

CHILI PLANNING BOARD
August 14, 2018

A meeting of the Chili Planning Board was held on August 14, 2018 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 Michael Nyhan.

PRESENT: Paul Bloser, David Cross, Matt Emens, Glenn Hyde, John Hellaby, Ron Richmond and Chairperson Michael Nyhan.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways; Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manager.

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

PUBLIC HEARINGS:

1. Application of Regina DiStefano, owner; 1 Hay Market Road, Rochester, New York 14624; for special use permit to erect an addition to house and garage for an in-law suite at property located at 1 Hay Market Road in R-1-15 zone

Regina DiStefano, Andrew Dawson and Arnold Renauto were present to represent the application.

MS. DISTEFANO: Regina DiStefano and Andrew Dawson. 1 Hay Market Road is where we live.

We're looking to build an in-law for my 93-year-old grandfather. He is very self-sufficient but needing a place with one floor. I take care of him quite a bit and it would be easier if he could be with us versus community living, assisted living.

MICHAEL NYHAN: When do you plan on starting the construction and finishing it?

MS. DISTEFANO: Our builder told us pending the permit they could start within a week, pending finish, 6 to 8 weeks.

MICHAEL NYHAN: The in-law apartments is the same floor as the main living area, correct? No stairs between the two?

MS. DISTEFANO: Correct.

MICHAEL NYHAN: Any doors between the two?

MS. DISTEFANO: Yes. There will be a door between our space and his space, yes.

MICHAEL NYHAN: On the second floor of this floor plan is where your current living bedrooms are?

MS. DISTEFANO: Correct. Kitchen, living.

MICHAEL NYHAN: Common kitchen on the first floor?

MS. DISTEFANO: No. Our kitchen, living room, bedrooms are upstairs. Our downstairs is just a family room. It's a raised ranch.

MICHAEL NYHAN: Got it. Okay.

JOHN HELLABY: Crawl space? It's not a full basement, is it?

MS. DISTEFANO: We don't have a basement.

JOHN HELLABY: In instances like this, I would just make a recommendation that we consider the widest doors as possible in case -- so there is wheelchair accessibility.

MS. DISTEFANO: That's actually part of our plans.

JOHN HELLABY: I did not see the dimensions on here, that is why. That is all I got.

MICHAEL NYHAN: The side setback to the addition, is that 32.7 feet from the lot line? Am I reading that correctly?

MS. DISTEFANO: Our architect. He has all of the figures.

MR. RENAUTO: I'm arrest Arnold Renauto, architect, and I prepared a site plan indicating where the addition is going to be constructed to the existing residence. And calculating the existing setbacks and the new addition, that is the measure. 32.7 feet from the foundation line of the new addition to the north property line and that's well within the setback requirements of that zoning in that area.

MICHAEL NYHAN: Okay. And it looks like you will be putting a berm along the Meeting House --

MR. RENAUTO: We're hoping to take the spoils from the excavation and construct a berm along that south wall of the property line. That abuts an active road and right now, it's pretty open and the traffic is visible and the house itself is pretty visible from the street, as well.

MICHAEL NYHAN: Okay. That going to be landscaped?

MR. RENAUTO: That would be landscaped with shrubberies and, you know, ground

cover and that type of thing.

MICHAEL NYHAN: Okay.

MR. RENAUTO: Could be some of it. Could be grass. Up to the owner to finish what they -- the berm itself.

MICHAEL NYHAN: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Michael Nyhan made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

JOHN HELLABY: I think the berm is a good idea. Again, just caution them to make sure the sight distance from that intersection is adequate where that berm wraps around down there in the front.

MR. RENAUTO: Right.

MICHAEL NYHAN: So perhaps on your plans that you submit to the Town, you show that you outline the berm so they can take a look at the site for Meeting House and Hay Market so the berm is not too close to the road or too high to obstruct visibility from the intersection.

MR. RENAUTO: There is a 10 foot buffer right now. There is an easement there. Utility easement. What we're proposing to do is to have the toe of that berm at the line of the easement so that sets it back 10 feet already. And the width of the berm depends upon how much spoils we actually dig out of there. It may not be continuous, but it is going to be something that will be kind of engineered onsite as we bring the spoils up from the excavation.

MICHAEL NYHAN: Okay. Just be sure to put it on your plan. I'm not an engineer, but the Town can look at that and determine if the sight distance is correct.

ERIC STOWE: Can you give us one second?

There was just an issue with respect to taxes and the Assessor. They may qualify. They may want to stop and see the Assessor. We don't need to read that in. That's a Town Board determination, not a Planning Board.

MICHAEL NYHAN: There were a couple questions on the short form assessment SEQR form.

MR. RENAUTO: Yes. I made a correction on that. I have some I can distribute right now.

MICHAEL NYHAN: Okay. That would be great. Thank you.

MR. RENAUTO: I should have delivered these last week, but unfortunately, time didn't permit. I can pass them out.

MICHAEL NYHAN: You can just hand them out.

MR. RENAUTO: The Town Engineer asked for these items that we did not fill out, and the next page there is one more item that he asked for.

MS. DISTEFANO: Okay.

Michael Nyhan 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 an unlisted action with no significant environmental impact, and John Hellaby the Board all voted yes on the motion.

MICHAEL NYHAN: Condition on the application. I have some based on previous approvals. Let me know if you need any additional ones.

One is the application is subject to all required permits, inspections, code compliance regulations.

Special Use Permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it. The in-law apartment may not be used as a rental unit.

Applicant's attorney to file the decision letter in the book of deeds with the Monroe County Clerk's Office and provide proof of filing with the Planning Board Attorney and the Town of Chili Building Department prior to the issuance of a C of O.

And filing decision letter shall be indexed against the property owner's name.

And this is pending approval of the Building Inspector.

Any other conditions? No?

JOHN HELLABY: What was the last one?

MICHAEL NYHAN: Pending approval of the Building Inspector.

JOHN HELLABY: They would include that berm, as well? The placement of that berm, I would assume?

DAVID CROSS: Yeah.

MICHAEL NYHAN: Yes.

ERIC STOWE: With respect to the decision letter being recorded, check with your attorney regarding that. It's not that difficult to do, but you may need some guidance to record that at the County Clerk's Office prior to.

MICHAEL NYHAN: Application of Regina DiStefano, owner; 1 Hay Market Road, Rochester, New York 14624; for special use permit to erect an addition to house and garage for an in-law suite at property located at 1 Hay Market Road in R-1-15 zone.

Michael Nyhan made a motion to adopt the application with the following conditions, and John Hellaby seconded the motion. The Board was unanimously in favor of the motion.

DECISION: Approved by a vote of 7 yes with the following conditions:

1. Application is subject to all required permits, inspections, and code compliance regulations.
 2. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
 3. The in-law apartment may not be used as a rental unit.
 4. Applicant's attorney to file decision letter in book of deeds with Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Town of Chili Building Department prior to the issuance of the Certificate of Occupancy. When filing, decision letter shall be indexed against property owners name.
 5. Pending approval of the Building Inspector.
2. Application of Calvin Gantt, owner; 2 Loyalist Avenue, Rochester, New York 14624; for special use permit to convert portion of 2nd floor to an in-law suite at property located at 2 Loyalist Avenue in R-1-15 zone.

Jason Monahan was present to represent the application.

MR. MONAHAN: Hi. Name is Jason Monahan. Address is 2 Loyalist Avenue Rochester, New York 14624.

We originally applied for application to add a set of stairs to an existing former in-law suite not realizing we had to then come back and ask for it to be used as an in-law suite, which is what it was built for 20 years ago.

Original intent was for us to use it as master suite, however, things have changed and we're considering having our adult nephew live with us. I'm not sure if he is going to be living there or we're going to live there, but either way, we understand the need for a relative to be living in that area.

The reason we're asking for the stairs is because of the fact the in-law suite, for lack of a better term, is very difficult to get to from the entrance of the house. You have to go through several turns and if there were a fire, we want to be able to get out of that area immediately.

Prior to applying for the application, we asked the immediate neighbor who would be impacted. They were fine with the idea of the stairs in recognition of the 10 foot easement that we do realize is required.

We did receive a letter since the application that we need a more -- a better blueprint which is more to scale, so we do realize we do need to have that done prior to approval to build the stairs.

As far as the apartment itself, there is going to be no change at all as to how it is already configured.

MICHAEL NYHAN: So there is access to this suite internally in the house?

MR. MONAHAN: Yes.

MICHAEL NYHAN: That is how the person will use it. This set of stairs is just a means of egress. Is that the intent?

MR. MONAHAN: Well, stairs will be used an for entrance, as well.

MICHAEL NYHAN: Okay.

MR. MONAHAN: But the main purpose was so there was egress on that end of the house.

MICHAEL NYHAN: Okay. What is the side setback with the stairs to the lot line?

MR. MONAHAN: Um, where they're going to be built is 10 feet 4 inches from the lot line.

MICHAEL NYHAN: Okay. What will the stairs be constructed of?

MR. MONAHAN: I apologize. I'm looking at the builders -- I believe it to be pressure-treated wood.

MICHAEL NYHAN: I didn't find it on the paperwork. Did anybody else?

Paul (Wanzenried), is there any rules what they need to be constructed of, or they will just submit those and if it is --

PAUL WANZENRIED: It's a code issue that -- something we would deal with through the building permit process.

MICHAEL NYHAN: Okay. Thank you.

JOHN HELLABY: Can I assume that these are just open stairs? Is there a roof on it or skirting?

MR. MONAHAN: The one side of the stairs will be the actual house. Then there will be a railing on the other side.

JOHN HELLABY: But it is just a set of stringers going up the side of the house? It's not

an in-filled wall or anything?

MR. MONAHAN: Right. Correct.

JOHN HELLABY: That is all I have right now.

MICHAEL NYHAN: It is on top of an existing deck; is that correct?

MR. MONAHAN: There is an existing cement pad that will be the base for it.

MICHAEL NYHAN: Okay. All right.

DAVID CROSS: Any plans for any vegetative screening between the stairs and the property line?

MR. MONAHAN: No.

DAVID CROSS: Appears there is a little bit of room there. Maybe in like -- an offer to help screen it from the neighbors.

MR. MONAHAN: Sure.

PAUL BLOSER: That was going to be my comment also, some type of evergreen, Arborvitae or something that grows tall.

My only other comment is wood stairs over a course of a few years look pretty bad if they're not kept up. They weather out. I don't mind the stringer portion of it being wood, but I would rather see vinyl caps, balusters, steps that blend in well and will weather very well. People just tend not to take care of them, and the neighbor might not complain now but three or four years, it has the potential being an eyesore.

MR. MONAHAN: Absolutely. I'm open to whatever. If that is what you recommend, that would be fine.

PAUL BLOSER: Personal standpoint and experiences in the past and the weather we have here, I would rather see as much permanent building-type materials than just wood. Just doesn't get taken care of.

MR. MONAHAN: Okay. Thank you.

PAUL BLOSER: Something you have to stay on top of right away. Again, may not object now, but it can become unsightly. I would strongly recommend some Arborvitae just to blend in a little bit and breaks up the fact there is a set of stairs going up the side of the house. It's not normal to see the stairs go up the side of the outside of the house. I would rather have it blend in and be more palatable to the neighbors.

MR. MONAHAN: Thank you.

ERIC STOWE: You say you are Calvin Gantt?

MR. MONAHAN: Jason Monahan.

ERIC STOWE: What is your relationship to Calvin Gantt?

MR. MONAHAN: Partner, significant other.

ERIC STOWE: But you reside in the home? Clarifying the owner's name matching up with the person standing in front of us.

MICHAEL NYHAN: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

LINDA BEATTIE, 3 Loyalist Avenue

MS. BEATTIE: Linda Beattie, 3 Loyalist Avenue. I have tried to meet the people that live across the street at 2 Loyalist Avenue rather than just showing up here and talking about this application for the in-law suite.

I have a good friend that has an in-law suite and has built it onto their house in Chili, so I'm aware of what this is and what it can be. There -- there -- they're -- when they did that, it was very well thought out and was very attractive to their home and it wasn't -- it had its own entryway from the outside where -- for their in-law.

Was hoping that this would also be very similar to that, rather than stairs on the outside of what is their garage right now.

And yes, I feel that that is -- it will be something different to the neighborhood. We haven't seen that in our housing tract and, um, it is a little bit of a concern to me that, again, it's -- it's -- it will need some sort of vegetation or, like you say, bushes or something around that so it's not -- again, so visible from the street and our house in particular is right directly across from them.

Um, I think that -- I want to make sure that it doesn't detract from the neighborhood as you drive in, because this is the second house on the right as you drive in to our neighborhood, and I don't want to set a precedent that something, um, is -- when it could be an in-law suite is normally, um, the stairs or whatever is on the inside and not on the outside like this. Like you might see in other parts of the City or something like that.

So I came because I wanted to know exactly what it was. It -- and from my understanding, it is not going to be any kind of an enclosed stairway. And again, I have concerns, too, about it being a wooden stairway and not being maintained.

But, you know, I think that if it is attractively done and it is within the codes and it allows egress and it's not used as a primary exit and entrance, I think, um, as it's not intended to be, I see, um, that it -- you know, can fit within the area.

MICHAEL NYHAN: Thank you.

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

Michael Nyhan made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

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

ERIC STOWE: Can I ask one additional question?

MICHAEL NYHAN: Sure.

ERIC STOWE: Just so we're clear, you have the permission of Calvin Gantt to appear on behalf of this application; is that correct?

MR. MONAHAN: Absolutely.

ERIC STOWE: Thank you.

Just so where that -- the -- there is no notarized signature of property owner. The property owner did make the application. Just trying to verify --

MICHAEL NYHAN: Okay.

ERIC STOWE: -- authority.

MICHAEL NYHAN: The base of the stairs, what -- will it be a walkway around the driveway? What is at the base of the stairs?

MR. MONAHAN: The base of the stairs is a large cement pad that goes almost to the edge of the driveway -- or to the garage, I'm sorry.

MICHAEL NYHAN: Okay.

PAUL BLOSER: One more comment. I sit and listened to it. This one to me, especially being on the second floor, just strikes me more as an apartment to rent out than it does an in-law type suite. I -- you know, in-law, kind of typically think the people are older and you're going to be taking care of them. Golden years. A second floor without -- this is just my thought. I don't like a second floor in-law apartment.

And stairs on the outside starts to look like an apartment building in a 100 percent residential neighborhood, single-family dwellings.

MICHAEL NYHAN: Who is this used for you said? Your nephew?

MR. MONAHAN: Initially, it was for a master suite and I said the potential now is that our nephew who already lives with us may move into that area when we're complete. So we realize it has to be a family member. Just not sure right now exactly the use, whether it is us or him.

PAUL BLOSER: Are you renting from Mr. Calvin Gantt?

MR. MONAHAN: No.

PAUL BLOSER: But he owns the house?

DAVID CROSS: We restrict this to a family member.

MICHAEL NYHAN: Correct.

MATT EMENS: It looks like in the short form that they're being fit into the zoning law of calling it an in-law suite even though it's not an in-law suite.

MICHAEL NYHAN: Paul (Wanzenried), is -- this property currently at one time had a Special Use Permit you mentioned for an in-law suite? Do you recall that? I don't have the property sheet for some reason.

PAUL WANZENRIED: That makes two of us.

I don't believe -- it just has the addition.

MATT EMENS: I think his comment was -- is that it was -- it was designed to be a --

PAUL WANZENRIED: It was just a master suite, a second floor addition.

MR. MONAHAN: The original homeowner, I understand, built it for his mother. Maybe one of the neighbors can speak to it.

MS. BEATTIE: I can tell you Roger's intent was to have his mother-in-law live there and I know the room I -- I was in the room and, um -- but she took all her meals downstairs with them.

MICHAEL NYHAN: Okay. Thank you.

PAUL WANZENRIED: You -- could you ask the applicant if there is cooking facilities up there. I believe there is a small sink and counter.

MR. MONAHAN: Correct. There is a small wet bar -- what they call a wet bar with a little sink and counter.

PAUL WANZENRIED: Currently.

There is no cooking facilities up there.

MR. MONAHAN: Correct.

PAUL WANZENRIED: No refrigerator. I don't remember seeing a refrigerator so...

MICHAEL NYHAN: So are those two bedrooms -- the floor plan you have given us, what it looks like now -- what it will look like.

MR. MONAHAN: It will stay the same configuration.

MICHAEL NYHAN: Two bedrooms up there.

MR. MONAHAN: Actually one bedroom. The one bedroom is a common area. That is what joins the in-law suite to the house. It's been used in the past as just a -- pretty much a walkway, common area between the two. We intend to do the same.

MICHAEL NYHAN: So one of the existing bedrooms shows there is a wall all of the way across. That wall is open to the living area; is that right?

MR. MONAHAN: Not the wall. There's an open doorway there.

MICHAEL NYHAN: Where it says "38 inch opening" --

MR. MONAHAN: Yes.

MICHAEL NYHAN: -- that's the opening you're talking about?

MR. MONAHAN: Yes.

MICHAEL NYHAN: Okay. Any other comments? Questions? Conditions? Any

conditions in addition to the ones I previously read? I will read them again for this applicant, but any other conditions on this application?

There were a couple comments on your SEQR form. I have made some changes on page 1, project location was not filled in.

That project location is 2 Loyalist Avenue Rochester, New York 14624, correct?

MR. MONAHAN: Correct.

MICHAEL NYHAN: And under that same page 1, "Number 2, proposed action requires a permit?" You have marked "no," but you will need a building permit.

MR. MONAHAN: Okay.

MICHAEL NYHAN: So I marked that yes.

Then question Number 5, "Is the proposed action a permitted use under the zoning regulations?"

That is also a "Yes," with a Special Use Permit. So I changed that, as well.

MR. MONAHAN: Okay.

MICHAEL NYHAN: Any other changes?

ERIC STOWE: Mike (Nyhan), just under the brief description on page one, it says, "We're asking for such variance."

It's a special permit, not a variance.

MICHAEL NYHAN: On the SEQR form, you said?

ERIC STOWE: Correct. Page 1. The third box there, brief description, the narrative.

MICHAEL NYHAN: Oh, yes.

ERIC STOWE: Last word is "variance." It should just be "special permit."

MICHAEL NYHAN: I will change that to Special Use Permit, as well.

ERIC STOWE: Did you do 5A? I didn't hear that one.

MICHAEL NYHAN: I did. 5A, I put down "permit" under the zoning regulation, yes, with a Special Use Permit.

ERIC STOWE: Thank you.

This does connect to -- on ten -- our public water supply, right?

MICHAEL NYHAN: Let's see here.

You are connected to public water, correct?

PAUL WANZENRIED: Mike, we're just putting a set of stairs on the building. The proposed action isn't going to connect to an existing water supply.

MICHAEL NYHAN: Okay.

PAUL WANZENRIED: It's already existing.

MICHAEL NYHAN: I will describe if no, then describe the method that is existing.

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

MICHAEL NYHAN: Any conditions relative to landscaping or -- I mentioned -- I heard a couple mentions of landscaping. Any conditions?

DAVID CROSS: I think a condition that Arborvitae -- large vegetative screening.

MICHAEL NYHAN: You have to be pretty specific what we're looking for if we will put a condition on it.

DAVID CROSS: Arborvitae.

JOHN HELLABY: How many and where at?

MICHAEL NYHAN: Are we comfortable with sufficient landscaping that Building Department to review that?

DAVID CROSS: Yes.

PAUL WANZENRIED: No.

MICHAEL NYHAN: No, you're not?

ERIC STOWE: Evergreen screening sufficient to screen the structure of the staircase.

PAUL WANZENRIED: You have to watch out for that. How tall? The Arborvitae would be a better --

ERIC STOWE: Will defer to the arborist.

MICHAEL NYHAN: So evergreen screening --

ERIC STOWE: Arborvitae.

JOHN HELLABY: Arborvitae screening.

ERIC STOWE: You did -- screening consisting of Arborvitae sufficient to shield the staircase from view. From the public roadway.

DAVID CROSS: From the roadway and the adjacent neighbor.

ERIC STOWE: And the adjacent property.

PAUL BLOSER: You want a suggested minimum height to start?

DAVID CROSS: Do they come as 5 footers?

PAUL WANZENRIED: Are you specifying the caliper size and the height of these things?

PAUL BLOSER: We have on some jobs.

PAUL WANZENRIED: Because this -- these -- this applicant is going to go to the Garden Factory --

PAUL BLOSER: Get a 1-footer.

PAUL WANZENRIED: -- and get a 1-footer Arborvitae and say I planted and -- that is

what you guys are writing in as a condition.

RON RICHMOND: But for someone who didn't want to be involved this one -- (Laughter.)

PAUL BLOSER: 6 to 8 foot above-ground.

JOHN HELLABY: Minimum 6 to 8 foot.

PAUL BLOSER: From ground up, not the bottom of the ball.

PAUL WANZENRIED: Minimum number of plantings?

PAUL BLOSER: I think that is something you really have to have deferred to --

MICHAEL NYHAN: The neighbor is on the north, correct, on the staircase side?

MR. MONAHAN: Yes.

My concern, from what I'm hearing, is being able to shield this from being able to see from the road at all. With the height of the staircase that would be quite a challenge.

PAUL BLOSER: Offset it. Not 100 percent completely shield it but just disguise some of it.

PAUL WANZENRIED: He has already made mention the concrete pad runs from the front of his garage. The staircase won't start at the front of his garage. It starts about halfway back. So you will not -- shielding from the road, probably is not an option. You're trying to shield it from the neighbor to the north.

DAVID CROSS: The north and some of -- and some of Loyalist. I think they can kind of curve it around a little bit. Probably take six to eight, maybe ten plantings or something like that. Not a licensed landscape architect, but...

MICHAEL NYHAN: What about the staircase for design materials? Any comment there? That is with the code, right, Paul (Wanzenried), you review that?

PAUL WANZENRIED: In terms of -- code is just going to mandate it can be anything. Pressure-treated. I mean, if it is exposed, the first option from the code is pressure-treated wood. You, as the Planning Board, can set a condition that it should be white vinyl or it should be, you know -- if you want some sort of -- for lack of a better word -- impervious type material to be used. That goes to what Mr. Bloser has said.

MICHAEL NYHAN: Paul (Wanzenried), you're looking for something to make it aesthetically pleasing and to provide durability?

PAUL BLOSER: Right.

RON RICHMOND: Hold on. If we're putting screening up there --

PAUL BLOSER: Doesn't go up all of the way. That's the problem.

RON RICHMOND: I understand that, but you still have to be realistic about it, too.

MICHAEL NYHAN: This is also for aesthetically pleasing, but to protect the material, because as Paul (Wanzenried) mentioned, pressure-treated lumber --

RON RICHMOND: You can't assume that resident will not maintain them. You can't go in with the assumption that somebody will not maintain them. That's not right.

MATT EMENS: They could have a pressure-treated stockade fence up, too. That is not against the code.

RON RICHMOND: We wouldn't mandate they be vinyl wrapped or something. If somebody put a fence up, board-on-board, you're not going to tell them they have to vinyl wrap it or make it a certain color.

MATT EMENS: Paul (Wanzenried), there is not a -- there is not a code-driven requirement or zoning law requirement in the Town for materials used for privacy fences, decks, anything like that, right? Residential zoning?

PAUL WANZENRIED: Not in a residential zone. A commercial, you will get into -- they have to cover the exterior stairs, but from a residential standpoint, no.

MATT EMENS: So I think the problem you have is that -- Paul (Wanzenried)'s comment to make it aesthetically pleasing and match the house is a good request. I don't know if it is a condition, but it's a request. Right? But to say that --

PAUL BLOSER: You have railings on the front porch?

MR. MONAHAN: No. The front porch is open.

MICHAEL NYHAN: I think the reason that this was brought up is that this is unusual for this neighborhood to have an exterior staircase on the outside of the house, facing a roadway and -- and the next neighbor. That is why Paul (Bloser) brought that up, and I think that was the comments that you also heard from the neighbors.

So I think you understand what we're talking about, is that, you know, the staircase is going to stick out, and the Town is looking for you to do something with it when you submit your plans to them, so that it is aesthetically pleasing, if you will.

MR. MONAHAN: I do understand that request, yes. With the location of the stairway, it will actually not be facing the road. You will just see the beginning of it. There is already a huge tree between myself and the neighbor's house that will clearly be blocking the stairs quite well as -- alone.

MICHAEL NYHAN: Good. With the screening of the trees as the last condition? Okay.

Let me read all of the conditions. Application is subject to all required permits, inspections, code compliance regulations.

Special Use Permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.

In-law apartment may not be used as a rental unit.

The applicant's attorney to file a decision letter in the book of deeds at the Monroe County Clerk's Office. Provide proof of filing to the Planning Board Attorney and the Town of Chili

Building Department prior issuance of a C of O.

When filing, a decision letter shall be indexed against the property owner's name.

Pending approval of the Building Inspector.

And provide Arborvitae screening sufficient to shield the staircase from view on the neighbor to the north and the roadway.

Any other conditions?

Application of Calvin Gantt, owner; 2 Loyalist Avenue, Rochester, New York 14624; for special use permit to convert portion of 2nd floor to an in-law suite at property located at 2 Loyalist Avenue in R-1-15 zone.

Michael Nyhan made a motion to adopt the application with the following conditions, and John Hellaby seconded the motion. The vote on the motion was 6 yes to 1 no (David Cross).

DECISION: Approved by a vote of 6 yes to 1 no (David Cross) the above described application with the following conditions:

1. Application is subject to all required permits, inspections, and code compliance regulations.
2. The special use permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it.
3. The in-law apartment may not be used as a rental unit.
4. Applicant's attorney to file decision letter in book of deeds with Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Town of Chili Building Department prior to the issuance of the Certificate of Occupancy. When filing, decision letter shall be indexed against property owner's name.
5. Pending approval of the Building Inspector.
6. Provide arborvitae screening sufficient to shield the staircase from view on the neighbor to the north and the roadway.

Michael Nyhan made a motion to approve the 7/10/18 Chili Planning Board minutes, and John Hellaby seconded the motion. The vote on the motion was 6 yes with 1 abstention (Ron Richmond).

The meeting ended at 7:39 p.m.