

A meeting of the Chili Zoning Board of Appeals was held on January 25, 2000 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 (arrived during the meeting).

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 regarding notification signs, she was out on Sunday, the 16th and did not have a problem with any of the signs. The Board all indicated they had no problem with the signs.

1. Application of Leslie Roberts, owner, 3469 Chili Avenue, Rochester, New York 14624 for conditional use permit to allow an office in home for medical billing at property located at 3469 Chili Avenue in R-1-20 zone.

Leslie Roberts was present to represent the application. Beverly Griebel stated this was sent to the Monroe County Department of Planning and came back as a local matter.

Beverly Griebel asked the applicant if she would have customers come to her home. Ms. Roberts stated no, she would not. Ms. Roberts stated it would be a rare moment if that happened. Beverly Griebel asked the applicant if she normally would go out and get the material and bring it back home. Ms. Roberts stated she goes out to all of the client' offices or wherever the case may be. Beverly Griebel stated so people would not come to the applicant's house to bring anything or pick it up. Ms. Roberts stated no, they would not.

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. All Board members were in favor of 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.

Note: Public notice sign to be removed within five days of the date of the decision

letter.

2. Application of Ronald Irizarri, owner, 16 Brassier Drive, Rochester, New York 14624 for variance to allow existing 6' high stockade fence to have posts on outside with good side facing inward (post on inside req.) at property located at 16 Brassier Drive in R-1-15 zone.

Ronald Irizarri was present to represent the application. Mr. Irizarri presented pictures to the Board. Beverly Griebel stated the fence was hard to see. She stated she drove in the driveway, but she could not really see what was in the backyard. She stated the snow was too deep. Mr. Irizarri stated the pictures are evident of everything.

Cynthia Irizarri, also present to represent the application, stated she wished they took pictures a year ago that would have shown the hedges they had. Mr. Irizarri stated there was an explanation sheet that goes along with the pictures he handed the Board.

Beverly Griebel stated Picture 1 shows a hedge row from the back of 203 and 205 Chestnut Ridge to the property line of 12 Brassier. Mrs. Irizarri stated it used to be about 20 feet tall. She stated the trespassers that have filed this complaint cut them down last summer. She stated one could not even see the fence before. Mr. Irizarri stated they believe those people filed the complaint.

Mrs. Irizarri stated one couldn't see the back of their fence before. She stated the neighbors that share the 3 foot that they share, their property that they share with them, there was a 20 foot hedge row with trees and ivys that completely covered the stockade fence so the neighbors that lived behind them couldn't see the fence. She stated they trespassed, cut it all down and exposed the fence and they now watch her three teenage girls.

Mrs. Irizarri stated a year ago or two years ago, she had Linda Woods out because those people had repeatedly called their dog in for barking. She stated she had Linda Woods go door to door to ask the neighbors if their three dogs were a problem. Mrs. Irizarri stated they are down to one dog now. She stated they lost a dog to cancer. Mrs. Irizarri stated Linda Woods went door to door to ask if the dogs were habitual barkers. She stated every neighbor said they were not and that they take good care of their dogs. Mrs. Irizarri stated Linda Woods subsequently put a notice in their file that she would accept no more complaints from those same people. Mrs. Irizarri stated this is like a vindictive thing that every chance they get, they're turning them in. Mrs. Irizarri stated she feels like the fence goes along with it.

Mr. Irizarri stated they feel it is an issue of harassment from the neighbors. He stated it is not just that the fence is up improperly. He stated after seven years, they feel it is a continual harassment from these neighbors.

Beverly Griebel clarified this fence was put up seven years ago. Mrs. Irizarri stated yes, it was. Beverly Griebel asked if it is in just the same manner and hasn't been changed. Mrs. Irizarri stated there was a 3 foot hedge that was 20 feet high that covered the back of the fence so they couldn't see the fence. She stated they cut the hedge down.

Beverly Griebel clarified then when the hedges were down, then there was a complaint. Mr. Irizarri stated what happened was last summer, the neighbor had removed the hedge row, which was on the applicant's own property, between their property and 205. Mr. Irizarri stated subsequently that neighbor filed this complaint that the back of the fence was now exposed.

Mrs. Irizarri stated they have replanted to try to get their privacy back. She stated they have complained now about the fence, seven years later. She stated the neighbors that live behind them that they share the 3 feet with, they enjoyed the privacy also. Mrs. Irizarri stated the one neighbor trespassed on both the applicant's and another neighbor's property and are now complaining about the fence.

Mr. Irizarri stated he has cut the hedge row back significantly several feet and left a portion of the hedge row to exist for privacy. He stated with the thickness of that he couldn't work on the other side of that fence without giving up more of his property line. He stated he would have given up

another 2 foot to get back there to put the fence. He stated with the water problem he had at the time when he first moved in, he would have been putting his fence into water.

Beverly Griebel asked if the first complaint then came when the hedge row was taken down. Mrs. Irizarri stated it was not. Mr. Irizarri stated he called the Town when they came onto their property and cut the hedge row, and the Town told him it was out of the Town's hands, that they would have to call the police.

Beverly Griebel asked when was the complaint about which side the fence was facing. Mr. Irizarri stated just this November. Mrs. Irizarri stated they just complained about it, and it has been up for seven years, the fence. Mr. Irizarri stated it will be seven years in May.

Mrs. Irizarri stated they had letters from all their neighbors stating the fence doesn't bother them. Mr. Irizarri passed those out to the Board. Mrs. Irizarri stated they have had problems with the same people peeking through the fence at their girls. Beverly Griebel stated those are issues the Board cannot address.

Mrs. Irizarri stated they did not have them arrested for trespassing because they give them the creeps and they did not want to mess with them. She stated it is an issue that just seems like now it is a vindictive thing.

Beverly Griebel stated obviously there are a lot of issues, but the only thing the Board can decide on now is which side should the fence face.

Mr. Irizarri stated on the first page of the information submitted there is an explanation of the fence and why it was put up, that direction. He stated he had given up 3 foot of the property line, and if he moved it 2 foot more, he would have been into water and would have had wetland problems and everything else for him to have been able to get on the other side. He stated he would have lost 5 foot of his property to be on the other side of the fence.

Mrs. Irizarri asked with the fence being up for seven years, why is it being brought up now. She stated they owned the house for years and years. John Castellani stated even if it was 14 years, it could have been brought up. Mr. Irizarri stated they understand that this is an issue of a fence, but there are underlying problems, an issue of harassment.

Beverly Griebel stated the Board was in receipt of letters submitted by interested neighbors. Beverly Griebel stated the Board was in receipt of a letter dated January 17th from Pauline Hawkins of 205 Chestnut Ridge Road. The letter indicated the following: "The fence that borders our property at 205 Chestnut Ridge Road is not a problem. In between our two fences there are trees, shrubs and vines that cover and provide shade for both our yards. We both have access to that area. There was a time last summer, 1998, that the people at 203 Chestnut Ridge crossed the boundary line and cut down vines, without permission from either family. In 1999, I had the older son Jeff Street arrested for public lewdness, on record in the Chili Town Hall. They have continually shown a lack of concern for private boundary lines. However, the Irizarri family has been considerate and extremely cautious of their neighbors' boundaries. My privacy and their privacy has been respected since we have moved in, July 1993."

Beverly Griebel stated the Board was in receipt of another letter from Bruce Austin at 12 Brasser Drive. The letter indicated the following: "Ron and Cindy have been our neighbors for some time now and we couldn't ask for better neighbors. The property is well cared for and they continually improve the appearance and landscaping of the property. I could only wish our neighbors on the east side of our home did one-tenth, as well."

I have no objection to the fence at the rear of their lot. The side facing their house is landscaped with trees, flowers and shrubs. The fence was constructed for privacy and is placed away from the rear lot line, which leaves a buffer between it and the chain link fence behind it. The buffer contains trees and bushes which hide most of the rear portion of the fence during the spring, summer and early fall months. These trees and bushes are in the process of growing back, as one of the neighbors on Chestnut Ridge took it upon themselves to go onto the Irizarri's property and

cut them down."

Beverly Griebel stated the Board was in receipt of another letter from Tim and Amy Freitas of 24 Brasser Drive. The letter indicated the following: "This is a letter in support for the application of the variance appeal filed by the Irizarri family. We have lived on Brasser Drive for 11 years and have known the Irizarri family for seven years. Immediately after the Irizarris moved into 16 Brasser Drive, many enhancements were made to the property and home, an enormous improvement from the previous owner. They have always meticulously maintained the property and continue to do so. It seems senseless that after seven years of having the stockade fence installed as is, someone would now ask to have it changed. Sounds like sour grapes. It is our sincere hope that you grant this variance."

Beverly Griebel stated the Board was in receipt of another letter dated January 24th from Kristen and David Lippa of 20 Brasser Drive. The letter indicated the following: "Ron and Cindy have lived next to us for the past seven years. They have maintained their property with continuous improvement through these years. The fence in question has not been any problem to us. It seems very odd that after all these years, someone has a problem with it now. The Irizarri family have been great neighbors. I truly hope that you grant this variance."

Beverly Griebel stated the Board was in receipt of another letter from Wanda Russell-Lutz. The letter indicated the following: "The property line at the rear of 207 Chestnut Ridge and 16 Brasser Drive has a stockade fence facing toward property 207 which is the wrong direction but does not create a problem with owner of 207 Chestnut Ridge." Beverly Griebel stated she was not sure of the address of that person. Mary Sperr stated she thought it was from 207 Chestnut Ridge.

All the submitted letters will be on file with the Building Department.

Mary Sperr stated she was just trying to understand the reason why it was put up in the reverse. She stated she wasn't clear when the applicant started talking about it. She asked what was the reason it was put up in reverse in the first place.

Mr. Irizarri stated the property line from 205 that they share had a very extreme hedge row at the time when he moved in. Mary Sperr asked the applicant if they couldn't get at it to put it the other way. Mr. Irizarri stated he had cut it back several feet, and left himself 3 foot of property line between the installation of the fence and his neighbor's property. Mary Sperr clarified so the way the fences are installed caused the applicant to have to stand on the other side. Mr. Irizarri stated because of the hedge row he couldn't get back in to do it the other way.

Mrs. Irizarri stated there are raspberry bushes with big heavy thorns. Mary Sperr asked if the only way to have put it in the correct way it should have been, would be to cut all that down, which is or is not on the applicant's property. Mr. Irizarri stated it is his property.

Mr. Irizarri stated the large willow tree on 207 also fell in line, so he drew himself a straight line across the backyard where he gave up the 3 foot of his property to get the fence up where it was and still leave himself a foot or so of not going into the water.

Mary Sperr asked the applicant at the time that it was put up, did the applicant put it up himself. Mr. Irizarri stated he did it himself. Mary Sperr asked the applicant was he aware it was going up backwards at the time he put it up. Mr. Irizarri stated he was a first-time homeowner in Greece and his rear property line there had the fence existing that way when he bought the home, so he didn't think he was doing anything out of place when he put it up that way.

Dan Melville asked how many feet is there between the fence and the applicant's actual property line. Mrs. Irizarri stated 3 foot. Mr. Irizarri stated 3 feet. Dan Melville asked the applicant are they able to maintain that. Mrs. Irizarri stated they let it grow wild and so do the neighbors. Mr. Irizarri stated they cut it off the fence and the neighbors cut off whatever they want to to keep it clean looking.

Mrs. Irizarri stated they enjoyed the privacy of the hedges. He stated they spoke to the neighbors when they bought the property six or eight months after they did. She stated they cut a doorway in the fence so the children can go through and play. She stated the two families do talk, and they share the huckleberries, blueberries and everything that grows. She stated at least they did.

Mrs. Irizarri stated to her she feels like this is being brought up for some other reason. She stated the Streets have turned in other people in the neighborhood lately, too.

Mr. Irizarri stated there is a definite problem of harassment. He stated truthfully himself, he tried not to see that. He stated his wife and children were telling him about this. He stated when he went knocking door to door to see if their fence bothered anyone, a neighbor told him about what was going on in the neighborhood, and Mr. Irizarri stated that was the first news of it to him and he was quite shocked.

Mrs. Irizarri stated she has been at her house, a couple times bending down weeding her flower gardens and 4 feet away she sees red sneakers behind a pine trees. She stated it makes her sick. She stated the invasion of privacy is unbelievable.

Mrs. Irizarri stated the other thing they wanted to ask about is maybe if they could have a stockade fence on their property, which is only 5 feet, facing the right way. She stated they could continue that because the other neighbors are fine with the way it is. She clarified if they could get another piece the same size and put it facing so they don't have to take the fence down, maybe that would work. Beverly Griebel asked if Mrs. Irizarri meant on the applicant's property. Mrs. Irizarri stated she meant on their property. She stated they have 3 feet beyond that, into their yard.

Beverly Griebel stated if it is the applicant's property, they can do whatever they want. Mrs. Irizarri stated instead of turning the fence around, they could put a piece of stockade up in their backyard so they would have the right side facing the other neighbors. Mr. Irizarri stated it was a solution he had put on the paperwork that he handed into the Board, with their original application.

Beverly Griebel stated the applicants could really do whatever they want on their property. Mrs. Irizarri stated they could take that 6 or 5 foot in their backyard and just put another fence against it and that would solve the problem for their backyard. Mr. Irizarri stated it would not bother the other two neighbors.

Mrs. Irizarri stated so it would be a double-faced fence, instead of turning their existing fence around. Beverly Griebel stated that might be a possible solution other than leaving the present fence the way it is. Mrs. Irizarri stated it is only 5 feet for that one.

Mr. Irizarri stated they have had additional costs, buying additional trees and whatnot to give themselves the privacy which they lost when they cut the hedges down. Mrs. Irizarri stated the trees were 20 foot tall, and their house is on a hill. He stated it cost them a couple hundred dollars in trees to try to replace what they took down, and it will take years for them to grow.

Larry Smith asked the applicants why didn't they sue the person who cut down their hedge rows. Mrs. Irizarri stated because they are afraid of them. Mr. Irizarri stated he called the Town and they said they couldn't do anything about it. Larry Smith stated it is a civil matter.

Mrs. Irizarri stated Linda Woods has records regarding this. Mr. Irizarri stated they decided that they would not start anything. He stated it will grow back and they will let it go. He stated now this is getting to be something ongoing where he wished he would have not let it go at the time.

Beverly Griebel stated there are two different situations here. Mrs. Irizarri stated the thing is she called Linda Woods after they did it and she told her now her dogs can be seen. Richard Perry stated that is a different issue. Mrs. Irizarri stated they have been harassed by them in the past.

ANYONE IN FAVOR OR OPPOSED:

Robert Street - 203 Chestnut Ridge Road

He stated Mr. Lutz, the owner of the property at 207 Chestnut Ridge Road could not attend this meeting, and he gave him verbal permission to speak on his behalf if that was permissible.

Beverly Griebel asked Mr. Street if he had a letter from Mr. Lutz that he wanted to read. Mr. Street stated he did not have a letter.

Mary Sperr stated the Board was in receipt of a letter from Wanda Russell Lutz from 207 Chestnut Ridge. Mr. Street stated Mr. Lutz is the property owner. He stated he has spoken to them and this is what they told him.

Beverly Griebel stated if Mr. Lutz could not have been present, he should have written a letter. She asked if Wanda Russell Lutz is the same person or somebody else. She asked is that the same family. Mr. Street stated Mr. Lutz is her husband. Mr. Street stated Mr. Lutz is the property owner, he told him. Richard Perry stated the Board does not know that, though.

Beverly Griebel stated Mrs. Lutz sent a letter. She stated if somebody can't be present, then what they need to do, like the other people have done, is send in a letter, sign it so the Board could read it as part of the record.

Mr. Street stated he would not go into all of the issues that Mr. and Mrs. Irizarri were accusing him of. He stated in relation to his son, the people that own the property at 205 Chestnut Ridge Road are not telling the truth.

Mr. Street stated his sons would not go down and cut that shrubbery down knowing they were violating, trespassing. Beverly Griebel stated the Board was not dealing with the issue of the cut shrubbery.

Mr. Street stated he was just stating his opinions. He stated the Irizarris stated their opinions. Beverly Griebel asked Mr. Street if he had anything to say about the fence.

Mr. Street stated laws are made for everybody to obey. He stated violators that break the law hope that they won't get caught. Mr. Street stated Mr. Irizarri applied for a variance. Mr. Street stated the applicants knowingly erected this fence in violation of the Town zoning laws. He stated now the applicants state that they want to look at the good side. He stated now the property owners on Chestnut Ridge have to look at the bad side.

Mr. Street stated he respected the rights of the property owners on Brasser Drive because they erected the fence according to the Town zoning laws. He stated if someone wants to erect a fence, before they put it up, they should come to the Town and ask for a variance, not to come after the fence is put up and ask for a variance. He stated that violates his rights as a property owner.

Mr. Street stated he feels that he does not have any rights. He stated the applicants want to look at the good side. He stated he does not feel that way. He stated the shrubbery the applicants were talking about, he can see that whole fence line. He stated that fence he finds offensive.

Mr. Street stated so if the applicants respected the rights of the people on Brasser Drive, they should have respected the rights of the people on Chestnut Ridge. He stated the Town would be a sorry looking mess if it allowed people to do this, to violate the law. He stated if this is allowed, other people will see this and say the applicants did it, why can't they.

Mr. Street stated the applicants didn't come and ask him when they erected this fence if he objected to it. He stated with the facts he has stated, he feels that this variance should not be allowed.

Richard Perry asked Mr. Street if this was a problem that he found offensive, why did he wait six and a half years to say anything about it. Mr. Street stated he had overheard that the applicants

threatened to have him arrested for trespassing, his sons. Richard Perry stated Mr. Street should forget that for the moment. Richard Perry stated for six and a half years Mr. Street has not said anything. Mr. Street stated that was right.

Mary Sperr asked Mr. Street did he say anything as the applicants put the fence up. Mr. Street stated no, he did not. He stated he felt if someone does something and violates the law, they should suffer the consequences. He stated if he put up a fence against the Town laws, no matter how long the fence had been up, he would have been guilty.

Beverly Griebel stated there is a relief in the law, in the zoning law for people to ask for a variance. She stated that's allowed. Mr. Street stated he knew that, but people should ask for a variance when they want to put a fence up. Beverly Griebel stated well, it doesn't always happen that way. Mr. Street stated the applicants violated the law, knowingly violated the law, and when one violates the law, they have to suffer the consequences.

Beverly Griebel stated the Board had heard Mr. Street's opinion. She asked Mr. Street if he had any more to add. Mr. Street stated he did not.

Mr. Street stated Mr. Donald Lutz finds this offensive.

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. All Board members were in favor of the motion.

DECISION: Approved by a vote of 4 yes to 1 no (Dan Melville) with no conditions, and the following findings of fact were cited:

1. No impact on adjacent properties.
2. Planted shrubbery will gradually cover this fence again; fence has been in place for seven years.

Note: Public notice sign to be removed within five days of the dated of the decision letter.

3. Application of Mr. & Mrs. Joe Roa, owner, 155 Morgan Road, Scottsville, New York 14546 for variance to allow horses on 2.9 acres (5 acres req.) at property located at 155 Morgan Road in A.C. zone.

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

Joe Roa was present to represent the application. Mr. Roa stated his family is interested in having horses on Morgan Road. He stated they understand that the Town requires 5 acres, so they were present to ask for a variance.

Mr. Roa stated the Board was in receipt of letters of support from the applicants' neighbors. He stated the local equine vet looked over their property and found it suitable for their plan.

Beverly Griebel asked the applicant do they presently have horses. Mr. Roa stated no, they do not. He stated they have moved here in '95 from California, and they had horses back there.

Beverly Griebel asked if the applicant had any additional statement from the vet. Mr. Roa stated actually, it should be included in the information submitted. Beverly Griebel stated all she had was a signature on the general letter that went to everybody. She asked was there any statement from the vet.

Mr. Roa stated the vet has got a form that she fills out when she does a ranch inspection. Mr. Roa submitted to the Board the ranch call that the vet made, the ranch inspection.

Beverly Griebel stated the applicant had submitted to the Board a letter from the Genesee Valley Equine Clinic of 925 Scottsville Road, Dr. Wrath. Beverly Griebel stated the letter indicated the vet found the property suitable for four horses. Beverly Griebel stated the letter indicated the vet saw no red maple on the property. The letter will be on file with the Building Department.

Mr. Roa stated that's hazardous to horses. Mr. Roa stated the vet looked for the condition of the property, the foliage. Beverly Griebel stated the letter indicated the pond will need to be fenced off. She stated the letter indicated there is a red barn on same level as the house with the paddock there. She stated the letter indicated also there is a large pasture out back downhill.

Beverly Griebel asked if that pasture is part of the applicant's property. Mr. Roa stated yes, it is. Mr. Roa stated none of that area is fenced yet. He stated he would come to the Board for any fence-building requirements. He stated he would make sure he was putting his posts on the right side. John Castellani stated with the type of fence the applicant is putting up, they won't have to worry about that.

Mary Sperr asked the applicant do they have leech fields in the back there. Mr. Roa stated yes, they do, but not where the horses would be. Mary Sperr asked where would they be, the leech fields. Mr. Roa stated it would be just south of the leech fields. He stated it is not shown well on the drawing that was submitted because it is not a full-scale picture. He stated where the property is bisected and the property continues on, at the back, the leech fields actually go a little past the apple tree.

Mary Sperr asked if any of the buildings would be on top of leech fields. Mr. Roa stated they would not. Mary Sperr asked if horses will be walking on the leech fields. Mr. Roa stated absolutely not. He stated it will be south of the leech field.

Mary Sperr asked the applicant do they have plans for fencing their property in. Mr. Roa stated they are looking at two types of fencing. He stated one is a horse guard fence, which is one and a half inch electric ribbon with three runs of that. Beverly Griebel asked the applicant if he said electric. Mr. Roa stated it would be electric. He stated it is very common for horses. Mary Sperr stated it looks like a white tape.

Mr. Roa stated another one is a high tensile fence. He stated most of those are associated with steel. He stated this is actually a cloth, a plastic wrapped cloth, electric-charged fence which is fairly new on the market.

Mary Sperr asked the applicant do they plan to put up one of the wooden split rail horse fences in addition to the electric fencing. Mr. Roa stated they do not. He stated they will probably have steel rail gates. Mary Sperr asked but between the gates around the property, they won't have that. Mr. Roa stated they will not. He stated it will just be the corrals that are fenced off.

Mary Sperr stated the reason she asked is she got some information from her sister-in-laws who were into horses, because she is not, and it was hard for her to be able to assess what the applicant were saying without checking into it. She stated her relatives had horses that got out. She stated they had the split rail. She stated they put the electric, the white tape up.

Mary Sperr asked the applicant where in relation to the house do they plan to put their barn up. Mr. Roa stated right at the top of the hill. He stated it would be about midway through the property. He stated it would be probably about 800 feet back from the road.

Keith O'Toole arrived to the meeting.

Mary Sperr asked next to the applicant's neighbors on either side, how close would the barn be. Mr. Roa stated it will be a good 40 feet from either neighbors.

Mary Sperr asked the applicant what do they plan to do to manage the manure build-up. She stated if they have four horses, they will have quite a sizable amount. Mr. Roa stated he will have

it carted out every quarter, or something.

John Castellani questioned if that would be a sufficient time period. He commented on how the houses seem to be laid out. Mr. Roa stated the property is fairly narrow, but it extends back a long way. He stated it is not really close to the houses at all. He stated if it looks like they're building up more than he was anticipating, then he would have it hauled away more frequently. John Castellani stated he just thought with that many houses there, prevailing winds may be a problem.

Mr. Roa stated their neighbors two houses down have horses, and their horses are right behind the house and it hasn't been a problem in the neighborhood yet. Mary Sperr asked do those people have their manure hauled away. Mr. Roa stated he was not sure.

Beverly Griebel stated her question was going to be about the manure. She stated the neighbor next door to the applicant has two horses on the same size property. Mr. Roa stated he thought they have more than two. An unidentified person indicated they have five. Mr. Roa stated they have five horses, and they don't have any problem.

Beverly Griebel asked do they have a five-acre plot. Mr. Roa stated actually they have a six-acre plot. He stated the houses were built on 2.9 or 3 acre lots, and they bought the back half from the next-door neighbor. He stated maybe it is five.

Mary Sperr stated one of the things that she did not quite see is how they would put pasture in for these horses. She stated she could see the arena where the applicant would exercise them and the stalls and everything. She stated she did not see that the applicant has room for pasture. She asked if someone else would be letting the applicant use their place.

Mr. Roa stated the back probably 600 feet of the property is all open pasture. He stated the people that lived in the house before they bought it planted ryegrass out there, so there are no trees in that area. He stated it has always been cut back and is all a grassy pasture. He stated so for pasturing the horses, they could certainly use that. He stated but there is not really a huge need to pasture horses if one is feeding them alfalfa hay, exercising them regularly and taking care of the stalls. He stated if someone is aggressively maintaining horses, that is really not a requirement.

Mr. Roa stated as a contingency plan, he has talked to the next-door neighbors and they have agreed to make arrangements with them to lease whatever property from theirs that they would need to support the horses in the Board's eyes.

Larry Smith stated looking at that map, it is kind of deceiving. He stated the shed, that metal shed is 1300 feet from the road. He stated so they have a little over a 1000 feet beyond that shed. Mary Sperr stated it is hard to make a decision when you're not a horse person but you want to assess all of the facts and you don't want to be judgmental.

Mary Sperr asked what is on either side of the applicant. Mr. Roa stated their neighbors have open land like they do. He stated the other people have a pond and a lot of trees. He stated they have a large barn and actually a lot of like old mink cages. He stated that property is overgrown. He stated their one neighbors have an open field like they do.

Beverly Griebel stated she has never had horses. Beverly Griebel stated a good friend of hers lived on a farm and they said one can have all of the pasture in the world but the horses always eat right together. She stated they like togetherness.

Beverly Griebel asked Larry Smith and Keith O'Toole why the code requires 5 acres to have horses. Larry Smith stated someone decided 5 acres was a nice figure. Beverly Griebel stated the Board in the past has discussed other animals on 5 acres and 4.9 that was too small for a dozen chickens at one time. She stated now, four horses on much less than 5 acres is quite far under the land requirement.

Larry Smith stated the doctor from the horse hospital sent the Board a letter saying it was all right. He stated that was a better opinion than his. He stated 5 acres is pretty arbitrary probably.

Mr. Roa stated he has lived a few places that had different restrictions. He stated in California it was two horses per acre. He stated every town deals with it differently.

Beverly Griebel stated the Board was in receipt of a statement from the veterinarian, Dr. Amy Wrath. Mr. Roa stated she is a great person.

Beverly Griebel stated the Board was in receipt of another letter from Peter and Shelly Rees of 147 Morgan Road. Mr. Roa stated they are two houses down on the other side. Beverly Griebel stated the Reeses were in agreement with the application request.

Mary Sperr asked if those are the people with the horses. Mr. Roa stated they are not. He stated that is the other side.

Beverly Griebel stated Bob and Rita Messmer of 157 Morgan Road also submitted a letter to the Board in support of the application. She stated that is next door to the applicant. Mr. Roa stated that was correct. Mr. Roa stated they are next door to the west.

Beverly Griebel stated the Board was in receipt of another letter from Ken and Dorothy Siegel of 151 Morgan Road in support of the application. Mr. Roa stated they're next door to the east. Beverly Griebel stated both sides are in agreement. Mr. Roa stated that was correct. All letters submitted to the Board will be on file with the Building Department.

Beverly Griebel asked how about the people across the street. Mr. Roa stated there really isn't anyone right across the street from them. He stated there is a house being built back there that Sam Gallo is putting up. He stated Mr. Gallo was looking for a variance for that a while back. Beverly Griebel stated that was before the Board last year. Mr. Roa stated there is no one living there yet.

Mr. Roa stated if there was anybody that they left off that the Board would need letters from, he would be happy to pursue those letters of support from them.

Beverly Griebel stated the applicant's property, the houses all along there are all kind of in a row. Mr. Roa stated that was correct. Beverly Griebel stated then the property slopes downward. Mr. Roa stated downward to the north. He stated then there is a Morgan Road. He stated across the street from the Messmers there is a house. He stated there is no house across the street from themselves.

Beverly Griebel asked what about behind the applicant's property. Beverly Griebel stated there is a downward slope there. Mr. Roa stated he did not think anybody could build there. He stated it is a downward slope, a short slope and big open plat. He stated behind the Siegels is a pond, and behind the Messmers is another open field.

Beverly Griebel commented it is just a pasture. She stated so no one driving on Morgan Road will see the horses. Mr. Roa stated nobody will see them. Beverly Griebel added or the barn. John Castellani agreed. John Castellani stated one cannot see the one the neighbors have. Mr. Roa stated there is no way to see it.

Mary Sperr asked if there will be enough room to get horses in the backyard. Mr. Roa stated there is 15 feet on the east side of their horse for trailering horses back there or hay.

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 5 yes with the following condition:

1. Maximum of four horses on the property.

The following finding fact was cited:

1. Applicant presented reports from a local large animal vet as to the suitability for four horses on the property.

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

4. Application of Mr. & Mrs. Jerry Brown, owner; 1083 Paul Road, Churchville, New York 14428 for variance to erect an 11' x 31' addition to garage to be 5' from side lot line (10' req.) at property located at 1083 Paul Road in R-1-20 zone.

Jerry Brown was present to represent the application.

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

Beverly Griebel stated the applicant wants to extend his garage. Mr. Brown stated that's correct. He stated he wants all of the stuff he has stored on the side of his garage put inside. He stated having a 10 foot variance, he would only have a 6 foot wide extension.

Beverly Griebel asked the neighbors in the house that is just adjacent to the applicant, how do they feel about this. Mr. Brown stated he has not talked to them. He stated they just recently put up a "for sale" sign. Beverly Griebel stated the closest part of their house to the applicant's is a garage, and next to the garage is one of those very large motor homes. She stated so when one looks at it, the applicant is not really close to where their house stands on it.

Mary Sperr asked if there are trees, shrubs and an electrical pole or telephone pole on the applicant's property. Mr. Brown stated that was correct. Mary Sperr asked does that have to come down. Mr. Brown stated it would not. Mary Sperr stated that is forward and this will be towards the back. Mr. Brown stated the power lines go right down the property line, so there would be 5 feet or more.

Beverly Griebel asked will this be built to match the house. Mr. Brown stated that's correct. Beverly Griebel asked who will build it. Mr. Brown stated he would do the masonry part of it and have some contractors come and do the rest of 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. The Board all voted yes on the motion.

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

1. Applicant expressed need for a larger garage area for additional storage.

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

5. Application of John DeNome, owner; c/o Tailormade Div., 2146 Westside Drive, Rochester, New York 14624 for variance to erect a 20' x 9 1/2' open porch to be 29' from front lot line (60' req.) at property located at 4 Miller Avenue in R-1-15 zone.

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

matter.

Joe Leitten, representing Tailormade, the contractor involved, was present to represent the application. Mr. Leitten stated what they are proposing to do is to build an open porch with a roof over the top of it over an existing slab that they have there now. He stated basically it is for looks for the front of the home. He stated they had railings on it before and had pressure-treated wood around the outside that is all deteriorated, rotted and falling down. He stated plus in the summertime they would have room to sit on an open porch. He stated there would be a vinyl floor and everything else will be built to code as far as the structure.

Beverly Griebel stated it would dress up the front of the home a bit. Mr. Leitten agreed. He stated they have future plans of vinyl siding the house, also.

Richard Perry asked is it going to be built over an existing slab. Mr. Leitten stated that is there now. Richard Perry asked if it will extend out any further than that. Mr. Leitten stated it will not. He stated what they have there now is a wall around it, and their new 4 by 4s would go in place of where that wall is. He stated the actual wall that is there now does stick out from the slab a little bit, but the new ones would be in the same place as that one is.

John Castellani stated it should be noted for the record it is a corner property. He stated it has two fronts, so that is why they're having a problem here. Mr. Leitten stated the Miller roadside is the problem.

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 5 yes with no conditions, and the following findings of fact were cited:

1. Pre-existing, non-conforming home on a corner lot.
2. This addition will enhance the appearance of the front of the home and put the entrance under cover from the elements.

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

6. Application of Arrow Marts, Inc., 3774 Chili Avenue, Rochester, New York 14624, property owner: J.E. Crawford Realty; for variance to add a 7'1" x 1'1" addition to double-faced freestanding sign at property located at 3774 Chili Avenue in G.B. zone.

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

Suzanne Hatch, representing Arrow Marts, was present to represent the application. Beverly Griebel asked is this a new item that they are going to be having, a sign for diesel at whatever price it is going to be. Ms. Hatch stated it is new. She stated that is the insert they want to add to the existing sign. Beverly Griebel asked are they adding the diesel product. Ms. Hatch stated they are not. She stated they had the diesel since they opened. Beverly Griebel clarified they just haven't had it on the sign. Ms. Hatch stated that was correct.

John Castellani stated they had a situation like this on Scottsville Road. He asked the applicant how they expected to sell diesel fuel if they did not advertise it. Ms. Hatch stated they have a sign on the actual pump and it happens to be the pump facing the dispensing unit closest to Chili Avenue, but one would have to basically drive in the parking lot and read it to know it is there.

John Castellani stated when they were coming in for all of the other signage, this should have been asked for then. He stated they had to know from the beginning they were going to sell diesel. Ms. Hatch stated that was right. John Castellani asked if they are extending the height of the sign. Ms. Hatch stated they are not. She stated they are inserting it into the lower level of it.

Dan Melville asked if the new total sign square footage falls within what is allowed out there. Keith O'Toole stated they're already beyond. Larry Smith stated they have a variance for the existing. He stated they are adding onto that.

Beverly Griebel asked did they consider making the other signs smaller to all fit in that space. Ms. Hatch stated no, they did not.

Beverly Griebel stated when one is facing the station from the road, there is a road cut on the right and a road cut on the left. She stated the road cut on the left is to be exited only. Ms. Hatch stated that is the way it was labeled, yes, when they purchased the property, and they just maintained that.

Beverly Griebel stated she goes by there very, very often, and people are cutting in and it is like sometimes a nightmare with people trying to get in there so they don't have to go in the other one and drive around to get to the pumps. She stated on that road cut, there is a sign on the left that says exit. She stated but on the right side of that road cut, there is no sign that says "exit only." She asked could they add that.

Ms. Hatch stated the reason they haven't is they need to have a variance to do that. Beverly Griebel stated directional signs don't require one. Larry Smith stated those signs were placed there when they redid the site by request of D.O.T. Beverly Griebel stated that is supposed to be exit only, but every other time she goes by there, somebody is scooting into that exit and cutting across traffic.

Dan Melville stated people would probably do it even if there was a sign. John Castellani agreed. He stated the property owner can't control that any more than the signage that is required by D.O.T.

Beverly Griebel stated it is a hazardous spot. She stated she thought there are two signs on the other one that say "enter" and "exit," but on this one, there is only one that says "exit." Larry Smith stated they don't want people to enter that point. Beverly Griebel stated that was right, but it does not say, "do not enter." She stated people are entering there.

Larry Smith stated people won't read that sign. He stated people are going to go out the in door and in the out door, no matter what they write. Beverly Griebel stated there will be a big crash up there some day.

ANYONE IN FAVOR OR OPPOSED:

Dorothy Borgus - Stuart Road

Ms. Borgus stated she would to agree with a question that Mr. Castellani already asked. She stated it seems as though these things should have been thought of up front since they already have a variance to do what is there.

John Castellani stated this was grandfathered in from Coastal. Ms. Borgus stated that was not a variance. John Castellani stated it was, but it was one with Coastal. Larry Smith stated Coastal had a variance on the sign, but these people did not. He stated they went in and replaced Coastal's signs. He stated they didn't enlarge Coastal's sign.

John Castellani stated the applicant didn't need to come to the Board before. He stated he had just been reminded of that. Mary Sperr stated this sign did not come before the Zoning Board for Arrow Marts. John Castellani stated his comment was erroneous.

Ms. Borgus stated it is a question of coming in and asking for a little bit and then coming back and asking for a little bit more and a little bit more, and when they get the sum of the little bits, it certainly would have never been allowed for if it were asked for all at once. She asked how many variances, sign variances are there now on that particular business location. She stated there is a sign variance for the hairdresser.

Mary Sperr stated that variance was for it being a lit sign. Larry Smith read the previously granted variances on the property.

Ms. Borgus asked did the approved variances include the one for the hairdressing salon. Ms. Borgus asked does the pizza place need a variance. Larry Smith stated they don't need a variance because they're within the square footage allowed.

Mary Sperr stated the hairdressing salon came before the Board because they wanted a new lit sign. She stated before the Arrow Mart was built, the old convenience store didn't sell diesel fuel, which is why when they had that grandfather clause from Coastal they wouldn't have asked for a sign for diesel.

Ms. Borgus stated the point she wanted to make is they have had variance galore on that location for signs. She stated they have done a beautiful job with the corner. She stated it is a wonderful store. She stated it is kept clean. She stated it is wonderful. She stated but the sign issue there is getting out of hand.

Ms. Borgus stated she was just wondering if some of the other signs couldn't be made a little smaller so they don't end up with any more square footage of signs than they have now. She stated for that location there is a lot of signage there.

John Castellani stated they don't want to bring them down, because that is a major corner. Ms. Borgus asked where the diesel sign would go. John Castellani stated it would be a strip underneath. Mary Sperr stated all they're asking to do is add the diesel strip sign. Ms. Borgus asked is that a blank where they want to put it. Mary Sperr stated the sign currently stops with the word "super," but now they will have the diesel part. She stated the background will be in red with yellow words. She stated it would tell everyone there is diesel fuel at the station. She stated so it would be within the confines of the current sign.

Ms. Borgus asked if the sign would come lower. Mary Sperr stated it will come down. Beverly Griebel stated it will be underneath the present price signs. Ms. Borgus clarified but not at the bottom of the print. John Castellani stated it would be 1 foot lower. Mary Sperr stated it won't be too far down.

Ms. Borgus stated she hoped if this is allowed, they don't come back for any more signs because they're wearing the people up in that area thin with signs. She told the applicant to keep up the good job with the store, but no more signs.

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 5 yes with no conditions, and the following finding of fact was cited:

1. Applicant needs to advertise diesel fuel to prospective customers.

Note: A sign permit is required.

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

7. Application of Benderson Development, owner; c/o Ad-A-Sign, 2383 Niagara Falls Blvd.,

Niagara Falls, New York 14304 for variance to erect two additional directional signs on building at property located at 4374 Buffalo Road in G.B. zone.

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

Bruce Irwin was present to represent the application. Beverly Griebel stated the Board already approved a sign package, but this is the enter and exit for the pharmacy drive-up. Mr. Irwin stated there is like a canopy that people drive under kind of like a bank drive-through. He stated the signs would be for safety reasons, if one happens to go the wrong way, they would see exit and then they could turn around. He stated basically they have two directionals now that are allowed that go by the driveways as one enters, but they're only 3 1/2 feet wide and stand 3 foot off the ground.

Beverly Griebel stated they're pretty low. Mr. Irwin stated once a person gets in there, it points them into the driveway and then once they are in that parking lot, it is up to which way one drives. Beverly Griebel stated so this would be overhead. Mr. Irwin stated right on the overhang, up on the top. He stated the sign is only 12 inches by 2 foot, so they are relatively small signs.

Richard Perry asked if the signs will be on opposing sides of the canopy. Mr. Irwin stated that's correct. Richard Perry stated he thought they would have a conflict there. He stated if one side says "enter" and the other side says "exit," people will look at that and think that is where they should exit. He clarified one should say "enter" and the other say "do not enter." Mr. Irwin stated he was not sure about that.

Richard Perry indicated he thought it would be bad to have opposing signs, one "exit" and one "enter" with two people making assumptions. Beverly Griebel stated the canopy is like 12 feet long. Mr. Irwin stated he did not know what the exact dimensions are, but there is just enough for one car to drive under it.

Beverly Griebel stated it's maybe 12 feet. Mr. Irwin stated the exit would be facing the front elevation which is on Buffalo Road. Mr. Irwin stated the only real way to get around it would be to have little directionals that point one around the parking lot, which would not be feasible. Beverly Griebel stated that would be a little bit of overkill.

Mr. Irwin stated they have done other locations the same way. Beverly Griebel stated she thought she noticed it at Westgate. Mr. Irwin stated he thought there is one there. He stated they have a bunch of locations that they are doing this.

Dan Melville stated Richard Perry brought up a good point. Richard Perry stated that was his only concern. Beverly Griebel stated it is not so big that people can't see. She stated it is not like a huge long tunnel.

John Castellani asked would these signs be in lieu of little directional signs that are on the ground. Mr. Irwin stated they would not. He stated they would be in addition.

Larry Smith stated he told them they could put them up there if they got rid of the little ones. Beverly Griebel stated but they want to have the low ones and the high ones.

Mary Sperr stated they did not approve everything the applicant asked for the last time. Mary Sperr stated the big pylon sign by the road they said no to. Mary Sperr asked how they are currently handling this with their other stores that have canopies. She asked do they have directional signs on them. Mr. Irwin stated some towns allow pole signs, some allow everything, some allow just window signs. Mary Sperr stated she did not remember this being included when they presented this at the beginning. Mr. Irwin stated he was not quite sure about that. Larry Smith stated it was not on then.

Mr. Irwin asked who was it presented by. Beverly Griebel stated she thought Benderson Development. Mr. Irwin stated all these signs are contracted out of Dallas, Texas, so they get a

shipment in of how they want it to look, and they have to go try and make it happen. He stated then it goes back and forth, depending on who owns it. He stated Benderson owns most of them, so they should be used to doing them by now.

ANYONE IN FAVOR OR OPPOSED:

Dorothy Borgus - 31 Stuart Road

Ms. Borgus asked why isn't this decided up front. She stated it is called nickel and diming and it isn't as though anybody forgets anything. She stated she thinks it is intentional, because they just chip away at the law. She stated Benderson has so many signs over there now again. She stated they have signs, signs, signs and more signs.

Ms. Borgus stated she knows some signs were turned down, but probably more should have been. She stated if they want this sign, they better give up something else. She stated she did not know why they need all these signs to point people under a pharmacy canopy.

Ms. Borgus stated that store is an abomination as it is. She stated it does not look like what the Town was promised at the Planning Board. She stated it was to be a different look. She stated they got the canned plan over there. She stated and if they have a canned plan they're going to shove through, she guessed they knew how many signs they need when they start. She stated this was not an oversight. She stated this was an intentional chipping away at the zoning codes of the towns these people go to.

Ms. Borgus stated as the representative stated, he gets plans from Dallas of what they want everything to look like. She stated they're going to come in here and chip away and away until they get it just the way they want it and their laws won't mean anything to them. She stated signs in this Town are getting to be a real, real visual nuisance. She stated she does not see why they have to clutter up North Chili. She stated they have a new place, and she thought they should stick to the laws they have. She stated if they need these signs, they better give up something else.

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 denied by a vote of 5 yes with the following findings of fact having been cited:

1. The basic drawing shows what the Board believes to be sufficient signage for the business.
2. Additional direction signs are not needed.

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

The meeting ended at 9:30 p.m.

A meeting of the Chili Zoning Board of Appeals was held on February 29, 2000 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, 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 are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, 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: This meeting had to be changed from the 22nd tonight. I am glad that the applicants and people in the audience could make it.

Before we begin, I was out -- actually in preparation for the first meeting, and I didn't have any problem with any signs. Did anyone?

The Board indicated they had no problem with the signs.

RICHARD PERRY: The last one was hidden a little, especially with the trucks parked next door.

BEVERLY GRIEBEL: A little hidden, but it was up. I actually drove in off the road behind the fence to get out of the traffic and then I saw it. That's good. 100 percent compliance this time. That's excellent.

1. Application of Divine Tower International Corp., 76 Elmgrove Park, Rochester, New York 14624, property owner: Town of Chili, for variance to extend existing telecommunications tower 20' to a total of 120' high (100' previously approved) at property located at 3720 Union Street in PRD, FPO & FW zone.

David Olek was present to represent the application.

MR. OLEK: I'm the Zoning Manager for Divine Tower, who represents AT&T Wireless in this project. With me tonight --

BEVERLY GRIEBEL: How do you spell your last name?

MR. OLEK: O-l-e-k.

With me tonight is Lisa Maas-Vangellow, Site Acquisition Consultant for Divine Tower.

I would like to explain to the Board what we're doing in the Town of Chili and where this is leading. You may or may not recall, both Lisa and I worked in the Sprint project in the Town of Chili where we proposed and constructed five monopole towers. The idea at the time was to construct each of these towers for collocation. Each of the towers that we proposed and built for Sprint was designed to accommodate up to three collocators.

About a year ago, AT&T Wireless decided to enter into this market. In 1995, they bid on a license for PCS services just like Sprint did. AT&T instead did not choose to build out this region immediately. They concentrated in the larger cities.

Now we're at the year 2000, halfway into the project. AT&T is going to have requirement in this market for serving customers. 90 percent of the population in this market by the 2005.

As such, this year they decided to provide the initial system in Rochester and provide a system in Buffalo. They will have 65 sites between both cities, basically covering the core of Rochester, Interstate 490 to the Thruway to the west, the Thruway to Buffalo, the core of Buffalo and the core of Niagara Falls to comprise the 65 sites.

Unlike Sprint's design, if you recall, they designed it on a honeycomb grid. What we did at AT&T is looked for as many existing structures as we could. AT&T let Sprint be the trail blazer here and build all of the towers, which I'm sure you know they did.

AT&T designed their system around the existing towers of Sprint, Frontier, Cell One, the water tanks and tall buildings. Most of these initial sites are in the denser metropolitan areas where it is easy to find tall buildings or water tanks or existing towers.

In particular, in your application package, you will see we're working in three sites in the Town of Chili that will be in the initial build. All three sites cover the central business portion of the Town, as well as covering Interstate 490, which is here (indicating).

The first site that you will see, Site 229 is a collocation with Sprint at the Jet View Drive site that was approved. Those antennas will be placed on that tower between Nextel and Sprint. The tower cannot be extended because it is near an airport and the height limitation was set when that tower was built.

The second site is the Town Hall site where Cellular One constructed a self-supporting tower several years ago. Currently Cell One and, I believe, Frontier are on that tower. Sprint will be collocating on that site in about the center of the tower.

The third site for which we're talking tonight, Site 216 is the Union Road Town Park site that we constructed for Sprint which in itself was a 100-foot monopole.

Being that both us and Sprint are PCS carriers, we need separation on the tower, and with the trees, the tree line, especially to the north of this site which faces Interstate 490, rather than going 15 or 20 feet below Sprint which would put us in the tree line, we elected to extend this tower by the 20 foot slip section that was approved in the original application with the Planning Board.

In approving Sprint's application, that site was designed to be extendable by a 120 foot slip section. So we contacted Sprint.

We executed a license agreement to do the collocation. We did the tower load study, and, of course, it passed because it was designed for the slip section.

And we're here tonight to propose adding this 20 foot section to the tower and collocating at the top of the tower, for which we have a lease with Sprint and their approval to proceed with the construction.

I will walk over to the board here and just sort of explain to you what we're going to be doing at the site.

This is the extent of the existing tower (indicating), which is 100 foot from the ground. At the base of the tower, there are some small equipment cabinets that Sprint has at the base. What we'll be doing is adding this (indicating) 20 foot slip section and putting an antenna array at the top of the tower, which is nearly identical to the antenna array Sprint has there currently.

In addition, at the base of the structure, we will be placing a 12 by 20 pre-fab equipment building similar to the other equipment buildings have you seen for Cell One and Frontier and Nextel in the Town.

So what we're asking for here tonight is the variance to add this slip -- this slip section to the top of the tower.

The remainder of the site plan details exactly with what we're going to be doing on the ground space.

Initially, Sprint leased from the Town a rather large area, enough to accommodate the collocation, the collocators at the site. I'm just trying to get you an exact dimension on that leased parcel. But there is enough room left once we put this building here so that we could fit a third collocator within the bounds of the existing leased parcel.

Just so that you know, to the due west of this site, we have already completed construction at the Churchville water tank. That site will be used in conjunction with this to the west. To the east we have the Town Hall site, the Cellular One tower at the Town Hall. This site will have sufficient height to be able to link between both of those sites at the 120 foot level.

Are there any questions from the Board at this point? I know you have been through this a lot with all of the other carriers and I don't know that I want to tell the complete story all over again, but if there is anything I can cover for you, I will be glad to do that.

BEVERLY GRIEBEL: I know you answered my question why you couldn't go 20 feet down, because you would be in the tree tops.

MR. OLEK: Right.

BEVERLY GRIEBEL: And you wouldn't get the range.

MR. OLEK: The problem that we have is that the area we want to cover is more to the north where 490 is, and the view from that north is there are dense trees to the north of the site, so we have to get up above those trees.

BEVERLY GRIEBEL: The trees would block your signal.

MR. OLEK: That's correct. However, now that we have added the 20 foot section, it would be possible for the third collocator to go in between, if they wanted to.

BEVERLY GRIEBEL: If they were a different system.

MR. OLEK: If they were Frontier, Cell One or Nextel, they could go right in between us here on that, or other any carrier that might come into the market.

BEVERLY GRIEBEL: The PCS has to be 20 feet apart.

MR. OLEK: That's correct. The separation on the PCS was the limitation we were dealing with here. Another carrier could currently collocate within that 20 foot section so they would be above the tree tops also.

BEVERLY GRIEBEL: If they were the other system, the other type.

MR. OLEK: That's right.

JOHN CASTELLANI: You said that between the tower in Churchville and the tower at Town Hall, that whole area was covered?

MR. OLEK: Yes.

JOHN CASTELLANI: Why do you need this tower?

MR. OLEK: This completes that.

BEVERLY GRIEBEL: This one fills the gap.

MR. OLEK: This one fills the gap between those sites.

JOHN CASTELLANI: Okay. So if -- the site wasn't complete with the towers that you brought to our attention, without this one?

MR. OLEK: That's correct. Here is the Jet View (indicating). Here is the Town Hall, the old Town Hall site (indicating). Here is Union Road (indicating). Here is the Churchville water tank (indicating). The water tank is considerably higher to -- has a higher coverage area. This site at 120 feet links up nicely with 490 between Churchville and the other sites.

JOHN CASTELLANI: Now this was previously approved, the extension was approved?

LARRY SMITH: That is what they're here for.

JOHN CASTELLANI: Why didn't you -- why didn't you just approve it? This is Town of Chili land.

MR. OLEK: I think I can answer that.

BEVERLY GRIEBEL: We didn't approve the height initially, because that is part of the Planning Board --

JOHN CASTELLANI: That's right.

MR. OLEK: The Planning Board --

JOHN CASTELLANI: This pole was put in without this Board's knowledge and interest, and I don't see a reason why we ought to be getting involved in it now. As outlined by State Law.

KEITH O'TOOLE: There is a height restriction on towers under the new code that went into effect after the Sprint application was made. That is why it is in front of this Board.

JOHN CASTELLANI: But it is Town land. It can be either denied or approved without this Board's intervention, at least according to the Attorney General.

KEITH O'TOOLE: I don't know what the Attorney General said, but --

JOHN CASTELLANI: From our classes that we went to.

KEITH O'TOOLE: My understanding, and I don't know what opinion you have read, is that since we have the provision in our code, the code is now in effect, the tower law, and that since this is essentially proprietary use, it is not a municipal use, it is then subject to your jurisdiction. So it is appropriate to hear before you now.

KEITH O'TOOLE: Which tower are we talking about now?

Keith O'Toole conferred with Larry Smith.

BEVERLY GRIEBEL: The one tonight.

JOHN CASTELLANI: The one on this agenda.

KEITH O'TOOLE: Sorry. My original comments were correct.

BEVERLY GRIEBEL: John's question is we didn't approve this originally because it is part of the whole package now that the Planning Board does. So I guess your question is why did

it come to --

JOHN CASTELLANI: Besides being Town land --

KEITH O'TOOLE: The Sprint applications --

JOHN CASTELLANI: The Town is not involved in its own zoning laws.

KEITH O'TOOLE: The Sprint application came before we adopted the new cell tower law, so they pre-dated the cell tower law, and so it may have been exempted. I don't recall why it was exempted.

JOHN CASTELLANI: Yeah, all of those were exempted. The one behind Town Hall --

KEITH O'TOOLE: Since the law is on the books and they're adding to an existing tower, while the existing tower may be preexisting, nonconforming to the extent it is already there, any additions to that tower have to come before this Board.

BEVERLY GRIEBEL: So the extensions then come before this Board?

KEITH O'TOOLE: That's correct.

JOHN CASTELLANI: Even on Town land?

KEITH O'TOOLE: Even on Town land, when the tower is not being used for general municipal purposes, which it's not. It is merely an income generator.

JOHN CASTELLANI: For the Town?

KEITH O'TOOLE: That's correct.

MR. OLEK: We agree with that position, and at the time when we approved the Sprint towers, we got approval at the Sprint heights with the provision that the future collocators would come before the Planning Board and the Zoning Board to extend if they wanted to, but all of the towers were built to be extendable by 20 feet like this, all of the monopoles.

JOHN CASTELLANI: I think we need to talk, because I don't agree with what I just heard.

BILL OLIVER: My question is the feasibility of extending this, who is going to inspect that tower to make sure wind wise and stress wise that this tower is going to be capable of handling what you're doing?

MR. OLEK: Good question. When we originally designed this monopole, the NUD Corporation designed it with this slip section in mind, and did the engineering load study with it. We have obtained a new load study from NUD stamped by a professional engineer with our antennas and the slip section on it, saying that it meets the original design criteria, and we have their New York State stamp on this load study which we'll submit when we get the permit.

BILL OLIVER: Now, excuse me. Is this bolted on, welded on? How is this --

MR. OLEK: All of the monopoles go together by a slip fit. The top section slips over the bottom by about 5 feet.

BILL OLIVER: Oh, okay. What locks it in place then?

MR. OLEK: There are ribs on the monopole and it just twists and gravity holds them together. That is how they all work. So it is very easy to add something like this to this tower. We will not disturb Sprint in that process.

RICHARD PERRY: A third entity comes in and wants to place one in between, what does that do as far as --

MR. OLEK: The load? Well, obviously, they have to go out and get their own load study, but even with this addition and our antennas, there is still sufficient load left for the third carrier to come on.

LARRY SMITH: Original requirement of all of the cell towers was that they were built to hold three collocators.

MR. OLEK: And be extendable by 20 feet in the process. So those were the original conditions that Sprint agreed to prior to the new code, and I believe Sprint said that they would act in the spirit of the new code even though it wasn't available yet when they did their application.

LARRY SMITH: I don't remember that.

MR. OLEK: I remember that.

BEVERLY GRIEBEL: That goes back a while.

MR. OLEK: I remember it.

BEVERLY GRIEBEL: It is like a bad dream.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JIM HOWARTH

MR. HOWARTH: I am the contractor and the developer of Union Station. And I am a little concerned about what is happening to the cell tower, because when we originally granted the Town of Chili and Sprint the easement to put that tower on property that I gave to the Town of Chili, it was the original tower without the extension, obviously. And after listening tonight to what is proposed, we're going to double the wings on this tower and also have the opportunity to put a third wing in between.

I don't think that this is a fair shot for the people in the area, because we originally approved this thing and granted all these easements and agreed to the thing based on what was originally proposed. I'm not too concerned about that AT&T has a problem with their cell phone system. I'm more concerned about the 1.3 million dollars that I have invested in Union Station, and to see a monster being proposed in front of us here tonight that could affect the value of the property which I have owned and enjoyed.

The other thing that is bothering me is that the original agreement called for a buffer between the roadway, which is indicated on the map there, and after the tower was built, there has been nothing done to maintain the buffer and to maintain the integrity of the agreement. I don't really think that a company should come along and just keep adding onto something that was originally agreed to between people like myself, people in the neighborhood and the Town of Chili just because it serves their purposes only. Now, if there is going to be some proposal made to make this thing look better, like they have done in other communities, or if there is going to be some proposal to move the thing to the east end of the park so it is not right on top of everybody, or if there is going to be some proposal that is going to help the rest of the residential area in the neighborhood, then I am willing to listen to it, but at this point all I see is corporate greed.

And I don't think that the Town of Chili should approve this type of expansion of this tower just because they want it. The agreement was made, and we should stick to it.

Thank you very much.

BEVERLY GRIEBEL: Larry (Smith), do you know anything about this, or Keith (O'Toole)? I don't know what agreements were made. I don't have any idea.

KEITH O'TOOLE: Well, there are certainly agreements made. As to the specifics of those agreements, I don't know those off the top of my head. It was a while back. Certainly there are some easements in place.

Another reason, going back to John's question a while ago, why we're having municipal review now is that, in fact, we're involved in some private land use as well as the Town site because there is the access road across the Union Station Subdivision.

In terms of buffering, certainly if the original Sprint conditions were not complied with, I see no reason to make sure that those conditions should be -- I don't see any reason why they shouldn't be restated now and made a condition of this approval so we can go back and clean things up if there were loose ends that were not addressed initially.

BEVERLY GRIEBEL: I don't know if there was an original agreement as to the maximum height.

KEITH O'TOOLE: I don't recall a height restriction.

LARRY SMITH: The same stipulations that were true at that time, like the tower be designed for the three co-carriers, were instead of having three separate towers.

JOHN CASTELLANI: But not necessarily extendable. And I believe that tower got located a little closer to Mr. Howarth's land than was originally designed. Because there is no buffer -- there --

LARRY SMITH: Without being in the middle of Black Creek. If they're not on the edge of Black Creek --

JOHN CASTELLANI: Not true. If it moved to the east a quarter of a mile, without falling into the creek.

LARRY SMITH: If I remember right, didn't you do the studies for that?

MR. OLEK: Yes.

LARRY SMITH: If I remember right, going to the east would have added another 35 or 40 foot to the tower because of the drop in elevation there.

JOHN CASTELLANI: But it would not be in the backyard of one of the existing lots that is there. There is approximately a 5 foot distance between that lot, the back line, and that tower. And no buffering has been done around there, no shrubbing whatsoever has been done, so at this point Sprint hasn't even completed what they had promised to do when that first tower went in.

BEVERLY GRIEBEL: I guess what I am hearing is that the complaint is not with this Board. I guess the complaint then is with --

LARRY SMITH: Well, we'll look and see what buffering is missing.

MR. OLEK: We are talking to the Conservation Board about buffering on this site, specifically, and we don't have any problem with the Building Inspector's help as part of our site plan approval to add the buffering or to make sure that Sprint knows they have to do it this spring.

JOHN CASTELLANI: It was supposed to have been done two years ago and it is not done. That road has been in there two years.

MR. OLEK: I know the buffering Sprint did on the other sites was done. I don't know of any buffering that was required on this one.

JOHN CASTELLANI: There was.

MR. OLEK: I couldn't tell you.

JOHN CASTELLANI: I don't think that is in the right position, either from what I remember.

LARRY SMITH: What do you mean "in the right position"?

JOHN CASTELLANI: I think it is too far west of where it should have been placed. I --

LARRY SMITH: Without the drawings here, John, I'm not even going to answer you on that, because I don't know.

JOHN CASTELLANI: That is only a belief on my part. From what I remember seeing originally.

LARRY SMITH: It was where the engineers called for it.

MR. OLEK: To minimize the height of that to 100 feet, it was placed as close to the center of the search ring as they could in that location to keep the height down, in Sprint's original application.

BEVERLY GRIEBEL: Now, this pole has been up for two years?

JOHN CASTELLANI: Right.

MR. OLEK: More than two years.

BEVERLY GRIEBEL: I think the complaints, if there are legitimate complaints, should have been addressed to the Town and not be brought to this Board when there is a height variance request. I think after two years, when something is visible there, the complaint is not something this Board can remedy.

KEITH O'TOOLE: Well, I would disagree with that. I mean certainly --

JOHN CASTELLANI: So would I.

KEITH O'TOOLE: If the Town dropped the ball on something, if that is the argument here, it is certainly a heck of a lot easier for this Board to impose a condition and clean up the loose end rather than to take Sprint to court and to force them to do something when they already have their permits and tower in place.

It was my experience in the Town of Ogden with Frontier once they had their tower up on Colby Street, that they weren't exactly 100 percent responsive to our concerns, to put it politely. They had no motivation.

BEVERLY GRIEBEL: Before this I wasn't aware that there was any concern. I don't know what the original conditions were and I don't know why it hasn't been followed.

LARRY SMITH: Either do I. I'm -- I'm unaware that there was buffering missing until just now. No one has mentioned it before.

MR. OLEK: Have there been any complaints logged in with the Building Department?

LARRY SMITH: None I'm aware of.

KEITH O'TOOLE: We just heard one before.

LARRY SMITH: Other than tonight.

BEVERLY GRIEBEL: I don't know how we can decide on this tonight if there are so many concerns. What if this is in the wrong place?

BILL OLIVER: Maybe we should table this.

KEITH O'TOOLE: We're not going to move the tower, folks, just in case you're wondering.

JOHN CASTELLANI: You don't know that.

KEITH O'TOOLE: Sprint got their tower permit. And unless we want to go to Federal District Court to move the tower, we're going to be in tough stead.

LARRY SMITH: No offense, but I'm not taking your word that the tower is not in the right spot. I would rather take the engineer's opinion --

JOHN CASTELLANI: That's okay.

KEITH O'TOOLE: If something is missing that should have been taken care of two years

ago, we're in a good position to clean that up.

RICHARD PERRY: I don't see where we can act on anything without knowing --

BEVERLY GRIEBEL: We don't even know what the conditions were.

DAN MELVILLE: Can't we just make our approval, if it is approved, conditioned on any of the conditions that were not met have to be met before they are issued a permit to put the extension on?

BEVERLY GRIEBEL: Original conditions must be met or adhered to?

DAN MELVILLE: Why not?

RICHARD PERRY: I'm not comfortable with that until we know what the background was on the original.

MR. OLEK: This presents a problem for AT&T needing to get a site on the air. What this will do -- we'll have to look for another ground site in this vicinity because we have the other collocated sites. We're pretty much narrowed in in that area right now. We'll have to go out and look for another raw land.

RICHARD PERRY: I don't feel comfortable.

MR. OLEK: That is what it does.

JOHN CASTELLANI: Maybe that is what you will have to do.

MR. OLEK: I understand, but that is the alternative there, to approach a landowner in that general vicinity and do another raw land deal for the height we need.

JOHN CASTELLANI: There is enough discomfort on this Board. Do you want to take a chance on losing it and not coming back for another year, or what --

MR. OLEK: I'm just telling you what our reality is.

JOHN CASTELLANI: Would a month versus a year make a better situation if we can get this cleared up?

MR. OLEK: I guess blindly without even knowing or remembering what the conditions are, and I probably have them on file in my office, I'm willing to adhere blindly to any of those conditions that were imposed with Sprint.

JOHN CASTELLANI: But we're not willing to vote on it without knowing what they were. And it appears that they were some substantial ones that I have heard about, and I can't prove that, because like I said, it was six years ago.

MR. OLEK: The other thing is that the Town Conservation Board has already looked at this and we talked to them about plantings and everything around the site, so we are in agreement and in accordance with what the Town wants to do up there with the Conservation Board anyway, and we agreed to do whatever they wanted to do once this thing is there.

So I mean, from a cooperation standpoint, we're willing to give the Town total cooperation that it requires from the buffering side and the plantings and anything that is needed, even if it is over above what Sprint had or was supposed to do, because we're going to be looking at this extension and its effect and we're going to be doing additional plantings at this site in accordance therewith.

I want you to understand this. It will be over and above what Sprint originally planted because we're talking with the Conservation Board.

RICHARD PERRY: But like Counsel said, the Sprint tower is there. What will we do about it? The same thing applies --

MR. OLEK: I live in Victor, and it is the same deal there. I mean once you build these towers and design them for collocation and other people design their systems around it knowing it is collocation, it becomes part of a predisposed -- if I were to come in here with a new tower next to that thing, the Building Inspector and the attorney would -- and the Town Supervisor would have thrown me out and said, you know, "Dave, you're crazy."

BEVERLY GRIEBEL: And the townspeople.

MR. OLEK: And the townspeople. That's all I am saying.

JOHN CASTELLANI: What would waiting a month do as opposed to waiting a year? Is it worth waiting a month until we get all of the information, or do you want to take your chances?

MR. OLEK: The way we work, from a career standpoint, an additional month delay on this project from our side, from Lisa's and my side is career-limiting, so we would like to be able to do whatever we could to get this thing done. If we have to wait a month, we have to wait a month.

BEVERLY GRIEBEL: I think it would take a lot longer than that to plan a whole new tower.

MR. OLEK: No, no it wouldn't.

RICHARD PERRY: It may not, but again, this is where I become uncomfortable with the fact we're voting on something that the Town is being paid for. We're part of that Town, and no offense, but it almost feels like a little bit of blackmail here.

BEVERLY GRIEBEL: Yeah, and all of a sudden these things come up. I have no idea why they weren't addressed.

MR. OLEK: The other thing you have to realize is Sprint contacted the Town and got permission for this collocation. So somebody from the Town signed off with Sprint that the collocation was acceptable. I will tell you that.

DAN MELVILLE: We're bringing this up tonight. We don't even know if there were conditions. We don't have no idea.

BEVERLY GRIEBEL: There probably were, but we don't have any clue.

KEITH O'TOOLE: There were certainly plenty of conditions proposed on that.

BEVERLY GRIEBEL: Two or three pages of them.

RICHARD PERRY: On that basis, I think it needs to be tabled.

MR. OLEK: I guess I would like to understand then what my action items are going to be for the next meeting, if any.

BEVERLY GRIEBEL: Well, I think we have to find out what the conditions were, which should be easily attainable.

KEITH O'TOOLE: I think what we might want to do, and suggestion for Mr. Howarth, if he could have his attorney send us a letter outlining exactly what conditions or deficiencies exist.

MR. HOWARTH: I think you're missing the point of my whole presentation. I'm not so concerned about what the conditions were accepting the original agreement. I'm more concerned about aesthetics of this proposal.

BEVERLY GRIEBEL: The additional height.

MR. HOWARTH: The additional height. The additional whatever you call the thing on the top, and then the ability for them to have another one in the middle.

I mean, I'm looking at my investment and my homes that I am trying to build here, and I am thinking to myself, I can put up with what we got because I originally agreed to that. But if it is going to triple the -- the apparatus on the top, what the heck is that going to look like in that neighborhood?

And I am more concerned about that than the trees that are missing and the building that they're going to put up and things like that.

And if I had been in town when the Planning Board was meeting, I would have been here talking to the Planning Board about it, but I wasn't here.

So now is my opportunity to talk to the Zoning Board about it. And you can -- you can jog around and say, you know, you don't want to make a decision on it or whatever, but you have to -- you have to consider what it is going to do, what it is going to look like, and what effect it is going to have on that whole neighborhood down there, because you're going to end up with a 172 houses down there looking at this monster that they're talking about.

And if they want to put a monster up, move it down into the Town property to the east. I don't agree with the height that the Building Inspector talked about. There isn't that much differential in the height from where it is to where it could be.

I really think that unless these people want to come up with some proposal that is going to make us all feel comfortable with this thing, it should not be approved, period. And if they have to go someplace else, so be it.

Thank you.

BEVERLY GRIEBEL: Well, this went before the Planning Board February 8th, and it was the application of -- for conditional use permit to collocate. Approved for five years -- oh, no. Approved for two years with conditions. I don't know what they were. On the same agenda, that was a conditional use. It was also on for preliminary site plan approval to collocate. And that was --

MR. HOWARTH: I guess I don't have a problem with any of what is going on except I want to know how they're going to make it look right so we can all accept it as something that is not going to be ugly.

BEVERLY GRIEBEL: That was approved with conditions, and the other one concerns two other properties. So it was conditional use and preliminary site plan approval. So it has gone through all of that, and we're -- this Board is getting just the height variance request.

DAN MELVILLE: That is all we're acting on tonight.

MR. HOWARTH: And when you increase the high, you change the look. And that is

what I am concerned with. It is not so much some of the other stuff that I have messed -- mentioned that are side issues. I didn't even know about the building that they're going to build down there.

I'm concerned when you look at this thing, what is it really going to look like. It is because of the height that you're considering that it is going to make a difference.

DAN MELVILLE: That is all we're looking at tonight.

BEVERLY GRIEBEL: That was at the Planning Board on February 8th for including an 11 1/2 by 20 foot equipment shelter, site plan approval including this equipment shelter, and that was approved with conditions.

MR. HOWARTH: I stated my case. Thank you.

BEVERLY GRIEBEL: I don't know if there was any discussion at the Planning Board about any of these concerns.

MR. OLEK: The other issue I have is in accordance with the new code adopted, the building will be finished with a green gabled roof and red brick facing on the building per the aesthetic portion of the new Town Code. And one of the conditions that we approved was landscaping per the Conservation Board. In the additional comments there --

JOHN CASTELLANI: What about the comments about the -- the blades, if you will. I don't know what they call them.

MR. OLEK: Um, you know, right now they have a cone-shaped affair at the top. Three triangles at the top of the tower; that's correct.

JOHN CASTELLANI: Which are relatively -- I'm sure they're visible if you're on top of them and can see them if you're looking at them, but if you triple those, what will that look like?

MR. OLEK: It will look like -- that's a picture (indicating) of the Jet View site with all three antennas, and it is --

JOHN CASTELLANI: So it will be very visible, is -- from what you're showing us.

MR. OLEK: It depends on the visibility initially of the tower and where it is visible from. In the early days when we did approval with Sprint, we did the balloon study and photo simulation at that site, which are probably in the records. I don't know if they're kept. But all of those simulations were reviewed by the Planning Board and looked at.

There were two candidates initially for this particular site. One of them was the Town park. Other was the -- Perna. It was the Perna site. And the Board didn't like the Perna site, which is an option we would have to now consider if we couldn't get the height here. But we did photo sims at both sites, and then the people on the Planning Board said 'this one' or 'this one,' and we got a direction that the Town wanted to have the site in the Town park. Number one, so they could control who is on there, and number two, so that they could get some revenue from the site, and that is what the decision was.

BEVERLY GRIEBEL: Now, I think there are some questions that this Board doesn't have an answer to. I don't know what the original agreement was with Mr. Howarth, if that was a -- if it was a limit in height.

KEITH O'TOOLE: If Mr. Howarth's key concern is the collocation plus the height, then there -- basically what we did is approved the tower at the given height. The Planning Board had required that all of the towers that Sprint put up were capable of collocation, which means they had the ability to increase the height, and there was no -- it was no different with the tower in Union Park.

RICHARD PERRY: That doesn't necessarily mean an increase in height, to have collocation.

KEITH O'TOOLE: No, not necessarily.

JOHN CASTELLANI: Right.

KEITH O'TOOLE: But since we couldn't necessarily predict the future, we had the tower built boldly enough so it could be done that way in case it went down that track. But, of course, we are here today because we need an additional approval for more height.

DAN MELVILLE: What do we want? Do we want these things collocated or separate towers for all of them?

KEITH O'TOOLE: The existing tower is not going anywhere, I mean practically speaking.

RICHARD PERRY: That is fine, but --

KEITH O'TOOLE: So the alternative is --

RICHARD PERRY: We cannot look at extending the original tower without knowing the original agreement.

KEITH O'TOOLE: I'm not familiar with anything, aside from landscaping conditions or

stuff, which seems to be a side issue -- in terms of the height, I am not aware of any condition that capped the height that said "Thou Shalt not extend the height beyond that."

RICHARD PERRY: But I don't think you would be willing to stake your law degree and legal standing on your belief without having seen the facts. That is all I am saying.

BEVERLY GRIEBEL: It may have been a condition, but prior to that there was an agreement for the landowner, an agreement with the Town, and I don't know if that was kept at 100 feet or if it was to an extended height. I don't know.

BILL OLIVER: I think what we're discussing here is --

BEVERLY GRIEBEL: There are too many unknowns in this.

BILL OLIVER: I think we need some information on that.

BILL OLIVER: I don't know how the rest of the Board feels.

BEVERLY GRIEBEL: I think we need more information before we can make any decision on that. I think we need to table this, and -- did anyone else in the audience have any comments?

DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: You know, I think I have been at every meeting where these cell towers have been considered, Planning, Zoning. I guess they haven't been before Zoning yet, but every Planning Board meeting, and every one of them, without exception, the people that were going to have to look at these were in objection, which I couldn't blame them for.

I see Mr. Howarth's point here. If the houses hadn't preceded the tower, those people that owned those houses would be here screaming mad that they had to look at that and that you were going to increase it and make it even uglier.

Just because the houses follow the towers is not any -- it doesn't make the situation any different. Whether the tower was there first or the houses were there first, nobody wants to be that close to a tower. And I think that, you know, that is obvious.

I certainly can appreciate Mr. Howarth's investment in that land and his concern. So I think it would be a good idea to table it, but I think that Mr. Howarth's concerns here have to be taken seriously. He has got something to sell there and he has a tremendous investment and it won't add to the salability of those lots. I can't imagine that this could be that close to an existing house and have this Board even consider it. The fact that the houses are going to follow the tower doesn't make it any different.

Thank you.

BEVERLY GRIEBEL: Along that vein, you know, if someone does buy a lot, they would know that the tower is there.

MS. BORGUS: But by the same token, Mr. Howarth has lots there that he is going to have to sell. That is his business. We're making it very hard for him, and I don't think it is right.

BEVERLY GRIEBEL: This did go before Monroe County Planning and came back with no comments on it. They are leaving it up to us.

We need to obviously get more information. Our next meeting is March 28th.

BILL OLIVER: Does someone want to make a motion that we table this without prejudice?

BEVERLY GRIEBEL: Table it until the March 28th meeting? Do I have a second to that?

BILL OLIVER: I will second that.

The vote on the motion to table was 4 yes to 1 no (Dan Melville).

JOHN CASTELLANI: We're going to table this. I think it is only fair that we lay out what we want --

BILL OLIVER: Before it even comes up.

JOHN CASTELLANI: -- prior to the next meeting so that we don't get into this hassle again. That would be any agreements --

BEVERLY GRIEBEL: Original agreements.

JOHN CASTELLANI: -- that Mr. Howarth and the Town have to location, height and aesthetics.

BILL OLIVER: Those are the three things that should be looked at.

BEVERLY GRIEBEL: And then conditions at the Planning Board for --

JOHN CASTELLANI: Was there any restriction on moving this higher than its existing

height?

RICHARD PERRY: I think what we need is the entire discussion from the Planning Board that determined that tower in the first place.

JOHN CASTELLANI: Sure. So those are the items that I think we need.

BEVERLY GRIEBEL: There needs to be some information as to what conditions regarding site plan have not been carried out.

JOHN CASTELLANI: Now is that something you can request, Keith, from Jim Howarth's attorney? Or would they be in the files of the Town?

KEITH O'TOOLE: I think it would be far more direct if Mr. Howarth's attorney could send us a letter and say these are the items that are outstanding and cite where they came from.

JOHN CASTELLANI: Do we need to consider that request that through you?

KEITH O'TOOLE: Mr. Howarth is here right now. If he is so inclined.

JOHN CASTELLANI: Jim, can you get a hold of your attorney and have him forward --

BEVERLY GRIEBEL: If your attorney can forward a request to the Town Attorney as to what things are lacking and what your concerns are.

JOHN CASTELLANI: Were there any height restrictions that --

MR. HOWARTH: I don't know. I will get my attorney on this tomorrow morning. I will tell you. When we start talking about attorneys, I got a good attorney, so I will get one going.

JOHN CASTELLANI: As long as we can get that information, because it is only fair if we're tabling this thing to be very specific.

MR. HOWARTH: I agree we have to be fair, but my feeling tonight is that when someone makes an agreement and everybody agrees on what is going to be there, and then all of a sudden they want to change it, I don't feel that is right, but I will get my attorney going on it tomorrow.

JOHN CASTELLANI: That way we know what agreements were there. We need -- you know, any height restrictions, any aesthetics that should have been there.

MR. HOWARTH: It was interesting that the comment was made all these Sprint towers were approved with the option to increase their height. I don't know how that could possibly happen, but I will check it out.

Even if that is the case, I think that the -- that the Town Fathers, yourself, have an obligation to assess the -- what it is going to look like and what it is going to do to everything, you know?

I am not against the tower. I agreed to the tower in the beginning. I am just concerned about what is happening to it. And then, you know, if we're going to add 20 feet this year, and 20 feet next year, if we're going to add some more things to it. I mean, it's time to find out where we're going with these things, and especially this one because I'm concerned with it and I am sure you are, too.

As I said before, I thank you, and I will get my attorney going on it and we'll give you all of the information.

BEVERLY GRIEBEL: We'll have the information and we'll make sure that we all get together and have it for the next meeting.

MR. HOWARTH: I would rather avoid a hassle.

BILL OLIVER: That's exactly what we want.

MR. HOWARTH: I think we ought to do it right.

BEVERLY GRIEBEL: It is tabled until March 28th.

RICHARD PERRY: Who is going to be sure that we get the proceedings from the Planning Board?

BEVERLY GRIEBEL: I will be checking with the secretary, and Larry (Smith) will check, too.

LARRY SMITH: Do what?

BEVERLY GRIEBEL: We need the Planning Board information, what their agreements were.

LARRY SMITH: All of the minutes and everything are in the Building Department. Any time you want to go in there and read them, go ahead.

MR. OLEK: One additional comment. That is, that the tower was only designed to the capacity specifications of the original Planning Board approval. It can only be extended by 20 feet. You can only have three collocators on it. That is the limit of that particular --

BEVERLY GRIEBEL: That is the maximum height and weight.

MR. OLEK: Maximum height, maximum weight. You can make these things stronger by pouring more cement in the ground. When this thing was designed, the foundation was designed

for what the Planning Board approval was.

BEVERLY GRIEBEL: And it can't shoot up 2 or 300 feet.

MR. OLEK: This extension is all that can be added to the tower. This is the limit of the extension, which is the 20 feet. We have that in the original approval and I will dig that out for you.

RICHARD PERRY: You can understand why we would like to see what the original approval was.

MR. OLEK: I understand that, and I could have had that stuff here tonight if I would have known this was going to be an issue. I should have. Okay?

DECISION: Unanimously tabled by a vote of 4 yes to 1 no (Dan Melville) with the following finding of fact having been cited:

1. More information is needed. To be provided by applicant and/or Building Department.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present at public hearing.

2. Application Linda Kasper, owner, 155 Attridge Road, Churchville, New York 14428 for conditional use permit to allow an office in home to sell medical products at property located at 155 Attridge Road in R-1-15 zone.

Linda Kasper was present to represent the application.

MS. KASPER: It is really durable medical goods I want to sell like commodes, home products.

It shouldn't impact the neighborhood at all because -- it is just in my house, me answering the phone. Everything I would be delivering to the people because I would be -- my ideal clients would be people that can't get around, geriatrics and disabled where I have to go set the height adjustments on like shower seats and stuff and show them how to use them.

What seemed important at the time about getting a permit to do it in the house wasn't just for answering the phones, but I thought at this time my supplier would be Gramfield out of Long Island. That would mean I would have a couple UPS trucks a month coming through.

I since found another supplier on Vantage Point Drive where I can pick up so there shouldn't be any impact on the neighborhood.

BEVERLY GRIEBEL: So you wouldn't need any deliveries to your home.

MS. KASPER: Shouldn't.

BEVERLY GRIEBEL: You will be picking up the equipment and deliver it to the people's homes?

MS. KASPER: Hopefully to customers in the future. I don't have it now. I'm a paramedic. I have been a paramedic for ten years. I see so many people shut in, because I work in the city, as well as Gates.

Like in Danford Towers and stuff it could stop a broken hip if they had this, and there is a phenomenal mark-up on it, so the whole idea is I want to get into so -- I wouldn't have to use the mark-up because I won't have any overhead, and I could make it affordable to them.

BEVERLY GRIEBEL: It sounds good.

JOHN CASTELLANI: So you're totally by catalogue or -- or ordered to you.

MS. KASPER: I can show you. Right now --

JOHN CASTELLANI: I'm just trying to get an understanding. You will not have a supply house that you -- at your place?

MS. KASPER: No.

JOHN CASTELLANI: Nothing is delivered to you at your house?

MS. KASPER: Right.

JOHN CASTELLANI: If anything, it gets delivered to the patient?

MS. KASPER: Correct.

JOHN CASTELLANI: Or is it you go and get it and deliver it?

MS. KASPER: I go pick it up.

JOHN CASTELLANI: So you will not create a warehouse?

MS. KASPER: No, I'm not like a warehouse.

JOHN CASTELLANI: You will not warehouse any of this stuff here?

MS. KASPER: Exactly not.

JOHN CASTELLANI: It will only be a phone and files type --

MS. KASPER: I can show you. There is just going to be 13 items. They're all fully taxable, not covered by any insurance. I wouldn't be big enough for any of that. It is walkers, canes, shower chairs, blood pressure cuffs. If you want to see --

JOHN CASTELLANI: No, I'm not concerned about -- so much what it is, is that it would be warehoused on a residential property.

MS. KASPER: No.

JOHN CASTELLANI: It is not going to be. That is what you're telling me.

MS. KASPER: Right. No.

BEVERLY GRIEBEL: No customers would be coming to your house?

MS. KASPER: No.

BEVERLY GRIEBEL: They can't get out of their house.

MS. KASPER: I want to build a little office in the basement, and that is not handicapped accessible, so that would kind of like totally --

BEVERLY GRIEBEL: They would not be driving out to see what you have because you wouldn't have anything there. You would just talk to them on the phone.

MS. KASPER: Correct, or go soliciting to where they live. I wanted to go to the community -- like Chili has a senior citizen group. I wanted to go to them, senior citizens groups and show it to them.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER - 82 Attridge Road.

MS. NEDER: With this kind of equipment, there is sometimes a discount if you buy in multiples. You know, if you buy six of blood pressure cuffs, you get a better price.

MS. KASPER: From what I found, being small and trying to get into the different companies, that is only if you're big enough where you're covering liability and you have Medicaid coverage or you're working with Time Care. There is all these accreditations you have to have.

There is no way I could get that big unless I had a building. There is nothing -- I couldn't even think like getting that out of the house. I don't get any differences -- I know what you're saying. There is no bulk discount on buying this.

MS. NEDER: You would be buying one item at a time to deliver to the customer?

MS. KASPER: Depending on what the item is. Some things are sold six at a time in a tiny box. I guess you would say I would have to pick up six. I could keep them in my car and not have to store anything.

Commodities are one. They don't have like any gross -- gross -- at least no one has offered that to me when I talked to them. I talked to Blue Mex, Gramfield, General --

MS. NEDER: Would you sell it outright or rent?

MS. KASPER: It would be sold. I can't rent them. It is against health laws.

MS. NEDER: There will be no storage on the premises whatsoever?

MS. KASPER: No.

MS. NEDER: Thank you.

DOROTHY BORGUS - 31 Stuart Road.

MS. BORGUS: This wouldn't have any connection at all to the building that was built on the last variance?

MS. KASPER: Oh, no. That is my husband's toy.

MS. BORGUS: This business and that?

MS. KASPER: I'm not allowed out in the garage.

MS. BORGUS: This is strictly out of the house?

MS. KASPER: Yes, this is just mine. Out of the car.

BEVERLY GRIEBEL: You will have an office there for the phone?

MS. KASPER: Yes.

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 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 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. The home office is a customary home occupation.
3. Application of Con-Way Transportation Services, 110 Parkway Plaza, Ann Arbor, Michigan 48103, property owner: Rochesters Cornerstone Group, for variance to allow front parking for 87 vehicles at property located at 300 International Boulevard in L.I. & FPO zone.

BEVERLY GRIEBEL: This went to Monroe County Planning and came back with no comments on it.

Bob Stude was present to represent the application.

MR. STUDE: I'm with a firm called Parent Systems (phonetic). We're the architects and engineers for Con-Way Transportation Services.

We're here before you tonight for two basic decisions.

The first relates to where on the property we're locating the employee parking lot. This property is located -- is -- is immediately accessed at the end of a cul-de-sac at the proposed end of International Drive.

And we enter the property at the corner of our lot. As such, there is really no true front yard as traditionally held with the building and then a street in front of it.

We propose to locate the employee parking lot on the east side of the pub -- of our site. And it will be adjacent to another lot.

MR. STUDE: The Chili Town Code paragraph 115--33(f) does not allow front yard parking, however, we don't consider it front yard parking, but we're willing to get the Town Zoning Board approval of the location.

LARRY SMITH: I considered it front yard parking.

BEVERLY GRIEBEL: I guess you got to pick one of them as front.

LARRY SMITH: That's front.

BEVERLY GRIEBEL: Where the front door is.

MR. STUDE: Larry (Smith) is the one that told us we had to come and get this, really, and truly, it is front of our office, and I think that is what made him make that decision.

LARRY SMITH: Closer to the front than it is to the back.

JOHN CASTELLANI: Front of the office, but deep into the back woods.

BEVERLY GRIEBEL: Way in.

BILL OLIVER: We're getting technical now.

MR. STUDE: The second issue has to do with the number of employee parking stalls. The Town Zoning Code would require approximately 159 off-street parking spaces. That is considerably more than the 50 we project at full build-out, and so we're requesting a variance there to allow that number of parking stalls shown on the drawing that you have been provided.

BEVERLY GRIEBEL: Well, it's -- the request in the application is 87. Now, I see 64

slots for employee parking. Other front parking is 23 tractor staging areas.

MR. STUDE: I think what staff did was take the employee parking and add those tractor stalls to that. In truth, there are about 62 car stalls for employee parking, and those that are inside the fence are tractor stalls.

BEVERLY GRIEBEL: Right.

RICHARD PERRY: There appears to be five handicapped spots on the side of the building also.

BEVERLY GRIEBEL: But they're behind the front setback, so --

RICHARD PERRY: Right.

BEVERLY GRIEBEL: I'm not sure how they counted all of these. Requires a certain number of parking spaces. There are some other trailer staging parking that is on the south side.

MR. STUDE: They counted the number that were in the employee parking lot, and they added the tractor stalls. They did not add the handicapped stalls.

BEVERLY GRIEBEL: Right. Because they're behind the front setback. But they didn't add up the trailer staging areas that are on the south side. The ones that --

MR. STUDE: No, no.

BEVERLY GRIEBEL: The ones that were counted are the ones to the east.

RICHARD PERRY: One is the tractor-staging area. The other is a trailer-staging area.

BEVERLY GRIEBEL: It says tractor staging, and then trailer staging.

RICHARD PERRY: Yes. That is tractor -- that is the motorized part of it. The trailer is the non-motorized part.

LARRY SMITH: The tractor-staging was included with the 87.

BEVERLY GRIEBEL: But not the trailer parking.

LARRY SMITH: Tractor.

BEVERLY GRIEBEL: Well, because the trailer is not moveable by itself?

LARRY SMITH: I don't know why they figured that.

BEVERLY GRIEBEL: That is what -- I was looking at this and --

RICHARD PERRY: They're behind the setback.

BEVERLY GRIEBEL: These here are not (indicating). Right here (indicating), they are not. We have one, two, three, four, five, six, seven, eight. There are eight trailer staging spots that are in front of that front setback.

LARRY SMITH: Would you like them to modify the application to eight? Add those eight to the 87?

BEVERLY GRIEBEL: Unless he doesn't want to use them.

LARRY SMITH: All right. Would you like to modify your application to include those eight trailer staging spots as a part of your application?

MR. STUDE: Yes.

JOHN CASTELLANI: 95 gets them closer to the code.

BEVERLY GRIEBEL: Well, 95 in the front, okay. Somebody added those. I didn't add them all up. 95 front parking.

RICHARD PERRY: Actually nine.

BEVERLY GRIEBEL: Is it nine?

RICHARD PERRY: Nine.

BEVERLY GRIEBEL: Okay. Make it nine.

JOHN CASTELLANI: That is 96. Who has the next bid?

BEVERLY GRIEBEL: Do I hear 100?

(Laughter.)

BEVERLY GRIEBEL: They didn't count the ones on the side. Do you know what we're referring to?

MR. STUDE: Here (indicating).

BEVERLY GRIEBEL: They're in front of the setback. Obviously you want to use those.

MR. STUDE: Yes.

BEVERLY GRIEBEL: This is going to be a big project. There's a lot of trailer staging areas all around, doors. It's a big project.

Questions? John?

JOHN CASTELLANI: No, I have no questions.

BILL OLIVER: No questions.

RICHARD PERRY: No. No questions.

DAN MELVILLE: What kind of business is this? What are -- what do you do back in

there?

MR. STUDE: This is what is called a less-than-truck-load combination. And so it has both what is called a pickup and delivery.

In other words, the trucks go out into this immediate area, and collect freight and disperse freight, and then there will be trucks that take that collected freight that might be going to Buffalo or to the Albany area or whatever.

BILL OLIVER: It is a staging area is really what it is?

MR. STUDE: That's correct.

DAN MELVILLE: That is all I was wondering.

BEVERLY GRIEBEL: I will make the comment, this was before the Planning Board on February 8th, and conditional use permit was approved for two years, and preliminary site plan approval with five conditions that were given, so it has been through that Board.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BEVERLY NEDER - 82 Attridge Road.

MS. NEDER: I just want to comment that we have a Zoning Law in effect for a reason, to try to make things look more pleasing by allowing parking in the back, and usually when someone comes for a variance for this, there is some kind of a hardship. I would like to know why it would be so difficult and what the hardship is in this case to require this variance.

JOHN CASTELLANI: What they're doing is they don't need all of the parking spaces that the Town requires that you have, so they're, in fact, making it look better.

MS. NEDER: I don't think parking tractors in front of a building is going to make it better.

JOHN CASTELLANI: No. Actually, they could go up to 159 of those.

MS. NEDER: In the front?

JOHN CASTELLANI: By Town Code. They're only going to 96.

MS. NEDER: But in the front?

JOHN CASTELLANI: In the front.

MS. NEDER: By Town Code without coming for a variance.

JOHN CASTELLANI: Right.

LARRY SMITH: A variance of this type, there is no need to show a hardship.

JOHN CASTELLANI: I'm trying to point out they're making it look better.

MS. NEDER: I guess I'm missing something here.

BEVERLY GRIEBEL: Why the parking in the front?

MS. NEDER: Parking in the front. You're saying they could park 159 in the front without coming for a variance?

BEVERLY GRIEBEL: No. They would need a variance.

JOHN CASTELLANI: Yes.

BEVERLY GRIEBEL: But it requires 159 parking spaces. This is way inside of this whole project.

DAN MELVILLE: It is not by the road.

MS. NEDER: I know, but what I am saying is you open the door in this case for in front parking by saying it is in the back, nobody is going to see it, so it doesn't matter.

And then somebody else in North Chili like Eckerd, it is granted and they come. Somebody else comes, where do we draw the line and when do we stick to our guns in this Town about parking in front. If we're not going to observe our own zoning law, then why do we have it?

LARRY SMITH: Maybe we should think about getting rid of that front parking ordinance.

BEVERLY GRIEBEL: I know, because it was approved for a lot of other places, big front parking was -- Wegmans.

MS. NEDER: The door keeps being opened so everybody that comes after this wants in front parking because precedent has been set.

DAN MELVILLE: I don't think if you shop at Wegmans, you would want to park behind the building to walk around front.

LARRY SMITH: There have been some people suggesting we get rid of that. I think I'm kind of in favor of it.

JOHN CASTELLANI: As we get more modern type operations like Wegmans, you may want that.

BEVERLY GRIEBEL: Now we're talking about this tonight. But this is deep inside of this project. On this -- this is a big site plan. We don't even see Paul Road on here.

MS. NEDER: I understand that.

BEVERLY GRIEBEL: It is deep inside. I think when people are coming, if they're going to be right on Paul Road, then that has to be looked at a little more cautiously.

MS. NEDER: It doesn't make any difference in North Chili with Eckerd drugstore. They have a whole parking lot there.

BEVERLY GRIEBEL: We'll, we're not talking about Eckerd, and --

MS. NEDER: We're talking about -- this is going to keep coming up again and again and again. Where do you draw the line?

BEVERLY GRIEBEL: Okay. I hear you. Your comments are noted.

DOROTHY BORGUS - 31 Stuart Road.

MS. BORGUS: I think it would be good if the public that came to hear these cases could see a map. Is there any reason why we don't have a drawing up?

RICHARD PERRY: Here. Would you like to take a look? Help yourself.

MR. STUDE: I have a map.

MS. BORGUS: I don't know who else is interested, but I would like to see. You can't talk about something that you haven't seen. It should be a prerequisite these things should be put up.

BEVERLY GRIEBEL: Were you before the Planning Board?

MS. BORGUS: Yes, I was.

BEVERLY GRIEBEL: This is probably --

MS. BORGUS: I think that was the one that went until 2 in the morning, and I don't think I did see this.

BEVERLY GRIEBEL: There is a rendering on the side. If anyone in the audience would like to go up and look at that one, they're welcome to it.

The road you were describing comes from the upper right corner, into the building, and then the parking is along the right-hand side.

MR. STUDE: This is the cul-de-sac here (indicating), and so we're actually entering into the corner of our property.

RICHARD PERRY: He is trying to show you, Dorothy.

MS. BORGUS: I'm sorry.

MR. STUDE: This is the end of the International Boulevard, there is a cul-de-sac there, and that is where we enter into the property.

BEVERLY GRIEBEL: Now, Paul Road would be off the board?

MR. STUDE: Paul Road is up here (indicating), about 800 feet.

BEVERLY GRIEBEL: 800.

BEVERLY GRIEBEL: Quite far in.

MS. BORGUS: Well, I guess my comment, I would have to agree with Mrs. Neder then. I think if we have a law, it ought to mean something. And obviously it does not. Because you can say this is way back from Paul Road. I hear you. I understand. I can visualize where it is, but everybody that locates on that -- on that -- is it International Boulevard -- is going to want front parking, and they will be threatening to sue the Town because they're not being allowed to do something these people are. And if you're going to open the door, that means you're going to pretty much let everybody who builds or locates down there to have front end parking and it will be hundreds of cars.

You don't see that over on Jet View Drive to any extent and I don't think this should be the case when we're just starting out with another development. There is little front end parking on Jet View Drive, I believe. I -- I'm not saying it doesn't exist, but there isn't much.

BEVERLY GRIEBEL: It is occasional.

MS. BORGUS: It is an occasional thing.

You're setting the precedent so everybody is going to be able to do it. I understand these people have 16 acres, and it seems on 16 acres, they ought to be able to comply with the law.

Thank you.

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 5 yes with no conditions, and the following finding of fact was cited:

1. Applicant cited employee parking close to employee entrance.

Note: Sign advertising public hearing to be removed within five days of the date of the decision letter.

4. Application of Ken Stein, Kens Neat Moving & Storage, 80 Cook Street, Rochester, New York 14620, property owner: Minnie Spector; for Land Use Variance to convert existing building to a moving and storage company with retail sales of moving materials at property located at 1436 Scottsville Road in G.B. zone.

Ken Stein, President of Ken's Neat Moving and Storage, was present to represent the application.

MR. STEIN: And I assume that everyone on the Board has received a copy of my application and my letter of intent which pretty much goes over the details of the intended use.

I did bring a color copy of the site plans in case anybody would like to take a look at them. I can put them up on the board.

BEVERLY GRIEBEL: If you can hang it on the board.

This was submitted to Monroe County Planning and came back as approved. The response is approval.

If anyone would like to go up and look at the plan, feel free to look at it.

My understanding is you are going to be using the building on the right as you look at it?

MR. STEIN: Well, actually that is the building that we would be occupying first and it is one that we would be mainly using.

As far as the metal building on the left, that is space that we would like to grow into in the future. As it stands right now, the cinder-block building, which is the one on the right has had a number of things done to it, as far as electrical work and other site improvements. So my understanding --

BEVERLY GRIEBEL: These that you have just been doing --

MR. STEIN: Not just me, but also the present owner, Sid Spector has been doing a lot of work as far as cleaning up the site. You know, in the past that has, you know, been an issue. As far as I'm aware, he has fulfilled his end of the agreement with the Town of Chili as far as cleaning up the site.

We have an Underwriters certificate certifying electrical work is up to code.

The building has a new roof on it, so there is no reason that I can see why it is not usable in its present state.

As far as the building on the left, I basically outlined all of the improvements that I would like to see made to the site, and that kind of work can be started immediately.

As far as fixing up the exterior, one of the things that will be done once the weather is a little nicer is to paint the exterior.

As you may know, the metal building has been all completely resided, so that is all new, and -- on the exterior. Basically the block building on the right and the peak of the metal building on the left would all be painted gray so it would all be a uniform exterior.

Also, I proposed a canopy and a new and improved entrance to the building. Basically it would be an entrance a little more inviting, allow a little more light into the office area and hopefully make it more inviting for retail traffic.

Also, the landscaping, as shown on the site plans, is something that would be started, you know, relatively soon. Actually, if this weather keeps up, we can do it real soon, but that is all pretty much, you know, shown on the plans. That is what we had in mind.

The other thing which is not shown on the frontal view there of the building, but it is on the aerial site plan, is the fencing that would be around the perimeter of the property.

Basically the site plan designates there would be a 6 foot wooden stockade fence, so that would also screen the existing chain link metal fence, so it would look, you know, nice from the -- from the road view or anybody that would be looking at the front of the property.

And basically the use is that we have chiefly our -- for our office, number one. We do need a bigger office, and this would meet our requirements as far as space.

As far as retail, basically, we're a provider of boxes, moving supplies, packing materials, so this would give us a location where that could be done easily.

The drive-in bays that are on the block building on the right lend themselves to easy loading. Basically materials like that won't have to be carried long distance to people's cars, and

of course, the third use, which is equally important, is for us to be able to do some storage. And specifically what we do is containerized storage, so basically all of the household shipments are in wooden storage crates.

So that's pretty much what we had in mind. As far as, you know, any impacts on the surrounding area, I really don't see any negative impacts that could result. I think the property can only be an improvement over what it has been previously, and I think that is something we all would like to see happen.

And if you have any specific questions or concerns, I would be more than happy to address those.

BEVERLY GRIEBEL: How many trucks would you have coming and going?

MR. STEIN: Okay. We're not a high traffic business. We currently run four trucks, and I would expect if we do locate to this building, which I would like to, there could be a possibility of additional trucks beyond four at some point in the future. The trucks that we run are straight trucks, usually 24 foot or less. We're not involved in tractor-trailers, so it is not like we would have a trucking terminal where you would have trucks coming in and out of the site all of the time.

As far as traffic in and out of storage, that also is very low traffic. The average stay for a storage customer can be anywhere from three months to a year, sometimes longer than that, depending on their circumstances. So there really shouldn't be any impact on traffic. I know Scottsville Road is a fairly busy road, but I wouldn't foresee any problems as far as that goes.

As far as employees, we provided in the site plans for what should be pretty adequate parking for the people that would be working there, and for any customers that may come, you know, to the site.

BEVERLY GRIEBEL: Parking would be in the front?

MR. STEIN: That's correct. On the site plans it shows -- I believe we have -- I believe eight spots. I don't have the plans in front of me.

BEVERLY GRIEBEL: There is one handicapped and --

BILL OLIVER: Seven and a handicapped.

MR. STEIN: Right. Eight all together. So that should be adequate, at least for the front area.

In addition, there is an area along the fence in the front where we -- we didn't put it in on the site plans, but there actually is an additional room where parking spots could be added along the other areas of the property, both along the fence in the front and also on either side. We figured that the spots right in front would be the main concern, because they're closest to the building, but they would still be a pretty good-sized parking area, which could accommodate additional spaces if that were required.

BEVERLY GRIEBEL: Presently you're in business -- are you in business downtown or -- or do you have another location?

MR. STEIN: Yes. Our office is located at 80 Cook Street which is right by the corner of South Avenue and Elmwood. But we have had a need for a larger location where we can do our work and this building would be ideal. It is something that we could work with presently and also grow into as our needs for space increase. So I feel that would it be a workable site for us, definitely.

BEVERLY GRIEBEL: You would move your whole business over here.

MR. STEIN: That's correct.

DAN MELVILLE: Do you plan in the future of getting -- using tractor-trailers or anything like that in your business?

MR. STEIN: Um, that is something that could occur in the future. I don't have any specific plans right now to be using tractor-trailers. But like I say, mainly the trucks that we use are straight trucks, which would be 24 foot or less. Um, so to answer your question, that is not something that I would expect to see there, at least not in the immediate future.

DAN MELVILLE: How would you get them into the site without backing across Scottsville Road?

MR. STEIN: Well, that is a good question. I know that when the building was used previously for paper recycling and so on, there probably were some tractor-trailers that may have pulled in there and probably other trucks, too. The bay it shows on the site plans, there are two entrances, or it could be one entrance, one exit. There is enough room to pull a trailer into that front parking lot should we have a need for that occur, if we're getting a delivery or something like that.

I have seen, you know, trucks in there before that have backed in, in the parking lot itself, without actually blocking traffic on Scottsville Road while it is backing in. And then with the -- with the bay on the left, on the block building, that actually extends into the building about 24 feet.

So even if you have a tractor-trailer that were backed into the building, only the front part of the trailer is going to even be in the parking lot itself, so it wouldn't run the risk of, you know, sticking out into the road or anything like that.

DAN MELVILLE: The trucks that you currently have now, would those be kept inside the building at night?

MR. STEIN: Um, I had not planned on keeping them inside. I figured that is an option we do have, providing that there is room, but I would figure that we would probably have some parking of trucks on the premises.

With the -- with the property as shown, there usually is an adjacent parcel, which it is not really officially in my parcel to be used, but the old gas station next door, there is additional parking area over there, should that be needed for trucks or even for additional, you know, car parking. So that is still kind of in the same parcel. So unless we were talking about having a huge trucking terminal with a lot of trucks, I don't see where there would be a problem as far as parking. For trucks. Did that answer your question?

DAN MELVILLE: Yes.

What are your hours of operation basically?

MR. STEIN: Okay. Generally, we -- generally, we'll start at 7 in the morning. So you can figure operations would be daylight hours. I would say at the outside we're probably looking at 7 a.m. to maybe 8 or 9 p.m. We haven't actually finalized that, but we're not a 24-hour operation. So it is mainly during daytime hours.

RICHARD PERRY: Monday through Friday or Monday through Saturday?

MR. STEIN: That's correct. As it is right now, we do work on Sunday, if there is work. Sunday is usually the least busy day for moving, so it is often a day when there is not work. But definitely Monday through Saturday would be the hours of operation.

DAN MELVILLE: Will you repave the parking lot?

MR. STEIN: Yes. As it is stated in the site plans, that is -- that middle area of the parking lot, basically, would -- would need to be regraded and paved. Part of the parking lot is concrete at this time. And I don't know that that needs to be redone at this point. The first order of business would be to paint the exterior of the building, get the entrance really nice as we propose.

The landscaping, also, that can be done relatively quickly.

As far as the paving of the parking lot, that is something that I think we could definitely set a reasonable time for completion of that. Because of the fact that there is still some work to be done inside the metal building, as far as removing -- removing a bailer that is there that is kind of big, I figured it would make sense to wait on the paving until all of the heavy site work is done.

There is also an area in the metal building, you know, where the floor might need to be redone, and may involve pouring concrete and so forth. As long as we would have heavy trucks and gravel and excavating going on, I think would it make sense to wait on the paving until all of that work is completed.

But I would definitely say, assuming that is all done, I would say within a year or whatever reasonable time we would agree to, I would like to see that done, yes.

RICHARD PERRY: From the map, it shows the existing gate. Will there be a gate to lock up the property?

MR. STEIN: I would like that. As it is right now, the gate as it stands is -- there is a section -- I don't know how familiar you are. There is a section, big beam that goes on top, and one of the sections was bent a long time ago, hit with a truck or something. That section has been bent and removed. As it is right now, there is a sliding gate which basically will secure two-thirds of that front gate along the roadway.

I would like to have it so that the property is all fenced in, so that it can be secured when it -- you know, when the place is closed. Basically that would involve just replacing that section of beam. It was actually just taken down a few weeks ago or definitely within the last month, so that way could be secured, as well.

RICHARD PERRY: The old gas station is a part of the parcel?

LARRY SMITH: That is a separate parcel.

MR. STEIN: It is a separate parcel.

RICHARD PERRY: You alluded to using that.

MR. STEIN: Well, that is something that -- I mean as far as my use, um, the main -- the main part that I am concerned with is 1346, which is the cinder block and the metal buildings. I think that technically 1346 or 1344, if you look on a tax map -- I'm not sure. It has the two tax ID numbers. As far as the old gas station goes, I don't have any immediate, you know, plans to utilize that or to open any business there.

I guess per the agreement with the Town, certain things have been done at that site, and as far as -- as far as fixing it up. But that is an area that if nothing else in the future, I think could be used for parking, additional parking which is required. I know that it is -- there are no plans to have a gas station there or anything like that.

RICHARD PERRY: That is a separate parcel that you own also?

MR. STEIN: No, sir, I don't own that. That is actually owned, I believe, by Sid Spector or the same owners.

BEVERLY GRIEBEL: You don't own this parcel either? You would be leasing; is that correct?

MR. STEIN: I'm actually interested in purchasing the property.

BEVERLY GRIEBEL: But you don't own it right now?

MR. STEIN: That's correct.

BEVERLY GRIEBEL: None of this that is represented right here is owned by you?

MR. STEIN: That's correct. Um, basically we were in the process of discussing purchase. I submitted a purchase offer, and that's something that we'll be negotiating. As far as whether the gas station will be included in that, that is still something that we would need to finalize.

DAN MELVILLE: I guess I have a question now, too. If he is leasing the property, does he have permission to be here for this?

BEVERLY GRIEBEL: Yes.

MR. STEIN: Yes.

KEITH O'TOOLE: If I may address that, the issue came up in the context of the proceeding we have with the Sectors before the Town Board. As you may be aware, there is a Town Board order that I would like to put a copy of into the record.

Keith O'Toole submitted the documentation for the record.

KEITH O'TOOLE: I would -- I would suggest, so as not to conflict with that particular Town Board order, if you grant the variance, make it a condition of your approval that they give us a letter of authority from the property owners.

BEVERLY GRIEBEL: So this letter is not something you need tonight?

KEITH O'TOOLE: No.

LARRY SMITH: Mr. Spector is in the audience.

BEVERLY GRIEBEL: Okay.

BILL OLIVER: One thing I got a comment on. I realize you mentioned you're not going to have large vehicles at this time, like tractor-trailers, if you will. But my concern is do you have room for a tractor-trailer to pull in and back up on the property itself without closing off part of the road? I want to be sure of this before I say anything, because we have had so much conflict already on Scottsville Road with the property in the past.

Now you say you don't own the gas station next door. There -- is there room for a tractor-trailer to come off the road and turn in that property?

MR. STEIN: In the 1436?

BILL OLIVER: In the existing area now.

MR. STEIN: Yes. And they have before. And from that parking lot that is in front of the building, they can back right into one of the bays of the building.

BILL OLIVER: Now, you have these parked cars in the front of your building here, if you will. Will that be interfering with your backing up the trailers?

MR. STEIN: I don't believe so, because the area that -- where the truck would actually be would be right -- not next to the building but more towards the fence line. There is enough room to pull a truck in there forwards and then back up into either one of the bays going into the block building or, for that matter, um, into the -- into the metal building on the left, the bay on the left that is also accessible. That was one of the reasons why we had slanted the parking spots as they're shown in the site plan, to give a little more access to that door.

BILL OLIVER: Well, see that is another concern. Is -- could we take those front parking -- you mentioned a few minutes ago about another parking area. Is it possible to relocate

those -- that front parking on the side of the building?

MR. STEIN: Um, okay, you mean the eight spots along the front of the building?

BILL OLIVER: Yes.

MR. STEIN: Would it be possible to put it on the side of the building?

BILL OLIVER: I would really rather see it there. My concern is twofold. Number one, we're talking front parking again, plus we're talking about moving the tractor-trailer to avoid hitting cars. I don't know what to say in that respect, but I'm wondering if you could possibly move those parking spots to the side.

MR. STEIN: Well, I honestly don't think there is going to be enough room for that. When we went over the site plans, we kind of looked at all of the different options. Because of the way the property is set up, on the right side of the property, where it shows the old scale house, there actually is a scale in the ground there, so there is really no room on that side for parking that would be against that property line.

If you go to the other end of the property, the other end of the metal building, you have about the same length in terms of distance from the road, from the fence to the building, and there again, it doesn't afford that much width.

The longest area is along the front of that metal building, which is where we decided to put the spaces right there. Plus, also most of the people using the spaces would be going into the office, so we wanted to try to have them closer to the office area as much as possible. That is why the handicapped spot would be the one that is closest to it.

BILL OLIVER: You can see my concern. I tell you right now, because tractor-trailers have a way of changing things real fast when they start backing up.

MR. STEIN: Just for the record, we don't have tractor-trailers. That is not something --

BILL OLIVER: I'm anticipating. That is why. That is what happened last time when we had these other people there. All of a sudden they were backing in. They were backing in, doing all kinds of things and nobody challenged them on it for a long time and they got away with it. That is why I am saying it now, before it exists. I just want to make sure you understand what I am getting at. Other than that, I don't have any other questions.

JOHN CASTELLANI: The surrounding properties, are they all General Industrial or are they all General Business?

LARRY SMITH: There is General Industrial there, but the adjoining parcels are General Business.

JOHN CASTELLANI: They are General Business. I was just wondering if it was easier to do the rezoning rather than go through a land use variance.

LARRY SMITH: I wouldn't think so, John.

JOHN CASTELLANI: If they were all General Industrial --

LARRY SMITH: Yes, but right around there are General Business. There are some pre-existing, non-conforming uses in that area, also.

JOHN CASTELLANI: Right.

LARRY SMITH: The waste products being one prior --

BEVERLY GRIEBEL: Just where would you be parking the trucks at night?

MR. STEIN: The plan would be to park them either -- well, currently we have been parking in the lot next door at the Guillermo's restaurant there that is next door.

BILL OLIVER: I see them over there.

LARRY SMITH: Parking those in that restaurant that you have been doing for a couple of weeks is not legal.

MR. STEIN: Oh.

LARRY SMITH: Without Planning Board approval.

MR. STEIN: Really. I didn't know that. I had a discussion with the owner of the restaurant there, and --

LARRY SMITH: That is beside the point. Any time you change a use of a property, you have to have Planning Board approval. You don't have it to park your vehicles there.

MR. STEIN: Okay. I wasn't aware of -- I wasn't aware of that.

LARRY SMITH: You are now.

MR. STEIN: Okay. I would rather be in compliance with your wishes and with the code and so forth so that we have the trucks on our property and we won't have to rent parking spaces next door.

Just to follow up on the question of parking accessibility, as far as the old gas station is concerned that is next door, I would just as soon see that included as part of that whole project

and have that be an extra parking area.

My personal feeling is that it is not going to be a gas station ever again. As far as the canopy that is there, I would just as soon see that gone. That is something I will have to work out with the present owner. But it is a small parcel, and I think it is only a quarter of an acre. If nothing else, that would afford us additional parking for trucks. It would also make it easier to have access in the event we did have a tractor-trailer come in.

BILL OLIVER: This is the point, if you could get more land, if you could in that area.

DAN MELVILLE: My question, now, too, is why couldn't you park the trucks on the side?

MR. STEIN: There aren't -- I wouldn't want to specifically guarantee we'll do that because I don't know that we'll have room. They take up a lot of room, and if we have storage containers and other things that are actually in the building --

BEVERLY GRIEBEL: You want to have that full of people's goods.

MR. STEIN: Well, yeah. I wouldn't want -- I mean, that is a lot of square footage you're talking about to have inside parking. You know, I don't doubt that maybe a truck or two could be in there, but I wouldn't want to promise that every single truck would always be indoors. I don't -- I don't feel that would be reasonable.

LARRY SMITH: There is enough room in that metal building to park about 15 trucks.

MR. STEIN: Well, that is true, but depending on what else goes into that building, there may not be additional room for that many trucks. So I want to have the ability to at least park one, two, or three trucks -- actually one of the trucks in question is actually a smaller truck, a cube van, so it is not one of the big ones, but I think there would be room on the property.

Even if the -- even if the -- even if two trucks are parked in front of the block building, over to the side, um, that would still afford plenty of room for car parking, you know, along the front of the building. It would be kind of out of the way.

BEVERLY GRIEBEL: Okay. Obviously this whole thing has some concerns. If this Board gives approval on this --

LARRY SMITH: Bev, can I say a couple of things first?

BEVERLY GRIEBEL: Sure.

LARRY SMITH: We wouldn't want to see what happened before on this property ever occur here again, okay? Two things. You can place conditions on this approval if you decide to approve it.

It also has to go to the Planning Board for site plan approval. So he has another process -- if you did approve this, he has another process he has to go through for a conditional use and for site plan approval and for change of use. It all occurs before the Planning Board during a site plan process, a full blown site plan, with landscaping, the whole bit.

BEVERLY GRIEBEL: The whole process, right.

LARRY SMITH: There are conditions you can place on it, too, that the Planning Board could act on also.

BEVERLY GRIEBEL: Okay. I want to read those conditions now. If approved, these are the conditions that we would have. They would -- we'll include these.

Number one, "To improve lines of sight, improve traffic safety, and improve site aesthetics, the property owners shall permanently remove the North fence line which runs along Scottsville Road and all fencing in the front yard for 1430, 1434 & 1436 Scottsville Road."

Now, these lots are 1436; is that right?

MR. STEIN: That's correct. I think that may include 1434, as well.

BEVERLY GRIEBEL: And 1430, is that the gas station?

MR. STEIN: That's correct.

BEVERLY GRIEBEL: And number two, "Due to the shallow front yard and to keep large vehicles from creating hazardous traffic-blocking conditions on Scottsville Road, loading or unloading of semitractors, semitrailers or tractor-trailers in the front yard is prohibited. Further, all vehicles shall pull in to the property from Scottsville Road. At no time shall vehicles back into Scottsville Road. At no time shall vehicles back into the property from Scottsville Road.

Number 3, To improve site aesthetics, and make the property fit within the context of such adjacent land uses such as Logan's party house, Gillermo's restaurant, Universal Joint Sales and Waverlys, the Planning Board is granted Architectural Review and Approval. The Planning Board, as part of its site plan review shall review and approve architectural improvements designed to improve site aesthetics so the subject use will blend in with the aforesaid neighboring uses and with a goal of achieving, at minimum, a quality of design consistent with new retail uses

in the Town of Chili.

Number 4, Since a weigh station pit does not safely belong in a retail establishment's parking lot, the existing weigh station pit shall be removed and filled in flush with grade.

Number 5, The existing asphalt is pockmarked and unsafe. The entire parking area shall be repaved with asphalt. All parking spaces shall be striped and handicapped parking shall be provided consistent with Town Code and ADA standards.

Number 6, Due to the shallowness of the site and limited points of access, this approval is restricted to one user who shall operate and be responsible for the use. Simultaneous multiple tenants and/or simultaneous users for the use granted by this use variance are prohibited.

Number 7, Landscaping provided is inadequate and poorly located. In addition, potted plants do not constitute acceptable landscaping. Property owner shall provide and install a new landscape plan designed by a licensed landscape architect. Landscaping shall be provided all along the full length of the Scottsville Road Right of Way where it parallels the property, commencing at the curb and running south. It will require that existing asphalt along the Right of Way be removed, planted and maintained. Said landscaping plan shall be approved by the Planning Board but its implementation is a condition of approval of the ZBA.

Number 8, Property owner shall provide an 'Internal Traffic Study,' Said study shall analyze and demonstrate the safety and adequacy of site parking and traffic patterns. It shall show turning radii for trucks and shall demonstrate that the site can be used as intended without placing pedestrians at risk or using Scottsville Road for overflow parking or turning maneuvers. Said study shall be approved by the Planning Board for scope, content and adequacy.

Number 9, It is unclear where the property lines of the property in question are located for purposes of determining adequacy of site ingress and egress. The Assistant Town Counsel shall review the adequacy of ingress and egress and determine whether an easement is required. His determination shall be binding on the property owner and the property owner shall provide the easement(s) he requires in recordable form with recording fees."

Any additions on those?

BILL OLIVER: That covers it well.

BEVERLY GRIEBEL: That is rather inclusive.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS - 31 Stuart Road.

MS. BORGUS: This whole proposition is very iffy. Sitting here listening to it you can hear the evasions from the minute the discussion starts. I heard, "We are going to use the gas station lot." "We aren't going to use the gas station lot." Then "We are going to use it."

I have heard that "We need front end parking, but we could park along the side," and then when this gentleman was pinned down, well, then he can't.

You better make up your mind here. This is not a process of evasion. This is a process of trying to comply with Town Law.

We just heard on the last application about the need for front parking, and it would -- the excuse was given it was way back in the back of a project and it couldn't be seen. Well -- and then it was stated that it would be different if it were along a main road.

Well, here we are. It is along a main road. And I don't see any reason why we need front parking. If this lot is not big enough to do what this gentleman wants to do, he better look for another site. It sounds like this is too tight.

I certainly would not want to have been through what this Town has been through with this property and then see outside parking of trucks.

I don't know -- there is just no call for this here, and I don't see why when this place is not big enough, somebody hasn't come to this conclusion already.

The gas station appears to still be there. I was here when the planning -- when the Town Board gave the owner 60 days to clean this property up. I would like to kindly have an update where that process stands because the 60 days just might be up.

LARRY SMITH: There has been a lot of progress made on that.

MS. BORGUS: Is it complete, though?

KEITH O'TOOLE: No.

LARRY SMITH: No. The gas fuel tanks have been pulled out of the gas station. They were in pretty good shape, which surprised me.

Um, and the inside of the metal building has substantially been cleaned out. There is still

some packing equipment there.

There are about six dumpsters of metals still on the premises.

The premises hasn't been raked yet. They were in the process of raking them in the last few days, but before that we had 2 foot of snow, so it was impossible to do it before then.

There is some good effort that has been shown.

BEVERLY GRIEBEL: Quite a bit of work has been done.

MS. BORGUS: From a taxpayer standpoint, I don't think good effort suffices. It was 60 days, period. It wasn't a start-in-60-days. It wasn't a partial-clean-up-in-60-days. When is the 60 days up?

LARRY SMITH: As soon as the snow melts. You can't rake an area with 2 foot of snow. Even you can't do that.

MS. BORGUS: I don't see much snow out there.

LARRY SMITH: The last three days, you're right.

MS. BORGUS: When is the 60 days up?

LARRY SMITH: Do you know offhand?

KEITH O'TOOLE: The date for performance was February 1st, subject to extensions granted for certain issues. We granted an extension for Mr. Stein's occupancy, as you're aware. So at this point, the time is up.

We conducted a site inspection today, in fact, to do a full review of the site, and pursuant to the provisions of the Town Board order, we're going to send a letter to Mr. Spector's attorney and cite the issues that are outstanding.

They will then have, I believe, it is 14 days in which to comply.

To the extent that there are reasonable weather conditions that would prohibit the work being done, they can ask, though not necessarily be granted, an extension, but certainly if it is reasonable and the weather dictates it, then we may grant the extension, but that is primarily for exterior work.

I believe most of the interior work is done at this point.

MS. BORGUS: It sounds like --

KEITH O'TOOLE: That was the substance of the Town Board order. I'm not saying the outside work is not important. In fact, it is damn well important, but the bulk of the money involved and the bulk of the effort was spent on rehabbing the buildings, doing electrical work, doing residing, empty out of the metal building of all of the trash and debris. They have made progress, but again, they're not done completely.

MS. BORGUS: I'm wondering if they have not completed the order as the Town Board laid it out, why this is even before this Board at this moment? Why are we not waiting until we have compliance?

KEITH O'TOOLE: They are within their rights as property owners to apply for a use variance at any time, and there is certainly no Town Board order which could prohibit that.

MS. BORGUS: I would think it would be up to the common sense of this Board to table this until such time as the Town Board's order is complied with. We have had enough problems with that property over the years, and enough grief that I wouldn't think we would want to be getting into any more. It seems to me we better get the cart and the horse in the proper order here.

MR. STEIN: Can I address your question, ma'am? You mentioned about car payments being one concern and previous conditions of the property. I have been involved with this property for two years. I have had ample opportunity to study it and been involved directly in a lot of the improvements taking place there.

The amount of work that is taking place at that property, which I have seen every single day I'm over there has been quite tremendous over the last two months, basically since the agreement was reached between the previous owner and the Town.

I'm well aware of the previous uses of the property. I'm well aware of some of the problems that -- that were present at the site, and one of the reasons why I am here and why I have gone to the time and expense and effort to make these plans and to propose this to the Town is I would like to see the property become an asset to the community rather than, you know, a problem, anything that will have a negative effect on the surrounding area.

And as far as the issue of parking, just in case you weren't clear on that, what I said in the beginning was we don't have any immediate plans to park trucks in the gas station.

Our main purpose of being here is to have permission to use the block and metal buildings. The gas station as it is -- as it is shown, there is an area that we could use in the future, that could

be paved or could be additional parking in there, should it be required.

We're not running tractor-trailers. We're not a tractor-trailer terminal. That is not our business.

As I stated earlier, we're a low-traffic business and we run smaller trucks which should not pose some of the problems that I think we're -- that were raised earlier as far as blocking the traffic on Scottsville Road.

MS. BORGUS: Didn't the applicant state, though, if that front parking was a problem, there was room around the side that could be used?

BEVERLY GRIEBEL: I believe I heard that.

MS. BORGUS: Well, let's get him to do that.

JOHN CASTELLANI: One of the conditions she read was that all parking would conform to Town Code.

BEVERLY GRIEBEL: Part of that would be -- if this is approved with these conditions that I read and also subject to conditional use and site plan approval by the Planning Board, then that is definitely a question that they would address, as to where everything is going to be parked.

MS. BORGUS: Um, I had just one other question to the applicant. You stated you were near the corner of South Avenue and Elmwood?

MR. STEIN: That is where our office is currently located.

MS. BORGUS: Where are the trucks are now?

MR. STEIN: Well, the trucks are in different locations. We have two of them we have been parking on Scottsville Road next door to the property in question here.

MS. BORGUS: At the restaurant.

MR. STEIN: Yes.

MS. BORGUS: Illegally.

MR. STEIN: Well, that was unbeknownst to me until today.

The property is currently not being used for anything. The restaurant is closed and the last discussion I had with the owner was we had an agreement to park the two trucks there. But as far as the other trucks, we have -- one of them is generally over on Cook Street.

The other one, one of our guys takes home, so it is in a different location, but it is not necessarily the case that you would see a whole bunch of trucks at this site at all times.

Like I said earlier, we have four, currently two of which are smaller trucks, two of which are 24 foot trucks, you know, so --

MS. BORGUS: If you were to expand in the future, you would have to have more space for trucks.

MR. STEIN: Well, as we discussed earlier, there is ample room not only on this property, but also on the side of the property. If you look on the left, basically the left side of the metal building, there is basically a driveway which goes towards the back of the property, so there is room there where trucks or other vehicles could be parked, and ditto with the gas station.

BEVERLY GRIEBEL: The -- to be parked on the side of the building or behind the building.

MR. STEIN: Well, that is an option, too. There is actually room behind there. I hadn't -- it is not an area that is used or that I had intended to use for parking just because it is -- I don't know. It is a little bit more out of the way. I'm currently -- that wasn't what I had planned on, but that is an option that should we need additional parking area, there is room in there to cover that. Definitely.

BEVERLY GRIEBEL: Because I can see the trucks as being definitely a -- an eyesore to be parked in front, particularly with one of the conditions being that that fence between the buildings and Scottsville Road would be gone.

MR. STEIN: Well, to be very honest with you, there are some items on the list there -- and I assume those were prepared by Larry Smith, the Building Inspector. I assume those were a list of conditions for approval for this use. There are some things we'll have to discuss with regard to these requirements.

I included landscaping of the type that it is here for a very good reason. Um, as far as the fence, what we want to have is a nice perimeter around that entire property, something that does -- the plans call for a 6 foot wooden stockade fence that would be painted. Ideally, it would be painted to match the building so it would be an aesthetically pleasing fence that would obscure the chain link fence which is currently -- which I think if we removed that, I think that is -- makes absolutely no sense to me. It not only provides security, but it is also a real physical barrier that the wooden fence can easily be mounted up against.

I think it makes no sense to remove all of the existing fence around the property, except in certain -- there are some sections actually behind the gas station where it is not in good shape and the site plan calls for replacing that.

So my objective would be to have the entire property secured with both chain link fence and on the road frontage, would be the wooden stockade fence, as well. So it would look nice.

As far as landscaping out by the road, I -- I would have to really look over the list that you read to me, but the area between the existing fence and the road, um, there is not one landscaping professional -- and this is a business I used to be in -- that I think would recommend planting plants in that area. I seen the snow banks built up. There is no way any plants would survive there. It is a waste of money to try to landscape the area.

The area the way it is right now, there is, I believe, a mix of concrete or asphalt that is between the fence line and the road, and I -- if I'm not mistaken, that may involve a right-of-way, maybe to -- I don't know if it is New York State D.O.T., but it is a public roadway, and I don't know that that area would -- I don't think that makes any sense to try to landscape that close to, you know, such a well trafficked road.

But I would be happy to do, you know, whatever we needed to do to try to make the place look nice. That is something that if I locate there, I would definitely want it to look, you know, presentable. So I would be happy to work out those details.

BEVERLY GRIEBEL: That is what we're looking for.

MS. BORGUS: I have, I guess, the impression somewhere between the lines here that this gentleman is already using this building. Am I correct in that assumption?

BEVERLY GRIEBEL: He already has things in there for storage?

KEITH O'TOOLE: That's correct, and we're aware of that. We have been aware of that for a couple of months.

MS. BORGUS: So this is kind of something in hindsight, coming here for approval.

MR. STEIN: No. I originally approached the Town about two years ago when I first expressed an interest in the property. I met with Larry Smith, the Building Inspector --

LARRY SMITH: Be careful now.

MR. STEIN: I just want to state that I had an interest in the property for some time, and it has taken me until this point to actually be able to appear here before the Zoning Board. I submitted site plans as were required by the Town.

I -- I am also on the agenda for the Planning Board meeting in a few weeks. So I tried to go about this in the right way and make it appear what the plans call for, what the intended use would be.

MS. BORGUS: So you have had no trucks at this site?

MR. STEIN: We have not kept any trucks on the premises. We have had trucks on the premises to move things in and out of the building. But other than that, we have not been parking --

LARRY SMITH: Again, they have used that property illegally.

MS. BORGUS: That is what I am hearing.

LARRY SMITH: Yes.

MS. BORGUS: That is kind of the history of this property, illegality.

MR. STEIN: That is an unfair comment ma'am.

MS. BORGUS: No, it is not.

RICHARD PERRY: Dorothy, that is not the property in question. It is Gillermo's where they're parked illegally.

MS. BORGUS: No, no, no. I realize that. No, no, no.

I meant the site is he talking about has been a bone of contention about illegal --

RICHARD PERRY: I understood, but what you said was inaccurate.

MS. BORGUS: I guess I -- I just -- when you come to enough of these meetings, and certainly the Board senses the same thing, when you come to enough of these meetings, you can sense right away when an applicant is trying to evade certain facts, and I certainly sense that in this applicant, and I hope this Board is very carefully.

MR. STEIN: I would like to say I'm not trying to evade anything, and if --

JOHN CASTELLANI: Address your comments to the Board, please.

MR. STEIN: That is why I am here. If there are any questions or concerns, I would like to have them aired so that they can be addressed.

BEVERLY GRIEBEL: Do you still have your property at -- on Cook Street?

MR. STEIN: Yes, ma'am.

BEVERLY GRIEBEL: So you have it between two places now?

MR. STEIN: That's correct. And it -- we really need to consolidate everything into one place, and I have actually been looking for many years for a commercial property where we can have our office and a storefront and be able to do some storage, and after a lot of looking and shopping around, um, I feel that this property is definitely workable, and I would just like to say again, I'm well aware of a lot of the problems that this property has had in the past, and if -- to put it in a nutshell, the only direction I think that the property can go is to improve it. I mean it's -- I think my business would certainly accomplish that.

BEVERLY GRIEBEL: Well, that is what I am trying to look at, that hopefully it can be improved, and that is why I read these conditions that would be, you know, minimum. And if we approve it, it would come with these conditions.

JOHN NOWICKI - 3449 Chili Avenue.

MR. NOWICKI: There has been a lot of good discussion here tonight on this particular application.

One of the things that I would like to suggest, if you wouldn't mind thinking about is tabling this application and let it go to the Planning Board first before you grant a Land Use Variance on this particular parcel of land, because I have some very serious considerations in my mind as to why would we give a Land Use Variance for one use only and restrict ourselves somewhat here.

I would hope that you would table it subject to Planning Board approval so that Board could take a serious look. There are a lot of things wrong with this site plan. There are a lot of easements across this property. There are a lot of things certainly.

I appreciate your comments. They're well done. I would hope we get a copy of that at the Planning Board level so that would become discussion at the end, but I would hope you would table it.

Thank you.

DARIO MARCHIONI - 120 Old Chili Scottsville Road.

MR. MARCHIONI: I was wondering if -- to help the Board here a little bit, if I could ask Keith O'Toole, our Town Attorney, to give us some background on this property and also, he made a tremendous presentation at the Town Board meeting back in November pertaining to this, and I think we should be aware of that and to understand some of those highlights.

Also, from the Building Inspector's -- you know, pertaining to the violations of this property, what he had to do, his finding of facts on this property, give us some of this information. I think we need this for the Board's sake. You know, see what --

BEVERLY GRIEBEL: He is asking for a different use on the property.

MR. MARCHIONI: But we want to also know the history, what the Town had to go through in order to -- to the present position.

JOHN CASTELLANI: Maybe it would be more appropriate at the Planning Board.

MR. MARCHIONI: Well --

DAN MELVILLE: I agree.

BILL OLIVER: It was a good suggestion about prolonging this, because there are a lot of ifs and ands about this situation, and --

BEVERLY GRIEBEL: Counsel, if it were tabled awaiting Planning Board approval, could they approve it if the land use were not approved yet?

KEITH O'TOOLE: They could make it subject to the use variance being granted.

BILL OLIVER: Then it would be subject to us then.

BEVERLY GRIEBEL: Do you think that would be a better way to go?

KEITH O'TOOLE: It is certainly within your discretion.

BILL OLIVER: I would think we should go that way.

JOHN CASTELLANI: I move to table.

BEVERLY GRIEBEL: Let's see if there are any more comments.

MITCH RAKUS - 2081 Scottsville Road.

MR. RAKUS: I'm a long-time resident of Scottsville Road. Let's say 60 years, owner and living on Scottsville Road. This sure is an iffy, iffy piece of property.

I also worked on the Businessmen's Association on Scottsville Road to clean up Scottsville Road. It is starting to look pretty nice.

I don't know what you can do with this building. You keep putting bandaids on it. You do a little of this, and you will do a little of that. It is not adequate for the recommendations that I have heard right now.

My feeling is that -- I will go along with these gentlemen, that these presentations should be very well presented to the Planning Board because from where I sit, you should hire somebody to implode that building like they do in Las Vegas and Philadelphia and Pittsburgh and start right from scratch. If you start from scratch, then you're going to have something decent on Scottsville Road. As long as this building exists and whatever patches you put on it, it is never going to be right.

BEVERLY GRIEBEL: I don't think that is an option.

MR. RAKUS: 60 years of it I have seen.

BEVERLY GRIEBEL: Well, I am trying to look at it in a positive light that if this definitely does get implemented with these conditions and with conditions from the Planning Board, that we certainly don't want any bandaids. We want it fixed so it is going to be an attractive piece of property there. That is what I am trying to look at.

MR. STEIN: That would be my objective, also. I would like to just make one comment if I may.

The first gentleman that had discussed the site plans, um, this is a preliminary site plan, and since the time that this was done, we have had a complete survey done of the property, current survey, so it shows very clearly the property lines.

BEVERLY GRIEBEL: The property lines and the easements?

MR. STEIN: And the easements and so forth. So that is one thing I would like to mention.

Also, the last gentleman that spoke about how it would be nice to implode the building. Um, I think as dramatic and nice as it sounds, it is not really a practical option. If you look at the building for what it really is, unlike a lot of people that drive up and down the road and see it, I have had the opportunity to be in the building on a regular basis so I know structurally what it consists of. It is a solid building with a lot of potential life left in it and I think it very easily could be a very functional facility for our business and be an asset for the community. If you want to make it -- I would like to see it be a nice facility.

BEVERLY GRIEBEL: You would want to attract customers.

MR. STEIN: Absolutely. I want to -- I would like to leave all past behind, you know, where it should be and concentrate on what we can do to make this place as good as it can be. I think that would be in the best interest of the whole community really.

BEVERLY GRIEBEL: That is what I am trying to look at, too, that hopefully if this is done right and with the right conditions and if all these conditions are enforced and followed, that we'll end up with a site that is a lot more attractive than it is presently.

BILL OLIVER: I don't know, did you want to propose a --

JOHN CASTELLANI: I still want to -- I think I agree we ought to be tabling this thing until such time as the Planning Board has a chance to do all of their activities. Because it is sounds like there is going to be quite a bit.

MS. NEDER: Evidently.

JOHN CASTELLANI: To say we'll table it for a month is probably not right.

BILL OLIVER: We'll place it in their hands.

JOHN CASTELLANI: I would table it until the Planning Board is completely finished and satisfied.

BEVERLY GRIEBEL: When are --

BILL OLIVER: I'll second that.

BEVERLY GRIEBEL: When are they coming before the Planning Board?

MR. STEIN: March 14th

JOHN CROSS

MR. CROSS: March 14th.

JOHN CASTELLANI: I doubt you will complete it all on March 14th. I don't think we should be contingent on a date.

BILL OLIVER: Let's leave it up until after the Planning Board has it.

JOHN CASTELLANI: What could happen is things could get totally changed and this Land Use Variance is for naught and then we would have to change it.

BEVERLY GRIEBEL: So it will be tabled until such time as all of these situations are

resolved at the Planning Board and it comes back to us for the use variance if it is still needed.

JOHN CASTELLANI: Maybe they'll rezone it at the Town Board level.

BEVERLY GRIEBEL: I guess there are other possibilities.

BILL OLIVER: I mentioned that I seconded the motion.

BEVERLY GRIEBEL: The motion was made and seconded.

The motion to table was unanimously approved.

BEVERLY GRIEBEL: We'll table that until an indefinite date.

JOHN CASTELLANI: Planning Board completion.

BEVERLY GRIEBEL: Planning Board completion.

I will see that these conditions get to the Planning Board and -- so that they're aware of them and we can work together on it.

MR. STEIN: I was wondering also if I might possibly be able to get a copy of those conditions so I have some idea --

BEVERLY GRIEBEL: I think I have an extra one. Is that all right, Counsel?

DAN MELVILLE: They're not part of the record yet, are they?

KEITH O'TOOLE: They're certainly part of the record, but they're not conditions. They're merely a suggestion from the Town's Building Department, because you can't have conditions of approval unless you have an approval, and we have no approval.

BEVERLY GRIEBEL: So they're still really in the planning stages?

KEITH O'TOOLE: You can certainly give him a copy of them.

Beverly Griebel handed the applicant a copy of the recommendations.

BEVERLY GRIEBEL: That is tabled until a future date.

DECISION: Unanimously tabled by a vote of 5 yes to table until after Planning Board approval for the following reason:

1. The Zoning Board of Appeals needs additional information to make a determination of significance under SEQR and to address the Use Variance, namely, the results of the applicant's application before the Planning Board and their comments on the proposed conditions of the Zoning Board of Appeals discussed at the public hearing.

Note: When applicant is ready to reappear before the Zoning Board of Appeals, applicant is to obtain new sign(s) at the Building Department to post and maintain as per Town regulations. Applicant must be present for public hearing.

The meeting ended at 9:52 p.m.

A meeting of the Chili Zoning Board of Appeals was held on March 28, 2000 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: I was out a week ago Sunday, the 19th. I didn't have a problem with any of the signs anywhere. Did anyone?

MARY SPERR: I saw them all. They were up.

RICHARD PERRY: I did not see a sign on the 19th for Number 5.

JOHN CASTELLANI: It was there Sunday.

BEVERLY GRIEBEL: Well, I was there late on -- it was Sunday, the 19th. There was one in the front, and he was putting in the one on the side, so --

RICHARD PERRY: All right.

BEVERLY GRIEBEL: He was hammering it in when I stopped.

Any others that --

RICHARD PERRY: The rest of you don't get up early.

(Laughter.)

BEVERLY GRIEBEL: I guess we're all right with that one.

JOHN CASTELLANI: Before we start on Application Number 1, I want to request that I be excused from this application as I am a realtor in the housing tract that borders this particular application, and because of its content, I feel I can't make an unbiased decision.

BEVERLY GRIEBEL: Okay. We'll see you for the second one.

JOHN CASTELLANI: Yes, you will.

1. Application of Divine Tower International Corp., 76 Elmgrove Park, Rochester, New York 14624, property owner: Town of Chili; for variance to extend existing telecommunications tower 20' to a total of 120' high (100 previously approved) at property located at 3720 Union Street in PRD, FPO & FW zone.

David Olek was present to represent the application.

BEVERLY GRIEBEL: This was tabled at our last meeting, and brought back tonight. We were waiting to see if there was any more information forthcoming.

MR. OLEK: Good evening members of the Board. My name is David Olek, O-l-e-k, and I am the Zoning Manager for Divine Tower who is representing AT&T Wireless on this particular project.

At the last meeting, I believe the meeting was tabled for some more information. The first item being a letter from Mr. Howarth's attorney concerning any problems with Sprint at the particular site -- who is the current tenant at the site. There was an inference made at the meeting that possibly Sprint had not lived up to its contract and some other things, so I believe everyone has received a copy of the March 2nd letter.

In the letter, there was no mention whatsoever of any problems with the site or any legal difficulties as was inferred at the last meeting. However, Mr. Howarth's attorney did express the concern about collocating at the site, and I think it is pretty self-explanatory.

I also confirmed with the Building Inspector that there were indeed no outstanding issues

with Sprint at that particular site with respect to any follow-up work that would include landscaping or anything else. So I believe the site currently has a clean bill of health.

One of the things I would like to talk about this evening is the -- Mr. Howarth's attorney

prompted me to put together some additional information -- what we did is we did some RF plots of this particular site. I wanted to address to the Board the alternative that we would have on extending it, and that would be instead of extending the height of the tower by 20 feet, going 20 feet below where Sprint is now, because we do need separation between our antennas and both Sprint and AT&T are PCS carriers.

Essentially, the area along 490 to the west is not covered very well at 80 feet. 80 feet really pushes this thing into the tree line. If you look at the comparison between this and the 120 feet, you see a plot that is much better in coverage. So the 80 feet at this particular site is an unacceptable height for AT&T Wireless, and I'm proving the need or the requirement for the 120 feet by submitting these plots.

Now, for all of those who don't know what the colors mean, green and yellow is sufficient to penetrate a building. Red is sufficient to penetrate just a vehicle, and white is absolutely no signal at all. We have patches of white in here (indicating) and a lot of patches of red, where at 120 feet much of it has been eliminated.

I will refer to our prior picture of what the site looks like with a 20 foot extension on the top and antenna array at the top very similar to Sprint's.

One of the issues that I brought up at the last meeting was that if we cannot collocate on this particular site, as an applicant and as a requirement for AT&T's license, we'll have to find another site in the area.

We did go out and secure two other leases in this area in the time period between the last meeting and now. I have a copy of the tax map of the area, and I would just like to point out to the Board where these leases are, because they are basically in the same general vicinity, and I will split in half and come over to your side.

This is the current existing Sprint tower that borders Mr. Howarth's property and is on -- in the Town park area (indicating). We have secured a lease on the site directly across the stream from that.

We have also secured a lease down here (indicating), and I have a copy of that executed lease this evening on property on the other side of the street.

All of these are basically in the direct vicinity of the existing site, and these two alternatives we would require approximately a 120 foot tower.

Now, good question that the Board might ask -- and let me go over here first and show this side.

This is the existing Sprint tower (indicating). This is Mr. Howarth's property here (indicating). This is the Town park (indicating). We secured a lease on private property directly across the stream and on this parcel on Union Road, somewhat south of the parcel. Both of these sites would need to be 120 foot towers.

First question you may ask is why is it in the vicinity of the existing tower. And the reason is, if you remember what I spoke to you about at our last meeting, we're trying to collocate on as many existing towers as we can. And if we stay in the areas where the Sprint towers are, we know in the future when we have to come back to Chili, because Sprint was built on a grid, if we're basically on Sprint's grid, then all of the other Sprint sites will work for us also, and we know that those other towers are all built for three collocators.

So the idea of staying in this area sets us up to be able to collocate on all of the sites. If we move this area (indicating) dramatically, like on the other side of 490, there a good possibility that our collocation on the rest of the Sprint towers gets thrown off by that much. So it really is important to keep a site in this general area (indicating) if we are to want to collocate on the sites.

The opposite of that is to go and build a bunch of new towers, but we don't want to do that in Chili. We want to collocate on as many as possible.

We have received no other communications from the Building Department or the Legal Department, and I guess at this point with that information being presented, I would like to ask if there are any questions of the Board. Unless you want to hear any of the other presentation over from the last meeting.

DAN MELVILLE: We can pass on that one.

RICHARD PERRY: 120 feet for a new tower. Why couldn't it be 100 foot?

MR. OLEK: Well, there are differences in terrain there. We would try to get the thing lower obviously than 120. But until we go out and do a survey and plans, the upper limit on the tower is 120 feet. It would be somewhere between 100 and 120 feet. I won't know that specifically until I do up the RF work and make the application to the Town if I pick one of the other sites.

MARY SPERR: I have a question. I'm looking at the minutes from the meeting that was held in July of '97, and at that meeting, it -- it was -- says right here that, by locating this tower where you put it, and no longer using the property that you were looking at for Perna, the Perna auto site, that would enable this tower to be only 100 feet tall.

MR. OLEK: Now that is Sprint now. That is not AT&T. You see --

MARY SPERR: That is what has changed between then and now, Sprint and AT&T makes a difference for the height of the tower?

MR. OLEK: Sprint had two options at the time. I worked for Sprint on this project, and so did Lisa (Maas-Vangellow). The requirement for Sprint was 100 feet with all of the other towers that they have. And that is all they needed. At this particular site, we need -- we need -- since Sprint is a PCS carrier and AT&T is also a PCS carrier, in bands we need vertical separation from them on the tower either 20 feet above or below because our signals would interfere with each other.

If we go 20 feet below, with this RF plot here, that gives us poor coverage on 490. If we go 20 feet above, it is dramatically improved.

On this particular site we would like to go 20 feet above. But the way the trade-off works on the other Sprint collocated sites, we may be able to go 20 feet below on them. Some will be higher and some will be lower, but each site will be examined on its own merit to see if it needs to be extended or not. There will be some we can go lower, take the 80 feet and go the lower height. That is the reason.

It is hard not to confuse the fact that AT&T is a different carrier now building its system in Rochester, and we're trying to utilize as many of the Sprint towers because, you know, I went through close to a year of zoning here to get the five Sprint towers approved in both Planning and Zoning, and we don't want to reinvent the wheel on that. We want to use as many of them as we can.

MARY SPERR: I understand that.

MR. OLEK: The only other issue that I might want to bring up is that in the minutes of the -- of the Planning Board, they did stipulate that this particular site be built to handle three collocators. That is in the minutes of the Planning meeting that Sprint -- when Sprint got its approval, so that was certainly a consideration of the Planning Board and Zoning Board at the time, that these things be built to carry other collocators to minimize the amount of towers in the Town.

BEVERLY GRIEBEL: But that was made with no respect to the height or the separation or whatever. Just to be able to accommodate and have a footprint to accommodate --

MR. OLEK: The recommendation was that all towers be built to be extendable, so all five of the Chili towers submitted by Sprint were built to be extended by 20 feet. And the tower load study that was done by the NUD Corporation bears that out because that was submitted at the time of permit application for all of the five sites.

BEVERLY GRIEBEL: I don't have questions.

Anybody have questions?

BILL OLIVER: Well, I want to hear what the conversation will get into before I have questions.

BEVERLY GRIEBEL: I didn't get any other information either. We were apparently lacking some or supposedly lacking some last meeting, but nothing was forthcoming to my attention. I made phone calls on it. I guess that issue doesn't go anywhere.

KEITH O'TOOLE: Just briefly, I assume the Board has a copy of this, but if not, I have a letter dated March 22, 2000 signed by Daniel Schum on behalf of Jim Howarth arguing against the tower. A copy of which I hereby deposit into the record.

BEVERLY GRIEBEL: I just received it tonight. I will quickly look this over.

MR. OLEK: This is the letter that I mentioned in my opening comments.

DAN MELVILLE: I guess I have a question. You won't need to collocate -- are you going to locate on all five of the Sprint towers? I guess that is what I am getting at.

MR. OLEK: So far we have been able to collocate, yes. And the plan is in the future we'll get on the existing towers in the Town. We're against proposing any new towers --

DAN MELVILLE: You will utilize all five of the Sprint towers?

MR. OLEK: We have not been authorized with Phase 2 yet, but my -- my plans would be to recommend all of the existing sites. I mean, we have to -- AT&T's policy is we have to prove to them the existing sites won't work before we propose a new one. They're that strong about building the new towers. So the plan would be to utilize as many of Sprint's -- there are a couple

Frontiers and Cell Ones here, too, so we have agreements with them and can go with them, too.

But getting on grid with Sprint, we know the Sprint towers will work, which is important.

RICHARD PERRY: At the current time there are what, three players, Sprint, Frontier and now AT&T?

MR. OLEK: No, there is more than that.

RICHARD PERRY: How many have towers in the Town of Chili?

MR. OLEK: You have got Frontier, which is now Bell Atlantic. You have Cell One. You got Nextel. You have AT&T now coming in to construct. So that --

RICHARD PERRY: What is the potential for -- 10 players, 50 players, 100 players?

MR. OLEK: That is four. And you have Sprint. That is five. There is five in here now. There is a C license owned by Omnipoint and they haven't built anything yet. That is six. There are three other licenses that are small licenses for smaller bands, bands D, E and F. So there is a potential for more, but our population density in Upstate New York, particularly in Chili is not metropolitan enough, and there is a question as to whether we'll see the last three or not. But I assume you will see Omnipoint here eventually.

RICHARD PERRY: With the growth of this cellular industry, it does give the possibility that there could be many more players in the market, does it not?

MR. OLEK: Well, right now with AT&T's presence being behind Sprint, Omnipoint, Frontier, and Cell One, Omnipoint over the next couple of years -- it would seem Omnipoint is the only other carrier that is going to construct here. The other three that are left, um, have not indicated any plans to do any construction. So --

RICHARD PERRY: I guess I don't quite understand. Are you saying there is a maximum of what, nine or ten players and that is all that there will ever be?

MR. OLEK: Currently there are six PCS providers, two wireless and Nextel. Two cellular and Nextel. So that is nine carriers.

RICHARD PERRY: Is that limited, meaning there will never be more than that?

MR. OLEK: No.

RICHARD PERRY: That is what I am getting at.

MR. OLEK: Let me tell you the reason.

The market now is up to 30 percent penetration in Rochester, which means 30 percent of the population here have or are using wireless phones. The federal government is talking about auctioning off another set of bands already. We don't know how many. So we don't know what they might be used for.

RICHARD PERRY: The point is potentially there could be an unlimited number of players. And if these are limited to three players on each tower and we have 20 players, that means that we have got a need for a lot more towers. Where does it stop, I guess, is what I am wondering.

MR. OLEK: That may or may not be true. When I was at Frontier, we -- in the past, I have already unplugged one tower and put a stronger one in its place to hold more. It is a little tricky to do, but people do it all of the time.

RICHARD PERRY: But if you can't get by without the 20 foot extension, then what is the limit? You go up to 200 feet, 400 feet?

MR. OLEK: Well, there is a problem with being too high. You only want to cover the area that that cell wants to cover. If you go too high, it covers too much and you get interference. You can't make these things too tall, for example. That is a no-no.

MARY SPERR: What is too high?

MR. OLEK: For AT&T Wireless, too high is 250 feet.

RICHARD PERRY: 250 feet would allow for five more arrays if you extend it out to that.

MR. OLEK: Or build a new one. You know that -- things change. I mean I -- for the last couple of years when I was in here in Chili, the argument was about whether satellites -- will this replace this and will all of the towers need to be torn down. The Aridium (phonetic) system they put up there went bankrupt and they will let the satellites crash back into the atmosphere and burn up because it did not work too well.

So things change. One day one thing is hot and one day one thing is not. So it would be very hard to make a solid prediction.

The more rural nature of Chili, to me, would indicate that only the major cities like downtown Rochester or downtown Buffalo -- and they're considered Class B cities. They're not like Chicago, New York City or Los Angeles. The rural nature of Chili wouldn't have the customers to support all of the bands. So there is going to be some subset of those bands here in

the future, but I just don't think there is enough physical customers here in Town to support that.

RICHARD PERRY: All right.

BEVERLY GRIEBEL: So it is not like we'll have another whole set of towers right near them. But who knows.

MR. OLEK: Again, all of the municipalities were concerned. If we think back to 1995, everybody was all afraid of all these -- we will have lots and lots of towers. Here we're in the Year 2000, over five years, and the -- Sprint built five, but beyond that, everybody is trying to collocate on what is here now.

BEVERLY GRIEBEL: This may be the end for now.

MR. OLEK: It is hard to say.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY - 19 Hubbard Drive, North Chili.

MR. GINOVSKY: You said that you have to go up 20 foot and anything below would not be --

BEVERLY GRIEBEL: Address your questions here.

MR. GINOVSKY: -- not to be applicable. I mean that you couldn't get a strong signal. If you're just going up 20 foot and that is the end, you could put three on it. Wouldn't you want to go up higher if that is the case and have an ordinance here in the Town as a max? Instead of 100, do 140 foot height. I mean that --

BEVERLY GRIEBEL: The towers that they -- that are up already are at different heights depending on what was needed at the time. And this one went in at 100 feet, but they can't locate the second company at that same location.

MR. GINOVSKY: That's correct. They can't bring it down. Now, if they have to go up any higher, is this tower -- can it be used to go any higher, say 40 foot instead of 20? To do it right now so the next person --

BEVERLY GRIEBEL: They only want to go as high as they need.

MR. GINOVSKY: Also is it rated for the weight as such?

BEVERLY GRIEBEL: All of these went through testing, I think, is what he had said.

MR. GINOVSKY: That is what I am asking. I don't know. From the original.

MR. OLEK: Okay. The monopole itself, the -- the sturdiness of the monopole is the foundation. It is how much cement you pour in the ground. All of these sites were designed only for a 20 foot extension. That was the requirement. I have a stamped load study from a New York State engineer certifying with a 20 foot extension and our antennas -- it meets the wind load requirements, but there is still enough -- still some capacity on this thing for a third carrier. It was designed to hold three.

Now, if a cellular provider wanted to get on this or somebody that wasn't in our PCS band, they could go on this at a different height, but it can't be extended any further than the 20 feet.

MR. GINOVSKY: That is what I was asking.

BEVERLY GRIEBEL: This was submitted to Monroe County Planning, and it came back with no comments, which means they must leave it to our decision. This is A new form from Monroe County Planning.

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: Approved by a vote of 5 yes with 2 in abstention (John Castellani, Richard Perry) with no conditions, and the following finding of fact was cited:

1. Applicant demonstrated need for 20 foot additional tower height to coordinate with other towers in their system.

Note: Meeting signs to be removed within 5 days of the date of the decision letter.

2. Application of Richard Jensen, owner, 48 Adela Circle, Rochester, New York 14624 for variance to allow total square footage of garage area, including a new 22 1/2' x 30' addition

to attached garage to be 1,154 sq. ft. (900 sq. ft. allowed) at property located at 48 Adela Circle in R-1-15 zone.

Richard Jensen was present to represent the application.

MR. JENSEN: Good evening.

BEVERLY GRIEBEL: Hello.

MR. JENSEN: The reason why I am here is because, you know, I want to enclose a couple classic cars. I came the last time. I wasn't prepared. I wanted to put a building in the back and it didn't seem feasible to the neighbors or myself after I gave it a second thought.

But the folks came down and said I could put an extension on the garage and stay within 900 square feet of the permit. It is about 18 foot, 4 inches longer than the garage now. But I thought because my shed in the back is kind of an eyesore -- it is as old as the house, dilapidated -- I would like to extend another 11 feet, 6 inches, about 29 feet -- with a variance 29 feet, 10 inches to accommodate all my lawn equipment and so forth and get rid of the shed.

It is totally up to the neighbors and the folks around. It is up to their discretion, but it is a thought I had. So that is why I came here tonight --

BILL OLIVER: That might be a little bit difficult because that is a good extension you're putting on.

BEVERLY GRIEBEL: Well, this has a little background. This gentleman was here -- was it a couple months ago?

MR. JENSEN: Yes.

BEVERLY GRIEBEL: He wanted to put a separate garage, a pretty large one in the backyard. And at the time, we talked about it, that this might be a better alternative to extend your garage back to accommodate vehicles, and this kind of adjustment might be better because then you wouldn't have any potential to drive over your neighbors' yards. There was some controversy about that.

And you could -- you would have to juggle vehicles around in the garage, but this would give you the garage space that you needed for your cars to get them undercover.

MR. JENSEN: Right.

BEVERLY GRIEBEL: I don't think you were here for that Bill (Oliver), because it was a pretty large addition right in the middle of the backyard.

MARY SPERR: It was like a pole barn in the middle of the backyard.

JOHN CASTELLANI: It was actually off the back lot line, so his garage square footage plus a variance from the rear lot line.

BEVERLY GRIEBEL: So we discussed this possibility or suggested that this might be what he wanted to do, and the size of it might make it oversized and that he might have to come in for the variance.

BILL OLIVER: Thank you.

BEVERLY GRIEBEL: So I guess in a nutshell, that is why you're here this evening, to see if --

MR. JENSEN: Kind of eliminate the shed back there and rather than build something else back there. You know, it is totally up to the discretion of the neighbors and stuff, what they think about the idea. That is why I wanted to present it like this and see what happens.

BEVERLY GRIEBEL: Who would build the garage?

MR. JENSEN: I would have to contract it out. I have drawings from Sean Kelly, an architect. It is all ready to go. I just have to appropriate monies for it.

BEVERLY GRIEBEL: I see you will put an overhead garage door on the back.

MR. JENSEN: Well, I have decided afterwards I wouldn't do that. There is no reason for it. I will not go out the back. I will go out the front. I just like a door on each side for quick escape and for things like lawn mowers and stuff like that.

BEVERLY GRIEBEL: Just a little regular door.

MR. JENSEN: Yes. A side entrance.

DAN MELVILLE: I guess I'm not quite clear on this. What was the size of that garage you wanted?

MR. JENSEN: Well, without a variance, it would be an extension of 18 feet, 4 inches.

DAN MELVILLE: I'm showing 22 1/2 by 30.

MR. JENSEN: That is the only -- it is 22 feet by -- the old garage was 22 feet, 2 inches long and it would be -- the addition would be 18 feet, 4 inches, so it is a total of what? I don't

know. Sean (Kelly) drew this up. He didn't put the total addition on here. It is an 18 foot, 4 inch addition on the existing garage right now. And you know that could be done within the 900 square feet.

Do you folks have the diagrams here? Did they make copies of this?

MARY SPERR: Is this --

BEVERLY GRIEBEL: We have some sketches here that show this.

MR. JENSEN: Comes out to 847 square feet with the addition, which is within the 900 square feet allowed.

BEVERLY GRIEBEL: But you want to push it further back?

MR. JENSEN: Yes. I want a total of 29 feet, 10 if it is allowed because I could put all my lawn equipment and garden equipment in there and stuff like that and get rid of the shed.

JOHN CASTELLANI: Numbers on the application are right, 22 1/2 by 30. That is what I am looking at.

DAN MELVILLE: That is where I am confused. He mentioned 29 feet.

MR. JENSEN: That is the variance.

JOHN CASTELLANI: That is the addition.

BEVERLY GRIEBEL: Well, it is a new 22 1/2 by 30 foot --

JOHN CASTELLANI: Attached onto the back of his garage.

BEVERLY GRIEBEL: And the present garage from one of these sketches looks to be 22 by 22.1.

MR. JENSEN: That is the existing garage right now.

MARY SPERR: The addition is 29. I see what you're getting at.

MR. JENSEN: It would be either 18, 4 or -- depending what is allowed.

BEVERLY GRIEBEL: You would prefer the larger one?

MR. JENSEN: I would if acceptable, but if not, I could do with the 18 foot, 4 inches within the 900 square foot requirement --

BEVERLY GRIEBEL: 29 foot, 10 on your drawing, that looks like it is more to scale. This is just a sketch that is kind of rough at 22 1/2 by 30, so.

MR. JENSEN: Okay.

BEVERLY GRIEBEL: Does that clear it for you, Dan (Melville)?

DAN MELVILLE: Yes, I guess.

MR. JENSEN: I wish he was here because he drew it up.

BILL OLIVER: The length of the building from what I figure will be a 52 foot building.

BEVERLY GRIEBEL: Right.

BILL OLIVER: That is what we're coming up with.

Have you talked with any of your neighbors on this?

MR. JENSEN: No, I haven't. That is why I am here tonight. They're welcome to come express their feelings. The whole idea of the thing is I am improving my lot. I really have improved it totally completed. I put in a great lawn, fenced in the backyard and everything is perfect there.

The one problem I had before was driving the cars around the side of the garage, which I don't really want to do any more. With the extension I can put them in there.

BEVERLY GRIEBEL: With the extension you won't have to do that.

There was also a concern about doing the repairs in the driveway, and this way it will give you more garage apparently to do more repairs inside.

MR. JENSEN: The thing is it would get rid of the shed back there and improve my property and everybody else's around there, too. It is an old steel shed that is pretty old. It is just a thought.

JOHN CASTELLANI: So now you're not going to have a full garage door in the back?

MR. JENSEN: No.

JOHN CASTELLANI: The entryway is going to be from the rear of the existing garage?

MR. JENSEN: That's correct. Plus maybe one or two side doors on each side of the garage to -- easy access.

BEVERLY GRIEBEL: People width?

JOHN CASTELLANI: Personal type doors as opposed to garage doors?

MR. JENSEN: Right.

MARY SPERR: What is the current size of the shed that you have out back that you're going to take down?

MR. JENSEN: 21 foot shed from Sears that is almost as old as the house. I have restored it a couple times. This is -- it is -- it doesn't have a floor in it. It is just pallets and stuff. I reconstructed it enough times already. It is deteriorating.

MARY SPERR: I can't tell from this drawing, but should I assume that the roof line of the new garage will be consistent with the height of your house and match that and go straight back? It won't be standing up in front of the back of your house?

MR. JENSEN: Did they offer you this picture (indicating)?

MARY SPERR: No, we don't have that.

MR. JENSEN: This is the sketch that they drew.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHESTER BURRS - 450 Adela Circle

MR. BURRS: I live at 50 Adela Circle. I am his immediate neighbor.

As you know, I'm highly against giving him more garage space because of his past history of working on cars. It is not easy living next to a neighbor who constantly guns these engines.

For instance, a week ago, they did it for 20 minutes and they have a great old woman next door who they kept up all of the time.

However, if you do issue this variance, I would hope that there would be somebody to make sure that whatever he builds does not mar the neighborhood.

The other concern I have is over the years that I have been there, many people have expressed interest of building four-car garages. I hope this isn't a pattern of what is going to go on in the Town of Chili, because we're just a one-family house, and if we have people coming up here looking for four-car garages, I don't think that would make the neighborhood look consistent.

And that's all I have to say.

BEVERLY GRIEBEL: I think one phrase on his application -- "needed adequate storage for my two 1960s classic cars."

These are cars that you own?

MR. JENSEN: Right. By putting them in the garage, even -- I can appreciate what Chester (Burrs) is saying. During the winter, I will start them once a month. They're a little noisy outside, but in the garage, that will muffle it down. You have to start a car every once in a while or else it rusts up inside.

BEVERLY GRIEBEL: Do you do a lot of car repair there?

MR. JENSEN: When I was younger raising four kids, I did. I was guilty. I had to to survive.

BEVERLY GRIEBEL: If you do any work is, it just on your vehicles?

MR. JENSEN: Yes, or my son's. It is within the family, that type of thing.

BEVERLY GRIEBEL: Yours or your family vehicles?

MR. JENSEN: Yes. My daughter and son live with me, and son-in-law, so from time to time we have to repair stuff.

BEVERLY GRIEBEL: You don't do work on other people's cars?

MR. JENSEN: No. I don't -- I don't want to build cars any more. I'm too old for that.

BILL OLIVER: He had mentioned that this is going to take the place of the storage shed also.

What is in your storage shed now?

MR. JENSEN: I have a snow blower. I have two lawn mowers.

BILL OLIVER: Garden tractor?

MR. JENSEN: Rototiller type thing, but they're pretty good sized pieces of equipment.

BILL OLIVER: You're adding --

MR. JENSEN: 29 feet, 10 inches total. The cars would be accommodated in the 18 foot, 4 --

BILL OLIVER: Just a minute. What I am trying to say is you started out with so much, and now you wanted to add so much more -- 11 foot you said?

MR. JENSEN: With the variance.

BILL OLIVER: Okay. Well, this is the point I am getting at. 11 more foot plus your 22 inches -- 22 foot rather, that gives you a pretty substantial piece of ground to put everything in, storage area to put it in.

MR. JENSEN: Right. That would be wonderful. I could also go through the side door.

BILL OLIVER: This is why I am asking what you have been storing in there. Thank you.

RICHARD PERRY: You don't do any painting, body work?

MR. JENSEN: Well, this past year for my son, I did paint his car in the backyard. It was a disaster.

RICHARD PERRY: You don't anticipate painting on an ongoing basis?

MR. JENSEN: No. I don't want to do it any more. It is nasty stuff. I'm out of it.

BEVERLY GRIEBEL: You did that in the backyard?

MR. JENSEN: Well, it is the only place you could do it because inside the garage, the fumes would kill you, and in the front, the wind was blowing and it still came out to be a disaster. It was just something that covered it.

There is not a lot of money in the family, so we're just trying to survive.

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. All Board members were in favor of the motion.

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

1. Remove existing shed in rear yard.
2. Meeting sign to be removed within 5 days of the date of the decision letter.

The following finding of fact was cited:

1. Applicant explained need to put classic cars plus lawn and snow equipment under cover.
3. Application of Mr. & Mrs. Raymond Sprague, owner; 35 Jacklyn Drive, Rochester, New York 14624 for variance to erect a 30' x 24' addition to house to be 23' from rear lot line (40' req.) at property located at 35 Jacklyn Drive in R-1-15 zone.

Raymond Sprague was present to represent the application.

MR. SPRAGUE: I'm applying for a variance to extend -- to put an addition on -- in-law apartment behind the garage of my house. That's pretty much it.

BEVERLY GRIEBEL: Now, you're on the corner lot?

MR. SPRAGUE: Yes, ma'am.

BEVERLY GRIEBEL: The nearest neighbor that would be from -- extending from the rear of your house, have you talked to them?

MR. SPRAGUE: Yes, ma'am, I have, and they seemed to not mind. They don't really care. I mean, they said it is fine with them. They don't have a problem with it, and on the other side of me, to the west, of course, I have the tower -- the Sprint tower that keeps rising higher and higher. And then the rest backs up to commercial -- the back of Jet View Drive, commercial. So there is nobody on the west of me, where the actual addition would be more or less on the west side of the house. It backs -- it would make it 23 feet from the neighbor -- our property line.

BEVERLY GRIEBEL: He is okay with that?

MR. SPRAGUE: Yes, he is fine.

JOHN CASTELLANI: You're just putting an addition on the house? You're not here for an in-law apartment?

MR. SPRAGUE: No, sir. I'm here for an in-law apartment.

LARRY SMITH: He is here for the setback, not the apartment. For the setback of the addition.

JOHN CASTELLANI: You know you need to go to the Planning Board, right?

BEVERLY GRIEBEL: Does he go to the Planning Board for the in-law apartment?

LARRY SMITH: You have already gone to the Planning Board?

MR. SPRAGUE: Yes.

LARRY SMITH: He is just here for the setback.

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. All Board members were in favor of the motion.

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

1. Applicant explained need for addition to home.
2. No change in the character of the neighborhood.

Note: Meeting signs to be removed within 5 days of the date of the decision letter.

4. Application of Richard Berdych, owner; 1 Colonist Lane, Rochester, New York 14624 for variance to erect an above-ground swimming pool to be 3' from side and rear lot lines (10' req.) at property located at 1 Colonist Lane in R-1-15 zone.

Richard Berdych was present to represent the application.

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

MR. BERDYCH: I would like to have a 24 foot above-ground pool installed in my backyard, but due to the irregular shape and the smallness of it, I'm unable to put it 10 feet from each lot line. So I am asking to push it back in that far left corner as far as possible.

BEVERLY GRIEBEL: I was out looking. I think I talked to your wife.

MR. BERDYCH: Yes.

BEVERLY GRIEBEL: And there is a swing set. She said that the sandbox was coming out of there.

MR. BERDYCH: Correct.

BEVERLY GRIEBEL: And --

MR. BERDYCH: That is to the left of the swing set.

BEVERLY GRIEBEL: And you have some circular brick work near the --

MR. BERDYCH: Yes. There is a paver patio existing. On the diagram you see there -- if it was 10 feet, it would be on top of the brick patio, which is really close to the house. It wouldn't get much sunlight until very late in the day, so I am hoping to push it back as far as possible.

BEVERLY GRIEBEL: Which direction does this face?

MR. BERDYCH: The front of the house faces south.

BEVERLY GRIEBEL: So the further back you go, the --

MR. BERDYCH: The earlier the sunlight will catch it.

BEVERLY GRIEBEL: How do your adjacent neighbors feel?

MR. BERDYCH: We have not discussed it.

BEVERLY GRIEBEL: Did they read the sign?

MR. BERDYCH: They read the sign, but we really haven't talked much recently.

BEVERLY GRIEBEL: So you're not sure how they feel about it.

MR. BERDYCH: I think I know. It is this woman right here (indicating).

BEVERLY GRIEBEL: We'll see what happens.

BILL OLIVER: Electric lines to the house. Where are they located? Will they be over the pool?

MR. BERDYCH: There are no lines there.

BILL OLIVER: It will all be underground?

MR. BERDYCH: That's correct.

JOHN CASTELLANI: You have given us some options here around what it would look like from 3 foot and 5 foot. 10 foot you said was on the patio. What does 5 foot look for you?

MR. BERDYCH: It looks pretty good. It doesn't look too bad from the drawing.

JOHN CASTELLANI: 5 foot would be the minimum you would be looking for? 3 foot would be what -- the max that you would be asking for?

MR. BERDYCH: Obviously, I would like it as far back -- maybe 5 from the side and 3

from the back. Whatever we could come up with.

JOHN CASTELLANI: But essentially 5 feet could be a minimum?

MR. BERDYCH: Yes.

JOHN CASTELLANI: I have no other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CAROL GATNON - Colonist Lane.

MS. GATNON: Just a little background on the neighborhood. Our lot we purchased in 1991 when we moved here. We actually bought for a premium because it is a desirable location and its size.

I actually have kind of a quick model of what the neighborhood looks like size wise. I will come up and show you because I think it will help sort of define why 3 feet seems a little too encroaching. It won't take much to take a quick look.

These (indicating) were the original numbers as the lot was -- the area on Colonist Lane was being built on in '91. Our home was the first on the entire road. Mr. Berdych's property is right here on 921, but I labeled it 1 and 3 three.

He wants to put the pool right there (indicating). Unfortunately --

BEVERLY GRIEBEL: Which property is yours?

MS. GATNON: 927, right here (indicating). Number 3. It doesn't really affect anybody else.

There is a runoff creek back there which I am a little concerned about because I have photos that show several times a year with inclement weather, we have major flooding back there. I can show you that, too.

But, you know, I guess my -- here (indicating). And this is the -- these are the zoned areas that we have (indicating) when we built our house and some of the photos.

But basically my concern with this is really resell value. 3 foot from our lot line is pretty close, and considering 3 foot from the creek, I'm a little concerned based on some of the flooding pictures that I have there for you folks to show that we may get into some trouble with that.

Currently in our neighborhood, the home on the other side will have the fifth family in there since 1991, and the resale value of that home is well below its construction price. Even with costly improvements. So I think I am most concerned about that.

The second thing I am --

MARY SPERR: Is this yours (indicating)?

MS. GATNON: This is our property right here (indicating), and the adjacent property. This is the creek running (indicating), slope downhill. Here, you can just -- it is a continuation of runoff from property to property.

BEVERLY GRIEBEL: Is there a creek back there?

MS. GATNON: There is a creek. This is what it looks like when it floods (indicating). In fact, you can even see it flooding right over (indicating). It happens frequently.

BEVERLY GRIEBEL: Or is it a drainage easement?

MS. GATNON: I will tell you, this thing is very high. In fact, it is fairly dangerous for us. I'm not sure why it hasn't been addressed by the Town, but it certainly has flooded on several occasions.

BEVERLY GRIEBEL: I think that that issue is something you need to discuss with the Town or the drainage --

MS. GATNON: I don't have any problem with that --

BEVERLY GRIEBEL: Maybe there is something they can do to alleviate that.

MS. GATNON: But with the pool being that close to it and the size, I think the potential for inclement weather and pools collapsing, as they just did on Labor Day weekend in our most recent storm, puts us at more of a risk.

I don't have a problem with it -- an erection being close to the legal limits, but 3 foot is a little bit more of an encroachment than I was anticipating.

The other thing is safety. 3 foot from our property line. I'm not sure if a fence or landscaping will be done, but kids are kids and they will run around the pool, and the potential to slip on our property since it is sloped is higher than what I would like to take the risk for.

That is why I am speaking on our behalf. There are no natural boundaries unfortunately in Mr. Berdych's yard other than three trees. There is an older swing set back there and a sandbox, which certainly are not permanent structures. It would seem to be more centered or centerable

(sic) with either a smaller diameter pool. They are 75 foot parallel lots, and it would be -- a 20 foot pool, that is only 30 percent of the diameter side lot to side lot. It doesn't sound like that much, but all of a sudden it is being pushed over to overt moving a swing set and centering it just a little more appropriately. That is really more of my concern.

I'm happy they will have a pool and enjoy it obviously, but I think the encroachment is what I am mostly concerned about.

BEVERLY GRIEBEL: The sandbox is not going to remain.

MS. GATNON: Right. I don't care what remains. My concern is mostly is why the location was chosen as such with --

MR. BERDYCH: She doesn't have a copy of what I drew on the computer. Maybe it would help her if she saw what would be code.

MS. GATNON: To me -- that is your decision, not mine.

MR. BERDYCH: It might answer some of her questions.

BEVERLY GRIEBEL: It just pictures where it would go if it were 5 foot, 3 foot, 10 foot.

MS. GATNON: Right. Okay. It doesn't sound like it is a problem, keeping it within requirements and still putting at least a reasonable size -- or creating a smaller diameter pool or a more oval shape that doesn't encroach our property line and protects our interest as a property owner in that community.

MR. BERDYCH: I don't have a problem with a 6 foot privacy fence between the lot lines if that is one of her concerns, is the children.

BEVERLY GRIEBEL: Well, it is going to be above ground with 4 foot side walls, at least --

MR. BERDYCH: Or 54, I think, maybe is the standard. 4 or higher.

BEVERLY GRIEBEL: So it would not be something that little children can get in. It

will be off the ground.

MS. GATNON: Trustfully not. That is all I have to say.

BEVERLY GRIEBEL: Is it all right with you if these (indicating) go into the file?

MS. GATNON: Oh, sure.

BEVERLY GRIEBEL: She asked about an oval pool. Have you considered that?

MR. BERDYCH: Yes. You mentioned that when you were at my house the other day. I kind of drew it -- drew it yesterday with the 10 feet from each one, and it is not any better. It is the smallest one they sell.

BEVERLY GRIEBEL: What size is it?

MR. BERDYCH: 15 foot by 25 feet. Which is quite a bit smaller than the one -- but it really doesn't help if you went to code with 10 feet from the edges. It is still right up on the patio. And with an oval, there are gussets that come out the sides. I'm not sure if the edge of the pool or the edge of the gusset would be the 10 foot. I'm not sure of the ruling on it. That is drawn with the edge of the pool at 10 feet. Not the gussets. The gussets are another 3 feet.

BEVERLY GRIEBEL: They would just be on the straight portions?

MR. BERDYCH: On the straight-a-ways to support the walls, because they are a weaker pool and they have more tendency to collapse than the round pool.

JOHN CASTELLANI: Why wouldn't you center this in the lot --

MR. BERDYCH: Well, you see the lot peaks in.

JOHN CASTELLANI: -- as long as you're going for a variance?

MR. BERDYCH: The middle of the lot --

BEVERLY GRIEBEL: There is a big V, a big dip.

MR. BERDYCH: Right now I have quite a -- quite a big area.

JOHN CASTELLANI: Is your shed encroaching on a variance? Is your shed closer to 10 feet --

MR. BERDYCH: 8 feet I was told when I put it up.

LARRY SMITH: Pools are 10. Sheds are 8 feet.

MR. BERDYCH: 8 feet. It is a little closer.

JOHN CASTELLANI: That would seem to solve most all of the problems. As long as you're going for a variance. And you have no neighbors behind you except --

MR. BERDYCH: That is Town-owned land.

BEVERLY GRIEBEL: You mean to move it to the center?

MR. BERDYCH: But still closer to the back?

JOHN CASTELLANI: That would alleviate your neighbor's concerns.

MR. BERDYCH: I have quite a large -- I don't know if she has a picture of it -- a large area with landscape timbers already done. I had the backyard kind of filled in with a backhoe to do that. It would be quite a bit of work.

JOHN CASTELLANI: You will have to dig for that aboveground pool anyway.

MR. BERDYCH: A little bit, yes.

JOHN CASTELLANI: You will have to do something with that dirt.

MR. BERDYCH: It may be a solution if we draw it up.

JOHN CASTELLANI: There are a number of options around this that you're investigating?

MR. BERDYCH: My children are young. The swing set is a couple years old. It is not old like it was kind of described. I have only been in the house five years. The swing set is three years old. The children are very young. I would hate for them not to have it, you know, to take it away to get a pool. But maybe moving it is an option.

MR. BERDYCH: The elevation of the side yard is quite a bit. And to put a swing set, we would have to build up the yard a lot. That is a very long swing set. If you're talking sideways --

JOHN CASTELLANI: You will dig for the pool.

MR. BERDYCH: The pool I would have to dig 18 inches. The swing set I would not want to dig in. I would have to build the yard up 3 feet which would cause -- right now my yard is much higher than hers. The flooding she is talking about is her yard and the other side of her. But if you saw the elevation you would -- it would be a lot of work.

BEVERLY GRIEBEL: Well, I think you mentioned one reason why he wants to keep it to the left side of the rear is for the sun, to use the solar heat rather than a pool heater.

MR. BERDYCH: I don't think it would be much difference with the sun.

BEVERLY GRIEBEL: Well, not practical, but the more that he goes towards the other side of the property, the more you're going to be in shade from the house. So it is kind of a mix. 10 feet encroaches on your patio blocks?

MR. BERDYCH: Correct.

BEVERLY GRIEBEL: 3 feet is really what you want. If it were in at 5 feet, would that be --

MR. BERDYCH: That would work.

BEVERLY GRIEBEL: That would work.

It would still be away from the swing set but it would be a little bit further from the property.

MR. BERDYCH: Right. Like I say, I would not mind putting up a fence if she is worried about my children falling on her property and getting hurt from slippery grass. That would keep everything in my yard. They do -- their yard is immaculate and -- shrubby and -- just so. I can imagine it might be a little eyesore to them, so I don't mind putting a fence up.

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. To be a minimum of 5' from side and rear lot lines.
2. A 6' fence to be installed along side property line at least 20' beyond the front and rear edge of the pool.
3. Meeting sign to be removed within five days of the date of the decision letter.

The following finding of fact was cited:

1. Applicant indicated minimum variance to locate pool in rear yard.
5. Application of Christopher Elkins, owner; 21 Musket Lane, Rochester, New York 14624 for variance to erect an above-ground swimming pool to be 24' from side lot line (55' req. abutting a street) at property located at 21 Musket Lane in R-1-15 zone.

Christopher Elkins was present to represent the application.

MR. ELKINS: I'm here to apply for the variance to put the pool the 24 foot from the allotted 55 foot. When I applied, I passed out an instrument survey, and if everyone looks at the survey, that location, for the size pool I want, that is the only available location that I can put the pool. I'm open to any alternatives or suggestions anybody might have, but with the looks of the lot, that is the only spot possible.

BEVERLY GRIEBEL: When I was out looking, I know we talked, and the only other option is in the front yard.

MR. ELKINS: I don't think that is an option.

BEVERLY GRIEBEL: It is kind of hard.

JOHN CASTELLANI: This is essentially your front yard, isn't it?

MARY SPERR: It is kind of like your front yard.

MR. ELKINS: Yes. The problem is that there is only -- in the rear of the house there is only 26 feet. When the house was built, we did not realize that -- the land was all open behind us and we didn't realize the Town had the front footage, so we lost another 17 foot in the rear, which just happened.

BEVERLY GRIEBEL: When somebody built behind your house --

MR. ELKINS: Yes.

BEVERLY GRIEBEL: -- you lost what you thought was going to be your backyard?

MR. ELKINS: Yes.

JOHN CASTELLANI: What kind of safety and security do you have for this since this would be so out in the open? Do you have fencing planned or something?

MR. ELKINS: Somewhat. I was -- I did go to Chase-Pitkin. We looked at a fence in the front, and really aesthetically, didn't think it would look good. I did go to Chase-Pitkin and had some plans drawn up and the price scared me away from that, but something in the immediate -- we don't have plans for that, but possibly a year down the road. Here is a couple plans we did come up with (indicating).

JOHN CASTELLANI: I was thinking about the poly vinyl fence or decking.

MR. ELKINS: There could be a deck with 4 foot surrounding and 10 foot deep backing up to the house property, but the cost of that was quite substantial.

BEVERLY GRIEBEL: You can't do everything in one year.

JOHN CASTELLANI: Based on this, we'll probably see you back.

MR. ELKINS: Actually, they said there would be a shortage of pressure-treated wood. The place they get the pressure-treated wood from in Ohio is no longer in business, so anyone doing a deck might want to get the wood early because there could be a shortage.

BILL OLIVER: Very basic question. The electric lines, where do they enter your house?

MR. ELKINS: Through the garage.

BILL OLIVER: I'm concerned because we have had occasion where people come in and that question wasn't asked and the lines were over the pool.

MR. ELKINS: I think you have to be 18 inches under anyway, don't you, Larry (Smith)?

BILL OLIVER: It came out into the record.

MR. ELKINS: I was under the impression they have to be 18 inches under the ground, is that correct?

JOHN CASTELLANI: He is talking about overhead wires.

MR. ELKINS: Oh overhead, no.

BILL OLIVER: You have underground. I wanted it brought out. Questions sometimes don't get asked and then we say, "What happened?"

LARRY SMITH: They do when they come in for the permit, Bill (Oliver).

BEVERLY GRIEBEL: Then they might not get the permit.

LARRY SMITH: Correct.

DAN MELVILLE: No questions. I guess this is a good sign spring is coming with all these pools.  
(Laughter.)

BEVERLY GRIEBEL: Sometimes it takes a while. They come in in July and it takes a month to get approval and summer is almost done, so you're starting early.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Larry (Smith), you didn't need these diagrams as a possible deck for next year?

LARRY SMITH: No.

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 has selected the only logical place to position pool on a corner lot.

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

6. Application of Divine Tower International Corp., 76 Elmgrove Park, Rochester, New York 14624, property owner: Rochesters Cornerstone Group; for variance to erect an equipment building for telecommunications tower to have an aggregate exterior and flat roof (red brick with peak roof req.) at property located at 50 Jet View Drive in L.I. zone.

David Olek was present to represent the application.

MR. OLEK: This is the first time for this one. David Olek, O-l-e-k. I'm the Zoning Manager for Divine Tower representing AT&T on this particular site.

This site was given its approval by the Planning Board and the site is currently under construction by AT&T. You can see four little sticks (indicating) in the ground towards the right of the compound. That is where AT&T's shelter will be going, in those four little sticks.

A new ordinance was enacted by the Town that requires the shelters to have a natural brick facing and a green sloped roof to imitate a copper roof.

The other two sites that we have applied for in the Town of Irondequoit, the Town park site we just spoke about -- I'm sorry, Town of Chili.

BEVERLY GRIEBEL: One Town runs into another.

MR. OLEK: -- and the Cell One collocate.

Because they're out in the open, we have agreed to face our equipment building with brick, natural bricks and to build a gabled roof on it with green.

Our equipment shelter looks much like the shelter on this picture (indicating), which is Nextel. They built their shelter last summer. They got a variance from this Board on this particular site not to do the green roof and the brick because this site is so isolated in the trees on Jet View Drive.

We're here tonight to ask you for the same concession on our equipment shelter that goes in here which will look very much like the Nextel shelter looks now. It is a very simple request.

As I said before, the other sites that we're doing at the Town park and the Cell One collocating in Chili Center, we'll be taking our shelter and putting natural brick on it and building a green gabled roof over it.

BEVERLY GRIEBEL: Okay.

RICHARD PERRY: What is the possibility of anything taking down those trees? How far is the diameter from this building? Is it is never going to be touched?

LARRY SMITH: Rick (Perry), this is at the east end of a Light Industrial zone.

RICHARD PERRY: I was there.

LARRY SMITH: There is a -- the likelihood of those trees or something coming down is probably not very good because they will never get access from that side of the parcels. It will always be from Jet View.

RICHARD PERRY: So on the Fisher Road --

LARRY SMITH: No. The development would be at the west end of the parcels, not that east end.

BEVERLY GRIEBEL: There is a wetland that is beyond the towers and between the

towers and Jet View, so nothing else is going to be built around there.

LARRY SMITH: Nothing is forever wild unless you own it, but for practical reasons, it will probably remain pretty much as it is right now.

BEVERLY GRIEBEL: That was a reason *why* -- we said since it was kind of nestled in the trees --

RICHARD PERRY: I missed that conversation, so I wanted to find out.

MARY SPERR: You might not have been at that meeting.

BEVERLY GRIEBEL: You might have been in Hawaii.

RICHARD PERRY: I'm sure I was.

GERRY HENDRICKSON: That is almost bordering Jacklyn Drive there, is it not? That is your -- that is where your driveway will be, right, going through, back to it?

JOHN CASTELLANI: No. It comes off Jet View.

GERRY HENDRICKSON: I don't think so.

BEVERLY GRIEBEL: No.

MR. OLEK: It is Jacklyn Drive.

Ms. Maas-Vangellow was also present to represent the application.

MS. MAAS-VANGELLOW: But the road is there.

BEVERLY GRIEBEL: The road is there now.

MR. OLEK: The road is shown on the picture.

BEVERLY GRIEBEL: It kind of curves in from Jacklyn Drive.

MR. OLEK: That is right. From Jacklyn Drive you really can't even view the site because the woods hide it.

JOHN CASTELLANI: You're on the corners.

MR. SPRAGUE: I would like to make a comment on this as soon as I can. I'm chomping at the bit here.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RAYMOND SPRAGUE - 35 Jacklyn Drive.

MR. SPRAGUE: I don't really know if I am speaking against it -- I live at 35 Jacklyn Drive, which is directly kiddy-corner of this road here (indicating).

What my concern is that when -- I built a house in 1998, and there was one ring around the tower. Now there are three. There was no shed and now there is one. And within the matter of a few years, there will be two sheds.

I have a concern because there is a wetland there, and there are many different varieties of animals coming out of there. There are ducks, geese, turkeys. It is really nice back there. I would hate to see anything out of the natural, you know -- it's very natural back there. I would hate to see anything developed back there.

I didn't come up for the first meeting, but I happened to be here for the second one for the building. I was wondering why can't they share the -- there is already one shed back there.

BEVERLY GRIEBEL: Because each company has their own equipment, and as you heard earlier, each tower can accommodate up to three different companies.

MR. SPRAGUE: There are three there now.

BEVERLY GRIEBEL: They each need their own equipment.

MR. SPRAGUE: So --

BEVERLY GRIEBEL: That is a Planning Board decision. We're not deciding whether they need the building or not. We're just deciding what they can put on the outside of the building, what color it will be and whether it will have a peaked roof.

MR. SPRAGUE: So I'm too late.

LARRY SMITH: The building has already been approved.

BEVERLY GRIEBEL: Have you seen what this looks like?

MR. SPRAGUE: I see the site every day.

BEVERLY GRIEBEL: The present one. They're going to put one beside it, and there is apparently room for a third one in there somewhere.

MR. SPRAGUE: I guess the color is -- if you're going to put the building up, it doesn't matter what color it will be.

BEVERLY GRIEBEL: It will be back in the trees, and hopefully all of those trees and

scrub bushes and whatever else will keep growing around there. The only thing that allows access or visual access is the gravel road that goes in.

MR. SPRAGUE: I was wondering could we have them put some shrubs or more growth up there to hide it a little bit, while they're there? I know there is a road, but it is just a stone road with a fence. It is kind of -- you know.

BEVERLY GRIEBEL: It -- it doesn't go straight in. It has a curve to it --

MR. SPRAGUE: That's correct.

BEVERLY GRIEBEL: -- to hopefully use that as a natural blocking.

Larry (Smith), was there any more landscaping to go in around there?

LARRY SMITH: Did they require -- I'm not sure what the Conservation Board required.

MR. OLEK: The Conservation Board said that no additional landscaping was required.

The problem that we have is that if we -- we would have to take shrubs away to plant trees so that we would get some sunlight around it.

I mean there may be some spots along the access road to put a few evergreens in and we wouldn't have a problem doing that. But certainly where Sprint -- where AT&T's building is going right here (indicating), there is gravel in front of it, so there is not too many spots with which to plant anything.

I also want to clarify AT&T is the third provider on this tower, so this would will be the last application. Sprint was the original and Nextel was the second. The Sprint only has the outdoor cabinets.

BEVERLY GRIEBEL: Just that little mini thing.

MR. OLEK: The little silver cabinets is Sprint's installation. The building belongs to Nextel and they have the variance on the roof.

BEVERLY GRIEBEL: So this is the last one.

MR. OLEK: This is the last one and no one else will be able to go back there.

RICHARD PERRY: None of these buildings are viewable from Jacklyn Drive?

MR. OLEK: Because of the road -- the road curving in, yes. You can see the curve on it right here in the photo (indicating).

LARRY SMITH: You're volunteering six pine trees along that road?

MR. OLEK: I would volunteer six evergreens along the road, yes.

MARY SPERR: You can't see this from your house?

MR. SPRAGUE: I can see it. Sure.

MARY SPERR: In the wintertime, not in the summer?

MR. SPRAGUE: In the winter but not in the summer, but if he puts some evergreens and dresses it up, it will help.

MR. OLEK: I was just thinking of six. That is a good number.

MARY SPERR: I don't think I heard six.

BEVERLY GRIEBEL: Will your building be about the same size as the larger one that is in the photo?

MS. MAAS-VANGELLOW: A 10 by 12, a little smaller.

BEVERLY GRIEBEL: A little smaller.

MR. OLEK: Yes. There wasn't much land left over in that corner. So instead of a 10 by 20, it is a 10 by 12.

BEVERLY GRIEBEL: It is smaller.

MR. OLEK: We had to go with the smaller building to accommodate the available space there.

BEVERLY GRIEBEL: Did it make you go higher?

MR. OLEK: No. We just crammed the equipment in.

BEVERLY GRIEBEL: Jam it all in.

MR. OLEK: Right. So the technician can't be overweight or anything. He has to be very slim.

BEVERLY GRIEBEL: Real skinny to work in that environment.

MR. OLEK: Believe it or not, that is a consideration on these sites. We actually have somebody that comes out to see if they can fit in them.

LARRY SMITH: What -- 2-inch caliper were you talking about on the trees?

MR. OLEK: We were probably talking about 6 to 8 foot, either Austrians or Douglas Firs, whatever.

LARRY SMITH: A mixture.

MR. OLEK: Mixture, okay.

LARRY SMITH: That would be nice.

BEVERLY GRIEBEL: Will that condition be acceptable?

MR. OLEK: In lieu of the facade, that is certainly acceptable.

BEVERLY GRIEBEL: That sounds like the neighbors might like it better with some trees that will grow up and shield it more.

MR. SPRAGUE: Can I ask one more favor? I just would like to --

BEVERLY GRIEBEL: You got a win right now.

LARRY SMITH: They will not decorate them at Christmas.

(Laughter.)

MR. SPRAGUE: I would not like any lights that glow all night. Like a building with mercury lights.

MARY SPERR: You mean like Arrowmart?

MR. SPRAGUE: There are no lights on it now.

JOHN CASTELLANI: There won't be.

MR. SPRAGUE: I do call the police if anybody -- I watch it, so -- if you want to send me a little something.

(Laughter.)

MR. OLEK: While we're at it, we would not be adverse to you putting six sticks in the ground where you think you would like to see the trees so we would know where to plant them.

MR. SPRAGUE: You really want me to?

MR. OLEK: Yes. Post a little tape on it. That would be great.

BEVERLY GRIEBEL: Okay. Great. Along the roadway.

DAN MELVILLE: In his front yard.

(Laughter.)

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

Larry (Smith), do you have one of these for your file (indicating), the color rendition?

LARRY SMITH: Pass it over to Dan (Melville), please.

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. Six evergreen trees, 6' to 8' tall, are to be planted near entrance road to screen site from nearby homes.
2. Meeting signs to be removed within five days of the date of the decision letter.

The following finding of fact was cited:

1. This additional structure will be in keeping with existing structures which are in a wooded area.
7. Application of Joe Roa, owner, 155 Morgan Road, Scottsville, New York 14546 for variance to erect a 40' x 12' barn to house four horses to be 20' from side lot lines (100' req.), variance to erect a 106' x 120' enclosed riding arena to be 15' from side lot lines (50' req.) at property located at 155 Morgan Road in A.C. zone.

Joe Roa was present to represent the application.

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

MR. ROA: My name is John Roa, R-o-a. I was here in January, and you granted me the variance to have my horses, and I had no idea I needed a variance for the barn to house them in, so that is why I am here.

I wanted to give you a few letters of support that I have acquired from my neighbors. These are all my neighbors within sight of my property. And I have got a letter of support here by

Dr. Ann Dwyer from the Genesee Valley Equine Hospital. And she has reviewed my plans and she has helped me, you know, make sure it will be a sound structure for horses.

MARY SPERR: That is a different letter than the one you brought to us in January, correct?

MR. ROA: Yes, ma'am.

MARY SPERR: Just checking.

MR. ROA: I do have a picture here of the type of barn I am going to construct. I apologize for not making copies for everyone.

We're also planning a few years down the road to build an indoor arena so we can train and ride in the winter. We don't have the finances to do that today, but my sons are training with a local horse instructor -- horsemanship instructor, and we see that as, you know, something we'll possibly try to do in a couple of years, and I thought as long as I am here today I might ask you for that variance, as well.

BEVERLY GRIEBEL: I'm not sure how long that is good for. You would have to ask Larry (Smith) or Keith (O'Toole).

MARY SPERR: It is good for a year.

BEVERLY GRIEBEL: A variance that is granted for the indoor arena -- and Larry (Smith)--

KEITH O'TOOLE: Typically the variances are forever except in certain zones.

BEVERLY GRIEBEL: But if building doesn't commence, does the variance run out? He doesn't plan to build for --

You say a year or two?

MR. ROA: The indoor arena in -- we would like to build the barn as soon as we obtain our building permit and if you grant us the variance.

The indoor arena we're looking at two years down the road or possibly even three years down the road we'll begin construction on that. We're still looking at several designs. I have a picture of what we're thinking about now, but it is a few years down the road. If you would like to see it, it will look something like that (indicating).

There is one right now on Reed Road and Chili on Reed and Morgan.

BEVERLY GRIEBEL: Larry (Smith), how long does that variance last?

LARRY SMITH: It will last forever.

BEVERLY GRIEBEL: But what if he doesn't start building?

LARRY SMITH: You're thinking about a conditional use.

KEITH O'TOOLE: Building permits expire.

LARRY SMITH: A conditional use will expire unless you act upon it.

JOHN CASTELLANI: Are you sure you want to get that at this time, because if the size changes --

MR. ROA: It won't get any bigger than that. It will probably be smaller. That -- the dimensions I gave you was a -- dressage standards for a dressage competition arena.

For training, I don't think we need to go that large, but I just wanted to make sure it would be okay with the Town's Boards before even entertaining construction permits.

BEVERLY GRIEBEL: I was out there looking, and I finally got out to the backyard. There was no snow.

MR. ROA: Finally, yes.

BEVERLY GRIEBEL: When you were here before, there was too much snow to truck through to get back there, and I can see your land slopes down.

MR. ROA: Yes. It goes back a long way.

BEVERLY GRIEBEL: And your adjacent neighbor on the left has a big barn.

MR. ROA: Yes, ma'am.

BEVERLY GRIEBEL: Sheds and stuff.

On the other side, this one property in between -- then there are big barns there.

MR. ROA: Yes. Fran Thompson, I believe, owns that. She also signed a letter of support for us. She has five Arabian show horses she keeps in there and she has an indoor arena there.

BEVERLY GRIEBEL: Let me make a note for the record that Ann Dwyer, Veterinarian, has signed this letter of support.

Another one, Sharon and Gary Leo at 161 Morgan Road.

Tompkins, Richard and Mary, 165 Morgan Road.

Your number is?

JOHN CASTELLANI: 155.

MR. ROA: 155, ma'am.

BEVERLY GRIEBEL: Shelly and Peter Rees at 147.

Ken and Dorothy Siegel, 151 Morgan Road.

Alfred and Edna Ziefel, 159 Morgan Road.

And Robert and Rita Messmer at 157 Morgan Road.

Those were all of the -- those are all entered into the record. We have a whole collection.

Now, as you look at your property, you have a fenced-in area for the horses that I can see from the backyard.

MR. ROA: That is a temporary paddock.

BEVERLY GRIEBEL: So your barn will go down the hill?

MR. ROA: Right at the top of the hill, but at the very back portion at the top.

BEVERLY GRIEBEL: Will it be on a line with that barn on the adjacent property?

MR. ROA: It will actually be deeper set further back than any of the barns in our property line.

BEVERLY GRIEBEL: So you're hardly going to see it from -- you won't see it from the road.

MR. ROA: And compared to the other barns, it will -- will be really quite small. It is just really in this weather, you have to barn up your horses in the weather.

BEVERLY GRIEBEL: Nobody likes to be out in that.

MR. ROA: Right.

MARY SPERR: They came from California.

MR. ROA: And it has been a shock ever since.

GERRY HENDRICKSON: No questions. I know the area all of the way through.

MARY SPERR: I know I asked you this last time. Bear with me.

On the leech fields, where were they located? Your leech field is in the back?

MR. ROA: The leech fields go back to the end of the -- I don't even think it is included on any of the drawings. But back to the end of my grape vines. About 20 feet past there is where I have got the temporary pen right now, south of there.

MARY SPERR: So just to make sure it is not going to be on --

MR. ROA: No. Actually about 75 feet past that is where the barn is going to begin. And the temporary pen is going to be turned into a paddock, and that will be at the bottom of the hill. We had to put the pens up in the winter, and I just put them up, you know, as close as I possibly could so I could get through this snowy spell and then -- with the barns in place, we'll have better access and time to fix that all up nice.

LARRY SMITH: Have you been up here for a bad winter?

MR. ROA: Well, I thought I was. You're scaring me now.

LARRY SMITH: This is one of the mildest winters we had in a long time.

BEVERLY GRIEBEL: We had more snow than everybody else.

MR. ROA: We got here in '95, and it has been an awful lot of snow for us.

LARRY SMITH: You ain't seen nothing yet.

MR. ROA: I lived out in the dessert, too, so it was like rain came two or three times a year.

LARRY SMITH: We have sun two or three times a year here.

(Laughter.)

BEVERLY GRIEBEL: For the record, what is the width of your lot?

MR. ROA: The width of my lot is 96 feet, and actually, the easement from the sides of the barn will be 28 feet, but we asked for 20 from either side, and, you know, that is just for rough overhang. It is not going to be -- it will be 28. It is a 40 foot wide building and it will be centered.

BEVERLY GRIEBEL: Because of the width of your lot -- 20 feet from the side lot line, 100 feet required, your lot is not even 100 feet wide.

MR. ROA: Yes, ma'am. That is why I am here.

JOHN CASTELLANI: Preexisting.

BEVERLY GRIEBEL: It is long and narrow.

MR. ROA: I kept thinking how I could do that (indicating), but it would be an awful high pole that the horses would have to climb every day.

BEVERLY GRIEBEL: Just for the record, 1,320 is the depth of your lot. It is very deep, but it is narrow for a country lot.

MR. ROA: Yes, ma'am.

BEVERLY GRIEBEL: So it would be impossible to do anything back there?

MR. ROA: I thought about turning it sideways, but you can't even come close that way either.

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 no conditions, and the following findings of fact were cited:

1. Pre-existing, non-conforming lot precludes structures without a variance.
2. In keeping with neighboring properties.

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

8. Application of ES & L Federal Credit Union, 100 Kings Highway South, Rochester, New York 14617 for variance to erect two wall signs (12' x 7 1/2' each) to be a total of approximately 180 sq. ft. (100 sq. ft. allowed) at property located at 3175 Chili Avenue in G.B. zone.

David Leve was present to represent the application.

MR. LEVE: Hello.

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

MR. LEVE: Good evening. My name is David Leve. For the record, that is L-e-v-e. I'm with the law firm of Nixon, Peabody in Rochester, representing ESL Federal Credit Union, the applicant here.

Is anyone on the Board not familiar with the new ESL up in the Wegmans plaza?

So everyone is familiar --

BILL OLIVER: I see it going up.

MR. LEVE: It is in a good spot.

JOHN CASTELLANI: I just keep driving by saying when is this going to be done?

BEVERLY GRIEBEL: John (Castellani) works at Kodak, so he is anxiously waiting --

MR. LEVE: As many people in the Chili. I just ask so everyone knows where the building is and how it sits.

This application is for two variances. One is to allow two business identification signs where one is permitted, and the other is to allow the signs to be in the aggregate above 100 feet -- 100 square feet in total area.

The reason the variances are requested is because of the peculiarities of this lot. The lot is just west of the east entrance into the plaza. Because the Town code prohibits parking in the front yard and because of other site design considerations, the front of the building faces south towards Wegmans. That also has to do with the design scheme of the plaza where you have central parking and central drive lanes with the businesses facing inward. So that is the scheme in the Wegmans plaza there.

So it is essential that the front of the building face south, and it is naturally essential that the front of the building have a business identification sign over the front door, so when people are in the plaza, they know where to go and also for business identification for ESL.

The back of the building, therefore, faces north towards Chili and Paul where everyone is, where all of the traffic is, and it is also important that people on Chili and Paul know where the ESL branch is from those vantages.

In contrast with the M & T branch -- the M & T branch, which is across the driveway, they're situated in the plaza such that they can face west, and in so doing, they can face into the plaza and to the traffic on Chili and Paul. On this lot, that is not possible. Can't have one

business ID sign that gives you the essential identification from within the plaza and the essential identification from Chili and Paul. That is why two building signs are requested.

The other variance having to do with aggregate area, you know, the code's intent there is to prevent excessively large signs, signs that are ugly, signs that are gaudy, signs that are distracting.

These signs are nice signs. They fit well into the architecture. They're dark blue with white printing on them, internally illuminated. They're part of the building sign. You can see that they're proportionate to the architecture, and they're really aesthetically pleasing, cool, subject signs.

So the -- the area, the sign area variance is, um -- is in keeping with the intent of the code.

This is a good application on the standards for a sign variance. These are proposed for safety and convenience of motorists. People need to know where they're going. If they're confused about where they need to get, that can cause problems from a traffic standpoint.

This is an excellent tenant for that plaza. I think everyone in the Town is very welcoming of ESL Federal Credit Union. It is a very reputable, stable, good neighbor to have. So identifying this lot to them is something that is good for the neighborhood, good for the Town and it is in harmony with the Town.

There are no hazards that would be caused by this sign. It is not like a sign that you have on a corner that is going to prevent view to traffic. These are on the building. It is not going to be a detriment to anybody.

In fact, for all of the reasons I have stated, this is only to the good. There is only a benefit from the variances requested.

DAN MELVILLE: Now are those the only two signs you will have on that building?

MR. LEVE: Yes.

DAN MELVILLE: Just the one facing in and the one facing Chili and Paul Road?

MR. LEVE: Yes.

DAN MELVILLE: How about directional signs over your driveway?

LARRY SMITH: Per the code, I can approve directional signs at my discretion.

MARY SPERR: They're on the plan. Do we need numbers on this one?

JOHN CASTELLANI: It is not a freestanding sign.

LARRY SMITH: Mary (Sperr), don't get into that too much because there is a problem with addresses at that property. It is all one address.

MR. LEVE: This is a leased lot.

MARY SPERR: Okay. I withdraw it. Just kidding.

BILL OLIVER: You might leave the area.

MR. LEVE: Long-term lease. Wegmans does leases.

BEVERLY GRIEBEL: They don't sell the property.

MR. LEVE: No, they don't sell.

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 no conditions, and the following finding of fact was cited:

1. Signs needed to identify new business located at some distance from nearby roadway.

Note: Sign permit is required. Meetings signs to be removed within five days of the date of the decision letter.

The meeting ended at 10:07 p.m.

A meeting of the Chili Zoning Board of Appeals was held on April 25, 2000 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 are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, 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: I didn't see a sign for Application 3 on the 16th.

GERRY HENDRICKSON: I saw them all.

MR. COLLETTI: We had rain, it came down, I brought it in, fixed it and put it back up.

BEVERLY GRIEBEL: When did you put it back up?

MR. COLLETTI: Saturday night.

JOHN CASTELLANI: It wasn't there Sunday, so it had to be Sunday night.

MR. COLLETTI: Saturday I fixed it and Sunday I put it out.

BEVERLY GRIEBEL: One was in rough shape, but we did have a wind storm.

MR. COLLETTI: It was a little beat up.

BEVERLY GRIEBEL: Sometimes we have some weather problems, with snow and blizzards and whatever. I guess there was a good faith effort to try and keep that up.

Is there any problem with that?

MARY SPERR: No.

BEVERLY GRIEBEL: Anything else that was a problem?

The consensus was everything else was okay.

1. Application of Mr. & Mrs. Keven Forrest, owner, 22 Irvington Drive, North Chili, New York 14514 for variance to erect a 24' x 10' deck to be 35' from front lot line (60' req.) at property located at 22 Irvington Drive in R-1-15 zone.

Wendy Forrest was present to represent the application.

BEVERLY GRIEBEL: We have a sketch of what you want to do.

MRS. FORREST: Right.

BEVERLY GRIEBEL: You want to replace the front steps with a porch area?

MRS. FORREST: Yep. It would go from the front steps over to the side of the house, 10 feet out from the house.

BEVERLY GRIEBEL: I don't remember if you had bushes there.

MRS. FORREST: We ripped them out. There used to be bushes there that were really overgrown and dead, and last summer we ripped them out. Right now there is a really overgrown, dead Blue Spruce that is also going to come down because it's in really bad shape.

BEVERLY GRIEBEL: Okay.

BILL OLIVER: Who would put this deck up?

MRS. FORREST: We had one -- one contractor, but we thought why keep getting estimates if we don't know we can do it yet, so we stopped.

BILL OLIVER: But a contractor will do it?

MRS. FORREST: Right. We're not knowledgeable to do that.

JOHN CASTELLANI: It should be noted also this is a preexisting, nonconforming, because it is only 46 feet without the deck. Other than that, I don't have any questions.

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 no conditions, and the following findings of fact were cited:

1. Front setback is pre-existing, non-conforming.
  2. The addition will be in keeping with the character of the neighborhood.
2. Application of Hanson Aggregates, East, owner; 1531 Scottsville Road, Rochester, New York 14624 for variance to erect two 5' x 12" freestanding signs to replace existing signs on monument at property located at 1531 Scottsville Road in G.I. zone.

Jeff Kramarz was present to represent the application.

BEVERLY GRIEBEL: Okay. And you are?

MR. KRAMARZ: Jeff Kramarz, K-r-a-m-a-r-z. I work with Hanson.

BEVERLY GRIEBEL: You're an employee?

MR. KRAMARZ: Yes: It is actually replacing letters that were on the building. I have photos. I don't know if that would help you.

BEVERLY GRIEBEL: Oh, they were on --

MR. KRAMARZ: There are basically letters on the front gate now. It said B.R. DeWitt, and DeWitt was bought out by Hanson. They took the "DeWitt" off and want to put "Hanson" on it.

BEVERLY GRIEBEL: Okay. So you're changing it?

MR. KRAMARZ: Yeah.

BEVERLY GRIEBEL: You're tucked in there kind of in a little side road, and you have to kind of look for it.

MR. KRAMARZ: Yes, next to Lyell Metal there.

BEVERLY GRIEBEL: We have a picture here that shows that you're just going to say Hanson --

MR. KRAMARZ: Yes. We did it on a computer. That is just a photo-enhanced picture.

BEVERLY GRIEBEL: I think it shows it pretty much. This doesn't look like there will be any illumination on it.

MR. KRAMARZ: That's correct.

RICHARD PERRY: The address should be on the sign also.

MR. KRAMARZ: The address on the sign?

BEVERLY GRIEBEL: The street numbers somewhere. Can you put them on somewhere?

MR. KRAMARZ: We can put it on there. I don't believe it is on there now -- well, there is a mailbox out front.

RICHARD PERRY: It should be on the sign. It is just ease of identification.

BEVERLY GRIEBEL: Either on the sign or on those brick pillars somewhere. I was looking all over that area for -- trying to find a number, "Where is it?"

MR. KRAMARZ: Where is the location?

BEVERLY GRIEBEL: No. I was asking myself, "Where is it," because nobody has a number on it.

MR. KRAMARZ: Right.

MARY SPERR: And it is set back in, so it is hard to --

MR. KRAMARZ: I think it is on the mailbox, but maybe not. We can get it on the sign.

BEVERLY GRIEBEL: I was looking for the number, and I started way on the other side of Scottsville Road, down by Logans. I'm looking and trying to find someplace with a number so you could see which way the numbers were going.

MR. KRAMARZ: Right.

BEVERLY GRIEBEL: And so few places there have numbers.

MARY SPERR: Especially when there is a car right behind you tailing you and you're looking for a number.

BEVERLY GRIEBEL: We are trying to get people to put the numbers. It is actually a Town Law that there is supposed to be a street number.

MR. KRAMARZ: We just tell everybody "by Lyell Metal," but we'll get the numbers on there.

BEVERLY GRIEBEL: But if you can put it somewhere on there, either on the pillars or on the sign --

MR. KRAMARZ: Absolutely. We'll do that.

LARRY SMITH: I also have noticed that they have a flag that says "Hanson" on it. You're going to have to either remove it or get a variance for it.

MR. KRAMARZ: I have to get a variance for the flag, okay.

BEVERLY GRIEBEL: A variance for what?

LARRY SMITH: The flag. There is a flag that says "Hanson" on it.

MR. KRAMARZ: There is an American flag --

LARRY SMITH: We include flags as being a sign.

BEVERLY GRIEBEL: Is that in at the property?

LARRY SMITH: Yes.

MR. KRAMARZ: There is an American flag.

MARY SPERR: I didn't notice it.

BEVERLY GRIEBEL: I didn't go in.

LARRY SMITH: I did.

MR. KRAMARZ: I have to go through a separate process, again, another \$100 and come back, or can we talk about it now?

LARRY SMITH: Um --

BEVERLY GRIEBEL: Can that be added on, do you think? Do we need Keith (O'Toole's) expertise?

LARRY SMITH: If you don't feel it is a significant change, I don't see why you can't add it on.

JOHN CASTELLANI: Do we know that will stay?

MR. KRAMARZ: It is a flagpole and under it is an -- with an American flag and underneath --

LARRY SMITH: Every site I have seen has a Hanson flag flying from it.

JOHN CASTELLANI: Well, okay. You will keep it?

MR. KRAMARZ: Yes.

BEVERLY GRIEBEL: What size is the flag, approximately?

MR. KRAMARZ: I think -- what are the standard? I think they're 2 by 3 or -- maybe 3 by 5 is the --

LARRY SMITH: I think it is 3 by 5.

BEVERLY GRIEBEL: An estimate, 3 by 5?

RICHARD PERRY: Say 4 by 6 and --

MR. KRAMARZ: It is slightly smaller than the American flag above it.

LARRY SMITH: At least they put it below the American flag.

BEVERLY GRIEBEL: Right. That is important.

MARY SPERR: If you put 4 by 6, they're covered.

BEVERLY GRIEBEL: Is anyone in objection to that?

The general consensus of the Board was they would include the flag in this application.

BEVERLY GRIEBEL: We'll make it 4 x 6, and then you're covered.

MARY SPERR: That way you don't come back, because now you're 4 x 6 instead of 3 x 5. It is a technicality, but it would bring you back in.

MR. KRAMARZ: No, I understand.

BEVERLY GRIEBEL: I will also put "approximately" -- that covers a multitude -- 4 by 6 feet to be on the flagpole.

RICHARD PERRY: I think you should put in there it should be smaller than the American flag.

BEVERLY GRIEBEL: Underneath and smaller than the American flag.

I'll have to go back there and look at it. I was trying to pull off the road to get out of

traffic.

MR. KRAMARZ: It's tough there.

BEVERLY GRIEBEL: It is a tough spot.

MR. KRAMARZ: Coming out turning left --

RICHARD PERRY: It is no problem at 7 o'clock, Sunday morning.

MARY SPERR: Then there are crazy people on Easter.

(Laughter.)

GERRY HENDRICKSON: What kind of ornament is on top of the monument?

MR. KRAMARZ: On the flagpole?

BEVERLY GRIEBEL: No. On the brick things.

MR. KRAMARZ: Right here (indicating) on the caps?

GERRY HENDRICKSON: Yes.

MR. KRAMARZ: That -- that is a concrete cap. A smooth finish cap is on there. It is just finished off.

GERRY HENDRICKSON: The one looked like it had a -- like a metal.

MR. KRAMARZ: There are gates on the -- but I believe it is just a concrete cap.

GERRY HENDRICKSON: Okay.

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, as amended (Application amended to include Hanson Co. flag, approximately 4' x 6', to be displayed on the flag pole at a level lower than the American flag and to be of a lesser size than the American flag.) with the following conditions:

1. Street numbers to be displayed either on the sign or support pillars.

The following finding of fact was cited:

1. Sign needed to better identify business location and address.

Note: A sign permit is required.

3. Application of Mark Colletti, owner, 65 Gateway Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a trucking business at property located at 65 Gateway Road in R-1-15 zone.

Mark Colletti was present to represent the application.

BEVERLY GRIEBEL: How many trucks will you be parking there?

MR. COLLETTI: None. Just a mailing address for my business.

BEVERLY GRIEBEL: Good answer.

MR. COLLETTI: I have my truck in the city. I just don't want my mail to go there because it is on a dead-end street.

BEVERLY GRIEBEL: You park the trucks in the city?

MR. COLLETTI: Yes.

BEVERLY GRIEBEL: What kind of trucks?

MR. COLLETTI: It's a dump truck.

BEVERLY GRIEBEL: Are they ever at your house?

MR. COLLETTI: No.

BEVERLY GRIEBEL: I'm glad to hear that.

GERRY HENDRICKSON: As long as his trucks are not going to be there, fine.

BEVERLY GRIEBEL: Sounds good to me, too.

MARY SPERR: That was my only concern.

LARRY SMITH: No problem for what he has applied for.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TOM WARD, 73 Gateway Road

MR. WARD: I have no objection to it as long as there aren't any trucks on the property.

BILL OLIVER: That will be part of the conditions.

MR. WARD: As long as that is part of the conditions, I have no problem.

BEVERLY GRIEBEL: I was pleased with his answer to me.

MR. WARD: Yep.

BEVERLY GRIEBEL: Now there is a new Town regulation against having big trucks like that on residential property.

MR. COLLETTI: No. I have a shop in the city off of Addison, and I keep it inside there. I just don't want my mail going there because it is a dead-end street and we had some trouble there before with break-ins and stuff like that, so instead of my mail getting messed up, I would rather have it coming to my house so it is a little safer.

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. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. No outside employees.
5. No truck parking on premises or street.

The following finding of fact was cited:

1. The home office is a customary home occupation.
4. Application of Edward Kowalski, owner, 509 Morgan Road, Scottsville, New York 14546 for variance to erect a 12' x 20' utility shed to be 240 sq. ft. (180 sq. ft. allowed) at property located at 569 Morgan Road in A.C. zone.

Edward Kowalski was present to represent the application.

BEVERLY GRIEBEL: I will note for the record the property is ten plus acres. It is a good size plot.

What do you plan to store in the shed?

MR. KOWALSKI: Lawn tractor, sweeper.

BEVERLY GRIEBEL: Probably a big one.

MR. KOWALSKI: Oh, yeah. Yeah. I cut three acres, so.

BEVERLY GRIEBEL: You cut three of them?

MR. KOWALSKI: Yeah.

BEVERLY GRIEBEL: The usual thing is to make room in your garage for cars.

MR. KOWALSKI: Yes. Get the garage cleaned out and half the cellar.

DAN MELVILLE: Are you going to run electricity to that?

MR. KOWALSKI: I might in the future. I probably -- my snow blower has electric start on it, so I probably will. It is debatable. Or do you have to have an answer right now?

DAN MELVILLE: No, no, no.

MR. KOWALSKI: If you have to have it, I will say yes because I'm not positive.

DAN MELVILLE: What kind of materials is the shed going to be constructed of?

MR. KOWALSKI: Texture 1-11.

DAN MELVILLE: Painted?

MR. KOWALSKI: It will be premade and brought in and put up.

DAN MELVILLE: Will it be painted the color of the house?

MR. KOWALSKI: Oh, yes. White. It will have shutters on it, too, and windows in it.

DAN MELVILLE: Great.

MR. KOWALSKI: It is a Quaker style shed.

BEVERLY GRIEBEL: And they're bringing it all made?

MR. KOWALSKI: From Penn Yan.

BEVERLY GRIEBEL: Oh, from --

MR. KOWALSKI: The Amish.

DAN MELVILLE: It is imported.

(Laughter.)

MR. KOWALSKI: They make a very good shed out there.

BEVERLY GRIEBEL: I have talked with other people here who have gotten sheds from there. They're apparently pretty good.

BILL OLIVER: The only one I had is, where is the shed going to be located? I don't see it on your map here.

MR. KOWALSKI: At the bottom. I think it is 150 from the east side.

BILL OLIVER: Oh, way down here (indicating). I was looking up by the house over here (indicating).

MR. KOWALSKI: It is close to the house actually, but...

BILL OLIVER: Okay.

BEVERLY GRIEBEL: Behind the driveway.

MR. KOWALSKI: Uh-huh.

GERRY HENDRICKSON: It sits on a hill.

MR. KOWALSKI: Right. Slight slant.

BEVERLY GRIEBEL: It is an odd-shaped property.

MR. KOWALSKI: Yes, it is.

BEVERLY GRIEBEL: It goes on and on and on.

GERRY HENDRICKSON: He will feed the deer outside there.

MR. KOWALSKI: There is a lot of them.

MARY SPERR: I'm on Union Street, just a block away. I go by your house all of the time.

BEVERLY GRIEBEL: So if they move this, this must come with a floor and everything?

MR. KOWALSKI: Definitely.

BEVERLY GRIEBEL: It is a good way to go.

MR. KOWALSKI: It's a lot easier than building it myself. I just got to prepare for the construction underneath.

BEVERLY GRIEBEL: Level it and --

MR. KOWALSKI: I will either level it or put some stone there and some blocks to hold it up so she doesn't sink.

LARRY SMITH: No problems.

GERRY HENDRICKSON: There is a good drainage area where you are?

MR. KOWALSKI: I have a little problem with the water, just a little. You know, when it -- like these last couple days with the heavy rains.

RICHARD PERRY: Who doesn't?

MR. KOWALSKI: That's true.

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 no conditions, and the following findings of fact were cited:

1. Minimum variance.

2. Applicant described need for shed to store lawn equipment, etc. for a large lot.

Note: A building permit is required.

5. Application of Bernard Fingar, Jr., owner, 14 Red Bud Road, Rochester, New York 14624 for variance to erect an addition to garage to be 35' from front lot line (60' req.), variance to erect an addition to house to be 44' from side lot line (60' req. on corner lot), and variance to erect a sunroom and deck to be 25' from rear lot line (40' req.) at property located at 14 Red Bud Road in R-1-15 zone.

Bernard Fingar was present to represent the application.

BEVERLY GRIEBEL: I think your application notes this is one of the smaller houses in the development.

MR. FINGAR: Yes, it is single story. It is under 1150, if that, of the square footage of the house itself. It happens to be a ranch.

BEVERLY GRIEBEL: I used to live at 31.

MR. FINGAR: How long ago did you move out? I have been there for a while.

There was some discussion regarding where Beverly Griebel used to live.

MARY SPERR: You're going to come and nestle this in around the trees, or will you have to take down any of the those trees?

MR. FINGAR: On the side of the house. Actually, it won't even come out halfway between it. I think only 5 feet from the bushes. They're huge, the bushes. It will not come out very far at all, compared to the amount of property left to the road and the trees.

MARY SPERR: Do you have a contractor that will do the work for you?

MR. FINGAR: I will probably do a lot of it myself, but I will probably hire some of the help. It won't be all done this summer by any means, but I will have some help in doing it.

Keith O'Toole arrived to the meeting.

JOHN CASTELLANI: On the Irvington application, the front lot is preexisting.

MR. FINGAR: For the front porch.

JOHN CASTELLANI: You never were in compliance since the change in the zoning laws.

MR. FINGAR: Okay. The house was built in '63. The front there, it was just to basically move the existing wall or front wall of the garage out under -- under existing roof line. The roof line will not change.

BEVERLY GRIEBEL: Get you a little more garage room, too.

MR. FINGAR: Yes. Plus less snow to shovel in the winter. It is like an addition, less lawn to mow.

BILL OLIVER: Have you talked with your neighbors about this? I know it will not infringe on him, but have you talked to him about it?

MR. FINGAR: Actually, what I had done is photocopied the map you see and the front page of the application and went to all my adjoining neighbors to see if they have any problem with it. I talked with Jack Hayes, to everybody who my property either touches or looks at it across the street.

BILL OLIVER: It will improve the property, can't question that.

MR. FINGAR: Can't hurt it, I would hope.

BEVERLY GRIEBEL: It will give you a little more space.

MR. FINGAR: Yes.

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

findings of fact were cited:

1. Pre-existing, non-conforming front setback.
  2. No change in the character of the neighborhood.
6. Application of Roy Green, owner; 1775 Scottsville Road, Rochester, New York 14623 for variance to erect a 6' high fence in front setback area (4' allowed) at property located at 1775 Scottsville Road in RAO-20 & FPO zone.

Roy Green and Meredith O'Brien Green were present to represent the application.

BEVERLY GRIEBEL: I read your application with great interest. I looked at this and thought, 6 foot fence in the front yard, but then I read your comments page and --

MR. GREEN: We have had a few problems.

BEVERLY GRIEBEL: A few problems there to put it mildly.

Will that remain a chain link fence?

MR. GREEN: On the Charles Ave. side I would like to make it a privacy fence, and that would cut down a lot of the problems. On the rest of the fence, on the Scottsville Road side I would like to remain it -- leave it as a chain link fence, just extend it up 2 feet.

BILL OLIVER: That's a problem.

BEVERLY GRIEBEL: That's a problem with the visual siting. When you're coming out of Charles Avenue.

MR. GREEN: I think I'm back far enough that you -- that you at least have 20 or 25 foot clear view, because I'm back even a little bit farther than my actual front setback. I'm at least 3 feet beyond what is required to be -- for the right-of-way of Scottsville Road. And if it -- if it becomes a real problem, I could stop the privacy fence about three-quarters of the way up and just put chain link for the other quarter if that is going to be more of --

BEVERLY GRIEBEL: That would be my concern, would be the line of sight for people coming out of Charles and looking down Scottsville Road to see what is coming from the south. It's -- the speed changes there, supposedly, but some people are still barreling along. They're going very fast.

MR. GREEN: That's very true. If it is more -- if it seems like it is going to be better, I could stop it maybe three-quarters of the way up and then just continue with that other quarter of chain link.

BEVERLY GRIEBEL: Yeah, that's a possibility.

RICHARD PERRY: I think after reading through this, I know what he is trying to accomplish.

BILL OLIVER: You have two nice dogs there.

MR. GREEN: I have a picture to show how they're almost over the fence.

BEVERLY GRIEBEL: I didn't see them.

MS. O'BRIEN GREEN: They're a Husky/Shepherd mix, and they're growing very quickly.

MR. GREEN: We don't leave them out all of the time.

MS. O'BRIEN GREEN: They're in the house when we're not at home, but when someone walks their dog or when a kid goes by on a bike, they get very excited and want to run and they're going to go right over that fence.

BEVERLY GRIEBEL: Or when the bar patrons are coming around at night.

MS. O'BRIEN GREEN: That's a problem. They make a lot of noise, and then the dogs get excited and they want to go and see what is going on and they get up running speed and there they go.

BILL OLIVER: I walked on the other side of the street and the dog came to the fence. I wasn't sure if they would come out or not.

MS. O'BRIEN GREEN: They're friendly, but if someone comes up and tries to grab them or comes at them quickly, they will snap at them.

BILL OLIVER: I know. I recognized the dogs, but --

MS. O'BRIEN GREEN: It's just that the Charles Ave. side for the privacy fence is good because of that bar and the dogs and things.

BILL OLIVER: Well, you can see there is a problem with sight, so --

MS. O'BRIEN GREEN: I can see that. I just want to make sure that the people aren't able

to reach over or able to hop over and things like that.

DAN MELVILLE: Have you made any complaints to anybody about the problem?

MR. GREEN: Yes, we have. We spoke with the Town Supervisor actually, and we have also spoken with the bar owner, and we have called the police many times on -- on -- for various reasons for different things: People driving drunk. People parking on our grass. People doing various different things.

BILL OLIVER: It is kind of messy on that corner.

MS. O'BRIEN GREEN: They smash the glass bottles against our fence, and we have chards in our yard, and the dogs have to go to the vet because they have cut their feet. The 4 foot fence is not enough. I have to clean it up twice a week. I have written several letters to the owner of the bar, but he hasn't responded yet.

LARRY SMITH: Do you have copies of those letters?

MR. GREEN: Yes, I do, but I don't have them with me -- oh, actually maybe I do.

LARRY SMITH: If you don't, just try to give them to me, okay?

BILL OLIVER: One thing I would like to also suggest if you do get a fence, to put it up, that there be no barbed wire at the top of the fence.

MS. O'BRIEN GREEN: No.

MR. GREEN: On occasion we have thought about it, but --

MS. O'BRIEN GREEN: We have thought about everything.

BILL OLIVER: You be surprised how people add onto what they think they got.

BEVERLY GRIEBEL: Is there anything you can do, Larry (Smith)?

LARRY SMITH: I can do something.

BEVERLY GRIEBEL: Because that is a terrible situation.

MS. O'BRIEN GREEN: It would be appreciated if you could help with anything because we have absolutely exhausted --

BEVERLY GRIEBEL: When the police come --

MS. O'BRIEN GREEN: They're gone.

MARY SPERR: Was your house the one spray painted with graffiti?

GERRY HENDRICKSON: No. It is the one right directly in back of the --

MS. O'BRIEN GREEN: In back of our property it was. Jim's old house.

MR. GREEN: And that business complex right on Scottsville Road was nailed with graffiti, too. I have talked to the man that owns that and he is not too happy. He at least takes one trip a day to make sure nobody messes with his property at night. And he is almost 90 years old, and he is still driving out there once a day just to --

BEVERLY GRIEBEL: Checking it out.

MR. GREEN: Yes, at night.

BEVERLY GRIEBEL: That's lousy.

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 conditions:

1. Fence to be chain link except adjacent to Charles Avenue.
2. Length/position of the opaque fence along Charles Avenue to be determined/ approved by the Building Inspector. Applicant to call the Building Department to set an appointment.

The following finding of fact was cited:

1. Applicant described need for a higher fence.
7. Application of Albert Chin, owner, 9 Stemrose Lane, Rochester, New York 14624 for conditional use permit to allow an office in home for computer services and consulting at

property located at 9 Stemrose Lane in R-1-15 zone.

Albert Chin was present to represent the application.

BEVERLY GRIEBEL: Will you be having any customers come to your home?

MR. CHIN: No.

BEVERLY GRIEBEL: You will do everything by a computer or phone?

MR. CHIN: Pretty much.

DAN MELVILLE: How do you meet most of your clients? Do you go right out to their sites?

MR. CHIN: Yes. It would be on either their property or will be like private companies.

DAN MELVILLE: You don't plan to put any signs or anything on your property, do you?

MR. CHIN: No.

BILL OLIVER: Do you ever give lessons? I just bought a computer.

(Laughter.)

GERRY HENDRICKSON: On the 16th when I was there, you had a lot of cars in the driveway. Are they all your friends or --

MR. CHIN: Those are family members. Um, we had just christened our son, and we were having a christening party.

GERRY HENDRICKSON: Well, congratulations.

MR. CHIN: Thank you.

BEVERLY GRIEBEL: Not customers.

MR. CHIN: Not customers.

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 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.

The following finding of fact was cited:

1. Home office is a customary home occupation.
8. Application of Ryan Homes, Inc., 1280 Scottsville Road, Rochester, New York 14624, property owner: M/M Edward Frame; for variance to erect a temporary 4' x 6' double-faced freestanding sign advertising subdivision on another property, variance for sign to be 5' from front lot line (20' req.) at property located at 150 King Road in R-1-15 zone.

Tom DeLaney, Sales Manager with Ryan Homes, was present to represent the application.

BEVERLY GRIEBEL: What is your last name?

MR. DeLANEY: DeLaney, D-e-L-a-n-e-y.

BEVERLY GRIEBEL: Okay. Thank you.

So this sign, that's the one that is up there now?

MR. DeLANEY: The same sign, just being repainted and changed and moved.

BEVERLY GRIEBEL: That actually is on somebody else's property?

MR. DeLANEY: Correct.

BEVERLY GRIEBEL: They own that lot right there?

MR. DeLANEY: Correct.

BEVERLY GRIEBEL: How long do you anticipate having the sign up, since it is temporary?

MR. DeLANEY: Um, there are a total of 84 home sites in the subdivision, and we're actually selling a little bit quicker than what we originally anticipated. Section 1 is completely sold out.

BEVERLY GRIEBEL: How many homes is that?

MR. DeLANEY: Total of 20.

BEVERLY GRIEBEL: You just opened?

MR. DeLANEY: Yes. We have already -- we're starting to take reservations into Section 2. We're waiting for final approval through the developer for that. Roughly approximately two years would be the time frame. It shouldn't be any longer than that.

BEVERLY GRIEBEL: Larry (Smith), normally it is for one year? Keith (O'Toole), one year for --

LARRY SMITH: One year for what?

BEVERLY GRIEBEL: For a temporary sign?

LARRY SMITH: What is the definition of "temporary"?

KEITH O'TOOLE: You can impose a condition for two years.

BEVERLY GRIEBEL: We did get one recently for two years. Okay. So you think two years is going to be sufficient?

JOHN CASTELLANI: I was just interested in time.

BILL OLIVER: No. I have a very serious question. Because it happened to a person I know who bought a property, not from you people, but from another builder, and his sign was on that property, and the man came back after he sold the property to the person stating that he had a variance to keep that sign on that property although it was not his property any more.

JOHN CASTELLANI: This is existing property that is owned by another person that he is renting.

BILL OLIVER: I know. But I am saying I want the sign gone after the property is sold.

JOHN CASTELLANI: It has to be after two years.

MR. DeLANEY: You're saying if the homeowner that we're going to be renting the property from, if he sells his property, then you want the sign removed?

DAN MELVILLE: Unless you have permission from the new homeowner.

MR. DeLANEY: Unless they grant permission for them to have the sign there.

JOHN CASTELLANI: You're thinking about one of the lots that they own. This is not -- this is on a property owned by a guy on King Road that they're paying for.

BILL OLIVER: I just want it clarified for.

DAN MELVILLE: Wasn't Bill (Oliver) saying if that guy is allowing them to have this sign there sold that house to someone new, does the new owner have to allow that sign --

JOHN CASTELLANI: What they can do is a lot of time the builder sells the sign, the permanent sign as part of the lot and it is up to that homeowner to maintain it. That is not the case here.

BILL OLIVER: I just wanted to clarify that. That is okay. That is the only question I had.

BEVERLY GRIEBEL: It is not really on their property. It is on an existing --

MR. DeLANEY: Correct.

BEVERLY GRIEBEL: -- lot in the other --

MARY SPERR: And there are people living in that house.

MR. DeLANEY: The people live there, and they have signed the application saying they have granted permission. We have come to an agreement with them.

BEVERLY GRIEBEL: That is the notarized signature that is on here?

MR. DeLANEY: That's correct.

LARRY SMITH: I don't have any 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 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 condition:

1. Sign approved for a maximum of two years.

The following finding of fact was cited:

1. Temporary sign needed to located a new home subdivision.

The meeting ended at 8:49 p.m.

A meeting of the Chili Zoning Board of Appeals was held on May 16, 2000 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: John Castellani, Dan Melville, Gerry Hendrickson, 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 are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, 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: Application 6, Ken Stein is not going to be heard this evening. It was on the agenda pending approval of the site plan at the Planning Board and that has not been approved.

So I would ask for a motion to table that until our June 27th meeting at 7 o'clock, and that will be heard pending site plan approval again at the June 13th Planning Board meeting.

DAN MELVILLE: So moved.

The Board all voted yes on the motion.

BEVERLY GRIEBEL: That is tabled. If anyone was here to make any comments on that application, we will not be hearing that at all. If you are here for that and want to check next month, you can call the Building Department sometime a day or two before the meeting to see if that is going to be remaining on the agenda.

The signs. I was out Saturday, the 13th. Saturday just past. I did not have a problem with any signs.

GERRY HENDRICKSON: Right. Me neither.

BEVERLY GRIEBEL: Anyone have a problem with the signs?

JOHN CASTELLANI: No problem.

The Board indicated they had no problems with the application notification signs.

1. Application of Anthony Ottaviani, Tremors Sports Bar, 1509 Scottsville Road, Rochester, New York 14623, property owner: Arthur Stock; for variance to allow a 9' x 5' double-faced addition to freestanding sign at property located at 1509 Scottsville Road in G.I. zone.

Anthony Ottaviani was present to represent the application.

Larry Smith arrived to the meeting.

MR. OTTAVIANI: Good evening. I'm the owner of Tremors Nightclub. This is Bob Meister. He has been the Property Manager with the building since 1963.

Our proposal is to put a sign underneath our existing sign, removable letter to just -- for band purposes and promotional purposes.

We have done a major landscaping job in front of the building. We put a 3 foot retaining wall by the sign. We put flowering spyrria in the flower bed itself. We have done a lot of remodeling to the front of the building to enhance the building. The letters are actually the color of the existing sign. Everything is very neat and orderly. We would just like to keep the sign on the premises.

BEVERLY GRIEBEL: Is this a sign that is already in place there?

MR. OTTAVIANI: Yes, it is. The dilemma with this was -- the sign -- when I took over

the building, the sign was already there. Um, we -- when we initially put in the application to do the renovations to the building when I had taken it over, we had put the other sign up, the Tremors sign. I did not know that I needed the variance for the other sign, and as soon as the Town contacted us and let us know that we needed the variance I applied for the application, because it was already existing prior, the old sign. Not the new Tremors sign that is up there now.

DAN MELVILLE: Is that illuminated, that sign?

MR. OTTAVIANI: Yes, it is.

DAN MELVILLE: I don't think I have any other questions at this time.

JOHN CASTELLANI: Is the address on that -- the address of your building on that sign?

MR. OTTAVIANI: No, it is not.

JOHN CASTELLANI: We're kind of asking everybody to do that.

MR. OTTAVIANI: That's not a problem.

BEVERLY GRIEBEL: It is the Town regulation to have the street number on it, and we're trying to get people to put up the number because it is hard to find some other locations. You're looking for a number and can't find any other frame of reference, so --

MR. OTTAVIANI: I can put it in the corner so it would be illuminated so people could see it when they're driving down the road.

BEVERLY GRIEBEL: It would help your customers, too.

MR. OTTAVIANI: Wouldn't be a problem.

GERRY HENDRICKSON: I did see the sign. The sign does look quite attractive the way I look at it.

MR. OTTAVIANI: It does. We did a lot of improvements to the front. It really does look nice.

BEVERLY GRIEBEL: Dressed it up.

LARRY SMITH: No problems.

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 the following condition:

1. Street numbers to be added to each side of the sign face.

The following finding of fact was cited:

1. Applicant described need to advertise events.

Note: A sign permit is required.

2. Application of Richard Walker, owner; 41 Pinewood Knoll, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 5' from side lot line (8' req.) at property located at 41 Pinewood Knoll in R-1-15 zone.

Richard Walker was present to represent the application.

MR. WALKER: Evening. The shed that I want to build is a 10 by 12. It will be vinyl sided, architectural shingles on a cement slab, and it should be an attractive building. The reason that I applied for the variance, the -- the required 8 foot was that I have a built-in pool with a fence around it, and it leaves me 20 feet on the corner of my lot, and if you take the 20 feet and you put a 10 foot wide shed, it leaves 5 on each side, not crowding the pool fence, and then my neighbor -- it's a corner lot.

That -- that is why I wanted to put it over there, because I got Ashwood Knoll to the south and Pinewood Knoll my house faces, so I thought that would be the best place to put it, and I have a row of pine trees to the rear that obstructs the view of the shed, if it -- you know, from my neighbor behind me, and then they -- my neighbor to the north of me, his lot line, he has a -- he

has three pine trees, and I talked to them, and they didn't seem to have any problem with it because of the way I maintain my property.

BEVERLY GRIEBEL: That was what I was going to ask you, how your neighbor felt. I was out in the backyard. It was a little wet after all of the rain.

MR. WALKER: Right.

BEVERLY GRIEBEL: And he has an aboveground pool with a deck, and he kind of uses another part of his property. He probably doesn't use too much way back there where the shed is going to be.

MR. WALKER: No. I talked to him and his wife. I didn't know it was necessary to bring people that were in favor, but I -- I wouldn't have applied for the variance if they didn't -- if they disapproved of it.

BEVERLY GRIEBEL: Well, they can protest. It is always nicer of people to talk with the neighbors to see if there is any problem.

MR. WALKER: I did. I talked to the person to the rear of the shed, too.

BEVERLY GRIEBEL: That is going to be covered. Those pines are really growing in back there.

MR. WALKER: Another reason was if I put it behind my pool, between the pine trees and the pool fence, it would be hard to really use it. You know, to open up the doors, it would crowd the shed between the pool fence, and I didn't think that would be right either.

BILL OLIVER: I have one question. This shed, is it going to be on a concrete base?

MR. WALKER: Yes. I will have a contractor pour a --

BILL OLIVER: Concrete base under it. That will make it a permanent structure then. That means it will have to go on the tax rolls. If it was a -- if it was just a wood structure -- am I right in saying that?

LARRY SMITH: I didn't hear you with your hand in front of your face.

BILL OLIVER: I asked if he was going to have a concrete base.

LARRY SMITH: He said he was doing it on a slab during his presentation.

BILL OLIVER: I didn't hear that part. Okay.

BEVERLY GRIEBEL: Does that change the taxability of it?

KEITH O'TOOLE: No.

LARRY SMITH: No.

BILL OLIVER: I thought that put it on the tax rolls.

LARRY SMITH: It will be on anyway, if it is on wood or slab, it doesn't change a thing.

BILL OLIVER: It is on the tax rolls anyway, oh, okay. Then I stand corrected.

KEITH O'TOOLE: Utility sheds have a diminutive impact on assessment.

DAN MELVILLE: Will you run electric out to that?

MR. WALKER: Yes. I will run a conduit out there.

DAN MELVILLE: What will you use it for, storage?

MR. WALKER: Just going to be for my lawn mower and my snow blower, garden tools and my pool supplies. Fertilizer.

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. Site is the most logical placement for the shed.
2. No impact on neighboring properties.

Note: A building permit is required.

3. Application of Chili Animal Care, owner; 3388 Chili Avenue, Rochester, New York 14624 for variance to erect a 4' x 2'5" double-faced freestanding sign placed on front lot line (20' req.)

at property located at 3388 Chili Avenue in G.B. zone.

Henry Schroeder was present to represent the application.

MR. SCHROEDER: Henry Schroeder, one of the owners of the business.

BEVERLY GRIEBEL: Henry Schroeder?

MR. SCHROEDER: Schroeder, yes. The reason we're moving the sign is the present one needs to be replaced and is not legible any more.

That sign is not on our property, but it was grandfathered in. So we're trying to move it to a place on the property where it still can be seen from the road and -- for business, we decided we would like to move it on the property, underneath the trees that are there. It is a nice-looking sign.

But if I set it at 20 foot, it will be on the edge of my parking lot, which you won't be able to see it because of the large maples there.

BEVERLY GRIEBEL: You have the trees and bushes there.

MR. SCHROEDER: So I figured if we put it right on the edge of the property line, it will still be a considerable distance back from the road from where the present one is, but it will be visible for the clients coming up and down the road.

BEVERLY GRIEBEL: So the present one is not even on your property?

MR. SCHROEDER: That is the way we bought the property. We have a variance for the parking that goes over the lot line a little bit, but that property is up for sale anyway and we might have to move the sign off of where it is right now.

BEVERLY GRIEBEL: Most likely. Strange things happen. Maybe that was all done with a tape map.

MR. SCHROEDER: I don't know. The neighbors did that. We were out there before, and he said it has always been like that.

DAN MELVILLE: Is that going to be illuminated, the sign?

MR. SCHROEDER: It -- I would like eventually to illuminate it. It will be sort of like what is done with the Town, facing on it.

DAN MELVILLE: It is hard to see it at night.

MR. SCHROEDER: We're looking to illuminate it.

DAN MELVILLE: You had numbers already on it.

MR. SCHROEDER: It is for the business -- they need to know where it is.

JOHN CASTELLANI: The existing sign, even though off your property, is sitting at the same --

MR. SCHROEDER: Distance? No.

JOHN CASTELLANI: -- distance as the one you're talking about?

MR. SCHROEDER: The sign that is there already is 6 feet toward the road more.

JOHN CASTELLANI: I know that, but I mean as far as road to edge of sign, it is about the same parallel, isn't it?

MR. SCHROEDER: Parallel to the road? It should be back further than that.

BEVERLY GRIEBEL: So you're not on your property. You're on the right-of-way with the other sign?

MR. SCHROEDER: Yes. This sign would be just inside the property line.

JOHN CASTELLANI: Just inside. That is what I was talking about.

MR. SCHROEDER: I was trying to get it inside my property, but not near the parking lot.

JOHN CASTELLANI: I would hope you could illuminate it. It is hard to see at night, especially the wintertime.

GERRY HENDRICKSON: No questions. I know the sign. It is needed.

LARRY SMITH: No problems. It is an attractive sign.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: This went to Monroe County Planning and came back as a local matter, which means we can make a decision on 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 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. Sign needed to locate the business when the old sign is removed.

Note: A sign permit is required.

4. Application of Arthur Brown, owner, 6 College Drive, North Chili, New York 14514 for variance to allow existing dwelling with deck to be 18' from rear lot line (32' previously approved) at property located at 6 College Drive in R-1-15 zone.

Arthur Brown was present to represent the application.

MR. BROWN: Arthur Brown, who along with my wife Sylvia own 6 College Drive.

In 1985, Pearce Memorial Church, who at the time owned this house, applied for a variance for an addition on it, and received a variance to put an addition on that would take it 32 feet away from the property line.

In 1996, we purchased the house from Pearce Memorial Church, and at that time, discovered that there were some things that needed to be taken care of, including a certificate of compliance, which the Church was able to secure before the sale of the property, and then just this year, because of a change in my work, we're moving out of state.

We put the house on the market and got ready to sell it only to discover that when the map was done back in 1985, it was a tape location map, and actually the addition is about 3 feet closer to the line than it was supposed to be.

So we come asking for a variance to make legal the fact that the addition was put on, and we understand that back then it wasn't necessary to have variance in terms of the deck, but there is a 10 foot deck, and that is why we ask for within 18 feet of the property, including the deck. So we're not asking to change anything, but we're asking that this -- a variance would be provided for this.

I have with me this evening a Paul Crole, who is a real estate person who is very familiar with the community, and with your permission I would like him to speak in terms of what this does for the community.

And also my neighbor who is right next -- whose property is right next to ours and is most affected by this, Dr. David Robbins, and with your permission, I would like him also to have an opportunity to speak.

BEVERLY GRIEBEL: All of the structures have been sitting there for a while. You haven't been bothering anybody, but then all of a sudden you come to sell --

MR. BROWN: It was a bit of a shock.

BEVERLY GRIEBEL: It can be. I don't really have any question about it. We get these quite frequently. We frequently get them when something is up for sale, and when there is an instrument survey versus a tape map. On this I guess it wasn't a stretchy tape or whatever. It is just whatever changed or something pre-dated the code or something of that sort. I don't know if we need the other speakers.

Let's see if we have any questions on it.

GERRY HENDRICKSON: No questions.

JOHN CASTELLANI: No. I know what is going on.

BILL OLIVER: No. This is standard.

RICHARD PERRY: No.

DAN MELVILLE: No questions.

KEITH O'TOOLE: For the record, since I represent the buyer on this transaction, I have no comment.

LARRY SMITH: No problems.

BEVERLY GRIEBEL: This is a kind of thing we frequently get.

DAN MELVILLE: Another client.

KEITH O'TOOLE: I have two now.

LARRY SMITH: He overcharges both.

(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: We don't need to hear anybody else. That is pretty clean cut. So you're waiting to close on it right now? It is just waiting for this?  
MR. BROWN: Yes. Thank you very much.

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 no conditions, and the following findings of fact were cited:

1. Pre-existing, non-conforming structure.
  2. No impact on neighboring properties.
  3. No change in the character of the neighborhood.
5. Application of Michael Mesiti, owner, 24 Irvington Drive, North Chili, New York 14514 for variance to erect an open porch to be 41 1/2' from front lot line (60' req.) at property located at 24 Irvington Drive in R-1-15 zone.

Michael Mesiti was present to represent the application.

MR. MESITI: Good evening. Michael Mesiti. I'm applying for a variance to erect an open porch, just a -- basically a roof over the front entrance of my house at 24 Irvington Drive. It will be setting on a concrete -- existing concrete slab porch -- porch area. Um, typical construction, shingled roof. 41 1/2 feet from the front line.

BEVERLY GRIEBEL: You will have a little protection from the elements at your front door.

MR. MESITI: Yes, that will be nice.

BEVERLY GRIEBEL: It will -- 60 feet required, and --

JOHN CASTELLANI: The house is 46.

BEVERLY GRIEBEL: The house is 46 1/2.

JOHN CASTELLANI: It is a preexisting, nonconforming.

DAN MELVILLE: Are you sure about the 41 1/2?

MR. MESITI: Yeah. It's pretty accurate.

DAN MELVILLE: I mean, you don't want to have it checked out later and find out that it is not, you know -- and then you have to come back again.

MR. MESITI: So I can't come any closer than that to the road then?

DAN MELVILLE: Well, I just wanted to make sure you're sure on the measurement.

MR. MESITI: Yes. I looked on the plans. It is pretty accurate.

GERRY HENDRICKSON: I have no questions -- except one, yes. It will fit in between those two trees?

MR. MESITI: Yes. I was looking to get those out of there, because they're pretty expensive to remove.

GERRY HENDRICKSON: It will fit?

MR. MESITI: Oh, yeah. Eventually those will come out.

BEVERLY GRIEBEL: One thing at a time.

MR. MESITI: Yeah, that's true.

LARRY SMITH: A construction question here. Your drawing of the porch shows a distance from the house to the edge of the porch as being 1 foot, 4 inches. Is that a true measurement?

MR. MESITI: Yeah, that was -- that was -- I was basically moving the -- moving the front door out a foot --

LARRY SMITH: So the existing door will be removed?

MR. MESITI: Correct.

LARRY SMITH: And the walls are going to be removed that are inside the small porch?

A meeting of the Chili Zoning Board of Appeals was held on June 27, 2000 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: 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: There was a tentative item on the agenda which was Ken's Neat Moving, and that was pending the approvals of the site plan at the Planning Board, and that process is not yet completed, so anyone that is here for that application this evening, that will not be heard. I don't know when that will be on the agenda. It is up to activity that happens at the Planning Board.

Before we begin, signs. I was out on Sunday, 6/18. Number 10, Joseph Briganti, Audabon Circle.

BILL OLIVER: I did not see a sign.

MARY SPERR: I did not either.

BILL OLIVER: No.

GERRY HENDRICKSON: No sign.

MARY SPERR: Corner lot there.

BEVERLY GRIEBEL: Is that applicant here tonight?

JOE HAYES

MR. HAYES: I'm the current homeowner of that. Recently it fell down and I did not put it back up.

BEVERLY GRIEBEL: Okay. The instructions that come with the sign --

MR. HAYES: I understand that.

BEVERLY GRIEBEL: So we'll have to table that application. We'll not be hearing that tonight.

MR. HAYES: Okay. And when can we come back again?

BEVERLY GRIEBEL: Well, we are going to table it to the July 25th meeting.

MR. HAYES: Okay.

BEVERLY GRIEBEL: You will get a letter in the mail. You have to get new signs at the Building Department. They must be posted for at least ten days before the meeting. If they get torn down or whatever, put them back up. If they are gone, you get new ones. They must be up for that period of time.

MR. HAYES: Okay.

BEVERLY GRIEBEL: I made a motion to table that to July 25th at 7.

GERRY HENDRICKSON: Seconded the motion.

RICHARD PERRY: I did not on Sunday morning see a sign for Number 13 or for Number 2.

MARY SPERR: I saw them.

BEVERLY GRIEBEL: 13 -- I was okay on the rest of them.

JOHN CASTELLANI: This is up by the church.

GERRY HENDRICKSON: 13 was there. It was on the corner.

MARY SPERR: It is right on the road on 2.

GERRY HENDRICKSON: 2 was there, yes.

MARY SPERR: They put a temporary gravel drive in.

BEVERLY GRIEBEL: I went around one day and looked at all of them, so I am trying

to remember. I had to turn around and go back a couple of times.

1. Application of AMF Olympic Lanes, c/o Empire Forster Signs, 2340 Brighton Henrietta TL Road, Rochester, New York 14623 for variance to erect a 12' x 7'2" double-faced freestanding sign on front lot line (20' req.) at property located at 1350 Scottsville Road in G.B. zone.

Sandy VanKamp was present to represent the application.

MS. VANKAMP: Sandy VanKamp, and I'm with Empire Forster Signs and Awnings and I'm here representing AMT and David Ross, specifically.

Currently existing on the site are several hundred feet of awning with several hundred feet of brackets in addition to one existing roadside sign. AMF has recently undergone considerable renovations in the interior of the building giving the public a modern site to enjoy bowling.

They're now undergoing an exterior renovation. The existing awning is being recovered, recovered with a somewhat limited 61-square-foot of graphics. Signage at roadside currently exists, one small pylon side in need of upgrading and considerable repair. Scottsville Road has grown rapidly in the last three years. The buildings and surrounding have been upgraded in stature. Olympic Bowl would like to add to the positive nature of the community.

They would also like to become the thriving center they once were, home of the Lilac City Tournament, one of the prestigious tournaments bringing notoriety and considerable increases in business to the area. Bowlers travel from all over the country to participate. Recently Olympic lost ability to host the tournament. The rejuvenation and exterior appearance of the building will go a lot in making the Bowling Association take another look at Olympic as home of the event.

The sign you see before you, this is the existing sign that is out on the site.

BEVERLY GRIEBEL: We have little --

MS. VANKAMP: That is the new one being proposed (indicating). As you can see, that is the existing sign, and it recently doesn't do an awful lot for the community.

BEVERLY GRIEBEL: It is looking pretty grim.

MS. VANKAMP: And the new one that we're proposing, I believe you all have a copy of that, is the national approved sign for AMF headquarters. It allows for easy reading and an information center so the public can be informed of upcoming events, and an information panel that also let's them know billiards are available, another draw for family entertainment.

Actually, I remember when I was a kid coming up to Olympic Bowl from Clifton Springs, believe it or not, because there wasn't a lot down there. To see this in the State -- even though the interior is quite beautiful, the exterior is in a great need. I think between recovering the canopy and the new proposed pylon, Olympic can thrive and become a great, very big asset to your community. Not that it is not already a nice asset, but it could be a better one.

DAN MELVILLE: One of the questions I had was the -- they're showing 8 foot from the ground, I guess, to the bottom sign where it says "billiards." Is that up high enough for cars pulling out, the visual on there so they can see someone pulling out? It is fairly close to one of the exits there.

MS. VANKAMP: It is close to the exit. However, there is not a lot of visual hindrances coming either way from the road. I would be willing to do another study to make sure that -- if that was a definite concern. If we needed to elevate that some, we would take another look at that. It does have a little bit of a decline in the elevation of the landscaping there, so it might be possible that we may need to raise that just a little bit.

DAN MELVILLE: That's all I have.

RICHARD PERRY: I don't see an address on there, and that is one of the things that the Board is trying to do, make sure an address is on there for identification.

MS. VANKAMP: The only thing on there now is "Scottsville Road," in the lower right-hand corner.

RICHARD PERRY: We would ask that you put the address --

MS. VANKAMP: Oh, on the sign itself.

DAN MELVILLE: The number.

JOHN CASTELLANI: Or on the leg.

MS. VANKAMP: Okay. That's a good idea.

RICHARD PERRY: It is a lighted sign?

MS. VANKAMP: Internally illuminated, double-sided.

RICHARD PERRY: Will it be on all night or a timer?

MR. ROSS: The plan would be for it to be on a timer to be shut off at a reasonable hour after the business closes.

My name is David Ross, I'm the District Manager for AMF Bowling Centers in New York.

BILL OLIVER: When do you close?

MR. ROSS: Normally we shut the signs off an hour after closing. Closing during the week is between 11:30 and 12, whenever the business reduces. On Friday and Saturday night, closing is 2 o'clock.

BILL OLIVER: This sign here, now, she mentioned this is a standard sign, which is approved by the AMF; is this what we're saying? Is there a contractor that does all these signs for you, or do you solicit one in the area at the time it is put up?

MS. VANKAMP: Being a representative of Empire --

BILL OLIVER: Oh, Empire is putting it up.

MS. VANKAMP: Yes.

BILL OLIVER: As far as being attached in the ground here (indicating), I see nothing here showing me how it is fastened.

MS. VANKAMP: It would be a poured footer around the base and the engineers would actually do an engineered drawing of it, which I would be glad to submit --

BILL OLIVER: The reason I am saying, it doesn't show me here (indicating). It would be nice to know how it would be fastened.

MS. VANKAMP: I didn't realize it was a requirement. That is usually done at preproduction. Once it has gone through the variance, it goes to preproduction and then all of the fine details of construction are generated on a new drawing that I could gladly submit to you.

BILL OLIVER: I just wanted to bring it out because it has not been shown.

BEVERLY GRIEBEL: Is that something you would point out?

LARRY SMITH: Yes. The County has been trying to develop guidelines for signs around the airport. They have been trying to eliminate the tall signs and go with monument-type signs, so that is something to take into consideration. This is 20-foot up in the air. It is something to take into consideration.

DAN MELVILLE: But we do have airport approval on this?

KEITH O'TOOLE: We have airport approval as to the height in relation to the flight path.

MS. VANKAMP: My personal opinion in this area, I mean monument signs could be done, but I don't think it would be as nearly effective or appropriate for this type of business. I think the major impact would be with a pylon sign. Number 1, the building is 300 and some odd feet long, and a monument sign would be dwarfed in nature, and it would be almost like not putting one up unless you made it very long, and then we would exceed square footage.

LARRY SMITH: To remark on that, next to that structure RG&E is building their training facility. They will just have a sign on their building sitting back quite far. They will not have any roadside signs, so there wouldn't be many signs competing with this business along that stretch of road.

MS. VANKAMP: I don't really think that the competition, excuse me, is the problem with the sign. As far as competition for signage, I think the competition is with the massive amount of land and open spaces around it. Number 1, it will be set down in because of the setback from the road -- the driveway -- as you said before, you thought it should be higher. I would tend to agree it is either at the right height or should be higher for safety, people driving by, being able to make a predetermination of their access into the driveway ahead of time so you could make a safe turn. RG&E does not have public participation to the degree that it is a place people go for entertainment. It is mostly a business during-the-day-type of access situation. Olympic is open weekends and nights, and it is an entirely different type of business.

JOHN CASTELLANI: This is really a 19' 8 1/4" sign.

MS. VANKAMP: Overall height. That includes the overall truss work.

JOHN CASTELLANI: When did we stop counting legs on the signs?

LARRY SMITH: In discussions with the attorney, we did about a year ago. It is basically the sign itself. Rectangled out.

KEITH O'TOOLE: We box out all of the signage. That would include the removable letter portion as well as the other portion of the --

JOHN CASTELLANI: I know in the past we always used the legs.

KEITH O'TOOLE: That is for square footage. Certainly the height provisions still apply.

JOHN CASTELLANI: What kind of landscaping will you do around this sign, any?

MS. VANKAMP: We have not been engaged in that at this point. I'm not sure.

MR. ROSS: There's no immediate plan to change the landscaping there now. It is a grassed area where the sign is.

JOHN CASTELLANI: Remaining the same?

MR. ROSS: Remaining the same.

JOHN CASTELLANI: Old sign comes down, new signs go up in the same spot, same landscaping.

BEVERLY GRIEBEL: How high is the present sign -- how far off the ground is that? You just have two thin poles.

MR. ROSS: I don't have the exact measurements.

MS. VANKAMP: I was going to, but I did not get that before I came.

MR. ROSS: To be honest, I don't have it with me. I don't know what the exact measurements are.

MS. VANKAMP: I don't think it is much different because in just retrospect, and I went to look at it, I was well beneath the box and I'm 5' 6", so if I add that with the box, I would say my guess is 15, maybe more. But that could be incorrect.

LARRY SMITH: What are you asking, Bev (Griebel)?

MARY SPERR: The height of the current sign.

JOHN CASTELLANI: Do you have a record of that?

BEVERLY GRIEBEL: It has been there a long time. It may well predate the records. It looks like it may be a comparable size.

MS. VANKAMP: I think you're correct. I think it is somewhat comparable, a little easier to read because there is not as much busy nature to the signage. Trying to spread it out.

BEVERLY GRIEBEL: People can pick it out because as they go past -- it is a busy road sometimes.

MS. VANKAMP: That is a very big concern with signage, yes.

BEVERLY GRIEBEL: In the dark of winter, that is another problem.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SCOTT BOYCE, Watertown, New York.

MR. BOYCE: I'm here for another case.

BEVERLY GRIEBEL: How do you spell your name?

MR. BOYCE: B-o-y-c-e. On behalf of AMF, I'm an avid bowler myself. I know from the north country there are a lot of bowlers up here every year for the Lilac City Tournament. We plan our vacations, everything to come for the Lilac City Tournament. We spend a lot of money when we come to the bowling tournaments and there are a lot of people up north dying for Olympic Bowl to do the Lilac Tournament again. We're not happy with the present conditions of the Lilac City Tournament at any of the bowls they go to.

I know from years of being on Scottsville Road, you have 390 right there, and if anything can help these people coming off 390 looking for Brunswick Bowl, Olympic Lanes, to me, it would be really an asset to helping them get there without having to get confused, get lost. At nighttime -- granted during the daytime you can see Olympic Bowl. At nighttime you can't. Even the sign they have up there now is not that great of a sign to catch -- a lot of people wind up going by it and they have to turn around. Scottsville Road is not the road where you want to get turned around on because the traffic is so heavy there -- so something that helps them, this is the place, this is where you want to be, that would help them quite a bit.

BEVERLY GRIEBEL: This looks like it could be seen from a distance.

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 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 condition:

1. Add street numbers to each face of the sign either on sign itself or on the supports.

The following finding of fact was cited:

1. The new lighted sign will help identify business on a busy roadway.

Note: A sign permit is required.

2. Application of James Marshall, owner, 25 Da Vinci Drive, Rochester, New York 14624 for variance to erect an attached garage to be 1,125 sq. ft. (900 sq. ft. allowed) at property located at 425 Stottle Road in A.C. zone.

Rob Fitzgerald was present to represent the application.

MR. FITZGERALD: Good evening. My name is Rob Fitzgerald. I'm a project engineer with of Avery Bonnerwith Engineers. I'm here tonight representing James Marshall. I have some architectural renderings I would like to pass out.

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

MR. FITZGERALD: A couple of issues I would like to point out, this is a side-low garage. The house will also be built on a 5-acre parcel. The front setback is over 300 feet. I believe it is 313 from the right-of-way line and the side setback is 108 feet, so it is by far above the standard size lot.

BEVERLY GRIEBEL: It is 5.4-acre parcel.

MR. FITZGERALD: Yes, that's correct.

BEVERLY GRIEBEL: Now, the additional space, what does the applicant need that for?

MR. FITZGERALD: Well, they basically want an oversized garage so they can maneuver around their vehicles.

BEVERLY GRIEBEL: A big lawn mower maybe?

MR. FITZGERALD: Sure, and a little storage space, as well.

GERRY HENDRICKSON: Do you go back the other end of the property, to the road back there?

MR. FITZGERALD: Yes. Are you asking how far back the property extends? Um, I guess I can't answer that off the top of my head.

GERRY HENDRICKSON: I was there Sunday walking through there. I'm just up the street a ways.

James Marshall was also present to represent the application.

MR. MARSHALL: Can I speak? I'm James Marshall. I own the property. Actually we need that additional space. Now we're maintaining a 5 1/2-acre lot. I do own a four-wheel drive pickup truck with a plow. I'm going to have to have a large tractor to maintain that large of a property and I would like to be able to lock my stuff indoors, and I do go behind that hedge row -- if I may approach it here (indicating).

Do you have a site map?

MARY SPERR: This one right here (indicating).

MR. MARSHALL: I have a hedge row here (indicating). I go back 158 feet. There is a hedge row here (indicating). I want it as natural as possible coming in here (indicating). This will all be maintained the same, all wild in here (indicating). I have a hay lot going back 850 feet deep, so I would like -- like Rob (Fitzgerald) said, we're going to end load it.

BILL OLIVER: Can you put it on the bulletin board so others can see it?

BEVERLY GRIEBEL: If anyone in the audience wants to walk up to take a look at it.

MR. MARSHALL: I guess that's about all I have to say.

BEVERLY GRIEBEL: Does that answer the question, Gerry (Hendrickson), about the hedge row?

GERRY HENDRICKSON: Yes, yes.

MARY SPERR: I don't have any questions at this point. I just want to listen to what else they have to say.

JOHN CASTELLANI: Your application indicates that you need handicapped accessibility?

MR. MARSHALL: Yes. My wife had two hip replacements and I have had back surgery. So down the road, we would like to have a little extra room if we had to get a van. We put in

8-foot doors so if we have a handicapped van in the future, that we can just unload in the garage and use the entrance in the garage to get into the house.

JOHN CASTELLANI: The reason I brought that up is you didn't bring that out in your explanation. It is an important thing to have in the minutes.

MR. MARSHALL: That is why we're building a ranch house, trying to get everything on one level.

JOHN CASTELLANI: That is all I have. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TOM VANDERMEID

MR. VANDERMEID: Tom VanDermeid, V-a-n-D-e-r-m-e-i-d. I have not seen the property as far as how it sits on the property.

BEVERLY GRIEBEL: Do you want to come up and take a look?

MR. VANDERMEID: My main question is why do they have to be 8 feet from the property line when the requirement is 50? When you have 5 acres of land, it seems unusual that you need to be --

JOHN CASTELLANI: It is not 8 feet.

MR. FITZGERALD: I either misspoke or you misheard me. Our side setback is 108 feet.

BEVERLY GRIEBEL: It is not here for setbacks. It is here for the oversized garage.

MARY SPERR: That is the Goforth -- I did the same thing. The one that wants to be 8 foot from the side line -- if you want to hang in there, it is the application of Michael Goforth. I did the same thing. There are two of them on Stottle Road. His will be coming up shortly.

MR. VANDERMEID: I'm sorry.

MARY SPERR: I did the same thing at first. It is a different lot.

MR. VANDERMEID: You said Stottle Road. That rang a bell.

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. Applicant showed need for an oversized garage on a large lot.
3. Application of Mr. & Mrs. Frank Tedesco, owner; 19 Tarrytown Drive, Rochester, New York 14624 for variance to allow existing 8' x 9' deck to be 50' from front lot line (60' req.) at property located at 19 Tarrytown Drive in R-1-12 zone.

Frank Tedesco was present to represent the application.

MR. TEDESCO: Good evening. I'm Frank Tedesco. Our application is just for the -- as it says, for the deck, just to cover a front stoop on the house. The stoop was -- when I first bought the house, it was painted green and had the first porch that was a sidewalk. It is becoming very unsightly with paint chipping and starting to crack. I just wanted to cover what was there existing with the deck. I didn't realize that I was going in the setback, because I thought I'm just covering something that is already there; it is existing.

BEVERLY GRIEBEL: When you kind of build it new, we have to get the official approval on it.

MR. TEDESCO: I know. It was my mistake.

MARY SPERR: It looks nice.

MR. TEDESCO: Thank you.

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 no conditions, and the following finding of fact was cited:

1. The front deck enhances the appearance of the home.

Note: A building permit is required.

4. Application of George Lipppa, owner; 13 Hitree Lane, Rochester, New York 14624 for variance to erect an 8' x 20' 1/2' addition to garage to be 53' from front lot line (60' req.) at property located at 13 Hitree Lane in R-1-15 zone.

George Lipppa was present to represent the application.

MR. LIPPPA: My name is George Lipppa. I live at 13 High Tree Lane.

The original project that started is the roof on my garage sags about 6 1/2 inches, so that has to all be ripped off and redone.

And in the process of doing that, the walls on the garage have bowed out about 4 1/2 inches, so I have to have that done. In the process of doing that, I wanted to extend the front facial part out. Actually I asked for 8 feet. It will be more like 6 1/2 feet. I don't want to overpower the front of the house. One reason is I want to store my snow blower in there facing straight out so if I park it in there in front of my car, I don't have to back it out and jog it to come out.

The construction for the roof is going -- I don't think I need a variance for that, but the builder told me if I wanted to change the front of the house, now is the time to do it. It would be the cheapest at this point.

BEVERLY GRIEBEL: To add on a little bit?

MR. LIPPPA: Yes.

BEVERLY GRIEBEL: Now, the requirement is 60 feet. You were just barely 61.2.

MR. LIPPPA: Yep.

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 infringement on neighboring properties.

5. Application of Marla Sugar, owner; 183 Morgan Road, Scottsville, New York 14546 for variance to erect a 25' x 28' addition to house to be 80' from front lot line (100' req.) at property located at 183 Morgan Road in A.C. zone.

Mike DePhillips was present to represent the application.

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

MR. DePHILLIPS: My name is Mike DePhillips, part owner of the house with Marla Sugar. We would like to put on the addition to give us a large master bedroom, make a family room below in the lower level, which would be the basement, and it would give us some room to create a dining room in the house. As it says, we would be 80 feet from the property line at the front, and we would be going no closer than the original house on the sides.

BEVERLY GRIEBEL: Why did you pick the front rather than the back?

MR. DePHILLIPS: Septic system. This still leaves us room in the front for a new septic system.

BEVERLY GRIEBEL: You can't build over that in the back, so... When you look at a

line drawn here (indicating), you see all that room in the backyard, but that won't work.

GERRY HENDRICKSON: No. I have no questions. I know the area.

JOHN CASTELLANI: Have you had any comments from your neighbors?

MR. DePHILLIPS: We spoke to them all. Glad to see none of them showed up.

JOHN CASTELLANI: I guess that makes it safe.

DAN MELVILLE: The septic system answered my question.

MR. DePHILLIPS: We would have preferred to do it in the back.

BEVERLY GRIEBEL: Or sometimes if there is a kitchen at the back and you want to extend off a bedroom and the room plan just doesn't contribute to your preference, but a septic system...

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. This is the only practical siting due to the rear septic system.
6. Application of Michael Goforth, 24 Watchman Court, Rochester, New York 14624, property owner: Ernest Jones; for variance to erect a single-family dwelling to be 75' from front lot line (100' req.), 44' from side lot line (50' req.) variance for total square footage of garage area, including a 36' x 52' detached garage to be 2,400 sq. ft. (900 sq. ft. allowed), variance for garage to be 8' from side lot line (50' req.) at property located at 290 Stottle Road in PRD zone.

Michael Goforth was present to represent the application.

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

MR. GOFORTH: I'm Mike Goforth. This all stems from -- the property was already approved and has a pre-approved septic system on it, which is 116 feet from the side line. Typical ranch is 70 feet long. The one I propose to build is 52 feet, and it is an L shape. Going back 20 feet from the septic system puts it at 96 feet to start. The other end would end up at 44 feet. And then the barn is 36 feet wide, which pushes it back to the 8-foot on the side line. The reason for the setback on the house -- I'm asking for 75 feet instead of 100 feet is basically what is going to stick out is the garage. That will stick out beyond the 75-foot -- it will start at the 75-foot, beyond the 100-foot mark, and the whole property is on a hill. Everything runs downhill from there. Behind me is wetlands, so the further you get back, the more you get into the wetlands and you drop down. And in order to try to keep the barn up as high as I could, I set the barn at 30 feet behind the house. I staked it out. It seems to drop off pretty sharply after that, after that point.

BEVERLY GRIEBEL: So even though it looks like a large parcel, 11.3 acres, all of that is not usable. You have to place a septic system first, is that correct?

MR. GOFORTH: Right. I have a plan here that shows what the wetlands looks like. This isn't a site map.

JOHN CASTELLANI: Do you have a plan that shows the boundaries of the property?

MARY SPERR: It is hard for us to tell.

JOHN CASTELLANI: This is insufficient to make a decision on.

MR. GOFORTH: Yes, I do. This is for the entire division (indicating).

BILL OLIVER: Can you put it on the board? I'm sure the other gentleman that was interested in it --

JOHN CASTELLANI: I would like to take a look at it first.

MR. GOFORTH: This is for the entire subdivision (indicating). That other one, this lot is right here (indicating). If you kind of look at the other map, you see the one wetland (indicating). This wetland doesn't show up on that map (indicating). The buildable portion is right here

(indicating).

BEVERLY GRIEBEL: Okay. This all goes down to --

JOHN CASTELLANI: This is all wetlands here (indicating)?

MR. GOFORTH: Right.

BEVERLY GRIEBEL: So you're really limited. Okay.

MR. GOFORTH: The other thing, too, is they already had a septic system approved here at 116 feet from this side line (indicating). That is what pushes me that way, more than anything else.

GERRY HENDRICKSON: You're number 12, right?

MR. GOFORTH: Right.

GERRY HENDRICKSON: Who has this property right here (indicating)?

MR. GOFORTH: I don't know. This is not developed yet. Actually since this was done, this is divided down -- there is a 5-acre parcel -- it is not as large as it is now.

RICHARD PERRY: Is there a tree line on that border between 12 and 13?

MR. GOFORTH: This is another property right in here (indicating). This is a 100-foot wide lot, and there is a house there. It is a day care.

MARY SPERR: That is the day care. I was just thinking which one is that.

RICHARD PERRY: That has to be pretty close to the lot line then?

MR. GOFORTH: He has the typical -- he is probably 15 feet from his lot line. My barn would be up alongside him. My barn would be in like the backyard.

RICHARD PERRY: Have you talked with him about it?

MR. GOFORTH: Yes. He doesn't have a problem with that. I'm looking for approvals to buy the property. I haven't bought the property yet.

BEVERLY GRIEBEL: You want to be able to be sure you can build what you want.

JOHN CASTELLANI: This is --

BEVERLY GRIEBEL: There is another 100 foot, like this one (indicating).

MR. GOFORTH: I honestly don't know.

GERRY HENDRICKSON: There is the wetlands --

MR. GOFORTH: What does "Town lot" mean?

KEITH O'TOOLE: It is a surveyor's term. A big chunk of land.

JOHN CASTELLANI: It is only about 100 feet wide.

MR. GOFORTH: This one is exactly 100-foot wide.

JOHN CASTELLANI: This looks to be about the same (indicating).

MR. GOFORTH: That is not a lot line. The lot line is here (indicating).

MARY SPERR: That is totally unusable and everything you have to do has to go in here (indicating)?

MR. GOFORTH: This piece is wetland (indicating), and this piece is wetland (indicating). Everything goes downhill from this corner (indicating).

BEVERLY GRIEBEL: So you can only build here (indicating)?

MR. GOFORTH: Right. Another thing that happens here, too, is the road crests right about here (indicating). The sight line of distance to the driveway -- this is the furthest way you can get it.

BEVERLY GRIEBEL: Shall we have it hung up?

MR. GOFORTH: The other one you had is actually a site plan showing the front corner of the property.

BEVERLY GRIEBEL: Well, put this up and then anyone in the audience that wants to go over and look at it, go ahead.

The parcel size is 11.3 acres, but a lot of that is wetland.

The applicant showed some interested persons in the audience what he was planning to do.

BEVERLY GRIEBEL: We'll ask you to be seated now.

GERRY HENDRICKSON: I have no questions. I know what he is trying to do. I know the area.

MR. GOFORTH: One of the other considerations was the driveway. They wanted to keep the driveway as far south as possible, and that is because the road crests back beyond.

MARY SPERR: Does it crest there?

MR. GOFORTH: It crests back beyond the 100-foot lot. Actually, if you do get further down -- it ends up -- the road comes lower than my property, even with my property and then it

goes -- my property goes beneath it. Did I say that right?

MARY SPERR: We're following you.

RICHARD PERRY: The area that is kind of out there -- is that where the intended driveway is, the one open area where the sign is?

MR. GOFORTH: It is shown on the site map.

RICHARD PERRY: I'm trying to relay that to the opening of the trees where someone has driven in and out.

MR. GOFORTH: No. That is up further than that. They just got through hooking up the waterline for the neighbor across the road. That is why that was there. Actually, I have been in there. It is dangerous coming out of there.

MARY SPERR: The only concern I have, and it is hard to tell because there are no house drawings or barn drawings, while you say your neighbor has no problem with it, the size of that barn being 8 foot to the property would be my concern. You know, if you're going to put a monstrosity up -- have you showed the neighbor --

MR. GOFORTH: I haven't actually come up with a plan for the barn yet. I was hoping to get this done first. I figured I would have to get a building permit.

MARY SPERR: It may be deceiving. I didn't mean I think it is not right, but it can be deceiving to put a large structure only 8 feet from the property line. They may not realize what effect it may have.

MR. GOFORTH: I'm planning on 12-foot walls.

MARY SPERR: That is my only concern about the plan. There is no other way you can move that. I see the curves of the drawing. There is no other way you can design that to be any less closer.

MR. GOFORTH: What I have proposed tonight is for a 52-foot long house. If I can make the house narrower than it would be -- and I think so, I think I can make it a 50-foot house, making it 10 feet from the lot line. That would be done before I did any building.

MARY SPERR: That is my only concern, that a structure that large would be only 8 feet from a property line, which is not very much.

MR. GOFORTH: I want to do the site work in there, try to get some site work done. If at all possible, I want to push the barn back further, but I won't know that until I actually get a bulldozer in there. It is pretty hard to tell what -- guess on there. It is extremely overgrown in there.

MARY SPERR: I find it difficult to be able to make a decision on this tonight when you can't see what is going to go there. The plans you showed us earlier help because all we had to go by is this key (indicating). Just a comment.

GERRY HENDRICKSON: It used to be all cultivated farmland up through that small hedge row there.

BEVERLY GRIEBEL: I guess what this is is kind of a sketch plan, because you're not going to go through whole big formal drawings if you're not going to buy the property.

MR. GOFORTH: Right. The other thing, as I said, I will know once I get the bulldozer in there to try to do the site work so I can find out exactly where everything is, and where it has to be.

MARY SPERR: Now you're planning to have a -- what do they call that, area for horses? Is that what the barn is for?

MR. GOFORTH: No. I have a 27-foot motor home, which is getting pretty well damaged, and a Gold Wing motorcycle and a trailer for the motorcycle and now a Farm-All tractor.

JOHN CASTELLANI: So it is, in fact, really a detached garage and not a barn.

MR. GOFORTH: It is a barn because the motor home is going in there.

JOHN CASTELLANI: Based on usage?

MR. GOFORTH: Right.

MARY SPERR: That answers it. I was wondering if that area was for horses. If that may be another reason why you can't move the barn.

MR. GOFORTH: That is the other reason, is that the driveway goes into there.

JOHN CASTELLANI: This is an awful lot of variance requests --

MR. GOFORTH: Yes, I realize that.

JOHN CASTELLANI: -- for somebody who doesn't even own the property, okay, without a plan on paper for anybody to look at.

MR. GOFORTH: But do you understand that I don't want to buy the property if I can't

build my project?

JOHN CASTELLANI: You have to understand I don't want to give you the variance without seeing something worthwhile so I can make a decision.

MR. GOFORTH: What more do you need?

JOHN CASTELLANI: I want to see a plan where you are going to put the house, where are you going to put the barn, measurements from the side, measurements from the front.

MR. GOFORTH: It is on that site plan.

JOHN CASTELLANI: Really?

BEVERLY GRIEBEL: Next page.

MR. GOFORTH: The site plan. That was a portion of the actual site plan that was drawn --

JOHN CASTELLANI: This is insufficient. I'm telling you.

MARY SPERR: What he is referring to is it is hand drawn without precise measurements.

If you look at some of the other paperwork that comes into it --

JOHN CASTELLANI: I'm going to pass. I don't have any more comments.

MR. GOFORTH: I can show you the original drawing that was taken off of. That is just a Xerox copy with the --

JOHN CASTELLANI: I know you want to protect yourself, but you're trying to get us to make a decision on information not clear to everybody. What will wind up happening is we'll make a decision and you will wind up coming back in here because it changes, and then you're going to pay the money all over again and we're going to come back at you and say, look, we gave you all these variances --

MR. GOFORTH: I'm asking here for a worse-case situation which is 8 foot to the lot line.

JOHN CASTELLANI: Then you can't come back for a year anyway.

MR. GOFORTH: I would not come back --

JOHN CASTELLANI: You see what I am getting at? There is not enough information for me. Maybe other Board members have a better perception. I understand where you're coming from because you don't want to get into something without knowing you can put things up that you want. It is kind of a tug and a pull, but I'm just not comfortable with it. I thought I ought to let you know that.

MR. GOFORTH: I still have to go through the building permit and --

JOHN CASTELLANI: I understand that.

MR. GOFORTH: -- to get the surveyors in to make sure things go where they got to go.

JOHN CASTELLANI: You have not even surveyed this really?

MR. GOFORTH: I haven't bought the property.

JOHN CASTELLANI: Nobody has surveyed this?

MR. GOFORTH: Probably not since '92 when this was originally drawn.

JOHN CASTELLANI: They were probably still using tape then. That is probably what they were still doing.

RICHARD PERRY: The barn, you mentioned the relationship to the house and next door.

MR. GOFORTH: Right.

RICHARD PERRY: Where would you say that the house is -- roughly parallel to where your house is going to be, and the barn --

MR. GOFORTH: My garage would stick out the front of his house, but the houses themselves would be parallel.

RICHARD PERRY: The barn would be some distance rearward of that?

MR. GOFORTH: Yes.

RICHARD PERRY: It won't be directly in their line of sight.

Is there anything between your house and your barn? A stand of trees or --

MR. GOFORTH: Yes. There are trees in there.

RICHARD PERRY: After you take them down, will there still be trees there to obscure the view?

MR. GOFORTH: I will keep as many as I can. The driveway also goes down through that side, so...

RICHARD PERRY: Right. Okay. Thank you.

MR. GOFORTH: As a matter of fact, my neighbor was hoping I would take more trees down.

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 findings of fact were cited:

1. Lot elevations and septic system location dictate placement of the structures.
  2. No registered objections from the adjacent neighbor.
7. Application of Mr. & Mrs. James Wheeler, owner, 34 Lamp Post Drive, Rochester, New York 14624 for variance to erect a 30' x 30' storage shed to be 900 sq. ft. (180 sq. ft. allowed) at property located at 34 Lamp Post Drive in R-1-15 zone.

James Wheeler was present to represent the application.

MR. WHEELER: Hi. I'm James Wheeler, homeowner at 34 Lamp Post Drive.

Before I begin, I would like to, if I may, approach. I would like to submit a letter that I have gotten from my neighbor and a picture of the building itself.

BEVERLY GRIEBEL: Okay. I have a copy --

DAN MELVILLE: We might have that letter.

JOHN CASTELLANI: Speidel?

MR. WHEELER: Yes. This is a picture of the building. The only difference is I want a regular overhead garage door and there won't be this thing here (indicating).

BEVERLY GRIEBEL: This is a picture of another one similar to what you want?

MR. WHEELER: Similar, that is correct.

BEVERLY GRIEBEL: What will you be storing in this large building?

MR. WHEELER: I would like to put my lawn equipment, pool equipment and the kids -- they have a play house similar to the one that is on that picture.

BEVERLY GRIEBEL: A play house. The little wooden one --

MR. WHEELER: The little play house in the front there that has a slide.

BEVERLY GRIEBEL: Now, 30 by 30 seems awfully big. There will be left over room in there.

MR. WHEELER: Yes. I own 2 1/2 acres of land there, and the Town has rights to my dry pond in the back. They also have a 36-inch culvert that runs up the north side of my property line. I believe that the building would enhance the property. It will be color schemed with the house, and I -- as I look at the sheds that are on the market, if you go for anything decent, it will cost you at least half of what this building would cost, and you probably would have to replace it in 10 years or 12 years down the road anyways, so I am looking to put up one building, a good building that will be comparable to the house and the neighborhood.

DAN MELVILLE: What else do you plan on doing with that shed? Will you do any repair work on cars or anything like that?

MR. WHEELER: As far as a business-type of thing, no. There would be nothing of that nature, no.

DAN MELVILLE: Will there be electric run out to that?

MR. WHEELER: I would like to run electric, yes.

DAN MELVILLE: Will it have a concrete floor?

MR. WHEELER: Yes, it is.

BILL OLIVER: The only question I have, looking at the size of the building, you won't be putting sewers in that building?

MR. WHEELER: No.

BILL OLIVER: No sewer lines or anything of that nature?

MR. WHEELER: No.

BILL OLIVER: You see where I am coming from?

MR. WHEELER: Yes.

JOHN CASTELLANI: Will this be part of a dressing room, also for the pool?

MR. WHEELER: I will have an open porch.

JOHN CASTELLANI: You can use it as a dressing area --

MR. WHEELER: It won't be enclosed at all. That will be an open porch.

BEVERLY GRIEBEL: I still want to know what else you will put in the building. It seems like you could do it with a smaller size building, to put in what you said you are going to put in.

MR. WHEELER: Well, I have my work benches, my tools. I would like to store all that stuff in there to work on the lawn equipment. Eventually I would like to -- once my lawn mower goes, I would like to get a little bit bigger tractor of some sort to maintain the property, to clean the property and keep it looking decent also.

BEVERLY GRIEBEL: Now, normally a shed is -- 180 square feet is allowed. This is 900 square feet.

LARRY SMITH: Bev (Griebel), do you have a copy of that letter written by a Steven Speidel?

BEVERLY GRIEBEL: Yes. But I'm still trying to get an answer to my question. Mrs. Wheeler?

MRS. WHEELER: Just so you know where I am coming from with this, he has a John Deere dealership in our garage. In the summertime, I don't have use of the garage because of all of his equipment that he has out there. So between -- he has two push mowers, his riding lawn mower. Any John Deere equipment that you can possibly think of, he has it in the garage, and he does have quite a few pieces of equipment there.

BEVERLY GRIEBEL: Is this all for use on the yard?

MR. WHEELER: Yes.

MRS. WHEELER: Yes. He has always wanted it. When we lived in our other house in Gates, he wanted a larger yard. There are three women in the house, and he needs a place to escape to.

MARY SPERR: Now you're giving the right answer.

MRS. WHEELER: Plus the bigger they get, the bigger the toys. The porch on the side would be a concession for us, so we would have something for the pool. That is what I get, the porch part of it.

BEVERLY GRIEBEL: There is definitely a concern with a larger shed as to what is going to be done with that. I was going to ask if you would put your RV in there.

MRS. WHEELER: It won't fit.

MR. WHEELER: The RV we have is presently 30-foot long. It won't fit in this building. It is presently up for sale.

BEVERLY GRIEBEL: I don't know if this gentleman is here, Steven Speidel.

No one responded.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: This letter is addressed to me dated June 23rd. Mr. Speidel. I believe he is your next door neighbor. "I reside at 32 Lamp Post Drive. I'm asking you tonight to approve the application"..."for variance to recollect a 30 by 30 foot storage shed. As the neighbor, I had many concerns, but after much thought, I feel it would not have any negative outcomes to our circle. We are at the end of Lamp Post Drive and no one is behind us. How nice it is that we live in a free country and have the right to pursue our dreams. The Wheeler family has chosen Chili to start their dream. I feel that this shed would only add value to their property. Also give more freedom of storage space and enhance their new home. I would ask that tonight the Chili Zoning Board of Appeals approve this variance"

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. The applicant and wife expressed the need for increased storage.
8. Application of Mr. & Mr. William Amering, owner, 375 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 26' x 34' two-story detached garage to be 1,768 sq. ft. (900 sq. ft. allowed), variance for garage to be 6' from side lot line (10' req.) at property located at 375 Chestnut Ridge Road in R-1-15 zone.

William Amering was present to represent the application.

MR. AMERING: Good evening. I just want to build a new garage on the -- our house is probably one of the original houses on Chestnut Ridge. It is real close to the road. Um, the house is on a pie-shaped lot, with the house being towards the point of the pie. We just want to take the garage to the opposite side of the house, put it as far back as possible and we do have a series of 15, 18 trees along the side of the house where the new driveway is now. We would like a turn-around in front of the garage, because across from our front of our house, they put a new street, Sunset Hill, and it is difficult to get in and out of the driveway several times of the day, especially at night with all of the soccer going on at Davis Park, and on the weekends. It is easier to point out than trying to back out.

Just looking for like a two-car garage with an area to put a garden tractor, a couple of lawn mowers, lawn equipment and storage up above.

BEVERLY GRIEBEL: Storage on the second floor?

MR. AMERING: Yes. We don't have a lot of storage in the house right now. We have a basement that you can't stand straight up in, so that is kind of difficult, too.

BEVERLY GRIEBEL: It is kind of hard to go down to look for something.

MR. AMERING: Yep.

BEVERLY GRIEBEL: Now, the 8-foot variance on the back, could you put the garage a little closer to the street?

MR. AMERING: Then you are coming into the back of the house, and where the trees are on the other side of the garage, and then the back lot is just an open field with a few apple trees in it. It is probably, I'm guessing, a 4-acre lot. No houses anywhere close to it.

BEVERLY GRIEBEL: Is something going to be built on there, or who owns that?

MR. AMERING: The guy next door. It is just an old apple orchard.

JOHN CASTELLANI: Is that his?

MR. AMERING: No. That is the next house down. I can't think of the name of the people.

JOHN CASTELLANI: The little white house?

MR. AMERING: Right, right.

BEVERLY GRIEBEL: Well, we'll have some questions, but Gerry (Hendrickson) --

GERRY HENDRICKSON: No, I have no questions.

MARY SPERR: Okay. Your existing garage, everything stays. This is just an addition?

MR. AMERING: Right, for now.

MARY SPERR: I don't have any other questions at this time.

JOHN CASTELLANI: What will you do with the existing garage? Right now you have a pipe in there so -- I know you got pipe in there so you can't use the driveway.

MR. AMERING: Well, I'm a pipe fitter by trade. I do have tools, fittings, material.

BEVERLY GRIEBEL: In there?

MARY SPERR: So you will leave it in there?

MR. AMERING: It is just scrap stuff.

JOHN CASTELLANI: You said you would use this for storage, but you have that whole other garage.

MR. AMERING: I'm saying the upper part of the garage would be nice storage for the other half of the family.

JOHN CASTELLANI: It will not be living space?

MR. AMERING: No. Absolutely not.

JOHN CASTELLANI: Now, your driveway is currently on the other side of the house, so essentially you will be making a right turn when you go --

MR. AMERING: No. We had to get a permit to put the driveway in on the other side of the house with the County. I'm guessing four to five years ago now.

JOHN CASTELLANI: That is what I mean.

MR. AMERING: That will just go right straight back. Nothing will be behind the house.

JOHN CASTELLANI: How will you enter this one, on the right side of your current garage?

MR. AMERING: As you're looking at the house, it would be on your left side, right?

JOHN CASTELLANI: Right. On the left side.

MR. AMERING: Right.

JOHN CASTELLANI: Which is where the driveway is today?

MR. AMERING: Right. The gravel driveway.

JOHN CASTELLANI: If I'm looking at this -- okay. See the shape of the lot -- the shape of the lot was throwing me off. I see. Never mind.

BEVERLY GRIEBEL: The existing garage and the existing shed are kind of not looking too great. Are those going to go?

MR. AMERING: The existing sheds are just actually old chicken coops.

BEVERLY GRIEBEL: Will they be removed, the existing shed and the garage?

MR. AMERING: The existing garage can go away, because it is so close -- that garage in the back is 4 feet off the lot line, and it is probably one car length to the front of the house, to the street, so that is actually like a haphazard, so to speak.

BEVERLY GRIEBEL: Is that going to be demolished?

MR. AMERING: It can be. I have no problem taking that down at all. I have no problem taking that down at all.

BEVERLY GRIEBEL: How about the existing shed?

MR. AMERING: Um, they kind of go with the land. They have been there as long as we have been there. They have probably been there as long as the original owners have been there.

LARRY SMITH: They're nice looking. They're little chicken coops.

MR. AMERING: We used to have chickens, and the neighbors used to comment on how nice it was to hear a rooster in the middle of the morning. Then the kids would go along and sell them the eggs, you know.

BEVERLY GRIEBEL: It is looking kind of unkempt, the back there with all of the stuff. I would like to see both of those gone, the existing garage and the existing shed. Because the idea of this new garage is you will have some storage space.

GERRY HENDRICKSON: But if he wants to have chickens --

MR. AMERING: It is also a play house for the kids, too.

BEVERLY GRIEBEL: That might be a condition. If that were a condition --

MR. AMERING: It is also for the kids. They like to play in those older sheds, too.

BEVERLY GRIEBEL: Well, maybe little kids. Do you have little kids that play in there?

MR. AMERING: We got two of them still home.

BEVERLY GRIEBEL: How old are they?

MR. AMERING: Early teenagers.

BEVERLY GRIEBEL: Well, that is something we'll definitely discuss. That might be a condition.

MRS. AMERING: May I speak? My name is Joi Amering. We have been in the house 22 years. Those sheds have probably been there who knows how long. They're on the separate -- they're really over to the side where the extra lot is. What is unkempt? He just put a new roof on one of them. What are you saying, you want us to redecorate it in some way?

BEVERLY GRIEBEL: It doesn't look very appealing.

MRS. AMERING: To who?

BEVERLY GRIEBEL: To me. That is my personal opinion. I don't know how the rest of the Board feels about it.

MRS. AMERING: We haven't had any complaints from the neighborhood.

BEVERLY GRIEBEL: Well, that's my feeling on it. I'm not sure what the rest of the Board is going to determine. That might be a condition.

MRS. AMERING: I don't want to commit to taking those sheds out of there. I don't want to commit to taking the old garage down either because I know you could never put anything like that back on the lot, and there -- like he said, he has a lot of tools and junk that I do not want see in the brand new garage.

BEVERLY GRIEBEL: Tools that you use at home?

MR. AMERING: Side jobs.

MRS. AMERING: It is just accumulation of a lot of stuff over the years.

BEVERLY GRIEBEL: Is that allowed?

LARRY SMITH: Sure, it is.

MRS. AMERING: Scrap pipes and toolboxes.

BEVERLY GRIEBEL: He uses them on the job.

LARRY SMITH: He is not operating a business out of there if that is what you're trying to get out of there.

MR. AMERING: Usually whatever I do is for free.

LARRY SMITH: I have never had any complaints or anything.

BEVERLY GRIEBEL: Well, I just expressed my personal opinion.

MRS. AMERING: That garage that is standing still, what I had hoped is that he would tear off the side shed that has his tractor in it, take it back to the original and repaint it or whitewash it and -- he was thinking of repairing the roof. He has a tarp over it right now, and just keeping it as a catchall for a lot of his junk so it doesn't end up in the nice garage. I would like to keep the new garage -- like he said, for storage of things we can't keep in the house. We have a very damp basement.

MARY SPERR: Personally, I know what she is talking about, because we have the same problem. We can't keep things in a basement, and when you don't have it -- you take it for granted when you do have it. It makes a difference. So I know exactly what they're saying.

MRS. AMERING: We would hate to give it up. If he wants to tear it down in a year or two, maybe seeing what we can fit in the new garage and go from there. I realize you have to pay taxes on any existing structures on the property.

BEVERLY GRIEBEL: Okay. Well, I have spoken my peace.

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. The applicant expressed need for garage and storage on the property.
9. Application of Eleanor Cornish, owner, 2654 Chili Avenue, Rochester, New York 14524 for variance to erect an attached garage and addition to house to be 5' from side lot line (10' req.) at property located at 2654 Chili Avenue in R-1-15 zone.

Eleanor Cornish was present to represent the application.

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

MS. CORNISH: Good evening. I'm Eleanor Cornish. My house currently has a carport which is quite inefficient because the entrance to the house is on the other side, and this winter when I broke my foot, I really did not appreciate the entire set-up for getting in and out of my house in the winter. That sidewalk is always icy.

What I want is a garage, and it can only be a one-car garage because the space is extremely limited there. It is -- I didn't realize -- well, when my husband passed away, I had to move in a hurry, and I didn't ask questions about requirements for things like that. I was told when I bought the house, well, you know, you can always put a garage and I accepted that, and -- I took the house and there I was. When I looked into it, I realize there is a lot of stipulations about how far you can go over to your lot line. In this case, in order to be able to have one at all, I really need the variance because -- with this, I will just be able to open the car doors.

At the very front we would like it a little wider so I can put my snow blower there so in the winter I can take the snow blower out. In the process of building the garage, I want an entrance into my kitchen so in the winter I can come in the garage, put my groceries in the kitchen and I will be happy living there.

BEVERLY GRIEBEL: I think we'll note for the record that on the side where the garage would be, the adjacent property is the apartment complex.

MS. CORNISH: It is their dumpster and their parking lot and it is a short thoroughfare for

them, their children, their bicycles and skateboards and mischief, which my garage would eliminate about 99 percent.

BEVERLY GRIEBEL: You would have things undercover that they couldn't pick up. The other side is the real estate office.

MS. CORNISH: I spoke with both my neighbors, Tim, Mr. Gomez and the lady next door. They both came over and both think it is a wonderful idea. As long as I wouldn't do away with the rose garden, they had no problems with it.

MARY SPERR: That looks really nice.

RICHARD PERRY: Kind of a question for Larry (Smith). If there is already a variance for the carport being 3 feet from the lot line, if she needed an extra foot or 2, how much difference would it make is she can open her car door fully?

LARRY SMITH: She can't get any closer than 4 feet by State code.

RICHARD PERRY: So she has an extra foot if she were to ask to amend it?

LARRY SMITH: Get her all you can, but she can't be closer than 4 feet.

BEVERLY GRIEBEL: We could allow you to amend it to 4 feet.

DAN MELVILLE: Did you want to amend that application?

MS. CORNISH: Yes, I would. Does that mean I have to go through the whole process?

BEVERLY GRIEBEL: No.

MS. CORNISH: Oh, thank you.

BEVERLY GRIEBEL: If you built it and it were 4 feet when the building was completed and you hadn't gotten the approval, you would have to come back for the 1-foot addition. We'll save you that.

MS. CORNISH: I'll be careful.

MARY SPERR: Do it all now.

RICHARD PERRY: Just be a 16th of an inch shorter. Who will build it for you?

Eric Dickerson was also present to represent the application.

MR. DICKERSON: I live at 22 Buffalo Street. I'm a friend of her son's.

MS. CORNISH: Eric (Dickerson) is also a carpenter who does wonderful work and he works professionally for the Brockport School District and builds buildings for them.

RICHARD PERRY: Thank you. I was just trying to establish how it would be built.

BILL OLIVER: I see you will add a second floor to the house above the garage.

MS. CORNISH: Yes. I need storage.

MARY SPERR: Do you have drawings?

MR. DICKERSON: Yes.

BILL OLIVER: That will be living space, bedroom?

MS. CORNISH: It will be off my bedroom. It would be like closet and storage for my craft stuff. It would give me room so I could keep house because that house isn't as nearly as big inside as it looks outside.

JOHN CASTELLANI: Your application says you will take the carport down.

MS. CORNISH: Yes.

JOHN CASTELLANI: Neighbors pleased with that?

MS. CORNISH: It really doesn't do much.

MARY SPERR: I just wanted to see if they had any drawings, and he showed them to us. I think it will look very nice.

MS. CORNISH: It will give the house personality and won't be plain.

MARY SPERR: I know the garden is nice. I pulled into the realtor's office because you can't pull over on Chili Avenue.

BEVERLY GRIEBEL: It is tough sometimes.

Do you need those now or later?

LARRY SMITH: He will have to submit a complete set when he comes in for a building permit.

BEVERLY GRIEBEL: He can take these back and work on them if it is all approved.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SCOTT BOYCE

MR. BOYCE: Again, Watertown, New York. Just on behalf of my mother, I am the son

of Mrs. Cornish here. You know, with safety precautions, with her breaking her foot, when she does go around the house, it is dark, and with the kids next door from the apartment complex, they're not under control. They have broken down her fence. This garage with the door inside allows her to get in the garage, shut the door, lights on, she is in her room and she doesn't have to worry about who is sneaking around in the bushes waiting to attack her when she comes around the corner.

I live in Watertown. Her other children live in Florida. It is real tough for somebody to run around the corner and check up to see how dear old mom is doing. On behalf of my brothers and sisters, we want to ensure safety.

As for storage space, my mother is a craftmatic person. She loves crafts, and if you see her bedroom, her spare bedroom upstairs, you can't walk in it because it is wall to wall to wall of --

BEVERLY GRIEBEL: Family secrets?

MR. BOYCE: Yes.

MS. CORNISH: You have said enough, Scott (Boyce).

MR. BOYCE: The storage space will allow --

BEVERLY GRIEBEL: Some of us are collectors. We need room.

MR. BOYCE: That's all I got.

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 a need for an enclosed garage with direct entrance into the house.
  
10. Application of Mr. & Mrs. Joseph Briganti, owner, 1 Audabon Circle, Rochester, New York 14624 for variance to allow an existing utility shed to be 5 1/2' from rear lot line (8' req.) at property located at 1 Audabon Circle in R-1-12 zone.

DECISION: Unanimously tabled by a vote of 7 yes to table for the following reason:

1. Applicant failed to post the required sign.

Note: Applicant to obtain new sign at the Building Department to post and maintain as per Town regulations. Applicant must be present for the public hearing.

11. Application of Jean D'Acquisto, 116 Knights Trail, Rochester, New York 14624, property owner: M/M John Eaton, for variance to erect a second dwelling (temporary modular dwelling) on property located at 116 Knights Trail in R-1-15 zone.

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

Mitchell Chait was present to represent the application.

MR. CHAIT: Good evening. My name is Mitchell Chait. C-h-a-i-t is the spelling of the last name. I'm an attorney here on behalf of Ms. D'Acquisto.

I believe the Board has a copy of the instrument survey map to the property at 116 Knights Trail.

Attached to it is an outline of the proposed elder cottage and the dimensions thereto. The property at 116 Knights Trail is presently owned by Ms. D'Acquisto's daughter-in-law and son-in-law, Mr. and Mrs. John Eaton who are here this evening.

As the application indicated, the dwelling is of a temporary modular nature. I believe the Board has the brochures from the company in Lancaster, Pennsylvania that has designed these

types of cottages. If not, we do have extra copies.

As I indicated, it is prefab-type housing. It can be removed. I believe the location of the proposed dwelling is the least obtrusive as far as the surrounding neighbors are concerned, and also as far as the owners who would be most affected by the cottage, which would be the Eatons themselves. So I will let Mrs. D'Acquisto answer any specific questions the Board may have at this time.

MS. D'ACQUISTO: I'm Jean D'Acquisto and I am presently living with my daughter and son-in-law, having just sold my home in Penfield. I was widowed four years ago, and they were living with me for a while, and now I'm with them until I can hopefully put this ECHO Concept, it is called, from Pennsylvania, which stands for Elder Cottage Housing. They are, oh, advanced by New York State Department of Housing -- I have put a letter in your folders. There are several located in Ithaca as well as Albany. There aren't any that I know of in Rochester yet as of this time.

The style that I want is a two-bedroom area with living room and kitchen and bathroom and storage area. It runs about 816 square feet, I think.

I did just this past weekend -- my daughter and I did go to Ithaca to actually look at one of these homes and I do have some pictures that I can share. They're really very nice little cottages.

Ms. D'Acquisto passed the photographs around to the Board.

BEVERLY GRIEBEL: This is the size that you would want?

MS. D'ACQUISTO: This is very, very similar. This is a little bit smaller. This one is about 716 square feet.

I also have a series of pictures -- I was standing in the area of my daughter's backyard where the cottage is to go, and I faced in all different directions so you could see.

BEVERLY GRIEBEL: A panoramic?

MS. D'ACQUISTO: Right. Exactly. Of what people would view from their backyards as far as where the cottage would go. There are a line of trees in the backyard and so on.

DAN MELVILLE: You say this is a temporary structure.

MS. D'ACQUISTO: Yes. This is the whole idea of the --

DAN MELVILLE: Will there be a basement?

MS. D'ACQUISTO: No. It will be on footings so it can be removed upon my death.

DAN MELVILLE: Plumbing to it?

MS. D'ACQUISTO: All of the utilities will be attached to John and Michelle's house. They do offer me choices as far as the siding of the house to correlate with Michelle's house. They also give you roof choices, coloring choices as well as carpeting. All of the appliances also come with the house, which include just the refrigerator and stove. There is no dishwasher.

RICHARD PERRY: This looks like it would be situated approximately 11 feet from the lot line; is that correct?

MS. D'ACQUISTO: Wherever the garage would be, there is an existing garage and existing shed, and mine would go right in between, so it would not encroach any further onto the lot line.

RICHARD PERRY: It would be at least the 11 feet, 7 inches that the existing garage is from the lot line?

MS. D'ACQUISTO: That's correct.

BILL OLIVER: I guess the question that is going to stick in a lot of our minds is why didn't your children add onto their home rather than having another dwelling?

MS. D'ACQUISTO: They were very willing to do that. I was not in favor of that for several reasons. One of which is upon my death, they would still have this unit and it would not be used and they would have to be paying taxes, et cetera, on an addition that would not be of use to them.

Also, I felt that if this unit was attached, that maybe she would be able -- some day would figure she could rent it out, and I didn't want her feel she had to do that in order to make use of the addition. But she was willing to do that.

JOHN CASTELLANI: There is a converse to that. Our concern is that the Building Department doesn't know that on your demise, how many college students are going to live there afterwards.

MS. D'ACQUISTO: I have seven children. They're all married.

JOHN CASTELLANI: So there is a flip side to that.

MS. D'ACQUISTO: They're all married with their own homes. I have 17 grandchildren. I doubt very much that they would be there. My husband was someone who was in very, very good health, retired from Kodak, and always took very good care of himself until he was diagnosed with cancer and in six months he was gone, so we don't know how long I would be able to stay in the house.

JOHN CASTELLANI: Of the ones you saw in Ithaca, how many were on home sites with other --

MS. D'ACQUISTO: This is the only other one I did see.

JOHN CASTELLANI: With another single-family home similar to this?

MS. D'ACQUISTO: That's correct. That is basically what these were developed for, is to put them on a relative's piece of property, so that they are in close proximity to someone that would watch them and take care of them and so on.

JOHN CASTELLANI: As I looked at the brochure, it appeared it was creating its own community more than --

MS. D'ACQUISTO: That can be the case. They can use them as a little community, but they were developed to put on a backyard of a relative's home.

MARY SPERR: Yes. We have a couple of letters on record, but in one of them it did state that the property had been given a variance for an addition to that home, and I just wanted to get clarification on that.

LARRY SMITH: You have no record of any variance. That letter to me is incorrect.

MARY SPERR: Okay.

BEVERLY GRIEBEL: This is modular. Is it delivered in one piece?

MS. D'ACQUISTO: No. It is delivered in two pieces and assembled on the property.

BEVERLY GRIEBEL: And to remove it, the same thing would happen, it would be separated into two?

MS. D'ACQUISTO: That's correct.

BEVERLY GRIEBEL: There wouldn't be a huge truck and crane or anything?

MS. D'ACQUISTO: I honestly don't know what it involves to get it up here. I know it is on a flatbed, brought up in two pieces.

DAN MELVILLE: My other question is what do you do with it when you will not use it any more?

MS. D'ACQUISTO: I would sell it, have my children sell it. I understand there are a lot of people who are interested in in-law apartments, that kind of thing, that would probably be very interested in it.

JOHN CASTELLANI: Well, there is a definite concern of this being a circumvention of the trailer concept.

MS. D'ACQUISTO: I have to emphasize it is not a trailer.

JOHN CASTELLANI: I am sure you're going to hear people in the audience who are neighbors that are going to indicate, you know, this is a residential neighborhood. It is not a planned rural development area, or urban area where more than one house on one parcel of property is the norm. And, you know, people look at modules as they look at trailers.

MS. D'ACQUISTO: That is why I was really interested in going to see one over the weekend so I could bring pictures to show it does not in any way resemble --

JOHN CASTELLANI: It does not, but I am --

LARRY SMITH: I would like to address that modular concept. A modular home can go down the street. My house didn't. They're probably built better than a stick-built house on site.

JOHN CASTELLANI: Granted.

LARRY SMITH: The trailer concept and modular concept doesn't wash. A modular house is very well constructed. There is a two-story modular house on Paul Road and you have no idea it is a modular. The people across the street when they came in for approval said I don't want that damn trailer in my neighborhood. This damn trailer, two-story modular looks better than any house in that neighborhood.

MS. D'ACQUISTO: There was a piece in Sunday's paper on modular homes.

JOHN CASTELLANI: They say that is what is going to happen in the future. That stick-built houses will be something that is rare.

BEVERLY GRIEBEL: Just the finishing on site.

I know when the mother-in-law apartment so-called -- when that is an item that is approved by the Planning Board, it is usually done with the condition that when it is no longer needed for that use, it will revert to being part of the family home, and it could not be rented out, it would

not become another rental property. And if this Board approved that, we would have that same condition, that once the need was gone, that it would be removed within a certain time limit and could not be rented out.

MS. D'ACQUISTO: That's fine. That is the way I would want it.

MR. CHAIT: That would be acceptable.

BEVERLY GRIEBEL: That might be a concern of the neighbors. I think from the application, that is definitely your intent, to not until --

JOHN CASTELLANI: In-law additions are defined by the kitchen. Without a kitchen, it is just an addition.

BEVERLY GRIEBEL: Well, some homes have two kitchens and it is only one-family.

MARY SPERR: If her intent is to remove that upon her death, that is something you would put in as a condition.

BEVERLY GRIEBEL: Yes. When it ceases to be used for this use, we would want that -- with certain time frames. If approved, we could make that a condition.

LARRY SMITH: To answer your question, I don't know how the structure could be delivered without using a crane to lift it over the house.

KEITH O'TOOLE: There is no room on the side lot line. There is only 12 feet basically, and the house, even if you split it in half, would be 14 feet wide in sections. I would assume you would want more than 14 feet to slip the curve.

MS. D'ACQUISTO: I know that the developer of this told me that as soon as I got the variance, that he would come up and tell me exactly what was needed.

LARRY SMITH: I think he is going to say that.

MS. D'ACQUISTO: Over the house?

KEITH O'TOOLE: Usually modular sections are hauled in place by a crane.

BEVERLY GRIEBEL: That kind of activity is done by builders. I lived on a street where a big bathtub-type fiberglass pool was put in the backyard and you couldn't get in through the sides and it was craned over the house. That is something that the crane operators -- that is what they do.

KEITH O'TOOLE: Just a few things. Certainly if there doesn't seem to be enough space to slide it down the side and if they have to have the truck back there before they load it off the crane, it may be that they don't want to haul the unit over the existing house for insurance or whatever other reasons. Then certainly I think there should be some sort of easement put in place with the neighboring property because otherwise when it comes time to move it out of there, if there is a change of ownership or conflict between the neighbors, they won't be able to remove it and then it will be coming back here asking for a use variance, and I don't think that is in the Town's best interest.

DAN MELVILLE: Or tear it down.

KEITH O'TOOLE: Does the Town want to go get an injunction in State Supreme Court to have that happen? There is also the cost of removing it, and there is a question of will the funds be available to hire one of those large cranes, and they're not inexpensive, to have this thing hauled away.

The other thing is I don't think there is necessarily a market for these units down in Monroe County. Down in Thompkins County I understand the County is now buying these units on a PILOT project. The County can remove the units when the time comes because it has the wherewithal. So those are issues to consider.

BEVERLY GRIEBEL: If it couldn't be craned over the house, they would have to have an easement from a neighbor to utilize that adjacent property.

KEITH O'TOOLE: That would appear to be the case depending on how small the sections are, yes.

BEVERLY GRIEBEL: However they're split up, I don't know.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MICHELLE EATON, 116 Knights Trail

MS. EATON: I'm the owner of the house, Michelle Eaton, 116 Knights Trail. I just want to let you all know that when mom goes, which I don't want to happen, but it happens, we don't want to rent it out. Just so you know, it would be something that we would want, you know, gone. But obviously she is getting older and we want to be able to take care of her, and she has done so much for us, it is the least we can do for her.

ANTHONY PERETTA, 124 Knights Trail

MR. PERETTA: I'm against it. I don't think the modular home would look very good on a property, the environment we have in the neighborhood. And how do we know that someone else is not going also to do the same thing? It would devalue the property in the area by having things like that. And how do we know that the woman is going to tear the home down when she dies?

BEVERLY GRIEBEL: Well, if it were approved, that would be a condition.

MR. PERETTA: Well, I still don't think it would look good in the area. And I'm just here to voice my opinion. I'm against it.

BEVERLY GRIEBEL: Okay. Thank you, sir.

MRS. PERETTA, 124 Knights Trail

MS. PERETTA: I live at 124 Knights Trail. I just want to go back to what John Castellani said. These were one-family homes built there. That is all that exists. I mean, to put this in the backyard, it would just devalue our property. You know? I don't -- and I understand they have an in-law apartment. Although the Town -- Larry (Smith) says they don't --

LARRY SMITH: I don't have any record of any kind of approvals.

MRS. PERETTA: I understand there is an in-law apartment there.

MS. D'ACQUISTO: No, there is not.

LARRY SMITH: There has never been any application.

MRS. PERETTA: Maybe there was no application, whenever, who previously owned it, but...

BEVERLY GRIEBEL: That is not a part of the application tonight. We're not discussing what is in the house.

MRS. PERETTA: But just -- it just wouldn't seem right. They're all one-family homes all owned by one family, and to put something like this in a backyard, it just wouldn't look right. And the modular home -- I have seen modular homes. They're on separate properties. They're not on somebody's backyard. I have a nephew that has a modular home, and his sits by itself.

BEVERLY GRIEBEL: Well, this is a small cottage type.

MRS. PERETTA: Like she states, two bedrooms, a sitting room or whatever they call it, how could that all go into this one little thing?

MARY SPERR: Would you like to see?

MS. D'ACQUISTO: I have a picture.

BEVERLY GRIEBEL: The pictures -- and the floor plans.

LARRY SMITH: This structure is smaller than the garage the gentleman -- the previous applicant -- this structure is smaller than that garage.

MS. D'ACQUISTO: But...

MR. PERETTA: Well, the garage is probably 1,200 square feet.

UNIDENTIFIED SPEAKER: The garage was 900 square feet.

MR. PERETTA: How about the addition on the right side? There is a three-car garage.

TIMOTHY DOWNS, 12 Revere Drive

MR. DOWNS: I just want to voice my opposition to the whole thing.

My name is Tim Downs, D-o-w-n-s. I live at 12 Revere Drive which is the property behind this property.

And Ms. D'Acquisto was kind enough to drop off a copy of the plan. I studied it. I sent a letter to the Board. Do the members have it?

BEVERLY GRIEBEL: Yes. There are a couple of letters that I will read into the record.

MR. DOWNS: Okay. What can I say? We have no objection to the addition of space to the existing house. We do have a concern -- when I look at the drawings, I know that the garage extends towards my house. The modular unit goes behind it. So, you know, what I can I say?

Number one, I'm against separate housing on these lots, but if it is decided to do it, I'm really concerned about it being really specified very directly where it is going. I also have this concern that has already been voiced that, you know, what will be done to track it?

I guess the other thing is you can talk about temporary, but the fact is with life expectancy, temporary can be 20, 25 years.

Thank you.

RICHARD MARRIOTT, 10 Revere Drive

MR. MARRIOTT: My name is Richard Marriott. I live at 10 Revere Drive, which is located behind the proposed lot.

My initial impression is not a very good one. But I would like to see more details of what the neighbors intend to do. I mean, I have a sketch here, but it doesn't give me any distance between the present structures. It doesn't show a sidewalk or anything like that. I have a lot of questions about it. I also have the same kind of concerns that have already been raised about the setting of precedent in the neighborhood.

They have a wonderful lot there. The lot that I have is a little smaller compared to Mr. D'Acquisto's lot. Very nice lot. They certainly have a lot of space there, but still I feel that if something like this -- if a separate structure -- the part of it I think that is most troublesome to me is that they're proposing a separate structure. It is not in addition to the present structure, but a separate building. I think it is not in keeping with the neighborhood. I have never seen anything like that in a neighborhood. If it is there, I would like to know, but I haven't seen it. Basically I would like to see some more details about the dimensions and things like that. I have a sketch. If the Board has other --

BEVERLY GRIEBEL: Well, there's a sketch here if you want to come up and look. This shows it to be 6 feet away from the present structure.

MR. MARRIOTT: You have drawings I don't have.

BEVERLY GRIEBEL: That is 6 feet, situated directly behind the garage.

MARY SPERR: The next page shows it, too.

MR. MARRIOTT: What is the size of the building?

JOHN CASTELLANI: 34 by 23.

MR. MARRIOTT: 28 I see on the sketch.

JOHN CASTELLANI: 34 is the other dimension. It is the next page.

MR. MARRIOTT: Where are the sidewalks and the approaches part of it?

JOHN CASTELLANI: They're not on there.

MARY SPERR: We can ask.

MR. MARRIOTT: I think they may be looking for more space than they think they're showing right now by the time you put sidewalks in and some foundation plantings.

BEVERLY GRIEBEL: That is not part of the living space. A sidewalk is not part of the living space.

MR. MARRIOTT: But it is certainly included. Any kind of living space, you have to have sidewalks for an approach.

BEVERLY GRIEBEL: That is not part of the square footage.

JOHN CASTELLANI: You don't need a variance for a driveway that is next to the lot.

MR. MARRIOTT: Well, I would assume that you do need a sidewalk.

JOHN CASTELLANI: Oh, you're probably right.

MR. MARRIOTT: But it has to comply to your requirements, true?

BEVERLY GRIEBEL: We don't have sidewalk requirements.

JOHN CASTELLANI: They could put down paving blocks?

MR. MARRIOTT: It could be up to the neighbor's lot line?

JOHN CASTELLANI: They could put paving blocks along there.

BEVERLY GRIEBEL: They could have plantings and paving blocks. It is not part of the structure.

MR. MARRIOTT: Well, I guess I would need some more time to study this. But the way it is presented at the present time, I don't see why I would be in favor of it.

TOM BROKIOU

MR. BROKIOU: I am a realtor with Prudential Realty and encourage the Board to adopt this concept. More and more you see families taking in their parents. The way they have to do that is sell their home because they cannot remodel their home to fit this concept. This is perfect. It is a low-cost means for the children to get their parents back and help them. We're all getting old and it is nice to have family that says, "Mom, as long as you live, you have a spot here."

It is a good idea, and I would encourage you people to set the tone for this County.

Tom Brokiou, B-r-o-k-i-o-u.

GENE MEISTER

MR. MEISTER: Gene Meister. I'm a friend of theirs. I realize the problems you are

having here tonight and so forth, but to me you can't always just broadcast -- I realize this involves buildings rather than people, but these people here -- they're tremendous people, and I will tell you one thing about them. Whatever they do is top notch.

Now, when she sold her home in Penfield, which had nothing to do with Chili, the people that moved in that house, they didn't even have to dust. Those floors shined. The kids were very well behaved. Again, I know this has nothing to do with the building, but sometimes you can have all kinds of buildings going up, but it is very important in the Town of Chili especially, people are very important. They have a lot of their family that lives here in Chili. When they occupied their home in Penfield, it was really breathtaking. The pictures of her seven daughters and sons, wedding pictures.

But more importantly than that, if they were to get in there on Knights Trail, they would be a credit to the neighborhood. That place would not stand out like a sore thumb, let me tell you.

My grandfather Meister years ago had an expression. If somebody did something and it was sloppy and shabby or whatever, he used to call it a Huchsta (phonetic), a German term. I can assure you there would be no Huchsta (phonetic) on Knights Trail.

As far as modulars go, I'm not an expert on them, but I know they're top notch, double-wide, a trailer, whatever. Again, very, very important, it has got to be able to blend in with that neighborhood. It can't be just -- it is not just a building setting there. I'm not much of a speaker, but I just can't sit back and say nothing. I know these people.

Thanks a lot.

BEVERLY GRIEBEL: There are a couple of letters that came in from Joseph Miller at 121 Knights Trail in opposition to this application. It says, "The past owner of this property was given a variance approximately four years ago to add an addition to the home to house a second family."

Well, according to the Building Inspector, that wasn't in the records anywhere.

They consider this an unreasonable request to have two homes erected on the same lot.

"It does not matter to me that this would be a temporary dwelling, this still would constitute a second house on the same lot."

He is out of town, unable to attend, so he wanted to express his opinion in a letter.

And another letter from Mr. Downs on 12 Revere Drive. And it is pretty much what he said in his vocal comments.

FRAN SHANNON, 112 Knights Trail.

MS. SHANNON: I just have some concerns, and it is nothing personal, but things happen, God forbid, divorce, job transfers. I still am not satisfied that this wouldn't somehow down the road become a rental property. That is what I am concerned about.

BEVERLY GRIEBEL: That would not happen. It wouldn't be allowed. If this were approved by the Board, it would be with the condition that it would be temporary, and when the use that is asked for is no longer needed, it would have to be removed. And oftentimes when there is something like that, we hear from the neighbors that it is no longer needed.

MS. SHANNON: And who would enforce that?

BEVERLY GRIEBEL: The Building Department.

MS. SHANNON: And exactly how? If someone was in there that shouldn't be there, would they --

BEVERLY GRIEBEL: The Code Enforcement Officer would check that out and make a determination and either allow it to stay or ask that it be removed within a certain period of time. That is what the Building Department does, one of their things.

FRED SHANNON, 112 Knights Trail

MR. SHANNON: Fred Shannon. I live at 112 Knights Trail also.

First of all, I want to also say I'm glad we have great new neighbors. I happen to know one of their sisters. I teach school also in Gates-Chili. Their kids love our dog and anyone that can keep up with my dog is okay in my book. But I also have some concerns about the other structure. We have seen pictures where it goes and there is no indication as far as if it was approved and did go in, is there any kind of requirement for what type of landscaping. I know we talk about is the mother the only one that ever can live in this house? I mean, if they decide to have it in there and the house sells and the people buying the house have a parent coming with them, will then the structure stay there?

BEVERLY GRIEBEL: They would have to apply for it

MR. SHANNON: So then that would have to become a condition of the house.

JOHN CASTELLANI: Prior to the sale.

MR. SHANNON: But they apparent --

MARY SPERR: Prior to a sale they would have to come in and ask for a variance.

MR. SHANNON: That would have to be changed again. So something temporary could actually become something permanent then?

BEVERLY GRIEBEL: If the same use were --

JOHN CASTELLANI: In theory, yes.

MR. SHANNON: That is the concerns I have. We have been in the neighborhood 15 years now, and everything is a single-family, and I'm glad to see new neighbors in there, especially with kids. That keeps me employed, also.

But anyways, I just have some concerns because of the single dwellings in the neighborhood and stuff like that.

LARRY SMITH: Can I make a comment? These people are in here for a variance to allow two dwellings on the same lot. There are several -- there are not many houses or not many lots in Chili that have two dwellings on them. There are a few. I'm thinking of three that I know of right offhand.

That is what they're coming in for the variance for. They could move this structure 6 feet I think to the north, connect it to the rear garage and it would be an attached apartment, which I did suggest that they do.

BEVERLY GRIEBEL: That wouldn't need a variance?

LARRY SMITH: No.

JOHN CASTELLANI: Yes. It would need Planning Board action at that point. As an in-law apartment.

LARRY SMITH: But it would become a permanent structure. I have talked to a couple of people about these structures, and they are manufactured to remove upon the death of the occupant, and I'm sure our attorney can come up with some words of wisdom that would assure that this occurred. But like I said, if it was moved 6 feet to the north, all they would have to get is a conditional use permit and it would become a permanent structure.

BEVERLY GRIEBEL: To be there forever and ever, as long as they wanted it.

LARRY SMITH: I'm not trying to justify it, but that is what could happen very easily.

BEVERLY GRIEBEL: This, the way it is being placed, is temporary because of its placement.

ELLEN ORMANDY, 14 Revere Drive

MS. ORMANDY: Ellen Ormandy. I live at 14 Revere Drive which is kitty-corner in back. And I'm glad they're great neighbors there, too. But if they get this approved and five other neighbors want a modular home on their property -- because behind us they're much more generous backyards -- would the Town of Chili at some point say, "All right, there are already two, that is enough for this street" and --

BEVERLY GRIEBEL: Anyone can apply.

MS. ORMANDY: Yes, for real estate and to take care of your parents is a great idea, but we moved out from the city to the suburbs to have a little more space, and if it is okay on one lot and it is a great idea, will we become a congested urban area, looking, if everybody builds these great modular homes on the property?

BEVERLY GRIEBEL: I don't know what will happen, but anyone has the right to apply for a variance.

MARY SPERR: Each one stands on its own merit.

MS. ORMANDY: They wouldn't say --

MARY SPERR: Each one stands on its own merit. It doesn't set a precedent.

MR. MARRIOTT: I have one additional question. My name is Richard Marriott. I live at 10 Revere. I was just wondering if the D'Acquistos -- if they can come to the Town for help for alternatives and things like that. Mr. Smith suggested one alternative. I mean possibly --

BEVERLY GRIEBEL: They presented what their desire is tonight. They have presented what they want. They presented that to the Board. We can either approve it or deny it.

MR. MARRIOTT: I'm not questioning that, but I am trying to establish that maybe the D'Acquistos could look into some alternatives someplace, through --

LARRY SMITH: I did discuss three or four different alternatives with them.

MR. MARRIOTT: To help them -- to help them.

MARY SPERR: There were suggestions, and this is the one they chose and that is why they're here tonight.

MRS. PERETTA: I just want to ask the gentleman in the powder blue shirt that said he was a friend of theirs, now, where does he live?

MR. MEISTER: I tell you what --

BEVERLY GRIEBEL: Wait a minute. Stop.

RICHARD PERRY: Folks, please, that is irrelevant.

MRS. PERETTA: How would he like it?

MR. PERRY: That has nothing to do -- please sit down.

MARY SPERR: All questions have to be directed to the Chair.

MR. MEISTER: I'm sorry I spoke out.

RICHARD PERRY: Sir, would you please sit down. All right. That has no bearing.

MS. D'ACQUISTO: Could I just state that the whole idea is to be able to be removed. That is what I want. That is what will happen. You can be assured that it won't stay.

DECISION: Unanimously tabled until 7/25/00 at 7:00 p.m., by a vote of 7 yes to table for the following reason:

1. Information needs to be clarified by the applicant.

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

12. Application of Pearce Memorial Church, owner; 4322 Buffalo Road, North Chili, New York 14514 for variance to erect an addition to church to be 16' from side lot line (60' req. abutting a street), 5' from rear lot line (40' req.), variance to allow lot coverage of 44 percent (25 percent allowed) at property located at 4322 Buffalo Road in R-1-15 zone.

Jeff Bonnerwith was present to represent the application along with Kathryn Martin.

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

MR. BONNERWITH: Good evening. I'm Jeff Bonnerwith of Avery Bonnerwith Engineers and Land Surveyors and we're here before the Board tonight with the proposed expansion to the existing Pearce Memorial Church in North Chili. It is located at the northeast intersection of Orchard Street and Buffalo Road, and what we're requesting of the Board are various lot line setbacks, and lot coverage variance, as well.

On the drawing there on the board, the various phases which are proposed -- and I would point out that these are to be built simultaneously. They're different functions which is why they're phased.

The Phase 1 is kind of in the middle of -- Phase 1 will serve as the main entry into the church. It has got a walkway which is located approximately opposite of the parking lot, which is on the west side of Orchard Street. To the north and east of that are proposed classroom spaces. And to the north and west of Phase 1 is a large gathering hall we'll call it.

MS. MARTIN: Family Life Center.

MR. BONNERWITH: Family Life Center.

And basically the setbacks are such that from working with the College, you will see the church is positioned on the lot, and the only way you can expand is basically north. And because of the size of the buildings and their functions, what we have to do is create an internal lot line of resubdivision with the school, and we did that with the least amount of loss from the school. It is their wish to maintain that roadway, which we'll be realigning, and furthermore, we are trying to take the least amount of parking away from the school, as well. So those are the reasons why we're looking for those setback variances.

And the lot coverage is basically a resultant of the proposed footprints, and the area of the lot that we created.

BEVERLY GRIEBEL: I think with more coverage, the thing that comes to my mind is drainage. So I would imagine you would have expanded drainage here to take care of any problems.

MR. BONNERWITH: Yes. There is an ongoing project on the school's property for the proposed parking addition to take some of that drainage up to the northeast.

MARY SPERR: It is amazing what you can do with design and space.

BEVERLY GRIEBEL: We'll have fun watching it go up.

JOHN CASTELLANI: Jeff (Bonnerwith), it is really only Phase 2 that starts to encroach on the side setback, right?

MR. BONNERWITH: Yes, that's correct. And depending on how you want to interpret this, if they might be a rear or side setback, there is an angular lot line here (indicating), so we called those side and rear setbacks on the Phase 3. There (indicating) and there (indicating).

JOHN CASTELLANI: That is assuming you believe it is two entities, right?

MR. BONNERWITH: Correct.

JOHN CASTELLANI: But that is really -- it shouldn't have any impact on traffic, because you're well away from the corner.

MR. BONNERWITH: Correct.

JOHN CASTELLANI: I have no other questions.

BEVERLY GRIEBEL: It is very creative.

BILL OLIVER: The only one I see, on your application, the College has been informed, and I assume there is no one here that is going to object to it from the College.

MR. BONNERWITH: I hope not. Their signature should be on there as well, their representative.

BILL OLIVER: I can see it on the application. That is one of the main reasons why I asked that question.

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

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROBERT MUNGER, 4332 Buffalo Road

MR. MUNGER: Robert Munger, M-u-n-g-e-r.

JOHN CASTELLANI: Address?

MR. MUNGER: 4332 Buffalo Road.

Would all these be done together?

MR. BONNERWITH: Together. It would be one project.

MR. MUNGER: Would they be adding more parking space to the north, to the present, towards Carpenter Hall?

MR. BONNERWITH: This additional parking (indicating) is being provided because we're losing -- we're actually adding more parking up there, being more sensitive to the parking problems that have been around the school and college.

MR. MUNGER: Those trees along Orchard Street, will they be retained next to the building?

MR. BONNERWITH: Yes. Everything around the existing building will stay, and --

MR. MUNGER: New building.

MR. BONNERWITH: Correct. The new building has landscaping which will be new.

This has been presented to the Conservation Board as well along with a planting schedule, and that has been approved by the Town Conservation Board.

MR. MUNGER: The trees along Orchard Street would stay next to the building?

MR. BONNERWITH: These planters here (indicating) will remain.

MR. MUNGER: The others will be taken out?

MR. BONNERWITH: I believe there is a loss of two.

MR. MUNGER: 16 feet seems a little close to the road to be putting a new building.

BEVERLY GRIEBEL: It is 16 feet from the property line, and then you have easements and the roadway.

How far will it be from the road, Jeff (Bonnerwith)?

MR. BONNERWITH: You're 16 from the right-of-way line, and the right-of-way line is another, I am going to say 6 foot from the edge of pavement, so you're approaching 25 feet.

MR. MUNGER: As owner of a building very near the road, I'm concerned about the buildings near the road, especially as roads get bigger and so on.

MR. BONNERWITH: Architecturally, it will resemble the church, as well.

BEVERLY GRIEBEL: That is an issue that is with the Planning Board, and they look at

that. The plans are also reviewed by the Traffic and Safety Committee, so they have passed on all of those issues.

MR. MUNGER: Thank you.

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. The applicant demonstrated the need for the church addition, but the large college property immediately adjacent lessens the impact.
  2. No impact on other neighboring properties.
13. Application of Mr. & Mrs. Phong Le, owner, 10 Lamp Post Drive, Rochester, New York 14624 for variance to erect a 14' x 16' addition to house to be 35' from rear lot line (40' req.) at property located at 10 Lamp Post Drive in R-1-15 zone.

Phong Le was present to represent the application.

MR. LE: Hi. Good evening. I'm -- my name is Phong Le, and I live at 10 Lamppost Drive, the owner. I would like to add an addition, 14 by 16. That would require 35 feet away from the property line instead of 40.

BEVERLY GRIEBEL: What will this addition be for?

MR. LE: It will be for like a family room. Because right now all we have is the great room, which it is like 16 by 18, which is pretty small and that's it. That is all we have in the house.

BEVERLY GRIEBEL: A little more room in the back?

MR. LE: It is a pretty small house, so it would add great value to the house.

JOHN CASTELLANI: It is only one corner of the addition that needs the variance because of the slant?

MR. LE: Right. It is wide.

JOHN CASTELLANI: Just one corner?

RICHARD PERRY: Chop 5 feet off that corner and add it to the other corner --

JOHN CASTELLANI: Gable it.

(Laughter.)

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. No impact on neighboring properties.
14. Application of Ronald Beyor, owner, 48 Morrison Avenue, Rochester, New York 14623 for variance to erect a 24' x 32' detached garage to be 26' from rear lot line (50' req.) at property located at 656 Morgan Road in A.C. zone.

Ronald Beyor was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and came back also as a

local matter.

MR. BEYOR: My name is Ron Beyor. What I would like to do is erect a 24 wide by 36 deep garage in the back of the property. What we want to do is like have two bays in the front for garage and garden storage, lawn mower, rototiller, stuff like that in the back. The other idea is to tear down the two existing buildings that are there, because they're almost ready to fall down. So before they do fall and everything, we wanted to build something new to store the equipment in.

The reason I want to keep it 26 feet from the back property is because in front of the garage is the septic system, and I can't bring it forward any more or I interfere with that. I don't plan on extending the garage or the sep -- I mean extending the driveway back to the garage. I would just have it as -- primarily storage in the back and a place for working on my vehicle, personal vehicle.

BEVERLY GRIEBEL: I was going to ask why you were making it just back from the driveway.

MR. BEYOR: That would be ideal, but the septic system is right there.

MARY SPERR: That kills you every time.

BEVERLY GRIEBEL: I had a note there to ask that question.

MR. BEYOR: That would be ideal.

BEVERLY GRIEBEL: So you're limited. And you are probably limited in that you couldn't really drive over that septic system, or can you?

MR. BEYOR: In that area is the tiles and stuff. I mean you can drive through there without disrupting them, but you can't build in that area. We wouldn't have a problem driving cars through there or pick-ups.

BEVERLY GRIEBEL: So you're really limited. That is about the only place you can put it?

MR. BEYOR: Yes. Along with some mature fruit trees that I didn't want to cut down.

RICHARD PERRY: The property behind you, that is currently just -- is it farmed land.

MR. BEYOR: Yes. Wheat fields in there right now.

RICHARD PERRY: And there are no houses anywhere near that back lot line?

MR. BEYOR: Not directly behind it. There would be a -- they would be on Stottle.

RICHARD PERRY: That is the only question I had.

BILL OLIVER: The garage would be put up by contractors?

MR. BEYOR: The footer, foundation and that would be. The structure -- or the rest of the structure I was going to do myself.

BILL OLIVER: I assume you would be putting electric service into this?

MR. BEYOR: Yes.

BILL OLIVER: You will not put anything -- how shall I put it? You will not store any gasoline of any amount --

MR. BEYOR: No, just for your lawn mower and tools.

BILL OLIVER: Will you run any water out to this?

MR. BEYOR: I wasn't planning on it.

JOHN CASTELLANI: In the middle of the lot where it has the framed shed --

MR. BEYOR: Yes.

JOHN CASTELLANI: -- is that where your septic are also?

MR. BEYOR: Some of the lines run down in that direction, yes. They run -- the -- what do they call this -- the septic tank and the transfer -- the leech fields --

JOHN CASTELLANI: It seems out of a 238 foot lot, you're pretty well locked into one corner to live in.

MR. BEYOR: Right.

JOHN CASTELLANI: And I just thought there might be an alternative for you.

MR. BEYOR: Their running down in between there is the problem. The gardens are in the back area and we didn't want to interfere with it if we didn't have to.

JOHN CASTELLANI: You're cramped in.

BEVERLY GRIEBEL: The house and everything was crowded on one side and the rest is...

JOHN CASTELLANI: I have no other questions.

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. Garage placement dictated primarily by the septic system location.
15. Application of Daniel Russell, owner; 7 Hay Market Road, Rochester, New York 14624 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (180 sq. ft. allowed) and to be 3' from side lot line (8' req.) at property located at 7 Hay Market Road in R-1-15 zone.

Daniel Russell was present to represent the application.

MR. RUSSELL: Good evening, folks. I'm Dan Russell, the owner of 7 Hay Market. I don't know if any of you have been through the Lexington track before. I'm sure you have. The home that we own is the split level model.

MARY SPERR: We saw it.

MR. RUSSELL: Which is almost zero basement space. We have a single-car garage that is pretty tiny. We have two kids with bikes and big plastic toys and we have a pool, and we really could use the space. The lot line issue was more so an attempt to get it a little closer -- we have a chain link fence in the backyard -- to get it closer to the fence instead of plopping it in the middle of the yard. I don't foresee a reason it couldn't be 8 feet I guess is what I am saying.

LARRY SMITH: It has to be at least 4 feet.

BEVERLY GRIEBEL: 4 is the minimum that we can approve.

MR. RUSSELL: That's not a problem.

LARRY SMITH: Just amend the application.

BEVERLY GRIEBEL: Amend it to be 4 feet from the side lot line.

MR. RUSSELL: That is absolutely fine.

BEVERLY GRIEBEL: That gives you room to maintain the back of it and cut the grass.

MR. RUSSELL: Absolutely.

MARY SPERR: What will it look like? I know what you have there now, but will it blend in with what you have now or is it a prefab one?

MR. RUSSELL: It is exactly what you described. It is all manufactured. They drop it at the site. It is of a barn-type nature. It has 6-foot walls, 6 foot high.

MARY SPERR: Your neighbor that will be the closest to it, you have talked to them about it?

MR. RUSSELL: They have no objection. It is on the side of the house. Fortunately, where it is going to be placed, the portion they would be looking at, that portion of their house has no windows.

BEVERLY GRIEBEL: This was submitted to Monroe County Planning and came back 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 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 expressed need for additional storage space.

Note: A building permit is required.

16. Application of C & M Forwarding, owner; 45 Jet View Drive, Rochester, New York 14624 for variance to allow additional front parking for 26 vehicles at property located at 45 Jet

View Drive in L.I. zone.

Jeff Bonnerwith was present to represent the application.

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

MR. BONNERWITH: This is the application of C&M Forwarding. They're located at 75 Jet View Drive.

BEVERLY GRIEBEL: And you're --

MR. BONNERWITH: Jeff Bonnerwith with Avery Bonnerwith.

And we're presenting this to the Board to consider two variances, one to allow parking in the front yard of the parcel and two is to permit 44 parking spaces where the code requires for the existing and proposed use one per 400 square feet resulting in 130 spaces.

BEVERLY GRIEBEL: They didn't put that on here.

MARY SPERR: Yes. All we have is the front parking.

MR. BONNERWITH: Do you have that, my handwritten one?

MARY SPERR: This (indicating)?

MR. BONNERWITH: Yes.

BILL OLIVER: The bottom, item 5.

JOHN CASTELLANI: It is not advertised.

MR. BONNERWITH: I think it is actually -- does the Planning Board consider that, as far as waiving the requirement of parking spaces or not?

KEITH O'TOOLE: They can waive the number of parking spaces, but not the location.

MR. BONNERWITH: Maybe that is why it was not advertised.

LARRY SMITH: They have approved the number of parking spaces, but you're here because of the front parking.

MARY SPERR: That is why it was not advertised. They usually don't miss stuff like that.

MR. BONNERWITH: Okay. The lower --

MR. LANGER: Roger Langer with NM Architecture. I'm the pointer tonight.

MR. BONNERWITH: All right. Maybe we'll start in the upper left drawing. What you see is the easternmost half of that building, is the existing building.

The parking spots just to the north and east of that are the existing spaces. There are 18 there presently.

The proposal is to extend the building to the west and also the loading docks which show up on the elevation drawings, as well. And that is part of this building addition. Basically we require some additional parking, and because of the required maneuvering room to the north side of the building, it kind of leaves us just a front yard where we can propose that additional parking.

To mitigate any visual impacts it may have, we are proposing an elevated berm with some pine tree plantings that show up both on the site plan, and we have given three different views for

passing cars on Jet View. The top view is somebody positioned approximately where their drive -- or just south of where the drive into C&M Forwarding is.

MR. LANGER: That section is taken into that area here (indicating). That relates to this profile here (indicating).

MR. BONNERWITH: And the middle would be basically a cross-section taken through the middle of the building, and the lower rendition is looking basically from the southeast, looking northwest.

It's similar in concept to the situation that exists currently across the street where parking is in the front yard there, and I believe that has worked out well.

Other than that, we'll field some questions.

BEVERLY GRIEBEL: You're just limited on where you expand.

MR. BONNERWITH: Right. We need all that turning room.

BEVERLY GRIEBEL: You can't put pedestrian parking back there because --

MR. BONNERWITH: Because of crossing it, correct.

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 no conditions, and the following findings of fact were cited:

1. Applicant demonstrated need for additional front parking for an expanding business.
2. Safety issues preclude parking and/or pedestrian traffic in other areas.

The meeting ended at 10:50 p.m.

CHILI ZONING BOARD OF APPEALS

July 25, 2000

A meeting of the Chili Zoning Board of Appeals was held on July 25, 2000 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: Dan Melville, Gerry Hendrickson, 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 are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, and therefore, are subject to change.

BEVERLY GRIEBEL: John Castellani was on the Board. He has taken a new position with the Town. He is a Code Enforcement Officer, so he won't be on the Board. We thank him for his many years. So we wish him well in his new venture he just started last week.

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 Saturday the 15th in the afternoon. I had a problem with signs. Application 2, Nagle Garden Center.

MARY SPERR: I saw that.

GERRY HENDRICKSON: I saw that, too.

BEVERLY GRIEBEL: Well, it has been draped over a chair, unreadable. Now, the information that goes out with that sign is very clear. Everyone has to sign a notice that they did get the sign and received it, and there is a notice that goes out like this (indicating) which shows how to put up the sign on either an A frame or on wooden posts in the ground. When the sign is there and it is not readable, that defeats the purpose of the sign. The purpose is so that people passing by can read the sign.

What is the feeling of the Board on that?

DAN MELVILLE: Let's table it.

BEVERLY GRIEBEL: I would like to see it tabled because I think that there has to be a good faith effort to put it up and keep it up there. From the first day when it was draped over a chair -- I know it was raining. It was raining, but we had other applications. The other applicants were able to get the signs posted, most of them, and have them readable for the ten days, so --

GERRY HENDRICKSON: It looked like it had been up and the wind tore it down and --

DAN MELVILLE: They didn't attempt to put it back.

BILL OLIVER: They didn't make a good attempt is what she is getting at.

BEVERLY GRIEBEL: According to the instructions on this sign that is given out to everyone there.

Our next meeting is August 22nd. Is there a motion to table it until then?

DAN MELVILLE: That's fine. I make a motion.

GERRY HENDRICKSON: I second the motion.

The Board voted unanimously in favor of tabling the application.

BEVERLY GRIEBEL: Is the applicant here?

No one was present to represent Application Number 2.

BEVERLY GRIEBEL: Number 6, there was no sign on that on Saturday.

RICHARD PERRY: I saw it.

MARY SPERR: I saw it.

RICHARD PERRY: I saw it last Sunday -- the last two Sundays.

BEVERLY GRIEBEL: Number 7, I did not see the sign on that.

CHILI ZONING BOARD OF APPEALS  
July 25, 2000

MARY SPERR: I went by and saw it. The first Saturday it was there.

RICHARD PERRY: I saw it both days.

BEVERLY GRIEBEL: I must have missed it.

Did anyone have any problem with any others?

The Board indicated they had no problem with the other notification signs for the applications.

OLD BUSINESS:

1. Application of Jean D'Acquisto, 116 Knights Trail, Rochester, New York 14624 for variance to erect a second dwelling (temporary modular dwelling) at property located at 116 Knights Trail in R-1-15 zone.

Jean D'Acquisto was present to represent the application.

BEVERLY GRIEBEL: This was heard last month and we tabled it for more information.

DAN MELVILLE: This is not a public hearing, right? Just a discussion by the Board.

BEVERLY GRIEBEL: Well, we'll take information. The applicant was going to get information. We'll ask the attorney, and I'll go to the audience only for --

DAN MELVILLE: Was this advertised again?

BEVERLY GRIEBEL: Yes. It is a little unusual, but I wanted notification. We'll take comments later from the audience, but only if it is something new because everything that was said last meeting is part of a public record.

MS. D'ACQUISTO: Yes, I do know you had some questions and I think I have some answers for you.

About ten days ago I had Ed Guyen (phonetic) come up, who is the developer of the concept, and he looked over my daughter's property and was able to tell me that the house was able to be transported by an undercarriage on the left-hand side of the house. We do have to have a tree stump removed which we also got an estimate of \$300 for.

The unit itself comes up in two -- on two different undercarriages, but they do come up at the same time. They're both 12 feet wide, but the undercarriage itself is 8 feet, so that the wheels are not the 12-foot width. They do -- it will be -- it will be able to get into the backyard, and there is plenty of room back there to maneuver to put it between the garage and the shed where I originally said I would like to put it.

He did say that the electric would be hooked up -- there is a post right on John's (Eaton's) -- on the corner of his backyard. The electric could be very easily hooked up there. The rest of it would be the -- the other utilities would be hooked up to my daughter's house. He estimated the cost of about \$1,000 to transport from Pennsylvania, the unit -- both units to come up.

I did speak with the neighbors who are also on the other side, the left side of my daughter's house, and they have given me permission if I needed to go onto their property -- which I don't think I am going to have to -- but I do have permission to do that and I have a signed letter giving me permission to do that.

I have also given them a signed letter from me stating if I do go into their property, if the ground is wet and the wheels of the undercarriage or whatever make ruts, I would cover any costs to repair their yard.

Once the units come in, I do have to have a crane to take it off the undercarriage and put it onto the foundation. I did call CP Ward. I talked to someone named Tucker from Scottsville. He told me if I needed a 50-ton crane, it costs about \$120 an hour and if I needed a 75-ton crane, it would be \$187.50 an hour. The gentleman from Pennsylvania estimated a time of four to five hours to put it in place. I figured 8 hour -- I figured a whole day, 8 hours for the 50-ton would be approximately \$1,000; for the 75-ton crane it would cost me \$1,500, and they did say that they would be interested in doing that job for me should I contact them in the future.

I know you had questions about removal of the unit which is supposed to be done upon my death. I have talked to my lawyer, and he couldn't be here this evening, but he is in agreement with me that we could put \$10,000 in an escrow account just for my daughter to use upon my -- by the time I die.

I figured since it would cost possibly \$1,500 for a crane to come in, I figured \$2,000 with

CHILI ZONING BOARD OF APPEALS

July 25, 2000

increasing costs, depending on when I die and a transport of probably about \$1,500. I -- I was given a list of seven different places that I could contact for removal of the unit. I was told that the factory has networking, the dealer would have some networking, the modular -- there are modular dealers in the area who have talked to somebody in Sodus by the name of Liz Bardner (phonetic) who also deals in modular homes. I was told I could advertise in the local papers. There is a hospice in New Jersey that will take the unit. I could also contact Habitat for Humanity who may be interested in the unit. There is a woman named Stacy Crawford who is the Home of Better Housing in Ithaca and she may be able to use it. So I do have a list of seven possibilities of people who could possibly take the unit when I am deceased. I don't know what length of time you will give me or give my daughter to remove it once I die.

I do have two different papers, one from Lancaster County and one from Elizabeth Township in New Jersey. I don't know about Lancaster County, but the New Jersey ordinances state that they give you 12 months for removal. I don't know how long you will give me to do that or give my daughter to do that, but if the time comes and the unit has not been sold, per your regulation, I have told her, and she has agreed that we would just demo it, demolish it, and I think the \$10,000 I have in escrow would not only cover the cost of removing it if it can be removed and also the demolition.

We figured an estimate of maybe 4 to \$6,000 of which I want to put 10,000 away.

I think that's about it. Unless you have some further questions that I could answer, that should be it. I think that should answer most of your questions.

BEVERLY GRIEBEL: I don't have any questions.

Keith (O'Toole), any questions on that?

KEITH O'TOOLE: I have no questions.

BEVERLY GRIEBEL: You were going to check something out with the Town for us.

KEITH O'TOOLE: Yes. I had a discussion with the Town Attorney, and I discussed my concerns with this application in terms of whether the Town would have the right and whether it would be practical to enforce it to have the structure removed at the appropriate time should the property owner refuse to or be unable to remove it. The Town Attorney expressed the concern that the Town does not want to be entering upon private property with cranes or bulldozers. There is a concern as to whether the Town's insurance would cover such activity, and all in all, basically, we agreed that it was impractical for the Town to enter upon private property to enforce this short of going to State Supreme Court, getting an injunction and spending thousands of dollars and God knows how much time to do that. It would be a very difficult thing to enforce to have this structure removed. That is basically it.

BEVERLY GRIEBEL: Okay. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MS. D'ACQUISTO: It could be written right into the deed that this would have to be removed by the owner upon my death.

DAN MELVILLE: Can that be done?

KEITH O'TOOLE: It can be done, but can the Town enforce it? No.

And for the record, I believe the Chair has a letter from me dated July 12th which touches on some of the areas.

BEVERLY GRIEBEL: Should I read that into the record at this point?

KEITH O'TOOLE: No. It is available as part of the public record.

BEVERLY GRIEBEL: Okay. That will come up in the discussion when we come to that point.

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 6 no with the following findings of fact having been cited:

1. Upon a reading of the R-1 District provisions in the zoning law, the Zoning Board of Appeals finds that two detached single-family homes on one lot are

CHILI ZONING BOARD OF APPEALS

July 25, 2000

not a permitted use in the R-1-15 zone.

2. As this is not a permitted use, the applicant must apply for and prove its entitlement to a Use Variance.
3. Here, the applicant mistakenly applied for an area variance as applicant's own application shows.
4. Even if this were an Area Variance, applicant's reasons of personal convenience do not outweigh (as per Sasso v. Osgood) the statutory factors for the granting of an area variance. For example:
  - a. There are obvious alternatives, such as remodeling the existing house to incorporate additional space for the applicant.
  - b. It would certainly change the character of the neighborhood since this proposal, if permitted by variance, would be unique to the Knights Trail area and a substantial departure from its single-family character. According to applicant's own application, such designs are found in Albany and Ithaca and no Monroe County examples were cited, let alone Chili examples.
  - c. While two-family houses are permitted by conditional use permit, by code these houses must be attached (i.e. one house with two units). This code requirement allows the structures to better blend in with the existing single-family character of the applicant's neighborhood and the R-1 District in general. This is so because a two-family house can be easily designed to mimic a single-family house.

BEVERLY GRIEBEL: Nagle Garden Center will not be heard this evening. The sign was not posted so it was readable for the period of time. It was draped over the chair.

UNIDENTIFIED SPEAKER: It was not readable?

BEVERLY GRIEBEL: No. We had a discussion about it at the beginning of the meeting. You got an instruction sheet with the sign. It should be put on an A frame or some kind of Board so it is legal.

UNIDENTIFIED SPEAKER: I was out. I had someone else put it up.

BEVERLY GRIEBEL: They should have received additional instructions. We'll not hear it this evening. It will be heard on 8/22 at 7 o'clock and you will have to get a new sign and post it for the full ten days. So we won't be hearing that at all this evening.

UNIDENTIFIED SPEAKER: Excuse me. Where would I get the sign from?

BEVERLY GRIEBEL: The Building Department.

UNIDENTIFIED SPEAKER: Okay.

BEVERLY GRIEBEL: You will get a letter in the mail to that effect. You will get a letter in the mail in about a week that will give you those instructions. I thought you might be that applicant.

UNIDENTIFIED SPEAKER: Okay, thanks.

PUBLIC HEARINGS:

1. Application of Mr. & Mrs. Joseph Briganti, 1 Audabon Circle, Rochester, New York 14624 for variance to allow existing utility shed to be 5 1/2' from rear lot line (8' req.) at property located at 1 Audabon Circle in R-1-12 zone.

BEVERLY GRIEBEL: This was tabled from last month due to failure to post the required sign.

Joe Hayes was present to represent the application along with Lisa Springer.

CHILI ZONING BOARD OF APPEALS  
July 25, 2000

MR. HAYES: Joe Hayes. This is Lisa Springer. We're the new owners of 1 Audabon Circle. We closed on the house approximately two months ago.

The property does have an existing shed which was there. I don't know how long the owners did have that there. Before closing our lawyers wanted paperwork for them saying, you know, was everything in accordance to the code of the Town. It was found the shed was 5 1/2 feet from the property line. At that point it was our responsibility to try to get this taken care of before the closing of the house, and obviously it wasn't, which is why we're here.

We request permission to have the variance given to them so we can leave the shed where it is. We understand we're talking about 2 1/2 feet there that it is not in accordance with.

The only other thing I would like to add is at this time the shed is not finished and we would like to put money into it to finish up the shed but we have been --

BEVERLY GRIEBEL: I have a note it was kind of in a rough finish.

MS. SPRINGER: We didn't want to do anything until we had an answer because we didn't want to invest money. It would be too difficult to move it because it is too large.

MR. HAYES: It is a big shed. I don't know how long it was there, if they built it or if the previous owners built it or what, but from what I was told by Mr. Briganti, he never received a problem from neighbors, the -- adjoining ours. I have personally not spoken to them so I cannot say.

BEVERLY GRIEBEL: What was your name again?

MR. HAYES: Joe Hayes, H-a-y-e-s.

BEVERLY GRIEBEL: And they let you close on the house before this was resolved?

MR. HAYES: Pretty much it was.

BEVERLY GRIEBEL: Sometimes people can't, so you were, I guess, lucky.

MR. HAYES: Pretty much it became -- more or less it is your problem. You deal with it.

DAN MELVILLE: Usually the bank won't allow that, correct? If you need a variance, the bank usually won't allow you to close.

KEITH O'TOOLE: For setback on accessory structures, yes. But the house, no.

BEVERLY GRIEBEL: We have had people that have been waiting a month or two to close on a house, maybe a month and a half because of some kind of small thing like this.

MR. HAYES: It was somehow written in that if it needed to be taken down, we would have to remove it, so lucky them.

BEVERLY GRIEBEL: I think you were lucky that you could do that.

KEITH O'TOOLE: A few comments. The sketch seems to indicate that the structure is going to be encroaching upon two easements, one to RG&E and Rochester Tel, which is neither here nor there from the Town's point of view, but it would be advisable they be told. It is approaching on the Town's storm water easement and they may need permission from the Department of Public Works for that.

MS. SPRINGER: We applied to RG&E for the easement and they said -- replied back it wasn't a problem because they were paid a fee and reimbursed. Apparently that wasn't a problem.

KEITH O'TOOLE: It said on the application they applied for the one for RG&E, but not the water shed.

BEVERLY GRIEBEL: Applied for the easement. So I don't know if you have any letters as to what happened.

MR. HAYES: I don't, but at closing they were reimbursed from RG&E. Our lawyer told them it had nothing to do with RG&E, so...

MS. SPRINGER: I can look through our paperwork. We might have a copy of that. I'm not sure.

KEITH O'TOOLE: It is not an issue for them. It is RG&E's concern.

BEVERLY GRIEBEL: That is something you need to clarify with RG&E.

The storm sewer -- should they check with Public Works?

KEITH O'TOOLE: They should check with Larry (Smith) and he can verify whether Joe Carr has signed off on it.

BEVERLY GRIEBEL: Larry Smith, the Building Inspector. Because you're right near the storm water easement, there just needs to be clarification. Sometimes some of these structures, fences and sheds get built right on a drainage easement, and in the event that the Town had to go do work in that easement, if there were a large storm or something, they would go in and your shed may be gone. So that is the only danger of it being there. It might never happen, but there is always that possibility.

CHILI ZONING BOARD OF APPEALS

July 25, 2000

Rochester Tel, you should probably check that out with them just to be sure that they don't need to clear anything with you, or if you need any letters, I'm not sure exactly.

MR. HAYES: The other guy -- a guy from Frontier was here, and he didn't say anything about the shed.

BEVERLY GRIEBEL: But he wouldn't be the one that would be concerned. It would probably be the Engineering Department, some official -- not the line men out there carrying the ladders.

MR. HAYES: I wish we would have known or else we would have had the paperwork or whatever ready. I don't have that obviously. I had no idea we would be needing that.

DAN MELVILLE: It doesn't matter for this application.

BEVERLY GRIEBEL: Just for your own.

MR. HAYES: So nobody tears it down and says --

DAN MELVILLE: Yes. If they need to get in there and it is in their way, they will bulldoze it out.

MR. HAYES: Look out my backyard and see the shed being carried away.

MS. SPRINGER: The shed has been more of a headache.

BEVERLY GRIEBEL: We can ask Larry (Smith) a question. We'll let him sit down.

Larry Smith arrived to the meeting.

BEVERLY GRIEBEL: This is the shed on Audabon Circle that is on a storm water easement. Do they need to get a sign-off from anybody, from Joe Carr?

LARRY SMITH: From me and Joe Carr.

BEVERLY GRIEBEL: Okay. So if the Board decides to approve this to leave the shed where it is, they can do that as long as they clarify it with you and Joe Carr?

LARRY SMITH: They would have to anyway.

BEVERLY GRIEBEL: Because the shed was there. This is not even the original applicant. The closing happened in between because we had to table it last month.

LARRY SMITH: Um, you're names are not --

BEVERLY GRIEBEL: Joe Hayes.

MR. HAYES: Joe Hayes and Lisa Springer.

LARRY SMITH: Okay. Never mind.

BEVERLY GRIEBEL: So they need to talk to you --

LARRY SMITH: They will have to come in tomorrow to talk about getting an easement with them.

BEVERLY GRIEBEL: Okay. Tomorrow or as soon as you can to --

LARRY SMITH: This shed is already up; isn't that correct?

MR. HAYES: Yes.

BEVERLY GRIEBEL: For their own benefit, they need to clarify the Rochester Tel and the RG&E easements. Larry (Smith), for their own benefit they need to clarify with Rochester Tel and RG&E the encroachment on that easement.

LARRY SMITH: I was just instructed to say yes.

BEVERLY GRIEBEL: So that is something you will look into. We're not sure who you have to contact, but you can call it and track it through to whoever you need to see.

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. No impact on neighboring properties.
2. Homeowner understands the implications of the close proximity to the easements.

CHILI ZONING BOARD OF APPEALS  
July 25, 2000

2. Application of Nagle Garden Center, 3309 Union Street, North Chili, New York 14514, property owner: David Nagle; for variance to allow an 8' x 4' double-faced freestanding sign at property located at 3309 Union Street in G.B. zone.

DECISION: Unanimously tabled until 8/22/00 at 7:00 p.m. by a vote of 6 yes to table for the following reason:

1. Applicant failed to post required hearing notice sign in the proper manner.

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

3. Application of Samuel Cammilleri, Jr., owner, 5 Haverhill Drive, Churchville, New York 14428 for variance to erect a pool deck to be 4' from rear lot line (10' req.) at property located at 5 Haverhill Drive in R-1-12 zone.

Samuel Cammilleri was present to represent the application.

MR. CAMMILLERI: Hello. I'm Sam Cammilleri. Exactly that is what I would like to do, is put a pool deck up on my rear lot line.

BEVERLY GRIEBEL: And you want it behind the pool. Is the pool back there (indicating)?

MR. CAMMILLERI: That's correct.

BEVERLY GRIEBEL: Okay.

MR. CAMMILLERI: You see how little the lot is?

BEVERLY GRIEBEL: Yes. That is probably the only logical place to put it if you want it near the pool and to be able to see --

MR. CAMMILLERI: The only other option I had, if you're looking down probably on the left-hand side, about two summers ago the Drainage people came in and put drainage in there. Now they have an easement and I can't go there.

BEVERLY GRIEBEL: Oh.

MR. CAMMILLERI: I would need a variance there also.

BEVERLY GRIEBEL: That is on the driveway side?

MR. CAMMILLERI: That's correct.

BEVERLY GRIEBEL: So that would be risky putting a deck over the drainage easement because you would lose the whole back in case they had to come in with anything.

BILL OLIVER: What was the deck to be made of, wood, steel?

MR. CAMMILLERI: Wood.

LARRY SMITH: When was this deck built on the back of the house?

MR. CAMMILLERI: Oh, it -- it came when we built it in '87.

LARRY SMITH: It is a preexisting requirement for a permit.

BEVERLY GRIEBEL: It is what?

LARRY SMITH: It pre-existed the requirement for a permit.

BEVERLY GRIEBEL: Okay. Because you didn't have it on the permit part of the application.

LARRY SMITH: No.

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:

CHILI ZONING BOARD OF APPEALS

July 25, 2000

1. The shape of the lot and other structures determine the placement of the pool deck.
4. Application of Mr. & Mrs. Stanley Olshefski, owner, 21 Ascot Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 2' from east side lot line and 3' from west side lot line (8' req.) at property located at 21 Ascot Drive in R-1-15 zone.

Stanley Olshefski was present to represent the application.

MR. OLSHEFSKI: My name is Stanley Olshefski and this is my wife Judy. We're requesting to have a variance to erect the shed in the same location that we had a metal shed that we took down, and we are asking for the variance because we have a pie-shaped lot that goes into a point in the back of the yard. And if we were to have to let's say abide by the 8-foot setbacks, I would have to move the shed up 14 feet. And right now the shed is located at the back of a garden area that I have, and I would have to remove some of the trees that I planted years ago to obstruct the view of where the shed is now, so the trees would have to come down and the shed would come out of the garden area.

BEVERLY GRIEBEL: Normally we don't allow a shed closer than 4 feet. Is that still the same, Larry (Smith) and Keith (O'Toole)?

LARRY SMITH: If it is a metal shed, noncombustible, it can be closer than 4 feet.

BEVERLY GRIEBEL: Okay. So the 2 feet on one side and 3 on the other, is that permitted?

LARRY SMITH: Not if it is a combustible material.

BEVERLY GRIEBEL: What kind of material is it going to be?

MR. OLSHEFSKI: I was planning on making it a wooden shed.

BEVERLY GRIEBEL: Then it has to be 4 feet?

LARRY SMITH: 4 feet -- you can grant any variance you want, okay, as far as zoning.

But as far as the State Building Code, it says if it is combustible, it has to be 4 feet off the property.

BILL OLIVER: Would you consider a metal shed?

MR. OLSHEFSKI: I could, yes.

BEVERLY GRIEBEL: I was out on a rainy day, but I could see back there. You have a lot of trees planted and it is a shame to cut them down.

MR. OLSHEFSKI: Yes, definitely.

BEVERLY GRIEBEL: If you went 4 feet from the property line, would that force you to cut the trees?

MR. OLSHEFSKI: There would be a few, but the important ones, the apple trees would be able to stay.

BEVERLY GRIEBEL: So maybe that is something you could look at. If you could make it the 4 feet --

LARRY SMITH: Or you can do a noncombustible shed.

MR. OLSHEFSKI: Metal or vinyl?

LARRY SMITH: No. Vinyl is combustible.

MR. OLSHEFSKI: The flooring?

LARRY SMITH: Don't care.

MR. OLSHEFSKI: Okay.

BEVERLY GRIEBEL: That might solve the problem then.

DAN MELVILLE: It's up to you.

MR. OLSHEFSKI: So I would have the option of -- we make our mind up now?

BEVERLY GRIEBEL: Well, if we grant your request for the 2 feet and the 3 feet, then it would have to be a metal shed.

DAN MELVILLE: But if you decide you want to put a wood shed up and we already granted -- then --

LARRY SMITH: No.

KEITH O'TOOLE: Why don't you do this, if you're thinking about granting it. Grant him the 2 feet. When they apply for their building permit, that is the point at which they have to make the decision.

DAN MELVILLE: If they want wood, they have to go 4 feet.

LARRY SMITH: That decision could be made in the department.

MR. OLSHEFSKI: That way I could measure it.

BEVERLY GRIEBEL: You could price them out, see the materials and see -- we hate to see trees cut down, but if you want to go with wood, then you might see what trees you would have to move.

MR. OLSHEFSKI: Okay. Thank you.

BEVERLY GRIEBEL: Does that sound reasonable?

MR. OLSHEFSKI: Very reasonable.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOE FLAGG

MR. FLAGG: I'm a next-door neighbor to Stan and Judy (Olshefski). I do have some concerns about this shed, and I would like to voice my opinion now while I have a chance.

Over the years, Stanley (Olshefski) has kept a very nice yard. However, I think if he lived where we live, looking at the shed, he would have some concerns like we do.

I can only comment that the last shed that we had to endure for the 15 years or so that Stanley (Olshefski) had that, it was an eyesore. It was dented and rusted out completely. I'm sure you gentlemen would feel very concerned about it, especially if it was that close to the lot line, like you're suggesting. Being metal it will only rust out again. That would be counterproductive as to what Stanley (Olshefski) is trying to do here.

I strongly object to that shed going in. I have some concerns about the devaluation of our property, the ability to be able to sell our property in the near future because of the proximity to our property line, and there are a number of other reasons.

I mean the shed is out of proportion with that yard. I mean if anybody that goes back there and takes a look, the shed is overwhelming to the area that it occupies and it looks ridiculous.

I certainly would like the Board to consider these views, and put yourself in my shoes and my wife's shoes. We have been good neighbors all these years. I don't want any bad feelings. However, I think the opportunity presented itself for us to get up and speak our mind, and the last time I -- I let it go and so did my wife because we didn't want to -- you know, we wanted to give them the benefit of the doubt to see how it would work out. I think it proved disastrous. I'm very disappointed in the way that shed was maintained over the years. I mean it was really bad.

MR. OLSHEFSKI: You didn't say anything to me about that.

MR. FLAGG: Of course I didn't. I'm saying something now.

BEVERLY GRIEBEL: Your comments are noted.

MR. FLAGG: Okay. Thank you.

BEVERLY GRIEBEL: I don't know much about sheds. Does anyone know about sheds? Metal ones, do they always rust?

BILL OLIVER: My neighbor has one, and every few years he does paint it, and they do have like a Rustoleum-type paint that could be used. Evidently whoever this gentleman was did not maintain it and let it go, but -- I'm not going into a discussion of that, but that is the point I was going to make.

MR. OLSHEFSKI: That is one of the reasons I took down the metal shed, to put another one in its place. That is why I was going with wood, so that it could be stained.

GERRY HENDRICKSON: What kind of floor was in it?

MR. OLSHEFSKI: A wooden floor. Plywood.

RICHARD PERRY: What do you have stored in there?

MR. OLSHEFSKI: I store my lawn mower and I have some garden tools and some of our patio furniture in the wintertime.

RICHARD PERRY: You need all that space?

MR. OLSHEFSKI: I will store my riding lawn mower and a snow blower in there now to make more room in my garage.

BEVERLY GRIEBEL: 10 by 12 is not awfully large. An 8 by 10 doesn't need a variance?

LARRY SMITH: We're not talking about size. He can go 10 by 18 without a variance.

BEVERLY GRIEBEL: There used to be a regulation on the size.

LARRY SMITH: Without a permit, he can build one under a 100 square feet. He has to have a permit for 101 square feet to 180 square feet. If he wants something over 180 square feet, he has to have a variance.

CHILI ZONING BOARD APPEALS  
July 25, 2000

MR. FLAGG: I'm questioning Stanley's (Olshefski's) riding lawn mower. I never seen you use one.

BEVERLY GRIEBEL: I don't think that is relevant to this discussion, sir.

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 5 yes to 1 no (Dan Melville) with no conditions, and the following findings of fact were cited:

1. Applicant expressed need for storage.
2. This will replace a shed that was in this same area; the area is treed and shrubbed for this placement.

Note: A building permit is required.

5. Application of John Brewer, owner, 29 Toni Terrace, Rochester, New York 14624 for variance to allow existing dwelling with proposed deck to be 10' from rear lot line (35' req.) at property located at 29 Toni Terrace in R-1-15 zone.

Deb Brewer was present to represent the application.

MS. BREWER: I'm the co-owner of the property. My husband has to work tonight so he couldn't be here.

This is a brand new home. It was built by Faber. I believe Larry was going to speak for them. Somebody from the Town we talked about this -- it has something to do with the shape of the lot.

LARRY SMITH: It is a pie-shaped lot. They're familiar with these type of shape of lots.

MS. BREWER: Because when we came to do the variance -- we came to get a building permit and we were told that the house itself was not approved, so according to this, we were supposed to be getting a variance to allow the existing dwelling and --

DAN MELVILLE: How did that happen?

LARRY SMITH: There was a difference of opinion on definitions as to what was the back and what was the side. Since this time we have made some adjustments. When they came in for their deck permit, someone looked at the drawing and determined that the house was not on the site according to the definition of the code.

Basically we asked them to come in there -- they're making an application for the deck to come in and clean up the whole parcel so there would never ever be a problem.

BEVERLY GRIEBEL: So the whole dwelling with the deck. So that is all-inclusive then?

MARY SPERR: All one.

LARRY SMITH: Yes. It would take care of any problems there is with the house and with the deck.

Not much of a backyard with this house.

BEVERLY GRIEBEL: No. There is not much other choice to --

MS. BREWER: We have a very large side yard and front yard. We picked this lot specifically because we built a ranch so we could spread it out.

BEVERLY GRIEBEL: Now, behind you is not yet built.

MS. BREWER: It is woods. There won't be anything back there.

BEVERLY GRIEBEL: Well, never say never. You never really know, but right now, just for the record, it is woods back there. It is not developed yet.

MS. BREWER: There is an empty lot on that side. I was told someone put an offer on it, so there is possibly somebody building next door.

MARY SPERR: With all those easements, drainage easements, the sewer easements --

BEVERLY GRIEBEL: It is kind of hard. Where else would you place a deck?

MS. BREWER: Right. And the patio door is right there where we're putting the deck. Otherwise the fireplace is on the other spot and no doors.

CHILI ZEPHYRUS BOARD OF APPEALS  
July 25, 2000

BEVERLY GRIEBEL: You don't want it on the side because that is not coming off from the patio doors.

MS. BREWER: Right. There are no doors on the garage except the front door. We have absolutely no door.

BEVERLY GRIEBEL: You couldn't access it any other way.

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 findings of fact were cited:

1. This is the only logical placement for the deck on a lot with a large house footprint.
  2. No impact on neighboring homes.
6. Application of Lisa Contino, owner, c/o Tailor Made, 2146 Westside Drive, Rochester, New York 14624 for variance to erect a 10' x 10' utility shed to be attached to dwelling (8' req.) at property located at 9 Bishopgate Drive in R-1-15 zone.

Joe Leitten was present to represent the application.

MR. LEITTEN: Hello. I'm Joe Leitten, L-e-i-t-t-e-n owner of Tailor Made. We're doing the proposed work at the Bishopgate Drive.

I brought some pictures if I could show them to you. This (indicating) just shows the back of the house. Where the existing shed is here (indicating), okay? And what we're proposing to do is take that down, put another one up. You can see this roof across here (indicating) is not to code. We'll take that down and put up a new roof (indicating). Right now this existing shed inside there (indicating), you can see that -- she has her pumping system for the pool plus there is a boiler in there for a heater for the pool, so it would be an expensive --

BEVERLY GRIEBEL: So it has gas and that?

MR. LEITTEN: She has a gas line and everything run to it. I don't have letters from the neighbors -- you can show it to the other people. I don't have letters from the neighbors as far as what they would think of it, but they have expressed opinions to me because we're doing other work there. The front porch we're doing and we built a vinyl deck on the other side of the pool, which we already have permits for. But as far as looks and stuff, they would definitely like to see it because it would be built new. It would have vinyl siding on it, a new roof on it and the whole thing would match in because she is going to paint the house after we get done with the construction work. So it would definitely help the looks of the home and it would be a costly venture to move everything 8 feet from the house. It is existing right there now.

BEVERLY GRIEBEL: It is there now touching the garage.

MR. LEITTEN: The roof and stuff is, exactly. The boiler and the pump and everything for the pool are inside that little structure that you can see in the picture. And we basically would be taking down the walls of that structure and putting up new ones. There is a cement floor in there existing now. We wouldn't be touching that. We would put 4 x 4s and the regular standard building procedure. It wouldn't be livable, heated or anything like that.

BEVERLY GRIEBEL: Is there a door out from the garage?

MR. LEITTEN: That is a living room on the inside. There was a suggestion to do that and not get a variance, but that is not the garage. That is the opposite side of the house. That is the living room right there (indicating).

BEVERLY GRIEBEL: Oh, yes. There will be a wooden shed.

MR. LEITTEN: It will be built out of wooden structures like -- just standard building materials. It won't be heated or anything so it wouldn't be insulated. There will be two windows in it for ventilation, two vinyl replacement windows.

CHILI ZONING BOARD OF APPEALS

July 25, 2000

BEVERLY GRIEBEL: Can that be right smack against the wall of the house?

LARRY SMITH: I don't understand why we have that in our code, to be honest with you. Why an accessory structure cannot be attached to a house. I can't see the reasoning behind that.

BILL OLIVER: Would you need a firewall of some sort?

LARRY SMITH: No.

BILL OLIVER: That is the question I was going to ask.

BEVERLY GRIEBEL: Because normally we don't approve anything less than 4 feet away.

LARRY SMITH: That is from the property line. Part of our code says an accessory structure has to be a certain amount of feet from the main structure on the lot. So you can't go out and buy a shed and put it right on the back of your house. I don't know why -- you know, it doesn't serve any safety issues as far as I can see.

BILL OLIVER: This will be part of the main dwelling then the way it is set up.

LARRY SMITH: It is an accessory structure attached to the main dwelling.

MR. LEITTEN: As far as framing and structure, it will be built basically like the house is. It will have the same members. It will be better than taking a shed and pushing it up tight to the house.

BEVERLY GRIEBEL: It will be attached. It will have three walls, or will it have four walls?

MR. LEITTEN: Three walls.

LARRY SMITH: I thought one side of that was open.

MR. LEITTEN: No. All three sides are -- it has a door. Right now it has a door on one side that swings open. That is why it looks like it might be open.

BEVERLY GRIEBEL: The fourth wall was?

MR. LEITTEN: The house. That is correct. That is correct. Which is already framed. Already there. We're not going to be touching that at all.

BEVERLY GRIEBEL: Does that get around the code, Larry (Smith)?

LARRY SMITH: No. The only way around the code is to have an entrance going into the garage and they can say it is part of the garage.

BEVERLY GRIEBEL: But it is not the garage.

LARRY SMITH: But it --

MR. LEITTEN: That would eliminate it for variance if we could put a door there. Then it would be part of the living space for the home. But being it is right in the living room, it is kind -- I questioned her about it to see if she wanted to do it, but it is like right in the middle of the living room.

LARRY SMITH: A lot of people that want to have sheds attached to their house, they put it on the garage side and then we basically tell them if you build a shed attached to the garage with a door from the garage into the shed, is it part of the garage. So that's one way around that.

MR. LEITTEN: Which is what she may have done for that other dwelling. If you notice there is a sunroom on the other end with the garage. That is probably what she did when that was built.

LARRY SMITH: I don't know why that is in the code.

BEVERLY GRIEBEL: Can we approve that if it is in the code? So it is just adjacent to the house the way he wants to do it?

LARRY SMITH: They're requesting that they build an accessory structure closer than 8 feet to the house. If you were to build a shed, it has to be 8 feet away from the house. That is what -- I don't understand why we have that in our code.

BEVERLY GRIEBEL: The fourth wall of this is going to be the house.

LARRY SMITH: Doesn't make a difference. It's still an accessory structure. We're not talking about another room to a house. We're talking about an accessory structure attached to the house.

DAN MELVILLE: It's accessory because there is no entrance to it from the house?

MR. LEITTEN: That's correct.

BILL OLIVER: Could conditions waiver some to the point where it makes a difference to it? In other words, somebody is coming along saying we have a shed here, but it has an outdoor door to it, and then it went to the -- like a utility room, if you will, in some homes? Like a utility room, but its entrance will be outside? How would that --

LARRY SMITH: Well, I -- it is an accessory structure, Bill (Oliver). It has mechanical devices for an accessory structure. Our code says you can't have an accessory structure closer

CHILI ZEPHANE BOARD OF APPEALS

July 25, 2000

than 8 feet from the main structure.

BILL OLIVER: I understand that.

LARRY SMITH: That is the only variance they're asking for. We can call it anything we want, but it is still an accessory structure, and it is still less than 8 feet from the house. It doesn't make any difference to me if it was 2 inches with a fourth wall -- okay, or a missing fourth wall.

We're using the house as one of the walls.

BILL OLIVER: The description is it, period.

BEVERLY GRIEBEL: It doesn't matter combustibility or anything?

LARRY SMITH: No.

BEVERLY GRIEBEL: It is different from the shed and the property lines?

LARRY SMITH: Yes, definitely.

BEVERLY GRIEBEL: Doesn't make a lot of sense.

LARRY SMITH: It doesn't.

BEVERLY GRIEBEL: Is that why we're going to revise the code?

LARRY SMITH: Some day.

BEVERLY GRIEBEL: Well, that is part of the master plan --

LARRY SMITH: Some day your prince will come.

BEVERLY GRIEBEL: Don't hold your breath on that one.

(Laughter.)

BEVERLY GRIEBEL: Do you need these as part of the record?

LARRY SMITH: They should be.

BEVERLY GRIEBEL: Is that okay?

MR. LEITTEN: That's fine.

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. Replaces existing shed which houses the pool heater and equipment making this the only logical placement.

Note: A building permit is required.

7. Application of Anthony Comunale, owner, 51 King Road, Churchville, New York 14428 for variance to erect a 7' x 6' double-faced freestanding sign to be 7' from front lot line (20' req.) at property located at 51 King Road in L.I. zone.

Anthony Comunale was present to represent the application.

MR. COMUNALE: Hi.

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

MR. COMUNALE: Okay. Well, I'm Tony (Comunale), and just basically I've wanted to put the sign up at the business there for a long time and we never really had a sign, but we just thought, you know, we would come to the point in time where we thought, you know -- we thought it would be a good idea. We still have people stopping all of the time, and say that, "Oh, we didn't" -- "Do you fix cars here?"

BEVERLY GRIEBEL: You have more traffic on that road with all of the house construction.

MR. COMUNALE: The traffic has really increased, so we wanted to make sure that it was obvious, you know, that we did the work there. Again, we're adding this exhaust specialty into the business, and so we wanted to also make that known.

CHILI ZONING BOARD OF APPEALS

July 25, 2000

The berm that is out there, where we would like to put it, that has been there for a long time. That is what we originally put it out there for a long time and just never did it. So we were hoping that we could put it there and utilize that, being that that is one of the reasons that we were -- we originally did put it out there.

BEVERLY GRIEBEL: To let people know what you're doing there?

MR. COMUNALE: Right.

MARY SPERR: I always ask about putting your address numbers on the sign. It is one of the things that we usually require -- we ask everyone to do. They always tease me about it. Just to put your address. We're trying to help everyone be able to find places better. It is really difficult --

MR. COMUNALE: We thought about that afterwards, and we are going to. And the other reason, for eight years we joked that the Town should put a little booth on my property there because we seem to be in the area where people get really lost, because it is confusing out there.

BEVERLY GRIEBEL: King Road and Paul Road.

MARY SPERR: King and Paul.

BEVERLY GRIEBEL: That makes no sense.

MR. COMUNALE: Then Chestnut Ridge Road jogs across Paul Road and people just get -- we -- there is at least four or five people a day that -- it doesn't matter what time of year it is, and -- so...

MARY SPERR: You can put the numbers on the post, wood post, or across the top. However you wanted to fit them in.

BEVERLY GRIEBEL: Or maybe 51 King Road somewhere maybe on the post.

MR. COMUNALE: Well, we could put it on that top area that I show. I thought we could put it in there. I was going to do like a sand blasted wooden type of sign, and --

MARY SPERR: This would probably be -- if we're approving this, it would be one of your conditions.

MR. COMUNALE: Oh, yes, I think that is a good idea.

BEVERLY GRIEBEL: Maybe that would help people get relocated.

MARY SPERR: Can't hurt.

BEVERLY GRIEBEL: Or maybe get more confused because they're on a different road than they started on.

MR. COMUNALE: They think it is Paul Road and they don't realize what Paul Road does up on Chili Avenue. So they get really --

BEVERLY GRIEBEL: The tracks are on King Road, but who would know it. Very confusing.

RICHARD PERRY: You could probably put a hanger underneath that says, "Directions."

BEVERLY GRIEBEL: "Directions are free."

(Laughter.)

MR. COMUNALE: We just ask if -- you know, if they could come in and not stand out in the driveway and below the horn. It is like curbside service, too.

BEVERLY GRIEBEL: You could sell maps.

MR. COMUNALE: We thought about that.

(Laughter.)

DAN MELVILLE: It said it would be illuminated. Will it be illuminated all night long?

MR. COMUNALE: No. We thought about putting a timer on it so it -- so it would only be on 'til 9 o'clock. It wouldn't be on beyond that I don't think.

BEVERLY GRIEBEL: What are your hours generally over there?

MR. COMUNALE: Um, we're -- we're generally -- try to get finished up about 6 o'clock, and then I -- you know, I thought maybe we would have one night, maybe we would be open later, but 6 o'clock is enough for me.

BEVERLY GRIEBEL: You start early.

GERRY HENDRICKSON: You go by appointment?

MR. COMUNALE: Yes.

BEVERLY GRIEBEL: It is on here, 8 to 6. If you're illuminated 'til 9, people will see, "Oh, you do auto work there," so it would be a plus.

LARRY SMITH: With the new sign, I hope he doesn't get exhausted.

(Laughter.)

CHILI ZONING BOARD OF APPEALS

July 25, 2000

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 the following conditions:

1. Add street numbers to both sign faces, possibly "King Road" is space is available.
2. Lighting timer to turn lights off later in the evening.

Note: A sign permit is required.

8. Application of Lifetime Assistance, owner, 425 Paul Road, Rochester, New York 14624 for variance to erect a 6,400 sq. ft. addition to building to be 44' from rear lot line (80' req.) at property located at 425 Paul Road in L.I. zone.

Rob Fitzgerald was present to represent the application.

MR. FITZGERALD: Rob Fitzgerald, Project Engineer with Avery Bonnerwith Engineering.

And basically just for expansion reasons, they need extra room, so they're proposing an addition. We have been in front of the Town Board and we were granted both preliminary and final approval.

BEVERLY GRIEBEL: The Planning Board?

MR. FITZGERALD: The Planning Board, yes.

BEVERLY GRIEBEL: How about the business behind you, Ron, Inc., are they okay with this expansion?

MR. FITZGERALD: We haven't heard complaints from them that I'm aware of.

BEVERLY GRIEBEL: They have to know what is going on because you have had signs and letters.

MR. FITZGERALD: Right. The signs are posted. There are actually three signs posted.

BEVERLY GRIEBEL: Are you going to take up about half of that distance, that grassy area between your building and their property?

MR. FITZGERALD: Yes, approximately.

BEVERLY GRIEBEL: And --

LARRY SMITH: A good deal of that property's line is on that hill next to Ron, Inc.

BEVERLY GRIEBEL: That was my next question.

MR. FITZGERALD: Their asphalt is pretty much close to their lot line or our common lot line.

BEVERLY GRIEBEL: So you own that slope down?

MR. FITZGERALD: We own the slope, a ditch and actually a retention pond there.

BEVERLY GRIEBEL: Then there is a row of lights when you're on --

MR. FITZGERALD: Yes. That is on their property.

BEVERLY GRIEBEL: And they just go a little bit beyond that?

MR. FITZGERALD: Right.

BEVERLY GRIEBEL: So you actually own most of that grassy area. Kind of drove around. I was trying to see what I could see. I was trying to eyeball it. It looked like it was probably about half of that distance.

MR. FITZGERALD: Sure. If you look at our map here (indicating), we did plot the edge of their asphalt and they have a catch basin with approximately 3 or 4 feet off the edge of asphalt. Then you see our common property line.

BEVERLY GRIEBEL: Okay. And the lights. All right. The lights are on their property. That's right.

CHILI ZONE BOARD OF APPEALS  
July 25, 2000

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: This went 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 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 findings of fact were cited:

1. No registered objection from the neighboring business.
2. The landscaped appearance from Paul Road will not change.

The meeting ended at 8:56 p.m.

A meeting of the Chili Zoning Board of Appeals was held on August 22, 2000 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: Dan Melville, Gerry Hendrickson, 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: Before we begin, signs. Number 1. The signs were not there over the first weekend, the 12th and 13th. I just happened to drive by, and I think the first time I saw it there, when I looked for it, was on the 16th, so -- did anyone else see it there earlier than that?

RICHARD PERRY: I didn't see it on the 14th, either.

BEVERLY GRIEBEL: That was tabled from our last meeting. The applicant failed to post required hearing notice in a proper manner.

GERRY HENDRICKSON: Which one?

BEVERLY GRIEBEL: Number 1.

GERRY HENDRICKSON: It was under the tree.

BEVERLY GRIEBEL: Maple Garden Center.

GERRY HENDRICKSON: It was under the tree.

RICHARD PERRY: When? I didn't see it there on the 13th or 14th.

GERRY HENDRICKSON: I was out on the 16th and it was there.

BEVERLY GRIEBEL: The applicant was to obtain new signs at the Building Department and post as per Town regulations. The Town regulations being that there is a posting date for the sign, which is in this case -- it is ten days prior, and that would have been on the 12th. I don't think we can get any clearer on that.

RICHARD PERRY: Especially not having been here the month before.

GERRY HENDRICKSON: I saw no signs.

BEVERLY GRIEBEL: Well, we'll finish with one of these at a time.

Is the applicant here?

MR. NAGLE: Yes.

BEVERLY GRIEBEL: Why were those signs not posted as required?

MR. NAGLE: I believe they were.

BEVERLY GRIEBEL: What is your name, sir?

MR. NAGLE: David Nagle. I had it on the other spot there. I don't know if it was probably the best spot, but I moved it in the corner a little more visible on the other post there.

DAN MELVILLE: When did you post it?

MR. NAGLE: I'm not sure of the date on it. I think it was the 14th. What day of the week was the 14th?

DAN MELVILLE: What was the first day it had to be up?

BEVERLY GRIEBEL: The 12th.

MR. NAGLE: I'm not sure. I know I got it from -- I came down and received it. They said I had to get it up, so I put it up there.

BEVERLY GRIEBEL: I know one applicant had it up a week ahead of time, the week before it was required.

Well, Board, what do you want to do?

BILL OLIVER: He did show a good faith trying to get it up. I think we just -- unless anybody else has something to say about it.

BEVERLY GRIEBEL: Do you want to hear it this evening?

BILL OLIVER: Two days out of ten.

BEVERLY GRIEBEL: At times we deny it without prejudice and he has to reapply. The instructions for the sign are very clear.

BILL OLIVER: Yes, I know they are.

BEVERLY GRIEBEL: Shall we give him a little free rein tonight?

DAN MELVILLE: Whatever the Board wants.

MARY SPERR: We're trying to enforce a sign policy.

DAN MELVILLE: I can't say -- when I went by the other day, it was up.

MARY SPERR: Same here.

RICHARD PERRY: I went by again later and it was up.

BEVERLY GRIEBEL: I wasn't specifically out looking at applications on that Saturday or Sunday. I just happened to go by there because I live near there and I didn't see it there. I went out then specifically looking at the applications on the 16th and that is when I saw it up.

MARY SPERR: Since we tabled it, in good faith he put it up, he was two days late. Shouldn't we hear it?

GERRY HENDRICKSON: I make a motion we hear it.

DAN MELVILLE: I have no problem with it.

BILL OLIVER: I have no problem with it.

BEVERLY GRIEBEL: We'll give him the benefit of the doubt.

Gerry (Hendrickson), you had problems with some other signs?

GERRY HENDRICKSON: Yes, on the bank. I seen nothing there at all.

RICHARD PERRY: It is there. It is on Buffalo Road, just past the entrance. So it is kind of down out of the way, but it is listed as Buffalo Road, so that is where they had to put it. They had one on Union Street, too.

GERRY HENDRICKSON: I saw nothing on either.

BEVERLY GRIEBEL: I saw one on Union Street that day.

RICHARD PERRY: I saw it on both places.

GERRY HENDRICKSON: I was out on the 16th and I didn't see it. I retracked my tracks and still didn't see it.

RICHARD PERRY: I saw them both and I think that was on the 14th. I didn't see it on Saturday, and I went back to check.

BEVERLY GRIEBEL: Well, I saw it -- I think sometimes with the construction it is a little difficult.

MARY SPERR: I saw it, too.

BEVERLY GRIEBEL: I know that spot in the past has been very difficult because apparently there is someone there that takes the signs down, a nearby person, and disposes of them. So it is sometimes difficult for applicants to keep signs on that corner. I know for the drugstore, with all that construction, they had a problem with that.

RICHARD PERRY: I did see two.

GERRY HENDRICKSON: I saw no sign on Cherry Blossom Circle.

BEVERLY GRIEBEL: That one has been withdrawn. Number 3, Alistair Lewis, 1 Cherry Blossom Circle, that was withdrawn at the applicant's request.

GERRY HENDRICKSON: Okay.

BEVERLY GRIEBEL: Any others that were a problem?

The Board indicated there were no problems with the other application notification signs.

1. Application of Nagle Garden Center, 3309 Union Street, North Chili, New York 14514  
property owner: David Nagle, for variance to allow an 8' x 4' double-faced freestanding sign at property located at 3309 Union Street in G.B. zone.

David Nagle was present to represent the application.

MR. NAGLE: My name is David Nagle, 3311 Union Street is my residence. Basically it is a sign to advertise the business that I have there at 3309. A freestanding sign as mentioned here. It is a wood sign and it will be set back quite a ways, actually more than it is required. There are no lights or anything associated with it. It is a pretty simple, straightforward sign. It is not flashy, plastic, or neon. It pretty much blends in with the setting for the garden center and a rural setting.

BEVERLY GRIEBEL: Is it going to be approximately where this present sign is?

MR. NAGLE: Yes.

BEVERLY GRIEBEL: That one you're going to be removing, is that right?

MARY SPERR: Or is it the present sign and -- this is what I am asking.

MR. NAGLE: It looks just like that (indicating). Let me put it that way.

BEVERLY GRIEBEL: So the sign is up without a permit.

MR. NAGLE: I have already gone through the whole thing, so I don't know -- yeah.

There was a sign there. I changed the sign, so technically I had a sign up before. I was paying on a sign before, but I moved it back because what happened is I had to put -- for the backflow preventer which I had to put in for the Monroe County Water District -- they wanted me to put up a 4 x 8 x 6-foot high enclosure, block enclosure, so I put that in there, and that raised it up. So I changed my name at the same time, and so I just moved it over back a little bit farther and put it on that sign.

BEVERLY GRIEBEL: So this is just making that legal?

MR. NAGLE: Sort of making me legal.

MARY SPERR: That is okay.

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 the following condition:

1. Add street numbers to faces of sign visible from Union Street.

The following finding of fact was cited:

1. Signage needed to identify the business.

Note: A sign permit is required.

2. Application of Jacob Shade, owner, 69 Ballantyne Road, Rochester, New York 14623 for variance to erect a 15' x 20' garage to be 9' from rear lot line (25' req.) at property located at 69 Ballantyne Road in RAO-20 & FPO zone.

Jacob Shade was present to represent the application.

MR. SHADE: I have two steel sheds that were there when I bought the house, and I would like to take them down. They're old and dilapidated, and I would like to have this garage in place of it. In place of the two sheds, basically.

BEVERLY GRIEBEL: Okay. Right now you don't have a garage?

MR. SHADE: Correct.

BEVERLY GRIEBEL: Sometimes that is very necessary on a property to have storage.

MR. SHADE: Yeah.

GERRY HENDRICKSON: I have no questions. I can see where he is going over in the area. I have no questions on it.

MARY SPERR: Just real quick, the two metal sheds will stay?

MR. SHADE: No. I want to take them down.

MARY SPERR: Okay. I thought I heard you say that.

MR. SHADE: They're quite rusty.

MARY SPERR: Okay.

RICHARD PERRY: He has a limited amount of space to work with.

DAN MELVILLE: Is this garage for personal storage?

MR. SHADE: Yes.

DAN MELVILLE: Do you run a business out of there?

MR. SHADE: No. I got a canoe, motorcycle.

DAN MELVILLE: What is tree equipment? What is that?

MR. SHADE: Chain saw. I have a lot of trees in the yard.

DAN MELVILLE: Okay. I was just wondering.

MR. SHADE: In fact, I want to take some down with the mosquito problem.

LARRY SMITH: Will you have an overhead door on it?

MR. SHADE: No. I wasn't planning on an overhead. It would be a swing out.

LARRY SMITH: Are you going to have a door big enough to park a vehicle in there?

MR. SHADE: I could.

LARRY SMITH: No. Are you, is the question.

MR. SHADE: I was planning on having a pretty good sized door.

LARRY SMITH: What kind of floor are you going to have?

MR. SHADE: I was told I would have to have concrete..

BEVERLY GRIEBEL: If it doesn't have all that, then it is a shed.

LARRY SMITH: No. If he parks motor vehicles, it is a garage and he would need a concrete floor.

MR. SHADE: If you put a motorcycle in it, it has to have a concrete floor.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: This was submitted to Monroe County Planning and went for review. They didn't attach any comments. Approved insofar as airport considerations are concerned, so I guess it is not going to be a problem for low-flying planes.

You're in the airport review area.

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. Applicant showed need for garage storage on property as he is demolishing two smaller sheds.

Note: A building permit is required.

3. Application of Alistair Lewis, owner, 1 Cherry Blossom Circle, North Chili, New York 14514 for variance to erect a 12' x 16' deck to be 24' from rear lot line (40' req.) at property located at 1 Cherry Blossom Circle in RM zone.

DECISION: Application withdrawn at the applicant's request.

4. Application of Helmut Hirschauer, owner, 43 Gateway Road, Rochester, New York 14624 for variance to erect a 12' x 12' utility shed to be 40' from side lot line (55' req. abutting a street) and 4' from dwelling (8' req.) at property located at 43 Gateway Road in R-1-15 zone.

Helmut Hirschauer was present to represent the application.

MR. HIRSCHAUER: I would like to replace a storage shed, 10 x 10 with 12 x 12. It is basically the same spot.

BEVERLY GRIEBEL: You're going to remove the shed that is there?

MR. HIRSCHAUER: Yes.

BEVERLY GRIEBEL: Your note on the application, the storage shed is almost completely hidden from view by two pine trees when you're on Gateway Circle. It is pretty covered up.

MR. HIRSCHAUER: Yes.

BEVERLY GRIEBEL: It was 3-foot, but now it is 4-foot.

BILL OLIVER: I just wanted to make sure.

BEVERLY GRIEBEL: The application that was advertised was 4 feet. It might have been changed when he came in.

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 expressed need to replace the shed in approximately the same position.

Note: A building permit is required.

5. Application of Anthony Disanferdinando, owner; 2 Colonist Lane, Rochester, New York 14624 for variance to erect a 16' x 32' swimming pool to be 5' from rear lot line (10' req.) at property located at 2 Colonist Lane in R-1-15 zone.

Anthony Disanferdinando was present to represent the application.

BEVERLY GRIEBEL: This went into Monroe County Airport Review and came back as a local matter.

I met you when I was out looking at your yard.

MR. DISANFERDINANDO: Yes, you did.

BEVERLY GRIEBEL: When I looked at the diagram at home, I thought, "Well, why doesn't he just move it closer to the house."

When you look at it, you have an elevated deck that is close to the house, so it precludes you moving the pool closer to the house.

MR. DISANFERDINANDO: Actually, I would like to move it in closer. I guess the requirements were 10 feet for the electrical, so I needed to go back toward the lot line to meet the requirement for the electrical. RG&E marked it out, and they put it right on the sign, absolutely nothing on that big side yard because that is where all of the utilities, power and gas lines are running.

BEVERLY GRIEBEL: So you think you have a great big side yard, but --

MR. DISANFERDINANDO: I have no backyard. I have two monster sides and no back.

BEVERLY GRIEBEL: Sometimes that happens.

MR. DISANFERDINANDO: It is an irregular-shaped lot.

BEVERLY GRIEBEL: How does your neighbor feel, your nearest neighbor there?

MR. DISANFERDINANDO: I spoke to him before I come. He and his wife, our kids all play together. I'm pretty close with my neighbors. All of the ones that talk, I keep peace with the neighbors. I have to live there.

BEVERLY GRIEBEL: That really helps. That is nice.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: I thought of a question. Would that need side supports?

MR. DISANFERDINANDO: Yes. I did call the pool place, as a matter of fact, before I showed up here because I was unsure the day we spoke, and it will have some side supports on it. I will say probably four on each side, I would imagine, for a pool that length. I didn't ask specifically, but the salespeople did say.

BEVERLY GRIEBEL: How far out will they be?

MR. DISANFERDINANDO: I believe they will be 2-foot away.

BEVERLY GRIEBEL: Larry (Smith), does that change the --

LARRY SMITH: I'm sorry, I stepped out for a minute.

BEVERLY GRIEBEL: The oval pool with side supports that go out about 2 feet, he is asking for 5-foot from the rear lot line.

LARRY SMITH: Is it an element of the structure. It will be two --

MR. DISANFERDINANDO: They'll be attached to the pool to support the sides and aluminum brackets.

LARRY SMITH: They go at an angle down to the ground?

MR. DISANFERDINANDO: Yes, sir.

LARRY SMITH: Just to be on the safe side, maybe you should amend the application for those.

RICHARD PERRY: To 8 feet.

BEVERLY GRIEBEL: Well, let's see.

MR. DISANFERDINANDO: So it means it would have to come in closer towards the house?

BEVERLY GRIEBEL: He is asking 5 feet from the rear lot line.

LARRY SMITH: Let's go to 3 feet.

BEVERLY GRIEBEL: I think 2 -- are they 2 feet or 2 1/2 feet?

LARRY SMITH: Give him the variance for the side wall of the pool.

MR. DISANFERDINANDO: When I went for the variance, I believe I was going from the side wall to the back of the lot.

LARRY SMITH: You can play games with the code by saying part of the structure, and -- help me here, will you, Keith (O'Toole)? Do you know what they're trying to do?

Larry Smith conferred with Keith O'Toole.

LARRY SMITH: Do it from the side wall of the pool. That is the easiest way.

BEVERLY GRIEBEL: He made a concession to have an oval pool because a round one of any size wouldn't fit in there, so that is part of the difficulty, is the area you have there.

MR. DISANFERDINANDO: The area I have to work with, correct.

BEVERLY GRIEBEL: The oval pool, you generally need --

MR. DISANFERDINANDO: It would give me a little room possibly in between the house -- a round pool is smaller and would be sitting on top of the house. I didn't think it would be a very good idea.

BEVERLY GRIEBEL: So that is for the wall of the pool. That will allow you a little room to get those supports. We don't want the pool collapsing.

MR. DISANFERDINANDO: No, we don't need that.

BEVERLY GRIEBEL: Any other questions, Board?

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 findings of fact were cited:

1. The variance of 5' from the pool side walls shall not prohibit the installation of side wall braces which may infringe upon the 5' setback.
  2. Due to electrical easements and rear deck, this site is the only logical placement for a pool.
  3. No objection from the closest neighbor.
6. Application of Charles Costanza, owner; 650 Paul Road, Rochester, New York 14624 for variance to erect a 16' x 24' two-story utility shed to be 768 sq. ft. (180 sq. ft. allowed) at property located at 650 Paul Road in R-1-15 zone.

Charles Costanza was present to represent the application.

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

MR. COSTANZA: Good evening.

BEVERLY GRIEBEL: Hello.

MR. COSTANZA: We're going to put up a barn over there to do two things. One is to get rid of the old trailer we have been using for storage. The second one, to get rid of the old cashier booth we used to use for the sale of Christmas trees. The new barn will be 350 feet off of

Paul Road. It will probably be, oh, 400 feet off Archer Road. It is kind of buried back in there.

BEVERLY GRIEBEL: You will need binoculars back there.

MR. COSTANZA: We need it for storage because the garage and barn is full of stuff. I don't want to work with the old trailer because it is a pain in the neck and an eyesore, along with the cashier's booth.

BEVERLY GRIEBEL: Your acreage there is 11 1/2 acres?

MR. COSTANZA: I believe it is.

BEVERLY GRIEBEL: So I think there is room enough back there to support that structure. It seems to me. If it were just an ordinary R-1-15 zone, just a little third of an acre, that would be a different story, but with that size lot -- that seems reasonable.

MARY SPERR: The only thing that nags at me is you wouldn't -- I understand what you just said. You wouldn't want to put it where you're removing something. This is just the best where you have chosen.

MR. COSTANZA: I want to keep it back off the road. I thought back there would be out of our way of everything. It is right behind where the old trailer is. That is where it is going to go.

MARY SPERR: I saw that.

BEVERLY GRIEBEL: And some of these others, removed '92, removed '93.

MR. COSTANZA: Yes. Some of the other buildings have come out of there.

LARRY SMITH: Mr. Costanza, was this on your assessment rolls or not?

MR. COSTANZA: Yes. I got it straightened out. The one you told me I had to go get a permit for to tear down, which had been down for 10 years or 13 years, I went to find out -- that wasn't the barn or the garage that they had included in it. It was the garage we had put up on the back of it when my mother was living there. My mother still is living there. We put a garage up attached to the house.

LARRY SMITH: So you straightened that all out with the Assessor?

MR. COSTANZA: Right.

LARRY SMITH: Okay.

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. No impact on neighboring properties.
2. Applicant has need for storage and has an 11 1/2 acre property.

Note: A building permit is required.

7. Application of Jon Noeth, owner, 6 Sunridge Drive, Rochester, New York 14624 for variance to erect an 8' x 10' utility shed to be 2' from side lot line (8' req.) at property located at 6 Sunridge Drive in R-1-15 zone.

Jon Noeth was present to represent the application.

MR. NOETH: I would like to put the shed up. I have a couple of dogs that I have to put in my garage. I have to build a kennel there. I have to move all my stuff -- not all my stuff, but a lot of it, just for storage. The reason I'm applying for this is my neighbor in recent years had applied for a variance for an oversized shed that is 2 feet from the line, and most recently a garage expansion that is -- I'm not sure how close it is to the line, but it was moved closer to my line. So I feel that they have encroached on my property, and I just want to reciprocate a little bit. By putting this 2 feet to the lot line won't interfere with the symmetry of my backyard.

BEVERLY GRIEBEL: Okay. That is generally not a reason to approve it.

What else is in your backyard that precludes you from placing it according to the code?

MR. NOETH: Other than the deck, nothing.

BEVERLY GRIEBEL: The reason why I ask is because you have it all -- board on board, whatever that type fence, you can't see through it.

MR. NOETH: A stockade fence.

BEVERLY GRIEBEL: I couldn't see what else -- so you really have nothing else in the backyard that would prevent you from placing it according to code.

MR. NOETH: Other than a -- I have a dog kennel and the -- it would be the northeast corner and the firewood pile in the southeast corner. I couldn't put it in either one of those corners. Being I am doing this to quell the dog problem I have with my neighbors, that's the reason I am putting a shed there.

BEVERLY GRIEBEL: Well, I think you have other options to place it 8 feet from the property line and not require the variance. That is one of the questions on the application. "Any other alternatives available that would not require a variance," and you answered "No." So I don't really agree with that.

We'll see what the rest of the Board thinks.

MARY SPERR: I thought that per the State there was a 4-foot minimum?

LARRY SMITH: For combustibles.

BEVERLY GRIEBEL: What type shed will this be?

MR. NOETH: Just a wooden one for storage of like lawn mower and --

BEVERLY GRIEBEL: 2 feet couldn't be granted, anyway.

MR. NOETH: Well, you know, that is another thing. When I applied for this, that is what I was told, it was a State Law. I had called Riga, Gates and Henrietta and talked to the Building Departments there, and they said --

LARRY SMITH: That has no bearing on it.

MARY SPERR: What other towns do is --

MR. NOETH: Well, when somebody said it was a State law, that encompasses the State. That is what my issue is.

BEVERLY GRIEBEL: Well, we can't answer for the other towns.

MR. NOETH: I know that.

BEVERLY GRIEBEL: We're just following what the States directs.

Now, we could grant you a 1-inch variance, but you wouldn't get a building permit for it.

KEITH O'TOOLE: Perhaps we should focus the discussion on the zoning variance.

BEVERLY GRIEBEL: He is requesting a 2-foot. That would not be able to be granted, anyway.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MARY SPERR: Would he be interested in changing this application to amend it to be 4 feet from the side lot line instead of 2 feet?

MR. NOETH: Oh, yeah. Like I said, with my neighbor being granted that 2 feet, that is why I felt that since they have encroached on my lot line twice --

MARY SPERR: I understand how you feel about that. I think one of the things you have to consider is each application stands on its own and when he is granted his variance, it would be based on his circumstances, his yard or whatever was decided upon that night. Yours is a completely separate application.

MR. NOETH: I realize that. That is why I asked on the application that it be considered.

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

1. Applicant hasn't explored alternate locations.
2. The survey submitted by applicant dated 5/13/97 shows numerous possible locations that would comply with the zoning code.

8. Application of Comfort Windows, 1380 Scottsville Road, Rochester, New York 14624, property owner: William Putzer, for variance to erect a 10' x 10' double-faced freestanding sign at property located at 1380 Scottsville Road in G.B. zone.

Bill Meister was present to represent the application.

DAN MELVILLE: Madam Chairman, I have a question to direct to legal counsel. I was involved in the sale of that property.

KEITH O'TOOLE: Which property?

DAN MELVILLE: The Scottsville Road property, Comfort Windows. Do I need to withdraw from this -- the sale is done with.

KEITH O'TOOLE: If it is -- abstain.

DAN MELVILLE: Abstain. I will not make any remarks on this application, nor will I vote on this application.

BEVERLY GRIEBEL: Okay. This was submitted to Monroe County Planning for airport review and came back as a local matter.

MR. MEISTER: My name is Bill Meister. I live in Rush, New York. I am representing Monroe Sign Company.

BEVERLY GRIEBEL: That will be 20 feet from the property line, and it is going to be illuminated. What color is it going to be? The background is white?

MR. MEISTER: White.

BEVERLY GRIEBEL: The lettering is --

MR. MEISTER: The oval in the center would be red with white letters. Then there is a sun that is orange and yellow.

BEVERLY GRIEBEL: Sun colors.

MR. MEISTER: And then the rest of the letters are blue.

MARY SPERR: Do you have a picture?

MR. MEISTER: I have a picture. It is the temporary sign that is there now.

BEVERLY GRIEBEL: We get a black and white print.

BILL OLIVER: Larry (Smith), do you need that picture?

LARRY SMITH: No.

BEVERLY GRIEBEL: I know we have discussed this before with the Board, although we don't set precedent, but along Scottsville Road when you have four lanes of traffic, it is kind of hard to locate if there is not a sign that is accessible, so that can be a concern.

MARY SPERR: What we're trying to accomplish when we approve signage is that the address numbers for your place of business be put someplace on the pole, on the sign to help people find what your location is if you advertise your address. It is one of the things we're trying to do. Is there a way you could fit that on?

MR. MEISTER: Sure. The firemen in Rush I know --

MARY SPERR: Yes.

BEVERLY GRIEBEL: It will help other people locate any other businesses, because everybody hasn't got the house numbers on yet.

MARY SPERR: The only other thing I had is -- now I can't tell. I'm a terrible judge of heights, but if it is 20 feet high -- you're trying to plan that to go along with the height of the flow of the signs in the area.

MR. MEISTER: The maximum height that the Town allows there is 20 feet, so it is in compliance.

BEVERLY GRIEBEL: It is on a pole, so it is going to allow visibility underneath for traffic.

MR. MEISTER: Right.

BEVERLY GRIEBEL: It is definitely an important consideration.

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 with the exception of Dan Melville abstaining.

DECISION: Approved by a vote of 5 yes with 1 abstention (Dan Melville) with the following condition:

1. Street numbers to be added to each face of sign.

The following finding of fact was cited:

1. Signage needed to identify a new business on a busy road.

Note: A sign permit is required.

9. Application of Mr. & Mrs. Dennis Laughlin, owner, 38 Hunting Spring, Rochester, New York 14624 for conditional use permit to allow an office in home for a machinery moving/rigging business at property located at 38 Hunting Spring in PRD zone.

Dennis Laughlin was present to represent the application.

BEVERLY GRIEBEL: This is just going to be for mail, maybe an answering machine and file cabinets, that sort of thing?

MR. LAUGHLIN: Yes.

BEVERLY GRIEBEL: Will you have customers coming to your home?

MR. LAUGHLIN: No.

BEVERLY GRIEBEL: Will you have any signs there?

MR. LAUGHLIN: No.

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.
5. No outside employees.

The following finding of fact was cited:

1. The home office is a customary home office.

10. Application of Pavilion State Bank, 4390 Buffalo Road, North Chili, New York 14514, property owner: Estate of Oliver Perry; for variance to erect two additional wall signs: Sign 1 to be 16' x 2', sign 2 to be 11'3" x 3'6" at property located at 4390 Buffalo Road in G.B. zone.

Darryl Wiechec was present to represent the application.

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

MR. WIECHEC: Darryl Wiechec. I'm representing Pavilion State Bank, W-i-e-c-h-e-c. These are computer-generated vinyl letters that will be affixed to the side of the building. We have no signage at all on the side of the building that faces Union Street. One of the sections will

say "The Pavilion State Bank," and then on the overhang where the drive-through portion of the bank is it will just have lettering stating "24-hour ATM."

BEVERLY GRIEBEL: I have a question. Are these reversed?

MR. WIECHEC: Can I take a look?

BEVERLY GRIEBEL: Yes.

MR. WIECHEC: This obviously extends out (indicating). It doesn't show it on the drawing.

BEVERLY GRIEBEL: This is the edge of the bank (indicating).

MR. WIECHEC: This is the rear of the bank, correct (indicating).

BEVERLY GRIEBEL: If I'm on Buffalo Road, looking -- no. If I'm on Union Street looking at it --

MARY SPERR: This --

MR. WIECHEC: I will take that back.

BEVERLY GRIEBEL: This is the driveway here, going in (indicating).

MR. WIECHEC: You're right. Here is where it will say "24-hour ATM" (indicating).

This (indicating) is on the overhang that sticks out as the drive-through.

MARY SPERR: This I thought was for the -- is this for the side?

BEVERLY GRIEBEL: That is for the drive-through (indicating).

Now, there is a big tree here (indicating). I was trying to get a perspective. This big tree that blocks -- unless you move this sign (indicating) over near the edge of the building.

MR. WIECHEC: Well, you see it when you pull in -- you may not see it as you're right here (indicating) on Union Street, but you will notice it as you pull in this entrance (indicating).

BILL OLIVER: He is trying to be more symmetrical with the --

BEVERLY GRIEBEL: -- building.

The way I looked at it, I think it is going to be behind the tree.

MR. WIECHEC: It may be, but I think that was the point as far as it being centered between the front of the building and the beginning of the drive-through overhang.

BILL OLIVER: Worse comes to worse he can trim down the tree.

MARY SPERR: If lightning strikes that tree down --

(Laughter.)

BILL OLIVER: No. You brought up a good point.

BEVERLY GRIEBEL: You're supposed to have a sign on the building that is visible from Union Street, and a big tree in front of one sign, what is the point?

DAN MELVILLE: Is that technically supposed to be visible from Union Street or when you're in the parking lot?

MR. WIECHEC: Probably more so from the parking lot. This one (indicating) is of more concern. That, of course, is very visible. This (indicating), as you're pulling into the driveway portion (indicating) is what we really want to catch the eye. Seeing this (indicating) from Union Street, if it happens, it happens.

BEVERLY GRIEBEL: Okay.

MR. WIECHEC: When the leaves fall, we'll see.

BEVERLY GRIEBEL: I was just wondering if those positions were firm. If you wanted to have the option of moving it that way (indicating) to --

MR. WIECHEC: Rather keep it centered, to be honest with you.

BEVERLY GRIEBEL: Even if it is behind the tree. Hey, I don't care --

MARY SPERR: It is your bank.

BEVERLY GRIEBEL: It doesn't affect me. I know the bank is there. I know what they have, but I was just kind of curious as I was sitting in the car, if they do it that way, it is going to be behind the tree.

MR. WIECHEC: It would probably be ideal if you could see it from Union Street. I don't think that was the main concern. I think as you pull in and then decide to go through the drive-through, that is what will catch the eye. And then being centered, it does kind of keep a look of the building a little neater.

BEVERLY GRIEBEL: It is okay with me. Keith (O'Toole) or Larry (Smith), if this shows a certain position of the lettering, is that the way it has to stay finally or can they move it around?

LARRY SMITH: What do you want to do?

BEVERLY GRIEBEL: Can they move it?

KEITH O'TOOLE: You have the power to impose a condition as to the location if there is a nexus between the location and a harm that would otherwise be caused to the Town of Chili and

its people and property.

LARRY SMITH: He said they could move it a little bit. I'm not sure.

DAN MELVILLE: You wanted that answer. You got it.

BEVERLY GRIEBEL: If they take a look at it and --

LARRY SMITH: If they want it behind a tree, let them, Bev (Griebel). It is up to them.

BEVERLY GRIEBEL: Right. They can do that. But if there is no --

LARRY SMITH: If you want to hold them to that exact location, you can say that is exactly where the Board is granting the location for. Or you can loosen it up a little bit. That is up to you. If they want it behind the tree, that is up to them.

BEVERLY GRIEBEL: They can put it --

KEITH O'TOOLE: Unless you say otherwise.

BEVERLY GRIEBEL: Well, that is fine with me.

DAN MELVILLE: Do you bank at that bank?

BEVERLY GRIEBEL: No, I don't.

DAN MELVILLE: I thought you wanted to see the sign when you pulled in. No. I was looking at it, if it is behind the tree, it that is up to them.

LARRY SMITH: They might like to have trees that interfere with their signs.

DAN MELVILLE: For the next nine months it won't be covered.

BEVERLY GRIEBEL: We may have an early fall. If we don't make it specific, then you would have the option of moving it if you wanted visibility one way or another.

I was just curious.

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 finding of fact was cited:

1. Additional information is needed as the bank has a large setback from the road.

Note: A sign permit is required.

11. Application of Mr. & Mrs. David Hawkins, owner, 205 Chestnut Ridge Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a wood pallet business at property located at 205 Chestnut Ridge Road in R-1-15 zone.

David and Pauline Hawkins were present to represent the application.

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

MRS. HAWKINS: Hello. I'm Pauline Hawkins.

MR. HAWKINS: I'm Dave Hawkins.

MRS. HAWKINS: 205 Chestnut Ridge Road.

Do we take just the business one and --

BEVERLY GRIEBEL: Yes. I think we'll work on this one first.

MR. HAWKINS: We have letters that kind of incorporate both variances from local neighbors, so I don't know if you want to combine everything together or --

BEVERLY GRIEBEL: Well --

MR. HAWKINS: We have neighbors, letters from seven neighbors that kind of incorporated both.

BEVERLY GRIEBEL: Both of them? Well, we can --

KEITH O'TOOLE: Why don't we do this. They can start the discussion of the application. We'll make copies of the letters, and we'll have a duplicate copy in each file for each application, but I would like to treat them separately.

MR. HAWKINS: We made one set of copies for everybody.

LARRY SMITH: We'll take care of splitting them.

BEVERLY GRIEBEL: First, the home office for answering phones, sending and receiving mail for a business that -- you don't really do the business there at the property?

MR. HAWKINS: No.

BEVERLY GRIEBEL: You're at another location where you actually do the business?

MR. HAWKINS: Yes.

BEVERLY GRIEBEL: And phone, answering machine, 6 a.m. to 12 p.m. or whenever people call?

MR. HAWKINS: Pretty much, yeah.

BEVERLY GRIEBEL: Have you been doing this business for a while?

MR. HAWKINS: Yes. About seven years.

BEVERLY GRIEBEL: You have been doing it off-site?

MR. HAWKINS: Yes. When I first got into it, I was trying to do it out of my garage, but this was like six years ago. It just totally overwhelmed me really quick. But in six years I have had probably about six different warehouses, so...

BEVERLY GRIEBEL: Okay.

DAN MELVILLE: You don't have any customers that come to your house?

MR. HAWKINS: No, absolutely not.

DAN MELVILLE: You don't have deliveries to your house?

MR. HAWKINS: No.

DAN MELVILLE: No signs on the property?

MR. HAWKINS: No.

DAN MELVILLE: I have no further questions.

RICHARD PERRY: I notice on the application you have your hours 6 a.m. to 12 p.m. You don't really --

MR. HAWKINS: Well, we do because some of our customers work three shifts, so they may come in in the morning, order them and if they run out by later in the afternoon, then I have to get in the truck, go to the shop and deliver to them.

RICHARD PERRY: Okay.

MARY SPERR: I don't have any other questions on this.

GERRY HENDRICKSON: No questions on this.

BEVERLY GRIEBEL: You have some letters from neighbors.

MR. HAWKINS: We have seven letters from different neighbors.

BEVERLY GRIEBEL: And they're apparently in favor of this.

MR. HAWKINS: Yes.

BEVERLY GRIEBEL: Okay. Maybe if you bring them forward.

MR. HAWKINS: Just one set then? Do you want all of them --

MRS. HAWKINS: We made seven copies. The first section there is more to do with the fence variance that we have.

KEITH O'TOOLE: Why don't we save that for the next application.

BEVERLY GRIEBEL: There is a letter, 8/18, Patrick and Sandra Kuder, K-u-d-e-r.

"Please be advised we have no objections to the variance request for either the conditional use permit to allow an office in the home or to erect the stockade fence as stated in the application."

8/19, Ruth Lenhardt, L-e-n-h-a-r-d-t, 202 Chestnut Ridge. "The people across the road do a business concerning the fence and their privacy..." That is for the fence.

"To Zoning Board members, we have no objections to the fence."

MARY SPERR: The second sentence if you keep going. "As well as the variance request to answer the phone and to send and receive mail."

BEVERLY GRIEBEL: That is on August 22nd.

MARY SPERR: Can you read it?

MR. HAWKINS: His name is Lou.

BEVERLY GRIEBEL: G-o-r-e-s-k-i.

MRS. HAWKINS: E-v-s-k-i.

MARY SPERR: It is hard to read.

BEVERLY GRIEBEL: He kind of writes like I do.

228 Chestnut Ridge Road, no problem with it. No problem with the phone and sending and receiving mail for the business.

BEVERLY GRIEBEL: This one (indicating) I think is on the fence. That one (indicating) is the fence also.

Bruce and Rose Marie Austin, 12 Brasser Drive. "I would object to business use of the property if it were to be storage or manufacturing. However, the variance request does not indicate that."

MARY SPERR: I think that is it.

MR. HAWKINS: There should be seven letters altogether.

BEVERLY GRIEBEL: Regarding the home office, here, there is a -- Ruth Lenhardt had another note that she sent in. 202 Chestnut Ridge Road. And -- "I have lived at 202 for more than 50 years and feel how a person uses his property is his business."

This is regarding the truck on the lawn. Do you have a truck on the lawn?

MR. HAWKINS: We have a turn-around in our driveway which I park my truck in.

BEVERLY GRIEBEL: Is that truck used for work?

MR. HAWKINS: It is used for work, but I bring nothing home on the truck.

DAN MELVILLE: What kind of truck is it?"

MR. HAWKINS: Um, the make or --

DAN MELVILLE: Well --

RICHARD PERRY: What type of truck?

MR. HAWKINS: It is a flatbed. It is like a 7 foot by 10 foot flatbed. 10, 11, 12 foot flatbed.

RICHARD PERRY: Cab and chassis with a flatbed?

MR. HAWKINS: Yes.

RICHARD PERRY: Stake rack?

MR. HAWKINS: Stake body, but I took most of the racks off for the noise factor.

BEVERLY GRIEBEL: Is there advertising on the truck any more?

MR. HAWKINS: Not any more. We had door signs on it until approximately three months ago.

BEVERLY GRIEBEL: So those are gone? It looks just like a truck?

MR. HAWKINS: Right.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ROBERT STREET - 203 Chestnut Ridge Road

Mr. Street passed out photographs to the Board.

BEVERLY GRIEBEL: Can we have your name, sir?

MR. STREET: Robert Street. I live at 203 Chestnut Ridge Road.

BEVERLY GRIEBEL: And these pictures are --

MR. STREET: You have heard what Mr. Hawkins and Mrs. Hawkins stated tonight. I will read to you -- first off, let me tell you that I'm not looking for sympathy. If I want sympathy, I will look it up in the dictionary. I have chronic obstructive pulmonary disease. For those that don't know what it is, it is incurable and you have difficulty breathing. In March, I had a heart attack, and -- a myocardial infarction which damaged my heart muscle, and so speaking and talking is even more difficult now. So I ask you to bear with me. And I have my son here. When I do run out of breath, he will speak for me.

You will see the 1999/2000 -- or the business advertisement on the truck door. The phone number 889-7211. No business address. The 1999 Rochester area white pages listing Hawkins, David and Pauline, 205 Chestnut Ridge, 889-1211, 889-7211. Same as on the truck. No listing in the white pages for Hawk Pallet and Skids. No listing in the 1999 yellow pages for Hawk Pallets and Skids. 2000 white pages, Hawkins, David and Pauline, 889-1211. Now the other number is not listed. But in the white pages there are no listing for Hawk Pallets and Skids. The yellow pages there are no listing for Hawk Pallets and Skids. Talking Telephone Book, telephone pages, no listing for Hawk Pallets and Skids.

They stated they don't have traffic on their property. That is not true. There is more than normal traffic to the property. I have documented deliveries to the residence for a three-month period. January 3rd, February 2nd, 7th, 14th, 15th and 25th, March 3rd, 13th, 17th, 21st, April 17th there were two deliveries. The boxes pictured are delivered by a Chrysler product van, window type, beige in color.

Mr. Street gave the license number of the van.

MR. STREET: No company name, address or phone number. Usually he only deliveries six boxes, never less, and these boxes are marked "Tool Fast," as pictured. This van is used for delivery purposes. There are other boxes in the van, and after unloading, the driver checks a clipboard and sometimes talks on a cell phone before exiting the property.

The other deliveries are made by a white commercial-type van, company name Staples Company. Not connected to the office business. No address, no phone number. I have found no listings in the white or yellow pages. Listed on the truck, mailers, staplers, fasteners, Bostich and Hitachi. No pictures on the product delivered in the white boxes which are readily handled and delivered to the door. The other boxes Mr. Hawkins picks up and loads onto his truck, and he takes them to an obvious business location known only to Hawk Pallets and Skids.

So all of the business is conducted from home and property. Pictures also show Hawk Pallet and Skids' business product unloaded from said truck.

When Hawkins first moved onto this property, or shortly after, and he told you that -- tonight he had no variance to conduct this business. He had stacks of pallets 6 to 8 feet high from the front line of the house back to the garage and took apart, sawed and rebuilt the same in the driveway.

I spoke to Mrs. Hawkins about this because the Town was asking me, and she begged me not to report them to the Town, that they were trying to establish business. To show I was a good neighbor, I went along.

Now I find out later that they resent complaints and retaliated. There is more on this, on another subject, and seeing that they're using the property, the home for an office, they are also using the property for a business.

These are people like others that try to get away without regards to others which will -- if you called them at the home -- you call 889-7211, you will be greeted with "Hawk Pallets." If you call the phone and no one is home, you will be greeted with "Hawk Pallets and Skids and Hawkins residence." This is proof positive. So I don't think either one should be allowed.

DAN MELVILLE: Thank you for your comments.

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: Mr. Street has had some activities with the Town of Chili relative to the Hawkins situation, and whether he is right or wrong will depend upon whatever the final determination is, I'm sure. If he is correct, he will be right in the long run.

On this particular situation, however, I would stand to oppose it. I would oppose the use of the property for a business to allow the office. I would oppose the use of a stockade fence. Because of the other matter, it seems to me that the Hawkins family is probably going out of their way to make it difficult for Mr. Street, and on that basis, I would like to oppose both of these applications. Thank you.

BEVERLY NEDER - 82 Attridge Road

MS. NEDER: On Application Number 12, I was just interested --

BEVERLY GRIEBEL: We're not to that yet. We're only working on number 11.

MS. NEDER: Okay. Thank you.

CINDY IRIZARRI - 16 Brasser Drive

MS. IRIZARRI: Cindy Irizarri. I wrote a letter. I just came from a ball game, I'm sorry.

BEVERLY GRIEBEL: This is one letter that --

MS. IRIZARRI: From 16 Brasser Drive.

It is over the fence, but I do have something to say about the business, too.

My daughter and her daughter played baseball together for years and we coach as families and we have called there many times and we have always been greeted with "Hello" and not "Hawkins Skid" or anything that is relating -- not to the truth.

And as far as, you know, the problems go, um, Mr. Street has threatened my family as soon as he had a problem -- we had a problem with them, he took us to you guys, um, about our fence, and I'm just here to stick up for them, that they are wonderful neighbors and good people, and they're family people. They're in their backyard every day playing with their children. They're not trouble makers. They're peaceful people that co-exist as neighbors with them. I just want to make that clear for the court that I would hope you would grant their petition for the fence and give them some peace of mind because I don't have peace of mind living behind them, the Streets. We have had many occasions where we cannot be in our backyard without being spied at. If I cut

my grass, they come out and cut their grass. If my kids are in the pool, they come out there -- their sons come out and watch my teenage girls.

BEVERLY GRIEBEL: What we're --

MR. STREET: Would the Chair please speak to these people.

BEVERLY GRIEBEL: Sir, sit down.

RICHARD PERRY: Sit down, Mr. Street.

BEVERLY GRIEBEL: Sit down. She has the floor. You had the floor and you were not interrupted.

MS. IRIZARRI: I'm shaking, okay.

As far as the fence go, these people --

BEVERLY GRIEBEL: We're not discussing the fence.

MS. IRIZARRI: I'm sorry. I got here late.

BEVERLY GRIEBEL: We're just on the home office.

MS. IRIZARRI: I'm sorry. I just want to let you know as far as the office goes, for seven years our daughters have played softball together, and they're not -- now coaching they're younger daughter and the older daughter goes with them. If there is a ride problem, we call back and forth and it is always answered with "Hello." It is never any kind of business. The "Hawkins residence" or "Hello."

I say, "Pauline?"

And she says, "Yes."

I have never heard a business answer as far as that goes.

BEVERLY GRIEBEL: There is another part of the letter that I want to read in.

Wanda Russell Lutz, 207 Chestnut Ridge. It deals with both variances. "No problem with granting conditional use of a telephone/office in the home as long as it is not visible by the public under the following conditions. No visible advertising on the premises. No parking of vehicle use for commercial use on the premises as stated in the Chili code."

And that is generally what she says on that. If those things aren't followed, she would be against granting that variance.

We have already heard you, sir.

MR. STREET: How can I defend myself?

KEITH O'TOOLE: This is not a debate.

BEVERLY GRIEBEL: You have spoken. Your comments have been duly recorded.

MR. STREET: Yeah.

BEVERLY GRIEBEL: Anyone else to speak?

MR. STREET: It is a double standard.

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 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.
6. No outside storage of business-related materials, including, but not limited to pallets.

The following finding of fact was cited:

1. The home office is a customary home occupation.

12. Application of Mr. & Mrs. David Hawkins, owner, 205 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 6' stockade fence in front setback area (4' allowed), variance to erect an 8' stockade fence along side lot line (6' allowed) at property located at 205 Chestnut Ridge Road in R-1-15 zone.

David and Pauline Hawkins were present to represent the application.

BEVERLY GRIEBEL: I do want to say we have some extensive information here. I won't read all of it into the record. I don't think that that is essential. The Board is aware of all of the information that has come in, and for various reasons, I don't think it is essential to read it into the records. It has been duly noted, and the letters will be part of the permanent record.

Now, mainly it is a privacy issue that you have.

MR. HAWKINS: Correct.

BEVERLY GRIEBEL: To enjoy your backyard and your pool and your family.

MR. HAWKINS: Correct.

BEVERLY GRIEBEL: Is that it in a nutshell?

MR. HAWKINS: In a nutshell, yes.

MRS. HAWKINS: I also have some pictures I would like to show you.

BEVERLY GRIEBEL: Some pictures?

MRS. HAWKINS: Can I tell you what they are and then as -- can I start over here (indicating)?

MRS. HAWKINS: Have you all read the letter that I sent to Mr. Hendershott?

BEVERLY GRIEBEL: Yes. Very extensive letter.

MRS. HAWKINS: Just to show you, um, the first -- in one of the paragraphs, there was where our neighbors at 203 Chestnut Ridge had cut down our hedge because he said our fence posts that had been put up by other people that lived in this house years and years and years ago belonged to 205. He said it was now his because he had a survey done.

BEVERLY GRIEBEL: How about if we pass those along and look at them and --

MR. HAWKINS: There are a lot of notes on the pictures.

BEVERLY GRIEBEL: Maybe then we can ask you questions about them specifically. I don't think it is really necessary to go into details on each one. Why don't we do that. Let's divide them maybe into a couple packs.

MRS. HAWKINS: I kind of put them in order so it flows from the front yard to the backyard.

The Board passed the pictures around.

MRS. HAWKINS: The first couple I just wanted to note, that the first one was how -- why the string was cut down, you can notice the fence post is right on the line of where the survey is. Also there is a sign in there where my husband was threatened with a sign -- when he was putting up a stockade fence -- that trespassers will be shot.

BEVERLY GRIEBEL: That all part of the record. We have read that.

MRS. HAWKINS: Then one of the other pictures is just a picture to show how I was out just this past Saturday in my backyard with my children, and it was really a horrendous Saturday when whenever I was in my front yard, one of them was in the front yard, followed me to the back, front. It happened about five times. Finally, I went out in the back to play with the children and this gentleman went in the backyard and started cutting his grass again. We did not have any privacy whatsoever.

And I have made notations on the pictures to show how a 6-foot fence is not really giving them the privacy we need. We are constantly being stared at.

BEVERLY GRIEBEL: It is pretty self-explanatory.

MRS. HAWKINS: Just to take -- the last police report is just this past Saturday, some -- just to show you that the problem has not ceased.

DAN MELVILLE: Is there anything pending in Court?

MRS. HAWKINS: No, nothing in Court.

DAN MELVILLE: The fence you want to put up, are you putting that right on the property line?

MR. HAWKINS: In 2 or 3 inches.

DAN MELVILLE: How will you maintain the other side?

MR. HAWKINS: We have a stockade fence up now, and the stockade fence is in probably 4 or 5 inches from that.

DAN MELVILLE: It doesn't give you any room now?

MR. HAWKINS: If I had to stand on the fence -- I do not want to step foot into their property, so if I have to stand on the fence and straddle the wooden -- I'm sorry, the chain link fence, then --

BEVERLY GRIEBEL: You will figure some way with a long roller or something.

MR. HAWKINS: Spray gun, anything. Stain sprayer, whatever needs to be done.

BEVERLY GRIEBEL: It would be a challenge.

MR. HAWKINS: That I agree.

BEVERLY GRIEBEL: Or maybe you could have a fence that doesn't need painting. You could get one of a particular material that will weather and you don't need to paint it.

MRS. HAWKINS: That is what we're using now, the pressure treated.

BEVERLY GRIEBEL: Then you don't have to worry about it. If there is any deterioration down the road, you would replace a portion of the fence.

MR. HAWKINS: Right.

BEVERLY GRIEBEL: Or whatever is deteriorated. But if it is something that weathers, it would last quite a while before they start going on you.

LARRY SMITH: Excuse me. Did you supply the Board with copies of this police report?

MR. HAWKINS: Yes.

BEVERLY GRIEBEL: We have them all here.

DAN MELVILLE: That is why I asked if there was anything pending in Court, because I was not sure if we should discuss it.

KEITH O'TOOLE: No.

BEVERLY GRIEBEL: Chain link fence is pretty transparent.

MR. HAWKINS: Transparent and short.

BEVERLY GRIEBEL: If it were taller, it is still transparent.

Is it okay if they go into the record?

MRS. HAWKINS: Okay. That is why they were taken.

BILL OLIVER: I assume your chain link fence will be coming down then?

MR. HAWKINS: That is an option we hadn't explored yet. We asked the Zoning Board if it had to come down, and they said it didn't have to come down. Preference is we would like to leave it up.

BILL OLIVER: If that is the case, if you want to leave it up, the case is now are you going to put it against the chain link fence?

MR. HAWKINS: We're leaving it 4 to 5 inches on our side from the --

MRS. HAWKINS: Actually, the posts are about 4 inches away, but once you put the stockade on the side it is supposed to be on, it is pretty close to the chain link.

BILL OLIVER: I notice on your property you're raising bushes on the front of the house there. Did you have bushes there previously?

MRS. HAWKINS: No. You mean on the side of that property line?

BILL OLIVER: On the front of the house. We go out and look at the properties. I was just wondering, will this help alleviate that part of it along there once --

MR. HAWKINS: It will, but in seven, eight years, when they get --

BILL OLIVER: Okay. The next thing, I notice, you say you are going -- from what I can see from your -- where your house is, the bushes, how high would you let them grow? That is the next question I ask.

MRS. HAWKINS: That is one of the questions we wanted to ask you. We know that it states that nothing can be above 4 feet. Does that include the bushes or the hedge?

BEVERLY GRIEBEL: No.

DAN MELVILLE: That doesn't count bushes?

BILL OLIVER: How will they see around --

MRS. HAWKINS: It is probably at least 8 or 9 feet away from the road.

BILL OLIVER: Can I ask you a question? How does this govern a bush as far as borderline height?

KEITH O'TOOLE: We don't regulate landscaping height.

BILL OLIVER: This is what I wanted to bring up. They can bring it up as high as they want.

KEITH O'TOOLE: That's correct, unless they violate some other property maintenance.

BILL OLIVER: The bushes go up and you will have to --

MRS. HAWKINS: We wanted Rose of Sharon which grows in an upward, straight manner. It doesn't go out, and if any of the branches happen to go out, I can reach around and clip them.

BILL OLIVER: I know I had -- I had Chinese Elms that go straight up, not out. That is why I am asking that question. If they started doing this (indicating), we have to be fair to the neighbor, too.

MR. HAWKINS: Right, right.

MARY SPERR: The chain link fence -- there is a lot of details here. It is right on the property line?

MR. HAWKINS: If you look at the property line, the closest post to the road, if you will, is right on the line. As it goes back, it gets away from the line.

MARY SPERR: But you wouldn't want to take the fence down?

MRS. HAWKINS: We would have to step on his property, and just be threatened again or have the police called on us again, so.

MARY SPERR: I don't have any other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CINDY IRIZARRI - 16 Brassier Drive

MS. IRIZARRI: I would just ask that you please grant the petition for them. I think my letter speaks for itself. I just want it on the record that --

BEVERLY GRIEBEL: Is this in favor? We're asking for in favor of this application. Anyone against the application?

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: Thank you, Madam Chair, and I apologize for not giving my name earlier.

Members of the Chili Zoning Board of Appeals, I had opposed it earlier and I'm sorry I was out of order. I still oppose it. I think the 4-foot or whatever the appropriate legal arrangement is appropriate. Now, as I note, the matter of evidence supplied, I believe, is a matter of freedom of information, and I would like to request, if I may, Madam Chair, is it possible if I could have an opportunity to look at the pictures that the applicant submitted to the Board this evening?

BEVERLY GRIEBEL: Can he go over there to the side table and have a look at them?

KEITH O'TOOLE: If Mr. Brixner wants to take a look, he may certainly at this point, but in terms of filing copies, he has to file a request with the Records Access Officer with the Town of Chili during normal business hours.

BEVERLY GRIEBEL: There is one portion which was for the first application, and then there is one for the second one.

ROBERT STREET - 203 Chestnut Ridge Road.

MR. STREET: First off --

BEVERLY GRIEBEL: Can we have your name again?

MR. STREET: Robert Street, 203 Chestnut Ridge Road.

BEVERLY GRIEBEL: The stenographer has to put it in, but I'm sorry, I have to ask.

MR. STREET: Why do you allow someone who doesn't live on Chestnut Ridge Road to speak about the business of a fence?

MARY SPERR: Anywhere in the Town can speak for or against.

MR. STREET: They're collaborating.

MARY SPERR: It doesn't matter.

MR. STREET: Let's go on about this 8-foot -- 6-foot to the front property, to the front line of the house. The winds are westerly. In the summertime, a fence of that height is going to cut off the breezes.

Secondly, you are waiting for an accident to happen. Large trucks that want to back out of the driveway are not going to be able to see the road, plain and simple. 4 feet, I don't object to that. And this other one about 8 feet, why don't they ask for 10, 12?

You know this is going on my property line, mine only. This is retaliation. They're being

vindictive. What else would you call it?

And about the fence, I would like this (indicating) returned. Here is a --

DAN MELVILLE: If something is being presented as evidence --

MR. STREET: This is a stamped -- I want it back.

BEVERLY GRIEBEL: Well, I'm looking to see what it is.

MR. STREET: It is a map of --

KEITH O'TOOLE: We keep copies of all exhibits.

DAN MELVILLE: If you present it, we have to keep it.

MR. STREET: When will I get it back?

BEVERLY GRIEBEL: It becomes part of the record.

BILL OLIVER: We'll make a copy of it.

MR. STREET: I want that back. That is signed. It is stamped.

BILL OLIVER: Madam Chairman will handle that.

LARRY SMITH: Is that a surveyor's map?

BEVERLY GRIEBEL: Yes.

LARRY SMITH: He can get another one.

KEITH O'TOOLE: If it is photocopyable without any great effort, we can make a copy at the hearing.

MR. STREET: This shows the fence. They made a statement that this fence here is on -- the post is right on that line. It shows you right here (indicating) it is not. This fence goes like this (indicating). The fence once came out to here (indicating), but the people that owned the house before, they took it down back. So this fence (indicating) actually goes like that (indicating), as Mr. Avery told me. And when this was done, Mr. and Mrs. Hawkins and Scott Griswold of 201 Chestnut Ridge, the surveyor told me, he says, "Your neighbors are out asking a lot of questions as to why you are having the property surveyed."

I was going to have my property surveyed several years ago, and I wish I had because it would have been much cheaper. I didn't know where any of the stakes are because once they were up just under the grass, and then through -- over the years -- I have lived there for 49 years, they become buried. When the County did the road, they got buried again. So that is the reason I had a survey. No other reason. But I bet you these two people, they were quite curious as to why. And when the surveyor left, he says -- told me, "That fence, for about 20 feet is on your property."

I have here --

BEVERLY GRIEBEL: What was submitted for the record -- I'm trying to figure out what it is. It is Chestnut Ridge Road sketch map printed June 26th, 2000 to show point set at the house number 203 Chestnut Ridge Road. It goes into further description of the property, and I'm not certain --

MR. STREET: It is an official document.

BEVERLY GRIEBEL: I see that. It is signed and sealed.

LARRY SMITH: Is it an instrument survey?

BEVERLY GRIEBEL: Yes, it is an instrument survey. It shows a chain link fence, but I'm not certain what it is supposed to show.

KEITH O'TOOLE: The issue, if I may -- the issue is not the location of the fence. It has to be on their property. The issue is the height.

BEVERLY GRIEBEL: Right. The variance is for the height.

MR. STREET: Well, they made the statement that that fence was on the line. It is not.

Here are pictures of my property. I have lived there for 49 years, as I have stated. This is the way my property has looked. I have never done anything on my property that the neighbors could complain about.

BEVERLY GRIEBEL: For the record --

MR. STREET: You see picture Number 1 is a front view. Number 2 is a rear view. Number 3 is a rear view showing east side. Number 4, showing the west side. Number 5, is a rear view -- to the rear of the property line. I submit these pictures to show the way I have maintained my property for 49 years.

I respect my neighbors and am neighborly. I have made a note here, the picture 3, the accumulation of junk materials to be out of view of 201 Chestnut Ridge, and also -- of the Hawkins' property. Pictures 6 and 7 are self-explanatory. To placed to be out of their view.

And you know the additions to this pile into August. This brush could have been taken to the edge of the road to be picked up by the Town. Pictures number 3, 5 and 6 show no respect

for the neighbors.

Here are some pictures that prove this is all retaliation, vindictiveness on my part -- on their part against me.

BEVERLY GRIEBEL: This is various views.

MR. STREET: Pictures 1, 2, 3 and 4, these are signs that are only placed along 205's east property line, my west property line, none along any of the other property lines. Number 5 shows one sign after two sections of 6-foot fence -- 6-foot high stock fence were put up. Mr. Hawkins came on my property to put it up. He made a statement here he is not going to set foot on my property. I let him do it. I didn't tell him anything about it because I was happy to see that -- them two sections of fence put up for reasons I'm not going to go into.

Number 6, taken from my west living room window showing these signs so placed that myself, my family and friends can view it at all times. I don't close the blinds on these windows just to block off the sign. It doesn't bother me. It just shows the childish mentality of the Hawkins.

Number 7 is taken to show there is an approximately 10-inch drop on the bottom of this fence to my property. This is to show that the property of 205 is at a higher level than 203.

8 and 9, if the Hawkins had any respect for the neighbors or the neighborhood, they would not park this truck as shown.

I was told by my late father-in-law, a farmer, no matter how you try to camouflage and plant flowers around an outhouse, it still smells, just as this truck is an eyesore, and other neighbors thought so, too. These are all retaliations because of the efforts of the neighbors who want a Town law enforced, which the Hawkins resented.

Copies of Resolutions -- Number 318, September 15th, '99; Number 161, March 5th; Number 161 and 170 of April 5th are enclosed. Copies of Local Law Number 2-1999; Local Law Number 3-2000 enclosed.

Both of these laws, Number 2, could not be enforced because the Building Department and the Sheriff's Department both claimed it was the other's job and this continued until Number 3 was adopted. And you will notice that there was a public hearing that was published in the paper.

KEITH O'TOOLE: This has nothing to do with the fence. This has nothing to do with the fence.

MR. STREET: What?

KEITH O'TOOLE: Could you focus your comments on the fence?

MR. STREET: It seems to be a double standard here.

BEVERLY GRIEBEL: Do you have any more comments about the fence?

MR. STREET: Because this is the only law on the books -- was for unlicensed vehicles, the Building Department stated that a law such as Local Law Number 2 has been proposed to the Town Board which they rejected.

DAN MELVILLE: Close the hearing down.

MR. STREET: The rejected one and --

BEVERLY GRIEBEL: Sir, do you have any more comments about the --

MR. STREET: Why did you cut me off? You let these people make comments.

RICHARD PERRY: Sir, if you don't have any more comments about the fence, then end it. We will not entertain any information about something other than the fence.

DAN MELVILLE: That is all we can discuss.

RICHARD PERRY: That is all we're considering.

MR. STREET: Boy.

Now, I will go back -- you come -- you come to these meetings for what is on the agenda.

MARY SPERR: We're --

RICHARD PERRY: That is exactly what we're talking about.

MR. STREET: Let me finish my statement. You come here about what is on the agenda, and you allow people to say anything they want that --

BEVERLY GRIEBEL: Not necessarily.

MR. STREET: I have a copy of the January 25th --

BEVERLY GRIEBEL: Do you have other comments to make, sir?

KEITH O'TOOLE: Regarding the fence.

RICHARD PERRY: Regarding the fence.

DAN MELVILLE: That is all we're discussing, the fence.

MR. STREET: Yes, regarding the fence. It seems the Irizaris and the Hawkins collaborated with each other. They have claimed that my sons cut down the hedgerow, 20-foot.

BEVERLY GRIEBEL: We're not discussing that. Sir --

MR. STREET: Here is a picture taken in 1993. There is no hedgerow.

Why can't I defend myself?

BEVERLY GRIEBEL: Because we're not discussing that.

MR. STREET: When do I defend myself against accusations?

MARY SPERR: You're here to make a comment whether you approve or oppose the --

MR. STREET: How can you come to this meeting and people make statements that you have no --

BEVERLY GRIEBEL: We're talking about a fence on this property. If you have comments about the fence in question, we'll listen. If not --

MR. STREET: This is a double standard.

BEVERLY GRIEBEL: Then you can sit.

MR. STREET: At that meeting on the 25th, you cut me off because I said something, and you told me no way. You told me the person wasn't there. He had no letters, you couldn't --

BEVERLY GRIEBEL: Please sit down. Sit down.

MR. STREET: And also --

RICHARD PERRY: Sir --

MR. STREET: Also you remember --

RICHARD PERRY: Sir, you have been asked to sit down, please.

MR. STREET: I spoke to you on the phone, and you -- about ignorance of the law is no excuse, and you told me the zoning laws are not like criminal laws. Ignorance of laws is ignorance of any law. Is jay walking a criminal offense? Is parking a criminal offense?

BEVERLY GRIEBEL: We're talking about the fence. Do you have any more comments about the fence that is on the agenda? If not --

MR. STREET: Rules and regulations --

BEVERLY GRIEBEL: Please take a seat.

MR. STREET: This is typical of you.

BEVERLY GRIEBEL: Anyone else in the audience who has any comments?

MR. STREET: Double standards.

DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: I came in a little bit late, so if you will bear with me, I just wanted to clarify a couple of points.

The bushes that were being discussed, where are they to be planted?

MARY SPERR: They exist.

BEVERLY GRIEBEL: They're in the front yard area.

MS. BORGUS: Along the property line, too?

RICHARD PERRY: The bushes aren't being discussed. We're discussing the fence.

MS. BORGUS: I know that.

We're discussing two fences; am I right?

BEVERLY GRIEBEL: Well, in the front setback area, it is requested for 6-foot, and beyond the front setback, 8-foot.

MS. BORGUS: And where does this chain link fence enter in?

BEVERLY GRIEBEL: That is the fence that is presently there, along the property line between the Hawkins and Mr. Street.

MS. BORGUS: That will be left, so it will be a double fence?

BEVERLY GRIEBEL: Right.

MARY SPERR: That hasn't been determined.

KEITH O'TOOLE: There is nothing in the code that prohibits two fences on the same fence line.

RICHARD PERRY: Or three or four or five.

MS. BORGUS: Except they will not be able to be maintained.

BEVERLY GRIEBEL: Well, the gentleman said he will figure out a way to maintain them.

DOROTHY BORGUS: But ultimately this chain link fence -- I don't know which side this is on.

MARY SPERR: It is on the line. It is on their property. They're within their rights.

MS. BORGUS: I mean to maintain it, how far apart are these two fences? I don't think this is possible to maintain.

BEVERLY GRIEBEL: 3 or 4 inches. He said he would figure out a way to maintain them

or he won't have to paint them. He will figure out something. As I mentioned in the beginning of this application -- or maybe the last application, there are a lot of issues on this file that we're not getting into in discussion.

MS. BORGUS: It seems to me if you let somebody put up another fence, one fence should come down.

RICHARD PERRY: Why? There is no rule or regulation that says it has to, Dorothy (Borgus).

BEVERLY GRIEBEL: We may discuss that.

MS. BORGUS: I hope you do. I hope you do.

The other point I would like to point out, I went to the Building Office yesterday and asked questions about several of the matters on the agenda, not just this one, and I asked Sherry Thrash in the Building Office where in Town, in Chili, she could show me where -- or point out the address of an 8-foot fence in a residential property on a residential property line, and she thought and thought and thought and she said she couldn't because to her memory or to her recollection there wasn't one. Now, if that is the case, and I -- maybe that is up for correction -- maybe Mr. Smith knows of one.

LARRY SMITH: I'm unaware of any either.

MS. BORGUS: I think this is a dangerous precedent.

LARRY SMITH: There are particular reasons --

MS. BORGUS: I think this is a dangerous precedent to start.

BEVERLY GRIEBEL: This Board does not set precedent. We go by the information we have on a particular application.

MS. BORGUS: But to allow a variance is a too dangerous precedent to set for an 8-foot fence for a residential lot if none exist in town so far.

BEVERLY GRIEBEL: Your objection is noted.

MR. HAWKINS: Can we clarify a couple things?

DAN MELVILLE: You will get a chance.

MR. STREET: I have one more statement to make.

BEVERLY GRIEBEL: Is it concerning the fence?

MR. STREET: They say we were harassing, that -- yet they go to the front yard? Are we not supposed to go out in our yard?

BEVERLY GRIEBEL: That is not relevant.

MR. STREET: We can't mow our lawn? You listened to them. Why don't you listen to me?

BEVERLY GRIEBEL: Please have a seat or we'll have you removed. We'll call the Sheriff.

BEVERLY NEDER - 82 Attridge Road.

MS. NEDER: I just wondered under maintenance of the fence, it takes into account the vegetation that would grow along both sides of the fence and how high it can grow and how are you going to cut this vegetation, whether it is grass or weeds, down along the fence?

KEITH O'TOOLE: Round-up.

BEVERLY GRIEBEL: I think the applicant will figure out some way to handle that, too.

MS. IRIZARRI: With the fence. I'm not understanding why -- there are a lot of people here that are objecting. I live next to these people. If you understood the situation of what was going on.

BEVERLY GRIEBEL: We're not getting into it.

MS. IRIZARRI: What I am saying is it is not out, so these people are not understanding what the situation is. I am not going to get angry here, but what --

MARY SPERR: She is allowed to ask this question.

MS. IRIZARRI: For the record, why is it not stated out loud why this variance is asked for? That to me should be public knowledge. It is in arrest records and everything else. Why can't it be stated out loud? He pled guilty to it? Why can't it be stated out loud?

KEITH O'TOOLE: We're not discussing a criminal matter. The applicant -- let me say something here.

BEVERLY GRIEBEL: Let Keith (O'Toole) talk.

MS. IRIZARRI: People are objecting to the height of the fence and --

BEVERLY GRIEBEL: Let the attorney speak, please.

KEITH O'TOOLE: The Hawkins made clear in their application that they want privacy.

They made clear they had some concerns with regard to the location of an adjoining structure, and the narrowness of their lots, and they submitted photos with regard to the perspectives and lines of sight and all of that. They also added some other stuff regarding the neighbors. Frankly, that stuff is beyond the scope of this proceeding. It is not relevant. We're not going to reopen criminal proceedings. It is way out of the jurisdiction of this Board.

So while some stuff has been mentioned by both sides, by Mr. Street and by the Hawkins and supporters in their letters, that stuff just -- I really, really, really don't want to go into that.

MS. IRIZARRI: We're not going to, but this is a Town meeting, and people are asking why they want that size fence.

KEITH O'TOOLE: Then they can ask each other, but they don't have to ask them.

LARRY SMITH: The documents have been submitted to the Board. They're aware of them. They're the ones making the decisions. It is not necessary that these people out here have to know everything.

BEVERLY GRIEBEL: We have to make the decision based on all of the information we have, and I prefaced the application before you even spoke with the fact that it boils down to you need this for privacy. There are a lot of issues involved that we don't want to bring to the forefront.

MR. HAWKINS: As long as you people know, that is all that matters.

MARY SPERR: We have been made aware.

MS. IRIZARRI: I don't want other people in the Town to be mad at the situation --

MARY SPERR: I don't think you have to worry about that.

MRS. HAWKINS: One point of clarification. Um, I --

BEVERLY GRIEBEL: Stand up so we can hear you.

KEITH O'TOOLE: We're talking about the fence here.

MRS. HAWKINS: Yes, we're talking about the fence. Mrs. Lutz had mentioned to me she came to the Town and asked about the fence, the 6-foot fence and she was told it was to go all of the way down to the line of -- and it is not. It is only going to be 16 feet. I had marked in the pictures.

BEVERLY GRIEBEL: Right. The diagram shows it going maybe halfway between the front of your house --

MRS. HAWKINS: Not even quite halfway. It is just enough so if we wanted to sit in our front yard on the stoop, that we could do so without --

BEVERLY GRIEBEL: It does not go all of the way to your property line or to the road.

MRS. HAWKINS: Right. No. Marked on the pictures, it goes just very -- 16-foot height seem like a lot, but it really isn't when you look at the picture. That is the only clarification.

MARY SPERR: It is marked on your survey map it would not go down to the road.

MRS. HAWKINS: I have had heard comments tonight as well as from other people that they thought it was a safety issue, and it is not a safety issue.

BEVERLY GRIEBEL: There are several other items that will be part of the record. There is another letter of -- I can't read the name. 201 Chestnut Ridge Road.

MRS. HAWKINS: Is that Scott?

MR. HAWKINS: Yes.

BEVERLY GRIEBEL: I can't --

MARY SPERR: This one (indicating).

MR. HAWKINS: Scott Griswold.

BEVERLY GRIEBEL: I had trouble reading that. What they're saying basically is that you need the privacy in your backyard.

This Ruth Lenhardt letter, their own business concerning the fence and their property.

Marie Donely, 209 Chestnut Ridge Road, no objections to the privacy fence or the home office.

228 Chestnut Ridge Road, Lou Gorevski. No problem with the variance request for the 8-foot fence with the front of the house to the back of the property with the 6-foot stockade, 15, 16 feet in the front of the house.

And Ronald and Cindy Irizarri on Brassier. This is also in support of your application. I won't go into the details on that.

There is another one here, Bruce and Rosemary Austin, 12 Brassier Drive. No objections to the 8-foot fence or the business.

And another one, 207 Chestnut Ridge Road from Wanda Russell Lutz on variance number 2. She goes into a lot of detail. She welcomed the 6-foot stockade fence along the back lot line.

She feels that would provide the privacy -- 8-foot fence is a bit of an overkill. Butted up against a 6-foot fence in the backyard. Some concerns about Chestnut Ridge being a very busy country road with a signal road, but your fence is not --

MR. HAWKINS: She was told we wanted the fence to go all of the way down to the road so we would be pulling out of a tunnel, if you will, and that is not what we're looking for.

BEVERLY GRIEBEL: She is objecting to that on a safety issue, but you have explained it and your diagram clearly shows you won't be going down to the roadway, so I think that is clear. I think that takes in all of the letters.

Any other questions from the Board?

DAN MELVILLE: Let's close the hearing.

RICHARD PERRY: We have another one to go.

BEVERLY GRIEBEL: I mean this application here. We'll close the hearing on this application. We will move on.

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.

Dan Melville made a motion to adopt the following findings of fact, and Bill Oliver seconded the motion. All Board members were in favor of the motion.

The following findings of fact were cited:

1. Higher fence needed for privacy for the family due to narrowness of the lot, close proximity of neighboring structures.
2. Nothing in the record establishes harm to the adjacent property at 203 Chestnut Ridge Road or to neighborhood as a whole.
13. Application of Belladessa's c/o Ralph Parise, 5 Law Street, Batavia, New York 14020, property owner; J.E. Crawford Realty; for variance to erect a 5' x 5' double-faced freestanding sign on front lot line (20' req.) at property located at 3774 Chili Avenue in G.B. zone.

John and Ralph Parise were present to represent the application.

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

MR. JOHN PARISE: John Parise, P-a-r-i-s-e. I'm representing my father, Ralph (Parise). I would like to erect a sign at the pizza shop so traffic can see it coming from the east and the west for visibility. The building is set back off the road where if you're not at the top of the road, you really can't see the sign that is on the building.

BEVERLY GRIEBEL: Now, where exactly do you plan to place this sign? I see two red dots.

MR. JOHN PARISE: Those are the posts of the sign.

BEVERLY GRIEBEL: One post would be in the flower bed.

MR. JOHN PARISE: In the flower bed. The other would be 2-foot on the right at the curb instead of putting in the parking lot in the way of traffic -- it was tough to draw from that perspective.

BEVERLY GRIEBEL: Is it in a parking space? That is what it looks like here. It is smack dab in the middle of a parking space?

MR. JOHN PARISE: Not really. That is not really pro -- the sign is 5 feet. The red dot is 3 feet on the inside of the curb, which will leave the second post less than a foot and a half from the curb on the outside into the parking area.

BEVERLY GRIEBEL: Now, I guess this is not drawn correctly, then. Would you take a look at this? Would you come forward and take a look at this?

MR. JOHN PARISE: Sure.

BEVERLY GRIEBEL: Is this drawn correctly as to where you plan to place the post?

MR. JOHN PARISE: Because of the ratio of the picture, it would be awful hard to put it in there. I don't know if you have this picture (indicating) in your packet also.

BEVERLY GRIEBEL: But I'm trying to figure out -- now, this one is in the landscaping, in the landscaped bed?

MR. JOHN PARISE: Correct.

BEVERLY GRIEBEL: Where is the other one?

MR. JOHN PARISE: Just outside the landscaping curb.

BEVERLY GRIEBEL: It is not in the middle of a parking space as it indicates.

MR. JOHN PARISE: No. We're in a tough spot. You don't want to push it all of the way to the road, but you don't want it in the parking lot where it is in the way for vehicles. So it is staggered --

BEVERLY GRIEBEL: That second dot is a little out of perspective.

MR. JOHN PARISE: Correct.

BEVERLY GRIEBEL: It is a little beyond the island.

MR. JOHN PARISE: We originally were going to have a single post, but after talking to the property owner, Crawford Realty, he suggested to have two for two reasons. One for stability and they could also have a sign for their business as you come down for that sign.

BEVERLY GRIEBEL: Well he, they -- you can take a --

MR. JOHN PARISE: No, not that -- they would have to get a variance for that also, but he is just looking down the road. He owns 11 mini marts, and he likes to look down the road to play chess.

BEVERLY GRIEBEL: Is that all you have to say?

MR. JOHN PARISE: I don't know if you have a color --

BEVERLY GRIEBEL: No, we don't.

MR. JOHN PARISE: There was one supposed to go to the Chairwoman, but she forgot.

BEVERLY GRIEBEL: We get a black and white one.

Hold that up, Mary (Sperr), for the audience.

DAN MELVILLE: That wouldn't be allowed in Pittsford. It has red on it.  
(Laughter.)

MARY SPERR: They repainted that, too, by the way.

LARRY SMITH: I have the color rendering.

MR. JOHN PARISE: I knew somebody got it.

LARRY SMITH: I'm the official record, so I got it.

MR. JOHN PARISE: Color printer broke so we only got two out of it.

BEVERLY GRIEBEL: As long as we can see a rendering out of it, that is fine.

If you're done, I have something to say.

MR. JOHN PARISE: Sure.

BEVERLY GRIEBEL: I have traveled that road -- I come down Union Street and turn onto Chili Avenue frequently, and that corner is a mess. People are trying to get into the exit lane of that little plaza. There is one side that is supposed to be exit only. People are trying to get in. They're stopped in the middle of traffic. It is a nightmare. And I think the last thing we need is a sign there in the midst of the plantings. That is a further distraction. That is my personal opinion. I don't know how the rest of the Board feels, and I certainly would not want to fill up between those legs with various other signs of other businesses in that plaza. I think that is an accident waiting to happen. There is enough to look at when you're coming along that road. Traffic is turning every which way with the expressway there. It is very busy. Very busy. I have said my peace.

GERRY HENDRICKSON: I have to agree with you, Bev (Griebel). It would be a -- in a way distracting to people.

BILL OLIVER: I have one question. I notice you mentioned this, the plaza belongs to one person, including the Sunoco station?

MR. JOHN PARISE: Crawford Realty owns the whole plaza.

BEVERLY GRIEBEL: I notice that they have a pylon already up for the Sunoco station. Why couldn't the sign be put on there?

MR. JOHN PARISE: For where the gas prices are listed?

BILL OLIVER: Yes. Why can't you use that sign?

BEVERLY GRIEBEL: That one is kind of offset. It is not the flower bed.

MR. JOHN PARISE: That is way over on the other side, on the corner of the property

where his business is.

BILL OLIVER: But that would direct them in the plaza you have here. That is why I am asking the questions.

BEVERLY GRIEBEL: Have you asked him about that? I guess that is what you need to ask.

MR. JOHN PARISE: He has his mini mart there, and we have agreement where like he won't sell pizza over there. We don't sell coffee and things so we don't step on each other's feet.

BILL OLIVER: What does it hurt to have a sign there advertising your --

MR. JOHN PARISE: To me, nothing, but he owns everything.

LARRY SMITH: He said no? Have you asked him? That is what they're asking.

MR. JOHN PARISE: More or less, this is his option of what he wanted.

LARRY SMITH: But you never asked him if you could have a sign on --

MR. RALPH PARISE: We asked him. He said he would rather have the sign --

BEVERLY GRIEBEL: Your name for the record?

MR. RALPH PARISE: Ralph Parise. He designated where to put that sign. He is the one that came over --

MR. JOHN PARISE: He said, "Okay, I own all of the property. This is where I would like it." So on and so forth. He said, "You go to the sign -- for the variance and I will erect it if it gets passed."

This is where he told us to put it on his property.

BEVERLY GRIEBEL: If it doesn't get passed, would he allow you to put a sign on his gas signs?

MR. RALPH PARISE: No.

MR. JOHN PARISE: I don't think so.

DAN MELVILLE: You really need to know that.

BEVERLY GRIEBEL: Yes. That is a possibility.

BILL OLIVER: He is putting you in a bind. I will tell you that right now.

BEVERLY GRIEBEL: It is a difficult corner.

BILL OLIVER: It is a difficult corner. I tell you that now, sir.

MR. JOHN PARISE: I understand that. That is the problem. When you're traveling west, towards the intersection, you will go by our portion of that plaza before you even know you're there.

BEVERLY GRIEBEL: Unless you have a red light.

MR. JOHN PARISE: Well, now we have to wager our business is going to be successful on a red light or green light? I know what you're saying, but if you shoot through there, you don't see it on the right-hand side.

BILL OLIVER: We're trying to give you the exposure without adding more signage. The position of the sign is in such a position, that -- I tell you right now, I don't think the Board is going to pass it. That is just an observation on my sight.

RICHARD PERRY: Could we table this for a month to give the applicant --

BEVERLY GRIEBEL: Well, let's continue with comments.

BILL OLIVER: I'm done with my questioning.

The point he is trying to say is, evidently the person who owns this plaza has given you kind of an ultimatum, but he hasn't really -- how shall I put it, say no, he wouldn't put that sign up on that pylon, has he?

MR. JOHN PARISE: We would rather have it in front --

BILL OLIVER: I know what you're trying to say.

DAN MELVILLE: But what he would rather have and what he might get --

BILL OLIVER: That may be two different things, sir. I mean, we're not in the stage of discussing completely. I'm just making suggestions at the moment. We're going to get to the discussion part of this later on. I see the way this thing is headed. Too many signs in that area. That is my personal opinion.

MARY SPERR: Bill (Oliver) --

MR. RALPH PARISE: There is only one sign there now.

MARY SPERR: If we make a comment, it might help you to know not too long ago he came here for a variance for the diesel on the pylon sign that Bill (Oliver) is discussing, and he was given a variance on top of an existing variance for that variance sign. He has two or three. I think we have -- Dorothy (Borgus), you were here. He has three variances he's gotten for the pylon sign. He was able to get what he needed for his business. If that is an aide to you at all to

help with your point if you decide -- I live down Union Street and go by there almost every single day myself. I think it would be a good idea to advertise your business out there as opposed to in front. You're at a good angle and they would see it all of the way around as they come up. That is my own personal opinion.

If you do decide to try that and the Board does deny your application tonight, it might be helpful if you go back to him and ask him if that is helpful to you -- I don't know if you're aware of the status of that sign. Besides the fact, as you travel down Union Street, as you travel down Chili Avenue, we get into the business district. As you notice, multiple businesses in a location -- we have several businesses on the same sign. If we are to give him one on the corner and that puts yours out front, we have two pylon signs on the same plaza location which brings up a point of other disgruntled people we have not approved, and I don't know if that is a direction the Town wants to go in with duplicate pylon signs.

On this other application that Dorothy Borgus brought up for previous application, have you exhausted all of the options -- I think you may have another opportunity to try to solve this.

BILL OLIVER: Could I add to that, too?

MARY SPERR: Sure. Rick (Perry) brought up a good point about possibly tabling this because the way it is headed, it sounds like you're not going to get --

BEVERLY GRIEBEL: I don't think tabling will do anything. The application is as it stands. A pylon sign, it is either "yes" or "no."

BILL OLIVER: The point I would make --

MR. JOHN PARISE: But the location of the pylon sign --

BILL OLIVER: The point I was going to make, Beverly (Griebel), if he goes back to the owner of the plaza and makes mention -- if he wants to put it on the pylon, he has to come in again for another variance.

MARY SPERR: He could amend his application if you table it.

Is that what you're getting at? Is that something we're allowed?

BEVERLY GRIEBEL: That would be a different sign, if he wants to put it on the existing sign.

KEITH O'TOOLE: You could, but essentially it is a brand new application, so it wouldn't be very different.

BILL OLIVER: I'm trying to work on the problem here.

KEITH O'TOOLE: To keep on the question, it is not whether the property owner agrees or disagrees with it. It is the land that is the issue. Is there another location on the land that you can put this sign? And I think the Board has mentioned where that location is.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Speak in favor to the extent that I would like to see if it is possible -- the attorney indicated it is a new application, but I'm wondering whether or not the Zoning Board of Appeals has any jurisdiction to see if there can be a mediation here or let's rephrase my question. If the applicant withdraws his application, is it possible for him to submit a new application within a short period of time, or does he have to wait?

BEVERLY GRIEBEL: Or if it is denied, a new application for him to request his business appear on another sign on the property, that is a new application. He could apply right away.

MR. JOHN PARISE: You want me to keep paying 100 bucks until we get it right?

BEVERLY GRIEBEL: We haven't come to a conclusion. We're just discussing possibilities.

MARY SPERR: That is why we're asking if we can table it --

MR. JOHN PARISE: She doesn't want them to table it.

MARY SPERR: That is why we were asking.

MR. BRIXNER: Madam Chair, I would like to make sure it is recorded that the attorney indicated that if an application is resubmitted, there isn't any time span. That can be done almost immediately.

KEITH O'TOOLE: As long as it is a different application, that's correct.

DAN MELVILLE: If we turn this down, he can't resubmit this same application next month because it has to be a year.

BEVERLY GRIEBEL: Because that is for this location, in the flower bed, Bill (Oliver).

MARY SPERR: If he reapplies the next day to add a sign on that pylon -- let's say he

decides to do that, he can't do that?

BEVERLY GRIEBEL: It is a different application.

MR. RALPH PARISE: Can we withdraw this and then resubmit it or do we have to pay another \$100?

KEITH O'TOOLE: You would have to pay the other \$100.

BEVERLY GRIEBEL: It is a different application.

MR. RALPH PARISE: We weren't aware we could put it on his place. He might not even let them do that.

BEVERLY GRIEBEL: That is true. This is just a suggestion from the Board --

DAN MELVILLE: Let's just table, and if they can do it on the other sign, then he can just file a new application. If he can't, then we'll just vote on it.

BEVERLY GRIEBEL: Now, the tabling won't do anything.

MARY SPERR: That would --

RICHARD PERRY: It just delays the decision.

DAN MELVILLE: It just delays the decision.

BEVERLY GRIEBEL: That is not good to me.

RICHARD PERRY: Then he can check and see whether or not it can be done on the other pole.

LARRY SMITH: If you table it, he will say no. If you deny it, he might say no.

BEVERLY GRIEBEL: My vote stays the same whether it is one month or three months.

MR. JOHN PARISE: I know. You made up your mind before I came up here.

BEVERLY GRIEBEL: No.

MR. JOHN PARISE: After you read the application. I was on the Zoning Board in the City of Batavia for six years and I like a lot of things you people do here, but "minga," we're guys from out of town and you shoot us down.

BEVERLY GRIEBEL: I had to find out exactly where this was going to be located. It is hard to tell.

KEITH O'TOOLE: Madam Chairwoman, let's not have this argument.

BEVERLY GRIEBEL: Anyone else in the audience that wishes to make a comment?

DOROTHY BORGUS - 31 Stuart Road

MS. BORGUS: I would like to say that the Board has, I think, a good fix on this application and the problems it brings. Today, just because I was aware that this was going to be on the agenda tonight, I was driving west and took a good look at that intersection. As you approach that intersection on Chili Avenue headed west, all you see is signs. True, they're not all on this property, but all you see are signs coming from the west.

When that application for the store and the plaza itself was put in, not too long ago when the mini mart wanted to open up there again, there were a lot of questions brought before the Planning Board about the viability of a good traffic pattern there. There didn't seem to be enough room to do what they wanted to do. They did convince the Planning Board after a couple of tries that it was workable. Well, I -- I love the store, don't misunderstand me. The plaza is wonderful, attractive, well-kept, but it is a traffic nightmare.

As Beverly Griebel mentioned, people are trying to come and go through the wrong driveways. It is cluttered. The last thing we need is another sign, so I hope that the Board sticks to its guns here. We don't need that.

RICHARD PERRY: Does that include the State traffic signs, route signs and such? That is part of the cluster there.

MS. BORGUS: Yes. But you see the sign from Perna's Station up the road, the pylon sign for this property. It is just very, very cluttered. And as Mary Sperr did point out, they have three variances on that property now. Three zoning variances now, two of which were for signage. Thank you.

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 denied by a vote of 6 no with the following finding of fact having been cited:

1. Alternative site has not been explored by applicant.

KEITH O'TOOLE: Can we have a motion to close the public hearing, please?

BILL OLIVER: I make a motion we close the public hearing.

MARY SPERR: I seconded it.

The Board was all in favor of the motion to close the public hearing.

The following portion of the minutes occurred after the close of the public hearing and before the applications were decided on.

BEVERLY GRIEBEL: I would like a motion for Executive Session.

MARY SPERR: I make a motion we conduct an Executive --

KEITH O'TOOLE: To what end, may I ask?

BEVERLY GRIEBEL: Matters which will imperil the public safety if disclosed. Do I have a second?

GERRY HENDRICKSON: Second it.

BEVERLY GRIEBEL: All in favor?

GERRY HENDRICKSON: Aye.

MARY SPERR: Aye.

BILL OLIVER: I don't know what we're having the Executive Session for.

BEVERLY GRIEBEL: There are some matters we need to discuss.

MR. BRIXNER: Excuse me, Madam Chair, when will you decide these cases?

BEVERLY GRIEBEL: This evening. We're going to have a brief Executive Session.

MR. BRIXNER: You are going to hold these people up yet?

BEVERLY GRIEBEL: For a few minutes, yes. We normally take a break.

MARY SPERR: This is normally our break time. We'll use it for a quick Executive Session.

MR. BRIXNER: I made my point.

BILL OLIVER: Okay.

DAN MELVILLE: Reluctantly, yes, sir.

RICHARD PERRY: Yes.

BEVERLY GRIEBEL: The attorney and Larry (Smith) can join us, too, if they would like.

The Board went into Executive Session.

BEVERLY GRIEBEL: Full Board returned. We discussed pending litigation in our Executive Session.

The meeting ended at 10:00 p.m.

A meeting of the Chili Zoning Board of Appeals was held on September 26, 2000 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: Dan Melville, Gerry Hendrickson, Mary Sperr, Richard Perry, Michael Martin (non-voting), Peter Widener (non-voting) 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: Peter and Mike were just appointed a few days ago from the Town Board so they will be observing tonight and may not participate that much. We'll expect more from them at the next meeting.

If they haven't signed the oath with the Town Clerk, they should be just be observers up here tonight.

KEITH O'TOOLE: You are supposed to sign the oath.

BEVERLY GRIEBEL: I wasn't given a copy, so we won't have you voting tonight. We'll find out who you have to see.

I was out on Saturday, the 23rd. I did not see a sign on Number 11 for the --

DAN MELVILLE: That's correct.

MARY SPERR: There was no sign that I saw. All of the rest had signs.

GERRY HENDRICKSON: I even went by there today to check and there was nothing.

RICHARD PERRY: I checked this morning also.

BEVERLY GRIEBEL: The Board goes out and looks at all of the sites that are on the agenda. One thing we look for is the sign. We go out at different times. Sometimes if there is a wind storm or a snowstorm, it may be up one day and down the next, but nobody saw it there.

Keith (O'Toole), do you have any other information on a municipal thing like this, Monroe County, Gates-Chili Ogden Sewer District? Are they exempted from the sign?

KEITH O'TOOLE: No, I don't believe they are. I think they're exempt from Zoning District regulations, so arguably you could say they're exempt from the sign regulations, but they're not from Federal regulations, and Mr. Smith is acting basically as a Federal agent in enforcing the flood plain overlay, so.

BEVERLY GRIEBEL: So they should have had the sign up?

KEITH O'TOOLE: They should have had the sign up. I don't think it is jurisdictional because we're actually applying a Federal regulation, however. So if they didn't have the sign up, I don't think you could kick the application.

BEVERLY GRIEBEL: So we can still hear them in this case; it is a special situation?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: I didn't have a problem with any others.

The Board agreed.

Larry Smith arrived to the meeting.

1. Application of Mr. & Mrs. Charles Abbott, owner, 35 Laredo Drive, Rochester, New York 14624 for variance to allow existing 10' x 9 1/2' utility shed to be 6' from rear lot line (8' req.) and 6' from side lot line (8' req.) at property located at 35 Laredo Drive in R-1-12 zone.

Charles Abbott was present to represent the application.

BEVERLY GRIEBEL: This is already existing?

MR. ABBOTT: Yes, it is.

BEVERLY GRIEBEL: Okay. And I was out there Saturday and I met you in the yard.

MR. ABBOTT: Yes.

BEVERLY GRIEBEL: Do you want to maybe explain why you placed the shed where it is?

MR. ABBOTT: The reason I placed the shed where it is because my backyard is extremely small. It is approximately 35 feet from the back patio. As you can see with the site map, there are also two very large maple trees on my property. I also have a swing set in the right-hand corner for my children.

One of the reasons I purchased Laredo is because I have a large sliding-glass door in my backyard. From the sliding-glass door I have a view into the woods. If I were to place the shed farther over to the right, that would be obstructing the view of the woods.

BEVERLY GRIEBEL: You mean in the center?

MR. ABBOTT: In the center, that's correct. I tucked it back in the corner so it would be out of the way and wouldn't be a nuisance and I could have more of my yard to utilize with my family.

BEVERLY GRIEBEL: Okay.

DAN MELVILLE: That is on a drainage easement, too.

MR. ABBOTT: I applied for an easement release and was granted that. The Public Works gentleman came out and looked at it. I talked to him. He said he had no problem and would stamp it.

DAN MELVILLE: Is there any way you can move that over a couple of feet?

MR. ABBOTT: If I had to, yes, it could be done.

DAN MELVILLE: You're looking for a variance on the side and the back?

MR. ABBOTT: That's correct.

DAN MELVILLE: I'm wondering if we could eliminate one variance.

MR. ABBOTT: The stipulations about putting the shed on the property -- I was afraid of moving it for fear of damaging the structure itself. I have put \$1100 into it. I have some pictures here. I wouldn't want to move it 2 feet and back so the doors wouldn't work and things of that sort.

I do understand if there is ever a problem with the easement in the back, the Town will come in and do whatever means it takes to move it, and I understand that fully. Whether if they have to bulldoze it down, that is the risk I take and I have no problem with that. I'm just trying to obtain as much yard as I can because my yard is very small and I have three kids. I like to keep them away from the road. Laredo turns into an expressway going from Chili Coldwater to Chili Avenue. There is a 30-mile-an-hour sign there, but nobody seems to want to go 35, unfortunately.

DAN MELVILLE: Is that just for storage of --

MR. ABBOTT: It's a garden shed.

The applicant presented some pictures to the Board.

BEVERLY GRIEBEL: I think it will show it is kind of nestled in shrubbery back there.

MR. ABBOTT: Yes, it is. It is not viewable from any of my neighbors' points. I think it is a nice-looking structure. It is not big. It is not hideous. I thought I did a nice job.

GERRY HENDRICKSON: How long has the building been up now?

MR. ABBOTT: Approximately July.

BEVERLY GRIEBEL: Just a couple of months?

MR. ABBOTT: That's correct.

BEVERLY GRIEBEL: This is close to the neighbor, especially on one side. Have you talked to your neighbor? Has he mentioned anything about it?

MR. ABBOTT: He approached me the third day of construction and made me aware of the drainage in the back. Apparently there was a pipe, some kind of drainage pipe put back there some years ago. It is not on any of the maps as being something that was done by the Town. Um, it is on blocks. The Town didn't seem to have a problem with the Public Works individual.

BEVERLY GRIEBEL: Did your neighbor have any problem with the shed being closer to the property line? Can he even see it from his yard?

MR. ABBOTT: I don't -- maybe a little bit. I don't believe they can see very much. There is a line of bushes that goes between our properties. I mentioned it to my neighbor a week and a

half ago and she didn't seem to have any concerns.

LARRY SMITH: I looked at it. It doesn't appear to interfere with any drainage.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

FLORENCE AND GEORGE GOODWIN, 33 Laredo Drive

MS. GOODWIN: Florence Goodwin, I'm the neighbor at 33 Laredo. G-o-o-d-w-i-n.

BEVERLY GRIEBEL: Is that next-door?

MS. GOODWIN: Yes.

MR. GOODWIN: I'm George Goodwin. I will also speak.

MS. GOODWIN: Just one comment about what Mr. Abbott had to say about it being nestled, or maybe you said that.

In the wintertime, it is not nestled, you know, within the framework of any bushes, but that is beside the point.

The hearing this evening concerns much more than the Town has indicated in its notice to the affected homeowners. The notice mailed out as well as the specifics posted by the Town in front of 35 Laredo specified that a variance was requested because of a shed being built too close to the lot line. These notices lead one to believe that this is the specific problem. They neglected to address the real problem.

Apparently some uninformed neighbors feel that being concerned about this shed is a joke even though they know little, if anything, about the situation. Knowing nothing, one neighbor thought it was cute to come around blowing a siren stating that the shed police are here. Of course, we all know there are those people who do not have enough sense to check into matters before spouting off, but that is beside the point also.

Let me say, in fact, a shed too close to our lot line is not the problem. While anyone who erects the utility building on their property should know what the Town codes are, they often construct them illegally and variances are granted. If distance was the only problem, this would not be on the agenda tonight.

In 1994, our granddaughter could have lost her life because of a long-standing drainage problem on Laredo Drive. If anyone would like to read about this, I refer them to the Gates-Chili News, April 13, '94. It was just the fact that she was 9 years old, was a very sensible child and hung on. What happened was there was so much water, and this was March when there shouldn't have been that -- the septic tank two houses down collapsed as she ran over it, and she clung on, had enough sense to cling on and fortunately the person who was babysitting her and someone who came to pick up another child saw it happen and ran out and dragged her out. She couldn't have held on for much longer and she would have drowned.

Anyway, Lu Engineers issued the results of their study on June 15th, 1994 which in effect describe the drainage problem. In conclusion, they suggested the existing drainage swale should be cleaned and regraded to establish better flow velocities through this swale to the eastern drainage district and the bottom of the drainage swale should be paved with concrete for a minimum 5 feet wide. The end result was this was not done since some of the property owners not affected by the problem refused to sign the necessary releases. Thus, the problem still exists. I understand some Town people came out and took a quick look and decided it was okay. Why didn't they contact us and tell us? This does not satisfy us and we would like a more detailed study done and the matter be postponed.

Or another solution would be for the Town or the property owner at 35 Laredo to assume responsibility for any water problem that we may encounter in our backyard or basement as a result of the drainage. We have been there for 39 years, and we have never, ever had a water problem in our basement, and I can just foresee this happening in the future because of the blockage that is there. Now, maybe the way it is done is okay, but if somebody says it is okay, I want to know what their background is and on what basis they say that this is okay. That is why I feel that perhaps this should be postponed. Thank you.

MARY SPERR: Can I ask you a question?

MS. GOODWIN: Yes.

MARY SPERR: Are you trying to tell us where he has positioned this shed is going to block the drainage of the water? Where the easement is, is that the reason you're bringing up the drainage, that his shed affects --

MS. GOODWIN: In my estimation, and I'm not engineer, but in my estimation I would

feel that putting a shed on top of a drainage, natural drainage could cause some problems.

MARY SPERR: Have you approached the Drainage Committee?

That would be the place she might want to bring that up because that is out of our jurisdiction. All we're here to do is rule on a variance as to whether or not it is 2 feet from the back and 2 feet from the side. That is what we're here to hear about tonight, the variance, so if there is a drainage issue, you might want to approach the Drainage Committee.

MS. GOODWIN: Well, then I don't want approval given. Then we can say we don't approval of a shed being that close, which is not the case. I mean, I don't want you people saying, "Okay, go ahead, it is all solved."

BEVERLY GRIEBEL: Was there a swale through there at one time?

DAN MELVILLE: Or is there a pipe under there now?

MS. GOODWIN: If there is a pipe, it is not a pipe that the Town put down.

BEVERLY GRIEBEL: Because it looked level to me.

DAN MELVILLE: It didn't look like much of a swale to me.

MARY SPERR: There is gravel around that shed, according to the pictures. I don't know.

MS. GOODWIN: I'm just going on the basis of what Lu Engineers said should be done, and if they felt that should have been done, then that makes me feel that there has got to be a problem. If somebody in Town -- if the engineers or whoever wants to say, "Okay, if you have a problem, we'll take care of it" -- if your basement gets flooded because of this, then who is going to pay for it. That is our problem.

BEVERLY GRIEBEL: If you're saying it is supposed to be a swale and a swale has been filled in -- but this looks to be level where he has placed the shed. It is -- I don't see --

MS. GOODWIN: They said there should be a swale, a concrete swale. I don't know. I'm not an engineer. I don't propose to be an engineer.

LARRY SMITH: I went over and looked at it. As I told George (Goodwin) today, I didn't feel it was going to cause any problems as far as drainage goes.

MR. GOODWIN: May I answer your question?

BEVERLY GRIEBEL: Well --

MR. GOODWIN: I think I can. You went over, and it is flat, right? It is right flat back?

LARRY SMITH: In the corner -- either on the property line or on this gentleman's, there is a depression in the ground.

MARY SPERR: Behind the shed?

LARRY SMITH: Yes.

BEVERLY GRIEBEL: Like in the wooded area, the slush area?

LARRY SMITH: To the left of the shed, around the gravel and behind the shed there is a low area.

BEVERLY GRIEBEL: Where is wild vegetation?

LARRY SMITH: There is not much vegetation in this particular spot.

MR. GOODWIN: The flat area you're speaking of has a plastic pipe running through it. Now, there were other people in that house besides the Abbots, and two people before him decided they would put a pipe down and then they covered it over with dirt. Just an 8-inch plastic pipe. That is why it is flat back there. That is why it is level. Otherwise it would not be.

They did that without any permission from the Town or anything else. They did that on their own.

BEVERLY GRIEBEL: I don't know that we can even rule on anything to that effect because they just placed a shed on top of --

LARRY SMITH: There was a release of easement granted to you by the Commissioner of Public Works?

KEITH O'TOOLE: No, a release.

LARRY SMITH: Part of the agreement, I'm sure, was if the shed caused any problem, it would have to be removed.

BEVERLY GRIEBEL: He did say that as --

LARRY SMITH: I think if it does cause any problems, we'll order it removed.

MS. GOODWIN: But that is not the point.

LARRY SMITH: Sure, it is the point. You're worried about the shed interrupting drainage. You're not worried about the setback. The only thing this Board is looking at is the setback. That is all they have responsibility for.

The drainage is a problem that has to be addressed by the Commissioner of Public Works and he has granted license for this gentleman to infringe on the easement, but the condition was if

it caused a problem or if maintenance had to be done or if they do put a concrete swale there, he has to move that shed.

MS. GOODWIN: If it causes a problem to whom?

LARRY SMITH: To anybody.

MS. GOODWIN: They will remove it, but what does that mean with regard to damage done to them?

LARRY SMITH: I don't see how much damage could be done by that shed.

MS. GOODWIN: We have never had a problem. And if we have a problem, it could be from the shed.

LARRY SMITH: There are a lot of other reasons for the problem. You would have to see what the problem is and then see what caused it.

MS. GOODWIN: Maybe we should say no and have the shed moved now. I don't want to do that. That is not my problem. The problem is the drainage.

BEVERLY GRIEBEL: You're welcome to express your opinion, but then the Board will make a decision. I won't say we'll agree with you or disagree with you. I don't know until we discuss it and make a decision. Your comments are noted in the record.

MS. GOODWIN: So in other words, if somebody puts something up illegally, all they have to do is come to you and you say okay?

BEVERLY GRIEBEL: We haven't said okay.

MS. GOODWIN: What would be the purpose?

BEVERLY GRIEBEL: We haven't said okay.

MS. GOODWIN: It is not going to be nestled. First of all, it is brown. The houses are white. In the wintertime we will see it. We'll see it more so than they will see it. So this is another concern.

DAN MELVILLE: If he moves it 2 feet, it is okay where it is.

RICHARD PERRY: You won't be able to see it at that point.

KEITH O'TOOLE: If he moved it 2 feet, it would still be in the drainage easement.

MARY SPERR: But he --

MS. GOODWIN: Well, 2 feet is 2 feet.

MARY SPERR: He can put it 8 feet from the setback -- he is only 6 feet -- that is just 2 feet difference in and forward, so he would still be within the area -- so he has a right to put that shed 8 feet without even coming here.

MS. GOODWIN: I'm --

BEVERLY GRIEBEL: It might be more visible from your house then.

MS. GOODWIN: That doesn't make sense to me.

MARY SPERR: It is the code. The zoning code.

MS. GOODWIN: Does that make sense to you, if they move it, it is more visible?

DAN MELVILLE: The code says it has to be 8 feet from the property. If he puts it 8 feet, he doesn't have to come here.

KEITH O'TOOLE: If it is 8 feet back, it is still 7 feet inside the easement.

BEVERLY GRIEBEL: He has the approval from Joe Carr's department to place it there in the easement.

MS. GOODWIN: He didn't get approval to place it there. He got approval after it was placed there. My husband went over and spoke to him in the midst of this construction.

KEITH O'TOOLE: Madam Chairwoman, perhaps it is time to move on.

BEVERLY GRIEBEL: Okay.

Thank you for your comments. If you have nothing more -- did you have any more, Mr. Goodwin?

MR. GOODWIN: Basically what I have to say is what my wife already said, but perhaps in a different way.

What I would like to say is that I have -- I'm not here to oppose my neighbor. I knew this man when he was just a child. In fact, he was one of my wife's Cub Scouts. She had a pack, and he was in it. So we've known this guy a long time. I have no objection to him.

Moreover, I am here, however, to protect our investment in our property over the past 39 years.

Now, you say that you have no jurisdiction over the drainage. I will accept that. But -- and you give the variance. Now, that doesn't mean everything is okay, or do we now have to go to the Drainage Committee and can they do something about it?

BEVERLY GRIEBEL: If there is a drainage problem, they would address that problem.

MR. GOODWIN: Okay.

MARY SPERR: You're just --

BEVERLY GRIEBEL: Along with Joe Carr. They work closely with Joe Carr in Public Works.

MR. GOODWIN: So if indeed he gets the variance tonight --

MARY SPERR: If we choose to --

MR. GOODWIN: I say if. If. Just listen. Please. If. Then the only recourse we have is to go to the Drainage Committee.

Now, can they make him move it if they decide that that is --

BEVERLY GRIEBEL: No.

MR. GOODWIN: Then what is the sense of going to them?

BEVERLY GRIEBEL: If you have a drainage problem, then you address that with the Drainage Committee and the Public Works Commissioner.

KEITH O'TOOLE: The Drainage Committee makes recommendations on how to spend Town funds for Drainage District improvements. They make recommendations to the Commissioner of Public Works. So if, in fact, there is a drainage problem back there and they make a recommendation to the Commissioner, he is likely, although not obliged to, to spend Town funds to improve the situation if he believes there is a regional drainage problem, not just a problem to one property.

MR. GOODWIN: Mr. Smith gave me assurances today everything would be all right.

KEITH O'TOOLE: He did no such thing. He expressed an opinion that a temporary shed --

MR. GOODWIN: Wait. I didn't speak with you. Who are you?

KEITH O'TOOLE: I'm an attorney.

MR. GOODWIN: I did not speak with you. I spoke with Mr. Smith on the phone. Were you on the phone listening?

KEITH O'TOOLE: I'm on the phone every day.

MR. GOODWIN: Did you listen to the conversation with Mr. Smith and myself?

KEITH O'TOOLE: I happen to be an attorney representing the Town.

MR. GOODWIN: I'm asking you, did you listen to the conversation Larry Smith and I had?

KEITH O'TOOLE: I think we're done here.

BEVERLY GRIEBEL: Do you have any more comments about the setback variance? This is all this Board can determine.

MS. GOODWIN: Well, I can -- never mind. I won't say anything right now.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I was here last week on another matter. I wanted to come back tonight and review the proceedings. I came in yesterday and got my agenda, but unfortunately I left it home.

Now, the question is, there are no Zoning Board agendas out here on the table. Is it the practice of the Zoning Board to put an agenda out for visitors and --

BEVERLY GRIEBEL: I don't. I don't do that, no.

KEITH O'TOOLE: There is no requirement by law that we do so, and certainly -- an agenda is available at the Building Department, as the former Supervisor knows.

GERRY HENDRICKSON: It is in the paper.

RICHARD PERRY: What does that have to do with this case?

MR. BRIXNER: Sir, this is a general comment. I only need a minute or so to express my question. I'm getting an answer. I think the answer is coming appropriately. Thank you very much.

MR. GOODWIN: May I just ask a question? What is the name of the attorney? He didn't give me his name.

BEVERLY GRIEBEL: Keith O'Toole. I introduced him in the beginning.

MR. GOODWIN: I'm sorry. I was just coming in.

BEVERLY GRIEBEL: He has a sign in front of his name.

MS. GOODWIN: Can't read that from here.

BEVERLY GRIEBEL: He is Assistant Town Counsel to the Zoning and the Planning Boards.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 findings of fact were cited:

1. A 2' variance is not substantial.
  2. Shed location won't harm neighboring properties.
  3. Shed location will maximize usable yard space for property owner.
2. Application of Mr. & Mrs. Donald Rybacki, owner, 946 Chili Center Coldwater Road, Rochester, New York 14624 for variance to allow existing 10' x 10' utility shed to be 5' from side lot line (8' req.) at property located at 946 Chili Center Coldwater Road in R-1-12 zone.

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

Donald Rybacki was present to represent the application.

MR. RYBACKI: Hello. I'm Don Rybacki. I live at 946 Chili Center Coldwater Road. I purchased this shed at -- it used to be Country Gentleman on Chili Avenue. I talked to my neighbors and my neighbors thought that the -- I had to put it at least 5 feet from my lot line. I was being safe and put it 5 1/2 feet from my lot line. Then a week -- I'm sorry, a month later I received a notice from the Town saying that, "You're supposed to be 8 feet." Um, and I did not know this. I guess I didn't do all of my homework right.

So I had it constructed, and if I could move it, it would be too close to the pool. So it is between the fence, the lot line, and the pool, and I shingled it the same shingles I did my house because I just sided and roofed my house last year. I painted it the same color as my house.

So I came today hoping to get a variance because I am not 8 feet from my lot line. I do have a picture of my shed just so that people could see.

BEVERLY GRIEBEL: Do you want to pass that down?

The applicant presented a picture to the Board.

BEVERLY GRIEBEL: I was out to the house. It is hard to stop there. I pulled into your driveway. It is a busy road. I walked in the backyard. I will note for the record your lot is 70 feet wide, which is kind of narrow. And you have a pool in the backyard with a deck. It is an attached deck, and you have a room extending in the back with an elevated deck area, and then you have another concrete patio, so you have a lot of things there. It doesn't allow you a lot of leeway.

This is a picture which shows it adjacent to a chain link fence and on the other side, the neighbor's side, there are some shrubs that look to be 8 feet tall.

MR. RYBACKI: I think they're shorter than that.

BEVERLY GRIEBEL: 7 or 8 feet. They look like 2 or 3 feet above the chain link fence.

MARY SPERR: I didn't walk the backyard because I was so busy when I pulled up that day, but you have a deep lot. You couldn't move it over?

MR. RYBACKI: To be honest --

MARY SPERR: I just want to ask the question.

MR. RYBACKI: The reason why I didn't -- I used to have a shed in the backyard. My kids play soccer and it was a metal shed and they dung the heck out of it and destroyed the shed. So what I was trying to do is give back the backyard so the kids could play, and that is why I did move it up that close.

MARY SPERR: Okay. I don't have any other questions.

RICHARD PERRY: What is the foundation on the --

MR. RYBACKI: I went to get the deluxe model, and they put pressure-treated flooring

down with 4 x 4 runners going underneath, and it is sitting on patio block. It is about -- I don't know, about 6 inches off the ground or 4 inches off the ground for ventilation purposes.

BEVERLY GRIEBEL: Side table, any questions?

KEITH O'TOOLE: No comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Prior to my making my affirmation, um, I noted in the paper yesterday morning that the Zoning Board meeting was scheduled for Wednesday night.

BEVERLY GRIEBEL: At 7:30, and I called the paper on that.

MR. BRIXNER: You did call them?

BEVERLY GRIEBEL: Yes. They were supposed to have a correction today, and I forgot to look. But it did say call the -- and they listed the Town number, call 889-3550 for details and it didn't have the agenda. I don't know who puts those in, but it was obviously an error. We have never met on Wednesday.

MR. BRIXNER: I was confused because I never heard of a Zoning Board meeting on a Wednesday either.

BEVERLY GRIEBEL: That is the lovely paper.

MR. BRIXNER: Do you as a Board put forth the notice of your meetings?

BEVERLY GRIEBEL: No. I don't know where that comes from.

MARY SPERR: The Town Clerk puts it in the paper and the bulletin board. It is the Open Meetings Law.

BEVERLY GRIEBEL: But that is the paid notice that goes in the Gates-Chili Post. I think it is a reporter, because when I called last night, it was about 5:30, and I was told that this person would inform the reporter.

MR. BRIXNER: Oh, yes.

BEVERLY GRIEBEL: So I don't know which reporter is responsible, but that is not the first time. One time a year or two ago they had the agenda -- we had two meetings in one month and they had the agenda for the second week, and then when they put the correction in, they just put "call for details." They put a little tiny thing, so what can I say? That is the paper.

MR. BRIXNER: I'm grateful that you made an effort to correct it. I believe the gentleman has a good case, and I would like to be in favor of it.

BEVERLY GRIEBEL: Thank you, Jerry (Brixner).

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 5 yes with no conditions, and the following finding of fact was cited:

1. Considering other elements in the yard, this placement of the shed is a logical location.

Note: A building permit is required.

3. Application of Darrell Kashmer, owner, 39 Solmar Drive, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 4' from side lot line (8' req.) at property located at 39 Solmar Drive in R-1-15 zone.

Darrell Kashmer was present to represent the application.

MR. KASHMER: Hi.

BEVERLY GRIEBEL: Good evening.

MR. KASHMER: I have pictures here to start off the get-go.

BEVERLY GRIEBEL: Okay.

MR. KASHMER: It would be easier to explain.

The applicant presented pictures to the Board.

MR. KASHMER: I started construction in the middle of the summer. As you can see, I have stopped. Um, I realized 10 x 10 wouldn't be big enough, so I wanted to go 10 x 12. Being 8 feet from the side lot is going to take up not quite a third of my backyard, but enough where it is going to be a problem in the way.

The way the tree line goes down the left side of my property line, at the widest part there is 30 feet. There is a nice tree there to tuck it back out of the way. It is level there. It was just a nice fit. So I called the Town and got the numbers as far as being the 8-foot, the side setback and whatnot. Everything is okay except for the side lot. That is why I am here, to get a variance for the 4 foot instead of 8 foot from the side.

BEVERLY GRIEBEL: When I was out there looking at it, your neighbor has a shed kind of just adjacent.

MR. KASHMER: Right. I talked to him.

BEVERLY GRIEBEL: Across the lot line.

MR. KASHMER: Actually that was there when he bought the house. I asked him about that. He said he has no problem with where I am putting mine, as long as he had enough room to get around his.

BEVERLY GRIEBEL: And do maintenance of the shrubs that go all of the way along that line.

MR. KASHMER: Yes.

BEVERLY GRIEBEL: Well, one of these views which looks from the street backwards, if it is pulled out more from the side lot line, it is going to be a lot more visible from the street.

MR. KASHMER: From the road, yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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. A logical placement in/near shrubbery is nearly invisible from the street.

Note: A building permit is required.

4. Application of Ralph Barbaro, owner; 180 Hillary Drive, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a 16' x 36' detached garage to be 1,472 sq. ft. (900 sq. ft. allowed), variance for detached garage to be 30' from rear lot line (40' req.) at property located at 180 Hillary Drive in R-1-15 zone.

Ralph Barbaro was present to represent the application.

BEVERLY GRIEBEL: Ralph (Barbaro), it is nice to see you again.

Ralph (Barbaro) was on our Board.

MR. BARBARO: This was always a nightmare for me. Because I always felt that some day I would have to come here like this --

MARY SPERR: It happens to us sometimes.

MR. BARBARO: -- and everybody I ever voted against would be here shouting, "No, no, no."

LARRY SMITH: I'm here to do that, Ralph (Barbaro).

MR. BARBARO: I'm here to ask for two variances; one for the total square footage of the garage area to be increased from 900 square feet, and on my application I had 1500 square feet. I don't know how it got altered to 1472.

BEVERLY GRIEBEL: I saw that here, that you were asking for a little bit more because you wanted to eventually extend the garage a little bit.

MR. BARBARO: Yes, yes. I have -- right now behind the garage I have a 10 foot by 10 foot steel shed, but that is a preexisting, nonconforming shed and if I ever replace that, which is probably imminent -- a couple years down the road, maybe even next year, I would replace it by extending the garage. Larry (Smith) assures me that is the simplest and easiest way to do it, rather than to try to place a shed next to the garage.

DAN MELVILLE: You don't want to come back and see us again?

MR. BARBARO: Not for that. That sounds like a real difficult go-around. That 4-foot State requirements gets in the way.

BEVERLY GRIEBEL: So you want an additional --

MR. BARBARO: Well, I had originally asked for and had on my sign 1,500 square foot. And I think probably the reason that that got cut back was that I'm adding about 576 square feet. If you take 900 that is allowed and 576, it comes out close to 1472. I don't know. I have no idea where the 1472 came from because I had rounded it up to 1500.

BEVERLY GRIEBEL: Because that is what you wanted to eventually do the --

MR. BARBARO: Eventually I would go to 1500 square feet, yes, if I added on to the back of the garage.

BEVERLY GRIEBEL: And that is what was on your sign?

MR. BARBARO: Yes.

BEVERLY GRIEBEL: Counsel, can we just amend the application?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: Thank you.

MR. BARBARO: And the other variance is 30 feet from the rear lot line versus the 40 feet that is required, and I amended that about three times as I decided which size shed I wanted, whether 14 or 16 and whether I wanted it right on top of the fence or displaced by the fence. And so I -- so Kathy said, "Why don't you just make it 30 feet?" So that is what I did.

I was bouncing around with 31 feet, 32 feet, so for safety sake, it is 30 feet, but it will be something more than that away from the property line.

BEVERLY GRIEBEL: A little margin of safety there.

MR. BARBARO: Yes. The purpose of this shed is to house antique vehicles. And I will start these here (indicating). These are four antique vehicles.

The applicant passed out pictures to the Board.

BEVERLY GRIEBEL: I think it is a requirement tonight. You have to bring photos.

MR. BARBARO: I guess. It seems to be the thing.

I have a brochure from the company I am going to hire to erect the shed. There is not a good example here of a garage, but it is the one called "the gable shed." Only in my case, it will be a gable garage.

He presented the brochure to the Board.

MR. BARBARO: The 1937 Ford is an award winner. It was entered in four shows this year. It won in the first one on Mother's Day at Stafford, where my son's house is being built, and then I got the fever and he said that Stafford doesn't really count. You have to go to Victor and RIT. We took it to Victor and RIT and we won first place in all three of those with the '37.

The 1929 Ford that you see there is -- I purchased from a person at the RIT show, and that is a national winner. A Model A Ford Club of America Award of Excellence. It is only one in 1,000 Model As that have ever received that award.

So there are two very important cars to me. They cost a good deal of money, and I want to protect them. One is in my garage now. The 1929 is in my garage, which displaces my truck, and the Jeepster -- not the Jeepster. The Volkswagen thing you see in the other photograph is in the other half of my garage which displaces my car, and the '37 Ford is down the street three houses in a rented garage. I want to bring all those together in my own building where I have control of whose grandchildren plays around them and whatever.

There has been an exceptional number of cars at my house if any of you have driven by lately. My son and his wife have been living with me since May when their lease was up on their apartment in Scottsville. They are presently remodeling and expanding a house in Stafford which they bought from the estate of his wife's aunt. And we have worked diligently for nearly a year now to get that ready to move in and hopefully it will be next week -- it wasn't last week, or the

week after -- or the week after that. But we're getting very, very close.

So four of the cars that are out there alongside in my driveway now will be gone when that happens.

And with the new garage, my car and my truck will then be able to be parked inside, and there will be nothing in the driveway. This will be the first time in I don't know how many years that will happen.

The construction is ordinary wood-frame construction. The side walls are 2 x 4 on 16-inch centers. The siding is T-111 which will be painted a light green to match the house.

The roofing will be shingles and we'll also try to match the house, although it will be somewhat newer. The building will be 16 foot by 36 foot, and we'll have a 12-foot garage door on one end.

I'm contemplating putting another door in the building, but that would probably also be located fairly near to the front.

It could be midway back.

The building will be placed within a foot of the fence. I don't know if you're familiar -- if you have all seen my backyard. There's an in-ground pool there. The building will be placed within a foot of the fence, but that section of the fence that runs parallel to the building at -- that 36-foot section of fence will be removed, so I will have access to the building from the pool area. Not only for maintenance, but also because that is where I will put a door, in that wall.

BEVERLY GRIEBEL: So to come right out to the pool?

MR. BARBARO: Yes. I can go through the pool area and into the garage.

BEVERLY GRIEBEL: In lieu of a fence, you will use the wall --

MR. BARBARO: The building of it, yes. The specifications on the shed will vary somewhat in that the 7/16th that they are calling for for the roofing material, I'm upgrading to 5/8th plywood. They're calling for flake board. I'm upgrading that because flake board goes like this (indicating) when you have snow on it, and the other doesn't. Even though they both have the snow requirements, the other will hold me up in case I get up on the roof.

BEVERLY GRIEBEL: And will not collapse on your vehicle.

MR. BARBARO: This is a garage, but it is built like a shed. It has pressure-treated runners which -- I will -- I'm going to dig out some grass, some turf. I'm going to put down a bed of stone, and the building is built on pressure-treated runners that run the length of the building. They're 4 x 4 runners. There are, I believe, seven of them. Then there are 2 x 6 floor joists spaced 12-inch on centers, not 16. 12-inch on centers. Then over that there is 3/4-inch pressure-treated plywood, and on top of that, glued to that is a 5/8th-inch regular CVX plywood.

All that pressure-treated lumber is impervious to bugs, hopefully chipmunks and mice. They don't like the copper cyanide in the pressure-treated material, and also the wood floor tends to breathe a little bit less than a concrete floor does, and concrete floors tend to give off -- as air and moisture comes up through a concrete floor, it picks up lime which causes the atmosphere under a car to become caustic over long periods of time, and that is very bad for antique cars. It expedites corrosion. So we would prefer to have a wood floor or some kind of a sealed floor, and this is really the best way to do it.

From an engineering standpoint, it is not always the best way to do it from a structural standpoint, but the 6-inch bed of stone should provide the structural rigidity that we need. I have checked that with the -- at Larry's (Smith's) request I checked that with the State Building Code's Officer, and he said that was fine.

BEVERLY GRIEBEL: I was wondering because usually the concrete is required.

LARRY SMITH: Well, there is a catch-22. In a Section F of that particular section, "Separation of Garages in or Attached to One and Two-Family Dwellings." This is not attached to a one or two-family dwelling.

MR. BARBARO: And being not attached is why he was able to approve it.

So if there is any questions, I would be happy to answer them.

You can't keep the pictures.

(Laughter.)

GERRY HENDRICKSON: I have no questions.

It was a pretty good story, Ralph (Barbaro). I appreciate the history you went through, because I believe the same thing is going to come up across from me within a year or so. They're planning on building one for antique cars.

PETER WIDENER: I have three questions. You answered two of them perfect. The other one was access. The ingress and egress to this shed garage. We have 12-foot and 10-foot.

Is that enough? Is there a drive there now?

MR. BARBARO: No, there is no driveway. If you look at my house, the 12-foot setback is on the side of where my garage is. And so for the times that I will be taking one of those cars out, I will just drive across the lawn. There is a big tree out there now, but that should be going down this weekend, a big maple tree. I planted that about 27 years ago. Dirty tree. I will be happy to see it go even if I don't build the garage. There won't be a driveway. As a matter of fact, I would like it to be -- you won't be able to see this building from the road, and I would like it to be discreet like that. I don't want a lot of people knowing there is a building back there with antique cars in it.

DAN MELVILLE: You did a great job. No questions.

MARY SPERR: He must have been on a Board or something.

BEVERLY GRIEBEL: I will note for the record that behind your property is the highway. It is elevated --

MR. BARBARO: Well, we actually have three rights-of-way behind our property. There is a right-of-way from RG&E for RG&E, which is now the drainage right-of-way. That was a power line at one time, and it was abandoned and has never been built on since.

Then there is the railroad right-of-way directly behind my house, and that is where it goes underneath 490, and so immediately after the railroad is the highway right-of-way.

So we have about 300 feet of right-of-ways back there.

BEVERLY GRIEBEL: You don't have any house or anything like that that is going to be --

MR. BARBARO: There is nothing back there -- the nearest thing in a straight line behind me is the Water Department building over on Paul Road Extension.

BEVERLY GRIEBEL: Oh, okay.

LARRY SMITH: I just would remind Ralph (Barbaro) what he used to say about long-winded applicants.

MR. BARBARO: But I'm before the right Board.  
(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 5 yes with no conditions, and the following findings of fact were cited:

1. No impact on neighboring properties.
2. Applicant showed need for additional storage for antique autos.
5. Application of Betty Stratton, owner; 37 Daunton Drive, Rochester, New York 14624 for variance to erect a deck on front of house with a gazebo to be 40' from front lot line (60' req.) at property located at 37 Daunton Drive in R-1-15 zone.

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

Is Mrs. Stratton here? Betty Stratton?

No one was present to represent the application.

DAN MELVILLE: Call it at the end.

BEVERLY GRIEBEL: We'll put it on the bottom and call her later.

6. Application of Patrick Burns, owner; 25 Lester Street, Rochester, New York 14623 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (180 sq. ft. allowed), variance for shed to be 4' from rear lot line (8' req.) and 6' from side lot line (8' req.) at property located at 25 Lester Street in RAO-20 & FPO zone.

Patrick Burns was present to represent the application.

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

MR. BURNS: Hi. My name is Patrick Burns, 25 Lester Street.

I would like to build a shed to put lawn and garden equipment and the things for my deck -- the table, chairs and things like that in there. Um, I would like to make it 16 feet long because I have a ladder that happens to be 15-foot long I would like to put in it. I want to put it back in that corner just to keep it as far back as possible, out of the way of the rest of the yard, and there is an area there because of the trees that the grass doesn't grow too well anyways, so that is what I am applying for.

BEVERLY GRIEBEL: Okay. I think I will note for the record that those lots are oddly shaped there. They slant at a --

MR. BURNS: They're parallelograms with the front and back are to Lester Street.

BEVERLY GRIEBEL: They're 80 feet wide. It makes it difficult. You do have a deck in the backyard also.

DAN MELVILLE: No, I don't have any questions.

RICHARD PERRY: The back of the yard is the former railroad right-of-way.

MR. BURNS: Right now it is the Genesee Valley Green Way.

RICHARD PERRY: Right. No other questions.

MARY SPERR: It seems like it is very difficult to put a shed in your backyard, period, so I don't have anything.

LARRY SMITH: No problems with what he wants to do.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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. The angled lot shape and trees dictate placement of the shed.

Note: A building permit is required.

7. Application of Albert Chin, owner; 9 Stemrose Lane, Rochester, New York 14624 for variance to erect a 16' x 22' deck to be 30' from rear lot line (40' req.) at property located at 9 Stemrose Lane in R-1-15 zone.

Albert Chin was present to represent the application.

MR. CHIN: Basically just need to erect a deck of that size to facilitate part storage and part deck. In order to bring the deck out, to raise it up, you have to bring it out like 16 feet.

BEVERLY GRIEBEL: It will have storage underneath?

MR. CHIN: Yes, a low-level storage.

BEVERLY GRIEBEL: I was out and looked at your property and behind it you back up to some other properties, but there is a berm with a lot of trees and shrubs along it.

MR. CHIN: Right.

BEVERLY GRIEBEL: So it won't be very visible to properties on the other side of that berm.

MR. CHIN: No.

RICHARD PERRY: Just a comment. The backyard, from the back of the house to the lot

line is pretty narrow to begin with. Albert (Chin) is a neighbor of mine and we looked at that house when it was being built, and it was one of the things that stuck in my mind about it.

DAN MELVILLE: I was going to say -- it sets back pretty far. You're kind of limited.

BEVERLY GRIEBEL: 71 feet on the front. But then the back is -- it gets very tight.

LARRY SMITH: You're incorporating storage into the deck?

MR. CHIN: Yes, just for a lawn mower.

LARRY SMITH: Where are you storing the lawn mower, underneath the deck?

MR. CHIN: That is what I think, but I don't know how it will work yet.

LARRY SMITH: I don't know about that being attached to the house -- it is an accessory structure storage area. It has to be 8-foot -- 10-foot from the house. Before you do that, I would like to look at it.

BEVERLY GRIEBEL: Well, it is 16 feet if he puts it on the furthest away --

LARRY SMITH: The deck becomes part of the structure if it's attached to it. As far as the deck, I don't have any problems with it at all.

DAN MELVILLE: You can't store anything under your deck?

LARRY SMITH: It is like storing it outside if it is a regular deck. I mean, I don't care if you put something under a deck, but if you make an enclosure for it, then you have a shed. You know, if it is just under your deck, I don't care if -- what he stores under his deck, but if there is a storage area built -- if it is just for a lawn mower -- that is what I'm saying. I don't know what he plans on doing with the storage area. But as far as the deck setback, I wouldn't have a problem with it at all.

MR. CHIN: Can I just make it a deck then?

LARRY SMITH: I'm not saying you can't even do the storage, but I don't know -- there are no drawings so I don't know how to answer that. So when you get your permit for your deck and you want storage, that will be on the same drawing and I can look at it then. So I don't have an objection to the deck setback. Just when you started mentioning storage, I was unclear on what kind of storage structure you're talking about.

Did I confuse you totally now?

MR. CHIN: Somewhat.

BEVERLY GRIEBEL: Maybe if you have a little sketch of what you want to do.

MR. CHIN: Well, actually I want to raise the deck up, but it would be just about, I guess, 4 feet, but I still don't know if that would be the -- the builder says you -- he really don't know if I can store anything under that, but I just told him I wanted to. He said I would have to probably raise it higher, and I guess raising it higher would cause another problem.

LARRY SMITH: Well, actually we do have a height -- again, I don't have an objection to the setbacks. I don't know what he is planning on building and I won't know until we have some drawings. At that time, you know, we'll sit down and talk about it.

BEVERLY GRIEBEL: If it goes higher, it may be a step up when you go out of your house.

MR. CHIN: But it will be two step up on the current design. But to go higher would be like adding three or four steps and then I guess --

DAN MELVILLE: Is that coming off a rear sliding door?

MR. CHIN: Yes.

DAN MELVILLE: So you will be even with that sliding door, right?

MR. CHIN: Right.

DAN MELVILLE: So you can't go higher than that. You have to be even with the sliding door.

LARRY SMITH: Could you have steps?

DAN MELVILLE: But he has to come out the sliding door.

LARRY SMITH: It will have steps.

DAN MELVILLE: He is going to go out.

LARRY SMITH: Right now he is in for the setback. I'm not going to pass any judgments until I see what he is doing.

BEVERLY GRIEBEL: Bring in some diagrams. You're having somebody build. Bring in diagrams to Larry (Smith) and he can tell you if you can do it or not.

LARRY SMITH: What you're trying to obtain is a setback, not a structure variance. We can't do it because we don't have anything to look at. We can't do structure variances anyway.

BEVERLY GRIEBEL: We can do the setback. Then if you want to put storage underneath, be sure Larry (Smith) okays that before you have it all built and have to unbuild it.

LARRY SMITH: My condolences on your neighbors.

RICHARD PERRY: Thanks, Larry (Smith).

(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, made a determination of no significant environmental impact, and Richard Perry 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. Site is the only logical placement of the deck on a shallow lot.

Note: A building permit is required.

8. Application of Empire Sign & Awning, 2340 Brighton Henrietta TL Road, Rochester, New York 14623, property owner: Paul Road Industrial Center, for variance to erect two 4' x 5' double-faced freestanding signs to be 15' from front lot line (20' req.) at property located at 465 Paul Road in L.I. & FPO zone.

Sandy Van Kamp present to represent the application.

MS. VAN KAMP: Sandy Van Kamp with Empire Forster Signs and Awnings, and I'm here on behalf of Buckingham Properties in response to many complaints they have had from their existing tenants, especially Kodak, which is almost demanding that they have some type of a directory sign that is located out by the road. They have many large delivery trucks, semi tractor-trailer trucks, et cetera, that are constantly making their decision at the very last minute, making it a dangerous situation for driving, going in the wrong driveway, having to turn around in a tight parking lot area and go back to the opposite side, east/west side, and they have been requesting for quite a while now to have some type of a directory erected by the roadside so people could see it.

15-foot setback we're leaning towards if we could because of trees and vegetation around there to give some of the bigger trucks enough time to slow down and make a proper decision early on and maneuver the vehicles into the parking area.

BEVERLY GRIEBEL: Yes. Sometimes there is a lot of traffic on that road.

DAN MELVILLE: I don't have any questions.

I can understand the need for that out there because I travel that road quite a bit. I have encountered a few trucks that have stopped at the last minute.

BEVERLY GRIEBEL: Trying to figure out --

DAN MELVILLE: Almost became part of the truck.

(Laughter.)

MARY SPERR: These signs, they're both different. Is one for each entrance, or is this --

MS. VAN KAMP: Right. There is one for the east side of the property and one for the west side.

MARY SPERR: They will be front and back the same.

MS. VAN KAMP: Double-sided, correct.

GERRY HENDRICKSON: No questions.

LARRY SMITH: Couple things.

If you do decide to grant this variance, I would like to request that the existing signage on that site be removed. It is no longer Bausch & Lomb's property, and there are a lot of references to Bausch & Lomb on both the building and the tanks out there and I would like them removed before these signs are put up.

MS. VAN KAMP: The -- signage on tanks?

LARRY SMITH: To the west side of the property line. The Ray Ban signs. There is a lot of signage on that property. All signage on that property be removed before these signs are installed.

MS. VAN KAMP: Are you saying --

DAN MELVILLE: All existing Bausch & Lomb signs.

MS. VAN KAMP: Are you saying that the current tenants cannot have identity, or are you saying old signs that are no longer applicable?

DAN MELVILLE: Old signs --

LARRY SMITH: Well, actually the identity -- what is there that has an identity sign? You have the imaging group that has a directional sign which points to the back of the building, which I told them that is all right because it brings people back, but these signs are going to be replacing that.

MS. VAN KAMP: These signs are out by the road. Once the vehicle gets in --

LARRY SMITH: That is what I am talking about, the one out by the road. Imaging. This sign is going to replace that (indicating).

MS. VAN KAMP: Okay.

LARRY SMITH: If they have signage on their doors or over the fronts that they have, they're allowed a certain amount of square footage. I'm talking about the large sign in the front that says "Bausch & Lomb." The references to Ray Ban sunglasses on the tanks. All signage should be removed other than what is --

RICHARD PERRY: I think there is one on the building, too, it says --

LARRY SMITH: On the west end there is a large Bausch & Lomb sign. We'll try to eliminate that identity for firefighting purposes.

BEVERLY GRIEBEL: Would that be a problem? Is that something --

MS. VAN KAMP: My client isn't here. My immediate guess is it wouldn't be, but I would have to confer with them.

BEVERLY GRIEBEL: If we make that a condition, that will have to be done before you can put these up.

MS. VAN KAMP: We would probably do it the same time. Would that be a problem if we were to bring them down the same time --

LARRY SMITH: Some time is reasonable.

BEVERLY GRIEBEL: Some time around the same time.

MS. VAN KAMP: So basically the large sign out in front, the sign on the Ray Ban -- the Ray Ban sign on the tanks and the Bausch & Lomb sign on the west, west side of the property.

LARRY SMITH: And any other freestanding signs.

MS. VAN KAMP: May I ask -- I'm not familiar with some of the other signs currently. Are all of the other freestanding signs non-applicable to the property at this time?

LARRY SMITH: The signs that are up there now are illegal. You have to get a variance for any freestanding signs with the exception of directional signs. Image Solutions or whatever -- one of those clients' names are -- do you have it on here -- has signage up there now directing people back to the back of the building which I approved because it's a hard time to find the building. It is a directional sign, so I have authority to approve the directional sign. Now it is going to be on this sign, that other sign has to come down.

MS. VAN KAMP: The one on the building that --

LARRY SMITH: No.

BEVERLY GRIEBEL: Near the road.

LARRY SMITH: The one near the road.

MS. VAN KAMP: Okay. I thought maybe it was at the back of the building that I didn't notice.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 5 yes with the following conditions:

1. Remove all unapproved signs.
2. Remove all existing freestanding signs.
3. Remove all signs referring to Bausch & Lomb or brands.

The following finding of fact was cited:

1. Signs needed to identify new businesses on a busy road.

Note: A sign permit is required.

9. Application of Aaron Keller, owner; 613 Paul Road, Rochester, New York 14624 for variance to erect a 10' x 24' open porch to be 43 1/2' from front lot line (75' req.), variance to erect a 9' x 23' addition to garage to be 7' from side lot line (10' req.) at property located at 613 Paul Road in R-1-15 zone.

Aaron Keller was present to represent the application.

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

MR. KELLER: Good evening, Board and good evening to the side table. This basically is just a variance for improvement.

Number 1 being the garage, adding a small piece to the side of the garage to make it a two-car garage.

The other piece being the other variance for the porch on the front of the house for improvement for what is there now, just a -- three steps up to a wood, kind of rotting -- there is a small overhang that will be replaced.

BEVERLY GRIEBEL: I'm looking at the diagram here (indicating). I will note for the record that presently your front setback is 53.4 feet, so you predate the code or whatever. Maybe they widened the road. I'm not sure.

LARRY SMITH: Both.

BEVERLY GRIEBEL: Both?

LARRY SMITH: Yes.

BEVERLY GRIEBEL: What are you going to do with the driveway? Are you going to pave that and kind of cover it over?

MR. KELLER: Yes. Actually it is going to be redone. I'm trying to remember what the plans had. I think he was going to make it a little bit bigger to accompany the double -- you know, one big door that will be on the garage.

BEVERLY GRIEBEL: To slant it over to the garage. Because if he went straight down, it would be on the other lot --

MR. KELLER: Right. It will not be the full length wide. It will be coming up and widening out at the front.

BEVERLY GRIEBEL: Some of these lots that are drawn at odd slants, it --

MR. KELLER: Yes. It is on a curve. The lot is actually square, but the house sits on a slant on the lot, so the front part of the garage would actually be 7 feet, but the back would be something like 11 or something like that.

BEVERLY GRIEBEL: It is really strange.

GERRY HENDRICKSON: I have no questions. I believe it would set it apart and make it look better.

MR. KELLER: I apologize for not bringing any pictures.  
(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 will enhance the appearance of the front of the house and allow more garage space.

10. Application of Kathleen Kosciolk, owner; 27 Brookview Road, Rochester, New York 14624 for conditional use permit to allow an office in home for a mail order business at

property located at 27 Brookview Road in R-1-15 zone.

Kathy Kosciolek was present to represent the application.

BEVERLY GRIEBEL: I probably killed your name.

MS. KOSCIOLEK: It is Kosciolek. You did very well. It is Polish. That is why I have to get a d/b/a. That is why I'm here, in a nutshell. I'm just asking for permission to have a mail order business in my home. There wouldn't be any customers coming to my home. It is just my understanding that you have to have permission from the Town if you have a d/b/a, which I have, so that is it.

BEVERLY GRIEBEL: If you do business in a residential area.

DAN MELVILLE: You want to write it off as a tax deduction?

MS. KOSCIOLEK: Yes, we want to do that.

DAN MELVILLE: Then you need that.

MS. KOSCIOLEK: I think I have done everything that I need to do. I have my d/b/a, I'm here and I have the State permission to do business for the taxation. I believe that is all.

DAN MELVILLE: You have to have a sales tax --

MS. KOSCIOLEK: Yep. That should be coming in the mail any day.

BEVERLY GRIEBEL: We don't allow any advertising signs or anything like that on the property.

MS. KOSCIOLEK: Right.

DAN MELVILLE: Will you have deliveries to the house at all?

MS. KOSCIOLEK: Um, I had a delivery when I first got the --

DAN MELVILLE: What is it, UPS?

MS. KOSCIOLEK: Yes, a box like this (indicating).

RICHARD PERRY: No tractor-trailer beds?

MS. KOSCIOLEK: No. Unless business is real good and we'll have to do something else. (Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 approve 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.

BEVERLY GRIEBEL: Betty Stratton? Not here. Okay. We'll go to number 11.

11. Application of Passero Associates, 100 Liberty Pole Way, Rochester, New York 14604, property owner: GCO Sewer District, for variance to erect seven new buildings and existing buildings to have a floor elevation less than the required 2 feet above the base flood elevation at property located at 145 Paul Road in G.I. zone.

John Caruso and Reinhard Gsellmeier were present to represent the application.

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

There was no sign, but we determined with Keith's (O'Toole) help --

RICHARD PERRY: They're exempt from having to put up signs while everybody else in the Town has to.

KEITH O'TOOLE: The GCO is a special district of Monroe County, so basically they're the Monroe County government. I don't think we can bind them on that. What we're here to review, however, is what is essentially a FEMA regulation, a Federal regulation, and he (Larry Smith) is our Federal regulator.

LARRY SMITH: I'm a G-man, so watch it.  
(Laughter.)

LARRY SMITH: That is in a nutshell. The only time we see Monroe County before this Board is something related to flood plain or flood ways.

BEVERLY GRIEBEL: Monroe County can do a lot of things. One time I questioned some barbed wire up without this Board's approval and was told Monroe County approval --

LARRY SMITH: Anybody can do anything at the higher level. The only thing higher than the Federal government is the railroads.  
(Laughter.)

MR. CARUSO: My name is John Caruso. I'm an engineer with Passero Associates. With me tonight from Monroe County is the Project Manager from this, Reinhard Gsellmeier. Reinhard is also an engineer. We thought we would make a short version of our presentation to you tonight and get into the variance, but before we do, um, we thought that we would take a second and tell you about what this project is, because it is very, very unique to the area. It is something that when it comes to fruition everybody will be very proud of, especially in this area.

The real premise of this project is to take a municipal facility and convert it into something new and improved, and in this case, we're taking an old sewage treatment plant and converting it into reuse of a new Public Works facility. What makes that unique is that we don't know of anybody who has done it before, and secondly, it is bringing all of the County departments from different locations amongst Monroe County into this one site. It is really a good thing for the County. It is a good thing for Chili. For several reasons.

One is that it brings in an employee of base of about 100 to 200 people into our area that need to buy gas and eat breakfast and lunch and things of that nature. It also takes an old sewage treatment plant which has been off line for going on two years now, and puts it back into use.

Our task in doing this project was to do an engineering study of the site to see if it was capable to support a facility of this nature, a Public Works facility, and we found that it was. However, in several of the things that we found that were difficult to overcome, one of them that we needed to work out with FEMA and Larry (Smith) and hence this Zoning Board is a variance for the flood plain level. And that is our issue.

Let me just show you. This is the site (indicating), if you don't know where it is. It is at the base south end of the runway. This is Paul Road here (indicating). This aerial photo shows the aeration and the individual clarifiers and then the buildings that supported the site.

Does this all look familiar? If anybody has driven by it on an 85-degree day and remember what it --

Are any of you here for this project?

No one in the audience was present regarding this application.

MR. CARUSO: Reinhard (Gsellmeier) and I dream of this in our sleep.

One of the neat things that we're trying to do on this project is to reuse some of the existing buildings that are there, and that is part of our practical difficulty. What makes this site economical -- because, of course, we selected it based on an economic evaluation -- versus taking one in Henrietta on a green field and just bringing in and building all new -- that was the whole scope of our work, was to determine, you know, what are the benefits in reusing this site. And one of them, other than the road and infrastructure that are there, are the buildings. If you notice on this drawing, we're going to be reusing some of these buildings. In reusing them, our practical difficulty is created in that we can't take some of these existing structures that are at elevation 522 and bring them up to 527, which is where we need to be.

And I will talk to you in a minute on how we tried to minimize that effect, but that is a big part of this project, because we don't have to build this building here (indicating) or here (indicating) or here (indicating). They're there. We can immediately renovate them and recapture their use, and the cost is probably a third of what it would take to build something like that.

There is an immediate savings to County taxpayers and so on and so forth, as one would see. So that is one of our practical difficulties.

One of our other practical difficulties is an interesting matter in that sewage treatment plants are built typically in the lowest parts of the communities. That way, everything can flow to the sewage treatment plant by gravity. We don't have to pump to them. It does flow downhill to the low points, and there we treat it -- so we then -- they take the sewage when it reaches this place and they treat it. They pump it up to one these places and it goes through all of the chambers and settles out. They treat it with chlorine and they pump it out to the river. That is what they used to do. Now they don't do this any more. This site has been decommissioned.

This being a low part of the earth, the soils are very, very bad. Down to 30 feet they're very soft clays. They basically build these sewage treatment plants in bogs and swamps and low lying areas. The soils aren't good.

So in order to support this site, they have to use non-standard type foundations, piles, caissons and not the flat footings that you see in residential homes, something of that nature. These (indicating) are piles that are driven into the ground, several of them -- a pile can be steel or concrete. Several of these piles are driven into the ground and then the buildings are placed on top of them. The friction created between the dirt and the length of the pile is what supports it, not the soil.

So you can see that this is a very difficult site if every one of these facilities are on piles. Even some of the utilities underground, the points are set on piles because the dirt is so bad. Well, that is one of our practical difficulties, if that -- if I wanted to buy and bring these new buildings -- because a minute ago I talked about reusing existing, and that is the premise of this development, is to use what is there -- but some of the new structures that we're going to construct have to sit on these existing foundations. We are reusing them, and that is what also helped them capture or recapture some of the cost that was originally spent on this project.

So we have this existing aeration tank that I showed you a minute ago and some of the clarifying and sedimentation tanks we have on our overall site plan, you can see our building is proposed sitting on top of them. The pink is the new buildings that you see. We're using some of the old foundations and structures of the tanks -- you can see the circles (indicating) to set our new foundations on top of them. Now, if we didn't do that, we to have to fill the site with dirt to bring the first floor elevations up above 527, or to 527, with the flood plain being at 525.

The problem with that is if we filled dirt this high (indicating) out on the site, the soils are so bad, that we would initiate consolidation. It is like loading, preloading the dirt. And it would literally settle. There is no way you can build a building on something you know will settle. Now, what drives that is mostly organics. Organics decay to a point about 10 percent. In 10 feet you would expect a foot of settlement and anything over 3/8th of an inch to a half inch is unacceptable in any sort of building tolerance.

So you can see that we physically can't even fill on the site to make this work. We would actually just have to ignore the site. We would go to our Henrietta parcel, a nice green field and GCO stands as a ruins until -- a monument.

And we don't want that. This is a real opportunity for this community to reuse something like this and bring in an interagency Public Works facility into the Town of Chili. If you look on a County-wide map, we're south and central right down the street from an expressway. It is a great place to dispatch from.

So with that, I talked to you about our practical difficulties, and obviously we're in a unique circumstance in that applicants don't come in to reuse a sewage treatment plant.

DAN MELVILLE: How is the air quality?

MR. CARUSO: That is under my "Improvement to the character of the neighborhood" issue. As far as our minimum request, I do want you to know that we have selected one of the aeration tanks which is at elevation 529 to build on. Now, that is above the 100-year flood elevation. I have to tell you it wouldn't be one of our normal choices. It is 7 feet above the existing ground, so in order for them to use it, we have to create all sorts of special designed ramps for some of the big equipment that will be going into this facility, and that requires retaining walls and things of that nature, but we're talking about big 6, 10-wheel dump trucks, heavy excavation type equipment that need to go in this facility to be serviced, so getting them up

7 feet in the area is a bit of a challenge, if you will, so it wouldn't be our first choice.

However, we did work that in to try to reuse the foundation, and we do think that is part of minimizing our variance. We got square footage out of a facility that we otherwise wouldn't have.

Effects on other properties, we did evaluate the effects on the airport. We did that on what they call a Part 77 study. This is the runway to the airport right here (indicating). It is just the edge of the runway there (indicating), just to give you an idea where it is.

You have to hold a 200-foot line. Then you come up at angle 1 on 10. So basically from the runway you come over 200 feet and then you run an angle up into glide space -- I'm sorry, 1 on 7 and make sure none of our buildings are in that slope. It is an imaginary line so there would be no interference with planes coming in not right on the runway path. We checked our impact to them and we do not have any impact to them.

Also, without filling on the site we won't push flood waters when they do come on to other people's property.

In doing this project and granting our variance, you're not creating impact to an adjacent property.

And finally, to let you know, we have really thought this all through, we have done a risk assessment on how to do this. Okay. There are going to be some of these buildings that may flood, and if they do flood, let's at least use our heads on how can we find an acceptable solution to flooding. That is, first of all, we don't want any of these buildings to have to take on hydrostatic water pressure, so we want to use overhead doors with a spongy gasket against them that will leak when flood waters come. So when the flood waters then are allowed and designed to enter the buildings and equalize the static pressure, when they do enter the building, we also needed to use our heads in the placement of equipment and our mechanical equipment.

So let me tell you, the first thing we did is take the heating and -- we don't have air-conditioning, but the heating and air-handling equipment goes overhead, so they will be in the rafters over top. All of the lighting and the electrical circuitry will be raised up to an elevation where they won't flood or they will be ground-fault protected.

We went through each department that will be using this type facility and asked them the type of equipment that they have, and where it would be placed. When the maintenance facility tells them, well, we have a 500 gallon oil tank that we used to do oil changes, we make sure it is on a stand and elevated above the ground so it is not in any of the flood waters. All the battery charges are off the ground, or if they do, we know that when flood waters enter this facility, there may be a total damage declared of \$15,000. It might seem a lot, but we don't have a \$20 million facility destroyed. So we're using our heads.

We're risking out what damage we can allow and these really are Public Works facilities. They turn out to be just big garages. All of the offices that pertain to this will be above the flood elevation, the computers and things of that nature.

And finally, the administrative office, which is the main building that you would check into in entering the facility is above, 525, but not above 527, but at least we know that you might just get your feet a little bit wet, but you have 2 inches to spare according to the flood guys. I wanted to make sure we make these points. It is a variance application. We need to go through them all with you.

If you have any questions on the project or how we plan to do this, I will be happy to elaborate.

BEVERLY GRIEBEL: Now, that will save us money. Now, that sounds good.

MR. CARUSO: Yes, it will.

BEVERLY GRIEBEL: And these won't just be left to deteriorate. I imagine when these were built, putting all these caissons and everything, that had to be kind of expensive.

MR. CARUSO: It was absolutely expensive, and when we started this project, we were reminded by the people at the County who hired them, that we were hired to use some of our practical knowledge in applying the reuse and -- of these foundations and things of that nature that are on the site for that benefit.

BEVERLY GRIEBEL: It is interesting. We have had kind of a lot of the same thing, sheds and --

MR. CARUSO: I saw that.

BEVERLY GRIEBEL: We have two new Board members tonight, so this is kind of something a little bit different.

MR. CARUSO: We thought we would come in and break it up. I don't know what we

would do for you next month.

RICHARD PERRY: No cell towers?

(Laughter.)

DAN MELVILLE: It will be an improvement, but will it save us money? Remember that recycling plant they built? (Laughter.)

RICHARD PERRY: Recycling your money.

(Laughter.)

BEVERLY GRIEBEL: I think it is quite creative to reuse the old foundations.

MR. CARUSO: On or about December of this year, we hope to initiate the first phase in which we'll go in and begin to demolish the structures we won't use. They will start to come down. Those that are there -- it does not mean that they will remain, but it is all of the money we had in this phase of work. All of the structures will be brought down to an elevation where we can plan to reuse them in the next phase and that is when the building will be erected. So the big tanks you see will be brought down to grade or 2 feet above grade and that is the grade we identified we want to hook onto them and build the new foundations and structures up there.

MARY SPERR: When do you expect this to be completed? Do you have a completion date?

MR. CARUSO: We have been moving the schedule around. It has been a moving schedule. It is in competition with other projects to be funded with the County, but let me introduce Reinhard (Gsellmeier) for a second and let him talk about that.

MR. GSELLMEIER: We're anticipating -- right now it is proposed to phase the project over a multi-year period. As John (Caruso) indicated, the initial phase would be the demolition. We hope to start that this winter, and the actual construction of the buildings would be over a two-year period, basically 2001 and 2002. That is the current thinking.

MARY SPERR: So you will be able to use some part of this at the end of 2002, if you're at that stage --

MR. GSELLMEIER: Actually, at the end of 2001 a portion of the facility would be usable.

MR. CARUSO: The big building that we talked about, that would go in the first phase and some of the other buildings would come in later. They're some of the smaller County departments that don't have funding yet, but the bigger building houses more departments, so collectively they have more funds to get it built.

BEVERLY GRIEBEL: Is anything out there now or is it all deserted?

MR. CARUSO: Weights and Measures is in the administration building and they will remain on site. The GCO operations for the pump station -- the sewage still does come into the site. The site doesn't treat it. There's a large pump station that pumps it from here (indicating) into the tunnel system that goes to VanLare where it is treated there.

So again, this is another good planning concept to reuse the site after this site has reached its useful life and they decided to implement a new pump station and use the tunnel system that cost millions of dollars.

MR. GSELLMEIER: There are Pure Waters maintenance crews that work out of the facility, as well. They would continue to stay there.

BEVERLY GRIEBEL: It is hard getting any other tenants that would be near an airport because of noise and all of that stuff. So to be able to utilize it for something in Chili is pretty good.

RICHARD PERRY: Also --

MR. CARUSO: We evaluated taking another parcel -- I used Henrietta for example, but there was nothing in Henrietta, but there is a lot of land, sort of south central. If we went in and built on another site, we would take a big piece of land off the tax rolls. This is about 50 acres. This one still sits off the tax rolls. So it was better to reuse this one.

RICHARD PERRY: First of all, there are a lot of buses parked over there. Is that for any particular purpose at this point?

MR. CARUSO: Yes. It is actually a City -- City, County working together -- they're changing the buses over, they're selling those buses. They need a place to keep them until the new purchaser takes them away, and it was the County's way of working with the City to give them a place to store the buses.

RICHARD PERRY: Secondly, the scope of the facility, how many vehicles will be stationed there? How much traffic in and out every day? Do you know the -- the road around the airport there is not the widest, and it is already pretty nasty in the morning when you got big trash

haulers pulling in and out and tractor-trailers pulling in and out from some of the properties around there. It is a little dicey at best. How do you plan to handle that?

MR. CARUSO: Well, we did a traffic impact analysis right away when the SEQR evaluation was done on the project, and we estimate between 100 and 200 vehicles a day would be coming. When you look at it in peak hour, it didn't show to any severe an impact, although it does eventually impact possibly one of the intersections up in the Year 2002 where we might have to change some of the timing of one of the signal lights, but that is all based on planning-type traffic studies and we're not -- you're not sure until you actually see it, you know -- where you see that type of delay.

RICHARD PERRY: The intersection at Scottsville Road is particularly bad because of the angle in which it comes in. If you have any large trucks there, you can't oftentimes, you know, get two lanes of traffic, one to turn left and one to turn right, in that intersection. I know it doesn't bear directly on that, but that is one of the things that will result from that. Is there any thought being given to that?

MR. CARUSO: Thought been given to what?

RICHARD PERRY: Cleaning up that intersection so it is safer.

MR. CARUSO: Well, as I said, we did do a complete traffic study, not only of our site driveway, but just Scottsville Road intersection, and we didn't see anything immediately that it showed them that we needed to go in and do any sort of mitigation.

RICHARD PERRY: Be there between 7 and 9 in the morning a couple of mornings and you will see exactly what I am talking about. I drive that every day, and even with the small vehicle, that gets very dicey. You can't get two vehicles into that little bend coming into Scottsville Road. I mean if you're adding a lot more truck traffic to it, I'm all in favor of what you're doing, but I also want to make sure that I'm not going to take my life in my hands every day that I drive to work.

DAN MELVILLE: There needs to be a way to straighten that curve out maybe.

RICHARD PERRY: I think the road will have to be looked at for widening and a few other things.

MR. CARUSO: I can tell you that we did go through that with Monroe County and we did look at the traffic analysis of that intersection, and right now, we're not -- you know, we're not sure that we're actually going to see this number of traffic until the facility is actually built, so -- so we're not -- we always look at the worst case.

What we did look at was the worst case and would we be able to move vehicles through the intersection with the timing that is there, and based on that, we came up with no, we couldn't, but we need to monitor it. So I do agree with you, that was our same conclusion that we need to monitor the intersection at the time of build-out to see how the lights are operating and, two, the safety issue.

BEVERLY GRIEBEL: I'm part of the Airport Corridor Study and there is some thinking along that line to change that whole configuration down the road, probably a four or five-year plan.

MICHAEL MARTIN: Is that a State or County road?

MR. CARUSO: State. Paul Road is a State road.

But I have seen what you're talking about, Beverly (Griebel), the airport study in which they actually looked at taking and straightening Paul Road -- instead of around the airport, right into Scottsville Road near --

BEVERLY GRIEBEL: Near the tracks.

MR. CARUSO: -- near the tracks at a 90-degree bend. I also, too, live in the area and drive that. I know what you mean. It gets tight in there.

BEVERLY GRIEBEL: There is a possibility of dead-ending at the sewer plant from Scottsville Road and have a dead-end there because the reconfiguration, possible reconfiguration of Paul Road would come out near the tracks on Scottsville Road. It is a possibility. That is all in the planning stages. That is being looked at by the County.

MR. GSELLMEIER: As long as it is dead-ended after the driveway to the site, which I'm sure it will be.

BEVERLY GRIEBEL: That is the plan to have access into that, and this facility was talked about at that time, and that is subject to a public hearing, but that is in the works. They have been thinking about that.

RICHARD PERRY: And finally, if there is any signage, of course, we want to make sure you have your address on it.

MARY SPERR: There is a big green 145.

MR. CARUSO: I can tell you, Mr. Perry, we plan to have several signs on our project. One will be at the entrance to Paul Road. There will be another one here (indicating), to confuse people to drive -- this will be the main sign (indicating), landscaped and larger size. We wouldn't put it out on the street.

MARY SPERR: We'll probably see you again.

LARRY SMITH: No. This is the only time you will ever see a County entity.

RICHARD PERRY: They do what they want to do.

That swale out by the road there, that remains to shield what is behind it?

MR. CARUSO: Yes. That swale plays a big part of the drainage in the area, not only for them, but the wetlands adjacent. Once we enter the site, there are several directory signs to take you through the site. We thought that through.

MARY SPERR: What we were discussing is if there is still in the air that stuff that you can't see and smell -- what did you call it?

PETER WIDENER: Effluent.

MARY SPERR: Is that stuff still existing in the air so it will be unsafe for people that work there?

MR. GSELLMEIER: It is much diminished from what it was. Initially all those tanks had effluent. They were part of the treatment process for the plant, and, of course, they're all now decommissioned. We do have trunk sewers coming into there, into a pump station, and then they're pumped to VanLare. So there is -- you know, there is still effluent present in a couple of smaller structures on the site, but to a much lesser degree than whatever existed as part of the treatment plant.

As far as the health hazard to workers, no. I mean, you know, we have --

MARY SPERR: More a personal question than a Zoning Board question.

MR. GSELLMEIER: It is a concern. And as far as making the -- I think one of the questions was asked about, you know, the signage and making a site attractive -- although we wouldn't have to appear before this group again, it is not our intent to put up an unattractive facility. John Graham, the Director of the Department of Environmental Services for the County, is very insistent that it looks like a good facility when it is completed.

GERRY HENDRICKSON: Those tanks, you said you will demolish part of them. What will you put in the center of them then?

MR. CARUSO: That is the \$60,000 question. Um, we're not quite sure what we're going to put in the middle of the tanks. We just can't fill them with dirt because they'll weigh more than the water they used to hold and the tanks may sink. We may fill them with something lighter than dirt, but heavier than water and we're trying to find out what that actual makeup is. That is one of our challenges that we face.

But the challenge we face is balancing the -- some of the structural design with the weight of the building versus the weight of the water that was in the tank so that we don't overload the piles that hold up the water and drive that into the ground with the weight of the building. It is a very neat engineering project.

BEVERLY GRIEBEL: Your engineering skills will be called upon.

RICHARD PERRY: Are you looking at things that will be helpful to the environment like car tires?

MR. CARUSO: We're looking for things that are lightweight aggregates that will take up the void and still fill for compacting, because we'll be building floors and expanding over the top of it. To use just the rim of the structure to set the buildings on it is one thing that we need to do because all of the strength is taken into the dirt there, but then we need to build floors and make the facility functional, so we need to overcome that. But we're not into design yet. We're going there next.

Those are the issues that we have identified in this phase of work and we need all of these little issues out of the way so we can say we have a clean site to design, we have our variances and we can move forward.

BEVERLY GRIEBEL: So you want to be sure you could build here with the elevations before you go into all of the nitty-gritty of what you're going to fill them with.

MR. CARUSO: There is no sense in moving without the variances. If you said we had to fill the site, we know we can't because it will sink. We'd have to walk away. It doesn't make sense to build the buildings -- it would be cheaper to go to the other site. So what we have identified in reusing these facilities, we need -- part of our recipe is to have the variances in place.

BEVERLY GRIEBEL: Got you.

GERRY HENDRICKSON: Used to be a platform there at one time. Quite a bit of concrete that they used to use for drying.

MR. CARUSO: That is what we're building our greenhouse over.

GERRY HENDRICKSON: That is where they used to bring it in, the sewage, dry it there and mix it with another chemical to go out and spread it on the farms.

MR. CARUSO: That is right, the sludge.

GERRY HENDRICKSON: Chili has quite a bit of that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel declared the Board to be lead agency as far as SEQR, 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 the following condition:

1. Minimum elevation of 521 feet for the entire property.

As this was an administrative function, no findings of fact are needed.

BEVERLY GRIEBEL: We'll close this application. And has Betty Stratton arrived?

No one was present to represent Betty Stratton.

BEVERLY GRIEBEL: She changed her mind or something happened.

MARY SPERR: Move to table until next month.

BEVERLY GRIEBEL: Yes.

KEITH O'TOOLE: Deny without prejudice.

LARRY SMITH: Deny without prejudice.

BEVERLY GRIEBEL: We normally do that the second time around. We usually -- maybe they had an emergency with a kid or who knows.

DECISION: Unanimously tabled until October 24, 2000 at 7:00 p.m. by a vote of 5 yes for the following reason:

1. Applicant failed to appear for the public hearing.

Note: Applicant to obtain new sign at the Building Department to post and maintain as per Town regulations. Applicant must be present for the public hearing.

There was a recess in the meeting.

A meeting of the Chili Zoning Board of Appeals was held on October 24, 2000 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: Dan Melville, Gerry Hendrickson, Mary Sperr, Richard Perry,  
Peter Widener, Michael Martin 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: I was out Sunday, just past, the 22nd, in the afternoon. There were four applicants that had no sign. The first one was Number 1, Betty Stratton, Daunton Drive.

RICHARD PERRY: Didn't see it either.

GERRY HENDRICKSON: No sign. I called on that earlier and talked to the Building Inspector about that.

BEVERLY GRIEBEL: Nothing there.

Is Betty Stratton in the audience?

RICHARD PERRY: That was a carryover.

BEVERLY GRIEBEL: That was a carryover. The applicant failed to appear last time.

RICHARD PERRY: They did then.

MARY SPERR: She did, but she didn't show for the meeting.

BEVERLY GRIEBEL: Well, we have given her another chance. Would you ask for a motion to deny this without prejudice?

DAN MELVILLE: I'll move it.

RICHARD PERRY: Second it.

1. Application of Betty Stratton, owner; 37 Daunton Drive, Rochester, New York 14624 for variance to erect a deck on front of house with a gazebo to be 40' from front lot line (60' req.) at property located at 37 Daunton Drive in R-1-15 zone.

DECISION: Unanimously denied without prejudice by a vote of 7 no with the following finding of fact having been cited:

1. Applicant failed to post the required sign and failed to appear for the public hearing.

Note: Application was tabled from the September meeting as applicant failed to appear for the public hearing.

BEVERLY GRIEBEL: Larry (Smith), you didn't get any call from Betty Stratton, the Number 1 applicant, that she was sick or anything like that?

LARRY SMITH: No.

BEVERLY GRIEBEL: She didn't call to delay it or anything. Okay. We'll keep that motion.

BEVERLY GRIEBEL: Number 3, Christa Development, 1300 Scottsville Road for that project there, I didn't see a sign. Anybody see a sign?

RICHARD PERRY: No.

MARY SPERR: Only the one on the gold sign attached to that one. I didn't see it anywhere else.

RICHARD PERRY: Nothing for 1300.

MARY SPERR: I went through twice. I checked on the corner and didn't see it.

John Radesi present to represent the application.

MR. RADESI: John Radesi with the Christa Construction, Vice President for Christa. We received two signs approximately three weeks ago from Erdman & Anthony. They picked them up from here, I believe. They were installed. One was near Sal's Birdland area generally and the other was over near -- there was a residential home.

RICHARD PERRY: The one that says 1300 on it?

MR. RADESI: Yes.

RICHARD PERRY: They have not been there -- the best I can tell -- I drive by there every day, for the last ten days, and that is one of the requirements.

MR. RADESI: Yes. And we did put them up.

RICHARD PERRY: You need to keep them up.

BEVERLY GRIEBEL: Did anyone check to see if they were remaining up or if they got moved or blown down or anything?

MR. RADESI: I'm not sure, but there are some active buildings going on there and businesses currently.

BEVERLY GRIEBEL: Well, I'll read the notice that goes with the sign. Whoever the applicant is, signs as having received the sign and a notice goes with it. "Signs shall be posted and maintained on the property at least ten days prior to the scheduled public hearing. Shall be placed every 500 feet road frontage. No closer than 8 feet, no further than 15 feet from the front property line. Minimum one sign is required along each road frontage. All signs posted shall be removed within five days after public hearing. Failure to meet the above requirements will result in the tabling of the application until the next regular meeting. And the signs are posted so that passerby and people in the neighborhood are aware that there is going to be a public hearing."

And if the Board has difficulty in finding the sign, and we're actively looking for it, I think that anyone in the Town might have a great deal of difficulty trying to know what is going on.

RICHARD PERRY: I think it should not be considered.

BEVERLY GRIEBEL: No. I did not see it.

MARY SPERR: Number 8, we saw, but --

BEVERLY GRIEBEL: Well, we're on Number 3 right now.

MARY SPERR: I did not see that.

DAN MELVILLE: Yes. That is the one I saw.

MARY SPERR: We saw the one there, but --

BEVERLY GRIEBEL: But on Number 3, anywhere around there. I went back and forth. I went through a parking lot and drove by again. I went down. I was looking because we had a couple applications on that street and I was looking all over for it.

I think it is up to somebody to be responsible --

MR. RADESI: I agree.

BEVERLY GRIEBEL: -- to see if that sign is maintained. If there is a rainstorm or wind storm and the sign blows down, it has to be put back up. If it blows away, they have to get a duplicate at the Town Hall at the next possible day that they're open.

MR. RADESI: There are a couple mitigating circumstances. There are a couple of people that have active businesses there that will be closing their doors, and they weren't real pleased with that. I'm not saying they did that, but we are aware of that much.

BEVERLY GRIEBEL: We don't go out as a group. We go out at various times. Some people are the first weekend. I went the second weekend. Everybody in between, and nobody had seen them there, so we're not going -- we didn't see them. So I think at this point it is -- is it the feeling of the Board that we table this until the next meeting?

RICHARD PERRY: I second the motion.

GERRY HENDRICKSON: Second it.

BEVERLY GRIEBEL: The next meeting is November 28th. It has been moved and seconded to table this until the November 28th meeting at 7 o'clock.

If anyone is here for that application, we won't be taking any other comments on that. Sorry about that.

BEVERLY GRIEBEL: Next, Number 5, Deborah Shannon on Greyson Road.

RICHARD PERRY: I did not see it.

GERRY HENDRICKSON: When I was there -- I called. I talked with Kathy (Reed), and

she was going to check into it. There was nothing at that time, and that was on the --

BEVERLY GRIEBEL: You usually go the first weekend?

GERRY HENDRICKSON: Yes. Right after I received the notice, I went in and stopped -- so it had to be there about the 17th.

PETER WEIDNER: I was there on the 19th, in the morning.

BEVERLY GRIEBEL: Is Deborah Shannon here?

(No response.)

BEVERLY GRIEBEL: Larry (Smith), did you receive any calls that it was withdrawn or any problem?

LARRY SMITH: Which one was this?

BEVERLY GRIEBEL: This is Number 5, Debra Shannon on Greyson Road.

LARRY SMITH: No. Nothing.

BEVERLY GRIEBEL: I ask for a motion to table this until November 28th.

DAN MELVILLE: Before we table all of these to November 28th, how many applications do we have for that date?

BEVERLY GRIEBEL: I don't know.

DAN MELVILLE: We may have to table it for December if we're running a lot of applications.

BEVERLY GRIEBEL: It is possible we might have to have two meetings.

DAN MELVILLE: Or have two meetings.

BEVERLY GRIEBEL: If there is no sign, it may --

DAN MELVILLE: But we should make sure -- we don't want to run into 20 applications.

BEVERLY GRIEBEL: The only option tonight is to table until the next scheduled meeting, 11/28.

DAN MELVILLE: You can make a determination after that if we can hold it that night?

BEVERLY GRIEBEL: Yes. We would determine if it would be that night or if we would have to split it and have meetings on two different nights, but right now we need to table it until the 28th.

Do I have a motion on that?

RICHARD PERRY: So moved.

GERRY HENDRICKSON: Second.

BEVERLY GRIEBEL: The next one, Number 6, this is for the CVS application on Chili Avenue. I drove by that, right around the block. I drove by again and got a red light there and I couldn't --

MARY SPERR: I saw it.

GERRY HENDRICKSON: It was there in front.

RICHARD PERRY: It was not there Sunday. I drove by it three or four times and pulled in and looked for it.

MARY SPERR: The first time it was leaning. The first time it was leaning against the tree or the pole there, but I did see it affixed when I went by yesterday.

BEVERLY GRIEBEL: I know they were doing some work and cement work yesterday, and I did not see it.

GERRY HENDRICKSON: It was there.

RICHARD PERRY: But there is no excuse for Sunday because they weren't working Sunday. It wasn't there Saturday either.

BEVERLY GRIEBEL: It may be similar to another application recently where they were doing a lot of asphalt work. They didn't know what to do with the sign, so they put it way back in the window.

MARY SPERR: I saw it twice when I went by.

GERRY HENDRICKSON: I saw it.

BEVERLY GRIEBEL: Earlier in the week?

GERRY HENDRICKSON: I saw it earlier in the week.

BEVERLY GRIEBEL: Sunday, it wasn't up. Two of the Board members saw it.

PETER WEIDNER: When I went through, it was. They were backhoeing, digging around it, so it was leaning on a telephone pole.

BEVERLY GRIEBEL: So four people saw it on various days.

Any idea what happened to the sign, Betsy (Brugg)? I will ask you or --

Frank Romeo was present to represent the application along with Betsy Brugg

MR. ROMEO: Good evening. My name is Frank Romeo. The sign is up now. If you take a look going into the driveway, it is to the right of the utility pole that is there. They were working there late last week, closing up some of the curb cuts along Chili Avenue to the west of where the sign was, so it may have been down for a couple of days or a day. I'm not sure. You're actually the one that brought it to our attention, but I know it is back up now, in approximately the same place we had it the first time.

BEVERLY GRIEBEL: The whole idea is to let people know that something is happening. Obviously with all of the construction going on, the neighborhood knows something is occurring over there. This is an addition. The Board, what do we do with this?

RICHARD PERRY: First of all, was it up ten days prior.

MR. ROMEO: Yes. It was -- whatever date it was. I think it was the 14th that it had to be up. I'm not sure, but it was up on that day. Whatever day it came down, I just don't know. But I know it is back up now.

MARY SPERR: I saw it Thursday.

BEVERLY GRIEBEL: So it was up part of the time.

MARY SPERR: I would hear this one.

BEVERLY GRIEBEL: This is something that I think if there were any interested neighbors, they would have to assume there is going to be some signage on the new project.

Shall we hear it this evening?

GERRY HENDRICKSON: I would say yes.

MICHAEL MARTIN: I would say yes.

MARY SPERR: I would say yes.

BEVERLY GRIEBEL: Anyone against hearing it?

RICHARD PERRY: I am.

BEVERLY GRIEBEL: Anyone else against?

Okay. Six to one. We'll hear it this evening.

We're getting hard-nosed about it. We're trying to follow the letter of the sign law.

MS. BRUGG: We certainly understand that. The problem with the signs -- I don't know if there is any solution to them. I don't know if it is just the quality of the signs or the way they get posted, but for some reason they seem to get knocked over easily.

BEVERLY GRIEBEL: Sometimes at construction sites it is a problem. I know we have ten applications on the agenda. Four of them had problems, and six of them didn't, so somehow six people figured out how to put the sign up and keep it up. I know in the past we had a problem with people stealing the signs who didn't want particular things to come into Town, but I don't think it was for this.

So I guess we'll proceed then and hear it. You can have a seat. We'll hear you in order later as it comes up. We'll start at the top of the agenda.

LARRY SMITH: Excuse me one minute. What were the other two? Did you table two others also?

BEVERLY GRIEBEL: Yes.

LARRY SMITH: You tabled 1 and 2?

BEVERLY GRIEBEL: No. 1 was denied without prejudice. This is the second time it has -- we tried to hear it.

DAN MELVILLE: 3 tabled.

BEVERLY GRIEBEL: And 5.

LARRY SMITH: What about 2?

BEVERLY GRIEBEL: That had a sign.

MARY SPERR: We're just handling the signs.

LARRY SMITH: She started her presentation. I was just wondering.

RICHARD PERRY: No. She was just answering a question at that point. That is all for right now.

BEVERLY GRIEBEL: We'll have you sit until we come to Number 6. It will be pretty quick, though.

MS. BRUGG: We're just eager to get going.

BEVERLY GRIEBEL: We'll start with Number 2. Application of Bernard Hoepfl.

RICHARD PERRY: There was a question about Number 8, also.

BEVERLY GRIEBEL: Oh, I'm sorry.

DAN MELVILLE: I did see that one.

MARY SPERR: I saw that one.

GERRY HENDRICKSON: I saw it.

RICHARD PERRY: At what address?

GERRY HENDRICKSON: Right around the bird sign.

BEVERLY GRIEBEL: There is a large sign with two legs, and it was on one of those legs.

MARY SPERR: The problem is the existing sign has an address of 1250 on it. The application says 1220. I made a note.

LARRY SMITH: That is the official address of that parcel.

MARY SPERR: That is why -- I made a note --

LARRY SMITH: The post office used different numbers, but that property has a number assigned to it, and it has to be the one on this application. So 1220 is the official address.

BEVERLY GRIEBEL: Yes. I saw the sign on the one leg of that pole. I had to look for it and go back and forth.

DAN MELVILLE: It was easy to miss.

MARY SPERR: I pulled over and when I looked up, I saw it.

RICHARD PERRY: The sign was at 1220?

MARY SPERR: Yes. It was where.

BEVERLY GRIEBEL: What I saw, Richard (Perry), I was looking and it was going to be an addition to the other sign. What is that sign?

MARY SPERR: The Gold's Gym.

BEVERLY GRIEBEL: To the Gold's Gym. It was an addition to the Gold's Gym. I spotted the Gold's Gym sign and the notice was on one of those legs.

RICHARD PERRY: Okay.

MARY SPERR: The sign faces this way (indicating) and it was affixed to it like that (indicating). If you drove past it, you might not see it.

BEVERLY GRIEBEL: You had to slow down.

MARY SPERR: I pulled right in there.

BEVERLY GRIEBEL: It is hard with the traffic, even on a Sunday.

Any other problem with signs?

(No response.)

BEVERLY GRIEBEL: Okay. We'll start with Number 2.

- Application of Bernard Hoepfl, owner, 8 Sunridge Drive, Rochester, New York 14624 for variance to allow existing utility shed to be 3 1/2' from side lot line (8' req.) at property located at 8 Sunridge Drive in R-1-15 zone.

Bernard Hoepfl was present to represent the application.

MR. HOEPFL: Good evening.

BEVERLY GRIEBEL: This is apparently an existing shed that has been there since --

MR. HOEPFL: 1979. 21 years.

BEVERLY GRIEBEL: Okay. I walked out in the back and I looked at it. It doesn't look as if it would be moveable.

MR. HOEPFL: I doubt it. It was a package kit that I purchased 21 years ago. All of the parts were cut, so to speak, and I put it together.

BEVERLY GRIEBEL: And after a while, they don't move -- you try to move them and --

MR. HOEPFL: They don't move.

BEVERLY GRIEBEL: It might fall apart.

DAN MELVILLE: You constructed this 21 years ago?

MR. HOEPFL: Yes. And in addition to that, I have power extended out to the shed so I could plug in for hedge clippers and so forth.

DAN MELVILLE: You use it just for storage of your lawn mowers?

MR. HOEPFL: Yes, 8 by 8 shed. It is nothing huge. It has been there so long. People just except the idea. I don't know who the whistle-blower was, but I didn't find anyone else in the neighborhood that found out their shed was out of jurisdiction of 8 feet, which I know a number of them are.

BEVERLY GRIEBEL: Maybe we'll be seeing them soon.

MR. HOEPFL: Just one other fact. The neighbor on my right, as you're facing my

property at number six, he had his property surveyed shortly after I got the notification. The survey shows that my fence and the lot line, there is a difference of about 6 inches, so he is actually 6 inches onto my property. If you take that into consideration, I'm 48 inches away from the lot line instead of 42.

BEVERLY GRIEBEL: Oh, okay.

DAN MELVILLE: Were you measuring from the fence then?

MR. HOEPFL: I was measuring from the fence. But I find my fence now, according to the calculations of the surveyors, I have 6 inches of property over on the other side of the fence that belongs to me, according to the survey.

BEVERLY GRIEBEL: Is that your fence?

MR. HOEPFL: That is my fence, yes.

BEVERLY GRIEBEL: But it is 6 inches in from the lot line?

MR. HOEPFL: Yes. I don't know how it all of a sudden -- it became different because the home has been owned by five different people over the years, and I feel that when you want a mortgage, you have to have your lot surveyed, so I don't know where they did the survey from the other four owners to this one to make it that much off.

BEVERLY GRIEBEL: Presently it is 42 inches from the fence?

MR. HOEPFL: Yes. The fence is mine.

BEVERLY GRIEBEL: It is then 6 inches more to the property line.

MR. HOEPFL: That is where the stake and the -- where the flag is for the surveyors.

BEVERLY GRIEBEL: Okay. That may be helpful.

MICHAEL MARTIN: No complaints from your neighbors about the shed?

MR. HOEPFL: No. I spoke with the various ones around. They were surprised of the fact that I got a notification on it.

PETER WEIDNER: I saw three stakes on that south boundary. Are any of those utility stakes?

MR. HOEPFL: No. They're all survey stakes. As it goes back, it goes back and spreads to his property, so when you get way back to the final -- to the final property at the end, it may be farther off than that.

PETER WEIDNER: Is he getting ready to sell his property maybe?

MR. HOEPFL: I have no idea.

PETER WEIDNER: I had one other question. Your -- the year when it was built -- you have electric to the shed now. Is that underground?

MR. HOEPFL: Underground. Yes. It was put in professionally.

BEVERLY GRIEBEL: Larry (Smith), with this now being 48 inches, the wood shed and the wood fence, we --

LARRY SMITH: He is requesting 42. Let it go at that. There is no problem with that.

BEVERLY GRIEBEL: Well, normally you would need 4 feet.

LARRY SMITH: He is further away from his line than he is requesting. Let it go as it is.

KEITH O'TOOLE: Besides, he is measuring off a plot plan and someone else's survey.

LARRY SMITH: He is asking for the 3 1/2 feet. Let it go at that.

BEVERLY GRIEBEL: Normally we wouldn't do it on a new shed, but this one has been there for a number of years and hasn't caught fire yet. Any other questions or comments from the side table?

KEITH O'TOOLE: No.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JOHN NOETH, 6 Sunridge Drive

MR. NOETH: John Noeth, N-o-e-t-h. I'm 50/50 on this. I'm sort of the whistle-blower. My comments were the reason this came about, was the fact that the Board sitting there denied my application for moving my shed. That is what brought the survey about, and I had nothing against my neighbor Bernie (Hoepfl) here, who this was brought up in conversation with Larry (Smith) over here, and that is how this all came about.

I have already spoke to Bernie (Bernie Hoepfl) about that or he spoke to me about it. We had a little conversation. I have no problem where the shed is right now, but if there is a variance granted, I would like to see it for 4 feet, but the existing shed can stay right where it is. I have no objection with that whatsoever.

BEVERLY GRIEBEL: Thank you.

MR. NOETH: I have a picture of the shed showing its deteriorated value if you want to see it.

BEVERLY GRIEBEL: I think we looked at it.

MARY SPERR: We saw it.

MR. NOETH: I also have the survey map.

BEVERLY GRIEBEL: Okay. Thank you.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, found this to be an unlisted 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 7 yes with no conditions, and the following finding of fact was cited:

1. No impact on neighboring properties.

BEVERLY GRIEBEL: Application 1 was denied without prejudice.

Application 3, Christa Development, was tabled until 11/28 for lack of a sign.

3. Application of Christa Development, 119 Victor Heights Parkway, Victor, New York 14564, property owner: R. DiChario; for variance to allow front parking for approximately 175 vehicles at property located at 1300 Scottsville Road in G.B. zone.

DECISION: Unanimously tabled until November 28, 2000 at 7:00 p.m., by a vote of 7 yes for the following reason:

1. Applicant failed to post the required signs for the public hearing.

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

Applicant must be present at the public hearing.

BEVERLY GRIEBEL: And Application 5 was tabled until 11/28. That is Debra Shannon, Greyson Road. That was tabled also for lack of a sign. That was for information for late arrivals.

Signs need to be posted and up for at least ten days prior to the meeting. Ron (DiChario), I think that was your application.

MR. DiCHARIO: I'm sorry. I was daydreaming.

BEVERLY GRIEBEL: I think you were the Application Number 3.

MR. DiCHARIO: No.

BEVERLY GRIEBEL: You're on 8, okay. That one is all right.

MR. DiCHARIO: That is okay. You caught me off guard.

BEVERLY GRIEBEL: We had a long discussion about signs before you came in. I just don't want someone to sit here through a whole meeting and then realize that your item of interest has been tabled.

MR. PRESS: Excuse me, are you discussing the sign on Scottsville Road that Mr. DiChario wishes to add to?

BEVERLY GRIEBEL: That is Application Number 8.

MR. PRESS: That is still on the schedule?

BEVERLY GRIEBEL: That is still on the schedule, yes.

NANCY EICHEL, 13 Newport Drive

MS. EICHEL: Can I ask a question? I got here when they were on Number 2. I was here -- should have been here for Number 1, my mother, Betty Stratton.

BEVERLY GRIEBEL: That was denied without prejudice because there was no sign on the property. She didn't appear at the last meeting, so --

MS. EICHEL: She didn't put the sign up?

BEVERLY GRIEBEL: She didn't put the sign up. She got notice, a letter, saying she must put the sign up, it needs to be up for ten days and it was not up.

MS. EICHEL: Now how can I get it to go on another meeting?

BEVERLY GRIEBEL: She has to reapply. She needs a new application, new fee for the Building Department.

MS. EICHEL: I'll do that, but I will do the sign myself. She is just at an age where she can't be trusted to do things.

BEVERLY GRIEBEL: I understand. It was a second time that it was a problem. Last time she didn't appear.

MS. EICHEL: Yes.

BEVERLY GRIEBEL: The applicant has to be here.

MS. EICHEL: Right. I didn't --

BEVERLY GRIEBEL: Or someone who is her representative.

MS. EICHEL: Well, I now have power of attorney for her. We have that straightened out because that is a problem with my mother forgetting things and not taking care of them. So I asked if I could come to the meeting tonight. They said yes. But I didn't ask my mother if she had put the sign up.

BEVERLY GRIEBEL: Okay. Then maybe for the next time you can be in charge.

MS. EICHEL: I will have to. This isn't the only thing we have troubles with.

BEVERLY GRIEBEL: Give a call to the Building Department and find out what you have to do to apply and when you can get back on the agenda.

MS. EICHEL: They still have the paperwork from the plans we submitted before, so I just basically have to go to the Town Hall with another \$35.

I'll be back in November.

BEVERLY GRIEBEL: So maybe we'll see you in one of the upcoming months.

MS. EICHEL: She doesn't know if the contractor will do it until spring, but I have to do it right so they can get the work done. She just wants a little deck outside so she can sit out there.

BEVERLY GRIEBEL: If you're in charge of it --

MS. EICHEL: I guess I'm in charge.

BEVERLY GRIEBEL: You have to make sure the sign is up for the ten days.

MS. EICHEL: I know it was the first time.

BEVERLY GRIEBEL: Yes. But she didn't come.

MS. EICHEL: No, she didn't come. No. I got to watch her. I will do a better job. Thank you.

BEVERLY GRIEBEL: Number 3 was tabled. We'll go to Number 4.

MR. PRESS: Excuse me, what about 3?

BEVERLY GRIEBEL: Number 3 was tabled to November 28th because the applicant failed to post the signs notifying them of a public hearing.

MR. PRESS: I will be having surgery that week. Is it possible for me to make some comments in regard to the application?

BEVERLY GRIEBEL: Yes. If anyone wants to make comments for an upcoming meeting, they can send a letter into the Building Department.

MR. PRESS: But I won't be here. I would prefer saying it in person. Is that possible doing it now?

KEITH O'TOOLE: No.

BEVERLY GRIEBEL: No. We're not hearing anything on the tabled applications.

MR. PRESS: So that is November 20 when?

BEVERLY GRIEBEL: 28th. So if you want to make comment, you can send a letter in at any time between now and then to the Building Department, and when that is heard, it will be read into the record. Okay?

MR. PRESS: I have to say okay, don't I?

BEVERLY GRIEBEL: Because we're not going to take any comment.

MR. PRESS: Is it okay to comment?

BEVERLY GRIEBEL: No.

MR. PRESS: Is "okay" a comment? That is what I am limited to, that "okay"?

MARY SPERR: You're limited to "okay."

BEVERLY GRIEBEL: Anyone else present for Application 1, 3 or 5, they won't be heard tonight.

Number 4.

4. Application of Wayne Fitzgerald, owner, 22 Toni Terrace, Rochester, New York 14624 for variance to erect a 12' x 18' utility shed to be 216 sq. ft. (180 sq. ft. allowed) at property located at 22 Toni Terrace in R-1-15 zone.

Wayne Fitzgerald was present to represent the application.

MR. FITZGERALD: I have a picture of the shed and my house, because I think there was a little confusion over it being a vinyl, and it is not.

DAN MELVILLE: Are you Wayne Fitzgerald?

MR. FITZGERALD: Yes, Wayne Fitzgerald from 22 Toni Terrace.

BEVERLY GRIEBEL: Yes. This application said a vinyl portable garage, but what it is is a vinyl-sided shed.

MR. FITZGERALD: It is a shed that matches the house. That is why we got it.

BEVERLY GRIEBEL: You can just bring those over here and pass them down.

MR. FITZGERALD: It is the top one. The house is white with black shutters. If we get it -- the door will be red to match the house.

BEVERLY GRIEBEL: So it is not one of those vinyl portable things like a tent?

MR. FITZGERALD: No, it is not.

MARY SPERR: That is what I thought, too. There is like a stainless steel frame thing with a vinyl.

BEVERLY GRIEBEL: Like a tent.

MR. FITZGERALD: No. In fact, we're buying -- I believe the Town just bought a couple from the -- the place out on Union Street.

BEVERLY GRIEBEL: The Amish.

MR. FITZGERALD: The Amish. That is where we're going to buy it from.

BEVERLY GRIEBEL: So you are going to get it from there. That comes already made?

MR. FITZGERALD: Yes.

BEVERLY GRIEBEL: They deliver it all ready to set in your backyard?

MR. FITZGERALD: Yes.

MARY SPERR: Right here is -- in the pictures, there is a structure -- is that staying?

MR. FITZGERALD: Yes.

PETER WEIDNER: What is that shed?

MR. FITZGERALD: A utility shed.

PETER WEIDNER: It looks like it is tucked in on the fence line.

MR. FITZGERALD: Yes. When we bought the property, it was there. It is on the drawings that we -- that we would get.

BEVERLY GRIEBEL: The new one will go in the backyard --

RICHARD PERRY: Back behind the big tree.

MR. FITZGERALD: Behind the big pine tree back there. Nobody will be able to see it from the road.

RICHARD PERRY: Pretty well shelters it away.

PETER WEIDNER: How will you get it to the backyard?

MR. FITZGERALD: They will take it back there somehow. The gentleman that we're --

PETER WEIDNER: Both sides of your house are really packed back there. On the one side where the utility shed is, you may have 4 inches.

MR. FITZGERALD: No. On the other side, there is no fence on the other side of the property. They're going to pull --

PETER WEIDNER: The north side of the house you go back in.

MR. FITZGERALD: Yes. Right next to the pine tree. Past the pine tree and behind the pine tree so nobody will see it from the road.

BEVERLY GRIEBEL: There is a row of pine trees along that property line?

MR. FITZGERALD: Yes, there is.

BEVERLY GRIEBEL: Larry (Smith), do you need these for the record or can they go back to the applicant (indicating)?

LARRY SMITH: Let me take a look at them.

Can we clean up another little detail on this property?

MARY SPERR: Yes.

LARRY SMITH: I talked to counsel about it. I would like to clean up the setbacks on this

other shed.

BEVERLY GRIEBEL: I don't know what they are.

MARY SPERR: The other one in the picture?

LARRY SMITH: Yes.

BEVERLY GRIEBEL: It shows on this diagram.

MARY SPERR: There is no current variance on the existing shed?

LARRY SMITH: No, no. We would like to clean that up now if we can. We're just

looking at --

BEVERLY GRIEBEL: I don't know what the setbacks are on it.

KEITH O'TOOLE: The shed is 2.2, 3 feet away from the house and 2.16 feet away from the property line.

LARRY SMITH: Let's grant 2-foot variances on each side to take care of it. Or an 8-foot and 8-foot variance actually.

BEVERLY GRIEBEL: To be 2 feet --

LARRY SMITH: 2 feet from the house, 2 feet from the property line where 8 feet is required.

BEVERLY GRIEBEL: What we're talking about is the other shed that is on the side.

What material is that?

MR. FITZGERALD: It is a plastic. It is a vinyl.

RICHARD PERRY: How long have you been at this house?

MR. FITZGERALD: When did we buy it?

MRS. FITZGERALD: '84. I bought it in '84.

MR. FITZGERALD: It was up then.

RICHARD PERRY: Who put that shed there at that time? Was that existing?

MRS. FITZGERALD: There was an existing shed and we replaced a shed.

RICHARD PERRY: Were they the same size?

MRS. FITZGERALD: Yes.

RICHARD PERRY: All right. So there was an existing shed when you bought it. Would that predate the --

LARRY SMITH: I don't know. It is just a neat way of cleaning it up in case it does.

RICHARD PERRY: Well, I think it has been around for 40 or 50 years.

LARRY SMITH: You have been around for 40 or 50 years, so you should know.

(Laughter.)

BEVERLY GRIEBEL: What's in the shed?

MR. FITZGERALD: Lawn equipment, seasonal equipment. The shed is not big enough for some of the -- you have picnic tables, chairs, tables, things like that. It is just not big enough for everything.

BEVERLY GRIEBEL: Can we amend that application without a public hearing on it?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: Without a notice?

KEITH O'TOOLE: Yes. The intention of the application was to clean up shed problems.

BEVERLY GRIEBEL: So 2 feet from the side lot line and 2 feet from the house. Will that clear it up, Larry (Smith)?

LARRY SMITH: Yes.

BEVERLY GRIEBEL: Do you want your application to amended?

MR. FITZGERALD: Sure.

BEVERLY GRIEBEL: Rather than come back?

MR. FITZGERALD: That's right.

LARRY SMITH: He can have the pictures back. I have one in this -- and the other one -- it just shows a nice house.

MR. FITZGERALD: I have a letter from the neighbor on the other side of the shed that doesn't have a problem with the shed.

LARRY SMITH: That I would like.

BEVERLY GRIEBEL: This is addressed to the Chili Zoning Board of Appeals, and it is from Robert and Beverly Riccard as owners and residents of property located at 24 Toni Terrace in the Town of Chili. "We wish to state we have no objection to the issuance of the variance requested by Mr. Fitzgerald at 22 Toni Terrace to erect the 12 by 18 foot utility shed."

He is the one on the side?

MR. FITZGERALD: He is the one on the side that has the existing shed, yes.  
BEVERLY GRIEBEL: We'll pass that down to Larry (Smith).

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, found this to be an unlisted 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, as amended, by a vote of 7 yes with no conditions, and the following finding of fact was cited:

1. No impact on neighboring properties and no objections from neighbors.

Note: A building permit is required.

5. Application of Deborah Shannon, owner; 33 Greyson Road, Rochester, New York 14623 for variance to allow the total square footage of garage area, including a new 19' x 28' two-story garage to be 1,352 sq. ft. (900 sq. ft. allowed) at property located at 33 Greyson Road in RAO-20 & FPO zone.

DECISION: Unanimously tabled until November 28, 2000 at 7:00 p.m., for the following reason: Applicant failed to post required sign for the public hearing. Applicant failed to appear for the public hearing.

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

Applicant must be present for the public hearing.

6. Application of Romeo Land Development, 745 Titus Avenue, Rochester, New York 14617, property owner: Chili CVS Inc., for variance to erect a 5 1/2' x 6' double-faced freestanding sign, variance to erect three wall signs totaling 122 sq. ft. (100 sq. ft. allowed) at property located at 2709 Chili Avenue in N.B. zone.

Betsy Brugg and Frank Romeo were present to represent the application.

MS. BRUGG: I'm an attorney here tonight with Frank Romeo, the developer on the CVS store. You may recall we were here way back when. I don't remember how far ago that was when we started the approval process for the store. We were here regarding parking back then.

We're here tonight regarding the signage. We do require some approvals for signage, some in the nature of a variance and others just require approval pursuant to the code. They don't really meet the threshold of approval for a variance, but nonetheless, they do require approval of this Board.

To give you a little background, the signage you're seeing tonight is a very scaled-down package. It is not CVS's typical package. Their standard store design has like some 8 or 10 signs.

Sensitive to the concerns of the Town regarding signage, the package over the past year or so has been scaled down significantly down to basically the bare minimum of what they need in order to operate at this location. And based on that, we are showing two wall-mounted signs. They have the large CVS Pharmacy signs. The reason there are two is because of the configuration of the building. As you have seen, it is up there. It has a corner entrance, so it really has two fronts with sidewalk for customers to enter.

The third wall-mounted sign issue is this tiny one right here (indicating). I will tell you in most towns that sign has been considered to be directional in nature. However, we have been told that a variance would be required for that third sign.

BEVERLY GRIEBEL: Is that the one that is the drive-through?

MS. BRUGG: Yes. It is an instructional sign that gives customers information while they come through the drive-through. You know, to press the call button, to leave their insurance

information when they drop off a prescription. It is just some basic information on the drive-through.

BEVERLY GRIEBEL: That one is really not visible from the street?

MS. BRUGG: Not really.

BEVERLY GRIEBEL: It is only visible as you go around the back?

MS. BRUGG: It is not illuminated. It is just a 12-foot panel.

MR. ROMEO: That is on the drive-through side, which would be the east side of the building. It would actually be the southeast corner of the building, if you're looking at the site plan.

BEVERLY GRIEBEL: Right. Pretty far back right at the end of the building.

MR. ROMEO: That's correct. It is actually before the drive-through window, if you're proceeding around the building to enter the drive-through window.

BEVERLY GRIEBEL: And with, I imagine, shrubbery along the side, it won't even be visible from the street.

MR. ROMEO: We have a pretty extensive landscaping plan, as you may or may not recall, surrounding the entire three sides of the property. Along the rear of the property, which would be the south side of the property, abutting the residential houses on Earl Drive there is a 6-foot high board-on-board fence which I believe is just about completed, the installation of that, and there are some plantings going along the fence, as well as on the east and west sides of the property line.

MS. BRUGG: The other approvals that are required are for the monument sign and for the total square footage of the signage on site. Code provides that signage shall be limited to 100 feet. I believe we have totalled that at 141.70.

Let me tell you how we did that to make sure our number is accurate relative to the way you count signage. We're showing 12.64 square feet of sign panel on each side of the monument sign. That does not include the actual monument itself. 12 square feet for the drive-through panel that we were just talking about, and each of the large CVS wall-mounted signs is 52.21 square feet in size.

Do you have any questions about the signage at all?

They're back-lit, the primary signs.

MR. ROMEO: They're back-it with neon. There's a colored plastic lens on the wall-mounted sign. If you recall -- I know we did when we were here previously to discuss our parking requirements, you had made a comment that you wanted to see the address on the monument sign. If you take a look at our monument sign, we do have a place to put the street address on that monument sign that will be located 20 feet from the property line, within the code.

MS. BRUGG: As far as the monument sign, code just provides that freestanding signs may be permitted on approval of the Zoning Board of Approvals. It doesn't specifically say that it is in the nature of a variance, which would mean it is actually something less, but I will nonetheless go through the variance criteria since other components of the application go through that area.

So for the record, bear with me. I must demonstrate that the benefit to CVS and applicant outweighs in detriment to the health, safety and welfare of the community. In this case, the signs are essential for the CVS operation. There will be no negative impacts whatsoever. No detriment to the health, safety or welfare of the communities for the approvals that we're requesting. The signage has been scaled down significantly so that it will not be overwhelming. It will be appropriate for the size of the store, the location of the store. It will not be disturbing to any of the neighbors. It will really be a very minimal sign package. There would not be any undesirable change created to the character of the neighborhood. We're talking about relatively low key signage for this location.

It is part of an overall development, new development of the site. The development as a whole will have a very positive impact on the area relative to what was previously there, and the signage is just one part of that overall development. Whether the benefit can be sought by any other method, and in this case it cannot, signage is required for the store operation. This is again the minimum amount of signage that CVS requires for this location.

The variance requested is not substantial in its nature and its impact and its amount. Given again the size of the development, the location, the quality of the signage and again, it will have no adverse impacts whatsoever. So the nature of the variance is somewhat minimal.

The variance will have no adverse on the environmental characteristics of the neighborhood. It is relatively attractive. The difficulty is basically created because of the nature of the development. We're talking about the size of the store, the configuration of the site and a

number of factors that really go into determining what signage is appropriate for the specific location at issue. We do believe this is the minimum request necessary.

BEVERLY GRIEBEL: It is probably less signage than was there before with all of that row of strip signs.

MS. BRUGG: This is significantly less than you will find at your kind of average CVS store.

RICHARD PERRY: The signs are lighted on the building and on the monument sign?

MR. ROMEO: That's correct.

RICHARD PERRY: Will they be on 24 hours a day?

MR. ROMEO: No. The exterior lighting as a whole, including the signage and the pole lighting and the interior lighting is controlled by an energy management system actually at CVS's home office and they turn off the lights approximately an hour after the store is closed in the evening, and they go on about an hour in the morning before the store opens. So it is not left up to somebody having to turn a switch off or somebody that has control in the store to be able to manipulate any of the lighting there.

RICHARD PERRY: What are the hours of operation?

MR. ROMEO: The proposed hours are 9 to 9.

RICHARD PERRY: So minimal impact for the neighbors to the west, especially with the --

MR. ROMEO: Just enough time to -- figure an hour is a good amount of time to get the store closed, get customers out, employees out and still have a safe parking lot for them to leave in the evening.

RICHARD PERRY: You mentioned also that the parking lot lighting --

MR. ROMEO: Entire lighting, entire building, parking lot, pole lighting, sign lights, interior lighting, everything shuts off.

MARY SPERR: What kind of pole lights do you have on? Some of the stores are coming out with the new really bright neon types.

MR. ROMEO: We had such a lively discussion with the Planning Board and the neighbors over these lights. I would be certainly happy to tell you about them. We changed the exterior decor of the building to try to match the neighborhood. It is not exactly typical of a CVS store. If you look at the columns, they are fluted. We put a cupola on the hip roof. We changed the front entryway, the glass, so we have more of a Colonial look. We made the parking lot pole lights similar to the one you have at the Town Hall; Colonial with a lantern on top with fluted ornament on the base of the poles.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TIM CONDON, 10 Earl Drive

MR. CONDON: Tim Condon. I live behind. I know Mr. Romeo and his lawyer. 10 Earl Drive. I live directly behind the property. And Mr. Romeo has made a lot of concessions for the people on Earl Drive that we appreciate.

I have a question about the one over the drive-through window. Is it going to be on the building itself or will it stick out from the building?

BEVERLY GRIEBEL: It will be on the building. Why don't you come up to see what it looks like on the diagram.

MR. CONDON: I see what it looks like daily with the exception of the signs.

Mr. Romeo showed Mr. Condon the plans.

MR. CONDON: That is fine. I was concerned if it were to stick out, I would probably see it, but if it doesn't stick out, I won't see it.

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, found this to be an unlisted 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 no conditions, and the following finding of fact was cited:

1. Signage needed to identify new business on a busy street.

NOTE: A sign permit is required.

7. Application of Mr. & Mrs. Michael Lewandowski, owner, 1424 Reed Road, Scottsville, New York 14546 for variance to erect a 34' x 34' attached garage to be 1,154 sq. ft. (900 sq. ft. allowed), variance for garage to be 20' from side lot line (50' req.) at property located at 1424 Reed Road in A.C. zone.

Mrs. Lewandowski was present to represent the application.

MRS. LEWANDOWSKI: Good evening.

BEVERLY GRIEBEL: You're Mrs. Lewandowski?

MRS. LEWANDOWSKI: Yes, I am.

BEVERLY GRIEBEL: And your application says you want to expand the garage so you can get three cars plus snow blowers, riding mowers, wagons, et cetera, et cetera, all under cover. All of this stuff that accumulates. I think we can all understand that.

You're in an AC District, and --

MRS. LEWANDOWSKI: Beverly (Griebel), I have a letter also from all my neighbors saying that they don't object to this.

BEVERLY GRIEBEL: Okay.

MRS. LEWANDOWSKI: If I may.

BEVERLY GRIEBEL: Now, it says that 20 feet from the side lot line. Your house is 24.7 feet, so -- it says 50 feet required. I don't know when the laws were put in.

Did that have a variance, Larry (Smith), or does that predate the code?

LARRY SMITH: Predates it.

BEVERLY GRIEBEL: Okay. "We the undersigned do not object to the Lewandowskis' building a 34 by 34 garage. Thank you." It is signed by Gus Hall on Ballantyne Road; Virginia Ignatowski, Ballantyne Road; John Webster, Ballantyne; Louis Bianchi on Ballantyne Road; John and Sandra Henderson on Ballantyne Road, which is the nearest intersecting street there; John and Carol Hellaby, Ballantyne Road; and Thomas and Penny Hellaby, Ballantyne Road. We'll put that in the record.

"Doing a great job of fixing up the place. Sure, the garage will be a great improvement."

That is a comment somebody put on there.

So you want to expand your present garage to get more room?

MRS. LEWANDOWSKI: Yes.

GERRY HENDRICKSON: I have no questions. I know what they're trying to do. I think it will be a big improvement.

MARY SPERR: Are you having a contractor or are you doing this yourself?

MRS. LEWANDOWSKI: It is contracted, trust me. We're taking out the breezeway, expanding the kitchen -- we're having a contractor to --

MARY SPERR: When you pull over to your house, it is all attached. You're tearing out the breezeway over to the garage?

MRS. LEWANDOWSKI: That's right.

MARY SPERR: You're putting the larger garage?

MRS. LEWANDOWSKI: In what used to be my kitchen.

Why didn't you stop?

MARY SPERR: I pulled over.

There was discussion amongst the Board.

BEVERLY GRIEBEL: We don't always like to intrude on property if we don't have to, but sometimes it is necessary. In this case it was pretty much visible from the road.

PETER WEIDNER: With confidence, no questions.

MICHAEL MARTIN: No questions.

There was discussion amongst the Board.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, found this to be an unlisted 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 no conditions, and the following findings of fact were cited:

1. Structure is pre-existing, non-conforming.
2. Applicant explained need for home expansion and a larger garage.

Note: A building permit is required.

8. Application of Sal's Birdland, 1300 Scottsville Road, Rochester, New York 14624, property owner: R. DiChario; for variance to erect a 5' x 4' double-faced addition to freestanding sign at property located at 1220 Scottsville Road in G.B. zone.

Sal Nalbone present to represent the application

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

MR. NALBONE: Good evening. My name is Sal Nalbone, the proprietor of Sal's Birdland Restaurants here in Rochester, New York.

BEVERLY GRIEBEL: You're going to move down the street?

MR. NALBONE: I have been in the neighborhood for 22 years and I would like to stay in the Town of Chili. And the opportunity presented itself for progress to be where we are, and so I thought I would move on down the street.

BEVERLY GRIEBEL: This is going to move you out of where you are? You're going to be gone from there?

MR. NALBONE: Yes. Our building, I guess, is going to be (indicating) and then something nice and new will come and it will hopefully bring new taxes and everybody will be happy.

BEVERLY GRIEBEL: In moving you need to have some indication for your customers where they can locate your new place?

MR. NALBONE: Oh, yes, very important because we're going to be behind the Mobil Gas Station on Scottsville -- right across from Wilmorite, so very important that we have our customers have some type of a message from above that we're there.

BEVERLY GRIEBEL: Have the sign in the front. To have the sign in the front of the property so that people can find you.

MR. NALBONE: Right. That is the purpose of the plan for the variance. The pole that we're looking at is already existing, as you can see.

BEVERLY GRIEBEL: So there is really a Sal that owns Sal's --

MR. NALBONE: Yes. Yes, there is, and it is me.

LARRY SMITH: Are you sure that it is you?

MR. NALBONE: Yes. It is me, Larry (Smith).

RICHARD PERRY: We do need to have the address on the sign.

LARRY SMITH: That will cause a lot of confusion. The legal address is not what address he is going to be using. In fact, the address that he will probably be using is not even a legal road.

RICHARD PERRY: Let's get the Post Office to straighten it out.

LARRY SMITH: I would suggest one thing, though, is underneath your "Sal's Birdland Restaurant" is an arrow pointing in the back.

MR. NALBONE: On the sign. Yep. Good suggestion. Thank you.

MARY SPERR: I thought the same thing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

RON DiCHARIO

MR. DiCHARIO: My name is Ron DiChario. Sal (Nalbone) will be one of our tenants in the complex. If the Board looks at the sign, the base for the sign, the steel poles are already there existing. You will notice that the sign that he is asking to be permitted to use is within the confines of the poles. It doesn't extend out beyond, so it is a very subtle sign, yet will allow him recognition because of his location behind the gas station.

We don't have to do anything but install the sign. The poles are there. We change no bases. We have already met the requirements of the signage and the distance required from the street, and I mentioned to the Building Inspector, Larry (Smith), and that -- that we were removing the "for lease" sign that had been up there while we were developing the property. The last building is built and that "for lease" sign has been moved. So if any of you Board members had a chance to drive by there, we have cleaned that front up, repaved it and organized some of the area. I wanted to make that note, we won't have another foundation or another set of poles in.

The last thing is, I believe on the application for the Gold's Gym sign, they had made application for some later date to put another sign underneath. The owner of that is not going to do that any more. He is one of our tenants also. He has agreed to allow Sal (Nalbone) that area for the sign. Thank you.

ELLIOTT PRESS, 1200 Scottsville Road

MR. PRESS: My name is Elliott Press, P-r-e-s-s.

BEVERLY GRIEBEL: What is your address?

MR. PRESS: Pardon?

BEVERLY GRIEBEL: What is your address for the record?

MR. PRESS: Well, I own the Towers Airport Business Park at 1200 Scottsville Road, which is basically adjacent to this.

I have no objections to a sign, but there seems to be a proliferation of a great number of signs in that immediate area, and I don't know if the signs have permits, how long they're going to be up, whether some of them will come down. I would like very much for someone from the Town to look at it carefully. I would like to make just a small speech because on the other matter I was limited to "okay."

I would like to say that up until now Scottsville Road has been kept down. In fact, it is an appendage to the Town of Chili. We pay taxes and receive nothing in return in terms of services. The street up until now has been pretty crummy. I own the only class A office park in the area. It is now -- it is having a renaissance. There is going to be a new State building. There already is under construction a large police/firemen academy and a large building going down the street, perhaps where Sal's (Nalbone's) property is.

I have never met Sal (Nalbone). I have no objections to his getting the signage with the arrow and so on. I do urge that this Town specifically look into that immediate area to see that the signage doesn't go beyond normalities -- I don't want it to look like West Henrietta Road, and that is what it looks like right now.

I'm requesting that if you want to table it for that purpose or okay him with the understanding that you will look into the future -- look -- in the future to the current signs there, I would appreciate that very much.

BEVERLY GRIEBEL: Thank you. We have had other applications come in from that area, and I think one problem is for people to try and find a business, to locate the business when they're on a high-speed road with a lot of traffic, it has to be something that is visible to try and find the business site that they're looking for.

MR. PRESS: I would be glad to work with your committee on that. What we could work on is uniformity of signs.

DAN MELVILLE: That is not our jurisdiction.

MR. PRESS: Like Hudson River Parkway signs or on the Thruway where you have uniformity of signs instead of having each one of them try to shout louder than the further guy and you have plethora of bright colors, bright reds, greens. If we had all uniformity for Scottsville Road, a sign district could be set up by this Town and all of them would have to conform to within the parameters of what you set up. It would make the street look richer. It would attract the people driving down the street for what they're looking for. It would benefit Sal (Nalbone), for example. He would be able to have his location pinpointed, but what it won't do, if we have a

new sign ordinance in that regard -- what it won't do is make it look like we're screaming, like we're just a strip.

I would like to see them elevated. I would like to see Scottsville Road become one of the premiere roads in the County. It won't if we allow the sign ordinance to continue the way it is, and it won't be of any benefit to any of us. He will have a sign calling attention to them. Somebody else will want a 6-foot, 8-foot or maybe 10 or whatever they can get by the Zoning Board of Appeals. I'm recommending very strongly that you take it under consideration. I will be glad to work with anybody that contacts me.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, found this to be an unlisted 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 7 yes with the following condition:

1. The changeable/movable sign previously approved by the Life Fitness Center is voluntarily withdrawn and replaced by this new Sal's Birdland sign.

The following finding of fact was cited:

1. Sign needed as this long established business is moving to a new location on the same busy street.

Note: A sign permit is required.

9. Application of College Greene Associates, owner; 850 Clinton Square, Rochester, New York 14604 for variance to erect a dwelling to be 22' from rear lot line (25' req.) at property located at 127 Freedom Pond Lane in PUD zone.
10. Application of College Greene Associates, owner; 850 Clinton Square, Rochester, New York 14604 for variance to erect a dwelling to be 22' from rear lot line (25' req.) at property located at 125 Freedom Pond Lane in PUD zone.

David and Barbara Kelly were present to represent the application.

MR. KELLY: Kelly, David and Barbara, 308 Paul Road. We're pinch-hitting tonight for Laurie Leenhouts from College Green Associates.

MRS. KELLY: She couldn't be here tonight and asked us to come. Since this application was made, we signed a purchase agreement for the lot at 125 Freedom Pond Lane. We weren't sure how -- we wanted to put a sun porch on the back. Actually it is more of a third bedroom because it will be heated and air-conditioned. We weren't sure how big we wanted it to be, but there is only room for 9 1/2 feet. We have since decided we would like a 10-foot room, so we're asking for the variance to include that, and Laurie (Leenhouts) thought as long as we were going to be here, we could speak for the other one, as well.

There is a 20-foot storm sewer easement behind that property, both lots, and I don't see any reason why 6 inches more would make any difference to anybody, and we would like it very much.

BEVERLY GRIEBEL: So you're at 125?

MRS. KELLY: We will be at 125.

BEVERLY GRIEBEL: And you are asking 22 feet from the rear lot line, 25 feet required.

Were you asking for less than 22 feet?

MRS. KELLY: Well, we only need another foot maybe, but the lot next to them, we have no objection if someone wanted to build a similar room that was 2-foot larger than ours.

PETER WEIDNER: That drainage ditch behind the property, is it underground?

MRS. KELLY: It is not a drainage ditch. It is an easement for a storm sewer. There are trees in there now.

PETER WEIDNER: It is in the east of the properties. There are no new homes in there?

RICHARD PERRY: Yes, there are. There are homes on either side.

PETER WEIDNER: When I looked at it today, there are two vacant lots and a home on

either side.

MRS. KELLY: Of the two, yes. The third and fourth lot in from the apartment.

MR. KELLY: The third and fourth lot in from the apartment complex.

MRS. KELLY: It backs up to Parkway, I think.

BEVERLY GRIEBEL: So this -- it was requested for 22 feet, and your room is 12 1/2 feet by 9 1/2, but you want it 10 feet?

MRS. KELLY: 10 by 12.

MR. KELLY: We want it 10 by 12, yes.

MRS. KELLY: I can't think of -- there is only one house along there that doesn't have that sunroom on the back, and she has a patio the same size. It just happens our lot is a little shorter than the rest.

MARY SPERR: There have been a number of properties there that have come to them for a variance because of the way it was kind of cut there.

BEVERLY GRIEBEL: You just want to amend the application from what was the original request? Is that correct?

MRS. KELLY: No. We would just like you to give them a variance.

DAN MELVILLE: Just what they're asking for.

MRS. KELLY: These are the two lots we're talking about.

BEVERLY GRIEBEL: We have had several of the prospective owners or Laurie (Leenhouts) has come in because people have wanted a larger deck. One man wanted a larger deck for a wheelchair and various things. Generally there hasn't been any objection from the neighbors in the back. It is usually the -- the houses are finished very nicely back there, and -- usually it is not a problem. We'll take them both together. We'll vote on them separately.

PETER WEIDNER: I got your letter today. Thank you.

MR. KELLY: Thank you.

PETER WIDENER: I think you will like this property.

MRS. KELLY: We're quite excited about. It will be a lot smaller than our historical Colonial that is for sale.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

RICHARD PERRY: Should you be disqualifying yourself from this?

PETER WIDENER: The letter I received indicated they had a piece of property that would be for sale and that they would be moving to College Greene.

RICHARD PERRY: I wasn't sure what you meant when you said that.

MICHAEL MARTIN: There is no conflict of interest.

PETER WIDENER: No. It was on my listing.

RICHARD PERRY: I just wanted to make sure.

PETER WIDENER: I understand.

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

DECISION ON APPLICATION #9: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact was cited:

1. Variance will allow a back porch of a reasonable size.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, found this to be an unlisted 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 ON APPLICATION #10: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact was cited:

1. Variance will allow a back porch of a reasonable size.

The meeting ended at 8:54 p.m.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

A meeting of the Chili Zoning Board of Appeals was held on November 28, 2000 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: Peter Widener, Dan Melville, Gerry Hendrickson, Mary Sperr, Michael Martin, 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: Before we begin, signs. I was out a couple of days ago, Sunday, the 26th, in the afternoon. The first one had no sign, Application 2, Philip Geiger of Snap Dragon.

MARY SPERR: No sign.

GERRY HENDRICKSON: Didn't see one.

PETER WIDENER: No.

RICHARD PERRY: I was out the 9th. No.

BEVERLY GRIEBEL: Is Mr. Geiger here?

No one responded.

BEVERLY GRIEBEL: The same thing happened last year when he came for the original application.

The next one I had a problem with is Number 7.

MARY SPERR: Number 7, I didn't see it.

RICHARD PERRY: It was there. It was just over the railroad tracks on your left.

MARY SPERR: I looked. I went back and forth five, six times.

BEVERLY GRIEBEL: Towards the airport or towards --

RICHARD PERRY: If you're heading north on Fisher, across the railroad tracks on your left. It was in kind of an odd location because there is absolutely nothing there. It was very, very definitely there.

BEVERLY GRIEBEL: Okay.

MARY SPERR: Okay. I just didn't see it.

PETER WIDENER: I looked on Jet View and Fisher and didn't see it, but if one person sees it, that is fine.

BEVERLY GRIEBEL: Sometimes there is a problem with people taking down signs. That is a possibility.

RICHARD PERRY: I saw it on two occasions, about five days apart.

MARY SPERR: Okay.

BEVERLY GRIEBEL: Is that one acceptable to the Board?

MARY SPERR: If he saw it, then fine.

PETER WIDENER: Yes.

MARY SPERR: What about Number 11?

BEVERLY GRIEBEL: Number 11 --

GERRY HENDRICKSON: 11, no sign.

BEVERLY GRIEBEL: Deborah Shannon on Greyson Road, no sign.

RICHARD PERRY: Didn't see it.

BEVERLY GRIEBEL: This was a hold-over from last month because of failure to post a sign.

Is Deborah Shannon here?

CHILI ZONING BOARD OF APPEALS

November 28, 2000

MR. SHANNON: I'm here for her.

BEVERLY GRIEBEL: What is your name?

MR. SHANNON: Jeremiah Shannon.

BEVERLY GRIEBEL: The sign was not posted.

MR. SHANNON: Yes. I am not really too sure why. I didn't really know that we had to. I don't really know too much about it.

BEVERLY GRIEBEL: The letter went there in the mail after the last meeting saying you had to get a new sign at the Building Department and post it according to Town requirements, which is for at least ten days prior to the meeting.

You are here to represent her?

MR. SHANNON: Yes. She is out of town.

BEVERLY GRIEBEL: Well, this is the second time that this has happened, and normally when there is a problem like this, we just do a denial and if she is interested in this, she would have to reapply and come back and follow the procedure.

The Board, what is your pleasure?

RICHARD PERRY: We have to be consistent.

MARY SPERR: If there is some reason she hasn't followed through --

RICHARD PERRY: It is two months.

BEVERLY GRIEBEL: The letter went out and it was very specific to say to post the sign for the ten days. Applicant to obtain new signs at Building Department, post and maintain as per Town regulation. The applicant must be present for the public hearing.

MR. SHANNON: Well, do I have to take any papers for her?

BEVERLY GRIEBEL: No. There will be a letter in the mail.

I would like a motion to deny this without prejudice.

PETER WIDENER: So moved.

MARY SPERR: Second.

BEVERLY GRIEBEL: All in favor?

All Board members were in favor of the motion.

BEVERLY GRIEBEL: If she is interested, she will have to reapply, as I stated following the procedure.

MR. SHANNON: All right. Thank you.

BEVERLY GRIEBEL: Did anyone else have any problem with any other applications?

The Board indicated there were no other problems with notification signs.

BEVERLY GRIEBEL: Application Number 2, is Mr. Geiger here?

No one responded.

BEVERLY GRIEBEL: Counsel, we had the same problem when he was in with his original application, with failure to post the signs the first time around.

KEITH O'TOOLE: Then I suggest you deny it with prejudice.

BEVERLY GRIEBEL: With prejudice?

KEITH O'TOOLE: That would mean he would have to reapply and pay the fee.

BEVERLY GRIEBEL: Well, with prejudice, he cannot reapply for a year.

KEITH O'TOOLE: Why don't we proceed to Application Number 3. I have to review something.

BEVERLY GRIEBEL: Okay. We can put a hold on that and we'll start off then with the top of the applications.

1. Application of John Nau, owner, 7 Mapleton Drive, North Chili, New York 14514 for renewal of 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.

CHILI ZENING BOARD OF APPEALS

November 28, 2000

MR. NAU: Good evening. I'm John Nau. I am here for renewal of my permit.

BEVERLY GRIEBEL: How has it been going?

MR. NAU: Things are going good.

BEVERLY GRIEBEL: I know we had a lot of concern in your neighborhood last time about the noise from tuning various items.

MR. NAU: Right. All those issues have been addressed. In fact, I have letters from ten of my neighbors stating they're for the approval of this variance.

BEVERLY GRIEBEL: There was one that also came in from a Lynne Neelin --

MR. NAU: I have a copy of that here.

BEVERLY GRIEBEL: -- who was in favor.

One of the conditions was that you would do instrument tuning and testing in a soundproof room.

MR. NAU: I have moved that from the garage, where I was doing it, into my basement and have taken care to keep the sound levels so they do not go out of the house.

LARRY SMITH: I have not received any complaints.

BEVERLY GRIEBEL: Because we had a bunch of them when you were in the first time.

MR. NAU: I tried to work that out with them.

BEVERLY GRIEBEL: You have some letters you want to present?

MR. NAU: Yes, I do.

BEVERLY GRIEBEL: This is a letter from Robert D. and Gail Begley, 15 Mapleton Drive. I'm looking just to summarize it. He is a stay-at-home-parent and watching over things in the daytime. His activities are unnoticeable and since the garage door has been shut, it has created zero noise.

Okay. Lynne Neelin, 10 Mapleton Drive, considerate of surroundings and for the renewal.

And letter from William Beavers, 8 Gilead Hill Road. "I live 50 yards directly behind from 7 Mapleton Drive. As far as the noise levels are concerned, I barely hear anything. I also think if the little noise he makes is a problem, I guess you will need to look into outlawing lawn mowers, as well."

James Stalker, 31 Mapleton Drive. "I recommend you grant the permit to operate. No noise, no increased traffic or anything else that would affect Mapleton Drive. John is a good neighbor."

Jeff and Kathy Dillon, 22 Mapleton Drive. They're in support. No reason why the request shouldn't be honored.

And Ken Fenton, 76 Parkway Drive. That is an adjacent street. "Absolutely no problems or concerns with regard to Mr. Nau as a neighbor and no concerns there." November 26th, 2000.

Bill Wolski, 11 Mapleton Drive. "Regarding the renewal, I approve of this application."

Um, Frederick -- oh, Frederick Van Vleck, and he resides next door at 5 Mapleton Drive. "I do not find the business invasive to the neighborhood or me. His behavior is a definition of a true neighbor. I fully support the variance."

Paul Selke and Deborah Selke, 3 Mapleton Drive. "No objection. Negligible impact on the surrounding neighborhood. Property maintained and visually has none of the architectural eye sores often associated with home businesses."

Albert Christ, Jr., Chris Jr., 7 Mapleton Drive. Writing on behalf of the application. "Should be allowed to continue business and extension to the variance be issued."

We'll put all of those on file.

Sounds pretty good.

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 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.

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.
6. Noisy activity is not to be done in the garage unless the door is closed.
7. Instrument tuning/testing is to be done in a sound-proof room.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Philip Geiger, owner; 12 Snapdragon Circle, North Chili, New York 14514 for renewal of conditional use permit to allow an office in home for a drywall business at property located at 12 Snapdragon Circle in RM zone.

BEVERLY GRIEBEL: Keith (O'Toole), did you have any other comments on Application Number 2?

KEITH O'TOOLE: I am amending my recommendation to have it denied without prejudice.

BEVERLY GRIEBEL: Okay. Now, Larry (Smith), that would mean -- and Keith (O'Toole), too, that would mean he still conducts the business there.

LARRY SMITH: He has to make application for a renewal of the conditional use very quickly.

BEVERLY GRIEBEL: Now, the letter is dated March 1st of '99. And it was granted for a year and now we're a year and three-quarters. Do you know what happened to that? Was it slipped up, or did he --

LARRY SMITH: We have to get the conditional uses on the computer. It is still being done manually. So hopefully by May we'll have all of this on computer, too.

BEVERLY GRIEBEL: Is Mr. Geiger here?

No one was present to represent Mr. Geiger.

BEVERLY GRIEBEL: I would ask for a motion to table Application Number 2 without prejudice.

MARY SPERR: So moved.

GERRY HENDRICKSON: Second.

All Board members were in favor of the motion.

DECISION: Unanimously tabled until December 19, 2000 at 7:00 p.m., without prejudice by a vote of 7 yes for the following reason:

1. Applicant failed to post required hearing notice sign on property.

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

Applicant must be present for the public hearing.

3. Application of Arthur Gray, owner; 5 Kuebler Drive, Rochester, New York 14624 for variance to erect an open porch to be 50' from front lot line (60' req.) at property located at 5 Kuebler Drive in R-1-12 zone.

Arthur Gray was present to represent the application.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

MR. GRAY: Basically all I am trying to do, I just had a new roof installed on my house, and I have been having trouble with ice build up on the front porch, which is a simple couple of steps, and to solve the problem, I wanted to put an open porch roof over that section. Basically that's it. A continuation down from the regular roof.

BEVERLY GRIEBEL: To keep you from getting icy steps right there?

MR. GRAY: Oh, yeah, because for the past few years I have had to go out there and chip them off. It got so bad I had replace all of the steps themselves.

BEVERLY GRIEBEL: Too much chipping?

MR. GRAY: Too much salt.

MARY SPERR: We have a pretty rough drawing. Do you plan to do this work yourself?

LARRY SMITH: It is real rough. I have gone over it with a contractor on it. And this picture doesn't look much like it will be. He is not an artist, but he does good work and what it is going to be, it is going to be a much improvement to the gentleman's house.

MARY SPERR: I just wanted to double check.

LARRY SMITH: He is not an artist.

MARY SPERR: Okay. That was my question.

LARRY SMITH: No problems.

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 Mary Sperr seconded the motion. All Board members were in favor of the motion.

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

1. The porch will enhance the appearance of the front of the house and will also provide protection from the elements.

Note: A building permit is required.

4. Application of Glenn Kuntz, owner; 105 Attridge Road, Churchville, New York 14428 for renewal of conditional use permit to allow an office in home for a distributorship at property located at 105 Attridge Road in R-1-15 zone.

Glenn Kuntz was present to represent the application.

MR. KUNTZ: Hi.

BEVERLY GRIEBEL: How has the business been?

MR. KUNTZ: Could be better, could be worse. Um, kind of slow growth.

BEVERLY GRIEBEL: And I guess --

LARRY SMITH: No problems.

BEVERLY GRIEBEL: I remember when you initially came in, and then -- has it been five years?

MR. KUNTZ: Could be, yeah.

DAN MELVILLE: The same conditions are fine as what was on the last application?

MR. KUNTZ: Yes. Basically all I have is a phone and a file cabinet.

DAN MELVILLE: No kind of deliveries or anything like that?

MR. KUNTZ: No.

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 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:

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

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. The home office is a customary home occupation.
5. Application of Dan Boon, owner, 20 Berna Lane, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for a lawn maintenance business at property located at 20 Berna Lane in R-1-20 zone.

Dan Boon was present to represent the application.

MR. BOON: Good evening.

BEVERLY GRIEBEL: How is business?

MR. BOON: Doing well.

BEVERLY GRIEBEL: And you do just the lawn care?

MR. BOON: That's correct. All we use is just -- just have the office in-house. We actually have a facility in Spencerport that we house all our equipment. All our stuff is maintained in our shop.

LARRY SMITH: No problems here either.

BEVERLY GRIEBEL: I think originally you were having some things at the house, but --

MR. BOON: When we first started.

BEVERLY GRIEBEL: But business --

MR. BOON: Many years ago now. We haven't had anything there -- we just drive our pickups home at night, that is all.

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 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. Hours of operation as per application.
4. No outside employees.
5. Applicant to continue to strictly limit parking of equipment at home.

The following finding of fact was cited:

1. The home office is a customary home occupation.
6. Application of Barbara Jonak, owner, 50 Hitree Lane, Rochester, New York 14624 for

CHILI ZONING BOARD OF APPEALS

November 28, 2000

renewal of conditional use permit to allow an office in home for a pet sitting business at property located at 50 Hitree Lane in R-1-15 zone.

Barbara Jonak was present to represent the application.

LARRY SMITH: There has been no problems here either.

BEVERLY GRIEBEL: How is business?

MS. JONAK: Excellent.

BEVERLY GRIEBEL: You keep busy?

MS. JONAK: Very. Especially this time of year.

BEVERLY GRIEBEL: People going on trips and --

MS. JONAK: Thanksgiving, the holidays are very busy.

BEVERLY GRIEBEL: So you go in the house and take care of the pets.

MS. JONAK: Uh-huh.

BEVERLY GRIEBEL: And pick up the mail and that sort of thing.

MS. JONAK: Water flowers and lawn and stuff like that, yep.

BEVERLY GRIEBEL: All that stuff.

That lets people keep their pet at home instead of going to a vet?

MS. JONAK: Instead of boarding it, yep.

DAN MELVILLE: Conditions from the last time still fine, no problems?

MS. JONAK: Yes.

PETER WIDENER: I had some questions, but after I read this over, only home office, I'm all set.

MS. JONAK: I do all of the pet sitting at the clients' homes.

BEVERLY GRIEBEL: It is an interesting service, and it is apparently needed. You say you're busy.

MS. JONAK: I actually have to turn people away because I have made a decision to do it myself and not hire employees, so I can only do -- basically you could work 365 days a year, so I can only do so much.

BEVERLY GRIEBEL: And work 12 hours a day and have to go back a couple of times a day.

MS. JONAK: With dogs, yes, at least three or four times a day.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

LARRY SMITH: Do you want to consider a five-year renewal on this?

BEVERLY GRIEBEL: She had it for five years. The prior one in '95 was for five years.

LARRY SMITH: Yes, you're right.

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 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. The home office is a customary home occupation.

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

7. Application of Rochesters Cornerstone Group, owner; 120 Corporate Woods, Rochester, New York 14623 for variance to allow the rear setback, including the required 100' buffer in the Jet View Business Park Section 2 Subdivision to be 140' (180' req.) at property located at 383 Fisher Road in L.I. zone.

No one was present to represent the application.

LARRY SMITH: I don't see anyone from Cornerstone Group.

BEVERLY GRIEBEL: We'll hold it until the end and then go back.

8. Application of Robert Gonyo, owner; 903 Chili Scottsville Road, Scottsville, New York 14546 for renewal of conditional use permit to allow a landscaping business at property located at 903 Chili Scottsville Road in A.C. zone.

Robert Gonyo was present to represent the application.

PETER WIDENER: I would like to excuse myself from this application.

BEVERLY GRIEBEL: You can have a seat down there.

DAN MELVILLE: Why is that?

BEVERLY GRIEBEL: You had an interest in it at one time?

PETER WIDENER: I had an interest in it.

MR. GONYO: Good evening.

BEVERLY GRIEBEL: Now, you run the business from the property there?

MR. GONYO: Yes.

BEVERLY GRIEBEL: And that consists of vehicles, equipment, what do you have there?

MR. GONYO: Construction equipment, vehicles.

BEVERLY GRIEBEL: When this was seen in '95, the only complaint was for getting vehicles at the rear of her property. It was approved for five years.

"The applicant will maintain a stockade fence or equivalent privacy fence at least 6 feet in height along the property line of the adjoining residence on the north from the front line of their garage back to the rear property line. Maintain a barn for the storage of vehicles, equipment and supplies used in the landscaping and paving business. Reissuance of a conditional use permit for an extended period is conditional on the applicant's performing and -- performing and subsequently complying with the restrictions placed here in. No dumping of any materials whatsoever on the premises, this includes dirt, stone, mulch other materials. No storage of inoperable equipment on premises unless screened or garaged. No parking of equipment behind the west property line of the abutting property on the north. No on-street parking. No parking of employees' cars within the front setback line of adjoining residents on the north. Clean up lot of junk equipment and unlicensed vehicles by 6/25/95."

And this letter was dated May 1st, '95.

Larry (Smith), was that all done all of those -- were all those conditions done?

LARRY SMITH: Honestly, I don't know.

MR. GONYO: I took care of everything you asked me to take care of.

BEVERLY GRIEBEL: Well, these pictures came to my desk here tonight, and it has a brief letter.

"Recently I saw zoning notice concerning Robert Gonyo, lifetime resident of Wheatland. I always loved the rural, clean, quiet beauty of the area. Last month -- I will pass these pictures around -- "I have always loved the rural, clean and quiet beauty of the area. Last month I was walking behind the property and saw large piles of construction debris and abandoned vehicles. I'm not sure if Mr. Gonyo owns this property. I notice signs with Dan Farley's name on it. Maybe he owns the property. I wanted the Town to know about this debris. Photos are enclosed. The location is between the RG&E gas line and Mr. Gonyo's property."

Is that your property?

MR. GONYO: That is my stuff, yep.

BEVERLY GRIEBEL: "I feel that prior to the renewal of the use permit the debris piles and old vehicles should be removed and disposed of properly, not just dumped in the woods."

MR. GONYO: Who wrote that letter, because they were on my property trespassing?

CHILI ZENANG BOARD OF APPEALS

November 28, 2000

There is no way they could get there without being on my property.

BEVERLY GRIEBEL: Well, I'm not sure who this is from. It is not signed. But the photos -- it does say it was taken within the last month -- we don't normally read letters that aren't signed.

Well, that is not true.

DAN MELVILLE: Normally it is.

BEVERLY GRIEBEL: We can take heed to them. We don't ignore them. That used to be the belief, but we can take heed to them.

DAN MELVILLE: How do you know how credible they are?

BEVERLY GRIEBEL: I think when they come with pictures.

MR. GONYO: Can I see those?

BEVERLY GRIEBEL: Yes, you can come up. Please come forward and look at them.

There are pictures of -- it looks like broken up pallets, wood, old ladder, some piping. I don't know what it is from, old barrels. This is an old truck that is -- no headlights. Some tires, stuff. Some asphalt in piles.

MR. GONYO: No name.

BEVERLY GRIEBEL: No. No name.

This is your property?

MR. GONYO: Yes, it is.

BEVERLY GRIEBEL: There are trucks.

Have you seen them, Larry (Smith)?

LARRY SMITH: Yes. Kathy showed them to me today before she gave them to you.

BEVERLY GRIEBEL: They came into the Building Department, I guess, this week.

LARRY SMITH: I don't know when they came in. I just came in today. I have been gone for a week.

BEVERLY GRIEBEL: Well, this was one of the conditions, no dumping of any materials whatsoever on the premises. I would assume this would mean the entire property, would it not?

LARRY SMITH: Mr. Gonyo, can you clean it up in a month?

MR. GONYO: No problem.

LARRY SMITH: Let him get the property cleaned up and we'll inspect it before the December meeting. If we can table it until that time.

BEVERLY GRIEBEL: Is that reasonable? Can you get it cleaned up?

MR. GONYO: I will make it reasonable. I will get it done.

LARRY SMITH: Give me a call and I'll walk the site with you.

MR. GONYO: Yes.

LARRY SMITH: That way there won't be any hassles.

BEVERLY GRIEBEL: And it needs to stay that way. As you see, we do get reports.

Even though this is unsigned, when it does come with pictures that are apparently representative of the property -- and that was -- well, there were several other conditions here. No dumping, no storage of inoperable equipment. That's --

LARRY SMITH: He said he could have it cleaned up before the next meeting.

BEVERLY GRIEBEL: Now, our meeting next month is early. It is before Christmas, so it will be about three weeks. The date of it is December 19th.

LARRY SMITH: Is that soon enough, or do you want to go into January?

MR. GONYO: Three weeks is not that much time. We're still working. Could we go to January?

BEVERLY GRIEBEL: We can.

MR. GONYO: Is that acceptable?

BEVERLY GRIEBEL: Whatever it is going to take.

LARRY SMITH: It might be easier to get the things out of there when the ground is a little frozen.

BEVERLY GRIEBEL: It is a little spongy now. That would give you enough time, because it is only three weeks. Four weeks would bring them between Christmas and New Years, so --

MR. GONYO: January would be better then, if it is okay with the Board.

BEVERLY GRIEBEL: Okay. The January -- I don't have that schedule yet, but it would be the fourth --

LARRY SMITH: January will be January 23rd.

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

BEVERLY GRIEBEL: Okay. January --

LARRY SMITH: Do you have a copy of the new schedule yet?

BEVERLY GRIEBEL: No, we don't have the new schedule.

LARRY SMITH: It will be in your box tomorrow.

BEVERLY GRIEBEL: Okay. Normally we don't need it yet.

LARRY SMITH: We do need it. It is done. It will be in your boxes tomorrow.

BEVERLY GRIEBEL: That will give you ample time to clean it up in case we have a blizzard week.

MR. GONYO: That is the only complaint? Other than that, there is nothing else?

BEVERLY GRIEBEL: I don't know of any other complaints.

MR. GONYO: Does the Board have any other complaints other than that one person?

MARY SPERR: Should we hold our questions until January then?

LARRY SMITH: I would just table it now.

BEVERLY GRIEBEL: I think, you know, these conditions probably will be repeated if we renew it, these same conditions, and if it is renewed for five years, that means that during that time, you have to keep within these conditions. Because at any time, if the Building Inspector goes there with the Code Compliance Officer, he can put a cease and desist order immediately if you're not following these conditions, if you start dumping again.

So it is something you're going to have to keep after all along.

A motion to table until January 23rd?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PETER WIDENER: Madam Chairwoman, can I speak on this?

BEVERLY GRIEBEL: Yes.

PETER WIDENER: My name is Peter Widener. I'm at 4280 Union Street. I own the farm directly behind Mr. Gonyo's and it seems to me his business is running pretty well. I mean even the 30-acre farm that I have, sometimes debris piles up. We do clean it up, but sometimes it takes a little more time than we anticipated.

As far as his equipment or vehicles, I'm not sure, but I support his business. Thank you.

BEVERLY GRIEBEL: Okay. I think this is something we're going to have to look at in January as to what period of time -- maybe five years is too long. But we'll talk about it.

LARRY SMITH: Let's see what progress he makes in cleaning it up. We'll walk it before he cleans it up, and we'll walk it afterwards before you make a decision how long. Let's do that at the January meeting.

BEVERLY GRIEBEL: Okay. But maybe there needs to be a lesser period than five years.

LARRY SMITH: Or we'll set up an inspection. Let me see how drastic it is out there first, okay?

BEVERLY GRIEBEL: Okay. So a motion to table this until January 23rd.

RICHARD PERRY: So moved.

MICHAEL MARTIN: Second.

The Board all voted yes on the motion.

DECISION: Tabled by a vote of 6 yes with 1 abstention (Peter Widener) until January 23, 2001 at 7:00 p.m. for the following reason:

1. Applicant to "clean up" the property. Subject to code enforcement inspection prior to January 23, 2001 meeting.

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

Applicant must be present for the public hearing.

9. Application of State Farm Insurance; 3221 Chili Avenue, Rochester, New York 14624, property owner: F. Brotto; for variance to erect an addition to offices to be 54' from front lot line (75' req.) at property located at 3221 Chili Avenue in G.B. zone.

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

Tom Kernan was present to represent the application.

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

Good evening.

MR. KERNAN: Good evening, how are you?

BEVERLY GRIEBEL: And you want to expand your building. You need more room.

MR. KERNAN: Yes. We would like to go -- as it says, out further towards the road, off the building right now.

The main reason we're looking for is just the growth of the business. The interior office space right now is not enough at this point in time. And also we need to modify the building when it comes to handicapped accessibility and so forth. Part of our plan is to put a large ramp in and a nice large entrance and so forth. Right now part of our handicapped clients can't access the building. They can with our help, but -- one of the reasons -- but also we need to -- we obviously need more space.

I do have a letter. I'm actually -- I am not the true owner of the building yet. January 5th is when the sale actually goes through. Myself and my sister, Teresa Kernan, are co-owners of the State Farm Agency right there at this point in time, and we'll also be co-owners of the building. We currently are leasing it.

I did bring a letter, though, from Mr. Gonyo just indicating that he is in full compliance and in favor of what we're trying to do, and that he is going to sell the business to us in January.

LARRY SMITH: Can I have that letter?

MR. KERNAN: Sure.

BEVERLY GRIEBEL: Now, the requirement is 75 feet, and your present building is only 68.8 feet, so it probably predates the code, or they pushed back the road. I don't know which one.

MR. KERNAN: I think that is what happened. When they widened Chili Avenue, I think that is when it happened.

BEVERLY GRIEBEL: The adjacent building, that will still bring you kind of even with the adjacent building?

MR. KERNAN: Yes. Several of the buildings around them are all farther, much closer to the road, including the Kwik Fill, which is right next to them, is quite a bit further up.

BEVERLY GRIEBEL: You will not impede any line of sight there for traffic?

MR. KERNAN: No. And Rob's (Fitzgerald's) study showed that, as well. His study showed that.

LARRY SMITH: Rob (Fitzgerald), when you did this, did you do this -- with the setbacks by averaging by any chance?

Rob Fitzgerald was also present to represent the application.

MR. FITZGERALD: I did.

LARRY SMITH: And it didn't come out better than what you requested?

MR. FITZGERALD: With the code, I saw a clause in there that said it is only equitable with residential properties.

BEVERLY GRIEBEL: Your name for the record?

MR. FITZGERALD: It is Rob Fitzgerald.

LARRY SMITH: In a residential neighborhood you can average two setbacks on each side. This building is sitting far beyond the buildings on either side. I don't -- I think it will still be set back further than the average between the two, as it is -- with the addition on the front.

BEVERLY GRIEBEL: It looks like it probably will.

LARRY SMITH: You will have to go to the Planning Board.

MR. KERNAN: Yes.

LARRY SMITH: No comments other than that.

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 Michael Martin seconded the motion.

CHILI ZENING BOARD OF APPEALS

November 28, 2000

All Board members were in favor of the motion.

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

1. Present setback is non-conforming.
  2. Addition will provide needed interior space and handicap access.
10. Application of Transystems Corp., owner, 2400 Pershing, Suite 200, Kansas City, MO 64108 for variance to erect a fence with three strands of barbed wire to be a total of 8' high (6' allowed) at property located at 300 International Boulevard in L.I. zone.

Patrick Barrett present to represent the application.

MR. BARRETT: Patrick Barrett with Con-Way Central Express. I'm the manager for Con-Way.

BEVERLY GRIEBEL: What's your last name?

MR. BARRETT: B -- Barrett, B-a-r-r-e-t-t.

BEVERLY GRIEBEL: And this is presently in place?

MR. BARRETT: Yes.

BEVERLY GRIEBEL: And this is needed for security?

MR. BARRETT: Safety as well as security. To keep kids and people out of the property. There are trucks on the property. Our employee parking is by our fence. From there to our building is a yellow lined pathway for safety. There is expensive equipment and freight on our dock. For security purpose -- but for both safety and security for the public as well as our employees.

BEVERLY GRIEBEL: You have a lot of docks there. It is a big operation.

MR. BARRETT: Yes.

BEVERLY GRIEBEL: I haven't driven back in there. I haven't realized the road was all finished.

MR. BARRETT: Yes. We just moved in last Monday.

BEVERLY GRIEBEL: I was out looking at it on Sunday. There was a car behind the fence looking at me.

MR. BARRETT: Security.

BEVERLY GRIEBEL: He probably reported a little navy blue car.

MR. BARRETT: He got your license plate, too.

MARY SPERR: You, and every one of them.

MR. BARRETT: We didn't have our alarm system in over the weekend, so we wanted security there.

BEVERLY GRIEBEL: I just went around and was reading some of the signs and was turning around in the big circle there. You can see why you would need the security because it is kind of isolated in the back there.

MR. BARRETT: Right.

BEVERLY GRIEBEL: You don't want anyone hopping the fence.

MR. BARRETT: No.

BEVERLY GRIEBEL: There are a lot of opportunities for mischief and thievery.

GERRY HENDRICKSON: No questions. I looked at it with the barbed wire there. It looks pretty neat, good protection.

MARY SPERR: I have no questions. I saw the fence.

LARRY SMITH: I don't have a problem with it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: It was sent to Monroe County Planning for airport review and came back as a local matter.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, made a

CHILI ZONING BOARD OF APPEALS

November 28, 2000

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 no conditions, and the following finding of fact was cited:

1. Applicant explained need for increased safety and security.
11. Application of Deborah Shannon, owner; 33 Greyson Road, Rochester, New York 14623 for variance to allow the total square footage of garage area, including a new 19' x 28' two-story garage to be 1,352 sq. ft. (900 sq. ft. allowed) at property located at 33 Greyson Road in RAO-20 & FPO zone.

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

1. Applicant failed to post required hearing notice sign on property.
2. This was also the situation at the October meeting when the applicant also failed to appear for the public hearing.

BEVERLY GRIEBEL: We'll go back to Number 7, and this is Rochester Cornerstone Group, and this is for variance to allow rear setback including required 100-foot buffer in Jet View Business Park, Section 2, subdivision to be 140 feet, 180 feet required at property located at 383 Fisher Road in LI zone.

LARRY SMITH: Before you start, I want to put that drawing on the Board back there so everybody can see it.

Roger Brandt was present to represent the application.

MR. BRANDT: We're ready. Good evening.

Sorry I am late. I got detained at home.

My name is Roger Brandt, President of Rochester's Cornerstone Group. I'm here this evening to discuss with you a request for a variance setback on some four -- actually, I'm sorry, four lots over on Jet View Drive, off of Jet View Drive in a section known as Section 2.

It is a 32-acre phase on the east side of Jet View Drive which was in, received preliminary approval in 1990. Mr. Robfogel sold them the property in 1998, and we received final approval on July 11th, 2000.

There was some misunderstanding between our engineer and the Town representatives with regard to 100-foot, 80-foot, what was the 80-foot setback, is that part of the 100-foot residential buffer. So what I wanted to do is kind of recap for you what we would like to do.

Required from the Town at the time in July was a 100-foot buffer whereby no development could take place. On top of the 100-foot buffer, an 80-foot setback was required in which no further building could take place, so you're talking about 180 feet from the property line to the edge of the first building which could be built.

At the July 11th meeting, we were directed by the Planning Board to receive from the neighbors and the neighbors submitted some ideas about developing a landscaped buffer which would run between the neighbors' properties and the business lots to be developed. The zoning code had called for some type of landscape buffer between the Light Industrial buildings and the Residential.

What we have done on our plan, which has been submitted, is that we have followed the requests of the neighbors, and that is that we would construct a 1,500-foot long, 40-foot wide, three on one slope 6-foot tall berm, and on top of the berm or near the edge of the top of the berm would be 8-foot tall conifer trees. You can see there are well over 100 of them, good size trees along the top edge of the berm. The berm itself at the crest would be 4 feet wide, and the trees would be placed just off the top of the crest of the berm.

Our landscape architect has advised us about how we should be planting these and when and the size. He said 8-foot, you start getting over that, you will start replacing trees because

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

they just don't transfer very well. That is really the top edge of the size tree that we could provide.

In addition, we're going to address the possible drainage problem which could arise by having a drainage swale which would run the entire 1500-foot length of our property. Because the properties may not be developed for some time, what we would like the Planning Board to consider -- I'm sorry, what is being presented to the Town through the engineer is that this particular berm would be constructed at the time that the lots are developed.

So we're here before the Zoning Board tonight to ask for some of this relief. The 140-foot setback, which would be from the property line of the neighbors to the edge of the first building, would be 40-foot less than what we talked about back in July. We feel that our problem that we have run into is when we started to market these, if you take a look at engineering these, we have a 5-acre site on Lot 202, and with this additional 100 plus 80 feet, we have less than two acres of buildable acreage, so we're losing 60 percent of our lot. Again, with Lot 203, it is less than half. Lot 204, the same thing, we have a 3.8-acre lot. We can only build on an acre and a half. This additional 40 feet would make it somewhat palatable, certainly more marketable toward a business looking at going into that particular lot.

So I would be happy to answer any questions on this matter.

BEVERLY GRIEBEL: Of course you don't know what is going to go onto any of these plots, but when the construction is begun, would there be consideration for what would go on the back side of any of the buildings?

MR. BRANDT: Yes. That will be up to the Planning Board, each individual lot. As you can see, what we did is, we did a line of sight. You can see the little green line represents grass, and you can see the berm there. We have a picture of a 6-foot tall handsome man standing behind his home looking out. What you will have is the 6-foot tall berm and an 8-foot tall tree. There is 14 feet, and our hope is that these trees would continue to grow and become larger, and you -- it is not going to be perfect. You will not be able to shield all of your visibility.

On the other hand, as the trees grow up, they will be greatly enhanced. The Planning Board would have some say as far as architecturally or how the building will be designed.

LARRY SMITH: What scale is that drawing, Roger (Brandt)? There doesn't seem to be a scale on it.

MR. BRANDT: I could figure it out. I could tell you from the -- Larry (Smith), from the -- let's see. The building to property line is 60 feet. You got another 100 feet here. You have 40 feet here (indicating), so you have 200 feet from here to here (indicating), which looks to be about 14 inches. I'm not sure I can come up with a scale if it is not on there.

BEVERLY GRIEBEL: I think what I meant was more what kind of activity in the back. Would you kind of refrain from rear parking to keep some of the noise, the business noise away from those neighbors and have parking more on the side and the front in those cases, rather than have rear parking with trucks and things?

MR. BRANDT: You could only have 40 feet in which to have parking in the back, so what you could have, I suppose, is maybe one row of parking, but 40 feet isn't an lawful lot, especially if you start talking about trucks.

BEVERLY GRIEBEL: You couldn't maneuver tractor-trailers back there well.

MR. BRANDT: No. They could swing around, but you couldn't have loading docks if you take it up to the limit of the 40 feet.

BEVERLY GRIEBEL: I recollect in the past there has been a concern of the neighbors there with what would be on the back side of those buildings, noisy loading docks and truck traffic, so if that would not accommodate them, that may be more advantageous to keep down some of the noise.

MR. BRANDT: Sure. Each lot, as it is laid out, is going to have to be addressed with say the Town and the Planning Board to say "Look, we really don't want this. We don't like this layout right now because you have the building pushed way up and you have your --"

BEVERLY GRIEBEL: Too much activity in the back.

MR. BRANDT: It will really be the -- the parameters they have to work with are what is in the code and then they would have to come into the Planning Board and the other approval processes and say, "This is what we want to do."

BEVERLY GRIEBEL: Generally front parking is not allowed, but in the case where you're trying to have the building as a buffer, it would be better to have front parking rather than rear parking.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

MR. BRANDT: The Town is sensitive to this. We had one company that came in with truck traffic, and the representatives from the Town said, "You know what, don't go over here facing McNair Drive. We want you to go somewhere else because we really would prefer to keep low intensity uses along that -- along those lots, those four lots."

BEVERLY GRIEBEL: To keep down the disturbing noises there.

DAN MELVILLE: You said you had a meeting with a neighbor?

MR. BRANDT: I have talked with some of the neighbors. Haven't met with all of the neighbors.

DAN MELVILLE: How did that come out? Was there an agreement made?

MR. BRANDT: No. They submitted to me what they want as far as the landscaped buffer -- berm.

DAN MELVILLE: Are you able to accommodate them?

MR. BRANDT: I have not talked to all of the neighbors. I have talked to a couple of the neighbors. What we have here is what the neighbors -- I have a petition which was signed --

LARRY SMITH: Let me. The neighbors provided me with a petition signed by, I forgot how many people, and it was a petition I copied Roger (Brandt) on so he knew what they wanted. You might want to read -- and this petition is in the Planning Board file. But you might want to read it.

MR. BRANDT: Sure. What was requested, "We the undersigned request the following conditions for application by Rochester Cornerstone Group in regard to application Number 5 property located at 383 Fisher Road. A rolling berm the full length of the tract with proper drainage. The planting of 3- to 4-inch caliper spruces and 3- to 4-inch caliper pines in a staggered design on both sides of the berm as to visually and audibly screen the industrial activity from the adjacent district and be perpetually maintained."

So what we have done is designed a berm the full length with some undulations to it. We'll have trees staggered on both sides of the berm.

MICHAEL MARTIN: Do you have any potential clients or ideas for what possible uses would be used for the variance sites?

MR. BRANDT: Not for these particular lots. We have steered them away from these lots. What we have looked at is more warehousing and trucking, so we're trying to steer people over here who are the quiet light assembly-type uses.

LARRY SMITH: They were talking about a repair shop.

MR. BRANDT: I mentioned that.

LARRY SMITH: But I did talk you out of -- into putting that on the other side of the road. They put it on the south side instead of the north side to keep the noise away from the neighbors.

MR. BRANDT: The Town is sensitive to what ought to go over there and what shouldn't go over there.

BEVERLY GRIEBEL: It will be very selective with who is going to go in there.

MR. BRANDT: I think so.

BEVERLY GRIEBEL: Because you have other lots that you can put people on.

MR. BRANDT: Right.

BEVERLY GRIEBEL: Even across the street. You have places.

MR. BRANDT: Right.

BEVERLY GRIEBEL: People want a lot, you have a lot of choices.

PETER WIDENER: The word "perpetually maintained" sort of frightens me, especially on the drainage and mowing or maintenance of the berm. What about the trees that die?

MR. BRANDT: Trees that die?

PETER WIDENER: They're not 100 percent growth on all of them. I plant a lot, and that is how I know. Perpetually maintained, is that like monthly, annually?

MR. BRANDT: It is a good question. Each individual lot owner will own that section of the berm.

PETER WIDENER: Okay.

MR. BRANDT: Is the property line -- in other words, if someone comes in and says, "I want to buy this particular lot," he is going to own the berm and those trees, so it will be up to each individual applicant as they come in to take care of his --

PETER WIDENER: They will police it and maintain the pickup.

MR. BRANDT: Right.

CHILI ZENING BOARD OF APPEALS  
November 28, 2000

PETER WIDENER: I was just -- again, I was curious about the parking on these buildings.

MR. BRANDT: You probably -- I guess --

PETER WIDENER: That may be something we have to address later down the road, but it doesn't seem like there is a lot of parking there available.

MR. BRANDT: No. As you look at these lots, especially with the setbacks on all four sides -- put it this way, you can't build real big buildings on these lots. We're designing these -- purposefully we didn't design this with a 30-acre lot to build a 400,000-square-foot warehouse. The idea was small, low-impact uses for the site, again keeping in mind the type of businesses which are over there.

PETER WIDENER: In reading the map I have in front of them, is there an ingress, egress from Fisher Road?

MR. BRANDT: No, there is not.

LARRY SMITH: This is a Fisher Road address, but all of the egress will be off Jet View.

PETER WIDENER: What is coming off Fisher Road?

MR. BRANDT: It is the only -- I think it was a farm at one point in time.

LARRY SMITH: There is a farm access there, but that is not going to be the road. The road is going to be closed at that end.

MR. BRANDT: There is a curb cut, an old dirt road that RG&E used to maintain to get access to their property, from the farmer before he sold it to Mr. Robfogel.

MARY SPERR: What time frame are you looking at to develop those lots? I know you have to probably sell these to people, but are you planning on doing anything until the time when you got these things marketed?

MR. BRANDT: What we want to do is minimize the amount of disturbance possible. As the lots -- as the whole site has been engineered, every available excess dirt or soil is going to be put into those berms, so if we're going to build that berm, we have to disturb the whole site. What we would like to do is minimize that. We do have someone who is interested -- not interested, but under contract for a lot on the south side which is Lot 208. The first one on the right. He is now reconsidering and may go across the street.

BEVERLY GRIEBEL: Across the street being across Paul Road?

MR. BRANDT: I'm sorry, Rochester International Commerce Center. If he goes ahead with this lot, we'll have to build a road come springtime.

MARY SPERR: At the time you will grade, build the berm, the whole thing will be done at that point in time? That is what I am getting at, because the neighbors are probably thinking the same thing.

MR. BRANDT: We would prefer -- this is something we're working out with the Planning Board and the Town Engineer as far as the timing of the building of the berm. We would like to minimize the disturbance. We would not have to disturb certain parts of the site if we don't have to build the berm right way. So as those lots are developed, then you will have to get into full scale, build the landscaping up.

BEVERLY GRIEBEL: So as you go in from Jet View, as you develop the lots from that side, you would put the berm behind and then continue that way?

MR. BRANDT: Correct.

GERRY HENDRICKSON: I believe it will dress it up a little bit there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

NEWEL HANVEY, 21 McNair Drive.

MR. HANVEY: Newel Hanvey, I live at 21 McNair Drive.

BEVERLY GRIEBEL: What is your last name?

MR. HANVEY: Newel Hanvey, H-a-n-v-e-y. I live at 21 McNair Drive. I have a couple of papers here. Maybe I could give them to you.

Can I do that?

BEVERLY GRIEBEL: Sure.

MR. HANVEY: This is a copy of the petition that was signed by all of the neighbors on the two streets in this area. It was submitted on 7/31, I think.

BEVERLY GRIEBEL: Okay. This is the request for --

MR. HANVEY: For the berm.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

BEVERLY GRIEBEL: For the berm, and there is one --

LARRY SMITH: That is the one you brought in my office?

MR. HANVEY: The same one.

BEVERLY GRIEBEL: There are 23 signatures on one and 11 on the next signed saying you wanted the rolling berm as Mr. Brandt had noted.

You do have a copy of this in the file?

LARRY SMITH: If I have the original -- the original is filed with this project, yes.

BEVERLY GRIEBEL: So you don't need this one?

LARRY SMITH: No. A copy of that is what I sent to Cornerstone Group so they would know what the neighbors wanted.

BEVERLY GRIEBEL: I have a copy of that for you.

Being in the Building Department is fine unless you have had any additional signatures.

MR. HANVEY: No.

BEVERLY GRIEBEL: Then you can hold on to that.

MR. HANVEY: This is a map from Mr. Hendershott's office. His secretary gave it to us. We requested the airport extension --

BEVERLY GRIEBEL: Airport Development Area Transportation Overlay District.

MR. HANVEY: This is us here (indicating). Now they want to take away another 40 feet. According to the Town Code, it is 100 feet plus 80 feet penalty. Now he wants to take away 40 feet of that 80. You can see yourself, we're pretty well boxed now. Now, the corporation as big as his -- has to follow the Town Code.

BEVERLY GRIEBEL: That is what he is requesting. He is requesting a variance from the Town Code.

MR. HANVEY: We're saying he shouldn't get it.

BEVERLY GRIEBEL: Okay. I hear you. We take all comments.

MR. HANVEY: That is all we're saying. Why should he get it when nobody else -- anybody else in the Town meets the Town Code. And we're supposed to be different than everybody else in the Town? You can see what they have done to our property. We're residential people. I have lived there for 30 years. And I cannot understand why these people want more and more and more and more. This is not right.

BEVERLY GRIEBEL: Well --

MR. HANVEY: Would you like it done to you?

BEVERLY GRIEBEL: Well, we have the Town Code, and then if any Town has zoning codes, there has to be a Zoning Board of Appeals to appeal the code.

MR. HANVEY: I'm not trying to give you a hard time.

BEVERLY GRIEBEL: That is what the applicant is doing at this point. He is appealing the codes.

MR. HANVEY: I'm going strictly against him.

BEVERLY GRIEBEL: Your comments are noted in the record.

MR. HANVEY: No. Now, I simply cannot understand why if the Town Code is such-and-such-and-such, that we should be put on the other side and say, "All right, we can change it for him."

We're little people, we're not big corporations.

BEVERLY GRIEBEL: Sir, you can go back by your seat and I will explain it again. The Town Code is written, but anybody can ask for a variance from the Town Code. They can appeal the code. Any Town in New York State that has any zoning codes has to have the appeal process so that people can appeal that, ask for a variance from the code, and that is what this applicant is doing, and that is what all of the other applicants on the agenda tonight are doing. They are appealing a part of the code. They're asking them for relief. That is what this Board does.

MR. HANVEY: I understand this, Ms. Chairwoman, but we have been trying to talk about being good neighbors here. It seems like this group has had just about enough of Chili. They gobbled up all of that area of Chili. How much more is the Town willing to give them? I don't understand this. You have got -- these 35 names --

MRS. HANVEY: 43.

MR. HANVEY: No, 35. They are mainly on McNair Drive. You have Jacklyn Drive right next to them. And we have got about 60 homeowners there. I'm not talking about just 35 names. I'm talking 60 homeowners, 60 individual homes, and I cannot understand. They talk about they want to be good neighbors. They knew when they bought that property the size.

Now, if they wanted 8 sections, they should have fit them in there. But they should have also known the Town Code. This is not right.

ELAINE HANVEY, 21 McNair Drive

MRS. HANVEY: Elaine Hanvey, 21 McNair Drive.

BEVERLY GRIEBEL: How do you spell your last name?

MRS. HANVEY: H-a-n-v-e-y.

When we bought the home 34 years ago, it was farmland. We fought industrial all of the time we were there off and on. When Chili adopted the Master Plan, they said you have no choice, it is Light Industrial. Fine, we lived with that.

Now, the airport expansion, whatever they're doing, we're totally surrounded by industry. I went to Larry (Smith). Larry (Smith) and I were the ones that worked out about the petition, et cetera, and Larry (Smith) -- we said to Larry (Smith), what is the Town Code? It was brought up at the Planning Board meeting. The 100-foot buffer, the 80 feet is penalty because the industry is building up to a residential area.

LARRY SMITH: No. You are a little backwards there. Between a Residential and an LI, there is a 100-foot buffer. From the 100-foot buffer, you take the rear setback, okay? So you have got an 80-foot setback from that 100-foot buffer to a structure. That is not a penalty, but it is a buffer, and the buffer is 100-foot.

MARY SPERR: So it is 180 feet total.

MRS. HANVEY: It is 180-foot total.

LARRY SMITH: As far as the setback is concerned, you're looking at that 100-foot, then your 80-foot setback. You don't go to the property line with the required setback here. You go to the 100-foot buffer.

Do you understand that?

MARY SPERR: Yep.

MRS. HANVEY: So when I asked the Planning Board about this, they said it would be the 180 feet, and the berm -- the way we requested -- I copied it right out -- the wording out of the Light Industrial code, which it says right in there what is required. I just copied out of the Light Industrial code. So I figured we were entitled to the berm, which is the Light Industrial code for the Town of Chili, and we were entitled to the 180 feet. I said to Larry (Smith), is this the code. He said yes. And he said all of the time that he has been Building Inspector, he said that he has never known where this has not -- that this has been changed.

LARRY SMITH: No. Okay.

MRS. HANVEY: Larry (Smith) --

MR. HANVEY: I was there Larry (Smith), right with her.

BEVERLY GRIEBEL: There are no precedents that are set. Any person, any builder, any applicant in the Town can apply for relief from the code. There is no precedence set.

MARY SPERR: It doesn't mean because they apply they will get it, but it means each application stands on its own merit.

MRS. HANVEY: To his, no one had gotten it yet.

BEVERLY GRIEBEL: Well, I don't know. We wouldn't deal with that anyway.

MRS. HANVEY: But what I am saying is, we feel that because we are surrounded by the industry -- we're an island. We're totally surrounded now by industry, that we don't feel that we should have to give up what we are entitled to, the 180 feet, and that we're entitled to the berm in addition to that, because that is exactly what it says in the Light Industrial code, which is what the land is zoned as.

So I don't feel that we're asking for anything more than what we're entitled to. It is not like we're asking him to go out of his way and do something above and beyond the 180 feet in the berm. We're just going according to the Town Code, and I feel that --

BEVERLY GRIEBEL: But any applicant has the right to appeal the code.

KEITH O'TOOLE: You're obviously opposed to the variance, otherwise you wouldn't be speaking against it. But the law says anyone can apply for a variance, whether it be you or him or anyone else. So the code by itself is not magic. The code is designed to be varied on occasion. Your job, as someone who opposes the variance, is not to tell them that you think the code is wondrous as is; it is to tell them why the variance will hurt you.

MRS. HANVEY: It will hurt me because I'm backing directly up to it. I am the one that -- it will hurt me.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

KEITH O'TOOLE: How will that impact you simply because you're backing it?

MRS. HANVEY: We already have at the end of the street the distribution drug company.

KEITH O'TOOLE: I understand that, ma'am, but we're talking about four lots here.

MRS. HANVEY: This is at the end of the street. We're midway. We're midway on McNair.

KEITH O'TOOLE: I have a copy of your map here.

MRS. HANVEY: You can already hear the noise, the banging and the trucks on Jet View. What is it going to be like when they're right in my backyard. I mean these are -- what I am talking, in proportion to where I am in the middle of McNair and Jet View and the end of the street, and this lot is directly behind me. So he is coming even closer than he is supposed to; instead of 180, he is going to be 140. These are right in our backyards. It is not like you're saying, "Well, it is over on Jet View, it is over on International Commerce Center or it is on Paul Road, it is at the airport." This is in my backyard, and this is what I am opposed to, the noise -- they just approved a warehouse that is going to be over in the corner. I have the dimensions here. It runs from 7 a.m. to 1 a.m., 24 hours, 35 trucks, and this is in the corner of this tract.

KEITH O'TOOLE: Lot 208.

MRS. HANVEY: We'll hear that, and then you will put one right behind me. I'm opposed. That is why I am opposed. The noise, being behind me, and totally surrounded by industry after 34 years. I am retired. I work in my yard all of the time. I have gardens, I spend all my life in the yard and now I will have to listen to the trucking and to everything else behind me. This is what I get at 65 for my retirement? I am opposed. Totally opposed.

BRUCE RANDALL, 26 McNair Drive

MR. RANDALL: Bruce Randall and I live at 26 McNair Drive. I have a -- I have a couple of questions for Mr. Brandt.

Number 1, these trees, how far apart will these be, Mr. Brandt? They look pretty tight here.

MR. BRANDT: They're 15 feet on center. I think that is a 100 scale map. We are advised by a landscaping architect don't crowd them too much together or they won't survive. They're 15 feet on center, so it will be 15 feet.

MR. RANDALL: Staggered the second row --

LARRY SMITH: Just if you -- the two landscapers out there that came in for the landscaping business, they shook their head yes as he was saying 15 feet. Is that about -- is that right?

MR. BOON: You can't put them too close because they'll die. They grow together, too.

LARRY SMITH: I saw them shaking their head yes. The landscaping company agreed with what they're saying, and they are not your landscapers, right?

MR. BRANDT: Not yet. Ha-ha.

MR. BOON: You have to keep them apart. What are you putting in there?

MR. BRANDT: 8-foot conifers.

MR. BOON: Yes. They will grow into each other. They will fill in anyways to a point.

MR. RANDALL: The second row will be staggered.

MR. BRANDT: The plan is to stagger them (indicating). Zigzag, if you will.

MR. RANDALL: In a few years --

LARRY SMITH: Which is the correct way. If you have one on this end, the other one -- as far as line of vision is only 7 1/2 feet away, but it is further separated on the top.

MR. RANDALL: We would prefer, at least I would prefer, that once we start the berm, we do the whole 1500 feet. We don't necessarily have to seed it, but we should build it and put the trees on and get this out of the way.

BEVERLY GRIEBEL: I think that is something up to the developer.

MR. RANDALL: Well --

BEVERLY GRIEBEL: He doesn't --

MR. RANDALL: If we have to give up 40 feet, we had to get something back in return.

DAN MELVILLE: Would that be up to the Planning Board?

MR. RANDALL: We don't want to piecemeal this and have it go on and on and on. It might be 15 years before he fills that up.

BEVERLY GRIEBEL: Well, the berm would be developed as the property is developed, as each parcel. These are individual parcels.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

MR. RANDALL: As an applicant buys, then they -- we don't want that. We want the berm up, viable, contiguous all at once. We don't want to have to deal with it again.

BEVERLY GRIEBEL: Okay. Your choice is noted. I don't know if they can even build it that way.

MR. RANDALL: That is just my suggestion.

I have a letter from -- my neighbor winters in Florida. This is sent to the Chili Zoning Board of Appeals. "We have been notified that Rochester's Cornerstone Group has asked for a variance to allow a rear setback, including the required 100-foot buffer in the Jet View Business Park, Section 2, subdivision to be 140 feet, 180 required at the property located at 383 Fisher Road in an LI zone.

This requirement was made to help a neighborhood such as ours to make a good transition from Residential neighborhood to an Industrial. Please deny the request and help keep our neighborhood a safe and quiet place to live. Thank you. Patricia A. Baird, 26 McNair Drive."

BEVERLY GRIEBEL: How do you spell her last name?

MR. RANDALL: B-a-i-r-d.

LARRY SMITH: Can I have that copy?

MR. RANDALL: Sure.

TOM CONNELL, 33 McNair Drive

MR. CONNELL: The same -- the same basic --

BEVERLY GRIEBEL: What's your name?

MR. CONNELL: Connell, C-o-n-n-e-l-l.

BEVERLY GRIEBEL: What is your address?

MR. CONNELL: 33 McNair Drive.

MR. CONNELL: We go with the same basic problems like they said. We're the first house on the street, incidentally. We went through this for years with Robfogel back and forth and lucked out because nothing was ever built up in there, but I -- basically there is no way that you can get any closer right to us, and we agreed for years that 180 feet was realistic. I mean, whether you can put a building in there or whether you can't put a building in there, if I was out buying for a company -- forget, you know, who it is, I know what I -- when I bought the land I can either get it in or I couldn't, and I think that is -- that is about where we stand.

In other words, if it took 180 feet, that is what we were given at the time. If I bought the land in good faith back there for Roger -- where Roger Brandt is now knowing I was going to put buildings in there. He knew what was there when he bought it, and he should have known what he could or couldn't build. And I think, you know, like everybody else, I don't think the 180 feet is a major problem if you have -- like you say, all of the land out there on Paul Road, they can have big builders. If you have small ones, you put them our way. I can see that. I can't see getting any closer than 180 feet. Like I said, every morning now, with the buildings that are on Paul Road, I can use them for an alarm clock, that is how much noise is back there, and this is coming real close.

I mean without beating around the bush, you know, you have your outdoor lights on, you have the noise. You can hear the plates going down in the morning from the trucks and the factory, and they're over on Paul Road, so just imagine when they're right behind them. Particularly when you build, you don't even know what is going in those places, that, you know, some day are going to be built back there. You haven't the faintest idea what is going to be housed in these buildings eventually. Like we say, they're right at the end of the street now. They have the big factory up there that is working night and day up there, even in the rain and snow. I understand, but I don't know for sure, but I understand as soon as they get done with that one, they have another one going up.

So I would -- I kind of look forward to keeping the 180 feet out there. Thank you.

CAROLYN POULTON, 15 McNair Drive.

MS. POULTON: Carolyn Poulton at 15 McNair and I am definitely opposed to the 140. I prefer the 180.

BETTY TOTTEN, 7 McNair Drive.

MS. TOTTEN: Betty Totten at 7 McNair Drive. I'm opposed.

BEVERLY GRIEBEL: How do you spell your last name?

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

MS. TOTTEN: T-o-t-t-e-n. I'm opposed to the 140 feet also.

DENNIS BRYDALSKI, 19 McNair Drive

MR. BRYDALSKI: Dennis B-r-y-d-a-l-s-k-i. I live at 19 McNair.

My big concern is the impact that the noise and visual pollution will have on our residential properties. I'm opposed to the granting of this variance. I think it is premature now, because, as has been stated, we don't know what type of properties will go in there.

I understand there is a Town Law that guides the Board of Appeals here in granting variances, the 267 of New York State Town Law. If you're all familiar with that, I imagine that has several conditions. I think there are five conditions that the Board considers. I won't read them to you, because your counsel can probably guide you in that, but I don't think the applicant has satisfied the answers to those five questions that are in that section. And it also gives you the authority to make -- to impose conditions at this time on -- as far as putting the berm in there before the construction, and it also is in that section of the Town law. I have a copy of it if you want to look at it.

BEVERLY GRIEBEL: No. We all have the Town Code with us.

MR. BRYDALSKI: Okay. I figured you would.

I think it is premature to grant this variance now. It could be granted on a case-by-case basis. There has been no explanation why the setback has to be reduced at the rear of the property, not at the front. There is really no information on the specific buildings that will go in there right now, and for that reason I think granting a variance in the rear setback is premature.

Thank you.

MR. HANVEY: On this berm, the way I understand it, Mr. Brandt wants to have it done piecemeal, a piece, a piece, a piece at a time. That doesn't make sense to me. Why not just put the berm in, settle this question that we're arguing about tonight and then it is over with and you have no more trouble with the people in the neighborhood? I don't understand why they can't do this.

There are four lots. He will push a berm up for one lot, maybe -- I don't know how big the lots are. Maybe 200-foot-wide lots, 300-foot. You can push up a pile of dirt, then he is going to wait until some other person comes and buys a piece of property, and he will push up another 300 feet of dirt. Just do it and get it done with, all at once. Make it look nice for the area. I don't understand this.

MARY SPERR: What is the current setback at Jet View Drive, is that 180 feet in between the homes? The current buffer or the current distance away from the house, where's Jet View Drive --

LARRY SMITH: The standard -- any time the boundary of an LI meets up to the boundary of a Residential, the LI requires 100 square foot -- 100 linear foot buffer, plus the 90-foot normal setback, okay?

KEITH O'TOOLE: 80-foot.

LARRY SMITH: 80, I'm sorry. Did I say 90? I have a cold and had surgery today, so I'm all screwed up.

This is the only area I know of that this particular situation is occurring.

MARY SPERR: I understand what he is asking for tonight, but I was curious as to how far away --

LARRY SMITH: There is a 100-foot buffer in Jet View against every residential property line. It is 100 and -- it is a 100-foot buffer and the 80-foot setback.

MARY SPERR: That is what currently exists out there. And if for some reason we chose to deny, some of these setbacks, can these be -- we're not deciding this as an individual lot. We're deciding this as a group. He has asked for this variance for four lots. So four of the eight lots he is requesting this. The others he is not, correct? Only half of the lots on that parcel he is asking for the setback on?

KEITH O'TOOLE: Yes.

MARY SPERR: Then the other four will not.

BEVERLY GRIEBEL: They don't back up on a residential area.

MARY SPERR: Okay.

The other question I have is, Roger (Brandt), if we chose to grant this setback today, would it be possible to put in a condition to help the homeowners out and put that berm up all at

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

once as several of them have spoken about tonight? Is that possible?

MR. BRANDT: That is an engineering question. Um, when we talked about whether we do it when we first start the first building, um, I said, "Well, we're going to be pulling dirt from all different areas. You will disturb the whole 32 acres."

MARY SPERR: You need the dirt to make the berm, but would it be likely it would be done all at once? Don't know?

MR. BRANDT: I don't know. I don't know. We do know that it could work if each individual lot owner -- let's say that Lot Number 203, he wants to -- someone comes in, buys a lot, is putting up his little flex building. The dirt on his property could be pushed to the back and form this 40-foot wide, 6-foot high berm. So he could take care of his.

The question is, are you going to have to -- would all four -- all four of those lots should balance, but we're also going to have to pull some dirt from the other side, so you're talking about a massive earthwork project. It is a question that quite honestly has been discussed with the Town Engineer and our engineers and it is being talked about right now. It is being addressed by the Town Engineer and the Town and our engineer themselves.

BEVERLY GRIEBEL: Because if you had one lot that was sold and developed, the lot owner would have to maintain that berm.

MR. BRANDT: That's correct.

BEVERLY GRIEBEL: But if you put the berm up along the way, then there would not be any individual owners. It would fall back to you to maintain --

MR. BRANDT: Correct.

MARY SPERR: But it is also possible you could sell Lot 203 and have a berm up there with trees and not have the other lots sold for another two years and have it vacant with just one berm up for that two year period of time, let's say?

MR. BRANDT: That is possible.

MRS. HANVEY: I just wanted to comment on what she just said, that like it could be the berm and then it could be left vacant for two to three years or whatever and then a berm, so this would be empty.

The object of us meeting with Larry (Smith) and proposing this berm was so that each individual occupant that came in would not do something different. In other words, like a person might buy the lot and say, "I will leave it natural."

The next person might buy the lot and say, "I will put a berm."

And the next one might say, "Oh, I'm just going to leave it leveled."

BEVERLY GRIEBEL: I don't think it would be their option to berm it or not.

MRS. HANVEY: I mean this is what we were told originally, that our best option would be to get all of the people together and see what everyone wanted so that we would have a uniformed berm, and now with him waiting to do like one lot and waiting, we're back where we started from. We're going to have a quarter of a berm, and then nothing, maybe for two or three years, and maybe another part of a berm. And this is what we met and -- we wanted to avoid that, having something different behind each house, because it could be like our house could be between lots or that, so we'll have part of a berm and then nothing. You know what I am saying? That was the object.

BEVERLY GRIEBEL: I think what Mr. Brandt was saying, to build a berm you have to move some soil from these lots, and it will leave these bare lots dug up lots until they're actually sold. That is not what he wants to do.

MRS. HANVEY: But yet we might have, like she said, an area done and nothing in between for a couple of years.

BEVERLY GRIEBEL: Well, if it were done in a piecemeal like that, but it would be up to the Planning Board to dictate that landscaping detail so that it would match the rest of the berm that is there. That would be a Planning Board detail.

MR. HANVEY: This is my last time.

BEVERLY GRIEBEL: Something new?

MR. HANVEY: Yes. Now Mr. Brandt wants to put a cul-de-sac down through. As soon as they bring that cul-de-sac down through, they will have to bring in their heavy equipment and take a lot of dirt and put it to this end whether they want to or not. And that is a fact. I have watched them over here on Paul Road. Whenever they go in, they just leave it. That is what they'll do to the lot. They will level it, put the road in and they have plenty of dirt to put up for our berm.

CHILI ZONING BOARD OF APPEALS

November 28, 2000

MR. BRANDT: Actually we looked at that, sir, and we don't generate an awful lot of dirt from the road. That is one of the questions the engineers said, "How are we going to have to do this?" We'll have to strip the whole 42 acres. We're not sure whether that is the best way to do it. It doesn't generate enough dirt. It generates some, but not enough to build what we really want built.

BEVERLY GRIEBEL: Because the road building depends on the elevations in there?

MR. BRANDT: Right.

I believe there is a meeting on Thursday with the Town Engineer to talk about this issue.

MARY SPERR: But it is also likely that with or without that 40-foot, the additional 40 feet, the noise level will not change that much, is that a fair statement?

MR. BRANDT: Noise level from?

MARY SPERR: The noise level from -- it varies basically with the business, but it will not vary that much, an additional 40 feet? If there is noise there, the 40 feet more away will not benefit them with less noise most probably, likely, possibly?

LARRY SMITH: I can't answer that question without a DB meter in my hand standing at 40 and 80.

BEVERLY GRIEBEL: You're being somewhat selective in who's going to be going on these lots?

MR. BRANDT: Right. And again, working together with the Town so that we're not going to put a jackhammer manufacturer over there.

BEVERLY GRIEBEL: To try out their things in the back lot. Because I think you said in your presentation that you were being very cautious in selecting who is going to be going there, and whether they went across this road or across Paul Road or wherever, you're looking to eliminate the noise from the onset.

MR. BRANDT: Right. Believe it or not, we are trying to -- we realize that there is always a conflict when you have Business, Commercial, Light Industrial, Industrial, and the Residential. So we're trying to minimize that as much as possible by steering people in the right area, and I think --

BEVERLY GRIEBEL: I'm not sure what came first here. Larry (Smith), the Light Industrial --

LARRY SMITH: Huh? Residents were there long time before the Industrial.

BEVERLY GRIEBEL: Pardon me?

LARRY SMITH: The Residentials were there before the Industrial.

BEVERLY GRIEBEL: And what was surrounding them previously?

LARRY SMITH: Farmland basically.

MRS. HANVEY: A horse farm.

BEVERLY GRIEBEL: Okay. Thank you.

DAN MELVILLE: The question I have and is brought up from the audience, too, is why are you applying for a variance now when you don't know what you are going to put in there? Why not wait until you get your first lot sold to see what is exactly going in there? Why do you need it now?

MR. BRANDT: These lots are less marketable at this point in time. We're trying to sell a 5-acre lot. That first one, 203 is a 5-acre lot, but only 1.9 acres is buildable so the whole reason to come is to say, "Look, we can get a little more flexibility in the building."

I don't know where they're going to site their buildings or who is going in there, but we're looking for -- as far as marketability is concerned.

DAN MELVILLE: It seems that should be up to the prospective buyer to worry about that. I don't think it is our job to worry about how you can market these properties.

MR. BRANDT: It is a hardship we're experiencing with someone who came in and said, "Look, I'm interested in this," but when they looked at it, you can't build on it.

DAN MELVILLE: How many came in and wanted to put something in there?

MR. BRANDT: Two in the last year.

DAN MELVILLE: They couldn't put anything in there?

MR. BRANDT: Not for the size they wanted. For instance, on 203 you couldn't fit a 30,000-square-foot building on 5 acres with some parking around it, and that is not very good usage ratios, so he goes somewhere else.

Now, could you with an extra 40 feet? He was getting a lot closer.

DAN MELVILLE: It still wouldn't have made it, right?

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

MR. BRANDT: With that particular lot, um, no. He was compromising some of his parking that he wanted.

DAN MELVILLE: That is enough.

RICHARD PERRY: What would prevent you from cutting down the number of potential saleable lots and making, therefore, the ones -- living within the 180 feet and making the saleable lots larger, but fewer in number.

MR. BRANDT: The difficulty is the shape. In other words, if you were to combine two lots, you have a rectilinear lot, but oftentimes what you need is you need the -- not just the width, but the depth. So in this case the depth is the problem. So you have got -- sure, we're selling to the fellow -- the business 5 acres, but in this case he has 180 feet where he is hamstrung.

RICHARD PERRY: What I am saying is instead of the road going through the center and lots on both sides, that you have one road that goes closer to the one side or the other and just have a fewer number of lots.

MR. BRANDT: These are the side -- well, these are the size lots which are extremely marketable. The 3 1/2 to 5-acre lots are probably the most marketable lots in the business right now.

RICHARD PERRY: But you just got through saying these really aren't 3 1/2 to 5-acre lots usable, that they're considerably less.

MR. BRANDT: That's right.

RICHARD PERRY: I find that -- it doesn't quite ring true to me.

MR. BRANDT: Well, the lots -- as you look at buildable, within a 3 1/2-acre lot, you know you will lose some for setbacks, regardless where you are, whatever town you're going to be in. You have to figure out how much buildable acreage can I get in spite of the setback. If a 5-acre lot can be not 2 acres buildable, but you get 2 1/2.

RICHARD PERRY: If these were divided differently so there were fewer number of lots, the builder -- bigger buildable square footage on the lot, would that bring in or necessitate that you're going to bring in, you know, industry that is going to be different than what you're looking for now?

MR. BRANDT: I would say no. It all depends on the business. Every business is -- we're working with someone now that says, "I have to have 360 feet in width and 250 feet in depth or it doesn't work." You look at this and say, "Gee, because of the 180 foot setback, he just can't get the depth on this lot" so he has to look at something else. Every business is a little different.

What we're looking at here is the increase in the flexibility which would help in the marketability which I understand is one of the hardships that Zoning Board -- that is why you come to the Zoning Board, because you experience hardships with marketability of your property.

PETER WIDENER: The berm, the perpetual building of the berm. Now, I realize looking at the maps, from the property line, you told me earlier this berm would become part of the property.

MR. BRANDT: That's correct.

PETER WIDENER: So they gain almost 40 feet there, but the berm will not be built until the clients that you're trying to sell will do this. I hope I'm not going to lose you now.

MR. BRANDT: The 40-foot wide berm will be built within the 100-foot-wide buffer, not the setback, right?

PETER WIDENER: Yes.

So they're gaining non-taxable land, that is pretty nice.

BEVERLY GRIEBEL: No. That stays with the developer.

LARRY SMITH: They're not changing the property lines here.

BEVERLY GRIEBEL: That stays with this --

PETER WIDENER: So they're really not gaining anything.

BEVERLY GRIEBEL: No. They don't gain any land. They gain the buffer -- the drainage and the buffer, but that stays with this Industrial plot, and the industry has to retain that -- that buffer.

PETER WIDENER: This berm will be built as you sell individual parcels or lots, although the rendering shows me that it is all done looking nice. And my concern is if the berm -- one parcel is built this year, and then three to five years from now another one is built, the trees aren't even going to look the same. It is going to look kind of like up and downhill then. I think I'm getting confused or concerned. Are we looking at the 180 to the 140, or are we more concerned with satisfying the neighbors about putting the berm in all at once?

November 28, 2000

MR. BRANDT: Well, the berm is part of the whole equation. That is a Planning Board issue, I believe. So the berm is brought up here to show this is what is going to be put in place ultimately as this property is developed, serving as a buffer between the individual lot and the Residential.

So we're -- you couldn't do one without the other, I don't think. I couldn't talk about looking for relief on 180 feet without talking about this is what we're willing to do in terms of a buffer.

BEVERLY GRIEBEL: Because the buffer is not normally required.

MR. BRANDT: Some type of landscaped buffer is, in this particular zone.

LARRY SMITH: Per the code, there is 100-foot buffer required for landscaping.

KEITH O'TOOLE: Always.

BEVERLY GRIEBEL: It doesn't call for a berm.

LARRY SMITH: I don't know the exact terminology. I will get it for you.

PETER WIDENER: Of the proposed parcels you're working with, you have two clients now?

MR. BRANDT: We have one that has a contract to purchase, and he is ready to go, to build his lot. As I mentioned earlier, he is now thinking about maybe going across the street because of the timing of this.

LARRY SMITH: I will read you the Light Industrial requirement.

"When a permanent use in an LI district is adjacent to any other district with the exception of GI, which is General Industrial, a fully landscaped buffer 100 feet in width must be provided along the full length of the adjacency. This buffer shall be planted and perpetually maintained with live trees and shrubs at least 6 feet in height and shall have other -- and shall have other such grading and landscaping necessary to visually screen all industrial activity from the adjacent district. The treatment of the buffer area shall, however, not appear to be unnatural or rigid."

RICHARD PERRY: So just the berm -- suggests the berm in there because of the line of sight.

KEITH O'TOOLE: In fact, the only way you can audibly screen the adjacent houses is with a berm because landscaping by itself doesn't provide that kind of screening.

MR. BRANDT: It doesn't use the word "berm," does it?

LARRY SMITH: No.

KEITH O'TOOLE: But it uses the terms "audibly screened," which is the same thing.

MRS. HANVEY: And perpetually maintained.

LARRY SMITH: And other grading and landscaping. It does say "grading."

BEVERLY GRIEBEL: It is a little ambiguous.

KEITH O'TOOLE: Not by much.

BEVERLY GRIEBEL: Now, you did say that cutting the number of lots would not give you that much because it would make them longer. If you had 180-foot, they would be longer and narrower, which would --

MR. BRANDT: Changing the configurations is not an alternative right now. The road is all engineered, nearing final approvals and the cul-de-sac will probably be put in -- some of it may go in this winter. So we're not going to change the configuration of it to say swing the road to one side and try to come up with something that is going to be very different. What may happen is someone may buy two lots and say, "Oh, I want two lots. I want this big of a parcel and not this big a parcel."

So whatever you do there, it will probably be resubdivided to some extent. It is never perfect.

BEVERLY GRIEBEL: It is all engineered subject to our granting this variance. If we don't grant the variance, where does that put you?

MR. BRANDT: At the 180-foot setback and buffer. If the variance is not --

RICHARD PERRY: We know that, but --

MR. BRANDT: It puts us in a situation where we're -- we have four lots out there which could take a very long time to build -- I'm sorry, to sell.

BEVERLY GRIEBEL: To sell and get built on.

MICHAEL MARTIN: There is no guarantee that the -- if the variance is granted they would build back to the 40-foot variance. They may stick with the 80-foot.

MR. BRANDT: That is right. They may want employee parking in the back. Right now I figure there is -- as we're requesting, there is 100-foot buffer, 40-foot setback and there is 60 feet

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

from the property line to the edge of most of the houses over there, about 200 feet from the edge of the house to what possibly could be the edge of the building.

MICHAEL MARTIN: Worse-case scenario.

BEVERLY GRIEBEL: Right. Now these squared off, this is to the 140-foot measurement, these big squares in here, on these lots.

MR. BRANDT: Yes.

BEVERLY GRIEBEL: So the building could go there, or it could go anywhere inside of that, that block?

MR. BRANDT: Yes. A lot of it depends upon -- in Chili, the code doesn't allow parking in front. You have to come in for variances, as you well know.

BEVERLY GRIEBEL: Yes. But I would rather see front parking on these than rear parking which would bring more noise. Realizing it would take a variance, but in this case, in particular --

MR. BRANDT: There could be a trade-off between what the user is and say, "All right, I would rather push the building further to the front, and park around back," or it depends on the business and the traffic and the number of employees.

BEVERLY GRIEBEL: Because personally, I would prefer that, even though front parking is not allowed without a variance from this Board, I would definitely prefer that. And probably the people, the neighbors there would prefer that alternative. Of course, not knowing what goes in there, we don't know what the plans are at this point. We have no idea.

PETER WIDENER: You mentioned that these are marketable sized plots. To what client? What type of industry would go in there? Do you have any idea?

MR. BRANDT: Light Assembly. Look at what is on Jet View Drive. Label World and Road Torque. These with be smaller buildings, like the old R.J. Taylor.

LARRY SMITH: Road Torque went out to another county. You couldn't get them to stay on Jet View?

MR. BRANDT: No. We tried.

BEVERLY GRIEBEL: So hopefully the -- any people that come in to buy that would be putting any truck docks on the side and not the back.

DAN MELVILLE: We don't know.

MR. BRANDT: You won't know until they come to the Planning Board.

BEVERLY GRIEBEL: That would be a Planning Board issue.

DAN MELVILLE: We're just here to determine that setback.

BEVERLY GRIEBEL: Right.

DAN MELVILLE: That is it.

MR. RANDALL: Mr. Brandt, could you define what you meant by the swale? How does that run down? Is that a concrete swale, or --

MR. BRANDT: No, it will be a natural grass swale which was planned to be right along the north side of the berm. So it would run all of the 1500 feet, go into here (indicating), which would be a storm water detention facility.

MR. RANDALL: And what would happen should we start getting water problems?

MR. BRANDT: What would happen? You would call the Town and the Town would come out and say, "Wait a minute, something is wrong here." We're relying on our engineers and the Town Engineers, County Engineers and all of the engineers that take a look at this and say it will work.

MR. RANDALL: But after 10 or 15 years it doesn't work any more.

MR. BRANDT: There will be a -- this drainage swale would have an easement to the Town, so the Town would come in -- they would address it and say, "Look, here's a problem." So what you do is you go to the property owners and say you have to fix -- on your property you have an obstruction which is causing water to back up right here. So the Town has the jurisdiction to come in and say, "Fix it."

BEVERLY GRIEBEL: The Town Public Works would handle that at that period of time.

MR. RANDALL: Does that mean like a backhoe kind of thing that comes in and scrapes out a channel kind of?

MR. BRANDT: It could be.

MR. RANDALL: That is disgusting. Who wants that in their backyard?

MR. HANVEY: As far as the swale goes, and the pond down there, we're having a lot of trouble with blooming mosquitoes now. I don't think we need a lot of swales. Especially like the

CHILI ZONING BOARD OF APPEALS  
November 28, 2000

ponds at the bottom of this thing. I don't.

BEVERLY GRIEBEL: I don't see there is a provision for a pond.

MRS. HANVEY: There was supposed to be a holding pond.

BEVERLY GRIEBEL: I don't have the full --

DAN MELVILLE: But the swale should carry the water away.

MR. RANDALL: A grass swale does not transport water.

MICHAEL MARTIN: It will be graded so it.

BEVERLY GRIEBEL: Now we're getting into Planning Board issues. That is something that we do not handle at this Board. That is Planning Board.

I am closing the public hearing.

On Application 7, Gerry Hendrickson made a motion to adopt the findings of fact, and Mary Sperr seconded the motion. All Board members were in favor of the motion.

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

The benefit of "easier marketing of the proposed lots" is outweighed by the following factors:

1. As the applicant is the designer of the lots in Section 2 of the Jet View Subdivision, he created the alleged setback difficulty.
2. The benefit sought by the applicant can be achieved by redesigning the lots.
3. The variance will cause an undesirable change to the properties on McNair Drive, by reducing the distance between the existing homes, increasing the potential for higher levels of audio pollution and increasing the visual impact of the industrial uses. It should be noted that the "Line of Sight" sketch offered by the developer fails to show the placement of HVAC equipment as is commonly located on the roofs of such buildings which would be more visible due to the variance if it had been granted. Also, the scaling of the sketch shows that if the variance is not granted, the buildings would not be visible at all.

The meeting ended at 10:15 p.m.

CHILI ZONING BOARD OF APPEALS

December 19, 2000

A meeting of the Chili Zoning Board of Appeals was held on December 19, 2000 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: Dan Melville, Gerry Hendrickson, Mary Sperr, Richard Perry, Michael Martin, Peter Widener 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: Before we begin, I was out Friday, the 15th. Just a few days ago. Signs. Application Number 1, Philip Geiger, Snap Dragon Circle, I saw no sign.

GERRY HENDRICKSON: No sign.

RICHARD PERRY: No sign. I was out the first time.

BEVERLY GRIEBEL: This is the umpteenth time.

LARRY SMITH: I would like to recommend that you deny this application with prejudice.

BEVERLY GRIEBEL: With prejudice. That means he can't reapply for the thing for one year, and it would mean he has to cease and desist the home office he has presently there.

LARRY SMITH: Correct.

BEVERLY GRIEBEL: Can I have a motion to that effect?

GERRY HENDRICKSON: I will make that motion.

MARY SPERR: Second.

BEVERLY GRIEBEL: Any discussion on that? Anyone not in agreement with that?

It is something we don't normally do, but this applicant gave us the same problem last year when he first applied. He didn't post the sign the first meeting; he didn't show up. Finally, he did it the second time. This is the third time this has been on the agenda. He has failed to post the signs and failed to appear for the public hearing. He has gotten letters in the mail that says these are things he must do to keep the application alive.

So ready to vote on it?

DECISION: Unanimously denied with prejudice by a vote of 7 no for the following reasons/findings of fact:

1. Applicant again failed to post the required property sign. This also occurred in October when the applicant, in addition, failed to appear for the public hearing.

Note: Applicant also requested that the application be tabled in November.

Note: Applicant to immediately cease operating the home office.

MR. GEIGER: May I speak?

BEVERLY GRIEBEL: Your name, please?

MR. GEIGER: Phil Geiger.

BEVERLY GRIEBEL: What would you like to say?

MR. GEIGER: I haven't been able to do it for some health reasons.

BEVERLY GRIEBEL: Pardon me?

MR. GEIGER: I had had health reasons and I have been out of town. This is the second notice at this time.

BEVERLY GRIEBEL: Well, this says in a letter -- I have a copy of the letter that was sent out to you from our last meeting, and it is dated December 4th. It says the application was tabled

CHILI ZONING BOARD OF APPEALS

December 19, 2000

at your request. It said, "Further the applicant" -- this is in capital letters, "applicant to obtain new sign at the Building Department to post and maintain as per Town regulations. Applicant must be present for the public hearing."

Is that not clear?

MR. GEIGER: No. It is correct. I have just had health problems and family problems. That is why I came tonight, to ask for one more postponement to post the sign.

BEVERLY GRIEBEL: Well, I think the decision has been made.

MARY SPERR: I think you can help yourself if you don't wait for the meeting, but do it in advance of the meeting.

MR. GEIGER: I called. They said to come in any way.

BEVERLY GRIEBEL: Well, I think this has gone on long enough back and forth without any -- any acknowledgment on your part that this is part of a process here. Having a business in a residential area is a privilege, it is not a right. And I think it is being over steed. I think the decision is made. I don't care to withdraw my vote on it.

MR. GEIGER: Can I ask a couple questions so it is clear to me?

Has there been anything improper as far as running the business? Have there been any complaints?

BEVERLY GRIEBEL: I don't know. We have not discussed it.

MR. GEIGER: It doesn't get to discussion --

MARY SPERR: It can't be heard, which means we don't have any discussion amongst ourselves.

MR. GEIGER: Even family health problems won't enter into it?

BEVERLY GRIEBEL: I think the decision has been made. Posting the sign and appearing at a public hearing is kind of simple to carry out.

MR. GEIGER: Regardless of health or family problems?

BEVERLY GRIEBEL: Regardless. So that operation will cease at your home.

MR. GEIGER: When can I reapply?

BEVERLY GRIEBEL: One year.

MR. GEIGER: One year.

Thank you for your time.

GERRY HENDRICKSON: I believe the excuse was given last month for his health.

BEVERLY GRIEBEL: It has gone on two years. If everyone else can comply with rather simple things that have to be done --

GERRY HENDRICKSON: Yes, but the word was he was going to have things set up, for health or something or out of town.

BEVERLY GRIEBEL: Whatever.

MARY SPERR: That is when you get help from someone to at least throw the sign up. That is what I was thinking.

BEVERLY GRIEBEL: Is not that difficult to do. There is a tree in the front yard. People tie the signs to a tree or whatever.

Any other signs that were a problem for anybody? Nobody had a problem.

MARY SPERR: I saw all of the rest. Everything else was great.

BEVERLY GRIEBEL: The one on Scottsville Road, I had to drive back and fourth a couple of times.

MARY SPERR: This is the first time I have actually pulled up and said, "Hey, there it is."

BEVERLY GRIEBEL: Sometimes it is hard with traffic and you're looking and the traffic is whizzing by.

MARY SPERR: It was by the white house. I got it the first time.

- Application of Michael Dey, owner; 2681 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for a home repairs business at property located at 2681 Chili Avenue in R-1-15 zone.

Michael Dey was present to represent the application.

CHILI ZEDANG BOARD OF APPEALS

December 19, 2000

MR. DEY: Michael Dey, D-e-y, 2681 Chili Avenue.

BEVERLY GRIEBEL: Now, you have had this business there since '97, and initially it was one year, and then three years.

MR. DEY: Correct.

BEVERLY GRIEBEL: I guess I will wait and see if any neighbors have come in to complain. I know in the past there were neighbors complaining about a lot of activity that was going on in the garage.

DAN MELVILLE: That was the first meeting.

BEVERLY GRIEBEL: You're not doing any of that any more in the garage?

MR. DEY: I remodeled my kitchen. That is the only time I recall. Actually, I worked on the house -- I put siding on the house, and just around my house. I don't --

BEVERLY GRIEBEL: I think when we renewed it, I think you had solved those initial problems that the neighbors --

MR. DEY: I asked to put it in the basement where I cut my wood. I just take it in the garage and down into the basement now. The only time -- I had to put the cabinets together for the kitchen and I was doing it in the garage because they were going in the kitchen in my house.

DAN MELVILLE: You were doing your own work in your own house?

MR. DEY: Yes. I did the kitchen three times.

PETER WIDENER: I had one question about depoting of your vehicles on the property.

MR. DEY: Doing what?

PETER WIDENER: Parking your vehicles. I notice here it says we have the conditions no on-premise advertising. And the trucks all have the writing on the side.

BEVERLY GRIEBEL: That is a peculiar -- that is exempted.

DAN MELVILLE: That is fine.

BEVERLY GRIEBEL: Right, Larry (Smith)?

LARRY SMITH: I have the "Town of Chili" on the side of my car sometimes.

BEVERLY GRIEBEL: It is a little bit different than putting a sign --

DAN MELVILLE: That is a motor vehicle.

GERRY HENDRICKSON: That is his transportation.

You didn't have any complaints, did you Larry (Smith)?

LARRY SMITH: Nothing outstanding, no.

BEVERLY GRIEBEL: Now, when I have been by there, I have seen a couple trucks with your business name on them.

MR. DEY: I had a van that I can use for the trailer when I use the trailer, but I have one of those box trucks, but you can't put a trailer on it, so I need the van because I can't see behind it. It is what they call a cube van. It is not safe when you're driving a trailer.

BEVERLY GRIEBEL: So that you have a choice of vehicles to use?

MR. DEY: Yes. I use it for tools. I have too many tools.

BEVERLY GRIEBEL: It says you don't have any outside employees working for you.

MR. DEY: Oh, no, self-employed. If I go on a job site, a couple times I use the labor pool if I need someone, but they go right to the site, right to the house where I was working. They come from Labor Ready, from the pool, directly to the site.

BEVERLY GRIEBEL: So the multiple trucks are because you need one vehicle at one time and one another --

MR. DEY: I do the yard work, and I use mostly the van. Oh, if I have to do paneling, items that have to be just slid it up the middle. I have a lot of shelves in the box vans on both sides that take up a lot of room, so the van has easy access, also with the trailer.

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 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.

CHILI ZEBANO BOARD OF APPEALS

December 19, 2000

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. The home office is a customary home occupation.
3. Application of Perna Homes, Inc., owner; 849 Paul Road, Rochester, New York 14624 for variance to allow a single-family dwelling (under construction) to be 28.7' from front lot line (30' req.) at property located at 7 Sothery Place in PRD zone.

Jim Perna was present to represent the application.

MR. PERNA: Good evening. I had a little error in my --

BEVERLY GRIEBEL: Give her your name.

MR. PERNA: James Perna, President of Perna Homes.

I had a little error when I laid out the house, so we ended up a little ahead of the lot line.

BEVERLY GRIEBEL: You don't want to cut off the front of the garage.

MR. PERNA: No.

BEVERLY GRIEBEL: It would make it kind of short. I think this is the first one in a long time from this development.

DAN MELVILLE: It has been quite a while.

MR. PERNA: We're almost done, Bev (Griebel).

BEVERLY GRIEBEL: It is almost done. How did you find the error? When the surveyor goes out, or somebody measures?

MR. PERNA: Yes. Usually what happens -- we started a precedent maybe 15 years ago, we started staking out the side line and the front line. We didn't have any problems. What happened was on this particular house, the -- we dug the thing on a Thursday. It had rained like the Dickens that day, so I wasn't there Friday. I took a long weekend, and we -- they had a mess on their hands and that is what happened.

The front line of the house, there is a stake with the front line. That should have been the garage. 1 foot, 8 inches back would have been the front line of the house.

GERRY HENDRICKSON: Short road.

BEVERLY GRIEBEL: Stretchy tape.

Keith O'Toole arrived to the meeting.

PETER WIDENER: With the layout of the house, it seems to fit right in. I have no questions.

RICHARD PERRY: I notice there is a lot a couple down that looks like you're getting ready to build on?

MR. PERNA: Where the trailer is, yes. That is our last one.

RICHARD PERRY: No problems with that one?

MR. PERNA: No.

BEVERLY GRIEBEL: Can't even take a day off.

MR. PERNA: It is something that happens, 1 out of 200 and something in there is not bad.

BEVERLY GRIEBEL: We get them from all of the tracts.

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 Mary Sperr seconded the motion. All Board members were in favor of the motion.

CHILI ZONING BOARD OF APPEALS

December 19, 2000

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

1. Applicant explained the mistake in measurements and need to complete home at present location.
4. Application of Tracy Dalykas, owner, 896 Chili Center Coldwater Road, Rochester, New York 14624 for renewal of conditional use permit to allow a kennel for four dogs at property located at 896 Chili Center Coldwater Road in R-1-12 zone.

Tracy Dalykas was present to represent the application.

MS. DALYKAS: Good evening. My name is Tracy Dalykas, D-a-l-y-k-a-s. I reside at 896 Chili Center Coldwater Road.

BEVERLY GRIEBEL: This is a renewal for the kennel. What kind of dogs do you have?

MS. DALYKAS: Chow-Chows. We don't have a kennel. They're just household pets.

We do not actively breed them or show them at this time.

BEVERLY GRIEBEL: And four is the number that you had all along?

MS. DALYKAS: No. We were at five. Our oldest one passed away about a year and a half ago.

BEVERLY GRIEBEL: So it is going to stay at four right now?

MS. DALYKAS: Maybe three. We have one that is getting up there in age, so...

DAN MELVILLE: You don't want any more than four?

MS. DALYKAS: No.

BEVERLY GRIEBEL: You won't increase it back to five?

MS. DALYKAS: Not at all.

LARRY SMITH: Original application was for five dogs. Are you ever going to go up to five again?

MS. DALYKAS: No, never.

LARRY SMITH: Can't handle five Chows.

MS. DALYKAS: No. We were at five for a long time, and four is manageable, and we were asked not to go back up to that level in the event that one became deceased.

MARY SPERR: That is what it says on the application.

MS. DALYKAS: We held true to that.

LARRY SMITH: I haven't had any problems or complaints on it. No problems.

BEVERLY GRIEBEL: I think originally you had moved out from somewhere else and you wanted to bring the dogs.

MS. DALYKAS: That's correct. We were unaware of the variance in Chili when we purchased the home, and -- we were successful.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

WILLIAM THOMAS, 890 Chili Center Coldwater Road

MR. THOMAS: William Thomas. I live next door.

BEVERLY GRIEBEL: What is the number of your home?

MR. THOMAS: 890. We have no problems.

BEVERLY GRIEBEL: They don't keep you awake?

MR. THOMAS: They are real good neighbors and we don't even know the dogs are there. They are never barking and all that stuff.

BEVERLY GRIEBEL: Good. Thank you.

Sounds like she has done a good job with them.

MS. DALYKAS: It is a team effort.

LARRY SMITH: I had a dog when I was a kid. Never barked until someone touched the property line. A little toe on the property line, they would bark.

MS. DALYKAS: We put fencing and all that up to contain them also, which is something they had not asked US to do, but we felt it was in the best interest of our dogs as well as the

CHILIZENING BOARD OF APPEALS  
December 19, 2000

neighborhood.

BEVERLY GRIEBEL: It is a busy street. If they got loose, it would be disaster.

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 7 yes with the following conditions:

1. No more than four dogs in kennel.
2. Area not to be used to breed other dogs.
3. As existing dogs expire, no dogs shall replace them (unless total number is two adult dogs, the Town allowance per code).
4. Granted for a period of five years.

The following findings of fact were cited:

1. Applicant has a large lot to accommodate dogs.
  2. Neighbors have no problem with dogs.
5. Application of Susan Wainwright, owner, 24 Dallas Drive, Rochester, New York 14624 for renewal of conditional use permit to allow a beauty shop in home at property located at 24 Dallas Drive in R-1-12 zone.

Susan Wainwright was present to represent the application.

MS. WAINWRIGHT: Hi. Susan Wainwright. 24 Dallas Drive is correct.

BEVERLY GRIEBEL: And you were here five years ago.

MS. WAINWRIGHT: No. One year ago. That was once before. At 10 Dallas.

BEVERLY GRIEBEL: I think they pulled out the wrong one then.

MS. WAINWRIGHT: Did they?

BEVERLY GRIEBEL: Because this goes back to '95.

MS. WAINWRIGHT: That was at 10 Dallas Drive.

BEVERLY GRIEBEL: Okay.

DAN MELVILLE: She is now at 24.

MS. WAINWRIGHT: Now at 24.

MARY SPERR: That is right.

BEVERLY GRIEBEL: Because they got the packet ready, and I was thinking you had been in last year. This one is addressed to you at 10 Dallas.

MS. WAINWRIGHT: Right. Then I didn't work at home for four years.

BEVERLY GRIEBEL: How has business been?

MS. WAINWRIGHT: Fine.

GERRY HENDRICKSON: The only question I had here, down in the corner there a little ways, it is nice and quiet.

MS. WAINWRIGHT: Yes. It is quieter down there.

GERRY HENDRICKSON: People find you all right down there?

MS. WAINWRIGHT: Yep, they do. Thanks.

DAN MELVILLE: Conditions from the last time are still okay?

MS. WAINWRIGHT: Yes. I got my State license for in-home and insurance liability.

DAN MELVILLE: That is all I have.

BEVERLY GRIEBEL: Larry (Smith), any problems?

LARRY SMITH: No problems.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHILI ZONING BOARD OF APPEALS  
December 19, 2000

UNIDENTIFIED NEIGHBOR: I'm in favor.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, 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 years.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Customers by appointment only.
5. No more than two customers at one time.
6. No outside employees.
7. Hours of operation as per application.
8. Applicant to maintain required State and local licenses.

The following findings of fact were cited:

1. The home hair salon is a customary home occupation.
  2. No change in the character of the neighborhood.
6. Application of Ronald DiChario, owner; 1260 Scottsville Road, Rochester, New York 14624 for variance to erect a four-story, 41,000 sq. ft. office building to be 50' high (35' allowed) at property located at 1300 Scottsville Road in G.B. zone.

No one was present to represent the application.

BEVERLY GRIEBEL: He must have been counting on the first applications taking a while. We fooled him once before.

LARRY SMITH: If you want, you can close it and reopen it after you deliberate the other ones.

BEVERLY GRIEBEL: Yes, we can just keep it open.

DAN MELVILLE: Keep the public hearing open and we'll deliberate.

BEVERLY GRIEBEL: Do you want to take a break?

DAN MELVILLE: No, don't even think about it.

BEVERLY GRIEBEL: Hopefully he will get here before the end of our meeting.

LARRY SMITH: If he doesn't, that is too bad.

BEVERLY GRIEBEL: Hopefully he will come.

Obviously we don't want to hold up construction of the building. This is a big project there.

DAN MELVILLE: If he is not here, the meeting starts at 7 o'clock.

BEVERLY GRIEBEL: Unless he is counting on the old time.

DAN MELVILLE: He can't count on that. It says it is 7 o'clock.

MR. DEY: Could someone call here if they were on the road or something?

BEVERLY GRIEBEL: No. Because the main switchboard closes at 5 o'clock, and it just goes to an answering machine. If you would know somebody's extension, if you knew they were working late --

LARRY SMITH: That is not true. There are only certain lines that are direct.

CHILI ZONING BOARD OF APPEALS  
December 19, 2000

BEVERLY GRIEBEL: I have left messages in the evening sometimes for people, but you can't really call in to see if somebody is here.

Ron DiChario was present to represent the application.

MR. DiCHARIO: My name is Ronald DiChario, and we're making an application to change the -- I think the Town allows 35 feet, and we're asking for 50 foot for our four-story office building, corporate headquarters. I have a rendering of the building over here on the Board.

BEVERLY GRIEBEL: It looks nice.

MR. DiCHARIO: Thank you.

We're going to utilize glass throughout the building on the sides and the front and back for -- to the tenants because of the airport visibility, and we're back from Scottsville Road off the Air Park Drive road, which is now going to be next to RG&E's corporate facility. So we don't front actually on Scottsville Road. We front on Air Park Drive.

And to our immediate rear is our property, then the Genesee River and then on the other side is Genesee Valley Park.

BEVERLY GRIEBEL: I hadn't seen a rendering of that before. This is going to be various tenants in it, or --

MR. DiCHARIO: Yeah. We're talking -- we're going to move our facilities back to the building, but we're also talking to several professional companies, like surveyors and engineers that are looking at taking space in the building, so we're trying to get that flavor of professional tenants inside that building also.

BEVERLY GRIEBEL: This did go for airport review, and it came back as a local matter, meaning we can have our discretion on it. I was concerned about fire fighting. I talked with the Assistant Fire Marshal, and he said Chili has one hook and ladder truck, and Gates has three. They have 100, 100-foot ladders, so he doesn't foresee that as being any problem.

MR. DiCHARIO: Of course this building will be fully sprinklered as is all of the other buildings we have done for the last ten years or so. We'll have -- I'm sure with the hydrants in the area, plus the sprinkler building, plus the Siamese connection, hopefully we'll be in good shape. And it is all basically all steel and masonry also, so there is very little combustibles.

BEVERLY GRIEBEL: That doesn't burn too well. That looks really good.

Now, the highest thing -- Larry (Smith), Empire Beef, is that at 40 feet?

LARRY SMITH: I don't have that at the tip of my tongue, Bev (Griebel). I don't know what height it is.

BEVERLY GRIEBEL: I know we gave them a variance for an excess height --

LARRY SMITH: I don't recall what it was.

BEVERLY GRIEBEL: Something like that.

MARY SPERR: There is another --

DAN MELVILLE: The tower, isn't that around 50 feet, too?

I was looking at elevations today, and the new line of coals they put down on Scottsville Road is close to the height of the building. It doesn't seem it --

LARRY SMITH: How far will the shadows be cast from your building?

BEVERLY GRIEBEL: When? You need sun.

MR. DiCHARIO: We won't have any more sun after we build the building.

LARRY SMITH: That was a big issue on the last building he talked about building. A neighbor didn't want the shadows of his building falling on his building.

BEVERLY GRIEBEL: A man that owns a neighboring property?

MR. DiCHARIO: I guess.

MARY SPERR: I was just kind of curious if it was taller than that because I can't judge height. Is it actually taller than the one past you, the office building with the glass in the front?

MR. DiCHARIO: No, honestly, I don't think it is. Actually we have trees and many things in the area that will be taller than this building. 50 feet is not very much any more with the things that are going on really.

BEVERLY GRIEBEL: The cell towers are up there, too.

LARRY SMITH: No problems.

CHILI ZENING BOARD OF APPEALS

December 19, 2000

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 Michael Martin seconded the motion. All Board members were in favor of the motion.

DAN MELVILLE: It looks like a great looking building as long as he doesn't allow any lawyers to go in there.

(Laughter.)

BEVERLY GRIEBEL: This went through the Planning Board, so I assume around it you have parking and all that.

MR. DiCHARIO: Yes. I have the site plan here, but it has already been approved by the Planning Board, all of the architectural on it and the landscaping, all that is done. Um, the last thing we're doing right now is just taking care of the storm water drainage.

BEVERLY GRIEBEL: It is only here for the height?

MR. DiCHARIO: For the height, right.

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

1. Applicant described need for height variance.
2. Remainder of plans already approved by the Planning Board.
3. Airport review expressed no height concerns.

The meeting ended at 7:45 p.m.