMMINGS: Well, we can talk through these, but I would like to point out that your signature is on here.

MR. BOON: I understand that. But I pay a firm to do this, and if they messed it up, then where am I going? I not an engineer, I'm not -- you know.

RON RICHMOND: Do we even need this?

ADAM CUMMINGS: Well, we are performing SEQR on an action tonight.

MR. BOON: You guys know I'm going in front of Planning, right?

ADAM CUMMINGS: We -- this form -- just so everyone is aware, our job is really to go through the Part II part of this, and if we need to, Part III. So we really need to discuss these items, and it's actually for your benefit.

MR. BOON: I understand.

ADAM CUMMINGS: It's at the applicant's risk if someone challenges our process here, then you will lose -- even if we approve it tonight and somebody points out there are environmental hazards and we didn't discuss them and they really are there, then you need to come back in front of us and not have your variance.

FRED TROTT: He has even got -- 12D on last page.

ADAM CUMMINGS: Well, that's what I want to get to on this form. He doesn't. So what happened, when this form -- the DEC, I'm intimately familiar with this form. Now, the DEC pre-populates data based on that square, so -- or not square. But that polygon for his parcel, those values are pre-populated by this form. So the DEC database is what triggers that, and it's in an area that has archaeological sensitive sites, but it's not necessarily this parcel. So I just want to point out for the record that I don't believe this one sits on it. It's just saying within a radius.

MR. BOON: Right.

ADAM CUMMINGS: This form --

MR. BOON: I wouldn't have a DEC permit to run the Recycling Center out of there if it was on something.

MARK MERRY: I would hope not.

MR. BOON: And I do have a permit for that.

ADAM CUMMINGS: That's a good statement to say.

MR. BOON: DEC comes over and looks all of the time. So that's not -- you know.

ADAM CUMMINGS: I just want to go through -- I won't go through each of these items on here, but we should discuss them.

The Energy Code, I would say it does meet. We don't need to discuss too much with the exception if you're putting in light fixtures, they're going to meet the requirements as the code requires.

MR. BOON: Not going to, but I understand.

ADAM CUMMINGS: You're not putting additional light posts out there?

MR. BOON: No.

ADAM CUMMINGS: I think that was just proactively checking that one is what he was doing there. Would that be fair to say?

MR. BOON: Yes.

ADAM CUMMINGS: Well, it's his signature, so we'll say he did it.

It's not within the 100 year flood plain. It does not have any threatened or endangered species.

Does not have hazardous wastes or is not a -- an active or closed solid waste management facility.

MR. BOON: Nope.

ADAM CUMMINGS: Oh, so -- so I would say --

MR. BOON: I think it was just error, checked in the wrong place.

ADAM CUMMINGS: Right. So, Counsel, should I fill out the Part II right now, go through it?

ERIC STOWE: Yep.

ADAM CUMMINGS: Or check them down? Let's go through on page 1 of 2, numbers 1 through 11, we will go through these quickly.

"Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?"

I would recommend -- I would recommend no or small impact. As he checked early on the form, it's in accordance with the Comprehensive Plan because it's in an industrial zone, PI zone.

Is the Board in agreement with no or small impact may occur?

The Board indicated they concurred.

ADAM CUMMINGS: Number 2, "Will the proposed action result in a change in the use or intensity of the use of the land?"

I would say no or small impact may occur.

It was currently -- you are adding some pavement on here, um, but it would be a small impact. You're adding 20 spaces on your --

MR. BOON: That's correct.

ADAM CUMMINGS: Is the Board comfortable with that? I would recommend no or small impact may occur.

FRED TROTT: Although, do you consider that everything else is paved there?

ADAM CUMMINGS: Yes.

FRED TROTT: So what little bit of green space he has is now being paved.

MR. BOON: There will still be green space out in front of it, between the lot and the road. There will still be green space, sir.

FRED TROTT: It was under my impression this is where the green space was. Is this where the grass is?

MR. BOON: There is grass there. We're not going to take it all. We'll leave green space. I'm not going right to the road.

FRED TROTT: You're not going right to the road?

MR. BOON: No. I'm not going right to the road.

FRED TROTT: So you'll have it where the parking spaces end, it will turn green?

MR. BOON: You see where it is at now, that is green spaces now. The only thing that will not happen, these trees -- you can't, because Dave Lindsay -- this will all be green space and green space will all be here. This is all lawn (indicating). This is the only part asphalt right here (indicating). I'm not too sure I might make this part green (indicating). I don't want people coming in thinking this is parking spaces for them. So we're going -- I might just make this accessible off this first drive each way and that's it. But that -- but that's green space.

FRED TROTT: How much of the green space are you losing?

MR. BOON: Where you see it -- where you see that dark, shaded there now, that's how much -- that dark, shaded area, both of them is lawn. The only thing you don't see -- the picture is not well. There is a fence line there. There is a fence across the front, the gates there. There's all shrubs and, you know -- in there. There's pretty nice landscaping there. I'm leaving it there.

So it will -- is going to be -- it is kind of deceiving there. You don't see that. Then that will just be them parking spaces, but there will be lawn out in the front. I don't think we'll put any shrubs out there because they will -- the plows going by will -- we had that conversation about it.

FRED TROTT: My thing is you're losing -- we're still figuring out this form. You are losing green space. What little he has, he is taking half of it.

ADAM CUMMINGS: You have it on the side, drainage swale side and then along the back of the property.

MR. BOON: Then in the book. Right out front -- in front of the main building is all green, all grass.

ADAM CUMMINGS: Right. But you're losing -- oh, I see. Okay. So it is green where the label calls out "existing visitor parking," where the actual text is, is all grass. Yep.

MR. BOON: See now how it is?

ADAM CUMMINGS: Yep. Well, it is going to be a change in the use of that particular area, the green space of this. But on the overall acreage. I would still say it's a small impact.

FRED TROTT: I would agree.

ADAM CUMMINGS: Is everybody in agreement with that?

The Board indicated they concurred.

ADAM CUMMINGS: Number 3, "Will the proposed action impair the character or quality of the existing community?" I would say no or small impact on that. Everyone in agreement?

The Board indicated they concurred.

ADAM CUMMINGS: "Will the proposed action have an impact on the environmental characteristics that cause the establishment of a critical environmental area?"

This one is not in a critical environmental area which this Part I showed, so I would recommend no or small impact may occur. Everyone agree?

The Board indicated they concurred.

ADAM CUMMINGS: Number 5, "Will the proposed action result in an adverse change in the existing level of traffic or affect existing structure for mass transit, biking or walkway?"

I recommend no small -- or small impact may occur on that one. Everyone's in agreement with that one?

The Board indicated they concurred.

ADAM CUMMINGS: Number 6, "Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?"

This one will not increase, so I would recommend no or small impacts. Everyone agree with that?

The Board indicated they concurred.

ADAM CUMMINGS: 7, "Will the proposed action impact existing, A, public, private water supplies?"

I would say no or small impact since it's only a parking lot and not any utilities. Any thoughts? Everyone agree with that?

The Board indicated they concurred.

ADAM CUMMINGS: So no or small impact may occur.

And, "B, public or private waste water treatment utilities," I would recommend no or small impact on that one for the same reason. He is not using those utilities.

Everyone agree?

The Board indicated they concurred.

ADAM CUMMINGS: "Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?"

I would recommend no or small impact may occur. Even though the form pre-populated it, um, we are familiar with this area. It's been developed for a long time. And when his previous application and permit came through, none of that was identified. So I -- I would stick with no or small impact may occur.

Everyone agree?

The Board indicated they concurred.

ADAM CUMMINGS: 9, "Will the proposed action result in an adverse change to natural resources? For example, wetlands, water bodies, groundwater, air quality, flora or fauna?"

I recommend no impact. While there is lawn space that is going to be going, I wouldn't call that natural resources. Specific to what that list says.

So everybody agree with no or small impact may occur?

The Board indicated they concurred.

ADAM CUMMINGS: 10, "Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?"

While it was used for open space before, the drainage swale is actually to the west of it. And you're still going to maintain -- you have a gutter on --

MR. BOON: There is a gutter with drains. There's -- actually both sides of that, there is drains in the gutters there.

ADAM CUMMINGS: So I would say no or small impact may occur. Does everyone agree with that?

The Board indicated they concurred.

ADAM CUMMINGS: 11, "Will the proposed" --

MR. BOON: Before -- the lawn will still be there. There is --

ADAM CUMMINGS: Farther to the -- to the north.

MR. BOON: The lawn will still be there around -- so it absorbs some of that water, too.

ADAM CUMMINGS: 11, "Will the proposed action create a hazard to the environmental resources?"

I would say no or small impact may occur.

Everyone agree with that?

The Board indicated they concurred.

ADAM CUMMINGS: So this time we were very thorough. We went on to Part III. I would recommend us checking the box that we determine based on the information and our analysis we just did, that the proposed action will not result in any significant adverse environmental impacts.

Does everyone agree with that?

The Board indicated they concurred.

ADAM CUMMINGS: So that's how we do SEQR very thoroughly.

MR. BOON: I'm sorry about that.

ADAM CUMMINGS: That's okay.

MR. BOON: I apologize.

ADAM CUMMINGS: I already covered the County. I did want to comment here at the meeting tonight, the Building Department would like you to be compliant and specific to the existing fabric structure. Just want to remind you to get a building permit for that. I'm not going to recommend that we condition it, but just wanted to remind you tonight to touch base with them on that, as well. If you can do that for me -- for us.

MR. BOON: I won't get into it with you, but I can give you paperwork here to show you where that's at, okay?

ADAM CUMMINGS: We can do that off line. We don't need to do that tonight.

MR. BOON: All right.

ADAM CUMMINGS: Does anyone else have anything here, the Board, for this application? Oh, wait. We still have to go to side table.

RON RICHMOND: We have addressed everything.

ADAM CUMMINGS: We probably shouldn't have done the Part II until the Public Hearing, but we'll keep going.

ERIC STOWE: It's still going.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: We have gone through the entire Part II of the SEQR part which I suppose we didn't declare ourselves as lead agency now that I went through the entire action, so we'll go through all those steps again when we get to that point.

But is there any other Board discussion you wanted to have?

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be unlisted action with no significant environmental impact, and Fred Trott seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: I know that was done, but I think we have covered all of the bases. Counsel, would you agree?

ERIC STOWE: Only thing would be in that resolution just you're instructed to sign Part III.

ADAM CUMMINGS: Oh, true. Would someone like to add in that I shall sign the Part III on the SEQR EAF form that we went through and the accompanying Part II?

FRED TROTT: You don't know how to sign your own name? (Laughter.)

ADAM CUMMINGS: You have to resolve to allow me to do that.

ERIC STOWE: You have to direct the Chairman to sign it.

RON RICHMOND: Will you please sign it?

ADAM CUMMINGS: Are you making that motion?

RON RICHMOND: I am.

FRED TROTT: Second.

The Board was unanimously in favor of the motion.

ADAM CUMMINGS: We have done that. I will sign it.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. The addition of these parking spaces will improve the safety of patrons visiting the property and the employees entering and egressing the site. There is a minimal loss of green space, but adequate stormwater conveyance areas will be maintained.
4. Application of Pierce Industries, LLC, 465 Paul Road, Rochester, New York 14624, property owner: Paul Road Industrial Center, LLC; for variance to allow third freestanding sign on property to be 4' by 2'6" single-faced at property located at 465 Paul Road in LI with/ADATOD zone.

Dick Webb was present to represent the application.

MR. WEBB: Dick Webb, 1206 Parkville Court.

ADAM CUMMINGS: It is pretty self-explanatory, but I didn't know if you wanted to add anything else.

MR. WEBB: Just requesting approval for the free-standing sign, one-sided.

ADAM CUMMINGS: All right. I do have a letter from the Architectural Review Board that they did approve the one-sided sign, just so the Board is aware. You can see it highlighted on that street. It's red on my screen. Hopefully it's red on everyone else's.

This one, you did have two signs previously approved.

JAMES WIESNER: Just curious what Pierce Industries does.

MR. WEBB: Contract manufacturing and remanufacturing.

JAMES WIESNER: Like a machine shop?

MR. WEBB: Yes. We have about 60,000 square feet of that building.

MARK MERRY: So, sir, will that sign be lit in any type of fashion?

MR. WEBB: No. It's not.

MARK MERRY: Thank you.

ADAM CUMMINGS: The other two signs, the directory signs that are out there, did have variances previously. I just remind you that those two need sign permits, valid.

MR. WEBB: Those are the landlord signs.

ADAM CUMMINGS: Okay. I thought we were under that situation again.

JAMES WIESNER: I have a little problem -- problem with this because there is no sign inventory and it's just turning into a mish-mash.

ADAM CUMMINGS: Yes. We had that with the last application.

JAMES WIESNER: Everybody puts up their own sign and it becomes a competition.

MR. WEBB: Well, ours is the best-looking sign by far.

JAMES WIESNER: I don't disagree with that, but if everybody starts putting up signs and the landlord doesn't take responsibility for it, it becomes a true issue for the Town itself.

FRED TROTT: Do you know offhand how many different businesses are out of there?

MR. WEBB: Well, I would say there is roughly six. They change quite a bit, but...

ADAM CUMMINGS: We --

FRED TROTT: There is the dilemma.

ADAM CUMMINGS: It's no different than what we have with Roberts Wesleyan. We have almost like a multi-use complex here and our zoning code makes it very problematic to accommodate that. I do have the recommendation here that the Building Department would like us to try to get the entire site code compliant, but we ran into the same thing with the lessee before, is that they don't own the property, so they can't control the other signs.

RON RICHMOND: So why is it your application for the sign and why didn't you go to the landlord and ask them to apply for the sign on your behalf?

MR. WEBB: Well, they came to me actually and said they had a requirement to apply. I don't know. I think it originally was a misunderstanding who had the responsibility.

RON RICHMOND: Because if we grant this, you get nothing.

JAMES WIESNER: I don't see where we solve the big picture, the whole problem.

ADAM CUMMINGS: I agree.
FRED TROTT: And you got six other businesses that will want to put six other signs.
ADAM CUMMINGS: Yes, I agree.
MR. WEBB: We sort of get caught up in the middle of that.
ADAM CUMMINGS: Yes. Every one of you tenants do. We're caught in the middle, too.
MR. WEBB: Understood.
RON RICHMOND: What are the two existing signs? Are they tenant signs? Are they --
MR. WEBB: Tenant signs. On the entrances. Listing the tenants in the building. The two existing signs.
RON RICHMOND: Pierce is not on either one of the signs.
MR. WEBB: We're listed as the tenants. We have no control over it. Didn't put it up or asked for it.
FRED TROTT: It is small.
JAMES WIESNER: It is pretty basic, one little line.
MARK MERRY: So how would that impact him if he were to have his name -- Pierce coming down on the other two signs?
RON RICHMOND: He would have the same small sign that the rest of them have --
MARK MERRY: No. The two existing multi-tenant signs, if he comes off those two signs and has that removed and stays with just one sign.
FRED TROTT: Everybody that wants a sign would take their name off a sign and --
MARK MERRY: They wouldn't necessarily get it.
FRED TROTT: Yeah. But you have to look at we're allowing him --
MARK MERRY: Potentially.
FRED TROTT: -- Potentially to have that.
MARK MERRY: But if the standard is set, it opens the door.
ADAM CUMMINGS: I would --
JAMES WIESNER: I see it as a landlord problem more than a tenant.
RON RICHMOND: So do I.
ADAM CUMMINGS: I do, too. I just want to point out that it looks like -- there's a whole laundry list of signs on here, but I wanted to point out back in 2007, um, February 27th, Buckingham Properties looks like on Pierce's behalf, was denied -- well, first let's go back to January 23rd, they tabled the variance to erect a second freestanding sign, and this one was -- was going to be 8 feet by 4 1/2 feet, single-faced.
And then in February, they came back and after tabling it, they were denied the variance for that 8 feet by 4 1/2 foot single-faced sign.
Then --
MR. WEBB: On behalf of Pierce?
ADAM CUMMINGS: That is what it says. It says, "(Pierce Industries.)"
MR. WEBB: I don't recall that at all.
ADAM CUMMINGS: On the February 27th. And that is the last time it came in. So that is the last time they came in for signs.
And then previously, there are former Bausch & Lomb signs, but it looks like they had those removed, which I don't think you can remove the physical -- or the actual variance of the sign. So there is already three granted out there. I don't have an inventory is -- what I'm finally getting to on this point is I never know exactly what they're going to have out there at any given time, but they're granted three of them right now. One 8 foot by 4 foot, and two 4 foot by 5 feet. Which those two would be the -- the directory signs.
JAMES WIESNER: That is actually -- of course, you said we did exactly the same thing at Dunbar Armored a month, two months ago.
MR. WEBB: I just have to say -- I understand the dilemma from a tenant in a multi-tenanted building to have a sign that displays your name at the entrance avoids a lot of confusion. I mean, it's difficult for people when they are -- there are two roadways in there to know where a company is. So -- it's an attractive sign. You know. It's right in front of our entrance.
ADAM CUMMINGS: No, I'm not disputing that. It will improve both advertising benefit for you and directional. We're just also looking at it, that the sign variance stays with the property, so if the Pierce Industry sign goes away -- that sign can still remain and the next tenant can put theirs in. That is what we're weighing tonight.
MR. WEBB: Okay.
ADAM CUMMINGS: The other thing I am noticing there, if we did grant that 8 foot by 4 foot before and we have already granted three of them, we might have already -- we might actually be allowed to have it already.
FRED TROTT: Then I'm looking, because the way it reads for the 9/26/2000, approval for the two signs -- but it says, "Remove all improved signs." "Remove all signs" referring to Bausch & Lomb.
ADAM CUMMINGS: That's revoked.
FRED TROTT: Does that revoke --
ADAM CUMMINGS: That is trying to revoke a variance. That's not what they're saying there. They're just saying to remove signs. I don't have those minutes in front of me, so. To me it sounds like Bausch and Lomb moved out and they're trying to remove all those signs, but the variance would still stand. That variance was granted in 1994. Regardless of the content on it, it would still stand.

MR. WEBB: That building had been a Bausch & Lomb building. Previously occupied by Bausch & Lomb.

MARK MERRY: Without a sign inventory, we don't know what is out there. So the assumption is we're adding to it, but we don't know for certain.

ADAM CUMMINGS: Right.

MARK MERRY: So with that in mind --

ADAM CUMMINGS: Should we hold off on any kind of decision until we get more information?

MARK MERRY: I would strongly suggest that the applicant be able to sit down with the developer, the owner, Buckingham Properties, and have a discussion. It would be totally up to you if you wanted to move forward. I'm not -- you know, my sense is that there -- there is an objection from the Board based on the long-standing issue we had with that site. And I would hate to see him get denied --

ADAM CUMMINGS: I agree.

MARK MERRY: -- and have them wait to come back, if you were to reapply.

FRED TROTT: Yes. I would agree with you. Especially if we deny it and he is already pre-approved for it, with this preexisting.

ADAM CUMMINGS: Right. He could go with a bigger sign the way this is worded here.

FRED TROTT: Yeah. I think we need to get all that straightened out before we can --

ADAM CUMMINGS: So I guess with your schedule, would you be amenable to us tabling this until a future meeting just to make sure we can square all this away?

MR. WEBB: I don't know that I have an option, but that would be fine.

ADAM CUMMINGS: No, you do. We can still move forward with it tonight.

MR. WEBB: Let me tell you frankly, that sign is up and standing and has been for a long period of time.

ADAM CUMMINGS: The --

MR. WEBB: The sign. I mean, I think you have a picture of it.

ADAM CUMMINGS: I do -- well, I thought you were putting in a new one.

MR. WEBB: Well, and that question was a -- was raised and told that that is okay to keep it up and standing until we get this -- get through this.

ADAM CUMMINGS: Oh.

MR. WEBB: There was originally a misunderstanding with the landlord as to whose responsibility it was, and it was just an oversight, I think. Our maybe they relied on an 8 by 4 sign that had already been approved. I don't know.

FRED TROTT: At least we're not hurting you as far as a business going -- by tabling this a month.

MR. WEBB: Not at all. But the requirement to take that sign down -- that was all my concern.

ADAM CUMMINGS: I will keep my mouth shut.

JAMES WIESNER: That postpones it for now at least.

ADAM CUMMINGS: Yes.

So if you're okay with that, I would entertain a motion to table it until the next Board -- next month's Board meeting.

MARK MERRY: So what is the next step now? Between now and then, what needs to happen?

ADAM CUMMINGS: The Building Department is going to be pretty busy on this application to go through this long history dating back to 1990.

MARK MERRY: Confirm for us --

ADAM CUMMINGS: Confirm all this stuff and provide that information to us. I think we need that. Findings of it, um, help to hone in this inventory, and consult with the -- the landlord.

MARK MERRY: Okay. That's your option. What would you like to do?

MR. WEBB: What are my options?

MARK MERRY: You move forward, your application tonight or we can table it. That's what I'm hearing, right?

ADAM CUMMINGS: Yes.

JAMES WIESNER: Obviously if he moves --

MARK MERRY: We can't tell you what to do.

JAMES WIESNER: -- he runs the risk of --

FRED TROTT: Can I ask a question? Would -- if -- if this is already pre-approved for one more sign on that property, and it -- it is determined there is one more sign, would his application -- because technically he is applying for the sign, is he thrown out and he gets his money back?

ERIC STOWE: I don't make the -- the dollars-and-cents decision. That is not me. But as far as if he -- if he has that third sign that is approved and is under the variance, then that sign is permitted.

MARK MERRY: That makes this application not even required.

ERIC STOWE: Not required.

ADAM CUMMINGS: That's -- that's why I would recommend tabling it.

MR. WEBB: I think that's the only option otherwise I'm risking a denial if I understand it.

ADAM CUMMINGS: Correct.

MR. WEBB: Okay. Only question -- the next meeting is in October.

ADAM CUMMINGS: Yes.

MR. WEBB: I will probably not be available for that, but maybe I will let the landlord handle it. I don't know if I have to reappear.

ADAM CUMMINGS: If they want -- if you're able to have someone else represent you, that's fine.

ERIC STOWE: The only issue being not able to respond to any comments at the Public Hearing because we haven't had the Public Hearing.

ADAM CUMMINGS: True.

MR. WEBB: I mean -- if it is just another representative of Pierce, I could have someone else from Pierce.

RON RICHMOND: Can we have the Public Hearing and then table?

ERIC STOWE: Yes. The only issue -- if new information comes forward that would be relevant to the Public Hearing.

ADAM CUMMINGS: Then we would have to open up the Public Hearing.

RON RICHMOND: I make a motion to table.

ADAM CUMMINGS: Okay. We have a motion.

JAMES WIESNER: Table.

FRED TROTT: Can we leave it open-ended it doesn't have to be the October meeting?

ADAM CUMMINGS: Yes. Actually, it --

FRED TROTT: If that works better for you.

MR. WEBB: Okay. We'll just maintain the status quo. That's fine.

ERIC STOWE: We just don't want to lose sight of it for any default approval type issues.

ADAM CUMMINGS: Correct. Correct.

So Ron (Richmond), we have a motion to table it. Jim (Wiesner) seconded it.

DECISION: Unanimously tabled by a vote of 5 yes to table for the following reason:

1. Tabled at applicant's request to obtain further information of existing variances granted on the property.

Note: Applicant to obtain new signs at the Building Department to post/maintain as per Town regulations.

5. Application of Michael Lombino, owner; 129 Attridge Road, Churchville, New York 14428 for variance to recollect a 12' by 20' with 3' overhang utility shed to be a total of 276 sq. ft. (192 sq. ft. allowed) at property located at 129 Attridge Road in R-1-15 zone.

Michael Lombino was present to represent the application.

RON RICHMOND: I will excuse myself from hearing this application because I have a personal relationship.

ADAM CUMMINGS: Okay. So Mr. Richmond is recused on this one.

MR. LOMBINO: Mike Lombino, 129 Attridge.

ADAM CUMMINGS: Thank you.

You're looking for a shed?

MR. LOMBINO: Correct.

ADAM CUMMINGS: Before we get going, I do have a letter from one of your neighbors at 127 Attridge Road.

"I'm writing in regards to my neighbor, Mr. Lombino, and his request to build a utility shed on his property at 129 Attridge Road. My husband and I are in favor of this request and see no issues with the size or location."

Just wanted to note that one. We don't have any other documents on it. Those two variances we're looking for -- sorry. Not two -- the oversize part of it.

I guess my first question would be, just the need for this. We just need to justify why we're granting a variance.

MR. LOMBINO: I guess it would be a lot of my personal property. I have a -- to name a few, I have a snowmobile, ATV, patio furniture, chairs, tables, snowblowers, wheel barrels. My last residence out in Scottsville I had a 12 by 12 and this wouldn't be adequate to house all my stuff. I'm on a mission to park my vehicle in a garage this year and that will certainly do it. I don't want to pack it to the point where I can't get access, you know, to the back of the shed.

ADAM CUMMINGS: Is your drive -- you're not planning to extend your drive all of the way down there?

MR. LOMBINO: No, not at all.

ADAM CUMMINGS: Okay. Good. I don't have any other questions.

FRED TROTT: Is that a garage door that you're putting in?

MR. LOMBINO: Yes.

FRED TROTT: How big is the garage door?

MR. LOMBINO: It is 7 by 8.

FRED TROTT: Okay. I have no further questions.

ADAM CUMMINGS: Side table?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is there a picture of the shed?

ADAM CUMMINGS: There is a sketch, yes.

MS. BORGUS: What I'm -- what I'm questioning is the 3 foot overhang.

ADAM CUMMINGS: Okay. Do you have -- can you put the overhang on it?

FRED TROTT: Sure. Your question is my command.

ADAM CUMMINGS: My request is my command. (Laughter.)

So it's on the front of the building.

MR. LOMBINO: Correct.

ADAM CUMMINGS: On the garage door side.

MR. LOMBINO: You're standing in front of it, it's pouring rain out, you're not standing in the pouring rain for access to the entrance.

ADAM CUMMINGS: And that would be the side facing the house, just to make sure it is clear.

MR. LOMBINO: Yes.

MS. BORGUS: This is not the side facing the house?

MR. LOMBINO: It is not.

ADAM CUMMINGS: This is the side elevation view of it. So where that -- where that ridge is, it is as if that building is pointing at the house over there. So it's parallel -- the property line is really long. It's parallel with that.

MS. BORGUS: Will this be visible from the road, from Attridge Road? I --

MR. LOMBINO: I can comment?

FRED TROTT: 130 feet back.

MR. LOMBINO: It's about an 8 foot drop. Only the top maybe 1/3 will be visible. You know, as -- as well as with it being parallel with the property, and seeing the face of it from the road, you -- it's hard to even notice the additional length on the shed. You would have to look pretty hard in between the properties to even see it.

MS. BORGUS: Thank you.

RON RICHMOND, 131 Attridge Road

RON RICHMOND: It will have no negative impact on the neighborhood as far as I'm concerned and I'm right next door.

ADAM CUMMINGS: Thank you.

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

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

ADAM CUMMINGS: Obviously one condition would be a building permit. Yes, a building permit. Anything else, guys?

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

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

DECISION: Approved by a vote of 4 yes with 1 abstention (Ron Richmond) with the following condition:

1. Building permit must be obtained prior to construction.

The following finding of fact was cited:

1. The structure is not likely to be seen from the road due to the downward slope of the property. Several properties in the area have sheds of similar or larger size.
6. Application of Mr. and Mrs. James Walker, owner; 12 Ramblewood Drive, North Chili, New York 14514 for variance to recollect an open porch to be 50 feet from front lot line (60' required) variance to allow existing utility shed to be 6' from rear lot line (8' required) at property located at 12 Ramblewood Drive in an R-1-15 zone.

Tom Denman, Jim and Susan Walker were present to represent the application.

MR. DENMAN: I'm Tom Denman, their contractor with Denman Construction, and I figured it be easier if I answered the construction questions.

MR. WALKER: Jim Walker. This is my wife, Susan.

ADAM CUMMINGS: Okay.

So you're looking -- well, the first one we'll go to is the front porch. Just looking for a front porch.

MR. DENMAN: It is more there was an existing -- existing concrete landing, about 4 -- about 4 1/2 feet with a couple of stairs. Um, homeowner previously laminated it with -- with decking. We took that off. We just want to extend it. It is not quite 10 feet. We thought it would be safe to ask for 10 feet for the variance. We want to extend it. It is about 7 feet with one stair going down in front of it, two 6 by 6 columns and a gable, a 7 foot gable over the front of it.

Mrs. Walker runs a daycare out of the home. That's the primary egress for the children and their parents to come through. When it rains out and they're waiting for her to answer the door, she is just looking to kind of keep them dry.

MR. WALKER: There was an existing metal overhang that was built in the '50s that was removed and (inaudible).

MR. DENMAN: It will be about 3 feet further. About 7 feet. I will -- it will certainly add curb appeal to the home with everything else that they're doing to the front of it.

ADAM CUMMINGS: And I know quite a few of the homes on that street do have front porches. Some larger.

MR. DENMAN: Right next door. Yep.

ADAM CUMMINGS: Then I don't think we need to split these tonight, unless -- unless somebody on the Board would like to split these two variances, but I think a package deal would be a good idea.

So the shed is preexisting, right?

MR. WALKER: It was built long before we moved in. We moved in 17 years ago. It's been there every since. I maintained it, kept it in good shape.

ADAM CUMMINGS: So it's a code compliance is what we're looking at.

Let's see. I don't have any questions. So what's going on over -- Board questions?

FRED TROTT: No, I don't have any. Can you move that shed? Is it possible?

MR. DENMAN: I looked into it. It's -- it's possibly -- you know, eight, ten guys maybe picking it up and moving it and getting everything out of it. You run the risk of -- something that age, you run the risk of the floor, the main beams -- I looked at it and it's tricky. It -- I mean it -- it may be able to be done, but not -- you may be compromising the structure itself.

FRED TROTT: Okay.

MR. WALKER: I would be comfortable with saying that.

RON RICHMOND: Regardless where it is located, it's your recommendation not to move the shed based on potentially compromising the structure integrity?

MR. DENMAN: I done it before and had to rebuild it, which I'm sure they would like to not do.

ADAM CUMMINGS: One thing that is noted up there, the wood deck in -- the Building Department did note that a permit -- even though this is existing, they think a permit is most likely -- should have been obtained back when that was built, so just to get it compliant.

MR. WALKER: That's the wood deck around my pool?

ADAM CUMMINGS: Yes.

MR. WALKER: Again, that was there -- 17 years ago when I bought --

ADAM CUMMINGS: It says -- they -- they date it 1997 and even back then --

JAMES WIESNER: This is a deck built in front of the house.

ADAM CUMMINGS: Oh, yeah, you're right. It does say that. I don't know what they're talking about.

JAMES WIESNER: Is he just trying to make a point if the deck gets built, that a building permit be issued, because he didn't think it was done --

ADAM CUMMINGS: I just read --

JAMES WIESNER: For the previous structure.

ADAM CUMMINGS: I --

RON RICHMOND: So if that's the porch that's coming down anyway and the new one is going back --

ADAM CUMMINGS: Moot point. It is not specific to the wood deck for your pool deck. I misread their comments, so don't worry about it. I don't have any other questions.

ERIC STOWE: Just one. On the shed, if it is approved, it is subject to any existing easements. There aren't any called out on the map, but they're not often called out, just so they're subject to it anyway, which they would be.

ADAM CUMMINGS: Either way, you're correct. Just so you know, on your property, the map that is being shown up here, it does have a land surveyor on there, but may not have done all of the research to show all of the easements that may be there. For instance, the back of your property may have a drainage easement. If it does, and someone needs to get in there to clean -- being the Town or the Monroe County or whoever has an easement, they need to go in and do work there and that shed is in the way, that easement allows them to take care of that shed.

MR. WALKER: Would it just make it easier for me to put in there --

ADAM CUMMINGS: I don't think we need to condition it. As Counsel said, regardless, it needs to be done. I just wanted to point it out for you tonight.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: For this one, one condition for approval would be building -- building permit or this front porch would need to be required. As I said, I retracted the wood deck. I misread their comment on that.

I don't have any other conditions. Anyone else have anything to add?

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

Fred Trott made a motion to approve the application with the following condition, and Mark Merry seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Building permit must be obtained prior to construction.

The following finding of fact was cited:

1. The shed has existed on the property for more than 15 years and cannot be moved without potentially sacrificing its structural stability. The open front porch will be replacing an existing metal canopy and front stoop that previously existed on the property. Several houses in this neighborhood have front porches that are of the same size or larger. The house next door is one such example.

Fred Trott made a motion to approve the 7/28/15 minutes and Mark Merry seconded the motion. All Board members were in favor of the motion.

Fred Trott made a motion to approve the 8/25/15 minutes and Ron Richmond seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 8:09 p.m.