

CHILI ZONING BOARD OF APPEALS
May 25, 2021

A meeting of the Chili Zoning Board of Appeals was held on May 25, 2021 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Adam Cummings.

PRESENT: Mark Merry, Fred Trott, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

Chairperson Adam Cummings declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Board members, any issues with any signs?

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

1. Application of Herbert Bond, Jr., owner; 12 Trestle Trail, North Chili, New York 14514 for a variance for area of accessory structure(s) (sheds) to a total of 360 sq. ft. (120 sq. ft. existing & 240 sq. ft. proposed) (192 sq. ft. allowed) at property located at 12 Trestle Trail in PRD, FPO District.

Herbert Bond was present to represent the application.

MR. BOND: Herbert Bond, Jr., 12 Trestle Trail, North Chili, New York.

ADAM CUMMINGS: This has been deemed a local matter from the Monroe County Department of Planning and Development and I do have an Agricultural Data Statement on file. He already has one shed.

FRED TROTT: I had a question. It looks like you're in a flood plain?

MR. BOND: Yes.

FRED TROTT: Does that have to get approved by anybody?

PAUL WANZENRIED: Yes. Flood Plain Administrator Dave Lindsay has already looked at this. It is inaccurate. The map is inaccurate. He is not in.

FRED TROTT: I notice there was a gap in between the two sheds. Is there a reason for that?

MR. BOND: I didn't know there was a gap. I was going to put them together.

FRED TROTT: You're putting them all together?

MR. BOND: Yes.

FRED TROTT: Still 8 feet from the side lot line?

MR. BOND: Yep.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: One condition, you will have to get a building permit for this.

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: I had to check on square footage. So just continue working with Paul (Wanzenried).

MR. BOND: I will.

ADAM CUMMINGS: As he testified there, he's already told you.

MR. BOND: Thank you. I appreciate it.

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.

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

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

1. Building permit is required prior to commencement of construction.

The following finding of fact was cited:

1. Proposed variance will not hinder any viewsheds of neighboring properties and similar structures exist on other properties in the vicinity.
2. Application of Kenneth & Lisa Kellerson owner(s); 396 Stottle Road, Scottsville, New York 14546 for a variance to erect a structure (pole barn) 10' from south side property line (50' required) at property located at 396 Stottle Road in PRD District.

Kenneth and Lisa Kellerson were present to represent the application.

MR. KELLERSON: Ken Kellerson, 396 Stottle Road.

ADAM CUMMINGS: This one is for a pole barn, 10 feet, over on Stottle Road.

Questions?

JAMES WIESNER: Just getting into the application. I don't think I do.

ADAM CUMMINGS: There has been a few of those on Stottle Road where they're pretty narrow lots and it maintains that you have to have 50 feet. And these detached structures make it a little more difficult to maintain that.

No questions?

JAMES WIESNER: So essentially you're aiming it to the driveway, so just treating it like it will be a garage for you then?

MR. KELLERSON: Yes. Basically for my tractor. I have a tractor and some equipment, yes. But it's not going to be a garage for like cars. Just for my tractors and stuff.

JAMES WIESNER: What prevents you from moving it over more to the center of them?

MR. KELLERSON: I have a septic system we had mapped out. So we're trying to keep from getting too close to the septic.

JAMES WIESNER: Obviously on the far side of the house is too far away.

MR. KELLERSON: It's a -- it's a steep hill.

JAMES WIESNER: There is a drop-off over there?

MR. KELLERSON: It's a good drop-off.

JAMES WIESNER: That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: One condition, just like the last one, you will have to get a building permit, so continue working with Paul (Wanzenried) in the Building Department.

JAMES WIESNER: The County just had one comment?

ADAM CUMMINGS: Yes. One substandard -- or one of substance. Yep. The big one is the wetlands.

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.

ADAM CUMMINGS: Ask for motion to adopt with one condition.

Philip Supernault 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.

JAMES WIESNER: Did you say there were conditions?

ADAM CUMMINGS: One. The building permit.

JAMES WIESNER: The one comment was they needed an Article 24 -- or may need an updated Article 24 permit.

ADAM CUMMINGS: Right.

JAMES WIESNER: That is up to -- who decides that?

ADAM CUMMINGS: That would be more Dave Lindsay and the wetland -- well, he is not the Wetland Permit Administrator. He would be more of the flood plain -- I guess I will point this over to Paul (Wanzenried). With the close proximity to the house -- I don't have a wetland map in here -- but as the applicant said, there is a steep drop-off to the north of this. That's more than likely where the wetland would be located. This is upland of it.

PAUL WANZENRIED: Right.

ADAM CUMMINGS: So I don't see any probability. I don't have the map in front of me here, but the likelihood of a wetland appearing where this location is --

JAMES WIESNER: It is not showing on the map at all.

ADAM CUMMINGS: The County won't do that. They just look at the entire parcel. They won't look at where the structure is being placed.

PAUL WANZENRIED: DOT directs the applicant to contact the DEC permit Administrator. So if you want to make that a condition, you can do that.

ADAM CUMMINGS: Would you like to, Jim (Wiesner)? Is that what -- would you like to put that in as a condition to make them go to --

JAMES WIESNER: Yes. I don't think that would be a bad idea.

FRED TROTT: Are there wetlands on your property?

MR. KELLERSON: Farm where we're putting the shed up -- the farm is right next to us. That is where we're putting the shed. The farmland comes up to -- there must be a drainage ditch right there. I don't know if it is wetlands. I know if you go farther back, there is wetlands behind our house and to the left.

ADAM CUMMINGS: Which would be to the northeast?

MR. KELLERSON: To the north, yes. But we're -- we're putting --

FRED TROTT: There is a drop-off there.

MR. KELLERSON: All of the soil was brought in. We're raised. So we're not at grade level.

JAMES WIESNER: I don't know that much about it to really know what -- I guess the big thing is obviously he is not supposed to build near it or on it.

PHILIP SUPERNAULT: What is --

PAUL WANZENRIED: Look at that during the permitting process, as well. If they need a flood plain permit, Dave Lindsay will --

JAMES WIESNER: I think we have discussed this well enough.

ADAM CUMMINGS: I'm trying to bring it up on the map real quick.

PHILIP SUPERNAULT: What is size of your lot?

MR. KELLERSON: This -- the front, it is 276 by 12 -- 12,022?

PAUL WANZENRIED: About 7 acres.

PHILIP SUPERNAULT: Sorry. Didn't hear that.

FRED TROTT: 7 acres. 7.4.

PHILIP SUPERNAULT: 7.4. Thank you.

FRED TROTT: No. I'm sorry. 4 -- 4 -- right? 7?

MS. SMITH: 7.4.

MR. KELLERSON: I don't think it is 7.4. I think is it a little under. We -- there was a survey before we -- the numbers were wrong on it. So we brought a new one in.

PAUL WANZENRIED: Sometimes they -- depends if they go centerline of the road or the right-of-way.

JAMES WIESNER: It is -- what the comment is, it says "For further information, applicant should contact New York State DEC Permit Administrator."

ADAM CUMMINGS: The mapping is not working from the DEC right now. So how about if we -- we'll mark that down as a condition to refer you to check on the DEC wetland mapping to see if a wetland permit is required.

MR. KELLERSON: We do have the map and the -- and the phone number to call.

ADAM CUMMINGS: Okay.

JAMES WIESNER: So the applicant gets a copy of that, as well, from the County?

MR. KELLERSON: I think I got that, yep. Yep. Got it right there (indicating).

ADAM CUMMINGS: And this is to confirm that you don't have it in the proximity of your building. We'll be sure to put that with the project file here.

MR. KELLERSON: All right.

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

1. Building permit must be obtained prior to construction.

The following findings of fact were cited:

1. Proposed variance will not hinder any viewsheds of neighboring properties and similar structures exist on other properties in the vicinity.
2. Additionally, the location of the septic system prohibits placement of structure in central area of property.
3. Application of Donald Zimmerman, owner; 28 Etherington Crescent, Churchville, New York 14428 for a variance to erect a structure (shed) 240 sq. ft. (192 sq. ft. allowed) at property located at 28 Etherington Crescent in R-1-20 Incentive Zone District.

Donald Zimmerman was present to represent the application.

MR. ZIMMERMAN: Donald Zimmerman, 28 Etherington Crescent, 14428.

ADAM CUMMINGS: All right. Do you have any questions? This one is pretty

straightforward with a shed that is a little bigger than our code.

MARK MERRY: The reason for the larger shed size, sir?

MR. ZIMMERMAN: No reason in particular. Just everybody I talked to told me to go a little bit bigger if you could, so they said you might need the space down the road.

MARK MERRY: Do you have any comparable sheds that size in your neighborhood?

MR. ZIMMERMAN: I would say so. There is a few decent size. I not sure exactly what size, but I have seen a few big ones in there -- or bigger ones, I would say.

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. The Board unanimously approved the motion.

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

ADAM CUMMINGS: Size of this one will need a building permit, so continue to work 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.

ADAM CUMMINGS: Motion to adopt the application?

James Wiesner made a motion to approve the application with one 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 is required prior to commencement of construction.

The following finding of fact was cited:

1. Similar properties in this area have detached structures.
4. Application of William Wolski, owner; 11 Mapleton Drive, North Chili, New York 14514 for a variance to erect a structure (detached garage) 1640 sq. ft. (1200 sq. ft. proposed & 440 sq. ft. exist) (1200 sq. ft. allowed) at property located at 11 Mapleton Drive in R-1-15 District.

William Wolski was present to represent the application.

MR. WOLSKI: Yes. I'm William Wolski, 11 Mapleton Drive, North Chili.

ADAM CUMMINGS: Thank you.

All right. Jim (Wiesner), any questions?

JAMES WIESNER: The only thing that came to mind was the map with the house on it -- there is room -- it is going to be behind the house -- there is room to get around the house and get to the back where this --

MR. WOLSKI: Yes. The intention is about an 8 foot wide drive -- asphalt driveway down the side -- west side of the house, in the backyard to this garage. And -- and there is more than double that width to the lot line. I'm talking about on the side of the house where the -- where the asphalt would be.

JAMES WIESNER: I'm trying to remember, because there were two houses, the applications that were fairly close together. There was one house that had a lot of vegetation and trees behind it.

MR. WOLSKI: That's mine.

JAMES WIESNER: That's your house?

MR. WOLSKI: Yes. Basically this building would be in that area with the trees.

JAMES WIESNER: So it wouldn't be visible.

MR. WOLSKI: No.

JAMES WIESNER: Very visible around all that vegetation?

MR. WOLSKI: No.

JAMES WIESNER: Okay.

MARK MERRY: Would you keep the existing building if you're going to build something of that size, in that neighborhood?

MR. WOLSKI: Well, the existing building is attached to the house. It's part of -- there is a two-car garage and the house. And this would be in addition to that.

MARK MERRY: So you need something of that size along with that?

MR. WOLSKI: Yes. Because as it is right now, the two-car garage is just large enough to put two cars in there. So when I want to mow the lawn, I have to back the cars out. I have a snowblower in there. I have, you know, an air compressor and so forth. By the time I can move

some of that equipment out of there to make that an easier garage to deal with, some of that equipment will be in this new structure.

MARK MERRY: Is there anything comparable in size to this?

MR. WOLSKI: There are three pole barns in my neighborhood. Two of them are on Parkway and one of them is at the corner of Gilead Hill and King Road.

MARK MERRY: Okay. Thank you.

MR. WOLSKI: Okay.

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. The Board unanimously approved the motion.

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

ADAM CUMMINGS: You will need a building permit for this one with the Building Department, so please continue to work with them. That will be one condition of approval.

MR. WOLSKI: Okay.

PAUL WANZENRIED: He will have another condition -- he will need an easement release. If he drives that driveway through that easement-- or that drainage ditch.

MR. WOLSKI: Oh. How we were going to handle that, we were going to put a culvert just in the short section of --

ADAM CUMMINGS: And that you will still continue to work with --

MR. WOLSKI: With the Building Department.

PAUL WANZENRIED: Still working with us.

ADAM CUMMINGS: That's not for us here tonight.

MR. WOLSKI: I understand that, but that was -- that hadn't been overlooked. That was the intention of how that issue would be handled.

ADAM CUMMINGS: Got you.

JAMES WIESNER: Right now the drainage is buried?

MR. WOLSKI: No. It's -- it's just basically an open ditch, maybe only about this deep (indicating), and, you know, it is filled with grass. It just kind of goes out like this (indicating), so the idea would be a culvert pipe with some covering over it, so you couldn't -- you could go into the garage from that. And the garage would be set back 10 feet from the edge of the -- the easement. Not 10 feet from the center, but 10 feet from the edge.

ADAM CUMMINGS: Right. Understood. And David (Lindsay) will work with you on that and Paul (Wanzenried), too. Just make sure there is no obstructions or anything that contracts the flow that there is there.

PHILIP SUPERNULT: Paul (Wanzenried), that is your purview?

PAUL WANZENRIED: What part of it is my purview, Phil (Supernault)? What job are you saddling me with now? (Laughter.)

JAMES WIESNER: So would that be a condition?

PAUL WANZENRIED: No. It would be -- Dave Lindsay and I will probably go out and walk it and make sure everything --

ADAM CUMMINGS: There are components of this I'd like to leave out, just making sure he puts in easement relief and works pretty much with the Town Engineer.

PAUL WANZENRIED: If it's a condition, I have some enforceability to it, so.

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 with two conditions?

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

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

1. Building permit is required prior to commencement of construction.

The following findings of fact were cited:

1. The requested variance is not significant since there are several, larger structures in the area. Similar properties in this area have detached structures like this in the area.
2. Additionally, this structure is far away from any neighboring structures on adjacent properties.
5. Application of John & Marjorie Nau, owner(s); 7 Mapleton Drive, North Chili, New York 14514 for a variance to erect a structure (detached garage) 1274 sq. ft. (768 sq ft.

proposed & 506 sq. ft. existing) (1200 sq. ft. allowed) at property located at 7 Mapleton Drive in R-1-15 District.

John and Marjorie Nau were present to represent the application.

MR. NAU: John Nau. This is my wife, Marjorie Nau. It's 17 Mapleton Drive. We have some letters from all my immediate neighbors supporting this project.

ADAM CUMMINGS: We have a letter signed in support of -- this is from 9 Mapleton Drive, 15 Mapleton Drive, 5 Mapleton Drive, 11 Mapleton Drive and 8 Gilead Hill.

Jim (Wiesner), any questions?

JAMES WIESNER: So --

ADAM CUMMINGS: So what prompts them above it, is that they're doing a detached garage, so when you add that on, the square footage added with the existing garage that will remain attached to the house --

JAMES WIESNER: There is actually three structures being added here.

ADAM CUMMINGS: True.

JAMES WIESNER: The garage, something in the back which looks like a screened-in porch maybe?

MR. NAU: There is -- I don't know what to call it. A recreational building. It's like a detached deck, detached screened in deck.

MS. NAU: It was previously approved.

JAMES WIESNER: The new one will be the third one.

MR. NAU: There is an existing shed which will be removed.

JAMES WIESNER: So we're calling the garage --

PAUL WANZENRIED: The photos, Mr. Wiesner, are of the existing shed there. That's going away. You can see the screened-in porch to the left there.

JAMES WIESNER: Yep.

PAUL WANZENRIED: So they're taking down that shed and erecting their request.

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

FRED TROTT: You said the construction is for a collection of old cars.

MR. NAU: We have two Mustangs.

FRED TROTT: What years?

MR. NAU: One is '65 and one is '06.

FRED TROTT: Very nice. No questions. I'm a car guy.

PHILIP SUPERNALD: So the existing structure framed shed is --

ADAM CUMMINGS: Going away.

MR. NAU: Yes.

FRED TROTT: They're building on the same spot.

PHILIP SUPERNALD: You're building on the same. Okay. That was my only question.

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. The Board unanimously approved the motion.

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

ADAM CUMMINGS: This one will need a building permit, so please continue to work with them over there at 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.

ADAM CUMMINGS: Motion to adopt?

Philip Supernault 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.

JAMES WIESNER: This actually has a drainage easement, too. This is outside of the drainage easement.

MR. NAU: Outside of the drainage easement, yes.

ADAM CUMMINGS: Correct. He is not having a driveway or any obstructions with that one.

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

1. Building permit is required prior to commencement of construction.

The following finding of fact was cited:

1. Proposed variance will not hinder any viewsheds of neighboring properties and similar structures exist on other properties in the vicinity.
6. Application of Paul Bianchi, owner; 22 Chestnut Ridge Road, Rochester, New York 14624 for a variance to A) erect a structure (shed) 392 sq. ft. (192 sq. ft. proposed & 200 sq. ft. existing) (192 sq. ft. allowed); B) 5'-6" from side yard setback (8' allowed) at property located at 22 Chestnut Ridge Road in R-1-12 District.

Paul Bianchi was present to represent the application.

MR. BIANCHI: Paul Bianchi, 22 Chestnut Ridge Road.

ADAM CUMMINGS: Jim (Wiesner), any questions?

JAMES WIESNER: No, I don't have any.

FRED TROTT: Your -- if I'm correct, you're replacing the garage?

MR. BIANCHI: Yes. We're replacing the garage. Putting a shed in its place, smaller, right on top of the existing foundation.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: One condition of approval is to get a building permit from 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.

ADAM CUMMINGS: Motion to adopt?

Fred Trott made a motion to approve the application with one 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 is required prior to commencement of construction.

The following finding of fact was cited:

1. Proposed variance will not hinder any viewsheds of neighboring properties and similar structures exist on other properties in the vicinity.
7. Application of Amchar NY Range, 100 Air Park Drive, Rochester, New York 14624, TDE New York LLC owner; for variance to erect a structure (generator) 4'-9" from front yard setback (60' allowed) at property located at 100 Air Park Drive in GB District.

Anthony DiChario was present to represent the application.

MR. ANTHONY DICHARIO: Good evening, again. Anthony DiChario, President and CEO of AmChar, New York. We're here for a setback variance, I believe it is --

ADAM CUMMINGS: Yes.

MR. ANTHONY DICHARIO: -- for the generator.

ADAM CUMMINGS: Yes. And to clarify on this one, it is because of the strange configuration of the flag lot. So it has been interpreted that the front is the front part of the flag, because of the dedicated right-of-way of the cul-de-sac that it comes off of.

So if you notice on the map or on that aerial photo, that's why it is drawn right to the corner -- near the corner of the building. Which what we're here for today is -- within that short distance, even though it is quite a distance away from the road.

JAMES WIESNER: There was one comment from the County which says the Clerk of the Board shall provide written notice to the neighboring municipality.

ADAM CUMMINGS: I didn't see that one. Where is that one?

JAMES WIESNER: Number 2.

ADAM CUMMINGS: Oh. That's referral to the County.

Eric (Stowe), wouldn't that be part of the referral to the County Planning Board? Which I thought was already done. Because I think it would have already been referred to the County if the County responded.

JAMES WIESNER: Then we would have gotten a copy of it.

ADAM CUMMINGS: Right.

JAMES WIESNER: That's the only comment I have.

FRED TROTT: The -- what type of generator are you having? Will it be a quiet sound, the quiet exhaust?

MR. ANTHONY DICHARIO: Generac. It is augmented for the range, so that it gives us a positive so that the police departments will have constant power if there is an outage or anything like that. Emergency back-up generator for the power.

FRED TROTT: Yes. Some have different sound exhausts, like, you know -- ones that are like a cell tower that is a mile way from everybody and they're loud.

MR. ANTHONY DICHARIO: Pretty quiet, because it runs on gas. It's a generator. It's not really a big deal.

ADAM CUMMINGS: But it will have an enclosure around it, correct, that Generac provides? It's not an open engine?

MR. ANTHONY DICHARIO: Yes. It's all a complete system. Actually, the generator itself doesn't obstruct that setback. It is just the foundation of it -- of the -- the footer of the generator.

ADAM CUMMINGS: Yes.

MR. ANTHONY DICHARIO: It is just over by 6 inches, is the way I understand it.

ADAM CUMMINGS: Got you.

UNIDENTIFIED SPEAKER: I have a picture if you want to see it.

ADAM CUMMINGS: I'm all set, unless Fred (Trott) wants to see it.

FRED TROTT: I'm all set.

JAMES WIESNER: Actually, I think it was sitting in the parking lot, wasn't it?

MR. ANTHONY DICHARIO: Yes.

ERIC STOWE: Electronic method is sufficient under 239(N)(n) and I believe it was faxed, based on our discussion here.

ADAM CUMMINGS: I guess if we wanted to check it, but I believe the County may have already sent it to them, as well, via email.

ERIC STOWE: They may have. And it says the neighboring municipality has an opportunity to appear and be heard.

ADAM CUMMINGS: Yep. And chose not to.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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 James Wiesner seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt?

Philip Supernault made a motion to approve the application with no conditions, 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 no conditions, and the following findings of fact were cited:

1. The irregular shape of this flag lot limits the placement options for this generator.
2. The proposed location is the most sensible in relation to the building, driveway, and distance from the neighbors for convenience of operations and avoidance of noise issues during operation.

ADAM CUMMINGS: Any questions on the minutes from last month? Motion to accept and adopt the minutes from last month.

Philip Supernault made a motion to accept and adopt the 4/27/21 Zoning Board of Appeals meeting minutes, and James Wiesner seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: Just to point out, don't forget everybody, we're on June 29th, not the 22nd. And Sandy (Hewlett) won't be here with us, but I did hear we have a substitute.

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

The meeting ended at 7:35 p.m.