

CHILI ZONING BOARD OF APPEALS
October 22, 2019

A meeting of the Chili Zoning Board was held on October 22, 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.

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, and therefore, are subject to change.

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: On the agenda, number 7, we'll discuss it when we get to that point. Just wanted to give everybody advance notice they did ask to be tabled until next month's meeting, but we'll address that when we get there. I just want to give everyone advance notice.

Any issues with the signs?

MARK MERRY: I did not see the sign for the property at Union Street.

JAMES WIESNER: I didn't see a sign there either. Obviously the one for Greenwood Townhomes I didn't see, but that doesn't matter.

ADAM CUMMINGS: That one they never did pay the application fee -- or they paid one application fee but tabled at the Planning Board.

On C&M, I can't say as I saw it, but it was pretty windy with the construction going on around there.

MARK MERRY: I drove by three times, so.

ADAM CUMMINGS: Did we hand out the sign to them, Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: We'll address that when we get there, I suppose. It is not often we have this situation.

Eric (Stowe), what is your thoughts on this?

ERIC STOWE: We need the applicant to confirm it was in existence.

ADAM CUMMINGS: We'll address it.

ERIC STOWE: If it was removed via acts of nature, it is not jurisdictional.

ADAM CUMMINGS: So we'll move on to Application 1.

1. Application of Target, c/o Kevin VanHise, 1 Lexington Avenue, Suite 1575, White Plains, New York 10601 for variance to erect one 6' x 4' four-sided directional drive-up beacon sign to be a total of 8 sq. ft. (3 sq. ft. allowed), variance for sign to be 12' high (3 ½' high allowed) at property located at 3181 Chili Avenue in G.B. zone.

Kirk Wright was present to represent the application.

MR. WRIGHT: Good evening. Kirk Wright, Sign & Lighting Services, 53 Route 104, Ontario, New York.

I'm here to talk to the Board about the drive-up sign that has been proposed. I do have a photo of one we have completed in Fairport if you guys want to see.

ADAM CUMMINGS: Yep.

MR. WRIGHT: This is a nationwide roll-out for Target. It gives the customer the ability to go online, order whatever -- whatever they need from the store. When they arrive at the store, it's brought out to them. Very good for elderly people, handicapped people. Just if a mother doesn't want to bring her five kids into a Target store and go through that battle, it's very convenient.

ADAM CUMMINGS: Okay.

FRED TROTT: We're talking about a total of how many of these? Three or two?

MR. WRIGHT: One.

ADAM CUMMINGS: I believe it is just one in that it is from the main entrance. There is the handicapped aisle and then two aisles over, correct?

MR. WRIGHT: Correct. It is depicted in the photograph. They take up six parking spaces. They use two basically so you can load and they use four for car parking or vehicle parking.

ADAM CUMMINGS: So to clarify, there is currently six spots there. It will reduce the parking spaces from six to four because as depicted there, you will have it crossed out in between them or will there be six parking spaces?

MR. WRIGHT: No. There will be four parking spaces.

MARK MERRY: So the reduction may be -- the reduction of those parking spaces, are they still compliant what they did for the Town for the parking ratio for that site?

ADAM CUMMINGS: I don't know that number, but I would say they have established enough to have ample parking space out there.

Paul (Wanzenried), would you say that's fair enough, that a reduction of two parking spaces will not detrimentally or adversely impact this parking area, this parking lot? I'm not positive if it meets the parking requirements.

PAUL WANZENRIED: Okay. So that is where I would first start. They are parking, right? They are parking to wait for someone --

ADAM CUMMINGS: We're reducing two spaces.

PAUL WANZENRIED: Small potatoes. Okay.

ERIC STOWE: If the grant of the approval renders the lot non-compliant, that would be their obligation to fix via any other legal remedies.

MR. WRIGHT: The average amount of time that these spaces are being used, um, is reduced to three minutes. Whereas, if the customer is to go into the store, the average time is 40 minutes inside a Target store. So with the reduction, you're rolling that space over multiple times also.

ADAM CUMMINGS: Thank you.

Can you document that so I can take that home to my wife and tell her it's supposed to be 40 minutes at Target?

FRED TROTT: I just happen to note that there is two signs on that picture.

ADAM CUMMINGS: Well --

MR. WRIGHT: The -- that is correct. That small one is the temporary one that they utilize, because this roll-out is under way, and the -- the parking spaces are painted out. So they have a portable little cart type -- it has wheels on it. So they use that so they can start the roll-out.

FRED TROTT: Okay.

MARK MERRY: Is this beacon internally illuminated?

MR. WRIGHT: Yes, it is. LED illumination. Totally self-contained. It has a solar unit mounted to the top, two batteries. It has a timer. So the beacon will be illuminated from 4 p.m. to 11 p.m.

MARK MERRY: That's seven days a week?

MR. WRIGHT: That's correct.

MARK MERRY: Is Target open to 11 p.m. seven days a week?

MR. WRIGHT: Um, we could make that a stipulation if the Board wants. The timer can be adjusted. I know that that is what they're set for, the ones that I have installed so far.

ADAM CUMMINGS: I think we would like to condition that so they turn off when the store is closed.

Would you agree with that, Mark (Merry)?

MARK MERRY: I would agree with that. If it is approved.

And Number 2, there is a comment made here that Target has implemented the drive-up beacon at nearly under 1500 locations. As of a year ago Target had over 1800 locations. Is it just a limited roll-out then?

MR. WRIGHT: I -- I can't speak to that. I don't know.

MARK MERRY: Item Number 5 on the application was alleged -- "Is alleged difficulty self-created?"

You put "Not applicable."

Can you explain that response?

MR. WRIGHT: This application was actually filed from Kimberly Horn and she is out of Massachusetts. The challenge is self-created. They -- they're doing a national roll-out. The roll-out does require some type of a signage, the same as your building out here, which depicts the doorway for the Town Hall, the library and the meeting room. If someone were to walk in, would they find the meeting room eventually if it wasn't identified? Yes. But the signage you have here works very well for you. This signage works very well for their program.

MARK MERRY: Only because of the proximity. If you looked at the signage that Wegmans has rolled out regarding their dedicated parking area --

ADAM CUMMINGS: Well, now they have new signs that just appeared.

MARK MERRY: How about that?

ADAM CUMMINGS: With the "to go."

MARK MERRY: They did not illuminate them.

Have you taken a look at that as an option?

MR. WRIGHT: Um, no, I have not. I know that these are consistent for the 1500 stores. I know that when you open the app on your phone, it mentions the consistency. It shows the beacon. Um, illumination is necessary obviously for the nighttime shopper.

It's -- it's not going to be seen from the road, but it will be seen in the parking lot when you pull in. It's not targeted to be a beacon, so to speak, from the road. It's just to identify those spaces.

MARK MERRY: What is the significance of the 12 foot? Why can't they be less than 12 feet and be an 8 foot beacon?

MR. WRIGHT: With the new vans and panel trucks, like a Ford Traverse, a high top, if one of them were to pull in, it would cover that sign up so that it wouldn't be able to be seen from the parking -- from the driveway. It would be easily -- easily blocked.

MARK MERRY: Appreciate your responses. Thank you.

JAMES WIESNER: What will actually be lit up? Just the top half where it says "drive up"?

MR. WRIGHT: No. Just the top section, the 6 inch by 4 foot.

ADAM CUMMINGS: So you have a picture with the rear of the vehicle with the trunk open?

MR. WRIGHT: Yes.

ADAM CUMMINGS: The picture, not the words. Not the words "drive up," but the picture above it.

MR. WRIGHT: The "drive up" is illuminated. It is 6 inches wide by 4 foot tall.

JAMES WIESNER: That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and James Valerio 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: I do have one condition on there. The lights shall be operational only during open business hours.

MR. WRIGHT: Okay.

ADAM CUMMINGS: Meaning open business hours to customers, not just when staff is there. I'm not positive what those hours are, so we'll just match those.

PAUL WANZENRIED: Sign permit. Goes without saying you will have to get a sign permit.

ADAM CUMMINGS: Thank you, Paul (Wanzenried).

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 an Unlisted Action with no significant environmental impact, and James Wiesner seconded the motion. The Board all voted yes on the motion.

James Valerio made a motion to approve the application with conditions, 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 conditions:

1. Beacon lights shall only operate when store is open to customers.
2. Sign permit must be obtained.

The following finding of fact was cited:

1. Requested sign will not be visible from the public right-of-way and will not adversely change the character of neighborhood. Additionally, these wayfinding signs will help direct vehicular and pedestrian traffic patterns making them safer and more pronounced.
2. Application of C & M Forwarding, c/o Pierrepont Visual Graphics, 15 Elser Terrace, Rochester, New York 14611, property owner: 3457 Union Street LLC; for variance to erect a 19' x 7' wall sign to be 133 sq. ft. (100 sq. ft. allowed), variance to erect a 10' x 5' double-faced monument sign to be 50 sq. ft. per side for a total of 100 sq. ft. (16 sq. ft. per side allowed for a total of 32 sq. ft.) and to be a total of 9' high (5' allowed), variance for monument sign to be internally illuminated at property located at 3457 Union Street in L.I. zone.

David Cox, Mike (C&M Forwarding) and Rob Rose were present to represent application.

MR. COX: Good evening, Board members. I'm David Cox with Passero Associates, civil engineer for the project. I also have Mike with C&M Forwarding and Rob with Pierrepont Visual Graphics.

First, I'll bring up Rob (Rose) just to explain -- he was the one who actually put up the signs and he will come up and explain where we actually did put them up just to explain that.

MR. ROSE: I'm Rob Rose from Pierrepont Visual Graphics. As soon as I was given the signs, I was told that the 11th, I believe, was the date to put them up and I put two signs up at the main entrance, 30 degrees facing south and 30 degrees facing north so both edges of traffic could see them. And my boss confirms that when he went to meet with them last week, they were up.

ADAM CUMMINGS: Okay.

MR. COX: So to start, C&M Forwarding has been a very, very successful company here in Chili, New York. And they are moving into their new facility very, very soon. They're hoping in

the next month or two to be able to be fully operational.

So one of the important things for that is signage, of course. So yes, it is a -- it's a little bit of a unique property in the -- in fact, it is 78 acres and a 300,000 square foot building. The property has 1100 feet of frontage. The building is 780 feet off the center line of the road. And the right-of-way where our intersection -- or where our entrance is is very, very wide. It's an -- it's over 200 feet wide right-of-way.

So the monument sign is actually 120 feet off the center line of the road, and that's as close as we can get it. That is 15 feet off the right-of-way. It is 120 feet off. So it is really way off the right-of-way.

The other thing is, that -- because of the entrance road and being so far off, the road starts to drop down, so the sign is lower than where our entrance meets. 4 feet lower than road grade there. That is where we wanted to pick it up, so it is really just 5 feet high, you know, from the center line of the road. But from where it is located, since it is lower, we had to pick it up a little bit.

A 300,000 square foot building is a very large building. Even for a 300,000 square foot building, the signage is not all that big. Just at 133 square feet. There is a lot of other properties in Chili that have much larger, 300, 500 square foot signage, and with it being so far off the road, that it is not a -- it doesn't look humongous. Signage is all about proportions. Needs to be proportional. A humongous building, it will really look like a very small sign.

The sign is internally illuminated. It -- so it is just the logo that will light up. On the monument sign, also just the logo and the address will light up. All of the rest of the sign will be dark. So it is not one of those, you know, LED signs that, you know, blinds you when you're driving by. It's very, very toned down. Just will look like the logo is floating there in space.

So just to kind of highlight why it is unique, such a large property, 78 acres, 300,000 square foot building, building being 780 feet off the road, really far away. That is for the sign size. That is why it needs to be a little larger than code requires.

And then the monument sign, also being 120 feet off the center line of the road, needs to be a little bigger, being lower. That is why we have the height variance. It is really, really important for the tractor-trailers to be able to see the entrance. If they're heading northbound from 490 and they actually miss the entrance, there is no good place to turn around. I don't even know where they would. We really want to make sure all of the trucks can see the entrance and, you know, appropriately have enough time to slow in and pull off.

If the sign were just 16 square feet, by code, that far off the road, it just -- it would not be very visible. There is a good chance trucks would miss it, which would create some issues. And then the internal illumination, um, as discussed, it is not the -- it's not the very offensive type. Not very toned down. Just the logo. And some of the other signs in Chili have used that similar thing, like the Chili Square has a very similar illumination style to it.

With that, I can take any questions.

FRED TROTT: The sign, that graphic, is that different shades of blue or purple?

MR. COX: Yes. It's different shades of blue.

FRED TROTT: Do we exceed our number of colors?

PAUL WANZENRIED: No.

FRED TROTT: Just asking. I have no other questions.

MARK MERRY: Can we separate these out?

ADAM CUMMINGS: No. I was planning on keeping them the same.

MARK MERRY: Really?

ADAM CUMMINGS: Unless you like to do it as the monument and the wall sign.

MARK MERRY: I think it might be a good idea. I would hate to see everything go away because --

ADAM CUMMINGS: So the -- so if the applicant is agreeable to that, we'll separate it out and do separate decisions, one for the monument sign up near the road and one for the wall sign.

PAUL WANZENRIED: May I make a suggestion?

MR. COX: Yes.

ADAM CUMMINGS: Yes, sir.

PAUL WANZENRIED: That the wall sign be A, as indicated in his diagram, and that monument sign be B, as indicated in his diagram, and then you're tying two variances to each thing. Variance A, variance B.

ADAM CUMMINGS: Yep.

PAUL WANZENRIED: Thank you.

ADAM CUMMINGS: So to be clear on that one, I agree with that. It then matches your diagram. So 2A will be designated as the wall sign decisions, and the variance request that relates to that is obviously the internal illumination and the 133 square foot area.

The other items for 2B I will address when we get there.

MARK MERRY: Thanks, Adam (Cummings).

Why are we not doing a ground-lit sign here for the monument sign?

MR. COX: To 5 feet, you're saying?

ADAM CUMMINGS: Instead of doing internally illuminated, why is it not a ground-mounted light shining up at the lettering?

MIKE: Mike from C&M. To answer the question, we're trying to get kind of a look that went with the color scheme of the building. It was really noticeable to the northbound traffic coming from 490. The suggestion with our team at Pierrepont was the way to do that would be to internally illuminate it just to the letters. Gives it a nice modern, clean look and should be

more noticeable to traffic going both ways.

MARK MERRY: You don't think flooding the sign with a ground light would catch your eye more than a floating logo?

MIKE: We're hoping with a pitch down in the road and having to be higher up, directly lighting the letters would draw more attention to it from the eyesight standpoint. Rather than trying to illuminate from the ground with our concerns about snow, snow removal in the winter, snow getting piled up there as you're coming down the road. So that was the idea.

MARK MERRY: Okay. I don't recall any other signs on this stretch of roadway at that height being internally illuminated as far as monument signs go.

Do you have examples of that tonight?

MR. COX: Not along Union.

MR. ROSE: Boon & Sons Garbage and FedEx lights up.

MARK MERRY: On that road.

MR. ROSE: Internally illuminated.

MARK MERRY: Same height?

MR. ROSE: Actually bigger. Their height is higher and it's above grade because it's on a berm.

MARK MERRY: Your name?

MR. ROSE: Rob Rose from Pierrepont Visual Graphic.

So yes, there is another sign right down the road.

MARK MERRY: Don't buy the argument on the trucks. If you have trucks driving by that gigantic driveway and that gigantic building, you may well find some other drivers.

That is all of the questions I have.

JAMES WIESNER: So though, the -- the -- was it -- 19 feet seems large on the building. What is the length of the building? It is probably only like 5 percent of exposure on the building relative to the length?

MR. COX: It's probably less. It is -- I think it is 750 feet long. So it is --

JAMES WIESNER: 70 feet would be 10. 19 would -- so it is like 3 percent, 4 percent.

MR. COX: Low.

JAMES WIESNER: Not a significant amount of coverage in that regard?

MR. COX: Right.

JAMES WIESNER: That's all I have.

ADAM CUMMINGS: That's on the wall signs.

ERIC STOWE: We didn't have a requirement that it not be internally illuminated on the wall sign. Just to be clear. It's the monument sign only.

ADAM CUMMINGS: Did I misspeak on that?

ERIC STOWE: I heard wall sign.

PAUL WANZENRIED: We're only talking wall sign right now, right?

ADAM CUMMINGS: Correct. So the monument -- yes, correct. So I think I did say that earlier. I said two of them. There is really only the 133 square feet for the wall sign.

ERIC STOWE: Right.

PAUL WANZENRIED: That wall sign is allowed to be internally illuminated.

JAMES WIESNER: So the wall sign is not lit.

ADAM CUMMINGS: The wall sign is lit, but it's allowed to be lit.

JAMES WIESNER: Okay.

ADAM CUMMINGS: The internal illumination variance requirements.

JAMES WIESNER: Is only for --

ADAM CUMMINGS: Is for the monument sign.

All right. Let's go on to questions about 2B, the monument sign. Mark (Merry)? You had a bunch of them.

So Jim (Wiesner), any more to add?

JAMES WIENSER: I don't have anything more to add.

ADAM CUMMINGS: I do have one question on -- if we are down lower on the grade and going along with Mark (Merry)'s comments of having it -- I'm just curious if there would, in your eyes, be an impact of ongoing traffic if we had -- you're talking downward lighting up or upward lighting?

MARK MERRY: Upward.

ADAM CUMMINGS: Upward lighting as traffic is coming across, would that possibly be a lighting glare distraction to drivers going across?

MR. COX: It could be a lighting glare issue.

ADAM CUMMINGS: It's tough to shield those as you are driving. I would point to -- our Town of Chili signs that are right down the street -- I -- that is where I have issues with some of those upward lighting signs. The side shields don't always shield.

MR. COX: Snow is also an issue.

ADAM CUMMINGS: But you have also got that 5 feet. Isn't that 5 feet high?

MR. COX: But if the lights were ground-mounted I'm saying.

ADAM CUMMINGS: Right. But you could have them maybe not on the ground, but -- if you have a 5 foot base, you could up-mount them on the base and then shine up --

MR. COX: Yes, that's true.

ADAM CUMMINGS: -- onto the face. I just want to make that point, as well. Other than that, I don't have any other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

FRED TROTT: I have a question. It is going to look like that at night? Because the one on the document here looks like it has a white --

MR. COX: The one on top is what it looks like during the day.

ADAM CUMMINGS: The dark one.

FRED TROTT: The dark one is how it will look at night?

MR. COX: Night view. This is the night view (indicating).

FRED TROTT: Okay.

ADAM CUMMINGS: No hands.

Fred Trott made a motion to close the Public Hearing portion of this application and James Valerio 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: Both of these will have one condition of approval, that you have to obtain a sign permit.

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 an Unlisted Action with no significant environmental impact, and James Wiesner seconded the motion. The Board all voted yes on the motion.

James Valerio made a motion to approve the Application 2A with a condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2A: Unanimously approved by a vote of 5 yes with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. This sign is appropriately sized after consideration of the lower elevation grade and need to maintain visibility and relation to the finish grade of the road. Additionally, this sign is located further back from the public right-of-way due to the wider taking of the public right-of-way in this vicinity; thus justifying the larger area to maintain the appropriate viewing size relative to distance from the vehicular traffic.

ADAM CUMMINGS: 2B, that pertains to the square footage which is a total of 100 square feet, where 32 square feet is allowed. The height where -- 9 feet high is requested, where 5 feet is allowed. And the internal illumination.

James Wiesner made a motion to approve the Application 2B with a condition, and James Valerio seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2B: Unanimously approved by a vote of 5 yes with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. Due to the extremely large distance from the road, this sign will not appear excessively large from any public viewing areas. Additionally, due to the long distance from the road, this larger sign is justified to ensure the perception ratio of the sign is appropriate for identification by the public.
3. Application of Lifetime Assistance Inc., owner; c/o Mark Rakestraw, 425 Paul Road, Rochester, NY 14624 for variance to erect an egress window to be 4' from side lot line (10' req.) at property located at 27 Berna Lane in R-1-20 zone.

Mark Rakestraw was present to represent the application.

MR. RAKESTRAW: Good evening. My name is Mark Rakestraw, R-A-K-E-S-T-R-A-W. We would like to add an emergency egress to our basement. There is one room that is used in the basement. It has an exercise treadmill, exercise bike and a TV to watch. The only -- the staircase comes right up into the kitchen so in case of a fire, if somebody happened to be in the basement, we would like the additional egress out the side.

The egress window basically requires an oversized window well. It's about 3 1/2 feet, projecting out from the building, which is what is cutting into our in -- into our side setback. It's about 4 feet wide and 2 feet deep. Maybe 2 to 3 feet deep. It depends on the height of the window. I don't have that exact measurement.

It does come out on the side of the house and -- with the property line, there is no other option in that particular basement to put it on a different wall. If you will take a look at the -- at the survey included, the -- the front of the house, you will see a bump-out. You will see the open porch, and there is a bump-out towards the road. Basement does not go under that portion.

So between the porch and that -- that bump-out which is on a crawl space, we couldn't come out the front of the house. The -- the garage is on the other side and I apologize that this -- this survey map, I should have tried to find a more updated one, but the back of the house also has a room built onto the back, which is just over a crawl space and a deck which covers the entire back side of the house, between the addition and the deck.

So that is our only -- the south side of the house, with the -- with the lot line being close is our only option.

Right on the lot line are Arborvitae, well established, nice and tall. It completely blocks it from the neighbors. You can't really see it from the front of house either. So it shouldn't really affect visual appearance.

And any questions?

ADAM CUMMINGS: Can you provide an updated survey map?

MR. RAKESTRAW: Yes, I can. I believe there is one on file for a -- for the deck that we -- that we built on the same property this spring.

ADAM CUMMINGS: The deck, does it also show the addition?

MR. RAKESTRAW: Um, yeah. But I don't know if that was on the survey or if I drew that in for the -- for the drawing.

ADAM CUMMINGS: So, Paul (Wanzenried), do you know offhand? Do you have a record of what the building layout actually is here?

PAUL WANZENRIED: If there's -- if -- for the addition, they submit an addition plan. Whether there is the whole house --

ADAM CUMMINGS: That's true. Might not have showed the whole fingerprint.

PAUL WANZENRIED: Might not have showed the whole layout of the house.

ADAM CUMMINGS: I'm just finding it difficult for us to make our decision tonight when we have incomplete information on it. But I can go off the anecdote. I just want to make sure we have the most accurate or as accurate information as we can as we're --

PAUL WANZENRIED: The addition is a crawl space. Maybe that is what Mr. Rakestraw said.

ADAM CUMMINGS: On the east side.

PAUL WANZENRIED: On the east side. And so that would eliminate the position there. He has crawled to the front.

ADAM CUMMINGS: Yep. On the southwest corner.

PAUL WANZENRIED: Right.

No. South --

ADAM CUMMINGS: Southwest corner of the house.

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: And just to clarify, you said it goes from the entire back of the house, from the south end or the side facing one all of the way to the concrete patio.

MR. RAKESTRAW: Yes. About -- about 40 percent of that, the -- the south 40 percent is a bedroom addition, or an addition on the back that is over a crawl space. And the remaining, I believe it's -- I believe it's 16 feet. The remaining 16 feet is depth.

ADAM CUMMINGS: Okay. Thank you. So I'm not going to put a condition on there. It sounds like we have that under control.

FRED TROTT: Looking at Google Maps, um, looking at the front of the house, it looks like that -- the house is at grade level; is that correct?

MR. RAKESTRAW: It's one step up onto the porch, or two?

FRED TROTT: So you wouldn't be able to do it in front of the house.

MR. RAKESTRAW: We can't, because the very front of the house is over a crawl space. Except for the porch.

FRED TROTT: Okay. No further questions.

MR. VALERIO: Are the neighbors on that side of the house aware of this?

MR. RAKESTRAW: Yes, they are. The house manager, Karen, has spoken with the neighbors on both sides and we have had the sign posted on the yard for quite a few weeks now. But -- no one expressed objections to it.

JAMES WIESNER: So what has changed? Obviously the emergency window hasn't been a need for as long as that house has been there. Has something changed relative to the reason why that needs to be added?

MR. RAKESTRAW: Um, it is just the desire to use that basement room for the exercise equipment and the TV and to have -- to have egress to it. The only -- the only -- the only exit out of the basement is the staircase going up, and it goes right up into the kitchen, so...

JAMES WIESNER: Usually when you see one of those, you're putting some sort of living space in the basement and there needs to be an alternative exit or something like that.

MR. RAKESTRAW: It's not really a living space. It's an existing room. It's a finished-off room. It's panelled. I -- I don't know how long it has been like that. It's probably from the -- I

don't know, longer than we have owned it, I would guess.

JAMES WIESNER: So it's the homeowners' desire to add another exit to the house?

MR. RAKESTRAW: Yes, we would like to. It's just a safety precaution. It's a group home and we're -- we're required to -- so fire safety is a big -- is a big issue. We have regular inspections.

JAMES WIESNER: There is more going on in this house than just some people living there. There is people that need the additional access, as well, to exit the house?

MR. RAKESTRAW: Correct.

JAMES WIESNER: That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and James Valerio 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: Building permit, this requires one?

PAUL WANZENRIED: Yep.

ADAM CUMMINGS: A building permit will need to be obtained, the one condition of approval.

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.

Mark Merry made a motion to approve the application with a condition, and James Valerio 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.

The following finding of fact was cited:

1. Requested variance is minor in nature and will provide a health and safety improvement to the occupied spaces within the house.
4. Application of Charles Strang, owner; 439 Stottle Road, Scottsville, NY 14546 for variance to erect a 30' x 40' detached garage to be 30' from front lot line (100' req.) at property located at 439 Stottle Road in A.C. zone.

Charles Strang was present to represent the application.

MR. STRANG: Hi. You got an extra E on my name. It is Strang, not Strange.

ADAM CUMMINGS: Okay. Sorry about that. Just a brief description if you had anything to add what you're looking to do here.

MR. STRANG: Well, where I propose to put the building is closer to the lot line than allowed because I want to use the land behind it to grow some crops possibly in the future and there is a kind of waste area, a low area on the other areas where the building could go, but I really don't want to disturb it because of the drainage issues.

ADAM CUMMINGS: Okay. All right. I don't have any other questions.

FRED TROTT: Do you have -- just looking at the property, it looks a little older. I don't have any questions.

MARK MERRY: Let's start with an easy one, Mr. Strang. On the application, page 3, Number 5, "Was the alleged difficulty self-created?"

You answered, "No."

Can you explain that answer for us tonight?

MR. STRANG: Page 3? Oh. I'm not sure I really understand the question that well, but -- self-created?

ADAM CUMMINGS: Well, the actual answer is just about always "yes."

MR. STRANG: Oh, really? Okay. I'm not used to doing this, I guess. I want the building to be closer to the lot line so in case I want electric to it, where the electric will originate from, to keep the cost down that way. And also, where those squiggly lines are, that is kind of -- there is drainage there, and it would impose on the property where I was planning on growing hops actually. I was thinking about growing some hops, and that would be the area I want to do it. The building right there would work out for that project.

ADAM CUMMINGS: I think that -- to go back to the question, I did state it is just about always "yes," because it is self-created because you're coming in here asking to go away from the code.

MR. STRANG: I get it now.

ADAM CUMMINGS: Those five questions we have there, it doesn't need to be "no" every time. We weigh it for which ones and the impacts on the different areas in the Town and how we make our decision.

MR. STRANG: I got you.

ADAM CUMMINGS: I just want to point that out and educate you on that one. If it has "yes" on that one, it doesn't automatically mean it is a denial. I just want to point out it is a good question, Mark (Merry), the real correct answer.

MR. STRANG: I guess nobody else really created the problem, did they?

MARK MERRY: It's just good for me to understand why you're trying to do this. So your reply involves the growing of hops.

Which to frame my next question, sir, driving up and down that road, I don't see any of those structures as close to the roadway as you're proposing. So is there may be some lenience in your thought on where you can grow those hops in order to push that structure further away? Would you consider that? 100 feet is required.

You're looking to change that to 20, I believe, right?

MR. STRANG: Yes.

PAUL WANZENRIED: You realize it is in front of another property? You understand it is in front of another property?

MARK MERRY: Yes. I'm just asking if it can be pushed back further and not that far up. Thank you, though. Appreciate it.

MR. STRANG: It's already going to be 230 feet from the road.

MARK MERRY: That's a "no." You would rather keep it. Okay. Understand. I appreciate that response. Thank you.

MR. VALERIO: Is -- the owner of the other property, are they aware of this?

MR. STRANG: As far as I know, yes, they should have got a letter, but it is vacant at the time right now. I did talk to the owner's son. He is partial owner. His mother is in a nursing home. He is part owner of the property. You know, he doesn't have any objections.

JAMES WIESNER: So have you always owned the property behind you or is it something you have recently added?

MR. STRANG: About 20 years ago I bought it.

JAMES WIESNER: So -- okay. That's not a buildable lot back there? Or it is?

MR. STRANG: It isn't anymore. I bought it as a building lot and incorporated it into 439.

JAMES WIESNER: That was the only comment I had. I didn't know if there was any consideration. We have heard now you have got it right behind the house. If you moved it over behind your house, then it would be in closer proximity to you than your neighbor.

MR. STRANG: I would prefer that, but the property drops off steeply there because of a drainage area.

JAMES WIESNER: So that is the most level siting area you can find?

MR. STRANG: Yes. It drops off somewhat there.

JAMES WIESNER: That's all I have.

ADAM CUMMINGS: I believe it's a typographical error, but the notice states 30 feet from the front lot line and the application says 20 feet.

ERIC STOWE: That is correct. If it is 30, it can only be 30. We can't increase the grant.

MARK MERRY: Good catch.

ADAM CUMMINGS: I wish I had caught it a while ago. All right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MIKE KNITTEL, 423 Stottle

MR. KNITTEL: So you know, I live -- I have a flag lot and I'm way in the back. So this is the old horse pasture or is that on the other side?

MR. STRANG: That's on other side.

MR. KNITTEL: That is where I live, and then there is the Clars' house, which was the old Marshall house and --

MR. STRANG: Marshalls' house and then Clar house.

MR. KNITTEL: Marshalls owned it and then Richard Clar owns it --

ADAM CUMMINGS: I have -- I am lost at this point. You're further?

MR. KNITTEL: I'm just north of there. It's like I'm two properties north.

ADAM CUMMINGS: You're two properties north and then the next property is the Marshalls'?

MR. KNITTEL: Well, there used to be Jim Marshall and his wife owned -- it is owned by the Clars now.

ADAM CUMMINGS: Okay.

MR. KNITTEL: I have a flag lot. So my driveway goes, you know, 700 feet next to their property. So --

ADAM CUMMINGS: Now I'm following you.

MR. KNITTEL: Then -- so that there is the horse pasture behind -- next door to the Marshalls.

MR. STRANG: That's Clars' house. That is Clars' house. When you said Clar -- yes, that is the horse -- that's not mine.

MR. KNITTEL: You're on the other side of that, right next to the people way in the back?

MR. STRANG: Yes.

MR. KNITTEL: I just -- I just wanted to make sure, because I had not seen -- you can't tell by looking at this what he wants to do. So it doesn't affect my house. It is well off the road. But it does seem pretty close to the -- whoever is going to move into -- into that 441, it will be pretty damn close to their property line. I know I wouldn't want to live there. Nothing personal. I don't want to be a bad neighbor. I would just think a little bit further back would be better.

Mark Merry made a motion to close the Public Hearing portion of this application and James Valerio 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 thanks to this oversight, on my part, the legal notice is for 30 feet. So whatever we're actually deciding on tonight is off that property line, is to be 30 feet from it, not 20 feet. Is that acceptable to you?

MR. STRANG: That's acceptable to me.

ADAM CUMMINGS: Thank you.

MR. STRANG: I can live with that.

ADAM CUMMINGS: Okay. So then we'll move forward with that. I don't have anything else except for you would -- the one condition of approval that you should already know is you will have to get a building permit from the Building Department, which is why you're here. That would need to be obtained.

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 Fred Trott seconded the motion. The Board all voted yes on the motion.

Fred Trott made a motion to approve the application with a condition, and James Wiesner seconded the motion.

JAMES WIESNER: Can I ask a question.

What would he have to be off the side lot lines? It would be 8 feet or would it be more than that?

ADAM CUMMINGS: I thought it used --

MR. STRANG: 50 feet.

ADAM CUMMINGS: Is it 50 feet? What is the side setback? Is it 50 feet in this zone?

PAUL WANZENRIED: What zone are we in?

ADAM CUMMINGS: AC.

JAMES WIESNER: 8 feet?

ADAM CUMMINGS: Not 8.

MR. STRANG: 50.

ADAM CUMMINGS: I believe it's 50.

JAMES WIESNER: How far across?

ADAM CUMMINGS: 200 feet.

MR. STRANG: 279.

ADAM CUMMINGS: Actually, you're right. Where you subdivided it, also 441 Stottle and 439, it shows 200 feet there. And then -- yeah, it looks like it is about 79 feet for the rest of them. Of where it jumps down to the right-of-way, right from the road. You see that?

So back to the Board vote.

The Board voted 3 yes to 2 no (Fred Trott, James Wiesner) on the motion.

DECISION: Approved by a vote of 3 yes to 2 no (Fred Trott, James Wiesner) with the following condition:

1. Building permit must be obtained prior to construction.

The following finding of fact was cited:

1. The location of the structure is the most feasible on the lot due to low-lying wet areas and planned agricultural operations. The lot is irregularly shaped and the location is actually 220 feet from the viewable area for the public right-of-way
5. Application of Joseph Gambino, owner; 9 West Bellaqua Estates Drive, Rochester, NY 14624, for variance to erect a 20' x 24' pool shed to be 480 sq. ft. (192 sq. ft. allowed), variance for shed to be 16' high (12' allowed) at property located at 9 West Bellaqua Estates Drive in R-1-20 & FPO zone.

Robert Fallone and Christina Gambino were present to represent the application.

MR. FALLONE: Good evening. My name is Robert Fallone. I live at 15 Bellaqua Estates Court representing the Gambinos at 9 West Bellaqua Estates Drive.

We're here for the pool house in the rear of the property. Um, looking for two variances. One for the size and one for the height. So I will take the height first.

ADAM CUMMINGS: Okay.

MR. FALLONE: I mean, we're going for 16 foot where 12 foot is allowed. The architect felt that the -- the height wasn't in relationship to the architecture of the existing house, which is a two-story with a -- the roof line. I mean the way he designed it, it just made sense to come up another 4 feet.

In relation with the area, the actual size of the storage area and the bathroom is actually in -- is under 200 square feet and the overhang makes it in that 480 square foot. So -- I mean with the church being behind it and the neighbors to the north not having a problem with it -- I mean that is where we are with the presentation.

ADAM CUMMINGS: And it's not shown on here, but I'm assuming the pool is to the south of it?

MR. FALLONE: Correct.

ADAM CUMMINGS: Thank you.

MR. FALLONE: The pool, I believe, is 840 square feet.

The house right now is close to -- I think it is close to 4,000 square feet. 5,000. Correct. With the addition. We just put an addition on it.

MARK MERRY: You referenced that the neighbor does not have an issue with it.

Do you have a letter supporting that that you can show us?

UNIDENTIFIED SPEAKER #2: Them and -- a bunch of our neighbors are on here.

MR. FALLONE: They actually did a petition. You want to see it?

ADAM CUMMINGS: You said a couple of things. If you can just identify --

MS. GAMBINO: Christina Gambino. I'm the owner of the house, as well.

ADAM CUMMINGS: So we do have a letter with several of the neighbors on here -- I will add that to the file -- with no objections to this.

JAMES WIESNER: You said there was an architect involved.

Do you have any renderings what this might look like as far as --

MS. GAMBINO: That is what you had, the big ones?

MR. FALLONE: We don't have the architectural. Just the floor plan.

PAUL WANZENRIED: (Indicating).

ADAM CUMMINGS: Paul (Wanzenried) has them.

MR. FALLONE: Of course.

JAMES WIESNER: Just so we have an idea what it might look like.

ADAM CUMMINGS: I'm guessing the roof pitch is what really is putting it with how wide a building it is?

MR. FALLONE: Correct.

ADAM CUMMINGS: So that is the overhang, as we talked about, that is adding up this -- adding the square footage.

JAMES WIESNER: So it is not all structure?

ADAM CUMMINGS: Right. I believe you said it is about 200 square feet is the actual room, and then the rest of it is overhang?

MR. FALLONE: Correct.

ADAM CUMMINGS: So 200 --

MR. VALERIO: Say that again.

ADAM CUMMINGS: 200 square feet is the room, which is the bathroom and changing room. Then 280 square feet is that overhang canopy area.

JAMES WIESNER: So actually the canopy part would be facing south, where the pool --

MR. FALLONE: Right. Facing the pool.

JAMES WIESNER: I think that backyard also tapers down as I remember. So any added height, may not even see it.

ADAM CUMMINGS: And it is a storm water management area all of the way to the back. It is on the back of that subdivision.

MR. FALLONE: And the pool parking lot -- or the church parking lot is right behind that.

JAMES WIESNER: That's all I got.

ADAM CUMMINGS: One condition of approval will be the requirement for a building permit.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and James Valerio 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 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 Valerio seconded the motion. The Board all voted yes on the motion.

PAUL WANZENRIED: We don't get to chime in?
ADAM CUMMINGS: You guys haven't said anything all night.
PAUL WANZENRIED: I'm crushed.
ADAM CUMMINGS: I actually did say it, but the two of you were talking.
ERIC STOWE: Probably about this question.
PAUL WANZENRIED: Mr. Fallone, what is the grade drop-off between where this building would be situated and the first floor of the structure?
MR. FALLONE: The first floor of the structure? Of the addition?
PAUL WANZENRIED: The first floor of the -- if -- the first floor of the addition is equivalent to the first floor of the house; is that correct?
ADAM CUMMINGS: Where does the front door come out?
PAUL WANZENRIED: The first floor of the house, where is the grade where this pool house is going to be located? What is the distance? 8 feet, 6 feet?
MR. FALLONE: I would say 6 feet.
ADAM CUMMINGS: Thank you.
Which is the big taper that Jim (Wiesner) brought up. As it goes back, there is a huge taper that goes back with this property.
JAMES WIESNER: I don't think they were listening.
ADAM CUMMINGS: They were wondering about this question.

James Wiesner made a motion to approve the application with a 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. Building permit must be obtained prior to construction.

The following finding of fact was cited:

1. Due to the lower grade in the rear of the property, the height of the detached structure will be far lower than the height of the principal structure on the property. Additionally, the area consumed by the detached structure is minor and appropriate to provide necessary spaces for a pool house.
6. Application of TUGI LLC, owner; 1233 Lehigh Station Road, Henrietta, NY 14467 for variance to allow front parking per plan submitted for proposed warehouse (front parking not allowed), variance to allow a portion of driveway within the 100' buffer area at property located at 1891 Scottsville Road in L.I. and FPO zone.

Betsy Brugg, Bob Winans, Mike Kelly and Bob Turner were present to represent the application.

ADAM CUMMINGS: Before you start, Betsy (Brugg), I did want to say that this one seems to be one of the favorites of the County Department of Planning. They gave me a couple of comments on here with relation to flood boundaries, floodway map and national wetlands inventory. So I just want to make sure you're aware of those.

MS. BRUGG: You have those, right, Bob (Winans)?

MR. WINANS: Yes.

MS. BRUGG: For the record, I'm Betsy Brugg. I'm with Woods, Oviatt, Gilman and I'm glad to be here with this application.

We have got the team here. Bob Winans is here from DDS and Mike Kelly, the landscaping architect, correct?

MR. KELLY: Correct.

MS. BRUGG: And Bob Turner is here.

So I think you have a pretty complete application, but I'll just kind of go through where we have been.

This property was recently rezoned. Essentially the use that is being proposed is Turner Underground Installation which is an underground utility installation business. That is historically what the property has been used for. So we really just caught up with the zoning.

It has been rezoned to Light Industrial. Last week we were at the Planning Board which did grant preliminary site plan approval and a Special Use Permit for the use.

You know, some of the things that we went over at the Planning Board I'll probably touch on just to give you a little background but feel free to ask any questions or if you need more information.

But essentially we presented the site plan. We talked about the staff comments. There weren't really any concerning comments, and we satisfied the criteria for the use.

So what brings us here tonight is two area variances were required in connection the project. One is for the 100 foot buffer. We are providing the 100 foot buffer, but there's an existing driveway and pavement. We're actually improving the existing condition. We're reducing the amount of pavement. We're reducing the intrusion into the buffer. In fact, for last week's meeting I think in response to a comment about the curb of the driveway, the driveway

point is proposed to remain where it is which was satisfactory to the DOT.

I believe one of the conditions of the Planning Board was we would provide some documentation of that for final. But in any event, the driveway location coming into the site will remain where it is, but the curb of the driveway is going to sway over a little earlier to maximize the amount of the buffer.

It's a mixed zoning area, so as you can see in the upper corner there, you can see our closest residential neighbors. The other areas we're talking about the river, which you can't see I think on the drawing and some General Industrial, some more intensely zoned property.

So the plan here is sensitive to the adjacent or nearest neighbors. The flood plain is in the front portion of the site. So we are avoiding unnecessary intrusion into the flood plain.

The second variance is for -- to allow parking in the front yard. Given the proximity and the location of the neighbors and given the setback from Scottsville Road, which I believe is over 350 feet to the parking if I'm not mistaken, that seems to be the optimal place to put the parking.

The Board has granted a variance for front yard parking in the past. That is the best place to put it without any impact on the adjacent neighbors and avoiding impact on the flood plain and it's far enough from Scottsville Road it should haven't any visual impact.

There is also a tree line as you can see, on the drawing and that tree line provides some buffering for the view of the parking from the road.

Also, if you notice the amount of parking, we are -- 75 parking spaces are proposed. We are proposing actually only to build, I think, 43. We'll land bank the remaining parking space, because Mr. Turner just doesn't need that amount of parking. It is employee parking. Employees come in, park their cars. The way the building is designed -- if I can walk over here --

ADAM CUMMINGS: Uh-huh.

MS. BRUGG: -- essentially the vehicles, his trucks load primarily inside the building. There is garage doors here (indicating). Overhead doors. So the circulation is to come here and go around and out (indicating). It's not a large volume of trucks. He does not generate a huge number of truck vehicular trips from those trucks. They basically come in, load up and go off to a site, to a job site. It's a relatively low intensity use. Certainly much lower in intensity, much less parking. Just generally less impacts than other types of uses that might be permitted in a Light Industrial District.

I think you can see on this drawing, it is kind of self-explanatory. I think you can see the existing pavement conditions and what the proposed improvement to that is. We're showing enhancement of landscaping in the buffer. As I said, there is a tree line up here (indicating). This is the parking area we're talking about here in the front (indicating). And yeah. I think if we have any questions, we're happy to give you more information.

We did address the legal standards that were required in the application. But I would be happy to go through them again with you if you would like. I would sort of leave that to you, but I do think that if you consider the five criteria, we do have a significant benefit both to the applicant and I think this is the optimal site plan so it is beneficial to the community as a whole and I don't think there is any detriment to granting these variances.

I would be happy to go through these five standards if you would like me to.

ADAM CUMMINGS: With regard to the front parking, the industrial park that is to the north, um, when you go down that main street, I think most of those, if not all, had front parking. I don't know Ontario Play & Cafe because I can't see. I can't speak to the other ones. I do recall seeing most of those having front parking. This one is very screened as Ms. Brugg pointed out.

MS. BRUGG: It's a 10-acre parcel. Which we exceed all of the requirements of the code. Our setbacks are more than the minimums of the code. This is a pretty substantially sized property. So it really allows for, um, you know, that setback from the road. We -- we don't exceed any lot coverages. These are the only variances required and I think that they are really beneficial to -- to the community, as well as to the applicant.

ADAM CUMMINGS: Do you have any questions?

JAMES WIESNER: So the road will actually -- especially down by the main highway, that position is not changing at all? It is going --

MS. BRUGG: Correct. It will stay where it is.

JAMES WIESNER: It will stay where it is.

The 100 feet, I was looking at the site plan. There was some dotted lines on there. I didn't know if that was intended to be the 100 foot buffer around the property or what it might be.

MS. BRUGG: It is actually shown on this drawing. Are you talking about the fence -- the entire site is fenced.

JAMES WIESNER: In the site plan there's a --

ADAM CUMMINGS: The gray. If you see the gray one.

MS. BRUGG: Yes. That is the 100-foot buffer. I think the print is really tiny.

JAMES WIESNER: What caught my eye, it looks like -- it is not even on this side. So I didn't --

MR. WINANS: It is just this side (indicating). So it is adjacent to the residential area.

JAMES WIESNER: This is the 100 foot buffer?

MR. WINANS: Yep. Yep.

ADAM CUMMINGS: So Jim (Wiesner), on the other side lot, you will notice it's a 40 foot side setback from a light zoned property.

JAMES WIESNER: Because that's a different zoning usage?

ADAM CUMMINGS: Right.

JAMES WIESNER: That's all I have.

MARK MERRY: Those are very good questions from Jim (Wiesner).
ADAM CUMMINGS: Agreed. Agreed.
MR. VALERIO: No questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Mark Merry 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.

ERIC STOWE: Adam (Cummings), I did think of one.

ADAM CUMMINGS: Yes.

ERIC STOWE: Since it is not a coordinated review and only unlisted, I don't think a declaration of lead agency would be necessary because there is equally a Planning Board action.

ADAM CUMMINGS: Perfect. Saving my breath. Thank you, Eric (Stowe).

I do have one condition of approval. That goes without saying. A building permit must be obtained.

ERIC STOWE: We need a SEQR determination but not a lead agency determination.

ADAM CUMMINGS: I misunderstood that. I was going to skip it all together.

ERIC STOWE: We didn't do a coordinated review, but there was a Planning Board application.

ADAM CUMMINGS: I got you. So I don't have to be lead agency.

I just have to say that based on the information and evidence presented at this hearing we find to it be an Unlisted Action with no significant environmental impact. I will ask if there is a second?

FRED TROTT: Second.

Mark Merry made a motion to approve the application with a 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. The existing driveway has existed within the buffer for many years. The requested location is an improvement to the amount of buffering distance present on the site compared to past conditions. The front parking is well shielded from the public right-of-way and the surrounding residential area. And the front parking is similar to parking in the nearby industrial-zoned parcels in the area and are situated and screen adequately from the surrounding properties.
7. Application of Howitt-Paul Road LLC; owner, 758 South Avenue, Rochester, NY 14620, for variance to erect two- 3 story mixed use buildings & one- 3 story apartment building to be 45' high (35 allowed), variance to allow front parking per plan submitted for Phase III (front parking not allowed), variance to allow pad sites to be over 10,000 sq. ft. per plan submitted (maximum 10,000 sq. ft. pad sites allowed) at property located at 751 Paul Road in RB w/PNOD zone.

ADAM CUMMINGS: As I said earlier, Application Number 7 was asked to -- the applicant requested it be tabled until the November meeting. Do we have to vote on that one? It is just kind of done?

ERIC STOWE: It was requested by the applicant to be tabled. Nothing needs to be done.

ADAM CUMMINGS: All right.

DECISION: Applicant requested tabling this application until a future meeting.

Adam Cummings 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 8:18 p.m.