

Chili Zoning Board of Appeals 8/27/19

PROCEEDINGS HELD BEFORE THE ZONING BOARD OF APPEALS AT
3333 CHILI AVENUE, ROCHESTER, NEW YORK ON AUGUST 27TH, 2019
AT APPROXIMATELY 7:00 P.M.

Chili Town Hall
3333 Chili Avenue
Rochester, New York 14624

PRESENT: ADAM CUMMINGS, CHAIRMAN, MARK MERRY, FRED TROTT, JIM WIESNER, JAMES
VALERIO

ALSO PRESENT: ERIC STOWE, ESQ. TOWN ATTORNEY, PAUL WANZENRIED, BUILDING
DEPARTMENT

REPORTED BY: RHODA COLLINS, COURT REPORTER
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
Batavia, New York 14020

There are agendas back there on the cart if you would like to see one.

We are going to go through the agenda as it's listed on that agenda. And at the conclusion of each Public Hearing we will have a Board vote and discussion, not in that order, discussion and vote. You will receive a letter within a week of our decisions. I do have to point out in the event of an emergency we've got the exits that you entered through, there's also side doors in the back in case of an emergency. And if you do have a cell phone or pager please turn it off or silence it to prevent any interruptions. Any issues on the signs from the Board members? Hearing none we will move on to the applications.

STEVEN MINUNNI: Okay. Steven Minunni, 28 West Canon Drive, Rochester, New York. It's a pre-existing shed that's been there since before I moved in in 2006. I was putting an addition onto the deck, getting a permit which it is, I got a permit for the first one, this is the second permit I have gone for. When they reviewed the documents they caught that the shed that was there before me was inside the line. It's actually 81 inches when you throw a tape on it, but close enough. I'm asking for a variance so I don't have to tear it down because if I try and move that thing it's going to disintegrate and would be too costly for me.

CHAIRMAN CUMMINGS: Okay. And as it is shown on your survey map, this one is within the drainage easement to the Town of Chili, you are aware of that?

STEVEN MINUNNI: I found out when it got red flagged, otherwise how would I ever have a clue.

CHAIRMAN CUMMINGS: Okay. I have spoken to David Lindsey with the Building Department and he's our commissioner here in Town and typically we ask for a release of that easement so you acknowledge it. We got it already, so we are all set on that one. So, thank you. I just want to make note of it when things are in easements I want to bring it to the applicant's attention of what that all means. The Building Department took care of it for me so thank you, Building Department. Other than that, I'm happy to you see you here getting your property code compliant, so thank you.

STEVEN MINUNNI: You're welcome.

CHAIRMAN CUMMINGS: Jim, any questions?

JAMES WIESNER: I do not.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: I do not either.

CHAIRMAN CUMMINGS: I do not either. Fred?

FRED TROTT: No.

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: No questions.

CHAIRMAN CUMMINGS: Side table?

MR. STOWE: No, sir.

CHAIRMAN CUMMINGS: I'd like to open this up for public comment? Not seeing any hands, I'll ask for a motion to close the Public Hearing.

FRED TROTT: Motion.

JAMES VALERIO: Second.

CHAIRMAN CUMMINGS: We have a motion and a second, all those in favor saying aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Opposed? I don't have anything else to add so I will declare the Zoning Board as lead agency and based on the information and evidence presented at this hearing find this application to be a Type 2 action of no significant environmental impact. Is there a second?

MARK MERRY: Second.

CHAIRMAN CUMMINGS: All those in favor say aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: And I would like to ask for a motion to adopt this application?

JAMES WIESNER: So moved.

CHAIRMAN CUMMINGS: Is there a second?

MARK MERRY: Second.

CHAIRMAN CUMMINGS: Board vote, Jim?

JAMES WIESNER: Yes.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: Yes.

CHAIRMAN CUMMINGS: Fred?

FRED TROTT: Yes.

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: Yes.

CHAIRMAN CUMMINGS: I also vote yes. You are all set and you will get a letter in a week.

STEVEN MINUNNI: Thank you.

Application of Roberta Ann Gottorff, owner; 1001 Paul Road, Rochester, New York 14624 for variance to erect a 12' x 4' concrete front stoop 53.79' from front lot line (75' req.) at property located at 1001 Paul Road in R-1-15 zone.

ROBERTA GOTTORFF: Good evening. Do I have to say my name again?

CHAIRMAN CUMMINGS: Yes.

ROBERTA GOTTORFF: Roberta Gottorff, 1001 Paul Road, 14624. What I am wanting to do is remove the concrete stoop that's there because it's crumbling and replace it with a 12 by 4, what do you call it, deck. Anyway, and the variance is 53-something from the front of the road and it is supposed to be 75 and it's been there. I am not changing the front line any, but the variance was put in long after the house was built. It's been there since I have been there. That's the story.

CHAIRMAN CUMMINGS: Okay. So you're not looking to go any closer to the road than currently?

ROBERTA GOTTORFF: No.

CHAIRMAN CUMMINGS: And it was pre-existing, non-conforming with our current code?

ROBERTA GOTTORFF: Yes.

CHAIRMAN CUMMINGS: Okay. Jim, any questions?

JAMES WIESNER: No.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: I do not.

CHAIRMAN CUMMINGS: Fred?

FRED TROTT: No.

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: No questions.

CHAIRMAN CUMMINGS: Side table?

MR. STOWE: No, sir.

CHAIRMAN CUMMINGS: I'd like to open this up for public comment? Not seeing any hands, I'll ask for a motion to close the Public Hearing.

FRED TROTT: Motion.

JAMES VALERIO: Second.

CHAIRMAN CUMMINGS: We have a motion and a second, all those in favor saying aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Opposed? I do have one condition of approval that you'll have to get a building permit for this. And I don't have anything else, so I will go ahead and declare the Zoning Board as lead agency and based on the information and evidence presented at this hearing find this application to be a Type 2 action of no significant environmental impact. Is there a second?

JAMES VALERIO: Second.

CHAIRMAN CUMMINGS: All those in favor say aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Any opposed? And I would like to ask for a motion to adopt this application with that one condition?

MARK MERRY: Motion.

CHAIRMAN CUMMINGS: Is there a second?

FRED TROTT: Second.

CHAIRMAN CUMMINGS: Board vote, Jim?

JAMES WIESNER: Yes.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: Yes.

CHAIRMAN CUMMINGS: Fred?

FRED TROTT: Yes.

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: Yes.

CHAIRMAN CUMMINGS: I also vote yes. You are all set and continue to work with the building department, please.

ROBERTA GOTTORFF: I will do that, thank you.

CHAIRMAN CUMMINGS: Application Number 3.

Application of Remo Battista, owner; 733 Marshall Road, Rochester, New York 14624 for variance to erect a 12' x 14' shed with loft to be 15' high (12' allowed) and to allow the total square footage to be 264 sq. ft. (192 sq. ft. allowed) at property located at 733 Marshall Road in R-1-12 zone.

REMO BATTISTA: Good evening, my name is Remo Battista, I'm here with my wife Roseanna. I went to the building department to get a building permit to erect this shed here and the more I found out, I got the building permit but then I wanted to increase the roof to 15 feet, which they only allow 12. I also added a loft in the shed would put me over 192 square foot that is allowed. That's why I'm here for a variance on both issues, to increase the peak of the roof to 15 feet and with the loft, increase the square footage of the shed.

CHAIRMAN CUMMINGS: Okay. Jim, any questions? I'll open it up to the Board for questions.

JAMES WIESNER: So this will be the second shed then?

REMO BATTISTA: The other shed according to the building permit it's going to have to come down when this get final approval on it. So I have to take --

JAMES WIESNER: This will wind up being the only one?

REMO BATTISTA: Yes, I'll empty that and put in the new one and that will come down.

JAMES WIESNER: Okay. That's all I have.

CHAIRMAN CUMMINGS: That was going to be my question.

MARK MERRY: That was my question too. I have no other questions.

CHAIRMAN CUMMINGS: I don't either. Fred?

FRED TROTT: Yes, what is the -- is this going to be higher than the roof on your house?

REMO BATTISTA: In front of the house is like 14 feet something, so it will be higher, but because of the pitch of the lot it's not going to be higher than my roof in the front.

CHAIRMAN CUMMINGS: So from Marshall Road it wouldn't be visible above the house?

REMO BATTISTA: No.

FRED TROTT: Will he need to get a variance for that?

CHAIRMAN CUMMINGS: I don't know. Side table, does he need a variance to have it higher than his main structure?

MR. STOWE: He's getting a height variance.

CHAIRMAN CUMMINGS: But is it necessary to have another? Is there something in the code about being taller than the main structure, I think is what Fred is asking?

MR. STOWE: We're definitely addressing the height being above 12 feet, but Fred is asking -- which I thought there was something about it being taller than the main structure, I don't remember which section it was.

CHAIRMAN CUMMINGS: Well, according to the -- Mark just pointed out, according to the application the south roof height is 16'6."

FRED TROTT: How can that be?

CHAIRMAN CUMMINGS: I don't know. The house roof and the front of the driveway, sir, says your roof height is 13'3" -- oh, so you're measuring it from the ground, okay. So it's a three-foot grade difference from the beginning of the house -- from the front of the house to the back of the house.

REMO BATTISTA: The shack set back 72 feet.

MR. WANZENRIED: The lot slopes, it's not --

CHAIRMAN CUMMINGS: I get it. I understand the question, but our definition is based on height not relative height.

MR. WANZENRIED: Okay.

CHAIRMAN CUMMINGS: Measured height from that point in the ground. Does that answer your question, Fred?

FRED TROTT: Yes.

CHAIRMAN CUMMINGS: Okay. Are you comfortable with the answer? It's the height part, are you still waiting for whether he needs a variance for it?

FRED TROTT: No, I can see that now.

CHAIRMAN CUMMINGS: Okay. James, do you have any questions?

JAMES VALERIO: No.

CHAIRMAN CUMMINGS: Side table? All set? I'll go ahead and open up the Public Hearing. Not seeing any hands, I'll ask for a motion to close the Public Hearing.

MARK MERRY: I make a motion.

CHAIRMAN CUMMINGS: We have a motion, is there a second?

FRED TROTT: Second.

CHAIRMAN CUMMINGS: All those in favor say aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Opposed? With this one --

JAMES WIESNER: So this is where the footage is, the ground floor plus --

CHAIRMAN CUMMINGS: Plus the loft.

JAMES WIESNER: And is defined as a storage area?

CHAIRMAN CUMMINGS: Yes, for the loft storage. I went through the math too on it.

JAMES WIESNER: It's not times two either.

CHAIRMAN CUMMINGS: Right.

JAMES WIESNER: So there's some area less than what the ground floor is that's being added on or above.

CHAIRMAN CUMMINGS: Correct.

JAMES VALERIO: I just want to point out the letter in here from the neighbors saying --

CHAIRMAN CUMMINGS: Oh, right.

REMO BATTISTA: I went to my neighbors and none of them object to it.

CHAIRMAN CUMMINGS: Actually, that's true, yes. So in the application there is letters from the neighbor at 22 Benedict Drive and 24 Benedict Drive and 727 Marshall Road that state they have no objection with this increase and no objection to the roof peak height. All right. There's going to be one condition of approval that you have to get a building permit, which you already know since they sent you here. And I will go ahead and declare the Zoning Board as lead agency and based on the information and evidence presented at this hearing find this application to be a Type 2 action of no significant environmental impact. Is there a second?

FRED TROTT: Second.

CHAIRMAN CUMMINGS: All those in favor say aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Closed. And I would like to ask for a motion to adopt this application with that one condition?

MARK MERRY: So moved.

CHAIRMAN CUMMINGS: Is there a second?

JAMES WIESNER: Second.

CHAIRMAN CUMMINGS: Board vote, Jim?

JAMES WIESNER: Yes.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: Yes.

CHAIRMAN CUMMINGS: Fred?

FRED TROTT: Yes.

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: Yes.

CHAIRMAN CUMMINGS: I also vote yes. You are all set, sir.

REMO BATTISTA: Thank you.

Application of Mr./Mrs. Craig Eschner, owner; 54 Springbrook Drive, North Chili, New York 14514 for variance to erect a 32' x 8' open porch 42' from front lot line (50' req.) at property located at 54 Springbrook Drive in R-1-15 zone.

PAMELA ESCHNER: Good evening, my name is Pamela Eschner and I reside at 54 Springbrook Drive, North Chili. And the reason I'm here tonight is we had taken out the original stoop and sidewalk that needed to be replaced because of how old it was. And when we went to go get the building permit we were told we had to get a variance because of the distance from the porch to the road. So it would be 42 feet instead of 50, and that's what we are asking for.

CHAIRMAN CUMMINGS: You're obviously making it wider since it's doing the frontage?

PAMELA ESCHNER: Yes.

CHAIRMAN CUMMINGS: And you are getting a little bit closer to Springbrook Drive?

PAMELA ESCHNER: Yes.

CHAIRMAN CUMMINGS: Approximately how much further is that again?

PAMELA ESCHNER: Instead of 50 feet away from the road -- or our property line, it will be 42 feet.

CHAIRMAN CUMMINGS: I'm talking about the stoop.

PAMELA ESCHNER: Oh, the stoop was only about three feet, I believe. It used to be like a small little three-foot by four-foot stoop and then the sidewalk.

CHAIRMAN CUMMINGS: Okay. It just didn't have a dimension there. I see eight feet is what your new one is in terms of depth, I didn't know what the stoop was.

PAMELA ESCHNER: It was very small.

CHAIRMAN CUMMINGS: Okay. Jim, any questions?

JAMES WIESNER: I don't have any questions.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: I have no questions.

CHAIRMAN CUMMINGS: Fred?

FRED TROTT: No questions?

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: No questions.

CHAIRMAN CUMMINGS: Side table?

MR. STOWE: No.

CHAIRMAN CUMMINGS: Thank you. I'll go ahead and open up the Public Hearing. Seeing no hands, I will ask for a motion to close the Public Hearing.

MARK MERRY: Motion.

JAMES WIESNER: Second.

CHAIRMAN CUMMINGS: So we close the Public Hearing. One condition of approval on this is that you have to get a building permit prior to construction. And with that, I'll declare the Zoning Board as lead agency and based on the information and evidence presented at this hearing find this application to be a Type 2 action of no significant environmental impact. Is there a second?

MARK MERRY: Second.

CHAIRMAN CUMMINGS: All those in favor say aye?

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Opposed? And I would like to ask for a motion to adopt this application with one condition?

FRED TROTT: So moved.

CHAIRMAN CUMMINGS: Is there a second?

JAMES WIESNER: Second.

CHAIRMAN CUMMINGS: Board vote, Jim?

JAMES WIESNER: Yes.

CHAIRMAN CUMMINGS: Mark?

MARK MERRY: Yes.

CHAIRMAN CUMMINGS: Fred?

FRED TROTT: Yes.

CHAIRMAN CUMMINGS: James?

JAMES VALERIO: Yes.

CHAIRMAN CUMMINGS: I also vote yes. You are all set. Thank you for coming in tonight.

PAMELA ESCHNER: They very much.

CHAIRMAN CUMMINGS: I don't have the minutes yet, I think I was out of town last week. So all of the minutes coming up on that decision sheet I don't believe – I think there was one dissenting no on Number 7, which the minutes we'll check on that. So I don't remember if it was A or B, or if it was both.

FRED TROTT: I didn't vote it.

CHAIRMAN CUMMINGS: I don't remember. It was a missed checkmark, but it will get corrected for the record. Other than that, I'll make a motion to adjourn.

MARK MERRY: Second.

CHAIRMAN CUMMINGS: Those in favor say aye.

ALL COUNCIL MEMBERS: Aye.

CHAIRMAN CUMMINGS: Oppose? Meeting is adjourned.

REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter; Further, that the foregoing transcript is a true and accurate transcription of my said stenographic notes taken at the time and place hereinbefore set forth.

Dated this 5th day of September, 2019.

At Rochester, New York

Rhoda Collins