

A meeting of the Chili Zoning Board of Appeals was held on July 22, 2003 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

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

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

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

BEVERLY GRIEBEL: Before we begin, Number 13, the application of Pride Mark Homes for the proposed apartment development in North Chili, that is postponed at the applicant's request and will be heard at the August meeting, 8/26 at 7 o'clock. Is anyone here for that application?

No one responded.

BEVERLY GRIEBEL: Okay. I will announce it again a little later, too, because we will not hear anything on that this evening.

I was out on Sunday, the 13th, and on Number 10, Marilyn Holcomb on Christina Drive, there was a sign pole up on the yard, but the sign was off and in the grass and it was a corner lot, and there was no sign on the other corner. Did the Board --

GERRY HENDRICKSON: I was out on the 17th and everything was okay.

BEVERLY GRIEBEL: It was back up?

DAN MELVILLE: I was out last night and everything was up.

BEVERLY GRIEBEL: The house looked deserted. I don't know if they were away, it had blown down or what. Is everyone all right with that one?

The Board indicated they would hear that application.

BEVERLY GRIEBEL: Any other problems for anyone?

The Board indicated there were no other problems with notification signs.

1. Application of David Featherman, owner; 8 Rochelle Drive, Churchville, New York 14428 for variance to erect a 20' x 14' deck to be 38' from rear lot line (40' req.) at property located at 8 Rochelle Drive in R-1-15 zone.

BEVERLY GRIEBEL: This was held over from last meeting because we did not see you here then.

MR. FEATHERMAN: There was a little mix-up.

BEVERLY GRIEBEL: The deck is 38 feet -- 38 feet -- 40 feet required. Along the back property line you have a lot of trees.

MR. FEATHERMAN: Those are my neighbor's.

BEVERLY GRIEBEL: Those are your neighbor's?

MR. FEATHERMAN: Yes.

BEVERLY GRIEBEL: Can't tell who they belong to. It is a nice screen there.

MR. FEATHERMAN: Uh-huh.

RICHARD PERRY: You checked with your neighbor? There is no problem with it --

MR. FEATHERMAN: The neighbor to the west, she has a deck about the same distance and they didn't mind. The other people on the other side, they didn't mind.

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

1. Minimum variance.

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

2. Application of Anthony Cerretto, owner; 535 Westside Drive, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 30' x 50' detached garage to be 1,800 sq. ft. (900 sq. ft. allowed) at property located at 535 Westside Drive in R-1-20 zone.

Anthony Cerretto was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and came -- Dan (Kress) and the side table, what was the decision on that? They cut off all of the decisions.

DANIEL KRESS: I'm sorry. I didn't realize that was cut off on your copy.

BEVERLY GRIEBEL: Every one tonight.

DANIEL KRESS: It is marked local matter, so it has been referred back to the Board.

BEVERLY GRIEBEL: Are these copied too quickly that we never have the decision?

DANIEL KRESS: It may even be as simple as the copy that we get is --

BEVERLY GRIEBEL: Cut off?

DANIEL KRESS: -- is a copy itself, and every time it is fed into the machine it slips down a bit, so perhaps I will start putting them in bottom side up to see if it helps.

BEVERLY GRIEBEL: Thanks.

This is a garage that is already built?

MR. CERRETTO: Yes. The one on the map here? The existing garage?

BEVERLY GRIEBEL: Well, you're asking for --

MR. CERRETTO: There is an existing garage --

BEVERLY GRIEBEL: Existing garage.

MR. CERRETTO: -- on my property, not attached to the house, unattached. What I was looking for is knocking that down and rebuilding a bigger one.

BEVERLY GRIEBEL: Okay. That is the one that is set back in the yard?

MR. CERRETTO: Yes.

BEVERLY GRIEBEL: So it is not built right now? You want to take down what is there?

MR. CERRETTO: Right. There is one there. There is a block garage and a covered concrete area and I want to knock that down and build a new garage.

DAN MELVILLE: It has on here 1800 square feet. Now, you said the existing garage is coming down?

MR. CERRETTO: Yes.

BEVERLY GRIEBEL: There is a garage attached to the house also.

DAN MELVILLE: Oh, okay. That is right. So that includes that square footage.

MR. CERRETTO: I think it is about 300 square feet, that garage.

DAN MELVILLE: That is how we came up with the 1800.

BEVERLY GRIEBEL: So that is going to stay attached to the house.

MR. CERRETTO: Yes.

BEVERLY GRIEBEL: You want a bigger one?

MR. CERRETTO: Yes.

BEVERLY GRIEBEL: What will you put in there?

MR. CERRETTO: I have vehicles, truck, boat, car. My wife and my stepson, we have some vehicles. I have some trucks.

BEVERLY GRIEBEL: I saw a dump truck there.

MR. CERRETTO: Yes. I have a truck and a trailer, a dump truck.

BEVERLY GRIEBEL: Are you in business there?

MR. CERRETTO: I have a small business, yeah.

BEVERLY GRIEBEL: What kind of business is that?

MR. CERRETTO: I'm in the landscaping business. I do landscaping. I'm a small businessman, hands-on.

BEVERLY GRIEBEL: Okay. How long have you done business out of that place?

MR. CERRETTO: Out of that place, I have been there -- let's see, for about a year and a half now. I'm new in Chili. Me and my wife just moved here about a year, year and a half ago.

BEVERLY GRIEBEL: How many people are in the business? Is it you or --

MR. CERRETTO: Just me.

BEVERLY GRIEBEL: Just you?

MR. CERRETTO: Yes.

BEVERLY GRIEBEL: Side table, does this raise another issue that needs to come back here?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: Okay. This is in a residential area.

MR. CERRETTO: Okay.

BEVERLY GRIEBEL: So -- well, you need to apply -- as you applied for this, you need to apply to have a home office.

MR. CERRETTO: Oh, you do?

BEVERLY GRIEBEL: But the dump trucks and all of that, I don't know -- what happens to all that, Counselor?

KEITH O'TOOLE: What other equipment related to the business do you have located on site?

MR. CERRETTO: I have two pickup trucks. I have a trailer. I have a small little tractor. I have a hydroseeder, a little small 300-gallon tank.

KEITH O'TOOLE: Do you have seasonal help?

MR. CERRETTO: I have a helper, seasonal, yeah.

KEITH O'TOOLE: Okay.

BEVERLY GRIEBEL: Was there a dump truck? Is that part of your equipment?

MR. CERRETTO: There is a small six-wheeler dump truck there.

RICHARD PERRY: Contractor's dump?

MR. CERRETTO: Just a small -- yeah.

RICHARD PERRY: So probably one ton?

MR. CERRETTO: 25,000 gross vehicle weight.

RICHARD PERRY: It is medium.

MR. CERRETTO: It is medium heavy-duty.

BEVERLY GRIEBEL: It looked big when I looked back there.

PETER WIDENER: Your pickup trucks don't have dumps on them?

MR. CERRETTO: No. I have a Dodge Dakota. It is a mid-size truck, and a full-size Chevy truck with a plow on it. I'm a small business owner, and --

PETER WIDENER: Snowplowing in the winter?

MR. CERRETTO: I snowplow in the winter, yep.

PETER WIDENER: Does your small business have a d/b/a?

MR. CERRETTO: Um, yeah. Yes, it does.

PETER WIDENER: Is it registered to that address?

MR. CERRETTO: I don't think that the original d/b/a is itself. I don't think that is, no. Not to that -- it would be my parents'.

DAN MELVILLE: Were you in business before you moved to Chili?

MR. CERRETTO: Yes, out of my parents' house. A d/b/a is probably still there, 900 Hinckley Road.

BEVERLY GRIEBEL: Well, I guess you're saying you need this larger garage to put a lot of this equipment under cover?

MR. CERRETTO: Yes. You know, to keep it under cover and out of the way.

BEVERLY GRIEBEL: Including the dump truck?

MR. CERRETTO: Especially the dump truck.

BEVERLY GRIEBEL: Well, you need to come back before this Board and apply for this home business.

MR. CERRETTO: Okay.

BEVERLY GRIEBEL: And my thinking is that if that is not approved for that site, then you don't need the bigger garage; is that correct?

MR. CERRETTO: Um, I guess not, no.

DENNIS SCHULMERICH: Is there a way to table this and do them both at the same time?

MR. CERRETTO: I have one concern. I don't know if -- we have applied for a mortgage, and I'm in the middle of closing on a mortgage. If I am not going to be able to do this, I will not be able to get the mortgage. So should I postpone the mortgage off to the following --

BEVERLY GRIEBEL: I don't know. But now you have been there for a year and a half. And you have been doing business there in a residential area without checking with the Town. So I know that is a quandary. When are you supposed to close -- before the rates go up?

MR. CERRETTO: That is why we were going to close on Thursday.

BEVERLY GRIEBEL: So presently you don't own the house?

MR. CERRETTO: We bought the house. We own it. We're just --

DAN MELVILLE: Refinancing.

MR. CERRETTO: I am refinancing. If it is not going to happen, we don't want to refinance, you know what I am saying?

BEVERLY GRIEBEL: Well --

DAN MELVILLE: Why wouldn't you want to refinance anyway?

MR. CERRETTO: We're borrowing the money -- we're getting money out of the mortgage to borrow money --

DAN MELVILLE: You're taking money out of it then?

MR. CERRETTO: Yes. We're getting more money, but if I can't get the zoning or any of that, there is no sense in me doing that. That is just a concern of mine. What I should do with that?

KEITH O'TOOLE: I think the gentleman should speak to his attorney in terms of answering that question.

BEVERLY GRIEBEL: Yeah. That is something we really couldn't advise you on. Our next meeting is August 26th. The application deadline is July 25th. That would be Friday.

MR. CERRETTO: Okay. So I have to apply for the application?

DAN MELVILLE: You would have to get down here by Friday.

MR. CERRETTO: Then that would go to the next meeting?

DAN MELVILLE: That would be the August meeting then.

RICHARD PERRY: Combined with this.

BEVERLY GRIEBEL: But you need to talk to your attorney and do it in the next couple of days.

MR. CERRETTO: What should I ask him?

BEVERLY GRIEBEL: You need to ask him about the mortgage and all of that. We can't advise whether you should go ahead with the refinancing with all of this in question.

MR. CERRETTO: Okay.

BEVERLY GRIEBEL: August 26th is the next meeting. Application deadline is noon this Friday.

MR. CERRETTO: Will this continue over to that, if I was to apply for that?

BEVERLY GRIEBEL: Well, we have to vote on it.

DAN MELVILLE: We have to vote to table this, and then we can hear them both.

BEVERLY GRIEBEL: If you miss the noon time Friday, the next meeting is September 23rd.

MR. CERRETTO: Okay.

BEVERLY GRIEBEL: And the closing for the applications is Friday, August 22nd, at noon.

MR. CERRETTO: Okay.

BEVERLY GRIEBEL: So you have a lot to do between now and Friday. A lot to think about.

MR. CERRETTO: Okay.

DENNIS SCHULMERICH: Do you understand why we're tabling it?

MR. CERRETTO: Yes.

DENNIS SCHULMERICH: Or why we have recommended the tabling?

MR. CERRETTO: Yes.

DENNIS SCHULMERICH: It would be difficult for us to approve a variance for what is known to be a business without there having been a variance for the business to be there.

MR. CERRETTO: I see what you're saying. Okay. All right.

DAN MELVILLE: If we're going to table it, we'll save everything until next month.

BEVERLY GRIEBEL: Counsel, is that the best thing to do, to table this?

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: And then let him decide what he wants to do.

DENNIS SCHULMERICH: Do we need a motion to table?

BEVERLY GRIEBEL: We can do that now.

GERRY HENDRICKSON: I make a motion to table it until the next meeting.

DENNIS SCHULMERICH: Second it.

BEVERLY GRIEBEL: August 26th. Okay. Any discussion on that?

DECISION: Unanimously tabled by a vote of 6 yes for the following reason/finding of fact having been cited:

1. Applicant needs to apply for other use of the property as discussed at the meeting.

BEVERLY GRIEBEL: Has anyone come in that is here for Application 13, the apartments in North Chili?

No one responded.

BEVERLY GRIEBEL: That application will not be heard tonight.

3. Application of Peter Tamoutselis, owner; 351 Stottle Road, Scottsville, New York 14546 for variance to allow existing dwelling to be 49.7' from side lot line (50' req.) at property located at 351 Stottle Road in PRD zone.

Peter Tamoutselis was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and was this a local matter also?

DANIEL KRESS: That is correct.

BEVERLY GRIEBEL: Thank you. Hello.

MR. TAMOUTSELIS: Hi.

BEVERLY GRIEBEL: So it somehow missed a few inches.

MR. TAMOUTSELIS: Probably the mason who did the basement, he no figure it out. I don't know how it happened.

BEVERLY GRIEBEL: It is pretty hard to move the house once it is built. That is a beautiful house back there.

MR. TAMOUTSELIS: Thank you.

BEVERLY GRIEBEL: Really nice looking.

GERRY HENDRICKSON: The rubber rulers do it every time.

BEVERLY GRIEBEL: Stretchy tape or something.

DENNIS SCHULMERICH: How long has the structure been -- is it a new house?

MR. TAMOUTSELIS: Yes.

DENNIS SCHULMERICH: Very recent, okay. Who was the builder?

MR. TAMOUTSELIS: I did actually. Charlie Brown did the basement.

BEVERLY GRIEBEL: Dan (Kress), on most of these tonight, or a lot of them, Number 11 is not answered, the interest disclosure. Now, for the application, does any officer of the State, County or Town have any interest in this application?

KEITH O'TOOLE: Do you work for the government, sir?

MR. TAMOUTSELIS: No.

KEITH O'TOOLE: Thank you.

DENNIS SCHULMERICH: That's a 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 Dennis Schulmerich seconded the motion. All Board members were in favor of the motion.

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

1. Minimum variance.
4. Application of Douglas Tobey, owner; 90 Battle Green Drive, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for a contracting business at property located at 90 Battle Green Drive in R-1-15 zone.

Douglas Tobey was present to represent the application.

BEVERLY GRIEBEL: I couldn't believe it has been a year.

MR. TOBEY: It goes fast.

BEVERLY GRIEBEL: Do you work for any one of these government agencies?

MR. TOBEY: No.

BEVERLY GRIEBEL: How has business been?

MR. TOBEY: Little slow this winter.

BEVERLY GRIEBEL: Too snowy. Questions, Dan (Melville)?

DAN MELVILLE: Do you have people come to your house?

MR. TOBEY: Nobody comes to the house.

DAN MELVILLE: Just basically using it as an office.

MR. TOBEY: All I do is drive in the driveway.

RICHARD PERRY: Dan (Kress), I would assume no complaints from the neighbors?

DANIEL KRESS: None that I'm aware of.

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 Dennis Schulmerich seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following 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. Two outside employees allowed to work for this business (employees to report directly to work site and not this address).

The following finding of fact was cited:

1. The home office is a customary home occupation.
5. Application of Scott Chapin, 686 Marshall Road, Rochester, New York 14624, property owner: Mary Gudonis; for renewal of conditional use permit to allow a home improvement business in home at property located at 686 Marshall Road in R-1-12 zone.

Scott Chapin was present to represent the application.

BEVERLY GRIEBEL: Do you work for the government?

MR. CHAPIN: No.

BEVERLY GRIEBEL: And this was renewed -- it was -- in 1998 it was renewed. How has business been?

MR. CHAPIN: Pretty good. Pretty good.

BEVERLY GRIEBEL: The front of your house is lovely.

MR. CHAPIN: Didn't it come out nice?

RICHARD PERRY: Yes, very nice job.

BEVERLY GRIEBEL: It was beautiful. I was parking there looking at it.

MR. CHAPIN: Thank you. We put a lot of work into it.

BEVERLY GRIEBEL: It shows.

MR. CHAPIN: Thank you.

DAN MELVILLE: Do you have any customers come to your home at all?

MR. CHAPIN: Just one. I had a lady come to see the work I did on my addition, and just to show her some of the woodworking I have done, but other than that, no.

DAN MELVILLE: Have there been any problems over there?

DANIEL KRESS: No.

PETER WIDENER: Are you asking for a granted period of five years again?

MR. CHAPIN: Yes, please.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GARY TEDDY

MR. TEDDY: I have a question. Gary Teddy. I am a neighbor, next-door neighbor. I'm not speaking against or anything, but I was just trying to understand the limitations of the conditional use permit.

BEVERLY GRIEBEL: Well, the conditions that he had before -- I will read those. It was granted in March of '98. Granted for a period of five years. No on-premises advertising. No on-street parking pertaining to the business. The hours of operation per the application, and he has no outside employees. He doesn't dispatch workers from his house.

MR. TEDDY: Okay. So just like building stuff there and that kind of stuff?

BEVERLY GRIEBEL: Right. You wouldn't know anything is going on. He has essentially an office there and a filing cabinet.

MR. CHAPIN: Basically, and a desk.

MR. TEDDY: I missed the first application. I just didn't understand what it was.

BEVERLY GRIEBEL: Does that answer your question?

MR. TEDDY: Yes.

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 6 yes with the following conditions:

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

The following finding of fact was cited:

1. The home office is a customary home occupation.
6. Application of Leonard Fina, owner; 35 Berna Lane, Rochester, New York 14624 for variance to erect a 12' x 15' utility shed to be 5' from garage (8' req.) at property located at 35 Berna Lane in R-1-20 zone.

Leonard Fina was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and I think I see half a check for local matter.

DANIEL KRESS: Local matter.

BEVERLY GRIEBEL: Now, this is already built; is that correct?

MR. FINA: Yes.

BEVERLY GRIEBEL: How long has it been up?

MR. FINA: Probably two and a half, three months. I just replaced a shed -- I believe you have a drawing.

PETER WIDENER: It is a new shed.

MR. FINA: You should have a letter from my neighbor that is next-door.

BEVERLY GRIEBEL: Right. There is a letter from Robert and Cindy White on 33 Berna Lane that live next-door, closest neighbors to the shed recently built behind the garage. The owners before you also had a shed in that location. They didn't object to the prior shed and don't object to the new shed.

DAN MELVILLE: Is that in the same location?

MR. FINA: Yes.

RICHARD PERRY: The old one was how old?

MR. FINA: Well, we have been in the house -- it will be seven years September.

RICHARD PERRY: So if it was 5 feet -- if it was not preexisting, nonconforming, then it must have -- or if they purchased the house then, they had to have come under scrutiny.

BEVERLY GRIEBEL: Most likely.

RICHARD PERRY: There must have been a variance before.

DAN MELVILLE: But because he tore it down and replaced it, he has to come back.

RICHARD PERRY: Understood.

DAN MELVILLE: Yes. I don't see a problem.

BEVERLY GRIEBEL: If you went out further, you would start to interfere with the line of that tree.

MR. FINA: Oh, yeah. The drip line and the shed are pretty close right now.

BEVERLY GRIEBEL: It could be difficult.

PETER WIDENER: I'm a little concerned what you will put in it only for fire purposes.

MR. FINA: What I am going to put in it? A lawn tractor, a roller. De-thatcher --

PETER WIDENER: Small equipment?

MR. FINA: Wheelbarrow, yes. I'm retired.

DAN MELVILLE: Same kind of stuff you would put in your garage.

PETER WIDENER: Sounds good. Okay. Thanks.

DENNIS SCHULMERICH: The diagram shows an old shed and dimension to it. It looks like you went to a larger shed?

MR. FINA: Yes, the new one is 12 by 15. I believe the old one was 10 by 12 or 8 by 10, something like that.

DENNIS SCHULMERICH: So now not quite as big a difference than what is shown on the diagram. It looked like a small shed to a large shed. Is this one-story or two?

MR. FINA: Just one.

DENNIS SCHULMERICH: Any electric in the shed?

MR. FINA: No. I have a picture of it if you would like to see a picture.

DENNIS SCHULMERICH: No. That sounds fine.

BEVERLY GRIEBEL: Do you work for anyone in the government agencies?

MR. FINA: No.

RICHARD PERRY: He said he is retired.

MR. FINA: I'm retired.

DENNIS SCHULMERICH: That doesn't mean he doesn't work for the government; ha, ha.

RICHARD PERRY: If he is CIA, he won't tell us anyhow.

DAN MELVILLE: Actually, we all work for the government, every time they take the tax out of our check.

(Laughter.)

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 Dennis Schulmerich seconded the motion. All Board members were in favor of the motion.

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

1. Replaces and enlarges the prior shed space.
2. Shed is already built.

Note: A building permit is required for this shed.

7. Application of Carl Boe, owner; 2167 Westside Drive, Rochester, New York 14624 for variance to allow existing garage to be 7.8' from side lot line (8' previously approved), variance to allow existing utility shed to be 5 1/2' from side lot line (8' req.) at property located at 2167 Westside Drive in R-1-15 zone.

Carl Boe was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and it is a half a check for local matter.

This is in an area of homes that had been there for quite a while, I guess.

MR. BOE: Yes. I actually have sold the property and as part of condition of selling the property I was asked to apply for this area variance. I lived there for ten years, and the shed and the garage, of course, were existing there. I believe that the garage got a little closer when I put vinyl -- resided the house, so we got a little closer. Maybe with some extra detailing on the siding that we did we got a little closer. I don't know if the original one was actually 8 feet. I didn't measure it.

The shed looks to be in excess of 20 years old. So the hardship in that case is I don't believe it would survive a move.

BEVERLY GRIEBEL: Probably not.

MR. BOE: So I did paint the shed before we sold the property, so it looks okay on the outside, but I don't think structurally it could handle the move.

BEVERLY GRIEBEL: I think they seldom move very well, especially after a few years. Obviously you can't move a garage. How long has the house been there?

MR. BOE: I forgot. I think it was in the '40s when it was built. So the garage I believe is original. It wasn't always attached, but there is now a porch attaching the two. That was done by a previous owner. Actually, we bought it in the state it is now, so I do not know when actually everything was put up.

DAN MELVILLE: How long have you lived there?

MR. BOE: I was there for ten years. I believe the previous owner was there for at least six, and they bought the house with the shed on the property.

DAN MELVILLE: I'm surprised that was not caught on an instrument survey.

BEVERLY GRIEBEL: I don't know why. It kind of should have been.

MR. BOE: It was shown. It was shown on the existing survey when we purchased it. It must just have been that our lawyer wasn't too worried about getting the area variance from the people we bought it from, so it has just kind of moved down now.

BEVERLY GRIEBEL: For two-tenths of a foot, yours went through.

MR. BOE: The garage could have been affected when we resided the house. I put aluminum up, insulation and siding, so it may have gotten closer.

BEVERLY GRIEBEL: Did you put that on the garage, too?

MR. BOE: I'm sorry?

BEVERLY GRIEBEL: Did you put the vinyl siding on the garage?

MR. BOE: Yes, the entire house.

BEVERLY GRIEBEL: So that may have pushed it out a couple more inches.

MR. BOE: Yes.

RICHARD PERRY: That is pretty thick.

MR. BOE: I don't know if the original one was -- I would tend to say either there was something different in the survey between all those years, or --

BEVERLY GRIEBEL: Right. One part of it is okay, and the back corner is not, so --

MR. BOE: Of course, we do have, what, aluminum siding was put over another siding and now I put vinyl siding. I don't know what is all underneath everything. I don't know if everything was torn off.

DENNIS SCHULMERICH: You are approaching the lot line one layer at a time.

MR. BOE: I should introduce the new homeowner, Margaret Meeton (phonetic).

RICHARD PERRY: It is probably the earthquake that moved it.

DAN MELVILLE: You know, they do move. At least that is what the builders tell us, that the houses move by themselves.

(Laughter.)

BEVERLY GRIEBEL: They settle in.

RICHARD PERRY: Funny how they do it for some builders more than they do it for others.

(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

1. Pre-existing property.
 2. Minimum variance for the garage.
 3. Shed is too old to move without damage.
8. Application of Stephen Vaccaro, owner; c/o Timothy Johnson, 154 Coleman Avenue, Spencerport, New York 14559 for variance to erect a 12' x 14' addition to house to be 41' from side lot line (60' req. abutting a street) at property located at 775 Westside Drive in R-1-20 zone.

Stephen Vaccaro was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and we have half a check for local matter. So it looks all right.

It is the old corner lot problem.

MR. VACCARO: Yes.

DENNIS SCHULMERICH: With an angled road.

BEVERLY GRIEBEL: We see that a lot. Now, there is a porch or a deck there?

MR. VACCARO: Yes, there is.

BEVERLY GRIEBEL: That going to stay?

MR. VACCARO: Yes, ma'am.

BEVERLY GRIEBEL: And then the addition will be between that deck and Westside Drive?

MR. VACCARO: It -- there, yes. Not between the Westside Drive. That was my mistake.

This is the first time I filled out paperwork for a variance. Actually, the addition will go towards Chestnut Drive. It will not go towards Westside Drive at all.

BEVERLY GRIEBEL: Yes. It will go out there, but it is forward of the deck. The deck is --

MR. VACCARO: Yes, ma'am.

BEVERLY GRIEBEL: Is it going out to the edge of your driveway now?

MR. VACCARO: To the existing circular driveway, yes.

DENNIS SCHULMERICH: Structure of the addition, the siding will match the existing siding?

MR. VACCARO: Everything to match the existing, yes, sir.

DAN MELVILLE: I just have a question. Is that addition even with your house?

MR. VACCARO: With the front of the house? No, sir. There will be about a 4-inch back set from the front of the house.

DAN MELVILLE: It is showing here 53.5 feet on that one corner.

MR. VACCARO: That is the original tape map, sir. That is from the original house. So the addition will actually be 53.8 or 10 feet. It will be another 4 inches from Westside Drive.

BEVERLY GRIEBEL: 4 inches back?

MR. VACCARO: Yes.

DAN MELVILLE: All right. Because it says here the addition will be 41 feet from the side lot line.

MR. VACCARO: That was my mistake when I filled out the paperwork. It should be 44 feet from Chestnut Drive, not from Westside. The --

DAN MELVILLE: 44 feet.

MR. VACCARO: 44.8. That was my mistake, and when I was filling out the paperwork, it was towards Westside Drive and it should have been going towards Chestnut.

BEVERLY GRIEBEL: Erected to be 41 feet from the side lot line.

MR. VACCARO: As I said, that 41 foot was from Westside Drive. This was my mistake.

DENNIS SCHULMERICH: What do we want that to be?

RICHARD PERRY: 44.8 feet.

BEVERLY GRIEBEL: It says to the side lot, which would be --

MR. VACCARO: Chestnut Drive.

BEVERLY GRIEBEL: It would be on Chestnut Drive. One corner, the front corner is 41.8 and the back corner is 44.8, so I guess that the -- the application was advertised all right.

DENNIS SCHULMERICH: Is the map correct?

MR. VACCARO: The original map is correct.

DENNIS SCHULMERICH: So when we see 41.8 from the front corner or the addition -- the reason this is important is if we change it up to 44 and then the front corner is 41.8, you have a variance for 44 and you're in violation of the variance. So we need to --

BEVERLY GRIEBEL: You would have to slice off the front.

DENNIS SCHULMERICH: That is why we're asking the question. Is the front corner 41.8 reasonably accurate from what you know, or is this a mistake?

BEVERLY GRIEBEL: Now, it says 41 feet. I guess they gave you a little leeway in there.

MR. VACCARO: When the lady helped me fill it out, It was more of an approximate, not an exact mathematical.

DENNIS SCHULMERICH: You better leave it at 41.

RICHARD PERRY: Leaves you room for error.

DENNIS SCHULMERICH: The last thing you want to do is put it up and find out you missed it by 3 inches. In case the house settles. Or you put siding.

BEVERLY GRIEBEL: If you put siding on it, it will go a little further.

I guess they decided that when you filled out the application, we'll have it at 41 and then you will have a little leeway in there, so you won't have to come back and make another application.

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

1. Corner lot setback problems.
2. Neighbors apparently have no objections to the project.

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

9. Application of Dennis Norman, owner; 2217 Westside Drive, Rochester, New York 14624 for variance to erect a 28' x 24' two-story detached garage to be a total of 1,344 sq. ft. (900 sq. ft. allowed) at property located at 2217 Westside Drive in R-1-15 zone.

Dennis Norman and Douglas Tobey were present to represent application.

BEVERLY GRIEBEL: This went to Monroe County Planning and was this a local matter, Dan (Kress)?

DANIEL KRESS: Yes.

BEVERLY GRIEBEL: Do you work for any government agency?

MR. NORMAN: No, I don't.

BEVERLY GRIEBEL: A lot of people miss that question.

A garage with a lot of storage. What are you going to be putting in the garage?

MR. NORMAN: Um, basically two cars. It is a two-car garage with work space. The above space would be used for storage like books and just clothes.

BEVERLY GRIEBEL: Out of season stuff?

MR. NORMAN: Yeah.

BEVERLY GRIEBEL: Now, you don't have a regular garage on the house now?

MR. NORMAN: No.

BEVERLY GRIEBEL: No garage.

DAN MELVILLE: So you will put a concrete floor in the garage?

MR. NORMAN: Yes.

DAN MELVILLE: You will not use the upper level for any kind of living space?

MR. NORMAN: No.

RICHARD PERRY: You mentioned using it for a work area, not for business or anything other than for taking care of your own equipment?

MR. NORMAN: Right. That is it. You know, workbench.

RICHARD PERRY: I assume there will be electricity to the garage and --

MR. NORMAN: Yes, there will.

PETER WIDENER: Will you have a driveway going to the garage?

MR. NORMAN: Yes.

PETER WIDENER: What will be the height of the two stories?

MR. NORMAN: 21 --

MR. TOBEY: Just under 22 feet. It will be a 12/12 pitch. The plans, we had to have them redrawn, but they're in the Building Department.

DENNIS SCHULMERICH: So you have already addressed that problem?

MR. TOBEY: Yes.

RICHARD PERRY: It will be taller --

MR. TOBEY: It sets down in. If you look at the lay of the property, it sets down and won't be higher than the existing house.

PETER WIDENER: Your side line set is 12 foot?

MR. TOBEY: Probably 11 by the time we're done.

BEVERLY GRIEBEL: I guess this is going to be your builder?

MR. NORMAN: Yes, he is.

BEVERLY GRIEBEL: Any structure cannot be higher than the house. But yours is a split level, so there are two levels anyhow.

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 Dennis Schulmerich seconded the motion. All Board members were in favor of the motion.

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

1. Applicant doesn't presently have a garage.
2. Second level will be used for storage.

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

10. Application of Marilyn Holcomb, owner; 70 Christina Drive, North Chili, New York 14514 for variance to erect a gas fireplace unit to be 39' from side lot line (40' req. abutting a street) at property located at 70 Christina Drive in R-1-15 zone.

Marilyn Holcomb was present to represent the application.

BEVERLY GRIEBEL: Well, this bump-out is -- what is it, 2 feet?

MS. HOLCOMB: Yes.

DAN MELVILLE: Boy, they had that house very close to the line.

RICHARD PERRY: Settling again.

PETER WIDENER: What type of gas is it going to be?

MS. HOLCOMB: Natural gas. The gas line was run when I built the house.

PETER WIDENER: So the line is already there?

MS. HOLCOMB: Yes.

PETER WIDENER: Not propane?

MS. HOLCOMB: No.

DENNIS SCHULMERICH: Does the 39 foot give you the buffer you need for the addition of the fireplace? You may have heard the question earlier, that if you're 38 foot 11 and 3/4 inches, you need another variance.

MS. HOLCOMB: I started getting nervous when we talked about siding, because it will be sided the same color as the house. I was afraid it would put me over the limit.

RICHARD PERRY: Maybe it should be amended to 38 1/2 or 38.

DAN MELVILLE: 38 or something just to --

DENNIS SCHULMERICH: Just to give -- not that we want to see a 3-foot fireplace.

MS. HOLCOMB: No, it wouldn't.

RICHARD PERRY: But with an extra coat of paint on it, you might wind up in violation.

(Laughter.)

DENNIS SCHULMERICH: It looks like it is almost to the inch at this point.

BEVERLY GRIEBEL: Yes. Because the house sits at 41.2. 40 feet is required. I don't know if these are exactly 2 feet out or if they're --

MS. HOLCOMB: I think the actual construction would be 2 feet, and then if you added the siding --

DAN MELVILLE: Will there be a little roof over that, too?

MS. HOLCOMB: Yes.

DENNIS SCHULMERICH: That will have an overhang, a drip edge. Who mentioned 38 over there?

DAN MELVILLE: I did.

DENNIS SCHULMERICH: That seems prudent to do something like that. If you're okay with that.

RICHARD PERRY: Sure.

BEVERLY GRIEBEL: Then we don't have to have you back in here again.

DENNIS SCHULMERICH: Are you okay if we give you another foot?

MS. HOLCOMB: Absolutely.

BEVERLY GRIEBEL: Counsel, is that okay for us to do?

KEITH O'TOOLE: Works for me.

BEVERLY GRIEBEL: So amended to be 38 feet.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

1. Minimum variance.
2. Fireplace will enhance the interior ambiance.

Note: A building permit is required prior to the placement of this fireplace unit.

11. Application of Geno Baird, owner; 68 Union Station Road, North Chili, New York 14514 for variance to allow existing dwelling to be 39.2' from front lot line (40' req.), variance to erect a 34' x 15' deck to be 23 1/2' from rear lot line (40' req.) at property located at 68 Union Station Road in PRD zone.

Geno Baird was present to represent the application.

BEVERLY GRIEBEL: You're living in the house now?

MR. BAIRD: That's correct. If I may, also in the area variance when I applied was also to correct the back of the house, as well, which wasn't mentioned.

From the back of my house to the property line is only 38.5 feet. I need an area variance to build the deck off the house. The house is in code violation, as well.

BEVERLY GRIEBEL: Okay. It is on your application?

DENNIS SCHULMERICH: If it is not on here, how do we handle that?

BEVERLY GRIEBEL: It is definitely on here. For deck to be 23 1/2 feet, so -- I don't know if they considered the whole house. Should that have been in this application, Counsel?

KEITH O'TOOLE: We're double checking.

BEVERLY GRIEBEL: Now you do have the deck variance request, which is much further in that setback area.

MR. BAIRD: Okay.

BEVERLY GRIEBEL: Interesting deck shape.

MR. BAIRD: Yes. I have had some design upgrades that I brought along, so if I get the variance approved, I can apply for my deck permit.

BEVERLY GRIEBEL: It won't go out any further, project any more?

MR. BAIRD: No.

DENNIS SCHULMERICH: Is there an easement for green space in the rear of the property?

MR. BAIRD: Right now it is an empty lot. There is a fence up separating us and the lot behind me.

DENNIS SCHULMERICH: If I am interpreting this property properly, it looks like we're looking for a variance for the front of the house, a variance for the deck and possibly a variance for the back of the house. Is that where we are?

BEVERLY GRIEBEL: Yes.

DENNIS SCHULMERICH: The side is right. One is right.

MR. BAIRD: The sides are okay, yes.

DENNIS SCHULMERICH: Who is the builder?

MR. BAIRD: Jim Howarth.

BEVERLY GRIEBEL: It looks like there is a little out pouch there in the back.

MR. BAIRD: That is a gas fireplace.

BEVERLY GRIEBEL: That is a fireplace?

MR. BAIRD: Yes.

BEVERLY GRIEBEL: Does that put it under the 40 foot? Is this what did it?

MR. BAIRD: No. I'm sorry. That was the side of the house that I was referring to. Um, yes, it is that 2-foot bum- out that put the house in violation.

BEVERLY GRIEBEL: Okay.

KEITH O'TOOLE: Madam Chairwoman, we checked the rest of the development. I think the legal notice is adequate to advertise everything.

BEVERLY GRIEBEL: Because he is asking for additional in the back, so that kind of covers anyone's concerns, I guess, if they have any concerns about that. I'm not sure why it didn't get on, but we don't have to have you come back again according to our legal counsel.

DENNIS SCHULMERICH: I have one question that is related to what I see to be a penciled in diagram of the deck. It looks like it is projecting out to the side yard, as well.

MR. BAIRD: That is correct.

DENNIS SCHULMERICH: And that would -- looks like the projection would clearly take that under 40 feet from the side lot line. Is that --

BEVERLY GRIEBEL: But that would be 8 foot on that side.

DENNIS SCHULMERICH: How far is he planning on coming over with the deck? I understand that.

MR. BAIRD: I have it right here. Extending from the side of the house is 13 feet 5 inches, which would tie into the pool.

DENNIS SCHULMERICH: Okay. So there is a pool in the back?

MR. BAIRD: Yes.

DENNIS SCHULMERICH: Got you. That helps.

That portion of the deck, except for the 2 1/2 foot extension of the chimney, would be visible from the front road?

MR. BAIRD: Yes.

DENNIS SCHULMERICH: Just trying to understand the diagram. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

1. House was built with need for variances and apparently not addressed until this time.
2. Deck will enhance the enjoyment of the back yard.

Note: A building permit is required prior to construction of the deck.

12. Application of Peter Kaseman, owner; 11 Ronnie Lane, North Chili, New York 14514 for variance to erect a 12' x 6 1/2' open porch to be 53' from front lot line (60' req.) at property located at 11 Ronnie Lane in R-1-15 zone.

Peter and Mrs. Kaseman was present to represent the application.

MR. KASEMAN: Hello.

BEVERLY GRIEBEL: If I remember, you were in the process of rebuilding there?

MR. KASEMAN: Yes. We tore down the old steps because they were getting pretty rickety. My better half decided she wanted a roof over the new steps, as well.

MRS. KASEMAN: Much better half.

BEVERLY GRIEBEL: Well, that is always nice in the front.

PETER WIDENER: This is typical of the cement steps over in that area. I have no questions.

BEVERLY GRIEBEL: A lot of people are doing that.

RICHARD PERRY: Are you right at that exact distance?

MR. KASEMAN: It will extend 6 feet from the house and approximately 12 feet wide.

DAN MELVILLE: Is it the same as the steps that are there, the distance out from the house?

MR. KASEMAN: A little overhang.

RICHARD PERRY: It looks like you're giving yourself an extra foot just to be on the safe side.

MR. KASEMAN: Right.

RICHARD PERRY: You can live with that?

MR. KASEMAN: Yep.

RICHARD PERRY: Does the roof overhang any more than what you're --

MR. KASEMAN: No. That is what the roof is going to overhang.

RICHARD PERRY: You're allowing for settling?

MR. KASEMAN: Yes.

BEVERLY GRIEBEL: We have a lot of settling tonight.

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

1. Consistent with the neighborhood.
2. Will enhance the appearance of the front of the house.

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

13. Application of Pride Mark Homes, owner; 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect proposed apartment units with attached garages to be 25' from front lot line on interior roads (40' req.), variance for detached garages, maintenance building, and clubhouse to be 5' from interior roads (40' req.) at property located at 4416 Buffalo Road in RM zone.

Application postponed until the 8/26/03 meeting at the applicant's request.

The meeting was closed at 8:35 p.m.