

A meeting of the Chili Zoning Board of Appeals was held on January 26, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Mary Sperr, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector; 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 stated at the December meeting the applications of Mr. Cooke and Phil Geiger were tabled to this meeting. She stated Mr. Cooke's application was on the agenda for this evening, but she did not know what has happened to the Geiger application. Larry Smith stated the applicant requested it be tabled again. Beverly Griebel stated the next meeting would be February 23rd.

Beverly Griebel stated she was out on Saturday looking at the subject properties and there was no sign on Application 1, Kenneth Cooke, and no sign on Application 3, Mark Huber. John Castellani stated he saw one for Application 3. The Board indicated they all saw the sign for Application 3.

Beverly Griebel asked for Number 1, was there any sign. John Castellani stated there was no sign. Richard Perry stated he did not see one. Mary Sperr stated she didn't see one. Dan Melville stated this is the second time that has happened. Beverly Griebel stated this is the second time it has appeared on the agenda. She stated the last time the applicant failed to appear. She asked if Mr. Cooke was present. No one was present to represent the application.

John Castellani made a motion deny the application without prejudice. Dan Melville seconded the motion. The Board was all in favor of the motion. Beverly Griebel stated the applicant will be able to reapply before the one-year term is up. She stated normally an applicant cannot reapply until the one-year term is up unless there has been a major change in the application.

1. Application of Kenneth Cooke, owner, 60 Red Leaf Drive, Rochester, New York 14624 for conditional use permit to allow an office in home for a grocery coupon business at property located at 60 Red Leaf Drive in R-1-12 zone.

DECISION: Unanimously denied by a vote of 5 no for the following reasons:

1. Applicant failed to post required sign on property.
2. Applicant failed to appear for the public hearing (also failed to appear in December).
2. Application of Michael Vaccaro, 325 Fisher Road, Rochester, New York 14624, property owner: Geraldine Vaccaro; for variance to allow existing utility shed to be 6' from rear and side lot lines (8' req.) and to be 224 sq. ft.(180 sq. ft. allowed) at property located at 325 Fisher Road in R-1-15 zone.

Michael Vaccaro was present to represent the application. Beverly Griebel stated this was submitted to the Monroe County Planning Department and came back as a local matter. Mr.

Vaccaro stated the back is 6 feet. He stated the other one is 4. Beverly Griebel stated the side

property line is 4 feet. Mr. Vaccaro stated 4 feet. He stated the back is 6.

Beverly Griebel stated that changes the application. She asked the applicant did he go out and measure. Mr. Vaccaro stated he went out and measured the side. He stated after he made the application, he went out there and measured it and he figured he could change the dimensions at the meeting. He stated he wasn't sure of the policy or what he had to do.

Beverly Griebel asked Keith O'Toole if that was a significant enough change to warrant readvertising. Keith O'Toole stated it was not. Beverly Griebel stated the Board would amend the application then to be 4 feet.

Beverly Griebel stated this is a shed that has been up apparently. Mr. Vaccaro stated it is. He stated his father built that shed back in roughly the early '80s when he was still in Rochester. He stated his father passed away in '92. He stated his mother passed away in '98. He stated he is living here now and eventually will sell the home. He stated his attorney said he has to get all of the variances and permits straightened out. Beverly Griebel stated it could hold up the sale otherwise. Mr. Vaccaro stated that's correct.

Mr. Vaccaro stated the shed was built back in the early '80s. He stated it's been there ever since. He stated they had to get an appraisal for his mother's estate. He stated the attorney had mentioned to him that the shed and the patio that they have out back, that he has to go get a permit for also, do not really enhance the value of the property. Mr. Vaccaro stated if he needed to supply a documentation from the real estate broker for his mother's estate, he would do that also. Beverly Griebel stated the Board would not need that.

Beverly Griebel stated she looked at the property from the street because it was snowy. She stated the shed has a garage door on it. She asked what is that used for. Mr. Vaccaro stated they have a ride-on tractor. He stated it is just a bigger access instead of the double doors. He stated his father was a builder and got a little crazy. He stated he put a garage door on there. He stated on the side they used to have a little dog house. He stated it is just better access for the rototiller and whatnot.

Beverly Griebel asked the applicant if he runs any business out of there. Mr. Vaccaro stated he does not. He stated he just got back in town. He stated he just graduated from law school and came to Rochester. He stated he doesn't do any of that sort of that stuff since he can't work with his hands. Beverly Griebel stated they generally have to ask why it is oversized because some people may be running a business or something.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion.

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

1. No impact on neighboring properties.

Note: A building permit is required.

3. Application of Mark Huber, owner, 23 Meeting House Drive, Rochester, New York 14624 for renewal of conditional use permit for a computer consulting business in home at property located at 23 Meeting House Drive in R-1-15 zone.

Mark Huber was present to represent the application. He stated they received a variance last year to run the business. He stated they have been running it since then. He stated they just need to get continuance on that.

Mr. Huber stated the Board had mentioned that the sign was not up when the members came by.

He stated with the melting snow on Saturday morning, it collapsed over, so he got it back up that morning.

Beverly Griebel asked the applicant does he have customers calling on his home. Mr. Huber stated not showing up at the home, just calling on the telephone. Beverly Griebel asked if anyone drives there or comes into the house. Mr. Huber stated they do not. He stated the service they provide is on site with the customer, so the only thing he does in the home is answer the telephone and does bookkeeping.

Larry Smith stated there have been no complaints on this.

Larry Smith asked the applicant if he deals with hardware or software. Mr. Huber stated mostly software. He stated they do do some hardware work.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel stated this was presented to the Monroe County Planning Department and came back as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion.

DECISION: Unanimously approved by a vote of 5 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. Hours of operation as per application.
5. One outside employee.

The following finding of fact was cited:

1. The home office is a customary home occupation.
4. Application of Franklin Savino, owner, 30 Indian Hill Drive, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft.(180 sq. ft. allowed) at property located at 30 Indian Hill Drive in R-1-15 zone.

Franklin Savino was present to represent the application. He stated this shed is not up yet. He stated it is going to be erected and it will look like a little barn, a gambel roof. Dan Melville asked what will the applicant use the shed for. Mr. Savino stated just storage for lawn mower, snow blower and to be able to clean out the garage a little.

Dan Melville asked will there be electric out there. Mr. Savino stated there will not. Dan Melville asked will there be any kind of floor. Mr. Savino stated just a wooden deck probably.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion.

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

1. Minimum variance.

2. No impact on neighboring properties.

Note: A building permit is required.

5. Application of James Vandervoort, owner, 42 Jensen Drive, Rochester, New York 14624 for conditional use permit to allow an office in home for a medical transcription business at property located at 42 Jensen Drive in R-1-12 zone.

Suzanne Vandervoort was present to represent the application. Beverly Griebel asked the applicant will they have customers meeting at their home. Ms. Vandervoort stated no, she will not. Beverly Griebel asked the applicant will she get things by mail or will she go out and pick it up. Ms. Vandervoort stated she will go out and pick it up herself, and it is all done on her computer.

Dan Melville asked the applicant if basically she is just do typing. Ms. Vandervoort stated that's correct. John Castellani asked what is a medical transcription business. Ms. Vandervoort stated it's her transcribing medical notes dictated by physicians for office notes or history and physical, reference letters, referral letters, those kinds of things. Beverly Griebel stated so the applicant goes and picks up all of the items at the office, takes care of them and then brings them back. Ms. Vandervoort stated that's correct.

Beverly Griebel stated in her own line of work she is always calling looking for records and the people say the records are out at the transcriptionist, they don't have them back yet. Ms. Vandervoort stated she has to have a 24-hour turnaround time.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion.

DECISION: Unanimously approved by a vote of 5 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.

The following finding of fact was cited:

1. Home office is a customary home occupation.

The meeting ended at 8:20 p.m.

A meeting of the Chili Zoning Board of Appeals was held on February 23, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Mary Sperr, Richard Perry and
Chairperson Beverly Griebel.

ALSO PRESENT: Keith O'Toole, Assistant Counsel for the Town.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These minutes have not been approved by the Chili Zoning Board of Appeals, and therefore, are subject to change.

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 stated this meeting had been advertised in the Gates-Chili News, which is available for reading in the Library, and notice had been put on the bulletin board in the Town Hall in the front lobby.

Beverly Griebel stated she was out this past week on a couple different days and did not have any problem with any of the signs. The Board agreed.

1. Application of Philip Geiger, owner, 12 Snapdragon Circle, North Chili, New York 14514 for conditional use permit to allow an office in home for a drywall business at property located at 12 Snapdragon Circle in R.M. zone.

Philip Geiger was present to represent the application. Beverly Griebel asked the applicant to explain his business. Mr. Geiger stated it's a drywall business. He stated he does drywall in residential homes. He stated the majority of his business is done from his truck and his cellular phone, but he has a little bit of office work and phone calls that he would like to do at home, just a few hours a week.

Beverly Griebel asked the applicant how long has he had this business. He asked is this a new business. Mr. Geiger stated he has been doing it for 22 years in different ways, shapes or forms, in Colorado or here. Beverly Griebel asked the applicant at this site, how long has he been doing it for. Mr. Geiger stated he has been in the drywall business the whole time. He stated he has a little more work now than he used to, but it is pretty much he works on the houses, he gets a few phone calls at night and the mornings and he does the work.

Beverly Griebel questioned supplies and equipment at the home. Mr. Geiger stated there is nothing there. He stated there is nothing at the house. Beverly Griebel asked the applicant where does he store his equipment. Mr. Geiger stated any of the equipment he has consists of hand tools in his truck, in his toolboxes. He stated any scaffolding is just left on the job sites and he moves it from job to job. Beverly Griebel asked what if the applicant is between jobs, where does

it go then. Mr. Geiger stated all the people he works for just let him leave it in their garages or whatever. He stated he has one builder in Webster that lets him store stuff in his model condo garage, as well as another individual he works for that lets him store stuff. He stated it is usually always being used.

Dan Melville asked the applicant how long has he lived at the current address. Mr. Geiger stated six years next month. Dan Melville asked the applicant has he been doing this business all that time. Mr. Geiger stated yes, he has.

Richard Perry asked the applicant if he has customers coming to his home. Mr. Geiger stated it is all just builders. He stated it is all new construction, continual work, no developers or anything like that. Dan Melville asked the applicant does he have a vehicle he uses on the job that he parks

there in the driveway. Mr. Geiger stated he has a pickup truck. He stated it is his only vehicle.

Beverly Griebel stated she has seen or heard that deliveries go to the applicant's home, drywall and things like that. Mr. Geiger stated he had a lot of activity there the last year, and there was confusion as to what was going on. He stated it was all to do with his own house, doing home improvements. He stated he has done a ton of things. He stated he has track lighting, ceiling fans, hardwood floors, carpeting, painting and a new air conditioner unit put in. He stated he has had his washer and dryer moved. He stated he had a gas line moved. He stated he had a fireplace removed. He stated he has had a surge suppressor put on his panel. He stated there has been an extensive amount of remodeling. He stated there has been a lot of times there were four or five vehicles there, but they were always to do with his own house improvements. He stated he finished his basement.

Beverly Griebel stated at times there were reports of a lot of cars there. Mr. Geiger stated any vehicle that has been there, he would be glad to say who it was and what it was there for. He stated he has had an extensive amount of work done there. Beverly Griebel questioned that work being throughout the whole year. Mr. Geiger stated off and on. He stated he is a contractor, so he has done a lot on the barter system. He stated he does something for somebody and they do something on trade, so it is not like a company will go in and remodel a house in a month. He stated it has been ongoing.

Mr. Geiger stated he has had a lot of computer equipment coming to the house, too. He stated he had people coming over installing that, working out the bugs with that. He stated there has been a lot of activity there.

Beverly Griebel stated she knew at one time there was scaffolding that was stored on the side of the building. Mr. Geiger stated that was years ago. He stated that was the first year he moved there, he did it once and his next door neighbor said something, so he never did it again.

Beverly Griebel asked all of the things that the applicant uses on a job, drywall and scaffolding and all of that, where does all of that stay. Mr. Geiger stated that all goes to the jobs. He stated the drywall that was delivered to his house was for his house improvement. He stated everything delivered to his house has gone into his home improvements. He invited anybody that would want to come over to see what he has done, as he is really proud of it. He stated there will be pictures in a magazine.

Beverly Griebel asked what about building permits for renovations. Mr. Geiger stated there has not been anything that required a permit. He stated he did walls in a basement, hardwood floors, ceiling fans, nothing that has required a permit. Beverly Griebel stated she thought if one adds walls and things, they needed a permit. Mr. Geiger stated not in a basement. He welcomed anybody to come take a look at his home. He stated everything that has been delivered to the house has gone into his house. He stated he could provide receipts. He stated any vehicles that were there, people that have been there, he can give a detailed description who they were, what they were doing and the arrangement they had.

Beverly Griebel asked does the applicant have workers coming there on a daily basis. Mr. Geiger stated never. Beverly Griebel stated the applicant says the applicant has eight people employed with him. Mr. Geiger stated that is an approximation. Beverly Griebel asked how many people are employees of his outside the family. Mr. Geiger stated he has two employees and then subcontractors from time to time.

John Castellani asked if any of those employees ever come to the home office. Mr. Geiger stated they are never at his house. He stated zero workers are at the house.

Mr. Geiger stated his sister helps him with a lot of things around the house, so she is there regularly. Beverly Griebel asked is she an employee. Mr. Geiger stated she is a paid employee. He stated at his house, though, she does other things. He stated she grocery shops, she does cleaning, she does laundry. He stated she does his personal bills, as well. John Castellani asked does she live there. Mr. Geiger stated she does not. Beverly Griebel asked does

she come on like a daily basis to do some of the work for the business. Mr. Geiger stated she comes once or twice a week for a few hours. Beverly Griebel clarified but she does work for the business. Mr. Geiger stated yes, she does. Beverly Griebel stated so then that would be considered one employee.

Beverly Griebel asked if there was anyone else that comes to the applicant's house to do work. Mr. Geiger stated no, not for the company. He stated the only people that have ever been there have been there for his house improvements.

Beverly Griebel stated the application asks for an instrument survey or tape map. She stated she is not sure what was provided, the sketch. Beverly Griebel stated the application asks for a sketch of where the applicant does his business, something on a tape map or the survey of their property.

Dan Melville stated a tape map would not be used for the interior of the house. Beverly Griebel stated generally applicants X out where they are going to have the business in the house. She stated they usually have some diagram. Beverly Griebel asked where is the home office Mr. Geiger stated he does it in an extra bedroom. Beverly Griebel stated generally there is a diagram of the house provided, and then it would be indicated on there where the applicant would be having the office. Mr. Geiger stated he would be glad to furnish that. Mr. Geiger stated he still had the floor plan that was left over from the builder's sketch. Beverly Griebel stated that is generally what is required with the application. She stated the applicant could indicate on the plan where he would have a desk and a phone or whatever.

ANYONE IN FAVOR OR OPPOSED:

Bruise Kressman - Snapdragon Circle

Mr. Kressman stated he just wanted to be sure this is not a business and there is not going to be a lot of employees there. He questioned the drywall mud and things in the garage, everything piled up in the garage. He stated the applicant can't bring a vehicle into the garage because of the stuff in the garage.

Mr. Geiger stated his new truck won't fit in his garage. He welcomed Mr. Kressman to come over to his home.

Beverly Griebel asked the applicant if he had any business-related things in the garage. Mr. Geiger stated not any more. He stated in construction, they have hand tools and a tool belt that are required to work in the trade. He stated that is all he has there. He stated he has a tool belt and a set of tools that go with it like anybody would in his business. He stated he has a truck.

Mr. Kressman stated they have a small space for off-street parking and that is always full of cars. Mr. Geiger stated this year he had all of the work done on his house. He stated he is proud of it. He stated it is 95 percent done. He stated the electrician has to finish some things up. He stated he has a friend of his that has to do a little bit of trim work. He stated there is a person coming from time to time for the computer system, because it is very elaborate, cutting edge technology and they have not worked all of the bugs out of it. He stated he will be there from time to time to get that work done.

Beverly Griebel asked the applicant will he be having cars that are completely using that visitor lot that is near their home. Mr. Geiger stated he will not. He stated when that happened this year, it was just from doing work on his house.

Mr. Kressman stated they have a rule in the Homeowners' Association that there is no parking on their driveways. He stated he has to put his own truck inside of his garage. He stated he did not think the applicant's truck is that much bigger than his. Mr. Geiger stated when he moved in, they had different arrangements. He stated his truck is like 2 inches short, so he would have to cut out a notch in the back garage wall to get it in.

Beverly Griebel stated she thought it is up to the applicant whether he parks his vehicle in the garage or his driveway. She stated he can park it either place. She stated it is not up to this

Board, anyway.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion.

DECISION: Unanimously approved by a vote of 5 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. One outside employee.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Roberts Wesleyan College, owner; c/o Christa Construction, 101 Victor Heights Parkway, Victor, New York 14564 for variance to erect an addition to be 56.76' from front lot line (75' req.) at property located at 2301 Westside Drive in P.I.D. zone.

Bob Katwell was present as the site engineer representing Roberts Wesleyan College and Christa Construction for the proposed addition to the Garlock Commons dining facility. Mr. Katwell stated they are requesting the setback variance for the proposed cooler addition, shown on the drawing provided highlighted in yellow. He stated it is on the north side of the existing Garlock Commons dining facility. Mr. Katwell stated the cooler as well as the addition to the Garlock Commons is shown on the drawing provided to the east side of the existing dining hall. He stated the plans were both approved by the Planning Board for site plan approval at the December 8th meeting of last year.

Mr. Katwell stated the specific variance as mentioned requested is for a setback of 56.7 plus or minus feet. He stated from the standpoint of clarifying the matter, the required setback is 60 feet. He stated it was listed as 75 feet in the announcement.

Mr. Katwell stated the setback is necessary because of the location of the existing kitchen being on the north side of the building. He stated the cooler needs to be in close proximity to not only the existing kitchen, but also the existing access of the kitchen facility. He stated the location and size is also necessary to meet the design, the detailed design of the kitchen consultant.

Mr. Katwell stated from the standpoint of site plan mitigation measures, they have highlighted some of the proposed plantings that were approved by the Planning Board as part of the proposed landscape planting design. He stated those include a combination of Evergreen plantings along Westside Drive, kind of on the north side of the proposed access road, as well as some additional shade-oriented trees that are located on the south side of the proposed access drive. He stated they believe that this will certainly enhance what the existing streetscape is along Westside Drive and will also help to buffer the proposed addition to the building.

Mr. Katwell stated Greg Davis, with Christa Construction, was also present to represent the application along with some representatives of Roberts Wesleyan College.

John Castellani asked why couldn't the cooler be between Garlock Hall and Minor Commons. Mr. Davis stated they had to directly enter the cooler from the kitchen space. John Castellani stated it looks like the buildings are all preexisting, nonconforming as they stand today. John Castellani stated they are already less than 75 feet. Mr. Davis stated he thought they had gone through site plan approval and resurveyed the site and that is actually when they found out

they had the problem.

Beverly Griebel stated that is the only place they can put it if they want it near the kitchen. Mary Sperr stated she has been in that kitchen facility and she did not know any other way they could do it.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion.

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

1. This is the only practical location for the addition to be adjacent to kitchen and living areas.

3. Application of Mr. & Mrs. Kenneth Kulzer, owner, 39 College Greene Drive, North Chili, New York 14514 for variance to erect an enclosed porch to be 21' from rear lot line (25' req.) at property located at 39 College Greene Drive in P.U.D. zone.

Kenneth Kulzer was present to represent the application. Mr. Kulzer stated they would like to apply for a variance of 21 feet. He stated the setback is now 25 feet. He stated they want to put a patio enclosure up. He stated that would be off the back of the house, facing the woods. Mr. Kulzer stated he has a letter of approval from the Homeowners' Association Board that indicates their plans have been cleared by that Board.

Beverly Griebel stated the letter submitted to the Board was from the Homeowners' Association indicating permission was granted. She stated that will be part of the file in the Building Department.

Beverly Griebel asked the applicant do they have a deck out there now. Mr. Kulzer stated they do. Beverly Griebel asked they are going to put the enclosure on the deck. Mr. Kulzer stated that's correct. Beverly Griebel asked if it will be the same dimensions. Mr. Kulzer stated that's correct.

Dan Melville commented these enclosures have become very popular now. Mr. Kulzer showed the Board the style it would be. Beverly Griebel asked will it match the siding of the home. Mr. Kulzer stated they're going to shingle the roof to match. Beverly Griebel asked if everything will blend in. Mr. Kulzer stated that's correct.

Beverly Griebel stated there is a dividing berm that is very close between the houses and the apartment building area. Mr. Kulzer stated that's correct. He stated that is just to the south of his property.

John Castellani asked the applicant is he the second house in. Mr. Kulzer stated that's correct. John Castellani asked if they have the blue house. Mr. Kulzer stated that's correct.

Beverly Griebel stated there is a letter that came in to the Town from College Greene. She stated the letter indicated Ms. Laurie Leenhouts, Project Manager for College Greene, recommends that the variance be granted to erect an enclosed porch as requested. The letter indicated unfortunately lots in Section 1, 2 and 5 were shorter than they discovered they needed to be as residents began desiring larger porches than their original designs called for. The letter indicated they regret this has caused an inconvenience for both residents and the Zoning Board. The letter indicated lots in the final Sections 3 and 4 were designed longer so that this should no longer present a problem. The letter will be on file with the Building Department.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion.

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

1. No impact on neighboring properties.
2. Home backs up to wooded area.

4. Application of Michael Scamacca, 3501 Union Street, North Chili, New York 14514, property owner: Beverly Scamacca; for approval to erect a warehouse on an existing lot having 32,107 sq. ft. with a lot width of 80', variance for the warehouse to be 15' from side lot line (40' req.) at property located at 3498 Union Street in G.I. zone.

Jeff Bonnerwith was present to represent the application. Mr. Bonnerwith stated they have put together the plan for the applicant. Mr. Bonnerwith stated this property is located along the south side of the gravel access which goes back to the crusher. He stated what they have done is tried to keep the structure located kind of favoring the north side only because there is the drive there.

Mr. Bonnerwith stated he would also like to point out with this application, depending on how the application is considered, he would like to bring to the Board's attention as well, being that the lot is 80 feet wide and they were requesting a 15 foot minimum, by the time that one adds up those dimensions, they're actually 25 feet from the south lot line, so he was not sure if the 15 foot minimum considers that or if they have to explicitly request that they would like to do that as well because the side tie is 35 feet.

Beverly Griebel stated so it is 15 feet on the north. Mr. Bonnerwith stated on the north. He stated then they have a 40 foot wide building, so now they're up to 55. He stated that leaves them 25 feet between the south side of the building and the south lot line. He stated so technically it doesn't have the required setback, but it is greater than the 15 minimum that they're requesting.

Beverly Griebel stated the 15 foot doesn't say from which side lot line. She stated so they are actually further away than the 15 feet. Mr. Bonnerwith stated this parcel exists presently. He stated it's not something that was created by the applicant. He stated this is not a newly subdivided lot. He stated the lot has existed with its map dimensions for some time now.

Beverly Griebel stated the Zoning Board was in receipt of a letter from Lawrence D. Calberger of 3504 Union Street, the adjacent homeowner on the south. Beverly Griebel read the letter. The letter indicated Mr. Calberger was concerned the neighbors will have increased flood problems. The letter indicated such warehouse will be impossible to co-exist with. The letter questioned how one could raise a family with such a workplace right next door. The letter indicated one of the concerns is the impact of any site on the neighborhood and environment. The letter indicated this is definitely going to affect the neighbors and property values. The letter asked the Board to consider all parties involved. The letter will be on file in the Building Department.

Mike Scamacca, the applicant, was also present to represent the application. Richard Perry asked the applicant if he owns the property across the street. Mr. Scamacca stated he does not. Mr. Scamacca stated he rents property across the street currently. Richard Perry asked the applicant if he owns the building or that land across the street. Mr. Scamacca stated no, he does not.

Richard Perry asked the applicant is there any other place he could put this besides at this location. Mr. Scamacca stated he owns the land. He stated that makes it very economical for him to put a building up there.

Mr. Scamacca stated the letter read said something about a 40,000 square foot building. He stated it is a 4,000 square foot building. He stated the letter talks about a family environment, but that whole area of land is zoned Industrial. He stated that is what the land is for. He stated that is

why he bought the land. Beverly Griebel stated it has been zoned General Industrial. Beverly Griebel stated from the railroad tracks north, it is zoned General Industrial.

Mr. Scamacca stated the letter talks in terms of a family atmosphere, but it is not a residential neighborhood. He stated the people had to know that coming in. He stated he knew that coming in.

John Castellani asked what is going into this warehouse. Mr. Scamacca stated he sells and repairs forklift trucks, industrial forklift trucks, which he does currently across the street. Mr. Scamacca stated they have been doing business there about 14 years, right in that same location, as rental property. He stated now he would like to build his own building.

John Castellani asked what kind of traffic will the applicant be generating on Union Street that isn't there today. Mr. Scamacca stated none. John Castellani asked if the business is getting bigger. Mr. Scamacca stated they don't have customers coming into their facility like a car dealership. He stated they go out to industry and it is all done by quotation. He stated the bigger their business gets, they don't have any more traffic coming in or out.

Mary Sperr asked if their proposal for this building means the applicant will now vacate the property they are currently using across the street. Mr. Scamacca stated that's correct. Richard Perry asked what is the size of the property across the street. Mr. Scamacca stated 2,000 to 3,000 square feet.

Richard Perry asked by the applicant's going to 4,000 square feet, is he anticipating some expansion. Mr. Scamacca stated they are. He stated he would like to start stocking some parts. Richard Perry asked as far as the repairs and such, will they be done on site. Mr. Scamacca stated they do some on site right now. He stated about probably 5 percent of their business repairs are done on site. He stated 95 percent is done out in the territory.

Richard Perry asked the applicant if he sells new and used forklifts. Mr. Scamacca stated that's correct. Richard Perry asked the applicant does he currently have stock of some of those vehicles. Mr. Scamacca stated one or two. He stated they don't stock too many new ones. He stated they do major repairs in their shop. He stated the day-to-day repairs are all done using their vans equipped with equipment and they dispatch mechanics to the locations.

Richard Perry asked the applicant how do they get the forklifts there that need the major repairs. Mr. Scamacca stated they have a tilt bed truck that they pick the trucks up and unload them in their shop. Richard Perry asked are they currently using that. Mr. Scamacca stated that's correct. Richard Perry asked the applicant if he anticipates using a fleet of tilt bed trucks. Mr. Scamacca stated he would love to, but he doesn't anticipate it.

Beverly Griebel stated so the applicant is just moving the business across the street. Mr. Scamacca stated that's right. He stated right now he is paying rent. He stated he would like to own his own building for two reasons. He stated he would like to have a little better atmosphere around where they work. He stated they want to pave as much as they can and the rest will be stones. He stated right now there is a lot of mud and things around that make it not conducive to hiring good mechanics, because they want a clean atmosphere. He stated if they put up their own building, they'll have control over that.

Beverly Griebel asked will their access be off of Union Street. Mr. Scamacca stated that's correct. Beverly Griebel asked if that would be down the driveway. Mr. Scamacca stated that's right.

Beverly Griebel stated this was approved by the Planning Board. She stated this is directly adjacent to the gravel drive that goes into Union Processing, otherwise known as the crusher, so it definitely is a commercial area.

Richard Perry asked is that the road the applicant will be using for access. Mr. Scamacca stated he would like to use it, but he can't see why they would want to give him a right-of-way there. Beverly Griebel stated there is a gravel drive on the south side. Mr. Scamacca stated that belongs

to Union Processing. Richard Perry stated the applicant will be putting the gravel drive in very close to the property line on the south. Mr. Scamacca stated that's correct.

Dan Melville asked the applicant do they do any kind of work outside. Mr. Scamacca stated they do not.

Richard Perry asked would there be any storage of hazardous chemicals on premises. Mr. Scamacca stated they have companies that pick it up on a routine basis for the oils and stuff. Richard Perry asked if there would be lubricants and solvents on site. Mr. Scamacca stated nowadays they have to have a company out in Henrietta come in once every two weeks to pick up all their stuff. Mr. Scamacca stated the Chili Fire Department inspects it once every six months or something like that.

John Castellani asked what were the conditions of the Planning Board. Beverly Griebel stated she did not have that information. Keith O'Toole stated he could not recall the conditions, if any, related to this application. John Castellani asked was there anything subject to the Fire Marshal's approval. Keith O'Toole stated he did not recall.

Beverly Griebel asked if the holding tank is certified by the County. Mr. Bonnerwith stated they tried to locate things much north to the rear as they could. He stated the holding tank won't be used for too long if the sanitary sewers come down the road.

Richard Perry asked if the existing frame house is in use. Mr. Scamacca stated it is. He stated he has a mortgage on it. He stated the rent helps pay the mortgage. He stated hopefully down the road that could be removed. He stated he doesn't live there. Mr. Scamacca stated he rents it out. Beverly Griebel asked how does the tenant feel about the application. Mr. Scamacca stated he has no problem. He commented it is one of his mechanics.

Richard Perry stated the property where they are proposing to build this is muddy. Mr. Scamacca stated they would like to get it graded out properly. He stated he thought over the years it has kind of sunk in. Richard Perry asked by doing so, would that create more of a flooding condition on adjacent properties.

Mr. Bonnerwith stated there are wetlands to the rear of the property, so ultimately the drainage in the area goes into that wetlands. He stated the drainage doesn't migrate in a southern direction. He stated it goes in an eastern direction to those wetlands.

ANYONE IN FAVOR OR OPPOSED:

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, found this to be a Type II action and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. All Board members were in favor of the motion.

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

1. Project is in keeping with the Master Plan/G.I. zone usages.

The meeting ended at 8:35 p.m.

A meeting of the Chili Zoning Board of Appeals was held on March 23, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Gerry Hendrickson, Mary Sperr, Bill Oliver, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector, 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 stated she did not have a problem with any of the signs. The Board indicated they saw all of the signs.

1. Application of Keith Vogler, owner, 106 Christina Drive, North Chili, New York 14514 for 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 stated the application says this is going to be for an office for phone calls and a file cabinet. She asked is that what the applicant will be doing. Mr. Vogler stated filing, minor bookkeeping and answering the phones. Beverly Griebel asked the applicant will he have customers visiting at his home. Mr. Vogler stated no, he won't.

Dan Melville asked the applicant would he be getting any deliveries of merchandise or anything like that relating to the business. Mr. Vogler stated he would not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Florence DiFrancesco Wood - 113 Christina Drive
She stated she was not notified other than the sign that they saw on their neighbor's lawn. She stated she did ask four of their neighbors and spoke with Beverly Griebel this morning and was told the Town mailed out nine letters. Beverly Griebel stated that was not her. She stated that must have been the secretary. She stated the people who live immediately adjacent to the property get the letters, and for the rest of the people in the neighborhood, in the community, there is a sign that is posted on the property and then the notice that goes in the Gates-Chili News.

Ms. DiFrancesco-Wood stated four out of the nine that were mentioned did not get these letters. Ms. DiFrancesco-Wood asked what does conditional use permit mean. Beverly Griebel stated well, if it is granted, they would allow this business to be done. She stated what the applicant has stated in his application is he will just be taking phone calls there, have a file cabinet for business records. She stated and when they have a conditional use like this, like a home office it would be called, their general conditions would be normally it's granted for one year in the beginning. She stated there would be no advertising on premises. She stated there would be no on-street parking that is related to the business. She stated and the applicant can have up to one outside employee, although she was not sure yet how many the applicant has asked for. She stated and the Board can add conditions to that.

Beverly Griebel stated if it is granted, it is normally granted for a one-year period of time. She stated if there are any infractions of these conditions, then there can be calls made into the Building Department and they would look into that, and there would be a warning, or it can be a

cease and desist order depending on what is happening.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on 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. No outside employees.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Mr. & Mrs. Steven McMaster, 24 Cornwall Crossing, Rochester, New York 14624 for variance to erect an above-ground swimming pool to be 6' from rear lot line (10' req.) at property located at 24 Cornwall Crossing in R-1-15 zone.

Steven McMaster was present to represent the application. Beverly Griebel asked if the applicant moved the pool closer to their deck, could this then be done without a variance. Mr. McMaster stated the deck is only 26 inches high, and the pool is 52 inches high, so there would have to be some steps to raise it to the pool level. Beverly Griebel stated they have 8 feet in there. Mr. McMaster stated the pool is also oval, so it has supports that extend 3 feet up each side. Beverly Griebel asked so the supports stick out 3 feet. Mr. McMaster stated that's correct. Beverly Griebel stated that's why they need the applicants to come before the Board, because she had forgotten about the supports. She stated they take up a lot of the room there.

Beverly Griebel stated she thought their application said the applicant eventually wants to put maybe some connection between the deck and the pool. Mr. McMaster stated that is correct. He stated the easiest way from what he could ascertain was just to extend the deck out. He stated it might require a couple of steps because he was not sure how much of the incline will reduce the difference between the 52 and the 26, but it will take at least one step and probably two.

Richard Perry stated there is 8 feet between the deck and the proposed pool, and then he subtracts 3 feet for the supports. He asked the applicant will he extend their deck that much out there to it. Mr. McMaster stated yes, he will. Bill Oliver asked the applicant has he asked his neighbors how they feel about this. Mr. McMaster stated no, he has not. Bill Oliver asked the applicant has anyone made any comment to him on this. Mr. McMaster stated no, they have not. He stated the area behind his yard is a large common area.

Beverly Griebel commented it is pretty open back there. Mr. McMaster agreed. He stated it is probably 200 feet to the other area. Beverly Griebel asked is that all mowed in the summer. Mr. McMaster stated that's correct.

John Castellani asked whereabouts were they measuring the 6 feet from. Mr. McMaster stated the rear lot line. John Castellani asked if that was the top rail to the lot line. Mr. McMaster stated the inside wall of the pool to the lot line. John Castellani stated he realizes that the supports that they have got, they're going to be above ground, and they're going to extend 3 feet out. Mr. McMaster stated he understood that. He stated the zoning said the inside wall of the pool. John Castellani asked how about the supports. He asked are they counting them as part of the structure. Larry Smith stated the supports are a significant part of the structure. John Castellani stated if they extend 3 feet out, the applicant needs a 3 foot variance, not a 6 foot

variance. Larry Smith stated he would look at that once more.

Beverly Griebel asked is there a ledge around the top of the pool. Mr. McMaster stated there is. Beverly Griebel asked where does the ledge around the top of the pool count in the measurements. She stated that would stick out from the side of the pool. Mr. McMaster stated that's correct. Mary Sperr stated that would be within the 3 feet that John Castellani was talking about.

Mr. McMaster stated he does not think his neighbors would ever even question that. He stated when their yard was seeded, they seeded actually beyond their lot line. He stated they never even knew that. He stated it is at least 3 feet that they seeded beyond it and he could never tell where their lot ends and where the common property begins. John Castellani stated but that whole area is managed by a homeowner's association, and they could get testy. Mr. McMaster stated he mows at least 10 feet of the common area.

Larry Smith stated the supports do not have any exemption. He stated they are part of the structure, so they could just amend the application to 3 feet. John Castellani stated the applicant is going to get into a problem otherwise. Larry Smith stated that is the easiest way to do it.

Beverly Griebel asked for 3 feet, does that need to be readvertised. Keith O'Toole stated no, it does not. Larry Smith stated this way the applicant is covered no matter where he puts it. Beverly Griebel stated so the application would be amended to be 3 feet, instead of 6 feet.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. No impact on neighboring properties.
3. Application of Daniel Doran, owner; 16 Tarrytown Drive, Rochester, New York 14624 for variance to allow existing utility shed to be 192 sq. ft. (180 sq. ft allowed) at property located at 16 Tarrytown Drive in R-1-12 zone.

Daniel Doran was present to represent the application. Beverly Griebel stated this shed has been up for a while. Mr. Doran stated yes, it has. Beverly Griebel asked how many years has it been up. Mr. Doran stated approximately three years. Beverly Griebel asked how did the applicant get to appear here. She asked the applicant did he get a notice. Mr. Doran stated he is selling the property and the buyers' lawyer requested a permit for the storage shed. Beverly Griebel stated because the applicant can't sell it unless he takes it down. Mr. Doran stated yes, unless he takes it down.

Bill Oliver asked does this shed have electricity in it. Mr. Doran stated it is just a storage shed for his lawn mower. Bill Oliver asked what kind of base does it have under it. He asked is it concrete, wood. He asked what is the base under the shed. Mr. Doran stated it has a wood floor.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

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

1. No impact on neighboring properties.

4. Application of Georgia Fisher, 235 Humphrey Road, Scottsville, New York 14546 for Land Use Variance to allow a commercial dog kennel for boarding and breeding at property located at 235 Humphrey Road in RA-1 zone.

Georgia Fisher was present to represent the application. Ms. Fisher stated they want to breed Boxers at the kennel. She stated she is a trainer. She stated her sister and her are going to do it. She stated she needs to bring the dogs in to board them to train. She stated that is why she needs the boarding.

Ms. Fisher stated it would be a small set-up. She stated there would be 15 indoor/outdoor runs and 5 indoor, just indoor. Ms. Fisher stated they want to close the structure to keep the distraction down.

Katherine Greutman, also present to represent the application, stated the structure would sit probably about 600 feet back from the road. Ms. Fisher stated it would be closer to 800 feet. Ms. Greutman stated closer to 800 feet. She stated so there would be less distractions and noticeability. Ms. Fisher stated it is almost not even visible from the road. Beverly Griebel stated their property is deep. Ms. Fisher stated it is 1100 feet.

Beverly Griebel asked the applicant do they have dogs now. Ms. Fisher stated yes, she does. Beverly Griebel asked how many does the applicant have. Ms. Fisher stated three. Beverly Griebel asked are they all full grown. Ms. Fisher stated yes. Beverly Griebel asked the applicant how long has she had them. Ms. Fisher stated it seems like she has had three dogs forever. She stated years. She stated the dogs that she has now are fairly young. She stated they're all two to three years old. Beverly Griebel stated in Chili people are allowed to have just two if they're full grown, two that are allowed without a special permit. Ms. Fisher stated she thought it was three. John Castellani stated it is two. Beverly Griebel stated it is two, unless they're under six months of age. Ms. Fisher stated she didn't know that. She stated she had them all licensed.

Dan Melville questioned noise. He asked how will they control noise in the neighborhood. Ms. Fisher stated she would like to hire a kennel company to come in. She stated what will make the dogs bark is distraction, or if a dog comes in missing its owner, which is not real common. Ms. Fisher stated that is why they would have the indoor runs. She stated they want to surround the whole thing in stockade fence to keep the distraction down. She stated that is what will cause the barking. She stated that will set off a dog. She stated they don't just sit around and bark for something to do, as a rule.

Ms. Greutman stated early evening and nighttime they would be inside. Ms. Fisher stated they would be closed in.

Ms. Fisher stated she has to live on the property, so she, of course, does not want to hear barking all night. Dan Melville asked if the dogs will be loose. Ms. Fisher stated no, not at all.

Ms. Greutman stated the set-up inside the kennel that they would like to have would be to have an indoor run only, so if anyone was to bark or be a problem dog, they would be inside only. Ms. Fisher stated they would walk them when they need to go out.

Dan Melville asked how many dogs do they plan on having at any one time. Ms. Fisher stated they're figuring one dog per run. She stated that is why they had planned 18 runs. She stated that is more than enough.

Dan Melville stated he had a question for their legal counsel. He asked if counsel was aware of the deed restrictions on that property. Keith O'Toole stated he has reviewed them. Dan Melville asked Keith O'Toole could he give the Board his opinion on them.

Keith O'Toole stated they may be actionable by private property owners in and about the subdivision. He stated the Town is mentioned as a beneficiary. He stated from a zoning point of

view, the Town does not enforce the deed restrictions. He stated if the Town wants to exercise its rights under the deed restrictions, that is up to the Town Supervisor and Town Board, as well as with a review by the Town Attorney.

John Castellani asked Keith O'Toole if he was saying those that would benefit from this deed can take civil action and sue this property owner for gaining the permit, assuming the Board passed it, based on this covenant. Keith O'Toole stated potentially. He stated he does not know how many properties benefit from it and he has not seen an abstract of title, so he does not know how it has been modified from time to time. John Castellani asked if that would be the course that could happen. Keith O'Toole stated that's correct.

Dan Melville asked will there be any lights around this thing or will it be lit up at all. Ms. Fisher stated not to the extreme. She stated at night the lights will go down, other than one or two lights, but overall there wouldn't be floodlights or anything.

Richard Perry asked the applicant if they may have up to 18 animals there at any one time. Ms. Fisher stated that's correct, all in individual kennels. Richard Perry commented each one in an individual kennel. Ms. Fisher stated there are also going to be barriers between the kennels so the dogs are not subjected to each other other than at the end of the outdoor runs.

Richard Perry asked will this be air conditioned. Ms. Fisher stated yes, it will be. Ms. Greutman stated rarely would they be up to full capacity, but if they have a litter maybe between six and nine puppies, they wanted to allow for that many runs for them. She stated they won't always have a litter, but they want to be able to accommodate everybody if they do.

Richard Perry asked are these kennels pre-fabricated by a company that specializes in these. Ms. Fisher stated that is what they do. She stated they're called Hound Quarters. She stated from everything they have researched, this is who they would like to use. She stated they work very closely with the planning of this back and forth to fine tune everything to the best that they can both for now and in the future.

Richard Perry asked the applicant do they have licensing from the Agricultural Department. Ms. Fisher stated they will.

Bill Oliver asked the applicant have they talked with any of their neighbors about this. Ms. Fisher stated a few of them. Ms. Fisher stated there are not many neighbors there. Bill Oliver asked what were the comments. Ms. Fisher stated everyone was kind of curious what was going on. She stated a few comments were made that everybody thought it was going to be a big commercial enterprise, which it's not. She stated once they cleared the air on that, that seemed to relieve the people. Bill Oliver asked how did the people feel after she told them that. Ms. Fisher stated she didn't get any bad feeling from it. She stated she kind of felt a couple of them, after she explained things, they really didn't have an opinion one way or another after that.

John Castellani stated where they are planning on placing the kennel is directly in line with the house next to them. Ms. Fisher stated that was not correct. Beverly Griebel showed John Castellani an expanded diagram. Ms. Fisher stated there is nothing behind them. She stated there is the Chili Disk Golf, which is not even directly behind.

John Castellani stated he thought their house was on line with the one next to them. Ms. Fisher stated it is, but it is up by the road.

John Castellani asked the applicant did she understand what the attorney said here. Ms. Fisher stated that is something that she will look at. John Castellani stated that means if the Board grants the applicant the permit, all of the involved people have a right to take her to court to sue her. Ms. Fisher stated she understood that. John Castellani asked the applicant is she prepared for that. Ms. Fisher stated she is prepared.

Ms. Fisher stated the reason she was going into this is she absolutely needs to, and this is what she

knows. She stated the acreage is her liability that she lives on. She stated it is what she has. She stated her job is not looking real well. She stated has no choice but other than to try this, because this is what she knows.

Mary Sperr stated the applicant has been before the Board previous and asked to have a variance to put a driveway in. She asked does that have any relationship to do with this today that she didn't tell the Board back then. Ms. Fisher stated it does not. She stated she has horses back there. She stated she needs access back there to take hay and feed back there.

Mary Sperr asked does this mean the kennel they are going to put in, they are going to drive back on that gravel road, that she asked them about, for a different purpose. Ms. Fisher stated that will not affect it. Ms. Fisher stated they're not even sure at this point if they want driveway access to the kennel right now. Mary Sperr stated the diagram appears that that is what the applicant plans to do.

Ms. Fisher stated she wants to do whatever it takes. She commented if that is something that is an issue, they could look at that. Ms. Sperr stated it sounds funny now today the applicant is coming in for this in light of what was asked for before. Ms. Fisher stated there is no other access to the horses except that driveway.

Mary Sperr asked when they put a kennel in of that size, how will they keep the noise down for the neighbors. She asked how will they control the smells that are brought about by having that many animals in a facility without opening the windows or anything of that nature that would then allow the dog barking to be heard by the neighbors.

Ms. Fisher stated dogs don't just bark for the sake of barking as a rule. She stated something needs to provoke them to bark generally. She stated they would have separate kennels set up. She stated the stockade fence is to stop the visual for the dog.

Mary Sperr stated but that does not answer her question. She asked the applicant does she plan to have the windows open. Ms. Fisher stated yes. She stated there will be ventilation. She stated there will be someone there. She stated it is not like the kennels will be cleaned constantly. She stated there certainly would not be enough smell for that size of a kennel to carry anywhere.

Mary Sperr stated she has a dog herself and lives in a rural area. She stated there is a stand of trees in between the neighbor to the north of them, and when she has her windows up in the summer, she hears dogs barking. She stated if they have the windows open, even though they can't see another dog, they can hear it. She stated there are coyotes. She stated she is just concerned about the noise and having a kennel of this size in an area where they have neighbors with windows, children, things like that. She stated she doesn't see how they can avoid that, and she doesn't see a stockade fence preventing that, so that is why she was asking, just to examine the possibilities.

Ms. Fisher stated in a suburban neighborhood, they have dogs and they are not hearing dog barking. Mary Sperr stated but most don't live next to a kennel with a potential for 18 dogs barking. Ms. Fisher stated she could not say they will never bark. She stated it is going to be 800 feet off the road. Mary Sperr stated the barking travels. She stated 800 feet off the road doesn't mean that they are far away.

Ms. Fisher stated with the stockade fence, that will work as a barrier. She stated if she can come up with a different insulated sound barrier on the inside of that, she will be more than happy to do that. Ms. Sperr stated she did not know how they can prevent that with a fence and open windows. She stated that will not prevent that sound. Ms. Fisher stated it won't prevent it, but it will keep it to a minimum.

Gerry Hendrickson asked how long has the applicant lived there. Ms. Fisher stated eight years. Gerry Hendrickson stated it's not a quiet area. Ms. Fisher stated it is fairly quiet. Gerry Hendrickson stated he did not believe so. Gerry Hendrickson stated around there they have a lot

of animals. He stated they have the woods. He stated they have wild animals. He stated they have deer. Ms. Fisher stated there are deer through there. Gerry Hendrickson stated the deer smell and they make noise, too. Ms. Fisher stated they won't come near the kennel. Gerry Hendrickson stated all they have to do is come up near the kennel at night. Ms. Fisher stated the dogs will be in at night. Gerry Hendrickson stated but they will get that smell and they will be around there. Gerry Hendrickson stated they will be around there and make a disturbance with the dogs.

Ms. Fisher stated if for no other reason, that would dissuade them. She stated dogs are predators. Gerry Hendrickson disagreed. Ms. Fisher stated there are two fields that are plowed near them. Gerry Hendrickson stated he has been there all his life. He stated he knows how that area is over there. Ms. Fisher stated she was talking about her corner. Gerry Hendrickson stated he was afraid that is what is going to happen back there. He stated they will have problems with wild animals coming up in there for the smell.

Beverly Griebel asked who would be taking care of the dogs in the kennel. Ms. Fisher stated she and her sister will both be doing it. She stated they both work part-time and they can basically tag team.

Beverly Griebel stated in order to consider a land use variance, the Board has to look at the dollars and cents of it, that the property cannot yield a reasonable return if used only for the purposes allowed in that zone. She stated in looking at the applicant's figures, the normal use for their property in that zone, what it is used for now is for living.

Ms. Fisher stated she didn't quite understand that, because they don't farm it. She stated she did the best she could with what she had. Beverly Griebel stated but the facts and figures submitted really don't show that the property cannot yield a reasonable return when they are using it for living, for a house.

Ms. Fisher stated she did not understand. Ms. Fisher asked how would it yield anything living there. Beverly Griebel stated there has been submitted a lot of information, but it didn't really support the claim that the applicant can't get a reasonable return from their property by being allowed just to live there. She stated that is the usual use for it, is living quarters.

Ms. Fisher stated she thought by that they were saying being that it is zoned agricultural, so how could she yield a return off of her acreage being farming it or whatever. She stated that is what she thought they were looking for, because that, she would assume, would be most of the use for that type of property. Beverly Griebel stated it could be. She stated it could be a use. Ms. Fisher stated she didn't quite understand that. She stated she really tried. She stated she went over and over it.

Beverly Griebel stated she understood what the applicant was saying, but the facts and figures don't really support her claim that she can't get the use out of their property unless she were allowed to do this.

Ms. Fisher stated the only hardship is she needs the income off of the property, and this is the only thing she knows. She stated she can't farm the property. She stated as far as other type of animal husbandry or anything else that is there, it is just not something in her realm.

Beverly Griebel stated she could understand that, but the information, in her opinion, doesn't support wanting to do that. She stated she understood that the applicant wants to do it on the property.

Beverly Griebel asked the applicant has she considered getting a commercial area to do this. Ms. Fisher stated in order to kennel the dogs correctly, she really needs to be on premises. She stated she can't go and lock them in somewhere and just leave them. She stated they felt it was in the best interest to have them there costwise. She stated obviously they don't have to buy property or lease property because they have it.

Ms. Fisher stated from what she could see, she is okay to have a breeding kennel provided she meets certain conditions, but the boarding is the fine line that is the issue. Beverly Griebel stated that is right. She stated the boarding is the issue. She stated if the applicant were breeding their dogs, it would be such simpler, but when they are going to board other dogs for whatever purpose, then it becomes an issue.

Ms. Fisher stated costwise, it would not give her such a huge living that she could afford to put it in a commercial district. She stated there is just no way she can make enough money on doing that, especially with the amount of space involved that she would need to do that.

Beverly Griebel stated there was a sketch of this provided in the plan, the preliminary plan. She asked what are the dimensions of the kennel. Ms. Fisher stated they were on the second sheet. Beverly Griebel stated 55 feet by 30, at its widest and 15 at the narrowest.

Beverly Griebel stated that would be all enclosed by a stockade fence, which obviously, is not a sound barrier. She stated the applicant said that the windows would be open, but she also said it will be air conditioned. Ms. Fisher stated during the day. She stated when the runs are open, there is no sense in flipping the air-conditioning on. She stated at nighttime, there will be air and the windows will be closed. She stated they have to get some degree of ventilation. She stated air-conditioning will just not do it.

Dan Melville stated with the possibility of having 18 dogs, it's going to create quite a bit of waste. He asked how are they going to dispose of that. Ms. Fisher stated they're going to put in a septic system along with the kennel company. She stated they're going to work with them. She stated it would be a raised sand fill system, but she did not know what would be required of that area.

Dan Melville asked is the applicant's house on well water. Ms. Fisher stated it is not. She stated they're on public water. Dan Melville asked are all of the houses in the area on public water. Ms. Fisher stated some are not hooked up yet. Dan Melville asked are there some wells there. Ms. Fisher stated she did not know who still is on well water.

Dan Melville stated according to the application, it says their potential gross income is \$83,366. He asked is that what they are projecting. Ms. Fisher stated she believes so. Dan Melville questioned why the applicant could not afford a commercial building with that gross income. Ms. Fisher stated not with the other expenses involved. Dan Melville stated he supposed if the applicant had a commercial building, she could take in even more dogs.

Ms. Fisher stated but they need outside area to do that. She stated she needs to have areas to walk the dogs and in order to train them, they have to do that. She stated they have to have a big enough outside area to work in. Dan Melville stated he knows there are other commercial kennels around that do it. He asked how do they do it.

Ms. Fisher stated the two bigger kennels in the area, Add-en-on and Evergreen Kennels, are both on private property. She stated they're not on commercial property. She stated there are smaller kennels around. She stated she didn't research every kennel in the area, but just for her own comparisons. Ms. Greutman stated they are not looking to get that big. Ms. Fisher stated the others are substantially bigger. She stated Add-en-on is 300 runs. Evergreen has about 60 runs. Ms. Greutman stated that is not quite what they're looking to do.

Beverly Griebel stated the applicant's lot is only 270 feet wide. She stated she was sure whatever the names are of those kennels, they must be on a bigger acreage. Ms. Fisher stated that she did not know. Beverly Griebel stated she would assume they would be. She stated this makes the applicant pretty close to their neighbors with that many dogs. She stated she thought there is a large potential for noise.

Ms. Greutman stated there also is another small kennel in the area, and it is right on Brook Road. She stated they have never heard any problems with that. She stated that has been there as long

CHILI ZONING BOARD APPEALS

August 24, 1999

presented the Board with some photos showing what a Big K will look like, with the signs. He stated they are actually small when taken from the road.

Beverly Griebel asked is the building shown in the photograph about the same length as the Chili store. Mr. Handera stated approximately. Mr. Handera stated the one in Chili is a little longer than the one in the picture. Mr. Handera stated the photographed building is a standard new building that was built. He stated the Chili building being an addition, it is narrower and longer.

Mr. Handera stated the photo shows a Little Caesar's Pizza. He stated they won't be needing that signage. Mr. Handera stated there is a sign in the photograph next to the Penske sign showing Goodyear. He stated that has been eliminated and that is not part of this application. Mr. Handera stated again, those signs are non-illuminated signs.

Beverly Griebel asked will all the smaller signs be red; the "Big" is blue letters with the yellow slash; and then the Western Union will be the other odd color. Mr. Handera stated that was correct.

Mr. Handera stated on the pylon sign, they were doing it with the posts and the sign actually mounted within the posts with space around the sign. He stated they have extended the pole up and created a much larger case around the sign to fill in, but the sign is still the same size.

Mary Sperr asked if the sign will be put up angled so one can see it from both sides of the intersection. Mr. Handera stated it will actually sit perpendicular to Chili Avenue.

John Castellani asked with 755.9 square feet of signage why do they even need a pole sign standing out on Chili Avenue. He stated everybody knows the store is there. He stated Wegmans has a complex across the street that is significantly further away from Chili Avenue with no sign. He stated it is not impacting their business. He stated he could not envision why they would ever want to see a sign there.

Mr. Handera stated they want the sign just for added visibility. He stated as people are coming to Town from Gates, if they are unaware of the store being there, they may drive by.

John Castellani stated but this is an extraordinary amount of signage on that building. He stated compared to what is there today, what they are asking for is by and far leaps and bounds above it.

Larry Smith stated per square foot, that K Mart had really good sales. Larry Smith stated everyone knows where that is. John Castellani stated that was what he was getting at. He further commented especially with all of the building signs. He stated he could support the building signs, but he was having a hard time with the freestanding sign.

Mr. Handera stated they have also toyed with a monument sign, if that would be acceptable. He stated it would still be in the same location so they would maintain that 20 foot setback. John Castellani stated enter and exit signs were about all he wanted to see there. He stated they could put their logo in the corner of an exit and enter sign.

Dan Melville stated this was his concern, too, because that store doesn't really sit that far back from Chili Avenue and that freestanding sign seemed like kind of a lot. Beverly Griebel stated and people usually stop at one of those lights.

Dan Melville stated if they had to have some kind of a sign, he would rather see a monument sign, if anything, something lower to the ground.

Beverly Griebel stated she did not like the unknown of the extra slots on the pylon sign. John Castellani asked what about Chili Paul Plaza. Beverly Griebel stated that plaza has a lot of stores, but this plaza will be K Mart and the bank that has been there. Dan Melville stated the bank is very close to the road.

CHILI ZONE BOARD APPEALS

August 24, 1999

Larry Smith stated the developer has talked about an out parcel where the old detention parcel was. He stated Benderson has talked about the possibility of a chain restaurant there. Mary Sperr stated the developer mentioned something when they asked for the parking spaces.

Larry Smith stated they are less than 500 feet away from the church and they can't sell alcohol, so he questioned what chain would want to move in there. Larry Smith stated but they have talked about some kind of out parcel there. He stated he just did not think that they could get by the ABC with the church situation over there, for a restaurant.

Richard Perry stated anything would be an improvement over what is there now.

Larry Smith stated they base the success of a store on the square footage versus sales. He stated that has always been a successful K-Mart. He stated it was smaller, but they always had a good trade. He stated now there will be competition up the road. He stated he could see the need for additional signage on the building. He stated he is anti pole signs. He stated everyone in Gates and Chili knows it is there. He stated it was the first one in Monroe County.

Beverly Griebel asked the applicant how disappointed would they be if the Board did not approve a pylon or monument sign and just relied on signage on the building. Mr. Handera stated he guessed it would be something that they would have to live with.

ANYONE IN FAVOR OR OPPOSED:

Bill Shelter - 91 Chestnut Drive

He stated he works at the K Mart as one of the renovation crew. He stated whatever the Board's decision is on any sign that is acceptable, he is all for it.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion. The Board all voted yes on the motion.

DECISION ON THE BUILDING SIGNS: Unanimously approved by a vote of 7 yes with no conditions.

The following finding of fact was cited:

1. Needed to advertise new services in an existing store.

Note: A sign permit is required.

DECISION ON THE PYLON/FREESTANDING SING: Unanimously denied by a vote of 7 no with the following findings of fact having been cited:

1. Board found signage on building to be sufficient and freestanding sign is not needed to identify store.
2. The approved signage achieves the benefit sought by the applicant; to width, height and visibility.

The meeting ended at 9:15 p.m.

A meeting of the Chili Zoning Board of Appeals was held on September 28, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Gerry Hendrickson, Mary Sperr, Bill Oliver, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector; 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 stated she did not have a problem with any of the notification signs. The Board did not have a problem with any of the signs either.

1. Application of Russell Pooley, owner, 6 Douglas Drive, Rochester, New York 14624 for variance to erect a 6' x 4' open porch to be 33' from front lot line (60' req.) at property located at 6 Douglas Drive in R-1-12 zone.

Russell Pooley was present to represent the application. Mr. Pooley stated he wanted to make a little change to the application. He stated he wants to add 7 inches, so it would be 55 inches. He stated the reason being would be to allow more room to stand when they are opening the door. Beverly Griebel stated then people will not have to go back down the steps. Mr. Pooley stated that was correct.

John Castellani stated he wants 4 foot, 7 inches. Mr. Pooley stated that was correct. Mr. Pooley stated they're just trying to improve the look of the house. He stated they're going to have siding put on. He stated it had a deteriorated porch, a concrete stoop and the railings were rusting on it. He stated they had an aluminum awning over the top, and they would like to tear that down.

John Castellani stated that is not the only part they have to change then. He stated that would be like 32 feet from the front lot line. Beverly Griebel stated so it would be 32 feet, 5 inches. John Castellani suggested they give a little leeway. John Castellani suggested they give him 32 feet.

Mary Sperr asked the applicant would he do this work himself. Mr. Pooley stated he would, with the help of a cousin.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel stated this came back from the Monroe County Department of Planning as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved, as amended (application amended for porch to be 6' x 4'7" and to be 32' from front lot line to allow room to open door) by a vote of 7 yes with no conditions, and the following findings of fact were cited:

1. Replaces existing step and cover.

2. Minimum variance.

2. Application of Mr. & Mrs. Timothy DeLeo, owner, 122 Hillary Drive, Rochester, New York 14624 for variance to erect a 22' x 22' attached garage to be 38' from front lot line (60' req.) at property located at 122 Hillary Drive in R-1-15 zone.

Timothy DeLeo was present to represent the application. Mr. DeLeo stated basically this is going to reduce the chance of flooding in the home, which has occurred in the past. Beverly Griebel stated this has been a major problem over there. Mr. DeLeo stated it has. He stated if he can reduce it at all, this is probably the best way to do it.

Beverly Griebel clarified the applicant wishes to raise the driveway up. Mr. DeLeo stated that was correct. He stated they're going to level it with the rest of the lot. He stated it will not give him much pitch to the road, but hopefully enough to protect him the next time the street fills. He stated this house has been horrible for flooding.

Beverly Griebel asked the applicant how long has he been there. Mr. DeLeo stated he has been there only six years, but it has happened a number of times. Beverly Griebel stated one time they were over there with the news people. Mr. DeLeo stated it has been through a lot.

John Castellani stated they said on the news it was the ice damming, instead of the other way around. Mr. DeLeo stated the living space down there they want to protect.

Gerry Hendrickson stated he knew what the applicant was trying to do to protect his own interest.

Mary Sperr stated she saw pictures in the application. She asked were those done by a contractor that is going to do the building. Mr. DeLeo stated he is doing the building with a friend of his.

Keith O'Toole arrived to the meeting.

Beverly Griebel stated this is the only remedy they have other than putting a dam up there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion. The Board all voted yes on the motion.

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

1. Structure/renovation needed to alleviate flooding in very sensitive area.
3. Application of William Felluca, owner, 12 Barn Swallow Lane, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for a seasonal driveway sealing business at property located at 12 Barn Swallow Lane in R-1-15 zone.

William Felluca was present to represent the application. Larry Smith stated he has not had any complaints at all on this application. Beverly Griebel stated has it been five years. John Castellani stated three years.

Mr. Felluca stated he did not really have anything to say except what they already stated. He stated he was present again to request a renewal.

Beverly Griebel stated business must be pretty good. Mr. Felluca stated it's okay. Beverly Griebel commented the applicant is a teacher and he does do this in the summer. Mr. Felluca stated that was correct.

Mary Sperr asked were there any changes to this. She stated it looks like there haven't been any changes. Mr. Felluca stated he was asking for the exact same conditions that existed in the previous approval.

Dan Melville stated this is basically just a phone and office there.

Beverly Griebel asked the applicant where does he park his vehicles. She stated she knew that was discussed the last time. Mr. Felluca stated the answer to that is at Rochester Jet Black. He stated that has not changed. Beverly Griebel stated she knew that was the main concern in the past.

Beverly Griebel stated there was one question that was not answered on the application. She asked the applicant if he was an employee of the State, County or Town. Mr. Felluca stated he was not. He stated he is an S corporation. He stated he is President of his own corporation. Beverly Griebel stated she would check off "no" for the applicant on the application. Larry Smith stated it was already checked off on his copy. Beverly Griebel stated her copy did not have it checked off.

Larry Smith stated he did not have any problems with this application.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on 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 storage of business-related materials.
4. On premises parking only of vehicles incidental to residential use.
5. No employee parking at residence.
6. No on-street parking of business vehicles.

The following finding of fact was cited:

1. The home office is a customary home occupation.
4. Application of Michael Murphy, owner; 100 Chestnut Ridge Road, Rochester, New York 14624 for variance to allow existing deck to be 50' from front lot line (75' req.) at property located at 100 Chestnut Ridge Road in R-1-12 zone.

Michael Murphy was present to represent the application. Beverly Griebel stated no one has the setbacks required there. She stated everything there predates the code.

Beverly Griebel stated the applicant has put up the deck already. Mr. Murphy stated that was correct. Beverly Griebel asked when was that built. Mr. Murphy stated back in August. Beverly Griebel stated so it is brand new. She stated it looked pretty new. Mr. Murphy stated yes, it is new. He stated someone almost got seriously hurt on the broken steps. He stated he got really mad on a Saturday and said the deck was going up and he would worry about it later. Beverly Griebel commented that is better than a broken leg. Mr. Murphy stated that is about what almost happened.

Gerry Hendrickson stated the applicant was trying to replace a broken step. He stated he understood what he was trying to do. John Castellani stated it looks like the rest of the places down there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel stated this went to the Monroe County Department of Planning and came back as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Richard Perry seconded the motion. The Board all voted yes on the motion.

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

1. In keeping with neighborhood structures.
 2. Addresses safety concern of collapsing steps.
 3. Dresses up the front of the home.
5. Application of Darlene Jacobs, owner; 9 Rochelle Drive, Churchville, New York 14428 for renewal of conditional use permit to allow an office in home as a manufacturer's representative at property located at 9 Rochelle Drive in R-1-15 zone.

Darlene Jacobs was present to represent the application. Ms. Jacobs stated nothing has changed since last year except business is a little better than last year. Beverly Griebel stated that was good. Ms. Jacobs stated yes, that is real good.

Larry Smith stated there have been no complaints.

Dan Melville asked the applicant if she gets any kind of deliveries of products. Ms. Jacobs stated UPS does come, or Fed Ex. She stated she was on a regular-name basis with them. Dan Melville asked the applicant does she stock product and sell it out of the house. Ms. Jacobs stated she does not. She stated she has samples in her house that she takes to different accounts, but she does not stock anything.

Richard Perry commented he did not know who would approach the applicant's house with those two huge dogs. Ms. Jacobs stated everybody says the same thing. Richard Perry asked what kind of dog are they. Ms. Jacobs stated Harlequin Great Danes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on 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. Hours of operation as per application.

5. No outside employees.

The meeting ended at 7:56 p.m.

CHILI ZONING BOARD OF APPEALS

October 26, 1999

A meeting of the Chili Zoning Board of Appeals was held on October 26, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Gerry Hendrickson, Mary Sperr, Bill Oliver, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector, 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 stated she was out Saturday the 16th and Sunday the 17th. She stated there was no sign on Number 6, Air Express International. The Board members all indicated they did not see a sign.

Beverly Griebel stated Number 8, College Greene, Freedom Pond Lane, she did not see a sign. Gerry Hendrickson stated he saw it there. Laurie Leenhouts, present to represent Application 8, stated it went up Monday. Beverly Griebel stated it is supposed to be up for ten days, which means it has to be up on Saturday if the meeting is on Tuesday.

Gerry Hendrickson stated he was there on the 21st and it was there. Beverly Griebel stated she went there on Saturday and there was no sign. Richard Perry stated he saw it this past Saturday afternoon.

Beverly Griebel stated Number 11, Atlantis Associates, she didn't see that sign either on the weekend that she was out. Mary Sperr stated she saw it. Richard Perry stated he saw it. He stated it was in a field. Gerry Hendrickson stated he saw it.

Beverly Griebel stated and Number 13, she did not see a sign. Mary Sperr stated she didn't see one. Richard Perry stated it was there in the old entrance between Sal's Birdland and the bowling alley. Beverly Griebel stated she went like five miles an hour in the gutter lane from the bowling alley to the speed way. She stated it was Sunday and there wasn't much traffic. She stated she went slow and didn't see it.

John Castellani stated he saw it going 45 miles an hour. Mary Sperr asked if the applicant has that much frontage, should he have two signs. Mary Sperr stated she expected to see one by the 1300 address.

Larry Smith stated the Town ran out of signs. He stated they just got them in. He stated they were limiting how many signs people could have.

Beverly Griebel stated for Number 6, Air Express on Jet View, there was no sign there at all.

A woman who later identified herself as "Laura" stated she was present to represent the sign company. She stated it was in the window. She stated they were grading the lawn with bulldozers and there was no other way to post it without it getting ruined or buried. She stated like the last one on Chili Avenue, they totally buried it in the ground.

Larry Smith stated he did see it there when they got their final inspection. Beverly Griebel stated she drove in to see what they did with the parking lot, with the berms and all of that, and she drove around and then she came around by the window and saw it in a tinted window, on a slant

CHILI ZONING BOARD OF APPEALS

October 26, 1999

and part of it was visible. Larry Smith stated it was the Board's discretion. Larry Smith stated it was there for quite a while.

Beverly Griebel stated she saw it there the first Saturday, just by chance. Beverly Griebel stated if they're grading, she did not know where it could have been put then.

Richard Perry stated it should certainly be placed outside to be posted. Beverly Griebel stated a little flyer is given out with the signs. She stated the flyer indicates: Signs are to be posted and maintained on the property at least ten days prior to the scheduled public hearing; shall be placed every 500 feet of road frontage; no closer than 8 feet and no further than 15 feet from the front property line; minimum one sign is required on each road frontage; all signs posted shall be removed within five days after the public hearing; failure to meet the above requirements will result in the tabling of the application until the next regular meeting. She stated that is pretty clear.

Beverly Griebel stated and ten days, if they have a meeting on a Tuesday, it is due to be up by the second Saturday prior to the meeting. Beverly Griebel asked what was the Board's pleasure. Richard Perry stated he thought it needs to be tabled.

Dan Melville made a motion to table the application, and Mary Sperr seconded the motion. Beverly Griebel stated the applicant will receive a letter in the mail. She stated new signs have to be obtained and posted as per regulation or the application will not be heard at the next meeting. She stated the next meeting is November 23rd.

"Laura" stated they waited a long time for the signs now. She stated the only reason she put the sign in the window is because they were bulldozing the lawn, and the sign would have been ruined or buried like out on Chili Avenue last time, at the instant oil change. She stated they have waited a considerable amount of time for the sign.

Beverly Griebel asked "Laura" when she had a problem, did anybody call the Building Department to see what else should be done. "Laura" stated she didn't get one of those flyers anyways. She stated all she got was the cardboard. Beverly Griebel stated whoever got the signs got the instruction sheet.

Larry Smith stated people do sign for that sheet when they pick it up. "Laura" stated she didn't get it. She stated she told the general contractor that day, too, they better not put it in the lawn because the last sign was bulldozed over and the Town never saw it.

Richard Perry stated the Board members did not see it. Mary Sperr stated the Board members were looking for it. Beverly Griebel stated if the Board members could not find it, then people in the neighboring areas are also not able to see it, and the whole idea of the sign is so that people know something is happening on there, they can go over and read it and see what is going on on that property, whatever the property is, commercial property, or residential property, whatever the situation is.

"Laura" stated it is all commercial down in that area. Beverly Griebel stated she understood, but in reading the flyer, she thought the instructions are pretty clear, and other people post them. She stated occasionally they have a problem if they have a hurricane wind or something like that, or a severe blizzard where it can be difficult to keep the sign up, but normally they would go onto the property to look for a sign.

"Laura" stated normally they post them. She stated they are a sign company so they know the procedure and normally put them in the lawn, but due to the fact they were bulldozing the front lawn and regrading, she knew that the sign would get knocked down and that would be the end of it.

Beverly Griebel stated the application was now tabled until November 23rd at 7:30 p.m. She

CHILI ZONING BOARD OF APPEALS

October 26, 1999

stated the applicant needs to post those signs. She stated the applicant has to get new signs or somehow change the date on them so it is very clear as to the new date. She stated a letter to that effect would go out to the applicant.

Beverly Griebel asked if the Board members saw signs on the College Greene application. Bill Oliver stated there was no problem there.

Beverly Griebel questioned the Scottsville Road application sign. The Board indicated the Scottsville Road sign was okay.

Beverly Griebel stated John Castellani had a brief report from the recent Zoning and Planning Federation that was held.

John Castellani stated there were two items that came out. He stated he had a copy of Town Law 267-A, paragraph 5, regarding the new filing requirements to take effect January 1st, 2000. He stated following the administrative decisions and time of appeal, each order will be filed in the Zoning Office within five days after its rendered, and an appeal should be taken within 60 days after the filing unless the administrative authority or the Town Board puts forth a resolution to keep it in the Town Clerk's Office.

John Castellani stated in one of their sessions on zoning, Harry Willis from the State Department was very clear about the fact that all applications should now be reviewed by the Zoning Chairman or the Planning Chairman along with the Zoning Enforcement Officer and Town Engineer, if applicable, before they go on the agenda. He stated they were pretty strong in their meeting about that. He stated there was a lot of people saying how they operate, but Mr. Willis said according to the Department of State, this is the way they would like everyone to operate.

John Castellani stated applications probably should be reviewed in this case by Beverly Griebel along with Larry Smith, and John Cross along with Larry Smith in the planning process, in addition to the Town Engineer's meeting.

John Castellani stated those were the two majors that came out of their session. He stated the rest were reemphasizing requirements for area variances and use variances, and they all received a list of those things that are dos and don'ts, which he would share at a later time.

Beverly Griebel stated the Board would discuss this further at the end of the meeting if there were any additional discussion on that.

1. Application of Christopher Young, 970 Paul Road, Rochester, New York 14624, property owner: William Young, for renewal of conditional use permit to allow an office in home for an off site small engine repair business at property located at 970 Paul Road in R-1-15 zone.

Christopher Young was present to represent the application. Mr. Young stated basically things are going as he had planned when he originally applied for the conditional use permit. He stated he does not plan on making any major changes in the near future. He stated he would like to be in front of the Board to talk about a new building some day, but that will not happen in the short term, so he would like to reapply for this conditional use.

Mr. Young stated he would also like to ask for an extension, if those are offered, to perhaps a two or three-year extension. Beverly Griebel stated that is a possibility.

Beverly Griebel asked how has business been. Mr. Young stated business is good. He stated it has up and down times. He stated it all depends on the weather. Beverly Griebel asked is this a part-time job. Mr. Young stated no. He stated this is what he does to earn a living.

Dan Melville asked the applicant if he does his repairs off site. Mr. Young stated yes, he does. Dan Melville asked if the applicant stores any kind of hazardous materials there. Mr. Young

CHILI ZONING BOARD OF APPEALS

October 26, 1999

stated he does have gasoline and aerosol cans he keeps in his trailer as part of his business, but that is not housed in the facility, the garage or the home or anything like that. Mr. Young stated he uses one of the spare rooms in the house as an office, where he does his mailers out of. He stated he does receive some parts shipments there.

Dan Melville asked the applicant if he would have a problem with the same conditions as the last time, no advertising or no on-street parking for the business. He asked if the applicant's hours of operation are basically the same young. Mr. Young stated same as they were, except when they have the snowstorms, he has to work on Sundays.

Dan Melville asked Larry Smith if there have been any complaints. Larry Smith stated there have been no complaints on this application.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Granted for a period of five (5) years.
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.

The following finding of fact was cited:

1. Home office is a customary home occupation.
2. Application of John Nau, owner, 7 Mapleton Drive, North Chili, New York 14514 for conditional use permit to allow an office in home for musical instrument repairs at property located at 7 Mapleton Drive in R-1-15 zone.

John Nau was present to represent the application. Mr. Nau stated he was applying for an in-home office for musical instrument repair. He stated he did have some letters from four of his neighbors in support of his application.

Beverly Griebel asked the applicant would there be people coming to his home to bring instruments. Mr. Nau stated the majority of his business is done for other stores. He stated he does have people that do come to the house.

Beverly Griebel clarified so the applicant repairs instruments from music stores. Mr. Nau stated exactly. He stated it is mostly electric guitars, bases, amplifiers.

Gerry Hendrickson asked how do the neighbors feel about the music. Mr. Nau stated he tries to keep it light. He stated he tries to keep it within daylight hours. Mr. Nau stated his immediate neighbors have given him letters of support. He stated since he has made this application, he has talked to them again as to their feelings of if he was creating a hardship to them, and they all expressed no problem with what he was doing.

The applicant submitted the letters of support to the Board.

CHILI ZOBING BOARD OF APPEALS

October 26, 1999

Mary Sperr asked the applicant if he is working more than one day a week at this then. Mr. Nau stated that was correct. Mr. Nau stated he would be doing this up to six days a week. Richard Perry stated the machining is one day a week.

John Castellani stated he would like to hear about the machining. Mr. Nau stated he has a table saw that he runs probably for an hour a week, two hours a week at the most. He stated that is on and off. John Castellani asked would that be in conjunction with a business or just in conjunction with their normal household operation. Mr. Nau stated in conjunction with his business, because he does have to do some custom wood cutting.

John Castellani asked the applicant how long has he been operating there now. Mr. Nau stated since 1991. John Castellani stated this is not something new the applicant is embarking on or that the applicant is bringing into the house from some other place. Mr. Nau stated basically he is a stay-at-home dad, and this is something he does to supplement their income.

Beverly Griebel asked is the saw in the basement. Mr. Nau stated no, the saw is in the garage.

Larry Smith stated he had no problems with this application.

Beverly Griebel asked Larry Smith could the applicant do part of the business in the garage, or does he have to contain it in the house. Larry Smith stated he was not going to go over and time a saw for an hour a week. He stated that would be very incidental. Larry Smith stated the neighbors have not complained about it.

Richard Perry stated the applicant made reference to the noise of the machining operation. He asked the applicant does he also test out the instruments. Mr. Nau stated he does have to test the instruments. Richard Perry asked if the instruments are tested with amplifiers. Mr. Nau stated they are, absolutely. He stated he has full diagnostics equipment, but especially for musical instrument purposes, it has to be turned on and operated. He stated he does try to keep that to an absolute minimum.

Richard Perry asked is that testing done in the house itself. Mr. Nau stated it is. Mr. Nau stated he has done some of that during the summer in the garage. He stated he could modify it that he would do all that testing in the house. Mr. Nau stated he just wanted to keep his neighbors happy. He stated they're very supportive of him, and he wanted to be supportive of them.

Dan Melville stated it says on the application that the applicant gets up to two deliveries a day. He asked what kind of deliveries are they. Mr. Nau stated UPS. He stated to get wood, maybe twice a year at the most. He stated it is usually about once a year he would have a truck that has to come in the driveway and they have to unload plywood off the truck, but 99 percent of the deliveries are UPS or RPS. He stated it is all small package delivery. He stated he does not get into anything big. He stated usually electronic components, guitar strings, those kinds of things are delivered to the house.

Beverly Griebel stated the Board was in receipt of a letter dated October 25th, 1999 from Mr. and Mrs. Auerhahn, 76 Parkway Drive. The letter indicated the following: They were in support of a request for variance; have experienced no negative effect as a result of the home office; they think it is a real plus to have the applicant's presence in the neighborhood during the day, adding an element of security knowing they have a trusted neighbor who is present when they are away at work themselves.

Beverly Griebel stated the Board was in receipt of a letter dated October 22nd, 1999, signed by Robert and Gail Begley, in full support of running the business out of the applicant's home. The letter indicated they live at 15 Mapleton and have no problem whatsoever with this.

Beverly Griebel stated the Board was in receipt of a letter from 9 Mapleton Drive, dated the 21st of October, from Albert Price. The letter indicated his neighbors have applied for a variance to operate a business from his home. The letter indicated he had no objections to the applicant's

CHILI ZOBING/BOARD OF APPEALS

October 26, 1999

enterprise, and would be pleased to see the Town of Chili grant his request.

Beverly Griebel stated the Board was in receipt of a letter dated October 20th, 1999, from Lynne Neelin of 10 Mapleton Drive. The letter indicated she would like it to be known she has no problem with the applicant operating a musical repair business out of his residence. She stated she has lived there for five months now. She stated the applicant is very tasteful and considerate with his business. The letter indicated Ms. Neelin did not find it to be bothersome or obnoxious in any way. The letter indicated she would vote in favor of this.

ANYONE IN FAVOR OR OPPOSED:

Roger Klick - 17 Mapleton Drive

He stated he opposed to this application. He stated Mr. Nau has been practicing his musical instrument repair business for several years now. He stated he has had to listen to not only a table saw, but pneumatic nailers, and saber saws. He stated the tuning of these instruments can be heard. He stated he has heard the instruments from the far extent of the development, which is practically a block away, when the applicant has been testing the instruments. He stated he never hears songs. He stated he hears scales, plunking, plinking, never any songs played. He stated it is very disturbing to him. He stated the noise occurs on the weekdays, weekends, evenings. He stated he does not think it is a suitable business for their neighborhood.

Beverly Griebel asked Mr. Klick is the noise generally in the summer, when he hears it, if windows are open. Mr. Klick stated it is mostly in the summer when the applicant is doing it in the garage with the doors wide open.

Mr. Battaglini - 19 Mapleton

He stated when he first inquired about the sounds he was hearing, his neighbors around him seemed to indicate that there were speakers that were being built and tested for a rock band. He stated that is kind of what he hears. He stated those kind of sounds, the amplification off it and so forth, it is during the summer and as indicated by the application, it is six days a week. He stated whenever the garage is open, that is what he hears. He stated he would not be in favor of it.

Beverly Griebel asked Mr. Battaglia if he hears it in the winter. Mr. Battaglia stated he does not hear it then because he is not outside.

Beverly Griebel stated that brings up a couple of questions. She asked the applicant if he could work with his windows closed in the summer when he is doing the noisy parts of this business. Mr. Nau stated yes, he could. Mr. Nau stated the table saw would be tough, but that is a minimal amount of time. He stated the rest of the operation could be done inside in the basement. Beverly Griebel stated and then that sound should not go beyond the applicant's property line. Mr. Nau stated he could absolutely do everything he could to keep that noise within his home. Beverly Griebel stated if the application is granted, that might be a condition. Mr. Nau stated he understood that.

Richard Perry asked was there any possibility the table saw could be moved to the basement. Mr. Nau stated it would be difficult, but he would have to do what he has to do. Beverly Griebel stated that seems to be the main concern, the noise. She stated even if it is music or a song, some people at neighboring houses don't like it.

Mr. Nau stated to address the comment of scales or plinking, he tests instruments, not playing the songs, so it has more to do with checking performance aspects of the equipment. Beverly Griebel stated the applicant has to check it all over the whole range of the instrument. Mr. Nau stated that was correct. He stated or if he hears certain problems, a defective circuit board may cause certain noises, so he would play those particular notes that may seem to cause a problem to troubleshoot the problem and correct it.

Beverly Griebel asked is there a way to turn down the amplifier so it is not as loud, or does it have to be checked at the full range, full extent. Mr. Nau stated he could make a chamber, a sound

CHILI ZONE/BOARD OF APPEALS

October 26, 1999

proof box and the noise would be contained inside that. He stated he had worked for a company previously that used to test microphones and they used to test all of the microphones in a sealed box because they would be operating a high decibel speaker to test the effective range of the microphones.

Mary Sperr stated the application indicates the hours of operation are 10 to 6 or 10 to 4 on Saturday. She stated if the complaints are that they have heard these noises in the evening, that would have to be contained within the applicant's hours of operation, too. She stated that would eliminate anyone being bothered in the summertime in the evening.

Mr. Nau stated he would just like to go on record he would like to continue doing this business. He stated more for the sake of anything than being home with his children when they get on the bus, get off the bus. He stated he was willing to do whatever he has to.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver 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. Noisy activity not to be done in the garage unless the door is closed.
7. Instrument tuning/testing to be done in a sound proof room.

The following finding of fact was cited:

1. The home office is a customary home occupation.
3. Application of Mr. & Mrs. James Ehman, owner; 47 Stover Road, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for distribution of promotional products and production of photo apparel at property located at 47 Stover Road in R-1-15 zone.

James Ehman was present to represent the application. He stated he is now the Vice President of Grow Motivations by Design. Beverly Griebel asked who is the President. Mr. Ehman stated his wife Gail.

Dan Melville asked the applicant how long have they been doing this business. Mr. Ehman stated they have been in this promotion business since 1981. He stated they moved to their residence in 1994. Dan Melville asked the applicant do they have customers that come to the home. Mr. Ehman stated a few customers. Mr. Ehman stated most of their customers are throughout the state, but through a distribution center. Dan Melville asked the applicant were the conditions still okay from the last application. Mr. Ehman stated they were fine.

Dan Melville asked if there have been any complaints. Larry Smith stated there have been no complaints.

Mr. Ehman stated he did have a letter that he received on the 20th from his neighbor that came to

CHILI ZONING BOARD OF APPEALS

October 26, 1999

the door and said he couldn't make it tonight but he wanted to be heard.

Gerry Hendrickson asked the applicant do they get any deliveries there. Mr. Ehman stated they do get UPS, Federal Express, Airborne and CDL. He stated and twice a year he has an 18 wheeler that pulls down to bring him about 1,700 mugs at each time.

Gerry Hendrickson stated when he was there, there were quite a few cartons setting out. Mr. Ehman stated they keep everything clean as best they can, but there are a few cartons that get stored in the garage until they get turned around. Mr. Ehman stated Christmas is his best time of the year and then it dies off again. Mr. Ehman stated it gets quite busy.

Beverly Griebel stated on the application it asks how many persons will be employed outside the family, and they have one to two people. Mr. Ehman stated they have one to two people that are brought in on a temporary basis during the Christmas season. Beverly Griebel stated a customary home occupation only allows one person outside of the family. Mr. Ehman stated he guessed that would have to be the gentleman that does all his t-shirts for him. Beverly Griebel stated one of the applicant's conditions is one outside employee allowed. Beverly Griebel asked are they full-time people. Mr. Ehman stated no, they're part-time. He stated it is seasonal, six to eight weeks.

Beverly Griebel asked Larry Smith, how does that fit in, possible two part-timers equals one full-timer. Larry Smith stated one half and one half equals one. Beverly Griebel stated she just wanted to be clear.

Beverly Griebel read a letter submitted to the Board by the applicant from 53 Stover Road, Robert Bowerman, regarding the application. The letter indicated Mr. Bowerman was in support of the request for renewal of the conditional use permit for the following reasons: The presence of the Ehmans at their residence during daylight hours is a deterrent to crime on the street when virtually all of the other homeowners are away at work during the daytime hours; the Ehmans have provided a safe haven for children whose parents are not home. Specifically they have offered rides for his children when they missed the school bus in the past and willingly accepted UPS and Fed Ex parcels for those neighbors who are not home during the daytime; no negative impact to the peace and quite. Beverly Griebel stated that letter will be on file with the Building Department.

Beverly Griebel stated that was an interesting comment for the safety. Mr. Ehman stated there have been a couple instances down on Stover that he has checked out. He stated he asks if he sees something strange.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion. The Board all voted yes on 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. Hours of operation as per application.
5. One outside employee.

The following finding of fact was cited:

CHILI ZONING BOARD OF APPEALS

October 26, 1999

1. The home office is a customary home occupation.
4. Application of Pando Vasilovski, owner; 2779 Scottsville Road, Scottsville, New York 14546 for variance to erect a 30' x 30' detached garage to be 10' from side lot line (50' req.) at property located at 2779 Scottsville Road in A.C. zone.

Jeff Bonnerwith and Pando Vasilovski were present to represent the application. Mr. Bonnerwith stated he had submitted to the Board a letter prepared by himself dated September 10th of 1999 which kind of explains some of the restrictions present on the site and why they are asking for the side setback variance.

Mr. Bonnerwith stated the house is located somewhat to the west end of the property. He stated the parallel lines on the map he provided up in the northwest were the leech field. He stated because of where the driveway is, they are kind of restricted to the one little corner as to where they can put this garage, and basically that is why they were before the Board, to ask for the variance because of those restrictions.

Mr. Bonnerwith stated Mr. Vasilovski is looking to enclose his current garage, which is attached to the house, to use for a trophy/dining room.

Beverly Griebel stated for the record, the property that is adjacent that the applicant would be infringing on is his own commercial restaurant property. Mr. Bonnerwith stated there is actually a 60 foot wide strip in between. Beverly Griebel stated but that is vacant. Mr. Bonnerwith stated that was correct. John Castellani stated it is not buildable. Mr. Bonnerwith stated technically, it could not be built upon really. Beverly Griebel commented because of the drainage. Mr. Bonnerwith stated mostly just the width of the lot itself and it is quite low. Mr. Bonnerwith stated it is just a vacant piece of land that is kind of just stuck there. Beverly Griebel commented kind of left over. Mr. Bonnerwith agreed. He stated it was meant to be a right-of-way to the back lands.

Mary Sperr asked does the applicant own the back lands. Mr. Vasilovski stated he owns the property behind it. Mary Sperr asked the applicant if he owns all around him. Mr. Vasilovski stated he does.

Beverly Griebel stated there isn't much option to put a garage anywhere else with the existing contours. Mr. Bonnerwith stated they have a rather steep bank to the southwest portion of the property, and Mr. Vasilovski has done a very good job as far as grading the lot compared to what it was a number of years ago to improve the lot.

Gerry Hendrickson asked what else will they put in the garage. He asked what is the applicant going to store in there. Mr. Vasilovski stated the vehicles. Gerry Hendrickson asked how many vehicles does the applicant have. Mr. Vasilovski stated they have four vehicles. Gerry Hendrickson asked the applicant if his family has that many drivers. Mr. Vasilovski stated that was correct.

John Castellani stated he knew what the applicant was trying to do. He stated he has seen the area and the layout.

Bill Oliver stated he was looking at the leech field especially. He stated the applicant is pretty well confined there if he wants to put his vehicles under cover.

ANYONE IN FAVOR OR OPPOSED:

Andrew Bazar - 2783 Scottsville Road

He stated he is the property owner of the right-of-way that is there. He stated it is a 66 foot wide right-of-way. He stated he offered Mr. Vasilovski the option to trade that land and shift it to the other side so that he had adjoining properties. He stated Mr. Vasilovski turned that opportunity down, and he located his home at the very extreme end of his property and hemmed himself into

CHILI ZONING BOARD OF APPEALS
October 26, 1999

this condition.

Mr. Bazar stated he recognizes that whether or not the Board grants a variance is irrelevant to whether he supports it or not. He stated he personally does not owe the applicant a favor, so he does not support it, but he does not think this necessarily meets all of the conditions that one needs to meet. He stated he does not know the code book, so he does not know if all of the same conditions are true, but this strikes him as a self-inflicted scenario and there are lesser options he believed that could be exercised.

Mr. Bazar stated the applicant has basically created his own problem. He stated in this particular scenario he would appreciate it if the four conditions that are required are met.

John Castellani stated there are not four conditions that have to be met. He stated that is a use variance only. John Castellani stated it is a balancing act, and what Mr. Bazar was saying about self-created hardship is one of the balances, but there are no four items that have to be satisfied on an area variance.

Mr. Bazar asked if this is permitted would there be additional lighting and so on, because currently there is a lot of lighting on that property, and he cannot really enjoy the use of his backyard if he wanted to do any stargazing with the amount of lighting that can potentially be turned on there. He stated so if, in fact, the Board decides that based on the restrictions he has to work with, this size of garage is something it wishes to grant to the applicant and there is no other lesser way that they can approach this, then he certainly would be interested in what kind of lights and so on that he would be subjected to in addition to the ones that he already gets.

Beverly Griebel asked will there be any lighting. Mr. Bonnerwith stated as far as lighting, he really could not comment on that. He stated he would assume there would be a light in the front where one drives in. Mr. Vasilovski stated there would be a light for security like on an average garage.

Mr. Bonnerwith stated Mr. Bazar's house is to the south side and the garage would be on the north side.

Beverly Griebel clarified the applicant would have like a light in front of the new garage door. Mr. Vasilovski stated yes, probably there. He stated but right now he has three lights in front of the house and three lights on the garage. He stated they only turn them on when nobody is home. He stated for 24 hours probably the light is always off anyway. Beverly Griebel stated so they're usually not on all night. Mr. Vasilovski stated right now he does not have any lights on.

Mary Bazar - 2783 Scottsville Road

Mrs. Bazar stated she has a real concern about the applicant being that close to the right-of-way just for the very reasons of how he has not conformed with other construction things that he has done in his restaurant. She stated she feels that 10 feet is too close to their property line. She stated she does not want to see construction debris or anything encroaching on their property.

Mrs. Bazar stated she does not feel that the applicant has been very neighborly in his past efforts. She stated the applicant has extended his parking lot beyond what the original plan was. She stated the applicant put fill in in back of his restaurant without a permit. She stated the applicant cut down cherry trees on the right-of-way when he initially bought the property and trespassed.

Mrs. Bazar stated the applicant's bulldozers, when constructing the restaurant, knocked out survey markers. She stated they had an opportunity to correspond with the applicant's lawyer several years back and requested they be replaced; they were not. She stated they still have not been. She stated they were dug in cement by her husband, so they weren't just pulled out by accident.

Mrs. Bazar stated since the applicant has bought the property, he has on occasion cut down their brush line to the west that they were letting grow up to have some buffer from him. She stated she does not feel that 10 feet is appropriate or enough for the applicant's past actions.

CHILI ZENING BOARD OF APPEALS

October 26, 1999

Mrs. Bazar stated the applicant's lights are off most of the time on his house, but when they are on, they're bright halogen type lights without covers on them. She stated in addition, when the applicant expanded his restaurant, he added a light on the back side of his restaurant. She stated her husband did write to Mr. Smith to ask the applicant to put a cover on it, and he didn't do that.

Mrs. Bazar stated her comments may sound picky, but that is the way that she feels after having had to live next to the applicant for the past ten years. She stated she feels that the applicant made this condition himself by putting his house on a farther setback than needed to be. She stated it is out of line with the other houses.

Mrs. Bazar stated the applicant has 150 acres open behind him. She stated she thought he could put his garage easily on that 150 acres on the other side of his leech field. She stated some people creatively put their garage in the front of their property and landscape it. She stated she does not feel like she should have to have that just because the applicant did that to himself.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

Beverly Griebel stated this application went to Monroe County Planning and came back as a local matter.

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

1. The configuration of the property and location of the leach filed dictate placement of the garage.

Note: A building permit is required.

5. Application of Patricia Forster, owner; 687 Westside Drive, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for a home improvement business at property located at 687 Westside Drive in R-1-15 zone.

Mark Tate and his wife Patricia Forster were present to represent the application. Beverly Griebel stated this was granted a year ago. She asked how has business been. Mr. Tate stated excellent. Beverly Griebel stated the applicants were doing the business there a while before they got the approval for it. She stated it was not a new business there last year. Ms. Forster stated that was correct. Mr. Tate stated they had space in other locations before that. He stated there had always been a business at that property in the same location, the lower level of that property. He stated that is one of the reasons why they bought the piece of property they did.

Beverly Griebel stated there was a hairdresser in there before. Ms. Forster stated the owner before them owned it for ten years. Mr. Tate stated that person had a manufacturing rep's business selling plastic components. Ms. Forster stated before him a lady had a salon down there.

Dan Melville asked the applicant if they have customers coming to the house. Mr. Tate stated they do not. Dan Melville asked the applicant do they get deliveries to the property. Mr. Tate stated they do not. He stated they have warehouse space in Greece where they accept deliveries. Ms. Forster stated on occasion they have Fed Ex or UPS drop off a little piece that may have been forgotten.

Dan Melville asked have there been any complaints over there. Larry Smith stated no, there have been no complaints.

John Castellani stated this is essentially just an office. Mr. Tate stated yes, that was it.

CHILI ZONING BOARD OF APPEALS

October 26, 1999

ANYONE IN FAVOR OR OPPOSED: No one.

Ms. Forster stated the other applicant had asked if the Board offers it for an extension for two or three years. She indicated they would like that also. Beverly Griebel stated the Board would discuss that. She stated they often go to five years. Ms. Forster stated that would be even better. Beverly Griebel stated they generally do the original application for one year, and then if there have been no problems or questions, they frequently go to five years. She stated that means the applicants still have to abide by the conditions. Mr. Tate stated that would be fine.

Beverly Griebel stated if people are not abiding by the conditions and there are calls into the Building Department, there can be a cease and desist order during that five-year time period. Mr. Tate stated they understood that.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. Granted for a period of five (5) years.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. One outside employee.

The following finding of fact was cited:

1. The home office is a customary home occupation.
6. Application of Air Express International, c/o Empire Forster Signs, 2340 Brighton Henrietta TL Road, Rochester, New York 14623 for variance to erect a 17' x 6' double-faced freestanding sign at property located at 44 Jet View Drive in L.I. zone.

DECISION: Unanimously tabled by a vote of 7 yes until 11/23/99 at 7:30 p.m. for the following reason:

1. Applicant failed to post required sign on property.

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 Martin Trzcinski, owner, 21 Cutter Drive, Rochester, New York 14624 for variance to erect a 6' x 32 1/2' open porch to be 54' from front lot line (60' req.) at property located at 21 Cutter Drive in R-1-15 zone.

Martin Trzcinski was present to represent the application. He stated he would like a variance to build a 6 foot wide by 32 1/2 foot long open covered porch on the front of the house to increase the property value and the looks of the house. He stated it is a very plain house. Beverly Griebel asked what is there now. Mr. Trzcinski stated there is actually nothing. He stated there is a little concrete step, little tiny slab and bushes. Beverly Griebel stated that will dress up the front of the house and make it look a lot better. Gerry Hendrickson stated this would make the house look more presentable.

CHILI ZEPHANG BOARD OF APPEALS

October 26, 1999

Mary Sperr asked the applicant will he do the work himself. Mr. Trzcinski stated that was correct. Beverly Griebel asked the applicant does he do this kind of work. Mr. Trzcinski stated actually he contracted with his grandfather, but he has also put a sunroom on this house nine years ago, ten years ago that was improved and inspected and everything, and so he is going to do it himself.

Bill Oliver clarified it will be an open porch. Mr. Trzcinski showed the Board a copy of the plans.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on 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. Porch will enhance the appearance of the home.

Note: A building permit is required.

8. Application of College Greene Associates, 850 Clinton Square, Rochester, New York 14604, property owner: M/M Robert Hariff, for variance to erect a 10' x 12' enclosed porch to be 24.5' from rear lot line (25' req.) at property located at 111 Freedom Pond Lane in PUD zone.

Laurie Leenhouts was present to represent the application. She stated they missed by 6 inches. She stated she has not been before the Board in years. Bill Oliver stated yes, she has. John Castellani stated they missed one last year. Ms. Leenhouts stated she thought it was two years ago. Beverly Griebel stated an owner came in for one.

Beverly Griebel stated if they do not get a variance, they would have to have an odd-shaped porch. Ms. Leenhouts stated that was correct. She stated they would have to have a little angle on it. Beverly Griebel stated it would be a little bit strange.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Minimum variance.

9. Application of Charles Thomas, owner, 34 Lexington Parkway, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 37 1/2' from side lot line (55' req. on corner lot) at property located at 34 Lexington Parkway in R-1-15 zone.

Charles Thomas was present to represent the application. Mr. Thomas stated he would like to put a small shed up on his property. Beverly Griebel stated it is a corner lot, but the applicant wants to butt this right up against the fence. She stated there is a pool there.

Mr. Thomas stated he has a pool. He stated there was an old shed back there when he bought the house back about 14 years ago, and it was in the back. He stated during the spring, they get a lot

~~CHILI ZENING BOARD OF APPEALS~~
October 26, 1999

of water back there and the shed rotted out, so he took it down, and he would like to put another one up, only not back quite so far.

Beverly Griebel asked if the applicant wants to butt it up against the fence. Mr. Thomas stated it won't be butted. Beverly Griebel asked if there would be some maintenance room. Mr. Thomas stated yes, that was correct.

Beverly Griebel asked the applicant what does he need the shed for. Mr. Thomas stated he would like to get his riding mower out of the garage and his snow blower in there so he could get his car in the garage. He stated before he had a mini shed. He stated it was getting to be very expensive, so he took his stuff out, knocked the old shed down and figured he would put up another one.

Bill Oliver asked if this would have a wooden base. Mr. Thomas stated it would have a wooden base, yes.

Beverly Griebel stated she had a question about the vehicle down at the end without a plate. Mr. Thomas stated there are no vehicles there. He stated they're all gone. Beverly Griebel stated there was a white Dodge there. Mr. Thomas stated it's gone. Mr. Thomas stated one could check with Gates Automotive. He stated they moved it for him.

Larry Smith stated he had a note from Sherry Thrash about cars parked next to the property at Beauford Drive Extension, town property, belonging to the applicant's son and his son's girlfriend. He stated the note indicated it was there before which the applicant was notified to remove it in 1998 and he did. The note indicated when the applicant came into the office to apply for a variance and they talked to him about the vehicles, the applicant said at that time they didn't belong to him and he didn't know who they belonged to. The note indicated when Sherry Thrash had the plates checked, one of them was registered to a Charles Thomas. The note indicated when she talked to the applicant about that on October 13th, he admitted that they belong to his son and his girlfriend. The note indicated there also was a barrel with oil in it at the same location. The note indicated the applicant was sent notices to remove that but has not done so as of 10/14.

Mr. Thomas stated the barrel has been removed by the owner, who was Wegmans. He stated the barrel was on Wegmans' property. He stated he called the owner and they came and picked it up five minutes later. Larry Smith asked has that all been taken care of. Mr. Thomas stated it has. Larry Smith asked if everything Sherry Thrash wrote about has been taken care of. Mr. Thomas stated that was correct.

Beverly Griebel stated this went to Monroe County Planning and came back as a local matter.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

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

1. Corner lot and a rear yard fenced pool dictates placement of shed.
10. Application of Robert Bialecki, owner, 48 Everett Drive, Rochester, New York 14624 for variance to erect a 40' x 80' attached garage to be 3,200 sq. ft. (900 sq. ft. allowed) at property located at 48 Everett Drive in R-1-20 zone.

Beverly Griebel stated this went to Monroe County Planning and came back as a local matter.

Mrs. Bialecki was present to represent the application. She passed out renderings to the Board.

CHILI ZONING BOARD OF APPEALS

October 26, 1999

Beverly Griebel stated the garage the applicant is proposing is not a rectangle. She stated is kind of angled around. Mrs. Bialecki stated that is the existing.

Robert Bialecki, also present to represent the application, stated what he would like to do is take down the existing two-car garage and just make a 40' by 80' big garage because he does own a motor home and an enclosed car trailer that he would like to get under a roof along with his lawn mowers and other things.

Beverly Griebel asked the applicants how long have they lived here at this house. Mrs. Bialecki stated a year in November. Mr. Bialecki stated almost a year. Beverly Griebel asked the applicants did they just get these vehicles or did they have them when they moved in there. Mrs. Bialecki stated no, they have had them. Mr. Bialecki stated he has had them. He stated he is a car enthusiast, needless to say.

Mr. Bialecki stated the idea is that when they do leave with the motor home and trailer for a couple shows, everybody knows they are gone. He stated with the motor home sitting there, the bees like to make a home in the motor home, and it's tough. He stated they lived in Webster for 27 years and did not have the property to build to put the things under a roof all together in one place.

Mrs. Bialecki stated the thing is, these are all their vehicles and right now they're being farmed out. She stated they are paying rent all over. She stated they would like to put them all under one place. She stated they would like to get the RV out of the driveway and the enclosed trailer. Mr. Bialecki stated he was sure people want to see it gone, too. Beverly Griebel stated well, that was a truism.

Beverly Griebel read the following list of vehicles the applicants indicated they want to store in the proposed structure: 1998 Coachman Motorhome, 30 ft.; Hallmark enclosed trailer, 28ft.; 1933 Chevy Roadster; 1941 Willys; 1957 Chrysler Windsor; 1969 Dodge Dart; 1970 Dodge Dart; 1983 Dodge Rampage; 1999 Dodge Neon.

Beverly Griebel asked the applicants when they moved there, did they intend to store those vehicles off site. Mr. Bialecki stated they did not. He stated that was the reason why they moved. He stated before they did buy the property, they did come in and ask if it was feasible to put up a pole barn to house the vehicles, and the answer they got was yes, because it is 1.6 acres. He stated they just want them all under one roof and all at home.

Mr. Bialecki stated he works at Case Hoyt probably 60 to 65 hours a week. He stated he was sure the Board was maybe thinking he was going to start a business. He stated no way. He stated he has enough trouble with his own stuff.

Beverly Griebel asked what is the square footage of the house. Mr. Bialecki stated 1,300. Beverly Griebel asked how high is the house. She stated it is just a one-story. Mr. Bialecki stated that was correct. He stated the peak is 16 foot.

Beverly Griebel asked what is the proposed height and peak of this new structure. Mr. Bialecki stated to get the motor home in, the door has to be at least 11'6", so he would imagine the door would have to be 12 foot. Beverly Griebel stated and then it is going to have a peak. Mrs. Bialecki stated that was correct.

Dan Melville asked will the peak be the same as the house. Mr. Bialecki stated roughly, yes. Mrs. Bialecki showed the Board a rendition of the proposed structure. Mrs. Bialecki stated they have not actually gone to a contractor.

Richard Perry stated it looks like the peak will be about 20 feet. Mr. Bialecki stated it would be within the realm of pretty much almost the same height. He stated it wouldn't be 30 feet compared to 16 feet.

CHILI ZENING BOARD OF APPEALS

October 26, 1999

Gerry Hendrickson asked would all those vehicles fit in there. Mr. Bialecki stated he would make them fit. Gerry Hendrickson stated the motor home will take up quite a bit. Mr. Bialecki stated the 1957 Chrysler would not fit in his existing garage at home. He stated it is 18 1/2 feet long. Gerry Hendrickson stated the applicants would probably have to put one of them in the trailer.

John Castellani asked the applicants if currently they are farming all of these out. Mrs. Bialecki stated just about, yes. Beverly Griebel stated she drove by and saw the two big ones in the driveway. Mrs. Bialecki stated that is the RV and the enclosed trailer. Beverly Griebel asked are they generally there on the property. Mrs. Bialecki stated those are there all of the time.

Mr. Bialecki stated that is the concern he has. He stated even at his other house in Webster where they moved from, everybody knew when they were home and when they were gone. John Castellani stated for the surrounding neighbors, that is probably a good idea anyway.

Mr. Bialecki stated they do have the support of their neighbors. Mr. Bialecki stated he does not know all of them. Mrs. Bialecki stated both neighbors on either side, both neighbors across the street and like four houses down in the cul-de-sac kind of area, everyone has been in favor of it. She stated they have no problems with it whatsoever.

Beverly Griebel stated the neighbors would probably rather have them undercover in a garage than looking at them in the driveway. Mrs. Bialecki stated she was the biggest complainer. She stated she can't stand it and she lives there all of the time.

Bill Oliver asked the applicants do they take these to shows, these cars. Mr. Bialecki stated yes, he does. Bill Oliver asked the applicants how do they repair these vehicles. Mr. Bialecki stated he does it. Bill Oliver asked Mr. Bialecki would he be doing it in that garage. Mr. Bialecki stated yes, he would. Bill Oliver asked what kind of equipment would they have in that garage. Mr. Bialecki stated just the standard air compressor tools. He stated he has a welder.

Beverly Griebel asked Mr. Bialecki if he would be repairing cars for other people. Mr. Bialecki indicated he would not.

ANYONE IN FAVOR OR OPPOSED:

James Doyle - 42 Everett Drive

He stated he would not speak against this, but he didn't know anything about it so he came to find out what was going on because he read the notice yesterday. He stated he was out of town last week and did not know what was going on.

Mr. Doyle stated he did not know how big it will be, how far it will be out towards the road. He stated his neighbors on one side were going to come also but they weren't able to. The applicants provided Mr. Doyle with a copy of the sketch plan.

Mr. Doyle asked how far out from the present house will this come. Beverly Griebel used the sketch plan to answer Mr. Doyle's question. Mr. Doyle stated he did not have a problem with that. He stated he was concerned that 40 feet by 80 feet would come out almost to the road or something. Mrs. Bialecki stated they have to have room to pull the whole thing in.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. Garage will allow applicant to store large vehicles under cover.

CHILI ZONING BOARD OF APPEALS

October 26, 1999

2. The lot is 1.6 acres which will appropriately house this size addition and will be visibly acceptable from the street.

Note: A building permit is required.

11. Application of Atlantis Associates, owner; 1492 Central Avenue, Albany, New York 12205 for variance to allow front parking for 26 vehicles at property located at 28 Paul Road in G.I. zone.

Beverly Griebel stated this went to Monroe County Planning and came back as a local matter.

Jeff Bonnerwith was present to represent the application. Mr. Bonnerwith stated this is a project which has kind of come and gone over the years. He stated this was the Paul Scott Subdivision and the application is for the Atlantis Corporation. He stated it is intended to actually house Albany Ladder. He stated he was present along with Nick Izzo of Rochester Scaffolding, the local branch.

Mr. Bonnerwith stated basically what their problem is more than anything trying to meet the code requirements with a number of parking spaces, one space per 400 square foot of building area. He stated what they anticipate having is probably using ten to a dozen spots for the employees who would be parking behind the property or behind the building. He stated as far as off-street visitors that come, they might have ten a day. He stated they anticipate no more than probably two vehicles in the front of the building at any given time.

Mr. Bonnerwith stated they could have asked for a variance saying they can get away with less parking spaces and probably not have the front parking at all. He stated they would like to at least have what they are proposing, and they have proposed landscaping to at least provide a visual buffer.

Mr. Bonnerwith stated the adjoining properties on either side, as well as Mooregood over on Millstead Way have parking in the front of their buildings, so he does not see that they are doing anything detrimental to the neighborhood visually in that way. He stated because of the length of the property, they have to kind of stack things rather than go up and down or east and west. He stated so that's kind of the difficulty that they have with this site.

Beverly Griebel asked if Albany Ladder Company makes ladders and sell ladders. Mr. Izzo stated they are a distributor of construction equipment. He stated if anyone happened to come to when they were building the new Town Hall building, they might have seen some of their scaffolding and boom lifts. He stated they are a distributor. He stated they don't manufacture anything. He stated they just rent the equipment to people who would use it.

Beverly Griebel stated they are trying to keep all of this in the front part of this lot. She stated the back part there a chain link fence going across. Mr. Bonnerwith stated there is a gravel yard there. Beverly Griebel stated that part they would not use back there. Mr. Bonnerwith stated that is where scaffolding would be stored. Mr. Bonnerwith stated that is why they don't have the coming and going of visitors. He stated their business is mostly done by phone. He stated they deliver the equipment. He stated it really does not generate the drive-by people.

Beverly Griebel stated they are seeing people ask for smaller number of spaces because they have less employees. She stated then people come back here later and need to add more spaces. Mr. Bonnerwith stated they have an overflow.

Keith O'Toole stated it would appear that the proposed parking area shows more than ten spaces without a landscape break, which is a requirement of their parking zoning ordinance. Mr. Bonnerwith stated he didn't know if that was something in the realm that the Planning Board could address, but they could put in islands. He stated they have a couple more spaces they could put in the rear of the building, so if they lose two in the front, he could put two in the rear. Mr. Bonnerwith stated if they are required to put an island breaking up ten consecutive spots just to

CHILI ZONING BOARD OF APPEALS

October 26, 1999

keep the required number, he does have an area in behind the building he could probably put two more back there.

Beverly Griebel asked will there be landscaping between the parking area and the road. Mr. Bonnerwith stated there will. He stated he tried to make that a darker green. He stated it is kind of difficult to see. Mr. Bonnerwith stated there would be some interlocking berms due to an inlet

which takes their drainage away to allow the drainage to still get in there. He stated it looks nicer if they offset them. He showed the Board where they propose landscaping along the side and along the front of the building.

Beverly Griebel asked if they put a break in that long run of spaces in the front, what would they lose. Mr. Bonnerwith stated they would just lose one in the front and put it in the rear. Beverly Griebel stated that might be a condition.

Mr. Bonnerwith asked is that something the Planning Board could look at. Beverly Griebel stated they gave a variance to Wegmans on that. Keith O'Toole stated he thought the Planning Board could fiddle with the number of spaces, but in terms of the actual landscaping, at least in this instance, he thought it is a ZBA requirement. Mr. Bonnerwith stated he had no problem with that. Beverly Griebel clarified so the applicant could make it conform. Mr. Bonnerwith stated yes, they could.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Applicant needs to follow the Town of Chili code for islands separating parking spaces.
2. Applicant will move necessary space(s) to the rear to satisfy the parking space count.

The following finding of fact was cited:

1. Applicant showed need for front parking due to lot and building configuration.
12. Application of William Schroeder, owner, 259 Stottle Road, Scottsville, New York 14546 for variance to erect a 6' high fence with posts on outside facing neighbor (posts required to be inside) at property located at 259 Stottle Road in PRD zone.

William Schroeder was present to represent the application.

Beverly Griebel stated this went to Monroe County Planning and came back as a local matter.

Mr. Schroeder stated they are going to put up a 6 foot gothic style fence on the portion of their north property line. He stated they want the variance generally because they are paying for the fence, paying for the installation, and they will do all of the upkeep, painting and whatever goes on to take care of the fence over the course of the years.

Beverly Griebel asked the applicant why don't they want the posts on their side. Mr. Schroeder stated they want the posts on the neighbor's side; the good side on their side. Beverly Griebel stated that is not what the code requires. Mr. Schroeder stated that is why they are asking for a variance.

CHILI ZONING BOARD OF APPEALS

October 26, 1999

Beverly Griebel asked what kind of fence will it be. Mr. Schroeder stated gothic style, 6 foot. Beverly Griebel asked what is gothic style. Mr. Schroeder stated he could not demonstrate it without a blackboard.

Beverly Griebel stated the applicant could have chosen a different style of fence that didn't have specific posts on the inside or the outside, like a basket weave. Mr. Schroeder stated on the uprights, they have to have support on the back of the fence. He stated the supports go across the back of the fence that tie into the posts. Beverly Griebel stated there are some type fences that don't have the posts on either side. She stated they're centered and it is the fence sections that go in and another post, so the posts are not on either the front or the back.

Mr. Schroeder stated what they are asking for is the support of the fence, the support board on the back of the fence, to be on the neighbor's side instead of on their side. Beverly Griebel stated the code is pretty clear that the better looking part is facing the neighbor. Mr. Schroeder stated that is what they are asking for the variance.

Gerry Hendrickson stated he knew what the applicants want to do. He stated the applicants want to fix up their place a little bit.

John Castellani asked the applicant what kind of comments have the neighbors made. Mr. Schroeder stated he has not had any comments from them. He stated the ones on the other side of him would be in favor of it. Mr. Schroeder stated he has not heard anything from the north side.

Bill Oliver stated the north side is where the fence would be. Mr. Schroeder stated that was correct. Beverly Griebel asked the applicant did he talk to them about it. Mr. Schroeder stated he did not.

John Castellani stated the reason he was asking is because they are going to be enclosing an area, changing the views of the neighbors, and then asking them to put up with the ugly posts. Mr. Schroeder stated the posts will be there and the support. John Castellani stated so the applicant would not be giving them any beauty for taking away their line of sight and so forth. Mr. Schroeder stated that was true. John Castellani stated that is what he was looking for, a confirmation.

Beverly Griebel asked how far forward will this fence come. Beverly Griebel asked how far back will it be ending. Mr. Schroeder stated a portion of the backyard out along the north side of their house. Beverly Griebel asked how far along the north side. Mr. Schroeder stated it will probably be even with the house and end with the back yard. He stated the sections come 8 feet long and they will probably put in six or seven, maybe eight sections. He stated it depends on how easy it is to put in.

Beverly Griebel asked the applicant if they intend to go back, far back on their property line. Mr. Schroeder stated they do not. He stated they have a row of pine trees in there. He stated it would probably be from the back of the house to the pine trees, probably three lengths, about 24 feet. He stated the house measures probably about 28 feet. Beverly Griebel stated it is 31.2. Mr. Schroeder stated so if it comes in 8 foot lengths, it would be 56 feet.

Richard Perry asked the applicant if their neighbors came in looking for a variance to do the same thing to them, how would they feel about it. Mr. Schroeder stated it would be all right with him. Beverly Griebel stated that would mean the fence posts would be facing the applicant. She asked then why not just amend and have the fence posts facing the applicant right now. Mr. Schroeder stated it wouldn't make any difference. Richard Perry stated if that is what the applicant was saying, it doesn't make any difference, then that kind of makes the application moot.

ANYONE IN FAVOR OR OPPOSED:

Dan Petters - 255 Stottle Road

CHILI ZENNO BOARD OF APPEALS

October 26, 1999

He stated he opposes this. He stated he does not want to look at any posts. He stated the fence is okay. He stated he does not mind that. He stated the posts, rails, he opposes within 10 feet of their windows. Mr. Petters stated it will be confined as it is with 6 feet up in the air. He stated the fence he has no problem with really.

Susan Petters

She commented there is a very small space between the two homes.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously denied by a vote of 7 no with the following finding of fact having been cited:

1. Applicant hasn't explored alternate fencing types which are not one-sided and wouldn't require posts on one side or the other.
13. Application of Ron DiChario, owner, 1260 Scottsville Road, Rochester, New York 14624 for variance to erect two 8' x 4' double-faced freestanding signs for lease of property to be 64 sq ft. each (16 sq. ft. allowed) at property located at 1300 Scottsville Road in G.B. zone.

Ron DiChario was present to represent the application.

Beverly Griebel stated this went to Monroe County Planning and this also came back as a local matter.

Mr. DiChario stated he wants to place two "for lease" signs on the property that is 1300 Scottsville Road. He stated the reason for two leasing signs is because of the size of the property. He stated they cover several hundred feet of Scottsville Road and their intent is to put one sign further east and one sign further west.

Mr. DiChario stated they want to state a message. He stated they have some advertising on television right now for a high tech office park, and it's on several cable channels, so they are trying to get this to kind of indicate the area, as people go by, with regard to some of the questions they are answering from the calls from the advertising.

Beverly Griebel asked the applicant if he owns this whole property. Mr. DiChario stated they own from their Air Park East property where they are developing right now, all of the way up to the Olympic Bowling Alley. He stated with permits, they are starting to fill in the back and getting ready to develop the area, so this is just another separate process towards that interest in development.

Beverly Griebel asked if they are going to get rid of some of the stuff that has been laying there for years and years. Mr. DiChario stated they are. He stated there is a lot of it. Mr. DiChario stated the little golf pivot sign out there and other things like that, they will be there shortly just cleaning that up and getting it out of there, trying to make a slow transformation into a complex, a nice complex. Mr. DiChario stated that is the purpose of this. Beverly Griebel commented the applicant has a lot of room to do it in.

Richard Perry asked how long does the applicant envision the signs being up. Mr. DiChario stated they are right now talking to several prospective tenants, and of course, on a build and lease, they look for minimum five years and sometimes longer, and what they are trying to do and what they have been fortunate enough to do with the Airport East property is to kind of combine halfway decent tenants, as good as they can get them, so in the process of looking at that, he would say the signs may be there for as much as a year and a half, two years. He stated once they develop part of the property, whether it is the east portion or west portion, then they'll ask for

CHILI ZONING BOARD OF APPEALS

October 26, 1999

relocation and maybe move one out or go back. Mr. DiChario stated when it is all leased, they will have a list of hundred tenants in there.

Beverly Griebel commented the Board will keep seeing the applicant for various things on this parcel probably.

Bill Oliver stated the signs look to have good descriptions, no lighting and no logos. He stated that is one of the things they look at.

Mr. DiChario stated there are several tall trees there where they will locate one sign. He stated they are going to try to use those so they don't have posts. He stated they will try to use some of the structures that are there for the sign that is being placed.

John Castellani asked isn't there a limitation of one year on temporary signs. Larry Smith stated he was not sure. John Castellani stated he remembered going through that. Beverly Griebel stated it has come up before. John Castellani stated he thought then an applicant would come back in and renew and get an extension. He stated he thought there was something that said they couldn't go longer than a year.

Mr. DiChario stated he did not see anything in the town book according to that. Mr. DiChario stated there is a square foot restriction.

John Castellani asked what are they going to be putting in where the old driving range was. He asked will it be commercial buildings. Mr. DiChario stated they have a lot of high tech companies in the property they are developing now under construction. He stated it seems to be it has fallen into a lot of computer companies, program writing and cabling companies, people who do high tech. He stated they don't have a lot of transient traffic, which is really nice, because they don't sell their product to the public. He stated it's sold more through networking, through calls and through established accounts, so they don't end up with a lot of traffic. He stated this will become the Air Park West Office Sales Distribution Complex. He stated Air Park East is ongoing now. He stated what they are looking to do is make it a high tech park. He stated they are looking for the same tenants in Air Park East now to go over to the to Air Park West.

Mr. DiChario stated they did a master plan, but it is not time to bring it in yet. He stated there will be ponds in the front of the property, nice approaches, green areas. He stated they just got through paving the back of the east property. He stated actually, they will be in very soon for the last building on the east property. He stated they are working on that now.

Larry Smith stated basically signs during construction or in connection with a real estate development may be permitted for a temporary period of not more than 12 months provided such signs do not exceed 32 square feet.

John Castellani stated so they are essentially limited to 12 months and then they can come in for a renewal if it needs to be longer. Larry Smith stated the applicant is coming in for a 64 square foot sign. He stated it is good for 12 months if it doesn't exceed 32. Larry Smith stated the applicant is asking for a variance on the size.

Mr. DiChario stated there are two signs. He stated one is 32 and the other is 32. Mary Sperr stated that is still 64 square feet. Larry Smith stated if the Board grants the applicant a variance on the size of the sign, it can grant him a variance on the duration of the size. He stated if the applicant wants to amend his application to include a time period, he can do that.

Beverly Griebel asked the applicant would he like to do that. Mr. DiChario stated whatever is easier.

Beverly Griebel stated it is kind of obvious when it is rented out, the applicant will take the signs down. Mr. DiChario stated he would like to take them down in three months if it were leased.

CHILI ZEPHyrus BOARD OF APPEALS

October 26, 1999

Mr. DiChario stated it is such a high traveled avenue, and there is so much commercial application. He stated they get a ton of calls always because of the location, so that just makes it easier.

Beverly Griebel stated it is near the airport, and it is four lanes wide. Richard Perry stated they need a sign that big because one could find the application sign. Beverly Griebel stated she couldn't find the application signs.

Mary Sperr asked what will the applicant put on the signs. Mr. DiChario stated actually it will say leasing office sales/distribution, because what they really are targeting is the combination of the office sales where people have front office area and the back is just as nice as the office, but it is not divided into the offices sometimes. He stated they have a lot of computer companies building A frames and making computers and stuff like that. He stated they highlight the office/distribution. He stated the signs would say for lease office sale/distribution, the company and the telephone number.

Richard Perry asked do they need an address number on the signs. Mary Sperr stated they are temporary signs.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Signs needed to advertise a new project for lease.

The meeting ended at 10:25 p.m.

A meeting of the Chili Zoning Board of Appeals was held on December 21, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Gerry Hendrickson, Mary Sperr, Bill Oliver, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector, 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 stated she was out a week ago Saturday and did not have any problem with any signs on any of the applications. The Board indicated they had no problems.

1. Application of Richard Jensen, owner, 48 Adela Circle, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 40' x 12' garage to be 1,078 sq. ft. (900 sq. ft. allowed), variance for garage to be 10' from rear lot line (40' req.) at property located at 48 Adela Circle in R-1-15 zone.

Richard Jensen was present to represent the application.

Beverly Griebel asked what will the applicant be putting in the garage. Mr. Jensen stated he builds classic cars and he is getting too old to keep putting them up on blocks in the wintertime. He stated he wants a garage in the backyard. He stated he has a shed there now, a 21 foot steel shed. He stated what he wants to do is take that down and put a garage up in place of it, a little larger than that, about 40 by 12 feet roughly, just so he could store the cars in there in the wintertime. He stated it would actually enhance the value of the property.

Mr. Jensen stated Leo Carroll was down looking at it and he said the applicant could put an extension on the existing garage in the back, but because he has a patio back there, he thought it would detract from the house, so the best option would be to have a little garage in the backyard that would actually look better than the other option.

Beverly Griebel asked if the applicant would remove the shed. Mr. Jensen stated he would take the shed down. He stated he will put the garage in place of it. He stated the dimension would be approximately 12 by 40. He stated he would like to be 10 foot from the back lot line, 10 foot from the side line. He stated the reason for that is they have an existing pool back there, and the zoning code says he can be 10 feet away from the fence or the lot line, so that was the best option.

Beverly Griebel stated according to the Building Department, on March 9, 1995, a letter was sent out from the Building Department to the applicant's attention advising him that an on-site inspection of his property indicated there was a vehicle or vehicles on his property which were classified as either junk, abandoned or unlicensed, or parts or pieces from a vehicle were on the property. The letter indicated a small black Chevy up on blocks is also in the road right-of-way and must be moved immediately. The letter indicated also there had been a complaint made to the Building Office that the applicant was dumping fuel oil in the storm sewer. The letter indicated the two Building Inspectors inspected the storm sewer the day the complaint was made and did verify that there were traces of fuel oil on the grates of the storm sewer. The letter indicated they would be notifying the Department of Environmental Conservation of this and the applicant must stop putting the oil in the storm sewer. The letter indicated the said vehicle, vehicles or pieces of

vehicle were in violation of the code of the Town of Chili. The letter indicated pursuant to ordinance the applicant was ordered to remove the said vehicles from the premises within ten days, except for the small black Chevy which was to be moved immediately because it was in the road right-of-way. The letter indicated if that were not done, immediate further action by the Town would be required.

Beverly Griebel stated she had another letter dated May 18th, 1997 from the Building Department addressed to the applicant advising him that an on-site inspection of his property indicated there was a vehicle on his property which was classified as either junk, abandoned, unlicensed or parts and pieces from the vehicle on the property. The letter indicated therefore, said vehicle, vehicles or pieces of vehicle were in violation of the code of the Town of Chili. The letter indicated pursuant to the ordinance, the applicant was ordered to remove said vehicle from the premises or comply with the Town ordinance. The letter indicated in order to comply with the ordinance, the applicant was permitted to have one unlicensed vehicle in the garage or completely covered with an opaque neutral-colored cover that is made for vehicles. The letter indicated any car parts or pieces must be placed in the garage or removed from the premises. The letter indicated that must be done within ten days of receipt of the notice or immediate further action by the Town would be required.

Beverly Griebel stated she had some additional handwritten information. She stated she had a note to her from the Code Enforcement Officer indicating the neighbors next door to this property have been complaining that the applicant is doing car repairs and painting cars from the garage. The note indicated they don't have any proof of this. The note indicated the property has been checked several times and there has not been any evidence of that. The note indicated the applicant was sent a notice a couple times for unlicensed vehicles.

Mr. Jensen stated over the last probably 15 years or so, he was raising four children on his own and was putting cars together on the side, while working at Kodak full-time, and just for extra cash and stuff, he had a couple cars up on blocks that he was working on. He stated he wasn't aware of the ordinances out in Chili. He stated once or twice somebody came by. He stated he had the car covered, with a cover over it, or he had to put it in the garage he was told. He stated it hasn't happened since then.

Beverly Griebel commented the applicant has stated he was aware of the ordinances but he got a notice in March '95 and a notice for the same thing in '97. Mr. Jensen stated he never got one in '97. Beverly Griebel stated the notices were sent to the applicant. Beverly Griebel stated they were two years apart. Mr. Jensen stated that was strange.

Mr. Jensen stated but as far as the oil, he was guilty. He stated he didn't realize he couldn't put that down there until a neighbor next door told him about it. He stated he had only done it a few times like that. He stated he thought the sewers were going right out, so it would be okay. He stated he is probably not the only person that has ever done that, but it did happen.

Beverly Griebel stated that is why there are recycling stations for people to bring oils to. Mr. Jensen stated he found that out afterwards. Beverly Griebel stated they have signs indicating that where people buy oil.

Mr. Jensen stated he was putting old cars together. He stated that was all he could afford. He stated basically he was doing it in front of the house. He stated after a while he started doing it in the back of the house. He stated it has been cleaned up since then. He stated then he got into restoring some older cars. He stated that is what he did once he retired from Kodak. Mr. Jensen stated now he would like to build a garage back there to keep a couple of his classics in.

Larry Smith arrived to the meeting.

Beverly Griebel stated she had another letter that came in just this week from Chester and Barbara Burrs of 50 Adela Circle. She stated the letter indicated in regards to the variance for 48 Adela Circle, they were strongly against it for the following reasons: Mr. Jensen repairs and fixes cars all year round; he has sanded and spray-painted cars in his driveway and backyard, sending the

dust and overspray toward their lot; he has also torn cars apart and left them sitting with no tires up on jack stands for six to eight months at a time; it creates an eyesore as well as a danger; he owns four cars, parks two in the backyard, two in the front yard; he never uses his driveway, thus creating another eyesore; his driveway is used by his daughter, son-in-law and son; there is a total of seven cars and one boat on his property. The letter indicated another issue is the noise that the cars make is extremely disturbing, especially at night. The letter indicated as one could see from the pictures enclosed, in order for the applicant to get the cars into his backyard, he has a habit of going on their property. The letter indicated it is not right for the applicant to create ruts in their yard. The letter indicated to allow Mr. Jensen a variance for any kind of garage would be giving him more room to work on his cars and would degrade and disturb the property around him. The letter asked if the applicant were the Board members' neighbor, would they give him more than the law allows so he could degrade their property. The letter indicated the applicant is the same man who puts garbage out on Tuesday for normal Monday pickup.

Mr. Jensen stated the reason why he wants the garage is to put the two classic cars in there. He stated all his vehicles are registered for the road. He stated as far as spray-painting cars and stuff like that, he has done some of it in his driveway, just his own vehicles and that is it. He stated as far as noise and stuff, the cars aren't noisy.

Mr. Jensen stated Mr. Burrs has a huge van that he parks on his lot and nobody ever complains about that. He stated that is really noisy. He stated as far as lawn mowers and stuff like that, Mr. Burrs has some that are extremely loud. Mr. Jensen stated he does not know what Mr. Burrs' gripe is.

Mr. Jensen stated they had some friction over the years. Mr. Jensen stated there was a situation last year between his son-in-law in him, and they had to have Mr. Burrs arrested because he came over to virtually attack his son-in-law in the garage. He stated it is one of the things like the Hatfields and McCoys. Mr. Jensen stated he has nothing against Mr. Burrs, but that is why he is putting up resistance.

Mr. Jensen stated over the years he has not been perfect as far as the car thing goes, but he has straightened it out. He stated he worked at Kodak 36 years. He stated he is retired and this is something he has enjoyed doing the last couple of years. He stated he doesn't want any more. He stated he just wants a building back there to put his cars in, in place of the building that is existing right now.

Beverly Griebel asked the applicant how he plans to get access to the building, because the pictures presented to the Board show ruts in the neighbors' yard. Mr. Jensen stated they are not from him. He stated he did not know who it is from. He stated he has a driveway that comes up to the house, and he goes around the side of his house back in through there. He stated that is the way he gets back in through there. He stated there is no way for his family to go in Mr. Burrs' yard.

Dan Melville stated there is only 12 feet there, though. Mr. Jensen stated that is all he needs to get through there. He stated he just fenced in the yard because he has a dog now. He stated he put double gates in there and when he goes back in through there, all he does is open the gates. He stated there is no way he would go on Mr. Burrs' property. Mr. Jensen stated his son was also present and could testify to that.

Beverly Griebel invited Mr. Jensen to look at the pictures showing the ruts that were submitted to the Board.

Mr. Jensen stated when the Burrs go away next door, the daughter has massive parties and the people park all over the place. He indicated the ruts were not from him. He stated if one were to go by the house, they would see it is immaculate. He stated he wants to get down through the side and put the garage back there to store his cars. He stated he doesn't drive them very often.

Beverly Griebel asked is there a gate in part of the fence. Mr. Jensen stated the yard is completely fenced in with a double gate, a swing gate that he just put in.

Beverly Griebel asked the applicant if he would then go across with the cars the whole backyard to the other corner. Mr. Jensen stated that was right. He indicated where the shed and the driveway are right now.

Dan Melville asked the applicant as far as the spray-painting, does he do that on his own vehicles, or does he paint for other people. Mr. Jensen stated his own vehicles. Dan Melville asked with this garage that the applicant wants to build back there, if it were granted, would he be doing spray-painting. Mr. Jensen stated it would be just for storage. He stated right now the cars are up on blocks.

Dan Melville asked if there would be electric to the garage. Mr. Jensen stated there is electric to the shed. He stated he was not planning on having electric for the garage. He stated it would be just for storage.

Dan Melville asked the applicant is there a reason why he couldn't extend the back of the garage out. Mr. Jensen stated in doing that, it would block the view of the patio. He stated from Mr. Burrs' lot, that would detract from his lot also and would bring the value of his lot down as much as his. He stated that was another option, but he would prefer not to do that if he could. He stated putting it in the backyard would enhance the looks of his house and the property around there. He stated the shed he has down there now is a steel shed painted, and it looks good, but a garage would look better.

Dan Melville asked the applicant how would he get from the front driveway back to the garage. Mr. Jensen stated around the side of the existing garage. Dan Melville clarified so the applicant would go around the garage and would cut across the entire yard back to the right-hand corner. Mr. Jensen stated that is what he has been doing along anyhow. He stated he takes care of the yard. He stated it looks good. He stated there are no problems.

Dan Melville stated from the looks of the pictures, it does look like the applicant has been going on the neighbor's yard. Mr. Jensen stated he has not been. Dan Melville asked the applicant if he thought the neighbor has been doing it. Mr. Jensen stated Mr. Burrs' youngster has some parties sometimes. He stated they have had some ruts up their lawn, too, both sides. He stated things happen sometimes.

Mr. Jensen stated the other option is to extend the garage backwards. He stated if that is the only option, he will do it. He stated Leo Carroll said that would be the best thing to do, but it would block the view from the patio on the one side completely.

Richard Perry asked if the proposed garage would have a concrete floor. Mr. Jensen stated that would probably be the best way to go. Larry Smith stated by State code it would have to. Beverly Griebel stated the garage has to have a concrete floor.

John Castellani stated the applicant's lot is 195 feet deep. He stated the applicant is asking to put in a 40 foot long garage by 12 foot wide. Mr. Jensen stated that was right. John Castellani stated by doing the numbers, it says they have 67 1/2 feet from the back of the screened porch to the lot line, to within 40 feet of the lot line. He stated so they have got a grand total of 107.5 feet from the back of that screened porch to the back of the lot.

Mr. Jensen stated the map he had is not a surveyor's map. He stated it says 195 feet up to the house. John Castellani stated it is 195 feet long. Mr. Jensen stated he did not think that was the whole distance of his lot. Dan Melville that is what the map says. John Castellani stated that is what the map says. Beverly Griebel stated it is from the back property line to the front right-of-way.

John Castellani stated so if the applicant has 195 feet, he has 107.5 in his backyard to stay within the Town of Chili code, which is 40 feet off that back lot line. He stated the applicant would still have 67 1/2 feet to put a garage in, assuming he doesn't go over 900 square feet without a variance.

John Castellani stated if the applicant brought the garage up further, he would have 27 1/2 feet of maneuverable space that would be more than sufficient. Mr. Jensen asked how far from the back lot line would it be. John Castellani stated 40 feet. He stated that would be the code. He stated the applicant would not even need to be here if he stayed under 900 square feet.

Mr. Jensen stated he could do that if he has to. Mr. Jensen stated but there is a garden back there. He stated there is 22 feet behind the shed to the lot line. He stated the thought was if he was allowed to do this, he could go back another 10 feet into where the garden area is and then the whole unit would be back.

John Castellani stated then the applicant would be encroaching on the back required number when he has sufficient space not to do that. Mr. Jensen stated right now the gentleman behind him put Arborvitae bushes along the back. John Castellani asked the applicant why he would encroach on the zoning if he doesn't have a need to do that. He stated people are really supposed to come in for a zoning variance when there is no other option because of leech fields or a huge tree is in the way.

John Castellani stated if the applicant downsizes that to about 34 feet long instead of 40, he wouldn't need a variance.

Beverly Griebel stated there was a question the applicant did not answer on the application. She stated on page 2, number 4, it asks are there any other alternatives available that would not require a variance, and it says check "yes" or "no," and if "yes," please explain. She stated that one the applicant did not answer.

Mr. Jensen stated when he was filling the thing out, he wasn't sure and Kathy Reed was not sure either. He stated at the time he said probably another option would be to extend the garage back another 30 feet.

Beverly Griebel stated that is definitely the option she would prefer to see if it is granted at all, because that would not require the applicant to go around the side yard and be in danger of infringing on his neighbor's yard. He stated it is just a double garage and sometimes they have to jockey cars around, but that is a possible alternative.

Dan Melville asked how wide are the applicant's cars. Mr. Jensen stated he did not know. Mr. Jensen stated they're just traditional, the old '60s cars, 12 feet wide. Beverly Griebel asked what kind of cars are they. Mr. Jensen stated they are '60s cars, classics he built. He showed the Board a picture of his cars. Beverly Griebel stated the pictures were of a '68 Chevy and '68 Pontiac GTO. Mr. Jensen stated the width across would be maybe 12 feet.

Richard Perry stated the safest thing to do would be to go home and measure the width and the length and then reconsider the whole thing. Dan Melville stated they're not any wider than 6 or 7 feet, he wouldn't think. He stated maybe 8 feet at the most. Dan Melville stated he was just trying to figure out the width versus the amount of feet the applicant has.

John Castellani stated he would probably have 6, 6 1/2 feet. John Castellani stated the applicant has some options that he did not think the applicant has investigated, and from a pure zoning variance point of view, he did not think this application is a valid application.

Mr. Jensen asked so what was the Board saying. Beverly Griebel stated they have not decided anything yet.

Mary Sperr asked what this garage, the 40 by 10 foot or whatever it would be was going to look like. Mr. Jensen stated it would be a traditional garage. Mary Sperr commented a traditional garage, just deep. She asked if it would match the same color as the applicant's house. Mr. Jensen stated that was correct. Mary Sperr clarified the applicant was not talking about a pole barn type structure. Mr. Jensen stated he was not. He stated it would be a traditional garage.

Dan Melville asked would it have a gable roof on it. Mr. Jensen stated yes, it would. Mary Sperr stated a pole barn and a garage are quite different. She asked where is the applicant planning to put the garage doors. Mr. Jensen stated they would be facing the house. Mary Sperr asked if the applicant would have two garage doors on the front that face his house as one looks back at that garage from his house.

Mr. Jensen stated the garage will have a sliding door on it, just one. Beverly Griebel stated the applicant would still have to jockey the cars in and out of there. Mary Sperr clarified the applicant will not have garage doors that open and close facing their neighbor. Mr. Jensen stated that was correct.

Gerry Hendrickson asked is it wet through there when it rains pretty good. Mr. Jensen stated the drainage is pretty good. He stated he put a pipe along the back there. He stated it all drains into the sewers.

Beverly Griebel asked the applicant does he plan to repair any cars there on his property. Mr. Jensen stated no, he does not. Beverly Griebel clarified there would be no more car repairs done there. Mr. Jensen stated he was done. He stated he is retired. He stated that was something he did the last few years to keep himself busy, and now he has a regular job, so he is not even doing that. He stated he is getting too old for that kind of stuff. Mr. Jensen stated he mostly did that when he was raising the children to raise just a few bucks and also to keep himself busy, a hobby.

ANYONE IN FAVOR OR OPPOSED:

Chester Burrs

He stated he is the applicant's neighbor. He stated the only concern he has here is the value of his property. He stated the value of his property is being reduced by the applicant and the way he utilizes his property. He stated the applicant says his yard is in good shape.

Mr. Burrs stated he would like the Board to go down and take a walk around his yard. He stated they could then see where the car tracks are around, like ruts past around his house. He stated they do go into his yard occasionally, and he doesn't like it.

Mr. Burrs stated the applicant has four cars. He stated 365 days a year he uses his yard for a parking lot. He stated the snowplow plows him in. He stated the applicant leaves them there. Mr. Burrs stated nobody likes to see their lawns used as a parking lot all day, every day of the year. He stated it just isn't right. He stated he has four cars. He asked how is that justified in the Town. Beverly Griebel stated there are not any regulations against that.

Mr. Burrs stated there is no regulation for noise. Mr. Burrs stated he has made many complaints when the applicant was working on these cars. Beverly Griebel stated by the applicant's own testimony he just said he won't work on any cars any more. Mr. Burrs stated he hoped that was being recorded for the record.

Mr. Burrs stated as far as painting goes, the applicant did paint a car in his backyard but the car was not his. He stated it was his son's car who does not live with the applicant. Mr. Burrs stated he had movies of the applicant doing that. He stated the applicant just said he doesn't do it, but he did. Mr. Burrs stated if the Board wanted to see the movies, he would show them to the Board.

Mr. Burrs stated he thought a 40 foot long building in the back of anybody's yard is a little bit extreme. He stated the guy next door to him doesn't want it either, but he is too old to come up to a meeting. He stated it would be a long building, 40 foot. Mr. Burrs stated Mr. Jensen should have exactly what the law allows, just like any one of them. He stated if the law allows it, let him have it.

Beverly Griebel stated the law does allow for people to ask for a variance from the Zoning Board, so that is what the applicant was doing tonight, and that is why they were discussing it.

Mr. Burrs stated if the Board gives the applicant a variance, that is all well and good. He stated

but his contention is if the Board gives him a variance, it is going to devalue his own property.

Mr. Jensen stated in regards to what Mr. Burrs was talking about as far as painting the cars in the backyard, he painted cars in the backyard. He stated it was his car, given to him through his ex-wife. He stated he gave it to his son Tom because he was having a hard time raising a family. He stated that was the extent of it.

Mr. Jensen stated as far as devaluing Chester's property, if he put an extension on the house, it will look nice, but the only problem there is the fact Mr. Burrs would look over his way and see a building there. Mr. Jensen stated and himself looking out his patio, he will just see a building there. He stated so the option is to put it in the backyard. He stated that would probably enhance the looks of his property.

Al LaVilla - 12 White Oak Bend

He stated he lives in the Wellington Subdivision which backs up to the applicant's property. He stated Mr. Jensen has been a good neighbor. He stated he has been there 12 years. He stated he doesn't have any problems with the applicant. He stated his only concern is aesthetics of a building that size in the backyard.

Mr. LaVilla stated he just recently completed a \$33,000 addition on the back of his home. He stated he went to great lengths hiring an architect, making sure that roof lines were proportioned, that it balanced and looked right on his home. He stated he went the extra step for that because he wanted it to look right, and he felt obligated to all his neighbors that he just didn't build this thing on the back of his house.

Mr. LaVilla stated his only concern is from what he has heard tonight, he did not think there has been a lot of thought given to aesthetics of what the applicant wants to build in the backyard. He stated a 12 foot by 40 foot building is a rather odd size, and it is a pretty big building. He stated from his point of view, he would like someone to put a little more thought into it than just plopping the building in the backyard. He stated that was really his only concern.

Mr. LaVilla stated he invested a lot of money in his yard. He stated it should just be thought through a little more, he thought

David Peers - 10 White Oak Bend

He stated he lives right behind the Jensen's property. He stated he was concerned going all of the way to the 10 foot lot line is just moving too much. He stated 10, 11 years ago he came to this Board to have a variance to have an in-law apartment put on his house and they had to have plans, the whole bit. He stated he was surprised there was no picture of this thing.

Mr. Peers stated he has been planting trees in his backyard. He stated his neighbor Sam has planted a berm and Arborvitaes to try to hide what they see over there. He stated but kids going from their subdivision to the applicant's house have jumped over and broken the tops of his trees off. He stated he knows this because his wife has seen them do it. He stated they jump over the trees and break the tops. He stated he can't win trying to have natural blinds to cover what he sees over there.

Mr. Peers stated he did not know how high a garage it would be back 10 feet from the lot line. He stated the closer it gets to the backyard, the higher it will go over the bushes, and the higher the Arborvitaes and the pine trees will have grow to hide it.

Mr. Peers stated obviously the applicant has a way to put the shed on the lot without a variance. He stated he did not want to see it go to the end of the lot. He stated the neighbors in the back have gone to lengths to try and hide it and the applicant is just taking it away. He stated if the applicant can do it and stay within the law, there is nothing he could say.

Sam Cammarata - 12 Oxford Bend

He stated his lot is directly behind Mr. Jensen's. He stated he put a berm in a number of years ago for the express purpose that he didn't want to look into the applicant's yard any longer. He stated

two, three, sometimes four cars are parked in the applicant's backyard, some just sitting in the yard, some up on blocks, some on some type of a deck.

Mr. Cammarata stated he eventually put a berm in and planted a row of trees. He stated his concern is if the yard has looked like that over the years, he was just concerned what a 40 foot garage is going to have sitting in it and around it. He stated it would be an awfully big building, and he just can't imagine what is going to be sitting around this particular building.

Mr. Cammarata stated he has no problem with it if the Board gives the applicant the variance, except aesthetically he really has concerns about this. He stated maybe if the applicant built a smaller garage, bringing it in from the lot line, he would not have to be here and it would be a better way to go. Mr. Cammarata stated he was concerned about a 40-foot building.

Mr. Jensen stated right now he has a 21 foot by about 10 or 11 foot shed back there now which looks decent. He stated it is all painted. He stated but the garage back there would be another 20 feet longer than that. He stated the height would be traditionally the height of a regular garage, because he will not be working back there. He stated it will be just for storage.

Mr. Jensen stated with regards to his neighbors' thoughts, he know it has been bad. He stated it has been cleaned up. He stated he appreciates the bushes and trees back there, but it looks good now. He stated he doesn't want to detract and bring it down. He stated he would just like to have a place to store his vehicles because he doesn't want them to rust out and he doesn't want to put them up on blocks every year.

Beverly Griebel asked what does the applicant do with the classic cars now. Mr. Jensen stated they are up on blocks in the wintertime, and once in a while in the summertime he takes them out and drives them. He stated it is a hobby thing.

Mr. Jensen stated he appreciates what Mr. Burrs was saying about his yard. He stated it is a great concern to him also. He stated by going around the garage, he could see where Mr. Burrs' concerns would be there, but to his knowledge, he is not guilty of that. Mr. Jensen stated he could see from the pictures it looks like somebody has done it. He stated he did not know who. He stated it could have been a member of his family. He stated it could have been somebody from one of the parties they had over there. He stated he has the same concerns Mr. Burrs does. He stated he doesn't like to see that type of thing happen, either.

Beverly Griebel asked Larry Smith is there any limit on the number of cars a person can have in their backyard. Larry Smith stated there is no limit on cars that one owns. He stated the ordinance requires the cars to be licensed, registered, and it talks about where a person can park them.

Beverly Griebel commented so a person could have 50 cars. Keith O'Toole stated for personal use. Larry Smith stated 50 cars, as long as they're licensed and registered.

Beverly Griebel stated she thought there were a couple boats on trailers there. Mr. Jensen stated there is one boat on a trailer that is licensed. Larry Smith stated the applicant is permitted a boat and a trailer.

Beverly Griebel stated what she would like to see, if anything, is for the garage to be extended back from where it is so the applicant could store cars in there, and with that possibility, the applicant would not have to go around the side yard to get anything into the backyard, so there would be no possibility that he would then drive on the neighbor's yard, because there would be no reason to go around that area. She asked if that would be true. Mr. Jensen stated that would be true.

Mr. Jensen stated if he puts a garage door on the back of the garage he has right now and opens it up, he could drive a car through there to go to a garage in the backyard, too. He stated there is a lot of stuff he could do instead of going around the garage.

John Castellani stated there are too many options that the applicant has not investigated to be here looking for a variance.

Mr. Jensen asked if he puts a building in the backyard, does he still need a variance. Beverly Griebel stated if it makes the garage area over 900 square feet total, he does. Mr. Jensen stated the garage he has now is a 2 1/2 car garage attached to the house. John Castellani stated the applicant still has 400 square feet of garage he could put up.

Mr. Jensen asked what dimensions would that be. John Castellani stated 34 by 12. Mr. Jensen stated that would do it. John Castellani stated that would get the applicant right to the very ragged edge. He stated but his point is, the applicant doesn't need a variance to do that.

John Castellani stated the applicant has not investigated thoroughly putting it on the back of the existing garage. He stated they have not investigated bringing it within the zoning requirements and having it as a freestanding building. He stated the applicant has not got a diagram other than where he is approximately going to put it. John Castellani stated the applicant really had no business before the Board tonight.

Mr. Jensen asked if he has to be 40 feet from the back lot line to put a building in. John Castellani stated 40 feet from the back lot line, he would conform to the zoning. He stated the applicant still would have 27 1/2 feet of maneuvering space out of it, 67 foot or even less, actually.

Beverly Griebel asked who would be building the garage. Mr. Jensen stated he would have to get a contractor to come to do it. Beverly Griebel stated that is who the applicant should bring in to a meeting. She stated the people that would be building this, they could bring in sketches or photographs of what a company has done on other properties, what the sample garage would look like when it is completed so they would have some idea.

Mr. Jensen stated based on everything the Board has said so far and what the people said in the back, maybe he should extend the garage out the back. John Castellani stated the Board can't design the garage for the applicant. He stated the applicant needs to investigate the options and get professionals involved to help him do it properly. He stated what the applicant had before the Board was totally unacceptable for them to do anything with it. He stated a rectangle in pen put in on a map doesn't do much of anything as far as sharing with the Board the idea of what the applicant is going to do.

Mr. Jensen asked if he extends the garage, would he need a variance for that. John Castellani stated he would have to talk to the Building Inspector. Beverly Griebel stated it depends on the number of square feet the applicant would end up with. Larry Smith stated total garage area in any single residence lot is 900 square feet, but it can be one building, two buildings or three buildings.

Mr. Jensen asked if he could talk to the Building Inspectors about his options for a few minutes. Larry Smith stated not tonight. John Castellani stated the applicant could meet with the Building Inspector from 9 to 5.

Mr. LaVilla suggested the applicant hire just a design engineer for a few 100 bucks. He stated an engineer would probably come down to the applicant's house for about 300 bucks and give him two or three different plans. He stated engineers will typically check with the Zoning Board to see what is required and they could give the applicant a lot of options, because sometimes building one thing may be more expense than building something different. He stated it is worth spending a few bucks to have a pro come down to give a couple different options, to tell the applicant which would be cheaper to do and then he would be able to go to the Building Department to get a permit.

Beverly Griebel asked Keith O'Toole what would be the best way to approach this if the applicant wants to rethink this. Keith O'Toole stated he would frankly just deny the application. Larry Smith added without prejudice, and then the applicant could come back within the year. Larry Smith stated if the Board denies it with prejudice, the applicant can't come back with the same

application in a year's time. Keith O'Toole stated that would be fine.

Beverly Griebel stated the Board could just deny it and let the applicant bring in a new plan. Dan Melville stated the applicant might not need to come back. Larry Smith stated the applicant might not need to come back, but they should specify the Board would be denying it without prejudice so if the applicant has a new plan to come in with within 12 months, he could, otherwise he would have to wait 12 months to make a similar application.

Mr. Burrs asked if there is no variance required, then the applicant could just go and do it. He asked if a variance is required, will they be notified again. Larry Smith stated they would. John Castellani stated they would go through the whole process again.

Beverly Griebel stated there would be a notice in the paper, signage and everything. She stated if anything is tabled, it has to be readvertised. She stated if it is a new application, it would be readvertised. Mr. Burrs asked if the Town would mail him a letter. Beverly Griebel stated if Mr. Burrs got one this time, he should get one the next time.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously denied without prejudice by a vote of 7 no for the following reason as stated as a finding of fact:

1. Applicant hasn't fully explored alternatives.

Note: Public hearing sign to be removed within five days of the date of the decision letter.

2. Application of Christopher Rueby, owner; 22 Slate Drive, North Chili, New York 14514 for variance to erect an open porch to be 55' from front lot line (60' req.) at property located at 22 Slate Drive in R-1-12 zone.

Christopher Rueby was present to represent the application.

Beverly Griebel stated the applicant wanted to extend the porch a little bit towards the road. Mr. Rueby stated that was right. He stated there is really two parts to it. He stated one part would be extending the existing small foyer at the center entrance, expanding that out onto the current porch and adding the extra distance on the porch so that there would still be a porch there. He stated that would be going out 5 feet into the setback. He showed some sketches to the Board.

Beverly Griebel asked who would be doing the work. Mr. Rueby stated he would hire a contractor to do it.

Gerry Hendrickson stated he understood what the applicant was trying to do, making an improvement.

Mary Sperr asked would the applicant remove the bay window there. Mr. Rueby stated it would come over the top of the bay. Mr. Rueby stated the porch would wrap around in front of it.

ANYONE IN FAVOR OR OPPOSED:

Stuart Chait - 21 Slate Drive

He stated he lives directly across the street from the applicant. He stated he is also a licensed architect. He stated Slate Drive is made up of many different styles of house: Capes, splits, Colonial and ranches. He stated they both have a cape. He stated he thought with the numerous types of houses that exist on the street, the 60 foot setback is more an imaginary line than anything else. He stated the houses aren't real particular to that sense.

Mr. Chait stated the applicant has done numerous additions and remodeling to his house, and everything he has done has been done with care. Mr. Chait stated he has seen the sketches and it would be a nice job.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. Will enhance appearance of the front of the house.
2. No impact on neighboring properties.

Note: Public hearing sign to be removed within five days of the date of the decision letter.

3. Application of John Knapp, owner, 17 Westway Court, Rochester, New York 14624 for variance to erect a 12' x 20' utility shed to be 240 sq. ft. (180 sq. ft. allowed), variance for shed to be 2' from garage (8' req.) at property located at 17 Westway Court in R-1-15 zone.

John Knapp was present to represent the application. He stated the house sets an awful long ways back from the road. He stated that is sort of the reason he wanted to put the shed where proposed, to be out of the sight of the street. He stated it would be a prebuilt building. He stated it would be on a cement pad.

Mr. Knapp stated he has talked with his neighbor that is the closest to it and he seems to have no problem with it. Mr. Knapp stated he would like to have the size he requested for the reason that his lawn mower is a 4 foot lawn mower with a little wagon on the back end of it to collect grass. He stated he puts all his yard tools in there and his snow thrower in there.

Mr. Knapp stated the shed will match the house, the same color of the roof and the same color as the siding. He stated it would be Texture 1-11 siding.

Beverly Griebel asked does the shed have to be 4 feet from the garage rather than 2 feet. Larry Smith stated yes, it does. Dan Melville stated State code requires that. Mr. Knapp stated that was okay. Beverly Griebel stated that would also allow the applicant to do maintenance behind it, to get back and cut grass or pull weeds or paint or whatever needs to be done.

Bill Oliver stated if the applicant moves it back 2 foot, it would reduce the 12 foot dimension. John Castellani stated it is already reduced. Beverly Griebel stated the back corner is reduced. Bill Oliver stated if the applicant moves it back 2 more feet, being the configuration it is, the corner of the shed will be closer to the lot line. Dan Melville stated closer by 2 feet.

Mr. Knapp stated that would be the neighbor that he talked to, that would be coming closer to his property. Bill Oliver asked does that neighbor have any problem with having the shed there. Mr. Knapp stated no, he does not.

Beverly Griebel stated the 2 foot does not allow room, and the State wants 4 feet there.

John Castellani asked in R-1-15, what is the side setback. Larry Smith stated on this particular property, the side setback is 10 foot from a structure. John Castellani stated the applicant would be in violation even at 2 feet, based on looking at the drawing. There was discussion amongst the Board about the dimensions.

Beverly Griebel asked if there is a window on the house where she indicated on the diagram. Mr. Knapp stated yes, there is a window that is back from the garage, yes. He stated it is right

approximately in the middle of the small area.

Beverly Griebel stated that wouldn't be a solution to push it that way, because it would block the window and the house. Mr. Knapp stated that was correct.

Larry Smith stated the map is not to scale. The Board further discussed the proposed dimensions. Larry Smith stated the Board was working with a tape map, also, so they should not trust anything on it. The Board discussed the dimensions on the tape map.

Dan Melville stated it should be 12 feet. John Castellani stated what he is getting at is, it is being measured from the corner and not cornered to the closest line. Bill Oliver stated the closest line is being measured.

Dan Melville asked how does one take the side setback. Beverly Griebel stated the shortest distance to the property line. Dan Melville the shortest distance would be on an angle, which would give the applicant about 12 feet. Beverly Griebel stated that would be less than that. Dan Melville stated the applicant has to move another 2 feet out.

Mr. Knapp asked if he went with 10 foot instead of 12 foot, would that be a little bit more of a compromise. John Castellani stated 10 foot is code, but the thing that could very well happen, if he put this in, now they have to be 4 feet from the garage, so he would have to move it over and it may block the window.

Larry Smith asked the applicant if he was having a contractor build this. Mr. Knapp stated he was. Larry Smith suggested the applicant pour a footing and put an addition on their garage, have a door from the garage into the shed and one from the shed out to the backyard.

Beverly Griebel stated then the applicant could continue it right from the garage flush. Mr. Knapp stated that would probably be the nicest way to go, but as far as taxes wise, it is not. Larry Smith stated it will cost 34 1/2 cents a month more. He stated he was not sure what the Assessor is going to charge, but it shouldn't be that much.

Beverly Griebel stated it would be like a little addition on the back of their garage. She stated instead of having to leave 2 feet, the applicant could have it flush against the garage because there would be a door the applicant could go in and out of the garage if he wanted to. She stated he would not have to. She stated otherwise it would be 4 feet, and then they don't know what the side setbacks would be.

Dan Melville stated the applicant may have to get a survey done to determine that.

John Castellani stated actually the applicant could go on the side of the garage and make the attachment that way. Mr. Knapp stated it's a nice neighborhood. He stated he doesn't want to do that. He stated he has a camper and boat in the yard and that is bad enough.

Larry Smith stated most of the new homes have bump-outs on the side of the garage and they all look pretty nice.

Mr. Knapp stated he would like to continue with the application. John Castellani stated the applicant has to be 10 foot off the line. Dan Melville stated the applicant may get it started and find out they have to stop. Larry Smith stated without a survey, tape maps are just no good. Beverly Griebel stated but a survey is expensive.

Mary Sperr stated the applicant could take 2 feet off the shed he plans to move and move it 2 foot back. She stated technically that would make him not have to meet that side setback.

Beverly Griebel asked the applicant would that be acceptable for the side setback then, the 10 foot wide instead of 12. Larry Smith stated he did not care what the applicant does as long as he doesn't infringe on that setback. He stated the problem is they can't be clear what the setback is. He stated he doesn't know where the property line is and nor does the applicant.

Beverly Griebel stated the applicant could build it and have it wrong and he would have to come in for a variance. Larry Smith stated if the applicant sells his house and finds out the house is not sitting where it is on the tape map, it could be a problem. He stated a building so close to a setback on a tape map is just dangerous.

John Castellani stated at that time the instrument survey would cost \$250 and there would be another application fee added to that. Larry Smith stated to save an instrument survey, the applicant would probably only save himself \$300 of taxes on a shed.

Beverly Griebel stated what they were saying is if they were doing it, they would bump out the garage in the back to get the size wanted. John Castellani stated the Board can't plan it for the applicant. Beverly Griebel stated the applicant would have to do that planning, but as it stands now, everything is kind of up in the air, because they don't know what these setbacks are.

Richard Perry suggested the Board look at it from the standpoint of approving it the way it is. He stated if it is wrong, it will be the applicant's problem. John Castellani stated well, it has been amended to 4 feet.

Beverly Griebel stated it would be 10 foot by 20 foot and the 4 foot. She stated if in the mean time the applicant talks to the Assessor and finds out what that additional tax would be, he may decide to bump out the back of his garage and the application then would be moot. Richard Perry stated that would be up to the applicant.

John Castellani stated it is 12 by 20 foot in the application, not 10 foot. Mary Sperr asked the applicant does he plan to amend that to 10 foot by 20 foot. Mr. Knapp stated yes, he would amend the application. Beverly Griebel stated so it would have to be 4 feet from the back of the garage. Dan Melville stated so it would be 200 square feet instead of 240 square feet.

Beverly Griebel stated the applicant said he would amend it from a 12 foot by 20 to a 10 foot by 20, to be 4 feet from the rear of the garage. Mr. Knapp stated he would have to have a 12 foot setback. Beverly Griebel stated a 4 foot setback from the garage. Mary Sperr commented which still doesn't guarantee the applicant might be inches away and still have to come back.

Mr. Knapp stated from the property line it has to be 12 foot. Larry Smith stated but they don't know where the property line is. Beverly Griebel stated it has to be 10 foot from the closest corner. Beverly Griebel stated the property line is not parallel to the side of the garage because it is a pie-shaped lot, so it gets very confusing. Mary Sperr stated that is why it is tricky, that one corner.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved, as amended, with no conditions, and the following finding of fact was cited:

1. Applicant stated need to store lawn and snow removal equipment.

Note: Public hearing sign to be removed within five days of the date of the decision letter.

4. Application of Mr. & Mrs. David Loveridge, owner; 15 Adela Circle, Rochester, New York 14624 for conditional use permit to erect a 30' high amateur radio antenna at property located at 15 Adela Circle in R-1-15 zone.

David Loveridge was present to represent the application. Beverly Griebel stated the applicant is

a ham operator. Mr. Loveridge stated that was correct. Beverly Griebel asked the applicant how long has he been doing this. Mr. Loveridge stated 20 years. Beverly Griebel asked the applicant has he just moved in there. Mr. Loveridge stated about seven months ago.

Mary Sperr asked the applicant has he discussed this with his neighbors, how they feel about having a 30 foot tower there. Mr. Loveridge stated no, he has not. He stated it would be actually 26 foot, not 30. Mary Sperr asked the applicant did he have one of these type of towers where he moved from. Mr. Loveridge stated he did not. He stated he was in Cedars of Chili for six years. He stated he used to have one at his parents' house. He stated unfortunately he has not been able to do it because he didn't have the antenna to do it, so it has been collecting dust.

Mary Sperr asked is this the absolute minimum height the applicant needs to have. Mr. Loveridge stated he now can go up to 60, but he doesn't have the money to do that. Mary Sperr asked if the applicant could go to 20 feet or 15 feet, or does he need what he was asking for. Mr. Loveridge stated with a beam antenna, he puts it on a rotor and it turns it. He stated his wattage is very low in the first place, anyway. He stated he bought the antenna used. He stated it is directional. He stated it won't be that high in the first place.

Mary Sperr asked where is it going. Mr. Loveridge stated in the back of his house. He stated a long time friend of his parents has a construction company and he has had him look at it. He stated it will cost him less than \$100. He stated he will put a hole in the roof. He stated it will actually be a very thick pole, that is all. He stated it will not actually be a tower.

Beverly Griebel stated there was a little X on the drawing submitted. Mr. Loveridge stated that is where it is going. Mary Sperr stated she couldn't tell if it was on the side. Mr. Loveridge stated when he constructs it, it will be very minor. He stated it will go through part of the roof, the way the roof is constructed. He stated it is kind of like a flat roof, and it will go up through, miss the gutter and just go straight up. He stated he will put two clamps on the side of the house, and it will be in about a foot of cement. He stated it is also going to be guyed by wires.

John Castellani stated they have heard a lot of talk about ham operators and problems with other televisions and radios. Mr. Loveridge stated he would take care of that, too. Mr. Loveridge stated if anybody has a problem with a TV, he will buy the receptacle to fix that. He stated he will buy it himself. Beverly Griebel asked is that an attachment that goes on a TV. Mr. Loveridge stated that was correct. Larry Smith stated the applicant would have to do that. Mr. Loveridge stated he will do that himself.

Beverly Griebel asked how would that be done. She asked would that arise from a complaint to the Building Department, who, in turn, would notify the applicant. Larry Smith stated the Building Department gets complaints periodically and they go investigate them. Larry Smith referred to someone present in the audience, and he stated that gentleman he had a few complaints on, but they found out it was not his equipment.

Beverly Griebel stated if they had a problem in the neighborhood, they would go through the Building Department. Larry Smith stated that was correct. He stated they could make it a condition of approval the applicant would take care of all filtering problems with any adjoining neighbors. Mr. Loveridge stated that would not be a problem.

John Castellani stated he knows there is a tower on Coldwater Road. Larry Smith stated that is who he was referring to. He stated that tower goes up and down. He stated that tower doesn't stay up all of the time. John Castellani asked the applicant would his be retracted. Mr. Loveridge stated it would not. He stated he can't afford that.

Richard Perry asked what would be the diameter of the pole itself. Mr. Loveridge stated the pole will be roughly 2 1/4 OD. Richard Perry stated the applicant stated he bought it used. He asked is it rusty. Mr. Loveridge stated he bought it from a retired ham operator who came down with Parkinson's disease. He stated he got the antenna and rotor from his wife.

Richard Perry asked what kind of material is it. Mr. Loveridge stated just a pole going straight up

to the roof, a metal pole. Richard Perry asked what kind of metal. Mr. Loveridge stated galvanized steel that is very heavy. Richard Perry asked is it painted. Mr. Loveridge stated it has a coating on it so it won't rust.

Richard Perry asked how many guy wires would there be and how far out. Mr. Loveridge stated probably just two. He stated the height it will be at, he won't need that much. He stated for stability, he will put them on.

Bill Oliver stated he has had past experience with some of these stations. He asked if the applicant is a wild cat. He stated by that he meant, will the applicant be transmitting at higher frequency lines. Mr. Loveridge stated he would not. Bill Oliver stated they had a situation where a man was not up front with them about that, and they found out later what he actually intended to do. Beverly Griebel stated that man was retransmitting or something like that. Bill Oliver stated he was a wild cat. He stated in other words, he was using a higher frequency than he was supposed to be using and there was quite a controversy. Mr. Loveridge indicated he would not be doing that.

Dan Melville stated the applicant said it will be 26 feet high. He asked is that to the top of the antenna or the pole itself. Mr. Loveridge stated yes, basically. He stated 30 feet would be pushing it, because it will also be sunk in the ground. He stated that is all of the pole he has. Dan Melville asked how far above the roof will that be. Mr. Loveridge stated he thought about 11 feet, give or take.

Beverly Griebel asked is this a one-piece pole. Mr. Loveridge stated it is not. He stated they are threaded together. Beverly Griebel asked what would happen in the event that wind is going to take it over. Mr. Loveridge stated that is what the guy wires are for. He stated they help keep it sturdy.

Beverly Griebel asked but if the pole went, would that end up in the applicant's neighbor's yard. Mr. Loveridge stated it would not. He stated it would be in the center basically of the house almost. Larry Smith stated the house would have to move, too. Beverly Griebel stated she was just asking because that question has come up before; what will happen if it flops down in one piece.

Larry Smith asked if it would be 11 foot above the roof. Mr. Loveridge stated give or take a foot maybe. Richard Perry stated 11 feet would flop down and go nowhere. Mr. Loveridge stated if it goes west, it would go in the tree. John Castellani stated the height of the house is 35 foot, average. He stated it can't be any higher than 35 feet. Larry Smith stated that was correct.

Beverly Griebel stated the pole would only be in a foot of cement. She stated if they had a really big wind, she was wondering what would happen. Mr. Loveridge stated it will be in a foot of cement and it will be bolted on the side of the house, plus going through the roof, so there would be three types of stability there. Beverly Griebel stated she had seen big trees come down in some of these winds and she doesn't want to see the applicant's back wall going with it.

Beverly Griebel asked the applicant will he be a repeater. Mr. Loveridge stated no, he would not be a repeater. Beverly Griebel stated that is where one boosts the signal off to somebody else.

Beverly Griebel asked Larry Smith if the applicant were to place this a certain distance from the house, would he need a variance. Beverly Griebel stated the applicant could do a 35 foot pole. Larry Smith stated it is a tower. He stated the applicant was present because it is a tower.

Keith O'Toole stated the applicant is here for a conditional use permit. Mr. Loveridge stated he actually told the Building Department personnel a pole, but they wrote down tower. He stated he did not why. Larry Smith stated because it is a tower. Beverly Griebel stated she guessed by the overall definition, the applicant would have a tower.

ANYONE IN FAVOR OR OPPOSED:

Rick Lacoutoure - 19 Adela Circle

He stated he lives adjacent to the applicant. He stated he doesn't see any problems. He stated he doesn't have any problem except for the interference with the TV and stuff. He stated that is the only concern he has.

Beverly Griebel stated if there is a problem with the TV, the remedy is through the Building Department. Mr. Loveridge stated he would take care of it.

Dale Foster - 124 Stover Road

He stated he has an amateur radio tower. He stated if there is any interference, the applicant could filter it out and stop it. He stated a couple of people complained about his own tower, but it turned out he wasn't even in the State. He stated he was in England when the complaints happened. He stated it was the cable television that was causing that problem.

Beverly Griebel clarified Mr. Foster's equipment was not even in operation. Mr. Foster stated he was over in London and it wasn't even powered up.

Mr. Foster commented a person can string a piece of wire between two trees and be on ham radio and the Town can't do anything about it. He stated it is the FCC that has to go after people for interference. He stated the applicant is going through basically the minimum what he is required to do to get a good distance.

Beverly Griebel commented anyone with a tower becomes a culprit if there is any interference problem in the neighborhood.

Gordon Ernisse - 39 Adela Circle

He stated he was not objecting, but he has concerns because they went through this before. He stated he did not know if it is possible to know in advance whether there is going to be interference based on the type of equipment, but they had a real problem in the past with this. He stated it is not an objection, just a concern.

Beverly Griebel stated if they have any problems, they would need to keep track of the time and talk with the Building Department.

Betty Ernisse - 39 Adela Circle

She stated her question is aesthetics. She stated they have lived in the neighborhood almost 40 years, and they have never had anything up in the sky. She stated and where they walk on Coldwater Road, they pass a house with this great big thing going up the side. She stated now, if that is where the one gentleman lives, she did not know, but she stated she would not want to live next to that house with that thing sticking up in the sky. She stated there is no neighbor near that one along the roadside.

Ms. Ernisse stated but where the applicant is going to put it, everybody will be able to see it, this thing sticking up. She stated it is not going to improve the neighborhood.

John Castellani stated people actually may not see much of it. He stated it will only be 10 or 11 feet above his roof line, and most houses are 30 to 35 feet. Mrs. Ernisse stated there is only one two-story home on the back circle, Phyllis Lane. She stated there is only one two-story house on Adela Circle. Beverly Griebel stated trees can be taller than the towers.

John Castellani stated trees in the back of the applicant's yard will probably make it almost nonexistent. He stated it will be interesting to see what it looks like.

Beverly Griebel stated there are certain FCC regulations that allow people to do this. She stated they have to come for a variance. She stated it does get difficult for this to be denied. She stated it could be done with some conditions.

Mrs. Ernisse stated right now it is being said if they have a problem, they will have to call somebody and keep track of the time and stuff like that. She commented but who is to say that

they're going to fix it. She asked are they going to have to live with it. She stated they have done this before. John Castellani stated the FCC now says they have to fix it.

Beverly Griebel stated the reason why people have to keep track of the day and time is for situations like where there were complaints against the gentleman in the audience, and he wasn't even using his equipment, he was out of the country, so obviously it was another cause. She stated that is why they have to keep track and log it on a calendar.

John Castellani stated shielding on cable TV is especially poor. Mrs. Ernisse stated they already have problems with the cable. Beverly Griebel stated well then that is a problem they need to take up with the cable company. Mrs. Ernisse stated they have interference from someplace that they can't find.

Bill Oliver stated in case of an emergency, it is nice to have a ham operator next door. Beverly Griebel stated they do some public service.

Richard Perry stated it won't look much different than somebody having a flagpole in their front yard. He stated it will probably look less offensive than that. Beverly Griebel commented or a roof TV antenna. She stated it will look a little like that. Mr. Loveridge stated it would be a little larger, but it is like a TV antenna. He stated it is directional.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Granted for a period of one year.
2. Applicant to correct any neighborhood interference due to the ham radio transmissions.

The following findings of fact were cited:

1. Will not change the character of the neighborhood.
2. Tower, being only 26' tall, will not be intrusive.

Note: Public hearing sign to be removed within 5 days of the date of the decision letter.

5. Application of Battisti Brothers Development, Inc., owner, 17 Mondavi Circle, Spencerport, New York 14559 for variance to erect a single family dwelling to be 38' from front lot line (40' req.) at property located at 20 Shetland Circle in R-1-15 zone.

Ed Freeman from Passero Associates was present to represent the application. He stated this lot is one lot into a corner lot and into a curve. He stated when the lot was staked out by a surveying firm, they put additional stakes in. He stated when the builder built the house, he grabbed one of the stakes in error.

Mr. Freeman stated the corner lot allowed for a 30 foot setback. He stated he was out there examining it and there is no site discrepancy because of the fact the corner lot is allowing 30 foot and they are into a curve. He stated and by the time they get to the lot on the north side of them, one cannot tell that there is any one foot error whatsoever.

Beverly Griebel stated this is the first one they have had from this builder in that development that she recalls. Mr. Freeman stated he believed so, yes. Beverly Griebel stated the Board usually gets one mistake from each developer. Mr. Freeman stated he has been to the Planning Board before. Mr. Freeman stated it was an honest mistake.

Beverly Griebel stated it just confounds her that the digger is digging further forward than the house on either side. She stated it just kind of enters her mind as to why the digger thinks the one house would be far forward. Mr. Freeman stated in this situation the corner lot is allowed to be 10 foot further forward. He stated and the one to the north is in a curve, is so the digger really couldn't tell he was digging in violation.

Larry Smith asked who made the mistake. Mr. Freeman stated they gave extra stakes because half the lot is in the straight away and in the curve. Larry Smith asked who made the mistake. Mr. Freeman stated the builder did. He stated he used one of the extra stakes. Larry Smith stated so the engineering group was perfect and the builder screwed up. Mr. Freeman stated he was not saying they were perfect.

Beverly Griebel stated she was looking at the dimensions. She stated the garage is only 20.3 feet deep. She stated just looking at the other applications, most are 22 feet. She stated she was thinking maybe they could slice off the front 2 feet of the garage, but that would make it super small. Mr. Freeman stated it would be super small and it would be a very big expense.

Mary Sperr asked wasn't the house Number 10. Rich Battisti, also present to represent the application, stated it is Number 10. Mary Sperr stated everything said 20. Mr. Battisti stated he might have put the wrong house number on the house.

Mr. Freeman stated the abstract calls that House Number 20. He stated it is Lot Number 15 in the Black Creek Subdivision. Mary Sperr stated the sign in the house had Number 10 on it.

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

1. Minimum variance.
2. Builder's error (house is already in place).

Note: Public hearing sign to be removed within five days of the date of the decision letter.

The meeting ended at 9:25 p.m.

as they have lived there. Ms. Fisher stated she believes that kennel has his own dogs. She stated they're very quiet and very good.

Larry Smith mentioned there were letters submitted to the Building Department and this Board that the Chairwoman might want to read into the record. Ms. Greutman asked if those letters were something she could get a copy of. Larry Smith stated they could. He told the applicant to come into the office and they could copy them for them.

Beverly Griebel indicated she would read the submitted letters, and that each letter would be on file in the Building Department.

Beverly Griebel stated the first letter was from Linda Woods who is the Dog Control Officer for Chili. The letter indicated she requests that this application for land use variance to allow for a boarding/breeding kennel be postponed until they have complete information about the type of facility Ms. Fisher has in mind. The letter indicated Ms. Woods has concerns regarding the type of structure and number of dogs Ms. Fisher is considering. The letter indicated Ms. Woods would like to inspect the premises and have drawings and specifications provided before this is approved. The letter indicated Ms. Woods also would like to see where the structures would be built, as barking could be a problem for the neighbors, also.

The letter indicated Ms. Fisher has on occasion had problems keeping her own dog confined to her property, which is also a concern of Ms. Woods'. The letter indicated Ms. Woods believes Ms. Fisher also has had dogs lost to car accidents when they have strayed from her property. The letter indicated if the applicant plans to board other persons' dogs, it should be considered as boarded dogs, should they get loose, they will not be familiar with the area and could very easily be injured or killed. The letter indicated if the variance is issued, there could be major problems with a kennel in this area.

The letter indicated Ms. Woods did not think it is a proper place for a kennel as the area has close proximity to neighbors and these neighbors could very well be disturbed by noise, odor and many other things associated with a dog kennel. The letter indicated the Board should give proper time to evaluate the proposed kennel and look at the drawings submitted before a decision is made. Beverly Griebel stated that was received on 3/21/99 by the Building Department.

Beverly Griebel stated the next letter was from Charles Davis, 213 Kendall Park, Rochester 14606, addressed to the Zoning Board members. The letter indicated it has come to the Davises attention that Gloria Fisher of 235 Humphrey Road has applied for approval to build and operate a dog kennel for breeding and boarding purposes on property mentioned above. The letter indicated the Davises could not attend the meeting on March 23rd; therefore, they're notifying the Board of their objections to this application.

The letter indicated the Davises currently own the property at 219 Humphrey Road and are in the planning stages of building a home. The letter indicated the Davises are against this proposal for several reasons. The letter indicated this type of business is not appropriate for residential areas such as this. The letter indicated their concerns would be the noise level of barking dogs and the possible decrease of property values in the future. The letter indicated the Davises recently moved from the City to the quietness of the country and wildlife. The letter indicated their intention is not to cause any hard feeling with their neighbor Gloria Fisher. The letter indicated the Davises hope the applicant can understand why they do not support this application.

Beverly Griebel stated a letter was received from Louis and Sandra Fenicchia of 263 Humphrey Road. The letter indicated the Fenicchias were writing in regard to the application of Georgia Fisher for a land use variance to allow a commercial dog kennel for boarding/breeding at 235 Humphrey Road. The letter indicated the Fenicchias are animal lovers and can appreciate Mrs. Fisher's desire to venture into this type of business.

The letter indicated the applicant is a good neighbor. The letter indicated the Fenicchias are sorry they have to speak out against this. The letter indicated, however, they feel that because of the

close proximity of the houses in this area, a commercial dog kennel business is totally inappropriate. The letter indicated the Fenicchias have lived here for 22 years and enjoyed the peace and quiet of a rural setting. The letter indicated it is a fact that dog kennels generate barking dogs. The letter indicated it is for this reason that they have to go on record as being opposed to this type of business. The letter indicated the Fenicchias hope the Board will do the same.

Ms. Fisher stated the barking issue keeps getting brought up. She stated the fact is that they are zoned Agricultural and by the Town's rules, she can put a kennel out there for breeding under certain conditions that they need to meet per the Board's instruction. She stated she could not see why this can keep coming up as an issue because everyone out there is in an agricultural area. She stated she has lived out there herself. She stated she would do whatever it takes to keep barking down to a minimum.

Beverly Griebel stated the next letter was from Lorraine Drago of 220 Humphrey Road to the Chili Zoning Board of Appeals concerning the application. The letter indicated Ms. Drago is not a trouble maker or complainer. The letter indicated Ms. Drago tries to live in harmony with her neighbors and closes her eyes to many situations that have occurred at various times concerning the four dogs now housed on the above named property. The letter indicated, however, Ms. Drago must protest the application for a land use variance to allow a commercial dog kennel for boarding and breeding at property at 235 Humphrey Road.

The letter indicated it is Ms. Drago's understanding that the deed to such property prohibits any commercial venture unless all other owners of such subdivision property concur with such a plan. The letter indicated Ms. Drago feels a business of this kind would be most disruptive and noisy and should be in a more rural site and not in a populated area. The letter indicated Ms. Drago's late husband John and she tried to the best of their ability to keep the area a nice place to live and she had hoped to live out her existing years in peace and quiet. The letter indicated Ms. Drago is 81 years old and no longer drives at night, hence, her putting her plea to the Board in a letter.

Beverly Griebel stated the next letter was from Douglas Drago of 210 Humphrey Road, to the Zoning Board of Appeals concerning the application. The letter indicated his reason for protesting this application by letter is that his work hours are from 3 p.m. to 11 p.m. and would require him to take time off to attend a meeting in person.

The letter indicated in response to the application, Mr. Drago would like to go on record in opposition to the plan for a number of reasons. The letter indicated he understood that the deeds to the properties in the said subdivision prohibit any commercial venture unless all owners in the subdivision approve of it. The letter indicated he understood that the law says any such operation needs to be 200 feet from any existing lot line. The letter indicated the lot in question is roughly 200 feet in width.

The letter indicated Mr. Drago's major concern is noise and how it will affect the neighbors surrounding it. The letter indicated he believes it will pose a very definite hardship on the entire neighborhood and destroy the harmony that has existed. The letter indicated in the past he has enjoyed a good relationship with the Fisher family and he would like to keep it that way, but he thought her plan is all wrong for a residential neighborhood.

Beverly Griebel stated the next letter was sent from Florida from Mario and Veronica Spennacchio of 225 Humphrey Road. The letter indicated the Spennacchios undersigned are strongly against the application of Georgia Fisher to allow a commercial dog kennel for breeding and boarding at 235 Humphrey Road.

Beverly Griebel stated the Zoning Board was also in receipt of a declaration of covenants that she would not read all of it into the record. She stated it would be available for examination in the Building Department. She stated it indicates the restrictive covenants shall run with the land, and it goes into a lot of detail on that. She stated some of that has been referred to in some of the other letters. Beverly Griebel stated there were copies of sworn statements in there, also.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

John Hellaby

He stated he is member of the Chili Planning Board and lives at 850 Ballantyne Road. He stated in June of 1987, the residents of the Ballantyne Road and Humphrey Road area were opposed to a proposed commercial kennel use in the area. He stated after a couple of heated meetings in front of a Planning Board, the matter was deferred to the ZBA for clarification on the Building Inspector's interpretation.

Mr. John Hellaby stated the ZBA's findings at their August 1987 meeting contained the following: 1, The Board held that the ordinance maintained distinction between kennel and commercial kennel and are not to be used interchangeably between RA-20 and a General Business District; 2, The definition of Agricultural in Section 115-83 states that the above use shall not include the operation of the feed lot or other commercial feeding of animals, and a boarding kennel includes a commercial feeding of such animals.

Mr. John Hellaby further read from that letter as follows: Item 3, That the establishment of a commercial boarding kennel in an RA-20 zone is not a typical rural development. It is incompatible with the rural nature of the countryside and, therefore, violates the stated purpose of a Rural Agricultural District as set forth in Section 115-11, Paragraph A of the Chili Zoning Code. The Board's findings that the proposed use is not typical is based on no other known commercial kennel in an RA zone of Chili other than preexisting, nonconforming kennel.

Mr. John Hellaby further read the letter as follows: Item 4, The Board found that a commercial kennel is to be considered as a service activity and more suitable to the General Business District; Item 5, That the intent of the Chili zoning ordinance permitting kennels in the RA zone was to permit a private landowner in the district to personally own more than two dogs, which historically has been associated as a typical agricultural use, i.e., hunting dogs or working dogs for herding sheep and/or cattle, et cetera. This action led to the revisions pertaining to commercial animal kennels and private animal kennels adopted by the Town of Chili, September 7th, 1988.

John Hellaby stated whereas, commercial kennels are not a permitted use, nor are they permitted as a conditional use, the applicant is seeking a land use variance. John Hellaby asked the Board members to remember that the applicant must establish not just one of the following, but all of the following: Item 1, Exceptional or extraordinary circumstances applied to the property to create a hardship; Item 2, the variance is necessary for the provision of a plight of the owner must be due to a unique circumstance; Item 3, The variance will not be materially detrimental or alter the essential character of the locality; Item 4, The variance requested is the minimum variance which would alleviate the hardship.

Mr. John Hellaby stated he understood that each application is judged on its own merits, being a former member of this Board, but he is also a firm believer once one in is place, it always makes it easier for the next one. He stated he also believes that developers of the original subdivision tried to ward off applications such as this by drafting restrictive covenants that were signed by the supervisor at the time, John Hanna, and incorporated into the landowner's deeds.

John Hellaby stated with that, he would ask that the ZBA, should they vote to approve this application tonight, that it be contingent upon site plan approval by the Planning Board and all construction details be reviewed by the Town Engineer.

Lester Freer - 864 Brook Road

Mr. Freer stated he has two strong objections. He stated one is a use of Residential area for a commercial dog kennel. Mr. Freer stated now, his experience is quite extensive with dog kennels. Mr. Freer stated he has traveled into California and seen boarding kennels, in Wisconsin and Iowa. He stated he has seen boarding kennels down in Louisiana and South Carolina. He stated he has seen boarding kennels in Albion. He stated he has seen another kennel that is run by a professional down in New Falls, New York.

Mr. Freer stated he feels that the design that is presented is definitely inadequate. He stated every one of these kennels that he has seen have had an outside exercise area. He stated anybody doing breeding, and these kennels have all been doing breeding, have an outside area where the male and the female can have free play to do their animal courting. He stated it is not done efficiently in a small 15 by 15 or 20 by 20 enclosure.

Mr. Freer stated his second objection would be the experience that he has had with the animals that are presently owned by the applicant. Mr. Freer stated a friend of his that comes to his house very often has picked up one of their dogs down there at Black Creek actually on the Old Scottsville Chili Road, which is the end of Humphrey and the connection that goes over to the new Scottsville Chili Road. Mr. Freer stated that same dog was picked up almost out on the new Scottsville Chili Road. He stated the dog was brought back by this individual and dropped on the property, so the dog was brought back home.

Mr. Freer stated he can't understand an individual wanting to do boarding and having a tremendous responsibility for other people's animals, not taking responsibility for their own animals, which wander freely around the countryside.

Dario Marchioni

He stated he owns Lot Number 1 there, one of the original owners of that subdivision. He stated basically when they subdivided that piece of property, they went through the process, the planning process, and one of the things they were assured, the Planning Board and other agencies, that it would be strictly a residential subdivision, five-lot subdivision. He stated the minutes will reflect to that. He stated he is against the application. He stated it is not a reflection on the applicant. He stated he thought they're nice people. He stated, in fact, they sold the lots to the applicant for residential use.

Tom Hellaby - 833 Ballantyne Road

He stated he has known both Kate and Georgia for many years and he thinks they're great people. He stated he enjoys having them in the neighborhood. He stated he has lived out on Ballantyne Road for 37 years, and as his brother had mentioned, 12 years ago, the entire neighborhood got together and surmounted quite a force against an individual that wanted to put in a commercial dog kennel boarding area, breeding and training.

Mr. Tom Hellaby stated he doesn't want to play favoritism here. He stated he is glad that some people want to follow their dreams. He stated his concern is that if one gets into the neighborhood, he doesn't know if this individual that still owns that property down on Ballantyne Road, if he catches wind of it, if there is a possibility of a legal lawsuit there that the Town of Chili would have to be addressing, which he pay taxes for. He stated he doesn't want to see that.

Mr. Tom Hellaby stated but more than anything, he doesn't want to see him come back in the neighborhood or someone else and put one down at the end of the road where they are.

Mr. Tom Hellaby stated the applicants are great people. He wished them all of the luck. He stated he feels bad this is kind of a venture they want to do. He stated the entire neighborhood, they have already gone through this before, and it is a tough thing to swallow trying to let it happen again.

Joe Hellaby - 800 Ballantyne Road

Joe Hellaby stated he has lived in the area pretty much all his life. He stated he comes home; he works hard. He stated that is why he built there, because he likes to hear the peace and quiet, occasionally a coyote. He stated he lives at the top of the hill, about a mile away. He stated with the west wind, he can hear sometimes people talking in that neighborhood. He stated he doesn't want dogs yapping.

Mr. Joe Hellaby stated he is all for everybody having one, two dogs. He stated any more than that in a neighborhood he doesn't have use for because he likes his peace and quiet.

Beverly Griebel stated there was a comment made about four dogs. She asked the applicant does she have four dogs. Ms. Fisher stated she has three dogs. She stated his son has one that is over there a lot, but it is not her dog.

Beverly Griebel asked are they fenced in. Ms. Fisher stated there is a pen. She stated there is a 40 by 60 foot pen in her yard that the dogs are kept in when they're outdoors unless she is working with them. Beverly Griebel stated they have heard reports that they're loose. Ms. Fisher stated that was years ago. She stated she erected the pen a couple years ago and the dogs are contained at this point. She stated she had one that tended to take off and obviously everyone noticed it. She stated but then she built a pen, and that has not been an issue.

Beverly Griebel stated she had gotten calls and comments. She stated she didn't ask what time frame it was, but they seemed to be fairly recent. Ms. Fisher stated the Board was welcome to check, but there is a pen, a very large pen. Ms. Fisher stated it is actually a fenced-in area.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, declared this to be an unlisted action and requested a positive declaration and draft environmental impact stated. Bill Oliver seconded the motion. All Board members voted yes on the motion.

Upon advice of counsel, the Board discovered that this was not an unlisted action. Beverly Griebel made a motion to declare this a Type II action, and Bill Oliver seconded the motion. All Board members were in favor of the motion with the exception of Dan Melville.

DECISION: Unanimously denied by a vote of 7 no for the following reasons:

Whereas, at a meeting of the Zoning Board of Appeals on March 23, 1999, the reference appeal was considered and the action indicated below was taken on the applicant's request for a use variance to the Town of Chili Zoning Law.

Resolved, that it was determined that Appellant has not established by competent financial evidence that strict application of the ordinance would produce unnecessary hardship and deprive the Appellant of all economic use or benefit from the property in question if limited to the use permitted under the ordinance because:

Essentially, the Appellant bought a residential building lot, then proceeded to build a new house on said lot. There is nothing in the record to indicate that the lot, as improved by the house, would fail to generate a reasonable return if sold. Per the application, the Appellant has not listed the property, nor has she submitted an appraisal.

While the Zoning Board of Appeals respects the Appellant's desire to create business income, that desire is not a response to any land use related hardship pertaining to the subject property.

It was further determined that:

- a. The hardship created is not unique and does not apply to a substantial portion of the district or neighborhood because no hardship was demonstrated.
- b. The variance would alter the essential character of the neighborhood because a commercial dog kennel would create commercial traffic from customers and noise and smell from the dogs.
- c. The hardship is self-created because the Appellant bought this property while the present zoning prohibitions against commercial dog kennels were in effect.

d. The variance is not the minimum necessary to grant relief from the hardship, because Appellant has failed to demonstrate a hardship.

e. The variance will not preserve and protect the character of the neighborhood and the health, safety and welfare of the community since the commercial use impacts of this parcel are not typical of this rural residential area and the proposed kennel would be too close to the lot lines thus, amplifying the negative impacts of dog barking noise, traffic noise and smells of sanitary waste.

CONCLUSION: Therefore, it was determined that the requested variance be denied.

5. Application of Air Express International, c/o R.J. Taylor, 14 Jet View Drive, Rochester, New York 14624, property owner: Rochesters Cornerstone Group; for variance to allow front parking for 75 vehicles at property located at 44 Jet View Drive in L.I. zone.

Beverly Griebel stated this application has been before the Planning Board and was approved there. She stated this is subject to the vehicle parking in front of the building.

Jim Taylor, with R.J. Taylor Construction, was present to represent the application. He stated they started out with a site plan on this. He stated they read the codes and paid attention to those things. He stated they did not start out intentionally trying to force parking on the front of this site. He stated they had a customer that particularly wanted to be on Jet View Drive. He stated they needed proximity to the airport.

Mr. Taylor stated the applicant's engineers weren't able to be here tonight. Mr. Taylor stated they realize they have a lot with frontage. He stated they have potential frontage where there is a future dedicated road. He stated suddenly they have a corner lot with two spots. He stated they're not allowed to have truck parking obviously facing a public right-of-way wherever possible. He stated they're trying to get the vehicle parking, the passenger cars away from the truck staging area. He stated they're also trying to leave room for future expansion into the back.

Mr. Taylor stated when they started playing with the variables, they could see they were limited. He stated so when they looked at this, they realized they have to be sensitive to what the Town is going to require here. He stated they said they want to start this parking at a minimum setback point, so they held 60 feet from the front property line back to the point where they started the parking. He stated again that got them out of some of the setback issues, but it gave them an opportunity at that point to create a berm.

Mr. Taylor referred the Board to the grading plan that shows a detention pond. He stated they're required to create a detention pond on the site. He stated the site now falls naturally east to the northwest. He stated the logical spot for the detention pond is where the water wanted to go anyway, so that is where they put the detention pond. He stated they're taking soil from the detention pond, as well as the loading area and will end up with surplus material. He stated so what they have done is created a berm right in front of the parking area.

Mr. Taylor stated they did a profile of the entire site starting at Jet View Drive back to the building point to show what the site lines were. He stated they tried to put pedestrians and people walking along the street, as well as cars and trucks out on Jet View Drive at the elevation shown there.

Mr. Taylor stated they have created a berm and they have actually cut the front of the site to try to recess the parking area and get the cars down so it is not as visible particularly as one is traveling Paul Road, going back towards Wegmans' property. He stated they realize that is where the vast majority of the traffic would be coming from, so they did their best to screen it. He stated the only way one can even see the building, is if they are driving in a truck. He stated people in

passenger vehicles, as well as people walking up and down the road, can't see the parking in front of the building over the berm. He stated that is the intent and they're sure they're going to pull it off.

Mr. Taylor stated they were very cognizant of the rules when they started out, but they happen to be strung in by the property and the limitations.

Beverly Griebel asked is it possible to make that berm longer towards the north. Mr. Taylor stated actually, it will end up longer anyway. He stated they're going to have excess spoils and any excess material generated from the site would be extended along that berm line. He stated so the short answer is yes. Beverly Griebel stated that would be her concern. She stated driving through that area, nobody else has front parking. She stated there is site parking and some of it has in front two or three spaces, but nobody else has it totally in the front. She stated that was her concern.

Mr. Taylor stated RMA Kolko had parking all along there. He stated that was a past mistake and probably before the new ordinance or whatever. He stated Millard Metals has front parking. He stated they have attempted to do the same thing. He stated the freight company has some front parking, as well. Mr. Taylor stated there are just certain limitations on certain sites.

Mr. Taylor stated, again, they have a concern here because of the truck traffic and the car traffic, that those two are natural enemies and they try to keep the cars away from the trucks for safety issues. He stated the other option they have is to try to force the parking over on the back of the north side of the site opposite the traffic area, but they have people that have to cross the driveway.

Beverly Griebel stated they have some low areas, too, so they have constraints with that. She stated they just can't turn everything around. Mr. Taylor stated that's correct. He stated they tried. He stated they worked really hard on it and they really do think they came up with the best solution for it. He stated it will not be objectionable at all.

Mr. Taylor stated he was in front of this Board 12 years ago when they started out with the planning for Lifetime Assistance on Paul Road. He stated the very same concerns were voiced then. He stated they understood them. He stated it made sense and they tried to address the concerns and tried to leave as many trees as possible as they could there. He stated they worked around and created some berms. He stated one can still see the parking, but he thought all things considered, he thought it is the best possible use and best development for that site.

Beverly Griebel stated there is a part of the parking lot here, the southeast part for the car parking that is at 557 that she was a little concerned about. Mr. Taylor stated the car parking is at 557, and the top of the berm is at 557, but the contours at the road are at the 540s out at the road.

Beverly Griebel stated she would like to see this berm go down to shield more of the parking. Mr. Taylor stated they should probably try to take the 556 contour line and drag it to the north. He asked what is the scale there, 30 scale. He stated it looks to be about 60 feet, 60 feet farther to the north.

John Castellani stated while they are extending that, they should be cognizant of the safety features of pulling out on the street. Beverly Griebel stated that is true. She stated they can't go all of the way down. John Castellani stated they don't want to create a safety problem for aesthetics purposes. Beverly Griebel stated but the 557 part of the berm is not very long there. She stated it is just part way along the parking lot.

John Castellani asked has the applicant been to the Planning Board already. Mr. Taylor stated yes, they have. John Castellani asked if they have received input from the Conservation Board. Mr. Taylor stated yes, sir, they have. Mr. Taylor stated the only comment that came back from Conservation Board was adding some trees at the north side of the driveway, but that was it. He stated they brought up the same concerns that they might be obstructing some sight lines. Beverly

Griebel stated they don't want to do that.

Beverly Griebel stated the majority of the businesses in there have lovely front lawns, better than a lot of yards and it is a nice area. She stated and to have the parking that is so out in front, she would like to see the berm as long as it can be without being a safety factor.

Mr. Taylor stated he understood that. He stated he thought they have some opportunity to do that. He stated the center of the berm is an approximate placement centered that distance between the property line and the front of the parking. He stated one has to remember the property line is 20 feet back from the edge of the road. He stated so by the time one gets to the center of the berm, the 557 contour, they are a good 60 feet off the road already. He stated he thought that will give people an opportunity to cue up, look both ways, see past any mounds or berms or landscaping that they put up.

Beverly Griebel stated that was her main concern with looking at this plan, after driving through Jet View. Mr. Taylor stated it is not that easy to see, but the contours, as one is coming up Jet View, it is a climb. He stated it does go uphill there. He stated the parking is at 557, but as one approaches it on the main road, it is at 548. He stated they are nearly 10 feet below the parking level there, so one will never see those cars from the street.

Bill Oliver stated he used to own the building on the corner at Jet View and Paul. He stated it was a tool and die shop.

Beverly Griebel stated there has been some communication that has come to the Board's attention regarding the turning radius. Beverly Griebel stated it was brought up at the Planning Board to make improvements to the Paul Road entrance. Mr. Taylor stated that's correct.

Beverly Griebel stated if this is approved, the Planning Board wanted to make it a condition of the approval to be sure that that matter doesn't get lost in the shuffle. She stated approval would be conditioned on the following: The property owner, Rochesters Cornerstone Group, Limited, preparing application for submittal to the New York State Department of Transportation for the performance of the following improvements: That at the intersection of Jet View Drive and Paul Road in the Town of Chili, the radii shall be upgraded to accommodate a WB-50 semi-trailer combination vehicle as defined in the 1990 edition of AASHTO's, "A Geometric Policy on the Design of Highways and Streets," and all in a manner meeting with the approval of the New York State Department of Transportation and the Engineer of the Town of Chili. Preparation of all applications and the performance and completion of all improvements shall be at the sole expense of Rochesters Cornerstone Group, Limited. The property owner shall provide sufficient security, such as a Letter of Credit to insure that the aforesaid plans and road improvements as ultimately approved by the New York State Department of Transportation and the Town of Chili are completed in a good and workman like manner and in all ways satisfactory to the Engineer of the Town of Chili and New York State Department of Transportation. The Town Attorney is authorized to enter into such agreements and approve such security, as he deems appropriate, to insure that Rochesters Cornerstone Group, Limited complies with this condition of approval. It is not the intention of the Zoning Board of Appeals of the Town of Chili to waive or reduce any prior obligations of Rochesters Cornerstone Group, Limited to the Town of Chili or the New York State Department of Transportation.

Beverly Griebel stated it has also been indicated since the Town Engineer has raised an issue that directly relates to saving lives, then any variance or permit should be conditioned upon the property owner for first fixing this dangerous situation.

Beverly Griebel stated there have been some situations down there if they have a large truck or whatever. She stated there is a lot of traffic on that road. Bill Oliver stated there were a couple serious areas where the trucks could not make the turn when it first started. Mr. Taylor stated there are still problems with trucks waiting for cars to get out of the way. Bill Oliver stated they crushed all of the pavement and everything else making the swing.

Larry Smith stated they're going to put together a package for the State. Beverly Griebel stated they just wanted to put it in as a condition if this is approved so that it doesn't get lost in the shuffle.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Barbara Kelly - 308 Paul Road

She stated she and her husband live at 308 Paul Road, four houses up from Jet View Drive. She stated they came to the meeting with two concerns and they're glad they have already addressed one, that the entrance to Jet View Drive is not nearly sufficient for the huge trucks going in and out of there on a daily basis.

Ms. Kelly stated they have lived there 30 years and had two bad experiences with expansion. She stated up until fairly recently, that has been a fairly quiet industrial park, 8 to 5, 9 to 4, whatever, and now it is going like gang-busters, literally around the clock with huge big trucks going in there. She stated they have had two problems with expansion.

Ms. Kelly stated her concern is not where the parking is, but if there is enough. She stated the first problem was with Fisher Scientific. She stated when they needed more parking, they just took it. She stated there was a 100-foot buffer zone, and they went out there one day and 40 feet of it was gone. She stated they had already paved it, and the Town said, "Gee, it was sorry, but it is too much of a hardship to ask them to take it out."

Ms. Kelly stated the next building back is Road Torque. She stated the back of their building has become a real eyesore. She stated they can see that from their yard. She stated lately they have expanded their parking. She stated they do not have enough parking for the business that they're doing there, and they have noticed cars parking on their beautiful front lawn. She stated they do have lovely trees there and it is gorgeous except when the cars are packed there. She stated they park all over their property and there were 12 tonight in Fisher Scientific, down at the end of their parking lot, and the people are walking down the side of Fisher to get to Road Torque. Ms. Kelly stated that is not the way they want to live.

Beverly Griebel stated that matter doesn't concern this applicant. Ms. Kelly stated that industrial park has changed. She stated they're talking about expansion already. She asked are 75 parking spaces going to be enough, including that expansion. She stated when they have 43 inches of snow and half of the parking is taken up with snow drifts or snow piles, she doesn't want them parking on the road or across the street at Road Torque or whatever.

Ms. Kelly stated they have got a pretty hefty investment in their property and would like to keep it as nice as possible.

Beverly Griebel asked if the requirement for parking spaces is relative to the size of the warehouse or the size of the work force. Larry Smith stated it is the square footage.

Ms. Kelly asked what would happen when this expands. Larry Smith stated then they have to provide additional parking. Ms. Kelly questioned where. She stated they should plan for it now so that they don't have to play catch-up later.

Mr. Taylor stated the nature of this business is slightly different than Road Torque. He stated Road Torque makes things. He stated they have a number of people that work in multiple shifts. He stated that is manufacturing so the space is very dense, very full of people.

Mr. Taylor stated the applicant's operation is air freight. He stated the majority of the warehouse space is used for air freight that comes in and still has to clear Customs. He stated it has to be stored until an inspector comes in and approves it, and then it can be released for local shipment or if it is going the other way, as well, product waiting to be transported out. He stated the vast majority of the space, 30,000 of the 40,000 square feet is product storage, just full of boxes, crates ready to go overseas.

Mr. Taylor stated they do anticipate employment at this location of 55 people, which is a reasonably large employee base. He stated their operation, because of the fact that shipping is only open during normal business hours, that limits the time they can operate, they can bring freight in and take it out.

Mr. Taylor stated they asked the applicant the question if they wanted to build less parking spaces, seeing that they were only anticipating employment of 55 to 60. He stated and right as they were asking them the question, they drove down Jet View Drive by Road Torque and there were cars parked all over the front yard. He stated they said they thought the 88 is a good idea.

Mr. Taylor stated they have to plan for the future. He stated they're convinced they have almost double what their needs are going to be. He stated it is better to put it in today than it would be to find themselves short in the future. He stated he thought this would be truthfully fine for any expansion they will do.

Ms. Kelly questioned there being 75 spaces, not 88. Mr. Taylor stated there are 88 parking spaces provided on the plan. Ms. Kelly stated they are asking for a variance to 75. Mr. Taylor stated those are the 75 spaces that would be 75 in front of the building. He stated there are a number not in the front. He stated he doesn't require a variance for the rest of the spaces.

John Castellani asked what about Road Torque, what is being done there. Mr. Taylor stated they would like to know, too. Ms. Kelly stated all the other places are maintained gorgeous, but Road Torque is a real mess.

John Castellani asked the parking problem at Road Torque, where does that stand. Larry Smith stated he was away for two weeks and gave that problem to Leo. He stated he did not know what they were talking about.

Beverly Griebel stated with the snow, it made it worse.

John Hellaby - 850 Ballantyne Road

He stated he does travel that road daily, and last summer when he discovered the problem, he came in several times and brought it to Building Department's attention and they did address the problem. He stated the parking did move from the front property back to where it belonged. He stated that is probably why some of the overflow went down to the neighbors.

Ms. Kelly stated her point is they should make sure the applicant has enough spaces now so that that doesn't happen. She stated it is kind of spooky to have people filing past a building where there is no sidewalk, from one parking lot to another, and she can only imagine what it would be like if there were no parking lot at all.

Beverly Griebel stated this is adequate parking for the applicant's employee needs. Mr. Taylor stated absolutely.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQOR, found this to be a Type II action and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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

1. Approval conditioned upon the property owner, Rochesters Cornerstone Group, Limited, preparing application for submittal to the New York State Department of Transportation for the performance of the following improvements: That at the intersection of Jet View Drive and Paul Road in the Town of Chili, the radii shall be upgraded to accommodate a WB-50 semi-trailer combination vehicle as defined in the 1990 edition of AASHTO's, "A Geometric Policy on the Design of Highways and Streets," and all in a manner meeting with the approval of the New York State Department of

Transportation and the Engineer of the Town of Chili. Preparation of all applications and the performance and completion of all improvements shall be at the sole expense of Rochesters Cornerstone Group, Limited. The property owner shall provide sufficient security, such as a Letter of Credit, to insure that the aforesaid plans and road improvements as ultimately approved by the New York State Department of Transportation and the Town of Chili are completed in a good and workmanlike manner and in all ways satisfactory to the Engineer of the Town of Chili and New York State Department of Transportation. The Town Attorney is authorized to enter into such agreements and approve such security, as he deems appropriate, to insure that Rochesters Cornerstone Group, Limited complies with this condition of approval. It is not the intention of the Zoning Board of Appeals of the Town of Chili to waive or reduce any prior obligations of Rochesters Cornerstone Group, Limited to the Town of Chili or the New York State Department of Transportation.

The following finding of fact was cited on behalf of this approval:

1. The lot configuration determined placement of parking to separate from truck traffic.

The meeting ended at 9:50 p.m.

A meeting of the Chili Zoning Board of Appeals was held on June 22, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Gerry Hendrickson, Mary Sperr, Bill Oliver, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector; Keith O'Toole, Assistant Counsel for the Town.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These minutes have not been approved by the Chili Zoning Board of Appeals, and therefore, are subject to change.

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 stated she was out on Saturday, 6/12 in the afternoon. She stated Application Number 3 and Application Number 4, she didn't see a sign. John Castellani stated 4 didn't have one, but he saw the other one. Richard Perry stated 4 didn't have a sign. Bill Oliver stated it was on a tree.

Gerry Hendrickson stated for the Steinmiller application it was on the pole. He stated it was there on the 13th. Gerry Hendrickson asked Number 4's he did not see. Bill Oliver stated it was on the tree, yesterday. Beverly Griebel asked did anyone see it.

Dan Melville stated he went out yesterday. Richard Perry stated he didn't see 4's sign. He stated he was there a week ago. Mary Sperr stated she didn't have any problem with any of the signs.

Beverly Griebel stated she looked all over for it when she was out there. Beverly Griebel stated it wasn't up for the ten days. She asked does the Board want to hear it or table it.

Richard Perry stated he saw several down the day he was out, which was a week ago Saturday. He stated he thought the storm that they had knocked several down. He stated that might have been what happened. The Board decided to hear all of the applications.

1. Application of Gary Spoor, owner; 250 Fisher Road, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for an auto dealership at property located at 250 Fisher Road in RA-10 zone.

Gary Spoor was present to represent the application. He stated he has been coming up for about 25 years for a conditional use permit for his home office Paul Road. He stated it has been over 20 years. He stated the conditional use permit he needs through the State of New York to say he has a business office that he uses in his home to buy and sell used cars.

Mr. Spoor stated he does not use his home as a used car lot. He stated it is only for business. He stated the conditional use permit indicates he is able to keep four or five cars there. He stated they are never displayed for sale and never have been. He stated he mostly runs auctions and has friends that have car lots that he places them around. He stated he doesn't do any body or paint work there. He stated he just mostly uses it as a business office, except for maybe the washing and waxing of cars.

Beverly Griebel asked if these cars have dealer plates on them. Mr. Spoor stated most of them. He stated he can't keep dealer plates on all of them. He stated he has plates on them when he drives them. He stated he doesn't like to leave them on because people steal them. Beverly Griebel asked if they're just on with a magnet. Mr. Spoor stated that was correct. He stated he

has had several stolen. He stated sometimes he leaves them on and bolts them on.

Beverly Griebel stated the applicant can have up to five cars. Mr. Spoor stated that was correct. Beverly Griebel asked how many does the applicant usually have there. Mr. Spoor stated no more than four or five. Beverly Griebel asked how long do they stay there. Mr. Spoor stated not long. He stated he moves them. He stated he buys them, gets them home, decides what he is going to do, if they're going to the body shop, paint shop, doll up shop or auction. He stated none of them are there for a long time except for the one he drives for six months or a year until somebody buys it.

Dan Melville asked the applicant how many sets of dealer plates does he own. Mr. Spoor stated four. Dan Melville asked does he normally keep them on the cars that are in his driveway. Mr. Spoor stated not normally. He stated it is like 50/50. He stated the reason for that is he has had a couple sets stolen. He stated it is really a pain to go make out a report, get another set of plates and report it to the insurance company.

Dan Melville asked the applicant was he aware he is not supposed to have unlicensed vehicles. Mr. Spoor stated he was aware of that. He stated nobody has ever complained about it. He stated he has been in the neighborhood for almost 25 years and all of the neighbors know him and what he does. He stated he has never had anybody complain about him.

Dan Melville asked the applicant how do the cars get there. Mr. Spoor stated he drives them there. Beverly Griebel asked if people drop them off there. Mr. Spoor stated they do not. He stated he usually drives them there.

Richard Perry asked the applicant the garage in the back, is that his. Mr. Spoor stated he lives at 250. He stated 250 has an attached garage to it and that is his. Richard Perry asked the applicant how many vehicles can fit in his garage. Mr. Spoor stated two.

Richard Perry asked the applicant does he have a couple permanently registered vehicles. Mr. Spoor stated he doesn't have anything registered, permanently registered. Richard Perry asked the applicant does he keep any vehicles in the garage. Mr. Spoor stated his own goes in there. He stated he has the standard tools, lawn mowers, hoses, whatever in there.

Larry Smith stated he was wondering why the applicant was in here. Mr. Spoor stated the Town usually gives him five years to renew it. Beverly Griebel stated March 25th of '94 the applicant was in. Larry Smith stated the applicant is in an RA-10 zone, and under permitted uses in an RA-10 zone, this would be a customary home occupation. Larry Smith stated basically that is permitted without granting any kind of conditional use permit. He stated the only reason he can see the applicant is in here is because he has that many vehicles.

Larry Smith stated this has been going on since 1978. Larry Smith stated he has never had any complaints about it. Larry Smith asked because precedence has been set, the issue of conditional use permit for the number of vehicles, should they keep doing that. Keith O'Toole stated he was not familiar with the original record. He stated there is no harm in renewing the permit under the existing conditions.

Larry Smith stated he would like to recommend that they do renew the conditional use permit. He stated but he would like to talk to the applicant about why he has been coming in to get a conditional use permit. Mr. Spoor stated he has because that is what they said he had to do originally.

John Castellani stated it was probably because of the number of cars, because most places are two or three. Larry Smith stated the customary home occupation has to be entirely within the home, so maybe that is what it is. Keith O'Toole stated there may be something preexisting.

Beverly Griebel asked what about five cars and only four sets of dealer plates. Larry Smith stated the applicant has a garage. He stated if one fits in the garage, that one doesn't have a plate on it, he would presume.

Beverly Griebel stated if they're in the driveway, they should have plates on them. Mr. Spoor stated that could be done, except it is a hazard of being stolen all of the time. Dan Melville stated the applicant could bolt them on. Mr. Spoor stated but he may move ten cars in a day sometimes. He stated if there were complaints about it or something, he could understand the Board's concern, but most of the time there are only two or three cars in the yard. He stated he is very meticulous how he runs his property and business. He stated if one didn't know he was there, they would never know.

Larry Smith stated he has never had any complaints. He asked if any of the neighbors were present. No one responded. Mr. Spoor stated his sign has been out front. Mr. Spoor stated most of the people knows he is there.

Richard Perry stated the applicant has a dealer plate, and there is only one per car, so if the cars are backed in, one can't tell whether it has a plate or not. Mr. Spoor stated he only gets one plate per car; that is correct. Richard Perry stated he understood his concern because he had his dealer plate stolen, too.

Beverly Griebel stated she did not think the theft of it is in the purview of this Board, but she thought if the cars are there and they're outside, they need the plates on them. Mr. Spoor stated if there was a complaint about it, he could understand.

Larry Smith stated this is a customary home occupation. Beverly Griebel asked in RA-10 how many vehicles can one have that are unlicensed. Larry Smith stated it doesn't say anything about that. Dan Melville stated it has to be whatever their code is, which is no unlicensed vehicles.

Keith O'Toole stated arguably, if they had a car dealership, a brand new car dealership, they would have 100 vehicles sitting out on the asphalt, none of them having plates and they would be perfectly legal because they're there under the overall permit to operate the use. Keith O'Toole stated the rest of the code, the provision regarding junk vehicles is about the odd car here and there, and is not about the car used in a particular business. He stated in terms of the dealer plates, maybe they can issue the permit by having the applicant putting the dealer plate on the dashboard of the car.

Richard Perry stated or the applicant could put the extra vehicle in the garage out of sight. John Castellani stated that was probably reasonable. Beverly Griebel stated that might be a solution. Mr. Spoor stated he would do his best to do that.

Beverly Griebel stated the conditions before were: It was approved for five years; no more than five cars on premises at one time, including those registered and/or customarily used by the owners; no advertising of cars for sale on the premises; no signs on the property; no washing, waxing; vacuuming is permitted, but body repair work is prohibited; no major motor vehicle repairs. Mr. Spoor stated that was correct.

Beverly Griebel stated this was submitted to the Monroe County Planning Department and it came back from zoning and airport as a local matter.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

DECISION: Approved by a vote of 6 yes to 1 no (Bill Oliver) with the following conditions:

1. Conditional use approved for a period of five years.
2. No more than five cars on the premises at one time, including those registered and/or customarily used by the owners.

3. No advertising of cars for sale on premises.
 4. No signs on property.
 5. Owner must adhere to rules and regulations for Customary Home Occupation as defined in Section 115-83 of the Code of the Town of Chili; specifically but exclusively to part "E" which prohibits repair of gasoline or diesel engines or motors which are not expressly registered in the owner's names; vehicles registered in the business name or without registration, or carrying dealer plates are expressly prohibited from being repaired on the premises.
 6. Washing, waxing and vacuuming cars is permitted, but body repair work is expressly prohibited.
2. Application of Valerie Burchill, owner, 62 Creekview Drive, Rochester, New York 14624 for variance to erect a deck to be 53 1/2' from front lot line (60' req.) at property located at 62 Creekview Drive in R-1-15 zone.

Valerie Burchill was present to represent the application. Beverly Griebel stated the applicant now has a front stoop out in front. Ms. Burchill stated that was correct. She stated she has a cement stoop and sidewalks in front of it.

Ms. Burchill stated the purpose for doing this is because the front of her house has settled a lot and the step is way too high to use for a normal purpose to climb up onto it, so she wants to have the deck to extend over the two blocks of sidewalk in front of the stoop. She stated that is why it is going out the 12 feet, because she doesn't want to be ripping up cement or anything. Ms. Burchill stated she wants the steps to come down onto the sidewalk. She showed the Board a picture of what the deck would look like.

Beverly Griebel asked is this going to be built by a contractor. Ms. Burchill stated no, it is not. Beverly Griebel asked who is going to build it. Mr. Burchill stated a friend. Ms. Burchill stated if she was able to, she would do it herself.

Beverly Griebel asked so there will be a few steps going up and it will be easier to get up there. Ms. Burchill stated that was correct. She stated there will be a handrail there that she doesn't have on any steps, and being that she is getting older and her friends are, too, she wants to be able to use her front entry instead of her garage. She stated her garage needs to have a lot of work done on it. She stated it really is hard for her to get up these steps because it is so high.

Richard Perry stated this would enhance the appearance of the house. Bill Oliver asked what material the applicant's friend will be using. He asked what kind of lumber would he be using. Ms. Burchill stated she had it all done up with Chase-Pitkin. She stated it is one of the deck kits. Bill Oliver clarified the applicant did not design this. Ms. Burchill stated she did not. She stated this is a Chase-Pitkin design.

Bill Oliver asked if the builder would use outdoor lumber, probably pressure-treated wood. Ms. Burchill stated that was correct. She stated whatever they sell for their deck kits.

Larry Smith stated he is all in favor of front decks, front porches and small setbacks because it creates neighborhoods.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on 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. Aesthetically appealing addition.
3. Application of Douglas Steinmiller, 248 Archer Road, Churchville, New York 14428, property owner: David Steinmiller, for renewal of conditional use permit to allow a beauty shop in home at property located at 248 Archer Road in R-1-20 zone.

Douglas Steinmiller was present to represent the application. He stated they have a beauty shop in the house, the back half of the garage, that they have had for 20 years. Mr. Steinmiller stated they have one lady that works for them. He stated it is in operation Wednesday through Saturday. He stated they have two vehicles that are registered to the house.

Mr. Steinmiller stated generally there are no more than he would say six cars, which would be a lot, at any one time in the driveway. Richard Perry asked is that including the two the applicant has. Mr. Steinmiller stated that was correct. He stated his wife is only one person, and there are only so many people she can actually manage to handle.

Dan Melville asked were all of the previous conditions still okay with the applicant. Mr. Steinmiller stated they were. He stated nothing has changed. Dan Melville asked if there is any on-street parking, any signs on the property. Mr. Steinmiller stated there are not. He stated sometimes customers park in the street only because they don't want to get blocked in, but that is ridiculous because they have a big driveway.

Beverly Griebel stated they really shouldn't do that because the applicant could lose the permit if people complain. Mr. Steinmiller stated very rarely does that happen, but if he sees that, he will make sure that they do put them in the driveway.

Bill Oliver asked have there been any complaints on this application. Larry Smith stated there have been no complaints.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on 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. Customers by appointment.
5. No more than two customers at one time.
6. One outside employee.
7. Hours of operation as per application.
8. Applicant to maintain required State and local licenses.

The following finding of fact was cited:

1. Customary Home Occupation.

4. Application of Barbara Denigris, owner; 254 Archer Road, Churchville, New York 14428 for renewal of conditional use permit to allow one horse and one goose at property located at 254 Archer Road in R-1-20 zone.

No one was present to represent the application.

Beverly Griebel stated the Board would hold that application aside to see if the applicant shows up before the Board completes the agenda.

5. Application of Mr. & Mrs. James Popowych, owner; c/o James Walworth, 5942 Buffalo Road, Churchville, New York 14428 for variance to erect a 10' x 25' addition to house to be 7 1/2' from side lot line (10' req.) at property located at 50 Red Bud Road in R-1-15 zone.

James Popowych was present to represent the application. Mr. Popowych stated he was asking for a variance because the lot line is 3 1/2 feet short just in front of the house. He stated the whole addition will not be needing the variance, just the 3 foot.

Beverly Griebel asked just that front corner. Mr. Popowych stated that was correct. He stated it is a pie-shaped lot, so the front is a little narrower in the back. Beverly Griebel stated the pie-shaped lots are not as difficult as the corner lots.

Beverly Griebel asked the applicant if they are building this to extend the bedrooms. Mr. Popowych stated that was correct, and they're adding another bathroom. He stated his wife is 8 months pregnant and they need the room. Beverly Griebel stated it is a small house, a one-story ranch. Mr. Popowych stated yes, it is.

Bill Oliver asked the applicant has he asked his neighbors about this. Mr. Popowych stated he has. He stated his neighbor on the west side has no objection to this. He stated there is a lot of room between that house and his.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Karen Folino - 44 Red Bud

She stated there are two homes that separate the applicant's home and hers. She stated she was present to speak in support of the applicant in doing his addition. She stated the way his house is situated, where they selected to put their addition makes perfect sense, and actually it would be a really big enhancement to their cul-de-sac, so she just wanted to speak in favor of them.

Beverly Griebel asked who will be doing this addition. Mr. Popowych stated Jim Walworth. He stated the builder was present, also.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on 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 complaints from neighbors.
 3. This is the only logical location to extend bedrooms.
6. Application of Frank Malvaso, owner; 5 White Fawn Run, Rochester, New York 14624 for variance to store/park a 28' vehicle trailer in the front yard area at property located at 5 White Fawn Run in R-1-15 zone.

Frank Malvaso was present to represent the application. Beverly Griebel stated this went to the

Monroe County Planning Department and came back as a local matter. Mr. Malvaso stated the main circumstance which prevents them from compliance is they installed a fence closing off the rear of their house. He stated in 1979, they put a fence in because they have a dog, and it was all done right and down a few feet cemented in, so it can't be moved without a hardship. He stated he believes that was prior to the zoning change regarding a trailer.

Mr. Malvaso stated he would put it in the back, but they don't have room to swing it around the house because they have an extra wide house and the lot line is kind of narrow. He stated to move it would be kind of a hardship due to their house being wider. He stated there would be a problem turning the trailer. He stated it may damage their neighbors' property on the west side if they tried to swing it around back. Mr. Malvaso stated the neighbor doesn't mind the trailer there where it is now.

Mr. Malvaso stated from the time they moved in in 1979 when they had the house built until 1994, they had a 26 foot trailer without any problem. He stated the last couple of years they tried using a tractor trailer, tried to borrow one and it didn't work out.

Mr. Malvaso stated they do mostly car racing. He stated their kids race, junior dragsters, and they take them to two different tracks on the weekend. He stated the only time the trailer would be in the driveway would be when they get back from the races late at night where he wouldn't be able to maneuver it in. He stated he would like to kind of keep it maybe off to the side of the house, three-quarters of it, so it would be hidden. He stated once in a while he would have it in the driveway late at night.

Beverly Griebel asked is that where it is parked now. Mr. Malvaso stated that was correct. He stated that is where he would like to keep it most of the time. He stated there are only a couple times he would have it in the driveway at night. He stated mostly it would be on the weekends that it would be in the driveway.

Beverly Griebel asked if the applicant carries the race cars in this. Mr. Malvaso stated that was correct. Beverly Griebel asked when the applicant got this, where did he intend to park it. Mr. Malvaso stated he really didn't think it would be a big problem. He stated he tried to get it on the side of the house, but it didn't fit. Mr. Malvaso stated he was open to suggestions.

Dan Melville asked the applicant is he planning on keeping that trailer there year round. Mr. Malvaso stated pretty much during the racing season. Dan Melville asked if that is basically summertime. Mr. Malvaso stated they do car shows with the cars from January through October/November, so probably he would just ask for most of the year, if they could.

Dan Melville asked the applicant does he do repair work on those vehicles in the garage. Mr. Malvaso stated no, not really. He stated he polishes them and cleans them up for the shows. Mr. Malvaso stated he doesn't really have any real equipment there to do anything. He stated he has a repair shop in the city, a collision shop.

Richard Perry asked if the applicant has a shop in the city, would he be able to store the vehicle there. Mr. Malvaso stated he cannot. He stated people would spray paint it in a second. He stated his shop is at Mt. Read and 490 in front of Marco's Motel. He stated he built the place up. He stated when he moved in in '82, they were going to tear it down. He stated he bought it in '85. He stated he put a brick front on it, and in '94, he doubled the size of it with all designer brick and they won a little award from the City for improvement. He stated they have a nice brown fascia on it and they are sealing the lot. He stated he keeps it up.

Mr. Malvaso stated but if he put something that nice out there, people will either take the wheels off it or spray paint it, so he did not think it would be to his benefit. He stated he would love to, but he knows they would destroy it there. He stated he has had three cars stolen there, radios, wheels. He stated he has video surveillance now and he keeps any used cars chained in to try to prevent it. He stated he can only do so much. He stated he knows they would ruin it there.

Richard Perry clarified the applicant needs that size trailer for his race cars. Mr. Malvaso stated

that was correct. He stated his top dragster that they race is 29 foot, 6 inches long with the wings, so they take the wings off and they just barely get it in the trailer. He stated the variance is for a 28 foot maximum. He stated they really could have used 30 foot, but they thought they would take the car apart to get it in there to comply.

Bill Oliver asked the applicant has he talked with his neighbors about this trailer. Mr. Malvaso stated the neighbor right next to him on the west side, he loves it and wants to go to the races with them.

Bill Oliver asked what about noise. He asked does the applicant start those engines up there. Mr. Malvaso stated the junior dragster is a five horse engine. He stated he has been there since '79. He stated when he was younger, he used to start it three or four times a day and thought nothing of it. He stated now he does it at that track, or if he has to start it at home, he goes and asks the neighbors, and it is just once, and that has been fine.

John Castellani stated obviously the applicant must be present because of a complaint. Mr. Malvaso stated actually nobody complained. He stated he just wants to do everything right. He stated in the past, they had a semi-trailer unload it in the street, that was a problem and he didn't like it himself because he couldn't move it or drive it. He stated he had to ask to have it brought over and removed. He stated so he was kind of at their mercy to move the cars around.

John Castellani asked what are the applicant's other storage options. John Castellani asked are there any barns in the area. Mr. Malvaso stated he would have to take the fence down. John Castellani asked has the applicant checked around for other storage. Mr. Malvaso stated in Chili, he really can't without putting it behind a house. John Castellani stated he meant property that has barns and so forth in Chili or close by, if it is not in Chili. He asked has the applicant checked around other places to get prices. Mr. Malvaso stated he talked to one place where a friend of his owns a factory in Gates, but they said they have vandalism there, so that was an issue.

John Castellani stated the applicant takes that chance even at his own home. Mr. Malvaso stated he has checked a couple options out. Mr. Malvaso stated he is comfortable having it at his house. He stated if they have to rip up the fence and put it behind his house, it would probably be worse because then five to ten houses would be able to see it. He stated on the side they really won't see it where it is parked now.

Mr. Malvaso stated maybe the Board would want to make a visual inspection of where it is. Larry Smith stated if the applicant moves the fence back 2 feet, he wouldn't have to be in front of the Board. Larry Smith stated their house is 26 feet. He stated the applicant can park it on the side.

Mr. Malvaso stated he didn't know what they meant by having the trailer behind the house. Beverly Griebel stated it has to be side or rear, and can't be on the front. Mr. Malvaso stated that is where it is now. Larry Smith stated if the applicant moves the fence back 2 feet, it would be totally behind the front corner of the applicant's house and he wouldn't be in front of this Board. He stated what the applicant is really asking them for is a 2 foot variance to let it stick out 2 feet in front of the house.

Mr. Malvaso stated it is close. He stated he just does not want to get so close where he might hit the fence. He stated where it is, he would be happy with. He stated he doesn't want to put it in the driveway, but that is what the permit was for. He stated he thought he was applying for that.

Beverly Griebel stated because it hangs out over the front setback of the house, that is why the applicant was before the Board. Larry Smith stated he was asking for the minimum. Mr. Malvaso stated he was just trying to do it right.

John Castellani stated the applicant was showing the trailer in his driveway. He stated the applicant was not showing it on the side of the house. Mr. Malvaso stated that was correct. He stated he did not really want to put it there, but he has to. He stated he is worried about his kids

riding the bikes and not having a line of sight with the vehicles. He stated he would rather have it where it is because it is safer.

John Castellani stated if the applicant were to go with Larry Smith's suggestion, he would not need to be in front of the Board. Mr. Malvaso stated then maybe they could have a slight variance for a 4 foot overhang. Beverly Griebel stated that would require permission from this Board.

Keith O'Toole stated that is what the applicant is asking for. Beverly Griebel stated anything over would require a variance. She stated if the applicant can get it all behind the front setback, however he could do that, moving the fence or taking out whatever he would have to do, that he might have to do, because if they don't approve it to go in front of the house, the applicant won't have an option.

Larry Smith stated but that is what the applicant is asking for, approximately 4 feet to extend beyond the corner of the house. John Castellani stated that is where he is going now, but that is not what the applicant is asking for in the application. He stated he thought they need to address that and clarify that. He stated he did not have a problem with that, but they should clear it up.

Mr. Malvaso stated he would rather not put it in the driveway, because to back it up, it is very deceiving to see where the back of the trailer is. He stated he doesn't want to take a chance hitting the house or the trailer. Larry Smith stated maybe the applicant should modify his application. Keith O'Toole stated he thought it is actually covered.

John Castellani stated there would be a 2 foot overhang into the front yard. Larry Smith stated the applicant is saying 4 foot so he doesn't have to back into the fence. John Castellani stated that would be more palatable. Larry Smith stated that would be indicated in a decision letter, if approved. John Castellani asked the applicant was that something he could agree to. Mr. Malvaso stated he could.

Beverly Griebel stated right now the trailer is parked on the side of the house, but it is hanging over. Mr. Malvaso stated he parked it there a certain way because it is on a hill, and it starts to take off towards the fence. He stated he was cautious about backing it up. He stated maybe if they go halfway, halfway up, that would be a good compromise.

John Castellani stated so 4 foot in front. Mr. Malvaso stated he did not know what the exact measure is. He stated right where it is now is perfect. He stated if he were to go too far deep, the bottom of the frame will hit the ground because it starts to go over a hill, the wheels drop down and it starts to get hung up.

Beverly Griebel stated there is quite a bit of it hanging over now. Mr. Malvaso stated he could move it back. John Castellani asked would 6 feet do it. Mr. Malvaso stated he walked it off. Mr. Malvaso stated he would have to go walk it off real quick. He stated maybe he could just go over there and come back and see. Larry Smith stated the applicant is only around the corner.

Beverly Griebel asked the applicant is there a problem with having the whole thing beyond the front setback. Mr. Malvaso stated yes, because of the hilly ground. He stated right now one of the back wheels is off the ground. Beverly Griebel stated she wouldn't like living next door to one that is in the front, personally. Mr. Malvaso stated he could get as much as he can back there. Beverly Griebel stated there is a lot hanging out now.

John Castellani stated the applicant's house is 26 feet according to his drawing. He stated the applicant has a 28 foot trailer, so 6 feet sounds reasonable. He asked did that sound reasonable. Larry Smith stated that would give the applicant a couple feet for maneuvering. John Castellani stated that would take care of the hill concerns.

Mr. Malvaso stated could he go home and come back.

Beverly Griebel stated the applicant mentioned he used to have a semi there. Mr. Malvaso stated

not in the driveway. Beverly Griebel asked if it was right in front of their house. Mr. Malvaso stated for a couple days to load the car before it went to a race, and that didn't work out. Beverly Griebel asked if the applicant got rid of that. Mr. Malvaso stated that wasn't his. He stated this one, he owns. Beverly Griebel asked if this trailer is on trial. Mr. Malvaso stated no; he bought it. He stated he wanted to make sure there wouldn't be any problems in the future.

Beverly Griebel clarified this trailer is 28 feet long. Mr. Malvaso stated that was right. Beverly Griebel asked the applicant when he bought it, did he know about this regulation about where he could park this. Mr. Malvaso stated not really. He stated he thought it would be a problem to put it on the side of the house. He stated he used to have one from the time he moved in until '94 when he sold it. He stated he had a 26 foot one that he had in the driveway.

Larry Smith stated the Town has never gotten any complaints on this. He stated the applicant came in on his own and questioned this.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel stated the Board could hold this application. She stated they would let the applicant go home and do some measurements, then he could come back and then they'll bring it up again after they finish the rest of the agenda.

Mr. Malvaso stated he appreciated being given that opportunity. He thanked the Board.

7. Application of Chili Avenue Associates, owner; 3240 Chili Avenue, Rochester, New York. 14624 for variance to create a lot with a depth of 230' (250' req.) at property located at 3260 Chili Avenue in G.B. zone.
8. Application of Bank of Castile, 50 N. Main Street, Castile, New York 14427, property owner: Chili Avenue Associates; for variance to erect a bank to be 52.8' from front lot line (60' previously granted), variance to allow front parking for two vehicles at property located at 3260 Chili Avenue in G.B. zone.

Bernie Iacovangelo was present to represent the application. Mr. Iacovangelo stated along with him this evening were members of the Bank of Castile, and their architectural representatives that would be discussing Item Number 8.

Mr. Iacovangelo stated he would like to talk to the Board about Item Number 7, where they're seeking a variance from the required lot depth per the code of 250 feet. He stated they're asking for a 230 foot lot depth, which is a 20 foot variance.

Mr. Iacovangelo stated they have talked about this before. He stated this project is 3.26 acres. He stated the Valvoline is right over there. He stated they have already installed their road through there, and they had a Kentucky Fried Chicken planned for there at one time. He stated that transaction never transpired. He stated they have been trying to lease or sell parcels there, which are Lot Number 1 and another parcel in the back.

Mr. Iacovangelo stated Valvoline got approved. He stated they came in for a sign variance on the big pylon sign. He stated they have erected that.

Mr. Iacovangelo stated the Bank of Castile has come in, and rather than wanting to lease a site, under certain bank regulations it is more appropriate for them to purchase the site upon which they will build a physical facility like this new branch. Mr. Iacovangelo stated so they had a part surveyed out, 230 foot deep.

Mr. Iacovangelo stated one of the factors they should take into consideration is with the ingress and egress road, there is a 30 foot wide easement, so around the back of the property, if one really looks at the depth, although the property is 230 feet, there is an extra 30 feet of right-of-way to which they're getting an easement. He stated so when they look at the whole parcel as it gets developed and they discuss it, they are really looking at something that will not

only have ownership of the 230 feet, but also an easement over another 30 feet.

Mr. Iacovangelo stated this parcel has been designed, works well and has been approved by the Planning Board as designed, subject only to this variance before this Board. Mr. Iacovangelo stated so basically what they would like to do is request that variance. He stated they don't feel it will in any manner, fashion or form change really the original intention they had there when they came earlier for some variances, but it does bring into their community a new business which will have additional employment and it will be a beneficial service for the citizens in the Town of Chili.

Beverly Griebel stated this just becomes a problem now because they want to buy this parcel. Mr. Iacovangelo stated that was correct. Beverly Griebel stated previously when they were just going to develop it with another tenant for lease, there was not a problem. Mr. Iacovangelo stated that was correct.

John Castellani asked if they have approval for 230, why do they need a variance. Mr. Iacovangelo stated because it is conditioned on a variance from the Board. John Castellani asked if the applicant got a variance for this parcel for 230 feet. Mr. Iacovangelo stated no, he needs the variance. He stated that is what Application 7 is.

John Castellani stated they said this lot was pre-approved. Mr. Iacovangelo stated the whole site. Mr. Iacovangelo stated they're carving the 230 foot lot out to sell it now. John Castellani stated Mr. Iacovangelo indicated it was pre-approved. Mr. Iacovangelo stated last week at a special hearing before the Planning Board for the site plan on this 230 foot lot, they approved it conditioned on the Zoning Board approval.

Beverly Griebel stated if they came in with the Kentucky Fried Chicken, there wouldn't have been a problem, but the problem arises because somebody wants to buy it and it is an undersized lot. John Castellani stated if it is approved for a lot at 230, it is approved whether it is for rent or purchase; it is approved. Dan Melville stated that is not correct because it wasn't subdivided. Mr. Iacovangelo stated it wasn't subdivided. He stated it was a large site plan. John Castellani said he understood now.

Beverly Griebel stated it was part of a big development. John Castellani stated the developer took a chance when he put the road in. Mr. Iacovangelo stated basically, it is like what happened with the plaza. He stated when they took over the plaza, then they didn't realize First Federal was its own subdivided piece. He stated it is not part of the whole plaza and that is because a lot of lending institutions, part of their charter says they need to own it because of how they account for the parcel on the books versus leasing it.

John Castellani asked if they have Planning Board approval to do the architectural work on this size lot. Mr. Iacovangelo stated they do.

Bill Oliver stated he just had reason to deal with ES&L and they're thinking about coming over into the Chili area. He asked is that true. Mr. Iacovangelo stated ES&L has been looking into Chili Center for well over a year. He stated they had put together with a KDA, he thought, out of Georgia, some proposals on land to the east of this project. He stated before they did that, they came to see him, but the way they build their buildings, they're over 6600 square feet and they need close to 3 acres of land for one building, and it is a huge facility. He stated the one they put on Ridgeway Avenue is huge. Mr. Iacovangelo stated it is not in keeping with where banking institutions are. He stated 3,000, 3100 is the proper size. Mr. Iacovangelo stated he knows they're still trying to find a site that is appropriate for them.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel stated this was submitted to the Monroe County Department of Planning and came back as a local matter. She stated the site was approved by the Planning Board.

Beverly Griebel stated when they come to voting, they'll discuss and vote on the applications separately.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. Minimum variance.
2. This allows sale of lot which was previously approved as part of an overall building plan.

Rick Hauser was present to represent Application 8. Mr. Hauser stated they're requesting two variances. He stated he stated one variance is to reduce the setback from a previously approved setback of 60 feet to 52.8 feet. Mr. Hauser stated secondly, they're asking to be permitted to have the location of two additional parking spaces forward of that proposed setback line as per the plans submitted to the Board.

Mr. Hauser stated regarding the project, they studied the possibility of doing it at the 60 foot distance, and their concerns were a couple. Mr. Hauser stated first of all, being that the site was limited and the Bank wants to serve its customers in the best way possible, one concern was that the further one moved the bank towards the rear of the site, just by virtue of the location, the more parking that would be lost.

Mr. Hauser stated secondly, since visibility is certainly always an issue to a bank in terms of encouraging customers, and therefore insuring some positive effect in the community, it seemed that to locate the building beyond the setback that the existing Valvoline to the west has would be detrimental to that. Mr. Hauser stated so what they're proposing in terms of the setback, the existing Valvoline is located 51.4 feet from the right-of-way and property line, and they're proposing this building be located 52.8 feet back to be more or less aligned, although slightly set back behind that lot line that was granted.

Mr. Hauser stated then regarding the parking, once again, they do have the minimum required parking as per the code without those two additional spots, but the concern again was to be able to provide parking that would be convenient for customers rather than to have the bulk of customers having to park at a greater distance from the site. He stated so the location of those two additional parking spots would allow a more convenient access to the front door, which is located at the location he indicated on the plans.

Mr. Hauser stated they have provided screening in the form of a hedge to make sure they don't cause any problems in terms of headlights on the adjacent residential property. Mr. Hauser stated there would be other appropriate landscaping all around the site in order to create a building that will fit in as best as possible.

Dan Melville asked their entrance on this, is that in the front or will that be on the side. Mr. Hauser stated the entrance to the parking will be off of the private drive only. Dan Melville stated he was not talking about the entrance to the parking. He stated he was talking about the entrance to the building. Mr. Hauser stated that is through the east side entrance, the public entrance. He stated there will be an employee entrance on the west side. He stated it is anticipated that the employees would be the ones occupying the parking most distant from the building.

Dan Melville asked if those two front parking spots are handicapped parking spots. Mr. Hauser stated they are not. He stated they have two dedicated handicapped spots at a convenient location to the front entry. He stated those additional parking spaces would be available to all customers.

Larry Smith stated the handicapped spaces have to be closest to the door, so the other two are further down the line. Beverly Griebel stated they have to be near the middle. Mr. Hauser

stated that was correct.

Richard Perry asked if the applicant had a rendering of what the building is going to look like. Mr. Hauser stated he did bring tonight elevation drawings. He stated the idea behind the design of the building was that although the actual customer entry would be on the east side of the building convenient to parking, the idea was to create a public facade to the street that would be dignified, welcoming and friendly and would speak well of the bank. He stated the facade would be facing the street. He stated it is derived from a Greek Revival. He stated it harkens back to the Bank's origins. He stated there would be a portico out 5 feet from the actual front wall enclosing the building.

Richard Perry asked the rear of the building, is there going to be a drive-through. Mr. Hauser stated that was correct. He stated to the rear there would be three drive-through lanes with the third one being dedicated to an ATM machine.

Richard Perry asked will there be two entrances to bank. Mr. Hauser stated there would be one entrance to the bank. Richard Perry asked if the applicant meant driving ways. Mr. Hauser stated driving wise, there is one entrance, a one-way only route. He stated there will be one-way parking through there. Richard Perry stated there is an exit at the back. Mr. Hauser stated that would be an exit.

Beverly Griebel stated she thought the applicant said it will be a reddish brick. Mr. Hauser stated right now it would be reddish and tannish colors for the brick.

John Castellani asked what would they lose by 7.2 feet, needing that front variance. Mr. Hauser stated what they would lose is basically three parking spaces. He stated that is sort of a quantitative thing one can count. He stated they lose two spaces when everything is shifted back, and they lose another parking space where he indicated on the plans. He stated the other thing they lose, which is maybe harder for him to represent, is the bank's presence along the street.

John Castellani stated that is what he is driving at. He asked what is the real reason for being there, because they are in line with the other building, or because they need it for some other endeavor. Mr. Hauser stated both reasons, honestly.

John Castellani asked if they would have sufficient parking in back. Mr. Hauser stated in back they would have 22 spaces, which would be the required minimum. John Castellani stated they would still have the ability to apply for a variance for front parking. John Castellani stated so essentially it is not because they need it for any other reason than line of sight.

Mary Sperr asked how many employees do they anticipate being added here. Gary Gatton, also present to represent the application, manager of the site, stated they expect to have ten employees to start with, some part-time. He stated they're open until 7 in the evening, so they have people that come to work about 3. He stated he would say probably no more than seven at any given time.

Mary Sperr stated so that only allows three to five of the back spaces available for customers. She stated the employees will take up most of those back spaces. Beverly Griebel stated that was discussed at the Planning Board. She stated she thought the point was brought out that with the long hours that they're open, projected to be until 7 p.m., Monday through Friday, they wouldn't have the rush at 3 o'clock like some of the other banks where everyone is trying to get there.

Mary Sperr stated they don't have that many places. She stated they would only have about 10 to 15 spaces all together. Beverly Griebel stated their customers could use the back part, too, which would not be a long walk.

Gerry Hendrickson asked when will they be open for business. Mr. Hauser stated in terms of a construction schedule, they're hoping to have the bank open before Thanksgiving. Gerry Hendrickson stated there is a trailer there now. He asked what is that for. Mr. Gatton stated that is their temporary site. He stated it is a mobile unit which has a bank set-up inside of it. He

stated it is a matter of weeks before that should be ready to go.

Larry Smith stated there are concerns about possible expansion of Chili Avenue in front of this building. Mr. Iacovangelo stated what Larry Smith was referring to is there have been discussions, ongoing discussions with the New York State D.O.T. where they would need to take maybe another 10 feet to widen that road to put in another additional lane. He stated recognizing that, pretty much this is line of sight with all of the properties on Chili Avenue. He stated he thought what happens in these commercial districts, what they find as roads widen, the setbacks get narrow anyways. He stated the Bank is aware of it. He stated he thought the Board is aware of it. He stated they talked about it at length when they came in for site approval.

Mr. Iacovangelo stated today more than ever, retailing, whether it be in banking or pharmaceutical or food, everybody is looking to be on the most heavily trafficked road, as close to it as possible. He stated if they could have an overhang on the road stopping the traffic, they would do that, too. Mr. Iacovangelo stated it has become one of the biggest factors in their business as they're competing for the customer.

Mr. Iacovangelo stated he sees it in everything. He stated they never thought they would see the Rite Aids and the CVSes and those companies having drive-throughs, wanting to be on the corners with lights just like gas stations in the '50s and '60s.

Mr. Iacovangelo stated people ask how come there is this growth of banks coming into the area. Mr. Iacovangelo stated with Marine Midland or now HSBC, Charter One being a bigger bank and M & T, they need some of these community banks to take over the ABA loans, the small businesses getting started and customer service for individuals where they're getting some real individual attention. He stated they see it even in their business as these banks merge, they got shifted from Central to First National now to M & T, and it is tough. He stated it is a whole different relationship. Mr. Iacovangelo stated the other thing is demographically, they have a medium income in this Town.

Larry Smith stated so there might be another 10 foot taking if they widen the road. Mr. Iacovangelo stated that was correct. John Castellani asked but will it also be taken from Valvoline, too. Mr. Iacovangelo stated and everybody along the way. Larry Smith stated it is something to consider. Beverly Griebel stated they would lose some landscaping in front then if that happened.

John Castellani asked what will that do to that house. He stated that house is probably only 30 feet right now from the roadway. Beverly Griebel stated they were referring to the Grovers. Larry Smith stated he did not know what the Grovers' setback is. Mr. Iacovangelo stated the original First Federal building is even closer. He stated from the right-of-way, he thought that is maybe only 25 feet.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel stated this also went to the Monroe County Department of Planning and came back as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Setback will be in keeping with adjacent retail business.
9. Application of Francis Schnauber, owner; 10439 Walker Road, Prattsburg, New York 14873 for variance to allow existing utility shed to be 5' from rear lot line (8' req.) and placed in a drainage easement at property located at 98 Emerald Point in R-1-15 zone.

Francis Schnauber was present to represent the application. Mr. Schnauber stated he was the previous owner of the property at 98 Emerald Point. Beverly Griebel stated the applicant came from Prattsburg tonight. Mr. Schnauber stated yes, he did.

Mr. Schnauber stated the current owner, Patrick Davis, was also present. He stated they're asking for a variance. He stated basically it is 5.22 feet from the lot line. He stated it is a very desirable shed, 12 foot by 12 foot. He stated aesthetically it is very neat. He stated, in fact, his ex-neighbors used the shed also, Patrick's current neighbors, to store their snow blowers in the summertime and lawn mowers in the wintertime.

Mr. Schnauber stated the reason they found out about this is when he went to sell the house, it was resurveyed and they found out there was something wrong. He stated there were a couple other surprises, too. He stated the neighbor's fence was on the property by a foot and a half, too. He stated this shed is sitting in a drainage easement, but in the 16 years he owned the house, the only drainage problem seemed to be down the way further to the west and that wasn't a problem. He stated it was just water sat there for a while during heavy rains in the spring, but no greater depth than 6 inches and it drained off.

Beverly Griebel commented the Town never had to go in and do any work there. Mr. Schnauber stated they did not. He stated the Commissioner of Public Works for the Town of Chili looked at it and said it wasn't a problem.

Mr. Schnauber stated his understanding was he had signed off on the drainage easement because he put in an application for that. Beverly Griebel stated the applicant has just done that. Mr. Schnauber stated that was done the same day that this application for the variance was put in. He stated it was a separate application. Beverly Griebel asked if that was done through Joe Carr. Mr. Schnauber stated that was correct.

Mr. Schnauber stated he was rather nervous when this came about because they had ten days to close on the property and Mr. Carr calmed him down and suggested they go this route. He stated it is possible to move the shed because it is not on a foundation, but they would have to cut a tree down and he did not think Mr. Davis would like that. He stated there is a garden that is neat.

Beverly Griebel asked how long has the shed been there. Mr. Schnauber stated probably 7, 8, 9 years at least. He stated he did not exactly remember. Richard Perry stated seven years according to the application. Mr. Schnauber stated that was a guess on his part. Richard Perry stated it has been there for a long time. Mr. Schnauber stated long enough for the tree to have grown considerably.

Dan Melville asked in that time has anybody ever had to go down in there to do any kind of drainage work. Mr. Schnauber stated they have not. He stated his neighbor works for the Town of Chili, as a matter of fact.

Dan Melville asked the applicant what did he use the shed for. Mr. Schnauber stated storage of lawn mowers. He stated he did not know what Patrick will use it for. He stated the neighbor used it to store a snow blower, lawn mower, chain saw and a few other things.

Dan Melville asked is the shed moveable if for some reason they ever would have to get down in there. Mr. Schnauber stated it is moveable. He stated it would take considerable effort, but it is moveable. He stated it is not on a foundation, on a cement foundation.

Beverly Griebel stated her understanding is if there is a problem, if someone has built a fence in the drainage easement and they need to get in there in a hurry, it might disappear. Mr. Schnauber stated like he said, in all the years he lived there, there was never any problem whatsoever. Mr. Schnauber stated even with the neighbor draining his pool into the easement, there were no problems.

John Castellani asked what is the condition of the shed. Mr. Schnauber stated he believes it is in

excellent condition. He stated they just restained it last year. He stated it looks brand new. Beverly Griebel stated it looked pretty good.

John Castellani asked so is it safe to say it is a 20-year operation. Mr. Schnauber stated he would say so. He stated it is stable. Mr. Schnauber stated it is pressure-treated. He stated it is sitting on pressure-treated timbers.

Beverly Griebel stated some of them get pretty dilapidated. Mr. Schnauber stated this shed is well put together. He stated it has T-111 siding on it. He stated it is all 2 by 4s.

John Castellani stated he was thinking if, in fact, it needed to be replaced, they would not allow it to be replaced in the same position. Mr. Schnauber stated it will not be needing to be replaced for a number of years.

Dan Melville stated if it ever did need to be replaced, they would have to have a variance if they wanted to put it back there again. Beverly Griebel stated the applicant would have to go through this process again.

Mary Sperr clarified the variance they would grant here tonight if they do that is only for the existing shed. Beverly Griebel stated that was correct. She stated if more than 75 percent of the shed is destroyed or taken down, then it is considered like a new structure being put up.

Beverly Griebel asked Keith O'Toole if he knew anything about the signing off on the drainage easement. Keith O'Toole stated Joe Carr and the Building Inspector handle that. Mr. Schnauber stated it was the Commissioner of Public Works. Beverly Griebel stated that is Joe Carr. John Castellani stated he wears two hats.

Keith O'Toole stated the legal notice mentions the easement, but the Board does have the authority to give away the easement.

Dan Melville stated they're just approving the setback. Mr. Schnauber stated he did not see the actual sign off. He stated he was told it was signed off. Beverly Griebel stated it probably is. Beverly Griebel stated but in the event if there were a major flooding or something happened over there, they could go through with a dozer and take down whatever is there, fences and buildings and sheds, swing sets, whatever.

Mr. Schnauber stated the chain link fence and Frank's fence would have to come down and probably a few other things through there. Mr. Malvaso stated it is a nice looking shed. He stated it matches the house.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Frank Malvaso

He stated he was in favor of it. He stated it looks good.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Dan Melville seconded the motion. The Board all voted yes on the motion.

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

1. Setback still allows rooms to maintain rear of shed.

Note: Regarding drainage easement issue: No decision as this is not within the jurisdiction of the Zoning Board of Appeals.

Mr. Schnauber asked if himself or the new owner would be notified of this approval. Beverly Griebel stated the Town notifies the applicant and Mr. Schnauber is the applicant. She stated the

applicant can request that a notice be sent to the new owner. Mr. Schnauber stated that would be very nice for his part.

10. Application of Timothy Ford, owner, 2213 Westside Drive, Rochester, New York 14624 for variance to erect a two-story utility shed to be a total of 360 sq. ft. (180 sq. ft. allowed) at property located at 2213 Westside Drive in R-1-15 zone.

Timothy Ford was present to represent the application.

Beverly Griebel stated this went to Monroe County Planning and came back as a local matter.

Mr. Ford stated the shed he has in mind is a barn gabled roof, so the second story loft comes into play with the square footage for it and that is why they're present for the variance.

Beverly Griebel asked if it is just the gables that makes it a two-story. Mr. Ford stated that was correct. He stated it sounds worse than it is.

Beverly Griebel stated that will be hidden in the backyard. Beverly Griebel stated they have three sides of pine trees. Mr. Ford stated that was correct. Beverly Griebel stated they're big trees. Mr. Ford stated they are now. Beverly Griebel stated she did not think anyone will see it. Mr. Ford stated that is right.

Dan Melville asked will this be anchored to the ground. Mr. Ford stated it would be post and beam construction into the ground. Dan Melville asked if the applicant would run electric to it. Mr. Ford stated that was correct. Dan Melville asked what will the applicant use it for. Mr. Ford stated storage. Dan Melville asked if he meant like garden tools. Mr. Ford stated yes, summer winter clothing, that type of thing. He stated they have a raised ranch with not a lot of storage in the house. He stated that is what the loft will be for.

Bill Oliver stated the applicant mentioned it will be anchored to the ground. He asked will it have a cement floor inside. Mr. Ford stated possibly, but not right away. Bill Oliver asked then would it be a permanent structure. Mr. Ford asked does a concrete floor make it a permanent structure. Bill Oliver stated it does. Mr. Ford stated then it won't have a concrete floor.

Beverly Griebel asked the applicant will he build this. Mr. Ford stated he would build it. Beverly Griebel asked what will he build it from. She asked would he use pressure-treated wood. Mr. Ford stated everything in the ground would be pressure-treated wood.

John Castellani asked how tall will this be. Mr. Ford stated 14 1/2 feet at the highest point.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Applicant described need to store items under cover.

11. Application of The Estate of Dallas D. Davis, owner, 3760 Chili Avenue, Rochester, New York 14624 for variance to create a lot which is landlocked at property located at 2 and a portion of 20 Willowbend Drive in R-1-15 zone, FPO and FW zone.

Bob Avery and Pat Davis were present to represent the application.

Beverly Griebel stated this went to the Monroe County Planning Department and came back as a local matter.

Mr. Avery stated he would point out the existing conditions as they are today so far as the lot structuring. Mr. Avery showed the Board a colorized drawing indicating the lots as they are now, four total lots. He stated the one outlined in green comprises 5.7 acres with frontage on Chili Avenue, frontage on Union Street, and a small triangular piece also is assigned to that tax ID number located on the west side of Union Street. Mr. Avery stated that is the largest of the four parcels and it also includes House Number 37, which is a small cottage on the south side of Willowbend Drive that cuts through the site, shaded in gray on the plans.

Mr. Avery stated the parcel outlined in blue is an existing 6.8 acre parcel which is actually located on both sides of Willowbend Drive, the private right-of-way, and includes on the north half of it a Cottage Number 20 Willowbend. Mr. Avery stated then there are two vacant parcels, as well, a brown one on the south side of Willowbend Drive fronting on the creek, which is half of an acre, and one outlined in purple on the east side of Union Street, which is also vacant. Mr. Avery stated that is .4 acres.

Mr. Avery stated this proposal to reconfigure the lots, all of which are owned by the Estate of Dallas Davis, went before the Planning Board at their meeting on May 11th and received preliminary approval with a waiver of final based with several conditions, one of which was for them to receive a variance to create one landlocked parcel. Mr. Avery stated he would point out that they currently have two landlocked parcels of the four.

Mr. Avery showed the Board a proposed reconfiguration of all the four lots. He stated Lot Number 1, outlined in blue, would have frontage on Chili Avenue and comprise about almost 2 acres, 1.9 acres. He stated Lot Number 2, outlined in orange, would comprise 1.7 acres and include the Cottage House Number 20. He stated Lot Number 3, in green, would include a small triangular piece, once again, that went with the overall original piece on the west side of Union Street and a total of 3.5 acres, and that includes the cottage at Number 37 Willowbend.

Mr. Avery stated now in the proposed division of this land, they have taken into consideration the access for Lot 2, and they have prepared an ingress and egress and utility easement along a portion of the existing Willowbend Drive for access to the future owner to Chili Avenue crossing through Lot 1.

Mr. Avery stated another consideration in this area is a landlocked parcel that is owned by Cybil Walworth, Number 10 Willowbend, which is a fire-disabled structure that is on the east side of the private drive. He stated they would also benefit with access out to Chili Avenue through that same ingress and egress and utility easement. Mr. Avery stated that paperwork, he thought, is in the process of being drawn up. He stated he believes the Estate's attorney has been in touch with Mr. O'Toole on that. Keith O'Toole stated that was correct.

Dan Melville asked if the burned down house was part of this. Mr. Avery stated it is a separate parcel owned by Cybil Walworth, the niece of Dallas Davis, he believes.

Beverly Griebel stated so this gets rid of two little landlocked parcels, and it makes one with access to that road that comes down from Chili Avenue. Mr. Avery stated that was right. He stated that is through the easement. Mr. Avery stated they're kind of taking a bad situation and making it better. Beverly Griebel stated they are doing what they can with it because it is there and there are houses on it.

Mr. Avery stated long ago Dallas had visions of selling off a number of lots along this Willowbend Drive. He stated he has in his old records copies of some of the old maps that were prepared years ago, and he had as many as maybe 12 lots planned along there at one time. Mr. Avery stated, of course, Mr. Davis could not build anything down there because it will flood.

Beverly Griebel asked was this approval required for the house that is for sale, to get access. Mr. Avery stated the purpose of the reconfiguration of the parcels, he believes, is to make them more saleable. He stated there is a purchase offer currently on Lot 3.

Beverly Griebel stated she drove part way in there and thought she could get out onto Union Street. Mr. Avery stated it has been barricaded with a chain across it. Ms. Davis stated she chained that for over a year now because they're getting too much through-traffic. She stated the people are trying to miss the light at the corner of Chili and Union, so they cut through this private driveway. She stated it was getting to be quite a nuisance. She stated another owner who has their own little house and their own little driveway isn't going to want all of that traffic driving through whenever they feel like it. Beverly Griebel stated the road is really close to the houses. She stated that wouldn't be too nice.

Mary Sperr stated she lives down Union Street and it floods so badly. She stated that house that is for sale sits in the water every spring. She asked isn't it damaged. Ms. Davis stated they look worse than they are. Mary Sperr stated every year it sits in the water. Ms. Davis stated the house that she has a contract on, the last time it flooded down there, she swore it had to have been in the house. Dan Melville stated one could see the waterline in the house. Ms. Davis stated she was talking about a different house, the one closest to Union. She stated after she went in, she could see there has never been any moisture on those wood floors.

Ms. Davis stated now the other house, the one outlined in orange, that one has twice that she knows of had like 2 inches of water, 2, 3 inches of water in it, and that was built on a concrete slab with no basement, so it still a big pain in the neck to have that problem.

Beverly Griebel stated when the weather is nice, it is a pretty site down there. Ms. Davis stated the people just have to realize that the creek is there and it does come up. Mary Sperr commented every year. Ms. Davis stated one year she thought it came up five times like a yo-yo.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Jim Walworth

He stated he is Cybil Walworth's son. He asked how would this be unlandlocking her parcel. Mr. Avery stated she will be provided the same rights that she currently has to access that parcel. Beverly Griebel stated use of the road. Mr. Avery stated use of the road.

Mr. Avery stated there will be an easement 50 to 60 foot in length. Mr. Walworth stated it still looks landlocked. Mr. Avery stated it currently is landlocked with the rights to use the private drive, Willowbend Drive. He stated they will still be able to access Number 10 through a newly described easement that they have prepared that will run from Chili Avenue, both sides, all of the way down to basically right at the angle point, almost all of the frontage of his mother's parcel there.

Mr. Walworth asked if she will always have access. Mr. Avery stated she will always have access. Beverly Griebel stated it will still be landlocked, but there will be access to the main road.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Permanent ingress and egress for Lot #2 and Walworth property through Lot #1 to Chili Avenue.

The following finding of fact was cited:

1. The reconfiguration successfully removes landlocked conditions.

Application Number 4 was recalled.

Barbara Denigris was present to represent the application. Ms. Denigris stated two weeks ago her horse did die quite suddenly. She stated so at this point it is really just for the goose.

Beverly Griebel asked the applicant will she get another horse. Ms. Denigris stated she hopes so. She stated she will miss him. She stated all of the neighbors miss him, too. She stated she has lived there since '74 and they have always had horses back there. She stated at one point they had two and now they have none.

Ms. Denigris stated it is an L-shaped property, so it heads east, and then the major part of the corral is behind all of the houses along Archer Road. She stated they're down south of the Zubers and the railroad track, which is still quite country down there. She stated they're surrounded by fields and corn fields and whatnot. She stated they have never had any problem with the horse or horses bothering anyone. She stated the goose used to get out once in a while, but she is in a pen and she stays on her own property. She stated other than that it has been as it was.

Beverly Griebel asked the applicant even though the horse died, does she want this continued because she might have another horse. Ms. Denigris stated that was correct. She stated she likes to think she could replace him if she could.

Bill Oliver stated they had mentioned the fact once the horse died or animals died, they would not be replaced. Ms. Denigris stated she never knew that. Larry Smith stated he did not recall that. He stated Bill Oliver was thinking about the chickens down in Clifton. Beverly Griebel stated they said the chickens wouldn't be replaced when they were gone.

Ms. Denigris stated there has never been a problem with the horse. Larry Smith stated there were basically no conditions were put on this. He stated at one time they said they left it wide open for somebody's interpretation for a variance to allow two horses and a small number of ducks and chickens. He stated anything under 500 ducks to her is a small amount.

Dan Melville asked how much property do they have there. Ms. Denigris stated an acre and a half.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Conditional use granted for a period of five years.

The following findings of fact were cited:

1. No complaints from neighbors.
2. This has been a long time conditional use variance: over 25 years.

Beverly Griebel stated the Board would recall Application Number 6.

Beverly Griebel asked how much is the trailer sticking out now. Mr. Malvaso stated the trailer is 17 feet in front of the house, but 4 feet of that is below eye level. He stated there is a hedge. He stated so he could squeeze it back there. He stated they could compromise and go 14 feet. He stated that way the front tongue to the back of the trailer would be well within reach.

Mr. Malvaso stated the fence comes forward a little. He stated the big problem is the ground is crested and if he goes back another 3 feet, that will leave 14 foot of trailer, but the actual trailer will be 10 feet.

Bill Oliver asked how much is the tongue part. Mr. Malvaso stated about 4 feet. He stated one doesn't even see that from the road. He stated and then the average car is 10 feet, so it will stick

out less than a car.

Beverly Griebel asked now the 28 feet, does that include the tongue or just the box. Mr. Malvaso stated that is the box. Mr. Malvaso stated but the frame hits the ground when he backs up more than 3 feet from where it is now. Beverly Griebel asked is that because of the slope. Mr. Malvaso stated yes, because of the slope. He stated he would have to do some major work there. Beverly Griebel asked could the applicant put any fill in there. Mr. Malvaso stated he thought he would have to actually dig it out. Beverly Griebel stated maybe the applicant would have to drop it down. Mr. Malvaso stated he has no idea if he could dig it out. He stated right now it is 2 feet from a step down from the house, down to the ground where it is now and then it slopes down pretty sharp.

Beverly Griebel asked so the reason why it is not way back on the side is not due to the fence in the back, it is due to the slope of the land. Mr. Malvaso stated that was correct. Beverly Griebel stated because the applicant can't get it back to the fence. Mr. Malvaso stated that was correct. Beverly Griebel commented unless it is hanging out in the air. Mr. Malvaso stated the back wheels start to leave the ground and then he might not ever be able to move it without putting boards underneath it.

Mr. Malvaso stated he would be happier putting it where it is than in the driveway. Beverly Griebel stated but it would still be out 14 feet. Mr. Malvaso stated 14 instead of 28. Beverly Griebel stated right now it is 17, which is pretty far out. Beverly Griebel stated so 14. She stated half of it will stick out. Mr. Malvaso stated but actually 10 feet of it will be visible because the rest is real low.

Beverly Griebel stated 28 feet the applicant said was the box. Mr. Malvaso stated that was correct. Bill Oliver stated but the tongue is longer than that. Mr. Malvaso stated the registration says 28 feet. He stated he never took that into consideration until tonight. Larry Smith stated they don't count the tongue. Mr. Malvaso stated no, they don't. John Castellani stated most normally they do. He stated all travel trailers are that way.

Beverly Griebel asked so what part of the trailer does the applicant want in front of the house, the 14 feet including the tongue or not. Mr. Malvaso stated yes. He stated he could move it back 3 more feet until it starts to leave the ground.

Beverly Griebel stated the applicant has a 28 foot trailer. She asked how far back can he get it. Mr. Malvaso stated he can go back another 3 feet until the wheels leave the ground. Beverly Griebel asked how many of that 28 feet will be behind the front setback of their house. Mr. Malvaso stated he would say 90 percent of it, 80 percent.

Larry Smith stated how much will stick out from the front corner of the house out towards the road. Mr. Malvaso asked of the actual trailer. Larry Smith stated any part of it. Mr. Malvaso stated the trailer and the tongue will be 14 feet.

Beverly Griebel stated if the tongue is 4 feet, 10 feet of that will stick out from the front. Mr. Malvaso stated that was correct. Larry Smith stated he was asking for a 14 foot variance. Mr. Malvaso stated that will be fine. He stated he could work with that.

Beverly Griebel stated the 14 feet includes 4 feet of tongue, so it is 10 feet of the trailer. She stated so not quite a third of it is going to hang out in front. Mr. Malvaso stated which is better than the whole trailer.

Beverly Griebel asked how tall is the trailer. Mr. Malvaso stated he would say maybe 6 or 7 feet. Beverly Griebel asked from the ground up, including the wheels. Mr. Malvaso stated with the wheels, probably 8. He stated it is not higher than the roof line. He stated it is below the roof line.

Richard Perry asked the applicant can he stand up inside the trailer. Mr. Malvaso stated he can. He stated some of his friends can't, though. Richard Perry asked how far is the trailer off the

ground. Mr. Malvaso stated probably between a foot and 2 feet. Mr. Malvaso stated from the center of the wheels to where the bottom of the trailer is, he would say it is less than 2 feet. Beverly Griebel stated it is probably 8 feet overall in height. Mr. Malvaso stated it is below the roof line.

Gerry Hendrickson asked how wide is the trailer. Mr. Malvaso stated the inside is 96 inches. Larry Smith stated he had no problems with it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

DECISION: Approved by a vote of 5 yes to 2 no (Beverly Griebel, John Castellani) with the following condition:

1. Maximum of 10 feet of trailer to be forward of front setback line.

The following finding of fact was cited:

1. The slope of the land precludes placing totally behind front setback.

The meeting ended at 10:18 p.m.

A meeting of the Chili Zoning Board of Appeals was held on July 27, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Gerry Hendrickson, Mary Sperr, Bill Oliver,
Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Leo Carroll, Assistant Building Inspector, 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 stated on Application Number 6, the sign was on the ground. She stated she was out the Sunday just past. She stated that was after the windstorms. Mary Sperr stated she did see that sign. Gerry Hendrickson stated it was out on the 19th.

John Castellani stated the signs for Applications 4 and 5 were there. Gerry Hendrickson stated the signs for 4 and 5 weren't there. Richard Perry stated he didn't see the signs for Applications 4 or 5. He stated he goes by there daily.

Beverly Griebel stated she saw a sign at the easternmost driveway right at the road. She stated she did not know where the sign was for the other application.

Ron DiChario, applicant for Applications 4 and 5, stated one sign was on the east side by where the health club is. He stated it was double-faced, and the other was over where people come in the Air Park Drive on the side where there is a little mall, a little grass mall to the side. He stated there were two signs placed out there.

John Castellani stated not by the road. He stated they weren't there when he went by. He stated he went by three times. Mary Sperr asked if they were where the house is on the corner. Mr. DiChario stated where the house is on the other side of Tiffany's. He stated one was placed on the other side of Tiffany's on the grass area where people drive in Air Park Road, and the other was down opposite the gas station.

Beverly Griebel stated she saw one on the little island near the road, near the east entrance. Mr. DiChario stated the other was almost even with that, but like 800 feet up on the other driveway. He stated they were both put out there. Beverly Griebel stated she drove around a little in the back to look around. Mary Sperr stated she went in and around. Beverly Griebel stated she saw the helicopter port.

Richard Perry stated the sign for Application 10 was on the ground. He stated there was one on Chili Avenue. Gerry Hendrickson stated there were two signs right around the bank. He stated there was one on Paul Road by the bank. Richard Perry stated he never saw them up. He stated he saw them laying on the ground. Gerry Hendrickson stated when he saw them, they were up, on the 19th.

Beverly Griebel stated for Applications 4 and 5, she did see one sign for one of the applications which are kind of grouped together. Beverly Griebel asked is that sufficient notice. She stated she thought anyone that was interested could have read that. She stated they probably would have wondered why there were two of them because it looks like one property there.

The Board decided to hear all of the applications.

1. Application of Mr. & Mrs. Kevin Melia, owner; 984 Paul Road, Rochester, New York 14624 for variance to erect a deck to be 40' from front lot line (75' req.) at property located at 984 Paul Road in R-1-15 zone.

Beverly Griebel stated this went to the Monroe County Planning Department and came back as a local matter.

Elaine Melia was present to represent the application..

Beverly Griebel asked is this deck going to replace just a little stoop there. Ms. Melia stated they had a small porch with two steps that were very unsafe. She stated the bricks were falling off. She stated the rails, the hand rails were starting to come out of the cement. She stated her daughter almost fell down the stairs. She stated they took it out and thought a nice small sitting area out in front of the house would be nice.

Bill Oliver asked the applicant will they put a roof over this. Ms. Melia stated no, they will not.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. House is pre-existing, non-conforming.
 2. A larger area is needed for safety to enter house; replaces an inadequate step.
2. Application of Dario Marchioni, owner; 122 Old Chili Scottsville Road, Churchville, New York 14428 for variance to erect a 25' x 24' attached garage to be 70' from front lot line (100' req.), and 10' from side lot line (50' req.) at property located at 142 Ballantyne Road in A.C. and FPO zone.

Dario Marchioni was present to represent the application.

Beverly Griebel stated this went to the Monroe County Department of Planning, also airport review, and came back as a local matter. Beverly Griebel stated this is a rental property that the applicant has. Mr. Marchioni stated yes, it is.

Beverly Griebel stated the applicant wants to add a garage, and there is none there presently. Mr. Marchioni stated that was right. He stated there is no garage at present.

Beverly Griebel asked is that a street that is next to the applicant, Webber Drive. She stated it looked like a woodsey area. Mr. Marchioni stated when they made the subdivision some 50 years or so ago, they subdivided the whole area with streets, but it was never developed. He stated the streets were never developed. He stated basically they're just there. Mr. Marchioni stated the owners of the subdivision are all long gone. He stated that property is there, but it is being used by adjacent property owners. He stated in this case, himself, he is cleaning it and uses it, but it will never be developed. He stated in the back there are two more lots. He stated his son owns one lot on this street, and he has access through the street and also the back. He stated it is the street to the east of this property, Stallman. He stated Stallman was also a street like this, but that got improved because it serviced the back properties. He stated this here will never get improved because there is nothing to service back there.

Beverly Griebel commented the garage will not intrude on anyone's dining room, because there is nothing next to it except woods. Mr. Marchioni stated that was right. Mr. Marchioni stated the neighbor to the east, the back of their house he assumes is a good 150 to 200 feet away from this

Webber Drive. He stated it is a paper road.

Mr. Marchioni stated what the Town of Gates has done with such situations, the adjacent property owners, through legislative action, have assumed ownership and paid taxes on it. He stated in this case it hasn't been done, but some day he might like to do that.

Beverly Griebel stated so the applicant wants to put up a garage. She asked is this going to be even with the front of the house. Mr. Marchioni stated it will be. He stated he would like to put it up even with the front of the house. He stated the required front setback for this Agricultural District area is 100 feet. He stated the house itself is 72.6 feet, so basically the house itself is in violation of the road.

Beverly Griebel stated it was built before the codes. Mr. Marchioni stated he would like to put it in the front or move it a little further back. John Castellani asked didn't the overlay district come down that far. Mr. Marchioni stated it stopped at the railroad tracks, which is the Greenway right now. He stated so to the east of that is the overlay, but to the west, they didn't. John Castellani stated if the applicant had been in the overlay, he wouldn't be here.

Leo Carroll stated on the instrument survey it shows a metal shed right on the property line. Mr. Marchioni stated that was right. Leo Carroll asked in this project would that be moved to the proper setback, the property line. Mr. Marchioni stated it has been there for 30 years. Leo Carroll asked could the applicant possibly move that, if the Board were to grant the variance tonight.

Mr. Marchioni stated he is using it to store a little tractor. He stated it is very small. Leo Carroll stated if that could be moved in 8 feet, it would be in compliance with the code. Mr. Marchioni stated he did not see a problem. He stated it is not actually interfering with anybody there, but if that is a requirement, a condition to the approval, he will do it.

Beverly Griebel asked how far is it from the property line. Mr. Marchioni stated it is just a little metal shed. He stated it is 6 by 10 as shown on the plot plan. Beverly Griebel asked is it moveable. Mr. Marchioni stated it will probably fall apart if he does move it, but he always complies with the Building Inspector's wishes.

John Castellani commented the applicant would have a garage. Mr. Marchioni stated once he has a garage, he doesn't see the necessity for it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and John Castellani seconded the motion. The Board all voted yes on the motion.

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

1. Remove nearby shed as soon as garage is completed.

The following finding of fact was cited:

1. Applicant showed need for a garage.
3. Application of Peter Cumbo, owner; 45 Brian Drive, Rochester, New York 14624 for variance to allow existing house to be 59.5' from front lot line (60' req.), and existing garage to be 8.9' from side lot line (10' previously granted) at property located at 45 Brian Drive in R-1-15 zone.

Peter Cumbo was present to represent the application. Mary Sperr asked the applicant if he was selling his house. Mr. Cumbo stated he is not. He stated he just bought it two years ago, but inherited this problem. He stated the house is 36 years old. He stated the garage was built 17

years ago. He stated they got the variance for 10 feet, but they built it where they did. He stated there is no street on the side. He stated they're just trying to take care of it.

John Castellani asked the applicant who was their attorney. Mr. Cumbo stated his cousin. John Castellani stated their attorney should have caught this. Mr. Cumbo stated it has gone through four or five owners and no one has caught it yet. He stated his cousin called and there were two other problems that were taken care of, and they didn't mention any other problems. He stated he did not know what else they could have asked.

Beverly Griebel stated usually it happens when there is a mortgage on the house. Mr. Cumbo stated there were mortgages all of the way through on all of the previous owners. Beverly Griebel stated that is when they usually see people because they're waiting and can't close.

Mr. Cumbo stated there were two problems they did take care of before closing, and those are the only things that the Town mentioned. Beverly Griebel stated the house is there. Mr. Cumbo stated the house and the garage have been there 36 and 17 years. He stated he just inherited that situation. Beverly Griebel stated the applicant can't move it and does not want to slice off a corner for 6 inches.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

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

1. Minimum variance.
4. Application of Ronald DiChario, owner, 1260 Scottsville Road, Rochester, New York 14624 for variance to erect an 8' x 4' double-faced freestanding sign at property located at 1220 Scottsville Road in G.B. zone.
5. Application of Ronald DiChario, owner, 1260 Scottsville Road, Rochester, New York 14624 for variance to erect one 8' x 4' double-faced freestanding sign and one 8' x 4' single-faced freestanding sign at property located at 1292 Scottsville Road in G.B. zone.

Ronald DiChario was present to represent the applications. Beverly Griebel stated the reason why it is two applications is this is really two parcels. Mr. DiChario stated he would explain that. He stated a corporation and one parcel is on a tax account number. He stated himself personally is in ownership on another tax account number, so because of the two ownerships, they had to do two applications.

Mr. DiChario stated what really is happening is that they're asking for permission to be granted to put a sign at the east side of Air Park Drive, entering into the Air Park Drive Road and at the furthest west side, which is about roughly 1700 or 1800 feet apart. He stated the Air Park Road enters from Scottsville Road and actually it is like a semi-circle that goes around and delivers vehicular traffic and personnel to the buildings they're building on the second phase in the back.

Mr. DiChario stated both signs are 4 by 8. He stated they didn't ask for illumination on the signs with lighting because the type of tenants they have really don't require a tremendous amount of exposure. He stated most of them are high technical companies, computer companies, cabling companies. He stated although they need some identification for their customers to be able to find them, they don't do a heavy density of traffic where there is a lot of transients going in and out. He stated they kept the signs 4 by 8, kind of eye appealing.

Mr. DiChario stated the actual letters on the sign are very small. Mr. DiChario stated one really couldn't see them to read them from road. He stated a person would have to pull into the Air Park

Road to read them, but it would give the tenants identification in that particular area.

Beverly Griebel asked what is going to be at either end of the property. Mr. DiChario showed the Board the positioning of the signs. Mr. DiChario stated the one sign will be in the middle of the two buildings actually. He stated as tenants and individuals pull back in there, the road goes straight back and they will be able to look at that sign identifying the 200 building existing now and the 300 building that is under construction now. Mr. DiChario stated there will be a berm and meridian in the middle.

Bill Oliver asked if people would have to pull in off the road to see the menu. Mr. DiChario stated they would because the letters would be small. He stated what will happen is people will see the actual Air Park identification from the road. Mr. DiChario stated the 100, 200 and 300 Air Park signs will be the ones that are 1800 feet apart. He stated the small 4 by 8 signs will have 2-inch letters. He stated they will just identify the tenants in the 100, 200, 300 buildings. He stated when someone is pulling back in there, it will just help them to locate the tenants.

Bill Oliver asked if the tenant sign would be up on the main drive. Mr. DiChario stated one of the signs sits back well over a 1,000 feet. Mr. DiChario stated the two on the ends are 1800 feet apart because Air Park goes in from Scottsville Road and goes around.

Beverly Griebel stated they just need to get directed to the back. She asked if Building 100 would be their next project. Mr. DiChario stated actually 100 is the existing building. He stated that is actually the Amchar building, his brother Tony's building. He stated even though they identified it that way, he is the only one tenant in 100. He stated most of their tenants don't need a lot of exposure, but occasionally they'll have a salesperson coming to do business. Mary Sperr commented or to interview applicants.

Mr. DiChario stated the only thing people will probably be able to do on Scottsville Road would be to see 100, 200, 300 Air Park Drive. Mr. DiChario stated as they are coming from the west people will go in that side. He stated if they come from the east, they will be next to the gas station.

Mr. DiChario stated currently if someone is looking for a tenant in the building, they have to drive past all of the doors to find a tenant in a building. He stated with the new sign it would help people find the tenants faster.

Mr. DiChario stated Sign-Com will be doing the signs for them. Mr. DiChario stated they would be a fiberglass with a metal-coated material, and also so are the sign templates where the sign names would go in. He stated they'll have steel frames made that will be painted to try to work with the architecture of the park.

Bill Oliver asked what about the address number, where will that be. Mr. DiChario stated right at the top. John Castellani stated those are the addresses that are in the park.

Beverly Griebel commented until one gets back there, you doesn't realize all of the construction going on back there. Mr. DiChario stated the building is under construction right now, and they still have one more building left behind the gas station. He stated but when they do the build-out behind the gas station, that will probably be closer to a Scottsville Road address. He stated that will be visible from Scottsville Road, so they won't need identification for that.

Beverly Griebel commented this is so far back. She stated they have the other buildings in front and people can't see the applicant's buildings. Mr. DiChario stated then, of course, in front of his project is about 6 acres of park area.

Leo Carroll stated the Town just received a comment from New York State D.O.T. that indicated they want to make sure that the applicant stays away from the right-of-way and the signs don't overhang.

Mr. DiChario asked isn't it from the edge of the property that 25 feet is required. Leo Carroll

stated the applicant would have to check the right-of-way itself, the area, just so they were aware of that. Mr. DiChario stated that is not a problem because they'll be back far enough.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel stated these were submitted to the Monroe County Planning Department, both applications, and they came back as local matters.

On Application Number 4, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

On Application Number 5, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Sign needed for internal business identification.

Note: A sign permit is required.

DECISION ON APPLICATION #5: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Sign needed for internal business identification.

Note: A sign permit is required.

6. Application of Ted Hosmer Enterprises, 1300 Scottsville Road, Rochester, New York 14624, property owner: P. Schuler; for variance to erect a 10' x 5 1/2' double-faced freestanding sign at property located at 1300 Scottsville Road in G.B. zone.

Ted Hosmer was present to represent the application. Beverly Griebel stated the applicant does not have a building. She stated he just has a work area behind the fence. Mr. Hosmer stated they have warehouse space that they're using. Beverly Griebel asked in that area. Mr. Hosmer stated that was correct. Beverly Griebel asked if that is near the marina. Mr. Hosmer stated it's right adjacent to it.

Steve Tschorke was also present to represent the application.

Beverly Griebel asked if this is a new business they have over there. Mr. Hosmer stated it is. He stated they have been there for approximately three years. Beverly Griebel stated now the applicant wants a sign so people know they are there. Mr. Hosmer stated that was correct. He stated there is kind of an eyesore out there, an old canopy type of carousel that is dilapidated that he would like to take down and spruce the property up a bit.

Bill Oliver asked if there would be lighting going in with this sign. Mr. Hosmer stated no lighting, just a simple sign.

John Castellani stated he was sure the Building Inspector will make the same comment about the right-of-way on Scottsville Road. Leo Carroll stated that was right. He stated New York State D.O.T. commented on their sign to make sure that it is out of the right-of-way. He stated, of course, they will be checking. He stated when the applicant goes to install their sign, he might want to check with the Building Department to make sure he doesn't get in the right-of-way so he doesn't have to move it.

Beverly Griebel asked will there be rocks on the bottom. Mr. Hosmer stated there will be a

retaining wall system. Beverly Griebel stated the applicant would not want to have to move the sign. Mr. Hosmer stated actually, it would be quite detachable.

Mary Sperr asked is this sign going to replace that round, gosh awful, ugly thing. Mr. Hosmer stated that was right. Mary Sperr stated it is in the middle of the blacktop area, that round thing. Mr. Hosmer stated yes, it is.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Ron DiChario

He stated he talked to Mr. Hosmer on the telephone, but he has not had a chance to talk or sit down with him in person. Mr. DiChario stated the Schuler property on Scottsville Road has just been purchased by his corporation, and they are in the process of taking possession or finishing the paperwork up now. He stated the Board, the Zoning Board in the Town is not aware of this, but they're in some major planning and the developing process to completely build on that entire property. He stated he was not going to name the time period because they have to take time to finish their plans, but they'll be developing that entire property.

Mr. DiChario stated he doesn't have a problem with Mr. Hosmer's sign really per se. He stated they have plans to clean that entire property up and take down all those old broken stone fences in the front, dead trees that are in the front, rip-rap that has been hanging around for years and just go through and develop everything. He stated in the process of their developing the property, they will be clearing first, and then the planning stages will obviously be part of what the Town allows as far as buildings and development and green area and things like that.

Mr. DiChario stated he wanted to explain that just so Mr. Hosmer doesn't do something twice or have a separate expense. He stated because they will be taking possession and they are in the process of closing the final paperwork with the property, the applicant might want to take that into consideration. Mr. DiChario stated he doesn't have a final plan. Mr. DiChario stated if he did, he would present it so that the applicant would know what area they would be missing as far as the sign goes. He stated signs can be moved any ways. He stated that is not a problem.

Mr. DiChario stated he had not had a chance to go talk to Mr. Hosmer because they have been so busy in the process of the transfer of the property and everything. Mr. DiChario stated nor has he completed their final study of what exactly is going on and where it is going.

John Castellani asked how long will that build-out take. Mr. DiChario asked John Castellani if he meant the process of building or the process of developing. John Castellani stated he meant the whole planning process. He asked Mr. DiChario if the Board were to ask him to table this for a month, would he have a better idea of how that would be developed.

Mr. DiChario stated he would not. He stated he did not want to hold the applicant up. He stated if the sign is going to help the applicant's business, that was okay with him, but he thought probably between a year and two years is a realistic time. He stated they'll be back into the Zoning Board and the Town with a really large development of a high tech park. He stated that is what is going to happen there.

Mr. DiChario stated as long as the sign is something that can be moved, they don't have a problem. He stated he wanted the applicant to know they will be presenting at some point a complete refurbishing of everything on the property.

John Castellani asked how does that impact what the applicant will put up. Mr. Hosmer stated not in the least. He stated even if they get six months out of the sign, that would suit his needs. John Castellani asked the applicant so if in one to two years he had to move it, would that be okay. Mr. Hosmer stated a year would be great.

Mr. DiChario stated he would not object to that. Beverly Griebel stated that was fair. Mr. DiChario stated the property is large. He stated there are 26 acres there. He stated there are parts of the property he won't do anything with for a long time.

Beverly Griebel commented that would be a big project. She stated there is a lot of land there. Mr. DiChario stated yes, there is. Mr. DiChario stated they're working on what is going to be put on the property now. He stated they have been doing that for the last six months. He stated he is not in the stage where it will be deliverable to anyone else.

Mr. Tschorke stated he does all of Mr. Hosmer's design work and estimating work for him, and he is in favor of the sign because it gives them some credibility as to they have a location. He stated sometimes he tells people they are at 1300 Scottsville Road and all they can picture is Olympic Park, so credibility is what he was interested in.

Beverly Griebel stated the street address numbers were shown on the sign. She stated they like that. She stated people look for numbers when they go out and try to find something.

Beverly Griebel stated this went to the Monroe County Planning Department and came back as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. Sign needed to identify business on a busy street.

Note: A sign permit is required.

7. Application of Nancy Imburgia, 2 Sunset Hill, Rochester, New York 14624 for variance to erect a 12'8" x 20' addition to garage to be 40' from side lot line (45' req.) at property located at 2 Sunset Hill in R-1-20 zone.

Nancy Imburgia was present to represent the application. Ms. Nancy Imburgia stated she needs a third-car garage because her sister Val Imburgia, sitting next to her mom, also present to represent the application, just moved in with her. She stated so she is living with her mom and her two sisters and each of them have their own cars.

Beverly Griebel stated she remembers when this went to the Planning Board for the in-law apartment. She stated now the applicant wants to get all of the cars undercover. Ms. Nancy Imburgia stated well, most of them. Beverly Griebel stated now this is on a large corner lot, a large parcel.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. Applicant showed need for additional garage space.

8. Application of Edward Frattali, owner; 44 Brasser Drive, Rochester, New York 14624 for conditional use permit to allow an office in home for a grocery coupon business at property located at 44 Brasser Drive in R-1-15 zone.

Edward Frattali was present to represent the application. Mr. Frattali stated basically all he needs is a little corner of his primary home for a little office, desk, telephone, filing cabinet. He stated

this is his first attempt at this.

Beverly Griebel asked the applicant will they have customers call there. She asked will they come and visit. Mr. Frattali stated they will not. He stated it will be through mail order.

Mary Sperr stated she assumed that the reason the applicant has to come before the Board is they have to have this approved as an office in the home for tax purposes. Bill Oliver stated he would imagine so. Mr. Frattali stated there won't be any traffic or anything like that.

Bill Oliver asked is this for tax purposes, to get it registered for tax purposes on their income tax. Mary Sperr commented the office in the home part on their taxes. Beverly Griebel stated sometimes it works, sometimes it doesn't. Mary Sperr stated the applicant may want to look into that. Mr. Frattali stated he wasn't into that aspect of it. He stated he just wanted permission to do it out of the home.

John Castellani asked what would the hours of operation be. Mr. Frattali stated well, basically it will probably be any hours. He stated he has to get a post office box to operate from. He stated basically it will be through the telephone and post office. Beverly Griebel stated so whenever the applicant feels like it, he will do a little mailing. John Castellani stated essentially it is variable.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Mary Sperr seconded the motion. The Board all voted yes on the motion.

DECISION: Unanimously approved by a vote of 6 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 (variable).
5. No outside employees.

The following finding of fact was cited:

1. Customary Home Occupation.
9. Application of Mr. & Mrs. Steve McMaster, owner,; 24 Cornwall Crossing, Rochester, New York 14624 for variance to erect two decks to be 21' from rear lot line (35' req.) at property located at 24 Cornwall Crossing in R-1-15 zone.

Steve McMaster was present to represent the application. Beverly Griebel stated they saw the applicant earlier this year. Mr. McMaster stated he was in in March. Beverly Griebel stated the applicant put a pool in. Mr. McMaster stated that was correct.

Beverly Griebel asked and the pool is how many feet. Mr. McMaster stated 3 feet from the rear lot line, including the supports. He stated a little over 3 feet. Beverly Griebel stated the Board had been asking about the deck then, but the applicant said he would wait and plan it. Mr. McMaster stated he didn't realize there were so many zoning problems.

Beverly Griebel stated even though it is closer to the house and the pool, it is still too close to the back property line. She stated that is the problem. She stated just noting for the record, that backs up to a common area where there will be no houses or any structures or anything like that. Mr. McMaster stated that was right.

Beverly Griebel stated it will be basically an open area. Mary Sperr stated they picked a great summer to have a pool put in. Richard Perry asked the applicant has he discussed this with any of his neighbors. Mr. McMaster stated nobody has approached them.

John Castellani stated it is unfortunate the applicant even has to come here. Beverly Griebel stated it is the Town law.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. Decks are farther away from the property line than the previously approved pool.
 2. No infringement on any neighbor to the rear.
10. Application of Benderson Development Corp., owner, 570 Delaware Avenue, Buffalo, New York 14202 for variance to allow total number of parking spaces to be 470 at property located at 800-810 Paul Road in G.B. zone.

Beverly Griebel stated this went to the Monroe County Planning Department and it came back that they didn't have any comments about this.

Donald Robinson, the Vice President of Benderson Development Company, was present to represent the application. He stated he does a lot of this work on behalf of their company in Monroe County. He stated this is one of the stranger ones because they purchased this property on the courthouse steps and didn't add any parking spaces, take any away, didn't building any buildings, but they did fix it up. He stated it is all fixed up and K Mart is expanding into the old food store. He stated they're not adding any more square footage.

Mr. Robinson stated there used to be a grocery store that K Mart is expanding into. He stated they went to get a mortgage to cover a lot of what they have done and the lender came back and said they are in violation of the zoning laws as it now stands. He stated so they spoke with the Building Department and they said the way to get it rectified would be to see the Zoning Board.

Mr. Robinson stated if one multiplies it out, it still comes out at better than 4 spaces per 1,000 of square feet of retail space. He stated a lot of codes in the County have that. He stated he was not criticizing Chili's code. He stated some have five, some have six, but they recognize they should cut that back because that is over done. He stated but in any event that was why they were present. He stated they would like to bring the property back into compliance. Mr. Robinson stated they could ask the Board for a variance or knock down the building, but they do not want to do that because they spent a lot of money to fix it up.

Beverly Griebel stated they can't expand anywhere else. She stated they have the apartments on the other side. Mr. Robinson stated they can't add any parking. He stated it was their intention when they bought the property, they thought that they could actually put another bank or something on the parking lot because it doesn't seem to fill up frequently. He stated there may come a time when they come to see the Board for that. He stated they would have to fill in the big ravine out front that is not necessary for drainage any more. He stated then they could create something, but right now they have to get a mortgage closed. He stated they're hoping to get a variance to borrow the money, and if they want to do something in the future, they'll be sure to come back and see the Board.

Beverly Griebel stated it looks like a nice development over there. She asked when will the store open. Mr. Robinson stated the expansion, they're disappointed in their progress, but they have been going through changes in their plans. He stated they have completed their work. He stated K Mart is in there working now. He stated it was originally their goal to make back to school around the 20th of August. He stated that will not happen. He stated his gut feeling is 1st of October.

Beverly Griebel stated they closed off that door, so that is an improvement. Mr. Robinson stated it will be painted. He stated there is new a canopy going on, the newer look to K Mart. He stated there will be continued improvement. He stated the big things they did was the lighting, the paving, landscaping and curbing.

Beverly Griebel asked did they lose any spaces when they put that traffic island down the middle. Mr. Robinson stated he couldn't say for sure that they didn't, but he doubts that they lost very many, if any. Beverly Griebel commented not 100 anyways. Mr. Robinson stated definitely not. He stated that was done for safety purposes. He stated the worse thing in parking lots is cross traffic, so if they put curbed islands in, it forces people to go where they want them to go.

Gerry Hendrickson stated with that division going down through the center, it kind of confuses the people. Mary Sperr stated people come up the down side. She stated they pull up there and it should be on the other side. Mr. Robinson stated he was glad they mentioned that. He stated he doesn't shop there. He stated he visits the property to make sure it is kept up. He stated they'll look and see if there should be any kind of directional sign at each end of the thing to tell people where to go. Beverly Griebel stated people don't look. She relayed to the Board a traffic incident that occurred at Southtown Plaza. Beverly Griebel stated people just aren't used to the island here because it is new, too.

Mary Sperr stated she thought it is just painted on the pavement. Bill Oliver stated it is not actually physically high enough for people to view something.

Leo Carroll asked has Benderson taken care of the striping over at the bank yet as far as the handicap parking. Mr. Robinson stated yes, it was taken care of that. He stated there was another item outstanding before the bank's temporary C of O became permanent. He stated they got the striping. He stated the bank was supposed to do it, but they found out it wouldn't pass, so they got a striper in the area to take care of it.

Leo Carroll asked as far as the heaters in the bank, was that taken care of also. Mr. Robinson stated yes, that was.

Beverly Griebel stated the parking spaces are also shared with the bank. Mr. Robinson stated the amount of square footage on the application includes the bank, and the parking lot also includes the parking for the bank. He stated the K Mart is 114,000 and the bank is another 3,000 plus or minus, so it adds up to 117,000.

Beverly Griebel stated when they have big sales on the weekend, especially on Sunday when the sales usually begin, the bank is closed. Mr. Robinson stated that was right. Beverly Griebel stated so they wouldn't be using those spaces. Mr. Robinson stated as a matter of fact, the bank is not open too many evenings either. Mr. Robinson stated it's a good compatible use. He stated since they owned it, they have never seen the lot full, even on the sale days.

John Castellani stated not since the grocery store closed. Mr. Robinson stated K Mart's view in expanding is they don't think they will draw more people, but the existing customer will do more purchasing because there is more of an array there. He stated they're still drawing from the same trade area. He stated with the Wal-Mart down at Westgate, there may be less business here. Mr. Robinson stated they need this Town to keep growing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

1. The number of parking spaces have been adequate for many years.
2. No additional space is available without taking down a building.

The meeting ended at 9:10 p.m.

CHILI ZONING BOARD OF APPEALS
August 24, 1999

A meeting of the Chili Zoning Board of Appeals was held on August 24, 1999 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:30 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: John Castellani, Dan Melville, Gerry Hendrickson, Mary Sperr, Bill Oliver, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Larry Smith, Building Inspector; 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 stated she was out on Saturday, on the 14th and Application 1, there was no sign. She stated Application 4, the road was blocked off so she couldn't go down to see if there was a sign. Dan Melville stated the sign was there. Beverly Griebel stated she couldn't get down the road to see it. John Castellani stated it was nailed to the tree on the first one. Gerry Hendrickson stated it was there. Beverly Griebel stated everyone else saw it.

Beverly Griebel asked for Application Number 4, where was the sign. Dan Melville stated it was on the property. He stated he was able to drive down Saturday and Sunday. Beverly Griebel stated it was blocked off the first Saturday and she went by there again on the 16th, which was Monday. She stated she was in that area and drove by again and the road was still blocked off. Dan Melville stated it was blocked off that weekend, but it was open last weekend. Beverly Griebel stated the people working on the 16th had barricades there and she couldn't get down the road.

Larry Smith commented anyone could have walked. Beverly Griebel stated she was not going to walk in the gravel and dust way down to the end. Beverly Griebel stated she didn't see it. She stated she doubts if the neighbors saw it. She stated that is the idea of the sign.

Dan Melville stated there are no neighbors down there. John Castellani stated there are no neighbors down there. Beverly Griebel stated perhaps it should have been posted on the way in if they're going to barricade it so people can't get down and look at it. Larry Smith stated the code says it has to be on the parcel. Beverly Griebel stated well, if she couldn't get to see it on the parcel, they have a little problem.

Beverly Griebel asked did everyone else see the sign. The Board indicated they did. Beverly Griebel asked what was the Board's pleasure, did they want to hear the application. The Board indicated they wanted to hear the application.

Beverly Griebel asked what is the provision in that case if the property is not accessible. Keith O'Toole stated there is no provision. He stated the sign has to be prominently displayed. Beverly Griebel stated but if the builder is barricading the roadway, she did not know what they are supposed to do. Keith O'Toole stated unfortunately the code doesn't anticipate all of the unique circumstances. Beverly Griebel stated then the Board would proceed.

1. Application of Norbert Schiano, owner, 8 Phyllis Lane, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for automobile sales at property located at 8 Phyllis Lane in R-1-15 zone.

Norbert Schiano was present to represent the application. Beverly Griebel stated the applicant has been doing this now for a year. Mr. Schiano stated that was correct. Beverly Griebel asked

CHILI ZONING BOARD OF APPEALS
August 24, 1999

how is the business going. Mr. Schiano stated it is good. Beverly Griebel asked the applicant does he sell any cars. Mr. Schiano stated yes, it is going good.

Dan Melville asked Larry Smith, have there been any complaints. Larry Smith stated no complaints. Dan Melville asked how many cars does the applicant sell off that property in the course of a year. Mr. Schiano stated he doesn't sell them off the property. Dan Melville asked is it basically an office. Mr. Schiano stated yes, it is just an office. Dan Melville asked the applicant doesn't he bring any cars there. Mr. Schiano stated he has two cars there, one for him and his wife. He stated generally he doesn't have any there. He stated sometimes he does.

Richard Perry asked the applicant when he does bring cars there, what would be the maximum number of vehicles he would have there at any one time. Mr. Schiano stated with their two cars, maybe four or five. Richard Perry asked and the other ones that are not the applicant's, are they plated. Mr. Schiano stated they are. He stated he has five sets of plates.

Beverly Griebel asked the applicant how many sets of plates does he have. Mr. Schiano stated he has five sets of dealer plates. Richard Perry stated except they're not sets any more. Mr. Schiano stated he only gets one dealer plate per car.

Bill Oliver asked the applicant if he was the Schiano that was selling cars over on Chili Avenue. Mr. Schiano stated that was him. He stated he sold that business to Frank Iacovangelo stated last year, last July.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on 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.
5. Applicant to maintain any required State and local licenses.
6. No "For Sale" signs on vehicles.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Dario Marchioni, owner, 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to allow total square footage of garage area, including a new 24' x 24' detached garage to be a total of 1,451 sq. ft. (900 sq. ft. allowed) at property located at 229 Beaver Road in R-1-20, FPO and FW zone.

Dario Marchioni was present to represent the application. Mr. Marchioni stated basically he would like to build a two-car garage for storage. He stated he has some lawn equipment. He stated he has a wood chopper. He stated he would like to store those things in the garage for the winter.

CHILI ZONING BOARD OF APPEALS
August 24, 1999

Mr. Marchioni stated he has many acres, so he has no neighbors. Beverly Griebel stated there are 13 acres there. Mr. Marchioni stated this would not interfere with any neighbors whatsoever. Beverly Griebel stated the applicant needs a big mower for that size parcel. Mr. Marchioni stated well, he does cut the grass in the front of the house there. He stated in the back there is a grass area. He stated that is the basic reason he wants a garage. He stated it will look like a garage, but actually it will be to store lawn equipment. He submitted to the Board a picture of what it would look like.

Mary Sperr asked if the garage that the applicant would be putting on is in addition to the one that is attached to the house. Mr. Marchioni stated this garage would be totally separate. He stated it would be 20 feet away. Mary Sperr clarified it would be freestanding. Mr. Marchioni stated but it would be in line with the existing house. He stated the existing house is over 122 feet from the road.

Beverly Griebel stated the applicant has not demolished the one there now. She stated this will be in addition. Mr. Marchioni stated that is all brand new, the construction there now.

John Castellani asked how far did the applicant say it would be from the existing structure. Mr. Marchioni stated 20 feet.

Beverly Griebel asked who is going to build this. Mr. Marchioni stated he would build it. Beverly Griebel stated the applicant is a builder. Mr. Marchioni stated he used to be a mason contractor for many years but he does carpentry.

Beverly Griebel asked if the exterior would match the existing siding. Mr. Marchioni stated yes, it will match the siding on the house. He stated on both sides he might put field stones as he has on the existing house, so it blends in with the duplex there.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel stated this was submitted to the Monroe County Planning Department and came back as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

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

1. No storage of construction equipment or materials.
2. No additional driveway cut.

The following finding of fact was cited:

1. Applicant expressed need to store lawn care equipment; lot size is over 13 acres.
3. Application of Geraldine Berardicurti, owner, 196 Hillary Drive, Rochester, New York 14624 for variance to erect an open porch to be 53' from front lot line (60' req.) at property located at 196 Hillary Drive in R-1-15 zone.

Geraldine Berardicurti was present to represent the application. Ms. Berardicurti stated she is the owner at 196 Hillary Drive. Ms. Berardicurti stated she would like to give the Board some additional paperwork along with the application and a few pictures. Ms. Berardicurti stated she also had an architect's drawing.

CHILI ZONING BOARD OF APPEALS

August 24, 1999

Ms. Berardicurti stated this past weekend she went around and asked all of the neighbors if they did object to them putting on this front porch with a handicap ramp, not knowing if any of them would be here or not, and she asked them if they would sign a petition that they did not object to them putting up the front porch with a handicapped ramp. She submitted that petition to the Board.

Ms. Berardicurti stated the two pictures that she was presenting to the Board, one she took at 11 o'clock this morning, or quarter to 12, and the other one was 5:26 tonight. She stated the pictures show the reason for the porch, because from like 7 o'clock, 8 o'clock in the morning when the sun comes out, it beats down on the front part of that house all day long until sunset. She stated when the sun is setting, there will be shade on the front side of the house.

Ms. Berardicurti stated the reason for the porch is mainly her mother and her aunt are both living with them, and in order for them to get out and get any fresh air, instead of staying in the house all of the time, at least she could put them on the porch. She stated they can enjoy the view, talk to the neighbors, watch the kids playing, riding their bikes. She stated they're also both in wheelchairs, so they need the ramp in order to have easy accessibility from the house to ground level to get them into the vehicles.

Beverly Griebel stated the applicant had a rough sketch with the application and tonight had submitted a professional architect's drawing. Beverly Griebel stated it looks nice.

Beverly Griebel stated the Board was in receipt of a petition indicating the applicant would like to put an open porch on the front of their house with a handicapped ramp for her mother and aunt who live with her, both of whom are in wheelchairs. Beverly Griebel stated there were three dozen signatures on the petition from Hillary Drive, Baymon, Solmar, all neighboring streets to this address.

Beverly Griebel asked Larry Smith if he had a copy of the petition for the record. Larry Smith stated he did.

Beverly Griebel asked who will be building the porch. Ms. Berardicurti stated she would get a contractor.

Ms. Berardicurti stated there are some shrubs directly in front of the house that are 5 feet wide. She stated there is not quite a 3 foot wide walk. She stated the bushes and that sidewalk will be taken out, and from that point on is where the State certified requirements for the handicapped ramp will be.

Beverly Griebel clarified the ramp will go along the front of the house to the driveway. Ms. Berardicurti stated that was right. Beverly Griebel asked if the shrubs will come out. Ms. Berardicurti stated that was right. Dan Melville asked will there be a roof over this porch. Ms. Berardicurti stated there will be a roof.

Larry Smith commented it wouldn't be a porch without a roof. Dan Melville stated he couldn't tell from the drawing. Larry Smith stated he always encourages front porches.

Beverly Griebel stated and handicapped accessibility is very nice, too.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

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

CHILI ZONING BOARD OF APPEALS
August 24, 1999

1. No significant impact on neighboring properties.
 2. Applicant expressed need for a larger porch and a ramp for handicapped access.
4. Application of Fallone Properties, Ltd., owner; 70 Quail Lane, Rochester, New York 14624 for variance to erect a single family dwelling to be 25' from rear lot line (30' req.) at property located at 28 Leah Lane in R-1-15 zone.

Dan Melville stated he would refrain from any participation in this application because he does sell houses for Fallone Builders down in that subdivision and he did not want there to be any conflict of interest.

Nory Fallone was present to represent the application. Mr. Fallone stated they're asking for a 25 foot rear setback instead of the 30 foot in order that they might be able to fit a potential house that they're dealing with someone on right now.

Beverly Griebel asked is this an overly large footprint for a house, or is the problem because it is a corner lot and they have two fronts. Mr. Fallone stated well the problem is the lots are small, most of the lots there, and this plan is like 3,000 square feet, so it is a big house.

Larry Smith stated he has also talked with the Fallones about coming into the Planning Board again to talk about granting them approval to eliminate rear setbacks and just go with the side setbacks on corner lots. Larry Smith stated this is happening every time they have corner lots. He stated if they would just have all side setbacks on corner lots, frontage and sides without a rear, they wouldn't have half of the applications for variances that they do.

Beverly Griebel stated that would probably be a relief to the builders. Beverly Griebel stated corner lots are difficult. She stated then if they have a larger house, that makes it more difficult. She stated but if people want a corner lot, the builders are going to sell it to them.

Beverly Griebel asked is this going to be a ranch or a two-story home. Mr. Schiano stated it's a two-story home. Beverly Griebel stated and on a corner, they have two fronts. She stated they have a 40 foot minimum front setback on two sides of it, so that contributes to the difficulty.

Mr. Fallone stated they're going to face the front towards Leah Lane, because that's where they're going to have the paved road right now, so they'll have to come out on that. Beverly Griebel stated it probably wouldn't fit the other way.

Mary Sperr asked what is the average square footage of the houses surrounding this. She stated if this is a 3,000 square foot house, her question goes to, is this in keeping with the type of houses that are being built up there and that this is not oversized. Mr. Fallone stated there are some that are 2400. Mary Sperr stated she just wanted to rule it out that it is not just because the house is too large for that lot and it should be considered someplace else. Mr. Fallone stated it is just that the lot is small. Beverly Griebel stated and it is a corner lot.

John Castellani asked will there be another house backing up to this. Mr. Fallone stated there will. Richard Perry stated there is one house there now. Mr. Fallone stated no, they have not developed it, in that part yet.

ANYONE IN FAVOR OR OPPOSED: No one.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. The Board all voted yes on the motion.

DECISION: Approved by a vote of 6 yes with 1 abstention (Dan Melville) and no conditions.
The following findings of fact were cited:

CHILI ZONING BOARD OF APPEALS

August 24, 1999

1. Minimum variance.
 2. Corner lot configuration contributes to the problem.
5. Application of Romeo Land Development, c/o Fix, Spindelman, Brovitz..., 2 State Street, 14th Floor, Rochester, New York 14614, property owner: T. Mohsen; for variance to allow front parking for 19 vehicles at property located at 2705, 2709 & 2713 Chili Avenue in N.B. zone.

Betsy Brugg was present to represent the application. Ms. Brugg stated she was present tonight with Frank Romeo, the developer in connection with the proposal to erect a new CVS store at this location. She stated they were present tonight to request an area variance to allow parking in the front yard for the proposed store.

Ms. Brugg stated she would like to give the Board a run-down of what the project is about, give a little bit of the history where they have been and then answer any questions the Board might have.

Ms. Brugg stated hopefully all Board members have had a chance to take a look at the drawing that was submitted with the application. Ms. Brugg stated what they're proposing is to demolish the existing strip plaza, which is located at the corner of Chili Avenue and Pixley, and one house on either side of that strip plaza. She stated what they plan to do is demolish that and build a brand new CVS store.

Ms. Brugg stated they have met with the Conservation Board and appeared before the Planning Board and the Town Board in connection with this project already, so some changes have been made to the plan before coming to this Board tonight. She stated they had requested that the Town Board rezone this particular parcel, the one that is farthest to the east. She stated the three parcels are now all zoned for Neighborhood Business, such that what they're proposing is a permitted use.

Ms. Brugg stated the new store will be 9,450 square feet in size. She stated it will have a drive-through for the pharmacy portion of the business. She stated the store itself is going to be designed in a residential type character to fit into the neighborhood. She stated they have made a number of changes to ensure that the building really will fit within the area.

Ms. Brugg stated the Conservation Board had requested some changes to the landscaping, and those have been incorporated. She stated the Planning Board has made various comments. She stated they have met with various folks over from the Town and incorporated all different kinds of comments.

Ms. Brugg stated just to highlight a couple comments for the Board, this plan originally included some parking along Chili Avenue. She stated that was eliminated. She stated what they have done is increased the green area and the landscaping on the site. She stated this particular site will be significantly landscaped. She stated there will be some heavy landscaping. She indicated where there would be some trees. She stated there will be some landscaping in the front. She stated they're going to have a board-on-board fence following the perimeter of the property and some landscaping also following along that.

Ms. Brugg stated there is a detention pond that was originally proposed and is shown on the plan. She stated, however, over the last few weeks Mr. Romeo has been working with folks at the Town on the drainage issue, one of the big issues that has come up in connection with the project, and they will most likely be eliminating the detention pond and following a different route in terms of dealing with the drainage.

Ms. Brugg stated she did not know if the Board has had the opportunity to see any of the other new CVS stores that have been built around the County. She stated there are some in Greece, Brighton, Gates and Henrietta. She stated she would invite the Board members to visit one of these stores. Ms. Brugg stated they're primarily brick with columns in the front and some

CHILI ZONING BOARD OF APPEALS
August 24, 1999

windows. She stated they're a very attractive, new style building, typical of what CVS is building in this location. Ms. Brugg stated this particular location would have a cupola that was added to make it fit within the area.

Ms. Brugg stated the project conforms to code with the exception of the parking in the front. She stated they feel that it is important to have some parking in the front. She stated one reason is the location of the main entrance to the store. She stated that is the entrance to the store and it is important to keep parking close to that entrance.

Ms. Brugg stated there have been a number of comments from neighbors living behind this property, during the course of dealing with this project in their presentations to the various boards, so an effort has been made to concentrate any activity on the site towards the front and away from their homes. She stated they have the drive-through going around back, but they have most of the parking along the side. She stated some of the parking does come in the front, which is why they're present this evening, but they have tried to concentrate the parking along the side.

Ms. Brugg stated they have maintained a nice distance from the adjacent properties on both sides. She stated the parcel as a whole will be approximately 1.7 acres in size, which has allowed them to have a significant amount of green area on the property.

Ms. Brugg stated in terms of the approval process, they have been to the Planning Board. She stated the Planning Board recommended the rezoning to the Town Board. She stated they went to the Town Board. She stated the property was rezoned. She stated they will be going back to the Planning Board for site plan and subdivision approval for the project.

Ms. Brugg stated in the course of all of these meetings, they have incorporated a number of changes into the plan and really tried to work with the Town in terms of incorporating any comments or recommendations. She stated they have been able to work successfully to do that.

Ms. Brugg stated in terms of the parking, 47 spaces is what is required per code. She stated they have a few spaces over that. She stated they have 53 spaces shown. Ms. Brugg stated they eliminated a fair amount of parking that was originally proposed along Chili and just made that whole area green. She stated she thought their overall lot coverage is way under code. She stated they're providing 13 percent and it looks like they're permitted 30, so they're way under that, as well.

Ms. Brugg stated in terms of the location of the parking and why they think that this particular site is perfect for parking in the front, they sit across from a church. She stated they're a good distance from the neighbors. Ms. Brugg stated it is important to them to make sure that the neighbors back there are happy. She stated they will try to keep the activity away from them.

Ms. Brugg stated this intersection really works well. She stated they're not directly surrounded by homes. She stated they're close. She stated ARC has a facility over there, so this site really works well for the parking in the front in terms of any kind of impact.

Ms. Brugg stated she submitted a letter with the application that went through briefly the legal requirements, but she would like to go through those tonight since she knows the basis of the Board's decision needs to be their compliance and their ability to meet the criteria for the granting for the variance.

Ms. Brugg stated in considering whether to grant a variance, this is a balancing test. She stated the Board does this with every application and looks at it on a case-by-case basis. Ms. Brugg stated they are balancing the benefit to the applicant against the detriment to the community. She stated in this case, they believe if this variance is granted, it will benefit not only CVS by allowing them to build the store, but it will benefit the entire neighborhood.

Ms. Brugg stated this site should have parking where it is proposed. She stated they don't want parking in the back of the site. She stated it would be disruptive to the neighbors that live in the

CHILI ZONING BOARD OF APPEALS
August 24, 1999

community in the area behind the store.

Ms. Brugg stated she thought the community as a whole is going to benefit in what they're proposing to construct. She stated it will be a high quality development. She stated it will be a brand new building, with a lot of landscaping on the site. She stated she thought overall, they'll be making a big improvement to that area of Chili Avenue.

Ms. Brugg stated in terms of the criteria that they are going to consider whether there will be an undesirable change in the character of the neighborhood, again they feel that this project is really going to enhance and upgrade this area of Chili Avenue. She stated what they're proposing is a neighborhood type business. She stated it is a permitted use. She stated it should blend nicely in the neighborhood in terms of the design of the site. She stated it is the type of business that will serve the surrounding community. She stated CVS is really investing a significant amount of money to make this really a top notch site.

Ms. Brugg stated the benefit to the applicant cannot be achieved by any other method. She stated the property is a unique shape and configuration. She stated they're limited in terms of their ability to move the building or move the parking. She stated this layout works out the best for CVS. She stated it also works best for the surrounding neighborhood.

Ms. Brugg stated whether the variance is substantial, they don't feel it is. She stated, in fact, looking at the plan, the majority of the parking spaces are really not in the front. She stated they're in the side yard of the site.

Ms. Brugg stated the proposed variance will not have any adverse effect on the physical or environmental conditions of the area, and to the contrary, they're hoping to upgrade and improve this area of Chili Avenue. Ms. Brugg stated they feel that the difficulty is created really by the location of the site, secondly the configuration of the site and the actual dimensions of the site and the overall shape of the property, which really does limit them in their ability to situate the parking on the property.

Ms. Brugg stated this is the minimum variance required. She stated they're asking for one variance only.

Dan Melville asked the front entrance where one enters into the parking lot, how much distance is there from where a car would enter to the first parking space up front. Dan Melville asked in other words, cars backing out of the front couple spaces at the entrance, will that cause a hazard. Ms. Brugg stated she did not believe so, but that is something that will be considered by the Planning Board when they look at the site plan more carefully.

Beverly Griebel stated it looks like 25 feet. Mary Sperr stated it looks like 25 feet. Ms. Brugg stated that is about 30 feet, so that really should be enough. Dan Melville asked if cars backing out of there won't interfere with traffic coming in. Ms. Brugg stated that should be fine. Mr. Romeo stated the distance from the south edge of the green area to the inside edge of the parking spot is about 33 feet.

Dan Melville stated it just seems like it would be a problem with cars coming in and someone backing out at the same time. Ms. Brugg asked Larry Smith if 30 feet would be good enough. Larry Smith stated he was not a traffic engineer. Ms. Brugg stated they would make sure their engineer looked at that again. She stated the Planning Board will evaluate that.

Richard Perry stated if a car pulls in and makes a right turn immediately, it looks like that is a rather severe turn in a very short space. He stated that looks a little difficult. Ms. Brugg stated they'll look at that.

Richard Perry stated he assumed most of their deliveries are by truck. Ms. Brugg stated that was correct. Richard Perry asked where is the loading dock, how often will the trucks be in there and what size are they. Mr. Romeo stated typically the loading is from the rear of the store. He

CHILI ZONING BOARD OF APPEALS
August 24, 1999

stated there is no loading dock per se. He stated it is a grade-level door with a scissors lift at grade level so they can accommodate different size trucks. He stated they typically get one delivery a week from a tractor-trailer, usually about a 40 foot truck, overall 70 feet in length. He stated they worked carefully to make sure a truck could get through there.

Mr. Romeo stated they get other deliveries on a daily basis such as UPS. He stated some of the prescription drugs that get refilled come in a small paneled trucks or Federal Express. He stated the other vendors are once a week, Coca-Cola, Pepsi, et cetera. Richard Perry asked if almost all of those would go through the back door. Mr. Romeo stated predominantly all would go through the back door except UPS or Federal Express. He stated they usually come in the front.

Richard Perry asked what is the width of the building. Mr. Romeo stated 75 feet. Richard Perry stated that will take up just about the entire distance with a truck through there. Mr. Romeo stated that was correct. Richard Perry asked is that going to interfere with the entrance egress of people going through the drive-through. Mr. Romeo stated it shouldn't. He stated the drive-through has a really low volume. He stated it is a convenience feature. He stated as opposed to a typical drive-through one may be used to seeing with a bank or restaurant, there is no ordering when they are pulling up to the drive-through. He stated people come in to drop off or pick up a prescription, so they don't have a shopping list.

Mr. Romeo stated the other thing with the deliveries, they're typically not during the day. He stated they like to get them before the store opens in the morning, usually between 7 and 9, so they're not taking staff in the store to unload the truck or take the deliveries in. He stated they do get occasional deliveries during the day, but they're usually scheduled before the store opens.

Richard Perry asked as far as people exiting and entering the property, can they drive around the back side where the drive-through is, all of the way around. Mr. Romeo stated certainly. He stated they have a wide pass lane to get around there, so if there is a car or two cars in the drive-through area, they can bypass around that to get back out and around.

Mary Sperr asked if a truck fits in the space Mr. Romeo was indicating. Mr. Romeo stated a truck would fit in that space. Richard Perry stated if the scissors lift is at the end, the back end of a truck will be there. He stated the truck would have to back into it. Mr. Romeo indicated how the truck would probably come in, or it could pull around and stop where he indicated on the plans. He stated they're generally not lifting to that scissors lift all of the time.

Richard Perry stated he was considering where the truck is going to be parked. He stated the truck will be sticking out at the end where there is little or no room. Richard Perry stated there is no room to turn around. Mr. Romeo stated there is no room to turn around. Mr. Romeo stated a truck will be tying something up for a little bit of time when it is there. He stated there is no way to get around that.

Richard Perry stated also it looks like that would be a rather severe turn for a truck to go in to the left to go around the building. Mr. Romeo stated he was assured from their engineers that it works. He stated they can support that with documentation.

Richard Perry asked if this store is of the type that is at the corner of Elmwood and Mount Hope. Mr. Romeo stated it is similar. He stated the look of that store is a little older than the current look of this model. Richard Perry asked size wise, how does that compare. Mr. Romeo stated it is pretty close. He stated he was not sure what the dimensions are of the Mount Hope store, but he believes it is 9,000 square feet and this would be 9,450 feet.

Beverly Griebel stated some of those are site plan issues that will be taken up at the Planning Board. Mr. Romeo stated that Mount Hope store, part of it is at grade and they have a two-story effect. He stated here there will be one floor, no basement, slab on grade. He stated this terrain is very level.

Ms. Brugg stated the Board's questions really had to do with the turning radius going to the right

CHILI ZONING BOARD OF APPEALS
August 24, 1999

and left. She stated they can provide documentation on that.

John Castellani stated he noticed they have two handicapped spots right near probably the busiest area for entrance and exit. Larry Smith stated they have to be the closest two to the door. Beverly Griebel stated that's Town code. John Castellani asked but it is also in the highest traffic area, and he thought that may be an unwise decision. John Castellani stated handicapped people tend to need a little bit more room, both for their vehicles and their abilities.

Mr. Romeo stated they had actually presented having their handicapped spaces further back on an initial drawing. Mr. Romeo stated when they reviewed the code with the staff at the Town, they found out they had to move them. John Castellani stated that is unfortunate, because most times they have the kind of vehicles with a bigger turning radius, and in many cases they have less ability to make those turns than most people. Mr. Romeo stated if the Board would allow him to move them back, he would move them back. John Castellani stated he did not think they have the authority, but he questions that.

Mary Sperr stated the drawing says there is 25 feet in between the parking spots on the side, to the next row, and there is 25 feet from the front back, so it looks like the same. John Castellani stated but the people aren't coming in or coming out. He stated when one starts to exit, the person in the first handicapped parking spot is going to have a problem. Mary Sperr stated she understood but was pointing out there is 25 feet.

Mary Sperr stated on these plans, it says they have a proposed monument sign. Ms. Brugg stated they did not submit an application for signage with this application because they had a short submission time and they didn't have the drawings together, but they'll be submitting something with regard to signage. Mary Sperr stated one of the things they have been asking everybody to do as they put signs up is to put their address number on the sign.

Mr. Romeo stated that is not an issue. He stated the reason for presenting it this way is they wanted to make it clear they would not be asking for a pylon sign or freestanding sign at some point in time, but they would be seeking approval to put a monument style sign up. He stated they don't have an issue putting the address numbers on that sign.

Beverly Griebel asked are the three lots combined into one. Mr. Romeo stated they have submitted an application for resubdivision of the lots. Beverly Griebel stated so they can pick a number. Larry Smith stated the Assessor will pick the number.

Mary Sperr stated that is one of the things they have been trying to do, is to get the numbers on the signs. Ms. Brugg stated that is very common. She stated everybody is asking for that now. Beverly Griebel stated so when the applicant designs the sign, they should put numbers on it or a space for numbers. Mr. Romeo stated he understood very clearly what they were looking for.

Gerry Hendrickson asked when they tear down the existing structures, are they going to be building where the current cellars are. Mr. Romeo stated the east lot, they won't be building anything on there other than parking lots and green area. He stated part of this building will be built where the existing footers are and the basements. He stated he was not sure if that whole building has a basement or where exactly that basement is. He stated he has not been in all corners of it. He stated they'll be filling that, removing the old footers that are there, any block or debris and refilling them with appropriate fill material.

ANYONE IN FAVOR OR OPPOSED:

Maria Williams - 6 Earl Drive

She stated she lives directly behind the property. She thanked the applicant for taking the proposed pond out. She stated that was a great concern to everybody that lives back there because they have enough drainage problems.

Ms. Williams stated when they're talking 19 spots, between the front of the building and Chili

CHILI ZONING BOARD OF APPEALS

August 24, 1999

Avenue and their traffic for the pickup and drop off for the pharmacy, when people are coming out, they will be having people that have to back out there. Beverly Griebel stated that was right. Ms. Williams stated the same type of situation occurs at the Fleet Bank in Gates at Pixley where parking on the building is reversed, but the main drive flow is through the parking area. She stated it is not nice.

John Castellani stated that was the point he was trying to make. He stated he thought that the parking is personally ill-conceived for what they're going to do. He stated he could see someone coming around the turn with someone else backing out. He stated he could see accidents there.

Beverly Griebel stated she thought that issue is for site plan for the Planning Board to determine that. She stated the testimony is that they don't anticipate that many people using the drive-up window. She stated it would not be heavily used.

Richard Perry stated but there would be people who decide to egress the lot by going around the building. Beverly Griebel stated they could go around or come right back out the same way, because there are directional arrows there.

John Castellani stated the Zoning Board is actually charged with considering the number of spots, but he thought they ought to be getting back to the Planning Board and telling them their objections about the parking spaces here, not necessarily from a numbers standpoint, but the potential problems that they are going to see after the developer is gone and everybody else is there with the Store Manager saying he does not know what happened and it becomes a Town problem at that point.

Richard Perry stated it almost looks like it is a good project on too small a parcel. John Castellani stated it really almost looks very big on a little lot, but the lot really isn't little.

Mr. Romeo stated they understood the Board's concerns. Mr. Romeo stated in all of the other stores that are in Monroe County, this particular design, they do have a double row of parking. He stated they took one row out already. He stated he was not aware that they experienced any problems with people backing in or out or any accidents with pedestrians. He stated on this particular site they have already eliminated half of the spaces by eliminating the row along Chili Avenue. He stated he understood the Board's concerns, but from practical experience, they haven't had any issues. He stated they would certainly address all of the Zoning Board's comments at the Planning Board level.

John Castellani stated he thought that is where he needs to do it. He stated they have eliminated the spots, but they didn't increase the distance. He stated they are still only 25 feet because they put in green area. He stated that is commendable. He stated he was not complaining about that. He stated but what he is getting at is for what could be a higher traffic area, that may not be practical.

Richard Perry asked is there going to be a sidewalk. Mr. Romeo stated there is an exiting sidewalk there. Richard Perry asked will that be replaced. Mr. Romeo stated they have to replace it. He stated there is currently a series of curb cuts along Chili Avenue. He stated they are intending to make application to the Department of Transportation to close those curb cuts and do minor modifications to the signalized intersection there. He stated they'll make it continuous.

Richard Perry asked being a neighborhood store, where do they have sidewalks for entrance and egress for pedestrian traffic. Mr. Romeo stated they did not have them shown on the plans. Richard Perry asked will there be some pedestrian traffic sidewalks. Mr. Romeo stated if the Board was asking him to do that, they certainly will. Richard Perry stated that was not in their purview.

John Castellani stated the Zoning Board should send a letter to the Planning Board with some of their concerns and recommendations. He stated he thought that was very appropriate because he

CHILIZZ BANK BOARD APPEALS

August 24, 1999

was not happy with the way it is laid out. Beverly Griebel stated she is making a list of comments to send onto the Planning Board.

Ms. Brugg stated she just wanted to point out one comparison. She stated this will not be like a bank, in terms of the volume. She stated this is not a McDonald's; it's not a bank. She stated the drive-through would be used primarily by people who have regular prescriptions, mothers with small children, elderly customers, people who might have regular ongoing prescriptions. She stated the middle of the day is not the time they are going to find a lot of cars going through the drive-through.

John Castellani stated but unfortunately at night, the people coming from work are the ones that will probably use the drive-through, and that is where they are going to get into the problem. Ms. Brugg stated the traffic is very sporadic.

Beverly Griebel stated they attempted to put the parking away from that rear property line and away from the neighboring homes, so they are kind of compromising. Ms. Brugg stated they were asked to enhance the green area and the landscaping, so it is all a balancing challenge.

Mary Sperr stated it will be an improvement.

Beverly Griebel asked if people will enter at the light. Mr. Romeo stated only at the light.

Ms. Brugg stated she would also point out in terms of traffic, there is also room for vehicles to circle around without driving around the building. Richard Perry stated he could understand that, but his concern is that that curve, the cut around, the bottom end of it is very tight if they are trying to go from around that and out the exit way. He stated it is just too small a space.

Beverly Griebel stated she would make a note to talk to the Planning Board about it. Ms. Brugg stated if the Board was interested in possibly recommending to the Planning Board that they look at alternatives in terms of signage, she thought that has also been used at other locations to control traffic coming out of the drive-through area. Richard Perry stated he was not so much concerned about signage, but the ample amount of space they have to turn. He stated people being what they are and the way they drive, he did not think that that is adequate.

Beverly Griebel stated this went to the Monroe County Planning Department and it came back as reviewed and they did not really have any comments. Ms. Brugg stated if that letter did not make sense, there was a correction letter that went out after that. She stated the letter was missing the word "no." Beverly Griebel stated so it is essentially a local matter, leaving it up to the Town. Ms. Brugg submitted the correction letter to the Board.

During the decision portion of the meeting, Dan Melville made a motion to table the application, and no one seconded the motion. The motion died for lack of a second.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Bill Oliver seconded the motion. All Board members were in favor of the motion.

The first vote taken on the application was 4 no to 3 yes (Beverly Griebel, Bill Oliver, Dan Melville).

At the request of the applicant, the Board reopened the public hearing portion of the meeting regarding Application #5.

Betsy Brugg and Frank Romeo were still present to represent the application.

Ms. Brugg stated there were three issues that the Board has addressed tonight. She stated one of those issues was the handicapped parking. She stated currently there are two handicapped

CHILI ZONING BOARD APPEALS
August 24, 1999

parking spaces. She stated they're showing one striped area. She stated they would like to offer up to put an additional striped area in for the second space to balance those and eliminate one parking space.

Ms. Brugg stated the second issue is the additional two parking stalls at the end of the double parking aisle. She stated they could eliminate those and push that end island back to widen that up.

Ms. Brugg stated the third issue is the access from Chili Avenue, the curbing and the way it is proposed. She stated she understood what the Board was saying with the issue of turning to the right and getting in and out. She stated unfortunately, she is not an engineer. She stated she was sure there is a valid reason why the engineer did that. She stated there may be some D.O.T. issues here.

Larry Smith stated the radius has to be maintained by the New York State D.O.T. Mr. Romeo stated he was sure that is correct, but he did not know what the design criteria is off the top of his head. He stated if there was something they could do to alter that to make it easier to what the Board thinks they want, they would do that and look into it, but he just did not have the clearance on what they could or couldn't do this evening.

Richard Perry stated when somebody is parking in those two handicapped spots, they need the addition of another 5 feet of back-up area. Mr. Romeo stated he understood what the Board was saying, but he needs to have an engineer to say why they can or can't do it. He stated they were agreeable to doing something if there is a logical reason from a design standpoint.

Larry Smith stated the commercial cut radii look about the same as on every other commercial cut drive. He stated he did not think they deviated from the requirements much on this at all.

John Castellani asked were they talking about modifying the application to have 16 vehicles in the front. Ms. Brugg stated that was correct. Mr. Romeo stated they would eliminate two and replace one with striping. John Castellani stated so there would be more of a swing for both of them. Mr. Romeo stated if one were to park in the handicapped space, on the driver's side he/she would have a striped area. John Castellani stated he thought that would be a lot better.

Ms. Brugg stated they would agree to have those as conditions on the approval if that would satisfy the Board's concerns.

John Castellani suggested they amend the application to be 16 spaces and then they could put their change recommendations in the notes. Ms. Brugg stated as a practical matter it doesn't make a whole lot of difference. She stated she would just like it to be clear to the Planning Board that this change was made to address concerns of the Zoning Board so that the applicant does not get something different from the Planning Board.

Beverly Griebel stated Richard Perry is a truck salesman, so he is familiar with sizes of trucks.

Richard Perry stated he knows site plan is not the Zoning Board's responsibility, but he still thinks they need to send a letter with some recommendations, especially about a pedestrian entrance. Ms. Brugg stated they're certainly agreeable to that.

John Castellani suggested the Board take a revote. Beverly Griebel stated the Board could rescind the previous vote. Keith O'Toole stated the vote is not perfected until the Board adopts findings. Dan Melville stated they did not do that. Keith O'Toole stated so the Board could have a new resolution to dispose of the prior resolution.

John Castellani made a motion that the Board dispense with the last vote that denied this application. Bill Oliver seconded the motion. All Board members were in favor of the motion.

The applicants showed the Board how they would propose to change the plan. Beverly Griebel

CHILI ZONING BOARD OF APPEALS
August 24, 1999

stated the Zoning Board's concerns would be presented to the Planning Board.

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

1. Application is revised to eliminate the two northernmost parking spaces.
2. The two front handicapped spaces with access space between are shifted one space to the west.

The following finding of fact was cited:

1. The 19 spaces of front parking appear to be too many for the area and traffic pattern as it is laid out.
6. Application of Benderson Development, owner; c/o Richard Bowen & Associates, 13000 Shaker Road, Cleveland, Ohio 44120 for variance to erect 6 wall signs to be a total of 775.9 sq. ft. (100 sq. ft. allowed), variance to erect an 8' x 8' double-faced freestanding sign at property located at 800-810 Paul Road in G.B. zone.

David Handera, the Project Manager for Development with K Mart Corporation, was present to represent the application. Mr. Handera stated he was present to represent this application on behalf of Benderson as identified in the cover letter from Mike Woods and Richard Bowen.

Mr. Handera stated they're expanding their current K Mart store. He stated they have acquired the vacant space, which is to the left of the K Mart store, and they're actually involved in fixturing that section, as well as the balance of the store. He stated what they brought is basically the latest design to the store.

Mr. Handera stated K Mart over the last three years has undertaken a task of renovating most of their stores. He stated the target is to renovate all of their stores by the end of next year. He stated so the new Big K format that they're actually constructing right down the road has evolved. He stated right now they're constructing the latest format.

Mr. Handera stated with that, they have also developed a new logo, which is now called the Big K Mart. He stated so every store that goes through this reconstruction or renovation is now literally a Big K Mart. Mr. Handera stated basically the Big K Mart tells what they're all about, that their store is new, fresh and exciting.

Mr. Handera stated he did want to point out on the cover letter, there is a typo. Mr. Handera stated item number two, where Michael Woods indicated that they're seeking relief for a quantity of signs, the second paragraph in item two said additional signs are now illuminated. He stated that should be non-illuminated. Mr. Handera stated but they are seeking relief from ordinance 115-34 E-6 subsection (c) and subsection (d), pertaining to the building signage and the addition of a freestanding sign.

Mr. Handera stated currently, the building signage limits them to 100 square foot on a maximum, although they're allowed to one and one half square foot per linear foot of road frontage. Mr. Handera stated as far as the freestanding sign, they're looking to help identify the store location, and they're developing it consistent with other pylon signs located in Chili.

Mr. Handera stated they have had their public hearing notice signs posted throughout the property, one on each road and one at the corner.

Mr. Handera stated regarding the building signage, currently, their old logo is the red "K" with the blue "M-a-r-t." Mr. Handera stated they're actually going with a blue "Big" with a swoosh and the big red "K" with the "mart" inside the "K." He stated it would be consistent with the renovation that is under way. He stated they're actually modifying the storefront, and there is also a drawing of the storefront on how it is proposed to be with the Big K signage.

CHILI ZONING BOARD OF APPEALS

August 24, 1999

Mr. Handera stated on the existing elevation, to the right of the drawing, one will notice the Penske Auto Center sign. He stated that sign, in essence, is remaining, other than it is being relocated one bay over. Mr. Handera stated in its place they're proposing a garden shop sign to the right of the entrance as one faces the store, a pharmacy sign to the left, a K cafe, which is in addition to their Big K concept, and all of the way over by their emergency exit that they put in would be a small Western Union sign because now they'll be offering Western Union, money orders and the like. Beverly Griebel asked if it will be full service. Mr. Handera stated yes, it will.

Mr. Handera stated the purpose of adding the signs is because even though K Mart is one large store, within that store there are much smaller stores with the pharmacy, with the addition of the K cafe. He stated their garden shop is towards the right rear, near the Penske Auto, and it is pretty much hidden from Chili Avenue. He stated that is the purpose of bringing the signs to the front of the building, so individuals as they enter into the center, they can see what K-Mart has to offer.

Mr. Handera stated how they calculated the signs, they put a box around the entire sign. He stated if one looks at the garden shop sign, it identifies it as being 83 square feet. He stated those would be just solid letters that are mounted right to the block. He stated if they really calculate the square footage of the actual letters, the total square footage is much smaller on the garden shop sign.

Mr. Handera stated on the pylon sign piece of the application, what was originally sent in was a standard single pole mounted pylon sign. He stated they went back to the drawing board after looking at a number of the signs down Chili Avenue. He stated there aren't many single pole signs out there. He stated there are the two-column pole signs that are much more appealing.

Mr. Handera stated so what they have done is created a new pylon sign drawing with two poles to submit to the Board. He stated they could modify the design as needed or as requested by the Board to either in-fill the center with block, keep the single pole sign or go to a two-pole sign.

Mr. Handera stated the face of the sign is identified as 8 foot by 8 foot on the drawing, but that is the actual housing, the poles extending up. He stated the sign itself, the Big K sign is 6 foot 8 by 6 foot. Mr. Handera stated actually, it should be 7 foot by 6 foot, which is roughly 42 square feet. He stated there is a provision to add two slots for Benderson Development for future tenants. He stated one would be needed possibly for the bank located on the property and the other one is to be determined by Benderson.

Mr. Handera stated there would be no problem to add in the address on the sign, as well.

Beverly Griebel asked if on the pylon sign they were asking for the additional slots to be underneath there. Mr. Handera stated that was correct. Beverly Griebel asked does that change the overall dimension. Mr. Handera stated the face of the signs, adding the two out lot tenants would still be below 64 square foot. He stated they have calculated it to be about 62 1/2 square foot.

Beverly Griebel clarified so there would not be anything in there now, but they would have the ability to put a couple of extra things in there if they wanted. She stated that is what they are asking for on that. Mr. Handera stated that was correct.

Mary Sperr commented the people from Benderson did mention putting something else in that parking lot. Mr. Handera commented where the pond is located. Mr. Handera stated he was not aware of any further development by Benderson. He stated he just concerns himself with the K Mart and the construction and development of the K Mart piece of it.

Mary Sperr asked are the size of these signs, the Penske and pharmacy, are those typical of what they have been doing at their other K Marts. She asked are these the same sizes as they have been putting up, their standard that they are currently using. Mr. Handera stated that was correct. He