

**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

PARMA ZONING BOARD

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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.)