

CHILI ZONING BOARD OF APPEALS
October 23, 2012

A meeting of the Chili Zoning Board was held on October 23, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Adam Cummings, Robert Mulcahy, Michael Nyhan, Robert Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Michael Jones, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector.

Chairperson Paul Bloser declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

PAUL BLOSER: First we'll go over the signs. Any problems? The Board indicated they had no problem with the notification signs for the applications.

1. Application of Peter Henry, owner; 418 Morgan Road, Scottsville New York 14546 for variance to erect a 20' by 24' three-sided agricultural building to be 10' from side lot line (50' req.) at property located at 418 Morgan Road in AC zone.

Peter Henry was present to represent the application.

MR. HENRY: Peter Henry, 418 Morgan Road.

PAUL BLOSER: Tell us a little bit what you're doing.

MR. HENRY: Looking to build a three-sided lean-to barn so I can store my farm equipment, looking to build it approximately 10 feet off the property line so it -- less interference on my fields, which -- which this is going to be built next to. On the other side of the property line where it is is all farm field presently, and my neighbors are going to be farming for quite a while, so it shouldn't have any interference with anything. It's approximately 650 feet off back from the roadway.

PAUL BLOSER: The construction of this, I assume, is just a pole barn construction?

MR. HENRY: Yes.

PAUL BLOSER: Something you're doing yourself?

MR. HENRY: Yes.

PAUL BLOSER: What is your siding?

MR. HENRY: Yes. It will be metal siding. It will be red -- red -- red siding to match the other barns on the property with a metal -- metal roof.

PAUL BLOSER: Okay. What color are you going to do the roof in?

MR. HENRY: Gray. White trim.

PAUL BLOSER: Can't really tell by your drawing. What -- what direction is this facing, the opening?

MR. HENRY: The opening would be facing east.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

MICHAEL NYHAN: It seems to fit in with the structures on the property, the ones there.

PAUL BLOSER: Are you going to have electric in it, lights out there?

MR. HENRY: No. Just -- just to store the farm equipment in is all I want.

PAUL BLOSER: You will not store any animals at all in there?

MR. HENRY: No. The horses that I have are stored in -- are housed in the barn up closer to the road.

PAUL BLOSER: I am going to put as a condition of approval if this moves forward that there would be no storage of animals of any type in there, because that would require placement someplace else.

MR. HENRY: Uh-huh.

PAUL BLOSER: One of the conditions of approval I'm going to put -- Ed (Shero), do we need any final inspections on this of any type?

ED SHERO: No.

PAUL BLOSER: Do you want an updated print with the exact location?

ED SHERO: It's up to the Board. As I said, ag building, he won't be required to have any building permits, no inspections, no C of O.

PAUL BLOSER: I'm just asking if you want it for matter of record for square footage of buildings, structures on the property.

ED SHERO: No. I have no reason for it.

PAUL BLOSER: Okay. Will you be storing any gas or oil in there?

MR. HENRY: No.

PAUL BLOSER: I will put down subject to approval, three conditions here. The first one, siding and related materials to be consistent with other structures on the property, including colors.

No animals or feed to be stored inside the structure and no flammable products to be kept or stored in the structure.

Anything else?

FRED TROTT: How high will this be?

MR. HENRY: The opening will be approximately 10 foot.

FRED TROTT: Total height?

MR. HENRY: Oh, the whole thing. I think about 14 -- no higher than 14 feet.

PAUL BLOSER: So the highest point of your pitch?

MR. HENRY: Yes.

FRED TROTT: Just wasn't on the drawing.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Adam Cummings seconded the motion. The Board all voted yes on the motion.

Michael Nyhan made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The building materials used will be consistent with the related materials on other structures on the property. This includes siding, trim, gutters, and roofing, etc.
2. No animals or feed to be stored in this structure.
3. No flammable products to be kept/stored in or around this structure.

The following findings of fact were cited:

1. The requested variance is not significant in nature nor will it have a negative impact on the neighboring properties or environment.
 2. The structure is consistent with similar structures in this agricultural area. Due to nature of the structure, no permit is required.
2. Application of Mr. and Mrs. Peter Darling, owner; 640 Chili Scottsville Road, Scottsville, New York 14546 for variance to allow the total square footage of garage area, including a new 24' by 32' detached garage with an 8 1/2' by 32' overhang to be a total of 1,940 square feet (1200 square feet allowed), variance for detached garage to be 15' from side lot line (50' req.) at property located at 640 Chili Scottsville Road in AC zone.

Peter Darling was present to represent the application.

MR. DARLING: Evening, gentlemen. My name is Peter Darling, 640 Chili Scottsville Road.

The reason I am building this structure is to house the equipment I need to maintain the property, both at 640 and 495 Humphrey Road. Um, I have run out of room in the current garage, and, in fact, I started to store some of the equipment outside, which I do not like to do.

Um, the structure is a pole barn, metal sided. It will have an asphalt roof. Um, the siding is compatible with the house. It will be the same color and siding as the house. The construction will be done by Rockwood Homes, David Fodge. That's pretty much it.

PAUL BLOSER: I didn't notice, what is the color of the roof on the house?

MR. DARLING: Excuse me.

What is the color of the roof on the house?

MR. DARLING: The roof on the house is a brown architectural.

PAUL BLOSER: Okay.

MR. DARLING: This is going to be exactly the same color on the building, too.

PAUL BLOSER: That is something we do have, when they're close like this, with the structure like this, to have like materials, like roofing, like siding.

MR. DARLING: It will be that way.

PAUL BLOSER: Putting electric into this?

MR. DARLING: Yes.

PAUL BLOSER: Are you heating it?

MR. DARLING: No.

PAUL BLOSER: Lot of mowing.

MR. DARLING: Yes. John (Deere) helps me. John Deere.

MICHAEL NYHAN: Structure shows two overhead doors and one opening. The third door will just be open, no overhead door.

MR. DARLING: The way the construction is, two overhead doors in the front. There is an entry door on the south side and an entry door on the east side, on the back, the back of the building.

MICHAEL NYHAN: So from the roadside as you look down your driveway you will see two overhead garage doors and that's it?

MR. DARLING: Correct.

MICHAEL NYHAN: And the print is a little light so I can't see the distance. Is that 20 feet from your current apron to the structure?

MR. DARLING: 70.

MICHAEL NYHAN: Oh, it's 70 feet. Okay. I think it was -- that is 70 feet from the current garage, correct?

MR. DARLING: It's a 12 foot, um, piece -- thing. So from the current garage edge it would be 82 feet.

MICHAEL NYHAN: Okay. Thank you. No further questions.

ROBERT SPRINGER: I have a question in reference to the leech beds for the septic tank. It doesn't show on the map here where that is located.

MR. DARLING: This is the survey I got from the surveyor. The leech field is actually directly behind the -- the house on the east side.

PAUL BLOSER: How close has this been to your leech field? What is your separation?

MR. DARLING: It will -- oh, now, I'm -- I didn't do that measurement. It will be about probably 85 to 100 feet. 85 feet, I would say. I would have to guess. I have not measured that exactly.

It's 85 feet this way, but it will be -- but it will be the 70 feet this way, so whatever that diagonal distance would be.

MICHAEL NYHAN: I think the application, one of the reasons you place it there, you weren't able to move the garage to the south because of the leech fields?

MR. DARLING: What happens, the levellest spot is there and it climbs up to the leech field. The leech field is actually higher, and then there's a really nice tapered bank that comes off that to make the ground even, and if I moved it over that far, I would be encroaching on that and we would have to put more fill there.

MICHAEL NYHAN: Okay.

FRED TROTT: So the reason for it so close to the lot line is because of the leech fields?

MR. DARLING: Yes. I would either have to move it back farther or leave -- you know, it has to be as close to the leech field or I would have to move the garage and come back farther than it is, and I really don't want to put it out in the middle of the property someplace.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Robert Mulcahy seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

MICHAEL NYHAN: Nice piece of property, very similar type structures in the area, very well kept.

ADAM CUMMINGS: Can't move it south because the leech beds are there. It's a pretty reasonable spot.

PAUL BLOSER: I will put conditions of approval on this that prior to a permit being issued, a map or overlay will be required to show placement of leech field and septic tank in relationship to the barn.

MR. DARLING: Okay.

PAUL BLOSER: Okay?

MR. DARLING: Who do I submit that to?

PAUL BLOSER: To the Building Department. I just want to verify setbacks because there is a requirement for a setback from your leech field, the edge of your leech field to the shed -- or to the barn.

Materials for the building to be consistent with others on the property. Roofing material shall be as close as possible to match with the same style and color.

All required permits and inspections by the Town of Chili must be completed prior to C of O.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on

evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Adam Cummings seconded the motion. The Board all voted yes on the motion.

Michael Nyhan made a motion to approve the application with the following conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The building materials used will be consistent with the related materials on other structures on the property. This includes siding, trim, gutters, and roofing, etc.
2. No animals or feed to be stored in this structure.
3. All permits and inspections, as required, will be obtained through the Town of Chili and followed through to completion of Certificate of Compliance.
4. Prior to a building permit being issued, a map, or overlay, with an Engineer's stamp will be required to show actual placement of leach field and septic tank in relation to proposed structure.
5. No type of business is to be operated out of this structure, or property without proper permits.

The following findings of fact were cited:

1. The requested variance is not significant in nature nor will it have a negative impact on the neighboring properties or environment.
2. The structure is consistent with similar structures in this agricultural area.
3. Application of Mr. and Mrs. Samuel Brown, owner; 2 Still Meadow Drive, Rochester, New York 14624 for variance to erect a 15' by 16' addition to house to be 37' from rear lot line (40' required) at property located at 2 Still Meadow Drive in R-1-15 zone.

Mr. and Mrs. Samuel Brown were present to represent the application.

MS. BROWN: My name is Andrea Brown, 2 Still Meadow Drive.

MR. BROWN: My name is Samuel Brown, 2 Still Meadow Drive.

PAUL BLOSER: Okay.

MR. BROWN: We have a representative from -- who is going to build the room. His name is Tom (McNeary).

MR. MC NEARY: My name is Thomas McNeary with Champion Windows, 65 Elmgrove Park, Rochester. We're going to build a four-season -- four-season glass patio room with a gable on a poly deck, an engineered decking, insulated -- on a deck pretty much. It's a 40 foot setback requirement, and we need three of those 40 feet, so we would like to, I guess, reduce the setback to 37 feet.

It's going to have electricity. It's not heated and cooled. It will be shingled in like architectural shingles to match the existing home, so it should be a seamless transition. It will have gutters. Um, lighting. We pull permits and we'll follow code. We do have engineering, I believe, on file with Rochester.

PAUL BLOSER: So basically you're fabricating kits that you put together for this style?

MR. MC NEARY: Yes.

PAUL BLOSER: The three-sided attaches to the house?

MR. MC NEARY: Correct. I have a photo if you would like.

PAUL BLOSER: Yes. Pass it down, please.

MR. MC NEARY: This isn't exactly theirs, but this is a very, very close representation.

PAUL BLOSER: So it will be raised, right?

MR. MC NEARY: Correct. It's about a -- 20 inches off the ground, I believe.

PAUL BLOSER: You doing skirting underneath it?

MR. MC NEARY: Correct. With -- with soffit material.

PAUL BLOSER: It is going to have electric in it though, right?

MR. MC NEARY: Correct.

PAUL BLOSER: Stairs on the outside?

MR. MC NEARY: Correct. With the railing.

PAUL BLOSER: What are the stairs made out of, just curious?

MR. MC NEARY: Wood? Either wood or composite, with a -- with a white vinyl rail. I guess I would say wood with stringers and composite steps with a vinyl rail.

FRED TROTT: Why are you not -- you're not heating it?

MR. MC NEARY: We aren't. We aren't, no.

FRED TROTT: So you don't have a desire to heat the -- the place?

MR. BROWN: No, not really, no.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Robert Springer seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: This is pretty straightforward on this. The biggest thing is that the roof matches, about the only thing you can match on it. What color is the siding of the house?

MR. BROWN: What color is it? Blue.

MRS. BROWN: White trim.

PAUL BLOSER: This will all be white?

MR. BROWN: Yes.

PAUL BLOSER: Aluminum or vinyl?

MR. MC NEARY: Vinyl.

PAUL BLOSER: The only condition of approval I'm going to put on this is that all required permits and inspections required by the Town of Chili must be completed in order to receive C of O.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Fred Trott seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following conditions, and Robert Springer seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. The building materials used will be consistent with the related materials on other structures on the property. This includes colors, siding, trim, gutters, etc.
2. All permits and inspections, as required, will be obtained through the Town of Chili and followed through to completion of Certificate of Compliance.

The following findings of fact were cited:

1. The requested variance is not significant in nature nor will it have a negative impact on the neighboring properties or environment. This type of three-season room is consistent with others in these residential neighborhoods.
4. Application of Paul Blaszyk, owner; 479 Humphrey Road, Scottsville, New York 14546 for variance to allow the total square footage of garage area, including a new 24' by 48' two-story detached garage to be a total of 4,080 square feet (1200 square foot allowed) at property located at 479 Humphrey Road in AC zone.

Paul Blaszyk was present to represent the application.

MR. BLASZYK: Name is Paul Blaszyk, 479 Humphrey Road. I would like to build this. I have a lot of equipment.

PAUL BLOSER: Pull your mike over a little.

MR. BLASZYK: Sorry.

It's a -- it's a 24 by 48 basically a two-car garage from the front, with area behind for more storage for equipment. I have a camper, other equipment, car, tractor-trailers, et cetera. I want to get in from the outside. The second floor is more of a loft for storage of items that I don't want on the ground floor.

PAUL BLOSER: You're not running a business of any type out of there?

MR. BLASZYK: No, sir, I'm not.

PAUL BLOSER: You're not keeping any animals in here?

MR. BLASZYK: No.

PAUL BLOSER: I really don't have any questions. Pretty straightforward.

MICHAEL NYHAN: I assume there will be electric to this structure.

MR. BLASZYK: Yes.

MICHAEL NYHAN: Second-story storage only, no living space?

MR. BLASZYK: Correct.

MICHAEL NYHAN: No other questions.

FRED TROTT: Will you have heat there, too?

MR. BLASZYK: No plans to have it heated. It's a detached garage.

FRED TROTT: Siding to match?

MR. BLASZYK: Exactly like the house. I believe I provided drawings to -- to show that. Yes. It will be color matched. Roofing same materials, same vendor, same everything.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Adam Cummings seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: I will put -- will put a couple conditions of approval on here, the standard, materials to match, materials and roofing to match. All necessary permits and inspections.

And you do have -- let's see, on the property sheet, the outstanding pool permit.

MR. BLASZYK: Correct.

PAUL BLOSER: Before -- I will put a note on here before the building permit be issued, that that be inspected and closed out.

MR. BLASZYK: Well, I would like to tie the electric of the pool permit into the garage, so that may be difficult.

PAUL BLOSER: Um, yes and no. Pool is up and running right now, correct?

MR. BLASZYK: It can be closed. I left it running so I could do the alarm test.

PAUL BLOSER: Well, just get it done, based on what you have so the pool permit is closed.

MR. BLASZYK: Got it.

PAUL BLOSER: That is separate from everything.

MR. BLASZYK: I understand.

PAUL BLOSER: You will pigtail off that. That will be -- whatever you're doing with the electric will be a separate inspection for the garage anyway.

MR. BLASZYK: Correct.

So you're ready for an inspection, get that done?

MR. BLASZYK: Got it.

PAUL BLOSER: Okay?

MR. BLASZYK: Yes, sir.

PAUL BLOSER: Sometimes these just drag out if they're an open file.

MR. BLASZYK: No. I would like to get started before the weather really goes south.

FRED TROTT: Unlicensed vehicle.

PAUL BLOSER: Unregistered vehicle.

MR. BLASZYK: I can put it in the garage when it is finished, the one that is unlicensed, the existing garage, that is.

PAUL BLOSER: I have six conditions on here.

First one is the building materials to match existing structures.

Two, all necessary permits and inspections prior to C of O.

Number three, prior to issue of the building permit, the open pool permit must be inspected and closed.

Four, unregistered vehicles must be put in storage of the garage or removed from the property.

Number five, no occupancy of the structure by animals or persons without permits and inspections.

And Number six, no business of any type to be run from the property without permits.

Is there anything else anybody would like to see?

MICHAEL NYHAN: No.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Adam Cummings seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions.

1. The building materials used will be consistent with the related materials on other structures on the property. This includes colors, siding, trim, gutters, and roofing, etc.
2. No animals or feed to be stored in this structure.

3. No flammable products to be kept/stored in or around this structure.
4. No type of business is to be operated out of this structure, or property without proper permits.
5. All permits and inspections, as required, will be obtained through the Town of Chili and followed through to completion of Certificate of Compliance.

The following findings of fact were cited:

1. The requested variance is not significant in nature nor will it have a negative impact on the neighboring properties or environment.
2. The structure is consistent with similar structures in this agricultural area.

The 9/25/12 Zoning Board of Appeals minutes were approved.

The meeting ended at 7:37 p.m.