

CHILI ZONING BOARD OF APPEALS
June 24, 2014

A meeting of the Chili Zoning Board was held on June 24, 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: Mark Merry, Robert Mulcahy, Fred Trott, James Wiesner and Chairperson Adam Cummings.

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: Board have any issues with the signs posted for the properties?

The Board indicated they had no problems with the notification signs.

OLD BUSINESS:

1. Application of Mr. & 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' x 40' detached garage (amended to 24' x 36') to be 1,692 sq. ft. (amended to 1,436 sq. ft.) where 1,200 sq. ft. is allowed, variance for detached garage to be 10' from side and rear lot lines (amended to 20') where 50' is required at property located at 123 Wickens Road in A.C. zone.

Tanya Huley was present to represent the application.

ADAM CUMMINGS: Good evening. So you're back again this month.

MS. HULEY: Yes, I am.

ADAM CUMMINGS: Looks like a little bit of changes.

MS. HULEY: Yes.

ADAM CUMMINGS: If you want to give an update on that.

MS. HULEY: Well, we met with -- I forget his name, the Building Inspector. He came out and --

ADAM CUMMINGS: Real quick. Can you identify yourself an the address for the stenographer?

MS. HULEY: Tanya Huley, 123 Wickens Road, Scottsville, New York 14546.

ADAM CUMMINGS: Thank you.

MS. HULEY: So we met with the Building Inspector and he suggested us putting the barn the other way. I have an updated map.

ADAM CUMMINGS: Okay. If you can change that one out, that would be good.

MS. HULEY: Instead of going this way, he suggested we go that way (indicating).

ADAM CUMMINGS: Okay.

MS. HULEY: And we changed it from 10 to 20.

ADAM CUMMINGS: That's for the -- from the property line.

MS. HULEY: Yep.

ADAM CUMMINGS: And from -- like you said, from 24 by 40, we change it 24 to 36 -- by 36. Okay.

MS. HULEY: And to match the house color, the same color as the house.

ADAM CUMMINGS: Okay. All right. Just wanted to point out once again, this is Old Business, just going off the changes from the last Board meeting.

JAMES WIESNER: Do you have any pictures what this is going to look like?

MS. HULEY: Well --

JAMES WIESNER: As far as the building itself.

MS. HULEY: I drew something myself, I guess. I had a guy come out. That's the garage door (indicating). Then two windows (indicating). The height would be 17.

JAMES WIESNER: So how would they be situated? So the garage door would be facing east or west?

MS. HULEY: I have to do it that way because originally we wanted to put it the other way. So we wanted to put the door -- we wanted to put the door here (indicating) because everything comes from the west. You know, the winds and everything. So we wanted the -- the barn going this way (indicating), but he suggested going this way (indicating) so we don't have to cut the trees.

ADAM CUMMINGS: Yep.

MS. HULEY: So now I'm going to put the door here (indicating) so that -- you know what I mean?

JAMES WIESNER: So the door will -- the overhead door will be looking towards the property line?

MS. HULEY: Towards -- towards the house.

ADAM CUMMINGS: What was that, Jim (Wiesner)? Any --

JAMES WIESNER: I don't know that I quite understand it, because the door is on the long side, right?

ADAM CUMMINGS: Yes.

JAMES WIESNER: You said the door would be facing the house?

MS. HULEY: Well, meaning, you know, this is the house (indicating). So the door would be right here (indicating). The garage door would be right here (indicating).

JAMES WIESNER: Okay. So do you -- do have the picture again? So that would be --

MS. HULEY: So -- right here (indicating).

JAMES WIESNER: So we're looking at the back -- the back right now?

MS. HULEY: Like this (indicating). Like that.

ADAM CUMMINGS: So you're saying the door will be on this side (indicating)?

MS. HULEY: Yes.

ADAM CUMMINGS: Then there is a man door on this side (indicating)?

MS. HULEY: Uh-huh.

ADAM CUMMINGS: One of the requirements we had from the last meeting -- I was going to read that shortly, but I will read it now. So the last meeting we were looking for an updated survey plan showing the actual location of the trees, shed, the existing shed as Bob (Mulcahy) just mentioned, the dog cage and any other structures.

We also asked for a representative from the Building Department. You said that has been done. And a building plan, more architectural detail which was just shown in that sketch. So is there an updated map that shows that, or how big is that shed? How close to the property line?

MS. HULEY: I have it right here. This is it right here (indicating).

ADAM CUMMINGS: Oh, okay.

MS. HULEY: The dog cage, that is moveable. I can move that if I have to. But this is -- it is 20 -- we have about 20 -- it is 15 by 8.

ADAM CUMMINGS: 15 by 8 is the shed?

MS. HULEY: Uh-huh. We had a permit and everything from Chili, Town of Chili.

ADAM CUMMINGS: Okay.

MARK MERRY: Well, I'm just at a slight disadvantage not having been at the last meeting. This may be a little redundant.

What is the purpose of this structure?

MS. HULEY: Um, storage basically. Five years ago my husband became disabled. He fell 28 feet and he is in a wheelchair, so we want to build a ramp in the garage where we have -- that is attached to the house which is going to take a lot of space.

I mean, I have a tractor. I have, you know -- so we just need extra storage. Basically that is what we want it for. To move everything out of the garage so it is not under the trees right now.

MARK MERRY: This is for household items, lawn, maintenance equipment and so on and so forth?

MS. HULEY: Yes. Everything is under the trees right now. Since we started the ramp thing.

MARK MERRY: Okay. Thank you.

ADAM CUMMINGS: Could you clarify where the ramp is to access the main house?

MS. HULEY: Right now, it's -- right now it's -- it's right here (indicating) where it says "concrete." That's where we have it. But it's outside and deteriorating, so we want to put it inside the garage. That's what the Monroe Wheelchair -- they came out and told us it would be better if we put it inside the garage.

ADAM CUMMINGS: Yep.

MS. HULEY: It's right here (indicating). That is where it will go.

ADAM CUMMINGS: That's the loss of storage and the desire to have a new storage shed because you're losing storage place in the garage?

MS. HULEY: Yes. We have three kids. Bikes. He has two scooters that he uses outside and the wheelchair. I mean, it is just a lot of extra stuff.

ED SHERO: Just some confusion. On the size of the barn, when I was with you, 24 by 36. The letter when you came in, you wanted to go to 24 by 40.

MS. HULEY: Maybe I made a mistake. It was 36.

ED SHERO: 24 by 36?

MS. HULEY: Yes. Whatever we talked about.

ED SHERO: Okay. That's all.

ADAM CUMMINGS: So the size is 24 by 36.

ROBERT MULCAHY: That's what we got.

ADAM CUMMINGS: Which is what I read. All right.

With that, I don't believe -- because this was tabled when we held the Public Hearing last time that we won't be opening the Public Hearing. So we will -- if there are no other discussions or questions we'll move forward with SEQR.

Everyone clear on the revised site setback lines? We didn't discuss the revised setback

lines too much.

FRED TROTT: I think it should be a good attempt at trying to get some more room.

ADAM CUMMINGS: Right. Working with the Building Department, in essence, doubling her request -- or cutting her request in half rather, the other way --

FRED TROTT: And pole barn, secondary barns, so it is not like it is going to be out of character.

ROBERT MULCAHY: Trees.

ADAM CUMMINGS: And we're saving trees.

MS. HULEY: You won't be able to see it from the road.

ADAM CUMMINGS: The way this location is, with leaving the trees, it really won't be that visible from the road.

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 Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: I think it might be good if we put in the materials of construction to match the house like she stated she would do. And obtain building permit. So I will put those two conditions on there. So building permit must be obtained from the Building Department.

JAMES WIESNER: As far as the height goes, did you put anything on there -- there was a comment about the house being 17 feet higher --

ADAM CUMMINGS: Her drawing showed it to be 17 feet. If you can put that back on just so we can be sure. Yes. So I did look for that. The 17 foot is on that man door side.

JAMES WIESNER: Yes. That is fine.

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

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Materials of construction (i.e. trim, roof, siding, doors, etc.) shall match the types used on the main house structure.
2. Building permit must be obtained from the Building Department.

The following finding of fact was cited:

1. The applicant has reduced the requested surface area of the structure and reduced the side and rear lot line setback variances by one-half of the original variance application. Due to the location, very mature trees on the lot, there are few possible feasible locations to place this structure on the site without removing several of the trees at large monetary and sun shielding expense.

PUBLIC HEARINGS:

1. Application of John Clar, owner; 4467 Buffalo Road, North Chili, New York 14514 for variance to erect a 20' by 28' attached garage to be 57' from front lot line (75' required) and 6 from side lot line (10' required) at property located at 4467 Buffalo Road in R-1-15 zone.

John Clar and Susan Clar were present to represent the application.

ADAM CUMMINGS: If you could identify yourself and your address for the record.

MR. CLAR: Evening. My name is John Clar. 4467 Buffalo Road, North Chili, New York. 14514.

ADAM CUMMINGS: Then a brief description of what your application is and --

MR. CLAR: My application is for an attached garage, 28 by 20. Um, that's it. I have been living in the house for 25 years and think it's about time I get a garage.

ADAM CUMMINGS: There aren't that many houses on that street that don't have a garage.

MR. CLAR: I know.

ADAM CUMMINGS: So I just wanted to read really quick, this one was referred over to the Monroe County Department of Planning and Development. It's looking like it has been deemed a local matter. It doesn't look like they have any other comments. So on this, it looks like we have got a -- somewhat of a sketch plan, so it is going to be an attached garage. So we'll start there.

MR. CLAR: Yes.

ADAM CUMMINGS: Looks like it will be on the east side of the building.

MR. CLAR: Correct.

ADAM CUMMINGS: So it is tough to read it there, so I will just try to walk us through it.

So how wide would -- I guess what is the depth of the house?

MR. CLAR: Would be 24.

ADAM CUMMINGS: Okay. So it would be 28 foot --

MR. CLAR: 4 feet going toward Buffalo Road. That's the variance that we're going for.

ADAM CUMMINGS: Okay.

MR. CLAR: And it will be 20 feet wide.

ADAM CUMMINGS: 20 feet by 28. So there is going to be a bump-out towards Buffalo Road?

MR. CLAR: On the north side, correct.

ADAM CUMMINGS: That is to allow for a man door?

MR. CLAR: Correct.

ADAM CUMMINGS: Okay. And that does not list -- how many doors? You should be able to fit one door on there? It is not -- you're not going to try to squeeze in a two-car garage?

MR. CLAR: No. Just the main front door will be a 16 foot.

ADAM CUMMINGS: Yep.

MR. CLAR: Correct.

ADAM CUMMINGS: Then you're going to alter the driveway a little bit? Is that --

MR. CLAR: Yes.

ADAM CUMMINGS: To point it out here (indicating), that is this alteration to that (indicating)?

MR. CLAR: Right.

ADAM CUMMINGS: Do you have any architectural drawings or anything like that? Will you build it yourself?

MR. CLAR: I will not build it myself. I'm going to have Lepore build it. He gave you guys the sketch. I believe you guys have that.

ADAM CUMMINGS: I have a sketch.

FRED TROTT: (Indicating).

ADAM CUMMINGS: So that is the sketch.

MR. CLAR: Yeah.

ADAM CUMMINGS: So you don't have a contractor --

MR. CLAR: I'm sorry?

ADAM CUMMINGS: -- or the builder.

MR. CLAR: I did not give that to you guys.

But she needed some kind of sketch right there, so we drew that real fast.

ADAM CUMMINGS: Okay. And what is depicted there is the 6 feet off the side lot line?

MR. CLAR: Yes.

ADAM CUMMINGS: The other one was the survey plan.

MR. CLAR: Right.

ADAM CUMMINGS: That showed -- to reorient it. All right.

MARK MERRY: Just, Mr. Clar, noting in your application, point 2, will granting a variance produce an undesirable change in the character of the neighborhood or detriment to nearby properties, you have listed here this will help the neighborhood by making your house fit in more with the other houses.

MR. CLAR: Correct.

MARK MERRY: Why is that? Why is it --

MR. CLAR: Well, mine just looks a little goofy because it's the only one with no garage on it. It just doesn't look finished like the rest of them.

MARK MERRY: Is that the main purpose you're looking for this variance, to put this garage on your house?

MR. CLAR: No. Mine is I just need a garage. I need it for my vehicles. I'm getting tired of working outside and -- I would like to have a garage.

MARK MERRY: It is just -- the long period of time. You say have you been there 25 years without a garage?

MR. CLAR: Yes.

MARK MERRY: Now is the time.

MR. CLAR: It was always kids, college, something coming up stopping me and now is the time so I would like to get it up.

MARK MERRY: You're not looking to increase the value of your home to turn over? You will be there another 25 years and stay dry and more storage area?

MR. CLAR: More than likely. Yes. I have been there for quite some time.

MARK MERRY: Thank you. That is all I have.

ROBERT MULCAHY: I just wondered the depth of the house again.

MR. CLAR: The depth is 24. Depth -- the house right now is 24.

ROBERT MULCAHY: 24 feet?

ADAM CUMMINGS: Yes. The survey map shows 24.28 on one side of the building and 24.22 on the other, on the east side of the building.

ROBERT MULCAHY: That's all.

FRED TROTT: You can't go back because you wanted to have the man door on the side and you have quite a drop-off in the back, right?

MR. CLAR: Correct.

ADAM CUMMINGS: On the survey plan, it looks like a pretty empty backyard, but on the drive part of it, it looks like there is a few structures, the pool and -- the Building Department

also noted a pool and a shed on the building [sic]. I believe the pool was permitted. The shed does not appear nor does the pool, so one of the requirements or conditions we would place on this is an updated survey map that shows those structures with distances from lot lines, whether it is side and rear or the sides pertaining to the shed.

Do you know offhand about what size that shed is?

MR. CLAR: I believe it's 10 by 12. 10 by 10.

ADAM CUMMINGS: Okay. I would just check. Depending on the size, it might require a shed permit from the Building Department. Just check with them. We will put that on as a condition, too, just to get those code compliant, if they require a permit. The pool has one. It is just whether the shed needs one or not.

MS. CLAR: When they came to our house --

ADAM CUMMINGS: Before you say that, can you identify yourself?

MS. CLAR: Susan Clar.

ADAM CUMMINGS: You can talk from back there. You just got to get your name and address.

MS. CLAR: I just wanted to say when they came for the pool, they seen the shed and they said it was fine, when the Building Inspector came out. He looked at it, for the pool.

ADAM CUMMINGS: Yep.

MS. CLAR: He looked at the shed and said it was fine.

ADAM CUMMINGS: We would still like it documented so we would like to confirm its location so if we acknowledge that we need setback variances for how far it was off the property line, whether it was the side or the rear, and likewise the size of it, to determine if a permit will be required or not. Looks like it is okay, but we just wanted to verify it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Robert Mulcahy 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: Any other questions for the Board or discussion on this? We'll ask for the material of construction. Don't really have an architectural plan.

I would like to pose a question. The height of it, you're not going to try to add a peak or an addition above it? It will just be a single-story garage to match the height of the existing building?

MR. CLAR: That's correct.

ADAM CUMMINGS: And one last question regarding the size of it, um, I'm trying to see exactly what we have there. So the front setback --

MR. CLAR: The front would be 4 feet, sticking --

ADAM CUMMINGS: Right. But the variance you're asking for is 67 feet, so it's a relief of 18 feet. So you need 75 feet from the front of your property, and you're asking for 57. And then the 6 foot is what you're requesting from the side, where 10 foot is supposed to be there.

MR. CLAR: Right.

ADAM CUMMINGS: I just pose that question, because if we can shrink this building down and not have it as -- as long, or -- or rather as wide, and that -- you said it is the 20 foot. The 20 foot dimension, okay. It is a 16 foot door.

FRED TROTT: That's pretty -- he is pretty much down there to begin with.

ADAM CUMMINGS: That is a pretty --

MR. CLAR: You're only talking 2 feet on each side.

ADAM CUMMINGS: -- small garage compared to the other ones. You could go down from a 16 foot door to what, an 8 or a 9.

FRED TROTT: That would be a one-car garage.

ADAM CUMMINGS: That doesn't provide much storage once you put a vehicle in there. I just wanted to point that out for discussion points.

Materials of construction will match the existing structure, the main structure, and that's the roofing, the siding to match material and color, trim.

MR. CLAR: He is -- yes. He is going to side it.

ADAM CUMMINGS: And drawings to be submitted to the Building Department prior to construction.

MR. CLAR: Prior to.

ADAM CUMMINGS: That is going to be part of the permitting process. I won't mark that down as a condition, but just pointing it out procedurally for you, before you start constructing, get a building permit and that will be a requirement, as the building permit part. That is where you can hand in the drawings and the Building Department will work with you to make sure it is up to code and able to be approved for the construction.

FRED TROTT: And the survey plot plan.

ADAM CUMMINGS: Thank you. Thanks, Fred (Trott).

And an updated survey plan. So we would like this updated with the structures that are on your -- on your property.

MR. CLAR: Okay. Is that -- are -- is that a lengthy process or is that something that's -- that I can obtain fairly quickly?

ADAM CUMMINGS: What is that, this map?

MS. CLAR: You want us to draw that on there or you want an official --

MR. CLAR: Does it have to be stamped?

ADAM CUMMINGS: I would love to say unofficial, but -- I will defer to the side table.

ED SHERO: Yes. We would have no idea knowing where the shed is located.

ADAM CUMMINGS: So yes. If -- if you can obtain a -- an updated survey plan from a licensed surveyor, um -- this one is dated 1989, so I think the -- the Town would find it most beneficial to have an updated accurate one. Not that everyone can't measure things, but we would like it to be as accurate as we can for our records.

MR. CLAR: Okay.

ADAM CUMMINGS: So updated survey plan.

As we discussed, if it is found that the shed is too close to the lot line, a variance application might need to be addressed at that point, but we don't know for sure. I'm just pointing it out as a possibility. So with those three conditions, um -- oh, before that.

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 Robert Mulcahy 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 Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Materials of construction (i.e. trim, roof, siding, doors, etc.) shall match the types used on the main house structure.
2. Building permit must be obtained from the Building Department.
3. An updated survey map from a licensed surveyor showing all of the structures and their locations on the lot must be provided prior to final inspection of the new garage.

The following finding of fact was cited:

1. This residence is one of the last in the area to include a garage structure and would create a property with similar visual characteristics to the neighboring houses. In order provide an entry door on the northwest corner of the addition, the requested variance (57 feet) slightly exceeded the pre-existing, non-conforming condition of the main structure (62 feet) from the front setback requirement (75 feet).
2. Application of Kenworth North Group, Inc., 100 Commerce Drive, Buffalo, New York 14218, property owner: 25 Airline Drive, LLC; for variance to allow existing four wall signs to be main (one wall sign allowed), variance to allow existing 28' by 4 double-faced freestanding signs to be a total of 64 sq. ft. each (one freestanding sign allowed to maximum 32 sq. ft.), variance to allow existing directional sign to be 12 sq. ft. (3 sq. ft. allowed) and to be a height of 12 foot 2 inches from ground level (42 inches high from ground level required) all per plan submitted at property located at 25 Airline Drive in LI zone.

Ann Dentino (phonetic) and Dan Dentino (phonetic) were present to represent the application.

MS. DENTINO: Good evening. I'm Ann Dentino (phonetic). This is Dan Dentino. I'm representing both 25 Airline Drive, LLC and Kenworth Northeast. They're sister companies. And we're located at 100 Commerce Drive in Buffalo, New York 14618.

The signs were put in place when we leased the premises in 2007. They have been there in their existing condition since then.

One thing I did want to correct, I had seen this on there, the existing free-standing signs, they're only -- they're only one-sided, so they're actually each only 32 square feet.

ADAM CUMMINGS: Okay.

MS. DENTINO: So there is no double side. And basically we need these signs to be in place because we're a truck dealership and we also do a lot of servicing of tractor-trailers.

I don't know if you have been back in the Jet View Industrial Park. It's narrow and we are at the end of a dead-end street. Not a lot of room for them to be maneuvering around. If they miss the entrance, the correct entrance to go back to the service station -- we have two driveways, so we kind of want to control the flow of traffic for safety reasons.

We also have -- our neighbors have all supported our petition, our application. They submitted letters because they don't want obviously these big trucks turning around on their

property. I can't say as I blame them.

So that is what we are looking for and I don't know if you have any questions or need any other information from us.

ADAM CUMMINGS: Just to further clarify, you said there is two --

MS. DENTINO: Yes.

ADAM CUMMINGS: -- 8 foot by 4 foot free-standing signs?

MS. DENTINO: Right.

ADAM CUMMINGS: However they're both single-faced.

MS. DENTINO: Yes. So both are 32 square feet, but there is two.

MR. DENTINO: They're directional in nature. As you come down the street, each driveway is one way, one going in and one going out. It is providing direction as far as how the trucks come in.

ADAM CUMMINGS: So in the -- in the package, are those identified as Number 3?

MS. DENTINO: Yes. You have Number 3 and I believe the second one is number 7.

ADAM CUMMINGS: Okay.

MS. DENTINO: I also have with me -- we have a picture outside of the building which -- to kind of show you where the signs are located. This -- this is the front of the building. And the other sign and -- the other freestanding sign that is not showing up is over here on the other driveway. These are the majority of the signs. There is this one (indicating). I'm not sure exactly which number that one is, but we have a small one there for customer parking. Then we have that one which leads people back to Service and then we have the directional sign on the pole which is just, again, directing people where to go. And that is Number 5, the small one again in the front.

And the other sign, Number 6, is in the back of the building and that's just kind of directing people towards the service entrance so they know where to enter the building.

ADAM CUMMINGS: Okay. Before we go too far, I will thumb through this and look at that sheet. I just wanted to read -- we did receive a letter from the Architectural Advisory Committee. They have provided a recommendation at their March 26th -- March 26th, 2014, meeting. And it says that it did look at the signage for this property. It was conditionally approved with the stipulation that should lighting be added to the property, that the signs are up-lit and that cut sheets for the lighting, if any, be submitted to the Committee.

And they reviewed a proposal -- oh, that was all there. So that was just for this application. So are you adding lighting at this time?

MS. DENTINO: No.

ADAM CUMMINGS: Okay. Thank you. Then the rest of it I think we have covered. I did want to note that there is a letter from the neighbor at 20 Jet View Drive, Hanes Supply, Incorporated. A letter in support of this application for sign variance. There is also a letter on file at 27 Airline Drive from the Marvin Keystone, LLC and also one at 15 Airline Drive, from JFS Curtze. All those were letters of support.

This one is easier, because there is lots of pictures.

JAMES WIESNER: Well put together as far as the explanation.

ADAM CUMMINGS: Agreed.

MARK MERRY: I guess I'm curious to know as to why you're not adding the lighting as requested by the Architectural Advisory Committee?

MR. DENTINO: On the -- the ground pole signs?

MS. DENTINO: Yes.

MR. DENTINO: Honestly, it's not really needed. The trucks, they're directional in nature. So when a truck --

MARK MERRY: You had no traffic in dusk, hours of darkness?

MR. DENTINO: No. I mean, the lights -- their headlights are on and they're more directional. It's not advertising brand. We're literally just trying to --

MARK MERRY: I just read your application as saying that the signage is not adequate. I think it was the intent of the Architectural Advisory Committee to help you in nature by requesting that that lighting be added.

ADAM CUMMINGS: Right. But this is in terms of the quantity of it. We don't necessarily need to impose conditions that --

MARK MERRY: Okay. I'm just -- contrary to what you were asking for, so --

MS. DENTINO: We haven't had an issue --

MARK MERRY: I don't know how larger signage would help you out frankly. I think it's -- advance notification to those visiting your complex would suffice just, as well. It is just something to add at this point.

ADAM CUMMINGS: When you say "advance notice," are you saying --

MARK MERRY: I find it very hard in general adding larger and more signs doesn't necessarily accomplish its goal. So if you have clients, and I'm assuming that you have return clients, a letter indicating where you need to go in a complex helps just as much. Just from past experience working at the largest Medical Center in Rochester, and you can add 50 signs, and no one is going to read the sign or see the sign. If you gave them a piece of paper where to go, they can find their way. You don't have this sign pollution, as we call it.

I know it's a Light Industrial complex, but still. Then again, you know the signs, because they're there, you say -- I would say add more signs. You seem to have a large quantity of signs at your complex right now.

MS. DENTINO: We are not looking to add any signs. We just want to keep the signs we

have.

MARK MERRY: To make them larger?

MS. DENTINO: No. We're just looking to keep our existing signage. We're not looking to increase the size of anything or add anything.

MARK MERRY: My apologies. That is not how I read it.

ADAM CUMMINGS: These ones were part of the sign inventory done by the Building Department, so these were never permitted before.

MARK MERRY: Ah.

ADAM CUMMINGS: They were pre-existing and it is now trying to get it compliant with our code.

MR. DENTINO: When you're driving down the street, the sign along -- on the building is very difficult to see because of the pine trees. The two signs on the street, as soon as they see you're a Kenworth dealership, they're directing you to go down to the next exit and --

MARK MERRY: Okay.

MR. DENTINO: -- and pull in.

MARK MERRY: That's 14.

ADAM CUMMINGS: So all these dimensions here represent the existing signs?

MS. DENTINO: Yes.

MARK MERRY: Got you. Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Robert Mulcahy 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: Any further discussion there? Just to point out again, if the lighting does become a consideration in the future, you will be referred over to the Architectural Advisory.

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 Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: With that, I don't see any conditions being imposed. Other than sign permit, which is kind of why we're here, so.

MS. DENTINO: We will get to that.

ADAM CUMMINGS: So that will be a continuation of this process.

Robert Mulcahy made a motion to approve the application with the following condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Sign permit must be obtained from the Building Department for all of the signage present on the site.

The following finding of fact was cited:

1. The signs provide important directional uses for tractor trailers, delivery vehicles, and other large vehicles that travel to and from the property and prevent these oversized vehicles from mistakenly entering neighboring properties. These signs have been present on the property, which is located on a dead end street in an industrial park, for several years with no complaints reported to the Town.
3. Application of Rochester Gas & Electric Corp., owner: 89 East Avenue, Rochester, New York 14649 for variance to erect an 8 foot high fence including three strands of barbed wire around perimeter of property (4' allowed in front setback, 6' allowed in rear setback with no barbed wire), variance to erect a 12' high fence around proposed mechanical equipment (4' high allowed in front, 6' high allowed in rear) at property located at 689 Chili Scottsville Road in AC zone.

Brendan Bystrak and David Bovie (phonetic) were present to represent the application.

MR. BYSTRAK: My name is Brendan Bystrak with Labella Associates. Our offices are at 300A State Street in Rochester, New York.

Here with me is Mr. David Bovie (phonetic), Project Manager with Iberdola USA. Our application -- can I go to the board?

ADAM CUMMINGS: Sure.

MR. BYSTRAK: So the application tonight is for three variances associated with our perimeter security fencing. This is our proposed gate station (indicating).

The site there will access off Scottsville Chili Road. Coming into the station, there will be a main gate. This is a perimeter security fence that goes all of the way around the station. Again, the application is for 7 feet of chain link fencing with three strands of barbed wire. So the perimeter fencing requires three separate variances. The first is for utilization of barbed wire. The second variance is for a height greater than 4 feet in the front setback, and the third is for a height greater than 6 feet on our side and rear.

Um, the application has gone through about a year and a half of approvals with the Town and various Boards. We have made several modifications to the design, including some large berms and landscaping. We worked with the Planning Board and the Conservation Board.

Um, tomorrow night we're actually meeting to finalize the building renderings with the Architectural Advisory Committee. And some of our concessions in the approval process have involved putting up vinyl coating on the chain fabric to help soften the aesthetic look. The other was to have that fencing complement the color of our building. The AAC recently asked us to change the color of the roof to a charcoal color, so we'll go with a blank vinyl finish on our chain link.

The fourth variance is for a screen wall. We have two large pieces of mechanical equipment; they're heaters. The top of those is about 10 feet in height. They have two exhaust stacks which will extend above that height. There is a cross-section drawn here, which is basically going through this part of the berm (indicating).

The berm itself will be approximately 10 feet of fill. That will raise it approximately 3 feet above the existing center line of the road. We'll have landscaping on top of that, which is about 8 to 10 feet in height initially. The site then drops off approximately 14 feet to -- to where our proposed security fence is and then rises slightly to where our heaters are. The wooden security fence or privacy fence is more for views -- as you are driving southbound on the road, there is one spot where you can see through and the decision was to screen that on the northern and eastern sides. This screen wall would be a board-on-board type fence. Again, 12 feet in height. That kind of concludes our application and the four variances we're requesting.

ADAM CUMMINGS: All right. Very nice presentation. Any questions, Jim (Wiesner)?

JAMES WIESNER: So there is going to be a fence that will circle the whole entire area of property?

MR. BYSTRAK: Correct. The perimeter station. The property itself is 18 acres. The area we'll be fencing in is about just under two acres.

JAMES WIESNER: Okay. You said that would be a chain link fence?

MR. BYSTRAK: The fabric itself is chain link, yes, with a black vinyl coating.

JAMES WIESNER: Okay.

MR. BYSTRAK: In our application materials on page 5, there is a similar fence we put in about two years ago. The Byron Bergen District had a similar station. That fence was -- basically it's the exact same detail. 7 feet of chain link with three strands of barbed wire. Again, to soften that shiny galvanized look, putting a black vinyl coating look like you see on athletic fields.

JAMES WIESNER: And then this bat-and-board fence you are talking about will be in front of it?

MR. BYSTRAK: That will be inside the station itself. Again, as you're driving in a northerly direction, our landscaping berm wraps around the side of it and there is a lot of existing vegetation with the access to the golf course that cuts down your view. It was more the southbound traffic, until these trees are mature and grow in -- that where our access is -- there is a line of sight that the Planning Board asked us to consider screening.

JAMES WIESNER: I kind of looked over the top of the hill. Obviously there is a project that has not gotten under way by any means yet, so this is planning for the future at some point.

MR. BYSTRAK: The intent would be meeting tomorrow night with the Architectural Advisor Committee, too. They're our last approval that was required. We -- I would pursue obtaining all our approval signatures in the next two weeks and have a bid package out and hopefully begin possibly clearing the site, the building of the access and doing some of the preliminary work this fall.

JAMES WIESNER: Okay. So that will move pretty quick.

MR. BYSTRAK: Correct.

JAMES WIESNER: That's all I have.

MARK MERRY: Afraid to say it then.

ADAM CUMMINGS: Go ahead.

MARK MERRY: So I guess if I'm reading this one correctly, the limit we have is 4 foot in the front yard?

ADAM CUMMINGS: In the front yard.

MARK MERRY: You're asking for 8?

MR. BYSTRAK: Yes.

MARK MERRY: With the barbed wire on the top?

MR. BYSTRAK: Correct.

MARK MERRY: In regard to the wooden fence, what is the height of that again, please?

MR. BYSTRAK: To the very top pieces of it, will be 12 1/2 feet. There are 12 foot blanks we're using and basically putting that 6 inches off the ground.

MARK MERRY: That's roughly double the size of what is permitted?

MR. BYSTRAK: That would be --

MARK MERRY: In the back? That is --

MR. BYSTRAK: The front of it would be basically triple. 4 foot -- we're trying to determine how to really do this. If this is actually a fence, if it is a screen wall, and in dealing with Kathy (Reed) and Dave Lindsay, their recommendation was to come before this Board and ask for the variance, assuming it is a fence and not a screen wall.

MARK MERRY: What is the highest point of the equipment that you're screening the area, the complex?

MR. BYSTRAK: Um, well, our barn itself is about 30 feet in height. But this equipment, the very top of the stacks, I believe, is 24 feet. These stacks are basically -- they're 18 inch diameter. They will be painted matte black and they have just basically an aluminum cap on the very top.

ADAM CUMMINGS: So the vessels that those stacks are coming out of, how tall are those?

MR. BYSTRAK: These? Actually, I have a picture of that for you.

ADAM CUMMINGS: Okay. This is actually the cut sheets from the manufacturer. I didn't bring my glasses to be able to read the dimensions.

They're probably a little bigger. How tall is that catwalk? I can't see the --

MR. BYSTRAK: The top of the expansion tank has 12 feet 6 inches to the center. To the very top of it would be about 14 feet.

ADAM CUMMINGS: Okay.

MR. BYSTRAK: Then the top of the stack is 21 feet 10 inches above grade.

ADAM CUMMINGS: Okay.

MR. BYSTRAK: Again, these stacks, um -- let's see. This is basically a -- a heater that is located in Caledonia, New York. A water bath heater. It has two individual stacks that extend about 20 feet above grade. This is a similar one that was recently installed and it has that aluminum cage on the top. But again, they will be painted flat black similar to the charcoal style on the roof. The buildings will have basically a charcoal finish for the roofing.

Um, the side walls are painted basically a surrey beige, and the heater itself will also be finished with a surrey beige color. Again, it will be a screen wall to hide the majority of that equipment.

ADAM CUMMINGS: What is the purpose of hiding it? Just aesthetics?

MR. BYSTRAK: Just aesthetics. It was concerns from the Planning Board, again, as people drove south, look into it, you will have a large piece of industrial equipment sitting out in the field. Really trying to get the site to have an agricultural feel, so again, going with a gambrel style barn.

The landscaping was put in with flowering cherries and crabs. We really had a lot more landscaped evergreens. They asked us to embellish the buildings more, look agricultural and reduce the amount of landscaping.

ROBERT MULCAHY: Can I ask what it is all for?

MR. BYSTRAK: This is called a gate station, which is a point of purchase for RG&E. They will purchase gas out of the Empire transmission system. This station will then add that gas and reinforce the entire service through Monroe County and the surrounding counties so it adds capacity and reliability to the system.

ADAM CUMMINGS: It's a pretty vital piece of utility supply?

MR. BYSTRAK: Correct. In going through the application we're trying to find some type of requirement from the Public Service Commission for heights of fence for security measures. We researched with Homeland Security, Department of Defense, the Public Service Commission. They all have very strong recommendations, but no guideline. They basically -- each utility has to set a precedent, what the utility feels is appropriate.

So RG&E, NYSEG, IUSA, they have set a standard for 6 foot -- I'm sorry, 7 foot of chain link fencing with three strands of barbed wire and across the street at the electrical substations, they have an even more elevated risk, so they have barbed wire both inside and out and they have six strands of barbed wired.

ADAM CUMMINGS: The Scottsville Road site plan where the storage is of the equipment, do you know if those are 7 foot with barbed wire?

MR. BYSTRAK: What station is that?

ADAM CUMMINGS: Not station. RG&E supply, outdoor supply.

MR. BYSTRAK: Oh, yes, around the main Scottsville Road, yes.

ADAM CUMMINGS: So screening on the interior and security on the exterior?

MR. BYSTRAK: Correct.

ADAM CUMMINGS: And in terms of the 12 feet, you have already got the smoke -- the stacks are already extruding past that. And you have already got 14 1/2 of the top part of -- of the boiler vessel. I guess where was the 12 foot determined?

MR. BYSTRAK: The 12 foot was trying to look at standard dimensional lumbar with reasonable foundations. 8 by 8s imbedded 4 1/2 in the ground with 6 1/2 feet of concrete because of wind loads out of the west. Just trying to look at sizing and massing. Our intent really is every ten years the front end of these, called the process coil, is removed out the front and basically goes through a complete inspection. Within that ten-year period, we were hopeful all this landscaping is obviously grown in, filled in and the need for this screen wall would then be eliminated.

ADAM CUMMINGS: Then you wouldn't need the screen wall?

MR. BYSTRAK: Correct.

ADAM CUMMINGS: But yet we grant you a variance for one.

MR. BYSTRAK: Because again, we're doing the initial landscape plantings and you will have the initial view. The warm bath heaters are not that attractive for an agricultural setting. It just wouldn't look quite right, so the screen wall hides the majority of that mechanical part. All of the piping, valving would be left with the two stacks sticking above it.

ROBERT MULCAHY: I can understand it now.

FRED TROTT: How far back are you from Scottsville Road?

MR. BYSTRAK: Um, we are meeting the 100 foot setback for all of our buildings. The security fencing itself, off the edge of the travel lane, we are, I believe, about 120 feet to the security fencing. Our gate station building, which will be the barn structure, is about 140 feet, again off the travel lane.

The width is really usually wider for the right-of-way. The right-of-way -- I believe the right-of-way is almost 60 feet off the edge of the pavement, so it is really 40 feet off the pavement, so it is an abnormally wide right-of-way.

Again, we have tried to design the station with as few variances as possible. We didn't want to get into the large federal wetlands. We didn't want to go in the federal permits either. Basically we are able to create the site plan with a linear design, eliminating the need for any front setback.

Our first plan before the Planning Board actually had requested about a 40 foot front setback and it was turned down saying we need to eliminate all possible variances.

Again, the station security, we need three variances for that, for the perimeter fence, and additionally, we're requesting the variance for the screen wall.

FRED TROTT: Do you plan on having cameras there?

MR. BYSTRAK: I don't believe there are cameras planned at this time.

MR. JOHN PERNA: No, not at this time.

MR. BYSTRAK: Not at this time.

FRED TROTT: I'm wondering how much more beneficial a camera would be to a chain link fence. You pull one strand, you get a lot of opening.

MR. BYSTRAK: The issue then would be 24/7 lighting, so we wouldn't want to be dusk-to-dawn lighting. We are putting lighting in, but that is strictly for emergency response. There would be a switch on the side wall and again, it's not dusk-to-dawn. It's only for emergency services should anything -- or throughout the station lighting there.

ROBERT MULCAHY: That has to be a secure site?

MR. BYSTRAK: Correct.

ROBERT MULCAHY: Very secure.

MR. BYSTRAK: Treated the same way as electrical substations.

ADAM CUMMINGS: Just want to point out one more thing that would be a condition, and that's zoning permit for the fence would need to be obtained. I don't know if you have already been notified about that. The Town, you need a zoning permit for the fence. So you can work with the Building Department for that.

MR. BYSTRAK: That's separate from the variances?

ADAM CUMMINGS: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MARK TRZYZEWSKI, 6 Gateway Circle

MR. TRZYZEWSKI: The question is going to be -- I will save for the proposers is (indiscernible) alternative proposed versus chain link fence with barbed wire. You can go through the application process. Here are what are the alternatives. (Indiscernible) could require a variance.

For example, could you enclose this with a building where you wouldn't require these variances of a chain link fence, or is there some reason you could not enclose this?

MR. BYSTRAK: Actually, our application, the only other alternative we had was to buy dusk-to-dawn lighting.

ADAM CUMMINGS: Real quick, just address us to be formal.

MR. BYSTRAK: As noted in our first response, the self-test for the variance, the only other alternative we could identify was putting up dusk-to-dawn lighting and having a 24/7 security type of building at the station itself and we deemed that not really being feasible. That cost would be born by the repayers, anybody that has gas or electric services.

ADAM CUMMINGS: And would the same kind of cost burden be imposed if you put up the capital to enclose everything within a building? Because it is technically an alternative.

MR. BYSTRAK: I guess we really didn't truly investigate that. I didn't feel that would be probably -- that would probably be an additional variance. The water bath heaters are large pieces of mechanical equipment that are intended to be outdoor for installation. The only exception to that are the heaters at the Mendon gate station that are enclosed in a barn. Much larger in scale than this.

Would -- we would then have larger -- larger buildings and more, I would say, impact. More aesthetic impacts.

ADAM CUMMINGS: All right. Aesthetics impacts. You would also have a -- any setback --

MR. BYSTRAK: We probably -- you were to look at, if that building would actually fit -- it would be close -- we would have to probably push the heaters closer to the wetland areas.

ADAM CUMMINGS: Would you be encroaching the wetlands?

MR. BYSTRAK: Yes. We have 3/10 of an acre disturbance which falls under the nationwide permit, so we don't have to go before the Army Corps of Engineers for any additional permit. All steps we want to avoid any disturbance to the wetlands or having to obtain a State permit or go through an actual Army Corp. permit process. That would be an additional 12 to 18 months.

ADAM CUMMINGS: Okay. Thank you.

Fred Trott made a motion to close the Public Hearing portion of this application and Robert Mulcahy 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: Presentation was pretty thorough. I think we have now seen all that are there in terms of the variances that are being requested. The materials for construction, the height, the barbed wire is also a variance that is being requested because it's actually prohibited, just so everyone is aware of that. The barbed wire is a variance, as well.

I don't have any others.

As I mentioned, the zoning permit will need to be obtained for the fence. The Building Department will help you with that, the applicant.

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 Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

JAMES WIESNER: SEQR was already done by Planning Board.

ADAM CUMMINGS: Oh, has it been?

JAMES WIESNER: So it is not under our jurisdiction then.

ADAM CUMMINGS: I can't see. SEQR was done by Planning Board. Does that cover the variances? Covers the site plan, correct?

MICHAEL JONES: Pardon me. It would not. You would have to have your own SEQR because I don't think they put you on notice and gave you an opportunity to become lead agency, so you will have to do your own SEQR.

ADAM CUMMINGS: Thank you. So we -- we did it correctly.

DECISION: Unanimously approved by a vote of 5 yes with following condition:

1. Zoning permit must be obtained for the oversized fence.

The following finding of fact was cited:

1. These fencing structures serve as security measures to help protect vital public gas supply infrastructure assets for our community and the region. The screening also aids to mask the presence of industrial machinery in our Agricultural Conservation Zone and provide a means to help them more resemble structures that are more agricultural in nature.
4. Application of Archer Road Vista, LLC, owner; 783 Wangum Road, Fishers, New York 14553 for variance to allow 14 lots in the Vista Villas Section 1 Subdivision to be over the maximum 20,000 sq.ft. allowed and two lots to be under the minimum 10,000 sq. ft. allowed per plan submitted at properties located at 234 Archer Road, 3, 5, 6, 10, 12, 13, 15, 17, 19, 21 Prestwick Lane and 8, 10, 12, 14, 16, 18 and portions of 100, 103 and 104 Club House Drive in PRD zone.

Walt Baker and Gary Pooler were present to represent the application.

MR. BAKER: Walt Baker with DSB Engineers and Architects, 2394 Ridgeway Avenue, Rochester 14626.

With me tonight is Gary Pooler -- he's the Managing Partner of Archer Road Vista, LLC -- regarding the project known as Vista Villas Subdivision which is on -- located, as Chairman stated, on Prestwick Drive and Club House Drive which is off of Archer Road in the Town.

As the Board will recall, we requested on the 20th of May to be reheard of this application just for Phase 1 versus the entire site. Last time we were in, we came in for variances as stated for lots greater than 20,000 square feet and lots less than 10,000 square feet, as per the PRD code, which this project was approved under through the Planning Board.

At this time, we would like to just request approval for Phase 1 which consists of 41 lots in Phase 1. That hasn't changed. That is presently filed, I believe, last year. The Board -- there was a variance on Lot 1 up in the corner which combined three lots into one lot, so now we're at 41 lots which is currently filed at the Monroe County Clerk's Office.

This project is -- is fairly unique in the fact that it's a PRD project, Planned Residential Development, which has the jurisdiction of the Planning Board and part of the code states that the lots had to be 10,000 and 20,000 square feet. As the Board is familiar, except possibly the new member, this -- this project was originally approved back in 2005 for the entire site, which at that time had lots that varied in size from 10,000 to 20,000 square feet. There were a couple lots that actually were approved through the Planning Board that were less than the two lots that were on the agenda for this evening. Two of the lots that -- were actually less than 10,000 square feet. That is T-80 and T-81. T-81 and T-82 are the two lots that were filed at the County Clerk's Office which were inadvertently filed as less than 10,000 square feet.

So part of our request tonight is for those 2 lots and 14 lots, which would, in turn, be over 20,000 square feet. Um, those lots being over 20,000 square feet are based on the fact that the project as approved back in 2005 was approved under PRD with the golf course, clubhouse for the golf course and a Homeowners' Association for the entire project, where the Homeowners' Association fees assigned to each property owner, purchaser, would help with the maintenance and care of the lawns and membership for the golf course and such things as that.

The project really didn't come to fruition over the years. They have tried, and it sat dormant for a number of years. In fact, it didn't even start construction until 2006 and only seven houses were actually built over the course of about seven years.

So it -- it's -- it's a project that the owners have -- have tried to revisit on what we can do to make this project successful.

So in doing that, we went back to the Planning Board last year and presented the application to eliminate the golf course, the clubhouse and the HOA, which the HOA was established through the State Attorney General's office, so we had to dissolve that, which the Planning Board agreed to. We went ahead and dissolved the HOA, so that is no longer a burden on the existing homeowner or future property riders. So that was important. We do have 14 lots now that actually are absorbing the areas that were part of the golf course holes, so the -- to the rear of their existing properties. So their properties in width are the same properties that were approved back in 2005.

What we're doing is requesting to extend their property line further back, give them more land, which in effect is going to make them larger than 20,000 square feet.

However, it's -- it increases their backyard. The existing owners that live there now are in favor of it. They're willing to take that extra land and it will become their property and maintenance and such. No more Homeowners' Association, so it benefits all of the existing owners, and as far as prospective buyers, they are looking at buying basically a residential lot in a residential subdivision without the burden of a Homeowners' Association and obviously the golf course and the care of that.

So we did list how many lots -- I think you mentioned 14 lots that are actually over the 20,000 square feet, and the two existing ones which are under -- they're under 10,000 square feet by about 1200 square feet. Less than 10,000. They're -- they're 8,900 square feet, less that and change versus 10,000 square feet. And the lots that are over 20,000 square feet vary in size up to 75,000 square feet, because part of that area, which is a golf course, was also an area for storm water detention facility, for the increased runoff on the subdivision project itself. So we rearranged the lot lines the best we could, maintaining the side lot lines for all of the homeowners there and increasing the depth. And the ones that were existing homeowners, made sure they were in agreement to accept that land. And so we reconfigured it in that respect, so we do have the 14 lots that are over 20,000 square feet. It did vary in size from 20,000 and change up to like I said, a couple that are 39,000, one that is 75, one that is 64,000. But most of them are in the 20 to 30,000 square feet range.

And the Board may well recall when we first came in, we were -- we presented the entire project, which is 200 and -- 221 lots originally -- 221 lots we came in with varied lot sizes for the overall project, which is going to entail five more sections. This will be Phase 1, and Phase 2 through 6, we were looking at varying those lot sizes, redesigned the entire site because it wasn't filed at the County, so we had the ability to take it as a blank piece of paper, if you will, the boundaries of the property and rearrange the road and the lot lines to accommodate the lots the best we could.

And with that, we had lots that were redesigned based on the current market, what people are looking for. As you all know, the price of homes keeps going up and up, and the houses, you get the same thing you did 10, 20 years ago; you're paying a lot more for it today.

And obviously so we were in -- and looking at the current market, we had lots that were narrow in width and also less than 10,000. We went down to 8,500 square feet. Um, at that time, it wasn't well received by the Board, so we took that off the table completely, so we were going back to the Planning Board. We have already submitted a new application for Phases 2 through 6, which will not require any lots less than 10,000 or any lots over 20,000. So.

ADAM CUMMINGS: So you will not be back?

MR. BAKER: We will not be back.

ADAM CUMMINGS: Your original application encompassed -- to get you up to speed encompassed all six phases.

MR. BAKER: Correct.

ADAM CUMMINGS: There was a lot of different lot sizes, and there was a much greater number of variance requests than 14.

MR. BAKER: Correct.

ADAM CUMMINGS: So last month, we had a letter that was received to rehear the changed application, which would just be Phase 1, and only for these newly formed properties, which are actually remnants from --

MR. BAKER: They're already filed at the County. We want to modify the existing filed lots. As far as 2 through 6, nothing has been filed for 2 through 6, so we're back to the drawing board with the Planning Board.

ADAM CUMMINGS: This is a change -- this is a subtle change for these specific lots. Some of them are preexisting and some of them are a direct result of dissolving them, as -- as Walt (Baker) mentioned, the former detention facility and the golf course holes, that excessive empty land that was going to be a -- I wouldn't call it a public benefit, but a community -- a residential community's land and the other part about those large ones is they have rear-facing railroad and utility boundaries from what I recall.

MR. BAKER: The original intent with the golf holes was actually along the northern part of the site, which also abuts the -- the railroad tracks that are along the north property line, so it made sense that the residential homes would be further away from the tracks by incorporating the golf holes, which was the intent, which made sense. Unfortunately, the golf course community didn't --

ROBERT MULCAHY: You could still put a couple holes back there. (Laughter.)

MR. BAKER: I want one in my backyard.

ADAM CUMMINGS: The property owners can still do that if they would like that. If they have those lands. (Laughter.)

With that, we'll thank you for the history and the introduction and the information.

JAMES WIESNER: So for the -- so I have taken my map and I marked up which ones are under and over. Any that are under -- T-81 and T-82, those are already built, correct?

MR. BAKER: Correct. Those were the -- basically in the original design, this project had single-family homes and also had townhomes. The townhome designs were -- actually, this was a, if you will, a duplex or two-unit townhouse versus a four-unit or a six-unit townhouse, which the original design incorporated different numbers of townhouses grouped together.

So this particular one was a two-unit townhouse sold early on as part of the original, if you will, the original sales, and so for whatever reason, I don't know how it -- I wasn't involved in the project back then, but somehow it went through and got filed at the County with less than 10,000 square feet. For some odd reason, it just happened that way. What we're trying to do is correct something that was a filing error.

JAMES WIESNER: The two undersized are already built on. The ones oversized, some are built on and some are not at this point?

MR. BAKER: Correct. Some were sold off and we went to the homeowners that owned that lot and said, "Gees, would you be interested in taking this additional land behind your home?"

And we do have other lots obviously that are for sale that would be larger.

JAMES WIESNER: At the time, was it 2005 when it went before the Planning Board last?

MR. BAKER: 2005. I think Gary (Pooler) went back in '08 for a -- for a revision to the original approved acreage. There was like a Phase 1A and there was a Phase 1B, and Phase 1B they were hoping would move along and the project just stopped.

JAMES WIESNER: Some of these lots that have gotten larger, this layout has changed slightly from 2005 in the sense that you said some of these properties, they have the real extended backyards, north of the railroad tracks. That was all going to be part of the golf course.

MR. BAKER: Correct.

JAMES WIESNER: Now that land is absorbed into those properties.

MR. BAKER: Right. The golf hole was along the northern part of the site adjacent to the railroad tracks. So what we did, instead of taking one lot and making it three acres, it made sense to run the lot line straight back, that way some individual doesn't have acreage that goes behind another home.

JAMES WIESNER: Okay. So in that regard, those lots, there is a change, but there is a reason why they changed?

MR. BAKER: Yes, sir. We have tried to lay it out again to make sure where somebody just had a deeper lot as far as their ownership, they could see their property lines are pretty well defined. They're not oddly shaped except for a couple up in the northwest corner.

JAMES WIESNER: Actually, we were involved in the one that borders on Archer Road, because we -- we were combining those three lots.

ADAM CUMMINGS: We combine those three lots, pretty much due to them not being developable. We had the power line easement.

MR. BAKER: There happened to be another little problem that ended up getting approved years ago back in '05, and then in turn, there was three lots that were actually combined into one to alleviate -- there were some -- some utility -- utility concerns.

JAMES WIESNER: That's -- in addition to the lots that border on the northern sides, but there is three, four lots when you first come in on the right-hand side --

MR. BAKER: Correct.

JAMES WIESNER: -- that are bigger.

MR. BAKER: Correct. Again, that was due to where the golf hole was positioned, and

there was also a detention pond on that one lot. We did approach the adjacent property owners on Lot 83, I believe, and he wasn't interested in the land, but the gentleman that owns Lot R-7, he said he would take that -- that shape where the pond was and everything else.

Obviously the ponds are under easement to the Town, so the ponds, even though they are on their property, are under easements that were given to the Town for maintenance concern.

JAMES WIESNER: Good explanation why things are under or over and kind of where we started and where we ended up.

MR. BAKER: Yes. It's been a long process. Again, I got involved with -- with Mr. Pooler the last year, so that's when we started doing the redesign with the Planning Board. So we went through a number of iterations with the Planning Board back last year to get to where we are now, two months ago and here we are today.

FRED TROTT: I just had a question. The -- where it says T-83, 84, 85, and so on, it has in the small print, a much smaller base square footage. Is that the previous square footage?

MR. BAKER: Yes.

FRED TROTT: And then the updated is the bolder?

MR. BAKER: Correct.

FRED TROTT: Below the R89, for example?

MR. BAKER: Correct. When we go back to the Monroe County Clerk's Office, they like it subdued or shaded or dashed that shows the original acreage and then what changed.

FRED TROTT: That's all I wanted for that.

MICHAEL JONES: I just wanted to remind the Board because of the unique process for this particular application, a unanimous vote of the present members of the Board is necessary for approval of the application. And I agree with what Walt (Baker) presented here. We are actually trying to clean up some lots that the Town has already provided permits that we should not have because it was overlooked that variances were required.

So Phase 1 being a little bit different than the rest of it, um, kind of preexists.

The other legal issue is that because the applicant has sought to come back in this manner, with this reapplication requiring unanimous vote, they have effectively cut themselves off from doing the same thing for the rest of it. But it turned out that they now claim they don't need variances for the rest of it, so that is good, I suppose.

ADAM CUMMINGS: Agreed.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm a little puzzled and maybe it's because I'm just not familiar enough with this, but I see where this variance is for four lots to be over the maximum. And two to be under the minimum. That's 16 lots. Yet I read 20 addresses in this application.

ADAM CUMMINGS: Good question.

MR. BAKER: We actually got that from the Building Department. They provided us with the addresses and the tax account numbers for that. Because it -- because again, it has changed over the years, from the original approval, and the lots being sold off. So I noticed the same thing. I'm thinking, "Gees, it sounds like we have more numbers than we need."

However, the true count is 14 that would be over 20,000 and 2 lots that would be under. It's listed on the map. We bolded that. It's -- the lots that would be over would be R-1A, which is the -- the lot that the Board saw last year when you combined the three lots into one lot. That is why it is called an R1-A.

ADAM CUMMINGS: That one has already been granted. That is not part of the 14 count or --

MR. BAKER: It's part of the 14 count. It is because the original acreage, I guess, when you guys approved it, they -- we have adjusted that because the Planning Board -- we had to have an access strip along the northern edge and the gentleman that does own those three lots which are now one lot, he didn't need the -- obviously with the utility conflict there, we have a 60 foot access strip which goes to the rear land. So that will remain, so we figured we better include that just for official purposes so it doesn't slip through the cracks. So that R-1A, then we go to R-6, R-7, R-8, R-9, R-13, R-14, R-15, R-15A.

Again, that's because it was filed previously, so they end 1 and an A number from the County. R-17A. R-18. R-80. R-81. R-82. And again, the R stands for resub as far as the County is concerned versus the original filed number which would have been a 4 or 81 or something like that. So it is what they classify as a resubdivision so they put an R-. If you go more than one resub on the property, they throw an A on the property. If you go two times, it ends up with a B and so forth.

ADAM CUMMINGS: So we'll further clarify that to match the address numbers, but for right now we'll stick with 14 --

MR. BAKER: 14 lots.

MS. BORGUS: If you got 20 addresses, how do you know which one they apply to?

ADAM CUMMINGS: Right now we're going off the lot numbers. We can go through the exercise and match them right now.

MR. BAKER: We get to the County, the County may change the lot number on them. Actually, the Building Department does the lot numbers. The County does the tax account numbers. The -- the Town Building Department does the lot number.

ADAM CUMMINGS: I will defer this one to the side table to see which way they would

like to remedy this the most. Right now we have more house numbers than we have actual lots.

ED SHERO: The Building Department doesn't do the house numbers. The Assessor does.

ADAM CUMMINGS: So to me the address numbers are more for Assessors and emergency responders. We're going off a subdivided lot numbers, which is --

MR. BAKER: Subdivided lot numbers is what gets filed at the County.

ADAM CUMMINGS: Which what is what you have listed there.

MR. BAKER: Correct.

MS. BORGUS: So you're satisfied with that?

ADAM CUMMINGS: Yes.

MS. BORGUS: This -- this has been a disaster in capital letters, underlined and in italics, however you want to put it. This has been the messiest thing I have ever seen tried in Chili. This is a disaster from day one. Let's not compound it any more by having 16 lots and 20 addresses. I don't like this at all. PRDs are messy to start with. This Town never learns. They keep letting them in here. Every time they're a problem. This will be a problem to the end.

I'm not happy with this whole thing again, and I -- I mean 16 and 20, they -- that doesn't agree. I mean, come on, let's get this straight.

The other thing I would like to know and I'm hearing now that building permits were issued for these lots that were undersized evidently by our Building Department in error.

Is that right?

ADAM CUMMINGS: Correct.

And also filed with the County in error. Correct.

MS. BORGUS: Somebody in our Building Department had to sign off on those lots, right?

ADAM CUMMINGS: Correct.

MS. BORGUS: If I go to the Building Department, I'm going to find that signature and I'm going to know who it was, right?

ADAM CUMMINGS: Hypothetically, yes.

MS. BORGUS: I'm going to go down there and I will get the name and I will tell you it will be publicized. This Building Department is just too lax, too often. And this gets into -- we get into this over and over and over.

ADAM CUMMINGS: I -- I'm not certain --

FRED TROTT: We're not the Building Department.

MS. BORGUS: I know you're not the Building Department, but they need to hear this and it ought to be in the public record they better get their act together. If you're going to allow something like a PRD which is complicated, then you have to be up to the task and I'm not sure this Town is.

So I'm hearing, too, that these -- this variance does apply to the existing seven homes; am I right?

ADAM CUMMINGS: Yes.

MS. BORGUS: So these people will then be able to get their -- get their affairs in order and -- and legally own their lot?

ADAM CUMMINGS: Yes.

MS. BORGUS: If this goes through.

I'm not -- and this is not your -- your concern at the moment, but I want it on the record, too. I'm hearing this only applies to Section 1.

ADAM CUMMINGS: Correct. And not the remaining phases.

MS. BORGUS: I would hate to think that the other sections are going to be just passed in mass. Because this is what you get into when you start approving whole projects of this magnitude. And obviously without sufficient oversight. So -- and that's not your area. That's not your worry at the moment. I just want it on the record. And I will be in to see who signed off on this mess in the Building Department.

Thank you.

ADAM CUMMINGS: Thanks, Dorothy (Borgus).

MR. TRYZEWSKI: I have a couple of questions.

ADAM CUMMINGS: Still, new application, but your name and address.

MARK TRYZEWSKI, 6 Gateway Circle

MR. TRYZEWSKI: My name is Mark Trzyzewski. I'm -- I haven't changed my name or address. T-R-Z-Y-Z-E-W-S-K-I. 6 Gateway Circle, Chili, New York.

ADAM CUMMINGS: Thank you.

MR. TRYZEWSKI: Now I can start -- very first, I would like to thank the Building Department for trying to correct the situation, make the paperwork correct. The very first thing I want to say because I seen the original plans and I have been at the other meetings associated with this, to try to thank you for trying to correct the situation.

The second question, I caught most of the presentation and looked at the maps. I apologize if I'm not following all of the answers, but the Zoning Board has to judge this application based on five points, the Zoning Board application for variance, right? There are five points we need to cover in terms of material. Right?

ADAM CUMMINGS: Correct.

MR. TRYZEWSKI: Again, I didn't hear a lot of the information covered. So I'm having a little trouble judging this one based on what I find in the background. Getting into the meat what this going to be judged upon, so if you look at the zoning guidance, if I look at your application for the Zoning Board application -- you know, this one is already filed, but the

question is I haven't seen the paperwork from the refile, but to go through the list of questions, whether an undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance, right?

So I haven't heard him say that yes, this will happen or no, this will not happen, nor to -- have I heard the mere comment "yes" or "no," this will or will not happen.

So the very first question for the presenter, will this produce an undesirable change or characteristic to the neighborhood?

ADAM CUMMINGS: I will hold -- if you want to ask your five questions, I will give him the opportunity.

MR. TRZYZEWSKI: So again, I would go to the same material that is called out in the guidance of the application. So the very first question, does that produce -- I will give you -- I have questions and comments, okay?

My very first comment is the undersized would be undesirable because basing people (indiscernible) closer than it should. But that is done at sale because there is houses built there, right? So you guys -- now you have the oversized lots, right? So again, if I look to the purpose of the planned residential community or Planned Residential Development, I sized those for a purpose, right? I said 10,000 is the minimum I need and I won't go over 20. I don't want to go over 20, if you read the definition of the Planned Residential, because preserving the property or other use or enjoyment. So in the golf course, I want to have common public space, right? So I -- when I go over, I'm actually producing, I will say, a detrimental effect because I don't have the area preserved for my common public space. So in one respect it is going to be a detrimental because I'm not preserving space that was set forth in the guidance of the Planning Board. So I'm saying that is a detrimental.

ADAM CUMMINGS: Okay.

MR. TRZYZEWSKI: The second point is going to be under this one, whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, but not -- would not require a variance. Again, under the second question up, you should be asking is there something else he could do that would not require a variance. Right?

So for the lots that are already undersized, there is nothing that can be. They're sold and built, right? So they have to go before the Zoning Board.

Now for the other lots that are continuous, which I believe are in my notes, R-13, through R-18, I have a continuous block of lots.

Is there some reason I cannot subdivide those so they would meet the requirement of being between 10 and 20,000 square feet. It is one continuous block of five or six lots and can I fall within 10 or 20 by redrawing those lines would be the question.

ADAM CUMMINGS: We'll -- I will mark it down. I will ask the question.

MR. TRZYZEWSKI: Okay. Okay. The next one is going to be is this substantial? So the proposal they're talking about, variance one, if I understand the numbers correctly, the original proposal was 41, right? So we're talking about 16 out of 41. Which is roughly --

ADAM CUMMINGS: 14.

MR. TRZYZEWSKI: I'm sorry, 14 out of 41, roughly 35, 40 percent. I don't have a calculator with me. So again, the question has to be answered is that a substantial change to this block of area. My opinion would be yes, because I'm give or take over a third. But again, that is up to the Board's opinion.

The next question would be, would the proposed variance have an adverse impact or effect on the physical or environmental conditions in the neighborhood or district. In this case, my honest opinion is no. Again, it's not going to change. I will say that's environmental conditions.

Again, he -- the bigger lots give you more drainage. I will say more room for the rain to run off and absorb in the ground. I don't have a problem with that. The two are already done.

The last question was, is this self-created? So again, going back, it's -- I'm going to say yes, in respects to the newer lots of R-13 to R-18 because again, those can probably be redrawn, so I can do something different and not ask for that variance. When I look at the two undersized, those are sold and built, so the answer is no. Thereby saying is this a self-created problem, so the answer would be yes.

But going forth, the applicant -- I'm very surprised we didn't cover the material the Town Board is supposed to value this proposal on.

Again, I'm just a resident, which you guys are the expert in this field and should be answering these questions to make the judgment again, for this one.

ADAM CUMMINGS: Yes. We're doing our job correctly.

MR. TRZYZEWSKI: I'm just asking the question. I read what is required. So those are my questions.

ADAM CUMMINGS: Thank you.

We will address a few of those as the Board continues to discuss.

Fred Trott made a motion to close the Public Hearing portion of this application and Robert Mulcahy 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: So we'll continue on with -- with the Board discussion. Walt (Baker), I will throw one -- one of the main questions is that R-13 to R-18. They are excessively

large. They have -- as stated earlier, they abut to the rear the railroad and the utility easements out there, and I don't know the exact width. Is it listed on there? I didn't draw up my plan sheet. Specifically you have been borrowing from lots for a little bit. But in terms of the long ones with the narrowest of them, is there a way to subdivide them into a flag lot to make two --

MR. BAKER: Well, we didn't want to increase the density of the project in Phase 1 because it is already filed with the County. If we were to go back and try to -- to redesign that site, we would end up increasing the density of the lots in Phase 1, which wasn't our intent. I mean, we're not here to -- to oh, gees.

ADAM CUMMINGS: So you're avoiding more cluster development?

MR. BAKER: Correct.

ADAM CUMMINGS: And I would still like -- conceptually, I'm not asking you for it --

MR. BAKER: Concern would be increasing the impervious surface, increasing the runoff.

ADAM CUMMINGS: It looks like there is a lot width of 50 -- ranging from 51 feet to 72 feet is the -- is the widest one that I see.

MR. BAKER: Correct.

ADAM CUMMINGS: They all range within that -- the majority of them are 58 feet in width. And I believe the frontage that you -- that you need for our Town Code --

MR. BAKER: Actually under PRD, it's -- it's established by the Planning Board.

ADAM CUMMINGS: That is what I was going to get to. My our zoning code, I think it requires 40 feet. But this one --

MR. BAKER: PRD.

ADAM CUMMINGS: Of the Planning Board, um, it's up to them.

MR. BAKER: Correct.

ADAM CUMMINGS: I don't know what they establish for all of them. And looking at the narrowest, which ones again, the original plan was for townhomes connected ones.

MR. BAKER: Correct.

ADAM CUMMINGS: And that is not the same type of development.

MR. BAKER: Yes. Town homes were actually -- when you have -- when you purchase a townhome, even though it's grouped together, that was another little gray area back in 2005 because the 10,000 square feet applies to a filed lot.

ADAM CUMMINGS: Right. So in this case.

MR. BAKER: So in this case, the grouping wasn't classified as 10,000 square feet and the lots were 38 feet wide. So we're trying to correct that, as well.

ADAM CUMMINGS: So in this case, we still need to maintain what I believe was set as 5 foot setbacks.

MR. BAKER: Correct.

ADAM CUMMINGS: So you have 10 feet there. So on the narrowest one, that then brings us down to 48 feet and then trying to share it between two different parcels.

MR. BAKER: Correct.

ADAM CUMMINGS: I'm just going to state my opinion on that as a designer. I -- I wouldn't find value in that, especially a clustered -- a clustered development like this. But once again, that is just my opinion.

MR. BAKER: Well, I don't know if we would have shared that with you previously, our -- our house designs, our maximum house design is 44 feet wide.

ADAM CUMMINGS: That would prohibit -- that prohibits subdividing them to have an entryway.

MR. BAKER: Exactly. Exactly. The larger ones are 44, down to obviously have you seen lots or buildings -- or homes that are 36 feet wide.

ADAM CUMMINGS: Okay.

MR. BAKER: But they vary. Again, as dictated on the filed map at the County, what is filed is what you can build within -- within the current setbacks for the project, right?

MICHAEL JONES: Mr. Chairman, if I can say one other thing, though, the Planning Board -- for the PRD, the Planning Board has control over every dimensional requirement except lot size, and the Planning Board has already approved every dimensional layout design and everything so the applicant can't change anything right now without going back to the Planning Board. So he doesn't have the control to redesign this at this point, because the Planning Board has dictated this layout.

ADAM CUMMINGS: Thank you.

MR. BAKER: We did in our -- in our application, we did respond to the five points for an area variance, not a use variance, but the area variance requirements, so that has been responded in writing with the application.

ADAM CUMMINGS: Change in the character of the neighborhood. There has been a change throughout this entire project, so that is very difficult question to answer.

MR. BAKER: Again, we're not increasing the density for the neighborhood, so we're not changing the neighborhood in that respect. What we're changing is the actual depth of the individual lots. We're not changing the lot width, so as far as the impact to the neighborhood, it should be -- it is up to the Board, it is your opinion. Not my opinion. Not the audience's opinion.

ADAM CUMMINGS: Hardship, self-created hardship. I won't really address that one. I will just state that that is typically always a yes. So it is tough to prove it is not. If there was ever a case where it would be close, it would be this one. I would --

MR. BAKER: It was self-created unfortunately with the project in its -- that -- in its

inception, however, it was a good idea at the time. Just for some reason, it --

ADAM CUMMINGS: We won't dwell on the past too much.

MR. BAKER: Exactly.

ADAM CUMMINGS: I think it has been stated several times, but I will state clearly for the record, this is for Section 1 only. The remaining sections as accurate now are Sections 2 through 6 which the application is into the Planning Board. They will not require a variance, nor will they be allowed to come before us for variances for the lot sizes.

Other than that, I don't really have conditions to impose on this one. It is just lot sizes. Anybody else with comments? Concerns?

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 James Wiesner seconded the motion. The Board all voted yes on the motion.

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

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

1. Due to the recently approved change to the site plan for this development, which included the dissolving of the Home Owners Association and abandonment of the golf course construction, several of the lots were reconfigured to absorb the large areas that previously contained golf course holes. It was not deemed feasible to re- subdivide these lots to create additional developable lots for the oversized lots. Also, there were several undersized lots that were previously approved by mistake with deeds filed accordingly. It would require significant monetary, legal, and engineering resources to increase these lots to code-compliant size, which was also not deemed feasible.

The 5/20/14 Zoning Board of Appeals minutes were approved.

ADAM CUMMINGS: Our next meeting should be on July 22nd, 2014, 7 o'clock here at the Town Hall.

The meeting was adjourned at 8:45 p.m.