

CHILI ZONING BOARD OF APPEALS  
November 27, 2018

A meeting of the Chili Zoning Board was held on November 27, 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.

ADAM CUMMINGS: Application Number 3, we did get an email correspondence for them before this meeting they would like it withdrawn, so we won't be hearing that one tonight. But we'll go through with the other two applications as they're listed in that order on the agenda. And at the conclusion of each of the Public Hearings for those applications, we'll discuss and vote on this application and that particular applicant will receive a letter from the Building Department within a week with regard to our decision.

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 signs, Board members?

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

1. Application of Joseph Cintonino, owner; 921 Paul Road, Rochester, New York 14624 for variance to allow existing pergola to be 320 sq. ft. (192 sq. ft. allowed); variance to allow the total square footage of storage shed area, including a new 8' x 10' shed to be 348 sq. ft. (192 sq. ft. allowed), variance to allow existing 24' x 6' shed 5' from rear lot line (8' req.) at property located at 921 Paul Road in R-1-15 zone.

Joseph Cintonino was present to represent the application.

MR. CINTORINO: I'm Joseph Cintonino, owner of 921 Paul Road, the home there. And we're here to get a variance.

ADAM CUMMINGS: Okay. Looks like technically a couple of variances with regard to your storage shed, and it's mainly -- or, sorry, for the -- the storage shed area and its setback.

MR. CINTORINO: Yes.

ADAM CUMMINGS: Okay. Do you have any questions? Unless you had anything else to add.

MR. CINTORINO: No. It's just that we did have a permit for that. Just made it a little bit bigger and are asking for a variance. Never a complaint from all of the neighbors.

ADAM CUMMINGS: Excellent.

JAMES WIESNER: So I was just trying to understand where the 348 square feet comes. I understand the pergola.

How many structures are in that 348 square foot cumulative area? So if I look at -- if I look at your application and I look at the survey map, there is like four things in yellow. Is that all four of those?

MR. CINTORINO: Yes.

JAMES WIESNER: So there's a deck, hot tub --

MR. CINTORINO: Right. Which we had to upgrade the electric for. Which we did.

JAMES WIESNER: There is storage on 8.6 off of lot -- lot line and then at the rear there is another one along with the fence and then it says, "Proposed 8 by 10."

So the 8 by 10 is not there yet?

MR. CINTORINO: No. We're waiting to get permission for that.

JAMES WIESNER: That's all I have.

MARK MERRY: The reason for the 8 by 10?

MR. CINTORINO: Well --

MS. CINTORINO: The new one?

MR. CINTORINO: Mainly for storage. Just a plastic one you would get at Home Depot. This past summer we did 80 -- not 80. But 60 needy families, so we need the room for storage.

MARK MERRY: There is another -- other way to accommodate that storage?

MR. CINTORINO: My garage, but my wife parks in there in the winter. You know, there is no other room.

MARK MERRY: So that would not be advisable, to take away the winter parking?

MS. CINTORINO: No.

MARK MERRY: What are the age of the structures that are there, the storage structure?

MR. CINTORINO: The shed one has been over 20 years.

MARK MERRY: I appreciate the photo, but it appears as though it has seen maybe the best of the 20 years. There is no plan at any time to ever replace that with maybe something smaller?

MS. CINTORINO: It is sort of rotting. We're going to think about probably downsizing that probably.

ADAM CUMMINGS: If you can just -- sorry to interrupt. If you could identify your name.

MR. CINTORINO: My wife, Christine.

MS. CINTORINO: Co-owner, I should say. It's starting to rot, so we'll probably have to do something.

MR. CINTORINO: I think we should redo it. So if you would want it smaller, we could do that.

MARK MERRY: Just kind of a way to reduce --

ADAM CUMMINGS: Well, if you're looking to remove that one, our variance is really for the square footage on the property. So if you could reduce it by the 80 square feet, this new shed would be -- in an essence, displace that and go from 348 square feet and make it smaller so that it's not as much.

MS. CINTORINO: It's in a different spot? You understand that?

ADAM CUMMINGS: Yes.

MS. CINTORINO: Okay. I thought you thought we were adding on to the -- another one already there.

ADAM CUMMINGS: No. He was talking about renovating that one or removing it and replacing it with something new. I'm saying when you replace it with something new in there, make it smaller.

MR. CINTORINO: Then fill in the void with a little bit of fencing that we actually did have left over.

MARK MERRY: That's all I have. Thanks.

FRED TROTT: This picture here above it says, "Removed."

MR. CINTORINO: Yeah. It was too tall. We didn't know. It was 18 foot and now it's gone.

FRED TROTT: So this whole building is gone?

MS. CINTORINO: The deck is still there. Can you turn it around so I --

MR. CINTORINO: The whole --

MS. CINTORINO: The roof is gone.

MR. CINTORINO: The roof is gone.

FRED TROTT: The roof is gone, but the structure is ---

ADAM CUMMINGS: The deck part is still there. Still walls.

MS. CINTORINO: That's where the hot tub is.

ADAM CUMMINGS: So the walls -- the Shaker --

MS. CINTORINO: That's all gone.

ADAM CUMMINGS: The Shaker siding and the roof is gone?

MS. CINTORINO: That's gone.

FRED TROTT: Okay.

MR. CINTORINO: We took it all down to comply.

MR. VALERIO: So everything has been there for like 20 years? The pergola --

MS. CINTORINO: No. The pergola was probably about five.

MR. VALERIO: How long has this been there (indicating)?

MS. CINTORINO: Probably ten.

MR. CINTORINO: The deck itself?

MS. CINTORINO: I had a pool there before that. We took the pool down, so I tried -- you know, instead of tearing everything -- tried to use it.

MR. VALERIO: I was wondering why it was in the middle.

MS. CINTORINO: The person -- believe me. It looks nothing like it was supposed to look like.

MR. CINTORINO: We're kind of glad we're going through this, even though it's costing money.

MR. VALERIO: I was confused why it was in the middle.

MS. CINTORINO: Because the pool was there. We took the pool down.

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: I do have a question. We just spoke briefly before about it. You're

putting in a new 80 square foot shed which is helping to prompt you above the 192 square feet and you had spoken about removing that shed area, the bigger building that is on the south part of your property.

Any ideas on what that smaller one would be or would you be open to that kind of --

MR. CINTORINO: Suggestion of what you think? Sure.

ADAM CUMMINGS: Because our goal tonight is you're supposed to be at 192 square feet. With that or less, you can do whatever you like. We want to minimize any variances we place on this. And if you're putting in a new one, you could move it 3 feet away from the rear lot line so then you wouldn't need that 8 foot requirement, so you would be 8 feet from it and then you could make it smaller so that you wouldn't need 348 total square feet. Say we account for that new 80, you're moving the storage from there over closer to the pergola and that would reduce it down to 268 square feet. Would you be okay with that?

MR. CINTORINO: Sure. That would work.

ADAM CUMMINGS: And then the pergola would just stay the way it is. Because that one is existing. It is bigger.

MR. CINTORINO: Yeah.

ADAM CUMMINGS: I think that is fine. Is everybody in agreement on that?

JAMES WIESNER: You're saying you would do away with the rear setback, as well?

ADAM CUMMINGS: That's what I'm proposing here.

MR. CINTORINO: Instead of 5, make it 8.

ADAM CUMMINGS: If you were at 8, you don't even need a variance.

MR. CINTORINO: Right. But isn't that what it is supposed to be?

ADAM CUMMINGS: Yes.

MR. CINTORINO: By the State?

ADAM CUMMINGS: The Town. The State requires it to -- I believe it's 3? Or 5? So if you're less than 5, it requires a State variance in addition to the Town variance.

MS. CINTORINO: So if you make it 8, then you don't need a variance?

ADAM CUMMINGS: Right. Then we don't even have to make a decision tonight on that.

MS. CINTORINO: Okay.

ADAM CUMMINGS: Is that clear, side table? Are you understanding my logic on that?

PAUL WANZENRIED: Yeah.

ADAM CUMMINGS: You okay with that?

PAUL WANZENRIED: Sure.

ADAM CUMMINGS: We're just flipping it.

PAUL WANZENRIED: Flipping what?

MR. CINTORINO: If only you could wait until the spring time.

ADAM CUMMINGS: Yeah, that's fine.

MR. VALERIO: So do we even need to do anything?

ADAM CUMMINGS: We still have to make a decision for the size of the pergola and there is still going to be a variance for the total square footage of storage shed area. We're going to reduce it from 348 feet -- sorry, 348 square feet down to 268 square feet. Your pergola is existing and your structure is existing. The new shed is just one of the prebuilt --

MR. CINTORINO: Plastic Home Depot.

ADAM CUMMINGS: I don't have any conditions of approval for this one. So we'll get rid of that one. That one is reduced.

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 Fred Trott 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 James Valerio seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: There are two. We're voting for both of them, all in one package. The pergola would be 320 square feet and the total storage shed area to be 268 square feet. They would still have a new shed.

JAMES WIESNER: He will withdraw the setback.

ADAM CUMMINGS: And then the -- the rear setback has been eliminated.

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

1. Building permit be obtained for the structures requiring a permit.

The following findings of fact were cited:

1. Variance was minimized and will not adversely impact the neighboring properties since the structures have existed on the property for 10 years or more. The new structure is small and will not be easily visible.
2. The total allowed area for detached storage areas was reduced from the requested 348 sq. ft. to 268 sq. ft.

3. The existing structure housing the hot tub will be removed and relocated to be at least 8 ft. from the rear lot line. Hence, eliminating the requested rear setback variance.
2. Application of Mr. & Mrs. George Merz, owner; 7 Daunton Drive, Rochester, New York 14624 for variance to erect a 22' x 24' addition to garage to be 38' from front lot line (60' req.), variance to erect an 18' x 2' addition to house to be 58' from front lot line (60' req.) at property located at 7 Daunton Drive in R-1-15 zone.

George Merz was present to represent the application.

MR. MERZ: Good evening. I'm George Merz, residing at 7 Daunton Drive, Rochester, New York 14624. This is my wife, Kathy.

We're here to request a variance for a two-car garage. Main reasons being we currently have a single-car garage -- a single-wide driveway. We have two vehicles and we're constantly having to jockey them around in order to get them in and out, especially in the wintertime. And the building standard nowadays is typically a two-car garage. We're looking to update to a two-car garage and also to increase market value if we ever sell the house. The reason we're going forward, beyond the face of the house, is if you look at the lot -- the -- I'm not using the right term. The site map, you can see an easement on the north side of the house which also cuts behind the existing garage to the southeast. So we cannot go to the left without infringing on that. And we cannot go to the back without infringing on that. We'll still be away from that easement with the existing proposal and we'll still be within the means for the lot line to the north. And I do have some pictures of some models we're looking at and I have some pictures showing the property to the north, the south and I can also walk you through that, as far as just give you an idea -- whereabouts the face of the garage will be.

ADAM CUMMINGS: Certainly. Yep.

MR. MERZ: The first photo is what we're modeling after. It won't be exact but pretty close. We're looking at board and batten vertical siding to also match the front of the house. I don't know if -- I think we said something in the application.

Our house back in May got hit by a drunk driver. That is what lead us into all this. So the plan is the whole front of the house would be vertical board and batten siding. It will be white to match the existing siding and the garage will be vertical board and batten siding. A lower portion about 3 feet up from the block level will be typical horizontal and then we'll have pre-board and board and batten on up.

The first picture shows what we're aiming for. Not necessarily stone, but probably horizontal siding down at the bottom.

The second picture, the second page you can see that tree that is dead set in front and the truck behind it. The face of the garage would be in about line -- not about. Right in line where the truck is right now. That would be the face of the garage.

The third picture is looking south as you're coming down on Daunton Drive. We have a lot of foliage there, trees, and landscaping. Even our neighbor has some trees there. Our neighbor to the north is on a corner lot and really faces Chili Avenue. So quite a bit a ways from us.

And then the fourth picture is showing looking to the north again, kind of gives you an idea where the road is. You can see the foliage behind it. We have some landscaping in front of the house as well as a nice old maple tree that we're hoping to keep through this whole process.

And I have spoken with all of the neighbors in the immediate area, the neighbor to the north, neighbor to the south, the neighbor across the street. They're -- they're very much like, "It sounds great, sounds wonderful."

Neighbor to the south -- southwest, barely I get to see him, so I wasn't able to contact him. I knocked on his door a couple times but he didn't answer. But we have the majority of the vote.

ADAM CUMMINGS: Okay. Well, that is good. You definitely have a unique lot there with the way the drainage easement was placed on that parcel.

JAMES WIESNER: I guess what I'm trying to understand, the existing garage would come down or would it stay up and be attached to the front?

MR. Merz: We'll build in front of it with some hopes of in the future modifying that space. We have an 1100 square foot ranch. It's a two-bedroom ranch. Ideally in the future we would like to say get a powder room in there, first-floor laundry and we would be using that space for that.

JAMES WIESNER: So the existing garage would stay, but would it be re-purposed?

MR. MERZ: Yes.

JAMES WIESNER: Then basically the projection out front is the two-car garage?

MR. MERZ: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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.

ADAM CUMMINGS: One condition of approval, no surprise, but you will need a building permit from the Building Department before you can start construction.

PAUL WANZENRIED: You didn't mention it, but he gets the first one, he doesn't need the second.

MR. VALERIO: Because it's just a setback variance.

PAUL WANZENRIED: Bingo.

ADAM CUMMINGS: Oh, right. That's a good point. Actually, that's a good point. There is only one variance because after we grant the first one --

MR. MERZ: Correct. Bingo.

ADAM CUMMINGS: -- you can go up to 38 feet.

MARK MERRY: Thank you, Paul (Wanzenried).

ADAM CUMMINGS: Good catch.

ERIC STOWE: Oh, thank you.

ADAM CUMMINGS: There is no -- the attorney caught that one?

PAUL WANZENRIED: You kidding me? Come on. (Laughter).

ADAM CUMMINGS: I was thinking they were two different structures and that logic didn't even jump into my head so yes, this would only be for the variance for the 38 feet, the 58 feet that just gets encumbered in that.

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.

James Wiesner 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 5 yes with the following condition:

1. Building permit must be obtained.

The following findings of fact was cited:

1. Creation of two-car garage is similar to neighboring properties. The existing landscaping coupled with this variance will not impede vehicular line-of-sight. With the granting of the garage addition variance (58' front setback), the house addition variance was withdrawn.

ADAM CUMMINGS: Next meeting is December 18th, a week before Christmas.

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

The meeting was adjourned at 7:26 p.m.