

CHILI ZONING BOARD OF APPEALS  
February 28, 2023

A meeting of the Chili Zoning Board of Appeals was held on February 28, 2023 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 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: We'll go over signs. Any issues from the Board members on signs?

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

1. Application of John M. Rosati, 32 Florentine Way, Rochester, New York, 14624, owner; for a variance to erect an addition to the pre-existing home .9" from the side yard setback (50' req.) at property located at 254 Fisher Road, Rochester, New York 14624 in RA-10 District.

John Rosati was present to represent the application. 32 Florentine Way, Rochester, New York 14624.

ADAM CUMMINGS: Anything else to add?

MR. ROSATI: No.

ADAM CUMMINGS: Pretty tight, so I'm assuming you had a surveyor -- I see Bob Avery gave one from Avery Surveying. Because normally we don't get measurements that precise. So I'm guessing it is not -- it's an accurate one.

So really you're not building anything closer to the lot line than what is here. Just --

MR. ROSATI: No.

JAMES WIESNER: Just extending further back what is already there?

MR. ROSATI: Right. There was a porch there and a landing. It is in a space. We're building a living room in that space.

JAMES WIESNER: All I got.

ADAM CUMMINGS: And obviously this is code compliance because it's been there -- part of the structure has been and just didn't receive a variance before, so getting the lot conforming.

FRED TROTT: This is -- like we were just saying, pre-existing, non-conforming.

ADAM CUMMINGS: And now we're gonna not make it conform, but evaluate whether a variance is granted or not.

FRED TROTT: Okay. And we're -- we're good on the 9 inches?

MR. ROSATI: Yes.

ADAM CUMMINGS: That's what we're discussing tonight.

FRED TROTT: No. I mean as far as -- it is --

ADAM CUMMINGS: The accuracy?

FRED TROTT: The accuracy of the 9 inches?

MR. ROSATI: From the survey.

FRED TROTT: Yes.

ADAM CUMMINGS: Yes.

MR. ROSATI: That was the only document I had to go off of that -- that was asked for that I had available.

ADAM CUMMINGS: I think there is actually a -- I think it's supposed to be .9 feet. I will ask Paul (Wanzenried) that. Because the application form says 10.8 inches.

MR. ROSATI: What is the .9 feet?

ADAM CUMMINGS: I think the surveyor is identifying feet, not inches. Because they do tenth of a foot. So I believe that 0.9 is not 0.9 inches. It's 0.9 feet. But I don't have a scale here to confirm that.

PAUL WANZENRIED: I would agree with that.

ADAM CUMMINGS: When we get to the questions with Paul (Wanzenried) --

PAUL WANZENRIED: That's fine.

ADAM CUMMINGS: Which means we're minimizing the variance requested. I would like to propose that one, we would be marking it as it is listed in the -- the Building Inspector's denial, 10.8 inches otherwise known as --

PAUL WANZENRIED: Adam (Cummings), you have a revised -- you should have --  
ADAM CUMMINGS: That's what I'm referencing.  
PAUL WANZENRIED: The denial page?  
ADAM CUMMINGS: Yes.  
PAUL WANZENRIED: What does the denial say?  
ADAM CUMMINGS: 10.8 inches proposed.  
PAUL WANZENRIED: No. There is another one.  
MARK MERRY: Right here, Adam (Cummings).  
PHILIP SUPERNAULT: I have something here.  
ADAM CUMMINGS: Why don't I have that?  
MARK MERRY: You do now.  
PAUL WANZENRIED: That's the correct one.  
PHILIP SUPERNAULT: I have it.  
ADAM CUMMINGS: Oh, I do have it. There was a second one later on.  
PHILIP SUPERNAULT: Not with the original packet.  
ADAM CUMMINGS: Thank you.  
Do we want to convert it to centimeters to cover everything?  
PAUL WANZENRIED: No. I don't think that's necessary. Not tonight anyhow.  
ADAM CUMMINGS: I agree. I just want to point out that the public notice did say  
.9 inches and we're going to increase that.  
PAUL WANZENRIED: Uh-huh.  
ADAM CUMMINGS: Sorry. Phil (Supernault), did you have any other questions?  
PHILIP SUPERNAULT: No.

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: This is existing, so we're not going to need to require a building permit for the structure. But since it's an addition, you still will require a building permit, correct, Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: So we'll make the building permit just for the addition. Not a building permit for the existing structure. So that will be the one condition of approval which you already applied for. Just continue to work with the Building Department on 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.

Philip Supernault made a motion to approve the application with a 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 the following condition:

1. A building permit must be obtained.

The following findings of fact were cited:

1. No complaints have been received from neighbors.
  2. Variance was requested to achieve code compliance for a principal structure that has been in this location for decades.
2. Application of Mr. McKenzie Uhl, 31 Silver Birch Drive, Rochester, New York 14624, owner; for a variance to erect 3,200 sq. ft. garage (1,200 sq. ft. allowed) at property located at 2584 Scottsville Road, Scottsville, New York 14546 in AC District.

Brian White was present to represent the application.

MR. WHITE: Good evening. My name is Brian White from McMahon-LaRue Associates. Would you like business address for that?

ADAM CUMMINGS: In your case, yes.

MR. WHITE: 822 Holt Road, Webster, New York 146 -- I'm sorry -- 14580.

I'm here tonight with McKenzie Uhl, who is the property owner. We're proposing a -- a garage space that exceeds the 1200 square foot minimum. There is a few components to -- to placing the garage.

Did anyone visit the site? As you saw, there is probably a few storage containers in the

rear portion of the parcel. McKenzie's father, Chris, is actually intending to move to that property. It's actually going to be a 40 by 40 living space and the storage containers and contents of the property are going to be moved into the exist -- the proposed garage for that.

Typically, most residents have a pole barn that's towards the rear portion of the property. In this particular case, there's -- I would say about 95 percent of the parcel is in a regulated flood plain. So we're trying to -- to maximize or -- the building area, which is moving it closer to Scottsville Road. The further we move back on the parcel, the more impact we'll have with the flood plain. So to minimize the fill brought in, we'll try to combine that all into one common space. There is a "barndominium" term, I guess, that would probably, I guess, apply in this case.

So that is what we're proposing. McKenzie (Uhl) did speak with both of his neighbors. I have signed letters from two neighbors with an additional picture if you would like a copy of that.

ADAM CUMMINGS: We would like to add that to the file if it isn't already.

MR. WHITE: Sure.

ADAM CUMMINGS: Thank you.

MR. WHITE: There are two pictures there to kind of show the outline, visual.

So the two components for the variance, we're looking to minimize flood plain impact. As well as McKenzie (Uhl)'s father for accessibility, going straight from living space to the garage space, would be easier for him. Those are the two primary driving points behind the request for the variance.

ADAM CUMMINGS: Okay. This is not planned to be used for agricultural purposes, correct? As you said, part residential, part garage?

MR. WHITE: Yes. Classified as single-family dwelling.

ADAM CUMMINGS: I didn't want to confuse it with the term "barndominium." Which some people think it's automatically associated with agricultural farms.

MR. WHITE: At some point McKenzie (Uhl) has been talking with the Town. There is some interest. Maybe some -- incorporating farming components, but not at this time.

ADAM CUMMINGS: Okay.

JAMES WIESNER: There are actually two pictures in there. One looks like maybe what you're intending to build and other one looks like more like a pole barn. What's -- maybe a little explanation on that.

MR. WHITE: Yeah. That's a rough sketch plan. It kind of just incorporates, you know -- a portion of it would be living space and another portion would be garage space. We don't have any final plans at this point. We're more of a -- at a sketch phase.

JAMES WIESNER: So like --

MR. WHITE: So visually that would be a concept --

JAMES WIESNER: Is that what it is going to look like or --

MR. WHITE: I prefer to have McKenzie (Uhl) answer that.

ADAM CUMMINGS: This one looks like a real live one and the other one looks like a computer rendering. Is this an example of one and this is the rendering what you're doing?

MR. UHL: The second one is -- is what it would look like. Just having the first one, though, as having the little overhang. So you have like a little patio in the front. That's it.

JAMES WIESNER: So the two big doors are on it like that?

MR. UHL: It would have a smaller residential door, more towards where the residence is and then a bigger door for more of -- equipment that is parked on the land that you saw.

ADAM CUMMINGS: So I think you were referring to garage doors or high-bay doors, large bay doors and then the residential would be more of a single-person access door; correct?

MR. UHL: A single-access person door and then possibly a residential garage door that's, you know, 8 foot by 8 foot.

ADAM CUMMINGS: Got you.

JAMES WIESNER: So it's not -- a little less barny looking.

ADAM CUMMINGS: Right.

JAMES WIESNER: I'm just trying to get a perspective on what this might look like.

Obviously the house is going to be "yay" big, but the barn is going to be that big (indicating) and they will be right on top of each other. So I'm trying to get a feel how that perspective may look.

ADAM CUMMINGS: And these are attached, so it is really one building.

MR. WHITE: It -- correct.

ADAM CUMMINGS: That's unique.

MR. WHITE: Typically they wouldn't be attached, but keeping everything as close as we can to the road helps mitigate for the flood plain.

JAMES WIESNER: It is all like one building. It is just this portion is living space and this portion is storage?

MR. WHITE: Correct. There would be typically probably a firewall in between those two spaces, yeah.

ADAM CUMMINGS: Hence, barndominium. Otherwise it's just a house with a detached pole barn.

JAMES WIESNER: New term to me.

ADAM CUMMINGS: Those architects.

MR. WHITE: I'm on the land surveyor side.

JAMES WIESNER: Special tax rates being a barn?

ADAM CUMMINGS: No. You have to farm for that.

Building permit must be obtained is a condition of the approval.

Side Table, anything to add?  
MR. PISTON: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I guess I'm a little confused. Is this a barn they want to live in?

ADAM CUMMINGS: I do have to correct you. You have to say your name and address.

MS. BORGUS: Dorothy (Borgus).

ADAM CUMMINGS: You're out of practice.

MS. BORGUS: I'm out of practice. 31 Stuart Road.

Question again, is this a barn that they plan on living in? A garage they plan on living in?

ADAM CUMMINGS: It is. It -- it is technically a -- I guess if you want to look in traditional conventional terms, it is a house, two-story house with a big garage attached to it.

But people look at it -- because of the construction, they view it as a barn and then you build a residential inside.

MS. BORGUS: I wonder if you could hold the picture up so I can see the drawing or the rendering.

ADAM CUMMINGS: I took it. I did. So it was -- this -- this one.

MR. WHITE: I have a hard copy.

ADAM CUMMINGS: If you have a hard copy, please do. We used to have a display and I don't know where it went.

MS. BORGUS: Where did that go?

ADAM CUMMINGS: I don't know. COVID took it.

MS. BORGUS: COVID took it?

ADAM CUMMINGS: COVID took it.

MS. BORGUS: There used to be -- thank you. So it's called a barndominium.

ADAM CUMMINGS: That is a modern term. We don't have a definition here in Chili for that, but if you Google that, you will see a lot of examples like that. There are a lot of places building things like this.

PHILIP SUPERNAULT: Typically people who --

ADAM CUMMINGS: It's built like a pole barn.

PHILIP SUPERNAULT: People who are snowbirds who have RVs or big trailers that they tow or move south each winter, and they want to stay located in a northern state, they will build a building like that so they can store their RV or their big trailer undercover.

MS. BORGUS: I see.

PHILIP SUPERNAULT: And the garage is attached to the living quarters. Barndominium I don't like -- I have some friends who have them. I don't think the term is appropriate or really describes what it is. My personal opinion.

MS. BORGUS: I guess my question would be why haven't they applied then for a -- for a home? I mean that's what this is.

FRED TROTT: Well, we're looking at just the garage space.

ADAM CUMMINGS: We're looking at garage space.

MS. BORGUS: Yes.

ADAM CUMMINGS: So ours is based on the square footage. Because the code thinks of traditional ratios or proportions of the size of a garage --

MS. BORGUS: Got you.

ADAM CUMMINGS: -- compared to the main residence.

MS. BORGUS: This -- this living space then, would that be expected to have water and bathrooms and --

ADAM CUMMINGS: It would.

MS. BORGUS: -- and kitchen?

ADAM CUMMINGS: It would.

MS. BORGUS: It's going to be how many feet? Did I hear 40 by 40?

ADAM CUMMINGS: We're totally going to stay focused on the square footage. It would have full utilities.

MS. BORGUS: But we're not talking about -- about -- about 3,200 feet of garage then? We're talking about less garage?

ADAM CUMMINGS: It would be -- the garage part is 3200 square feet. The house part is 1600 square feet.

MS. BORGUS: I see.

ADAM CUMMINGS: So it's -- for instance, my Colonial-style Ryan home is 1600 square feet with two stories. It would be like that with a garage that's twice as --

MS. BORGUS: Yep.

ADAM CUMMINGS: -- big as it.

MS. BORGUS: I know the design is not your concern either, but it certainly doesn't -- as an aside, it -- it's not attractive. I'm sorry. I don't know. If you can see some reason that they should have that much storage. I didn't hear -- and maybe they don't have to explain to you, but what in the world do they need with that much storage? That is still a lot of storage.

ADAM CUMMINGS: It is a lot of storage.

MS. BORGUS: Lot of storage.

ADAM CUMMINGS: It sounds like they're going to have multi-generational family

members in there. We are going to ask the question when they come back -- of commercial operations and restrictions and things like that like we traditionally do, but in this AC zone, the Agricultural Conservation zone, there are a lot of barn structures, especially along Stottle Road and Morgan Road.

MS. BORGUS: Right. I have said before they're going to come back to bite you. Give them 20 years or less and they're -- they're going to all be businesses. Nobody needs that much storage space. Thank you.

ADAM CUMMINGS: Thank you. Welcome back.

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: So I did bring up that one point. I just want to point -- pose a question to it, is no sale of products, commercial operations, things like that. That would fall under a home occupation, a totally different decision-making process that would need to be applied for, so I just want to let that be known that that would not be permitted. That would be a Code Enforcement issue and not something under consideration tonight, but I just wanted to point it out.

MR. WHITE: McKenzie (Uhl) has been working with Paul (Wanzenried) and we'll make sure we're complying with the zoning.

ADAM CUMMINGS: Okay. Are we going to add the "barndominium" term into our zoning code?

PAUL WANZENRIED: I doubt it.

ADAM CUMMINGS: Okay. Only took us ten years for the last zoning code update.

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 James Wiesner seconded the motion. All Board members were in favor of the motion.

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

1. Building permit must be obtained.

The following finding of fact was cited:

1. Variance is not excessive as there are several other large barn, or barn-like, structures in the A.C. Zone in this area.
3. Application of Hutton ST 21 LLC, 736 Cherry Street, Chattanooga, TN 37402, Gizzi Real Estate Holdings LLC., 3850 Buffalo Rd., Rochester, New York 14624, owner; for an Appeal of Interpretation of the Town of Chili Code 500-19 General Business permitted and special permitted uses, for properties located at 3249 & 3253 Chili Avenue, Rochester New York 14624 in GB District.

John Mancuso and Don Young were present to represent the application.

MR. MANCUSO: Good evening. My name is John Mancuso. I'm the attorney for the applicant, member of the law firm Weaver Mancuso & Brightman, LLC. Address is 150 Allens Creek Road, Suite 240, Rochester, New York 14618.

I'm also joined by Mr. Don Young. He is a corporate representative of the applicant and is here to also answer any questions that -- to the extent they come up and I'm unable to do so.

As the Chairman indicated, this is a repeal request for interpretation of the Town zoning code. I want to start out by saying what this isn't. We are not here taking an approval for construction of the project. We are here seeking just an interpretation as to whether a car wash use, from a general proposition, is either permitted in the General Business District with a Special Use Permit or as the zoning officer determined, would require a Use Variance.

So just starting with the two determinations. In July 2022, the first interpretation we received indicated that we would be permitted to proceed with a Special Use Permit in the General Business District under 500-19(C)9. That was later then reversed and determination we received in November of 2022 indicated that it was neither permitted or a special permitted use and that a Use Variance would be necessary.

Then the second component of that determination was that the proposed use would be inconsistent with the Town's Comprehensive Plan. So I will address both of those points in summary fashion. I have detailed it obviously in our submission to the Zoning Board.

So starting with the first issue of the use and whether it's permitted or not, the code contains a definition for "car wash." But I had searched up and down the rest of the code and I

do not see that -- those words utilized anywhere else in any zoning district within the Town of Chili and I also don't see it utilized in any other portion of the Town Code.

So I think the first issue with the interpretation being that it is not permitted is that that means that car washes are excluded in every zoning district in the Town of Chili, if you accept the zoning determination that it's not permitted in this particular district, because it's not permitted anywhere.

And the code doesn't mention it, but obviously we have car washes that exist in the Town of Chili. So clearly, at some point -- and we'll speak about the Niagara Car Wash in a minute -- but there are permitted car washes in the Town of Chili.

So starting with that proposition, it doesn't make logical sense, the conclusion that it is prohibited everywhere and a Use Variance would be necessary. So obviously the Town, through its history, has administered some type of permitting scheme or program that would otherwise have allowed these car washes to be developed because the zoning code has existed in this Town obviously for many decades.

So the question is what district makes sense to have a car wash in? Well, the General Business District, of the districts that are permitted in the Town of Chili, is the one that permits the most intense uses as a matter of right and as a matter of Special Permit. It contains many uses of a similar nature to a car wash. Commercial corridors. Located along highways. That is what the focal point of the General Business District is based on my reading of the Town Code. It seems to promote those types of use.

I think the car wash fits sensibly within the scheme of the other permitted or special permitted uses in that district. We're talking things like restaurants, drive-thru uses, auto parts stores, convenience stores, petroleum stations, things of that sort. So we're talking commercial corridor types of businesses that are typically receiving vehicle traffic.

So we believe that it's a proper interpretation in this instance to allow it to be -- to fall under the special permitted catchall use of C9, uses of a similar character, but not specifically listed in the subsections, the initial determination that was made in the July of 2022. We believe that is the correct interpretation and that should be the one that this Board adopts.

And I think secondarily, the most persuasive evidence of this as to why it really should be a special permitted use is the history what this Town has done to approve a car wash. In 2004, the Niagara Car Wash, which is essentially located kiddy corner across the street on Chili Avenue at 3270, was approved. The zoning at the time was a General Business District, so the zoning has not changed in that corridor since at least 2004 from what I can ascertain. Probably before that.

And looking at the code book that we were able to obtain from the Town, it only went back so far as 2009. They didn't have an older version, but even that organization as of 2009 had the same essential framework for General Business District. Car wash was not set forth in the code at that point. They had the same catchall provision that exists in the current zoning code today.

And in looking at the minutes of the Planning Board meetings from 2004, they approved that car wash not as a Use Variance, but they approved it with a Conditional Use Permit. And from what I understand the Town Code to probably have been in 2004, is that instead of special permitted use, it likely had categories for Conditional Use permitted uses. And the reason I deduced that is because the code has always had a provision in it, as long as I can trace back, under Section 1-11(C)4, which has deemed all references to Conditional Use Permits to be Special Permits. And so if you accept that definition in that section of the code, any time you see Conditional Use Permit, it really now means Special Permit for purposes of 2023. The Niagara Car Wash received a Special Permit in order to operate in the General Business District, if you apply the law as it likely existed in 2004.

And so if that weren't the case, I would expect that the Zoning Board in 2004 would have needed to have an application before it to approve a Use Variance for that car wash in the General Business District, if car washes were not subsumed within the catchall category that likely existed at the time. It wasn't a specific permitted use. Car wash didn't exist, but there is a general framework for any similar types of uses. Any expectation is that is likely how the Planning Board analyzed it at the time to arrive at a decision to issue a Special Use Permit for that.

As to that issue, we would submit that the July 22 determination should be the one that is followed by the Zoning Board and it should reverse the November determination and interpret the code to permit car washes to fall under that catchall category, which would simply allow us to make application for a Special Permit to the Town of Chili rather than needing a Use Variance from the Zoning Board of Appeals.

And now I would like to turn to the second issue, which is the issue of the Comprehensive Plans. The statement in the letter was that car wash uses are inconsistent with the Comprehensive Plans. There was nothing stated in the letter as to what sections we are talking about, so it -- admittedly, I'm shooting in the dark a little bit, trying to figure out what is inconsistent.

But based on my reading of the plans, I don't see any inconsistency with either of the two plans I believe are applicable, which would be the Chili Center Master Plan or just the general Town Comprehensive Plan 2030.

In -- in the first instance with the Chili Center Master Plan, the Future Land Use Map for Sub A Number 3, which includes the applicant's property, it identifies the future land use as Commercial General Business. And interestingly, it's the parcel that is rectangular that is subsumed within the green areas that surround Memorial Park. So they seem to have specifically carved that one piece out on that map just to remain General Business Commercial. Which

would make sense because that was a private property likely at the time the code was being -- the plan was being implemented.

And another consistency with the plan is obviously the idea to promote park use. That is all over the Chili Center Master Plan. One of the things that the applicant had proposed as part of its letter of intent was to dedicate the rear half of that parcel to the Town of Chili, to essentially allow for the expansion of Memorial Park. And I believe, unless I'm corrected, that is still something that's on the table for this potential project, should it be capable of proceeding through the Town approval process.

Turning to the 2030 Comprehensive Plan, developing a commercial base and/or within the Chili Center subarea of the Town seems to be consistent with what this project proposes. But even looking at those land use maps and the future maps contained in there, even more clearly it shows this parcel as always being identified in red, which is the General Business District. So even in the current Comprehensive Plan, which was just adopted, it is identifying this parcel as staying business. And the pages of that are pages 115, 117 and 119, which all identify this parcel as being continued in the General Business District.

So that's -- essentially is the presentation. I'm happy to answer any specific questions this Board may have with respect to our submittal. Or if you have a question of the applicant in particular, we can address those. Otherwise, I'm sure you probably want to also hear from the Code Officer who rendered the determination, so I can turn it over to him if that would be the Board's position.

ADAM CUMMINGS: I will invite him in when it needs to be. But this is a unique application for this Board. I went back in our record. Jim (Wiesner), the only one we ever had close to this was back in 2012 and that was an interpretation of a previous Board's decision. I haven't found that we have actually done a code --

JAMES WIESNER: That is for the trucking businesses on Ballantyne Road?

ADAM CUMMINGS: Yep. Yep.

JAMES WIESNER: That was a vote interpretation.

ADAM CUMMINGS: Correct. I think we may have had one way back when with Ed Shero, the beginning of our term. But I just wanted to point that out to the Board members and to the public this is a unique situation. Doesn't come up all that often and it follows different rules than we normally have to do.

So I did provide the Board members with portions of the clean series -- James A. Coon series with -- the technical series. I will just read it out. They have a very nice question of "What is the basis for the ZBA's decision on an interpretation?"

It says "If requesting a reversal on an interpretative basis, the applicant must prove that the Enforcement Officer's decision was incorrect, according to a proper reading of the municipality's zoning regulations. If the ZBA has heard a case in the past which involved an interpretation of the same provision, the ZBA's decision will be consistent with its prior ruling. If the ZBA has never interpreted the particular provision at issue, it will use its best judgment as to the municipal governing Board's original intent in enacting the provision. Secondly, the ZBA will refer to authoritative publications on planning and zoning law. The applicant may, of course, use those resources in presenting his own case, as well."

Which I think has been proven on the original one. He did not read our code for General Business, but he did reference that one section because it does have a laundry list of permitted uses, uses that require a Special Permit and one catchall clause to try to catch anything else for us to make that decision.

We have not heard anything similar to this. The Planning Board's review of it back then is they did provide it as a Conditional Use Permit and it appeared in the minutes their focus was on neighbor impacts, lighting, noise, potential vandalism, loitering. So it's not exactly apples to apples on here.

I would also point out that the Comprehensive Plan has been updated several times since that 2004 and Chili Master -- Chili Center Master Plan didn't exist back then. I was not on either of those committees, but I just wanted to point those out.

And just for everybody's benefit, I was going to read that one section of the General Business District. I just want to read the purpose of it. I won't read all of the uses.

But the purposes of this district is to make provisions within the Town for larger concentration of retail and service activity in the form of unified shopping centers.

So that's just for everybody's consumption. If you haven't looked those up, that is really the crux of what we're looking at today, is the Master Plan -- as Mr. Mancuso said -- we're looking at the Code Enforcement Officer's -- or the Enforcement Officer's interpretation, the legislative language that we have to work off of and the documents compliance -- or compliance with the documents of our master planning documents which he did reference correctly.

I'm not aware of any other documents that we have in Town other than the Comprehensive Plan. So Paul (Wanzenried)'s reference to the ones that are under concern.

I do want to point out that the boundaries of the Chili Center Master Plan, this parcel is within. Niagara Car Wash is not within. But in terms of uses, the argument has been made and can be made that they are similar.

The part that I personally am struggling with is the Chili Center Master Plan -- I will get this right -- has conflicting diagrams. You have the FLU map, the -- the Future Land Use Map that was just referenced is one parcel. The straight and narrow one is -- is still red and the other one got folded into Recreational. And then you go to Figure 7, and that's Focus Area Number 2 where our focus is to expand Recreational area.

This Chili Center Master Plan also focusses on a more visually appealing streetscape. Backyard parking. And I call it multi-modal with pedestrian, bicycles and public transit. So I just want to bring all these in to light on this.

And with the commercial retail center, that is our focus. We -- we do not want residential in there and just wanted to make these parts of it known on this one.

But in terms of the conversations, yes, we're definitely going to have conversations with Paul (Wanzenried) coming up. I would like to do that before I take Board questions, if that is okay, unless one of the Board members objects to that.

JAMES WIESNER: So are you referring to this map?

ADAM CUMMINGS: That is future land use.

JAMES WIESNER: If this is the existing --

ADAM CUMMINGS: That is the existing zoning code. That is the Future Land Use Map.

JAMES WIESNER: The Future Land Use Map, the green in there -- that changes to green.

ADAM CUMMINGS: But there is one red section. It is because it's not zoomed in enough. There is one little finger of red.

JAMES WIESNER: I can't see what green is. Green is Parkland?

ADAM CUMMINGS: Green is Recreational.

PHILIP SUPERNAULT: You're talking about subarea Number 3, right?

ADAM CUMMINGS: Yes.

PHILIP SUPERNAULT: And that shows the parcel we're discussing today -- tonight in green.

ADAM CUMMINGS: It shows part of it in green. It shows part of it in red.

JAMES WIESNER: There is like a little --

PHILIP SUPERNAULT: Little finger.

MARK MERRY: I think it's very much open to interpretation.

MR. MANCUSO: If I may, I don't want to interrupt the Board, but to make it furtherly ambiguous, the 2030 Master Plan, which I believe -- correct me if I am wrong, I think that is 2022 that was adopted and I think the Chili Center Plan was 2011 -- so I think it was a decade earlier. But the mapping in the updated plan is actually different than the mapping that is in the Chili Center Master Plan. All of the mapping that I saw in the new plan was consistent. I don't believe there was a discrepancy, but that area is all shaded red in the 2030 plan, which does incorporate many of the same elements of the -- of the early Chili Center Master Plan. So that is another ambiguity between the two plans. I would say obviously the later plan would likely govern to a larger extent because it was just done last year as opposed to over a decade ago.

I will also say that as I set forth in the memo, the plan itself is a guide. Although I would say it's not supposed to be overly restrictive as to any particular thing. So to look in, you know, what the Chili Center Plan said in 2011, I don't think is appropriate. The plan is meant to be a guide to drive the development of that particular area.

So I think wholistically speaking with all of the plans, with the exception of that one shaded ambiguity in the green, in the Chili Center Plan, I think most of the mapping in the plans would show the commercial corridor as being the focus of that particular area.

ADAM CUMMINGS: Okay. And Jim (Wiesner), can you read the date on that map? Because there -- and say what figure it is? It usually --

JAMES WIESNER: Trying to find a figure. I don't see a figure on it. Figure 6 on the front, but there is no figure on the back.

ADAM CUMMINGS: Can I see it real quick? So this one is -- is actually from the -- yes. So this is -- on page 5-10 it's a reference in the Chili Center Master Plan. It's a reference of page 5-10 from the 2030 Comprehensive Plan. Which is the Future Land Use Map underlay of Subarea Number 3. So you're right, there is no figure referenced. I think it's the same one that Mr. Mancuso just referenced. And it says that on the notes that the base map shown is the updated 2010 Future Land Use Plan Map decided upon for the 2030 Comprehensive Plan which was identified as Figure 5-1. So Figure 5-1 is what this one is. It's an adventure to find that.

JAMES WIESNER: But from what I'm understanding, these -- the current zoning districts --

ADAM CUMMINGS: The current zoning district --

JAMES WIESNER: -- don't match this?

ADAM CUMMINGS: Correct.

JAMES WIESNER: With Figure 6.

ADAM CUMMINGS: So the current zoning district is still red, isn't it?

MR. MANCUSO: Yes. Correct.

ADAM CUMMINGS: Let me see that one.

I'm not familiar with this one.

MR. MANCUSO: In the 2030 plan, too, the submap is now Number 4. And I believe -- I think it's -- Number 4 is the actual focal point of the new plan.

ADAM CUMMINGS: Yeah. So this is -- this figure, sort of -- with all of the red, this is the zoning map that was updated in 2012, which does have this parcel as being red, General Business.

JAMES WIESNER: So that one came out of here, which is the Future Land Use Map.

ADAM CUMMINGS: Right.

JAMES WIESNER: That shows the sliver in there.

ADAM CUMMINGS: Correct.

PHILIP SUPERNAULT: Yes.



JAMES WIESNER: Right there.

ADAM CUMMINGS: Correct. Okay.

I do not have a copy to confirm -- once again, these are excerpts out of the Chili Center Master Plan. I did not bring a copy of just the Zoning map, not as an excerpt out of the Comprehensive Plan or the Chili Center Master Plan.

Paul (Wanzenried), are you -- would you be willing to chime in?

PAUL WANZENRIED: What would you like me to say?

ADAM CUMMINGS: I wanted to give you the opportunity if you wanted to say anything.

PAUL WANZENRIED: I think that my determination was based on -- if you look at the Chili Center Master Plan, if you look at the vision statement, you will see that "The Chili Town Center will be a vibrant cultural, social, commercial center for the Town of Chili. Appropriate commercial development will be balanced with natural resources and a mix of recreational opportunities to establish a dynamic environment for multi-generation activities. Complete streets, active living, low impact development strategies will be applied to support a cohesive and sustainable complex of mutually supportive destinations."

I do not interpret a car wash as a supportive destination, nor did I see it following the complete streets theory -- guide that the Chili Center Master Plan came through.

I think if you look at an example -- to me of a similar use would be in the LI, truck terminals defined as a terminal facility. May include storage areas for truck building, repair of trucks, associated with the terminal driver transit and support functions, washing. That's -- that's -- a wash bay would be a similar use, okay, in a truck terminal. Okay?

When I use determinations, I try to find similar characteristics within any of the permitted or special permitted use uses. I did not see that in -- in any of the listed permitted or special permitted uses. I did not find any characteristics that were similar.

I am aware of the Conditional Use for Niagara. I cannot find the basis for which they made that decision. And so I -- my interpretation of the code was -- I -- I initially brought it forth to the engineering firm. Yes, I initially brought forth that if you were going to do it, we would have to try it under a similar use and characteristic, but that was based on a phone call with the applicant. And once I saw the magnitude of what they're trying to develop and -- and further research into the plans associated to which they all have to conform, it was my determination that it was not -- it's not -- there is no similar characteristics. So.

ADAM CUMMINGS: Thank you. I have a curiosity question on the research. We focused on the Niagara Car Wash. In this area, it was in the discussion of the 2004 Planning Board of the -- back at the time -- I believe it was an Exxon Mobil. It's now a Speedway. They had a touch-free car wash that complements their gasoline station, convenience store set-up.

Was there any research done on that one of how it matches the adjoining? I know there was a discussion of the Niagara Car Wash -- it was by the applicant -- it would complement the Valvoline next door, but they don't actually connect.

Has there been any research -- because it has been mentioned how car washes -- are by definition but not identified anywhere else. We do have several. North Chili is one.

PAUL WANZENRIED: There's two in North Chili.

ADAM CUMMINGS: Oh, yes. The Hess. You have the Hess and the --

PHILIP SUPERNAL: Smaller bay -- two bays.

ADAM CUMMINGS: So one is a standalone and another one is an attachment just like on the Exxon Mobil I'm getting at.

Any research on how the Town has come to those conclusions to allow car washes with gas stations?

PAUL WANZENRIED: I did not go that far.

ADAM CUMMINGS: Thank you. I know it's not part of the Chili Center Master Plan. I was just curious on it.

PAUL WANZENRIED: Right.

ADAM CUMMINGS: Because once again, we do only have one standalone car wash. The other ones are part of an automobile service center. That -- I will call it a "campus." It's pretty small. It has a convenience store, gasoline, refueling and a car wash. That's the ones I'm thinking of here. Which there are two of them.

Because that is the unique part that we have here. We reference the General Business District, which is what this falls under because that's the other part. We do have future land use but we have not changed the zoning, so it does fall under the General Business District. On that it does reference permitted use being any permitted use in the RB or NB District.

I know we focused on Special Permit Uses, but I did want to point out to everyone tonight, the NB -- I will start with RB stands for Restricted Business District and NB stands for the Neighborhood Business District, just to make sure we cover all those bases. They both have their own laundry lists.

Restricted Business District is more for professional and administrative offices and related activities. Car washes don't appear on that one. Nor do I think a car wash is similar in character to office buildings, doctors offices and such.

Neighborhood Business is for areas or centers for convenience shopping to serve residential neighborhoods and there are size restrictions with that. Once again, car wash doesn't show up under that one either.

I will point it out, because it is one of the sections on there, if people didn't know what they were, you might think to look at that to see if it fell under that. Once again, it doesn't help us with that. It just doesn't say anything about it.

Now, to Board questions.

Are you limited -- Paul (Wanzenried) said you're limited to questions and -- I'm joking. I'm just joking.

MR. MANCUSO: I also went over my one minute, so I apologize.

PHILIP SUPERNAULT: Well, probably for the lawyer -- for our lawyer, there seems to be an assumption of congruency between Special Use as interpreted in 2004 and Conditional Use as -- as specified in -- in 2023 via a 2030 Master Plan.

And 2004 -- Chili Center in the demographics and all of the planning in 2004 certainly is a totally different world than 2023. And a lot of that can be seen in our 2030 plan.

I'm struggling with saying that a Conditional Use in 2024 [sic] equals a Special Use in 2023.

Am I making myself clear?

MR. MANCUSO: I think you meant 2004 and 2023.

PHILIP SUPERNAULT: For saying -- congruence -- using -- using congruent in -- excuse me -- using conditional in 2024 [sic] to allow the Niagara Car Wash to be built -- to use that as an argument for using a Special Use to allow this present car wash to be built, I don't -- I personally struggle with those two being equal.

MATTHEW PISTON: Yes. So I can tell you that -- that Counsel is correct. That the term -- or that the code does state that what was defined as a Conditional Use prior to the amendment of the code is now -- should be construed as a Special Permit --

ADAM CUMMINGS: Special Use Permit.

MATTHEW PISTON: -- Special Use Permit. Yes.

PHILIP SUPERNAULT: But does that mean that because we -- because we in agency allowed that to be built in 2004 as a conditional, that we should, therefore, then allow this to be built in 2020 -- whatever as a Special Use?

MATTHEW PISTON: I think that's part of your interpretation. And whether or not you feel there are some sort of change in circumstances between when Niagara built and why it was built and today. This -- and this interpretation is as far as what is permitted -- I will use the word "permitted."

PHILIP SUPERNAULT: There is a Master Plan in place now that wasn't in place in 2004.

MATTHEW PISTON: That certainly can be taken in consideration by you as to what the overall scheme of -- for the zoning of the Town is.

PHILIP SUPERNAULT: Would I be -- 2004 versus Town Code 2023?

MATTHEW PISTON: You would -- you would need to know what the differences between 2004 and 2023 is in order to -- to make that.

PHILIP SUPERNAULT: I think we -- there is probably some differences.

MATTHEW PISTON: There -- there could be. And -- and certainly the -- the Board, if -- if the Board wants to table it to determine the differences and what the relevancy of the differences may be, that is also within the purview of the Board.

Does that make sense?

ADAM CUMMINGS: To segue onto that, we are really -- we're also looking at the General Business District. So we're looking at this particular application on this one parcel, but we're also doing a future interpretation for the General Business District, even outside of the boundary of the Chili Center Master Plan. So we need to have that consideration, as well, tonight, in the back of our minds.

PAUL WANZENRIED: Is that a question?

ADAM CUMMINGS: No. I thought you were going to ask me a question. I was just going to point out, if you can't hear it, and correct me if I am wrong, Counsel, we are not only looking at the parcel in this one application but we are looking at this General Business District, even the ones that are outside of the boundary of the Chili Center Master Plan zone?

MATTHEW PISTON: I would agree with that, yes.

ADAM CUMMINGS: I did want to point out one thing, moving back to the Chili Center Master Plan, is -- it's -- it's somewhat a separate issue, but I will do it at the same time.

We talked about the vision statement and what we're going for. Figure 3 identifies areas where there are many pedestrians and vehicular incidents. And with that, we're trying to promote safety in the area.

I just want to point that out, as well, to the Board members is part of the consistency with these planning documents that we need to consider, as well, um -- with these type of ones in the zoning map that we have, is this area -- because of that intersection -- it has had numerous instances. I know we're not here for site plan and traffic studies and all that --

PHILIP SUPERNAULT: Can DEC --

ADAM CUMMINGS: I want to stay away from any environmental review. We're here for the order of the measures we're here for. We're not here about blue line streams and environmental impacts to riparian zones.

We're here to specifically -- car wash as a use of how it is permitted or not permitted. But I just wanted to point out in that Chili Center Master Plan, having an automated car wash that services just automobiles in an area being focused on for pedestrian and bicycle traffic could be problematic in terms of allowing those types in there. In my opinion.

PHILIP SUPERNAULT: What about bordering a park?

ADAM CUMMINGS: There is arguments both ways. Because our General Business is trying to provide servicing to the residents. So it can be viewed as a service for the people going to use the park that are driving to the parking lot to the Community Center to get their car

washed for the convenience of going by. But at the same time you have more pedestrians going by and -- and detriments that can happen there. So I think where you're getting at is -- is it consistent with that area in terms of the aesthetic looks, the architectural looks.

PHIL SUPERNAULT: I guess I'm thinking about the people actually using the park, the kids on the slides, playing basketball.

ADAM CUMMINGS: At Memorial Park?

PHILIP SUPERNAULT: Yes. And I don't know for sure what our plans are for that. Is the baseball field going away?

ADAM CUMMINGS: No. It stays parkland.

PHILIP SUPERNAULT: Well, what -- no. Is -- is it going to remain a baseball field or --

ADAM CUMMINGS: I don't think the Town has any plans to change that.

PHILIP SUPERNAULT: So I guess what I'm thinking is we're going to have more people -- people using that space and --

ADAM CUMMINGS: Or the same amount of people using that space.

PHILIP SUPERNAULT: Right. Could be. And we -- and what we -- and -- but we're -- we're not here to determine that. Or are we? We're here to determine number 1 and 2 --

ADAM CUMMINGS: Right.

PHILIP SUPERNAULT: -- on this page.

ADAM CUMMINGS: You are getting towards the part of -- I like the term "guidelines" that the Master Plan documents give us. They're not the regulations, but they are the guidelines that the regulations are developed to accomplish.

PHILIP SUPERNAULT: I sat on that Committee representing the Historic Preservation Board. I was pretty intimately involved with the planning.

ADAM CUMMINGS: Which plan, the 2030 Comprehensive Plan?

PHILIP SUPERNAULT: 20-year plan. Yes. "Comprehensive Plan" we called it back early on.

ADAM CUMMINGS: I don't know what the 2030 Plan -- this is the 2030 Comprehensive Plan. You threw me off with that, the "20-year plan." I only --

PHILIP SUPERNAULT: Well, it basically folded into the -- then COVID came along.

ADAM CUMMINGS: Mr. Mancuso, anything to add?

MR. MANCUSO: I would like to talk about the comprehensive planning discussion, because I do think a lot of the types of elements that are being discussed are putting the cart before the horse a little bit. Because I do think the plan plays a role in multiple stages of the development of the project, but the portions of the plan that I think are relevant tonight, as compared to what might be relevant to a site plan review or a Special Permit review are not necessarily the same components.

Because what I'm advocating for tonight is really a use-related issue. So putting aside the nature of the building, the streetscape, the landscaping, the storm water management, its impact on the surrounding Memorial Park -- those types of things are really site elements. They're going to be -- they would be studied as part of site plan review or Special Permit review.

And things, as though -- you know, for example, talking about the magnitude of the development or the types of styles of development that Comprehensive Plans provide, streetscape, representations, things of that sort, I think those are design elements. You know, whether or not we can design the project consistent with what the plan is envisioning, the visionscape of the community, um, is not before the Board tonight. Because this project is not designed. It's whether or not the generic usage of the parcel for a car wash in the abstract does or does not allow for uses as a Special Permit or whether it needs a Use Variance.

And so the portions of the Comp Plan that I think are relevant for this discussion are what are the future land uses identified just from a use proposition? That is what I thought I interpreted the statement in -- in the letter to mean. You know, if it is inconsistent with the Comprehensive Plan from a use standpoint, for example, if I was trying to build residential in a General Business District -- that was identified in the Comp Plan -- I think one would tell me that's an inconsistency with the Comprehensive Plan. We weren't looking for long-term development of that parcel because we've identified it for General Business purposes.

So I'm looking at it more high-level, 30,000 foot in the Comprehensive Plan for tonight's purposes. But I appreciate the other portions of the plan. I don't want to discount them. As much as I believe that's really for another day if this Board were to allow us to proceed. We still have to apply. We still have to provide a Special Permit application.

I will look at factors such as its relationship to the surrounding community and Special Permit isn't a permitted use, but it allows for a Board to tweak and look at certain elements and how it may interact.

ADAM CUMMINGS: I will ask you the same question I asked them.

Did your research expand to -- other than the Niagara Car Wash, did you look at the one in North Chili or the two that are attached or complementing ones on Chili Ave. at Chili Coldwater? And one is at Union Street and Buffalo Road.

MR. MANCUSO: I didn't expand my search to that. Certainly to the extent we need to do a deeper dive, we can look into those different projects.

Under the time constraints of the application to get it in in time, we obviously could only dig so deep. One of the issues I heard tonight is what the 2004 code -- I would love to see the 2004 code if it is available. I did FOIL -- make a FOIL request and was told it is not available.

So I'm inferring from the nature of land use approvals generally speaking, that if I walked in in 2004 to this Town and I said, "I would like to build a car wash in the General Business

District," if someone told me, "You need a Use Variance," then when I sit here tonight in 2023, I would understand the determination that it's not permitted in the same district.

But if walking in -- in 2004, the -- the analysis was you need a Conditional Use Permit -- because the code essentially shifted it to a Special Permit -- they are essentially - for my purposes from a legal perspective, they are essentially the same type of land use permit approval. They're permitted uses with a layer of permitted. Used to be Conditional Uses were the normal thing, 20 years ago. Now it's more of a Special Use is what we converted it all to, as opposed to being outright prohibited. Which doesn't make logical sense in the scheme of a zoning code with a car wash -- it would make -- it doesn't make sense -- logical sense it would be prohibited everywhere. You would need a Use Variance no matter what district essentially you're in unless we have a limited exception in the Light Industrial District, which I -- I didn't pay particular attention to because we had an example of the car wash that had been built.

ADAM CUMMINGS: I'm more curious to find out the Town's history how we evaluated those other -- not Niagara. I have read all those minutes in Greek and English -- just because of font changes -- and I would like to see -- I would like to have time to look up those other ones. I don't -- I don't know if we'll ever find the 2004 code. It sounds like it has been FOILED and was not discovered. So I don't think we should even spend our time searching for it.

But I would like to approach the Board's idea of tabling this to gather that additional information. And any other information the Board sees fit.

MARK MERRY: I think it's a good idea to table it.

FRED TROTT: I agree.

MR. MANCUSO: We have no objection to that.

ADAM CUMMINGS: I was just going to ask if you have any objection. So I did want to -- have the one question to Counsel on that, regarding the Public Hearing. I didn't see a head nod "yes" or "no."

MATTHEW PISTON: I have seen it go both ways. So -- it's -- it's your call.

ADAM CUMMINGS: All right. I will make the call. I just want to point out what -- because I do see audience members still here, um, and nobody else on the agenda -- the way we did this in the past and from what I was able to research and Counsel just attested to, this is not a normal one, a normal procedure that we do. And it's not actually subject to a Public Hearing, nor is it subject to State Environmental Quality Review or SEQR. So we definitely will not be doing SEQR.

But I will elect to have a Public Hearing for the benefit of our residents even though it's not required. So with that, I will --

FRED TROTT: We'll keep it open until the next one?

ADAM CUMMINGS: No. I will open it and close the Public Hearing and then we're going to table it and then if we have to -- because we don't have to have a Public Hearing -- we may reopen one in the future or we may not have one. We will evaluate how that goes. But once again, this is not a requirement. This is a courtesy that I will open up. So I will open the Public Hearing and then we'll move on to entertain that tabling of the -- that the applicant had no objection to.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I would like to have a publish -- the public's opinion expressed if they wished when all of the facts are in. And it sounds like there are more facts to come. So it's a little premature to have public comments at this point. I would like to see it left open for a later adjournment.

ADAM CUMMINGS: Thank you. Not seeing any hands.

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: All right. So I will go ahead and ask for a motion to table this.

Mark Merry made a motion to table the application, and Philip Supernault seconded the motion. The Board was unanimously in favor of the motion.

ADAM CUMMINGS: And I guess before I finalize that one -- should I put it to a -- I don't want to just leave it open-ended. It is tabled. Tabled until the next meeting?

MR. MANCUSO: That is what I was going to ask.

ADAM CUMMINGS: I don't want to just leave it tabled. I would like -- I don't want to just restrict it to the next meeting because if it takes it -- too long for the next month's meeting to get all of the information we need -- should I go to the next month?

PAUL WANZENRIED: Isn't that up to the applicant?

MR. MANCUSO: If I could make a request, I would -- we'll certainly do our diligence to see if we can uncover the things that have been asked tonight in terms of the missing information, but I would ask to be placed on the next meeting's agenda. To the extent that we elect to -- to table it again, we could advise the Town in advance --

PAUL WANZENRIED: Right.

MR. MANCUSO: -- of the meeting, but we would prefer to be scheduled for the next meeting.

PAUL WANZENRIED: Fair enough.

ADAM CUMMINGS: I was assuming it, but I don't want to assume it.

So once again, that is tabled until next month's meeting. Is everyone still in favor of that?

The Board indicated they were unanimously in favor.

DECISION: Motion was unanimously approved by a vote of 5 yes to table with agreement with the applicant to obtain more information related to past decisions of car washes in Town.

ADAM CUMMINGS: That has been tabled until next month with some homework for the applicant. I will also look down to the resources that I have, because I have the former Zoning Board of Appeals files and Planning Board files that date back, I think, to 1998. So I will see what I can find, as well.

Thank you. And see you next month.

MR. MANCUSO: Thank you members of the Board. Have a good night.

ADAM CUMMINGS: Moving on.

Philip Supernault made a motion to accept and adopt the 1/24/23 Zoning Board of Appeals meeting minutes, and Fred Trott seconded the motion. All Board members were in favor of the motion.

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

The meeting ended at 8:15 p.m.