

CHILI ZONING BOARD OF APPEALS
July 24, 2018

A meeting of the Chili Zoning Board was held on July 24, 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, James Valerio, James Wiesner and Chairperson Adam Cummings. Fred Trott 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: Any issues with the sign? Hearing none, we'll move on.

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

1. Application of Louis Mastro Simone, owner; 455 Stottle Road, Scottsville, New York 14546 for variance to erect a 40' x 48' pole barn to be 15' from north side lot line (50' req.) at property located at 455 Stottle Road in AC Zone.

Louis Mastro Simone was present to represent the application.

ADAM CUMMINGS: Before you identify yourself and give us your little description what you're looking to do, I did get from the Monroe County Planning and Development their determination that this is a local matter, so they did review it and provide comments.

MR. MASTROSIMONE: Lou Mastro Simone, 455 Stottle Road.

ADAM CUMMINGS: A brief description what you're looking for.

MR. MASTROSIMONE: I have a picture for reference.

ADAM CUMMINGS: It's in the packet, right? Or is that a new one? Yeah, if you could hand that up, because that's not in the packet.

This is the detached garage/barn/structure you're looking to put in?

MR. MASTROSIMONE: Yep. It's going to be 30 foot width with the peak centered on the 30 foot, 10 foot overhang, equating to 40 foot in total width. The first 20 foot of depth will have an overhang on the south side. The second 28 foot will be enclosed 40 foot in width, total length of the building, 48 feet.

So the pictures I took off a website, Wick Buildings. You can only modify the drawings so much, so I did the best what they had. But just a visual reference.

It will have the overhang on the south right -- southeast end of it.

ADAM CUMMINGS: Okay.

MR. MASTROSIMONE: Just need a place for storage.

ADAM CUMMINGS: Okay.

MR. MASTROSIMONE: Missell & Associates, they did the original survey on the property. They're on the Town survey map. I spoke with them. If I get a variance, they have to come and establish the lot line on the north side and then they will dimension the building at that point off of the lot line if I get a variance.

I spoke with them today. I spoke with them prior to this also.

ADAM CUMMINGS: Okay. Your total lot, it looks like it is 200 and -- just under 260 feet wide at the back.

MR. MASTROSIMONE: Correct.

ADAM CUMMINGS: Then you have a septic system and a pool there which prohibits you having it 50 feet from each of the side lot lines.

MR. MASTROSIMONE: There is a hedge row that runs at the back part of the septic field where the pole barn would be. When it rains and everything, that is just a water run that feeds out to Black Creek. So putting it on the other side of it, which would have more than likely meant the clearance issues for the 50 foot, depending where I sat it back there, it would just be a difficult issue getting to it.

ADAM CUMMINGS: Got you. So it sounds like you might have to have a bridge. Is there drainage easement or is it just a natural water course?

MR. MASTROSIMONE: No, just a natural deal. It wasn't anything put there during the time the house was built or anything, I imagine. It was just the way the farmland laid out at the time.

JAMES WIESNER: There is a line of trees behind your house. I'm assuming that building is in front of those trees?

MR. MASTROSIMONE: Correct.

JAMES WIESNER: How are those squiggly lines on the survey map running?

MR. MASTROSIMONE: That represents the hedge row.

ADAM CUMMINGS: That's where the creek goes through.

JAMES WIESNER: Sure.

ADAM CUMMINGS: Or not the creek, but probably just the --

MR. MASTROSIMONE: In the springtime, it fills up with water. It's dries up by May.

JAMES WIESNER: That's all I have.

Oh, on this -- I think you mentioned it. On this building you have the posts and some items x'd.

MR. MASTROSIMONE: That is to represent where the wall would be. Like I'm saying the second half of the building would be 40 foot in width, but their software doesn't allow me to modify the walls.

JAMES WIESNER: Instead of being an open space, it would be closed as part of the building?

MR. MASTROSIMONE: Yep.

JAMES WIESNER: Okay.

MARK MERRY: I don't have any questions.

JAMES VALERIO: No questions.

ADAM CUMMINGS: No one is here for the public, but I will still open for public comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry 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: One condition of approval, which won't be a surprise to you, is that you will have to get a building permit from the Building Department before you start constructing this.

MR. MASTROSIMONE: Would that be necessary for bringing stone in? That's why I was asking.

PAUL WANZENRIED: Why are you asking them?

ADAM CUMMINGS: Just talk to that guy.

No, the only thing we're discussing tonight --

MR. MASTROSIMONE: Structure.

ADAM CUMMINGS: -- is whether you're allowed to be 15 feet from the side lot line --

MR. MASTROSIMONE: Okay.

ADAM CUMMINGS: -- where you're supposed to be 50 feet. That's all we're addressing tonight. Leave us out of the rest of it. Out of our jurisdiction anyway.

MR. MASTROSIMONE: That's why I have to determine the variance, so it can be parked so I know where to take it from that point.

ADAM CUMMINGS: Yep.

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 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 from the Building Department.

The following finding of fact was cited:

1. Due to the presence of a septic system and a hedgerow with a drainage way, the location for this structure is the most feasible.

ADAM CUMMINGS: Approval of minutes from June 28, 2018. Motion to accept or approve these minutes.

James Wiesner made a motion to approve the 6/28/18 Zoning Board meeting minutes, and James Valerio seconded the motion. The Board members were all in favor of the motion.

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

ADAM CUMMINGS: Next meeting will be Tuesday August 28th, 2018.

The meeting ended at 7:12 p.m.