

CHILI ZONING BOARD OF APPEALS
August 28, 2018

A meeting of the Chili Zoning Board was held on August 28, 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: Richard Stowe, 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 questions on signs for these three properties?

JAMES WIESNER: There wasn't one for Monro Muffler.

FRED TROTT: Today it is.

ADAM CUMMINGS: They were provided signs. I saw it on one street. Not on two. I'd like to move forward with the application.

PAUL WANZENRIED: Provided they're here.

ADAM CUMMINGS: Well, that's one of the things I have a little confusion. If -- if they're not here tonight, that's always been a tough --

JAMES WIESNER: What is the reason why it wasn't up, I guess, would be the second part of it.

PAUL WANZENRIED: Wind. Run with that, Jim (Wiesner).

ADAM CUMMINGS: But I don't know --

JAMES WIESNER: It was windy today.

PAUL WANZENRIED: It was windy yesterday, too.

ADAM CUMMINGS: But we will get to that one. I don't know why they don't have representation here.

MARK MERRY: Yet.

ADAM CUMMINGS: Yet. Well --

FRED TROTT: Are they first?

ADAM CUMMINGS: No. They're second. So...

Anyway, I'll go ahead with application 1.

1. Application of Melissa Wilson, owner; 1443 Davis Road, Churchville, New York 14428 for variance to allow existing 12' x 20' shed to be 240 sq. ft. (192 sq. ft. allowed) at property located at 1443 Davis Road in R-1-15 zone.

Melissa Wilson was present to represent the application.

MS. WILSON: Melissa Wilson, 1443 Davis Road. I don't think there is much more to add. We purchased the shed a while ago and didn't realize we needed a permit. So that's why we're doing this process now.

ADAM CUMMINGS: Okay. And it looks like as it is shown up there off the one lot line, you're 11 1/2 feet off and on the other one you're 8 feet off. So, therefore, we're not hearing anything for a variance for that. We're just looking into square footage.

I'm assuming that 27 foot circle there is a pool?

MS. WILSON: Yes. We're in the process of putting that in, as well.

ADAM CUMMINGS: I do have a letter from Monroe County Department of Planning and Development. Their referral form. It is deemed a local matter, so they don't have anything to input.

PAUL WANZENREID: Where do you stand with that pool?

MS. WILSON: We are finishing up the electrical and then we need to get that inspected and then we'll get the pool inspected.

PAUL WANZENRIED: Okay. 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.

ADAM CUMMINGS: One condition of approval on this, which you already know, is you have to get a building permit for this.

MS. WILSON: Yes.

ADAM CUMMINGS: Must be obtained from the Building Department. So just continue to work with Paul (Wanzenried) and his department over there.

MS. WILSON: Yep.

ADAM CUMMINGS: Other than that, I don't have anything else to add.

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 Mark Merry 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 Mark Merry 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. Building permit must be obtained from the Building Department.

The following finding of fact was cited:

1. The larger shed is marginally larger than code permits and will be set back far enough to avoid visible impacts to neighboring properties.
2. Application of Monro Muffler, c/o: Clinton Signs, 1407 Empire Blvd., Webster, New York 14580, property owner: Chili Plaza Properties LLC; for variance to allow a total of 9 wall signs totaling 207 sq. ft. (2 signs at 150 sq. ft. previously approved) at property located at 3240 Chili Avenue in G.B. zone.

No one was present to represent the application.

ADAM CUMMINGS: So not seeing anybody for this application -- seeing cars in the parking lot, but I think they're going to the library. I would like to move this one down after Application 3 and see if they return. We'll see if we get it in tonight.

3. Application of Mr. & Mrs. Craig Deats, owner; 22 Chili Riga Townline Road, Churchville, New York 14428 for variance to allow the total square footage of shed area including a new 16' x 24' shed with a 12' x 16' and 10' x 4' overhang to be a total of 940 sq. ft. (324sq. ft. previously approved), variance for new shed to be 18' high (12' allowed) at property located at 22 Chili Riga Townline Road in AC zone.

Craig Deats was present to represent the application.

MR. DEATS: I'm Craig Deats, 22 Chili Riga Town Line Road, and that pretty much describes what we're looking to do. It's for a hobby maple sugar shack, is what the shed is for.

JAMES WIESNER: Just appears -- I see the trees on your back lot line. It will be that far out --

MR. DEATS: Yep.

JAMES WIESNER: -- out on the property?

And the maple sap comes from trees on the property?

MR. DEATS: Yes. And my neighbors let me tap theirs, as well. I have about 35 maples in my yard.

MARK MERRY: We're looking for a height variance. Why is that? Why is 12 feet not sufficient?

MR. DEATS: With 16 feet wide and 10/12 pitch, it -- with the cupola on top for -- it's a working sugar cupola that opens up to let the steam out of the building and it puts me over the 12 feet.

MARK MERRY: No other way to vent that?

MR. DEATS: That's typically the way. It's vented out of the roof, so the steam can rise.

MARK MERRY: But there could be other options to do that without having that height variance? You could have a smaller structure, yes?

MR. DEATS: Sure. If I shrunk the structure down, then I could probably still obtain -- I would have to do the math to see whether that pitch of a roof -- I'm not sure how narrow I'd have to make it. I wanted to make it wide enough so there weren't concerns with the evaporator in the structure being too close to any of the side walls. I wanted to make sure I had enough room to work around it.

Perhaps it could be shrunk narrower to accommodate a lower roof line. I'm not sure if it would end up being under 12 feet. Probably not with the cupola because the cupola is about 18 inches itself.

MARK MERRY: What about the roof line of your home? How high is that?

MR. DEATS: Roof line? Two stories, 8/12 pitch. I think it is somewhere in the 40ish range in height. Which almost gets me to the peak.

MARK MERRY: So the overhangs are on both ends, both sides? The purpose of the overhangs for the shed?

MR. DEATS: I didn't actually request the smaller one. In the picture I showed it was a design from Vermont. It got written up as that. Really only requesting the real wood one and that's just to store firewood to work in my evaporator.

And I like to keep my barrel of sap under shade so it is not too hot. I don't boil every day. Just a hobby. I collect the sap from the bucket and put it in a food-grade drum and try to keep it covered so it won't spoil. If it sits out in the sun, it will spoil.

MARK MERRY: This is only for personal use, friends and family?

MR. DEATS: Yep.

MARK MERRY: Page 3, Number 5, you indicated this was not self-created, but it is sounds as though it is self-created.

MR. DEATS: I wasn't 100 percent sure how I was supposed to answer that, to be honest.

ADAM CUMMINGS: That's a tough question.

MR. DEATS: I know I'm asking for it. If I didn't ask for it -- since I'm the one asking for it, it is self-created. So I wasn't -- I didn't know how to interpret that and I didn't get a whole lot of guidance when I asked, so maybe that was a wrong answer. No one is forcing me to do this.

ADAM CUMMINGS: So you have given a reason, but you have acknowledged that it would be a self-created hardship because it is you asking for this, and --

MR. DEATS: Yep. It would be self-created, correct.

ADAM CUMMINGS: Does that clarify?

MARK MERRY: It does.

It appears you already have a shed on your property?

MR. DEATS: I do.

MARK MERRY: 18 by 18?

MR. DEATS: It is.

MARK MERRY: Is that shed going to remain on the property?

MR. DEATS: Yes.

MARK MERRY: Okay. Thank you.

FRED TROTT: You have no plans of selling at the facility any of your maple syrup?

MR. DEATS: No. I only make a few gallons a year. So I give to it friends and to my neighbors that let me tap their trees, and relatives and stuff.

MR. VALERIO: You mentioned your neighbors. So your neighbors are okay with this?

MR. DEATS: Yes. I have letters from my two immediate neighbors if you would like to see those.

ADAM CUMMINGS: Yes. If you have those, I would like to see those and add them to the file.

MR. DEATS: So I have a letter from 24 and 20. Costanzas and Glors. They're my immediate neighbors.

PAUL WANZENRIED: What would you say the topography of your lot is? From front to back.

MR. DEATS: Flat.

PAUL WANZENRIED: Relatively flat?

MR. DEATS: Flat. Yeah.

PAUL WANZENRIED: How far would this -- approximate distance -- shed be back from the road?

MR. DEATS: Well, would it be almost 500 feet. My property line is -- property is 535 feet deep and I'm trying to put it 38 feet from the back line. I back up to the parks, so it is all wooded back there. So I am kind of going for the New England look. So it is tucked back into an area with trees around it right now, so I thought it would be kind of quaint sitting back there. It is almost 500 feet from the --

PAUL WANZENRIED: Your operation is all wood fired, correct?

MR. DEATS: Yes.

PAUL WANZENRIED: No electric back there?

MR. DEATS: No.

PAUL WANZENRIED: No way to mechanically exhaust your building?

MR. DEATS: No. Not without trying to get power out to it, correct.

ADAM CUMMINGS: Or battery operation, which would be short-term.

PAUL WANZENRIED: Mr. Merry, this is the second one we have seen in the Building Department that has this same type of configuration, maple syrup shacks with the clear story up top that opens to vent.

MARK MERRY: Thank you, Paul (Wanzenried).

ADAM CUMMINGS: Side table, I do have one question. Would this fall under any agricultural category?

RICHARD STOWE: For personal use?

ADAM CUMMINGS: I know it's not commercial, but is it an ag use? Should we even be considering it?

RICHARD STOWE: I don't think it qualifies for -- this is on a single-family residence lot, as well, right?

ADAM CUMMINGS: That's true. It's on a single-family.

RICHARD STOWE: You're welcome.

ADAM CUMMINGS: I just wanted to make sure he was supposed to be here.

RICHARD STOWE: Right.

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: Condition of approval, the building permit you would have to get from the Building Department before you go to construction.

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. Motion to adopt with one condition.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

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

The following findings of fact were cited:

1. The additional height is required to provide passive ventilation for the maple syrup process since the building will not have electricity for an active system.
2. The area is required to house and provide cover for all of the maple syrup elements and still maintain a safe separation to avoid potential fire hazards.

ADAM CUMMINGS: Now we're back to Application 2. Still not seeing them in attendance.

FRED TROTT: Can we table?

ADAM CUMMINGS: I was going to ask that question. We have a timeframe to do an action, correct?

RICHARD STOWE: What is that?

ADAM CUMMINGS: I don't know. If we do SEQR, we have 62 days for a rolling clock for this, so we could table this for one more month and give them one more chance. Otherwise we could go off of what we see here.

RICHARD STOWE: Wait a minute. Have you done SEQR?

ADAM CUMMINGS: No, not yet. But if we continued with it today -- that is true. We haven't done SEQR, so we're not actually on the clock yet. So we can just --

PAUL WANZENRIED: Do nothing.

ADAM CUMMINGS: I was just going to say that exact thing.

RICHARD STOWE: Has there been any contact with -- from the applicant?

PAUL WANZENRIED: No.

ADAM CUMMINGS: I have not heard anything. I was just saying for the record, I haven't heard anything either. Either has the Building Department.

So I don't -- we don't need to table it, do we? We don't need to do anything?

RICHARD STOWE: If you want the Building Department to notify the applicant that no one was present to represent their application so no action was taken on their application, I think that would be prudent.

ADAM CUMMINGS: Okay. We'll make a motion to tell the Building Department to reach out to the applicant and -- and inform them that no action was made due to absence of representation.

JAMES WIESNER: Don't they get a letter saying they're tabled?

ADAM CUMMINGS: We're not going to table it.

FRED TROTT: We're not going to do SEQR.

ADAM CUMMINGS: We're not doing anything.

FRED TROTT: Motion.

ADAM CUMMINGS: Motion.

RICHARD STOWE: Motion for what?

ADAM CUMMINGS: I was wondering if we even need to have a motion to tell the Building Department.

RICHARD STOWE: No.

ADAM CUMMINGS: We're not going to do anything.

PAUL WANZENRIED: No. We will. We just tell them the application was not heard. No one was there to present it. We'll move them to next month's meeting.

ADAM CUMMINGS: Perfect.

FRED TROTT: They can get the signs figured out.

JAMES WIESNER: They'll have time to put their signs up.

ADAM CUMMINGS: Don't tell them that, because they will end up putting the nine signs up on the building, not the temporary ones.

MARK MERRY: My neighbor did it.

DECISION: No action take for the following reason:

1. Applicant failed to appear for public hearing.

James Valerio made a motion to approve the 7/24/18 Zoning Board of Appeals meeting minutes, and Mark Merry seconded the motion. All Board members were in favor of the motion.

Adam Cummings made a motion to adjourn the meeting, and Fred Trott seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 7:23 p.m.