

CHILI ZONING BOARD OF APPEALS
August 24, 2010

A meeting of the Chili Zoning Board was held on August 24, 2010 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, Fred Trott, Robert Springer, James Wiesner and Chairperson Paul Bloser. Michael Nyhan was excused.

ALSO PRESENT: Ed Shero, Building & Plumbing Inspector; Keith O'Toole, Assistant Town Counsel.

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: Signs for the four properties' applications, I didn't have any problem with any of them.

All in favor of moving forward?

ROBERT MULCAHY: So moved.

The Board was all in favor of hearing all of the applications.

PAUL BLOSER: I will go into Application 1. This is a carryover from last month. We pretty much discussed this one last month.

1. Application of Charles King, owner; 24 Box Car Drive, North Chili, New York 14514 for variance to erect a 20' x 16' deck 27' from rear lot line (40' req.) at property located at 24 Box Car Drive in PRD & FPO zone.

Charles King was present to represent the application.

PAUL BLOSER: Again, I want to thank you for your patience with this so we have the proper public notice on everything.

We did have a package from last month, and it was a discrepancy on just what was applied for versus that night. There was a change and the brief discussion we had, it is just a straightforward deck, backs up to the house, backs up to some wild lands there. We are just looking for relief on the 44 required setback to the structure.

Do you have anything to add other than what we went through?

MR. KING: I just have a picture. The -- the house is built with a deck in mind, just a -- just -- it really looks awkward without a deck. My wife and I have built decks before, and this is the size deck we want. We are very happy with the plans. All of our neighbors are aware and in favor. Actually, one of my neighbors came last month to offer support. He wasn't able to be here tonight, but basically it will give us access to the back of our house and the enjoyment of the deck.

PAUL BLOSER: I don't really have any questions based on what was presented last month. It was just a technical thing we had to get by for proper public notification.

Any Board members have any questions they want to ask at this point?

The Board indicated they had no questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Fred Trott 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 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.

Paul Bloser reviewed the proposed conditions with the Board.

Robert Mulcahy made a motion to approve the application with the following condition, and

Robert Springer seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimous by approved by a vote of 6 yes with the following condition:

1. Applicant must obtain proper permits and inspections through the Town Building Department.

The following finding of fact was cited:

1. The proposed variance is not substantial in nature and will not result in any adverse impacts to neighboring properties since the property abuts Black Creek to the rear and will not impact any drainage or visual impacts.
2. Application of James Ehman, owner, 47 Stover Road, Rochester, New York 14624 for renewal of special use permit to allow an office in home for distribution of promotional products and production of photo apparel at property located at 47 Stover Road in R-1-15 zone.

James Ehman was present to represent the application.

MR. EHMAN: Chairman, Zoning Board and gentlemen, my name is Jim Ehman, 47 Stover Road, Rochester, New York. I'm a co-owner of ProMotivations by Design. If you would like me to spell it, I can. P-R-O, capital M, O-T-I-V-A-T-I-O-N-S by Design.

Gentlemen --

PAUL BLOSER: Has anything changed since the last time you did an application?

MR. EHMAN: August 24th, six years ago, no, sir. The only one thing that has really changed is my part-time employee has -- is no longer with us. Bud Thrash. It has been hard to go on from there.

PAUL BLOSER: As far as the hours of business, nothing has changed?

MR. EHMAN: Nothing has changed.

PAUL BLOSER: In the time frame you have been there, we have had no complaints to the Building Department or the Town offices, which is good. We appreciate your considerations there in adhering to the policies that we have in the Town for in-home use.

Based on this information, it has been six years, typically we extend this out. I will make a recommendation as part of the application, as part of our condition of approval, we would extend that.

We do -- this last one was for a five-year period.

MR. EHMAN: Yes, sir.

PAUL BLOSER: The conditions of approval we had last time would carry, and those are no on-premises advertising, no signage, no on-street parking pertaining to the business. The hours of the application, um -- of operation, per the application, you have them down here. They have not changed since last time.

MR. EHMAN: No, sir.

PAUL BLOSER: No outside employees at this point. You're holding any required State and local licenses that you're required?

MR. EHMAN: All my permits are in order. Yes, sir. The State and federal and -- State tax.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Adam Cummings 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: As I said, we typically have gone -- it has gone six years now with no problems reported to the Town. Very low-key operation which is good for residential. I'm going to make a recommendation we push this out to a 10 or a 15-year application at this point.

MR. EHMAN: Thank you.

PAUL BLOSER: Comments from the Board, thoughts on it?

JAMES WIESNER: No problem with it.

ROBERT MULCAHY: No problem.

JAMES WIESNER: Seems pretty typical.

PAUL BLOSER: 10, want to go to 15?

ROBERT SPRINGER: I would go ten.

JAMES WIESNER: 15 is quite a ways out.

MR. EHMAN: I will be retired by then.

PAUL BLOSER: I will put ten years on that then for an extension on this.

MR. EHMAN: Ten is fine, sir.

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 Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Fred Trott 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 6 yes with the following conditions:

1. Granted for a period of ten (10) years.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.
6. Applicant to obtain and maintain any required state and local licenses.

The following finding of fact was cited:

1. The requested permit will have no adverse effects on neighboring properties.
3. Application of Vickie Pollocks, owner; 72 Daunton Drive, Rochester, New York 14624 for variance to erect an above-ground swimming pool to be 23' from side lot line (55' required abutting a street) at property located at 72 Daunton Drive in R-1-15 zone.

Vickie Pollocks was present to represent the application.

MS. POLLOCKS: Vickie Pollocks, 72 Daunton Drive, Rochester, New York 14624.

PAUL BLOSER: Just because we let those two go easy, doesn't mean --

MS. POLLOCKS: I'm already red.

PAUL BLOSER: All right. What -- you are doing a 24 foot pool?

MS. POLLOCKS: Yes.

PAUL BLOSER: All above ground?

MS. POLLOCKS: Yes.

PAUL BLOSER: You're having it installed, I am assuming, by somebody?

MS. POLLOCKS: Yep.

PAUL BLOSER: You doing it yet this year?

MS. POLLOCKS: If I find a good sale now.

PAUL BLOSER: They will be starting any time.

There is a note here about electronic wires crossing over in the backyard.

MS. POLLOCKS: Yes. That is why I can't move it over farther, because you have to be 10 feet away from the wires.

PAUL BLOSER: So that --

MS. POLLOCKS: That is holding me back from going the 55 feet.

PAUL BLOSER: Have you had -- did RG&E look at it? Has it been staked out at this point?

MS. POLLOCKS: Actually, I think it might be just a telephone wire, because the electric --

PAUL BLOSER: Any wire.

MS. POLLOCKS: They still have to come out and look?

PAUL BLOSER: Yes.

MS. POLLOCKS: No, I haven't.

PAUL BLOSER: The code reads any -- any type of electrical wire.

MS. POLLOCKS: Okay.

PAUL BLOSER: That is where that setback, that clearance does apply. So you want to make sure that that is well staked out before it starts, because when an Electrical Inspector comes out, they will check it and you would hate to have the pool up in the air and completely installed and the Electrical Inspector says -- it could be an expensive move.

MS. POLLOCKS: Okay.

PAUL BLOSER: So make sure that that is really verified well and your installers adhere to that, okay?

MS. POLLOCKS: Yep.

PAUL BLOSER: I don't have any other questions on this.

Are you putting a deck around it at all?

MS. POLLOCKS: Yes, possibly. Not right away, though.

PAUL BLOSER: Any deck or structure that goes on the pool will have to be -- have to have a permit for that, above and beyond the pool.

MS. POLLOCKS: Okay.

PAUL BLOSER: Again, that would have to be inspected and done properly, okay?

MS. POLLOCKS: Okay. Yep.

PAUL BLOSER: I would put that as a condition of approval. Any future decks or structures attached to it would be subject to inspection.

MS. POLLOCKS: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy 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 reviewed the proposed conditions of approval with the Board.

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 James Wiesner seconded the motion. The Board all voted yes on the motion.

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

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Proper building and electrical permits and inspections must be obtained.
2. No additional decking or structures can be added without Building Department approval.

The following finding of fact was cited:

1. The requested variance will not result in adverse impacts to neighboring properties as there will not be any substantial visual impacts to traffic patterns and neighboring lots.
4. Application of Ronald Richmond, owner; 131 Attridge Road, Churchville, New York 14428 for variance to allow existing 12' by 20' utility shed to be 240 sq. ft. (192 sq. ft. allowed) at property located at 131 Attridge Road in R-1-15 zone.

Ronald Richmond was present to represent the application.

MR. RICHMOND: Good evening.

PAUL BLOSER: How are you?

MR. RICHMOND: Good.

PAUL BLOSER: This shed existing?

MR. RICHMOND: It is.

PAUL BLOSER: How long have you had it there?

MR. RICHMOND: I'm going to guess two months. I don't even know exactly. I would like to preface the whole conversation with a statement, if I can.

PAUL BLOSER: Start by giving your name and address.

MR. RICHMOND: Ron Richmond, 131 Attridge Road, Churchville 14428.

It was not my intent to skirt around the Board, to apply for a variance. It was a colossal mix-up on my part. We had family issues going on. I even consulted the Building Department to make sure I was doing the things I was going to do correctly as pertained to a deck. And I even told Mr. Shero, I had no intentions of doing any of these things in the near future.

The family situation changed. We lost my father-in-law. I -- I will thank him for allowing us to go forward with these things because without that -- realistically, we did what we did. Somewhere in there I dropped the ball, excuse me, and it was a mess-up. So I -- it was not an intent to avoid applying for a variance or of offending the position of the Zoning Board to have authority over making a decision.

PAUL BLOSER: Is this built on footers or is it just sitting on the ground?

MR. RICHMOND: It's on a concrete slab.

PAUL BLOSER: So at this point there have been no inspections?

MR. RICHMOND: There have not.

PAUL BLOSER: Was the slab existing or is that --

MR. RICHMOND: We poured the slab.

PAUL BLOSER: How deep is that slab?

MR. RICHMOND: It has 4 inches of stone and 4 inches of concrete. Minimum 4 inches of concrete because it was not completely even.

Sorry. Minimum 4 inches of stone, because the ground wasn't completely level, and then 4 inches of concrete.

PAUL BLOSER: Is there anything you have left to do to it?

MR. RICHMOND: I just sealed it. I was hesitant to do anything further because I didn't know if there would be conditions that the Zoning Board would put on it. I sealed it just to protect the material.

PAUL BLOSER: What is the size of it?

MR. RICHMOND: 12 by 20.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Two questions. The gentleman, I thought he mentioned deck. Aren't we talking about a shed?

PAUL BLOSER: Yes.

MS. BORGUS: I thought he said, "deck."

MR. RICHMOND: I stated both, only because it was a phone call I made about both.

MS. BORGUS: So we are dealing with a deck and shed?

PAUL BLOSER: We are just dealing with a shed.

MS. BORGUS: Is there a problem with the deck?

PAUL BLOSER: I am not aware of any problem with the deck. This -- this application is strictly right now for a shed. That is what we are hearing tonight, is the shed.

MS. BORGUS: Now it is normally your policy to have a shed match with the house. Is this matching the house? In outside finish?

PAUL BLOSER: Not with T-111 siding.

MS. BORGUS: It's T-111 and the house is? I mean, we are not matching then? We are going to forego that tonight.

PAUL BLOSER: We have not got that far.

MS. BORGUS: I would suggest you hold to your usual standards. Hopefully people understand that, you know, we have a code for a reason and it is -- it protects everybody, so -- you can't -- you know, it is necessary to follow the law.

Thank you.

Robert Mulcahy 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: The house, have you vinyl siding?

MR. RICHMOND: I do.

PAUL BLOSER: As -- as was stated, typically on sheds, especially when we get into something this size -- I mean this becomes -- it is a one-car garage basically.

MR. RICHMOND: Certainly.

PAUL BLOSER: When they're 10 by 12 and 8 by 10, little bit of flexibility. When we get into a larger structure, the size, and the mass, we have been pretty critical in the Town to try to have structures match to maintain the value of your property but also neighbor's property.

At 131, you're kind of a good heavy populated area, so there is some aesthetic value to what we do. There are reasons for it.

One of the things I would like to do, to put before the Board a recommendation to have siding match what the house is and give you a reasonable amount of time to complete that.

MR. RICHMOND: That's absolutely no problem. I had intended to. I stopped. I stopped until I found out where I was headed. I sealed it because I did not want to leave the material exposed. So have no problem putting siding on it, matching it color for color.

PAUL BLOSER: Okay. So with that condition of approval, really not much more I see on this structure, based on how it is built.

MR. RICHMOND: I will just add to the Board, if I can, it will be sided by the end of the month.

PAUL BLOSER: Okay. Like I say, I would put a reasonable time on that to have that completed. Understand also a building permit has to be applied for and you're subject to complete inspections by the Building Department for structural values of the structure, and if there is anything they see that needs to be changed, updated or reinforced, that is still subject to Building Department approvals on all construction.

MR. RICHMOND: I have no problem complying.

Paul Bloser reviewed proposed conditions of approval with the Board.

PAUL BLOSER: Are you running electric into this?

MR. RICHMOND: Probably not. It is set back pretty far so probably not worth the hassle of electric out there. I put a couple of side windows in for ventilation, so...

PAUL BLOSER: 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 Robert Springer seconded the motion. The Board all voted yes on the motion.

PAUL BLOSER: Trying to see exactly where on here your shed is located.

MR. RICHMOND: It is about 100 feet off the back of the house, and a minimum of 35 off the lot line.

PAUL BLOSER: Are there any structures on the neighboring lots near this?

MR. RICHMOND: No.

PAUL BLOSER: The other thing I will say is downspouts to be directed towards your lot, not outside lot.

MR. RICHMOND: I was going to put downspouts on it, as well, but like I say, I stopped, so that is not a problem.

PAUL BLOSER: Water is a problem out that way?

MR. RICHMOND: Yes.

Paul Bloser further reviewed proposed conditions of approval with the Board. 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 6 yes with the following conditions:

1. All materials of siding and trim to match existing found on main structure (house) in type and color.
2. Applicant will obtain necessary permits and inspections to completion and satisfaction to NYS Building Code.
3. Downspouts to direct storm water towards the subject parcel and not towards neighboring parcels.
4. Inspections and work to be completed no later than October 30, 2010.

The following finding of fact was cited:

1. The proposed variance will not alter the character of the neighborhood or neighboring properties as several other residences have large storage structures and there is adequate lot size due to the large lot size (6 acres).

The 7/27/10 Zoning Board meeting minutes were approved.

The meeting ended at 7:34 p.m.