

A meeting of the Chili Zoning Board of Appeals was held on February 25, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: Dan Melville, Richard Perry, Michael Martin, Peter Widener,
Dennis Schulmerich and Chairperson Beverly Griebel.

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

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

BEVERLY GRIEBEL: Before we begin, I was out on the 15th. I think at that -- 15th and 16th, Saturday and Sunday, and I didn't have any problems with any signs.

DAN MELVILLE: No problems.

PETER WIDENER: No problems.

BEVERLY GRIEBEL: Good.

RICHARD PERRY: First in a long time.

BEVERLY GRIEBEL: Good job everybody. Even with all of the bad weather we had, the signs were up there.

DAN MELVILLE: So it can be done.

BEVERLY GRIEBEL: Sometimes wind or maybe -- but anyhow. The first one is one that was held over from last meeting.

1. Application of Mark IV Construction, 301 Exchange Boulevard, Rochester, New York 14608 property owner: Robert Dugan; for variance to erect a 16' x 8' real estate development sign to be 128 sq. ft. variance for sign to advertise an apartment project on another property (3793-3795) Chili Avenue-Parklands at Chili Apartment) at property located on Paul Road (borders expressway) in L.I. zone.

Richard Rosen was present to represent the application.

MR. ROSEN: This, of course, will only be visible to drivers heading westbound on the expressway, and will let them know if they get off at the next exit --

RICHARD PERRY: Could we have your name?

MR. ROSEN: Richard Rosen, 301 Exchange Boulevard, Rochester.

BEVERLY GRIEBEL: And you are representing the apartments?

MR. ROSEN: Yes. We own the apartments. And, of course, the sign will come down as soon as the initial occupancy is completed. This is a temporary sign only for the initial rent-up period.

BEVERLY GRIEBEL: What would be the initial occupancy?

MR. ROSEN: I'm saying until everything is built.

DAN MELVILLE: Do you have a time frame on this?

MR. ROSEN: Yes. This can expire in 12 months. Very confident it will be fully rented in 12 months.

BEVERLY GRIEBEL: It is a little unclear exactly where the sign will be.

MR. ROSEN: It is just farmland.

BEVERLY GRIEBEL: But how close to the expressway?

MR. ROSEN: Well, we would -- the right-of-way. At this portion of 490, it is rather wide. There is, I estimate -- you people drive it more frequently than I do. I would say it is 40 to 50 feet of

grass to the fence, so we're not really in the driver's line of sight unless it is a passenger turning --

DAN MELVILLE: It will not be in the right of way now?

MR. ROSEN: No. I wouldn't be here. I would be at the State, and I would be very much grayer by the time they got to act on it. It is -- that is not feasible at all.

BEVERLY GRIEBEL: Now, that is going to be east of the sign on the highway that indicates the upcoming exit for North Chili, West Chili?

MR. ROSEN: I --

BEVERLY GRIEBEL: How close is it to that sign?

MR. ROSEN: I cannot tell you. I did not pay attention to that. We obviously have to avoid that proximity. It is a big farm. There is a large stretch. We can locate it in a location that avoids the hedge row trees and conflict with the -- now, of course, the signs for the highway are right at the edge of the drive lanes.

BEVERLY GRIEBEL: Well, now, on the sign variance application, submit a complete drawing showing the location of the sign indicating the distance from the street right-of-ways, et cetera, et cetera. Distance to buildings. The buildings is not applicable, but I think the distance from adjacent signs might be an applicable thing. So this line on here indicating the proposed location is just a line on a map?

MR. ROSEN: Yes. I think it will be much better off in the field, seeing the line of sight for drivers and not conflicting with their view of the exit sign close to the edge of the roadway. But, you know, because of the location of the farm house, this is totally invisible from any town streets.

BEVERLY GRIEBEL: The farm house?

MR. ROSEN: Well, in front there, yes. I'm saying that as you drive by on King Road, you're not going to see this.

BEVERLY GRIEBEL: It is going to be east of the Paul Road bridge?

MR. ROSEN: Yes, that's correct.

BEVERLY GRIEBEL: Now, just east of that is the big road sign for the exit -- or the one that says "one mile ahead" or something like that.

MR. ROSEN: Just --

BEVERLY GRIEBEL: So you don't know the relationship of the proposed sign to that?

MR. ROSEN: I would be making it up if I said that. I did not measure it.

BEVERLY GRIEBEL: I think that is something this Board would need to know. In my own mind, I would want to know where that would be.

MR. ROSEN: Well, I know because of the depth of the farm and our desire not to have to contend with an additional sign in a residential area, we can certainly make a statement this will be at least 200 feet east of the sign at the property line.

BEVERLY GRIEBEL: Okay. I still think the diagram is a little vague, but it is up to the rest of the Board.

DAN MELVILLE: 200 feet east of the road?

MR. ROSEN: I can't tell you because I don't have it measured, but it will be less than from the sign.

DAN MELVILLE: There is a requirement from the State it has to be so many feet.

MR. ROSEN: The State sign is close to the travel lanes. As you're heading west, it was so much to the right, so I did not think they would consider this is a hazard in any way.

RICHARD PERRY: As far as distance from the roadway itself and the right-of-way?

MR. ROSEN: Again, I did not measure the width of the grass to the hedge row.

RICHARD PERRY: Your indication was that it is at least a fair distance from the right-of-way?

MR. ROSEN: This is the newest portion of the road where it is the widest. I think it is at least 40, 50 feet. If any of you maybe have a better recollection driving by -- I only do it rarely. You do it frequently.

BEVERLY GRIEBEL: I don't know where a right-of-way ends and another property owners --

MR. ROSEN: There is a hedge row at each point, yes.

RICHARD PERRY: Do you have any information, Dan (Kress) on the right-of-way distance there?

DAN KRESS: I can't tell you the exact dimensions of the 490 right-of-way. I can tell you based

on the original sketch, which was basically an overlay of the tax map, it appears as though it is about 300 feet back from the property line. Now, that is obviously an approximation.

RICHARD PERRY: That would be quite a bit difference from what Mr. Rosen is saying.

DAN KRESS: I'm basing it solely on this initial sketch that was provided.

MR. ROSEN: That is not our intention, Dan (Kress). It would not be possible for people to read it then. I apologize if that earlier sketch -- I remeasured it. But if you look at the earlier sketch, the tax map, you will see that this section of the highway is very wide, and, of course, that is all taken up with the grass on the side. I would say the highway right-of-way is 300 feet wide.

DAN KRESS: It appears to be close to it, yes.

I don't have any other questions right now.

PETER WIDENER: I would just like my memory refreshed. The time on the sign is 12 months?

MR. ROSEN: 12 months.

PETER WIDENER: Looking at the measurements, the acreage is 16 or the height is 8?

MR. ROSEN: 8. Mounted 4 feet off the ground.

PETER WIDENER: No illumination on the sign?

MR. ROSEN: No. Daytime only.

RICHARD PERRY: Do we have any idea whether this off-premises registered signs portion of the New York State Sign Program comes into play here? Do we know whether or not this is in compliance with it or not?

BEVERLY GRIEBEL: All signs within 660 feet of the edge of the right-of-way, which are visible from interstate or primary highways are subject to the sign program. Signs that are more than 660 feet from the edge of the right-of-way, are outside of urban areas, and are meant to be seen from the interstate or primary highway, are also subject to the sign program. Advertising signs in areas other than industrial or commercial areas or zones are not permitted within 660 feet of the right-of-way. Some exceptions apply to on premise, or for sale, or for lease signs of the subject property.

MR. ROSEN: I thought the purpose of the sign program is to keep billboards 660 feet away.

BEVERLY GRIEBEL: All signs.

RICHARD PERRY: It appears this applies to that situation. I guess based on the fact that I don't have any indication whether or not this complies or not, I guess I would be a little bit hesitant to vote for approval of it until I know whether or not it is in compliance.

MR. ROSEN: Well, is anything in -- that you're reading, if it is in compliance, if it is within 660 feet? Does it list exceptions?

BEVERLY GRIEBEL: I did not see any.

MR. ROSEN: Does the purpose appear to be to keep all signs 660 feet away --

BEVERLY GRIEBEL: All signs within 660.

MICHAEL MARTIN: Need to be registered with the State.

PETER WIDENER: What is the zoning on the land?

MR. ROSEN: Industrial.

BEVERLY GRIEBEL: One of the main reasons this gentleman is here is to advertise something that doesn't take place on that property. That is where the question comes in. The main question.

MICHAEL MARTIN: This doesn't apply to the sign program. It is a State program. We can grant variance for the advertising of the off-premise activity.

BEVERLY GRIEBEL: We can grant things, but anything we grant would be subject to final approval from the State.

MR. ROSEN: We would not apply for final from the State, so I would request you modify the application that your decision is subject to our compliance with the State.

BEVERLY GRIEBEL: Yes. They may come with a hatchet or saw and it would be gone.

MR. ROSEN: We wouldn't risk the money on a sign or risk of a fine. We'll look into it. I hadn't known about it. I'm just hearing about this for the first time. I will ask Mr. Kress tomorrow for the citation and I will check it out and make it subject to -- we'll have to show him that we have a permit, if that is what is required.

BEVERLY GRIEBEL: There is a lot of verbiage, as with any kind of regulation.

MR. ROSEN: Does that make sense, Mr. O'Toole, subject to we have to show you we have what is required?

KEITH O'TOOLE: Or you can make it a condition that they petition to register the sign, which seems to be the crux of the regulations. If they can't get registered, then we'll know whether or not they're in compliance.

RICHARD PERRY: Then it is a moot point.

DENNIS SCHULMERICH: Does this suggest that the variance is contingent upon approval of the acquisition, the registration and inspection?

BEVERLY GRIEBEL: I would think so. It seems like they want to approve anything that is viewable from the highway.

DENNIS SCHULMERICH: A registration fee and an inspection fee is what I am looking at. Okay.

BEVERLY GRIEBEL: They want to use great care as to what is put up there. You're not supposed to be using cell phones while driving, and if you have umpteen signs, sometimes that is more distracting than using a cell phone.

DAN MELVILLE: It is more dangerous dialing than talking on it. Don't get me going on that one.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: On the application is a Tax ID number 146.07-01-02. That is a non-existing tax ID number, so first of all, I question the application on that part.

DENNIS SCHULMERICH: We have addended 145.07-1-4.

MR. RETTIG: That is not what was initially put on the application.

What is the correct application tax ID number?

BEVERLY GRIEBEL: 145.07-1-4.

MR. RETTIG: Has that been verified? Is that the property?

BEVERLY GRIEBEL: The Building Department would have made that correction.

MR. RETTIG: Is that the proper ID for this property?

BEVERLY GRIEBEL: I don't know.

DAN MELVILLE: To the best of our knowledge, yes.

DANIEL KRESS: Yes, it is.

MR. RETTIG: Have the zoning signs been properly displayed?

BEVERLY GRIEBEL: The public hearing notice signs? Yes.

MR. RETTIG: Thank you.

I have heard statements this evening in the presentation that I do not believe that something is true, it appears that something is true or it appears that something is or is not the case. We have questions that need definitive answers, not appearances or beliefs.

Has application been made to the New York State D.O.T.?

BEVERLY GRIEBEL: That I'm not sure. Sir, do you know that?

MR. ROSEN: No.

MR. RETTIG: There are TEA 21 Federal funds in jeopardy in our Town, Town of Chili if the New York State laws are not followed, and therefore, this does take serious precedent and does take serious designation by the Board. I did see a nod of a member's head in regard to whether or not this needed to be a specific distance from the one-mile-ahead State sign, and I saw Mr. Martin in certain cases shake his head no, but this does require New York State approval.

And I'm referring to PL Public Law 89-285, and Federal Law 23 CFR, Part 131.

DENNIS SCHULMERICH: Would you read those laws for us, please?

MR. RETTIG: Sure. Public Law 89-285 and Federal Law 23 CFR, Part 131. And they do apply in this case. And if you don't intend to be serious about it and laugh about it, Mr. Martin, it is a serious item when you talk about federal funds for the State of New York which are \$800 million and are a concern to our taxpayers.

DENNIS SCHULMERICH: Just to be clear, the Board takes that seriously, as well.

MR. RETTIG: I saw Mr. Martin laughing here, thank you.

BEVERLY GRIEBEL: Let's go on.

MR. RETTIG: I just want to be clear.

This application is, therefore, not complete.

Well, let me ask another question. Are there specific dimensions of the location of the sign on this specific application drawing?

BEVERLY GRIEBEL: The exact placement of the sign?

MR. RETTIG: Yes, ma'am.

BEVERLY GRIEBEL: No, there is not.

MR. RETTIG: That is another item that needs specific information to apply for the Town and to apply for New York State. Without that information, this application should be properly tabled or not approved.

BEVERLY GRIEBEL: I did mention that earlier, that that is a requirement of the application, that it be definitely located as to exactly where the sign is going to be placed.

MR. RETTIG: That's correct.

BEVERLY GRIEBEL: And this is just a pen mark on a sketch.

MR. RETTIG: That is correct. I certainly agree with you, Chairwoman. Specific information is necessary. This is not on the application, therefore, the application, in my opinion, is not valid, and does not meet the requirements of your own Board.

Another comment, just a comment, we don't need more commercial advertising off the expressways in the Town of Chili. But that is for the sign law in the Town of Chili, and the sign laws for New York State to apply. And if we don't know they apply, this Board really should not be voting on this at this time.

So again, my follow-up is, it is a serious matter with TEA federal funds, that the Board acquire proper information, complete information before acting on this application. Thank you.

ROBERT DENTON, 89 Fitzpatrick Trail

MR. DENTON: Robert Denton, General Manager with Faber Management. I reside in Henrietta. I'm not -- I just want to say that we are not in favor -- we are in favor of proper and adequate signage. We just want the Board to consider if they approve this application, they can properly expect immediate applications from Sedgwick Apartments, Chili Heights, Meadowbrook Farms, Blueberry Hill, Chili Paul and other countless businesses that would lease land along expressways to erect billboards advertising their businesses, two of those apartments and the plaza, which I represent. We all chose our locations, and with marketing data that is required by the Planning Board today, we should all be well apprised of the traffic count, market feasibility and absorption rates of our products.

Again, I'm not here speaking against or for the application. I just -- I just want the Board to hear what we're saying and consider it. And that you will probably get numerous applications for additional signage. That's it. Thank you.

MR. ROSEN: There were good points made by both speakers, and I wanted to condition our request for compliance with those good points.

As to the first, the location should be at the location approved by New York State. Obviously it is a catch-22. Until we're in permit process with the State, we can't pin out down the location.

And as to the second gentleman's point, you have conditioned this as a real estate sign for new construction, which is to come down upon completion of construction, and therefore, would not be a precedent for any of the signs he described, which I certainly think you would not wish to open that door. Of course not. It is only because this is new construction. So many units come on the market at one time, so one has the need for such advertising. Thank you.

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

DECISION: Unanimously denied by a vote of 6 no with the following findings of fact having been cited:

1. Applicant has already received approval of adequate on-site signage on the State highway.
 2. A billboard will create substantial off-premises blight.
2. Application of Terry Bonter, owner; 89 Names Road, Rochester, New York 14623 for variance to erect a 10' x 16' two-story addition to existing shed, making total square footage of shed 640 sq. ft. (180 sq. ft. allowed) at property located at 89 Names Road in RAO-20 & FPO zone.

Terry Bonter was present to represent the application.

MR. BONTER: Hi. My name is Terry Bonter, owner of 89 Names Road I would like to build a storage building in the backyard. In that particular neighborhood, this building is actually more of a norm than it is an exception. The neighbor on either side has detached two-car garages and so on down the street. So it is fairly common. It is not an out-of-place size for a building there.

BEVERLY GRIEBEL: How tall is your house?

MR. BONTER: I don't know.

DAN MELVILLE: Two-story?

MR. BONTER: No. It is a ranch.

BEVERLY GRIEBEL: It is a one-story with a low -- I don't know what you call the roof, but it goes up on four sides to a long peak, but it is a low slope.

MR. BONTER: That's correct.

BEVERLY GRIEBEL: Are you aware an accessory structure cannot be higher than a main building on the lot?

MR. BONTER: I was not aware of that. I do not believe it will be.

BEVERLY GRIEBEL: But if you want a two-story shed, how can it be lower than the one-story house?

MR. BONTER: Because it doesn't have the basement it is sitting on. It is sitting on just landscape timber.

DAN MELVILLE: The basement doesn't have anything to do with it. The height on your current house -- I don't know how many feet up that is. That is probably 12, 15 feet, maybe the peak of the roof.

BEVERLY GRIEBEL: It is a low slope.

DAN MELVILLE: So the top of your garage, or your shed is going to be taller than that --

MR. BONTER: Well, obviously it wouldn't be.

BEVERLY GRIEBEL: If it is going to be a two-story shed, I think it will be taller than a one-story house.

MR. BONTER: It will have an 8-foot wall, with a peak on it, and when I applied for the variance, because I was going to put a floor and use that peak for storage -- it is not like it is a full second story you could walk around in. It means I will put a roof on the rafters up above what is there.

DENNIS SCHULMERICH: Your side walls will be 8 foot high?

MR. BONTER: That's correct.

DAN MELVILLE: Which is the same as the house.

DENNIS SCHULMERICH: So it is not 16 foot high.

DAN MELVILLE: The walls are 8 foot with the pitch.

MR. BONTER: I mean the foundation is also out of the ground a good 2 to 3 foot.

BEVERLY GRIEBEL: The foundation of the house?

MR. BONTER: That's correct.

BEVERLY GRIEBEL: I'm not sure. Counsel, where would you measure from, from the grade level?

KEITH O'TOOLE: I think I know what he is saying. What the applicant is indicating is that a

house -- your average shed is dropped on a block foundation, up a couple feet, where a shed is down on 2 x 2s and it would be lower than that. In any way, we're measuring to the top of the house, the peak of the house. If, in fact, he builds a shed with a simple pitched roof, it is one and a half stories to be more accurate, with basically a crawlspace up top.

DAN MELVILLE: That would work.

DENNIS SCHULMERICH: We could qualify the maximum height of the shed has to be below the height.

RICHARD PERRY: That has come down. It says two-story addition to existing shed on the application. I had visions of a three-story building.

DENNIS SCHULMERICH: With an elevator. Ha, ha.

MR. BONTER: We had a discussion when we filled this out. She asked if there was going to be a second story. I said I was going to put a floor there.

DENNIS SCHULMERICH: 10 by 16 shed is 160 and even if it is doubled, how are we getting 640?

MR. BONTER: It will be 160. You want to -- instead of 10 by 16, I want it 20 by 16 and then put the roof on it.

DENNIS SCHULMERICH: So there was an additional --

MR. BONTER: Doubled again for a second.

BEVERLY GRIEBEL: So the final figure would be 20 by 16?

MR. BONTER: Correct.

DENNIS SCHULMERICH: One and a half stories, based on your estimate?

BEVERLY GRIEBEL: Yes. What is going to be the overall height of the shed?

MR. BONTER: Obviously less than the house.

DAN MELVILLE: Are you having somebody build this?

MR. BONTER: Yes.

DAN MELVILLE: You have to tell them, it has to be less than the height of the house.

DENNIS SCHULMERICH: The diagram is 18 foot 2 inches.

BEVERLY GRIEBEL: We're not sure how tall the house is.

MR. BONTER: We have to measure the house to make sure it is less than that.

BEVERLY GRIEBEL: Would that be measured from the ground up, or from the basement up? Whatever is sticking --

KEITH O'TOOLE: From normal grade.

BEVERLY GRIEBEL: Why do you need such a large shed?

MR. BONTER: Just for storage of stuff I currently had in the garage where I want to park the vehicles, and I currently have it underneath my deck. I have lawn furniture I use I have to store all winter, lawn furniture from the house, snow blower, lawn mower, wheelbarrow.

BEVERLY GRIEBEL: Do you have a basement or a crawlspace?

MR. BONTER: I have a basement, but I also use that for living space. I would like to store the stuff inside as opposed to outside.

BEVERLY GRIEBEL: You will not store a vehicle in there?

MR. BONTER: No.

DENNIS SCHULMERICH: Intention for power or water out there?

MR. BONTER: No water. I would probably like to put lights in it.

RICHARD PERRY: The addition and the existing are going to be built to -- or the existing one is going to be upgraded so it looks like the --

MR. BONTER: Yes.

BEVERLY GRIEBEL: Some of the houses there in the area are small.

MR. BONTER: That is a problem. There is not that much storage in the houses. Everybody does tend to do that.

DAN KRESS: Just point of information.

Siting the shed on timbers, I believe, at one point was mentioned. Just to be clear, according to the Building Code requirements, it is likely -- and I say "likely" because I have to see a drawing as to how this is going to be built first to be sure that an actual permanent foundation will be required. That is not to say footings can't be buried so they don't add to the height of it, but I'm just saying you might not

be able to set it right down on the ground.

MR. BONTER: There is a building permit for the current 10 by 16, which currently exists, which does have that -- large timbers, in sand, and it is on --

DANIEL KRESS: Depends on how much additional height you add to it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: You say this is storage only? Is that correct?

BEVERLY GRIEBEL: Yes. He has indicated lawn furniture and out of season things, lawn mower, snow blower, that sort of thing.

MR. RETTIG: You're looking at this for the code of not the -- the shed not being any higher than the maximum height of the existing structure house?

BEVERLY GRIEBEL: Right.

MR. RETTIG: Does this new layout with the 20 by 16 meet all property setbacks?

BEVERLY GRIEBEL: According to the diagram, yes.

DAN MELVILLE: He is not applying for any setbacks on this variance.

BEVERLY GRIEBEL: He is all right on that. It is just the oversize that he is applying for.

MR. RETTIG: Thank you.

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

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

DECISION: Unanimously approved by a vote of 6 yes with the following condition:

1. The shed height cannot exceed the height of the main structure.

The following finding of fact was cited:

1. Applicant described the need for additional storage.

Note: A building permit is required prior to construction.

3. Application of Ronald McGrath, owner; 5 David Drive, North Chili, New York 14514 for variance to erect a 20' x 6' open porch to be 54' from front lot line (60' req.) at property located at 5 David Drive in R-1-15 zone.

Ronald McGrath was present to represent the application.

BEVERLY GRIEBEL: You want to come out a little further?

MR. McGRATH: Yes, just to erect a front porch.

DAN MELVILLE: Are you replacing an existing porch?

MR. McGRATH: There is a stoop with an overhang, like an aluminum type porch type deal, but it is rather small. We just would like something to add to the aesthetics of the house and be functional, usable.

RICHARD PERRY: How much further out does this extend, if you know?

MR. McGRATH: 6 feet.

RICHARD PERRY: Than the existing stoop?

MR. McGRATH: Maybe about 2 feet, because that is probably about 4 foot.

RICHARD PERRY: So that is already encroaching into the --

MR. McGRATH: Yes.

RICHARD PERRY: That is fairly consistent with so many of the other houses out there.

MR. McGRATH: There are many houses down the street that vary a little bit.

BEVERLY GRIEBEL: People dress up the front of the house and want to put porches
on --

MR. McGRATH: We have already had approved plans for an addition on the house and stuff, but they all stayed within the confines of the existing structure. In addition to doing this work, we would like to make the property look nicer and have more character.

DENNIS SCHULMERICH: Will you have an overhang for the porch area, or is this just a platform?

MR. McGRATH: No, an overhang.

BEVERLY GRIEBEL: Like a little new roof over it?

MR. McGRATH: Yes. Just a quaint little Cape Cod look.

BEVERLY GRIEBEL: So you could sit out in the rain.

MR. McGRATH: Love to sit out in the rain. That is exactly what I have thought.

DENNIS SCHULMERICH: Are you doing the work yourself?

MR. McGRATH: I will do most of the work myself. I don't like shingling roofs, so I will not be doing that.

PETER WIDENER: As long as you won't be bothering those nice trees in the front yard.

MR. McGRATH: Yes. I hope they last a long time. I wish they would stop dropping branches.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

1. The porch will enhance the appearance of the front of the house.
2. No impact on neighboring properties.

Note: A building permit is required prior to construction.

4. Application of Taras Tsarevich, owner; 34 Weatherwood Lane, Rochester, New York 14624 for conditional use permit to allow an office in home for a motor carrier/broker authority at property located at 34 Weatherwood Lane in R-1-15 zone.

Taras Tsarevich was present to represent the application.

BEVERLY GRIEBEL: I think I didn't pronounce your name well.

MR. TSAREVICH: No, you did pretty good.

BEVERLY GRIEBEL: What is a motor carrier/broker authority?

MR. TSAREVICH: Well, that's basically a trucking business, so that's going to be just a temporary office until I get a place and be no -- no parking, no trucking on -- at 34 Weatherwood, no outside employees, anything like that.

BEVERLY GRIEBEL: When do you plan to start the business?

MR. TSAREVICH: I'm trying for say April, maybe like beginning of May.

BEVERLY GRIEBEL: So you're not doing it yet?

MR. TSAREVICH: No.

BEVERLY GRIEBEL: How long have you had the d/b/a?

MR. TSAREVICH: The d/b/a, for two months.

BEVERLY GRIEBEL: Okay. I got some more questions, but let's see what the Board has.

DAN MELVILLE: So you're not going to have any customers coming to your house?

MR. TSAREVICH: No. No customers. No advertising.

DAN MELVILLE: No trucks?

MR. TSAREVICH: No trucks, no employees.

DAN MELVILLE: Just a home office?

MR. TSAREVICH: Just a home office. I'm doing all of the paperwork on my resident property now until I get a place to start the business.

RICHARD PERRY: It is just phone calls and --

MR. TSAREVICH: Well, not even that. Just like temporary office to get all of the paperwork to that address now, and then when I get a place, everything will be there.

PETER WIDENER: Is this the first time you have applied for this?

MR. TSAREVICH: Yes.

PETER WIDENER: Off this residence?

MR. TSAREVICH: No. I had a zoning permit before for an office for used car and dealership.

PETER WIDENER: Was that the same condition, temporary?

MR. TSAREVICH: Yes.

PETER WIDENER: How long did we grant it for?

MR. TSAREVICH: One year.

PETER WIDENER: And that doesn't exist any more?

MR. TSAREVICH: No.

DENNIS SCHULMERICH: You indicated there would be no outside employees on the premises?

MR. TSAREVICH: Nothing.

DENNIS SCHULMERICH: So your application indicates how many persons will be employed outside the family. You have two written in here. So is the intention that these two employees will be added once you move to another facility?

MR. TSAREVICH: Exactly.

DENNIS SCHULMERICH: So they would not be on premises?

MR. TSAREVICH: No.

DENNIS SCHULMERICH: I thought I heard you say that it would not be even a phone call type business, just basically home office.

MR. TSAREVICH: Home office, computer desk and that's it. It would be no like, you -- I don't know, somebody working there. No business, phone calls.

BEVERLY GRIEBEL: Now, this motor carrier broker authority, you arrange trucking or own trucks?

MR. TSAREVICH: Yes. I'm going to own a truck. It is going to be a trucking company.

BEVERLY GRIEBEL: And where will you be parking those?

MR. TSAREVICH: I don't know. I'm looking for a place right now. So I'm going to lease a place. I don't know yet. I didn't find a place yet.

RICHARD PERRY: But they will never be at Weatherwood?

MR. TSAREVICH: No.

BEVERLY GRIEBEL: And the two people are not employed by you yet?

MR. TSAREVICH: No.

BEVERLY GRIEBEL: Are they going to be working later at your home?

MR. TSAREVICH: Those two people, no.

BEVERLY GRIEBEL: So you have -- with a home office -- this is an application for a home office?

MR. TSAREVICH: Temporary home office.

BEVERLY GRIEBEL: And how long is temporary?

MR. TSAREVICH: Um, say a couple months. That's it.

BEVERLY GRIEBEL: So right now, how many persons employed outside the family, is that zero?

MR. TSAREVICH: Exactly.

DENNIS SCHULMERICH: I'm sorry, it is zero?

MR. TSAREVICH: Yes.

BEVERLY GRIEBEL: Because in any type home office situation, you're only allowed one non-family member.

MR. TSAREVICH: Okay.

BEVERLY GRIEBEL: But you're saying zero. This is your --

PETER WIDENER: He is not asking for any signs?

RICHARD PERRY: No.

DENNIS SCHULMERICH: Does that actually become a change to the application in the event there are any employees over the year? Does that two become a zero?

BEVERLY GRIEBEL: Yes. That is what will go in conditions, zero. That is by his own testimony on questioning.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Just a question. What is the d/b/a on the application, please?

BEVERLY GRIEBEL: North American Transportation.

MR. RETTIG: Thank you.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, made a determination of no significant environmental impact, and Michael Martin seconded the motion. All Board members were in favor of 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.
5. No outside employees (this is a change from the application submitted).

The following finding of fact was cited:

1. The home office is a customary home occupation.
5. Application of Charles Whitehead, 40 Parkway, North Chili, New York 14514, property owner: Ronald Ziegler; for conditional use permit to allow an office in home for a private construction business at property located at 40 Parkway Drive in R-1-15 zone.

Charles Whitehead was present to represent the application.

BEVERLY GRIEBEL: Tell us about what you want to do.

MR. WHITEHEAD: Um, actually I and my wife just moved here. My wife and I have the intention of probably looking more toward the future now when that industry picks up in the spring, summer of starting a roofing, siding, remodeling business and I was made aware that to operate that business out of my home, I needed to make a conditional use and -- what it lists is offices -- basically it will be no more than a phone and a computer.

BEVERLY GRIEBEL: Where would you be actually storing the equipment for the business?

MR. WHITEHEAD: I have a trailer and all my tools are stored in there. That rough drawing that you probably have, um, gives a sketch of the garage. That is where the spare material will be stored. Although I don't anticipate very much of that.

BEVERLY GRIEBEL: What kind of material would be in the garage?

MR. WHITEHEAD: Roofing material, siding material, shingles.

BEVERLY GRIEBEL: Counsel, is that allowed? I don't believe it is.

KEITH O'TOOLE: Well, if you look at the definition of Customary Home Occupation, it states it has to be carried on wholly within the enclosed walls of the dwelling. Certainly the garage is not the dwelling. On the other hand, we typically allow some incidental storage in a garage because you would have incidental storage in any residential use. so long as they don't exceed the scope of what you would have in a garage in any normal residence, then they're fine.

BEVERLY GRIEBEL: And overflow out of the garage --

KEITH O'TOOLE: For example, if someone were a hobbyist, they might have a power saw, table saw, something like that and some drywall, maybe some lumber. But I don't think they would have it packed to the rafters with shingles.

BEVERLY GRIEBEL: The intent of this is a home office with a file cabinet and phone because it is a residential area.

MR. WHITEHEAD: I can't foresee any impact it would have outside of the house.

DAN MELVILLE: What about deliveries?

MR. WHITEHEAD: Deliveries would be to the job sites.

DAN MELVILLE: Right to the job site.

MR. WHITEHEAD: It would not be delivered to the house.

DAN MELVILLE: Not delivered to the house?

MR. WHITEHEAD: No, I don't anticipate any.

BEVERLY GRIEBEL: Would you have outside employees working for you?

MR. WHITEHEAD: No, I don't plan to.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: The d/b/a is Charles Whitehead Construction. How long have you had that d/b/a?

MR. WHITEHEAD: Um, hardly any time at all here. As I said, I just moved to Town. We moved from Missouri, and that is the only place I have carried that title.

BEVERLY GRIEBEL: So you just applied for it here?

MR. WHITEHEAD: Yes. I did not apply for a d/b/a because I was told if I use my own name, it would not be necessary, so that is what I did.

DENNIS SCHULMERICH: How long have you been in Chili?

MR. WHITEHEAD: About a month and a half.

DENNIS SCHULMERICH: Welcome.

MR. WHITEHEAD: Thank you.

Ma'am, I'm very unfamiliar with the process. What is the next step?

BEVERLY GRIEBEL: Well, I announced it earlier.

MR. WHITEHEAD: I'm sorry.

BEVERLY GRIEBEL: The Board -- we may take a brief recess now. We will be deliberating on each application this evening to reach a decision. You can stay and hear that decision this evening. You can call the Building Department tomorrow or wait for a letter in the mail.

MR. WHITEHEAD: Okay. Thank you.

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

DECISION: Unanimously approved by a vote of 6 yes with the following 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 meeting ended at 8:20 p.m.