

CHILI ZONING BOARD OF APPEALS
April 17, 2012

A meeting of the Chili Zoning Board was held on April 17, 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, James Wiesner and Chairperson Paul Bloser. Fred Trott was excused.

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: We did leave the Public Hearing open at the last meeting, so if there is anybody from the public that wishes to speak, we'll close the Public Hearing tonight before we proceed with any votes. Then the applicant will receive a letter from the Building Department of the Board's decision.

This is the only item on the agenda tonight, so it is a carry-over.
For the record, I will just read that.

1. Application of Turkish Society of Rochester, owner; 677 Beahan Road, Rochester, New York, New York 14624 for variance to erect a mosque to be 27' from side lot line (50' required) at property located at 673 Beahan Road in RA-10 zone.

Patrick Labor was present to represent the application.

MR. LABOR: Good evening. I'm Patrick Labor from Schultz Associates, and the application is the same as when we were here last time. We haven't made any changes to the variance that we're requesting.

Since we were here last month, we did receive Monroe County Planning and Development comments and the one pertaining to this application, the zoning application says that airport approval has been granted for this application and they don't have any other comments.

We are at -- were at the Planning Board last week and we got a conditional preliminary approval, so we have gone that far. I know one of the items that was high on the list last time was the buffering to 699 [sic], to the north, and, um, the gentleman who lives there was at that meeting also and spoke about that, and we have retained a landscape architect to prepare a plan, and that's one of the items of note that we have directed them to make sure is compliant with the Town and the neighbor. So that will be handled by the expert and submitted to the Planning and Conservation Boards. Other than that, I don't have much more to add.

PAUL BLOSER: Okay. Just to echo what you had just said, I was there for the Planning Board last week. You did get your preliminary approvals on that.

There was a list of conditions. I'm not going to go through them completely. Just a couple of them quick.

Was -- in regards to the buffer, that was a condition of approval, that it be constructed in a manner agreeable to the Conservation Board, the residents of 669 Beahan Road and the applicant. So that would continue to be a -- a condition of our approval also. For consistency.

MR. LABOR: Okay.

PAUL BLOSER: Other than that, you know, the Fire Marshal, that is subject to final approval still.

We did get the sign-off from the County, you know, so that we have that. They're waiting for that last month and we didn't have it, so that is why we're here tonight. So they referred it back to us. They have no input, so that is good. So as far as they're concerned, there is no issues with the airport and the air space there. So that is -- that is over.

So this is pretty straightforward at this point for the setback on this one. I guess I will start with the Board members.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAUL BLOSER: At this time, I will ask if there is any additional public comment before we move on?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

PAUL BLOSER: If there is no additional public comment at this time, do I have a motion to close public comment?

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.

PAUL BLOSER: Board discussion? At this point, you know, it has gone through Planning Board. They have got their green light to get started from -- from that point. Um, Planning Board started SEQR on their own. I guess what I want to look at here is on the setback, any conditions of approval before we proceed that Board members would like to see on this?

The buffering was an issue before and will be until this is complete, so I would like to, you know, put that in ours also, that the buffering will be on bordering sides to the north, is the one that we're discussing here.

MR. LABOR: Right.

PAUL BLOSER: That the Conservation Board does review that, and then would be subject to an acceptable plan by the Conservation Committee and the Planning Board.

Anything else?

MICHAEL NYHAN: In the future would this use permit -- if -- they're demolishing the existing block garage. If they were to demolish the home in the front, would there be any provision if they wanted to put parking in the front? Would that be permitted? I guess it wouldn't be the front. To the property between Beahan Road and the back of the building where this is now a garage that is going to be removed, could that ever be converted to parking, or would they have to come before either of the Boards for that, or would it have to stay as it is approved by both Boards, the Planning and Zoning?

PAUL BLOSER: I think based on what we're looking at with buffering to the north -- good question. Hadn't thought about that.

But I think -- I think if anything would be done, I think I would like -- if any additional excavation was to be done or, um -- what is the word I'm looking for here?

MICHAEL NYHAN: I'm real -- I'm looking for any changes, to the Planning Board looking at it.

PAUL BLOSER: Any site changes, additional site changes other than proposed would have to come, I think, back before Planning Board for site plan approval.

MICHAEL NYHAN: Okay.

PAUL BLOSER: And if it -- if they felt there was a zoning issue, it would come to us.

MICHAEL NYHAN: Okay. As long as it was covered. Thank you. So that is covered automatically in the --

ADAM CUMMINGS: Yes. They would have to apply for amended site plan.

MR. LABOR: We would have to go to DOT also, and the chances of getting that -- well, for the commercial access because that is just residential now. So for the curb cuts, the chance of getting that is pretty much nil.

PAUL BLOSER: Even if you were to circle from behind and not a road cut, circling from the existing parking lot, behind, it would be the same thing. Any modifications to the site plan would require it going back to Planning Board for amended site approval.

MR. LABOR: Okay.

PAUL BLOSER: You will probably end up there anyway, but this is just going to clarify things so that, you know, it keeps everybody at --

MR. LABOR: At one place.

PAUL BLOSER: So the rules are laid. It's standard. So it's not anything we wouldn't ask of anybody else.

I will ask the question because I can't recall if we have seen anything on it. Are there any proposals yet, or do you have plans on putting any signage in the front of any of these buildings at the street side?

MR. LABOR: We have nothing proposed at this time.

PAUL BLOSER: Okay. Because I haven't seen anything.

MR. LABOR: Right.

PAUL BLOSER: This is another one of those that we just don't want to see it pop up. That gets everybody up in arms again. If it is in the proposal, we would want to see that ahead of time.

That would include any kind of directional signs in the driveway. A sign is a sign is a sign. So anything you're proposing.

MR. LABOR: Okay.

PAUL BLOSER: And Ed (Shero), I would think as part of the site plan, Ed (Shero), with the shifting of where people will be parking, are you going to require handicapped parking spots closer to now where the new construction is going to be?

ED SHERO: There is handicapped on Brighton Circle, isn't there?

MR. LABOR: That is the additional parking we're proposing.

PAUL BLOSER: I didn't see anything on that either. I'm just throwing it out there.

MR. LABOR: Yeah, there is seven, I believe, we're putting in.

PAUL BLOSER: I have three conditions of approval.

First is buffer on the north side presented to Conservation Committee for agreeable plan to Boards, residents, neighbors and Town Building Department.

Number 2, any future development of any sort must be presented for site plan amendment.
3, any and all permits must be completed through the Town office prior to commencement of any work.

That's standard.

Final drawings and site maps to be given to Town for file. You know that is standard also. I can't think of anything else.

Board members, anything else you want to see or add to this? Okay.

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 Michael Nyhan seconded the motion. The Board all voted yes on the motion.

Michael 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: Approved by a vote of 5 yes to 1 no (James Wiesner) with the following conditions:

1. Landscaped buffering of the adjacent property to the north shall be required and must receive approval of the Conservation Board for agreeable plan to other boards, residents, neighbors, and Town Building Department.
2. Any future development of any sort must be presented for site plan amendment.
3. Any and all permits and inspections must be completed through the Town Building Department prior to commencement of any work.
4. Final drawings and site plans to be given to the Town Building Department.

The following finding of fact was cited:

1. The proposed variance maximizes the separation distance from the neighboring residential property to the north. Adequate conditions have been placed on both this variance and also site plan with the Planning Board to buffer neighboring properties so as to maintain an agreeable visual enhancement between residential and proposed use of property.

PAUL BLOSER: This is approved.

MR. LABOR: Thank you.

PAUL BLOSER: You will have the letter sent out in a week. Gentlemen, we appreciate your time. Sorry we had to move it out a month, but we wish you well with your project.

The meeting ended at 7:18 p.m.