

CHILI ZONING BOARD OF APPEALS
March 26, 2019

A meeting of the Chili Zoning Board was held on March 26, 2019 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, Fred Trott, James Valerio, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel; Paul Wanzenried, Building Department Manager.

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: Any issues with signs Board members?

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

1. Application of Mr. and Mrs. Supernault, owner; 130 Old Scottsville Chili Road, Churchville, New York 14428 for variance to erect a 21' x 26' garage addition to be 26' from front lot line (60' req.) at property located at 130 Old Scottsville Chili Road in R-1-20 & FPO zone.

Phil and Kim Supernault were present to represent the application.

MR. SUPERNAULT: My name is Phil Supernault. My wife, Kim. 130 Old Scottsville Chili Road 14428. I'm -- the only materials we didn't receive -- I apologize. I took three pictures. May I still leave them with you?

ADAM CUMMINGS: Yes. You can hand them up here. After the Board members look at it, we'll put it on the overhead so it can show up there.

MR. SUPERNAULT: Even though I understand the setback is from the property line, I took those pictures from the edge of the road so you can see the way --

ADAM CUMMINGS: Okay. So that red line is how far out it's going to extend from the house?

MR. SUPERNAULT: Yes. So my wife is standing there, and I -- I positioned our -- the black car so the car would be where it would be probably in the garage.

ADAM CUMMINGS: Okay.

MR. SUPERNAULT: So you would like me to describe briefly --

ADAM CUMMINGS: Is -- if there is anything else you would like to add from what I just read?

MR. SUPERNAULT: I think I was pretty complete. We've obviously been here quite a while now. I'm a member and I Chair a Board also for the Town. We plan to be here until the -- the end and getting up in years, um, obviously we're thinking in terms of our -- sort of our health. We have never had a garage and so we're pretty much exposed to the elements and sweeping our car off and stuff like that. We thought it would be a -- much more convenient for us to have a place to keep our cars in the wintertime. That is probably the big thing.

The existing house doesn't have any -- there is just no other way of doing it. Believe it or not, if you look on the -- behind -- I don't know if you explained it in our application. If you look behind where the proposed garage is, when we moved in, there was actually a garage door. That space did look like a garage, but it was a wood floor over -- over a -- a foundation or a cellar. So obviously we couldn't -- we couldn't use that.

ADAM CUMMINGS: Park any vehicles on that.

MR. SUPERNAULT: Right. We couldn't do that. So pretty quickly on, since we needed the space, we converted that space to sort of a master bedroom suite and I think the addendum there shows that in detail and also shows ingress and egress. But I guess basically it's sort of a -- to -- to make things easier for us from this point on. I think that is why we're -- also, I think aesthetically it would improve the look.

ADAM CUMMINGS: And I would point out that the neighboring property on that street, many of them have garages. So it is not like it is completely out of character.

MR. SUPERNAULT: We sought out -- I hope you --

ADAM CUMMINGS: I was going to chime in a little bit. I do have -- I guess I will take that segue right now. I do have a signed letter of support for this application from Julie Widener at 134 Old Scottsville Chili Road. Evelyn Rubenstein at 142 Old Scottsville Road. William Goeltz at 128 Old Scottsville Road and Scott Cabic at 127. So it looks like just about every neighbor surrounding you.

MR. SUPERNAULT: What I tried to do is anybody who would have sight of the -- of the

house, I asked them to sign off. Scott (Cabic) is actually across the road. Julie (Widener) is my next-door neighbor if you're facing the road to our left. Eve is next to her and Bill (Goeltz) is my long-time neighbor on the right side.

ADAM CUMMINGS: And Monroe County did deem this -- the Department of Planning and Development did deem this a local matter when they did their DRC review.

Are you all set?

MR. SUPERNAULT: Yes. Do you have any questions of me?

MARK MERRY: Looking at the dimensions you filed, it looks like they exceed the average dimension of a garage, two-car garage. Is there any issue not having that garage as propose it -- as deep as you propose? Why is there additional square footage required?

MR. SUPERNAULT: I -- originally when we had the site plan done, I was talking to the surveyor at the time. I was thinking -- he suggested 26 feet and actually when we had the architect draw it, we sized it at 24 feet. I thought I would come in at 26 and -- and I would certainly be happy with 24.

MARK MERRY: 24.

ADAM CUMMINGS: Okay.

MARK MERRY: Just based on the research I did, for the Board's information, the average depth is between 18 and 20 feet.

ADAM CUMMINGS: The 24, they have the walk out -- or the staired entrance into the house, which is at about --

MARK MERRY: Thank you.

ADAM CUMMINGS: -- a little over 3 feet. Good point.

So I just want to be clear, you want to stick with your 26 feet as requested? Or do you want to modify or minimize this down to 24 feet per your architectural plans?

MR. SUPERNAULT: I would like to go with what has the best shot at being approved. If you had issue with the 26, we would certainly accept 24.

ADAM CUMMINGS: I can't tell if there is an overhang here. On any of these elevations. Yeah. It's not dimensioned here. So I will get to that question in a little bit with the side table.

Paul (Wanzenried), one question for you on that measurement. Do we take it to the overhang on the front of it or is it to the foundation wall?

PAUL WANZENRIED: Probably take it -- safer to take it to the overhang, but normally we take it from the foundation.

ADAM CUMMINGS: Okay. I remember across the street from them, in Bellaqua, I believe one of the sheds there we got into that after construction and I just wanted -- I didn't recall how --

PAUL WANZENRIED: Overhangs and rakes are subjective things. You know, in most of -- of the cases, they're 1 foot.

ADAM CUMMINGS: Okay. Thank you. That was going to be my next question. I wasn't sure if it was 12 or 18.

PAUL WANZENRIED: Can Mr. Merry clarify his previous statement? What did you say, Mark (Merry)? The average depth of a garage is 18 to --

MARK MERRY: 18 to 20 feet.

PAUL WANZENRIED: In 1960 maybe. But the average depth of a garage in today's world is anywhere between 22 to 26 feet.

MARK MERRY: What I read was 18 to 20.

PAUL WANZENRIED: Okay.

ADAM CUMMINGS: Not hearing any other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MS. SUPERNAULT: I think it's a great idea.

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

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

ADAM CUMMINGS: One condition of approval will be to get a building permit from the Building Department, which you know, since you're here and they have already told you that.

I would like to stick with the 26 feet with the 1 foot overhang, um, and that -- I didn't hear any further dissent. Not saying we're going to our decision, but I would like to hear more from the Board's opinion. If you want to minimize it down to the 25, assuming the 1 foot overhang or leave it at 26?

JAMES VALERIO: I would rather leave a little room for --

ADAM CUMMINGS: Construction errors.

JAMES VALERIO: -- if something happens.

ADAM CUMMINGS: I will call it surveyor errors. Okay. Not that I'm knocking surveyors. But I am. So I say we stick with that. So we'll maintain your requested 26 feet.

MR. SUPERNAULT: Okay.

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 Type II action with no significant environmental impact, and James Valerio seconded the motion. The Board all voted yes on the motion.

James Valerio made a motion to approve the application with the following condition, and James Wiesner 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. Building permit must be obtained prior to construction.
The following finding of fact was cited:
 1. Proposed variance is similar to other houses in the neighborhood and applicant has provided letters of support from adjacent property owners.
2. Application of Nancy Sullivan, owner; 90 Wickens Road, Scottsville, New York 14428 for variance to allow two existing sheds to be a total of 500.5 sq. ft. (192 sq. ft. allowed), variance for one shed to be 3.2' from front lot line (55' req.) and 1.2' from side lot line (8' req.) at property located at 90 Wickens Road in A.C. zone.

Nancy Sullivan was present to represent the application.

MS. SULLIVAN: My name is Nancy Sullivan. My address is 1 Wickens Road and was it 90 something?

ADAM CUMMINGS: 90.

MS. SULLIVAN: 90 Wickens Road. So when I moved into the house, the garage was already converted into a shop with rooms and a -- shelves and it would have cost a mint for me to convert it back into a garage for the car. So I had no garage for the car. I tried to fit the car in because I have a Volkswagen. I thought it might fit in part of it, but the back end was sticking out, so it wasn't any good.

So then what I did, I put a carport up. I want to show you the picture of what has happened to it, because of the wind. It is awful. So I was very concerned about -- I had that up for about four years before I -- put the carport up now. I was very concerned that the tarp would fly off and end up on somebody's windshield as they're driving by.

So I have been looking for a substitute and I found what I liked and I didn't realize I needed a building permit. Nobody said anything to me. Nothing was said about that when I put it up. It wasn't until I had it up for I don't know several months and then I got a letter in the mail and that's when the things started.

ADAM CUMMINGS: Okay. And the carport, that is on 90 Wickens Road and the converted garage/shop is on 1 Wickens Road?

MS. SULLIVAN: Yes. Yeah. So the shed that is on the other side, the blue shed, the garage where the driveway is, and then I figured I would put -- well, as you can see, I had already put stone in for that carport and so I thought well, I could put this carport right in the same spot because it's perfect. It's right off the driveway.

The other way, if I had it where the shed is, I would have to go through the field and -- there is water in there. It would be very, very hard, so it -- so the convenient spot is right where it is.

ADAM CUMMINGS: Do you happen to know when the properties became 1 and 90 Wickens Road?

MS. SULLIVAN: It was that way when I moved in. Because I always had two lots.

ADAM CUMMINGS: Because it's -- as I'm looking at this one, in terms of the side setback, um, even if we grant an approval of the variance today, you still require a State variance in addition to our variance just for how close that is, because it's less than 3 feet. And same with the house, or that building, the -- the shop, it looks like that is .4 feet or right on the property line. So I'm just curious how that came to be -- or when that came to be.

MS. SULLIVAN: You know that house is very old and everything was there when I moved in, so I just moved into --

JAMES VALERIO: So the carport counts as shed space?

ADAM CUMMINGS: The carport counts as an accessory structure and it is getting counted because it's a more permanent structure. It gets counted as the shed space, yes. The storage space -- which is how we get to that 500.5 square feet on 90 Wickens Road. Not to be confused with any of the storage space on 1 Wickens Road.

JAMES VALERIO: But that's a garage which is --

ADAM CUMMINGS: Right. Yeah. That's separate. We're not concerned with that one right now.

FRED TROTT: Can I ask a question?

ADAM CUMMINGS: Paul (Wanzenried) has something.

PAUL WANZENRIED: In talking with the Planning and Zoning Secretary, it appeared -- this subdivision of the lot, to answer your question, may have been done before the subdivision code.

ADAM CUMMINGS: Got you.

PAUL WANZENRIED: In that case, it's preexisting, nonconforming.

ADAM CUMMINGS: Got you. Doesn't help my Board.

PAUL WANZENRIED: No.

ADAM CUMMINGS: Thank you.

Go ahead, Fred (Trott).

FRED TROTT: What about -- because you own both properties?

MS. SULLIVAN: Say again?

FRED TROTT: You own both properties?

MS. SULLIVAN: Yes, both lots.

FRED TROTT: Why not make them into one? Is that -- I don't know if that is --

ERIC STOWE: It would be a non-conforming lot. It doesn't have enough acreage.

ADAM CUMMINGS: We did the calculation before this meeting. If those two lots were recombined back in, it doesn't meet the five-acre requirement that we need in the AC zone to make it a compliant lot. So, in essence, she would have to come in for a variance for an undersized lot.

MS. SULLIVAN: It just barely misses it. I think I --

ADAM CUMMINGS: 4.5 acres and you need 5.

I thought it was 1.5 acres short.

PAUL WANZENRIED: What is -- what is 1 Wickens?

ADAM CUMMINGS: I don't know. I did it off the entire blue line around all of them combined. I got it to be about 3.45 acres and you needed 5.

While they're looking that up, this side of the table, any questions?

JAMES WIESNER: So -- I am trying to wrap my head around this. So the square footage then is just for 90 Wickens Road and includes the carport and that little frame shed.

ADAM CUMMINGS: Frame shed, yes.

JAMES WIESNER: And they're allowed to have accessory buildings on a houseless lot? I remember we had that once before where they weren't allowed to have the accessory structure in a --

ADAM CUMMINGS: Right.

JAMES WIESNER: -- on a houseless lot.

ADAM CUMMINGS: Well, Eric (Stowe) is going to get that question. We asked that question earlier, as well. So there are improvements on a vacant or nonresidential lot.

JAMES WIESNER: So I guess my question for you, this carport, is that a permanent structure? Does it have footings?

MS. SULLIVAN: It has absolutely nothing. It is just an aluminum frame over and it has screws in the ground to hold it in. There is no lights. No foundation. Nothing.

JAMES WIESNER: Temporary structure.

MS. SULLIVAN: It's just a covering. It's like a carport. That's what it actually is.

ADAM CUMMINGS: I would agree with it being temporary. Able to be moved.

JAMES WIESNER: That's all I got.

FRED TROTT: What was the -- I didn't get your response on the accessory building on the property without a house.

ADAM CUMMINGS: Well, I don't believe it's permitted, but I want to wait until Eric (Stowe) -- I don't believe -- I believe that requires a variance, too, from our past application which was on --

FRED TROTT: That was over in Clifton, too.

ADAM CUMMINGS: No. It was on Route 252 over near Old Scottsville Chili Road, next to the two duplexes.

JAMES WIESNER: There was a couple of them.

FRED TROTT: There was one on Clifton.

ADAM CUMMINGS: He was going to build the house. He built the -- yes, Paul (Wanzenried)?

PAUL WANZENRIED: The question is uses, correct?

ADAM CUMMINGS: So right now the question I would like to pose over to the side table is, is it allowable to have accessory structures on a vacant parcel? I will call it a houseless parcel.

PAUL WANZENRIED: In -- this is AC, correct?

ADAM CUMMINGS: Correct.

PAUL WANZENRIED: So in the AC zone, B is permitted uses. Number 10 is private garages, ancillary or auxiliary structures such as a tool or storage shed. That is a permitted use.

ADAM CUMMINGS: Thank you. That's right. That is our newer --

PAUL WANZENRIED: You can -- that is our --

ADAM CUMMINGS: Newest.

PAUL WANZENRIED: Interpretation.

ADAM CUMMINGS: Thank you. That clears it up?

FRED TROTT: Okay. So that is a change then from in the past --

ADAM CUMMINGS: Right.

FRED TROTT: Okay.

ADAM CUMMINGS: I won't go into the history on that one. We'll talk about that off line, Fred (Trott).

But in terms of going back to that original question, would it be cleaner to ask for a -- an improved subdivision on here and ask for variances for non-compliant lots as opposed to such a severe variance request of these being right on the property lines? Or line?

PAUL WANZENRIED: Can I have a moment with my Counsel?

ADAM CUMMINGS: Sure. This is a very unique one. Because the other unique part with your -- you own both properties, so ideally you would want an easement given to both, but you own both properties so you can't even grant an easement to yourself, could we can't even do that.

PAUL WANZENRIED: Something about this triggers deja vu I had this conversation. But I think we have already approached the applicant and you may ask Mrs. Sullivan if she wants to move that property line to the east. That would make everything go away.

ADAM CUMMINGS: I agree with that.

PAUL WANZENRIED: That's a cleaner variance than what we're asking for now and will subsequently need to ask going forward.

ADAM CUMMINGS: Right. We would still have a front setback at 3.2.

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: And we would still have a -- a shed total square footage because the 192 square feet would follow -- it would just be on Parcel 1 Wickens instead of 90 Wickens.

PAUL WANZENRIED: You can't grant that variance now because it's on 90.

ADAM CUMMINGS: Correct. So we could -- can we -- almost. We can't re-advertise it -- table it and re-advertise it?

ERIC STOWE: You can. It's a new application that requires a new hearing.

ADAM CUMMINGS: Right.

FRED TROTT: Because it would be 1 Wickens.

ADAM CUMMINGS: Right.

JAMES WIESNER: She also runs the risk of spending all that money for changing the lot lines and then getting turned down for the variance, too, which obviously is her decision, but it's -- that's not a cheap thing to do either. I've been through it.

ADAM CUMMINGS: Hmm. Well, let me ask the applicant. Are you clear on what we just discussed here and understanding what we're discussing?

MS. SULLIVAN: Not exactly. No, I'm not.

ADAM CUMMINGS: So I will try to describe it by pointing up here. So where your north/south lot line, easternmost line there that splits your two buildings, the carport and the shed -- or sorry, the shop, that line, what we're talking about is moving it to the east beyond the frame shed, 8 feet beyond that frame shed and making that 1 Wickens Road. What that does is it eliminates all of the setbacks off of that property line, which was technician -- you have to have it for the building, the -- the shop that is on 1 Wickens and the carport that we're talking about today, tonight. That would get rid of those two side lot setbacks. We would still have a variance request that we're hearing tonight for the front setback of that carport of 3.2 feet, and we would still have the area one for 500.5 square feet, but that one would be on 1 Wickens Road. So we can't decide that tonight because the public notice was for that variance to be on 90 Wickens Road. So we would have to have a new application for that part of it to be on 1 Wickens. We could -- we could move forward with the front setback of 3.2 feet from the front lot line, the 1.2 side lot line variance request would go away. And we would just wait until the point where you have got that line redrawn and -- and submitted and filed.

MS. SULLIVAN: So you're saying I have to go get another survey done? Is that what you're saying?

ADAM CUMMINGS: It would be another -- it would be a subdivision map. It wouldn't necessarily need to be a survey. It would be a subdivision map and description that would have to be made.

MS. SULLIVAN: So who am I going to for that?

ADAM CUMMINGS: A licensed surveyor, so off of your plans, James Missell could help out. Or any other licensed surveyor. Rough ball park on cost on that, I have seen them range anywhere from 500 to \$1500. I don't want to say exactly what it would be, but that's the rough ball park. What that does is it cleans everything up and helps any future -- any future sale prospectives of this property. Because there is going to be questions or issues if these two parcels ever changed hands, if you ever sold them.

MS. SULLIVAN: You're saying you're going to extend that over so that it covers the carport, everything would be covered? That is what you're saying?

ADAM CUMMINGS: Right. It would all be covered and located on 1 Wickens Road.

MS. SULLIVAN: So I would have to just go for another -- have him -- what exactly does he have to do then?

ADAM CUMMINGS: Is that what he would do, he has to draw this new map -- he would have to draw this map and extend the bottom blue line -- this would be extended over to here (indicating) and then drawn straight up there (indicating). This line goes away (indicating) and it comes over and up (indicating).

MS. SULLIVAN: Okay. All right. Well --

ADAM CUMMINGS: Or the other option is we keep going with the application as we see it tonight, but once again, um, even if you are successful -- and this is where I will warn you on going for a State variance -- even if you are successful getting a variance granted from us here tonight, you would then have to go through all of the paperwork and wait for the State variance and I'm not sure how successful that one would be.

ERIC STOWE: Would still meet it for the frontage, right?

ADAM CUMMINGS: For a State variance? No. Because she has 3.2 feet.

ERIC STOWE: Okay, oh. Excuse me.

ADAM CUMMINGS: No. She just makes it by .2 feet on that one. So you would not

need a State variance for the front setback either way. Because that's 3.2 feet. 3 feet and less is the cut-off for that.

MARK MERRY: So could we swallow the application fee?

ADAM CUMMINGS: That would be a new application fee for that one, correct, Paul (Wanzenried)?

PAUL WANZENRIED: For?

ADAM CUMMINGS: For when she subdivides and then does everything on 1 Wickens Road or can we transfer the application for 90 Wickens Road over to 1 Wickens Road? Maybe that is an internal transactional question.

MS. SULLIVAN: So are you getting rid of 90 Wickens in other words by doing that?

PAUL WANZENRIED: No.

MS. SULLIVAN: You still have a section that is 90?

PAUL WANZENRIED: That's correct. You will still have 90 Wickens. It will be less square footage, less area.

ADAM CUMMINGS: Yes.

PAUL WANZENRIED: Essentially you're moving that east lot line to 50 feet beyond that frame shed.

ADAM CUMMINGS: So then why would we have a variance on 90? Why would any of these be on for 90?

PAUL WANZENRIED: She didn't ask about a variance.

FRED TROTT: She was asking would it still exist.

ADAM CUMMINGS: Sorry. Yes. You would still have two properties.

JAMES VALERIO: Would this hurt her if she went to sell --

MS. SULLIVAN: Because the size of the lots would be different if it is extended.

ADAM CUMMINGS: Sorry. I misunderstood that. Sorry about that.

MS. SULLIVAN: So that sounds like the better option then, to have Missell do it. Now, am I going to get something in writing so he understands what he needs to do?

ADAM CUMMINGS: Yes.

PAUL WANZENRIED: Ms. Sullivan, if would you like -- if you would like, have him call me. I will explain it to him.

MS. SULLIVAN: Okay.

PAUL WANZENRIED: Okay.

ADAM CUMMINGS: And we will have something noteworthy and have that in there. So officially this one needs to be withdrawn by the applicant.

ERIC STOWE: If that is the request, yes, to not hear it. If that is what she wants to do.

JAMES VALERIO: Before we advise this, are there any negative impacts by her making the other lot so narrow?

ERIC STOWE: Can we just rephrase from "advise" to "present options"?

JAMES VALERIO: Present options. I just want her to be aware of --

ADAM CUMMINGS: I don't see anything -- I see that, in my opinion, as being the best improvement, and the best, cleanest way to make it compliant of something that has been grandfathered in as preexisting, nonconforming and helping you in the future improving this one. Because otherwise, if you don't get the variances -- this is the worst case -- if you don't get the variances on either of them, the carport needs to go away or be moved 8 feet from each lot line -- no, I take it, back. It doesn't exist at all because we wouldn't have the 500 square feet. And the existing shop, that would also have to be moved. Or -- or minimized so that it's not encroaching so much on this property line.

MS. SULLIVAN: That's the garage we're talking about?

ADAM CUMMINGS: Yes. The existing garage/shop.

MS. SULLIVAN: That couldn't be grandfathered in because it's there -- it was there when I moved in.

ERIC STOWE: If that predates the requirements.

ADAM CUMMINGS: So you are correct. That one would have to stay there and it could never be improved. It could stay as it is right now, but if there were any improvements done to that building at all, with the exception of maintenance items, um, it would need to be moved. But yes, if you just maintain it and keep it there, it can stay there because it is grandfathered.

MS. SULLIVAN: Now, if I do what you had suggested, then I don't have to worry about that garage. I could do anything.

ADAM CUMMINGS: Right.

MS. SULLIVAN: I could do improvements.

ADAM CUMMINGS: Correct. You could even add on to that.

ERIC STOWE: Within the confines of the code.

ADAM CUMMINGS: Correct.

MS. SULLIVAN: Yes. I understand: I understand.

ADAM CUMMINGS: You can't do everything. You can't build four stories on it. We had neighbors try that, too. What this also does is put everything on one. You said 90 Wickens Road has wet areas on it, too?

MS. SULLIVAN: Yes.

ADAM CUMMINGS: That would also help keep what is approved on one parcel and keep everything else over on the vacant, wetter parcel.

MS. SULLIVAN: Right. That is further in the back where the woods are.

ADAM CUMMINGS: Yeah. I was just trying to reference it, separating these two parcels.

Because it's very strange to see the two parcels with how close they are. So with those options, it's really on your decision.

Would you prefer to keep moving forward with your application tonight or go with that option of -- of withdrawing tonight's application and going through with a new application once that subdivision is done?

MS. SULLIVAN: I'll go with the new.

ADAM CUMMINGS: Okay.

MS. SULLIVAN: Yeah. I think that is better.

ADAM CUMMINGS: So we will have that -- at the request of the applicant, this application will be withdrawn.

Do I need a Board vote for that? It is just withdrawn.

ERIC STOWE: It's withdrawn.

ADAM CUMMINGS: So please continue working with the Building Department and they'll communicate with me, but Paul (Wanzenried) is pretty up to speed on these things.

MS. SULLIVAN: I just need to have something to get to Missell so I can get things going.

ADAM CUMMINGS: Okay.

MS. SULLIVAN: That's what I need.

ADAM CUMMINGS: Okay. We'll provide -- I will provide a very brief note on that and Paul (Wanzenried) will communicate with him and make sure we get that all squared away.

ERIC STOWE: And just for recordkeeping purposes, you're requesting the Board not take any action on this. You're withdrawing this to make a future application; is that correct?

MS. SULLIVAN: Say it again.

ERIC STOWE: You don't want this Board to take any action on this application because you're withdrawing it to make a different application in the future?

MS. SULLIVAN: Yes.

ERIC STOWE: Okay.

MS. SULLIVAN: And I have the signs up. Am I going to be putting new signs up?

ADAM CUMMINGS: Um, do --

MS. SULLIVAN: Or do I leave them -- well, the deadline --

ADAM CUMMINGS: I don't even know if the signs say -- I think they give the description and the date and the time. So they could be reused for 1 Wickens.

MS. SULLIVAN: The only thing is that the date on there is today's date.

ADAM CUMMINGS: Right. We would modify that. We --

MS. SULLIVAN: How will you do that --

ADAM CUMMINGS: We'll give you new signs. We'll give you new signs because we don't know which public meeting we're going to be doing it at.

ERIC STOWE: Adam (Cummings), hold tight for one second.

ADAM CUMMINGS: My side table is coming up with something else.

We'll have new signs.

MS. SULLIVAN: You will take those down.

ADAM CUMMINGS: You can take those down either way because we made to it to the date tonight so they can come down. As evidenced by your carport, the wind would probably take care of it eventually anyway.

MS. SULLIVAN: I did. I had to retrieve one of the signs. It was laying upside-down in the garage so I taped it with Gorilla duct tape. That worked. It is still stuck there.

ADAM CUMMINGS: There's good advertising.

MS. SULLIVAN: I do have another question. When all this is done, I'm still going to have to get a building permit; correct?

ADAM CUMMINGS: Yes.

MS. SULLIVAN: And what's the cost on that?

ADAM CUMMINGS: I don't know. Paul (Wanzenried) would know that.

MS. SULLIVAN: Okay.

FRED TROTT: Why couldn't you make one undersized?

ADAM CUMMINGS: That is what I was saying. She can't just make it. She has to come in for a variance for undersized.

JAMES VALERIO: Even though they're already undersized.

ADAM CUMMINGS: No. If you resubdivide it, it's a new action so you have to meet the current code.

JAMES VALERIO: If she subdivides it, she will need a variance now for the undersized lot?

ADAM CUMMINGS: Yes.

JAMES VALERIO: What is the difference if she just made it all one?

ADAM CUMMINGS: The setbacks. The degree of severity of the variances in my eyes. You're going from a 5 acre to a 3 1/2 acre or in this case it will knock out -- it's going from 5 acres to 3 acres in terms of comparative as opposed to .4 feet on the side setbacks as opposed to 8 feet.

JAMES VALERIO: We're saying she just made this all one lot --

ADAM CUMMINGS: Yes.

FRED TROTT: As compared to --

JAMES VALERIO: -- versus moving the lot line.

ADAM CUMMINGS: That is what I offered up, to do just one big lot. I said it earlier.

JAMES VALERIO: I know but --

ADAM CUMMINGS: Resubdividing it all into one lot and getting the variance.

JAMES VALERIO: You said it is too small, but it's already too small.

ADAM CUMMINGS: You would need a variance for the entire subdivision into one.

JAMES VALERIO: She will need a variance to make this new lot line for the small lot, too.

ADAM CUMMINGS: Yes. Correct.

JAMES VALERIO: So wouldn't --

ADAM CUMMINGS: I personally think my opinion is the better opinion, but I don't understand why it was ever split into parcels to begin with.

JAMES VALERIO: Can you offer it maybe as a third option?

ADAM CUMMINGS: They may be having the same conclusion.

There were separate discussions had at the side table and at the dais.

ADAM CUMMINGS: Sorry for the delay. We read the book. So upon reading the book -- "the book" being the code book, um, this does not qualify as a minor subdivision as we originally thought. So -- it actually qualifies as a major subdivision because of a couple definitions how it is two parcels that are nonconforming, as they were discussing on this side of the table, become nonconforming still.

So since it never conforms to our zoning code, in terms of lot size, you would have to go to the Planning Board for a major subdivision. So in that case, whichever way we go of realigning the lot lines and maintaining two parcels or combining them into one parcel, you would still have to go to the Planning Board which requires not only the subdivision changing of that lot line, but also subdivision documents and a Planning Board meeting, so the ten sets they need there, the ten sets we need here. Um, the option on that one would be a little more expensive -- actually, I will say just more expensive than we originally thought. So what we were discussing over there is recommending to you to go out and get price quotes so that we can revisit this one.

So tonight I would like to open up the Public Hearing so that we can do our Public Hearing portion on the application you have. That does our Public Hearing commitments and then allows us to still reserve the right to hear this application as you have submitted already. And then that allows you the opportunity to go out and get these price quotes to see if you want to go forward with the subdivision and all of the steps that are necessary there or continue on with -- with your application as you submitted tonight.

Now, the -- the -- the poison on either one is if you go with tonight's application, as I mentioned, it has to go to New York State to get a State variance because you're less than 3 feet. That's going to take several months for them to get through the paperwork and submit that one.

On the other side of it, if you go to the Planning Board, there are more documents. James Missell, if you choose to go with him, can help out with that expense and production of those documents, but it would also require a Planning Board meeting in addition to another Zoning Board meeting to come back and visit us.

So it's not just simply coming back to us in the future. So I wanted to make sure to disclose all your options there and all of the avenues that you have to go. So right now, what I would like to do is I will make a motion to open the Public Hearing.

JAMES WIESNER: What will you hear about? We don't know what the application is.

ERIC STOWE: The application is the one in front of you.

ADAM CUMMINGS: So actually officially I have to ask her to not withdraw it.

ERIC STOWE: Yes. She's not withdrawing the application. We're still -- everybody is still present. It was a request that had not been acted upon.

MARK MERRY: Can she look at the cost and then come back?

FRED TROTT: That is why you have to have the Public Hearing.

ADAM CUMMINGS: That is why I would still like to hold the Public Hearing which is on the application that is here. We can always reopen the Public Hearing at a future meeting, but if we don't hold the Public Hearing tonight, then we don't follow the proper procedure.

Is that explained properly?

ERIC STOWE: We would have to do a Public Hearing either way. We have noticed one for this evening. Conduct it. It's done. You don't have to re-notice it. If the application that is submitted is the one that will end up being the -- the preferred route.

ADAM CUMMINGS: Or -- or the applicant-chosen route.

ERIC STOWE: Preferred by the applicant. I should clarify.

JAMES WIESNER: So once we have this Public Hearing, then we table it?

ADAM CUMMINGS: Then we close it and then yes, we would be tabling it.

JAMES VALERIO: Letting the applicant explore other options?

JAMES WIESNER: That way we would essentially leave the application open, with the tabling.

ADAM CUMMINGS: Right. Sorry. I didn't -- Paul (Wanzenried), did you have anything to add? So -- so you have two subdivision options. I will call that this side. You have two subdivision options you can keep maintaining two lots or go to one. Or you can maintain this application that is here. A lot of options but not -- but not a --

JAMES WIESNER: Not good.

ADAM CUMMINGS: -- not a final closure tonight.

PAUL WANZENRIED: The applicant can always withdraw via some sort of written correspondence into the Building Department --

ADAM CUMMINGS: Correct.

PAUL WANZENRIED: -- at a later date.

ADAM CUMMINGS: Correct.

PAUL WANZENRIED: The action you're looking for is to table.

ADAM CUMMINGS: Right. Tonight we're looking to table it. And rescinding her verbal withdrawal that you already did. So are you in agreement there that you would like to take back your withdrawal request?

MS. SULLIVAN: I'll take it back.

ERIC STOWE: It had not yet been finalized withdrawal request.

ADAM CUMMINGS: Right. Because we have not yet closed this meeting. So I would still like to move forward with the Public Hearing, with the clarification that in the future, I still reserve the right if we wanted to reopen another Public Hearing, we can. I agree we don't want to lose the opportunity for something that was already publicly noticed.

So I will make that motion to open the Public Hearing.

FRED TROTT: Second. Thank you.

ERIC STOWE: Hang on. If you made a motion to open the Public Hearing and it was seconded, you have to vote on it.

The Board voted unanimously in favor to open the Public Hearing.

ADAM CUMMINGS: Thank you, Eric (Stowe).

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ADAM CUMMINGS: Now, I'll make a motion to close the Public Hearing.

JAMES VALERIO: Second.

The Board voted unanimously in favor to close the Public Hearing.

ADAM CUMMINGS: So that Public Hearing is closed.

Now, I would like to ask for a motion to table this -- to table this application and I'll do that by a Board vote.

DECISION: Unanimously tabled by a vote of 5 yes to table with the following reason having been cited:

1. Tabled at applicant's request until further information can be obtained.

ADAM CUMMINGS: So that is tabled until a future meeting.

Can I leave that as a future meeting to be determined based on the preferred option of the applicant?

ERIC STOWE: Tabled at the applicant's request to a date when further materials and submissions are available.

JAMES WIESNER: Is there a time limit at all or does she have all of the time in the world? Like 60 days, 90 days?

ERIC STOWE: If she adjourned it and postpones it and requests that, then it's her decision.

ADAM CUMMINGS: All right. I have that note. We'll still get all this documented and keep corresponding with you to figure out the least painful or arduous option for you. So if you can hang around a little bit tonight, I would like to discuss it with you.

MS. SULLIVAN: Okay. Thank you.

ADAM CUMMINGS: All right. Last order of business for us is approval of minutes from the February 26th, 2019, meeting.

Any comments?

ADAM CUMMINGS: Motion to approve those minutes?

James Wiesner made a motion to approve the 2/26/19 Zoning Board of Appeals meeting minutes, and Mark Merry seconded the motion. All Board members were in favor of the motion.

Mark Merry made a motion to adjourn the meeting and James Valerio seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:58 p.m.