
CHILI
ZONING BOARD OF APPEALS
MEETING APPROVED MINUTES

July 23, 2024
At approximately 7 p.m.
Chili Town Offices
3333 Chili Avenue,
Rochester, New York 14624

PRESENT:

ADAM CUMMINGS
Chairperson

PHILIP SUPERNAULT)
FRED TROTT)
JAMES WIESNER) Board Members

MATTHEW PISTON, ESQ.
Attorney for the Town

PAUL WANZENREID
Building Department Manager

ABSENT:

MARK MERRY

REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRPERSON CUMMINGS: Good evening. I'll
2 introduce myself. I'm Adam Cummings, the Chairman of
3 tonight's meeting.

4 I will call this meeting to order as a
5 legally constituted meeting of the Town of Chili
6 Zoning Board of Appeals.

7 If you would please rise for the Pledge of
8 Allegiance. I pledge allegiance to the Flag of the
9 United States of America, and to the Republic for
10 which it stands, one Nation under God, indivisible,
11 with liberty and justice for all.

12 All right. Thank you for that. And the
13 Board members tonight; we have Jim Wiesner on my left;
14 Mark Merry is excused for the night; Fred Trott is on
15 my immediate right, Phil Supernault is on my far
16 right; side table we have Paul Wanzenreid from the
17 Building Department; and Matthew Piston is our
18 Assistant Town Counsel; filling in for our
19 stenographer Sandy Hewlett is Holly from our temp
20 agency. I don't remember your last name, Holly.

21 THE COURT REPORTER: Castleman.

22 CHAIRPERSON CUMMINGS: Castleman. So she is
23 our stenographer tonight. So thank you for that.

24 For procedure tonight we'll hear each
25 application as they appear in the order on the agenda.

1 If you would like a copy of the agenda, it is on the
2 roller cart in the back of the room.

3 And at the conclusion of each public
4 hearing, the Board will have a discussion and a vote
5 on the application. And the applicant will receive a
6 letter of our decision, whichever way we go, from the
7 Building Department within a week.

8 I do have to point out in the event of an
9 emergency, we have our exits. For the emergency
10 exits, it's straight back from the room -- or the door
11 you entered the room. The back doors go into the same
12 hallway. And these side doors go to the outside.

13 I do have to ask if you have a cell phone or
14 pager, please turn it off or silence it just to
15 prevent any interruptions.

16 And we'll move on to the Board. Any
17 discussions on the signs? Fred and I discussed the 38
18 Christina. I did not see it out there.

19 MR. TROTT: I did not see it.

20 CHAIRPERSON CUMMINGS: I was going to ask
21 Paul, Paul, did you hand out the sign to 38 Christina
22 Drive? Okay.

23 MR. WIESNER: Was that a nod of the head?

24 CHAIRPERSON CUMMINGS: That was a nod of the
25 head.

1 I think we can still move forward with it if
2 it's on the agenda, but I'll leave it up to the Board.
3 Unless you guys want to delay it for missing that
4 sign. Unless Phil or -- you said you didn't see it.

5 MR. WIESNER: I did not see it.

6 CHAIRPERSON CUMMINGS: I did not see it.

7 MR. PISTON: Is the applicant here?

8 MR. RITCHIE: We're here representing those.

9 CHAIRPERSON CUMMINGS: Do you know did they
10 post the --

11 MR. RITCHIE: I do not know. And that may
12 be a compounding error on our fault. It may have come
13 from us and one of the junior engineers in the office
14 may have forgotten to post it. If that is the case, I
15 do apologize and understand whatever direction the
16 Board needs --

17 CHAIRPERSON CUMMINGS: So Counsel, if they
18 didn't put the sign up, is that a failure for public
19 notification with our Town Code? I didn't -- I think
20 we've run into that before.

21 MR. PISTON: Yeah. It's not that they have
22 to -- failure to maintain, it blows down, that's one
23 thing.

24 CHAIRPERSON CUMMINGS: They never put it up.

25 MR. PISTON: I was going to say, not posting

1 is a completely different thing.

2 CHAIRPERSON CUMMINGS: Right.

3 MR. PISTON: So it'll probably have to be
4 tabled.

5 CHAIRPERSON CUMMINGS: I agree. Because we
6 have had that a few times where it's at least handed
7 out from the Building Department and then it does get
8 posted or if it gets windblown or the rain washes it
9 out or someone decides to take it -- we've had that a
10 few times -- but if it hasn't been posted at all by
11 the applicant, then -- once we get to that one, we'll
12 discuss it in more detail.

13 Moving on. We'll go to application
14 number 1.

15 **Application 1:**

16 Application of Daniel Farrell, 49 Evergreen
17 Drive, Rochester, New York 14624, applicant\owner; for
18 a variance to erect an addition (24'-0" x 26'-0"
19 attached garage) proposed 7.9' side setback (10'-0"
20 required) at the property located at 49 Evergreen
21 Drive. R-1-15 District.

22 CHAIRPERSON CUMMINGS: Holly, did you get a
23 copy of this agenda?

24 THE COURT REPORTER: Yes, thank you.

25 CHAIRPERSON CUMMINGS: So the applicant --

1 the same goes with any other applicant you come up to
2 the podium, say your name and address for the record
3 and stenographer and anything else you'd like to add
4 for this description of this application.

5 MR. FARRELL: Daniel Farrell, 49 Evergreen
6 Drive. This is the application --

7 CHAIRPERSON CUMMINGS: Yup. I'm just going
8 to get -- everyone just cares about the sheets. So
9 we'll get to that.

10 That's the one you're looking to do?

11 MR. FARRELL: Yes, sir.

12 CHAIRPERSON CUMMINGS: And it's the addition
13 over here?

14 MR. FARRELL: Yes, sir.

15 CHAIRPERSON CUMMINGS: On the north side of
16 the building; correct?

17 MR. FARRELL: Correct.

18 CHAIRPERSON CUMMINGS: So once again, we're
19 here discussing -- it's supposed to be 10 feet. It's
20 at 7.9 feet.

21 Jim, any questions?

22 MR. WIESNER: So it would appear that you're
23 probably the only one in that neighborhood without a
24 garage.

25 MR. FARRELL: There's one other house in the

1 neighborhood without a garage. Hopefully after this
2 there will only be one.

3 MR. WIESNER: You're in the minority.

4 MR. FARRELL: I'll say that. That's all I
5 got.

6 CHAIRPERSON CUMMINGS: Fred, any questions?

7 MR. TROTT: No questions.

8 CHAIRPERSON CUMMINGS: Phil?

9 MR. SUPERNAULT: No questions.

10 CHAIRPERSON CUMMINGS: Side table, anything
11 to add?

12 MR. WANZENREID: No.

13 MR. PISTON: No.

14 CHAIRPERSON CUMMINGS: All right. I'll go
15 ahead and open up the public hearing. Is there anyone
16 from the public that would like to talk about this one
17 application? Not seeing any hands.

18 I'd ask for a motion to close the public
19 hearing.

20 MR. SUPERNAULT: Motion.

21 CHAIRPERSON CUMMINGS: Motion. Is there a
22 second?

23 MR. WIESNER: Second.

24 CHAIRPERSON CUMMINGS: We have a second.
25 All those in favor saying aye.

1 ALL BOARD MEMBER: Aye.

2 CHAIRPERSON CUMMINGS: Any opposed? Okay.
3 So that carried.

4 One condition of approval for this is you
5 will have to get a building permit. You've already
6 started that process. So just continue on with that
7 process with the Building Department, whichever
8 direction we go.

9 MR. FARRELL: And how soon can I get that?
10 Do I have to wait for --

11 CHAIRPERSON CUMMINGS: If it gets approved
12 tonight, you can go there tomorrow.

13 MR. FARRELL: Okay.

14 CHAIRPERSON CUMMINGS: But we haven't voted
15 yet. So I don't want to say --

16 MR. FARRELL: Well, let's vote.

17 CHAIRPERSON CUMMINGS: I'm left-handed. I
18 write slower than normal.

19 MR. FARRELL: Take your time.

20 CHAIRPERSON CUMMINGS: So now with that, I
21 will declare the Zoning Board as lead agency and find
22 this application to be a Type II action -- find this
23 application to be a Type II action with no significant
24 environmental impact.

25 Who's our second?

1 MR. SUPERNAULT: Second.

2 CHAIRPERSON CUMMINGS: All those in favor
3 say aye.

4 ALL BOARD MEMBERS: Aye.

5 CHAIRPERSON CUMMINGS: Any opposed?

6 I'd like to ask for a motion to adopt this
7 application with that one condition of approval.

8 MR. WIESNER: So moved.

9 CHAIRPERSON CUMMINGS: We have a motion from
10 Jim. Is there a second?

11 MR. TROTT: Second.

12 CHAIRPERSON CUMMINGS: Board vote. Jim?

13 MR. WIESNER: Yes.

14 CHAIRPERSON CUMMINGS: Fred.

15 MR. TROTT: Yes.

16 CHAIRPERSON CUMMINGS: Phil.

17 MR. SUPERNAULT: Yes.

18 CHAIRPERSON CUMMINGS: I also vote yes.

19 So you can go there tomorrow. They'll have
20 the decision letter sometime tomorrow, but you can go
21 there and proceed with it.

22 MR. FARRELL: All right. Thank you.

23 CHAIRPERSON CUMMINGS: Thank you.

24 MR. FARRELL: We're all set?

25 CHAIRPERSON CUMMINGS: Yes, you're all set.

1 MR. FARRELL: Appreciate your time.

2 CHAIRPERSON CUMMINGS: All right. Moving to
3 application 2. If I pronounce it wrong, I'm sorry.

4 MR. KARAIVANOV: It's "Ilija."

5 CHAIRPERSON CUMMINGS: "Ilija." Okay.
6 That's how I was going to say it.

7 Application of Ilija --

8 MR. KARAIVANOV: "Karaivanov."

9 CHAIRPERSON CUMMINGS: "Karaivanov." 845
10 Archer Road. Once again, this is going to be
11 application 2 first of all then we'll move on to
12 application 3 after that. Is 85 Archer Road, Chili --

13 MR. TROTT: Application 1.

14 CHAIRPERSON CUMMINGS: What's that?

15 MR. TROTT: Application 1?

16 CHAIRPERSON CUMMINGS: Sorry. I meant to
17 say 2 and 3. We just did application 1.

18 MR. TROTT: Yeah. I know one and two --

19 MR. WIESNER: I think he was referring to --

20 CHAIRPERSON CUMMINGS: Oh, lot 1 and 2.
21 Gotcha. Sorry. I was going off the agenda numbers.
22 Sorry. I should have clarified that.

23 **APPLICATION 2:**

24 Application of Ilija Karaivanov, 85 Archer
25 Road, Chili, New York 14624, applicant\owner; for a

1 variance to A) erect an accessory structure (attached
2 and detached garages) of 1,944 square feet (1,200
3 square feet max permitted. B) Proposed side setback
4 of 5.3' (8'-0" permitted) at the property located at
5 85 Archer Road (proposed subdivision - Lot 1). R-1-15
6 District.

7 CHAIRPERSON CUMMINGS: And that -- yes, as
8 the Board members alluded to, that's proposed
9 subdivision lot 1 in the R-1-15 district.

10 So anything else to add, sir?

11 MR. KARAIVANOV: No.

12 CHAIRPERSON CUMMINGS: Okay. Jim, any
13 questions?

14 MR. WIESNER: The only question I had is --
15 so the application says 1944 square feet, but on your
16 plot plan where the buildings are, there's 1507 for
17 the metal barn and 373 for the proposed garage and
18 that adds up to 1880. I don't know how -- why that
19 difference is there.

20 MR. KARAIVANOV: See the metal barn is
21 15-something.

22 MR. WIESNER: Yeah. It's 1507. And if I
23 add on the proposed garage for the proposed house, I
24 add 373 to that and it's 1880.

25 MR. KARAIVANOV: So is that in the

1 guidelines?

2 MR. WIESNER: It just doesn't fit the
3 application.

4 CHAIRPERSON CUMMINGS: Right.

5 MR. KARAIVANOV: So is that --

6 CHAIRPERSON CUMMINGS: So it's just the
7 math. We're discussing the 1944 square feet appears
8 to be a miscalculation. Is that what you're asking,
9 Jim?

10 MR. WIESNER: Yeah. Unless something --

11 CHAIRPERSON CUMMINGS: 1800 --

12 (Simultaneous conversation.)

13 CHAIRPERSON CUMMINGS: It should be 1880.

14 MR. KARAIVANOV: This is existing.

15 CHAIRPERSON CUMMINGS: No. It's not about
16 existing. He's asking about --

17 MR. KARAIVANOV: It's about how big. Okay.

18 CHAIRPERSON CUMMINGS: So that would be a
19 difference of 64 square feet somewhere. So 8 by 8.

20 Paul, I'm going to ask you because otherwise
21 based on this plan, we would just reduce down the
22 variance request down from 1944 to minimize this to
23 1880.

24 MR. WANZENREID: Except that they -- I know
25 the plan that they're using. So I took it from the

1 plan that they're using to build.

2 CHAIRPERSON CUMMINGS: So it's not the one
3 we have right here?

4 MR. WANZENREID: Right. That's just
5 something that they threw on there for --

6 MR. KARAIVANOV: We also have a new one
7 right now.

8 MR. WANZENREID: Yeah.

9 MR. PERNA: This is the new plan?

10 MR. KARAIVANOV: Yeah. This is the new
11 plan.

12 CHAIRPERSON CUMMINGS: Paul, what's the
13 square footage you have for the metal barn on yours?

14 MR. WANZENREID: 1507.

15 CHAIRPERSON CUMMINGS: That's what we have
16 on ours. And then for the proposed garage on the
17 proposed house --

18 MR. WANZENREID: 20 by 18.7, but it's not
19 18.7.

20 CHAIRPERSON CUMMINGS: Okay. That would be
21 where it is. So it's 20 by what?

22 MR. WANZENREID: It goes deeper than that.

23 CHAIRPERSON CUMMINGS: So is it 20 by --
24 well --

25 MR. WANZENREID: I don't have the plan in

1 front of me.

2 MR. WIESNER: It'd have to be like 26.

3 CHAIRPERSON CUMMINGS: Yeah. 26. Or it'd
4 probably be longer than that.

5 MR. WIESNER: Yeah.

6 CHAIRPERSON CUMMINGS: It's 20 feet by --

7 MR. WIESNER: Well, 20 times 4 feet is
8 800 -- or 80. I'm sorry.

9 CHAIRPERSON CUMMINGS: So it looks like --

10 MR. KARAIVANOV: So --

11 CHAIRPERSON CUMMINGS: We're missing 64
12 square feet, Jim. So if we go 64 divided by 20, it's
13 leaving us with 3.2. So that would bring it up to a
14 21.9 feet by 20 foot --

15 MR. PERNA: Excuse me. I'm James Perna.
16 He's -- that garage that he's building on the new
17 house is not going to be that big.

18 CHAIRPERSON CUMMINGS: How big is it going
19 to be?

20 MR. PERNA: It's going to be like --

21 CHAIRPERSON CUMMINGS: Not "like." I want
22 to know what is this going to be.

23 MR. PERNA: It's going to be 24 by 24.

24 CHAIRPERSON CUMMINGS: 24 by 24.

25 MR. PERNA: They show this big garage on the

1 new house. You're not doing that.

2 MR. TROTT: Do you want to table this
3 until --

4 MR. PERNA: No, no. That's it.

5 MR. TROTT: -- until you get it right?

6 MR. PERNA: No. That's all he wants because
7 he's already got two storage areas. He doesn't need a
8 garage that big.

9 MR. KARAIVANOV: Right.

10 MR. WANZENREID: Adam --

11 MR. WIESNER: So that's 576. So that's even
12 bigger than 24 by 24.

13 CHAIRPERSON CUMMINGS: 20. Right. That's
14 what --

15 (Simultaneous conversation.)

16 MR. PERNA: Attached to the new house is
17 only 24 by 24 --

18 CHAIRPERSON CUMMINGS: Time out. Time out.
19 None of the numbers match up for what we're discussing
20 tonight. The application we have in front of us is
21 for 1,944 square foot. Then when we look at the plan
22 that's depicted in the application, that adds up to
23 1,880.

24 If we then assume the proposed garage for
25 this third iteration to be 24 by 24 as Mr. Perna said,

1 plus that metal square barn, that brings us above the
2 1,944 and it brings us to 2,083 square feet.

3 We can't go with that, but what
4 Mr. Wanzenreid is saying is you're saying to increase
5 it by 3 feet there. So it would be a 20 foot wide by
6 23 or 22 foot build. So 20 by 22 gets us closer to
7 that 1,944. Is that what we're looking for tonight?

8 MR. PERNA: That would be fine.

9 MR. KARAIVANOV: Yup.

10 CHAIRPERSON CUMMINGS: Okay. So that's what
11 we'll go with. That's --

12 MR. PERNA: 21 by 22?

13 CHAIRPERSON CUMMINGS: It'll be 20 feet,
14 just like you depicted there, but it will be a longer
15 garage. So instead of 18.7, it will be 22 feet. So
16 it will be 20 feet that you depicted and 22 feet on
17 the depth of the garage.

18 MR. WANZENREID: If the Chairman wants to be
19 exact, it's 21.85.

20 CHAIRPERSON CUMMINGS: I have 21.9. So
21 we're on the same page for significant digits.

22 So that gets us to the 1944. All right.
23 Good question, Jim.

24 MR. PERNA: Excuse me. So you're saying
25 with both garages on that lot, he can only have that

1 many square feet.

2 CHAIRPERSON CUMMINGS: Right.

3 MR. PERNA: That's what you're saying.

4 CHAIRPERSON CUMMINGS: Correct.

5 MR. PERNA: Okay. I understand.

6 CHAIRPERSON CUMMINGS: Correct.

7 MR. PERNA: Okay.

8 CHAIRPERSON CUMMINGS: And that metal barn
9 is existing or proposed?

10 MR. KARAIVANOV: Right. It's existing.

11 CHAIRPERSON CUMMINGS: So therefore, the
12 only remaining square footage you have to work with
13 for that new garage is whatever the difference from
14 1944 to 1507. The biggest you can go is --

15 MR. PERNA: It's 21 by 22.

16 CHAIRPERSON CUMMINGS: I'm not going to say
17 what dimensions you're going to go with. You're
18 allowed the square footage --

19 MR. PERNA: Understood. Understood.

20 CHAIRPERSON CUMMINGS: -- of that difference.

21 MR. WANZENREID: You have 444 square feet to
22 work with.

23 MR. KARAIVANOV: 444? Okay.

24 MR. WANZENREID: Roughly.

25 CHAIRPERSON CUMMINGS: No. It's 437.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WANZENREID: 437.

CHAIRPERSON CUMMINGS: You have 437 square feet.

MR. PERNA: Is what he's got left he can go with. Okay.

CHAIRPERSON CUMMINGS: Yes.

MR. PERNA: Very good.

CHAIRPERSON CUMMINGS: Because then we don't want to come back -- we have to be stricter on it because that's what's been publicly noticed. That's what we're deciding on tonight. Unless you want to table it to get more information for the next month's meeting. But you're comfortable with just going with 437 square feet difference or addition that you're going for.

All right. Jim, any other questions?

MR. WIESNER: No.

THE COURT: Fred?

MR. TROTT: No. As far as the side setback, I guess I had a question about that.

CHAIRPERSON CUMMINGS: Okay.

MR. TROTT: We could move -- we can't move that either way because we have the framed garage and we have the metal barn. They're trying to put that in between the two?

1 CHAIRPERSON CUMMINGS: Yeah. The reason why
2 this one's coming down is because of the subdivision
3 line that's coming up.

4 MR. SUPERNAULT: That's the second one;
5 right?

6 CHAIRPERSON CUMMINGS: So that's letter B
7 for this application, yeah. So that's what's shown on
8 this plan is the 5.3 feet is because the new property
9 line separating the lot 1 and lot 2, you split the
10 difference; 5.3 feet for the framed garage on lot 2
11 and 5.3 feet for the metal barn on the lot 1.

12 MR. TROTT: And --

13 CHAIRPERSON CUMMINGS: And it's greater than
14 3 feet so a state variance wouldn't be needed. That's
15 at 5.3.

16 MR. TROTT: Now, is there going to be a
17 shared driveway?

18 MR. KARAIVANOV: No, no.

19 CHAIRPERSON CUMMINGS: No.

20 MR. KARAIVANOV: Nope.

21 CHAIRPERSON CUMMINGS: I think that's the
22 existing. Because it's a single lot now, now they're
23 making it two lots.

24 MR. KARAIVANOV: Exactly.

25 MR. TROTT: Okay. No other questions.

1 CHAIRPERSON CUMMINGS: Phil?

2 MR. SUPERNAULT: No questions.

3 CHAIRPERSON CUMMINGS: Side table, anything
4 to add?

5 MR. WANZENREID: No, sir.

6 CHAIRPERSON CUMMINGS: I'll make a motion to
7 open the public hearing. Anyone here for this
8 application?

9 MR. SUPERNAULT: Motion.

10 CHAIRPERSON CUMMINGS: Motion to close. We
11 have a motion. Is there a second?

12 MR. TROTT: Second.

13 CHAIRPERSON CUMMINGS: All those in favor
14 saying aye.

15 ALL BOARD MEMBERS: Aye.

16 CHAIRPERSON CUMMINGS: Any opposed? So the
17 public hearing has been closed.

18 One condition of the approval for both of
19 these A and B -- yes. A and B -- is that the building
20 permit will need to be obtained.

21 All right. And I will declare the Zoning
22 Board as lead agency and based on the information and
23 evidence presented at this hearing, find this
24 application to be a Type II action and of no
25 significant environmental impact.

1 Is there a second?

2 MR. WIESNER: Second.

3 CHAIRPERSON CUMMINGS: All right. All those
4 in favor saying aye.

5 ALL BOARD MEMBERS: Aye.

6 CHAIRPERSON CUMMINGS: Any opposed?

7 I'd like to ask for -- actually I'm going to
8 pose it to the Board. Do we want to do these separate
9 or together? In my eyes they make sense to go
10 together.

11 MR. WIESNER: I'm okay with that.

12 CHAIRPERSON CUMMINGS: Okay. So we'll do
13 one decision on that.

14 And as per a motion to adopt this
15 application with that one condition of approval --

16 MR. WIESNER: So moved.

17 CHAIRPERSON CUMMINGS: We have a motion. Is
18 there a second?

19 MR. SUPERNAULT: Second.

20 CHAIRPERSON CUMMINGS: Board vote. Jim?

21 MR. WIESNER: Yes.

22 CHAIRPERSON CUMMINGS: Fred?

23 MR. TROTT: Yes.

24 CHAIRPERSON CUMMINGS: Phil?

25 MR. SUPERNAULT: Yes.

1 CHAIRPERSON CUMMINGS: I also vote yes.

2 So you're all set on this one.

3 MR. KARAIVANOV: Thank you very much.

4 MR. PERNA: Thank you very much.

5 CHAIRPERSON CUMMINGS: You're welcome.

6 Well, don't go anywhere. You get to do the next one

7 too. Now we got to do lot 2. That was just lot 1.

8 **APPLICATION 3:**

9 Application of Ilija Karaivanov, 85 Archer
10 Road, Chili, New York 14624, applicant\owner; for a
11 variance to propose a side setback of 5.3' (8'-0"
12 permitted) to the existing accessory structure at the
13 property located at 85 Archer Road (proposed
14 subdivision - Lot 2). R-1-15 District.

15 CHAIRPERSON CUMMINGS: Once again, this is
16 over on the other side. Because of the subdivision, a
17 building permit would not be required for this because
18 it's already existing. So there won't be any
19 condition on this.

20 Jim, any questions?

21 MR. WIESNER: I do not.

22 CHAIRPERSON CUMMINGS: Fred?

23 MR. TROTT: No.

24 CHAIRPERSON CUMMINGS: Phil?

25 MR. SUPERNAULT: No questions.

1 CHAIRPERSON CUMMINGS: Side table, anything?

2 MR. WANZENREID: No.

3 CHAIRPERSON CUMMINGS: I will open the
4 public hearing for this one. Not seeing any hands.

5 I'd ask for a motion to close the public
6 hearing.

7 MR. TROTT: Motion.

8 CHAIRPERSON CUMMINGS: Motion. Is there a
9 second?

10 MR. SUPERNAULT: Second.

11 CHAIRPERSON CUMMINGS: All those in favor
12 say aye.

13 ALL BOARD MEMBERS: Aye.

14 CHAIRPERSON CUMMINGS: Any opposed?

15 All right. So as I said, there's no
16 conditions on this one. You're not putting any new
17 buildings on lot number 2.

18 And I will declare the Zoning Board is lead
19 agency and based on the information and evidence
20 presented at this hearing find this application to be
21 a Type II action and of no significant environmental
22 impact.

23 Is there a second?

24 MR. SUPERNAULT: Second.

25 CHAIRPERSON CUMMINGS: Second. All those in

1 favor saying aye.

2 ALL BOARD MEMBERS: Aye.

3 CHAIRPERSON CUMMINGS: Any opposed?

4 Now, I'd ask for a motion to adopt this
5 application.

6 MR. TROTT: Motion.

7 CHAIRPERSON CUMMINGS: Is there a second?

8 MR. WIESNER: Second.

9 CHAIRPERSON CUMMINGS: Board vote. Jim?

10 MR. WIESNER: Yes.

11 CHAIRPERSON CUMMINGS: Fred?

12 MR. TROTT: Yes.

13 CHAIRPERSON CUMMINGS: Phil?

14 MR. SUPERNAULT: Yes.

15 CHAIRPERSON CUMMINGS: I also vote yes.

16 This one's all set. Now you're all set,
17 Mr. Perna.

18 MR. KARAIVANOV: Thank you very much, guys.

19 CHAIRPERSON CUMMINGS: Thank you. Have a
20 good night.

21 **Application 4:**

22 Application of Joe Fallone, 70 Quail Lane,
23 Rochester, New York 14624, applicant\owner; for a
24 variance to propose 37.6' front setback (40'-0"
25 required) at the property located at 38 Christina

1 Drive. R-1-15 District

2 CHAIRPERSON CUMMINGS: So as we discussed
3 earlier, it was admitted that it didn't get posted.

4 MR. RITCHIE: No. I think that I admitted
5 that I didn't know if it had been posted.

6 CHAIRPERSON CUMMINGS: Okay.

7 MR. RITCHIE: When we were in the break, I
8 called our intern --

9 CHAIRPERSON CUMMINGS: Did he --

10 MR. RITCHIE: He sent me a photo. And
11 then after that I can -- I sent -- I emailed that to
12 Mr. Wanzenreid.

13 MR. WANZENREID: I vaguely remember
14 something. I was looking for when you were talking
15 about like I can't find it.

16 CHAIRPERSON CUMMINGS: Okay.

17 MR. RITCHIE: Yeah. And then I spoke with
18 Mr. Fallone after. He said that it's usually attached
19 to the dumpster. I don't know the total chain of
20 command, but I do know it has been onsite. It is
21 onsite currently.

22 CHAIRPERSON CUMMINGS: It's in the dumpster.

23 MR. RITCHIE: No, no. Attached to the --
24 yeah, yeah, yeah. In the bottom of the dumpster so
25 nobody shows up. No. It was there. It has been

1 there.

2 CHAIRPERSON CUMMINGS: The photo is all you
3 needed to say. And that was good. So thank you
4 for --

5 MR. RITCHIE: It has been posted.

6 CHAIRPERSON CUMMINGS: That's good advice
7 for everyone.

8 THE COURT REPORTER: What is your name?

9 MR. RITCHIE: I'm sorry. My name is Mike
10 Ritchie from Costich Engineering. With me is Tom
11 Ritchie, surveyor from Costich Engineering,
12 representing Fallone Properties.

13 So we're here tonight requesting a front
14 setback variance of 2.4 feet. So little back story on
15 that, we are the engineer and surveyor for the
16 project. We prepared a plot plan for lot 613, 38
17 Christina, based on the homeowner's selected house
18 layout.

19 We laid it out and we staked it out and then
20 when the surveyors went in the field, it was
21 inadvertently put in the wrong spot. I should say
22 it's on a curve. And instead of putting an additional
23 stake on the point of curvature, it basically just did
24 two ends. So it made a cord, a straight line through.
25 So when they built the house, it was shifted a little

1 bit farther towards the road than it should have been.

2 So that house is currently under
3 construction. I believe it may be close to being
4 finished, if not close to being occupied. And we were
5 only made aware of this when we did the final
6 instrument survey for certificate of occupancy.

7 So we talked with Mr. Wanzenreid and
8 Mr. Lindsay. And they suggest -- not suggested. They
9 required us to come in front of this Board and obtain
10 a setback variance to allow this house -- I don't know
11 the details, if it's, you know, to achieve the
12 certificate of occupancy so that the people can move
13 in and live there.

14 So again it is a portion of the garage which
15 is impacted by this. The actual structure, the
16 residence itself is always in the setback. And you
17 can kind of see there, the front right corner of the
18 garage is encroaching on that. Whereas, by the time
19 you get to the opposite end of the garage, you know,
20 it's a fraction over there to seven-tenths of a foot.

21 CHAIRPERSON CUMMINGS: So the required
22 variance covers both of those?

23 MR. RITCHIE: Correct. Yeah. The farthest
24 encroachment being 2.4 feet over that line.

25 CHAIRPERSON CUMMINGS: Yup.

1 MR. RITCHIE: So it is our mistake. It's
2 not -- you know, I think the questions go, you know,
3 was this self-inflicted? I don't believe this was
4 self-inflicted by the developer. It was
5 self-inflicted by his consultant.

6 CHAIRPERSON CUMMINGS: You're all on the
7 same team.

8 MR. RITCHIE: We made the mistake. We're
9 here to own up to it and hopefully make it right. So
10 I'd be happy to answer any questions you may have.

11 CHAIRPERSON CUMMINGS: Okay. Looks like
12 you're outside the easement because that's depicted
13 right there. So that's out front.

14 Jim, any questions?

15 MR. WIESNER: No.

16 MR. TROTT: I have no questions.

17 CHAIRPERSON CUMMINGS: No questions. Phil?
18 Anything to add, side table?

19 MR. WANZENREID: No.

20 CHAIRPERSON CUMMINGS: All right. I will
21 open up the public hearing. And not seeing any hands
22 for this application.

23 Asking for a motion to close the public
24 hearing.

25 MR. SUPERNAULT: Motion.

1 CHAIRPERSON CUMMINGS: Motion. Is there a
2 second?

3 MR. TROTT: Second.

4 CHAIRPERSON CUMMINGS: Second. All those in
5 favor saying aye.

6 ALL BOARD MEMBERS: Aye.

7 CHAIRPERSON CUMMINGS: Any opposed? Public
8 hearing is there.

9 This one's under construction. Matt, should
10 we put a building permit needed for the condition of
11 approval? I don't think so in this case. Paul's
12 shaking his head no. So it's like we have telepathy.
13 I think it's all set.

14 MR. WIESNER: They probably already have
15 one.

16 CHAIRPERSON CUMMINGS: Correct. And he
17 didn't deny it. It was just a clarification that came
18 in during construction.

19 So I will go ahead and declare the Zoning
20 Board as lead agency and based on information and
21 evidence presented at this hearing, find this
22 application to be a Type II action of no significant
23 environmental impact.

24 Is there a second?

25 MR. SUPERNALUT: Second.

1 CHAIRPERSON CUMMINGS: All in favor saying
2 aye.

3 ALL BOARD MEMBERS: Aye.

4 CHAIRPERSON CUMMINGS: Any opposed?

5 I'd like to ask for a motion to adopt this
6 application as presented.

7 MR. WIESNER: So moved.

8 CHAIRPERSON CUMMINGS: Motion. Is there a
9 second?

10 MR. SUPERNAULT: Second.

11 CHAIRPERSON CUMMINGS: Board vote. Jim?

12 MR. WIESNER: Yes.

13 CHAIRPERSON CUMMINGS: Fred?

14 MR. TROTT: Yes.

15 CHAIRPERSON CUMMINGS: Phil?

16 MR. SUPERNAULT: Yes.

17 CHAIRPERSON CUMMINGS: I also vote yes.

18 You're all set and thank you for bringing the photo.

19 MR. RITCHIE: Thank you so much.

20 CHAIRPERSON CUMMINGS: All right. We're on
21 to number 5.

22 **APPLICATION 5:**

23 Application of Greg Tacconi, 37 Andony Lane,
24 Rochester, New York 14624, applicant\owner; for a
25 variance to erect a covered screened deck of a

1 proposed 46.0' north secondary front setback (60'.0
2 required) at the property located at 37 Andony Lane.
3 R-1-15 District.

4 MR. TACCONI: Good evening.

5 CHAIRPERSON CUMMINGS: All right. Got a
6 bunch of photos, which is nice. And you're looking to
7 do it on the north side?

8 MR. TACCONI: Correct.

9 CHAIRPERSON CUMMINGS: Anything else to add,
10 sir.

11 MR. TACCONI: No. Pretty explanatory once
12 you see the pictures. It's going to be inside the
13 vegetation area. That particular patio is roughly 15
14 by 12. And I'm looking for 14 by 10 coming off the
15 kitchen where the steps are.

16 CHAIRPERSON CUMMINGS: Okay. Jim, any
17 questions?

18 MR. WIESNER: I do not.

19 CHAIRPERSON CUMMINGS: Fred?

20 MR. TROTT: I have none.

21 CHAIRPERSON CUMMINGS: Phil?

22 MR. SUPERNAULT: No questions.

23 CHAIRPERSON CUMMINGS: Side table anything
24 to add?

25 I will open up the public hearing. Not

1 seeing any hands. I will ask for a motion to close
2 the public hearing.

3 MR. SUPERNAULT: Motion.

4 CHAIRPERSON CUMMINGS: Is there a second?

5 MR. TROTT: Second.

6 CHAIRPERSON CUMMINGS: All those in favor
7 saying aye.

8 ALL BOARD MEMBERS: Aye.

9 CHAIRPERSON CUMMINGS: Any opposed?

10 One condition of approval is a building
11 permit.

12 MR. TACCONI: Yes, sir.

13 CHAIRPERSON CUMMINGS: And that's all I have
14 on that. I will declare the Zoning Board as lead
15 agency and based on the information and evidence
16 presented in this hearing, find this application to be
17 a Type II action of no significant environmental
18 impact.

19 Is there a second?

20 MR. SUPERNAULT: Second.

21 CHAIRPERSON CUMMINGS: All those in favor
22 saying aye.

23 ALL BOARD MEMBERS: Aye.

24 CHAIRPERSON CUMMINGS: Any opposed?

25 Now I'd like to ask for a motion to adopt

1 this application with that one condition.

2 MR. TROTT: Motion.

3 CHAIRPERSON CUMMINGS: Is there a second?

4 MR. WIESNER: Second.

5 CHAIRPERSON CUMMINGS: Board vote. Jim?

6 MR. WIESNER: Yes.

7 CHAIRPERSON CUMMINGS: Fred?

8 MR. TROTT: Yes.

9 CHAIRPERSON CUMMINGS: Phil?

10 MR. SUPERNAULT: Yes.

11 CHAIRPERSON CUMMINGS: I also vote yes.

12 So you're all set. Thank you for coming in
13 tonight.

14 MR. TACCONI: Yes, sir. Let me know when
15 you build that park. I'll come by and have fun.

16 CHAIRPERSON CUMMINGS: You got it. Take you
17 up on that. Good luck with the porch. Enjoy it.

18 MR. TACCONI: Thank you, sir.

19 CHAIRPERSON CUMMINGS: All right.

20 **APPLICATION 6:**

21 Application of Paul Berner, 6 Brook Valley
22 Drive, Rochester, New York 14617, applicant\owner; for
23 a variance to A) erect an accessory structure
24 (pavilion 20'-7" x 17'-10") of 367 square feet (192
25 square feet allowed). B) South side setback of 3'- 4"

1 (8'- 0" required) at the property located at 6 Brook
2 Valley Drive. R-1-20 District.

3 CHAIRPERSON CUMMINGS: Good evening. Just
4 get to the plan. There we go.

5 And that's where you're looking to have it;
6 correct?

7 MR. BERNER: Yeah. That's correct. Just
8 one thing on the zip code is 14624.

9 CHAIRPERSON CUMMINGS: I thought so. I just
10 read it as it was.

11 MR. BERNER: I am not sure where that is.

12 CHAIRPERSON CUMMINGS: Typographical error.
13 Anything to add on this?

14 MR. BERNER: Yeah. Where you're looking at
15 the 8 foot setback is only 3.4. It's only a distance
16 of about 2 and a half feet. And then the rest of the
17 pavilion will have over 8 feet in the setback. I have
18 it in the picture if you'd like to see it.

19 CHAIRPERSON CUMMINGS: Sure.

20 MR. BERNER: Give it to you?

21 CHAIRPERSON CUMMINGS: Yes.

22 I'll share it with the Board.

23 MR. BERNER: So here's the portion that is
24 not 8 feet. The rest is --

25 CHAIRPERSON CUMMINGS: Gotcha. Understood.

1 If you want to look at that real quick
2 it's --

3 MR. WEISNER: A rendering?

4 CHAIRPERSON CUMMINGS: Yeah. The rendering.
5 The overhang that's on the side closest to the house.

6 MR. WIESNER: Is that fence pre-existing?

7 MR. BERNER: No -- that fence is
8 pre-existing. It's already there.

9 MR. WIESNER: I didn't see it on the plot.

10 CHAIRPERSON CUMMINGS: So what you've got
11 drawn on this map that I have up on the screen, that's
12 not drawn to scale; correct? Meaning, this makes it
13 look like it's closer -- or it's farther away.
14 Because this is 28 feet right here.

15 MR. BERNER: There's probably two different
16 contractors that I had --

17 CHAIRPERSON CUMMINGS: So this -- so this is
18 28 feet from here. And it looks like that's greater
19 than 8. But this, according to your rendering, is
20 shifted over here. And this is where we're going to
21 be 3 feet 4 inches.

22 MR. BERNER: Exactly. Yes. Yup.

23 CHAIRPERSON CUMMINGS: Paul, is that your
24 understanding as well?

25 MR. WANZENREID: My understanding --

1 (Simultaneous conversation.)

2 MR. BERNER: -- south sides of the house.

3 THE COURT REPORTER: I'm sorry. Say that
4 again.

5 MR. WANZENREID: My understanding is what is
6 shown. I have no idea what Mr. Berner's talking
7 about.

8 CHAIRPERSON CUMMINGS: Well, as it's shown
9 up there, he doesn't need a setback.

10 MR. WANZENREID: Right. That's on the
11 principal building.

12 CHAIRPERSON CUMMINGS: The principal
13 building off the south setback is --

14 MR. WANZENREID: No, no, no. It's an
15 accessory structure to the principal building, sir.

16 CHAIRPERSON CUMMINGS: It's this.

17 MR. WANZENREID: Yeah.

18 CHAIRPERSON CUMMINGS: I'm saying -- I'm
19 saying it's not dimensioned here, but if I scaled --

20 MR. WIESNER: It's more like 15 feet.

21 CHAIRPERSON CUMMINGS: -- that's not 3 feet
22 4 inches.

23 MR. WIESNER: 3 feet is the overhang on the
24 house.

25 MR. BERNER: Absolutely right.

1 MR. WANZENREID: And that's where he needs
2 the variance.

3 CHAIRPERSON CUMMINGS: But that's not off of
4 the side setback. That's separation from the --

5 MR. WANZENREID: He's shifting the side
6 setback. That's new to me. That's what I'm saying.

7 CHAIRPERSON CUMMINGS: I gotcha. Yes. The
8 south side side setback is what's listed on the
9 agenda.

10 MR. WIESNER: Which would indicate the
11 property owner.

12 MR. BERNER: Yes. Yes. There's well over 8
13 feet.

14 CHAIRPERSON CUMMINGS: And according to
15 this, the section of code is 500-60A, location of an
16 accessory structure, 8 feet is required and 3 foot 4
17 inches.

18 So you're saying that 8 feet required is not
19 in relation to a side setback as the agenda says.
20 It's in proximity to a principal structure.

21 MR. WANZENREID: Hang on, Adam. Let me
22 catch up with you.

23 That's correct.

24 CHAIRPERSON CUMMINGS: That's a fine kettle
25 of fish.

1 MR. BERNER: May I ask you a question?

2 CHAIRPERSON CUMMINGS: Yes.

3 MR. BERNER: Where it says 8 feet
4 required --

5 CHAIRPERSON CUMMINGS: Yup.

6 MR. BERNER: Are you talking about 8 feet
7 from the house?

8 CHAIRPERSON CUMMINGS: Yup.

9 MR. BERNER: Okay. All right.

10 CHAIRPERSON CUMMINGS: Sorry. I call it the
11 principal structure, but, yes, the house.

12 MR. BERNER: I thought you said the lot
13 line. But it's only -- so like I said, it's a very
14 small section. That is not 8 feet.

15 MR. WIESNER: Paul is saying --

16 CHAIRPERSON CUMMINGS: So they revised it.
17 So this didn't take into account the overhang.

18 MR. BERNER: Exactly.

19 CHAIRPERSON CUMMINGS: And that's what this
20 rendering showed is this knocked off 2 feet from the
21 original 5 foot 4.

22 But the issue we have, sir, is the agenda
23 was listed as letter B, a south side setback of 3 foot
24 4 inches. That's --

25 MR. WIESNER: Is that from the main

1 structure?

2 CHAIRPERSON CUMMINGS: That is alluding to a
3 side setback off of a side lot line, not off of the
4 side -- south side -- I don't like to use the word
5 setback again, but -- distance from the south side of
6 the principal structure.

7 MR. BERNER: Well, that's kind of crazy
8 because the house -- the front of the house is to the
9 east. The back of the house is to the west. So we
10 keep on putting south in there. I get totally --

11 CHAIRPERSON CUMMINGS: Yup.

12 MR. BERNER: It totally doesn't make sense
13 at all.

14 CHAIRPERSON CUMMINGS: So it's the -- when
15 it's talking about the south, this is the south face
16 or the southeast -- southwest corner of principal
17 structure.

18 MR. BERNER: Yeah. That would be more
19 accurate.

20 CHAIRPERSON CUMMINGS: Matt, question for
21 you.

22 MR. PISTON: Yeah. It's not noticed
23 correctly.

24 CHAIRPERSON CUMMINGS: Correct. So we have
25 to table it tonight.

1 MR. PISTON: Yeah.

2 MR. WISENER: The Code is listed properly.
3 It's 8 feet of the south property line.

4 CHAIRPERSON CUMMINGS: Right. Yes.

5 MR. BERNER: Well --

6 MR. WANZENREID: If you set it 8 feet off
7 the south property line, everything goes on as
8 planned.

9 MR. BERNER: That kind of defeats the
10 purposes of what I'm trying to cover.

11 MR. WANZENREID: Understood. Understood.

12 MR. BERNER: I --

13 MR. WANZENREID: I'm just giving you a way
14 out.

15 MR. BERNER: I've already thought it
16 through.

17 CHAIRPERSON CUMMINGS: So yeah. If -- well,
18 we can't do -- I apologize. We can't do an action to
19 approve that tonight because it wasn't publicly
20 noticed. So we're going to have to redo the process
21 for next month's meeting to -- for that one, specific.

22 We can move forward with the request for the
23 square footage, letter A. So we can move forward with
24 that one, but we cannot move forward with the south
25 side setback one because that's not what was publicly

1 noticed. But as -- so this is to be fully transparent
2 with you is that would have to be tabled for tonight.

3 However, if you wanted to move this
4 structure and if we approved the one that was worded,
5 you could move this to be 8 feet off the side. You
6 would be 8 feet off of the principal structure. So
7 this would be shifted in such a fashion that you have
8 to be 8 feet from this corner and you're allowed up to
9 8 feet on that.

10 MR. BERNER: So --

11 CHAIRPERSON CUMMINGS: It's up to you at
12 that point in terms of timing.

13 MR. BERNER: I understand a lot of this, but
14 unfortunately the contract engineer did not show up.
15 He was supposed to be here. So I'm kind of like,
16 well, yeah. It makes sense to me, but resubmitting
17 everything, I guess that's up to them. And they need
18 to -- I wish they could hear this firsthand.

19 CHAIRPERSON CUMMINGS: The same packet --
20 they can speak to me if they'd like to. But the same
21 packet can be handed in. We would have to correct the
22 public hearing notice of that.

23 Yes, sir.

24 MR. WANZENREID: I got to go get a scale.
25 If he shifts it to the 3 feet 4 off the south property

1 line as noticed --

2 CHAIRPERSON CUMMINGS: Yup.

3 MR. WANZENREID: -- does that then make
4 it -- let's call it the northeast corner. Does that
5 pull it 5 foot away from the principal structure?

6 CHAIRPERSON CUMMINGS: Oh yeah. That's got
7 plenty at that point. But it's whether or not he
8 wants to have additional materials to expand as his
9 rendering shows.

10 MR. BERNER: I'm trying to get it to cover
11 that cooking area.

12 CHAIRPERSON CUMMINGS: Right. He's trying
13 to keep it close to --

14 MR. WANZENREID: Yeah. But you understand
15 what I'm saying; right?

16 CHAIRPERSON CUMMINGS: Yup.

17 MR. WANZENREID: That if he went 3 foot 4
18 off that south property line, that negates the need
19 for a variance of the principal structure.

20 CHAIRPERSON CUMMINGS: Correct. And that's
21 what I just pointed out there.

22 But it's up to him of whether he wants to
23 expand and move all that cooking area further away
24 from his gathering place.

25 MR. WANZENREID: Is this rendering that

1 we're looking at to expand over the cooking area, does
2 that expand the area?

3 CHAIRPERSON CUMMINGS: No.

4 MR. WANZENREID: It's still 17 by 20 --

5 CHAIRPERSON CUMMINGS: Correct. Correct.

6 MR. SUPERNAULT: The cooking area exists
7 right now?

8 MR. BERNER: Yeah. That's already there.

9 MR. SUPERNAULT: It doesn't cover his area.

10 CHAIRPERSON CUMMINGS: Right. That's what
11 he's saying.

12 MR. SUPERNAULT: That's what he wants --

13 CHAIRPERSON CUMMINGS: No. That's what I
14 was getting at is we can still move forward with the
15 publicly noticed area variance request, but the
16 dilemma is coming up off of the side setback. As to
17 what you're saying, is if he moves it off this side
18 setback to meet that one and if he didn't want to go
19 as close as 3 feet 4 inches off here and wanted to
20 minimize it, we're allowed to do that. But we can't
21 do anything about this because it isn't publicly
22 noticed.

23 MR. BERNER: Let me ask you this question.
24 What if he was to, rather than go for a setback, just
25 attach that section to the house?

1 CHAIRPERSON CUMMINGS: What if he attached
2 it to the house?

3 MR. BERNER: It's only -- we're talking 3
4 feet four inches.

5 CHAIRPERSON CUMMINGS: I don't even think he
6 needs a variance for the area at that point. It's
7 attached to the house.

8 MR. WANZENREID: It's an enclosed porch.

9 CHAIRPERSON CUMMINGS: It's a wall-less --

10 MR. WANZENREID: Excuse me. It's a covered
11 porch. It's a patio at that point.

12 CHAIRPERSON CUMMINGS: It would be an
13 open-walled deck. Or a covered porch.

14 MR. BERNER: Open-aired pavilion.

15 MR. WANZENREID: Attach it, put a little
16 shed roof, little, you know, roof like this that
17 blends off into that gable then and then go 3 feet 4
18 off the side -- south side like it's noticed and we're
19 all happy and everybody rides off into the sunset.

20 CHAIRPERSON CUMMINGS: I'm not riding off
21 into the sunset. I did see horses on Union Street
22 today though. So that was a sight.

23 What you're saying Paul is if he does some
24 kind of tie-in by roof to here to this porch and it
25 just needs to be some kind of connection, a roof

1 connection, and a walkway underneath it --

2 MR. BERNER: Yeah.

3 CHAIRPERSON CUMMINGS: Yeah. I'm in
4 agreement. And then you would withdraw your
5 application tonight and not need any of the variances.

6 MR. BERNER: Okay.

7 MR. WIESNER: Walk right out the back of the
8 house under cover maybe, if you extended it.

9 CHAIRPERSON CUMMINGS: Yeah.

10 MR. BERNER: I think --

11 MR. WIESNER: Trying to help you build it.

12 CHAIRPERSON CUMMINGS: I'm going to let them
13 discuss it real quick. I don't see any issue with
14 that.

15 MR. WANZENREID: So as long as Mr. Berner
16 understands what we're talking about and is in
17 agreement with it. Legal counsel wants to table it,
18 but --

19 CHAIRPERSON CUMMINGS: Yeah. I think --

20 MR. PISTON: My thought is table it.

21 CHAIRPERSON CUMMINGS: Table the whole
22 thing, then you can make your decision. And then if
23 you want to go the route of --

24 MR. BERNER: Attaching it to the house.

25 CHAIRPERSON CUMMINGS: Going with what you

1 proposed here, it gives us time to publicly notice
2 what you've got here.

3 MR. PISTON: Then if he wants to attach it,
4 then he would just withdraw.

5 CHAIRPERSON CUMMINGS: Exactly. Yeah. So
6 I'm in agreement that we table this until next month
7 as we determine which avenue is more preferred.

8 MR. BERNER: Okay. That's fine.

9 CHAIRPERSON CUMMINGS: And that gives you
10 time and the ability --

11 MR. BERNER: Contact the contractor. I'm
12 pretty sure it's doable.

13 CHAIRPERSON CUMMINGS: So with that, at the
14 request of the applicant, we'll table it until next
15 month. It's got to be next month.

16 MR. TROTT: No. But does -- he can also
17 withdraw.

18 CHAIRPERSON CUMMINGS: Yeah. Yeah. We're
19 just tabling it. He can withdraw.

20 MR. WIESNER: If he wants to redesign his
21 plan --

22 CHAIRPERSON CUMMINGS: Yeah. He can just --
23 he just notifies the Building Department that "I've
24 changed the plans slightly and going to withdraw the
25 variance applications."

1 MR. BERNER: Okay.

2 CHAIRPERSON CUMMINGS: So I'll make a motion
3 to table this one. Is there a second?

4 MR. SUPERNAULT: Second.

5 CHAIRPERSON CUMMINGS: All in favor saying
6 aye.

7 ALL BOARD MEMBERS: Aye.

8 CHAIRPERSON CUMMINGS: Any opposed?

9 So let's keep in touch with Paul on that one
10 and see which route you want to go and talk to your
11 design contractor. And that will work.

12 MR. BERNER: Okay. Thank you for your time.

13 CHAIRPERSON CUMMINGS: Thank you, sir.

14 Thank you for the understanding.

15 All right. Board, any issues with
16 minutes --

17 MR. WIESNER: No.

18 CHAIRPERSON CUMMINGS: -- last month? All
19 right. I will ask for a motion to accept and approve
20 minutes from the June meeting.

21 MR. SUPERNAULT: Motion.

22 CHAIRPERSON CUMMINGS: Motion. Is there a
23 second?

24 MR. TROTT: Second.

25 CHAIRPERSON CUMMINGS: All in favor saying

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

aye.

ALL BOARD MEMBERS: Aye.

CHAIRPERSON CUMMINGS: Any opposing?

I will make a motion to adjourn. Is there a second?

MR. SUPERNAULT: Second.

CHAIRPERSON CUMMINGS: All those in favor saying aye.

ALL BOARD MEMBERS: Aye.

CHAIRPERSON CUMMINGS: Any opposed? All right. Meeting adjourned.

(Proceedings concluded at 7:42 p.m.)

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * *

REPORTER CERTIFICATE

I, Holly E. Castleman, do hereby certify that I did report the foregoing proceeding, which was taken down by me in a verbatim manner by means of machine shorthand.

Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 23rd day of July, 2024
at Chili, New York.



Holly E. Castleman ACR,
Official Court Reporter