

CHILI ZONING BOARD OF APPEALS
May 26, 2020

A meeting of the Chili Zoning Board was held on May 26, 2020 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, Philip Supernault, Fred Trott, 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: This is a bit different than our normal meetings. We are live. I just want to remind everybody, applicants, as well as Board members, we're live. This is not a recording like we typically do. We'll hear each application in order as on the agenda. Any issues with signs from the Board members?

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

1. Application of Joseph Patti, owner; 95 Loyalist Ave, Rochester, NY 14624 for variance to erect a 10' extension (9' structure with 1' overhang) of garage to be 29' from front lot line (35' required) at property located at 95 Loyalist Avenue in R-1-15 zone.

Joseph Patti was present to represent the application.

MR. PATTI: Good evening. I'm my name is Joseph Patti. I live at -- reside at 95 Loyalist Avenue. At this time, I'm asking for a variance to erect this -- an extension on the garage, 9 feet with a 1 foot overhang.

ADAM CUMMINGS: Okay.

JAMES WIESNER: It almost looked like your neighbor already had an extension on his garage. Do you know if -- the one to your right as I look at your house --

MR. PATTI: I bought the house in August, so as far as I know, that was always -- that was always there, but similar to what he has is what -- the front of my house would look like.

JAMES WIESNER: I just look up and down the street, they're almost all even with the house, except for the one next to you which extends out much like have you asked for.

MR. PATTI: Right.

JAMES WIESNER: Thank you. That's all I got.

MARK MERRY: Can you get into a little more details as to why you're looking for this?

MR. PATTI: My dad passed. He left me a bunch of cars and I have an antique car that I would like to keep. I need to put it in the garage and we're going to put -- it's a '37 Ford. I want to put it in sideways on dollies to push it back. I just need room for the other cars and the bikes to fit in the garage.

ADAM CUMMINGS: So for additional storage?

MR. PATTI: Yes.

MARK MERRY: Thank you.

FRED TROTT: Peaked garage or just an overhead?

MR. PATTI: 10 foot walls coming off the existing. I kind of have a little picture here. I don't know if you -- if you don't mind me showing it to you. It is straight off the hip roof basically.

ADAM CUMMINGS: So it's not just going to be a canopy over top?

MR. PATTI: It will be the 9 foot out, the 1 foot overhang, the hip roof into the existing roof.

ADAM CUMMINGS: Okay.

FRED TROTT: That's all I have.

PHILIP SUPERNAULT: Will it -- is it going to be part of the garage and it will have a garage door on it or is it just more of a porch?

MR. PATTI: What we planned on doing was taking the existing garage wall, the structure of a wall, cutting it off, moving it forward and then moving the two side walls.

PHILIP SUPERNAULT: Door or no door there?

MR. PATTI: It will have a full standard 16 by 7, I believe it is, the garage door.

PHILIP SUPERNAULT: Okay.

ERIC STOWE: Just that it needs to have that Monroe County Pure Waters form completed as a condition of the variance.

ADAM CUMMINGS: Okay. Because it's encroaching on the -- I'm trying to get -- there is

actually -- there are two easements there, yes. I'm not sure who the utility easement is to, but you're referencing the sanitary sewer easement?

ERIC STOWE: Correct.

ADAM CUMMINGS: So we need to make sure you have acknowledgment or relief for those easements that may be encroached upon.

MR. PATTI: That would be from Monroe County Water Authority?

ADAM CUMMINGS: Monroe County Pure Waters, which is through Monroe County Department of Environmental Services.

ERIC STOWE: Here is a form for you.

PAUL WANZENRIED: (Indicating).

ADAM CUMMINGS: The Building Department can provide you with a form.

So, Counsel, would you like me to add on any necessary forms, or just Monroe County Pure Waters?

ERIC STOWE: Any easement forms required, including Monroe County Pure Waters. And it's debatable if it really is or if it is the dimension lines on the map Paul (Wanzenried) was explaining to me. But it is on the County Comments, so it needs to be a condition.

ADAM CUMMINGS: So I have that note down. I would like to open up the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: We have a question from a Charles Rettig, who hasn't given his address, but we do know it is Chili Center Coldwater Road.

Oh. He is just saying sounds loud and clear for the hearing. Thank you.

He also wants to thank Chairman for -- for -- your earlier comments. No comments from Mr. Rettig.

Hang on. Give it a minute.

ADAM CUMMINGS: Yep. That is what I was just going to say. We'll give it -- we'll give it a two-minute warning.

SUPERVISOR DUNNING: I'm keeping a timer on it.

Mr. Chairman, there has been ample time since the last comments were added. There are eight people watching this at the moment and there are no comments from the public.

ADAM CUMMINGS: Okay. With that, I will ask for a motion to close the Public Hearing for this application.

Fred Trott made a motion to close the Public Hearing portion of this application and Mark Merry 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: We mentioned one condition of approval which would be the need for any easement forms to be completed as would be required, including the Monroe County Pure Waters form. We would also need to have a building permit, so continue working with the Building Department to get that.

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

James Wiesner made a motion to approve the application with the following conditions, and Philip Supernault 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. Building permit must be obtained
2. Any easement forms required, including MCPW form.

The following finding of fact was cited:

1. Location of the garage does not adversely encroach neighboring properties. There are numerous properties in the neighborhood with similar structures.
2. Application of Scott Michaels Jr., owner; 68 Hubbard Drive, North Chili, NY 14514 for variance to erect a 12x20 shed to be 240 sq. ft. (192 sq. ft. allowed) at property located at 68 Hubbard Drive in R-1-15 zone.

Scott Michaels was present to represent the application.

MR. MICHAELS: My name is Scott Michaels. 68 Hubbard Drive, North Chili, New York. Um, just looking to have a 12 by 20 shed. I just had a baby. I have a small, one-car garage. I just need it for the lawn equipment, baby toys, storage. It's a fairly deep lot. It is out of the main view. It is off the property line, like -- like more than what code is. What else? It is just a basic, simple shed.

ADAM CUMMINGS: Once again, you will put it off to the side lot line so it meets code and you don't need a variance for that?

MR. MICHAELS: For sure.

JAMES WIESNER: How deep is your lot?

MR. MICHAELS: I was trying --

ADAM CUMMINGS: It's 315 feet from Hubbard Drive back. I do not see acreage on here, but the depth of it is clearly 315 feet --

JAMES WIESNER: It looks like about half an acre.

MR. MICHAELS: Just over a half, I believe.

JAMES WIESNER: That's all I have.

MARK MERRY: I did not notice a lot of sheds that appear to be of similar size in that -- I will call it neighborhood. Can you explain why you can't stay within the code and you're seeking a variance tonight?

MR. MICHAELS: If you look, there is a few like pole barns and stuff like -- fairly large garages or whatnot, two or three houses down from -- from me. My neighbor has a garage that's gotten add-ons to it. And my neighbor has a -- is a code size and it's full. He has kids. I don't want that. I just want it a little bigger for my kid's toys, my lawn mower, the basic stuff. I didn't want it to be clustered. It is as simple as that.

MARK MERRY: Thank you.

FRED TROTT: When I go by there, it kind of looked like -- is it already built?

MR. MICHAELS: It is there. It is kind of complicated. When I originally applied for the variance, um, it was not there. It was a prebuilt, Amish shed that I ordered and whatnot. Then the meeting got canceled. Then the builder said, "Your shed is ready."

Like -- so it is a little complicated with the whole virus. That is the whole problem. So I called you guys when you canceled it and I spoke to the lady on the phone. I'm not exactly sure her name. But she had asked someone else because I was like, "The builder is waiting."

They said, "Have it delivered and go from there." You need -- if you need to have it taken away -- it didn't seem like a problem.

FRED TROTT: I just wanted to make sure it wasn't a second one. Okay.

ADAM CUMMINGS: Obviously economically you paid for the shed. It has been delivered and you would have another economic impact to yourself if you had to move it and then bring it back.

MR. MICHAELS: Sure.

ADAM CUMMINGS: Any idea how much that would be?

MR. MICHAELS: I don't know. I would have to contact. Because the Amish deal with a third party and they were waiting, too. So it was complicated.

ADAM CUMMINGS: So you would say several thousand dollars?

MR. MICHAELS: Sure. To move it, and then I would have to have another one built to code.

ADAM CUMMINGS: Assuming they're still built to code -- I think they would still be built to code either way.

MR. MICHAELS: Well, sure. I'm saying as far as size wise. I think that is why I'm here, because it's just a little over.

ADAM CUMMINGS: Right.

MR. MICHAELS: So it was complicated because of the whole virus. I got -- I got jammed with three different parties, so I kind of just took a chance, to be honest with you.

ADAM CUMMINGS: Okay. Thank you for your honesty.

PHILIP SUPERNAULT: That was my concern as I drove by also and saw it. I just wanted to make sure. How far back from -- in your lot do you figure it is?

MR. MICHAELS: Roughly 50 percent from where the road begins. 50 percent from my backyard actually. It's right in the dead middle. I wish I had measured, but I don't know exact measurements. I do know it's -- it's 9 to 10 feet off the property line from -- is it 70 or -- my neighbor to the left of me.

PHILIP SUPERNAULT: I take it, code is 8 feet?

MR. MICHAELS: 8 feet. I made sure I had plenty of room. I didn't want any issues with that.

PHILIP SUPERNAULT: So where I saw it today -- where I went by, where I saw it is going to stay, correct?

MR. MICHAELS: Correct.

PHILIP SUPERNAULT: It wouldn't be moved from there?

MR. MICHAELS: Deep.

PHILIP SUPERNAULT: It looked deep -- nice and deep.

MR. MICHAELS: Hard to see. It is behind the tree. It is not an eyesore. It's built well. It's --

PHILIP SUPERNAULT: Right. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: Again, Charles Rettig has asked a question.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Um, what is the height of the shed?

ADAM CUMMINGS: I do not have anything for height in this application.

MR. MICHAELS: Maximum height is 15, correct?

ADAM CUMMINGS: What is that?

MR. MICHAELS: Maximum height. It's not that height. When it got delivered, it couldn't be over 13 feet 4 inches due to -- when it is on the trailer. So it is under 13 feet. It is like 12 something.

ADAM CUMMINGS: Which your main structure is taller than that?

MR. MICHAELS: My house?

ADAM CUMMINGS: Yes.

MR. MICHAELS: Oh, yeah, substantially.

ADAM CUMMINGS: Side Table, did -- this did not require a variance for height; correct?

PAUL WANZENRIED: No.

ADAM CUMMINGS: Thank you. So no, there was no need for a height. I do not know the exact height. I'm assuming it is a traditional roof, maybe a 5/12 pitch, but it is below 13 feet.

MR. MICHAELS: For sure it is below 13 because I couldn't have it taller on the trailer, so...

ADAM CUMMINGS: And just ballpark, to fully satisfy this question, what is your side wall height on that?

MR. MICHAELS: What was it? 7 feet.

MR. RETTIG: Does he show a layout 12 foot by 20 foot?

ADAM CUMMINGS: Yes. I don't know how to show it on the screen.

SUPERVISOR DUNNING: You can't.

MR. MICHAELS: The thing is in my truck.

ADAM CUMMINGS: I will try to describe it. So it faces -- his property is on the east side of Hubbard Drive. It is a rectangular, deep parcel with dimensions of 315 feet by 75 feet. So it is 75 feet wide. The shed is parallel to that rectangle, so it is 20 feet by 12 feet, 8 feet off of the northeastern property boundary on this lot and once again, that would be oriented in a west/east fashion.

SUPERVISOR DUNNING: I'm sorry. I missed part of that. He asked the question now.

MR. RETTIG: Which direction is the 12 feet, which direction is the 20 feet?

ADAM CUMMINGS: The 12 feet is in the north/south direction, so it is parallel and in the same orientation as this rectangular lot. So the long side matches the long side with the parcel with the 20 feet or long side of the shed.

PAUL WANZENRIED: 20 feet runs in an east/west. 12 feet runs in the north/south.

ADAM CUMMINGS: Correct. So the 20 feet dimension runs west to east, which is perpendicular to Hubbard Drive and the short one is --

SUPERVISOR DUNNING: Mr. Rettig is saying thank you, Mr. Chairman.

ADAM CUMMINGS: You're welcome.

SUPERVISOR DUNNING: At this time, Mr. Chairman, there are ten people watching and I'm not seeing any other public comments at this time.

ADAM CUMMINGS: Motion to close the Public Hearing?

Fred Trott made a motion to close the Public Hearing portion of this application and Mark Merry 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.

SUPERVISOR DUNNING: Figures he would ask a question afterwards. Can we answer it?

MR. RETTIG: Is there any AC or power to the shed?

ADAM CUMMINGS: No utilities, no power.

Is the shed on -- is it on blocks?

MR. MICHAELS: It is on a block, yes.

ADAM CUMMINGS: I think this is getting outside of our purview as it relates to the construction. We'll focus on the dimensional requirements for the variance.

We did have a motion there. It has been closed.

One condition of approval would be a building permit would be necessary. Keep working with the Building Department. You already applied for that. That is why you're here. Just keeping working with Paul (Wanzenried) in the Building Department.

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 Philip Supernault seconded the motion. The Board all voted yes on the motion.

Philip Supernault made a motion to approve the application with the following condition, and Mark Merry 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. Location of shed does not adversely encroach neighboring properties. There are numerous properties in this neighborhood with similar structures.
3. Application of James Ehmann, owner, 47 Stover Rd, Rochester, NY 14624 for renewal of special use permit to allow an in-home office for distribution of promotional products and production of photo apparel with one employee at property located at 47 Stover Rd in R-1-15 zone.

James Ehmann was present to represent the application.

MR. EHMANN: Good evening, folks.

ADAM CUMMINGS: Good evening.

MR. EHMANN: Jim Ehmann, 47 Stover Road, here to ask the continuance of my ten-year, professional use in the home.

ADAM CUMMINGS: Customary Home Occupation Special Use Permit.

MR. EHMANN: Thank you. You filled in the blanks. That's it.

ADAM CUMMINGS: I just noticed that -- I was looking at the records. It was ten years ago. So I thank you in advance for coming back. We have a lot of time people forget about these renewals.

MR. EHMANN: The gentleman that was here before was Paul Bloser.

ADAM CUMMINGS: Bloser.

MR. EHMANN: Yep. See? I keep everything, too.

ADAM CUMMINGS: So any changes to the business operation since then?

MR. EHMANN: It is still making mugs -- decorating mugs. Not making mugs. Decorating mugs. Actually, yeah, there is. Photo -- photo transfer of t-shirts. It's digital print t-shirts right now, but the same item.

JAMES WIESNER: Paul (Wanzenried), any complaints at all in the neighborhood?

PAUL WANZENRIED: Not that we're aware of or been notified.

JAMES WIESNER: That's it. All I got.

MARK MERRY: On page 2 of the application, number of vehicles parked in the driveway, you have six.

MR. EHMANN: It can hold six, yes.

MARK MERRY: Why would you need that many vehicles at one time in the driveway?

MR. EHMANN: Once in a while my wife decides to park up next to me and then my brother-in-law or sister-in-law or whoever will come over. My daughter will come over or my two other daughters and sometimes even my son will drive in from Denver and then there will be five cars in the driveway.

MARK MERRY: That is not at all related to the business?

MR. EHMANN: No.

ADAM CUMMINGS: We did -- on that one, we did question that before. It is how many vehicles can be parked in the driveway.

So it brings me to a good segue on one of the conditions of approval you had previous we want to do now. It pertains to parking. So we would have no on-street parking pertaining to the business.

No outside employees.

MR. EHMANN: Yes. There's an outside employee.

ADAM CUMMINGS: You have one outside employee?

MR. EHMANN: One -- actually, it's two part-time, which they consider to be one full-time. And it's only at Christmastime.

ADAM CUMMINGS: So you can accommodate six cars in it, so you wouldn't have need for on-street parking?

MR. EHMANN: We haven't had any on-street parking at all.

ADAM CUMMINGS: Condition of approval, I would like to keep them consistent what we did ten years ago. It would be granted for a period of ten years.

No on-premises advertising.

No on-street parking pertaining to the business.

The hours of operations would be per your application.

I will revise that last one that says no outside employees. We will say up to --

MR. EHMANN: Two part-time or one full-time.

ADAM CUMMINGS: -- up to 1.0 full-time equivalent or 2.0 part-time employees. The -- on -- the no on-street parking would still apply and you would need to maintain any required State and local licenses.

MR. EHMANN: Don't forget insurance, too.

ADAM CUMMINGS: I don't worry about that one.

ERIC STOWE: We have to do the Public Hearing first, but I want to talk about the employee count.

ADAM CUMMINGS: Okay. I don't have any other questions on that. So I will go ahead and open the Public Hearing for Application 3.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: I believe there will be some based on the previous comments I have seen.

ERIC STOWE: Our code does say that for a customary home occupation, not more than one person other than a family member residing in the dwelling to be employed. So unless that complies with State and Labor Law definitions, I guess it would be no more than one at a time.

ADAM CUMMINGS: Right. I think what he is asking for is during the busy holiday season, I think is he asking for up to two part-time.

ERIC STOWE: Our code just doesn't allow that.

SUPERVISOR DUNNING: Question again from Charles Rettig.

CHARLES RETTIG

MR. RETTIG: Is this not a commercial business in an R-1 zone?

ADAM CUMMINGS: This is a customary home occupation in an R-1 zone, which is why he is here tonight.

ERIC STOWE: No.

ADAM CUMMINGS: It's not?

PAUL WANZENRIED: Not customary home occupation. It's a home business.

ADAM CUMMINGS: Home business. True. That is the difference.

ERIC STOWE: It's home business if you issue a permit to conduct it.

ADAM CUMMINGS: Thank you.

So to answer that question, it would be a "yes."

SUPERVISOR DUNNING: Answering -- speak into the microphone. He can hear you.

ADAM CUMMINGS: Okay. So to answer his question, it is a commercial business being operated in an R-1 zone.

ERIC STOWE: Which is permissible pursuant to a special permit by the Zoning Board of Appeals under a home business definition.

ADAM CUMMINGS: Not customary home occupation, like I said. It would fall under the home business category in our code.

MR. RETTIG: Is there any outside storage?

ADAM CUMMINGS: I believe that's in the code, isn't it?

PAUL WANZENRIED: (Paul Wanzenried indicated non-verbally.)

ADAM CUMMINGS: It is not in the code.

PAUL WANZENRIED: You're asking the applicant.

ADAM CUMMINGS: I'm going to. I was asking you if it was in the code, Side Table. It used to be a condition for certain applications.

So we would to -- I would like to add that in. Would the Board --

PAUL WANZENRIED: Adam (Cummings), you can make that a condition.

ADAM CUMMINGS: That's what I'm asking the Board. Would you all support me in marking down no outside storage of business-related materials?

MARK MERRY: Yes.

FRED TROTT: Yes.

MR. EHMANN: Outside storage? You mean it will be physically outside?

ADAM CUMMINGS: Correct.

MR. EHMANN: There is nothing physically outside.

ADAM CUMMINGS: That's a good question. Thank you, Mr. Rettig.

SUPERVISOR DUNNING: Charles Rettig has another question when you're ready, Mr. Chairman.

ADAM CUMMINGS: I am ready.

MR. RETTIG: Is production only in the home office?

MR. EHMANN: Yes.

ADAM CUMMINGS: That answer would be yes. Thank you.

MR. EHMANN: Yes.

MR. RETTIG: There has been outside storage in the past.

SUPERVISOR DUNNING: I guess that's more of a comment.

MR. EHMANN: Where?

ADAM CUMMINGS: I don't know, but I just like to remind you not to have any moving forward and -- Enforcement has been notified.

SUPERVISOR DUNNING: Mr. Chairman, at this time there are 11 people watching.

This is just a comment again from Charles Rettig.

MR. RETTIG: There has been storage "on tainer."

SUPERVISOR DUNNING: I'm sure that means "container."

ADAM CUMMINGS: Yes. So it -- it sounds like there was a statement of there was a storage container on your property.

MR. EHMANN: A long time ago, Tracy Logel was out canvassing. I had some very expensive promotional products. How can you say this without -- I had some very expensive promotional products which I had to keep secure and I put them in an A-Verdi storage container for approximately four months.

ADAM CUMMINGS: Did that predate your 2010 permit?

MR. EHMANN: I don't know. I don't remember. When did Tracy Logel run?

SUPERVISOR DUNNING: I'm not part of this meeting -- I'm sorry -- in that capacity.

JAMES WIESNER: So really you nipped it in the bud by adding it to --

ADAM CUMMINGS: Correct. So it is on this, and I just want to remind you, don't let it happen again.

MR. EHMANN: She told me and it was really strange because when she came through, the program ended within a week after that. It was totally empty and it was gone. It was gone. She came by again and she said -- she thanked me for getting rid of it. I said, "No problem. It was going out of here anyway."

ADAM CUMMINGS: Okay. So just one --

MR. EHMANN: I just didn't want to have it outside storage.

ADAM CUMMINGS: So storage containers, those would count as outside storage, too.

MR. EHMANN: I don't have a storage container.

MR. RETTIG: Is there -- is this a condition for no container on the property for this purview?

ADAM CUMMINGS: Yes. This would fall under the no outside storage of business materials, whether it is exposed storage or containerized storage.

ERIC STOWE: Just for clarification, there are permissible reasons for a storage container. It would be limited to storage for the business. If you put a pod up to move, that's permissible.

ADAM CUMMINGS: Well, right. This is business-related.

ERIC STOWE: Business-related. Just clarifying.

ADAM CUMMINGS: Yes. This is specific to business-related storage. Or materials storage.

PHILIP SUPERNAULT: So he has the right as any other homeowner for home --

ERIC STOWE: Right.

SUPERVISOR DUNNING: Give it a second here, Adam (Cummings). I want to make sure.

MR. RETTIG: What is the frequency of FedEx or parcel post?

ADAM CUMMINGS: Depends on the season, I'm assume --

MR. EHMANN: FedEx -- okay. FedEx Ground, maybe twice a week for pickup. Parcel post, whenever the mailman delivers. Um, express pickup? Once a week. Express delivery, maybe once a week. FedEx ground delivery? Maybe twice a week, once a week. Whenever somebody sends something. They can send it anyway they want.

ADAM CUMMINGS: Okay. So you don't do -- well, it is a different time these days because people are getting Amazon boxes every single hour.

FRED TROTT: I get one a day.

ADAM CUMMINGS: So I think it's a normal frequency. You're not seeing multiples --

MR. EHMANN: One day they had to come back. Sorry. Sorry. It was just last week actually. They missed the box.

ADAM CUMMINGS: So they had to return.

MR. EHMANN: They had to come back and pick it up. That was it. But normally, it's -- it's been normal. I used to have UPS every day. Now they're working on -- because of the Coronavirus, they're working Wednesdays and Fridays for me. I worked it out with them just recently on call. I have the number of the driver. I give him a -- I text him "pickup," or "no pickup." And I can show you that on my phone. That's basically it.

ADAM CUMMINGS: Okay. Thank you. I'm satisfied with that.

SUPERVISOR DUNNING: He does clarify saying parcel post, not USPS.

MR. EHMANN: Parcel post? What is parcel post? Parcel post is -- United States Parcel Service.

FRED TROTT: UPS? That is what is he talking about.

MR. EHMANN: Everything coming UPS, yes, they will deliver it.

PHILIP SUPERNAULT: So there is nothing in his previous permit or this I'm seeing in the code that speaks to delivery.

ADAM CUMMINGS: Or frequency.

PHILIP SUPERNAULT: Frequency of delivery?

ADAM CUMMINGS: Correct.

PAUL WANZENRIED: The only way it comes up is if somebody complains.

ADAM CUMMINGS: I was just going to ask if there has been any complaints in the Building Department in terms of --

PAUL WANZENRIED: The only way this gets to be a problem is if there is a complaint by the residents and it is logged with us that, you know, Mr. Ehmman has, you know, trucks coming all day long, okay? So to date, there are no dates, complaints. The property is in pristine condition. I delivered a sign there the other day. I was a delivery.

MR. EHMANN: Yes. You were.

ADAM CUMMINGS: Anything further?

SUPERVISOR DUNNING: Give it a second or two.

PHILIP SUPERNAULT: To clarify, our code doesn't speak to full-time -- FTE, full-time

equivalence. It speaks to one employee, right?

ADAM CUMMINGS: Correct. Correct.

SUPERVISOR DUNNING: For the members, please remember to speak into the microphones. Thank you.

Mr. Chairman, at this time there are 15 people watching. I'm not seeing any further questions coming in.

Philip Supernault made a motion to close the Public Hearing portion of this application and Mark Merry 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 want to go back and talk about that -- the condition Number 5 about the employees. Once again, that -- the quantity in the code states one employee. It doesn't specify part-time, number of hours, anything like that. It is just one. So I -- our old condition could even replace that with no outside employees because the code allows one. It was done in 2010.

ERIC STOWE: It pre-dated the --

ADAM CUMMINGS: Oh, it pre-dated the code?

ERIC STOWE: It may have pre-dated the employee issue.

ADAM CUMMINGS: So I would just like to take that one off and leave it to the code.

Any thoughts by the Board?

JAMES WIESNER: So when you're saying he had a condition previously on the 2010 application?

ADAM CUMMINGS: Where it said no outside employees, we now have a Town Code -- we don't know when it was changed or I don't know when it was changed. So when we put that condition in 2010 that said no outside employees, that -- the code as it currently stands, you're allowed to have one. So we can't impose a condition that says zero when it allows you to have one.

JAMES WIESNER: But this says one employee at the property.

ADAM CUMMINGS: Correct. He is saying in the summertime he had two part-timers.

MR. EHMANN: Wintertime.

ADAM CUMMINGS: Did I say "summer"? That is where I'm feeling it right now.

Wintertime. I assuming Christmastime?

MR. EHMANN: Yes. Yes. Christmastime.

ADAM CUMMINGS: So yes, on the notice, it calls out one employee is how our public notice was written here and per the code, he is allowed to have one non-family member employee.

JAMES WIESNER: When you say "two," are you talking --

MR. EHMANN: Two part-time equals one. I had --

JAMES WIESNER: That's non-family, though.

MR. EHMANN: It was non-family.

PHILIP SUPERNALT: That's not the way the code is written.

FRED TROTT: He would have to come for a variance if he wants more than one employee.

ADAM CUMMINGS: Correct.

JAMES WIESNER: That happens every year?

MR. EHMANN: Yeah. Um --

JAMES WIESNER: Just a once-in-a-while thing.

MR. EHMANN: Can I go off the record?

ADAM CUMMINGS: No, not tonight. You can go outside and talk to the tree, but -- but I prefer you to just continue on here.

MR. EHMANN: I'm working on a project right now that is for a very, very specific individual that lives in the Virginia area who grew up in Wilmington, North Carolina. Catch the drift? I'm not telling you who. Can you catch the drift? I don't know where that is going to go, but I could be considerably request -- coming right back in here for approximate three months for additional help. It could.

ADAM CUMMINGS: Well, that is speculative.

MR. EHMANN: That's speculative.

ADAM CUMMINGS: So we'll just hold this off.

MR. EHMANN: I'm just being up front with you guys. It's a huge, huge order.

FRED TROTT: Then would you have to come for a special --

ADAM CUMMINGS: It is speculation. There would be a whole slew of things that would happen. It could be so big he can't do it out of this operation and has to move his operation somewhere else. It could be outsourced to somebody else.

MR. EHMANN: Right. And I have not got this order. Okay? I'm just --

JAMES WIESNER: Your suggestion --

ADAM CUMMINGS: My suggestion.

JAMES WIESNER: -- is just not comment on it and let the code take care of it.

ADAM CUMMINGS: Exactly.

JAMES WIESNER: Either he abides by the code or he has to come back for a variance.

ADAM CUMMINGS: Correct.

MR. EHMANN: Or a temporary variance, or whatever the case may be.

JAMES WIESNER: I guess that's reasonable.

ADAM CUMMINGS: Okay. So once again, the condition of approval, Number 1, granted for a period of ten years.

Number 2 is no on-premises advertising.

Number 3 is no on-street parking pertaining to the business.

Number 4 is the hours of operations are per the application.

Number 5, the applicant to obtain and maintain any required State and local licenses and insurances.

And Number 6, no outside storage or business-related materials, which includes containers.

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

James Wiesner made a motion to approve the application with the following conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion. Motion to adopt:

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

1. Granted for a period of 10 year(s).
2. No on premises advertising.
3. No on street parking pertaining to the business.
4. Hours of operation as per application.
5. Applicant to obtain as per application.
6. No outside storage of business-related materials.

The following finding of fact was cited:

1. The requested variance will have no adverse effects on neighboring properties.
4. Application of Jeffery and Pamela Spring, owner, 807 Morgan Road, North Chili, NY 14514 to amend variance granted November 26, 2019 (for 30' x 50' [1,500 sq. ft. garage) to add a proposed 10' x 25' (250 sq. ft.) porch addition at property located at 807 Morgan Rd in the A.C. zone.

Jeff Spring was present to represent the application.

MR. SPRING: Jeff Spring, 807 Morgan Road, North Chili, New York.

ADAM CUMMINGS: Okay. Welcome back.

MR. SPRING: Thank you.

ADAM CUMMINGS: So once again, this is for the garage that we listened to back in November you now have decided to put a porch addition onto, correct?

MR. SPRING: If you will let me, yes, sir.

JAMES WIESNER: So is this attached to the garage?

MR. SPRING: Yes, it will be.

JAMES WIESNER: So it is just -- after you came before the Board last time, it was just something that you decided you wanted to have as part of the garage?

MR. SPRING: Yes. Actually, my wife asked and it is so cost effective, it is like yeah, it is worth coming back to you guys.

ADAM CUMMINGS: Right. So this is connecting to the breezeway. So there's a breezeway connecting the house to the garage and this is coming off that breezeway on the south side of it.

JAMES WIESNER: That is what I was asking. It's not really an addition on the garage.

MR. SPRING: Well, it is attached to the garage, but they will tie it into the breezeway.

JAMES WIESNER: So you can enter from both the garage and the breezeway?

ADAM CUMMINGS: And the house.

MR. SPRING: Yes. We're -- we removed the man door on the front of the garage, so we'll just have a man door in the breezeway where it is now.

JAMES WIESNER: Okay.

MR. SPRING: Then the back wall of the breezeway will go away and it will be under the cubby part of it.

JAMES WIESNER: Okay. That is all I got.

MARK MERRY: Mr. Spring, so good to see you back so soon. In your opinion, do you think this will be the last variance you're coming before the Board for this structure? Are we done?

MR. SPRING: Yes.

MARK MERRY: Okay, thank you.

PHILIP SUPERNAULT: So I took a picture today of the breezeway. Is that going to remain?

MR. SPRING: Yes.

PHILIP SUPERNAULT: That will -- so this piece on the side will also remain? That's the breezeway you're speaking of?

MR. SPRING: Yes.

PHILIP SUPERNAULT: Will that stay there? The garage will attach to that?

MR. SPRING: Yes.

PHILIP SUPERNAULT: The porch you're speaking of will shoot back from there?

MR. SPRING: Yes.

PHILIP SUPERNAULT: Okay. What type of roof will that porch have?

SUPERVISOR DUNNING: We need the applicant back at the microphone so the applicant can hear this, please.

MR. SPRING: The porch will have the same metal roof as the garage. Or the pole barn.

PHILIP SUPERNAULT: Okay.

MR. SPRING: (Unintelligible).

ADAM CUMMINGS: To fully describe this one, back in November you were replacing the one-car garage with the bigger garage.

MR. SPRING: Yes.

ADAM CUMMINGS: And then the breezeway that used to attach the detached one-car garage, the breezeway stayed, but now that is being attached to a new porch?

MR. SPRING: Correct.

ADAM CUMMINGS: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JAMES WIESNER: Are there any renderings or drawings that you have of what this might look like?

MR. SPRING: Just the one colored --

JAMES WIESNER: This one here (indicating)?

MR. SPRING: Yes.

ADAM CUMMINGS: To fully describe this one, it is on the back side of the breezeway, so it wouldn't be seen from the road. Would it be behind the breezeway, um, to the -- sheltered to the east of the new garage?

MR. SPRING: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: Mr. Chairman, a comment from Charles Rettig.

CHARLES RETTIG

MR. RETTIG: Is the porch addition to be on a Morgan Road five-acre plot?

ADAM CUMMINGS: No. This lot is -- it received a variance at our November 26th meeting to be an undersized lot in this AC zone. That was a different variance that was granted in November.

SUPERVISOR DUNNING: We have a comment from Matthew Emens at 851 Morgan Road.

MATT EMENS, 851 Morgan Road

MATT EMENS: Jeff and Pam are making traffic [sic] improvements to a property where it is much needed. We support this application.

ADAM CUMMINGS: Okay. Thank you.

PAUL WANZENRIED: I think that was meant to be terrific improvements, not "traffic."

ADAM CUMMINGS: Terrific. Thank you, Mr. Wanzenried. I appreciate it.

SUPERVISOR DUNNING: And I had these on, too (referring to eyeglasses).

ADAM CUMMINGS: I was going to ask you what traffic improvements you were doing there. That is way above and beyond a new porch.

Thank you, Peanut Gallery.

SUPERVISOR DUNNING: It's been a fun 2 1/2 months, folks.

ADAM CUMMINGS: I will hold him to traffic improvements. I'm just kidding.

MR. RETTIG: What is the lot size, dimensions, acreage of the lot?

ADAM CUMMINGS: The acreage is .66 -- .67 acres to the center line for the right-of-way. If you want to subtract that out, it's a little over .5 acres. So it is undersized, but all of these developments -- or improvements we deem to be all clustered in together, all of the surrounding properties would still be required to maintain the 5 foot. Or 5 foot -- the 5-acre minimum. Unless they came before us.

In terms of -- did I miss that second part of it? I don't have the exact dimension. I know

it's 160 feet wide of a lot. Oh, and 182 feet from the center line back. So the dimensions are 160 feet by 182 feet.

SUPERVISOR DUNNING: Mr. Chairman, there are 14 people watching currently, and there are no other questions being posted at this time.

ADAM CUMMINGS: Okay. I ask for a motion to close the Public Hearing.

Fred Trott made a motion to close the Public Hearing portion of this application and Philip Supernault 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 is you will have to get a building permit for this one. So continue working with 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 a Type II action with no significant environmental impact, and Philip Supernault seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt.

Mark Merry made a motion to approve the application with the following condition, and Philip Supernault 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. Location of shed does not adversely encroach neighboring properties. There are numerous properties in this neighborhood with similar structures.
5. Application of Katz Property Management LLC, c/o Greater Rochester Immediate Medical Care PLLC 1425 Portland Ave Rochester, NY 14621, property owner Chili MZL LLC, for variance to erect a second wall sign to be 40 sq. ft. where 20 sq. ft. (allowed) at the property located at 3170 Chili Ave in the G.B. zone.

Robert Rose was present to represent the application.

MR. ROSE: Robert Rose from Pierrepont Visual Graphics. My address is 3117 Union Street. I'm representing Rochester Regional Health for the new sign at Chili Paul Plaza.

ADAM CUMMINGS: Once again, to describe this, this is at the former KMart building at the corner?

MR. ROSE: Yes. It is actually where the garage used to be.

ADAM CUMMINGS: Right. Where Vern's Garage used to be.

JAMES WIESNER: So the sign is actually -- the paperwork is all black and white. Is that truly what the sign is going to be, black and white?

MR. ROSE: Yes. Black and white. Black letters and white background.

JAMES WIESNER: That's all I have.

MARK MERRY: Mr. Rose, you have your application in front of you?

MR. ROSE: Yes.

MARK MERRY: Could you do me a favor? That second line, illuminated channel letters on -- what is the word there, that last word?

MR. ROSE: I see Scott's handwriting.

ADAM CUMMINGS: Does it say "raceway," Scott?

MR. ROSE: I believe it's "raceway."

MARK MERRY: Raceway?

MR. ROSE: Raceway.

ADAM CUMMINGS: Not rice way. Raceway.

MR. ROSE: So it's all one unit.

MARK MERRY: Got it. So the sign at the front of the building and the side of the building will be the same dimension, both 40 square feet?

MR. ROSE: Right. Exactly the same on both sides so it mirrors each other.

MARK MERRY: And do you know, Mr. Rose, if they will also have signage on the pylon sign, the street line for that plaza?

MR. ROSE: They will have one block of the pylon sign, on either side?

MARK MERRY: That will be black and white, as well?

MR. ROSE: Yes.

ADAM CUMMINGS: Either side or both sides?

MR. ROSE: Well, one on either side, because it's a double-sided sign.

ADAM CUMMINGS: So on both sides?

MR. ROSE: Both sides.

MARK MERRY: Okay. Thank you.

FRED TROTT: Just asking why does it have to be this -- why do you need that variance?

MR. ROSE: It's not bigger than the front sign. It is exactly the same as the front sign. They mirror each other.

When you come off the expressway coming up Coldwater Road, it bends to the left and if you don't see a sign on that coming up the hill towards Nicks, you won't know that it is in there. As you pass, you veer to the left, you don't know what is in that plaza, because there is no pylon in the -- in the first entrance. You would have to go all of the way around the corner to use the main entrance where the pylon is. Then you would be able to see it. So it helps people coming up from the expressway, getting off the expressway or anybody coming from the north, going south to see it and make that turn and hopefully alleviate some of the traffic.

ADAM CUMMINGS: And the size wise, is that -- do you know the distance from the road to that sign, to justify why you have got -- I guess we'll call it the ratio of how far away you're seeing it to make sure it is visible?

MR. ROSE: I do not have that distance.

ADAM CUMMINGS: Did that play into the design of this or did you just look at a code and say on the front sign, this is the biggest we're allowed to have and then you mirrored that on the side?

MR. ROSE: We tried to make things proportionate so it's not too overpowering. The space they gave, the black area you put the sign in, is based on Rochester Regional's specs, what the logo should look like in a square. So what we wanted to do is just use that guideline and say this looks good in this area, let's see if we can mirror that so it looks like one cohesive unit on the corner.

ADAM CUMMINGS: Okay.

FRED TROTT: I have no other questions.

PHILIP SUPERNAULT: Not so much questions, but a couple things I noticed. I agree, given Coldwater Road, it doesn't feel like the side of a building and so I -- so I wouldn't have -- I don't -- I don't think -- I think that a sign half the size of the one fronting Chili would -- would look -- would look good and would be pleasing.

And also, in terms of parking in the plaza, there almost is -- there is a lot of parking on the Coldwater side. So it -- so it -- it fits that way also. It doesn't feel like a side in terms of the number of parking spaces that I see there.

ADAM CUMMINGS: Okay.

PHILIP SUPERNAULT: Okay. Hope that --

ADAM CUMMINGS: Yep. Understood. And then once again, you have a perspective rendering, looking at the corner with both of them, what they would see, or what they would look like across the sides. I believe this is very similar to what we decided a few years ago with the Acropolis restaurant, which is no longer the Acropolis restaurant, but we did a lot of signage on the Microtel sign so you can see it for way-finding reasons and be able to locate that venue on both sides. I have a comment from the Side Table.

PAUL WANZENRIED: Just important to note that there are other tenant suites on there that based on the width would have -- be able to do signage relatively of the same size. So you're putting something smaller.

ADAM CUMMINGS: Previously the KMart sign was drastically larger than we're at and even Vern's Automotive sign is larger than what we have proposed here.

PAUL WANZENRIED: Correct.

MR. ROSE: There are actually two smaller signs as compared to the size -- how big the whole Aldi's sign is, Big Lots signs is.

ADAM CUMMINGS: And across the street you have the Wegmans and Target.

PHILIP SUPERNAULT: So additional businesses that might go in the Coldwater side there --

MR. ROSE: There is no other business. It's taken up by Rochester Regional, the whole way.

PHILIP SUPERNAULT: So there wouldn't be any other signage on Coldwater?

MR. ROSE: No. Just that --

ADAM CUMMINGS: I think there is still one more tenant, if not two more tenants further to the north.

PAUL WANZENRIED: Two to three.

MR. ROSE: Because you know they take up the majority of that.

ADAM CUMMINGS: Of the corner. But then they took the old garage bays and the old garden shop from KMart and turned those into spaces, too. As Paul (Wanzenried) was saying at the side table, it's two to three, depending on the build-out on that. I don't remember the square footage on those lots, but I do know the architect can accommodate three on that side.

PHILIP SUPERNAULT: So in terms of the frontage, in terms of when you would be seen, are they smaller or larger than the Rochester -- the Rochester Regional?

PAUL WANZENREID: They would be relatively the same size.

PHILIP SUPERNAULT: Okay.

PAUL WANZENRIED: The sign they want to put on the Coldwater side, is -- is equivalent to the width of the suite on the Chili Ave.?

PHILIP SUPERNAULT: Yes.
PAUL WANZENRIED: Which is equivalent to what the other two to three suites width would be. Do you follow what I'm saying?
PHILIP SUPERNAULT: Yes. So in other words, they could accommodate a sign of the same size that Rochester Regional Health is putting on.
PAUL WANZENRIED: Yes. That's correct.
PHILIP SUPERNAULT: Considering the formula I see in the code?
PAUL WANZENRIED: Yes.
ADAM CUMMINGS: Then one last question on -- I will call it the sign with the logo, it's a lot of letters and it's a long one, which actually lends itself to the dimensions of this rectangle, but I'm guessing there is another logo. That is their standardized logo.
MR. ROSE: Standardized logo.
ADAM CUMMINGS: It has to say "Immediate Care." It can't just say "Rochester Regional Health."
MR. ROSE: You have to notify people what the actual building is.
ADAM CUMMINGS: Thank you.
Side Table, anything else to add?
I will just jump ahead. One condition of approval, you have to get a sign permit from the Building Department.
JAMES WIESNER: Actually, the two signs in the area are less than what they're allowed overall if they had just the one, as I understand it. Because the code is saying 100 square feet and they are at 40 square feet, so they're -- they're considerably less than what they could have if they had it all on one side, is my understanding.
PAUL WANZENRIED: He is correct.
JAMES WIESNER: Just proportionally, it seems well sized, I guess is where I'm going.
ADAM CUMMINGS: All right. Any others?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MR. ROSE: Can I download the permit? Like are you guys --
ADAM CUMMINGS: I think that -- that would be a Paul (Wanzenried) question. I think we're doing electronic submissions and transmittals, but I believe --
PAUL WANZENRIED: Two ways. Either come in and drop it off or you could drop it in the mail slot, the night deposit box and we'll get it the next day and process it. Then you're off and running.
SUPERVISOR DUNNING: Mr. Chairman, there are now 14 people watching. There are no comments posted for this application.
ADAM CUMMINGS: Motion to close?

Fred Trott made a motion to close the Public Hearing portion of this application and James Wiesner 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 an Unlisted Action with no significant environmental impact, and Philip Supernault seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt this application?

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

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

1. Sign permit must be obtained.

The following finding of fact was cited:

1. The sign is comparable in size and proportions to the other signs in the area. Additionally, the additional sign provides wayfinding and notification for the vehicular traffic traveling along Chili-Coldwater Road.
6. Application of Rochester Cornerstone Group LTD, owner, 460 White Spruce Blvd, Rochester, NY 14623 for variance to erect one apartment building with 24 units, (A)- with storage units of 6.67% to 6.86% of the living unit area (where 7% of the living unit area is required.) (B) Storage area to be located at the interior (where exterior storage is required) at property located at 154 Union Square Blvd in PRD zone.

Ryan Brandt and Ed Parrone were present to represent the application.

MR. PARRONE: Good evening. My name is Ed Parrone from Parrone Engineering here on behalf of Rochester Cornerstone. And with me is the Project Manager for Rochester Cornerstone, Mr. Ryan Brandt this evening.

Mr. Chairman, hopefully we can take both of these as one -- one item, if you could. It is a project that is going to be one phase. 154 and 337 --

ADAM CUMMINGS: 3327?

MR. PARRONE: 3327. I'm sorry. Of Union -- Union Street and what we're here for this evening is the -- the advertisement is for -- for 14 -- 154, which is the smaller -- 154 is the smaller triangular parcel if you're familiar with that. This is the larger building that I'm referring to here (indicating). It's 24 units and we are looking for -- in that particular one, we're very close to the storage requirement of 7 percent. We're about 6 -- 6.6 or 6.7 percent required. But in this particular case, the variance -- not only is that a variance request, but the other request is for internal access where the code has stipulated external. We're looking for internal in this case. I would point out, however, that the 24-unit facility is primarily going to be devoted towards senior citizens and we thought that would be a better situation for them, especially in inclement weather.

The larger site, the -- all of the storage areas will be external, but we are -- but there are 2- and 3-bedroom facilities. There's a chart that we provided in the application, towards the back of the application and in that chart we outline the variances percentages. And for lack of going through all of the numbers, there are about 2 percent that would be -- what we would require, about 2 percent in lieu of 7 percent.

So it would be 2- and 3-bedroom, we're not looking for a variance for the -- for the external, because they are external, but the size of that area is less than 7 percent.

Now I'm going to turn it over to the -- to Ryan (Brandt), because there is a couple other things he would like to add relative to this, some of the comments that the architect spoke of and some of the things he will speak of relative to the Comprehensive Plan. I will turn it over to Ryan (Brandt).

MR. RYAN BRANDT: Evening, everyone. As Ed (Parrone) stated, I'm Ryan Brandt from Rochester's Cornerstone Group. We're a development company located here in Brighton that has developed over 2,000 units of affordable housing, all over -- primarily in Monroe County, but nearly all over New York State. We're proposing to develop and also provide the property management services for these two sites. Which I think it's is an important thing to note, that we're a local company. We'll have local supervision and oversight, as well.

We did appear in front of the Town's Planning Board two weeks ago and also in front of the Architectural Advisory Committee to take in account their comments and considerations. We're here tonight to, as Ed (Parrone) stated, seeking variances for the two parcels that would comprise the Hubbard Springs Development, Union Square Boulevard corridor.

Essentially they would be constructed at the same time and there are 72 total units. The -- the 2 and 3-bedroom units are on that Union Street parcel, Union Square -- Union Square Boulevard parcel has the one-bedroom units. So that building won't be specifically devoted to seniors, but we do expect that most of our one-bedrooms, especially for an elevated building like that, we expect a high number of senior citizens to apply for it and will be living there. We have a seen a great desire and need for housing like that.

So I guess just to speak to our -- our reasonings or our supporting documentation, that we feel we are -- support these two variance requests. The -- our Homes Community Renewal Agency does have design guidelines and a list of requirements and restrictions that will comprise their developments.

The -- for example, HCR does not allow the construction of garages. It's kind of a cost-driving measure, as well. They do have a minimum bulk storage requirement which proves sufficient at their other developments where they already have residents in place. They have a coat closet requirement of a certain size and a lot of different -- a lot of different things like that that the architects have to, of course, follow. We do have several closets inside the units. You can see from the plans we submitted, the mechanical, the hot water, linen closet and the required coat closet. And there's also washer and dryer hookup and shelving above so you have storage for various other items in the household.

So the -- so the other point we'll bring up is the -- the -- the acreage and land. The two sites, as Ed (Parrone) stated, the Parcel 154, um, Union Street and it's really more of a product of the -- the -- what we feel would be functional for these units, having external access for an elevator and apartment building like that just did not seem practical to have -- at least to us to have an external access to tell people they would go outside their units as opposed to having an internal access. Even if they're not senior citizens, there could be an -- could be some pushback and some concern over the leasability or the marketability for this particular building.

The -- we did -- regarding -- so that is a newly designed building. We did -- looking at that site, we said we really want something that is going to be a prominent building on Union Street, or excuse me, Union Square Boulevard. You can see the renderings -- we think it is a very nice -- very nice renderings, the design that will really stand out.

And then for the other site, which is a little more oddly shaped, a U-shaped parcel, we started out looking at -- at the site control of the site and looked at what different buildings could fit there. You know, there are town homes right in the mix. There are other types of buildings that we might want to consider.

And we came back to this -- this eight-plex design you see here on the left where we built it -- this would be the fifth time we constructed it. We have three already under operation and

one is under construction in the Town of Sweden just outside of Brockport. So I bring that up just because -- while we have built this many times before, we didn't want to put the square peg into a round hole and say, "Okay. We're starting with a building and find a site and try to make it work."

We thought that the -- if you look at a site plan, kind of how those eight-plexes will be -- they'll work along the bend there of Union Square Boulevard. We felt it was a nice, prominent feature for that side of the road to have the eight-plexes there. Everything worked out well.

The site fit nicely except for this variance issue. We -- we have had no complaints from the other sites regarding the storage of -- of any type -- of any type of items. It has been really positive feedback. The ground entrance for all of the units and the -- the patio and/or balcony, for all of the -- for all of the units, as well, is really a desirable feature. But the one thing I mentioned, that we are -- that we're asking for the variance is for the area variance for the storage there.

We do have a lease provision in our leases that we're -- we're very strict with. Is it also submitted in your packet there. It seeks -- I will speak it to really quickly. Two sentences. Sidewalks, driveways, walkways, lawns, entrances, hallways, stairs and other areas around the house must not be obstructed for the purpose of an ingress/egress from these premises. Personal items are not to be left in any of those aforesaid areas and the Landlord reserves the right to (unintelligible) in those areas.

So we -- so we -- we certainly understand why there could be a concern about the reduction and potential reduction of storage and things strewn about the yard and very unsightly. I'm sure the Town would not want something like that.

But as stated before, we have existing buildings that have not had that issue. We -- if we do we have lease violations -- it is going to be a very prominent corner. There's a lot of people passing it every day and we can assure you that this will stay in our lease and we will enforce it and give lease violations.

So the last piece I just want to point to, a couple sections from the Town of Chili Planning goals that we thought might support the granting of the variances. And just two quick sentences from Section A, the general community goals of the comp plan. Section A is the housing and residential use. Objective 3C states, "Provide for some flexibility in creating a planned design criteria for affordable housing," and also item G is, "Examine the Town's development review process to determine how the construction of affordable housing works with unnecessary hindrances."

In our estimation, we feel it would be an unnecessary hindrance and that is why we're proposing these two variances and I will let the Board ask any questions. I'm not sure if we're treating this as a joint application.

ADAM CUMMINGS: I will actually advise the opposite. In fact, I will comment it as three variances with two applications. So the first application, I would like to separate them and call it Union Square Boulevard or 154. And as the notice said, A would be the storage-unit percentage. B, would be the internal -- or your interior storage. Leave those alone. If you package them, you run the risk if we decline one of them, you lose both. So I would rather go with two separate decisions on that.

And then the 3327, have that because it's its own application, we'll decide on that separately and because we're in such a unique circumstance, I would like to do the Public Hearings done separately, as well, with the application.

So we'll stick with Application 6. I would say typically I could try to combine those at meetings, but with the public not being here and trying to do it, we'll move forward with that one.

Once again, letter A, we'll stick with the percentage for the living unit for the storage. Then we'll move onto B for the interior storage areas and those discussions, but I think you did a good job explaining all those.

It is very unique with the PRD. These requirements are very unique compared to normal developments we have here in Town.

So with that, for letter A, for the -- for the storage units, um, these ones are math questions to me. To me 6.67 and 6.866 -- or 6.86, they're all 7 percent in my eyes. But somebody decided to round it to the 100th place, so that is where we are tonight.

MR. PARRONE: That is where we are.

JAMES WIESNER: So these are the ones that will be interior, as well?

ADAM CUMMINGS: That's correct. That's right. Correct.

MR. PARRONE: That's right.

JAMES WIESNER: I guess one of the first things that comes to mind is somewhat of a concern. You would obviously want to use these storage -- storage units for -- to be able to store things you might use outside in the summertime. I don't think you'd want to carry it through the facility, be it a chair or bike or anything like that.

MR. PARRONE: We thought about that. And our response to that is, as I have indicated to Ryan (Brandt), we're not saying every unit of the 24 units at 154 are going to be senior, but we think the vast majority. And if there are people that are -- that would be a one-bedroom type people, we have a strong feeling that they're going to be younger people that are, let's say, just starting their careers and they will be living there for a short period of time. And I don't think that that would be an issue for them if they had to take their bicycle or what you have you out. We really don't think there will be a need for that, because in my opinion, we know that -- I can't tell you exactly, but it's going to be probably close to 80 or 90 percent will be seniors. And they will not want to be outside in the inclement weather trying to schlep whatever they have to to

their storage. So that's the best I can answer for you right now.

MR. RYAN BRANDT: To add to that, we are providing a bike rack, an exterior bike rack for -- not sure exactly how many bikes will be able to fit, but -- but for the residents of the 24 units.

MR. PARRONE: HCR, we're required to do that. For HCR.

JAMES WIESNER: If they wanted to go sit outside, if they had a chair, they would have to bring it outside.

MR. PARRONE: That's correct.

JAMES WIESNER: Any other sort of creature comforts they want such as an end table or whatever --

MR. RYAN BRANDT: They do have -- I have to point out, each unit has a patio or balcony. That is something else that we kind of -- we do monitor. It can be -- as long as it is seasonably appropriate. If it's a big, bulky couch, it probably wouldn't fit out there.

We also issue these violations for people that are just putting -- I guess -- the term we use is "seasonal appropriate." Um, but they would have the ability to do that. We have -- these things are in our lease, but you can't hang laundry over the balcony and things like that. It is not to be intended as an additional storage unit, but there is that -- that other option for outside space for them to be able to have a -- a private outdoor space, I guess.

JAMES WIESNER: Well, how deep into the unit would this storage unit be? Is it like right by the front door or would it be --

MR. RYAN BRANDT: Yes.

JAMES WIESNER: -- or deep into the unit?

MR. RYAN BRANDT: It is one of the pages -- I will open it up here.

When you come in the apartments, it's right there.

MR. PARRONE: Application 154, it should be on there.

PHILIP SUPERNAULT: Can you show it on the illustration where it might be?

ADAM CUMMINGS: Probably not. It's on the inside.

MR. RYAN BRANDT: I do have the --

JAMES WIESNER: I see the two-bedroom. I don't see the one-bedroom.

MR. RYAN BRANDT: I do have the floor plan right here. I can present this to you.

If you look at the entrance right here (indicating), our unit. So it is right here (indicating).

As soon as you enter the unit. You enter. It is right away. So you're not -- not having to navigate --

JAMES WIESNER: Is that in our package?

MR. RYAN BRANDT: That is the building --

SUPERVISOR DUNNING: You need to have this conversation by the microphone, please.

ADAM CUMMINGS: Yes. Thank you for that reminder.

MR. PARRONE: Plus the fact, there is an elevator for the 24 units.

ADAM CUMMINGS: Into the microphone, please.

MR. PARRONE: Sorry. There is a -- there is a -- sorry about that. There is a -- there is an elevator in the 24-unit building, so if they do have to carry chairs or whatever, it's not a laborious thing for them to go to the elevator and take the elevator down if they're going out to the patio.

JAMES WIESNER: Some of the apartments will be on the top floor and some will be on the bottom.

MR. PARRONE: Pardon?

JAMES WIESNER: Which will be on top of the floor and some on the bottom.

MR. PARRONE: Yes, they will be.

MR. RYAN BRANDT: 10 and 14 split because there is a community space downstairs.

But all of them will have it right next to the interior access -- your interior door. As I mentioned, it won't be winding your way through the bedroom door. Just a quick turn out your facility, down the elevator, just out the door like that.

ADAM CUMMINGS: I just wanted to clarify, I believe you said it, but you're not looking for any garage, carports or any other structures external of these in addition to these at any time?

MR. PARRONE: No. HCR doesn't fund it.

ADAM CUMMINGS: Bingo. Thank you.

FRED TROTT: So you're saying that you have -- in Sweden, you have the same issue and have you done it this way? With the space?

MR. RYAN BRANDT: Right. Not the same code issue.

FRED TROTT: But you already have --

MR. PARRONE: Only these. This 24-unit is brand new.

MR. RYAN BRANDT: Correct.

MR. PARRONE: The 2 and 3-bedroom units, the eight-plexes, yes. We have them in the other three locations that are operational. Yes. We have not had an issue.

ADAM CUMMINGS: In Sweden, is that on Redman Road?

MR. RYAN BRANDT: No. It's not. On Owens Road, just outside the Village. The second phase.

There was a first phase completed in 2017. The second phase is under construction right now actually. So we have -- two weeks ago we had a -- our general contractor did a drone video -- under construction, but you could also see the first phase units and at least from the birds' eye view, you could tell there wasn't.

ADAM CUMMINGS: Any storage issues?

MR. RYAN BRANDT: Right. That was a snapshot in time, two weeks ago.

PHILIP SUPERNAULT: Looking at this here, the yellow area, is that -- is that what I'm speaking of?

ADAM CUMMINGS: The highlighted area on your application plan, those are the storage areas you're talking about that are interior?

MR. RYAN BRANDT: Those are -- the ones that -- that the Board member showed me, that's for the 3327 site.

ADAM CUMMINGS: Right.

PHILIP SUPERNAULT: So we don't have a depiction of the -- help me understand this interior storage on the 154, the one we're talking about now. Is it part -- is it a contiguous part of each apartment or is it --

MR. RYAN BRANDT: Yes.

PHILIP SUPERNAULT: So it's a closet in an apartment?

MR. PARRONE: Correct. Absolutely correct. It's close to an 8 by -- it's close to a 7 by 8 -- actually more than. It's about 7 by 8.

PHILIP SUPERNAULT: All right. So it's a 7 by 8 closet.

MR. RYAN BRANDT: If it didn't make it into your application packets, I have one here. I can approach any Board members that want to see it.

PHILIP SUPERNAULT: Typically from your experience, what do people keep in the bulk storage areas? Do you have any knowledge of that? Are we talking about bicycles, stuff like that? But generally --

MR. RYAN BRANDT: There are a lot of just boxes of things, of Christmas or holiday decorations. A lot of these people, if they are senior citizens, they're downsizing from their house, from a single-family home they owned. So they're coming here with a -- just boxes full of things, let's say.

We -- we have seen an issue with bicycles -- when we provide bike racks, people will certainly use it and that is a great addition to have to the sites. But we -- I'm trying to think of the ones that I have seen. I just seen a lot of boxes.

MR. PARRONE: Photos. Old photos.

PHILIP SUPERNAULT: So it is no surprise to people, because obviously when people are moving in, I -- I think when they think of bulk storage, it was a place in the basement, a cage. So obviously when they're moving in, they know they will not see that. This is their storage.

MR. RYAN BRANDT: Right.

PHILIP SUPERNAULT: This is what you get.

MR. RYAN BRANDT: We think it is more desirable. We do have a -- we have a building up in Greece, the Town of Greece, that has that situation where it is one large area and everybody, everyone has their 60 or 50 square foot steel cages with locks on it.

So having something not just internal but within their unit, would be like -- a lot more desirable. We'll show people when they're -- before they sign the leases, when they're doing their application, we'll have a typical unit, a little snapshot of their unit itself. If it is not taken. If it's vacant, we can give them a tour. If not, we'll show them just an 8 1/2 by 11 what their unit will look like so they understand. Here is the closets, here is this, that.

MR. PARRONE: To reiterate, we're basically -- and I agree with the Chairman, in reality, the square footage we feel we have met. 6.86, I mean rounded it is 7 -- 7 percent. So it is really -- the issue -- even though it does technically say -- the issue is really the internal access. That is what we're talking about.

PHILIP SUPERNAULT: Thank you.

ADAM CUMMINGS: Side Table, anything?

All right. I will open up the Public Hearing for -- this one is going to be specifically for -- we'll start and do it step wise.

This is for Application 6, call it letter A, which is the variance asking for relief of the 7 percent of the living unit area storage ratio only.

PHILIP SUPERNAULT: Mr. Chairman, are you -- in that also is it -- is the change from exterior to interior?

ADAM CUMMINGS: That's going to be next -- the second part. I want to get the public comments because I'm afraid there will be confusion from one to the other.

PHILIP SUPERNAULT: Thank you.

ADAM CUMMINGS: We'll go A and then B.

SUPERVISOR DUNNING: We have a question from Patrick Destain.

PATRICK DESTAIN

MR. DESTAIN: I have just been told by Ryan Brandt that tonight's hearing was just about presenting a variance and that you would wish us to only speak to the particular issue.

Do I understand correctly?

ADAM CUMMINGS: For this current Public Hearing right now. Then we'll have another Public Hearing for letter B, which is the component of interior storage, relief from the exterior requirement and then we're moving onto number 7, which is the 3327 Union Street. That will be after that.

So right now we're just talking -- at this moment, we are just talking about the relief from the 7 percent of the living unit space for 154 Union Square Boulevard.

MR. DESTAIN: Will I have the opportunity to discuss the concerns I have after Ryan (Brandt)'s on-site last weekend?

MR. PARRONE: Mr. Chairman, what he is referring to is the Planning Board issues.

ADAM CUMMINGS: Planning Board, we will not be hearing or -- or listening to any of the complaints of the Planning Board issues. That is not under our scope for this Board. We are only speaking to the unit area percentages for storage, internal versus external or interior versus exterior, and the percentage storage units. No other concerns are under the jurisdiction of this Board. I hope that was clear enough.

And if you have other concerns for the Planning Board, um -- that's to be taken up with the Planning Board.

ERIC STOWE: That Public Hearing was left open.

ADAM CUMMINGS: So the Counsel has just confirmed that that was left over from the last meeting, so the next meeting that the applicant is on there, you could speak at that one. I do not know the date of that meeting. I hope that answers your question, Mr. Destain.

If your concerns are relevant to the percentage for storage, you can say them right now. If they're not, I would look on the Town website to find out when the Planning Board meeting is, confirm the agenda has this application on it and bring those concerns to the Planning Board at their meeting.

PAUL WANZENRIED: June 9th.

ADAM CUMMINGS: June 9th has been confirmed. June 9th is that meeting.

Since it was a -- or a continuation of that open Public Hearing, Eric (Stowe), that has to be discussed at the next one; correct?

ERIC STOWE: It -- I believe at that meeting they said they would table it until the June meeting, but I also believe there are -- there are signs -- there are signs for that for the property, as well.

ADAM CUMMINGS: Actually, I'm staring at the signs in my meeting room right now. So will it be posted on the property for the June 9th -- June 9th, 2020, at 7 p.m.

Mr. Parrone showed the Board the sign.

ADAM CUMMINGS: I don't want their sign shown at my meeting. (Laughter.)

I hope that answers your question.

SUPERVISOR DUNNING: Apparently it did.

ADAM CUMMINGS: Excellent. Thank you.

SUPERVISOR DUNNING: Hang on. Don't go anywhere yet.

ADAM CUMMINGS: Thank you. I was just talking to Mr. Destain. Sorry.

SUPERVISOR DUNNING: Mr. Chairman, at this time there are 12 people watching. We have no further comments that I'm seeing.

ADAM CUMMINGS: Okay. I'm going to move onto -- this is the same Public Hearing for the same application. It's letter B. Storage area to be located in the interior instead of the required exterior storage.

SUPERVISOR DUNNING: I'm already being warned there is a question coming.

CHARLES RETTIG.

MR. RETTIG: Should not be a condition not -- not store -- the storage of propane or gasoline or hazardous material inside these storage area.

ADAM CUMMINGS: I don't know the answer to that one. I would push that onto the fire protection and a different part of the zoning code. Under this one, the contents of the storage area, we're not allowed to restrict who can store what.

PAUL WANZENRIED: That's personal property.

ADAM CUMMINGS: Correct. So whether it's an internal or external storage area, um, I don't think that falls under the jurisdiction of this one. I will ask Counsel to confirm that. But for public safety --

MR. PARRONE: Plus the fact, propane is for one use and one use only, for grills. There aren't going to be grills here. They will just not have them.

ADAM CUMMINGS: Is that a lease violation?

MR. RYAN BRANDT: I can speak to the lease. We do have something in our aforementioned lease that states if they are going to have a charcoal or gas grill, it has to be at least 10 feet away from the building and they also cannot store -- per their lease in their unit or in the storage unit any propane. So that kind of -- it does restrict obviously the use of propane grills. But the actual storage is forbidden.

I can't speak to the Town code necessarily, but we, according to our leases, don't allow people to store propane.

ADAM CUMMINGS: We'll, I'm glad to hear it is in your lease. It is outside of our purview for this Board, but I am happy to hear that. We have had one -- I don't know the cause of the fire, but we had that one apartment building in this Town in the past several years that we did have an unfortunate fire incident. Any precautions that can be made to minimize that, is -- is -- is definitely, um, a favorite of mine.

MR. PARRONE: To allay some of the concerns of not only the Board but the public that asks these questions, HCR has a very, very rigorous requirements we have to follow. It is very detailed and laborious process we have to follow. And they have pretty much covered everything that they have experienced over many years and for them to be involved in projects like this, they have to make sure that the residents will be protected and safe and meet their requirements.

ADAM CUMMINGS: To be clear, HCR is the New York State Homes and Community

Renewal.

MR. PARRONE: That's correct.

ADAM CUMMINGS: So this is a State agency on a deemed affordable housing development?

MR. PARRONE: That's correct. Absolutely correct.

MR. RYAN BRANDT: To Ed (Parrone)'s point, the aforementioned design handbook is a compilation of all these years of experience in all these projects that when things go wrong, explosion at that property, they do have things like that -- I cannot speak to whether that is part of HCR's restriction, but I know for Cornerstone Property Management, that is part of our lease.

ADAM CUMMINGS: Okay. Thank you.

Mr. Rettig does appear to have a comment.

SUPERVISOR DUNNING: Basically he -- he is recommending a condition that we would restrict people's personal properties or belongings that are inside that.

Counsel, would you advise the Board doing that or not?

ERIC STOWE: I understand the concern. I don't think we have ever put any conditions on what items of personal property can be stored on private property. Certainly not blow torches. You know, if somebody brings a little -- from a work bag and has a -- I would think that that would be fairly common. So it is not anything we have ever done given -- we would also have a significant enforcement problem with it.

ADAM CUMMINGS: Okay. But I would look to caution against that. It sounds like your lease has precautions in there as well as HCR's guidelines and requirements?

MR. PARRONE: Right.

ADAM CUMMINGS: So that is good enough for me, but make sure it happens.

MR. RYAN BRANDT: Yes. Absolutely.

SUPERVISOR DUNNING: Mr. Chairman, we do have 14 people watching at the current moment. There are no other questions coming in at this time.

ADAM CUMMINGS: Okay. I will ask for a motion to close the Public Hearing for this application.

Fred Trott made a motion to close the Public Hearing portion of this application and Mark Merry 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: All right. One condition of approval, you have to get a building permit.

I'm debating whether to combine these into one vote. I think heat stroke is starting to get to me. (Laughter.)

JAMES WIESNER: I have a question for you.

So this interior/exterior, the section of the code being referenced doesn't say anything about interior exterior that I can see. Where is that part of the code?

ADAM CUMMINGS: That one I will push over to the Side Table.

JAMES WIESNER: The 41(D)2, all it says is the size, that I can see.

PHILIP SUPERNAL: Well, it says in the same building, but not in the apartment. So by "exterior," do they mean exterior to the apartment? Or exterior to the building?

ERIC STOWE: Exterior to the apartment.

ADAM CUMMINGS: Can you say that more into the mike?

ERIC STOWE: Exterior to the apartment.

JAMES WIESNER: So that is the interpretation of it then?

ADAM CUMMINGS: Not the entire building.

PHILIP SUPERNAL: Is that what you gentlemen --

MR. PARRONE: We weren't. We were directed by the CEO what his interpretation is (indicating).

ADAM CUMMINGS: Which is proper. So is he saying it's within the apartment, which --

PAUL WANZENRIED: The way I read it.

JAMES WIESNER: So that is the interpretation of it.

MR. PARRONE: Paul (Wanzenried) interpreted it.

ADAM CUMMINGS: Any other questions? These kind of are integral together so I'll be doing them as one. If everyone is okay with that.

So I will declare the Zoning Board SEQR --

ERIC STOWE: Not lead agency.

ADAM CUMMINGS: Correct. Not lead agency. That's a different coordinated review.

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 Philip Supernault seconded the motion. The Board all voted yes on the motion.

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

JAMES WIESNER: Which one are we on?

ADAM CUMMINGS: I combined A and B into one.

JAMES WIESNER: Okay. If one goes down, they all go down.

DECISION: Approved by a vote of 4 yes to 1 no (James Wiesner) with the following condition:

1. Building permit must be obtained.

The following finding of fact was cited:

1. The amount of storage and interior location will not result in excessively larger buildings and is very similar in size to the required area.
7. Application of Rochester Cornerstone Group LTD, owner, 460 White Spruce Blvd, Rochester, NY 14623 for variance to erect six apartment building with 48 units, with storage units of 1.8% to 2.3% of the living unit (where 7% of the living unit is required) at property located at 3327 Union St. in PRD zone.

Ryan Brandt and Ed Parrone were present to represent the application.

ADAM CUMMINGS: So you did discuss most of this application, so I do want to keep that brief. If there is --

MR. PARRONE: Self-explanatory. Again, this is on the large side, the 6-acre site. It is -- it runs both on Union Square Boulevard and Union Street. And these primarily consist of 2 and 3-bedroom units. There are eight-plexes, and I believe they're what, six buildings total? Six buildings total. They are all exterior access points for the -- for the storage area.

And, Mr. Chairman, as you have indicated in our chart that we provided you, um, those were the percentages.

ADAM CUMMINGS: Oh, let's see.

JAMES WIESNER: So you folks weren't involved with the other apartments that were built in the immediate area there; is that correct?

MR. PARRONE: Yes.

JAMES WIESNER: We never saw any variances previously for square footages on any of the other apartment buildings and it is just kind of interesting on this project how it has come to light where we never seen it before.

MR. PARRONE: Let me answer that real quick. Previous projects we had garages. HCR does not allow garages anymore. They do not. The garage would act as their storage area and could meet that requirement. But we don't have garages and they don't want us to have garages, so we had to put them in the units.

JAMES WIESNER: So when you're saying ACH --

MR. PARRONE: HCR.

ADAM CUMMINGS: HCR is the State agency that is overseeing the affordable housing. Which I'm guessing you get some kind of financing --

MR. PARRONE: Yes.

ADAM CUMMINGS: -- or incentives for payment for this project?

So, therefore, I guess -- I will just throw it out there for how it sounds like this PRD -- the PRD envisioned one type. HCR envisions a different type. Um, they have different guidelines and that is why we're here right now.

In -- I probably will get in trouble for making a statement like this, but the PRD that was adopted did not meet HCR's guidelines.

ERIC STOWE: HCR's revised guidelines.

ADAM CUMMINGS: True.

MR. RYAN BRANDT: Those were -- anywhere -- anywhere from -- I wasn't with Cornerstone back then. It was anywhere from 22 to 10 years ago, those Union 1 and Union 2 Union Park. Those -- they do come out with a revised design handbook sometimes every year, sometimes every other year. But I think there is a strong likelihood what worked back then doesn't work now just through their revisions over the years.

MR. PARRONE: We don't know the reason why they do not like to have garages. We -- we just don't know their reasoning for it. So -- but with this new requirement, um, and because of what is in your code, which I'm not saying it is wrong, but it's -- let's say it's unusual, this requirement, because we have not experienced this in other communities, that percentage requirement.

JAMES WIESNER: So it is a different restriction with that particular Building Code that you're under, that --

MR. RYAN BRANDT: The three municipalities we built this, one being Town of Sweden in Monroe County, we did not have that code issue to deal with.

JAMES WIESNER: Okay.

ADAM CUMMINGS: To jump over your question real quick, what would be the feasibility of this project if it wasn't HCR-driven or financed?

MR. RYAN BRANDT: Um, at the current rent level, which is -- all competitive process -- everybody very much could be changing -- it is anywhere from \$700 up until 1200, \$1300,

3-bedrooms. Those -- it's a competitive application so we're submitting for -- along with other projects and we are eligible to receive the financing -- or selected to receive the financing, then that that provides a -- a -- favorable loan terms and it helps keep the rents at a more affordable level. So from 30 to 80 percent of the area -- so I guess -- if we were not to be -- if we were to be out of compliance with HCR, we would -- we weren't to receive their funding, in its current form, it would not be feasible.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: Thank you.

MARK MERRY: Just a point of clarification, Mr. Parrone. Initially when you started your presentation -- I think it's a very good one -- you mentioned this apartment complex would have exterior storage.

MR. PARRONE: Entrance. Entrance would be exterior.

MARK MERRY: But it is still internal to the building?

MR. PARRONE: Still internal to the building, Mark (Merry), but it's an exterior entrance.

ADAM CUMMINGS: So two different doors?

MR. PARRONE: That is correct. The storage door and then the door entering your unit.

MARK MERRY: The only variance you're going for is the size?

MR. PARRONE: That's correct.

MR. RYAN BRANDT: This is a great photo here (indicating). You can see the unit entrance, with the unit number on it. And this lighter door (indicating) is the storage door, an existing building that was -- one of the three.

MR. PARRONE: We're only going for one variance and that is square footage.

MARK MERRY: So the storage area is exterior to the apartment?

MR. PARRONE: That's correct. You can't -- you can't -- right. You can't get to it internally from within the apartment. You have to go outside to get to that storage area.

ADAM CUMMINGS: Which is what the last application showed, is that Code Enforcement's interpretation of its relationship to the apartment, not the super structure of the building.

MR. PARRONE: That's right.

MARK MERRY: For further clarification of myself and maybe other Board members, the percentage that you're dropping down to compared to what the Town is requesting is average, below average or above average for all of the units that you have done?

MR. PARRONE: It's the exact same size in other units.

MR. RYAN BRANDT: For other municipalities.

ADAM CUMMINGS: But you don't have a percentage objective to meet in those other --

MR. PARRONE: There is -- really, no.

MR. RYAN BRANDT: Not for the municipalities.

ADAM CUMMINGS: I think his question was related to, you are not changing the ratio of your storage amenities compared to those other ones that have worked?

MR. PARRONE: No, no.

Mark (Merry), it's the same.

MR. RYAN BRANDT: These buildings, as we started -- when they were first built in the Town of Sweden in 2016, 2017, they weren't exactly the same. One of the benefits we found with the building, similar or almost exactly the same design, one of the issues during construction to get worked out was a ten-page list, as trivial it may seem with different things we wanted to tweak and maybe based on the next -- which is what we found with the construction, you -- all sorts of things can happen with building design.

So they're not exactly the same, but the building -- I believe it was one of your packets, the HCR 's handbook requirement for storage, for bulk storage and our -- our storage areas that met those for the previous ones. So they do have a minimum. They don't have a max. It is just minimum square footage.

MR. PARRONE: Are we answering your question?

MARK MERRY: Yes. Thank you.

ADAM CUMMINGS: And you -- and you answered my next one, which would be if HCR had a percentage requirement. They do not. They just have a minimum requirement, and you meet that? Do you exceed that?

MR. RYAN BRANDT: We -- we --

ADAM CUMMINGS: I think you tabulated it. You just meet it.

MR. RYAN BRANDT: We have for unit size -- not storage. We have minimums and maximums for unit sizes, but for storage itself, they only have minimums.

ADAM CUMMINGS: But you meet or exceed that?

MR. RYAN BRANDT: Correct.

PHILIP SUPERNAULT: So this storage area, that you're speaking of, with the bulk storage area, is it a room with a bunch of individual storage or is it one storage unit per apartment?

MR. PARRONE: Per apartment. Storage unit per apartment.

PHILIP SUPERNAULT: Okay. Is that number 22 square feet?

MR. RYAN BRANDT: Yes. About 4 1/2 -- roughly 4 1/2 feet by 5 feet.

PHILIP SUPERNAULT: How does that come out to 22 square feet?

MR. RYAN BRANDT: It's -- so roughly -- doing a lot of work there, it's --

PHILIP SUPERNAULT: External door, full-size door?

MR. RYAN BRANDT: Yep.

PHILIP SUPERNAULT: I walk into a room and you're saying within that room is 4 by 5?
MR. RYAN BRANDT: Length, width. Not height.
MR. PARRONE: Just the area. Phil (Supernault), it's just the area.
PHILIP SUPERNAULT: Okay.
MR. RYAN BRANDT: Not cubic.
MR. PARRONE: Just the surface area.
PHILIP SUPERNAULT: Okay. Got you. Makes more sense.
MR. RYAN BRANDT: You do have access to that. That is your sole unit. You have a separate key accessing that storage unit.
PHILIP SUPERNAULT: I guess what I'm saying then, cubic feet would be a much better representation for me to see.
MR. PARRONE: I'm glad when you brought that up, Phil (Supernault). They're going to be generally 7 1/2, 8 feet in height. So there is going to be the volume there. There be 22 square physical feet, but there will be a lot of area for stacking and storage in those areas. Let's not preclude the fact that they could -- with their permission, if they the wanted to put shelves in, they could probably do that, as well. But that would be something that landlord and -- in this case, Rochester Cornerstone, would allow them to do that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

SUPERVISOR DUNNING: We have plenty -- still time before the delay, but I did get a question that came in prior to -- earlier comment was "Interior storage part of the building without the fire wall?"
PAUL WANZENRIED: Building Code question.
ADAM CUMMINGS: Yes. I would point that one towards the Building Code and Code Enforcement. They will verify that requirement.
PAUL WANZENRIED: That's a Building Code question. Call me in the morning.
ADAM CUMMINGS: So Paul (Wanzenried) will be in after --
PAUL WANZENRIED: 9 a.m.
ADAM CUMMINGS: -- 9 a.m. when the Town Hall opens.
Mr. Rettig says...

CHARLES RETTIG

MR. RETTIG: Without fire wall, interior storage is considered part of apartment with possible propane, gasoline or hazardous material?
I will note SD, I was cut out without time to comment for the record.
SUPERVISOR DUNNING: And I'm assuming "NFQ," no further questions.
ADAM CUMMINGS: I would say his comments still -- Mr. Rettig is for the Building Code requirements and our Building Department will take care of that one with the architectural plans as they go through for the construction permits.
SUPERVISOR DUNNING: At this time, Mr. Chairman, there are ten people watching at this moment. I'm seeing no further questions.
ADAM CUMMINGS: I will ask for a motion to close the Public Hearing.

Fred Trott made a motion to close the Public Hearing portion of this application and Mark Merry 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: Once again, one condition of approval, the building permit will be required.

Adam Cummings stated based on evidence and information presented at this meeting, determined the application to be an Unlisted Action with no significant environmental impact, and Philip Supernault seconded the motion. The Board all voted yes on the motion.

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

DECISION: Approved by a vote of 3 yes to 2 no (Mark Merry, Jim Wiesner) with the following condition:

1. Building permit must be obtained.

The following finding of fact was cited:

1. The amount of storage provided was shown to be adequate for the type of tenants envisioned. Additionally, restrictions within the lease agreements prohibit outside storage of items.

ADAM CUMMINGS: I will admit I lost track of the previous minutes.

Adam Cummings made a motion to adjourn the meeting, and Fred Trott seconded the motion. All Board members were in favor of the motion.

The meeting ended at 9:15 p.m.