

CHILI ZONING BOARD OF APPEALS
May 20, 2014

A meeting of the Chili Zoning Board was held on May 20, 2014 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Adam Cummings.

PRESENT: Michael Nyhan, Fred Trott, James Wiesner and Chairperson Adam Cummings. Robert Mulcahy was excused.

ALSO PRESENT: Michael Jones, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

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

ADAM CUMMINGS: I want to notify everyone of one slight change on the agenda tonight. Before the three applications listed, we'll hear an informal from the Archer Road Vista at 783 Wangum Road, Fishers, New York 14553 for request to rehear an application denied on April 22nd, 2014. The applicant requests to rehear the proposed variances for Phase 1 only of the Vista Villas Subdivision. I would like to take care of that one ahead of time before we get to the other three applications.

MICHAEL NYHAN: That is based upon the letter that we received?

MICHAEL JONES: Mr. Chair, just for background, on May 2nd, the applicant wrote a letter requesting a rehearing of the denied application, and they cite section of New York State Town Law 267A. And on May 12th, the Town informed the applicant that they would add this to the agenda tonight for this Board's reconsideration.

So I just want to advise this Board that the way that this request is being handled under the Town Law is that the reapplication request requires unanimous approval of the Board now sitting and it would only be to allow them to file the application. If there is, in fact, unanimous approval of the request to rehear it, the hearing would happen in the future after proper notice of a Public Hearing and again, that would also have to be unanimously approved. So that would be the procedure that you would employ for this kind of a request.

ADAM CUMMINGS: Thank you. I just found the letter that I was going to break it down, so that has been mentioned now. Once again, that was the May 2nd, 2014, letter.

Does everyone have a copy of that?

The Board indicated they had a copy of that letter.

ADAM CUMMINGS: To reiterate, it's on Phase 1 of this project.

MICHAEL NYHAN: I make a motion to the Board that we vote to -- whether or not to rehear the application from the applicant.

ADAM CUMMINGS: Okay. So we have a motion to rehear the application.

JAMES WIESNER: I second that.

ADAM CUMMINGS: Jim (Wiesner) seconds it. So with that, we'll do a Board vote.

JAMES WIESNER: Just to be clear, yes is for the rehearing?

MICHAEL JONES: That's correct.

The Board voted unanimously in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes to approve the request for a rehearing for dimensional variances for Phase 1 only of the Vista Villa's Subdivision. A new application must be submitted to be heard by the Zoning Board of Appeals.

ADAM CUMMINGS: So that did pass with a unanimous vote. So that one is open for rehearing.

MICHAEL JONES: So that -- we'll notify the applicant to file a new application at some point within the year. There is no timelines. They can do it whenever they want within the year. They will be subject to the same notice requirements, Public Hearing requirements and so forth.

Again. On the rehearing, a unanimous approval would, again, be had by this Board in order for it to go forward. My understanding was that vote was limited only to Phase 1; is that correct, Mr. Chair?

ADAM CUMMINGS: That's correct. Thank you.

1. Application of Mr. and Mrs. Christopher Clar, owner; 51 Bellmawr Drive, Rochester, New York 14624 for variance to erect a 6' high fence in front setback area per plan submitted (4' high allowed) at property located at 51 Bellmawr Drive in R-1-15 zone.

Christopher Clar and Dianne Clar were present to represent the application.

MR. CLAR: I'm Chris Clar. We live at 51 Bellmawr Drive, 464.

Um, my project is I would like to erect a fence. I didn't know previous to buying the house that this was a Town Code that you couldn't have a 6 foot fence, so as we were figuring out what we wanted to do with the fence, I started looking at the codes and realized that I can't just go up and put a 6 foot fence up. So that is where we are.

ADAM CUMMINGS: In your front yard.

MR. CLAR: Well, it is a side yard, the backyard and then the other side.

ADAM CUMMINGS: Yep. I think the sides, there is a whole lot of pictures here.

MR. CLAR: I work at an aerial photographing company, so I had use of a lot of very cool imagery.

ADAM CUMMINGS: I take it it is in Henrietta?

MR. CLAR: Yes.

ADAM CUMMINGS: It says -- as I mentioned, it's on a corner lot, so the side, if everyone can notice, you have got that front part fronting -- trying to read -- Westway?

MR. CLAR: The longer side, the left side that you see up there would be facing Westway.

ADAM CUMMINGS: Yep.

MR. CLAR: It would be about 24 feet in from where the gutter is. Um, but as you can see in my pictures, it's all treed and bushes and everything pretty much about 6 feet anyway, so I don't -- I don't see the 6 foot impeding too much on what's currently there.

ADAM CUMMINGS: All right.

JAMES WIESNER: I do. As far as the fence goes, you're trying to bring it even with the back of the house on the left-hand side; you're trying to move it forward?

MR. CLAR: Correct. I would like to go out from the front corner of the house, basically the front left corner out a couple fence sections and then downsize the yard. We want to put like a seating area on the side of the yard.

MICHAEL NYHAN: I notice -- I notice new arborvitaes along the back side in the drainage area.

MR. CLAR: Yes.

MICHAEL NYHAN: Did you consider putting arborvitaes along the roadway, as well, for cover, privacy?

MR. CLAR: No, that wasn't. We just kind of thought that they would look nice back there. Since there was stuff already there, we thought that maybe it wouldn't be the right spot for arborvitaes.

MICHAEL NYHAN: Is the intention then to put the fence between the house and the arborvitaes? The arborvitaes would be on the outside of the fence.

MR. CLAR: The fence would be behind the arborvitaes towards the easement. We have already gotten approval to put the fence 9 1/2 feet from the easement so it would be behind the arborvitaes.

MICHAEL NYHAN: How far away are the arborvitaes?

MR. CLAR: 15 feet.

MICHAEL NYHAN: So the arborvitaes will be on the inside of the fence?

MR. CLAR: Yes.

MICHAEL NYHAN: In your yard?

MR. CLAR: Yes.

MICHAEL NYHAN: Thank you. No other questions.

ADAM CUMMINGS: I just wanted to State, I do have a notice there was permission given by the Commissioner of Public Works to allow the fence in the drainage area. I just wanted to point that out.

FRED TROTT: Just briefly, why do you want the 6 foot high fence?

MR. CLAR: Being that we're on the corner, and we have dogs, there is a lot of traffic and people, so the dogs bark, and we just want to be, you know, nice neighbors and really be courteous with other people. So one, for privacy; and two, for the dogs. We have done a lot of work on the house. We got it -- we bought it ten months ago and it was in very, very rough shape and we have done a complete remodel of the house and raised the value of it, and made it very neighborhood friendly, so we're hoping to continue that same kind of path.

FRED TROTT: Do you plan on having any kind of planting, especially like in front, front facing the house where the fence would be?

MR. CLAR: In front of the fence? Plantings?

FRED TROTT: Yes. Shrubbery or anything, just kind of to hide it?

MR. CLAR: Possibly. Possibly. We haven't really thought that far ahead.

MS. CLAR: There is a bush there right now.

ADAM CUMMINGS: Could you identify yourself, place of residence for the record?

MS. CLAR: Sorry. I'm Dianne Clar. 51 Bellmawr Drive. But we did do a lot of landscaping when we moved in, so there is a bush there. It is just small now. Right -- in that front part.

FRED TROTT: So it would be on the front side?

MS. CLAR: Yes. There is another Japanese Maple tree we planted, as well. Right on the corner of the house there.

ADAM CUMMINGS: These are the pictures you put that has the visualization or -- of the landscaping?

MR. CLAR: This helps visualize what it would look like and understand where it would be going out and coming back and in regards to where all of the landscaping is.

ADAM CUMMINGS: Thank you.

Curious if there is any comments from the side Board?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Could we look back at the drawing? Before you take that down, I guess my question would be -- I see fence. Is that to scale?

MR. CLAR: Yes. I measured -- I measured -- we can use measurements in our imagery, so I measured out to where the windows would be 6 feet of the house.

MS. BORGUS: Since it's a little blurry, could somebody point out to me where this fence is going to be? Is that the inner line?

ADAM CUMMINGS: Actually, there is another photo in the application that will show. That should clear it up for you. There you go.

FRED TROTT: The yellow line.

ADAM CUMMINGS: So you can see there is the one that is fronting Westway Court (indicating).

MS. BORGUS: So the fence -- the fence will come to the corner of the house then and stop there?

ADAM CUMMINGS: Correct.

MR. CLAR: You're talking about the back corner?

DOROTHY BORGUS: Whatever that is in the top picture.

MR. CLAR: So the front corner, the front left corner that is on Bellmawr, it would come out from the corner of the house, go back, go back around and end at the back corner of the right side of the house.

MS. BORGUS: Won't be any fence across the front of the house?

ADAM CUMMINGS: Correct.

MS. BORGUS: I see.

ADAM CUMMINGS: The front door side of the house?

MS. BORGUS: Right.

ADAM CUMMINGS: But there are two front yards because it's a corner lot.

MS. BORGUS: I understand that. Well, I hear -- I mean, being a regular here, the Board hears it and I hear it, too, and people buy a corner lot. If they want privacy, for the life of me, I don't understand why anybody would buy a corner lot. But that's up to the Board. Thank you.

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

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

MICHAEL NYHAN: One question is the measurements. The side of the house shows a setback of 31.4 feet. Shows the fence 24 foot from the corner of the house out towards the road.

MR. CLAR: It is --

MICHAEL NYHAN: It is about 11 foot from your setback -- about 11 feet, the fence.

MR. CLAR: From -- setback from where?

MICHAEL NYHAN: From the setback you have from the -- for that side of the house.

MR. CLAR: You mean in between --

MICHAEL NYHAN: You would have the street and you have like a setback area.

MR. CLAR: Yeah. Yes. So in between where the -- where the property line is, it would be another -- yeah, 11 feet in from there and then over 20 something feet from the actual curb.

MICHAEL NYHAN: From the edge of the road to the edge of the fence is about 24 feet?

MR. CLAR: 24 feet.

MICHAEL NYHAN: Okay. Thank you.

We had several of the applications in the past and the concern has always been that long, large fence along the road and the -- the look that that provides.

ADAM CUMMINGS: Right.

JAMES WIESNER: I guess from a visual standpoint, I have a problem with it shielding the front of the house, but that's my opinion.

MICHAEL NYHAN: Side of the house here?

JAMES WIESNER: Yes. If you look at it, it is actually covering part of the window, shielding the house. I don't think that is visually -- kind of out of character, myself.

MICHAEL NYHAN: I originally thought it would come from the back corner of the house and straight back, which would put it another 20 feet from the road and wouldn't make it look like such a stockade, if you will. I know we have denied those in the past or people that came in had to take them down.

ADAM CUMMINGS: So you're saying from the southwest corner, the back corner?

JAMES WIESNER: Yes.

ADAM CUMMINGS: By the brick patio.

JAMES WIESNER: More traditionally what you would see without a corner lot.

ADAM CUMMINGS: Right.

MICHAEL NYHAN: Right now you have two large mature trees along the road, but if they weren't there and some day they won't be, that fence would be -- a 6 foot high fence 20, 24 feet let's say off the road.

ADAM CUMMINGS: We're really looking at the 6 foot fence all of the way along Westway Court, though.

MICHAEL NYHAN: To the front of the house.

ADAM CUMMINGS: Right. I just wanted to be clear about that.

MICHAEL NYHAN: I have a question for the side table also. This is in a drainage easement and if the Town wants to get in there to do work or there is flooding and there would be damage, the homeowner would still be responsible for that and would be required to repair it, correct?

MICHAEL JONES: That's true. That's the risk the homeowner takes by requesting permission to build within our easement, yes. It is not our responsibility.

ADAM CUMMINGS: One thing I would like to point out with these ones, they are still allowed a 4 foot fence, by reading it -- by reading the application in the Town Code. So we're changing it from 4 foot up to 6 foot. So the variance is for the 6 foot, but it could be a 4 foot.

MICHAEL NYHAN: It is also not permitted past the corner of the house. If they went from the back corner of the house, they would not need a variance for the 4 foot fence.

ADAM CUMMINGS: Correct.

MICHAEL NYHAN: They would -- they would need one for a 6 foot fence.

ADAM CUMMINGS: Correct. I just wanted to point that out.

MICHAEL NYHAN: It could be considered 20 foot in front of the house, right?

JAMES WIESNER: If it was straight back from the corner of the house.

MICHAEL NYHAN: This is considered the front of the house (indicating). This is considered the front of the house (indicating).

ED SHERO: Correct. Two frontages.

MICHAEL NYHAN: Would you be able to put a fence in the front yard?

ED SHERO: As long as it was 4 foot, he would.

MICHAEL NYHAN: If they brought it from here, even with the 6, they would still need a variance?

ED SHERO: No. Where your pencil was back and straight back they would not need a variance.

ADAM CUMMINGS: For a 6 foot fence.

JAMES WIESNER: For a 6 foot fence.

FRED TROTT: But they would still need one for the back?

ED SHERO: No.

ADAM CUMMINGS: Because they're going behind the house. They're behind the front of the house, going off that back corner. So right now, I will draw on the board, right now, they're asking for 6 foot right here (indicating).

ED SHERO: Correct.

ADAM CUMMINGS: And actually up to there (indicating).

ED SHERO: Little C.

ADAM CUMMINGS: It's a C. The variance for 6 foot there. They're allowed to build 4 foot on all that. So they can have a fence there, but then they would transition from that point over and be 6 foot. I know because if you go to Caboose Circle, I have a -- someone that did that. So that is a couple of options that we are seeing here. Is -- the variance is for 6 foot, but even if we deny the 6 foot, they can still have a 4 foot fence in that area.

ED SHERO: Correct.

MICHAEL NYHAN: Or a 6 foot fence from the back southwest corner of the house.

ADAM CUMMINGS: Correct. Or a 6 foot from here up (indicating) and over.

MICHAEL NYHAN: Okay.

ADAM CUMMINGS: Just so you know.

MR. CLAR: Thank you for explaining that.

ADAM CUMMINGS: If we wanted to define where the rear lot -- oh, that was last meeting. (Laughter.)

Any other discussion? I think we have cleared that one up nicely. So with that I think we're ready to vote.

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

James Wiesner made a motion to approve the application with no conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

DECISION: Denied by a vote of 3 to 1 (Fred Trott) for the following reason/finding of fact having been cited:

1. The proposed variance can be avoided by constructing a fence with a height of 6 feet extending from the southwest corner of the house to

provide privacy in the back yard of the property.

ADAM CUMMINGS: We'll have a letter from the Building Department notify you of that, but I think we're clear on what your available steps are.

MR. CLAR: We appreciate it.

2. Application of Mr. and Mrs. Matthew Coccia, owner; 117 Stottle Road, Churchville, New York 14428 for variance to allow the total square footage of garage area, including an addition to attached garage to be 1,902 sq. ft. (1,728 sq. ft. previously approved) at property located at 117 Stottle Road in PRD zone.

Matthew Coccia was present to represent the application.

MR. COCCIA: Good evening, my name is Matt Coccia, 117 Stottle Road.

ADAM CUMMINGS: Just describe your application and your project for us.

MR. COCCIA: Well, I included multiple 8 1/2 x 11 drawings from my architect to kind of help paint the picture. So we would like to essentially rebuild our house.

And as part of that tear down and reconstruction of the house, we would like to have a two-car attached garage as opposed to the existing one-car attached garage. I think that the -- the new square footage of the house would be more aptly accommodated by a two-car garage.

ADAM CUMMINGS: It looks like -- all right. So that one is on there. Just to clarify, the highlighted yellow is on that plan up there?

MR. COCCIA: Yes. That would be the additional garage size. I apologize, the architect didn't quite make that driveway drawing accurate. Currently, um, the house, the existing driveway from Stottle Road to the house, it's a front-load garage. Overhead garage door faces Stottle Road. We're going to change that to -- we would like to change that to a side-load garage and the driveway that looks like he has -- says "new driveway construction" in the shaded area. That actually would go directly into the garage. He kind of has it curved and shooting past the garage, but if I may, I will just point that out.

ADAM CUMMINGS: Certainly. That is what is in the architect's drawings, the plans, is the side door entrance.

MR. COCCIA: Side load, right. So the driveway would actually be here (indicating).

ADAM CUMMINGS: Okay. Thank you.

JAMES WIESNER: That is the entrance for the garage, from that end, too.

MR. COCCIA: It would be. Currently it's not.

ADAM CUMMINGS: So currently it comes from --

FRED TROTT: From Stottle Road.

MR. COCCIA: Currently, the overhead door is here (indicating). That would be changed. That would be gone and become two windows. This driveway right here (indicating) would be removed, this section right here of asphalt (indicating).

ADAM CUMMINGS: All right.

MICHAEL NYHAN: Are you going to be completely removing the existing driveway or just the front portion?

MR. COCCIA: Just the front portion.

MICHAEL NYHAN: Where it enters the garage now.

MR. COCCIA: About 15 feet.

MICHAEL NYHAN: You will still have two entrances. One will swing around come into the garage and the other --

MR. COCCIA: Correct.

MICHAEL NYHAN: All right. What is the current size of the house? You will be 3,000 square foot when you're done?

MR. COCCIA: Correct.

MICHAEL NYHAN: What is the current size?

MR. COCCIA: If you count the load -- it's a split level. If you count the room that is partially below grade, it's about 1500 square feet.

MICHAEL NYHAN: And what -- is this new garage going to be 24 by 24, the little knock-out that is only 19 because of an entranceway; is that correct?

MR. COCCIA: It looks like the -- the dimensions of the proposed garage are 23 feet 8 inches by 23 feet 7 inches, so nominally the 24.

MICHAEL NYHAN: It's your existing building, the garage next to it that puts you over the 1200?

MR. COCCIA: Correct. I received a variance for that, I believe, in 2006 that put me over the allowable 900 square feet, so our variance now includes the one-car garage that's attached to the house as well as the outbuilding.

ADAM CUMMINGS: When you say "outbuilding," it's the existing --

MR. COCCIA: Says "existing outbuilding," right.

ADAM CUMMINGS: Are there any other structures on the property?

MR. COCCIA: I have two wooden sheds.

ADAM CUMMINGS: And what are the sizes of those?

MR. COCCIA: Um, I believe one is 10 by 16 and the other is 8 by 12.

MICHAEL NYHAN: Between these two buildings will you have enough room to house everything and not need those sheds?

MR. COCCIA: Um, no. No. Although, I'm -- if anybody wants any lawn mowers, I have four I will give away. They're in my sheds. Maybe I can get rid of a shed. I don't cut my grass any more.

MICHAEL NYHAN: How many sheds are there, two? Two more that aren't shown on this. So one of the -- one of the things I would like to propose or I would like to see is an updated survey. The architect did okay of depicting your parcel there, but I would like to have a survey to show what is actually on your property, all of the structures, the revision of the driveway that you're -- that you're proposing and, of course, more pertinent, once it's completed, the as-built part of it. But any other ancillary -- or accessory structures that are out there.

MR. COCCIA: Do you feel that the accessory structures have an impact on the proposed garage space?

ADAM CUMMINGS: Um --

MICHAEL NYHAN: Total square foot of the structures?

ADAM CUMMINGS: Total, I have 256 square feet. One shed being 10 by 16 for 160 square feet and the other being 8 by 12 or 96 square feet, so by my --

ED SHERO: Just realize, 192 is allowed without a variance. If you keep both sheds, you need a variance.

MICHAEL NYHAN: So the answer would be yes. That does impact because you need a variance for those sheds.

MR. COCCIA: Do you think that would be a separate variance then because it is not garage space; it's shed space? I believe there is a definition in there.

MICHAEL NYHAN: You would have to refile.

MR. COCCIA: File for variance for the sheds?

ADAM CUMMINGS: Correct.

MR. COCCIA: That is a separate variance, separate issue from what we have today, right?

MICHAEL NYHAN: Correct. You have to reappear.

ADAM CUMMINGS: Correct.

I did want to point out, I did find -- the Monroe County Department of Planning and Development did refer -- or did get a referral from us for this, and they have stated that it is a local matter. So I just wanted to state that for the record.

JAMES WIESNER: Because of the park?

ADAM CUMMINGS: I couldn't even tell you why they got it. Is it because they're in the Ag District, Ed (Shero)? I'm not sure why this parcel got one.

ED SHERO: Got the referral?

ADAM CUMMINGS: I got the Monroe County referral.

MR. COCCIA: The only thing I might be able to add, it's a County Road and I did receive a separate permit for the County -- for the second driveway cut.

ADAM CUMMINGS: That's it.

MICHAEL JONES: If it is a County Road --

ADAM CUMMINGS: I thought he already had the second road cut for the existing outbuilding.

MR. COCCIA: I did. I did. And I do.

ADAM CUMMINGS: I just don't know why it prompted it again.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Is that existing building a two-story?

MR. COCCIA: Yes.

ADAM CUMMINGS: Yes.

MS. BORGUS: Wow. That's all I got to say. So if you add in the 256 square feet he has in the two sheds, to the 1,902 square feet that he's requesting, he would have a total 2,158 square feet of garage.

ADAM CUMMINGS: Correct.

MS. BORGUS: Wow.

MR. COCCIA: Well, I don't know if I would say correct to that, because I think we're clearly defining sheds separately from garages.

ADAM CUMMINGS: We're just saying storage space.

MR. COCCIA: Storage space would be more accurate.

MS. BORGUS: This seems a little over the top to say the least. I don't live in a big house. I don't live in a small house, but my house, I believe, is 1700 square feet, so that would far exceed, in storage space, what he has compared to my house. My house would be 500 -- 400 plus square feet smaller than what he has for storage space alone. This -- this is kind of way, way too much.

I think you're seeing more and more of this in South Chili. People buy up some land. They want space and then when they get there, they're feeling like anything goes, and frankly some areas down that way are not looking very good because of all these huge buildings are being put up. And it doesn't look very residential, and frankly to buy so much land, it doesn't do so much good. It doesn't give you the look or the feel that this Board expects when they grant these variances. This is just, in my opinion, too much.

Thank you.

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

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

ADAM CUMMINGS: Looking at the property card 2005, March 22nd, there was a variance to allow the total square footage of a garage area including a new 1,334 square foot detached garage to be a total of 1,728 square feet and that -- another variance for detached garage to be 27.5 feet from the side lot line.

I just wanted to point that out to everybody if you didn't notice that one.

Also on April 26th, 2005, there was a variance approved to erect a detached garage that would have a ridge line higher than the ridge line of the dwelling along with a variance to allow a second driveway cut subject to Monroe County DOT approval for that curb cut permit. I just wanted to point those out to everybody. So there are existing variances on this.

MICHAEL NYHAN: One other question, if I could.

ADAM CUMMINGS: Certainly.

MICHAEL NYHAN: You're reconstructing -- almost doubling the size of your house. Is the roof ridge going to be higher on the existing?

MR. COCCIA: Existing house will be gone. It will be a new two-story house as opposed to right now the 1 1/2 story. Interesting enough, the one variance I had to receive or request in 2005 was because the accessory structure was taller than the primary residence. That essentially will be reverse at this point now that the primary residence will be taller than --

MICHAEL NYHAN: Okay, thank you.

ADAM CUMMINGS: And that existing outbuilding, you don't run a business out of there?

MR. COCCIA: No. We just store. I do own and operate a business and we do store vehicles there that come and go each morning, but they're just parked there in the evening.

ADAM CUMMINGS: Are they parked inside the building?

MR. COCCIA: Both. Depends. If we -- we do park them inside, but sometimes when the weather is nice, we park them outside.

ADAM CUMMINGS: We're looking to boost this application. He is looking to increase it up to 1,902. I don't know the percentage of that increase. I haven't done the math. Or I have not done that math. Just wanted to point it out to everyone. We are increasing.

MICHAEL NYHAN: 24 by 24 garage would certainly -- if it is a 3,000 square foot residence. But I think as part of the condition, we would want to be sure that we have an updated map and that everything on the property is accounted for, in particular the sheds and sizes and where they are and if they need a variance.

ADAM CUMMINGS: Agreed. So an updated survey plan would be one of our conditions.

JAMES WIESNER: I think it should be stated it is not for business purposes.

ADAM CUMMINGS: Storage is not to be used -- I would agree with that.

JAMES WIESNER: Not quite sure what the wording would be.

MICHAEL NYHAN: Variance is for the garage. It will be attached to the house.

ADAM CUMMINGS: Right.

MICHAEL NYHAN: The other structure has already been approved.

ADAM CUMMINGS: Well, one definite for it would be a building permit would be required. So we'll start with the building permit required.

FRED TROTT: Would you do a permit for -- would you say all?

ADAM CUMMINGS: Home occupation?

FRED TROTT: No. I'm sorry. I'm on a different -- the outbuildings, the other two outbuildings?

ADAM CUMMINGS: Oh, for the sheds?

FRED TROTT: Yes. Compliance or variance as needed.

ADAM CUMMINGS: We'll put in a condition to confirm our or require -- Counsel, would it be appropriate to set a deadline for code compliance for the variance for the existing sheds? The existing sheds. Not the outbuilding. Or removal of one to not prompt the variance.

MICHAEL JONES: Exactly. I think a requested condition would be that any violations be remedied before a new building permit be issued for the requested garage for this new expansion. That way you can make sure that the rest of the property is in compliance.

Does that make sense?

ADAM CUMMINGS: Yes. Thank you.

MICHAEL JONES: Does that answer your question?

ADAM CUMMINGS: Yes.

MICHAEL JONES: Okay, good.

MR. COCCIA: Mr. Chairman, can I ask a question or make a comment about the sheds? When we purchased the house about ten years ago, the sheds, as well as a deck, I believe, that was attached to the house -- the deck has now been removed, but I believe that there were no permits at that time for the -- I remember we had to sign off on those in some way, shape or form that we were buying the house and there -- the sheds and the deck and there was never any permits associated with those, and I don't know if that was a -- I don't recall if it had anything to

do with the Town or if it was a -- just a condition of the sale that we had to -- you know, we were under the understanding that there were no permits in place for these -- for these things and we accepted it as is, so to speak.

ADAM CUMMINGS: With the size of the sheds, and it is up to you whether to keep one, two, or none, um, the 8 by 12 I don't believe requires a building permit or a shed permit, but the 10 by 16 does.

MR. COCCIA: Okay.

ADAM CUMMINGS: Is that correct?

ED SHERO: That's correct.

ADAM CUMMINGS: So that would be part of the code compliance requirement or a condition.

JAMES WIESNER: The combination requires a variance for over 192.

ADAM CUMMINGS: Correct. And then the cumulative, or if you kept both of them, that would prompt not only a permit but a variance application.

MR. COCCIA: Okay. Well, I guess I will just -- the final comment I will make on this, another question that comes up is, the -- the desired construction of a 3,000 square foot house, if that requires me to remove a shed, it certainly would be acceptable to me within the scope of the project to remove a shed. So I'm certainly amicable to that.

ADAM CUMMINGS: Okay.

MICHAEL JONES: Just to address what the applicant said, often when the home buyer takes a house, they don't remedy the violations at that time. They may take it subject to whatever violations exist and it becomes their responsibility. That just goes back to my previous comment we want to get all that remedied.

ADAM CUMMINGS: Correct. Thank you for clarifying.

I don't have and more questions. Right now we're at those three conditions.

JAMES WIESNER: I don't see how it is applicable, though. Probably should have been something that -- if it was a consideration back then, as part of the outbuilding, but it wasn't, so. I don't know that it is really applicable.

MICHAEL NYHAN: Can you read the three conditions?

ADAM CUMMINGS: So condition one would be providing an updated survey plan showing all of the -- all of the structures on the site at their accurate locations.

Number 2 would be a building permit required from the Building Department.

And Number 3 would be all code violations must be remedied prior to the construction commencing.

MR. COCCIA: Can I ask a question about the -- about the conditions?

ADAM CUMMINGS: Yes.

MR. COCCIA: So the building permit required, are we talking about the building permit for the home and -- and proposed garage? And I assume -- we're going to have to get a permit for that anyway, but are we talking about backtracking and getting a permit for a shed?

ADAM CUMMINGS: Yes.

MR. COCCIA: Both?

ADAM CUMMINGS: Yes.

MICHAEL NYHAN: If you keep the shed.

MR. COCCIA: If we keep the shed, we have to decide to pursue a variance for the shed, we would have to follow that up with the building permit.

ADAM CUMMINGS: If you go through with the sheds -- we'll focus on those now. If you keep both sheds, you will apply for a variance for the sheds because the sum of those square footage is above 192 square feet. If you -- if you just keep the 10 by 16 shed regardless -- if you get rid of the 8 by 12 and keep the 10 by 16, you will still have to get a building permit for that or a shed permit for that, not a building permit.

If you got rid of the larger shed, and kept the smaller one, you would not need a shed permit for the smaller one.

JAMES WIESNER: And it's assumed that the buildings aren't too close to the lot line which would add more complexity to it.

ADAM CUMMINGS: They're not right on the property line, are they?

MR. COCCIA: No.

ADAM CUMMINGS: Just to point that out -- good point, Jim (Wiesner), if they're too close to the lot line, you have setbacks you have to address. If they're within that, you either have to move them or that would be part of your variance application for the sheds.

MR. COCCIA: Okay. And then as far as the code violations are corrected, I assume again we're talking about the sheds, either the lack of variance or permits or --

ADAM CUMMINGS: Correct.

MR. COCCIA: Okay.

ADAM CUMMINGS: Correct.

MICHAEL NYHAN: Or if there is something else that comes up on the map. You said at one point you had a deck that didn't have a permit. If there were something else that the Building Department saw that a permit was needed, you would have to remedy that, as well. If there are any other code violations like that, you have to remedy that.

ADAM CUMMINGS: Right. Swimming pool comes to mind at that point.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II

action with no significant environmental impact, and Michael Nyhan seconded the motion. The Board all voted yes on the motion.

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

DECISION: Unanimously approved by a vote of 4 yes with the following conditions:

1. An updated survey plan showing accurate locations and sizes of all structures, including the two existing wooden sheds on the property shall be provided to the Building Department.
2. A building permit must be obtained from the Building Department for all qualifying structures located on the property.
3. All building violations on the property must be remedied prior to the issuance of any building permits.

The following finding of fact was cited:

1. The subject property is approximately 8 acres in size, which is more than adequate to accommodate a structure with the proposed dimensions. Additionally, there are several nearby properties that also have similarly sized outbuildings, or detached structures, in this part of the town.

3. Application of Mr. and Mrs. Volodimir Huley, owner; 123 Wickens Road, Scottsville, New York 14546 for variance to allow the total square footage of garage area, including a new 28' by 40' detached garage to be 1,692 sq. ft. (1,200 sq. ft. allowed), variance for detached garage to be 10' from side and rear lot lines (50' required) at property located at 123 Wickens Road in AC zone.

Tanya Huley was present to represent the application.

MS. HULEY: Tanya Huley. We live at 123 Wickens Road, Scottsville, New York 14546 and want to build pole barn 28 by 40.

ADAM CUMMINGS: So it looks like on that side of the property, this is where the pole barn is going?

MS. HULEY: Yes.

ADAM CUMMINGS: It is tough to read, but this is the dog cage?

MS. HULEY: Yes.

ADAM CUMMINGS: What is the dimensions of that approximately?

MS. HULEY: Oh, I would say 6 by 4.

ADAM CUMMINGS: So it's not very big.

MS. HULEY: No.

ADAM CUMMINGS: It's not a kennel. Just a small little dog cage.

MS. HULEY: We got it at Tractor Supply. It's the fence and the -- not exactly sure what the dimension.

ADAM CUMMINGS: Then over here (indicating) this is a small shed.

MS. HULEY: It's a shed. I think it's 8 by 10.

ADAM CUMMINGS: Is that -- I know it is drawn there, but how far do you think it is off those property lines?

MS. HULEY: Well, we got a permit here, so whatever they told us we were supposed to do, that's what we did.

ADAM CUMMINGS: Just trying to make sure we don't need a variance for that one.

MS. HULEY: No.

ADAM CUMMINGS: All right.

JAMES WIESNER: Just trying to see how many acres this property is.

MICHAEL NYHAN: 2 1/4.

JAMES WIESNER: What is the need for the pole barn?

MS. HULEY: Basically, um, my husband fell 28 feet and broke his back, so he ended up in a wheelchair, and we put a ramp like right by the garage, but it deteriorated over five years, so we want to put a ramp in the garage. So it's going to take up a lot of space, so I don't really have any room for a tractor.

We have a four-wheeler we bought to do the snow, and everything is under trees, so I kind of want to build something to -- for storage.

JAMES WIESNER: What size was the original garage? 30 by 40 approximately?

MS. HULEY: It's a 2 1/2 car garage.

ADAM CUMMINGS: Okay. Thank you.

MICHAEL NYHAN: Will there be a driveway out to the pole barn? There is no driveway shown on the map.

MS. HULEY: No. At this time, it's just grass.

MICHAEL NYHAN: Will there be any power out to the pole barn?

MS. HULEY: Um, we haven't really thought about that, but probably need a light, yeah.
MICHAEL NYHAN: Do you know what type of doors and windows -- I don't have any elevations here what this would look like. What type of doors would you have, windows?
MS. HULEY: We were thinking of just the overhead garage door, one of the big ones.
MICHAEL NYHAN: Right.
MS. HULEY: Two-car garage, I think. And probably a side door.
MICHAEL NYHAN: Okay.
MS. HULEY: And maybe two windows. You know, nothing --
MICHAEL NYHAN: What is the barn made of?
MS. HULEY: We were thinking steel.
MICHAEL NYHAN: What color would it be?
MS. HULEY: Color?
MICHAEL NYHAN: Yes.
MS. HULEY: Beige to match the house.
MICHAEL NYHAN: It will just strictly be used for storage; is that right?
MS. HULEY: Yes. That's all we need. I just hate having -- everything is under the trees. I just hate it.
MICHAEL NYHAN: So right now the side setback on our house from the property line is 100 foot on one side and 112 on the other?
MS. HULEY: Yes.
MICHAEL NYHAN: Any reason you couldn't move that pole barn in towards the center of the yard more so you wouldn't be just 10 feet from the property line?
MS. HULEY: I have a lot of evergreen trees. They're all over the yard. We would have to cut a lot of trees down to put it closer to the house. That's the only reason.
ADAM CUMMINGS: So to piggy-back on that, I see there is a well on the garage side of the building, but over on the other side there is a fairly good amount or large amount of established evergreen trees there on the side. So you couldn't place it here (indicating)?
MS. HULEY: We have, um, like -- right where I draw the 28 right there, we have like an S going with evergreen trees. They go all of the way to -- almost to the front of the house.
ADAM CUMMINGS: Okay. And --
MS. HULEY: Then I have -- with the dog cage, in front of there, I have three huge evergreen trees plus two oak trees. So really like that's the only place that I have an open, you know, open space.
MICHAEL NYHAN: As I look down your driveway, it looks like quite ways back before I saw any trees, if you look straight down the driveway to the property line. It looked like it was clear for quite a long distance from your driveway, if you look straight down your driveway to back lot line.
MS. HULEY: There is one tree, but behind the house is where all of the trees -- where it says "Florida room," sunroom, right behind there is where we have trees.
MICHAEL NYHAN: Right.
MS. HULEY: And then where the 28, that I drew, that's like an S. You can come and look at it, but...
MICHAEL NYHAN: But that -- I notice pine trees along the lot line which would be on the east side of the house, along the driveway?
MS. HULEY: Yes. It's on both sides of the driveway. We have trees.
MICHAEL NYHAN: But there weren't -- you see the well and beyond that driveway, I didn't see a lot of pine trees back there.
Is there a reason why you couldn't put the pole barn back there near where the shed is?
MS. HULEY: There are trees there. If -- I mean, if -- right where the well is, on one side of the well, there's an evergreen trees and on the other side there are three.
MICHAEL NYHAN: Okay. Thank you.
FRED TROTT: Just why do you need a building that big out back? That's a lot of square footage just for storage.
MS. HULEY: I want to have room to store everything and then have a little extra room. Um, he does drive in the summertime. In the wintertime, he doesn't drive, my husband. So I was thinking about putting the car in the garage -- you know, in the barn in the wintertime so it doesn't sit on the driveway.
MICHAEL NYHAN: So the existing garage, after you put the ramp in, the wheelchair in, the existing garage, you would still be able to park one car in there or two cars or just one?
MS. HULEY: No. Probably would put one.
MICHAEL NYHAN: One. Okay. Thank you.
Have you been out to the property to inspect it?
ED SHERO: Just a drive-by.
ADAM CUMMINGS: One question. I do have -- actually, I will wait until later on to discuss this one.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm going to bring up the same point that I brought up before. The size of the outbuildings in South Chili, and I have driven through there for -- why, I don't know, but I

have been over that way recently two or three times, and the thing that strikes me is that all these huge buildings that are going up and they don't -- they don't add anything to the character of the south part of Town.

This is huge. This is a huge building. Again, it's almost as big as my house. This -- this is -- again, it's out of control. You need a new map, too. You need something that is not, you know -- you need something that is real, not just squares drawn in out of scale.

And as far as the trees go, sometimes you have to cut a tree down to put a building where you want it. Just because you have a tree -- you would be -- you would be giving variances every month. You would have a full calendar, full agenda of just people wanting variances because they didn't want to cut a tree down.

The oak trees, I understand. You don't cut an oak tree down. But, you know, pine trees get cut down all of the time. This -- this is -- you know, this is kind of a self-created hardship with these trees. It just doesn't wash. You need a new map. You need something that you can -- you can interpret and it should be to scale, and this is -- that is not satisfactory.

Thank you.

ADAM CUMMINGS: Thank you.

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

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

ADAM CUMMINGS: It was going to be my question, was the lot map, with the discussion of this many trees, not just the buildings and the locations of the buildings referencing -- or in reference to the lot lines, but also proximity to -- to all these structures and any obstructions that you're noting here. I think I'm going to definitely mark that down as a condition to have an updated survey plan showing your property and all of the buildings and everything. And it shows that there is a sunroom on there.

Is there also a porch or a deck?

MS. HULEY: No.

ADAM CUMMINGS: Okay. The shed I think we covered. You did come to the Building Department for that.

Um, the dog cage, is that housing just dogs or do you have other animals?

MS. HULEY: Just dogs.

ADAM CUMMINGS: Okay. One other condition we will have is that you will have to get a building permit for this structure. But I'm trying to -- it is a big building, 28 by 40. We have heard numerous of these, and -- and we typically like to request an inventory of what you're hoping to house inside there. I know we covered a car. I think you mentioned a four-wheeler?

MS. HULEY: I have a four-wheeler. I have a tractor. Um, we have -- I basically want to get everything out of the garage that is in there right now.

ADAM CUMMINGS: Is any of it stored outside right now?

MS. HULEY: Yeah.

ADAM CUMMINGS: Okay. So this would bring it from being outside exposed storage.

MS. HULEY: Like my husband using a golf cart to get around the yard. Then he has a scooter. I mean, it is just a lot of -- you know, a lot of additional things that we have before. Just basically I just want to clean out the garage so in the wintertime I can put my car, if I have to -- in my garage right now I can't. So it has been like that for five years. We finally, you know, saved some money to put down towards this. So that is why I want to do it now if we can.

ADAM CUMMINGS: Any other conditions? I have building permit will be required.

FRED TROTT: How high a building will this be?

ADAM CUMMINGS: I don't think she knows that answer yet. But it will be less than our code requires. Or else she will be back up here if we approve this.

You don't have plans on the structure yet, correct?

MS. HULEY: No. When we drove by, we kind of seen, you know, other barns and...

FRED TROTT: Traditionally a two-car garage would be a 28 by 28 or 30 by 30.

ADAM CUMMINGS: Right.

FRED TROTT: And that's quite a bit for an outbuilding. Considering that you already have a garage. I understand you really only have a one-car garage. Because of the wheelchair access.

ADAM CUMMINGS: Excuse me, real quick. I will just check the paperwork on one other thing I had.

MICHAEL NYHAN: It is a large building and -- if it is going to be 28 by 40, it will be probably two-story -- Ed (Shero), would you estimate a two-story roof line on a 28 by 40 building?

ED SHERO: Not necessarily. It depends on the pitch of the roof.

MICHAEL NYHAN: 28 foot wide.

ED SHERO: Depends on the height of the wall and a lot of these barns are only 4 foot -- 4/12 pitches, so even at 28 feet, you're only 5 feet -- 5 feet at gable so if you had a 9 foot wall and you're at 14 feet.

MICHAEL NYHAN: All right. I think -- I just feel like we really don't know what is going to go in there as far as the structure. There is no plan. There -- there is no elevations to

show what it will look like and it will be only 10 foot from two of the lot lines, which is a very large building to be 10 foot from a lot line.

FRED TROTT: That is my concern. If you made it a smaller building, you would have less intrusion --

MICHAEL NYHAN: Smaller building or move it inside the property further. I'm not opposed to pole barns, but -- to have the space to put all of the things that are outside I saw as a result of the garage space being used for other things, but the very large building, very close to the lot line, 10 foot. There is almost two acres of land to work with.

ADAM CUMMINGS: Right.

MICHAEL NYHAN: Over two acres.

ADAM CUMMINGS: Two quarter acres. Much smaller lot than we're accustomed to for this size structures.

MICHAEL NYHAN: Yes. They had a variance for undersized lot actually.

ADAM CUMMINGS: Correct.

MICHAEL NYHAN: We're at the point if we vote on it, based on how the vote goes, or we could get more information and try to put it in a different location on the lot at this point.

MICHAEL JONES: So if I might just suggest to the applicant given the discussion, she may want to request that the application be tabled so she can come back with some information to address some of the comments that the Board is making rather than risking an unfavorable outcome.

MICHAEL NYHAN: The other thing, I guess, I would like to see in the Building Department, if they could go onto the property and look and see if there is anywhere that a building either a little smaller or that size could be placed without cutting down all of the trees, but even if you had to cut down some.

MICHAEL JONES: So that would be up to the applicant to invite, request for that to happen. She would have to agree to that and make the request for the table.

MS. HULEY: Sure.

MICHAEL JONES: In order to have that happen.

MICHAEL NYHAN: You understand why I brought that up? If we hear this, deny it, you would have to wait one year before you would be able to reapply for this again. And I'm not -- I'm not satisfied with the amount of information that we received relative to the barn and what it is going to look like, what the dimensions are going to be, as far as the height goes. You know, there is a concern that I would have for roof runoff and you're only 10 foot from your lot line and you talked about rainwater coming off a roof, a building that large.

So a couple things. One, the Building Department could look at your lot. You may have to take down a tree or two. See if there is any other suitable location or one you may not need a variance to put it up or a slightly smaller structure where you may not need a variance to put it up. If you tabled it and permitted the Building Department to do that, then if you need a variance, you could reapply and in the future not have to wait one year if you tabled it. Otherwise you have to wait one year before you come back.

MS. HULEY: Yes. I don't want to wait a year.

MICHAEL NYHAN: Does that make sense?

ADAM CUMMINGS: To clarify, you have two variance requests right now. One is for how close you are to the lot line. The other one is the size of the building. Our goal is to minimize any variance request we have. That is why we have been asking to have you move it farther away from the lot lines.

MS. HULEY: How much farther do you need?

ADAM CUMMINGS: The code allows you --

MS. HULEY: I know it is 50.

ADAM CUMMINGS: -- 50 feet. So that is what we ultimately like to see. And the same with the amount of area that you need, you're allowed 1200 square feet. You're asking for 1,692. So that's the other thing. We're going to look to minimize that, as well. In this entire process.

MS. HULEY: If I put it in that corner, 50 feet, it's going to be -- I mean, close to my window, you know, to the house.

ADAM CUMMINGS: Correct. Correct. So we're trying to minimize that. So if it becomes 30 feet, 20 feet, that would be something in the future, but -- but for right now, we'll entertain the asking of the tabling of it to gather more information.

MS. HULEY: Okay.

ADAM CUMMINGS: So that you can give us more information on, as Mike (Nyhan) said, um, the -- the architecture of the building, the height of it, which way the roof is going to be oriented, um, a plan showing how they would drain storm water runoff along with obstructions to the neighboring properties, because you are pretty close to the neighboring properties.

MS. HULEY: Uh-huh.

ADAM CUMMINGS: And along with that homework, um, also updating the site plan. Even though we haven't moved forward with the conditions, I would recommend that you -- you up -- the updating of the survey map or the layout of your land with all of the structures, with measurements from the property lines, I would recommend getting that sooner rather than later to bring, as well.

MICHAEL NYHAN: The last item being the permission for the Building Department to come onto the property to look at where the structure may be able to fit.

ADAM CUMMINGS: To help you make that determination of -- of the minimal -- I'm not saying -- I'm not saying "yes" or "no," whether it is feasible to put it within those 50 foot

requirements. When you have a well sitting on one side, that will definitely -- you don't want to be that close to that well, so you don't want to impact that well, but that will be part of the determination. Right now 10 foot is the maximum, so you're really pushing the envelope on that one. We're trying to minimize it.

MS. HULEY: Okay.

ADAM CUMMINGS: So with that, we'll table this one until a future meeting.

MICHAEL NYHAN: Do we need a motion?

MICHAEL JONES: I saw the applicant nod her head. For the record, I would like her to verbally say that is her request.

MS. HULEY: Yes, that is my request.

MICHAEL JONES: Okay. Thank you.

JAMES WIESNER: Can we put any recommendations down?

MICHAEL NYHAN: She knows exactly what she needs.

JAMES WIESNER: So she knows exactly what she needs.

FRED TROTT: I think we discussed that. I don't think --

ADAM CUMMINGS: It is not really a condition.

FRED TROTT: You can't make it a condition of coming back.

JAMES WIESNER: What about we said here what we want to --

MICHAEL NYHAN: I wouldn't look at it as a condition. I look at it more assistance to the applicant so she don't come back and still not be complete.

ADAM CUMMINGS: I don't remember if we wrote them a letter or not.

JAMES WIESNER: I think we just -- I kind of remember -- I remember --

MICHAEL NYHAN: They took notes.

JAMES WIESNER: We have a list.

MICHAEL NYHAN: They took notes on what was needed.

ADAM CUMMINGS: We'll work with her on that through the Building Department. We'll make sure that that happens.

MICHAEL NYHAN: Have you written down all of the others, or do we have a record of it?

ADAM CUMMINGS: I have it in my head.

JAMES WIESNER: I mean updated site map.

ADAM CUMMINGS: Well, we have the transcript. Sandy (Hewlett)'s fast.

MICHAEL NYHAN: Updated site plan.

ADAM CUMMINGS: Survey plan. The Building invite for feasibility of locations, and --

JAMES WIESNER: Building.

ADAM CUMMINGS: -- building dimensions, layout, architectural.

MICHAEL NYHAN: Additional detail. The height. What is it constructed off? How many doors there would be?

ADAM CUMMINGS: All right. With that, I would ask for a motion to table this until a future -- should we put a timeframe on which -- we're not actually doing an action. Just a future meeting.

MICHAEL JONES: I think we have to go with the future meeting here simply because there seems to be a list of things that need to be accommodated, so we'll -- I would suggest we give the applicant a sufficient time period she needs to work with the Building Department. I think Mr. Lindsay can help her with the trees and the pictometry and maybe input from the Conservation Board for the value of the trees and that.

ADAM CUMMINGS: I don't want to go through and start wrecking and chopping down trees.

MICHAEL JONES: There is competing interests here. Certainly there are different trees with different values. So we might -- she wants to present some information related to that and so forth. So let's leave it open to allow her to decide when she will come back is if that is okay with the Board.

ADAM CUMMINGS: So we won't set a date for how many months. We'll just say at a future meeting and continue to work with the Building Department. We'll pass along these notes so they're well informed.

MS. HULEY: So are they going to call me or do I call them? To come out? How does that work?

ADAM CUMMINGS: How do I say this in front of the camera? I would recommend you still be proactive and contact them. Motion to --

JAMES WIESNER: So the Public Hearing has been closed? There will be no further Public Hearing on this?

ADAM CUMMINGS: Correct.

JAMES WIESNER: Public Hearing will be closed on this now.

MICHAEL JONES: Correct.

JAMES WIESNER: So any further hearing of this, there would be no more Public Hearing?

MICHAEL JONES: That's correct. From a technical standpoint. If the Board wished to reopen it, you always have the ability to do that, but there is no need to re-notice it because the hearing is now closed.

MICHAEL NYHAN: Ed (Shero), how do you normally do this? Do you want to set an appointment so somebody is there when you go out like any inspection or you work that -- doesn't have to be you.

ED SHERO: Normally -- we don't normally do this.

MICHAEL NYHAN: You're welcome.

ED SHERO: Um, let's set up an appointment to go out. I would say give us a call in the next couple of days. It will probably be over -- with the holidays and off few days next week probably over a week before we could get out. And I think -- talking to the attorney, Dave Lindsay covering the pictometry and getting trees and stuff like that aerial views, that would help out.

One question is, did you ever hook up to public water?

MS. HULEY: No.

ED SHERO: You didn't. I know it came down to the street. Wickens Road has public water?

MS. HULEY: No. It stops at Union, I think, and --

ED SHERO: Oh, okay. I thought it was around there.

MS. HULEY: No. I'm on the well. I wish we had public water.

ADAM CUMMINGS: That's a separate issue. That will be a different petition.

JAMES WIESNER: The reality of the matter, I think it's on the onus of the applicant to prove their case.

ADAM CUMMINGS: Correct. So one other recommendation I would give you is, you're thinking about a certain type of construction of barn. Find the people that sell those and ask them for the architectural drawings, the architectural details of the construction of that building and be prepared to bring that.

MS. HULEY: Okay. I thought it was the opposite, to get the permit first and then call for -- you know.

ADAM CUMMINGS: They will give it to you. They -- if they see a sale pending, they will provide that information to you. That helps us make our decision, so we need information like that, or we would like information like that.

Michael Nyhan made a motion to table this application and James Wiesner seconded the motion.

DECISION: Unanimously table by a vote of 4 yes to table for the following reasons/findings of fact having been cited:

1. Applicant requested the application be tabled until a future meeting. The Board informed the applicant that they would like to see the following before the next meeting:
 - A. An updated survey plan showing the actual location of the existing trees, shed, dog cage, and any other structures located on the site. The proposed location of the new structure should be shown accurately, as well.
 - B. The applicant shall invite a representative from the Building Department to assist with the location of the proposed structure to help place it in a location that would result in a minimal variance in terms of setback from the property lines.
 - C. The applicant shall provide building plans with more architectural details, including plan and elevation views, windows, doors, materials of construction, and downspouts (if applicable).

The Zoning Board held approving the 4/22/14 minutes.

The meeting ended at 8:16 p.m.