

**TOWN OF PARMA
ZONING BOARD OF
APPEALS
APRIL 16, 2009**

Members Present: Dean Snyder, Tina Brown, Veronica Robillard,
Steve Shelley and Tim Thomas

Others Present: Jack Barton

Public Present: Donald R. Bleier and Cindy Lucieer 265 Pine Hill
Road
Jim Zollweg, 4 Judd Lane, 14468 R. Vance, Peck Road
G. DeConinck, 255 Pine Hill Road 14559
Rod Prodonovich, Syracuse, New York Kim
Harwood, 275 Pine Hill Road Debbie Rill, 270 Pine
Hill Road

**Edith E. Forbes
Court Reporting Services
(585)343-8611**

PARMA ZONING BOARD

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(Whereupon the meeting started at 7:00 p.m.)

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MS. ROBILLARD: I'm going to call the April meeting for the Parma Zoning Board of Appeals to order. We'd like to remind everyone, if you haven't already done so, to please sign in at our entryway.

This evening we have a five-member Board that everyone is seated tonight. In order to have a motion carried, we need a majority of the Board, hence at least three votes.

This evening we have several items of new business. We have some special permits we will be looking at the end, and hopefully we will be able to seek resolution on all of the requests.

I will read the public notice in just a moment and I will call one by one all of the applicants to present the request to the Board with information regarding their needs.

After the Board has an opportunity to question the applicant and make sure that the notifications are in order and all of the paperwork has been done properly, I will invite questions from the public.

If you would like to make a point or pose a question, please do so by raising your hand, I will

1 acknowledge you. And, most importantly, would you
2 identify yourself by name and address for our
3 record.

4 After that part of the procedures take place,
5 I will close the public hearing and I will ask the
6 Board to consider the information that was
7 presented this evening and the request of the
8 applicant, and hopefully we will either be able to
9 approve with conditions or deny, if necessary.

10 When I close the public hearing, it means that
11 it's inappropriate for people in the audience to
12 address the Board unless specifically requested by
13 the Board.

14 That being said, I'd like to read the agenda
15 and public notice for the Department of Zoning
16 Board of Appeals meeting of Thursday, April 16th,
17 2009.

18 Number one: The application of AT&T Mobility,
19 LLC, Lessee, for modification to an existing
20 Special Permit at 1086 Ogden Parma Town Line Road.
21 Applicants are proposing to install a new antenna
22 array at a height of 140 feet on the existing
23 150 feet tower. This property is currently zoned
24 Medium Density Residential (MD).

25 Number two: The application of John Kaseman,

1 owner, for area variances and modification to an
2 existing Special Permit at 5560 Ridge Road West.

3 Applicant is proposing to demolish the existing
4 building and construct a new 40 feet by 120 feet
5 office and showroom with a side setback from the
6 westerly property line of five feet and is
7 requesting relief from Town Zoning chapter 165,
8 schedule one, which requires 20 feet. The lot
9 width of this parcel is 72.71 feet, applicant is
10 requesting relief from Town Zoning schedule one
11 which requires a lot width of 200 feet.

12 Applicant is proposing to modify the existing
13 Special Permit to allow 18 display vehicles in
14 front of new structure. This property is currently
15 zoned Highway Commercial (HC).

16 Number three: The application of Kevin and
17 Grace DeConinck, owners for area variances at 255
18 Pine Hill Road. Owners are proposing to raise the
19 roof along the front wall of the home at a front
20 setback of 12.5 feet and a rear porch with a front
21 setback of 46 feet and are requesting relief from
22 Town Zoning Chapter 165, schedule one, which
23 requires a 75-foot setback from the right of way.

24 Applicants are also requesting relief from
25 Town Zoning Chapter 165, Subsection 165-22 which

1 states in part that a Building Permit, conforming to all the
2 conditions and requirements established
3 by the Zoning Board of Appeals, must be obtained
4 within six months of the date of approval by the
5 Zoning Board of Appeals or the variance is null and
6 void.

7 Applicants plan to phase the construction on
8 the home over the next few years and are requesting
9 that the variances remain valid. This property is
10 currently zoned Medium Density Residential (MD).
11 And then we will go on to Special Permit
12 Renewals. That being said, I'd like to know if
13 there's someone to speak on behalf of the
14 application of AT&T Mobility, LLC, Lessee? Sir?
15 ROD PRODONOVICH: Good evening. My name is
16 Rod Prodonovich and I'm with Pyramid Network
17 Services and I'm here on behalf of AT&T and we are
18 applying for modification of an existing Special
19 Use Permit to co-locate on an existing tower
20 located at 1086 Ogden Parma Town Line Road.

21 MS. ROBILLARD: Could you explain further your
22 request?

23 ROD PRODONOVICH: Yes. We would like to
24 co-locate antennas on the existing structure, the
25 cell tower, and we're going to increase the size of

1 the fenced-in area where they'll have an enclosed
2 structure which will house the actual cabinets for the
3 equipment for the cell tower.

4 MS. ROBILLARD: Will you be expanding that site where you have
5 the equipment on the ground?

6 ROD PRODONOVICH: Yes.

7 MS. ROBILLARD: Can you tell us by . . .

8 ROD PRODONOVICH: It's actually Page 3 of the drawings, it's
9 going to come out . . .

10 MS. ROBILLARD: All that I need for the Public Hearing, I
11 would just like them to kind of be aware V if there are any
12 questions, so if you could

13 summarize that. We have the maps, so we can follow along.

14 But for the general . . .

15 ROD PRODONOVICH: Sure. It's going to be expanded down an
16 additional 27 feet, and the cover shrubbery that's there now
17 will be removed and replanted.

18 MS. ROBILLARD: So a similar type of . . .

19 ROD PRODONOVICH: Yes. The arborvitaes that are there now
20 will be reused. I'm not sure if you are familiar with the
21 site, it's very rural.

22 MS. ROBILLARD: I think we have all been out there more than
23 once.

24 MR. THOMAS: Each antenna that's owned by a

1 different company has to have its own support
2 equipment in the ground?

3 ROD PRODONOVICH: Yes. That's basically with the
4 center of communication equipment, there's two
5 things: There's the equipment that's up in the air,
6 which is the antennas and the tower mounted
7 amplifiers and so forth and the cable connecting
8 that. And, on the bottom, you have what we call the
9 equipment cabinets, which is actually the control
10 system, if you will, of what's going on up on the
11 top.

12 And each carrier will generally have its own
13 separate panel and its own separate meter for
14 electric, and they'll use different amounts of
15 electricity and so forth.

16 MR. THOMAS: This is a question for Jack: These
17 projects are typically bonded, right? I mean, on
18 initial build they're bonded? With an expansion of
19 this size, is there requirements to?

20 MR. BARTON: I don't believe so. That's from
21 the tower owner. Bonding is just for removal when the
22 tower is no longer needed, so I'm not sure. There may
23 be small modifications because of the additional
24 area, but the tower itself will be coming down.
25

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1 MR. THOMAS: Typically, there's no need to
2 increase the bonding based on that?

3 ROD PRODONOVICH: Yeah. They typically, like
4 what Jack was saying, they'll put up a bond
5 initially for the decommissioning of the tower at
6 the end of the 25 years or whatever the length of
7 the lease is, so that way they have the money set
8 up to decommission the tower for the actual land
9 owner.

10 MS. ROBILLARD: Any other questions by the
11 Board members?

12 MR. SHELLEY: How far from the road is this?
13 Do you have any idea?

14 ROD PRODONOVICH: It's a ways. It's about one
15 of the longest roads I have been on. It's
16 probably, from the access road from the power and
17 telephone comes in, it's easily a quarter of a
18 mile.

19 MS. ROBILLARD: Notifications in order,
20 Mr. Barton?

21 MR. BARTON: Yes.

22 MS. ROBILLARD: Monroe County?

23 MR. BARTON: It was sent back as a local
24 matter.

25 MS. ROBILLARD: SEQR?

1 MR. BARTON: It is a type-two action. No
2 further review is required.

3 MS. ROBILLARD: Any letters in the folder that
4 you would like to share with us?

5 MR. BARTON: No.

6 MS. ROBILLARD: Comments from the Zoning
7 Enforcement Officer, the Building Department or
8 yourself?

9 MR. BARTON: No.

10 MS. ROBILLARD: Okay. I'll just keep going.

11 Is there anyone that would like to speak on
12 behalf of the project, this request, either for or
13 against to pose any questions to the applicant?

14 (No verbal response.)

15 MS. ROBILLARD: Seeing no takers, I'm going to
16 close the Public Hearing and I'm going to ask the
17 Board to consider the request and the information
18 that was provided, and in a moment I'll call for a
19 motion to either approve with conditions or to deny.

20 Dean SNYDER: I'm ready to make a motion.

21 MS. ROBILLARD: Call for a motion?

22 DEAN SNYDER: I move to approve the application
23 of AT&T Mobility, LLC, Lessee for modification to
24 an existing Special Permit at 1086 Ogden Parma Town
25 Line Road. To install a new antenna array at a

1 height of 140 feet on the existing 150 feet tower.
2 In making this determination there will be minimal
3 impact on the existing site due to its remote
4 location.

5 MS. ROBILLARD: Call for a second ?

6 MR. SHELLEY: Second.

7 MS. ROBILLARD: Discussion ?

8 (No verbal response.)

9 MS. ROBILLARD: Ready to vote? All those in
10 favor please indicate by raising their hand.
11 (Ayes: Dean Snyder, Tina Brown, Veronica Robillard,
12 Steve Shelley and Tim Thomas.)

13 MS. ROBILLARD: Opposed ?

14 (No one opposed.)

15 MS. ROBILLARD: Motion carried (5-0).

15 You will receive information from the building
17 department. Good luck.

18 ROD PRODONOVICH: Thank you very much.

19 MS. ROBILLARD: The second item on the agenda
20 for this evening is for 5560 Ridge Road West.
21 Mr. Barton, would you like to apprise us of the
22 status of that request?

23 MR. BARTON: Yes. Yesterday we received a
24 letter from the engineer for this application
25 stating the client for the above mentioned project,

1 John Kaseman, would like to postpone his
2 April 16th, 2009 request, Zoning Board Of Appeals.
They

3 are requesting going on to the May 21st, 2009,
4 meeting. And this letter is from Chris Shultz from
5 Shultz Associates.

6 MS. ROBILLARD: Okay. That being said, may I
7 have a motion regarding tabling this item?

8 DEAN SNYDER: I make a motion that we table the
9 application of John Kaseman for his area variances
10 and modifications to his existing Special Permit at
11 5560 Ridge Road West without prejudice and until
12 the May 21st meeting.

13 MS. ROBILLARD: Do I have a second?

14 MS. BROWN: I'll second.

15 MS. ROBILLARD: Discussion?

16 (No verbal response.)

17 MS. ROBILLARD: All in favor please indicate
18 by raising their hand.

19 (Ayes: Dean Snyder, Tina Brown, Veronica Robillard,
20 Steve Shelley and Tim Thomas.)

21 MS. ROBILLARD: Motion carried (5-0).

22 The application of Kevin and Grace DeConinck.

23 GRACE DECONINCK: My name is Grace DeConinck.

24 I live at 255 Pine Hill Road and we're asking to be
25 able to raise the roof on the house.

1 The two bedrooms upstairs have a very low
2 roof. We have two dormers on there now and it
3 doesn't allow for fire escape windows in the
4 bedrooms of the children. They can't get out in a
5 fire, so we're asking to raise the roof.

6 MS. ROBILLARD: I think we'll look at all of
7 the components of the request. You are asking to
8 raise the roof and you are also asking for the
9 front porch variance, a back porch and an
10 extension of the potential building time so you
11 could continue that?

12 GRACE DECONINCK: Right. I also am asking to
13 put a porch over the front door and a porch over
14 the back door. We're not ready to do it all at
15 once. It's an old house. We're going to work on
16 things and we're asking not to have to come back to
17 the ZBOA to be able to put the porches
18 on. We're not going to start the porches within
19 the six months.

20 MS. ROBILLARD: So the roof would go up ...

21 GRACE DECONNIC: The roof is going to go up
22 first and we'll get that part all done before we go
23 on to the next.

24 MS. ROBILLARD: Do you know approximately how
25 long that would be?

1 GRACE DECONINCK: You know we're asking for a
2 couple of years to be able to get the porches on
3 after. We want to raise the roof and take care of
4 the interior stuff. Give us a little time to ...

5 MS. ROBILLARD: This is highly irregular.
6. Usually it's within the six months.

7 So, I think speaking for myself, I need a
8 little bit more guidance in terms of a time line.
9 When would the roof go up; then sequentially, what
10 would come next, when would you expect that part of
11 the project; and when would come the next part of
12 the project and when do you expect that? Because
13 we just can't look at it as open ended. We haven't
14 done that and it's not within the statute.

15 GRACE DECONINCK: We plan on doing the roof
16 first. That will take place within the six months.

17 MS. ROBILLARD: Okay.

18 GRACE DECONINCK: Raising the roof and doing
19 that part.

20 The porch over the front and the porch over
21 the back, we don't plan to do that right away. We
22 need a year or two to do that because we won't be
23 able to get all of that done because it's quite in
24 depth doing that, before we go on to the front
25 porches.

1 MS. ROBILLARD: But you don't have any
2 specifics like - I'm asking only because, again,
3 we're going to have to be rather specific when we
4 look at that time line.

5 GRACE DECONINCK: Yes. We're just asking for,
6 like, two years to be able to put the porches on.

7 MS. ROBILLARD: Are you considering doing
8 stage one - the raising of the roof - and then
9 come back when you are better prepared to do the
10 porches for another look?

11 GRACE DECONINCK: Coming back to the Zoning
12 Board? We're just trying to get out of having to
13 do all of that. Seeing how our plan is to do the
14 whole renovation, we just can't do it all at once.
15 We're just asking if you would consider letting us
16 have more time. In six months we'll actually start
17 those front porches.

18 MS. ROBILLARD: Okay.

19 MR. THOMAS: The reason you wouldn't be doing
20 the porches right away, is it strictly financially
21 driven?

22 GRACE DECONINCK: Yes.

23 MR. THOMAS: Obviously, you've had some
24 drawings. Have you gotten as far as
25 getting final
26 estimates for all of the structural
27 work and hiring

1 a contractor?

2 GRACE DECONINCK: We have hired the
3 contractor. He has given us a ballpark figure. We
4 planned on doing some of the interior work
5 ourselves, so just wanting to work with what we
6 want to do on the interior.

7 MR. THOMAS: This may seem a somewhat
8 unrelated question, but are you guys actively
9 farming the farm?

10 GRACE DECONINCK: Yes.

11 MR. THOMAS: Is that a full-time job?

12 GRACE DECONINCK: Yes.

13 MS. ROBILLARD: What is the difference in the
14 square feet going to be of your living space?

15 GRACE DECONINCK: There is no difference.

16 MS. ROBILLARD: So there's not going to be any
17 difference?

18 GRACE DECONINCK: No.

19 MR. THOMAS: Same footprint, basically?

20 GRACE DECONINCK: Yes.

21 MR. SHELLEY: Just bringing it more into
22 conformance of the code?

23 GRACE DECONINCK: Right. Because the
24 children's bedroom on one side is only three-feet
25 tall; it's an attic. Basically, they're living in

1 the attic.

2 MS. ROBILLARD: Other questions by Board members?

3 MR. THOMAS: When was the house built, approximately?

4 GRACE DECONINCK: The barn has a stone in it that it was built in
5 1888, so I imagine the house was built before the barn.

6 MS. ROBILLARD: Notifications in order?

7 MS. ROBILLARD: Monroe County?

8 MR. BARTON: It is a local matter.

9 MS. ROBILLARD: SEQR?

10 MR. BARTON: It is considered a type II

11 action. No further review is required.

12 MS. ROBILLARD: Are there letters in the file?

13 MR. BARTON: There is one from the applicant. I'm not sure you have
14 that. Do you have the notification list, the Proof of Notification?

15 GRACE DECONINCK: My husband brought it down to you guys.

16 MS. BROWN: I have a letter.

17 MR. THOMAS: Jack, I have a question: I know we've asked this
18 question several times since I have been on the Board, but if you
19 take the setback

1 issue out of the conversation for the porches and
2 people are generally allowed a certain sized porch,
3 right? If they comply with setbacks, they are
4 typically allowed?

5 MR. BARTON: There is no size minimum or
6 maximum for a porch.

7 MR. THOMAS: Maybe I'm confusing that with
8 something else. If the porch is seven feet or
9 less, do they leave . . .

10 DEAN SNYDER: If the porch is seven feet or
11 less and it encroaches into the setback, that is
12 allowed.

13 MR. THOMAS: That's what I was thinking about.

14 MR. SHELLEY: What's the maximum allowable,
15 Jack?

16 MR. BARTON: I'm sorry, maximum . . .

17 MR. SHELLEY: What's the maximum exception
18 percent of the house or percent . . .

19 MR. BARTON: It's stated it's a distance of
20 seven feet extending from the house.

21 MR. THOMAS: I don't have any problem with the
22 project, it's the permit and variance issue.

23 MS. ROBILLARD: Let me read this into the
24 minutes: To whom it may concern, Kevin and Grace
25 DeConinck ask for a variance to obtain a building

1 permit to change the roof on their house. At
2 present, the ceiling to the bedrooms sit against
3 the roof with a height of three feet on one side of
4 the room to six feet on the other side of the room.
5 The bedrooms are occupied with children. The very
6 low ceilings and many angles in the rooms prevent
7 windows large enough for fire escape. We have
8 already had a fire and we are very afraid that
9 there is no escape in these rooms.

10 Also, the dormers do not sit on what they
11 should, therefore, the walls under them keep on
12 cracking. The peek in the front, the west side of
13 the house, is not right so the ceiling and wall in
14 the living room leaks. We have had four
15 contractors down to try to fix it. It can't be
16 fixed unless the peek is changed.

17 Thank you, Kevin and Grace DeConinck.

18 While Jack checks the notifications, if there
19 are no other questions by the Board members, I will
20 open it up for questions from the floor. Are we
21 good to go?

22 Okay. We're checking for notifications.
23 Hopefully there won't be a problem there. Is there
24 anyone that would like to speak for or against or
25 pose any questions regarding this request? Sir?

1 DONALD BLEIER: My name is Donald Bleier. I
2 live next door to the DeConincks at 265 Pine Hill
3 Road on the left side of their property. I'm
4 coming here tonight to speak in favor of the
5 DeConinck's application.

6 Apparently, the biggest issue to be considered
7 is whether or not the permit process could be
8 extended beyond the usual six-months limit.

9 Speaking as a neighbor and the closest
10 property surrounding theirs, I just wanted to state
11 for the record I would have no problem with the
12 phased construction. And, if the permit process
13 could be flexed to incorporate that, I think it
14 would be very helpful.

15 The DeConincks do actively farm their land.
16 They farm the 17 acres that the house sits on and,
17 it's my understanding, that they also farm a couple
18 of hundred acres in the area and they are very busy
19 people. So I would ask that the application for
20 the setback be approved, recognizing how old the
21 house is, that there's no way any of it is beyond
22 75 feet from the road and I don't think that the
23 porch stepping a little bit forward is going to
24 make a big difference.

25 So I'd ask that the Board approve the

1 setback – oh, I'm sorry the extension of the
2 permit process, which will allow them to phase the
3 construction as they're able.

4 MS. ROBILLARD: Thank you. Anyone else? Yes,
5 ma'am?

6 KIM HARWOOD: My name is Kim Harwood. I own
7 275 Pine Hill Road, which is three doors west of
8 Kevin and Grace, and I mainly wanted the Board to
9 know that we do support whatever their requests
10 are. They are hardworking people and they are an
11 asset to our neighborhood and the community.

12 We also have a very old structure that was
13 close to the road and I think the neighbors would
14 agree anything that we have done to our house is a
15 vast improvement. And I know Kevin and Grace are
16 trying to do the same thing and, whatever they
17 wanted to do to enhance their family life and the
18 safety of their family in whatever time frame, is
19 fine with us.

20 MS. ROBILLARD: Thank you very much. Anyone
21 else?

22 (No verbal response.)

23 MS. ROBILLARD: Seeing no other takers, I'm
24 going to close this part of the Public Hearing.

25

1 MR. BARTON: I don't have any proof of a
2 notification. This may not pertain to the Board,
3 but some of the neighbors are here, the question
4 will be: Did you get a mailing?

5 NEIGHBORS: Yes, we did.

6 MR. BARTON: I know for the Board it's tough
7 for them to act without proof of that.

8 MS. ROBILLARD: You said . . .

9 GRACE DECONINCK: My husband brought it right
10 to the . . .

11 MR. BARTON: I know he dropped off surveys.

12 GRACE DECONINCK: No. He dropped off - we
13 had it done on a Saturday and on Monday he brought
14 it back to the Town.

15 MR. BARTON: I don't have anything in the
16 folder. We have the copy we sent you and we check
17 these off and initial it once they have been
18 completed. Sometimes people bring them in that
19 evening.

20 GRACE DECONINCK: I didn't bring it with me.
21 I made a copy for my records, but I didn't bring it
22 because he already brought it to you guys.

23 MS. ROBILLARD: What would you like to do? I
24 mean, is there any possibility that it would be
25 somewhere else, because we really can't go forward

1 without any proof.

2 MR. BARTON: We have three folders for this
3 evening and I have checked all three. And, again,
4 the only place that we have the original is in this
5 folder, which it isn't there.

6 MR. SHELLEY: If you have a copy, is it
7 possible to have your husband run it up here before
8 the end of the meeting tonight?

9 GRACE DECONINCK: Pardon me?

10 MR. SHELLEY: If you have a copy, would it be
11 possible to have your husband run it over?

12 GRACE DECONINCK: My husband has been very
13 ill/ that's why he's not here tonight. I do have
14 the copies at home. Want me to go get them? I
15 will.

16 MR. BARTON: If the Board would consider, we
17 do have at least four different neighbors that have
18 confirmed that they did get it, if the Board wants
19 the condition, we have done that in the past.

20 MS. ROBILLARD: Just to, you know, confirm for
21 our record, the immediate neighbors that would be
22 within the 500 feet by a show of hands could you
23 show me if you did receive mail notifications or -
24 it would have to be mail. So we have one, two,
25 three, five people. How many were on the list?

1 What percent is that?

2 MR. BARTON: It is approximately 25.

3 MS. ROBILLARD: If we were missing only a
4 couple, I guess we could proceed conditioned on
5 verification within a certain time frame? Within,
6 you know – will you be able to bring it in
7 tomorrow?

8 GRACE DECONINCK: Yes.

9 MS. ROBILLARD: Okay. Could we proceed with
10 the idea that there's some sort of, you know . . .

11 MR. BARTON: Mix up?

12 MS. ROBILLARD: Mix up on the notification.

13 And that contingent that the notification would
14 meet regulations by tomorrow business hours that we
15 will continue on. Hopefully, we can do that?

16 Okay. We will hopefully be able to put our
17 motion in, such that we can act tonight, but it
18 will be conditioned on the fact that the Building
19 Department receives verification.

20 That being said, is there anyone else that
21 would speak for or against or pose any questions in
22 the audience?

23 (No verbal response.)

24 MS. ROBILLARD: I'm going to close the Public
25 Hearing. I'm going to ask the Board to consider

1 the request before us this evening and the
2 information that was provided, and in a moment I'll
3 call for a motion to prove . . .

4 DEAN SNYDER: I just have a question for Jack.
5 Without any variance, they have six months to get a
6 permit and then they have another six months to
7 start construction. How long will they have until
8 they have to come before the Board again if they
9 don't complete the construction? I understand they
10 may be able to get extensions on that?

11 MR. BARTON: The building permit would be
12 voided out after six months if they didn't start
13 the project.

14 DEAN SNYDER: So it's six months to get the
15 permit and another six months to start
16 construction. Then how long after that?

17 MR. BARTON: At that point they can request
18 extensions, but these evolve with the extensions.

19 MS. ROBILLARD: But not having to come to us?

20 DEAN SNYDER: So how many extensions can they
21 get? Can they go out two years with extensions?

22 MR. BARTON: Yes. If they – once they get
23 the permit, they are tied into that six-months
24 period.

25 DEAN SNYDER: To start construction is really

1 that they have to put a footer in or start tearing
2 things off. It's a very minimal requirement to
3 start construction. It really has nothing to do
4 with completion or percent completion; is that
5 correct?

6 MR. BARTON: Correct.

7 MS. ROBILLARD: So let's just look at, like,
8 say they – if we approve this, they have six
9 months from tonight, by October 15th we'll say, to
10 get a building permit, then six months following
11 that to start construction.

12 If they're not – that would take them to a
13 year, kind of a year from today. If they're not in
14 a position to be completed then, then they could
15 come to the Building Department and get an
16 extension?

17 MR. BARTON: Right.

18 MS. ROBILLARD: And then six months hence they
19 could come get another?

20 MR. BARTON: Extension or six months variance.

21 MR. SHELLEY: Is there a fee involved with the
22 extension?

23 MR. BARTON: Yes.

24 MR. SHELLEY: How does that compare with the
25 fee for a new variance?

1 MR. BARTON: It depends on how long it takes.

2 The fee extensions - the permit extensions, the first one is
3 actually \$20.00 and after that is \$40.00 every six months.

4 MS. ROBILLARD: And how many of those six months? Is there
5 a limit?

6 MR. BARTON: No.

7 MS. ROBILLARD: Okay.

8 MR. BARTON: It's hard to say.

9 MS. ROBILLARD: Unless there's something or a reason to deny?

10 DEAN SNYDER: And the code, as it's written

11 now, it says that the permit has to be obtained within six

12 months of the date of approval of the Zoning Board of Appeals

13 and construction to commence within one year of such date.

14 So, actually, they could - as long as it's past today, they

15 could get the permit today or six months from now, but they

16 don't have to start construction until a year from now, or

17 eleven plus.

18 MR. THOMAS: So you could take it to the very last day of that

19 time period and let this thing really, legally . . .

20 MR. SNYDER: And then they could just get extensions on and

21 on.

1 MS. ROBILLARD: Right. So it would seem that
2 that would be a prudent way for us to look at it
3 and keep it within the ordinance with the idea that
4 we're giving you some background information on how
5 you can achieve an extension by working through the
Building Department.

7 DEAN SNYDER: So their only motivation to
8 finish at that point is just not to have to keep
9 paying an extra 20/40/60 for extensions. And, even
10 if it goes out two years, we're only talking about
11 two extensions, so \$60.00.

12 I think I understand it.

13 MS. ROBILLARD: Okay. And I think - yes, I
14 think we're all on a kind of same wave length.

15 Any other comments before I call for a motion?

16 MR. THOMAS: So, just to verify: If they make
17 a motion to approve, we can pretty much just drop
18 off the last portion of the application?

19 MS. ROBILLARD: Well, I think we'd - I don't
20 think we just drop it off, we have to address it.

21 MR. THOMAS: Well, do we? Because just by
22 what we just talked about here, they're still -
23 let's say the variance gets approved; the first
24 variance for the setback. They're well within the
25 code to push the envelope, so to speak.

1 MS. ROBILLARD: Right. I think because
2 because it says: Applicants are also requesting
3 relief from Zoning Chapter 165, subsection so and
4 so, which states in part that a building permit
5 conforming . . .

6 So I think that we should say that we – we
7 have to address it saying that word under the
8 circumstances we're choosing . . .

9 MR. THOMAS: We can say that the variance and
10 building permit life cycles have been explained to
11 the applicant.

12 MS. ROBILLARD: We'll need to conform with
13 that. We might have to deny that part of the
14 request.

15 MS. BROWN: We just follow the regular
16 guidelines, which is stated right here, 165-22.

17 MS. ROBILLARD: Would we have to actual – we
18 have to address it somehow. So would it be – we
19 have to deny that part of the request, I would
20 think.

21 MR. BARTON: Or approve it.

22 MS. ROBILLARD: Or approve it. But we have to
23 somehow address it.

24 DEAN SNYDER: We could rule on it separate
from
25 the setback.

1 MS. ROBILLARD: Right.

2 MR. THOMAS: You are absolutely right. It is
3 an area variance, we have to go through that
4 process.

5 MS. ROBILLARD: Right. So I would think we
6 need to address it.

7 It sounds negative, but we're not being
8 negative. I think we'd say that because there are
9 alternative means to accomplish extensions in the
10 building process or the building time line.

11 MR. BARTON: Okay.

12 MS. ROBILLARD: Okay. That being said, are we
13 all set? So I'm going to call for a motion to
14 either approve with conditions or deny.

15 MR. THOMAS: Okay. I'm prepared to make a
16 motion to approve the first variance of the
17 application of Kevin and Grace DeConinck, owners
18 for an area variance at 255 Pine Hill Road. This
motion is conditioned with the submission of proofs of notifications by
the end of the business day.

19 Before I go any further, I will deal with the
20 second variance, which is the variance time frame
21 in a second motion, if that will satisfy that.

22 (Whereupon the Board concurred.)

23 MS. ROBILLARD: Any other questions or
24 discussion?

25

1 MS. ROBILLARD: I did think it was important
2 to get that in.

3 That being said, I'm going call for a vote on
4 this part of the request. All of those in favor
5 please indicate by raising their hand.

6 (Ayes: Dean Snyder, Tina Brown, Veronica Robillard,
7 Steve Shelley and Tim Thomas.)

8 MS. ROBILLARD: Opposed?

9 (No one opposed.)

10 MS. ROBILLARD: Motion carried (5-0).

13 MR. THOMAS: I will make a motion here to deny the
application - the

14 request of Kevin and Grace DeConinck for their area
15 variance at 255 Pine Hill Road for their relief
16 from Zoning Chapter 165, Subsection 165-22 which
17 states in part that a Building Permit conforming to
18 all the conditions and requirements established by
19 the Zoning Board of Appeals must be obtained within
20 six months of the date of approval by the Zoning
21 Board of Appeals or the variance is null and void. 22
(Whereupon the Board conferred.)

23 MS. ROBILLARD: Any other comments?

24 (No verbal response.)

25 MS. ROBILLARD: So now we can vote to deny.

1 I'm calling for a vote all of those in favor of the
2 motion please indicate by raising their hand.

3 (Ayes: Dean Snyder, Tina Brown, Veronica Robillard,
4 Steve Shelley and Tim Thomas.)

5 MS. ROBILLARD: Opposed?

6 (No one opposed.)

7 MS. ROBILLARD: Motion carried (5-0).

8 I think this actually is in your best
9 interest. It sounds negative but, I think if you
10 look at the logistics of it, this gives you a lot
11 more flexibility and at minimal potential costs
12 over the course of that amount of time.

13 MR. THOMAS: Do we need to poll because of the
14 denial, or is that not severe enough in this case?

15 MS. ROBILLARD: I guess we should. I will
16 start it out by: I think that the motion to deny
17 actually will prove more beneficial for them
18 because of the conditions of the Building
19 Department's policies that would act potentially to
20 enable them to have more flexibility in the phasing
21 of the projects.

22 MR. THOMAS: All of my motions, statements
23 provided.

24 MR. SHELLEY: I think the one phrase there,
25 there's alternative means for them to obtain

1 objective, covers it.

2 MS. BROWN: I will concur on this.

3 DEAN SNYDER: I'll say the existing code allows
4 the applicant more flexibility in extending the
5 completion on this project.

6 MS. ROBILLARD: We need to do that because
7 it's a denial for our records.

8 Good luck with your project and we hope all
9 goes well.

10 GRACE DECONINCK: Thank you very much.

11 MS. ROBILLARD: You are very welcome.

12 Okay. Moving right along, we have a special
13 permit renewal to address. We have a request for a
14 special permit - a renewal of special permit for
15 Raymond Veness at 21 Webster Road in Spencerport,
16 his permit to allow the making of canvas covers.
17 His original date that it was issued was in July
18 of '83, last renewal date was in May of '04.

19 The special permit, do I hear a motion? Oh,
20 is there anything in the file?

21 MR. BARTON: A letter to the Zoning Board of
22 Appeals from Art Fritz, Zoning Enforcement Officer,
23 regarding this special permit renewal. This
24 reports to the Zoning Board of Appeals that there
25 are no complaints on file for the above referenced

1 property.

2 MS. ROBILLARD: Do you know if he's still
3 doing this?

4 MR. SHELLEY: They had two boats there.

5 MS. ROBILLARD: Did they?

6 MR. SHELLEY: Yes.

7 MR. BARTON: I believe so. They are still
8 requesting an extension.

9 MS. ROBILLARD: Okay. Do I hear a motion?

10 MR. THOMAS: I'll make a motion to renew the
11 special permit for Raymond Veness of 21 Webster
12 Road for a period of five years again; is that
13 correct?

14 MR. BARTON: Yes.

15 MR. THOMAS: For the same conditions.

16 MR. SHELLEY: I will second.

17 MS. ROBILLARD: Discussion?

18 (No verbal response.)

19 MS. ROBILLARD: All those in favor please
20 indicate by raising their hand.

21 (Ayes: Dean Snyder, Tina Brown, Veronica Robillard,
22 Steve Shelley and Tim Thomas.)

23 MS. ROBILLARD: Opposed?

24 (No one opposed.)

25 MS. ROBILLARD: Motion carried (5-0).

1 Are there any other special permits, Jack? Oh
2 we have no minutes, do we?

3 MR. BARTON: No.

4 MS. ROBILLARD: I think we should, for the
5 record, indicate that the minutes of the March
6 meeting have not been delivered to the Board
7 members because there was a serious illness and
8 death in the immediate family of the secretary,
9 Diane Grundon and, hence, we are at present time
10 without the unapproved minutes of the March
11 meeting. We will hopefully be able to address
12 those at our May meeting.

13 That being said, do I hear a motion to
14 adjourn?

15 MR. SHELLEY: I move to adjourn.

16 MS. ROBILLARD: Second?

17 DEAN SNYDER: I second.

18 MS. ROBILLARD: Discussion?

19 (No verbal response.)

20 MS. ROBILLARD: All those in favor please
21 indicate by raising their hand?

22 (Ayes: Dean Snyder, Tina Brown, Veronica Robillard,
23 Steve Shelley and Tim Thomas.)

24 MS. ROBILLARD: Motion carried (5-0).

25 (Whereupon the meeting adjourned at 8:00 p.m.)