

CHILI ZONING BOARD OF APPEALS
May 19, 2015

A meeting of the Chili Zoning Board was held on May 19, 2015 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, Ron Richmond, Fred Trott, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Michael Jones, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

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 issues with the signs out there? I saw them all. We're okay.

1. Application of Sheet Metal Workers Local #46, owner; 244 Paul Road, Rochester, New York 14624 for variance to allow existing five wall signs to be a total of 250 sq. ft. (100 sq. ft. Allowed), variance to allow existing freestanding sign on top of mailbox to be in the road right of way (15' req.) and to be 6'5" high (5' allowed) at property located at 244 Paul Road in L.I. zone.

Chris Hollfelder was present to represent the application.

MR. HOLLFELDER: Chris Hollfelder, 244 Paul Road, Chili, 14624. And I represent the petition for request for a variance for signage.

ADAM CUMMINGS: All right. And it looks like -- I have got it up just to confirm the visual up on the screen that is --

MR. HOLLFELDER: Yeah. That was prepared in cooperation with the local staff here, prepared the packets. I'm familiar with the packets and am prepared to review each one, 1 through 5.

ADAM CUMMINGS: All right. So we'll start out with any questions?

JAMES WIESNER: The plan number one looks like to me the newest sign of the bunch. Is that true?

MR. HOLLFELDER: That would be the newest sign of the bunch. We did go through a name change and that particular sign is -- is representative of our meeting hall. We have a meeting hall. It doesn't say "meeting hall," but we could add that because that's where the meeting hall is.

JAMES WIESNER: So that SMART is a conglomeration of the Unions that are using the facility?

MR. HOLLFELDER: No, sir. It is an amalgamation of -- the United Transportation Union and the Sheet Metal Workers International Association a few years amalgamated and we are now SMART, Sheet Metal Air Rail and Transportation. We represent construction railroad workers, pilots, so on. There is quite a few. It's been good for us, but that's what it means. It's an acronym for Sheet Metal Air Rail & Transportation, which I have a card if you need one to get a hold of me in the future for questions.

ADAM CUMMINGS: It looks like this is more of a code comprehensive from a sign inspection that we did.

FRED TROTT: Would you be changing out any of the other signs to be SMART, have the SMART logo?

MR. HOLLFELDER: No. We kept Sheet Metal Workers because that is primarily who we are. There's 500 of us and about ten EPU (phonetic) members that we just brought in. So I suspect it's kind of like our badge. It's our -- what we do. So I don't see anything changing in the near future. I see what we have right now is sufficient.

FRED TROTT: So you share a meeting hall with the Transportation Union there?

MR. HOLLFELDER: We are all one. It is Sheet Metal Air Rail and Transportation. We do share this building with nine other entities. We have Health Fund, Pension Fund, Annuity, Training Center, Elevator Operators, Glazers, Painters and Finishers all utilize that building and that meeting hall, as well. But we own the building and they're our tenants.

ADAM CUMMINGS: So with the sign inventory this will be a comprehensive -- what we're looking at right now, you have got five signs. You get five signs of that size. They can say what they want it, as long as it meets our code.

FRED TROTT: I just wanted to make sure they weren't going to be -- the focus of the question is they're going to all these SMART signs. Would they have to be the same size?

ADAM CUMMINGS: They wouldn't have to be the same size, but the same dimensions. And I remind you, it looks like this one is teetering on it, but I think it is in compliance. We also have a code -- a color requirement. You can't have a rainbow of colors on there. So just pay

attention to that, too.

MR. HOLLFELDER: Okay. I think what you see is pretty much it.

ADAM CUMMINGS: Anything else, Fred (Trott)?

FRED TROTT: No. How many different colors?

ADAM CUMMINGS: Is it three or four?

ED SHERO: It's four.

ADAM CUMMINGS: Okay. White is not included, so it is four. I count that one as four. The same with -- the same with Sign Number 4. To me it has four on there, not counting white. I just wanted to point that out. They are existing, but it looks like they are all okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Adam Cummings made a motion to close the Public Hearing portion of this application and Ron Richmond 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: Any other questions for the applicant? Doesn't sound like it.

So for this application, we have already notified you, but we require a sign permit in addition to the variance request you have here. So the only conditions we will have is sign permit must be obtained for all signs, so work with the Building Department to just fill out that paperwork. That will be a condition of this -- this variance request, if it is approved tonight.

Is there any other conditions the Board would like to offer up?

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

Ron Richmond 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. A sign permit must be obtained from the Building Department for all signs.

The following finding of fact was cited:

1. The signage for this building provides directional notification of the various areas contained within this facility. Due to this area being mostly industrial and commercial in nature, these signs do not adversely impact the surrounding properties.
2. Application of Mr. & Mrs. David Miller, owner; 45 Laredo Drive, Rochester, New York 14624 for variance to erect an 8' x 12' deck 35' from front lot line (45' req.) at property located at 45 Laredo Drive in R-1-12 zone.

David Miller was present to represent the application.

MR. MILLER: David Miller, 45 Laredo Drive, Rochester, New York 14624.

ADAM CUMMINGS: Thank you.

Brief description. It's pretty self-explanatory there, that have you got -- it's called a deck, but is it really a front --

MR. MILLER: Used to be a front stoop and I --

ADAM CUMMINGS: You're making it --

MR. MILLER: There was actually something there that I took off. I figured I could just replace it. I came to get the permit and that prompted I did not have a variance for it, so we started this process.

Not really extending any closer to the road. Just covering up the concrete stoop that is already there.

ADAM CUMMINGS: Okay. 35 feet, you are building it yourself, obviously and it is 8 by 12, so you don't think -- I would hate for you to encroach further on -- engineering issues is a totally separate issue, but if the variance 35 feet and you build this thing and it's 9 feet wide, um, all of a sudden you're at 34 feet from it and you wouldn't be compliant again.

So do you feel comfortable --

MR. MILLER: 35 feet is from the edge of the house, so it is 10 feet actually for -- for fluctuation if I do come across any issues. I'm not building this 10 feet wide. I allowed 2 feet of play in case that comes up.

ADAM CUMMINGS: That's a good point to make. It shows 44.20 feet the surveyor received and you're extending 8 feet out, so that would be 36. So have you 1 foot to play with.

Okay. Thank you.

Any questions?

MARK MERRY: Are you replacing this in kind? Is this the same size as what you removed?

MR. MILLER: I'm adding -- it's going to be 4 feet wider.

MARK MERRY: 4 feet wider?

MR. MILLER: Yes.

MARK MERRY: Thank you.

RON RICHMOND: The deck is going over the top of the existing concrete?

MR. MILLER: Yes.

RON RICHMOND: Structurally unsound?

MR. MILLER: No. It's sound.

RON RICHMOND: It's just ugly?

MR. MILLER: It's very ugly. (Indiscernible).

ADAM CUMMINGS: It was a little bit chipped away.

MR. MILLER: Yes, it is.

RON RICHMOND: That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Adam Cummings 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: I have one condition. Just like the last application, you will have to get a building permit from the Building Department, so that will be a condition that we'll impose on this variance. Just continue working with them, and in event -- it's a pretty painless process, so you can just do that.

Anything else from anybody?

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 Fred Trott 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 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. Deck permit must be obtained from the Building Department.

The following finding of fact was cited:

1. Multiple properties in this area have similarly sized decks and requested variance is not substantial. The new deck will not be placed closer to the front lot line than the existing concrete front stoop and is enhancing the aesthetics of this deteriorating concrete structure.
3. Application of Mr. & Mrs. Steven Klemm, owner; 6 Yankee Court, Rochester, New York 14624 for variance to erect a 6' high fence in rear yard abutting a street per plan submitted (4' allowed) at property located at 6 Yankee Court in R-1-15 zone.

Megan Klemm was present to represent the application.

MS. KLEMM: I'm Megan Klemm, 6 Yankee Court, Rochester, New York 14624.

ADAM CUMMINGS: And so the description is pretty self-explanatory. You're looking for a 6 foot high fence in your backyard, which happens -- your backyard is technically a front yard because of Paul Road. I know it's counterintuitive, but that's how our definitions are because it is abutting a road. And it looks like you've set -- as it is shown up here, the yellow line is where you're putting the fence, so you are inside the screened planting buffer area demarked there, which is a nice bermed there with trees which makes a pretty good screen already.

MS. KLEMM: Yep.

ADAM CUMMINGS: And the -- the necessity for that is -- is mainly privacy?

MS. KLEMM: Yes.

ADAM CUMMINGS: Instead of a 4 foot fence.

MS. KLEMM: And maybe hopefully noise reduction from Paul Road.

ADAM CUMMINGS: Okay. And the ground surface, it's obviously a berm so it's going to be set at the bottom of that, so you will not affect drainage or anything like that. But that's what prompts you to have a 6 foot fence, as well, so you can actually block it.

MS. KLEMM: Uh-huh.

ADAM CUMMINGS: Okay.

FRED TROTT: No, I don't have anything. It says in here you are putting up the vinyl fence?

MS. KLEMM: Yep.

FRED TROTT: No other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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.

FRED TROTT: In the past, we have had issues with the vinyl fencing, with high winds, going down. I don't think in your area we have that problem.

ADAM CUMMINGS: No. We don't really have any say on any of that.

FRED TROTT: That was my next question.

ADAM CUMMINGS: It's -- if she has to call somebody in to fix that constantly, that's her burden. But we're looking at the fact that she is asking for 6 feet instead of 4 feet. Not the materials of construction.

FRED TROTT: No, not as far as the materials, but I thought at one time we made that a requirement with one of the people that wanted a 6 foot vinyl fence.

ADAM CUMMINGS: There was one on Chili Avenue and it was matching up to a neighbor's fence, so we did put a restriction on there, if I remember. Whether it was right or wrong, but I remember us imposing a condition so that it was the same construction aesthetically as the neighbor's.

But otherwise -- Byrne Dairy is another example that we imposed -- Byrne Dairy and the restaurant. We imposed vinyl fencing. The restaurant, I think, is the one you were talking about, that blew over and into the neighbor's yard.

MS. KLEMM: Who put it up? Who put it up?

ADAM CUMMINGS: I don't know. To be fair, that was just a kite. It goes across the parking lot facing west.

FRED TROTT: In the area you are, I don't think you will get that kind of wind with the --

MS. KLEMM: We have -- there's a lot of like natural habitat around there, so.

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

Ron Richmond made a motion to approve the application with no conditions, and Mark Merry seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. The proposed variance will be set back away from the road resulting in no impacts to sight distances or other safety concerns related to proximity to road right-of-ways. Additionally, this variance aims to provide some noise reduction on the subject property resulting from traffic noise from vehicles traveling on Paul Road.

ADAM CUMMINGS: I have minutes from the April meeting. I have a couple minor changes in here. Mainly typographical errors. Anybody else have anything?

Adam Cummings made a motion to adopt the April 28, 2015, minutes with typographic corrections noted, and Fred Trott seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 7:22 p.m.