

CHILI ZONING BOARD OF APPEALS
January 23, 2018

A meeting of the Chili Zoning Board was held on January 23, 2018 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.

2. Application of C & M Forwarding, 45 Jetview Drive, Rochester, New York 14624; property owner: 3457 Union Street LLC; for variance to allow a total of 491 parking spaces per plan submitted (240 cars, 251 trailers) for proposed industrial park (2,250 spaces required), variance to allow front parking per plan submitted (no front parking allowed) at property located at 3457 Union Street in L.I. zone.

ADAM CUMMINGS: I have email from them dated January 8, 2018. They have asked to table this application until the February 27th meeting date.

Eric (Stowe), do we have to do an action for that?

ERIC STOWE: For which one?

ADAM CUMMINGS: The second. They asked to table. Should we do a Board vote to table?

ERIC STOWE: You can pursuant to the applicant's request.

ADAM CUMMINGS: I ask for a motion to table this pursuant to the applicant's request.

JAMES WIESNER: So moved.

MARK MERRY: Second.

DECISION: Unanimously tabled by a vote of 5 yes to table for the following reason:

1. Application tabled and postponed until a future meeting per applicant's request.

Adam Cummings explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Any issues with the sign on this property?

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

1. Application of Stonewood Builders, owner; 3240 Chili Avenue, Suite B-17, Rochester, New York 14624; for variance to erect a 15' x 10' deck 65' from rear lot line (75' req.) at property located at 1 West Bellaqua Estates Drive in R-1-20 zone.

Frank McMullen was present to represent the application.

MR. MCMULLEN: My name is Frank McMullen and I'm representing Stonewood Builders.

ADAM CUMMINGS: And your address just for the record?

MR. MCMULLEN: My office address? 3240, Chili Avenue, Suite B 17, Rochester 14624.

ADAM CUMMINGS: So you're looking for a deck, 10 feet closer. And where that one is situated, you're fronting which road?

MR. MCMULLEN: The front of the house faces West Bellaqua Drive.

ADAM CUMMINGS: Where is the shed going to be?

MR. MCMULLEN: The deck?

ADAM CUMMINGS: The deck, sorry.

MR. MCMULLEN: It's going on the rear.

ADAM CUMMINGS: So that is fronting on Beaver Road?

MR. MCMULLEN: That faces Beaver Road, yes.

ADAM CUMMINGS: Okay. Any questions, Jim (Wiesner)?

JAMES WIESNER: Question I had is you don't show where the stairs are. We have gotten in trouble before depending on the direction of the stairs.

MR. MCMULLEN: The stairs are going on the side, adjacent to the back of the house. So the way we're looking at this drawing right now, they're to the left.

JAMES WIESNER: So it would be on the 10 foot.

MR. MCMULLEN: They won't infringe on the setback any further.

JAMES WIESNER: That's it.

ADAM CUMMINGS: I did want to point out, I did get Monroe County Department of Planning and Development -- they do have a comment in here, um, that the site plan shows that it appears to contain a portion of a federal wetland. However, looking at this, it's nowhere near it. So I wouldn't say that.

MR. MCMULLEN: It's not near that.

ADAM CUMMINGS: That's just a comment, so everybody is aware it is in the file. I don't see any impact due to this one.

PAUL WANZENRIED: Other than you make it a condition the stair location.

ADAM CUMMINGS: The stair location?

PAUL WANZENRIED: In fact, the stair location cannot be to the rear of the deck.

ADAM CUMMINGS: Okay. Well, I think that goes without saying. I will put the condition on it. Yep. Stairs cannot be located on the north side.

JAMES WIESNER: Really can't extend beyond the 10 foot length.

ADAM CUMMINGS: That's correct. Well, he has 1.2 feet to play with there. But it's at an angle. Either way he is not going to be able to get a riser tread. On the north side.

Jim (Wiesner), did you want something added in there to add that statement of -- cannot be constructed on the north side necessitating --

JAMES WIESNER: He has to stay within the 65 foot setback is really what it comes down to.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing and James Valerio seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: There is a second condition I would like to put on this. Building permit must be obtained from the Building Department prior to construction. That is why you're here, because you asked for one and then they sent you here. So those are the two conditions.

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 conditions, 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 conditions:

1. Building permit must be obtained from the Building Department prior to construction.
2. Stairs cannot be constructed on the north side of the deck. Cannot encroach on granted 65' variance.

The following finding of fact was cited:

1. There are several other properties in this subdivision which also required variances as the "rear" lots front Beaver Road and Chili Scottsville Road.

Fred Trott made a motion to approve the 11/28/17 Zoning Board meeting minutes, and Mark Merry seconded the motion. All Board members were in favor of the motion.

Adam Cummings made a motion adjourn the meeting and Fred Trott seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:10 p.m.