

CHILI ZONING BOARD OF APPEALS

March 27, 2007

A meeting of the Chili Zoning Board of Appeals was held on March 27, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Acting Chairperson Michael Martin.

PRESENT: Paul Bloser, Jordan Brown, David Cross, Richard Perry and Acting Chairperson Michael Martin.

ALSO PRESENT: Dennis Scibetta, Building & Code Compliance Inspector; Keith O'Toole, Assistant Counsel for the Town.

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

MICHAEL MARTIN: We don't have a long agenda tonight. Refreshing. First one, any problems with the sign?

The Board indicated they would hear the application.

MICHAEL MARTIN: The second one, any problems?

RICHARD PERRY: No problem.

MICHAEL MARTIN: All right.

The Board indicated they would hear the application.

1. Application of Daniel Rosario, owner; 40 Hay Market Road, Rochester, New York 14624 for variance to allow existing 24' x 16' deck to be 31.3' from rear lot line (40' req.) at property located at 40 Hay Market Road in R-1-15 zone.

Angelo DiFazio and Daniel Rosario were present to represent the application.

MR. DiFAZIO: Mr. Rosario is in Iraq.

MICHAEL MARTIN: Okay.

Could you state your name?

MR. DiFAZIO: Angelo DiFazio.

MS. ROSARIO: Daniel Rosario.

MR. DiFAZIO: I'm her uncle.

MICHAEL MARTIN: If anyone would like to take a look, this is the map for the application where this deck is located.

Go ahead and tell us about the deck.

MR. DiFAZIO: Really there is not a lot to say, sir. She just purchased the home, and through the closing and -- and survey map they found that the deck was never put up with a permit.

MICHAEL MARTIN: The deck was there from the previous owner?

MR. DiFAZIO: Yes.

MICHAEL MARTIN: This is just a condition of closing to get this matter remediated.

MR. DiFAZIO: Yes.

MICHAEL MARTIN: Any questions from the Board?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Again, I would like to ask how does this happen? Did this deck have a building permit? And who put it up and when?

MICHAEL MARTIN: According to the records --

MR. DiFAZIO: Apparently there was no permit that we understand. Who put it up and when, those people are out of the State now.

MS. BORGUS: That's not the point, in a way.

So a deck was put up. No permit. And nobody in Town wises up. Is that the case with the Building Department here? It's a lawless Town.

MICHAEL MARTIN: Well, we can't have the Building Department going through every single house --

MS. BORGUS: Well, on assessments, let me tell you, the Assessor knows the deck is there. Don't people in this Town talk to one another? It is -- it is not these people's fault, but it is the fault of the Building Department who just doesn't seem to get it. It is their job. They have to talk to people. If the Assessor knows it is there, then the Building Department should know it is there. This goes on and on and on. You people have to waste your time on this nonsense. You can't help it, but the Building Department can. Thank you.

The Public Hearing for this application was closed at this time.

MICHAEL MARTIN: That matter was referred to the Monroe County Department of Planning and came back as a local matter.

The Public Hearing was closed for this application at this time.

Michael Martin made a motion to declare the Board lead agency for SEQR, found this to be a Type II action, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Richard Perry seconded the motion. The Board all voted yes on the motion.

Richard Perry made a motion to approve the application with no conditions, and David Cross seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following findings of fact were cited:

1. Pre-existing deck from previous owner.
2. Keeping in character of the neighborhood.

Note: A building permit is required.

2. Application of Lifetime Health Medical Group, 800 Carter Street, Rochester, New York 14621, property owner: Village Park Associates; for variance to allow a temporary 2' x 3' "A" frame freestanding sign, variance for sign to be 1' from front lot line (15' req.) at property located at 849 Paul Road in G.B. zone.

No one was present to represent the application.

RICHARD PERRY: This is going to be the shortest meeting.

MICHAEL MARTIN: We'll give them a few minutes, since it is so very early.

RICHARD PERRY: They had to know there were only two on the agenda.

MICHAEL MARTIN: They should. I guess we'll go to the minutes.

We can give them a few minutes and table it to the next meeting.

RICHARD PERRY: Like I say, they should have known that there are only two items and that it wouldn't take long.

MICHAEL MARTIN: All right. Is it your -- we can table it if the motion is made.

RICHARD PERRY: I would make the motion that we table this item until the next meeting.

PAUL BLOSER: Can I ask a question? I'm reading this saying that an A frame sign has been placed in front of the main building. Is that already in existence? They already placed it there?

DENNIS SCIBETTA: There is a temporary sign that has been showing up. They were told not to put it up any more until they had their hearing.

MICHAEL MARTIN: So we have a motion to table. Do I have a second to table?

DAVID CROSS: I will second it.

JORDON BROWN: I need to recuse myself from the vote.

The motion passed by a vote of 4 yes with 1 abstention (Jordon Brown).

MICHAEL MARTIN: That item will be tabled until the next meeting, April 24th. Hopefully they'll show up at that meeting.

DECISION: Tabled by a vote of 4 yes with 1 abstention (Jordon Brown) for the following reason/finding of fact having been cited:

1. Applicant failed to appear for the public hearing.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for the public hearing.

The 2/27/07 Zoning Board of Appeals minutes were approved.

The meeting ended at 7:11 p.m.