

CHILI ZONING BOARD OF APPEALS

May 20, 2003

A meeting of the Chili Zoning Board of Appeals was held on May 20, 2003 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 Beverly Griebel.

PRESENT: Dan Melville, Gerry Hendrickson, Richard Perry, Michael Martin, Peter Widener and Chairperson Beverly Griebel.

ALSO PRESENT: Daniel Kress, Director of Planning, Zoning & Development;
Keith O'Toole, Assistant Counsel for the Town.

Chairperson Beverly Griebel declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. She explained the meeting's procedures and introduced the Board and front table. She announced the fire safety exits. The Pledge of Allegiance was cited.

BEVERLY GRIEBEL: Before we begin, I was out on Saturday the 10th and Application 8, Mr. and Mrs. David Jackson on Chili Avenue, there was no sign posted there.

GERRY HENDRICKSON: I went down on the 14th and there was no problem. The sign was there.

PETER WIDENER: I saw it on the 18th.

RICHARD PERRY: You saw it on the 18th?

DAN MELVILLE: I saw it yesterday. I wait until the last minute.

BEVERLY GRIEBEL: I guess they didn't get it up in time.

GERRY HENDRICKSON: I didn't see one on Number 1, though.

BEVERLY GRIEBEL: Okay. Just a minute. Let's go with Number 8. Want to hear it? Decision of the Board? Anyone against hearing it?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Gerry (Hendrickson), you had a problem with Number 1?

GERRY HENDRICKSON: Yes.

BEVERLY GRIEBEL: It was there when I went out. Anyone else have a problem with it?

PETER WIDENER: I didn't see it on the 15th when I was there.

RICHARD PERRY: You saw it on the 18th?

DAN MELVILLE: It was there yesterday. It must have been a day or so it came down.

RICHARD PERRY: You saw it in the beginning?

BEVERLY GRIEBEL: I saw it the first day. We had the big rain and wind and all that on the Sunday, on the 11th.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Numbers 12, 13 and 14, that is all Leon Zak on Westside Drive. There was no sign up on the 10th.

RICHARD PERRY: It was there on the 18th.

GERRY HENDRICKSON: On the 14th it was there.

BEVERLY GRIEBEL: Okay. Well, I guess they were kind of late getting it up. Shall we hear it?

RICHARD PERRY: I think we have to be consistent. I would say yes.

The Board indicated they would hear those applications.

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BEVERLY GRIEBEL: Anyone else have any other problems with any signs?

The Board indicated there with no problems with any of the other notification signs.

1. Application of George Postlethwait Jr., owner; 15 Constitution Circle, Rochester, New York 14624 for variance to erect an above-ground swimming pool with deck to be 4' from side lot line and 4' from rear lot line (10' req.) at property located at 15 Constitution Circle in R-1-15 zone.

George Postlethwait, the applicant, and Susan Manley, an interpreter, were present to represent the application.

BEVERLY GRIEBEL: Our interpreter will interpret for the application.

I have a question.

THE INTERPRETER: Sure.

BEVERLY GRIEBEL: Now, is there any reason why the pool can't put -- be put long ways in the yard?

THE INTERPRETER: Okay, well, actually first I would like to correct the numbers. Before you put my -- 4 foot from the property line, that actually includes the deck, and that is what we're trying -- we post a sign on the street and the reason why I want the pool to be set up that way is because we have children and they could take advantage of the backyard and play. If we put it that way, then in the summertime, the sun is -- it is blocked, and -- and allowing the pool to be where we would like it to be would allow for more sunshine to actually warm the pool. And more room for my children to play in the backyard.

BEVERLY GRIEBEL: A play area in the backyard?

THE INTERPRETER: Exactly.

BEVERLY GRIEBEL: Okay. That was the main question I had.

RICHARD PERRY: Who would be installing the pool?

THE INTERPRETER: Mark Kohler (phonetic).

RICHARD PERRY: Professional installer?

THE INTERPRETER: Yes, it is. He is from Chili.

PETER WIDENER: I know the pool installer. No questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: I will close the public hearing and the Board will deliberate right now on this application and make a decision.

The Board deliberated on the application.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Applicant explained the reason for the pool location. To have backyard play room for the children and to allow more sun to be on the pool.

Note: A building permit is required prior to the installation of this pool.

DANIEL KRESS: We have sufficient information to issue a permit for the pool. What I don't believe I have is sufficient information as to how the deck is to be constructed, so when you get to that

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point of the project, I will need some drawings showing how that is to be built.

THE INTERPRETER: I don't think we'll be building that for a couple years. It won't be happening this year for sure, but we'll do that.

DANIEL KRESS: Okay.

BEVERLY GRIEBEL: So you can go tomorrow or any time after that to get the pool permit.

THE INTERPRETER: Okay. Thank you very much.

2. Application of Chad Roy, owner; 2 Bent Oak Road, Rochester, New York 14624 for variance to erect an 8' x 12' utility shed to be 8' from side lot line (55' req. abutting a street) at property located at 2 Bent Oak Road in R-1-12 zone.

Chad Roy was present to represent the application.

BEVERLY GRIEBEL: You have a nice backyard, but it's all fixed and planted and everything else back there.

MR. ROY: Correct.

BEVERLY GRIEBEL: So you don't have much choice as to where you want to put a shed.

MR. ROY: Not really.

BEVERLY GRIEBEL: And have you a corner lot problem.

MR. ROY: Yes, correct.

RICHARD PERRY: If we find a way to eliminate corner lots, we would be a lot better off.

BEVERLY GRIEBEL: I don't think anyone on this Board would ever intentionally buy a corner lot.

DAN MELVILLE: Will you put any electric out to that?

MR. ROY: No.

DAN MELVILLE: Will it be on a concrete slab or anything like that?

MR. ROY: Not concrete slab, but just individual slabs, inch and a half thick, individual pads, not poured concrete.

PETER WIDENER: I was just concerned on the Fenton Road side.

MR. ROY: It would be 24 feet from Fenton Road. I put at least 8 feet, because it was my understanding it needed to be 8 feet from the property line, so I wrote on the application it would be at least 8 feet from the road, but it will be 24.

PETER WIDENER: Okay. No other questions, then.

MICHAEL MARTIN: Would you like us to adjust the application to read a number higher than 8 feet?

DAN MELVILLE: The 8 feet is from the property line, though.

BEVERLY GRIEBEL: It will be in from the actual road --

MR. ROY: Yes. 24 feet from the edge of the pavement, of the road.

DAN MELVILLE: You will probably want to go by the property line. That's a little more accurate.

BEVERLY GRIEBEL: 8 feet from the property line. That will get it nestled back there in the bushes.

MR. ROY: Right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, made a determination of no significant environmental impact, and Michael Martin seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Corner lot problem regarding setbacks.

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2. Backyard landscaping limits placement of the shed.
3. Application of Tim Hurley, owner; 703 Westside Drive, Rochester, New York 14624 for variance to allow a 14 1/2' x 20' shed to be 290 sq. ft. (180 sq. ft. allowed) at property located at 703 Westside Drive in R-1-15 zone.
4. Application of Tim Hurley, owner; 703 Westside Drive, Rochester, New York 14624 for variance to erect a 30' x 30' two-story garage to be a maximum of 1800 sq. ft. (900 sq. ft. allowed) at property located at 703 Westside Drive in R-1-15 zone.

Tim Hurley was present to represent the application.

BEVERLY GRIEBEL: You have done a nice job on that house.

MR. HURLEY: Thank you.

BEVERLY GRIEBEL: I have watched it change over time.

One of the concerns I had was the two-story garage could be taller than the house, but your house is like 2 1/2 stories.

MR. HURLEY: Right.

BEVERLY GRIEBEL: So I don't envision that as being a problem.

DAN MELVILLE: I guess it really can't be taller than the house, so you have to make sure you keep it --

MR. HURLEY: It wouldn't look right anyway. It is not a problem.

DAN MELVILLE: My question is what is the second story for?

MR. HURLEY: Storage. I have a small basement now. I have four kids. If you have kids, you know, bicycles, toys. I have never been able to pull a car into the garage, the one I had. It would be nice to pull two cars in and have storage. It would have a gabled roof like my house does, and it would look nice.

DAN MELVILLE: Same thing for the shed, too, mowers?

MR. HURLEY: Yes, mowers.

DAN MELVILLE: Not running any kind of business out of there?

MR. HURLEY: No.

DAN MELVILLE: Concrete floor in the garage?

MR. HURLEY: Yes.

DAN MELVILLE: What about the shed?

MR. HURLEY: Poured slab, yes.

MICHAEL MARTIN: Do you plan to have electrical in the shed?

MR. HURLEY: If I do, I will do it down the road and make sure I do it right.

MICHAEL MARTIN: If you're having electrical, you have to have a concrete slab?

DANIEL KRESS: If you're storing vehicles in the building, you have to have a non-combustible floor. The electrical has to be inspected.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GENE HOFFMAN - 10 Entress Drive

MR. HOFFMAN: Gene Hoffman, Number 10 Entress Drive. We live right in back of Tim and he has done a wonderful job on the house. There is no question about that. There is already a huge shed back there now and now he will have another shed there now. That is all we're looking at. I was trying to get a variance on a garage to put a double garage in years ago, and it was too close to the lot line and I didn't get it. Here you just present here what you want and you get what you want, apparently.

BEVERLY GRIEBEL: Let me ask you. You have a shed in the back?

MR. HURLEY: Ma'am, could I just explain?

BEVERLY GRIEBEL: Yes.

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MR. HURLEY: I wanted to move 20 feet of the garage, but I was told if you want it that big, you need a variance. I said, "What can I move?"

She said, "What you can have is a 14 by 18."

I said, "Okay. I'm on vacation. I would like to move the 14."

I got a permit for the 14 by 18 -- 14 by 10, I'm sorry. I actually have half of it up with the front open. Now for me to make it the size that I want to make it, I'm here for this variance. So, yes, there is a shed that was just put up. It is the part I was allowed to do with the permit. The addition is the variance.

DAN MELVILLE: So you're not adding another shed?

MR. HURLEY: No.

DAN MELVILLE: You're just --

MR. HURLEY: This is the original. Only one shed.

BEVERLY GRIEBEL: Expanding the shed that sits there now?

DAN MELVILLE: That is partially up?

BEVERLY GRIEBEL: It is new, but it is only partially done?

MR. HURLEY: What you will see -- I have a picture. It is actually part of the old garage. The garage I took down had a steel frame. It really wasn't a garage. It was more like a shed. It all unbolts. It was able to be unbolted and moved. It actually is the walls. I'm just waiting to pop them into place, but I can't make it bigger until I do this.

BEVERLY GRIEBEL: Until you get the approval?

MR. HURLEY: Right. The garage was 30 that I took down, 30 feet long. It is only going to be 20. I didn't need the whole 30. I figured I got the material, why not use it.

BEVERLY GRIEBEL: And the new garage will be at the same site as the old one?

MR. HURLEY: Exactly.

BEVERLY GRIEBEL: At the end of the driveway, the logical spot.

The shed will be expanded behind. You didn't have a shed there before?

MR. HURLEY: No, never had a shed in the yard.

BEVERLY GRIEBEL: This is a new one, but it is just a little oversized for more storage?

MR. HURLEY: Yes. The old siding was took off the shed. It was bad looking. The T-111 will go on, primed with a new steel roof. It is not a piece of garbage I moved out back. I have spent the money to make it look decent.

MR. HURLEY: It has to be over 100 feet from where he is talking easily.

BEVERLY GRIEBEL: Well, we don't have any more questions on the Board here.

On Application #3, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #3: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Applicant described need for storage in the shed.

Note: A building permit is required prior to the construction of this shed.

MICHAEL MARTIN: Will construction of the new garage match the house?

MR. HURLEY: Yes, same gable roof upstairs. Just one thing. It says 30 by 30 for the garage. I wanted to change it, if I could. 28 width by 32. Take a little width off the front of it to make it look a little less so big. Is that a problem?

DAN MELVILLE: Same square footage?

BEVERLY GRIEBEL: 32 wide?

MR. HURLEY: 28 wide. 32 long.

BEVERLY GRIEBEL: Counsel, that is not significant enough to require --

KEITH O'TOOLE: Square footage has not changed.

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DAN MELVILLE: Square footage is what you go by?

KEITH O'TOOLE: Yes. It is not an issue.

On Application #4, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Michael Martin seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #4: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Applicant described need for room for vehicles and storage in the two-story garage.

Note: A building permit is required prior to the construction of this garage.

5. Application of Paul Road Industrial Center, owner; 1 S. Washington Street, Suite 200, Rochester, New York 14614 for variance to allow front parking for approximately 114 vehicles for proposed manufacturing facility at property located at 465 Paul Road (Lot R3A) in L.I. zone.

Mark Valentine, Duncan Jackson, Rich LeFrois and Larry Glaser were present to represent the application.

MR. VALENTINE: Good evening. My name is Mark Valentine with the MRB Group.

BEVERLY GRIEBEL: What is your last name?

MR. VALENTINE: Valentine, V-a-l-e-n-t-i-n-e. With me is Duncan Jackson also of MRB. Rich LeFrois, owner of LeFrois Builders, and Mr. Glaser, owner of the Paul Road Industrial Center. Currently our site is encumbered by basically two front yard setbacks. We have a setback from Paul Road and also front setback off Aviation Avenue. The property going in there now needs a building that is more angled towards Paul Road. There will be two occupants to the building. It will be a leased building. Therefore we need frontage for both of these properties with handicapped access on the front side and we have located the loading docks on the south end for aesthetics purposes to face them away from the roadway.

As part of the configuration of the building, it is restricted by the setbacks both from the front yard setback, and the side and rear setbacks dictate the location of the building. As part to mitigate the front yard parking, we have shown landscaping in the front and we have also shown berming along Paul Road. The parking lot had been recessed. It sits approximately -- excuse me, sits approximately 5 to 6 feet below what the current Paul Road elevation is. Then we have 2 to 3-foot-high berms on top, so you have 8 foot of berming and landscaping screening above that. We'll also add berming and landscaping along Aviation Avenue for the setback on that side, as well.

BEVERLY GRIEBEL: Can I just announce, if anyone in the audience wants to go take a look, please feel free.

MR. VALENTINE: To mitigate the lack of parking, we have land banked 39 spaces of parking. We need 153 spaces per code; our property will only need 114. We have gone to Planning Board. They have approved preliminary and final for the land banking of the parking, helping to minimize the --

BEVERLY GRIEBEL: What is land banking?

MR. VALENTINE: If you allocate an area for future parking development, it is an area blocked out on the property if you need parking in the future. It is accessible, available, but at this time it is not needed, therefore it's not built, to decrease the impervious area and excess parking.

The property here is -- once the landscaping is done, it will look similar to the LAI Building which is two properties over. That property also, the parking sits well below the roadway and it is landscaped up along the front. Our property with the front yard parking is very similar to all three neighboring properties, the Bausch & Lomb Building to the west, the armory which is on the east side and the LAI Building which I spoke of before, which is just two lots over.

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With us this evening we have also brought elevation views showing a simulation what the building and parking lot would look like from Paul Road, with the berming and the landscaping and we also show a cross-section what that area would look like.

BEVERLY GRIEBEL: You don't see much with the berming and the landscaping.

MR. LeFROIS: Is this perspective of it from Paul Road based on an SUV or on a --

MR. VALENTINE: I don't have the exact --

MR. LeFROIS: We took about I think a 3 1/2 foot eye height. I think we just picked about 3 1/2 feet we assumed.

MR. VALENTINE: 3 1/2 foot eye height is standard for D.O.T. for stopping distances, sight distances.

MR. LeFROIS: If it was my car, I probably wouldn't see any of it.

BEVERLY GRIEBEL: You have a mini one.

MR. LeFROIS: It looks like you used a Cadillac.

(Laughter.)

DAN MELVILLE: It looks like it will be pretty well screened, but what would the alternative be if you didn't get the front parking? Is there anywhere else to park?

MR. LeFROIS: There really isn't another practical spot because of the shape of the lot. We try to design the building because they're tenant-orientated. We're not there all of the time. You need to put parking relatively near a front door unless people are parking on the grass.

DAN MELVILLE: That is pretty much the only practical spot.

MR. LeFROIS: The only practical thing we could do.

DAN MELVILLE: Without moving the building closer to the road.

MR. LeFROIS: We thought it would be better to screen the loading docks and those types of things away from everybody. This is what we felt was pretty good. We have the berms designed -- we have ideas to do future development, so we want to create a good feel of people coming in there, too.

RICHARD PERRY: I guess as a neighbor down the street of this proposed building, I guess I like the idea of the way they have it set up from an aesthetic standpoint, on a personal basis. Outside of that, I don't have any other questions.

DANIEL KRESS: For the record, as Mr. Valentine mentioned, the Planning Board has reviewed and approved this site plan. It certainly does not obligate this Board in any way to grant the variance.

BEVERLY GRIEBEL: It is kind of in keeping with a lot of the other buildings there, the front parking.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER - 14 Hartom Road

MR. BRIXNER: Just a couple general questions. Obviously this is a new manufacturing facility, a new building will be built on the site? Is that the --

BEVERLY GRIEBEL: Right. I think he said there would be two tenants in there.

MR. BRIXNER: Okay. What is the normal procedure of the Town relative to the front parking? Is it kind of discouraged? Is that a format of -- the reason why this is here?

BEVERLY GRIEBEL: I think if you look around -- according to our current code book, front parking is not allowed except with a variance, but if he has to get a certain amount of building and parking on the site, and if he didn't have front parking, he would probably be in here for a variance to push the building near the street putting parking behind, which is probably not as visually good.

MR. BRIXNER: If I hear it correctly, of course, most of those facilities over along that sector have front parking, do they not?

MR. LeFROIS: That's correct.

MR. BRIXNER: I would speak for it.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

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DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. The front parking is in keeping with other commercial properties in the general area.
 2. Visually more desirable for front parking versus placing the building closer to the road.
6. Application of M/M Michael Zampatori, owner; 18 Leah Lane, North Chili, New York 14514 for conditional use permit to allow an office in home for a nail salon at property located at 18 Leah Lane in R-1-15 zone.

Frances Zampatori was present to represent the application.

BEVERLY GRIEBEL: Now, you said in the application there would be two customers at the most at one time.

MS. ZAMPATORI: Right. I'm going to be the only person in there. It is not like it is a full-fledged salon. It is just me.

BEVERLY GRIEBEL: You work by appointment?

MS. ZAMPATORI: Right. The hours I did put on there, I actually will not be working those hours. It will be based on appointments, flexibility.

BEVERLY GRIEBEL: So Monday through Friday, and Saturday, 9 a.m. to 8 p.m., but you won't work straight through that.

MS. ZAMPATORI: Not at all.

DAN MELVILLE: You will just be available those times?

MS. ZAMPATORI: Exactly.

BEVERLY GRIEBEL: Would you anticipate working every day?

MS. ZAMPATORI: It is a possibility.

BEVERLY GRIEBEL: Depends on business?

DAN MELVILLE: Hopefully.

MS. ZAMPATORI: Yes. I hope.

PETER WIDENER: I only had a concern about the setbacks on the side. I don't seem to locate those with the addition.

BEVERLY GRIEBEL: 8.3? The garage is apparently 8.3.

PETER WIDENER: That is after the addition?

BEVERLY GRIEBEL: I think it is going to go back equally. It is going to go --

RICHARD PERRY: Is there an addition being built?

MS. ZAMPATORI: Yes. 12 by 24 off the existing garage.

RICHARD PERRY: This is --

MICHAEL MARTIN: It is going to go back following the garage?

MS. ZAMPATORI: The length of the garage, in the backyard.

MICHAEL MARTIN: Following the same side line?

RICHARD PERRY: That is not an issue, Peter (Widener).

PETER WIDENER: I guess I was not aware where it was being built. I see that now. It will be to the back, instead of the side. I have no other questions. I see where I stand.

DAN MELVILLE: Just out of curiosity. I'm sure you're not up on this kind of stuff, but the things you use in nail salons, are they flammable?

MS. ZAMPATORI: As long as there is no candle or anything burning, it will be fine. It will be vented.

DAN MELVILLE: How much do you keep on the property at a time?

MS. ZAMPATORI: Not much.

BEVERLY GRIEBEL: It gets stale, doesn't it?

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MS. ZAMPATORI: Yes.

DAN MELVILLE: Keep it for ten years, that is all I know.

RICHARD PERRY: It is a good thing you're on the Board.

BEVERLY GRIEBEL: Well, some of that stuff is pretty potent and smelly.

MS. ZAMPATORI: There is a product that I am using that does not have the liquid. It is a different type of product with no odor. It is a newer product.

BEVERLY GRIEBEL: Probably healthier for the buyer, too.

MS. ZAMPATORI: I do have one question. When we originally put in the plan, we were going to use the existing garage door as an exit and enter, and we were told we couldn't. Then we kind of did some research and found out we could as long as it was fire-coded. Is that correct? Or as long as it isn't being used as a master bedroom?

DANIEL KRESS: I didn't catch the question.

MS. ZAMPATORI: When we put the plan in, you said we couldn't use the existing garage door as an exit or entrance. You told us we had to have a side door.

DANIEL KRESS: I didn't say you had to do a side door. I said I prefer the exit not be through the garage and therefore there are no issues about combustibles along your path of egress because you're having people leaving the premises that would not be familiar with the premises like family would be.

BEVERLY GRIEBEL: You wanted --

MS. ZAMPATORI: I still don't understand.

BEVERLY GRIEBEL: You wanted the entrance and exit through your garage.

DANIEL KRESS: That is a building code issue.

DAN MELVILLE: That is something she will have to work out with the Building --

MS. ZAMPATORI: It has nothing to do with this?

DAN MELVILLE: No.

RICHARD PERRY: It is a building code issue.

BEVERLY GRIEBEL: Except that might construe it to be doing business in the garage, whereas she is building a separate room?

DANIEL KRESS: I'm more concerned with fire safety considerations, but I believe that is another possible implication of that.

BEVERLY GRIEBEL: The customary home occupation is to be in the house and not technically in the garage.

DANIEL KRESS: The new building code that went into effect January 1st no longer actually recognizes or uses the term "home occupation" as the old code did, so strictly speaking, we're in a little bit of unknown territory here and I will be happy to pursue this further with people from the State, but my gut reaction is you don't want people coming and going through the garage. Some other entrance either through the house or maybe along the side there.

BEVERLY GRIEBEL: Some kind of walkway along --

MS. ZAMPATORI: We would have to put a sidewalk along the way, which is the plan we did end up submitting.

BEVERLY GRIEBEL: And it indicates a door here for people to use. It probably would be better.

RICHARD PERRY: I guess the choice is to table it until that can be determined, if that is your wish to use the garage door, or approve it the way it is set here in the application; is that correct, Dan (Kress)?

DANIEL KRESS: To be honest, I regard that as a building code issue and not necessarily directly relevant to your decision here.

BEVERLY GRIEBEL: So she can work out the actual mechanics of the addition with the Building Department?

DANIEL KRESS: Have to do that anyway when we get a permit to build the addition.

PETER WIDENER: In concern of the fire safety of the material that is in the business, I have a little question. Why do you need a fireplace in here? Is this an open fireplace?

MS. ZAMPATORI: Actually, we're just doing that for the future. Most likely it is not even going to get used. We're just putting that in there in case down the road we want to turn it into a family

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room. We're just doing it all at once.

BEVERLY GRIEBEL: Put it in while you build it?

MS. ZAMPATORI: Yes. I will be doing manicures, pedicures which doesn't require any kind of chemicals. If somebody is getting a pedicure, the fireplace may be on, that type of thing, but as far as the chemicals, no. And they're always covered. As long as it is covered, it is not...

KEITH O'TOOLE: Under the zoning code, as far as the CUP, it has to be part of the dwelling and arguably since this is attached, it is part of the dwelling, so I think it is a building code issue ultimately. I guess I have a practical concern which really does not affect this proceeding. There will come a final when you want to deconvert the space and you would still want to recoup as much of your investment as possible. I would think you would want it laid out perhaps a little better than it is laid out. You have a step down from what appears to be the powder room and having a hallway through a powder room doesn't make too much sense.

MS. ZAMPATORI: It is not a hallway. There is a door there.

KEITH O'TOOLE: When you sell --

MS. ZAMPATORI: That is being changed. It will be level. There are a few things that do need to be changed as far as the building aspect of it.

KEITH O'TOOLE: I guess the bottom line is, I don't think we restrict you here on it, but you might want to consult with an architect, perhaps bump out the structure and have an access point not going through the bathroom or whatever you're going to do.

MS. ZAMPATORI: For the business part of it, I do need a bathroom. That is why we're doing it that way. We're just accessing into our existing powder room.

BEVERLY GRIEBEL: So you will just have two doors there that will suffice now without building another bathroom out there?

MS. ZAMPATORI: Right.

BEVERLY GRIEBEL: Interesting way around it. I guess those are issues for the Building Department.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Michael Martin seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Granted for a period of one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Customers by appointment.
5. No more than 2 customers at one time.
6. No outside employees.
7. Hours of operation as per application.
8. Applicant to obtain and maintain required State and local licenses.

The following finding of fact was cited:

1. This is a customary home occupation.

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7. Application of William Alston, owner; c/o Stafford Smith, 6 Burwell Drive, Macedon, New York 14502 for variance to allow the total square footage of garage area, including a new 22' x 27' addition to be 1,087 sq. ft. (900 sq. ft. allowed) at property located at 40 Red Bud Road in R-1-15 zone.

William Alston and Joseph Bartholomew were present to represent the application.

MR. ALSTON: My name is William Alston.

BEVERLY GRIEBEL: You have someone with you.

MR. BARTHOLOMEW: Joseph Bartholomew, the contractor.

BEVERLY GRIEBEL: To add the garage -- what do you need the additional garage room for, sir?

MR. ALSTON: I have acquired some extra cars and a motorcycle and I do not have a basement. I'm looking for --

BEVERLY GRIEBEL: There is no basement.

MR. ALSTON: No. I have a crawlspace. It is getting kind of tight crawling under there, taking out things and putting them back.

BEVERLY GRIEBEL: I used to live there at Number 31. I didn't know that didn't have a basement.

DAN MELVILLE: I'm surprised. I thought all of the houses have basements.

BEVERLY GRIEBEL: Well, you never know. So what you're doing is going back with the garage, expanding it back so no one from the street will see anything?

MR. ALSTON: Yes.

BEVERLY GRIEBEL: It will just take a little bit of your backyard?

MR. ALSTON: Yes.

BEVERLY GRIEBEL: That is where your backyard is the deepest, so that works out pretty well for you?

MR. ALSTON: Yes.

DAN MELVILLE: It will be constructed to match the house?

MR. ALSTON: Yes, it is.

DAN MELVILLE: Concrete floor?

MR. ALSTON: Yes.

PETER WIDENER: On the diagram I'm looking at, it looks like the addition jots out from the existing garage.

MR. ALSTON: Yes.

PETER WIDENER: 12.1 feet is that?

BEVERLY GRIEBEL: It is going to be -- well, the new is 22 and the other was 20.

PETER WIDENER: I'm concerned about the corner, the north corner.

MR. ALSTON: It will come up 2 feet. It is going to be still 10 feet from the fence line, so it should -- there shouldn't be any variance there.

PETER WIDENER: I was just looking in it being symmetrical with the house, why it jotted out and couldn't go straight back.

MR. ALSTON: Because you would never make it straight, from the original garage. The original garage is going to be bent in, or lean out, and it will never be straight. So you have to come out a couple feet and have another plane that goes back there.

PETER WIDENER: Okay, thank you.

BEVERLY GRIEBEL: Makes it interesting. So you can do whatever you want there, and it is going to kind of blend in?

MR. ALSTON: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR, and made a

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determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Applicant described need for additional garage space for vehicles and storage as home has only a crawl space.

Note: A building permit is required prior to construction of this garage.

8. Application of M/M David Jackson, owner; 3712 Chili Avenue, Rochester, New York 14624 for variance to erect an above-ground swimming pool to be 18' from side lot line (55' req. abutting a street) at property located at 3712 Chili Avenue in R-1-15 zone.

David Jackson and Mrs. Jackson were present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning and came back as a local matter. I drove by there and parked there on Indian Hill Road. You don't have much other choice to place a pool.

MRS. JACKSON: No place else.

BEVERLY GRIEBEL: Unless you cut down a bunch of trees.

MR. DAVID JACKSON: We figured if we pushed it back the required length, we would be in the neighbor's yard and we can't quite get permission for that.

BEVERLY GRIEBEL: Both sides have trees there.

MRS. JACKSON: Yes. Pussy willow bushes, actually.

BEVERLY GRIEBEL: What size pool is it going to be?

MR. DAVID JACKSON: 24 foot round.

PETER WIDENER: Will it be dished in the bottom?

MR. DAVID JACKSON: No.

BEVERLY GRIEBEL: Hard to go much smaller than that and get any area.

PETER WIDENER: Do you have to do any excavating there?

MR. DAVID JACKSON: They said it was pretty level. They said we're well within the 3 to 4 inches.

BEVERLY GRIEBEL: You're lucky.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Due to trees in backyard, there is no other location for this size pool.
2. Corner lot problem with setback requirements.

Note: A building permit is required prior to the installation of this pool.

9. Application of James White, owner; 20 Cassandra Circle, Churchville, New York 14428 for conditional use permit to allow an office in home for business management consulting and

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advisory services and real estate sales and services at property located at 20 Cassandra Circle.

James White was present to represent the application.

BEVERLY GRIEBEL: Is this going to be full-time work for you?

MR. WHITE: Yes, between the two.

BEVERLY GRIEBEL: What do you do now?

MR. WHITE: I actually do the business management consulting. When I was looking into stuff, I realized there was a zoning issue, so I went ahead and applied. I didn't realize -- shortly after I moved in, where I had been working, I stopped working. We closed in October. Shortly after that I finished where I was and started working from home, not knowing there was anything -- that was a requirement for a home office. So in talking about some other stuff with Building, I found out I had to apply for zoning. So I haven't started the real estate. In fact, I just received my license today on the real estate, but there is also a separate office related to the brokerage --

PETER WIDENER: Is this a branch office?

MR. WHITE: No, my home office. The Business Management Advisory is my own company and the real estate I would be working there from my home --

DAN MELVILLE: You work out of another office?

MR. WHITE: The main office. I will be working out of my home mostly, but --

DAN MELVILLE: But you have an office that you work out of?

MR. WHITE: Yes, Pittsford.

BEVERLY GRIEBEL: Which realtor do you work for?

MR. WHITE: Destination Home Realty.

BEVERLY GRIEBEL: Regarding the real estate, where will you be seeing customers?

MR. WHITE: Mostly in their own homes or out at the sites where we're visiting or in the office over in Pittsford.

BEVERLY GRIEBEL: So in their own home or at a sales site?

MR. WHITE: Right.

BEVERLY GRIEBEL: Or the real estate office?

MR. WHITE: Right.

BEVERLY GRIEBEL: Do you plan to see real estate customers in your home?

MR. WHITE: That is not the plan at all. The office space is down in the basement. You would have to traipse them through the whole house. That is not what the plan is. I would have to make it through the Wife Stone Committee, and I don't think that that would do that.

PETER WIDENER: Would you require any signs on the property?

MR. WHITE: No. Licensing doesn't allow for that. It all has to be done through the brokerage office, which is out in Pittsford.

BEVERLY GRIEBEL: So no real estate customers would be in the home?

MR. WHITE: Right. That is not the intention, correct.

DAN MELVILLE: He works for another office, so it is like anybody else. You know, you use your home to do paperwork and stuff.

BEVERLY GRIEBEL: Now, what is this other business that you have?

MR. WHITE: I do strategic business consulting, competitive analysis, that type of management consulting. It is a lot of stuff using the phone, computer, sitting behind the desk.

BEVERLY GRIEBEL: Do you have those customers coming to your house?

MR. WHITE: No. Most of them are out of the area.

BEVERLY GRIEBEL: So you do it by computer or phone?

MR. WHITE: Yes. Correct.

BEVERLY GRIEBEL: They could be out of State?

MR. WHITE: Yes. Most are, at least at this point. I don't anticipate that changing.

BEVERLY GRIEBEL: You have your hours as 8 to 1800.

MR. WHITE: 8 to 6.

BEVERLY GRIEBEL: Monday through Friday and Saturday -- Monday through Saturday.

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RICHARD PERRY: Saturday hours are 4 to 1.

MR. WHITE: Sorry. I lived overseas for a while, military, Washington, D.C. Nobody gets confused when 9 o'clock is that way.

RICHARD PERRY: You haven't met this Board before.

(Laughter.)

MR. WHITE: I'm using my home office. I could have somebody working out in California -- I'm using the phone. It is not people driving into my home. So in general, it is general business hours.

BEVERLY GRIEBEL: You don't intend to have any customers coming to your home for either one of the businesses?

MR. WHITE: That's correct.

BEVERLY GRIEBEL: Because it would have to go to the cellar which brings all sorts of liability or whatever, to go to a basement.

MR. WHITE: Right.

PETER WIDENER: Just scanning through your answer sheet here about parking cars, it would be just your personal cars?

MR. WHITE: Right.

BEVERLY GRIEBEL: I had questions on it because I got phone calls at home.

KEITH O'TOOLE: The applicant failed to answer the disclosure question. Does anyone working for the Town, State or County have any interest in the application that you're aware of?

MR. WHITE: No. I missed it on the application. I'm sorry.

KEITH O'TOOLE: That's okay. Nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

AL CAREY - 19 Cassandra Circle

MR. CAREY: Al Carey, 19 Cassandra Circle, across from Mr. White. Mr. White is a very good neighbor. Keeps up his lawn. My concern is the business part of this adventure. Currently there is no anticipated travel as far as cars coming into the business. That is fine. But for the last nine months there hasn't been. In the future, should his business proliferate, get bigger, I would like to see something that says there will be no more increased traffic to the neighborhood.

BEVERLY GRIEBEL: I had that concern, too. That is why I asked a lot of questions of it. Depending how the Board feels, that can be a condition.

MR. CAREY: There are people in the neighborhood that have variances for home office and there is no traffic to those homes. There still has not been for them.

DAN MELVILLE: Do they have variances?

MR. CAREY: Yes.

MICHAEL MARTIN: With this first-time application we usually grant it for one year and it has to be renewed after that, so it is -- a year can be a short period of time or a long period of time, but usually the condition will -- we'll usually set that for no -- that is what the applicant expresses and we'll make it a condition that there be no visitors to the premises.

BEVERLY GRIEBEL: No customers. And if there is any deviation from that, even though the original application is generally for one year, if those conditions are exceeded, then the Building Department can put a cease and desist order. After one year, the person will come back for renewal if they're still doing business and at that time we'll generally allow five years, but it doesn't mean there is blanket approval for five years. If there are any problems with conditions, the same thing can happen, they could be forced to cease and desist at that time.

MR. CAREY: That answered that question.

BEVERLY GRIEBEL: The traffic is something I have a concern about, too, in a residential area, if you have a lot of customers calling there. If that is the kind of business, then people need to go somewhere else and have an office and have a regular business office.

MR. WHITE: Right.

DARRYL COX - 7 Cassandra Circle

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MR. COX: Darryl Cox, 7 Cassandra Circle. I just wanted to express the same thing Al (Carey) did. The gentleman working out of his home -- all of us have to work. As long as it is not a place of business where people come to and from so it detracts from the neighborhood, because we live in a planned urban development with homeowners' rules and Homeowners' Association which doesn't allow home businesses.

BEVERLY GRIEBEL: Right. I did get a copy of that that I believe came into Dan (Kress).

DAN MELVILLE: That has nothing to do with us. It shall be residential home sites not used for any other purpose -- but what I recollect from before is that the regulations cannot be more restrictive than what the Town could have. If the Town could ordinarily allow an office of this type without customers calling there, then we can't be more restrictive.

MR. COX: A home office is fine. Everybody has to work. We just don't want businesses drawing traffic in, with our kids. We live in the subdivision. We want our kids to be able to play. Mr. White has children that play in the neighborhood, too. He lives right there on the corner. I just wanted to express that, for the future, it is not having traffic in the neighborhood.

MR. WHITE: Just so everybody knows, I also spoke to the President of the Homeowners' Association about it just to make sure if there were any concerns and his questions also related to the traffic and such.

DAN MELVILLE: You don't have a problem if we put a restriction on that?

MR. WHITE: No, that is fine.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Granted for a period of one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.
6. Applicant to obtain and maintain any required State and local licenses.
7. No customers allowed on premises.

The following finding of fact was cited:

1. The home office is a customary home occupation.
10. Application of William Howard, owner; 3313 Chili Avenue, Rochester, New York 14624 for variance to allow existing dwelling to be 7.4' from side lot line (8' req.) and 23.1' from rear lot line (25' req.) at property located at 43 Morrison Avenue in RAO-20 & FPO zone.
11. Application of William Howard, owner; 3313 Chili Avenue, Rochester, New York 14624 for variance to allow existing dwelling to be 7.8' from side lot line (8' req.) and 24 1/2' from rear lot line (25' req.) at property located at 41 Morrison Avenue in RAO-20 & FPO zone.

Bill Howard was present to represent the applications.

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BEVERLY GRIEBEL: What happened?

MR. HOWARD: First of, all I apologize to the Board. Quite frankly, it is embarrassing to be here because I do know better, but mistakes do happen. The first mason got it right on 39, and then we didn't wait for him. He was on vacation. As you know, we had a lot of snow on the stakes, so when they shifted or what this 4 inches, they did the next house 7 1/2 inches over. So we have learned when they're this tight, maybe the engineer, surveyor should definitely be there before they set those four corners on -- before those first blocks are set.

BEVERLY GRIEBEL: It happened with another house where they found there would be a hydrant in the middle of the driveway so they swung around and reversed it, but then the garage was too close to the road.

DAN MELVILLE: We made them cut off 6 inches.

(Laughter.)

BEVERLY GRIEBEL: The front foot of the garage had to come off.

MR. HOWARD: We're hoping to get these things closed in the next week or two.

BEVERLY GRIEBEL: They look nice there.

MR. HOWARD: Yes, a lot of the other neighbors have come through on 43, 45 Lester wanting the same exact homes there, also on Names Road.

BEVERLY GRIEBEL: What is the square footage of them?

MR. HOWARD: 1,300 square feet.

BEVERLY GRIEBEL: They have got a one-car garage.

PETER WIDENER: Is there a basement?

MR. HOWARD: Yes. Non-usable, though. All of the utilities are on the first floor right behind the garage. It is a crawlspace.

BEVERLY GRIEBEL: Well, they look pretty nice. I know that there are a lot of homes in that area that probably have less setbacks than these.

DAN MELVILLE: Yes. There is a lot of them that are close. Who is the builder on this?

MR. HOWARD: Fallon. But my name is on the application for good reason.

BEVERLY GRIEBEL: He has been in here, too.

MR. HOWARD: Not according to him.

DAN MELVILLE: Don't let him fool you.

RICHARD PERRY: I don't think there is anybody that hasn't been in here.

BEVERLY GRIEBEL: This went to Monroe County Planning and came back as a local matter for airport review.

DAN MELVILLE: I don't have any questions as long as 4 inches can be shaved off somewhere.
(Laughter.)

MICHAEL MARTIN: Same interest disclosure.

KEITH O'TOOLE: I'm assuming you don't know anyone that has an interest in this application that works with the government, Bill (Howard)?

MR. HOWARD: That's correct.

KEITH O'TOOLE: Thank you.

DANIEL KRESS: For the Board's benefit, I did have a conversation with Mr. Howard about this, and I am certainly convinced it was an honest mistake, but we all agree we need to make a concerted effort to make sure this is not a recurring situation.

I also had conversation with my staff about the importance of not only during plan review, but also during actual site inspections catching these things before they have to get in front of this Board. So hopefully we have done what we can to keep this to an absolute minimum and won't be something you're seeing on a regular basis.

BEVERLY GRIEBEL: They happen. This winter was terrible. Things move in the snow. I can understand it.

GERRY HENDRICKSON: And they have rubber measures.

BEVERLY GRIEBEL: Stretchy tape.

DAN MELVILLE: You're working in an area that is very tight anyway. You have to be exact in that type of an area.

MR. HOWARD: The next time the surveyor will be here.

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RICHARD PERRY: They want to torture you for the next few minutes.

MR. HOWARD: That is all right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

GRACE FEDELE - 42 Morrison Avenue

MS. FEDELE: Grace Fedele, and I live at 42 Morrison Avenue across from this place. Number 1, when they got the application for the houses I was never notified. This time I got notification. I even got one for my poor dead husband who is off the tax rolls. But what I would like to know is why didn't they resolve this before they even put the three basements in? They were building these houses, going in the middle of the night, dumping cement over there with lights. My road has been atrocious. Dirt. I called the Town and asked them to do something. I have dust in my house constantly. And he will tell you. I have had -- these cement trucks, all these other kinds of trucks bringing the stuff in. I'm for progress, yes, but not this kind of a mess. And now when it rains, if you go over to my house, now you see nothing but water running down from them houses that are up higher. It is just a mud hole. My whole front yard is messed up from where they're monkeying around with the water. It is just one total, total mess.

BEVERLY GRIEBEL: That is not something that this Board can deal with. I think for that you need to talk with somebody in the Town.

MS. FEDELE: I wanted the Building Inspector to come over to make somebody clean up some of the dirt on the road. I have been like this since back in September, and the mud and the dirt on my driveway, for a while you couldn't even see any blacktop. It was all mud. When you went down the road, you couldn't walk on the road. You couldn't walk on the road because of the mud. What I would like to know is why I was notified now and when the houses were going up nobody got a notification?

BEVERLY GRIEBEL: Because that does not require a notification.

DAN MELVILLE: Those are approved building lots.

MS. FEDELE: Everybody doesn't get the Gates-Chili paper where they advertise it in. I think being across the -- that place never should have had three houses.

BEVERLY GRIEBEL: The only time you're notified is when there is going to be a public hearing.

DAN MELVILLE: That did not require a public hearing to build those houses.

MS. FEDELE: Well, I don't know. It is a mess. It is a total mess over there. I feel sorry for the poor people that are buying the houses.

BEVERLY GRIEBEL: Well, I don't know what can be done to remedy the situation, but I think you need to talk with probably the Building Department to see what can be done.

MS. FEDELE: The damage is done now.

MR. HOWARD: What she is referring to is the Water Authority did come up and they cut sections across both sides of the street to run the water across and RG&E also piped in. They did give us a letter that came that they're going to come back and reseed and put the topsoil back on there. As far as the drainage, everything has been cut to swale and we're putting a catch basin in there just to catch all that water so we won't have the situation that is there.

BEVERLY GRIEBEL: It is in the process of being remedied.

MS. FEDELE: Did you see the situation last night where they chopped up last night what they did and put in more?

MR. HOWARD: I think the Water Authority or maybe the Town came back.

MS. FEDELE: It was the Water Authority.

MR. HOWARD: They put the asphalt that they cut out, and repaved those sections so that all the dirt and all the stuff that was running off shouldn't happen now. They repaved everything. The Water Authority did come back. RG&E still has to come back. I have three notices. As far as the homeowners, the homeowners there are totally happy with everything there, the new owners. The old owners, I'm not aware. Nobody has really approached us there.

I would be more than happy to clean your driveway.

MS. FEDELE: I'm talking about the young man that has the other first house. You talk to him

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and see if he is really happy. But that is beside the point. The point is, some people -- like if you have two little steps, you have to have a railing. You have sliding-glass doors on the side of that house. Where can you go out with that there? You have got 3 foot or something? You can't even put a little patio out there. Somebody walks out the door.

BEVERLY GRIEBEL: Well, ma'am, I think that is not an issue for this Board right now.

MS. FEDELE: I still don't understand how these things -- just like this other gentleman says, it is all who you know.

MR. HOWARD: Sorry.

BEVERLY GRIEBEL: That is not in the realm of this Board.

On Application Number 10, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #10: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Minimum variance.

On Application Number 11, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Michael Martin seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #11: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Minimum variance.

12. Application of Leon Zak, owner; 2467 Westside Drive, Rochester, New York 14624 for conditional use permit to allow a software business in home at property located at 2467 Westside Drive in R-1-15 zone.

Leon Zak was present to represent the application.

BEVERLY GRIEBEL: We'll take Application Number 12 first, the business.

What will you be doing?

MR. ZAK: I write niche software. One is a museum program that tracks temperature, humidity for museums. I write the software and send it to people over the internet. It entails me sitting at a computer. I have been in business 20 years and have been doing various types of software like this.

BEVERLY GRIEBEL: You have some nice diagrams. Is that an example of your work?

MR. ZAK: That is a good side effect of what I do.

BEVERLY GRIEBEL: I asked the other people that were here. Will you be having customers come to your home?

MR. ZAK: I have one customer from RIT, he is one customer with one part of the museum software we're doing. He shows up maybe two times a month.

BEVERLY GRIEBEL: So would it be someone coming for a cup of coffee?

MR. ZAK: It is very much like that. I have to admit when I moved -- we were in Seneca Parkway, a 4200-square-foot home with an office built as a doctor's office. We came from there to this house which is 1100 square feet. I read the rules before we bought the property thinking if you stayed under 400 square feet, you could have an in-home office. So I have been working there, and when I realized -- when I went to get the permit to increase the building size and found out I wasn't supposed to be doing that, I talked to the neighbors directly around me, and they didn't know I was working there. They wondered why nobody was there. I said the fact is I'm there all of the time. It is a very quiet business.

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BEVERLY GRIEBEL: You have one part-time person a few hours a week, college student ten hours a week.

MR. ZAK: Now, when I do change -- that student has been with me seven years now. He started when he was in high school, the ninth grade, and he is going to be going on -- when they work outside -- part of the schoolwork?

BEVERLY GRIEBEL: Sabbatical?

MR. ZAK: No.

BEVERLY GRIEBEL: Intern?

MR. ZAK: He can't intern where he works now. He has to work somewhere else. So I have to bring somebody in to transfer this over. That would be about a four-month transfer time. That would be approximately four months. They're not there at the same time.

DAN MELVILLE: You're allowed one, I think, right?

KEITH O'TOOLE: One.

BEVERLY GRIEBEL: One -- one outside person. Is that one part-time or one full-time?

KEITH O'TOOLE: It is just one. You can chop it up how many ways you want.

MR. ZAK: They have never put in 40 hours a week combined. I deal with a lot of subcontractors around the country. I have four other people that work, but one is in Boston, one is down in New York City somewhere and then another one in Atlanta.

The hours, I put 9 to 5. Those would be the times that the student would be there. I actually work all different hours.

BEVERLY GRIEBEL: Right. So it is sometime during those times.

What happens, Counsel, if he has two students, one at one time and one at another?

KEITH O'TOOLE: That's bad. It is prohibited by code. Unless they seek relief from this Board, of course.

BEVERLY GRIEBEL: On a temporary basis? How long would you be having two of the college students there?

MR. ZAK: Probably about three to six months, depending on when his internship is. Their hours also change, too. They may be there three hours a day, they're gone and not there until the next week. They're both going to school, so I work their schedule around the school, and it changes every, I think, six weeks.

KEITH O'TOOLE: The idea is that you have one outside body at any given time. I believe that was the intent of the code, because it is primarily parking driven. I think you could interpret the code to allow them to have other people so long as it is no more than one person at a given time.

DAN MELVILLE: I think you're right there, now that I think about it.

KEITH O'TOOLE: The average driveway will only have so much parking capacity.

BEVERLY GRIEBEL: Is that the way you would be planning it? One person there, at a time?

MR. ZAK: I schedule them Monday, Wednesday and Tuesday and Thursday, and then sometimes we'll have a meeting on Friday just with the three of us getting together for a couple hours to make sure everybody is doing the right stuff.

BEVERLY GRIEBEL: The garage and the driveway, that is another issue coming up.

MR. ZAK: That kind of offsets if there was any parking question, even though the one driveway is more than enough for two extra cars.

BEVERLY GRIEBEL: That would be only for a brief period of time, not for a long period?

MR. ZAK: Yes.

BEVERLY GRIEBEL: Just while the second person is getting trained up; that is the idea?

MR. ZAK: Yes.

DAN MELVILLE: There is only one person there at a time normally, so I don't see where that is a problem.

BEVERLY GRIEBEL: I don't see it as a problem either.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

MR. ZAK: I won't use a sign. I know that was asked on the previous.

BEVERLY GRIEBEL: No signs would be allowed.

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MR. ZAK: No sign needed.

BEVERLY GRIEBEL: Normally our conditions would be granted for one year, no on-premises advertising, no on-street parking pertaining to the business, the hours of operation as per the application, and you have one outside employee.

MR. ZAK: Uh-huh.

GERRY HENDRICKSON: At a time.

BEVERLY GRIEBEL: Is the interest and disclosure marked?

KEITH O'TOOLE: It is blank.

BEVERLY GRIEBEL: What would be your answer to that? Do you have any --

MR. ZAK: Any employee -- no, no.

BEVERLY GRIEBEL: You don't have any interest in any County or State or municipal government?

MR. ZAK: No.

On Application #12, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and the Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #12: Unanimously approved by a vote of 6 yes with the following conditions:

1. Granted for a period of one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. One outside employee at a time.

The following finding of fact was cited:

1. The home office is a customary home occupation.

BEVERLY GRIEBEL: Going now to 13 and 14.

13. Application of Leon Zak, owner; 2467 Westside Drive, Rochester, New York 14624 for variance to erect a 26' x 8' open porch to be 54.5' from front lot line (75' req.) at property located at 2467 Westside Drive in R-1-15 zone.
14. Application of Leon Zak, owner; 2467 Westside Drive, Rochester, New York 14624 for for variance to allow the total square footage of garage area including a 24' x 24' addition to be a total of 1,155 sq. ft. (900 sq. ft. allowed); variance to allow a 2nd driveway cut on property (one cut per property allowed) at property located at 2467 Westside Drive in R-1-15 zone.

Leon Zak was present to represent the applications.

BEVERLY GRIEBEL: Where is the second driveway cut going to be from? Will that go onto Ramble Road?

MR. ZAK: Yes. On the colored map it would be from where -- I will place it approximately because I haven't got the building permit yet, but from this pink section -- if you hold it like this at the top (indicating), straight over there (indicating) are two trees that are quite far apart. The previous

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owner did use that as a driveway for many years. Actually, I would just like to make it legal.

BEVERLY GRIEBEL: It goes out to the back --

MR. ZAK: It would be at the far end of my lot.

BEVERLY GRIEBEL: Now it is going to be sports car storage back there?

MR. ZAK: Uh-huh.

BEVERLY GRIEBEL: And you're going to have the regular garage. It is going to be in the front onto Westside Drive?

MR. ZAK: Yes. There is an existing garage there now that is approximately 14 feet wide, but it is in very bad shape.

GERRY HENDRICKSON: In front?

MR. ZAK: It sets back about 4 feet compared to the dark purple section right here (indicating).

BEVERLY GRIEBEL: It is on this first -- one of the first diagrams, it looks like this, Gerry (Hendrickson)? The blue one. It shows the garage there coming off Westside Drive.

You're doing a lot of additions to the house.

MR. ZAK: It is hard to go from 4200 square feet to 1200 square feet.

BEVERLY GRIEBEL: Now, the house, it says, "75 feet required." The house itself is 62 feet right now.

MR. ZAK: Right. Yes. And there was a porch there, and I don't know whether that was -- how long that had been there, but it was in bad shape and we took that off.

BEVERLY GRIEBEL: It fell off?

MR. ZAK: Well, most of it did, but we had to take the rest of it off. We found two other porches in the ground buried underneath it, ones that have been buried over the years. We have done a lot of work and clean up there.

BEVERLY GRIEBEL: A lot of surprises there.

So you're just expanding it all around to get some usable room. The lot is pretty deep there, so you have room to do it.

MR. ZAK: Uh-huh.

GERRY HENDRICKSON: There will be a full garage door for the sports car, right?

MR. ZAK: Yes.

BEVERLY GRIEBEL: 8 foot high? The garage door?

MR. ZAK: Uh-huh. I have three cars -- my newest car is a 1975. I'm kind of into old cars. Of course my wife drives a Prius, the hybrid with the good mileage. We offset each other with the economy. I had to keep them outside. I built these from the ground up. One took seven years. Two of them are classic sports, '61 Volvo and '71 MGB.

RICHARD PERRY: What is the third one?

MR. ZAK: '67 GMC pickup truck. That has mainly gotten -- while we were doing the work on the house. That one will go, but I know that I will replace it with something, probably old.

BEVERLY GRIEBEL: You don't want to do all of the work and then have them out in the weather.

MR. ZAK: That's it.

GERRY HENDRICKSON: Will you have a special floor in there?

MR. ZAK: In there that will probably be a tile floor. The garages in Italy tile all of the floors and garages with different style tiles like firebrick and the kind of things you would have in your home. So I am going to do the same thing.

MICHAEL MARTIN: Stone tiles?

MR. ZAK: Some are ceramic.

BEVERLY GRIEBEL: Interesting.

PETER WIDENER: I was concerned about setbacks, but I think I can live with that.

MICHAEL MARTIN: On the driveway cut, is there any other special requirement for a second driveway cut?

DANIEL KRESS: You probably ought to condition any approval you would choose to grant on meeting a requirement of the Commissioner of Public Works who would grant the permit for that.

KEITH O'TOOLE: Primarily it is a sight distance issue.

BEVERLY GRIEBEL: So you would need to confer with the Director of Public works for Chili.

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DAN MELVILLE: The only question I had, you mentioned on the floor where you would store the sports car, what kind of floor will that be?

MR. ZAK: Probably ceramic. It is either that or Pergo.

DAN MELVILLE: He can do that?

DANIEL KRESS: I don't believe there would be a problem with ceramic. I would think we could safely consider that to be non-combustible. Pergo I'm not so sure I could accept in a garage. I would have to look into that. For vehicle storage you're supposed to have a non-combustible.

BEVERLY GRIEBEL: What is that?

DAN MELVILLE: Artificial wood.

MR. ZAK: It looks like slate. It is not slate. But if the requirement is to have it --

RICHARD PERRY: It is slate?

MR. ZAK: It's not slate. I could go with the ceramic or firebrick. This is not the every day -- I mean my idea is you don't get cars like this and just store them in an old garage, shoved in a corner. I have been in the car club for ten years and President of it, and it is kind of a hobby thing that I plan to do.

BEVERLY GRIEBEL: Well, when you get the permit, they will ask you what kind of floor it will be.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

On Application #13, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Michael Martin seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #13: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Pre-existing, non-conforming residence.

Note: A building permit is required prior to construction of this porch.

On Application #14, Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #14: Unanimously approved by a vote of 6 yes with the following condition:

1. The second driveway cut is subject to approval by the Highway Superintendent/Commissioner of Public Works.

The following finding of fact was cited:

1. Applicant described need for additional storage space for classic cars and driveway access to the new garage.

Note: A building permit is required prior to construction of this garage.

15. Application of David Podwika, owner; 3 Rochelle Drive, Churchville, New York 14428 for variance to erect an addition to deck to be 20' from rear lot line (25' previously granted) at property located at 3 Rochelle Drive in R-1-15 zone.

David Podwika was present to represent the application.

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BEVERLY GRIEBEL: You were here a couple months ago was it?

MR. PODWIKA: No. I think the original variance was set back in '89.

BEVERLY GRIEBEL: Oh, okay.

DAN MELVILLE: We did have someone from that area, though, that came in for --

BEVERLY GRIEBEL: Oh.

MR. PODWIKA: You might recognize the street name, but it wasn't me. It was a pool, I think.

DAN MELVILLE: Yes, that was it.

MR. PODWIKA: What I am actually looking to do here is that I was going to originally start a portion of the deck that you see that is attached to the pool that would end at the house, but because of weather and my travel schedule with work, I haven't started anything as of yet, but the idea is that I wanted to -- the way the house is laid out, there is a sliding-glass door and that walk -- the variance that I need would allow me to build a walkway, and that walkway would extend 4 feet to allow us to get from the sliding-glass door, which is the only entrance to the house onto the patio, which would make serving on the patio in the summertime easier than having to go downstairs and then come back upstairs on the deck. So if you're walking with a tray of drinks, you could be at the level of the house and walk around. So that is what the variance will allow me to do.

BEVERLY GRIEBEL: So you just want to put in a narrow strip there?

MR. PODWIKA: That is right. It is a 4-foot walkway that will be attached to the main deck. It will look like the main deck. It won't look like a walkway. It will actually be part of the main deck, same materials, and attached.

BEVERLY GRIEBEL: And a variance because -- 25 feet. It is an odd shaped lot.

MR. PODWIKA: It is a very odd shaped lot. In addition to that, just for the record there, there is a stockade fence completely around that -- you know, to the back, so the neighbor in Lot 38 does not see me approaching with that low -- it is actually going to be quite low. It is going to be less than -- it is going to be about 14 inches off the ground and 4 foot extending, but the neighbor behind me, there is a stockade fence there, so they wouldn't see that.

BEVERLY GRIEBEL: So that will let you just go out and access the deck from the sliding door then?

MR. PODWIKA: Correct.

DAN MELVILLE: Without having a step down. We have to protect them drinks.
(Laughter.)

MICHAEL MARTIN: It is lawn right now?

MR. PODWIKA: Yes, it is lawn right now.

MICHAEL MARTIN: Little less lawn is good, too.

MR. PODWIKA: I'm all for less lawn.

BEVERLY GRIEBEL: You have not built the deck yet?

MR. PODWIKA: No. I haven't even ordered the wood.

BEVERLY GRIEBEL: You thought this would make a little more sense?

MR. PODWIKA: A lot more sense this way, yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Beverly Griebel made a motion to declare the Board lead agency as far as SEQR and made a determination of no significant environmental impact, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. The deck addition will give easier access from house to deck.

Note: A building permit is required prior to the construction of this deck.

The meeting ended at 8:55 p.m.