

CHILI ZONING BOARD OF APPEALS
September 28, 2010

A meeting of the Chili Zoning Board was held on September 28, 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 Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser.

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: Before we start, if anybody in the audience is here to hear the application of Lou Bivone, 55 Alliance Drive, Rochester 14623 for the property at 3763 and 3765 Chili Avenue, that application will not be heard tonight. That has been postponed until October. So if you're here for that application and you don't want to stay, you don't have to.

The Pledge of Allegiance was cited.

PAUL BLOSER: As far as the sign goes on the property, that was up. I saw it for the duration. So I don't have a problem. So we'll proceed into the application.

1. Application of Dario (Marchioni) Marchioni, owner; 120 Old Chili Scottsville Road, Churchville, New York, 14428 for variance to erect a 24 foot by 24 foot garage to be placed on property without a principal dwelling at property located at 237 Beaver Road in R-1-20, FPO, FW zoning zone.

Dario Marchioni was present to represent the application.

PAUL BLOSER: For the record, if you would state your name and address, please.

DARIO MARCHIONI: My name is Dario Marchioni, 120 Old Scottsville Chili Road. Good evening, gentlemen.

Basically what I would like to do is build a 24 by 24, just a regular garage on Beaver Road. As you see, over there is -- I think it is about 10 or 11 acres of land and that garage looks pretty small on all that land, but the purpose of that garage would be basically -- I have a snow blower, a couple of lawnmowers, you know, garden tools. Also a truck with a plow that plows those duplexes there that I own.

And if you see the way I have laid that out, is that the garage is consistent with other garages on those other two lots.

The reason for that, I would like to build a house next to it so you will have just like those other duplexes, a house and a garage. But right now I just want to put up a garage. I don't want to spend the money on the house right now. So I need the garage for, you know, for the maintenance of those duplexes, and as you see, I always cut the grass, even along the road. So you need that equipment to -- to maintain the property. It is strictly for the maintenance of those two duplexes.

PAUL BLOSER: That is for future for whatever you're doing for expansion to that lot?

DARIO MARCHIONI: In the future -- well, I do it a step at a time. I'm not a big developer, but next to that -- next to that garage I will build another house. I don't know. Maybe a year from now or next year or something. I don't know when.

I'm not -- there is a lot of acreage there, but I'm going to wait until maybe my son will develop that in the future. I'm finished. I'm retired.

PAUL BLOSER: Quite a few years ago you had applied for a building, but it was way -- you were placing it way in the back of this property.

DARIO MARCHIONI: Oh, yeah. That was way, way on the other side. It was -- I -- well, actually I just applied it, but I didn't continue with the application. I withdrew the application because I really didn't need it.

PAUL BLOSER: So this will be right up -- same setback as the houses?

DARIO MARCHIONI: Correct. Those two duplexes -- each has a garage on both sides. Each duplex has a garage. You will see the driveway, the private driveways to go service them. So I -- it's not something out of place. You know, it's a garage. It will be the same appearance as those other garages. So I'm asking the Board for a variance so I could do that.

PAUL BLOSER: Is this something you're going to build?

DARIO MARCHIONI: Correct.

PAUL BLOSER: The only thing I don't see on this right now that I have a question on is on the materials, will your siding and roofing material match the existing houses?

DARIO MARCHIONI: Correct. It will be as you -- you see those other houses?

PAUL BLOSER: Because that is a condition of approval that I would put down.

DARIO MARCHIONI: Oh, absolutely.

PAUL BLOSER: Because of the proximity, that everything would be matching like for like.

DARIO MARCHIONI: Absolutely. I want to continue the same appearance, the same design.

PAUL BLOSER: Is the siding -- on the picture you provided shows vertical siding?

DARIO MARCHIONI: I know. Actually, it will be vinyl siding to match the house.

Actually, I took that out of a plan, and I put it there just to give you the idea what the -- of the size of the garage.

PAUL BLOSER: What is the actual height of the garage going to be, the side walls?

DARIO MARCHIONI: 8 foot. Average garage.

PAUL BLOSER: Those are two-story houses right now. They're split levels.

DARIO MARCHIONI: Well, actually -- yeah. There's -- correct. Because of the -- I have to be -- in other words, being the basement has to be 2 feet above the basic flood elevation because it's in a flood plain, not flood way. Actually, it's outside the flood plain, so...

JAMES WIESNER: Where you will put the garage right now is lined up with the existing driveway? The gravel driveway right there?

DARIO MARCHIONI: Correct. That is an existing entrance already, so I will use that entrance. I'm not adding another entrance. That is the entrance for all of that property, believe it or not.

FRED TROTT: I notice on there that you're -- part of the garage is in the flood plain, is that? What is that? Is that -- what do you have to do special for that?

DARIO MARCHIONI: Actually, you could build a garage in the flood plain, not in a flood way.

FRED TROTT: You don't have to do anything special.

DARIO MARCHIONI: Well, you do. If it is in a flood plain, you have to leave the blocks, you know -- leave openings in the blocks so the water -- if it floods, the water goes through the garage, so it lifts it up and carries it downstream. But a house, if you use it for liveable, has to be 2 feet above the basic flood elevation, which that loop line there is the basic flood elevation, 100-year flood plain elevation.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DEBBIE HARRINGTON, 5 Janice Drive

MS. HARRINGTON: Is there -- usually in these descriptions, applications there is a -- in parentheses, you know, so many feet by so many feet, is within the standard. You know what I mean? I mean 24 by 24 is -- I don't know how big that is, but what is required or what is the minimum or the maximum?

PAUL BLOSER: Well, for a shed it is 192. Anything bigger than that, you go into the building permit. Because there is footers involved, there are permits involved with this on the size of the lot.

Variance on this is the fact that we're putting up the garage or another structure prior to putting a primary residence on the property. Normally it is done residence and then other structure. The intent here is in the future to have a house added to there.

One of the reasons, if I am understanding Mr. Marchioni correctly, is he is placing it closer to this property line within the proper setbacks, but near the house to make it look like it belongs to the existing houses that are there, so it is a -- more visual that he owns all of that property there.

For maintenance of those structures right now. It gets everything inside and out from underneath the tarps that I know you're storing stuff right now. That will pull all of that undercover.

DARIO MARCHIONI: Correct.

Adam Cummings made a motion to close the Public Hearing portion of this application and James Wiesner 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 with the Board.

Keith O'Toole suggested a condition to reference Lot R6.

Paul Bloser agreed he would include that in the condition language.

FRED TROTT: Is the distance okay from the lot line?

ADAM CUMMINGS: He does have 11 feet.
PAUL BLOSER: 10 is required. 8 1/2 on this.
ADAM CUMMINGS: The only other thing I see is the garage would be there, but there is -- is no way to put a house next to it. Well, I suppose -- it will be difficult in the future.
FRED TROTT: I was thinking the same thing.
ADAM CUMMINGS: Because it comes out.
FRED TROTT: What happens if they put the house on the -- further down, and then they're going to ask for another -- for another garage.
ADAM CUMMINGS: You will have an attached garage probably and a detached garage.
PAUL BLOSER: Yes. So it will be a variance for additional square footage, storage for the garage. But he would have to put a barn up on Lot 7 to clear that, the setback, for the -- for -- to clear the 100-year flood plain, so it would have to go quite a ways to the west.
ADAM CUMMINGS: Dario (Marchioni), I do have one question. What kind of fish is that on the plan? I have never seen it.
DARIO MARCHIONI: I think the surveyor who drew that up --
ADAM CUMMINGS: I just had to point it out.
DARIO MARCHIONI: -- is a good fisherman and wants to see the fish.
By the way, that flood plain line, the 100 year, can be moved by displacement factor. In other words --
FRED TROTT: Yeah. I realize that. But then as you were talking, and I thought about it, who is to say you come along and you want to put the house -- you're not going to want to put the house -- say for example, your son wants to build a house for himself. He won't want to have it next to the duplexes, so now he will be moving up further, you know. Whose -- your -- it is almost as if you're putting the cart before the horse.
PAUL BLOSER: We are.
FRED TROTT: And, you know --
DARIO MARCHIONI: I don't think my son would want to put a house there. Okay.
FRED TROTT: You know what I am saying.
DARIO MARCHIONI: But the thing is, it is -- it would be consistent with these.
FRED TROTT: With the duplexes, I understand that.
DARIO MARCHIONI: That leg would be all for the duplexes. Because if you see around that area, now, they're going to put a higher garage. There is industrial property right across the street. There is apartments across the street also. So single-family homes really don't -- are -- and also if you look at the Master Plan, the original, it shows Multiple Residence, proposed for Multiple Residence, in the future I am saying.
So it would be ideal for -- I like duplexes. I don't like these three or four units all in one with no garages or nothing. I like the -- I like garages. You rent a place or -- that has a garage. People don't park outside. And -- basically, if -- if it would happen like that all of the way up, uphill, it would follow that same line, you know.
ADAM CUMMINGS: The only other thing with the flood plain is FEMA is doing remapping now, so this may not be the current flood plain. I don't see a date on the map. It could be an issue.
ED SHERO: As a condition, anything in an FPO will have to get the flood -- there is a permit for flood plain permit, and I would condition that that -- that it would have to -- because it is an FPO area, it has to have a flood plain permit and Dave Lindsay will look at 1988 datum.
ADAM CUMMINGS: Okay. Thank you.
PAUL BLOSER: I will put that as a condition also.
Anything else you would like to see as a condition of approval?

Paul Bloser further 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 Fred Trott seconded the motion. The Board all voted yes on the motion.

James Wiesner 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 5 yes with the following conditions:

1. Siding, roofing, windows, doors, trim, and gutters, etc. To match existing on neighboring property structures on Lot R-6.
2. Flood Plain Permit is required and must be obtained.
3. All required building permits and inspections must be filed for and completed as required by code.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the

character of the neighborhood or nearby properties.

The 8/24/10 Zoning Board of Appeals meeting minutes were approved as submitted.

The meeting ended at 7:23 p.m.