

CHILI ZONING BOARD OF APPEALS
March 22, 2016

A meeting of the Chili Zoning Board was held on March 22, 2016 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 Adam Cummings.

PRESENT: Mark Merry, Fred Trott, James Valerio, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel; Paul Wanzenried, Building Department Manager.

Chairperson Adam Cummings 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.

ADAM CUMMINGS: Any sign issues for these two properties? Technically one was --

FRED TROTT: One was down.

ADAM CUMMINGS: It blew it down.

FRED TROTT: I would assume it did.

JAMES WIESNER: The frame was there but no sign.

ADAM CUMMINGS: I saw the frame, too.

Well, we had weather going against it. It was obviously up. I would still like to move forward with it.

1. Application of John & Tracey Masiello, owner; 483 Stottle Road, Scottsville, New York 14546 for variance to erect a 24' x 24' detached garage 25' from side lot line (50' req.) at property located at 483 Stottle Road in A.C. zone.

ADAM CUMMINGS: If you could -- the applicants, if you -- you could identify yourself at the podium with your address for the stenographer and brief description what you're looking for tonight or your project. Then we'll move forward.

MR. MASIELLO: John Masiello, 483 Stottle Road.

MS. MASIELLO: Tracey Masiello, 483 Stottle Road.

ADAM CUMMINGS: It looks like you're trying to get a garage added in there, and that's the larger of the hand drawn -- in the hand drawn, but dark rectangles; is that correct? Just below the septic system.

MR. MASIELLO: Yes. Yes.

ADAM CUMMINGS: 25 feet, um, obviously you need 50 feet. So we have to ask the question of why not push it further behind your house so that you can meet our 50 foot requirement?

MR. MASIELLO: Um, it is a possibility to do that. My only concern is the back of the house is pretty much wall-to-wall glass from one end to the other and we have a wonderful vista to view wildlife. It is part of the reason why we moved to a Town in Chili -- or a street in Chili, because of the proximity to life's needs but yet the rural environment. If we did move it over to the 50 foot requirement, it would pretty much be right there, and that's my reason for asking to slide it back 25 feet.

JAMES WIESNER: Obviously the -- to the south there -- you have an easement for the power lines, so you can't --

MR. MASIELLO: We're stuck almost putting it in that general portion of the property.

JAMES WIESNER: So you're -- that's all I have.

MR. MASIELLO: Okay.

FRED TROTT: What -- just what is the easement on the power line side?

MR. MASIELLO: 300 feet.

ADAM CUMMINGS: That is that black vertical line that just goes to the left of the "L" of Lot 3.

FRED TROTT: Oh, okay.

ADAM CUMMINGS: That's the one boundary of it. It goes 300 feet off the sheet. Or actually, goes to the property line, it looks like. So it is -- it is a -- hefty power lines.

FRED TROTT: Okay. And then obviously you have the sewer. Those are the leech lines?

MR. MASIELLO: Correct.

FRED TROTT: How are you -- how are you getting back to that shed? The pictures you have here, garage doors, I don't know if you're storing cars in there?

MR. MASIELLO: Intent for the garage? No. Just storing my tractor. ATV. Tractor implements and typical garage items.

FRED TROTT: Is the garage going to be sided to match the house?

MR. MASIELLO: In color or --

FRED TROTT: In color.

MR. MASIELLO: I would if I needed to, but I would have preferred to have had a red barn. Barns are typically red and I call this a pole barn. But if color is a requirement for the variance, I could do that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Wiesner made a motion to close the Public Hearing portion of this application and Mark Merry 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.

ADAM CUMMINGS: There is one condition of approval I have now. A building permit will need to be obtained from the Building Department before you start construction.

Fred (Trott), did you want to talk more about that? We used to put those type of architectural on there -- on these big -- especially anyone in the AC zone, we kind of went away from that for that exact reason.

FRED TROTT: For the AC zone, I don't see a huge need for it. I'm fine with it, but, you know, I threw it out there just to ask that question. If they said it was going to be yellow or pink polka dots --

MR. MASIELLO: Is red an acceptable color for the environment?

ADAM CUMMINGS: Consistent color would be good.

MR. MASIELLO: Consistent with the house?

ADAM CUMMINGS: Consistent mono color, meaning I don't want the purple polka dots with yellow solid.

Adam Cummings 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 Valerio seconded the motion. The Board all voted yes on the motion.

Mark Merry made a motion to approve the application with the following condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Building permit must be obtained from the Building Department.

The following finding of fact was cited:

1. The surrounding parcels have similar structures on their properties. This detached structure will not impose any environmental impacts of these neighboring properties.
2. Application of Chili Plaza Properties, owner; 3240 Chili Avenue Suite B17, Rochester, New York 14624 for variance to erect proposed minor repair motor vehicle service station (Monro Muffler) to be 25' from rear lot line (Paul Road) where 75' is required, variance to erect an 8' high fence around proposed tire and dumpster enclosures (6' high allowed) at property located at 3240 Chili Avenue in G.B. zone.

Rob Fitzgerald and George Jarrett were present to represent the application.

MR. FITZGERALD: Good evening. Rob Fitzgerald, Fitzgerald Engineering, representing Monro Muffler tonight. My client, George Jarrett, is with me, as well.

As you all know -- most of you -- actually a couple new faces. I think Mark (Merry) and Adam (Cummings) were not here last month. We presented this application in front of the Board. Couldn't move forward due to the SEQR needed to be determined by the Planning Board.

That has since been done. They took it to them, neg dec'd it. We're back again looking for variance.

The variance is a front setback. We're requesting 25 feet where 75 is required. The biggest reason is we got some feedback from Town members actually requesting us to pull the building closer to the road.

I have some new architectural renderings. That was brought up last time. I would like to pass those out.

JAMES WIESNER: Is this based on changes from the Planning Board?

ADAM CUMMINGS: We'll find out shortly.

Did you hear the question?

MR. FITZGERALD: Yes. The question was were these changes based on Architectural Review Board. Yes, they were. You see the back of the building, which is kind of our front, as well. We made -- it was a nice-looking building before.

I think they made really nice improvements on it. We have four different bays of windows

on either side of the building. We have some vertical striping components, different change of colors. Instead of being a back wall line that just goes straight up, it has more like the crown-moulding-type feel. They definitely spruced it up quite a bit.

One of the other comments was to reduce the height of the tower. We have lowered that, as well. It's pretty -- pretty sharp building.

From the Planning Board standpoint, we did appear in front of the Planning Board and they didn't necessarily have a lot of issues per se with this particular project.

There is some, I will call them, housecleaning items that need to be taken care of with the rest of the plaza that we're working on holistically, but not too -- nothing really negatively about this. They wanted some more landscaping.

We have since developed that plan. The landscape architect -- if I flip back to this page here (indicating). So now we have landscaping -- this is our tire enclosure (indicating). This is our dumpster enclosure (indicating). We have fences around there. We also have plantings, so essentially it is shielded. A bunch of foundation plantings at front entryway of the building. We have two landscape islands to kind of break up the parking lot and we have this large landscape island.

There is a couple street trees along Paul Road. The existing street trees -- and we'll match those so it can be contiguous. It should look pretty sharp when it is complete.

FRED TROTT: The 8 foot high fence is on the side there?

ADAM CUMMINGS: There are two of them.

MR. FITZGERALD: That is shown in -- that is the fence there (indicating), as well as here (indicating). So the fences themselves are pretty nice and they do match the building, but we have also taken the liberty to break them up even more with plantings.

FRED TROTT: Where is this compared to this? I see what you're saying.

ADAM CUMMINGS: That is the same one. There are two of them there. There is one, and there is two.

MR. FITZGERALD: If you look at the 3D rendering, that box right there is the tire enclosure. The one in front is the refuse.

ADAM CUMMINGS: According to that rendering, it looks like the dumpster or the refuse is brick, and the other one is wood?

MR. FITZGERALD: George (Jarrett), I believe they're both wood; is that correct?

ADAM CUMMINGS: The rendering matches the building.

MR. JARRETT: Yes. It's -- George Jarrett, 11 Jarrett Road, Scottsville, New York. I represent Monroe Muffler Brake.

I have a newer depiction. I think it was asked that we enclose the dumpster area with a brick matching the building, which is what I intend to do.

ADAM CUMMINGS: Okay. I --

MR. JARRETT: I just picked up the drawing today.

ADAM CUMMINGS: That is shown on this one, that it is brick.

MR. JARRETT: We would like that to be 8 feet high instead of the 6 allowed which is why we're asking for a variance. And the reason for that is we use a sea container to store the tires in so they're out of the environment, mosquito control and also so there are no issues with people rolling tires around and stuff like that. More for security of the tires.

ADAM CUMMINGS: So we are not going to bring that in as a new Chil-E Fest event, if you would like?

MR. JARRETT: Tire rolling, that would be fun.

FRED TROTT: Okay to ask questions?

ADAM CUMMINGS: Yes.

FRED TROTT: I'm just wondering, where is this, as far as -- in comparison to the plaza? Is that face -- that is not facing Paul Road?

MR. FITZGERALD: No. It is in the back. So it would be the back corner. Paul Road you have a hedge row here. And the existing blue buildings.

FRED TROTT: The --

MR. FITZGERALD: Office buildings.

FRED TROTT: Yes.

MR. FITZGERALD: Existing Monroe Muffler is here. We're sliding it forward so it is on the side property line. There is about a 50 foot wide swath of vegetation there. The Board looked to see if we could get an easement to clean it up a little bit. If we can, we will.

FRED TROTT: Just -- just I think we talked about it last time, where -- did you have like an overlay where the building sits on the property as far as the green space and where the --

JAMES WIESNER: Existing green space is.

MR. FITZGERALD: Approximately this is green right here (indicating). So the building and then -- I threw out that one number you asked me, approximately what the number reduction would be in green space. I threw out 1 percent and I calculated it out, it is 1 percent. Let me clarify that. It -- it is actually of the whole plaza. It is approximately 2 percent, but we are adding back greenery, both in this location as well as other places in the plaza. So net overall.

FRED TROTT: Pretty much the building will be sitting on the green space.

ADAM CUMMINGS: The current one.

FRED TROTT: The current green space that is there.

MR. FITZGERALD: Yeah.

FRED TROTT: That was my confusion last month, I didn't remember how much of it was on the asphalt compared to on the green space.

MR. VALERIO: How much of the building is on the green space compared to what is on current asphalt?

MR. FITZGERALD: The whole building is in the green space.

MR. VALERIO: What is now green?

MR. FITZGERALD: Yes. It's not landscaped. It is just green grass.

MR. VALERIO: Goes as far over as the hedge row now?

MR. FITZGERALD: Won't go quite as far.

MARK MERRY: So the proposed plantings, what is being planted and full height of those at full maturity?

MR. FITZGERALD: These pines?

MARK MERRY: I believe they're -- they're pine trees.

MR. JARRETT: White pines mature out to 25 -- that tightly packed mature out at 35 feet or somewhere in there. Being that close together, so as you get a tight closure of the canopy on them -- in this case not the canopy but the actual evergreen part itself.

ADAM CUMMINGS: All right. We'll go through these.

FRED TROTT: And the Architectural Review approved the plans?

MR. JARRETT: No. The Architectural Review Board didn't have a quorum at the last meeting so we'll meet with them the second Tuesday next month at 6 p.m. before the Planning Board, but the Planning Board had took a look at it and Matt (Emens), who is on the --

ADAM CUMMINGS: AAC.

MR. JARRETT: -- the AAC, thank you, um, looked at them and said that we had made progress towards what they had asked for. But no, we do not have their official blessing.

FRED TROTT: That doesn't really affect our Zoning Board. Just curiosity.

ADAM CUMMINGS: Yep. I will throw a question out to the side table. This is a new building. We have existing signage on the old building. What do we do about the signage of this plaza with the new building? Meaning, the old service station had variances applied to it already. This is a new service station. So those variances would not carry over to the new building?

PAUL WANZENRIED: Yes. Correct.

MR. JARRETT: We didn't get a variance to apply two wall signs at the other. The code at the time, if you had an entrance -- which is why there are two entrances in the waiting room -- I was allowed to put a wall sign on the Chili Avenue side. I just took a look at a review on this today. We're allowed 100 square feet facing Chili Avenue and 100 square feet on the back, so that would probably eliminate either the wall sign on the back or the signage that is on the tower will be eliminated. I'm more interested in the signage facing Chili Avenue because that's the greatest distance to view the signage. We'll work with the Building Department. I do not think I will be back for a variance. I will not state that for sure, but the signage -- with the proximity of 25 feet to Paul Road, um, I don't need a lot of signage on the back.

ADAM CUMMINGS: Right.

MR. JARRETT: In addition to that, we're moving 100 feet. Most of our customers will find us.

ADAM CUMMINGS: That is very true.

MR. JARRETT: So, you know, depending on what -- how we can shape the signage, it will be compliant.

FRED TROTT: I have a question.

PAUL WANZENRIED: He would have to come back before -- to apply for all new sign permits and everything.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: We would work with him and make sure he is under and if he needed a variance, he would come back for it.

ADAM CUMMINGS: Yep. Understood.

MR. JARRETT: The signage company has been speaking to Kathy Reed about how it is interpreted.

ADAM CUMMINGS: Excellent.

FRED TROTT: You have two fences for the two -- the tire dumpster and the regular dumpster? How -- is it -- is the tire dumpster you get from one side and the dumpster dumpster you get from the other side?

MR. JARRETT: No. They're both accessed from the bay side of the building. But keep in mind that the dumpster -- the actual rectangular one more towards the rear, that's a sea container. We load it with tires by hand. You knit them in there. The tire hauler comes out, unrolls the tires into a trailer and takes it away. That will be stationary.

And then the depiction in the front is really a 3 yard roll-off on wheels. We don't really generate a lot of household waste. Probably about 80 to 85 percent of the materials that come out of our business are recyclable metals, tires and so forth. Catalytic converters. Those are stored in the building, picked up by recyclers.

ADAM CUMMINGS: That is my question. The materials will be stored inside the building?

GEORGE JARRETT: Correct. Catalytic converters are worth about \$50, if they cut them off. Of course you won't be able buy it for that to replace it.

FRED TROTT: It's a big business.

MR. JARRETT: I guess if you want to be in that business, stealing.

FRED TROTT: Or the recycling business.

MR. JARRETT: A lot of people go to a new car lot. They will take a creeper and electric Sawzall and cut all of the catalytic converters off the SUVs, because they sit back behind the rear wheel, so they're easily accessed and they will clean out a car dealership in two hours.

MARK MERRY: Don't get any ideas, Fred (Trott).

ADAM CUMMINGS: I will go back to the side table.

ERIC STOWE: We -- we did do the Public Hearing on both variance requests last month.

ADAM CUMMINGS: Yes.

ERIC STOWE: So we do not need to do a public hearing on that. SEQR was accomplished. We're good.

ADAM CUMMINGS: There was new information here, so I'm glad to hear that. I don't think -- I agree with you we don't have to reopen it again, because it is not significant changes to that information.

FRED TROTT: And nobody is here.

ADAM CUMMINGS: Doesn't matter if no one is here. I have sheets created. Paul (Wanzenried) loves these. I have it for separate, but I don't see a need to separate that if the Board is okay. I will leave these two variances as one package unless the Board sees a reason to separate it.

So once again, rear lot line and the fence height. Conditions of approval. Almost thinking about wording is -- we'll just leave it as building permit for the -- for the fencing and the building.

Sign permit goes without saying. I don't think we have to mark it down as a condition of approval, because it's already in our Town Code.

So that one condition is that a building permit must be obtained prior to construction.

ERIC STOWE: SEQR was already determined by the Planning Board.

ADAM CUMMINGS: I totally forgot about that part of it. Thank you for jumping in. Very quickly. We don't need to overstep that one.

Mark Merry made a motion to approve the application with the following condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Building permit must be obtained from the Building Department.

The following finding of fact was cited:

1. The proposed variances for the tire and dumpster enclosures provide a screening of the storage containers for these waste items. The setback variance was provided to locate the building closer to Paul Road at the recommendation of the Planning Board. This provides more adherence to the Comprehensive Plan promoting more village-like settings where plaza buildings are located closer to the road.

The meeting ended at 7:30 p.m.