

CHILI ZONING BOARD OF APPEALS
October 27, 2020

A meeting of the Chili Zoning Board was held on October 27, 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 asked the Board if saw the notification signs for all applications this evening.

JAMES WIESNER: I didn't see the one on Huntington Spring.

FRED TROTT: It was on the tree.

MARK MERRY: It was there.

ADAM CUMMINGS: I think weather is going to be uncooperative in the next couple of months, as well. Between water and wind.

1. Application of Robert & Judy Begandy, owner; 3470 Chili Ave, Rochester, New York 14624 for a variance to erect a shed (10'x14') 5'-6" from rear and side setback (8' allowed) at property located at 3470 Chili Avenue in R-1-20 District.

Robert Begandy was present to represent the application.

MR. BEGANDY: Robert Begandy. My wife couldn't make it tonight. 3470 Chili Ave, Rochester, New York 14624.

As it states, I would like to put it a little closer to my lot line versus 8 feet and have 5 foot 6 inches. Side and rear.

ADAM CUMMINGS: Okay. You do have an irregularly shaped lot that does have a pool on it, correct?

MR. BEGANDY: Yes, sir.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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: Small enough shed that you don't need a permit, correct, Paul (Wanzenried)?

PAUL WANZENRIED: They do need a permit.

ADAM CUMMINGS: They do need a permit? Under 112?

PAUL WANZENRIED: He is under 140.

ADAM CUMMINGS: One condition of approval, you have to get a building permit. That is why you're here. So just continue to work with Paul (Wanzenried). He will take care of you.

MR. BEGANDY: I will just give him money.

ADAM CUMMINGS: You already did 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 a 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 findings of fact were cited:

1. Due to the irregular shape of the lot and the presence of a pool, there is not another location this shed can be placed to avoid a variance.
 2. This shed will not drastically change the character of the neighborhood since several nearby parcels have similar sheds at similar distances.
2. Application of Chili Fire Department, owner; 3231 Chili Ave., Rochester, New York 14624 for a variance to erect an internally illuminated monument sign (not allowed) at property located at 3231 Chili Ave in GB District.

Jess Sudol, Tim Geier, Chris Fish and Pat Quinn were present to represent the application.

MR. SUDOL: Evening. My name is Jess Sudol with Passero Associates.

We're here this evening on behalf of the Chili Fire Department. We are the engineers and the architects for the new Fire Department that is currently under design and I believe it has come before -- or been before the Planning Board -- I'm sorry -- for any variances.

With me this evening is our project architect from Passero, Tim Geier and also Chris Fish, to my left and Pat Quinn from the Chili Fire Department.

I believe this request actually appeared before this Board a month or two ago --

ADAM CUMMINGS: Last month.

MR. SUDOL: Last month. So I think there was some information missing. We have since done a bunch more homework to present this Board, I think, some additional information that can help guide your decision on this particular application.

For those of you who aren't familiar with the site plan, I have it here if you need it. The new building will be set a decent ways back up the road, but it is located right in the middle of what we call Chili Center along Chili Avenue corridor.

The sign we are proposing does meet all official sign requirements. Aside from this point -- the portion that requires it -- or doesn't allow it -- excuse me -- to be internally lit. We are proposing an internally lit sign that is approximately 3 foot by 5 foot. The purpose of that sign, the reason we're proposing it be internally lit with LED bulbs is so that we can have the ability to display dynamic messages. So, for example, you know, relevant context right now, anything having to do with COVID or COVID testing or reminders for your gas grill, your smoke detectors, talking about if there is an Amber Alert. That would be able to be displayed on the sign. Anything to do with blood drives, community meetings. There is certainly a need for the various services the Fire Department provides, to be able to display that information on the sign.

In terms of the character of the community, when you start to think about the five area variances approved, certainly as you drive up and down Chili Avenue from really Paul Road to almost here at the Community Center, there are quite a number of internally lit signs. Pretty much pick any example you want, whether it is the gas station or Wegmans or Chili Discount Liquor. Pretty much all of the signs in that corridor, a pretty large one with Aldis are all internally lit.

So again, our difference is the LED amber bulbs because we do want to have the ability to display different messages associated with the Fire Department, you know, as opposed to having to get a temporary sign and put it out there and deal with wind and things like that.

We do know that signs are not terribly common of this nature in the Town of Chili. So in our proposal and our cover letter we provided some specific criteria that we would -- or are we have designing the sign, too. Those criteria are a direct result of the history that the Town has with a very similar sign that exists down on Chili Scottsville Road at the Chili Legion. Those criteria are limiting the bulbs to .3 foot candles, keeping the sign monochromatic. I believe the Town Hall will -- actually with have a sign on their new enclosure that has different bulbs that can create Fourth of July fireworks and things like that.

ADAM CUMMINGS: The Town Hall -- the Community Center?

MR. SUDOL: Community Center. I'm sorry. We should know that because we'll designed that.

ADAM CUMMINGS: Tell David (Dunning) we are moving he Town Hall. He will want to know that. (Laughter).

MR. SUDOL: Just need someone to build it. (Laughter.)

But they would also be static images. So it would be one message at a time. It wouldn't be scrolling or changing or flashing or anything like that. Nothing that would be distracting. It would have a limitation where it wouldn't be on between the hours of 11 and 7 a.m., which were the same conditions of approval associated with that again at the Legion sign that is quite a ways outside of the Town center.

Just going through the five proofs quickly. It is in the cover letter, but I will restate them.

Is there another feasible means to display those images? Not really, because we do have that need to display different images -- not images but different messages at different times. I guess one alternative would be to get temporary signs and try to throw out them out for blood drives and arrows or something like, but certainly nothing permanent that would be a feasible alternative.

Again, changing the character of the neighborhood. We are not in a residential area. Obviously we're really in the main stretch of the Town of Chili, right on Chili Avenue where

there is all kinds of different signage to the north and south of us that is internally lit. For those reasons we also feel it is not substantial.

Also taking into consideration those design limitations that we are implementing based on the Town's experience. Doesn't plan on having any environmental effect. Not providing any big up-light compared to perhaps a large sign that would have a flood light pointing up on it, certainly nothing like that.

And self-created, we are dealing with the configuration of the lot which has very little frontage on Chili Avenue, so the building has to be placed further back. So placing any building-mounted type signage to display the different messages, um, while we can do it, it certainly wouldn't have the same impacts as it would or be very visible to Chili motorists up and down Chili Avenue.

So with that said, we have handed out just a summary sheet drawing showing what the design would look like. It is a monument sign. It is not a pole-mounted sign. The actual display area is roughly 3 feet by 5 feet. I think the application said 16.

Chris (Fish), or, Pat (Quinn)?

ADAM CUMMINGS: I would like one clarification. You were here last month for two variance applications. We postponed this one for this month, but we did grant the other one. You did have a variance.

MR. SUDOL: I was not here.

ADAM CUMMINGS: I know you weren't.

Jim (Wiesner), any questions?

JAMES WIESNER: Where is the sign going to be located? I'm trying to figure out on the site plan.

MR. SUDOL: Approximately 15 feet off the right-of-way line, just on the south side of the new driveway.

ADAM CUMMINGS: Where the existing building -- sorry to interrupt. Right at the building. I -- I got distracted by the building on the aerial image to try to see it. They kind of overweigh each other.

JAMES WIESNER: Okay. That's all I got.

FRED TROTT: I have to disagree with you on a bunch of your statements. Um, the first one is, when you said that -- can the benefit be sought by the applicant in an alternative way? Um, what have you done in the past to get these messages out? You have used a sign -- we have a sign out there now, temporary sign for the parking.

I -- I think in today's society, we don't need an LED sign in the middle of Town. With Facebook and Twitter and everything else, I think you can get your message out a lot better.

Secondly, you said if we grant you this variance it won't produce undesirable change to the character of the neighborhood. I think it would be a huge, massive change. Yes, there are internally lit signs, but none of them are LED signs.

You also said is there -- the question of is the request of the variance substantial? Yes, it is substantial. There is none. We rejected -- when Walgreens wanted to come to Town with a changeable sign, we turned them down. I think -- I voted against the one in -- down the road. But I -- in hindsight, that one is at least out of Town in an area where it is very dark. I can -- I -- I can kind of justify that one.

I can't justify this one in the middle of the Town when we have this code on our books. We're just asking us -- we might as well just take it off the books then.

ADAM CUMMINGS: We're in an awkward spot because there is one right up the at entranceway to the Community Center.

FRED TROTT: But not on the main road. Not right in the center of Town.

ADAM CUMMINGS: Correct. Not --

FRED TROTT: I mean thought about that, too.

ADAM CUMMINGS: Different main road.

FRED TROTT: I thought about that, too. But also, the Town -- when are they coming to our Zoning Board?

ADAM CUMMINGS: They won't.

FRED TROTT: I mean, they're -- they're playing -- they're doing the same thing as if the County comes in and put in a County Office Building and they put their LED sign up. I think if we can control it, I think we need to, especially in the center of Town. You have Taco Bell coming and you other signs -- people wanting to put those signs up. And if we denied them in the past, I think we have to look at this one. I have great respect for the Chili Fire Department. They do great work. I -- just again, I have a hard time with it.

PHIL SUPERNAULT: Well, I do agree with Fred (Trott)'s portrayal of the answers to some of the questions not being accurate.

I do think that we need to treat the Fire Department differently than a Taco Bell. I do think that aesthetically this sign is a -- a better choice than some of the temporary signs that I have seen put up, even the election signs. The parking sign. I find this a better -- a better choice than that. Those are the only comments I have.

ADAM CUMMINGS: Okay. Thank you.

Before I go to the side table, I did want to commend you on -- I did bring both my old decision sheet -- well, Paul Blaser's, but I was on that Board -- as well as our actual Board actions that we did there and you do have all of those controls or regulations, conditions that we would be putting on this one. So thank you for putting them into your application.

Side Table, anything to add?

PAUL WANZENRIED: When -- on the sheet -- which is the road elevation? Which is the roadside?

MR. SUDOL: Roadside is --

PAUL WANZENRIED: Say left or right, Tim (Geier)? I will follow you from there.

MR. GEIER: It will be where the -- where the Fire Department symbol will be towards.

PAUL WANZENRIED: Towards the road.

My question then is is that lit upward, downward in any way, shape or fashion?

MR. GEIER: We were going to do back-lit.

PAUL WANZENRIED: So emblem and address would be back-lit?

MR. GEIER: Yes.

PAUL WANZENRIED: When you portray your messages on the machine, "Change your smoke detectors," how long does that stay up there?

MR. FISH: Could vary based upon the activity. Fire Prevention time, like change your clock or change your -- the days leading up to it. Fire Prevent Week we have an open house. Maybe two days before. Blood drive -- that is coming up again -- maybe a day or so before. But we'll change immediately after.

PAUL WANZENRIED: The reason I ask this is because it depends on how you're going to interpret a static image.

MR. GEIER: I think what Chris (Fish) is saying, they would stay up for days at a time, not ---

ADAM CUMMINGS: You're not cycling through.

PAUL WANZENRIED: Not cycling through or not seeing half-day messages or two hours here and two hours there.

MR. FISH: No. Unless there was a hurricane and something that blew through that we needed to put that up ahead of a blood drive, yeah. Otherwise it would be the message of the day that would be there.

ERIC STOWE: Our code does have a distinction on changeable copy between government, not-for-profit and commercial, just with the reference to Taco Bell. So they're prohibited for commercial enterprises but not for those government, religious and charitable.

And, Mr. Chairman, findings of fact, if we could.

ADAM CUMMINGS: We'll definitely be doing quite a few of those, today. I was also going to compare the -- I don't see the specs in here for -- for it, but you will be held to the .3 foot candles --

MR. SUDOL: Understood.

ADAM CUMMINGS: -- from 30 feet away.

Also amber color. I know most of them I see are red in, like in Gates, but we do have it being one color.

You noted that you're going to be doing the amber color, similar to the one we already approved at the Legion; is that correct?

MR. SUDOL: Yes, sir.

ADAM CUMMINGS: We already covered the static images only. The definition of static -- I liked that term. I haven't heard that. The message of the day. You have the hours of operation that it can be. It will be off from 11 p.m. to 7 a.m. Unless, of course, there is an emergency purpose. That's obvious. But with that, that would be the day. So we're not expecting it to have three or four cycling images.

MR. SUDOL: That is not the intent.

ADAM CUMMINGS: Okay. And then the last one is -- it's redundant but in terms of the animation and live action images, Chris (Fish), it sounds like you're just looking to do text messaging. No home runs going across or things like that.

So we'll move on.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KAREN LOVERING, 4 Stover Road

MS. LOVERING: I kind of agree with -- I agree with Fred (Trott), but I understand going forward this is the technology -- it's going to be -- LED are going to be here whether we like them or not.

Is there an option not to have the LED or is it just because it's more cost effective?

MR. SUDOL: Not necessarily more cost effective. LED has a bad connotation because there are a lot of really bright, intrusive LED lights especially when LED technology first came out. The LED is really the sustainable solution, uses the least amount of energy and also has a lot of controls associated with it. The color itself and the glare, you would never know it was an LED light. You know, it's more of the -- it has more of a feel of the older high-pressure, sodium lights that have that more mellow color. I think that is one of reasons why the Town asked for the amber color. You would never know it was an LED light. It is not -- for a bad reference -- like Vegas with bright flashing lights. We're able to control that light based on -- because it is LED.

MS. LOVERING: It has a dimmer on it? Is that what you mean?

MR. SUDOL: You can control the brightness.

ADAM CUMMINGS: So one other clarification. So this one is internally illuminated. We're not talking about a changeable font sign, correct?

Is that what you were getting at, Paul (Wanzenried)?

The alternative, if you go down the street, would be the ambulance. That has a changeable font, internally illuminated sign. So in my eyes, they would still be in front of us, but it would be for a different variance application and it would be a manual changing of the letters through it.

ERIC STOWE: Changeable copy.

ADAM CUMMINGS: Changeable copy. That is the term I was looking for. So would you agree that that would be one other alternative?

MR. SUDOL: It would, you're right.

ADAM CUMMINGS: But not as efficient, um, and -- and it's an opinion, but not as aesthetically pleasing.

MR. SUDOL: I would share that opinion.

Adam Cummings asked for a motion to close the Public Hearing portion of this application.

MARK MERRY: A good point that you brought up that I want to take off on that.

ADAM CUMMINGS: You want it now or do you want to close the public comment?

MARK MERRY: We can do that.

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: Go ahead.

MARK MERRY: So if you had a sense you were going to be denied what you're asking, would your plan be the changeable?

MR. SUDOL: It's -- most likely. We would also have to require a variance, as I understand it. But that would be -- we do have a need to get messages out associated with the Fire Department. That would probably be the next most logical solution, especially given the precedence that has been set before, if this is less intrusive, less impact. But most likely that would be the next step.

ADAM CUMMINGS: So in terms of this, the -- this sign, how far off the right-of-way is it?

MR. SUDOL: 15 feet off the right-of-way. You can't see it if you go there. So probably 20 feet off the back of the sidewalk if you wanted something tangible.

ADAM CUMMINGS: Because there is obviously a building there.

MARK MERRY: So when are you looking to have this installed?

MR. SUDOL: Well, the construction would begin, when, Tim (Geier)?

MR. GEIER: Construction would begin this winter and then it would probably be installed 2022, I think we're looking at the end of construction.

MR. FISH: 2022 realistically.

MARK MERRY: So if you were denied tonight, you would have time to come back and offer a voluntary alternative because would it be a year?

ADAM CUMMINGS: Unless it was substantially different.

MARK MERRY: Right.

ADAM CUMMINGS: Okay.

MR. SUDOL: Would an alternative be substantially different? Probably would be? I think so. It's a totally different zoning code.

ADAM CUMMINGS: So on that hypothetical, if it was turned down tonight, it could be here next month asking for that other one.

MARK MERRY: Good. Okay.

MR. SUDOL: I don't know if I'm still able to comment if the Public Hearing is closed.

ADAM CUMMINGS: Yeah, you're not in the public. Right now you're not in the public.

MR. SUDOL: This is all of the comments I think some people have already stated, but in term of -- I know the Zoning Boards are concerned, as they should be, about setting precedence.

Obviously, with our messaging related to life, safety -- and as Town Counsel pointed out, the differentiation between the non-profits and commercials certainly protect the Town from an outbreak of LED signs. I don't think that would be case.

And in terms of impact, being in a highly commercial corridor with overhead lighting and also other internally lit signs, the ambient lighting levels are certainly much greater than a very remote area. I would use the ---

ADAM CUMMINGS: The only --

MR. SUDOL: The existing sign. So I think the novelty of that would have far more visual impact than if it was really buried in a sense in a commercial corridor.

ADAM CUMMINGS: When you say the "existing," you're saying the American Legion?

MR. SUDOL: Yes.

ADAM CUMMINGS: I will reference it as the American Legion. I would agreed. That one was in an agricultural/residential area and even with it toned down, it is still a -- the most contrasting element in that area.

This one, what you're saying is contrast-wise, between headlights, other commercial --

MR. SUDOL: Streetlighting.

ADAM CUMMINGS: Yes. It's not as much of a contrast or -- or change.

JAMES WIESNER: Well, if I understood your answer to Paul (Wanzenried)'s question, so the LED would be -- would actually be away from the roadside and the Chili Fire Department portion of the sign would be at the road, and your LED would be on the back side toward the fire hall; is that correct?

MR. SUDOL: Yes, sir.

JAMES WIESNER: It seems like you're kind of hiding it a little bit. By putting it behind that sign.

MR. SUDOL: That is somewhat by design in trying to offset and mitigate the request that we have in front of the Board. We could not even have that vertical element and just have one big lit sign, but by putting it behind that vertical Main Street element, it does somewhat mitigate it against on the corridor. But it would still be perfectly visible as you're approaching from the south -- east or west.

ADAM CUMMINGS: Yes. So to be clear, it's both-sided?

JAMES WIESNER: I guess the other concern I have, is I was actually -- yesterday, I was driving by the American Legion and I know we have all of the conditions on there. They're not following the conditions. The sign is moving. The message is changing. So what good are the conditions in that case if we're not going to enforce them? I mean you can put all of the conditions in the world, but it doesn't make people adhere to it.

ADAM CUMMINGS: Well, that becomes an enforcement part. And we'll remind the Code Enforcement side of things.

MR. SUDOL: Conditions are enforceable.

ADAM CUMMINGS: That's correct. That is what I mean. We have a mechanism, a tool to actually do that. If we didn't have such conditions on it, we would have no enforcement teeth.

MR. SUDOL: Far more people would go past this sign and see if something was off other than the Legion's sign.

JAMES WIESNER: I kind of like the idea of having -- the message being sustainable for a period of time. Not just the fact it can't move, it can't fade, but you can't change it every couple hours. Like I said, I went by the America Legion and they had a couple different messages going on in waves. I don't know whether we would try to condition it for a 24-hour period or -- you know, it makes it more of a static sign if things -- if you have a little bit more control over it.

MR. SUDOL: I think we would be okay with it as long as you recognize in some form potentially during an emergency, you know, tornado, hurricane.

JAMES WIESNER: I would -- I would understand that. It's more of a matter it -- just -- you want it to be more static than dynamic. And that is the part, I think, for me that kind of makes it a little unpalatable. This could change. It could become more of an advertisement than actual public service.

MR. SUDOL: It's not our intent to be an advertisement. And for the most part, each message would most likely be several days at a time, not measured in five minutes or hours.

ADAM CUMMINGS: Real quick question for Eric (Stowe).

Can we put that condition of a duration or is the reference of static images only and our transcription of today's meeting sufficient?

ERIC STOWE: Transcription, not sufficient. Okay.

You can limit one message per day. Public emergencies excepted, type of thing.

ADAM CUMMINGS: Thank you.

MARK MERRY: So to your point, you could make that a condition. Your earlier was, unless you enforce the condition, it's just another condition on the list.

JAMES WIESNER: Well, I would hope with it being in the center of Town, that there might be more -- obviously they're not going out there every day to see what they're doing out in the country. But in the center of Town, you know, there is a good chance that they are going to see it, hopefully react to it. Like I say, it's -- we can only put conditions on. The enforcement is not part of what we do.

ADAM CUMMINGS: Correct. Our job is to make sure we put the right conditions on there.

MR. SUDOL: Mr. Chairman, Mr. Quinn.

MR. QUINN: Pat Quinn, 26 Talos Way. Being part of this Committee with the Fire Department, having the electronic sign, I think, is easier to change on a moment's notice when an emergency occurs.

And also I think there would be many, many days where you would have nothing on the sign, because we're more advertising special events and community events, emergency needs. So I would envision quite often there would be nothing on the sign at all.

JAMES WIESNER: Okay.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: You have to recognize this is the modern way of communicating, so it is more of a matter of how do we control it. My opinion.

ADAM CUMMINGS: It would get a lot of exposure in terms of messaging being on Chili Avenue.

PHIL SUPERNAL: I -- personally, I think I have to give the Fire Department some -- maybe not credit for past practice, but I live 5/10 of a mile. I'm on Chili Avenue every day. I don't remember going by there and seeing things that I thought, "Oh, that is not appropriate." Like "Here is our 50/50 raffle winner." I'm not seeing that. So I -- I think we should view them with some discretion.

FRED TROTT: I have a question. On the application, it says, "For direct internally

illuminated monument sign?

ADAM CUMMINGS: Yes.

FRED TROTT: If it got denied, they couldn't come back next month with the same thing? Shouldn't they be ---

ADAM CUMMINGS: Yeah, you're right. Because it is listed as internally illuminated. But this is more towards Paul (Wanzenried). Would (indiscernible) changeable copy as internally illuminated or is it substantially enough of a change to go from internally LED transmission to internally illuminated changeable copy? I view it as two different technologies. My opinion is they're significant changes -- or significant differences between the two.

FRED TROTT: Because the Legion, they -- there was a changeable copy. It went for a variance for that.

ADAM CUMMINGS: Correct. That is how -- they replaced their changeable copy. That was their old sign. They just wrote in their application -- yes, Paul (Wanzenried)?

PAUL WANZENRIED: You're talking about two different signs.

ADAM CUMMINGS: Exactly.

PAUL WANZENRIED: A monument sign, per code, 550-D5 sign cannot be having an internally illuminated cabinet. A changeable copy, which is 550-A2, and then A4, explains how it can be illuminated -- is allowed to be internally illuminated. A changeable copy can be internally illuminated.

ADAM CUMMINGS: And doesn't have to be a monument sign. It could be a monument sign but doesn't have to be.

PAUL WANZENRIED: Could be. Right.

ADAM CUMMINGS: Who wrote this code?

PAUL WANZENRIED: Try enforcing it. (Laughter.)

ADAM CUMMINGS: I'm just kidding. So we're going to continue on because I do want to get to the other applicants and I also want to continue on with our findings of fact here.

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: I would like to go down this list. You have actually got them in as regulations, but I will recite them so we can see they're conditions, as well.

But the light settings on the sign will be -- sorry -- on the LED portion of the sign will have a minimum setting .3 foot candles measured at a distance of 3 feet.

ERIC STOWE: You said "minimum." Maximum?

ADAM CUMMINGS: Oh, I did say "minimum." Sorry about that.

Don't go back and look at the old decision sheet, Eric (Stowe), because that says, "Minimum." Don't go do enforcement at that Legion sign right now.

Number 2, the sign will be only one color, which will be, as you stated, amber.

Number 3, it will display static images only, one message per day except for in the event of emergency messaging. No rotating, flashing, fades, animations or any other dynamic transitioning.

The sign will not display pictures or live-action images. And the sign lighting will be off between the hours of 11 p.m. and 7 a.m. with the exception of emergency messaging.

Sign permit will also need to be obtained from the Building Department. Any other conditions from the Board?

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

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

1. Sign permit must be obtained.
2. Sign light settings will be set at a maximum of 0.3 foot candles at a distance of 30 feet.
3. Sign will only be one color-Amber tone.
4. Sign will display static images only. No rotating, flashing, fading, or animations. Restrict to one message per day, except for conveying emergency alert messages.
5. Sign will not display picture of live action images.
6. Sign lighting will be off between the hours of 11:00 PM and 7:00 AM, except for conveying emergency alert messages.

The following findings of fact were cited:

1. The sign has similar conditions to another LED sign approved by the Town, which were included in the applicant's submission. This sign will provide a useful messaging platform to inform the public of emergency responses, events, and instructions.

ADAM CUMMINGS: Phil (Supernault), what were your thoughts, why you said "permanent"? Why did you decide to vote "yes" on that application? A reason.

PHIL SUPERNAULT: Oh, I think the public need for the Fire Department and I -- and I do think that especially in emergencies, it is important that the public see those things. Especially that, I guess. And also I think it's -- it's an organization that we -- we need to populate and I think -- they're first responders and probably going forward, they're -- I don't think there's going to be a lot of interest in doing that kind of thing, so I could also see a need where if they have a membership drive or something like that that, that would be an appropriate way to advertise those things, to get -- get the kind of membership they need, those kind of things.

ADAM CUMMINGS: In terms of the sign, anything specific? Actually, Mark (Merry) -- you're the other "no." Sorry. Fred (Trott) and Jim (Wiesner). If you would like me to add something in there for the findings of fact for this one. But for the yes vote.

MARK MERRY: Yes. I didn't think it was an undesirable change that would be produced in the character of the -- I will call it the neighborhood.

ADAM CUMMINGS: The commercial corridor.

MARK MERRY: Commercial corridor.

ADAM CUMMINGS: I would agree. And just to elaborate on that, as it was noted, it is messaging that I think is a sufficient size for how far it is set back off the road with the speeds that go down there. It shouldn't be distracting since we're keeping the lighting toned down, the imaging toned down and it is large enough that people can read it without having to look away for too long. Especially on the approach factors that they will be coming at.

PHIL SUPERNAULT: Just a clarification on Number 2, abiding by the following regulations and I know this -- this may be late, but it says the sign will be only one color. We don't really mean that. We mean the --

ADAM CUMMINGS: Sorry. The illumination.

PHIL SUPERNAULT: The illumination components of the sign will be one color.

ADAM CUMMINGS: Right. Good clarification.

3. Application of Kevin Klim, owner; 47 Christina Drive, North Chili, New York 14514 for a variance to erect a structure (shed) 240 sq. ft. (192 sq. ft. allowed) 5'6" from side setback and 5'6" from rear setback (8' allowed) at property located at 47 Christina Drive in R-1-15 District.

Kevin Klim was present to represent the application.

MR. KLIM: Kevin Klim, 47 Christina Drive.

I'm looking for -- to erect a shed 12 by 20 and the setback and side of 5 1/2 feet.

ADAM CUMMINGS: You definitely have another irregularly shaped lot and since you're on that two -- you're on the corner lot.

MR. KLIM: Right.

ADAM CUMMINGS: Just wanted to make note of that for the record.

FRED TROTT: I'm having a senior moment. Don't you have a pool on your property?

MR. KLIM: Correct.

FRED TROTT: Oh, okay. And then I -- I drove by and looked -- there was like a concrete pad past the pool.

MR. KLIM: Right.

FRED TROTT: That is not where you're putting it?

MR. KLIM: No.

FRED TROTT: I assumed the pad there -- now I'm looking at the picture. I don't see a pool. So I'm ---

ADAM CUMMINGS: So obviously you sketched in the location of it. This is not occurring with your instrument survey?

MR. KLIM: Correct.

ADAM CUMMINGS: Anything else?

PHIL SUPERNAULT: Just a couple of questions. With the size of the lot, I'm just wondering why you want to push it that much closer to the line? Is it -- is it an -- is it a distance thing between the pool and --

MR. KLIM: There is a tree in between the shed and the pool.

PHIL SUPERNAULT: Okay. So there -- I guess I didn't see those trees.

MR. KLIM: One tree.

PHIL SUPERNAULT: There are issues that -- other than simply you want it there?

MR. KLIM: Correct.

PHIL SUPERNAULT: The trees are in the way?

MR. KLIM: Right.

PHIL SUPERNAULT: Okay. And our -- Side Table, our Town, the easement for the storm sewer and the catch basin, any issues there?

PAUL WANZENRIED: No.

ERIC STOWE: Our easement -- it terminates where it terminates. We're not supposed to go beyond that. So it should have -- I'm assuming it's for the catch basin that is there. And we have sufficient distance beyond that catch basin to do whatever we need to and spoils and anything else.

PHIL SUPERNAULT: Thank you. That is all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and 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: Just wanted to point out Monroe County did give us their referral from the Department of Planning and Development and it's a local matter. No surprise there. But thank them for doing their reviews and giving it to us. One condition of approval is the building permit.

MR. KLIM: Okay.

ADAM CUMMINGS: So continue to work with Paul (Wanzenried). I don't have anything else.

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.

Mark Merry made a motion to approve the application with a 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 findings of fact were cited:

1. This lot is an irregular lot. Due to the presence of a pool and a large tree, there was no means to place the shed in a location to avoid the variance requested.
 2. There are several similar structures in this neighborhood, so a substantial change in the character is not expected.
4. Application of Jennifer Raines, owner; 42 Hunting Spring, Rochester, New York 14624 for a variance to erect a pool 5'0" from dwelling unit (10'0" required) at property located at 42 Hunting Spring in PRD District.

Jennifer Raines was present to represent the application.

MS. RAINES: I'm Jennifer Raines at 42 Huntington Spring. I moved into the Chestnut community back in January and there is a Homeowners' Association that has guidelines that ask that the pool be set 20 feet from the back of the lot. With the Town's guidelines asking for 10 feet from the back of the dwelling, I can't fit a pool in there. So in order to fit a pool that I have always wanted in there, I'm asking you for the variance of the 5 feet so I can fit that pool in.

ADAM CUMMINGS: So to be clear, your Homeowners' Association has a back -- or a rear setback requirement?

MS. RAINES: Rear and side.

ADAM CUMMINGS: But this one is being impacted by the rear.

MS. RAINES: Uh-huh. Yes.

ADAM CUMMINGS: Then you're -- or your 5 foot separation is from the deck, not the building --

MS. RAINES: It's technically from -- I have a three-season room. I have a three-season room with it, and that's the 5 feet that we're talking about.

ADAM CUMMINGS: And then you're looking at a 24 foot pool, so really the only alternative you have is a smaller pool.

MS. RAINES: I'm going to a 21 foot in order to -- yes.

ADAM CUMMINGS: But I mean to not even need the variance, you would have to go down to a 15 foot or a 16 foot diameter pool --

MS. RAINES: Yes.

ADAM CUMMINGS: -- to get it.

MS. RAINES: I wouldn't be able to have a pool.

ADAM CUMMINGS: We'll call this a kiddie pool.

MS. RAINES: Or win the lottery and put in an in-ground pool or something.

JAMES WIESNER: So when you moved in the house, were you aware of the Homeowners Association rules?

MS. RAINES: Yes. I looked at it. My lawyer looked at it. My real estate agent looked at it. And my father looked at it. It was November when we -- I bought the house and tons of snow on the ground. Nobody thought that there would be an issue with -- everybody was, "Yep, you can put a pool. All good."

ADAM CUMMINGS: So did you approach the homeowners to get a variance from them?

MS. RAINES: Yes.

ADAM CUMMINGS: They denied?

MS. RAINES: They denied it. I would have to get the bylaws actually changed.

ADAM CUMMINGS: Okay.

JAMES WIESNER: I mean from a legal standpoint, being a Homeowners Association, that isn't something that we recognize.

ADAM CUMMINGS: Right.

JAMES WIESNER: So, un -- it's an unfortunate situation to be in.

FRED TROTT: Could you go with an oval pool?

MS. RAINES: They are a lot more money. Yes. I could. But they are a lot more money. They're a couple thousand dollars to buy it, let alone to get it installed.

FRED TROTT: My only concern is with it being that close to the house, and looking at the house with windows and everything, I worry about kids jumping off the three-season room into the pool and breaking their neck.

MS. RAINES: So I hear -- yes, I hear what you're saying, there is windows in the three-season room. You would have to go out his bedroom to the roof and jump in. He is 15. Yes, he could. You're right. But let's hope that 15-year-old isn't doing it.

FRED TROTT: Trust me. I did it.

MS. RAINES: I get it.

FRED TROTT: Kids are stupid and do stupid things. But I guess that's my biggest concern. I wonder if you should look into that as far as like an oval pool.

MS. RAINES: I did look into it. Like I said, it would cost me a lot more money so I can't get a pool is really what it is.

PHIL SUPERNAULT: So somebody standing on your deck -- I'm thinking -- when we make our decisions, we have to consider not only present ownership but future ownership. So someone standing on your deck is how far from the pool?

MS. RAINES: I don't have a deck. There is no deck yet.

ADAM CUMMINGS: Three-season room.

MS. RAINES: There is a three-season room with sliders and windows.

PHILIP SUPERNAULT: Are there sliders right now that egress to where your pool is going to be?

MS. RAINES: No. The sliders go out to a small deck on either side.

PHILIP SUPERNAULT: So you do have a deck.

MS. RAINES: A small deck. You couldn't jump from the deck to the pool. It's too far away. It would be -- it -- it will be probably almost 10 feet at that point.

MR. SPINDER: The radius of the pool at that point is probably 10 feet.

MS. RAINES: Where the deck is.

PHILIP SUPERNAULT: So if I stand on the present deck -- I'm a child on the present deck -- how far am I from where your pool is going to be?

MS. RAINES: I will say about 10 feet. Because there will be a deck -- there will be something, a deck or patio, something leading to a deck to get to the pool. So the pool will be over more in front of the three-season room where the windows are.

PHILIP SUPERNAULT: A deck around the pool also?

MS. RAINES: Not around the pool. Just at the one side of the pool.

PHILIP SUPERNAULT: If I'm standing on the deck on either side of your addition -- there is no -- there will be no deck there that I can --

MS. RAINES: No.

PHILIP SUPERNAULT: Just looking at the side of the pool and ground?

MS. RAINES: Right. Yes -- there be -- yes. There will be a walkway in between there.

PHILIP SUPERNAULT: Okay. Thank you.

MS. RAINES: From the deck area.

FRED TROTT: I have another question. If you put the pool -- you say that the Homeowners Association says you can't build past that 20 foot setback. What happens if you did?

MS. RAINES: I don't know that my neighbors want to sue me -- I guess? That is what they keep telling me. The Homeowners' Association can sue me for not following the guidelines if they want to come over with a ruler and measure. So yes, I don't -- I could take the chance and do it, but I'm trying to ---

ADAM CUMMINGS: We're not condoning you to do that.

FRED TROTT: No, I'm not suggesting that.

ADAM CUMMINGS: Yes, you did. You just did.

FRED TROTT: Well, theoretically. I didn't know if it was like the GEICO commercial --

PHILIP SUPERNAULT: We need a lawyer objection.

ADAM CUMMINGS: I'm just going to end it there. It does label it as common area, so I believe the Homeowners Association most likely, but that is so the common people don't have even -- so the common area doesn't have things encroaching on it.

MS. RAINES: Exactly.

ADAM CUMMINGS: Side Table, anything to add?

ERIC STOWE: I don't think we got the gentleman's name that was speaking.

MR. SPINDER: My name is Mark Spinder. I'm her father.

ADAM CUMMINGS: Same -- we'll say the same address.

MR. SPINDER: No, no. She lives there with her -- my grandson. Two of them live in the Town of Gates. 40 Rogers Drive.

PAUL WANZENRIED: If you're concerned about the distance between the structure and the pool, the code -- the building code mandates that you have to have a 4 foot barrier at least 3 feet away from the pool.

ADAM CUMMINGS: In terms of height?

PAUL WANZENRIED: In terms of height. Okay? If -- if this became a code issue or if we were concerned about safety and the placement of the pool, more than likely we would make the resident alarm the windows of the sunroom such that if one was open, it would trigger a noise. If it fell within the 3 foot distance.

ADAM CUMMINGS: And they still need -- pools these days require pool alarms anyway?

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: If the water is disturbed --

PAUL WANZENRIED: Correct.

And the topography of her lot also slopes towards the common area, away from the house, or away from the structure, that is.

ADAM CUMMINGS: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Adam Cummings 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, you will have to get a pool permit.

MS. RAINES: Yes. Yep.

ADAM CUMMINGS: So I will do SEQR.

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

James Wiesner made a motion to approve the application with one condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: Fred (Trott), a reason for your no vote?

FRED TROTT: Two reasons. I'm concerned about somebody jumping off the three-season roof. I think it's a little too close. Especially with it being an above-ground pool. And also the -- I feel it could be remedied by having an oval pool.

ADAM CUMMINGS: So you're saying there is alternative means to --

FRED TROTT: Yes.

ADAM CUMMINGS: -- minimize or eliminate the variance?

FRED TROTT: Yes. Jim (Wiesner)?

JAMES WIESNER: I mean, I feel it is self-created. Not her fault, but when you accept a Homeowners' Association, you accept the covenants that come with it, whether you like it or not unfortunately. And there seems to be plenty of room back there to move it back. It -- you know, the Homeowners' Association's legal restraints are holding her back.

PHILIP SUPERNAULT: Safety is my number one concern. Proximity to the house, living quarters. And future precedent as far as we're concerned. It is really close.

ADAM CUMMINGS: Did you say "future precedence"?

PHILIP SUPERNAULT: Establishing precedent on our part.

ADAM CUMMINGS: Each application is on its own so I can't say --

PHILIP SUPERNAULT: I realize that formally, but...

ADAM CUMMINGS: Eric (Stowe), is that sufficient for me to give a findings of fact?

ERIC STOWE: I think -- self-created hardship, the safety.

ADAM CUMMINGS: And the -- I got it down as covenants from the HA is also -- nothing for the Town, but it's a restriction that --

ERIC STOWE: It's not relief solely based on Town restrictions.

ADAM CUMMINGS: Exactly. Okay. Sorry about that.

MR. SPINDER: Can I say something or is it too late?

ADAM CUMMINGS: The vote is over.

MR. SPINDER: Okay.

DECISION: Denied by a vote of 3 no to 2 yes (Mark Merry, Adam Cummings) with the following findings of fact:

1. The hardship was self-created, as the applicant stated that they knew and understood the HOA restrictions.
 2. There was a significant concern for public safety due to the close proximity of the pool to the main structure.
5. Application of Michael Lambert, owner; 627 Morgan Rd., Scottsville, New York 14546 for a variance to erect a pole barn to be 61.5' from Stottle Road (front setback 100' required), to be 44.6' from east property line (50' side setback required) and for the proposed structure (pole barn) to be 5,376 sq. ft. in total (3,840 sq. ft. proposed and 1,536 sq. ft. pre-existing) at property located at 627 Morgan Road in AC District.

Michael and Sandy Lambert were present to represent the application.

MR. LAMBERT: Mike Lambert, 627 Morgan Road, Scottsville New York, looking for a variance to erect a pole barn.

ADAM CUMMINGS: You don't have anything showing what the building might look like by any chance?

MR. LAMBERT: No, I don't. To be honest with you, Frank Burns erected one on Scottsville Chili Road here about a year or so ago and it's the exact same building he put up.

JAMES WIESNER: So a quarter of it is actually not -- is actually the overhang by the looks?

MR. LAMBERT: Pardon?

JAMES WIESNER: About a quarter of it is the overhang. It's not actually part of the storage area?

MR. LAMBERT: Yes. Correct.

MARK MERRY: So, sir, driving by your property, it appears as though you have a very large structure on there today.

MR. LAMBERT: I do.

MARK MERRY: And you -- you simply have run out of room for stuff and that's why you're looking for another substantial structure?

MR. LAMBERT: Right. Well, the existing barn there is an old horse stable and it's very narrow. You can't get any vehicles in there. You can get a medium to a small car in there, but with the columns on the inside of the building, you can't even open the doors without hitting the doors.

It has a low ceiling in it. And I can't even drive my pickup in there without hitting the roof on it. So it's a little tough, you know. It -- that was the old horse stable for the old checkered corners when they had the tavern there. That's the original barn. So not a whole lot I can do with it to get in there.

MARK MERRY: So what are you looking to store in the proposed pole barn, sir?

MR. LAMBERT: I have a couple of off-road jeeps to go four-wheeling with. I have an old Bronco my son and I restored. A mini excavator. A couple of trailers. I have a lot of stuff that I would like to get in out of the weather.

MARK MERRY: Is there no option for you to make modifications to the existing barn to help accommodate any of that equipment?

MR. LAMBERT: Not really. I don't know how you would do it the way it's built, you know. It is kind of a post and beam and it's all solid 12-inch beams, you know, the way it is built. I don't now know how you could even rebuild it to make that happen.

MARK MERRY: Okay. Thank you.

MR. LAMBERT: I really don't want to tear the old barn down. It is in pretty good shape.

MARK MERRY: It looked like it was in good shape.

MS. LAMBERT: Can I make a comment? I'm Sandy Lambert.

MR. LAMBERT: My wife.

MS. LAMBERT: The 1500 square feet that they're talking about is including up above. Which you can't put a car up there and you can't put, you know -- his Bronco has big tires so you have to take the tires off to fit it into the barn and they're almost flat by the time you get there. So that is just what I wanted to throw in.

MARK MERRY: Thank you.

ADAM CUMMINGS: I would like to confirm, it says that you is got 2.5 acres.

MR. LAMBERT: I believe that.

ADAM CUMMINGS: Thank you.

FRED TROTT: Where would -- you have such an odd-shaped lot. I'm trying to figure out, where would the building be placed?

MR. LAMBERT: It's right there on the map. If you have the map there.

ADAM CUMMINGS: Okay.

FRED TROTT: Okay. Where is the existing barn?

MR. LAMBERT: That's the one in the middle.

FRED TROTT: The one in the middle. Okay.
I didn't bring my reading glasses.
MR. LAMBERT: It's an awful odd-shaped lot.
MS. LAMBERT: He grew up in this house. This house has been in the Lambert family for like 60 years or so. His mom and dad had it and they bought it from them.
FRED TROTT: I had another question, I guess, for the Side Table. This is in an AC zone?
ADAM CUMMINGS: Yes.
FRED TROTT: I thought they didn't ---
ADAM CUMMINGS: He is an undersized lot.
FRED TROTT: Oh, that is right.
ADAM CUMMINGS: Nonconforming lot.
FRED TROTT: No other questions.
PHILIP SUPERNAL: I guess as an aside, I was former Chair of the Historic Preservation Board and I interviewed you about your barn.
MR. LAMBERT: You did.
PHILIP SUPERNAL: And we would hate to see you tear that barn down.
MR. LAMBERT: I'm sure you would.
PHILIP SUPERNAL: I'm a past member. I would like you to keep it as it is.
MR. LAMBERT: I would, too.
PHILIP SUPERNAL: You have done a good job with the barn.
MS. LAMBERT: It was in the Book of Barns.
PHILIP SUPERNAL: Yes. I placed it in our Book of Barns.
ADAM CUMMINGS: Anything about the new barn?
PHILIP SUPERNAL: No. I looked it over. I really don't have any issues with it. And I -- I didn't realize the constrictions that you were working with -- with the old barn. So I -- so I appreciate that, your concern there.
ADAM CUMMINGS: They didn't have mudding trucks back when they built that barn.
MR. LAMBERT: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEPHEN LYNCH, 621 Morgan Road

MR. LYNCH: Stephen Lynch, 621 Morgan Road. I have been a neighbor of Mike and Sandy's for about 38 years and his -- I live on the east side of his property line. I have nothing but good things -- about the whole project -- good things to say. Everything is positive. I have no objections whatsoever. Mike and Sandy (Lambert) have been great neighbors and we're going to continue there for another 38 years. So no objections whatsoever.

ADAM CUMMINGS: Thank you. Very rare we do get the public, so it is nice to have two people speak tonight. Thank you.

DAVID LINDSAY: We're neighbors that stick together.

ADAM CUMMINGS: All right.

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

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

ADAM CUMMINGS: One condition of approval, get a building permit.

One other one from Monroe County, just make sure that you do not alter existing drainage facilities used by adjacent parcels because you're in an Agricultural District.

MR. LAMBERT: Right.

ADAM CUMMINGS: So I will declare the Zoning Board lead agency and based on information and evidence presented at this hearing -- actually, one thing I want to make sure I talk to the Board on this.

I like the way Paul (Wanzenried) wrote this one. I didn't separate these all out because I viewed it as a simple application, but if the Board wanted me to split these up, I can, to be a front setback, a side setback and a total square footage or keep them all one with one decision.

FRED TROTT: One decision is fine.

MARK MERRY: One is fine at this point.

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

Philip Supernault made a motion to approve the application with a 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 findings of fact were cited:

1. The adjacent neighbor stated no objections to the proposed structure.
 2. The proposed square footage was achieved with the inclusion of multiple floors. The building footprint was minimized compared to a structure with the same square footage, but that larger footprint due to only a single floor.
6. Application of David Anderson, 84 Betwood Lane, Rochester, New York 14612 owner; 36 Chestnut Ridge Rd., Rochester, New York 14624 for a variance to erect a 28x30 garage 22' from rear setback (30' required) at property located at 36 Chestnut Ridge Rd in R-1-12 District.

David Anderson was present to represent the application.

MR. ANDERSON: Good evening. I'm Dave Anderson. I live at 84 Betwood Lane, Rochester, New York 14612.

I'm here to discuss the matter of building an -- extending on the existing building that is 12 by 28 that would be staying 28 feet deep and extending towards a small home in the back of the property, another 18 feet. And the -- the current building has been there, I believe, since the mid-'40s. It has, I believe, around -- I think it's about an 18 foot setback -- or setback and the Town requires 30.

ADAM CUMMINGS: Yep.

MR. ANDERSON: So I'm not looking at moving the building any further -- closer to the property line. I'm going the other direction. But because it is there, I have to be here for that variance.

ADAM CUMMINGS: Got you. Thank you.

JAMES WIESNER: I have to admit, I found the most interesting thing about the application was there two houses on property. For all of the years I have driven by, I never realized that. So I don't have any questions.

MARK MERRY: Pretty substantial request here this evening. What is this building going to be used for?

MR. ANDERSON: So my current tenants -- I have three homes in a row. They have no storage whatsoever. There is no basements. So they have nowhere to keep their summer things, winter things. There is no attics. Their rooms, they're old Cape Cods. I have never been able to afford them any kind of storage for lawn mowers. I maintain the property. So I have tractors and I'm continuing -- continuously working on the properties. So what I have had to do in the past, move stuff around to get projects and then bring it back after I'm done constructing it. It's kind of been where I'm limited to weather, which, of course, I'm -- it would be nice to be able to have -- if I have to build -- you know, do a window jam or work on, you know, reglazing a window, I can bring it in somewhere dry, work on it and go to put it into the home. So that is what it is used for.

MARK MERRY: Okay. Thank you.

FRED TROTT: I have no questions, but I do have a question. Do you know the history behind this, why the houses were behind there?

MR. ANDERSON: Well, the only thing I was told, when I bought them, was at some point in time, that back house was a garage. Long --

FRED TROTT: There is like three or four of them.

MR. ANDERSON: There is. It's like a little cottage. There is one right next to me. And -- and that's really -- when I talked to an elderly woman that has since passed away that was right next to the Wilson Farms that was on the other side of the road, she said back long ago, those were -- those were garages. Like they were -- they were little -- I don't know. She -- I think she had more history on it, but I could never get a definitive answer because it's a very tiny, small house, you know.

FRED TROTT: Thank you.

MR. ANDERSON: I don't know the answer, the correct answer.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 would be need for a building permit.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be 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 a condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

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

1. Building permit must be obtained.

The following finding of fact was cited:

1. The location of this structure will not intrude on neighboring properties nor will it block any view sheds of the neighbors.
7. Application of Jason Peiscynski, 28 Gateway Rd, Rochester, New York 14624 owner; for a variance to erect a structure (shed) of 239 sq. ft. (192 allowed) and for preexisting shed to be 5.7' from rear setback (8' allowed) at property located at 28 Gateway Road in R-1-15 District.

Jason Peiscynski was present to represent the application.

MR. PEISCYNSKI: Good evening. Jason Peiscynski, 28 Gateway Road, 14624. I'm looking for a total shed space at 239 where 192 is allowed. The new shed is 19 by 10 which is 190, which is right under for a variance. So I just would need a permit for that.

But I didn't realize that the one that is 7 by 7, which is 49 square foot, that put me over. That was grandfathered in. That was there. The new shed is 8 feet from the property. The one that was there, the 7 by 7, is 5'7" from the property line, which was already there.

ADAM CUMMINGS: Okay. And that existing 7 by 7 has been fixed?

MR. PEISCYNSKI: I would like to.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KAREN LOVERING

MS. LOVERING: I like your shed. The new one. The nice one. It's very nice.

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

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

ADAM CUMMINGS: You will need to get a building permit. The one condition of approval will be the need for a building permit. I don't have anything else.

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.

MR. PEISCYNSKI: Quick question? Do I still need a building permit even though it is already premade? Yes? Correct? I am not going to build it.

PAUL WANZENRIED: Wait, the 190? Yes. Believe it or not, yeah.

ADAM CUMMINGS: Yeah.

MR. PEISCYNSKI: Okay.

PAUL WANZENRIED: Sorry. I thought you were talking about the existing.

ADAM CUMMINGS: The existing one is under it.

You already corrected me once tonight about the square footages.

MR. PEISCYNSKI: So I have to -- filed a permit. Then I got a variance.

ADAM CUMMINGS: So you did it right. Because you filled out the building permit application. They denied you because you need a variance. So now you go back to them to complete the building permit. You, in essence, correct the rejection you did because you needed the variance.

PAUL WANZENRIED: If -- if you filled out your building permit, and you submitted it to me, then it is just in a hold bin back in the office. So I will go back and look for it tomorrow and resurrect it.

MR. PEISCYNSKI: I believe I did that first.

ADAM CUMMINGS: You did.

PAUL WANZENRIED: Then I have it back in the office. If I don't have it, I will give you a call.

ADAM CUMMINGS: To clear up the confusion, you have to fill that out first before you come to us. If you don't fill that out, you can't come to us. Because he has to deny it first. He is holding it until we decide tonight and then if it is granted, variance is granted, then you're already done. He just takes it out of the holding pattern.

MR. PEISCYNSKI: I didn't realize because when I ordered the shed, it was -- 20 by 10

inches would be 200, and then I cut a foot off it so I could just get the permit, 190, just 2 feet under, but then I didn't realize that the other one there put me over so I could have got the 25.

ADAM CUMMINGS: Yeah. Too bad you cut the foot off. Can't add it back on. A little bit of glue. (Laughter.)

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

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

1. Building permit must be obtained.

The following findings of fact were cited:

1. There have been no complaints related to the location of the existing shed, which has been there for several years.
2. This variance is not substantial, as it is only a 20% increase.

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 8:15 p.m.