

CHILI ZONING BOARD OF APPEALS
March 28, 2017

A meeting of the Chili Zoning Board was held on March 28, 2017 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Vice Chairperson James Wiesner.

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

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

This is a draft only and has not been filed according to Section 106 of the Public Officers Law. These are not certified verbatim minutes; they are a summary of the meeting. These minutes have not been approved by the Chili Zoning Board, and therefore, are subject to change.

Vice Chairperson James Wiesner 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.

JAMES WIESNER: Everybody okay with the signs?

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

OLD BUSINESS:

1. Application of Calvary Assembly of God Church, owner; 3249 Chili Avenue, Rochester, New York 14624 for approval to amend previous variance granted on 12/8/09 for freestanding signs. Applicant is requesting to replace existing 4' x 8' double-faced freestanding sign with a 6' x 8' double-faced freestanding sign (Chili Avenue sign) and replace 3' x 6' double-faced freestanding sign with a 5' x 6' double-faced freestanding sign (Beaver Road sign) at property located at 3429 Chili Avenue in R.B. zone.

Pastor Sigmon and Phil Lapore were present to represent the application.

JAMES WIESNER: As we left this from the last meeting, we had tabled it because we had asked that you go to the Architectural Advisory Committee, which my understanding is it just happened in the hour here.

PASTOR SIGMON: Yes, yes, indeed.

JAMES WIESNER: So Sandy (Hewlett) and I kind of talked a little bit about what was talked about in the meeting. I guess if you might want to give us a quick synopsis. My understanding it was -- they just had some very brief comments about the signs themselves?

PASTOR SIGMON: Yes. So my name is Jonathan Sigmon, and I serve as one of the Pastors at Calvary Assembly. And I -- so yes, we just presented to the Architectural Board at 6 o'clock. They had -- they just basically asked some questions about the design, the color, the brick color, just wanted to make sure everything was visually going to look good and match and so we worked through those questions and -- very quickly and they said that sounds good.

So yeah, I mean we talked about last time our reason for this is to just make the design on the sign be very simple. It's not actually for our own congregation who meets on Sundays and other times throughout the week. They're aware of where the location is.

It is more for community members who come -- who are outside organizations who use our facility. We wanted to make it clearer for them to be able to use. So that is the reason for it. And to give an updated look and design to the -- to the sign.

So some -- yes, some pretty straightforward and small changes, which if you have any questions about or any dimensions, I'm happy to work through. We did that at our meeting, too. So -- so yes, they seem very supportive of it. But I'm happy to answer any questions or anything that you guys might have.

JAMES WIESNER: I don't have any questions.

FRED TROTT: What were any of the changes that they recommended?

PASTOR SIGMON: So the -- they didn't recommend any changes to it. They -- basically they just wanted a slightly different presentation of it for the Building people here, and -- and you can correct me if I miss anything, but basically they said with how it's presented in the packet, that you guys have -- um, they wanted to know what was already existing and those colors and what was being changed. So it is just going to one background color of a very dark gray, almost black color and then white lettering. And so they just said they wanted to make sure when we gave it to the Building people here that it was just clear for them. Because in the notes, the way it is drawn on the pictures, they didn't know that. So that was really all they were asking was just to make sure the colors were clear. But there is really only -- the -- the two colors.

MR. LAPORE: Clarity of the dimensions we would submit.

PASTOR SIGMON: Clarity of the dimensions just to make sure everything is really crystal clear for them. They asked how wide, how tall, that sort of thing. So we worked through

that. And so they -- they just wanted it to be framed a little bit differently in how it was presented.

FRED TROTT: I have no other questions.

JAMES WIESNER: So at this point, we had the Public Hearing the last meeting. I don't know -- I look to Counsel. I don't think we need to open it up again; is that correct?

ERIC STOWE: I don't think it was published. If we completed it and closed it, then without publishing a new notice for a new Public Hearing, we can't do a new one.

JAMES WIESNER: Okay. So no Public Hearing.

So is there any Board discussion before we move forward with this? Anything you want to add?

FRED TROTT: I think their problems were they had been to the Board.

JAMES WIESNER: That was the only thing lingering from last time.

James Wiesner 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 an unlisted action with no significant environmental impact, and James Valerio seconded the motion. The Board all voted yes on the motion.

JAMES WIESNER: I do have one condition of approval for -- for this application and that's a sign permit must be obtained from the Building Department prior to construction.

PASTOR SIGMON: Okay.

Mark Merry made a motion to approve the application with one 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. Sign permit must be obtained from the Building Department prior to construction.

The following findings of fact were cited:

1. Changes are minimal relative to previous variance.
2. Signs utilize existing monument structure.

PUBLIC HEARINGS:

1. Application of Simon Smith, owner; 31 Names Road, Rochester, New York 14624 for variance to erect a 30' x 40' detached garage with an 8' x 40' overhang to be a total of 1,520 sq. ft. (1,200 sq. ft. allowed) at property located at 31 Names Road in RAO-20 & FPO zone.

Simon Smith was present to represent the application.

MR. SMITH: My name is Simon Smith and I'm the owner of the property at 31 Names Road.

JAMES WIESNER: Can you tell us a little bit -- I know you had gotten a prior approval. Can you tell us what has changed from the prior zoning approval?

MR. SMITH: Since the prior zoning approval, I have accumulated a couple other pieces of equipment that I would like to store undercover but not in the garage. In particular, I have a fishing boat, two lawn mowers and a snowblower, and I would like to keep those out of the garage just for accessibility so any time I needed to use one of those, I would not need to pull the cars in and out. It would make it more convenient for me.

JAMES WIESNER: So this was quite a few years ago that the previous variance --

MR. SMITH: I applied for it, I think, at the same time I applied for a permit to do some renovations on the house that involved, um, new windows and a porch bearing -- it involved bearing structures. And at the time it was something that I wanted to do, but now I have the money to do it.

JAMES WIESNER: Okay. And I think there is -- I saw some drawings in the package of what you're doing.

MR. SMITH: Yes. There is just some sketches there. Actual building drawings are going to be done by Matt Emens of Cornerstone, and he's actually waiting on -- on what the decision is here. He's allowed a budget for his work and another, I think, approximately \$300 for a structural engineer. Although I didn't talk with him specifically about that, I'm assuming that that is to analyze the snow load, the wind load and any specific details that would need to be included in the building because it is in a flood zone. So based on the fact that I think the Town requires any space to be 2 feet or something above, we can't comply with that realistically, so the building is going to be designed as a wet building with the appropriate vents in place, which I'm leaving that up to Matt (Emens) to spec those out as to what needs to be done.

JAMES WIESNER: So the building is the same size essentially as what you got approval

for previously, other than that the overhang now is the difference that you're applying for?

MR. SMITH: Yes, that's correct. I have also -- I think if you can see on the drawing there, I have got more than enough room on the side that the overhang is going to be on. There should be almost 12 feet there. I think it's in -- I need to be no closer than 8 feet to my neighbors. And I have spoken directly with my neighbors about it, and they have no complaints. They're all right with it.

JAMES WIESNER: So the overhang would be on the house side?

MR. SMITH: Overhang would not be on the house side. It would be on the -- what would be the west side of the building. If that is -- I don't know if that -- yeah. You have an indicator up there.

JAMES WIESNER: I do have comments from Monroe County Department of Planning and Development. You evidently are in the airport fly away, and they have provided approval for that. And they have just made mention of the -- I -- you're already aware of it, that -- that it is in a flood -- flood zone or something that you will pick up with the Building Department on this?

MR. SMITH: Yep.

PAUL WANZENRIED: He just has to pull a building permit.

JAMES WIESNER: I believe that is on here. Yep.

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.

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

JAMES WIESNER: So we do have one condition on this application. As Paul (Wanzenried) noted, the building permit is required for construction.

Does he need -- is the flood plain permit part of the building permit, as well, or separate?

PAUL WANZENRIED: No. Part of the process.

JAMES WIESNER: So the building permit covers all of the conditions.

Fred Trott made a motion to approve the application with the following condition, and Mark Merry 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 prior to construction.

The following findings of fact were cited:

1. Minimal change to existing variance.
 2. Increased size can be achieved without additional variances.
2. Application of Neal LeClair, owner; 22 Wills Road, Rochester, New York 14624 for variance to erect a 4' x 8' deck 51' from front lot line (60' req.) at property located at 22 Wills Road in R-1-15 zone.

Neal LeClair was present to represent the application.

MR. LECLAIR: Neal LeClair, property owner, 22 Wills Road.

JAMES WIESNER: A little bit about your project.

MR. LECLAIR: First off, I don't know if it is an error on my part or when she filled the paperwork out. It's replacing a 4 by 8 with an 8 by 9 approximately. I'm not sure if that is in there.

MARK MERRY: Yes.

JAMES WIESNER: To erect a 4 by 8 -- so you're keeping your existing, as well?

MR. LECLAIR: No. I'm tearing that down. The existing was 4 by 8. The new one is approximately --

FRED TROTT: 8 by 9. The -- it says it on the application but not on the -- the legal notice.

JAMES WIESNER: That is not good. But that is not truly what the variance is that he is applying for.

FRED TROTT: Doesn't matter.

JAMES WIESNER: Is that really applicable?

ERIC STOWE: If it didn't get noticed -- if it doesn't get noticed at the variance amount

and what is requested is greater than what was noticed, yes, it is applicable and we need to re-notice it. The thought being somebody could say they don't have a problem with a 32 square foot deck, but they have a problem with -- doing math -- 76 -- 32. 72 square foot deck.

FRED TROTT: Even if it is only for the setback.

ERIC STOWE: It is not --

JAMES WIESNER: Is just for the setback.

ERIC STOWE: For the setback. Excuse me. Not the square footage. Then it is fine. It is only for the setback. Excuse me.

JAMES WIESNER: Okay. So duly noted that the deck size, though, that is incorrect on the Public Hearing notice, that's not what -- your application is actually here for the setback, so it is not critical to move forward with it then.

MR. LECLAIR: Essentially all I'm trying to do is just make what is there a little bigger, a little more usable to throw a chair out there, et cetera. And I replaced the sidewalk, so essentially the deck will come out even with the sidewalk. The stairs will end on the sidewalk.

MARK MERRY: I don't know.

FRED TROTT: Any plans in covering it?

MR. LECLAIR: No. Composite deck with vinyl railing, nothing crazy.

FRED TROTT: What is your preexisting setback?

MR. LECLAIR: I'm at like 60 feet and 3 inches or something like that.

FRED TROTT: Okay. No further questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a point to be made maybe. If the deck size is not what's -- what's been advertised, doesn't that change this setback?

ERIC STOWE: No.

PAUL WANZENRIED: No.

FRED TROTT: No. The setback is -- his application is right. What was posted on the legal notice was different.

MS. BORGUS: So he still will be 51 feet from the lot line?

FRED TROTT: Yep.

MS. BORGUS: Thank you.

JAMES WIESNER: So the house is 60 and the width of the deck is 9.

MR. LECLAIR: Approximately.

PAUL WANZENRIED: The deck stays at 8. It is the width that is incorrect. That is how you get from 60.31 feet down to 51.

MR. LECLAIR: We wrote 51. Would be 52 but we wrote 51 in case it's a couple inches one way or another based on my rough measurement.

Fred Trott 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.

FRED TROTT: Will be a nice improvement.

JAMES WIESNER: Unfortunately, most of the houses in that area are already right at the setback, so.

James Wiesner 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.

JAMES WIESNER: One condition of approval, and it is a building permit.

Mark Merry 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 prior to construction.

The following findings of fact were cited:

1. Variance required for deck as house sits right on legal setback.
2. Deck size minimizes the setback required.
3. Application of Shawn Shonk, owner; 146 King Road, Churchville, New York 14428 for variance to erect a 30' x 48' detached garage to be 1,440 sq. ft. (1,200 sq. ft. allowed),

variance for garage to be 16' from side lot line (60' req. abutting a street) variance for ridgeline of garage to be above the ridgeline of the dwelling at property located at 146 King Road in R-1-15 zone.

Shawn Shonk was present to represent the application.

MR. SHONK: My name is Shawn Shonk. I own 146 King Road and I'm looking to tear down the existing garage and replace it with this 48 by 30 steel garage to house an RV and the lawn equipment, stuff like that and everything else that is -- the bikes and one car.

JAMES WIESNER: So the existing garage will be torn down ahead of any construction obviously.

MR. SHONK: Yeah. The existing garage is -- was built with torn down buildings from Roberts Wesleyan College back in the day and the way it is constructed is -- it would just be more cost effective to tear it down and replace it instead of trying to straighten it out. After I pulled the cedar siding off it to side it this past summer, I was like -- to straighten it -- it out would just cost me a fortune to straighten the thing out and then we bought an RV, and that sat outside all winter. I would like to keep that inside so it -- it sits alongside the garage now.

MARK MERRY: The only thing I would like to know, what would preclude you from storing your RV off site somewhere else so you could reconstruct this garage and be within --

MR. SHONK: I --

MARK MERRY: -- the dimensions required?

MR. SHONK: Ideally I want to keep the snow off it, and you know what I mean -- did I have a spot -- I thought I was able to store it inside this year and they're not going to store that stuff inside anymore. So everywhere I looked was outside, and if I got to store it outside, I can get rid of it. Like I said, my yard is pretty small to begin with, so I have a -- I acquired a fishing boat and a trailer. I have a shed I would like to get rid of. This way it would allow me to keep everything inside the garage.

That side road -- they put that side road in after I bought the house, and it's -- if I do anything with the garage, I'm not in -- I'm still off -- I'm -- the existing garage doesn't even meet the setback requirement. So I just figured if I could get the 9 foot one way, I -- you know, I could fit everything I own in the garage. Both cars and the RV.

MARK MERRY: What is the height of the current garage now?

MR. SHONK: Approximately 14 feet.

MARK MERRY: The height of the house?

MR. SHONK: 14 feet.

MARK MERRY: 14 feet, as well.

MR. SHONK: About 2 feet higher, I believe. About 2 foot higher.

MARK MERRY: It's such a large structure, with your yard size, compared to what you want to put on it. It's a little concerning, I think.

Have you explored maybe trying to rotate this and hide it?

MR. SHONK: Yeah. I thought about turning it side ways in the back and extending the garage -- or the driveway out back to it, but even then, I still don't have -- like I said, I don't have the -- I would have to extend the driveway and -- the houses behind me, they're built up behind me, and they tower my house. So I don't think the height of the building will be as noticeable as we think it will be. I mean, the house right behind me is like twice the size -- you know what I mean? It sits up quite a bit higher. We had to build up that property, all that -- all that housing development behind me. They spent quite a bit of time bringing that height up. Because it was wet, I believe. So the houses behind there -- and I guess who is to say some day maybe you don't put a second story on this house? It is an awful small house. You know, if you were to put a second story on it -- I could see somebody maybe if I sold the house, they would put a second story on this house and raise a family.

FRED TROTT: One of the questions I had was the height difference between the building and your present house and you said it is 2 feet.

MR. SHONK: Approximately 2 foot higher than the peak of the house now.

FRED TROTT: You couldn't go -- your garage now, where is it -- how many feet is that to the property line, the present garage?

MR. SHONK: 30, I believe -- I believe it's 31 foot or something. Or 26 foot to the lot line, I believe. I would like to go 9 foot towards that road.

FRED TROTT: I understand your dilemma. It seems very large on a small lot like that. I don't -- and I caution to say that if you go deeper in the garage, if you could make up the room that way, but not for --

MR. SHONK: I thought of making it deeper, but I still need the height for the garage -- for the 12 foot garage door. And then you're kind of narrowing it down to like a single one bay, you know what I mean? There is no way to put another vehicle on the side of it.

FRED TROTT: Yeah.

JAMES WIESNER: So the side wall on this new garage is 14 feet?

MR. SHONK: Yes.

JAMES WIESNER: Then the pitch of the roof is 4 or 6?

MR. SHONK: Yes. So pitch of the roof, um, is -- there is a 4 1/2 -- 4/12 pitch.

JAMES WIESNER: So the side walls are bigger for that 12 foot door obviously then. A standard garage door is a lot shorter than that. 6 foot, I think it is 8 foot. Okay.

MR. VALERIO: Are the colors going to be the same as the house?

MR. SHONK: Yes. It will match the house as absolutely close as I can match it. The house -- the siding on the house is clay. The -- the walls of the building will be clay and the roof will be a dark, kiko (phonetic) brown they call it which will match the roof I just put on this house.

MR. VALERIO: If you went down to the 1200 square feet allowed, would you still be able to get the RV in there?

MR. SHONK: Yes. So I figure you go -- instead of 48 deep, go 40 deep. But we still have the -- the height and the side road setback, so I -- I figured ask for the other 8 foot. I could eliminate any other sheds on the building -- or on the property. You know. There would be no other sheds on the property. There would be no -- I could put everything I own in this garage.

FRED TROTT: Still doesn't solve the side setback.

MR. VALERIO: I was just wondering about the square footage. The current garage is also -- and the road was put in after he built the property.

Do we split this up or do it all as one?

JAMES WIESNER: I don't know. Can we split it up, Counsel?

ERIC STOWE: Can you have the same ridgeline height if you don't have the height -- or the base of the structure?

JAMES WIESNER: I mean essentially you would go to a normal door size probably to maintain the height of the house or below.

MR. SHONK: I don't know. If I -- if I could make it the same ridgeline as the house, I certainly would if I could -- still somehow establish a 12 foot door. I need the 12 foot door to get the big RV in with the air conditioner and stuff. So I don't know if -- if we could flatten the roof out or the pitch on this building. I'm not sure of that.

ERIC STOWE: That is my only question for separating the two, does it make sense. Or do the two flow together if you're extending the side setback to allow the size of the structure, that then accommodates the height.

JAMES WIESNER: What I see by breaking it up, and catch me if I'm wrong, but obviously the height is driven by the oversized door, to me. So the height -- if the height got split out and for some reason didn't get voted in, then it would just be a matter of having to go to a normal size door. You would probably drop down 2 feet and be near the same height as the house again.

MR. SHONK: Correct.

JAMES WIESNER: So in that regard, I do -- I could understand it being split up and still -- it would still work if -- if one of these items didn't get approved.

MR. VALERIO: Except for the setback.

JAMES WIESNER: Yeah. So really the setback has to be on its own because without the setback, then you -- essentially he can't -- he can't achieve the setback by any other means. So that could be split off. For that matter, the size could be split off. I guess I see the -- I see the ability to separate them out into three different votes. Because the size, if -- if that could be -- he could always go back to 1200 square feet. If the height didn't -- he could always go with a smaller door. If we want to do that that way, we can.

ERIC STOWE: The only issue that I see and it's a practical issue, not necessarily a legal issue, is if the Board grants the 1440 and not the height and not the side, you're still -- you -- you may not be accomplishing -- it may not accomplish the same relief, yet allow a much larger garage. If that makes sense.

JAMES WIESNER: You're saying the same section --

ERIC STOWE: If one gets approved and two do not or one -- two do and one does not, those variances are still good. Once approved, they are approved. It's not a --

MR. VALERIO: You can't build the structure if you don't have the setback. Right?

ERIC STOWE: You could build a different structure, though, and that's permitted. Not just what is exactly pictured.

JAMES WIESNER: But he doesn't have enough setback to build pretty much anything.

MR. SHONK: Yes. Even if I was to extend the existing garage back, I would probably need a setback variance.

JAMES WIESNER: That would be a basic requirement for even just replacing what you have.

I guess it really comes down to do you want to take the -- the risk of doing all of them together or doing them individually? There is always a possibility that some aspects could be approved and maybe other aspects might not. By separating it gives more options to -- to possibly figure out where you stand relative to what you're about to build.

MR. SHONK: Well, I guess the side road setback and the square footage setback -- or square footage variance and -- try to figure something out with the height. Skip -- you know, build something --

JAMES WIESNER: So you -- just to make sure I understand you correctly, so the setback would be -- it would be one vote, and the size of the garage and the ridgeline which is to a different section of the code, would you do those together or would you want them all just totally divided up?

MR. SHONK: Um, let's do them all together.

JAMES WIESNER: So all three together?

MR. VALERIO: Now, just to clarify, if they're all together and they are voted down, then that means the setback is also voted down.

JAMES WIESNER: That is true.

MR. VALERIO: Which means you can't --
MR. SHONK: Can't do anything?
JAMES WIESNER: You would be -- you would not be able to do anything.
ERIC STOWE: There is one additional. If you need time and you want -- you can ask the application be tabled if you want to sort through what you really need and what is feasible.
MR. VALERIO: And talk to your architect.
ERIC STOWE: And talk to people if that --
JAMES WIESNER: It is always best to minimize your variances. The more variances you ask for, the more risk you have in getting them approved. It is always our goal from a legal standpoint to minimize the variances, as well.
MR. SHONK: Am I correct in understanding if I ask for a side road setback and I keep it within the square footage, then that's all I need is that side road setback, and keep it to the height?
JAMES WIESNER: Yeah. So -- the setback obviously is -- is an aspect that prevents you from doing anything at all.
MR. SHONK: Right.
JAMES WIESNER: Then the other two are -- are, I will say, nice to have or above and beyond the legal -- the legal code within the Town.
MR. SHONK: Right.
JAMES WIESNER: So you can still do something within code. You can build a structure that is 1200 feet or less. You could build something with the ridgeline lower than the house.
MR. SHONK: Correct. I would like to do that.
JAMES WIESNER: But you can't do anything without setback.
MR. SHONK: Right. I need that setback to -- to move forward on this project.
JAMES WIESNER: So it would make sense to do the setback separately, because that doesn't close you out from not being able to do anything. Then the other two are kind of above and beyond the code.
MR. SHONK: Right.
JAMES WIESNER: You could still do something if those get voted down. You're not totally locked out.
MR. SHONK: I follow you. I follow you. Yeah. I would like to ask for the side road setback and the other two, the height and the square footage as a separate issue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I am surprised that the neighbors aren't here in arms -- up in arms tonight over this. I really am.

Who is going to build this garage? I didn't hear that question asked. Is this going to be professionally built?

MR. SHONK: Yes. Santillo Construction out of Fairport.

JAMES WIESNER: You don't have to address her. You can address comments up here.

MR. SHONK: I'm sorry.

JAMES WIESNER: That's fine.

MS. BORGUS: I'm a little confused -- I'm a little confused about the height. The walls are going to be 14 feet; am I correct?

JAMES WIESNER: Yep.

MS. BORGUS: How high is the overall building to be?

JAMES WIESNER: Well, I was kind of doing the math in my head, so half, which is 10 foot in a rise of 4 1/2 per foot, so it's 4 1/2 times 15; right?

PAUL WANZENRIED: 4.5 times 15.

JAMES WIESNER: That is like 5 feet right there, or 4 1/2 feet.

PAUL WANZENRIED: The ridgeline would be somewhere around 19 to 20 feet.

MS. BORGUS: 19 to 20 feet high. How high is the house?

JAMES WIESNER: I'm guessing the house is probably 14.

MR. SHONK: It's like 14 foot to the peak.

JAMES WIESNER: So this will be --

MS. BORGUS: About 5 or 6 feet over the house?

JAMES WIESNER: Yes.

MS. BORGUS: This is major.

JAMES WIESNER: Uh-huh.

MS. BORGUS: Major. Um, I don't -- I'm surprised to see -- you don't see very often -- at least you have three variances on a garage in a residential area. This is -- for somebody who comes to these meetings all of the time, this is really out of the norm.

Um, the gentleman mentioned he was comparing the height to what is behind him, the newer homes being taller. That really is not relevant. I mean what we're talking about is -- we're not comparing his proposed garage to what's behind him. We're -- we have to compare the proposed barn or garage to his own house, and that's where it gets very -- it takes a very different tone.

So this garage would be larger than the house? Just in eye-balling it; is that true?

FRED TROTT: Square footage, roughly, yes.

JAMES WIESNER: The house is 38 by 28, and the variance is 38 -- 30 foot by 48 foot.

Even if he doesn't use the variance, he is probably -- he is probably about the same size or slightly bigger, so.

MS. BORGUS: Alone from an appearance point, that is daunting when you have an outbuilding larger than the home. I don't think we need that in Chili.

Um, as I say, I'm shocked there aren't people here from Gilead Hill who would be appalled of the thought of having that size building put in back of their homes. I mean they have to pass this to get into what is a very nice subdivision, and I would think if they're aware at least or they're cognizant of what this amounts to, that they would be here tonight. Obviously you can't do anything about that as a Board, but bear in mind that you're acting on their behalf, whether they're aware of the problem or not.

It's just too, too, too much on a small lot. Just too much. And appreciate the fact that people want to have all these outbuildings and everything. Well, the point is, that they bought a lot too small for what they want to do. And sometimes in life you have to get to the point if that is what you want to do, you go elsewhere and put up whatever you want. Get a piece of land that is big enough to fit your ideas and fit the zoning code. I think three variances is too, too much on a -- on a small lot at the corner of a residential area that, as I say, is very, very nice. And, um, it's kind of trying like putting a quart in a pint bottle. It just plain doesn't work. And I can't for the life of me see how they won't be anything but an eyesore if you approve it the way this is proposed. Thank you.

Mark Merry 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.

JAMES WIESNER: One thing I did forget to mention, this was referred to Monroe County Department of Planning and Development, and they returned it as a local matter. I just wanted to state that.

So at this point, we would break this up into -- I will call it A, which would be the setback. And I will call it B, which is the size of the garage and the ridgeline.

MR. VALERIO: I would say just for the record compared to what is there, anything will be an improvement to the people of Gilead Hill that have to drive by what is currently there. And that if you drive down King Road, there's multiple outhouses or other, you know -- in some cases, abandoned buildings on properties. So, um, you know, I agree it's a small lot, but the -- you know, being there before the -- before the neighborhood was there and so the setback not really being self-created is something I think we should weigh.

FRED TROTT: Property line is also the property line, though. You know what I mean? That was a future road. I mean --

MR. VALERIO: But the setback to the street used to be 60; whereas, the setback to another property line is the 60. So that is not self-created. When it was a property line, it was like 8.

FRED TROTT: My biggest hang-up is the height.

JAMES WIESNER: Do I have to treat these applications separately for SEQR and vote on them now we're voting on them separately?

ERIC STOWE: The application is one application for SEQR purposes and -- one action, and then you're voting on independent variances within the application.

JAMES WIESNER: Thank you.

James Wiesner 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: For conditions of approval, both A and B, there would be a building permit required.

I guess when I adopt the application, that can be done individually or can that be done --

ERIC STOWE: One more time.

JAMES WIESNER: To do them individually, to adopt the application, I can do those together? Do the vote separate again?

ERIC STOWE: So you're asking for the -- for the variances?

JAMES WIESNER: Yes.

ERIC STOWE: As long as you delineate which variance you're voting on, you can do them separately. If you're voting on the application in its entirety, then it is just the application.

JAMES WIESNER: Okay. So I'm looking for a motion from the Board to adopt the application with the -- both the A and B portions of the application.

ERIC STOWE: Hang on, A and B, can you just spell out so we're clear what A and B is? Whether it is ridgeline, setback or square footage.

JAMES WIESNER: Okay. I will do that. So the application as it stands right now, A, is the side setback to be changed from 60 feet to 16 feet. The B side of the application is the size of the garage increasing from 1200 square feet to 1440 square feet and also the ridgeline of the garage to be higher than the dwelling when the code says it has to be lower than the dwelling.

So can I get a motion to adopt the application as stated?

ERIC STOWE: So that would be as -- all three as one vote.

JAMES WIESNER: So you're saying --

ERIC STOWE: If you want to break them out.

PAUL WANZENRIED: You vote on A and then B.

JAMES WIESNER: So just on A and then B.

ERIC STOWE: Yes.

JAMES WIESNER: So we'll do them individually. The first one I will do is A.

ERIC STOWE: That is to approve changing from a 60 foot side setback to a 16 foot side setback?

JAMES WIESNER: Yep.

ERIC STOWE: Okay.

JAMES WIESNER: All in favor?

ERIC STOWE: No. You have to poll the Board.

JAMES WIESNER: Did I get the motion to adopt the application?

ERIC STOWE: We did SEQR. You have to start with Mr. Merry and down the line, individual member vote.

JAMES WIESNER: We didn't adopt the application, did we?

ERIC STOWE: For SEQR, yes. Now you're voting on the approval of the application.

JAMES WIESNER: Okay. I see. I got you. Okay. So for A, which is the setback from 60 feet to 16 feet, your vote?

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

1. Building permit must be obtained prior to construction.

The following findings of fact were cited:

1. Existing garage does not meet side setback.
2. Variance is required independent of the building size due to placement on corner lot.

JAMES WIESNER: So that portion of the application does pass.

MR. SHONK: Thank you.

JAMES WIESNER: Now we'll vote on the second half, which I call B, 1200 square feet from 1440 square feet and the ridgeline to be higher than the dwelling --

FRED TROTT: Together or are you separating them?

JAMES WIESNER: No. I will put them together. I think that is what we agreed on, right?

MR. SHONK: Yes.

FRED TROTT: Okay. I'm sorry.

JAMES WIESNER: So we'll put those two together.

DECISION REGARDING THE SQUARE FOOTAGE AND RIDGELINE: Unanimously denied by a vote of 4 no with the following findings of fact having been cited:

1. Building size and height is out of character with the neighborhood.
2. Applicant has not expressed hardship and can mitigate variances by reasonable means.
4. Application of Corrina Schafer, owner; 54 Andony Lane, Rochester, New York 14624 for variance to allow two existing sheds to be a total of 272 sq. ft. (192 sq. ft. allowed), variance for sheds to be 5' from rear lot line (8' req.) at property located at 54 Andony Lane in R-1-15 zone.

Corrina Schafer was present to represent the application.

MS. SCHAFER: Corrina Schafer, 54 Andony Lane. As you stated, I have two sheds. I had the existing 8 by 10 that I built. Unexpectedly, the larger of the two sheds, um, was needed to be delivered to the property without notice or prior approval. Basically what happened is my fiancé moved in with me and, um, the land where the shed was located is where his ex-wife was living and without our knowledge, she was evicted. The shed was there. It needed to be moved immediately. We brought it over and it's there. They're both brand new sheds. I was not trying to evade any rules or trying to get away with anything. It was literally something that just needed to be done right away. So I'm here now asking that they are approved and they're able to stay.

JAMES WIESNER: So this was done fairly recently that --

MS. SCHAFER: Very recently, uh-huh.

JAMES WIESNER: And obviously it is meant to be a permanent addition to the property otherwise you wouldn't be here?

MS. SCHAFER: Correct.

JAMES WIESNER: Okay. Essentially two variances you're requesting. One is square foot and the other is both sheds then are 5 feet off the back property line, so that will need a second variance.

MARK MERRY: A couple of questions. Here we go. Can you get rid of one of the sheds and reduce the variance, take it right out?

MS. SCHAFER: If I needed to, I could get rid of the 8 by 10, not the larger one. It's a -- one that was delivered by equipment, so I would prefer -- is obviously the larger of the two. If I had to, I could get rid of the aluminum 8 by 10.

MARK MERRY: The second question would, of course, be is there a way to make that other shed compliant?

MS. SCHAFER: To have it moved? I could look into it. Um, I don't know what it would take, but if -- but if it was required that we move it, then, yeah, I -- I could get it moved the 3 feet it needs to be.

MARK MERRY: Just like to know how open you are --

MS. SCHAFER: I will do whatever needs to be done.

MARK MERRY: Thank you.

MS. SCHAFER: You're welcome.

FRED TROTT: I didn't get a chance to map it, but if they got rid of the 8 by 10, would she still be under?

PAUL WANZENRIED: I believe that is what Mr. Merry is alluding to. If she removed the 8 by 10, she is under the 192. If -- and if she moves it 3 feet, then she is at 8 and none of these variances are required.

MR. VALERIO: When you had your shed delivered, did you not know the code?

MS. SCHAFER: I did not. I was not home when it was delivered. Um, so it was lined up with the existing aluminum shed, which, um, was my understanding that it was, um, the correct distance from the -- the lot line. Um, somehow that did not occur. Or it would have -- that -- the distance variance would not have been an issue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ERIC VAIL, 56 Andony Lane

MR. VAIL: My name is Eric Vail and I live at 56 Andony Lane, 14624, which is the property directly to the north of the applicant's property. My wife, Mary (Vail), is also here with me this evening.

We moved into our house in October of 1982. We have been there for more than 34 years. And when we went looking for homes, one of the features we told our realtor is, "Don't show us a raised ranch home."

But on a Sunday we went and did a lot of open house searches and saw the house we now live in and when we got of the vehicle, what we saw was this park behind our property, Davis Park. Right away, we thought this has to be the house for us. We went in. We looked around. The house was suitable to raise our family. We came back out, we said to each other, "Do you realize we just looked at a raised ranch?"

So it was not the house that was the big draw. It was the property, the park directly behind us.

The park, as I'm sure you all know, does provide a variety of activities, whether it be tennis, soccer, walking your dog, families going for walks, exercising. The way our property has been for the last nearly 34 years, we had unobstructed, for the most part, view of the activities going on in that part.

On or about the 13th of December, when I came home from work, I saw this structure in the back of our neighbor's property. And in -- it wasn't there earlier in the day and all a sudden it was there later in the day. As the applicant said, it was fully constructed and placed on the corner of the lot and there it sat.

From that point forward, we have lost the majority of our view of the park. Between the existing metal shed and now the wood larger shed, we have lost, again, the majority of our view of the park which again was the primary reason that we have enjoyed our house over all these years.

We have a deck. We have a patio in our backyard. My wife landscapes our yard beautifully so we spend a lot of time outside looking back at the park from our yard and enjoying our neighbors. So at this particular point in time, due to the size of the second shed, again, we have lost something that we have enjoyed for many years for the past.

There was a pause in the meeting for a passing train whistle.

ERIC VAIL: Based on Town Code as it currently is written, the combination of the shed exceeds the square footage, as well, now. It also is in violation of the setback not only from the rear, but I also question the side setback, which I know is not part of this variance. I question whether I -- there is also 8 foot from the side.

On the application for variance, it states the granting of variance procedure will produce an undesirable change in the character of the neighborhood and a detriment to the nearby properties. In our opinion, the answer is yes.

Based on this information, my wife, Mary (Vail), and I would respectfully ask you to

decline this variance for the reasons that I stated. I have photos that -- I would be glad to share photos with you showing the view of what has been taken away. We would appreciate your consideration. Thank you.

JAMES WIESNER: Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: You know, so many times as is on the application before -- one of the ones before this, I commented on the -- the -- the lack of neighborhood, neighbor's input. We have got one now. It's your job to listen.

I'd like to ask about the point this gentleman brought up, does -- do these sheds comply -- well, the one, the bigger one, with the side variance -- with the side setback.

JAMES WIESNER: It is stated on what is marked on the drawing up here as 8 feet off the side. And 8 feet is the -- is the code.

MS. BORGUS: Has anybody from the Town measured that?

JAMES WIESNER: I don't know that. I don't know if they go out and do that until final inspection, but, Paul (Wanzenried), can you respond to that?

PAUL WANZENRIED: On final inspection, I will, but I don't go out until I have a final inspection.

JAMES WIESNER: I think at this point it is trust that the application -- per the applicant has done everything for what they said they would do. Obviously it would be unfavorable to them if the Building Department goes out there and finds something different.

PAUL WANZENRIED: And if they do, then I tell them to move it.

MS. BORGUS: Moving a shed that size is going to be no easy task. I would assume.

PAUL WANZENRIED: Well, they can move it or then we go into court and they move it.

MS. BORGUS: So, well, I don't really see why anybody in a residential area with -- you know, with a normal size lot for the area needs -- needs the sheds. And I understand this applicant's, you know, dilemma with having to have it moved in quickly, but it seems to me that the compromise that has been offered is get rid of one shed and move the other one where it is legal. It solves the whole problem and no variance is required. I think that's a perfect splitting the baby kind of a solution.

And again, I think this Board has got to learn to listen to people that come. So many of them don't come, and then they have all kinds of complaints later. When people take the time to research the code, come and look at the paperwork and appear here to speak, they deserve to be listened to.

Thank you.

MS. SCHAFER: Can I say one more thing, please?

JAMES WIESNER: Sure.

MS. SCHAFER: As far as the view and the park, that is one of the main reasons that I also bought the house. Um, and prior to this last storm, where we lost quite a bit of branches, RG&E had people come out and trim the trees around -- um, there are some very large trees and shrubs and bushes that have a significant amount of blockage to the view that's there before the shed was there, as well.

So I mean over time, things grow, things mature, things change, neighborhoods change. New -- new neighbors move in. They change the way they want their home to be. I'm not looking to create issues with my neighbors. I'm not looking to create any enemies. I'm just looking to live where I live and to be able to do so peacefully. If I have to remove a shed, I'll remove a shed.

If I have to move the shed that's there over 3 feet, then -- then that is what I will do. But that decision, you know, I respect to be yours.

Thank you.

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.

JAMES WIESNER: I don't know what you think. I am almost thinking they should be broke up again, as hard as it was last time. I guess I see this as -- the -- the individual variances could survive without each other.

MR. VALERIO: Should we ask the applicant?

JAMES WIESNER: Would you be open to voting on them separately?

MS. SCHAFER: Certainly.

JAMES WIESNER: Obviously one of the problems is if -- if for some reason the one on the shed size didn't go, then obviously the setback on the one that is remaining would also become an issue at that point.

MS. SCHAFER: Right.

JAMES WIESNER: So it would give -- voting on them individually gives you more options.

MS. SCHAFER: Okay. Then --

JAMES WIESNER: So what -- so --

MS. SCHAFER: Voting on them individually is fine with me.

JAMES WIESNER: One condition of approval, these have never obviously got a building permit, so that would obviously be a requirement.

PAUL WANZENRIED: That's correct.

JAMES WIESNER: So I have broken it down first half into square footage and the second half is setback. First vote square footage. Second setback. Conditions being building permit.

Fred Trott made a motion to approve the application with the following condition, and James Wiesner seconded the motion.

ERIC STOWE: Are we breaking it -- you can't adopt the application if we are doing it individually. It needs to be --

PAUL WANZENRIED: Spelled out.

ERIC STOWE: Each portion of the application --

JAMES WIESNER: I have to do them individually.

ERIC STOWE: Yes. Whether it's the size or the setback.

JAMES WIESNER: So let's do the A portion, which is changing the -- changing the allowable square footage on the property from 192 to 272. Conditions of approval, building permit.

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

DECISION REGARDING THE SQUARE FOOTAGE: Unanimously denied by a vote of 4 no with the following findings of fact having been cited:

1. Shed size is out of character with the neighborhood.
2. Applicant has not expressed need for multiple sheds.

JAMES WIESNER: So that portion has been denied.

Motion to adopt the second half of the application and I will state what it is before anybody says anything, which is decreasing the setback on the property from 8 feet to 5 feet. Again, condition of approval is the building permit.

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 REGARDING THE SETBACK: Denied by a vote of 3 no to 1 yes (James Wiesner) with the following finding of fact having been cited:

1. Applicant has not expressed hardship and can mitigate variance by reasonable means.

JAMES WIESNER: That has been died. You will get a letter from the Building Department.

MS. SCHAFER: What does that mean exactly? Does that mean the variance for the square footage has been denied so I have to remove one of the sheds to -- to comply to the 192 or 172 or whatever it is?

JAMES WIESNER: You just have to stay under the code, which --

MS. SCHAFER: And also bring it 8 feet -- in 8 feet and then we have --

PAUL WANZENRIED: So you move the gray shed 3 feet forward and get rid of the tin shed. And then you're in compliance. And pull a building permit.

MS. SCHAFER: I did submit -- I have the original that was supposed to have all been taken care of. It was my understanding that that was done already. So I apologize that it wasn't. When I submitted everything, I did that at the same time.

PAUL WANZENRIED: You did it at the same time. Okay. It is probably sitting on my desk then.

MS. SCHAFER: Okay. So as long as I get the shed done and other shed moved, we have no issues.

PAUL WANZENRIED: You're in compliance from what I see.

MS. SCHAFER: I just want to make sure when I leave here, I know exactly what I need to do. So --

PAUL WANZENRIED: Call me in the morning. We'll go through it.

MS. SCHAFER: Thank you very much.

MARK MERRY: Ms. Schafer, I just want to thank you for your understanding what our role is here tonight. Thank you. It's not easy.

MS. SCHAFER: It's not easy, and you know I'm -- I'm not happy, but it is what it is, and I'll do what I need to do.

MARK MERRY: Thank you for coming out. Have a good night.

MS. SCHAFER: Thank you. You too.

JAMES WIESNER: The only thing I have is approval of minutes. February 28th zoning meeting. Motion to approve.

Mark Merry made a motion to approve the 2/28/17 Zoning Board meeting minutes, and James Valerio seconded the motion. All Board members were in favor of the motion.

JAMES WIESNER: Our next meeting is Tuesday, April 25th, 2017.

ERIC STOWE: Jim, motion to adjourn.

JAMES WIESNER: Motion to adjourn.

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

The meeting ended at 8:21 p.m.