

CHILI ZONING BOARD OF APPEALS
January 25, 2022

A meeting of the Chili Zoning Board of Appeals was held on January 25, 2022 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: Matthew Piston, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manager.

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 the signs?

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

1. Application of Sonbyrne Sales, Inc. (Byrne Dairy & Deli) 454 Route 5, Weedsport, New York 13166, Ronald Mazza (River Edge Rest & Party House Inc.) 29/31 Paul Road, Rochester, New York 14624, owner; for a variance to allow A.) Front yard parking (not permitted) B.) 60' front setback for subterranean fuel tanks (75' req.) C.) 48' front setback (canopy) (75' req.) at property located at 29 Paul Road in GB District.

Christian Brunell was present to represent the application.

MR. BRUNELL: My name is Christian Brunell, Senior Executive Vice President of Byrne Dairy. Address 171 Route 5 Weedsport, New York. I would also like to make that correction on here that has our address of 454 Route 5. That should be 171. Okay. That is our corporate address.

ADAM CUMMINGS: Okay.

MR. BRUNELL: Just for clarification, we'll treat these as two separate -- because they're two separate?

ADAM CUMMINGS: Yes.

MR. BRUNELL: I was going to combine them, but we'll focus on Number 1, which will be 29 Paul Road.

Again, my name is Christian. Thanks for having me tonight. We have been in front of the Planning Board in October for an initial meeting. I plan on being back in front of them February 8th, a week from now.

Since then we have done a lot of work with Sunoco with the pipeline going through, which I will explain in a minute. Monroe County DOT, New York State DOT and whatnot.

On January 3rd, did I go in front of Conservation Board here. I did receive approval for a landscape plan and site plan as such.

So I'm in front of you tonight again for 29 Paul Road, which technically 29 Paul Road will be resubdivided and consolidated with Lot 31 for the entire project for a new Byrne Dairy store.

Everyone knows the corner. It's the former River's Edge party house.

ADAM CUMMINGS: Yep.

MR. BRUNELL: But 29 -- just for today's discussion, 29 is this portion here (indicating). We'll just say closest to the intersection. You see the property line at an angle. The property, as you can see, is very, very, very unique. I'm being nice to it. It's a layout disaster for me, it was. It took me a long time to do that. There is ten different property corners and angles on this with the right-of-ways.

With a petroleum line going through the middle -- it was an old Sunoco in the '60s. ETP. I contacted them, had to do a soft dig, find the line and check the depth of that. We have done all that. It has been submitted to ETP Sunoco to look at it.

There is kind of a debate still whether there's a 50 foot easement. There really isn't, but they think there is. But there's really legally not. We're going to abide by most of it, though. We have kept the building and canopy out of it. We do not plan on moving or touching that.

But the overall site -- I will mention the overall site -- just to give a quick what is going on with the whole site plan because I think that is really relative to these three variances. We have to talk about it.

So right here (indicating), this little jag here (indicating) is where the current party house is. That will be -- you guys have probably seen our green-roofed stores -- 4,232 square foot store with a porch on the front and a porch on the side.

Fuel canopy is right here (indicating), this white thing with four -- there will be four fuel pumps, eight fueling positions.

There is a privacy fence which I do have pictures. You guys can look at it if you want or

not. It's really a Planning Board issue. I put a privacy fence. Everyone knows there's a trailer park to the west. So there is a privacy fence from over here (indicating), here (indicating) and it stops at the dumpster enclosure. So pretty much the whole west side of the property is this 6 foot high private wooden privacy fence.

Dumpster enclosure for the site plan is here (indicating). That is a fractured block. That is shown in this informational packet, which if you guys got copies of it, it will look like that, as well.

Curb cuts, better known as driveways -- we went back and forth with New York State DOT. Our original proposal was two driveways here (indicating). They shot me down. We did do a traffic study. They're going to allow one full-access drive, which is the -- this location (indicating).

Also had -- one of the comments on the County, we had in-depth talks about the Heritage Trail here (indicating). They wanted this skewed. They wanted that skewed. They wanted to keep people pulling in with a vehicle -- so people can see them if they walked across, which made sense to us. We agreed to do that.

This is currently there right now, this asphalt (indicating). We would make this asphalt here (indicating), asphalt here (indicating) and for some reason they wanted concrete going through our driveway, which is not a problem. Don't ask me why. I'm not going to get into it. They tell me to do something and I usually do it.

Pedestrian access. I got pedestrian access right here (indicating). That has changed. That will be ADA compliant. We had some issues with grading. We had to add a retaining wall back here (indicating), small retaining wall. The retaining wall really is to make this ADA compliant. We thought it was very important for this trail to have some sort of pedestrian access rather than just people walking freely through our site.

Again, I mentioned there are a bunch of encroachments on the properties -- meaning the current owner -- the property right now, the building there sits on the trailer park owner's property by 1 foot. But these are all in the deeds and legal. A lot of swapping was going on.

There is also this little trail over here (indicating). That is a legal easement that he has that I have to keep. He also has a shed over here (indicating). You can see one of the trailers on the corner here (indicating). That encroaches onto what will soon be hopefully our property. Again, I can't do anything about that. They're in the deeds. They run with the land. I cannot touch that.

The good part is we are cleaning this up right here (indicating). The -- the building that is there currently now is 1 foot on his property. So we're taking that, of course, off and you can see the setback there and some green space. So we're cleaning that one big encroachment up, but the other encroachment, there is a shed here (indicating). There is an encroachment. That's gone. We'll clean that up. But I do have to keep that little walkway to these trailers here (indicating). I have spoken to the trailer park owner.

He has seen the site plan. Verbally he has said he is fine with it. I will get an email back from him before the Planning Board. But he has -- that's why I laid this out. He saw all of this.

So I have encroachments in the back to deal with. Again, you see the pipeline here (indicating). So you can see the pipeline right here (indicating). So again, in designing this thing, I had to make sure, right, the building was kept outside from the pipeline. And the fuel canopy, as well, and the same thing with the underground storage tanks here (indicating).

Then when you add all these crazy corners and skewers here (indicating) with this big jag here (indicating), the layout really was the layout. Now I know why they had the big building sitting way back here (indicating) where they had it. It's a long, long, long narrow lot. You know 1.75 acres. It doesn't feel like that when you're trying to lay it out.

There is -- the good thing here, on this site, there was only 14 percent green space. If you look at the survey -- I will just flip it over for you quick -- here is a survey what is there now (indicating). I just counted them. You have over 111 parking spaces. I don't think they believed in green space back then.

ADAM CUMMINGS: Nope.

MR. BRUNELL: There is over 111. Green space -- green space was only 14 percent. The green space on this new plan right here is 43 percent. So I know every Town, every engineer -- you're shaking your head -- loves it when you can increase green space. I love it, too, with the SWPPP and storm water requirements.

ADAM CUMMINGS: You got it.

MR. BRUNELL: Quantity versus quality and the whole nine yards. I'm very happy with this.

So that is kind of -- dark-sky friendly compliant lighting. I have shown to it the Planning Board. We have had lighting plans done. Monroe County DOT said to work with Dave Lindsay from your office.

We originally had the driveway up here (indicating). We pushed this further back west from the intersection as possible. There is a catch basin issue right here (indicating). I'm not concerned about that. We already knew that. We'll extend that. That's very simple. Put a new catch basin in and extended it 15 feet to the west. Very minor detail. DOT did want this pushed back as far from the intersection as possible and I'm in agreement with this.

But those two driveways are conceptually approved by both DOTs. They have both seen the traffic study. No issues with the traffic study so I think we're in good shape. I did send the Board some correspondence from Zach Starke from the DOT. He is pretty happy. And Zach -- just to let you know -- the DOT is the lead on this Heritage Trail. We called Albany and talked to SHPO about it. They're like, "No, no, no. It is a DOT right-of-way. The DOT controls it."

What they say is what goes. That is why we had to do this little craziness here (indicating) and we couldn't argue with them. I said, "That is fine if that is what you want for the trail."

They are happy with the trail and happy with the positioning and size of that.

In regards to variances, in front of you tonight -- that is why I'm in front of you for three area variances. Not a use variance as mentioned earlier. I don't know where they got that from on the County Comments.

So again, now we're specifically talking -- I will not go into the other one. We're specifically talking about 29 Paul Road. That's the property line here (indicating). Two different applications. 29 is here (indicating), and 31 is here (indicating). So 29, there is three different variances. For 31 there will be 4, a total of 7. But the three variances, as stated, you have seen them -- the front yard parking off of Scottsville. You can see it is -- my parking is the front yard. There is no other way, as you can see from the distances, to put parking anywhere on here.

The key to this is it's a corner lot, right, with 75 foot setbacks on both roads. So when you take that 75 foot line everywhere, it takes that, you know, 1.7 acres and makes it pretty much undesignable. So the -- so the parking spaces, they're not permitted in your code. Again, two front yards. You see all these jags. 75 feet from back there. They would almost touch each other. Two front yards. I had to put the parking in one of the front yards somewhere. It lays out right here (indicating). I wanted to keep these -- these parking spaces here that would be -- more than likely be for the employees. We would like to keep all these parking spaces here free for the customers. For the people over here that want to get milk and ice cream and whatnot, versus the fuel. We like to separate the fuel at all possible from the store. And this -- that is why the curb cuts are placed where they are. I think it works well for that.

So one of the variances requested for 29 Paul would be front yard parking. It is not permitted. Again, that is my parking spaces. I'm asking for it to be permitted.

Second variance would be front yard setback for -- I will not use the word "subterranean" -- whatever.

ADAM CUMMINGS: Underground?

MR. BRUNELL: Underground tanks. Thank you.

Underground tanks which are the fuel petroleum tanks. They are right here (indicating) in this concrete thing. That is the concrete tank pad. The tanks actually sit underneath there.

Again, we go into the front yard 75 -- this one is from Paul Road. Again, there's -- is two front yards. Scottsville/Paul Road. This one is -- this distance from here to here (indicating) is only 60 feet. Again, front yard in your zoning says it has to be 75 feet. So, therefore, I request a variance for 15 foot -- a 15 foot variance.

Third variance will be front yard setback for the fuel canopy from Scottsville Road. I know I keep jumping back and forth, but it is 75 feet from here, but it's not. You can see how it narrows up here (indicating). This huge right-of-way here (indicating). That white is New York State DOT right-of-way, by the way. We're not disturbing that. That is why it is kind of not shaded. That is not our property. So we're supposed to have 75 feet from this line here (indicating) to the canopy. You can see we have 48 feet. So, therefore, I'm asking for a 27-foot variance from there. You can see where I did -- I kind of evenly split it for the turning radiuses. We looked at turning radiuses. My engineer put turning radiuses on, which is huge for delivery of fuel, trucks, whatever and whatnot, and turning radius is how we dictated the fuel canopy.

Also, if we hugged the fuel canopy closer over here (indicating), you're getting into again the Sunoco ETP pipeline. So that is the three variances I'm asking for relief in front of this Board for for 29 Paul Road. I guess I would entertain any questions on -- on this application at this time.

ADAM CUMMINGS: So this one is talking about the front setback off of Scottsville Road.

MARK MERRY: Right.

ADAM CUMMINGS: For the canopy part.

MARK MERRY: We're talking about --

ADAM CUMMINGS: This property still has a frontage to both Scottsville and Paul Road.

MARK MERRY: See that.

ADAM CUMMINGS: So the closest dimension is from Scottsville Road and then the closest dimension for the fuel tanks -- the closest dimension is 60 feet to Paul Road.

I'm guessing you're still -- how far are you for the fuel tanks from Scottsville Road?

MR. BRUNELL: Oh, more than 75.

ADAM CUMMINGS: You're at the 75 there?

MR. BRUNELL: Yes.

ADAM CUMMINGS: That is why he doesn't have the variance request for another one --

MR. BRUNELL: That is why I referenced a road. Very important. There are two fronts. You can't see -- there are two front yards -- specifically front yard Scottsville and front yard Paul Road.

JAMES WIESNER: The pipeline is still active then that runs --

MR. BRUNELL: That's correct. That's why we had to do a soft dig. They had to be on-site when we did the soft dig.

JAMES WIESNER: Then I think you guys were kind of talking -- I guess I was thinking the 48 was from the building. But that's on 31.

MR. BRUNELL: On 31, yep.

ADAM CUMMINGS: That's for -- the canopy is the 48. So you go off of the road on -- on Paul Road.

JAMES WIESNER: The other one is to the subterranean tank over here?

MR. BRUNELL: Yes.

JAMES WIESNER: Why the 48 feet on Lot 31, though?

MR. BRUNELL: That's -- that just happens to be similar. I saw the same thing. That is -- one is in regard to the building.

JAMES WIESNER: That's not in the front of the building.

MR. BRUNELL: This is Paul -- this right here, see this line right here (indicating), this is 29 (indicating).

JAMES WIESNER: 48 from the canopy right there?

MR. BRUNELL: Corner of the canopy, yes.

ADAM CUMMINGS: To Paul Road.

MR. BRUNELL: To Paul Road.

ADAM CUMMINGS: And coincidentally --

MR. BRUNELL: Saw that today, too. I mentioned it. It is confusing.

JAMES WIESNER: I saw 48.

MR. BRUNELL: Keeping the addresses and all of the variances -- it is a little confusing.

ADAM CUMMINGS: And to be clear, you're subdividing it so -- so when they become -- we'll call it 30 -- when we get rid of 29 and 31, they become 30. They won't be 30. I'm just stating it as an example of it. It will be measured off the two roads. The distance for the setbacks will stay the same and since we're granting variances to these properties, they will stay with it when they become one.

JAMES WIESNER: Yep. Got you. That's all I got.

FRED TROTT: On that question, why not wait until you get the two?

ADAM CUMMINGS: Doesn't make a difference.

MR. BRUNELL: Doesn't make a difference.

ADAM CUMMINGS: Not at all.

FRED TROTT: That was really the only question I had, now that you guys straightened that out. The frontage. I don't have anything further.

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: I will -- I think he did a good enough job of even explaining the Number 2 one. So once we get to those ones, we won't need the same.

MR. BRUNELL: I will just give you the variances. Yes, that is what I thought.

ADAM CUMMINGS: I'm trying to think. We didn't talk about it, but the front yard parking, I think, it was noted. This is not even a corner lot. It's a triangular lot with all frontages, and this is similar to some of the other ones we have seen around Town with -- with the requirements to have the buildings set back the 75 feet and having no front parking, it would be not be possible with this one. And to be clear, subterranean is the underground fuel tanks. Obviously that is not in our jurisdiction, but those will all be regulated and built to what they need to.

And on the canopy, one other point of clarification tonight, we are not talking about signs. We are just talking about the area variances for the setbacks.

MARK MERRY: Take all of the fun out of it.

ADAM CUMMINGS: We can have fun another time, I'm sure.

FRED TROTT: The one question I did have, that was the best place you could put that dumpster?

ADAM CUMMINGS: That's a site plan question.

MR. BRUNELL: The dumpster has been a fun topic.

FRED TROTT: Okay.

MR. BRUNELL: Originally I had it here (indicating). I can't remember to keep track who wanted it where. Several parties. We moved it after -- original plan showed it here. Somebody, I don't know who, what or where said, "Move it." We moved it over to here (indicating) and showed the Planning Board.

The Planning Board said, "Are you crazy? We want it over here."

I'm like, "That is where I originally had it." So I moved it back to where I originally had it, but they didn't know that is where I had it. That is the answer. Planning Board asked that it go right there.

ADAM CUMMINGS: So the solution would really make it a subterranean and then an elevator bring it up.

FRED TROTT: Put it on the other side where the parking lot is.

MR. BRUNELL: No.

ADAM CUMMINGS: That is where the customers are. You don't want the dumpster near the customers.

MARK MERRY: Put the dumpster next to the residents.

MR. BRUNELL: It's really not your typical dumpster enclosure, as you can see. I say it's an upscale dumpster enclosure. I really think it's upscale. Fractured block.

MARK MERRY: Looks typical.

MR. BRUNELL: Not in most towns, not most stores. We don't have too many that look like this.

ADAM CUMMINGS: Okay. We're not discussing that.

JAMES WIESNER: Planning Board has probably already done SEQR.

ADAM CUMMINGS: I take it back. On the next one we get to talk about the dumpster and the setback of it. But yes, the Planning Board on the site plan would like it to be there.

FRED TROTT: I have moved my papers. I'm sorry.

JAMES WIESNER: Planning Board has already done SEQR so we don't have to --

ADAM CUMMINGS: They have not done SEQR yet because they have only been in for informals. They haven't officially -- so we're going to do lead agency and SEQR for this uncoordinated review for these. And then the site plan, they will take care of all of that.

Matt (Piston), did I say that correctly?

MATTHEW PISTON: You're good.

MARK MERRY: This one you can start on that side.

ADAM CUMMINGS: We'll, we're -- we're still -- we still have to move forward with this one. I lost my sheet. Cheat sheet.

Fred (Trott), I know what you mean by misplacing things.

All right. So -- so we did our Public Hearing on that one. I don't have any conditions on any of these. Other than stating that it will be based on what the application said in relation to the references to the streets, just to be clear, with the 48 feet for the -- for the setback canopy, relative to that street and the -- and the setback for the subterranean fuel tanks as it is stated in the application -- as is it stated in the application and what the applicant said at his presentation.

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 Mark Merry seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt? To be clear, I will do each vote separately so this will be 1A front yard parking. Motion to adopt?

Mark Merry made a motion to approve Application 1A with no conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 1A: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. Due to the irregular shape of this lot and the proximity of two surrounding roads (Paul Road and Scottsville Road), there is no means to avoid front parking.

ADAM CUMMINGS: That one is all set. All right.

1B, this is for the 60-foot front setback for underground fuel tanks, otherwise known as the subterranean ones.

Mark Merry made a motion to approve Application 1B with no conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 1B: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. Due to the irregular shape of this lot and the proximity of two surrounding roads (Paul Road and Scottsville Road), location of the fuel dispensing islands, and the necessary travel path for refueling trucks, there is no other feasible location for the fuel tanks.

ADAM CUMMINGS: So 1C. This is going to be for the 48-foot setback for the canopy. Ask for motion to adopt this application?

Philip Supernault made a motion to approve the application with no conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 1C: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. Due to the irregular shape of this lot and the proximity of two surrounding roads (Paul Road and Scottsville Road), location of the fuel dispensing islands, and the need to provide overhead shelter for customers and fire protection systems, there is no other feasible location for the canopy.

ADAM CUMMINGS: So that -- so all three of those are all settled. Now we'll move on

to 2.

2. Application of Sonbyrne Sales, Inc. (Byrne Dairy & Deli) 454 Route 5, Weedsport, New York 13166, Ronald Mazza (River Edge Rest & Party House Inc.) 29/31 Paul Road, Rochester, New York 14624, owner; for a variance to allow A.) Front yard parking (not permitted) B.) 6' fence in front yard (4' allowed) C.) 32' front setback for dumpster (75' req.) E.) Building 48' from front setback (75 req.) at property located at 31 Paul Road in GB District.

Christian Brunell was present to represent the application.

ADAM CUMMINGS: We'll jump into A, which is the front yard parking not permitted in the front -- once again, we're on Lot 31 on Paul Road. And once again, it's fronting the road.

B is the 6 foot fence. As you described earlier because it's in the front yard, Town Code allows us to have 4 feet. Asking for relief to grant 6 feet.

C is the 32-foot front setback for the dumpster which is on the north side, on the Paul Road side and 48 feet for the building -- as Jim asked earlier -- where 75 feet is required. That is measured from Scottsville Road.

Does that cover it all okay?

MR. BRUNELL: Yes.

ADAM CUMMINGS: Just as clarification, on the agenda, I did mark it down as A, B, C and E. E and D will be used interchangeably. They're just the fourth one.

FRED TROTT: I'm talking about the 6-foot fence. The fencing, you don't have access for the trailer park to get to your building from the fenced side?

ADAM CUMMINGS: I think there is an easement that has to be maintained.

MR. BRUNELL: There is going to be an opening. This fence right here (indicating) stops right here (indicating) and starts right here (indicating). I cannot impede that sidewalk. See the sidewalk right here (indicating), I cannot impede that. I cannot block it.

ADAM CUMMINGS: There will be an opening right there --

FRED TROTT: So it wouldn't be a benefit for them to have like an opening in front of the building?

MR. BRUNELL: Generally -- in all of the projects I have done in all my years, I tend not to give neighbors any access through fences. It is just frowned upon. Liability. Yep. I would love to open it up for their business, but again, from a liability standpoint, I've talked to several people about this and it's -- no, we don't do that.

ADAM CUMMINGS: And I think a 6-foot -- especially the privacy screening aspect of it would be a better benefit than a 4 foot. You're not extending -- you're not extending it all of the way to the -- to the Paul Road side.

MR. BRUNELL: No. Going right to here (indicating). The front of the dumpster.

MARK MERRY: Right by the classy dumpster.

MR. BRUNELL: I'm glad you like the classy dumpster, though.

MARK MERRY: I put them in all of the time. Believe me.

MR. BRUNELL: It's an expensive one. They are expensive.

MARK MERRY: They hold up forever.

MR. BRUNELL: You're right. They do. When they get hit by the trash truck.

FRED TROTT: That was it.

PHIL SUPERNALT: No. No questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application, and James Wiesner seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: I don't have any conditions on these ones. Once again, this will be -- 2A is going to be for the front yard parking.

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: Now we'll move on and ask for motion to adopt application for 2A.

Fred Trott made a motion to approve Application 2A with no conditions, and Mark Merry seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2A: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. Due to the irregular shape of this lot and the proximity of two surrounding

roads (Paul Road and Scottsville Road), there is no means to avoid front parking.

ADAM CUMMINGS: 2B, which is for the -- the height of the fence, the 6-foot fence in the front yard. I ask for a motion to adopt this application.

Mark Merry made a motion to approve the Application 2B with no conditions, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2B: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. Due to the commercial/retail nature of this applicant and the adjacent residential area (mobile home park), a higher fence is recommended to provide screening.

ADAM CUMMINGS: So that one is all set.

Now, letter C, the third one is for the 32-foot front setback for the dumpster.

Fred Trott made a motion to approve the application with no conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2C: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. At the request of the Planning Board, the dumpster was placed in this location to avoid blocking sight distances of vehicular traffic and to place it out of the way for customers. No other location was deemed feasible due to the unique configuration of the parcel.

ADAM CUMMINGS: And the next one is the two -- the fourth one, the 2E or 2D, as I changed it to. That's for the 48-foot -- for the building to Scottsville Road.

Motion to adopt?

James Wiesner made a motion to approve the application with no conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2D: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. Due to the irregular shape of this lot and the proximity of two surrounding roads (Paul Road and Scottsville Road), and the placement of the existing structure which is being repurposed, this variance encompasses a pre-existing condition that has not received any complaints during its existence for 30-plus years.

ADAM CUMMINGS: You're all set on that. Thank you for the presentation tonight, Christian.

MR. BRUNELL: Thank you very much.

ADAM CUMMINGS: And good luck with the irregular-shaped property. I do thank you for making some more green space there instead of the sea of asphalt.

All right. Any questions on the minutes?

Motion to accept and approve minutes from last month?

Fred Trott made a motion to accept and adopt the 1/25/22 Zoning Board of Appeals meeting minutes, and Mark Merry seconded the motion. All Board members were in favor of the motion.

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 was adjourned at 7:31 p.m.