

CHILI ZONING BOARD OF APPEALS

July 26, 2005

A meeting of the Chili Zoning Board of Appeals was held on July 26, 2005 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 Beverly Griebel.

PRESENT: Gerry Hendrickson, Michael Martin, Peter Widener, Dan Melville,
Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Daniel Kress, Director of Planning, Zoning & Development;
Keith O'Toole, Assistant Counsel for the Town.

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

BEVERLY GRIEBEL: Before we begin, we'll discuss signs, starting with Number 1. I was out Saturday, 7/16, first Saturday in the afternoon, and Number 1, John Greco had no sign. And I did get word from the Building Department that he picked it up at least three days later. He did not have it up for the required time. This was an application that was held over from last month because the applicant didn't have the signs up properly.

At this point, I would ask for a motion to deny this without prejudice.

PETER WIDENER: So moved.

BEVERLY GRIEBEL: Thank you. Do we have a second on it?

GERRY HENDRICKSON: Second.

BEVERLY GRIEBEL: Thank you.

The Board voted unanimously in favor of the motion to deny without prejudice.

BEVERLY GRIEBEL: For the benefit of the audience, denying without prejudice means that the person can reapply right away. If it is denied with prejudice, they have to wait a year before they can submit the same application. So this was held over twice, and we are not going to do it again.

Number 2, John Lyon, that was an application held over for the same reason. No problem this one?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: They did a good job with that.

MR. LYON: Thank you.

BEVERLY GRIEBEL: Good job.

Number 3, Zampatori. That was held over for signs. I didn't have a problem with the signs.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 4, Douglas Tobey, that was held over because of no signs last month. There were no signs again when I went out on that Saturday and looked. So at this point, I would ask for a motion to deny this without prejudice.

MICHAEL MARTIN: So moved.

BEVERLY GRIEBEL: Do I have a second on that?

PETER WIDENER: Second.

BEVERLY GRIEBEL: Thank you.

The Board voted unanimously in favor of the motion to deny without prejudice.

BEVERLY GRIEBEL: We won't be hearing either of those applications. If you're here to address those, the person will have to reapply, and when they come on the agenda again, you will

have to comment if you have any comments.

Number 5, Kevin Clar, any problems with that?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 6, Strong?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 7, McDonald?

GERRY HENDRICKSON: No problems.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 8, Walter Brown, Jr.?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Okay. Number 9, Harris Seeds?

GERRY HENDRICKSON: No problem.

RICHARD PERRY: No problem.

BEVERLY GRIEBEL: Good.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Good job for the rest of the applicants.

1. Application of John Greco, owner; 1611 Scottsville Road, Rochester, New York 14623 for variance to erect a 4'1 1/2" x 4' 1 1/2" double-faced freestanding sign to be 4' from front lot line (15' req.) at property located at 1611 Scottsville Road in G.I. & FPO zone.

DECISION: Unanimously denied without prejudice by a vote of 6 no for the following reasons/findings of fact having been cited:

1. Applicant failed to properly post the required public hearing notice sign.
2. This also occurred for the June meeting.

Note: Applicant to remove all signs for which there is no permit and/or not in conformance with Town Code.

2. Application of John Lyon, owner; 2 Clay Hill, Rochester, New York 14624 for variance to allow existing fence to be 6' high per plan submitted (4' allowed in front setback) at property located at 2 Clay Hill in R-1-15 zone.

John Lyon was present to represent the application.

BEVERLY GRIEBEL: You did a good job with the signs.

MR. LYON: Thank my father-in-law for putting them together. I'm not necessarily the most handy guy in the world.

Good evening. Obviously, you know I'm here about a variance for a fence that I would like to finish putting up. It is a 6 foot shadow box style fence. I am putting it up.

I came in about a year ago, asked the Building Office if there was anything that I needed to apply for. At that time I was told as long as my fence is not over 6 feet, I was fine.

The question of where my property was, being a corner lot, was not brought into question, so I was unaware of any kind of code violation on my part.

BEVERLY GRIEBEL: You have like two front yards because you're on a corner.

MR. LYON: Yes. I do know now.

BEVERLY GRIEBEL: Why do you need the 6 foot?

MR. LYON: The 6 foot fence -- I have two young children, a five and a two-year-old. I like to keep them in the backyard away from Archer Road, which is gradually getting busier and

busier. Plus, it is nice to know that somebody just can't look in my backyard and see my two girls playing. In this day and age, you just can't be too careful.

RICHARD PERRY: We have the interest disclosure.

BEVERLY GRIEBEL: Yes. Do you work for any government agency?

MR. LYON: No. I do have pictures here that actually show distances how far back it is from the road. If you would like to take a look at these, I can approach.

BEVERLY GRIEBEL: Okay. You can bring them up.

MR. LYON: I have a couple different pictures.

BEVERLY GRIEBEL: It is quite a ways off.

MR. LYON: It is. Actually, the article after the front setback one has to do with clear vision at a corner lot, and I really don't see any problem with anybody approaching that corner, that stop sign, being able to see oncoming traffic.

In fact, I still have a Monroe County Sheriff that likes to sit in front of my house and nab people coming down Archer Road traveling in excessive speed.

BEVERLY GRIEBEL: It is a 30 mile zone, and nobody does 30.

MR. LYON: I do because I know the sheriff sits in front of my house.

DAN MELVILLE: Are you concreteing those into the ground?

MR. LYON: Yes, I am. Actually, all of the posts were existing. As soon as I found out I was in violation of the code in the beginning of May, I think it was, I ceased putting up that part of the fence and continued with the rest.

DAN MELVILLE: Okay. No further questions.

BEVERLY GRIEBEL: Do you want this for the file, or can this go back to the applicant, the pictures?

DANIEL KRESS: I don't think it is necessary. It can go back to the applicant.

BEVERLY GRIEBEL: We'll go to the side table.

DANIEL KRESS: Just for the record, the -- a portion of the fence that is within the front setback that requires the variance for being 6 foot high as opposed to the 4 foot permitted is clearly well back of the required clear vision area that is called out in 115-36.

BEVERLY GRIEBEL: Yes. That is not going to disturb the vision on the street.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Applicant described need for a six foot fence as security for children and privacy on a corner lot.
2. No interference with roadway line of sight.
3. Application of Dana Zampatori, owner; 230 Golden Road, Rochester, New York 14624 for variance to erect a 16' x 20' utility shed to be 320 sq. ft. (180 sq. ft. allowed) at property located at 230 Golden Road in R-1-15 zone.

Dana Zampatori was present to represent the application.

BEVERLY GRIEBEL: Do you work for a government agency?

MR. ZAMPATORI: No.

BEVERLY GRIEBEL: I think -- did you say you were going to take down the existing shed?

MR. ZAMPATORI: Yes.

BEVERLY GRIEBEL: And it is going to have a concrete floor, white vinyl siding.

What are you going to put in the shed?

MR. ZAMPATORI: Some patio furniture, snow plower, lawn tractor, kids' toys, that type of thing. No more vehicles of any sort in the shed.

BEVERLY GRIEBEL: As the kids get older, the toys get bigger?

MR. ZAMPATORI: Yes.

RICHARD PERRY: You don't plan to have any electricity?

MR. ZAMPATORI: No electricity, no utilities at all.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Applicant described need for a larger shed.
2. Existing shed to be removed.

Note: A building permit is required before shed is erected.

4. Application of Douglas Tobey, owner; 90 Battle Green Drive, Rochester, New York 14624 for variance to allow total square footage of utility shed, including a new 10' x 18' shed to be 360 sq. ft. (180 sq. ft. allowed) at property located at 90 Battle Green Drive in R-1-15 zone.

DECISION: Unanimously tabled without prejudice for the following reasons/findings of fact having been cited:

1. Applicant failed to properly post the required public hearing notice sign.
2. This also occurred for the June meeting.

5. Application of Mr. & Mrs. Kevin Clar, owner; 5 Andony Lane, Rochester, New York 14624 for variance to erect an open porch to be 52' from front lot line (60' req.) at property located at 5 Andony Lane in R-1-15 zone.

Ms. Clar was present to represent the application.

BEVERLY GRIEBEL: You want to add a porch. You wanted a size that will be comfortable for walking and room for some porch furniture out in the front?

MS. CLAR: That was correct.

BEVERLY GRIEBEL: If anyone wants to take a look at it, they can go over there and look. Existing house is set back at 63 feet. Any additional expense beyond 3 feet is hardly enough to turn around or put --

MS. CLAR: Right, without bumping into somebody else.

BEVERLY GRIEBEL: It is kind of hard.

MS. CLAR: We enjoy sitting in the front of our house instead of always being in the backyard. To watch the lightning storm.

(Laughter.)

BEVERLY GRIEBEL: This is a bad one.

It becomes contagious. When somebody starts it in the neighborhood, a lot of people get inspired.

MICHAEL MARTIN: I should do it.

BEVERLY GRIEBEL: He lives close by.

MS. CLAR: Where are you?

MICHAEL MARTIN: Corner of Paul Road.

BEVERLY GRIEBEL: A lot of people see what you do, and you will have that happen.

RICHARD PERRY: There is nothing nicer than a nice porch on a house. I have no questions.

DAN MELVILLE: Going to be an improvement.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Gerry Hendrickson seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Applicant described need for a larger porch.
2. Will be in keeping with the character of the neighborhood.

Note: A building permit is required prior to construction of this porch.

6. Application of Vicki Applebee Strong, owner; 4147 Union Street, North Chili, New York 14514 for variance to erect an addition to house to be 19' from side lot line (21' previously approved) at property located at 4147 Union Street in A.C. zone.

Vicki Applebee Strong was present to represent the application.

BEVERLY GRIEBEL: I think on your application you said when you started doing the work, you looked more closely at it and you needed to do this change because of the stairway.

MS. STRONG: Exactly.

BEVERLY GRIEBEL: So you need an additional 2 feet, total variance of 19 feet. And I guess for the record, the side that you're putting it on is the south side of your house, and the property on the south consists of your property, and then there is the Black Creek Park property.

MS. STRONG: That was correct.

BEVERLY GRIEBEL: And then you have Morgan Road, so there is no house on that side that would be close to your addition at all.

MS. STRONG: No, there isn't.

BEVERLY GRIEBEL: And not going to be.

MS. STRONG: As far as I can tell from the requirements to build, I don't think it would ever be able --

BEVERLY GRIEBEL: Not likely at all.

Revised request because of the -- looking more closely at it and the stairway that is there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. No input on neighboring property, as there is vacant park land to Morgan Road.

Note: A building permit is issued prior to construction of this addition.

7. Application of Robin McDonald, owner; 18 Spicewood Lane, Rochester, New York 14624 for variance to erect a front porch to be 56' from front lot line (60' req.) at property located at 18 Spicewood Lane in R-1-15 zone.

Robin McDonald was present to represent the application.

BEVERLY GRIEBEL: The front porch, 8 foot by 28 feet with attached roof. The house is presently at 64 feet, it looks like. But you also want a porch that you can put some furniture on.

MS. McDONALD: Some furniture, and be able to sit on it and enjoy the front yard.

BEVERLY GRIEBEL: Same situation.

MS. McDONALD: Yes.

BEVERLY GRIEBEL: A narrow porch isn't much help.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Applicant described need for a wider front porch to have room for porch furniture.

Note: A building permit is issued prior to construction of this porch.

8. Application of Walter Brown, Jr., owner: 153 King Road, Churchville, New York 14428 for variance to erect a 14' x 20' utility shed to be 280 sq. ft. (180 sq. ft. allowed) at property located at 153 King Road in R-1-15 zone.

Walter Brown, Jr. was present to represent at the application.

BEVERLY GRIEBEL: Do you work for a government agency?

MR. BROWN: No.

BEVERLY GRIEBEL: This did go to the the Monroe County Department of Planning and came back as a local matter.

Storage shed, you said to store lawn equipment and related items. I guess you said you could build a smaller shed, but will you put a lawn mower and that kind of stuff in it?

MR. BROWN: My wife and I are making a garden, so we have to have room. My garage keeps getting fuller and fuller with no place to put anything.

BEVERLY GRIEBEL: Now, you have a picture here. It looks like a garage.

MR. BROWN: The plans were for like a regular garage, but I'm going to just shorten it up somewhat, and instead of putting the cement floor, I'm putting it on a wooden floor, because there would be no heavy stuff in there.

BEVERLY GRIEBEL: Will it have a garage door on it?

MR. BROWN: Yes.

BEVERLY GRIEBEL: So it is going to look somewhat like this picture (indicating)?

MR. BROWN: Yes. Different siding on it, though, instead of that.

BEVERLY GRIEBEL: So you're not going to store motor vehicles in there?

MR. BROWN: No.

BEVERLY GRIEBEL: No car?

MR. BROWN: No. I can't drive out there anyway. I have too many trees in the yard.

BEVERLY GRIEBEL: Dodge them.

DAN MELVILLE: What kind of siding will you put on it?

MR. BROWN: Texture 1-11.

DAN MELVILLE: Painted the color of your house?

MR. BROWN: Yes.

DAN MELVILLE: Will it be painted the color of your house?

MR. BROWN: Yes, probably.

DAN MELVILLE: Any electric out there?

MR. BROWN: No.

PETER WIDENER: The picture looks bigger than what it actually is. It is only 280 square foot, 100 over. I have no questions.

MR. BROWN: The plans I got call for like a 22 foot long one, 14 wide by 22. I'm just shortening it up.

PETER WIDENER: Will you build it?

MR. BROWN: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Gerry Hendrickson seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Applicant described need for a larger storage shed.

Note: A building permit is required prior to construction of this shed.

BEVERLY GRIEBEL: We table -- no. We denied two applications, Number 1, John Greco and Number 4, Douglas Tobey. So those were both denied. If anyone is here to discuss those, the applicants will have to reapply on those.

9. Application of Harris Seeds, owner; 355 Paul Road, Rochester, New York 14624 for variance to erect an 8' high fence where 6' is allowed at property located at 355 Paul Road in L.I. zone.

Mark Willis was present to represent the application.

BEVERLY GRIEBEL: This went to the Monroe County Planning Department and came back as a local matter. Airport review approval. It will not interfere with airplanes.

MR. WILLIS: Hope not.

BEVERLY GRIEBEL: Anyone within a certain distance, they have to send it for airport review.

You said you would like the 8 foot high fence around the test plots behind the warehouse. Damage to the test plots, that has become significant in the last few years and "is hindering our product development efforts."

There is a lot of wildlife.

MR. WILLIS: Yes. Worse and worse. We escaped it for a couple years until they found us. We test several hundred varieties of vegetables out there and it is hindering our product development.

BEVERLY GRIEBEL: If they eat halfway down --

MR. WILLIS: They're eating everything.

BEVERLY GRIEBEL: Test plantings are vital to our future product line. The loss of one year's data due to damage could be very critical.

BEVERLY GRIEBEL: Now, this is way in the back. It is nothing that will be visible from Paul Road.

MR. WILLIS: No. Nobody can see it. To the west of us is a home. I believe it is apartments in there. There is quite a thick hedge row there. They would not even be able to see it there. Then the rest of the visual sight is all industrial. There is a trucking company behind us, and American Fleet Maintenance, and the Northern Soy is to the east of us. You can't even see it from their offices where the fence will be.

BEVERLY GRIEBEL: You have a lot of things planted.

MR. WILLIS: Yes.

BEVERLY GRIEBEL: Your diagram of the fence, you crossed the electric --

MR. WILLIS: Won't be electric. Just 4 x 4 posts with high tensile wire strung, started 8 foot from the ground and then every 10 inches up. The reason for 8 foot, a deer can easily clear a 6 foot fence to get into it. Cornell recommends at least 8 foot fence or higher.

BEVERLY GRIEBEL: There is a little blurb on here about repellants, but you have to keep reapplying those. The best way to do it is to put up a fence. You're in a situation where you can do that.

MR. WILLIS: Exactly, yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Applicant described need for a deer proof fence.
2. No objections from neighboring property owners.
3. Fence will not be visible from Paul Road.

The meeting ended at 7:40 p.m.