

CHILI ZONING BOARD OF APPEALS
December 20, 2016

A meeting of the Chili Zoning Board was held on December 20, 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: Fred Trott, James Valerio, James Wiesner and Chairperson Adam Cummings. Mark Merry was excused.

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: Signs, any issues?

The Board indicated they had no problem with the notification signs.

1. Application of Regina DiStefano & Andrew Dodgson, owner; 1 Hay Market Road, Rochester, New York 14624 for variance to erect a 6' x 6 ½' deck 57' from front lot line (60' req.) at property located at 1 Hay Market Road in R-1-15 zone.

Regina DiStefano and Andrew Dodgson were present to represent the application.

MS. DISTEFANO: I'm Regina DiStefano, 1 Hay Market Road.

MR. DODGSON: Andrew Dodgson, 1 Hay Market Road.

ADAM CUMMINGS: All right.

MS. DISTEFANO: So unfortunately, the -- we just bought the house in August. This was done prior to us owning the house and we found out afterward. So now we're just asking for the extra 3 feet variance. The decks are already there. We would just like to keep them up.

ADAM CUMMINGS: Okay. Glad you're here then.

JAMES WIESNER: Just one thing that caught my eye. The -- the variance you are asking is 57 feet off the Hay Market Road. Actually you have two front lots because you're also fronting on Meeting House Drive. I was curious what the distance was off Meeting House Drive, that that deck was.

MS. DISTEFANO: I don't know if we did that.

MR. DODGSON: We didn't measure that.

ADAM CUMMINGS: I think it is because the existing house is 48 feet away.

PAUL WANZENRIED: Hay Market is the primary road. Meeting House is the secondary road. Therefore, we measure off the primary. The distance off Meeting House is inconsequential. And it's beyond anything that would be required for a setback.

JAMES WIESNER: That's all I have.

ADAM CUMMINGS: That is exactly what I was going to say.

MS. DISTEFANO: Thank you, Paul (Wanzenried).

FRED TROTT: Just that they would have to make sure that there is -- the deck falls within code and everything else.

ADAM CUMMINGS: Okay.

FRED TROTT: What -- was there a building permit for the deck in the rear?

PAUL WANZENRIED: There was not a building permit for either deck. Ms. DiStefano has procured building permits with those and we're working towards compliance for those decks.

FRED TROTT: Okay. That is the word I wanted. Compliance.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and James Valerio 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 was going to put one condition of approval to obtain a building permit from the Building Department. I will still put that on. You already know that step. Continue working with Paul (Wanzenried) and Kathy (Reed) over there. That is the only one I have.

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.

James Valerio 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 4 yes with the following condition:

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

The following finding of fact was cited:

1. Requested variance is minor in nature. The decks have been in existence for more than five years with zero complaints or issues from neighboring property owners.
2. Application of Mr. & Mrs. Steven Sullivan, owner; 15 Red Bud Road, Rochester, New York 14624 for variance to allow existing utility shed to be 6' from side lot line (8' req.) at property located at 15 Red Bud Road in R-1-15 zone.

Mr. and Mrs. Steven Sullivan were present to represent the application.

MR. SULLIVAN: Good evening. How are you? Steve Sullivan, 15 Red Bud Road.

MS. SULLIVAN: Dawn Sullivan, 15 Red Bud Road.

MR. SULLIVAN: As you stated, we're looking for a 2 foot variance.

ADAM CUMMINGS: Yep. Once again, it's existing, correct?

MR. SULLIVAN: Yes, it is existing.

ADAM CUMMINGS: The shed?

MR. SULLIVAN: Yes.

ADAM CUMMINGS: Did you measure that or did you have a surveyor measure that?

MR. SULLIVAN: I measured it.

ADAM CUMMINGS: Okay.

FRED TROTT: When did -- when was the shed put in?

MR. SULLIVAN: Shed was put in late July, early August.

FRED TROTT: Okay. The reason I ask, I -- there is a satellite view that wasn't there. The app is less than a year old.

ADAM CUMMINGS: What size shed is it?

MR. SULLIVAN: 10 by 16.

ADAM CUMMINGS: Okay.

MR. SULLIVAN: I have a letter from the neighbor whose property the shed is next to saying they had no problem with it.

ADAM CUMMINGS: That's excellent. I will add that to the file. I will just to read it for the record. It is a letter from Mr. and Mrs. Leonard Sroka, 17 Red Bud Road, Rochester, New York 14624 that states, "As the neighbors whose property line runs next to the utility shed, we have no problem with its present location. We ask that you approve the Sullivans' request for the variance."

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Valerio 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.

ADAM CUMMINGS: One thing I did want to specify, I was going to put a condition of approval that a building permit must be obtained, but it is 10 by 16, so it does not require a building permit. It is too small.

JAMES WIESNER: 10 by 6.

ADAM CUMMINGS: 10 and 6 are the dimensions off the lots, the lot lines.

JAMES WIESNER: Oh, I see.

ERIC STOWE: 160 square feet.

ADAM CUMMINGS: I thought 192 was our cutoff. I'm saying is a building permit required?

PAUL WANZENRIED: I thought it was over 119.

FRED TROTT: Yeah.

ADAM CUMMINGS: I'm in the wrong Town.

PAUL WANZENRIED: We're in Chili.

ADAM CUMMINGS: We are not in Ontario County Town. Yes. You're correct. So you will need to procure a building permit from the Building Department.

PAUL WANZENRIED: Wow.

ADAM CUMMINGS: 192 sounded really good in my mind. (Laughter.) But that would be somewhere in Ontario County. Apologize for the confusion.

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.

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

DECISION: Unanimously approved by a vote of 4 yes with the following condition:

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

The following finding of fact was cited:

1. The requested variance will not adversely impact the viewshed or neighboring property. The next door neighbor issued a statement saying this and supporting the relief request.

James Valerio made a motion to approve the 10/25/16 Zoning Board meeting minutes, Fred Trott seconded the motion. All Board members were in favor of the motion. Note: There was no Zoning Board meeting in November.

Fred Trott made a motion to adjourn the meeting, and James Valerio seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:11 p.m.

Motion Fred Trott James Valerio to adjourn.