

CHILI ZONING BOARD OF APPEALS  
September 22, 2020

A meeting of the Chili Zoning Board was held on September 22, 2020 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: Philip Supernault, Fred Trott, 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. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Any issues with signs?

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

ADAM CUMMINGS: With the exception of -- I will announce it now before Application 4, but Application Number 4 has been postponed until the October meeting due to a misrepresentation of the public notice. So we'll correct that and get it sent out for the October meeting. So that will not be heard today.

1. Application of Ronald T. Poness, owner; 11 Bright Oaks Circle, Rochester, New York 14624 for (A)- Variance to erect a shed 5'-6" from rear and side lot lines (8'-0" req.) (B)- Variance to erect a hot tub to be 5'-6" from side lot line (8'-0" req.) at property located at 11 Bright Oaks Circle in R-1-15 District.

Richard Poness was present to represent the application.

MR. PONESS: Ronald T. Poness, Jr. I live at 11 Bright Oaks Circle, Rochester, New York 14624.

All I'm looking for, quite frankly, is the shed I have currently is going down and is leaking. I need to get a new one. The way my property is laid out, with the pool and where I want to put the hot tub is substantially easier for installation, maintenance, what have you, to put it 5 feet, 6 inches closer.

ADAM CUMMINGS: Side lot.

MR. PONESS: Yes. The same goes for the hot tub. For installation purposes and just for convenience -- I do have two dogs and my wife watches some children so I need some space.

Quite frankly, on top of that, I have talked to all my neighbors. They're fine with it. From the road view there, the fence is up high enough so it's not visible from the road so there are no aesthetics.

There are no safety issues. There are no problems that I have seen or would foresee in the future with it. I do not intend to move any time soon. Quite frankly, I need to upgrade and take care of my gear. And your folks in the Building Office have been really helpful with me in the process.

ADAM CUMMINGS: Excellent.

MR. PONESS: That's really all I have.

JAMES WIESNER: So for the shed, that is the existing spot it is in right now?

MR. PONESS: Well, the shed -- that is the area. If I could get the 5 foot, 6 area, that's where I will put the new one. I want to get one of the nice new ones. But before I start constructing and buying, I wanted to make sure I would fit the location. So the general area, yes.

JAMES WIESNER: In that corner --

MR. PONESS: Yes.

JAMES WIESNER: As far as the hot tub, that is now or --

MR. PONESS: It's being replaced. The other one I had one -- they had a preexisting wiring set and a foundation. All I have done is revamped it. Where it is now, where I want to put it affords some privacy quite frankly. So it -- just because of the run, it -- I had to do some substantial electrical work and what have you.

JAMES WIESNER: So the existing hot tub --

MR. PONESS: It's in the same spot. Correct.

FRED TROTT: Jim (Wiesner) answered -- asked my questions. I'm all set.

Are you sure 5 -- 5 feet, 6 inches is correct? We had people come in and -- they were 5 feet --

ADAM CUMMINGS: We don't want it closer to the side.

MR. PONESS: No. I will take care of that. That -- like I said, with the new shed, that's

not even going to be a problem. So I will put it into the standards. The hot tub, if I have to move it 6 inches or something -- it's close enough. I measured it out.

ADAM CUMMINGS: And it says "to be determined" on the size. We're not really looking at it today, but I will leave it to the Building Department. If it needs a permit, make sure you get a permit.

MR. PONESS: I already talked to them. Apparently it is based on the square footage of the size and I do understand there is some limitation. All I'm looking for is if I buy one, can I put it 5 foot, 6 inches away.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Wiesner made a motion to close the Public Hearing portion of this application and Fred Trott 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: Obviously there is an A and a B here. I think these are simple enough and since they're both on the side or -- the -- the side lot variance, I would rather just keep these two under one unless someone on the Board would like to split them out as separate decisions. All right. So we'll still keep these.

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 Philip Supernault seconded the motion. The Board all voted yes on the motion.

Fred Trott made a motion to approve the application with no conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

1. The proposed structures are located in areas of existing structures.
2. The existing fence will provide screening of these structures from neighboring properties.

MR. PONESS: The County of Monroe sent me some emails about some sort of electronic filing. Is that something you guys work with? Do I need to talk to you about that?

PAUL WANZENRIED: Call me tomorrow.

MR. PONESS: That is something new. It looks like a brand new thing. That is that --

PAUL WANZENRIED: All it is -- what -- the County has gone to electronic filing for when we -- when all of the applications from a Planning Board or ZBA come in, we have to send them PDFs or electronic files and they tag you guys in on it.

MR. PONESS: Right.

PAUL WANZENRIED: All it means is now there's an electronic file of your application down at the County.

MR. PONESS: Okay.

PAUL WANZENRIED: So I wouldn't worry about it. You're good.

MR. PONESS: Thank you for your time.

2. Application of Ryzard & Beverly Lipke, owners; 102 Loyalist Ave., Rochester, New York 14624 for a variance to erect a structure (porch 4' x 12') with an overhang of 6' x 12', for a 35' front setback (45' req.) at property located at 102 Loyalist Ave in R-1-15 District.

Ryzard Lipke was present to represent the application.

MR. LIPKE: My name is Ryzard Lipke and I do live at 102 Loyalist Ave.

ADAM CUMMINGS: Just looks like you're adding a front overhang that is 10 feet closer than where it was before, correct?

MR. LIPKE: No, that's not correct. It's a 6 by 12 foot addition to the existing house structure.

ADAM CUMMINGS: Yep.

MR. LIPKE: Then it's an overhang 6 foot by 12 foot from that structure. Which equates to 10 feet by 12.

ADAM CUMMINGS: Right. Which is getting you --

MR. LIPKE: Additional 4 feet on the inside of the structure, 12 feet. Additional 48 square feet.

ADAM CUMMINGS: Paul (Wanzenried), for us tonight is it front setback? Is --

PAUL WANZENRIED: (Nodded in the affirmative.)

ADAM CUMMINGS: So all we're concerned with tonight is you're going to be -- you're supposed to be 45 feet, which is where the front of your house is now according to the map and you're now looking to go 10 feet closer.

MR. LIPKE: Right.

ADAM CUMMINGS: That's what we're deciding on tonight.

JAMES WIESNER: I think I heard you correctly. So actually the house -- you're going to have an addition onto the house for the first 4 feet?

MR. LIPKE: Right.

JAMES WIESNER: Then the other 6 feet is an overhang or a porch?

MR. LIPKE: Yeah. There is a split level. So there is already -- it's already bumped out 18 inches. And then there is an overhang that comes off that. We're going to actually bump it out from the front door, from the foundation out. Correct. Then that just goes straight wall -- and there will be an overhang from that --

ADAM CUMMINGS: Right.

MR. LIPKE: -- to form a porch.

JAMES WIESNER: The stairs will come off towards the driveway?

MR. LIPKE: The stairs will probably come out forward. The -- the stairs, you know --

ADAM CUMMINGS: But they will be underneath the overhang?

MR. LIPKE: Maybe not an actual stair, but a step down to the sidewalk.

ADAM CUMMINGS: Okay. By that depiction, it won't exceed the overhang.

JAMES WIESNER: It will not.

ADAM CUMMINGS: Because there is not enough steps to step down to make him go beyond.

JAMES WIESNER: Not really a set of steps.

ADAM CUMMINGS: Right.

JAMES WIESNER: Okay.

ADAM CUMMINGS: Good questions.

FRED TROTT: I don't, but Phil (Supernault) does.

ADAM CUMMINGS: Okay. Skip over to him?

FRED TROTT: Yeah.

PHILIP SUPERNAULT: I'm the new person so excuse my ignorance, but I'm looking at the code 15 D1 or --

ADAM CUMMINGS: 13 D1.

PHILIP SUPERNAULT: Making sure I'm on the right -- 13 D1.

And it says an R-1-15, and it says front yard setback here is supposed to be 60 -- am I in the wrong place? 60 feet?

PAUL WANZENRIED: When those subdivisions were approved way back when, it was previously smaller setbacks --

PHILIP SUPERNAULT: Okay.

PAUL WANZENRIED: -- in older subdivisions in Town.

So typically -- that's -- what you're looking at, Phil (Supernault), is the general rule of thumb for new subdivisions and anything coming forward to us now.

PHILIP SUPERNAULT: Okay.

PAUL WANZENRIED: What was previously approved back in 1960 or '70 was something different.

PHILIP SUPERNAULT: Okay.

PAUL WANZENRIED: So --

PHILIP SUPERNAULT: They were grandfathered?

PAUL WANZENRIED: Preexisting, nonconforming if you want to look at it that way.

PHILIP SUPERNAULT: I think I live in one of those.

ADAM CUMMINGS: Good question. Anything further?

PHILIP SUPERNAULT: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Philip Supernault 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 I will put on this is that you have to get a building permit, which you have already applied for and they denied and then you came in here. So just going on with the Building Department for that.

JAMES WIESNER: And a building permit, too.

ADAM CUMMINGS: What is that?

JAMES WIESNER: Building permit, too, as part of the conditions.

ADAM CUMMINGS: That's -- I thought that is what I just said. Did I say something else?

JAMES WIESNER: Maybe I zoned out.

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 Philip Supernault seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with a condition, and Fred Trott 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 prior to commencement of construction.

The following finding of fact was cited:

1. The location of this addition will not create any line of sight or encroachment issues to the right-of-way (Loyalist Avenue).
3. Application of Karen Converse, owner; 24 Dover Ct. Rochester, New York 14624 for a variance to erect a shed (10'x12') 5'-6" from left side setback (8' allowed) at property located at 24 Dover Ct. in R-1-15 District.

Karen Converse and Bill Herloski were present to represent the application.

MS. CONVERSE: Hi. I'm Karen Converse. I live at 24 Dover Court. This is Bill (Herloski). He can explain it a little bit better than I can because he did all of the measurements for me.

ADAM CUMMINGS: Okay.

MS. CONVERSE: And he lives at 24 Dover Court, as well.

MR. HERLOSKI: Significant other.

So we're looking to put a shed in the back left corner and it's -- we have a little bit of a woods in that area. We wanted to tuck it into the area a little bit so it was hidden. But if we were to keep it at 8 foot and 8 foot, it would put it straight into our trees that we had to put back there, so we wanted to rotate it out 2 -- 2 1/2 feet closer to the 5 foot, 6 inch line which only on the back left corner -- that will be the only one. All of the other points will be within the 8 feet on back.

ADAM CUMMINGS: And just to be clear, what we're hearing is the side setback part of it?

MR. HERLOSKI: Yes.

ADAM CUMMINGS: So what this opens it up to, understanding your application, you're looking to go at an angle so it is at one point, but it would give you along that para -- parallel along with it, you could rotate the shed, as long as you don't go closer than 5 feet, 6 inches closer to that. I don't know who did the Photoshopping, but I like it. It was nice and clear. If that tree ever went away, and you wanted to make the shed straight, you could do that and make it parallel with the property line as long as it is 5 feet, 6 inches from it.

Is that clear?

MR. HERLOSKI: I understand.

FRED TROTT: No. There is not a shed there now.

MR. HERLOSKI: There is not a shed there now.

ADAM CUMMINGS: That threw me off on the Photoshop, too.

FRED TROTT: I looked at so many, the shed --

ADAM CUMMINGS: It is amazing to have it so the tree is actually there and shaded.

MR. HERLOSKI: I'm a little anal retentive so I can promise you it will be 5 feet, 6 inches.

FRED TROTT: That was my next question.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Philip Supernault 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 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 no conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following finding of fact was cited:

1. The existing vegetation in this area will provide screening of these structures from neighboring properties.
  2. Additionally, the requested distance provides ample distance for maintaining the property surrounding this structure.
4. Application of Robert & Judy Begandy, owner; 3740 Chili Ave, Rochester, New York 14624 for a variance to erect a shed (10'x14') 5'-6" from rear and side set back (8' allowed) at property located at 37 Chili Ave. in R-1-20 District.

(As stated earlier in the meeting, Application 4 will be heard in October.)

5. Application of Jose Casaverde owner; 4 Beaver Rd., Churchville, New York, 14428 for a variance to erect a (A)- Detached garage 36'x32' with loft totaling 1,656 sq. ft. (1,200 sq. ft. allowed) (B)- Variance for a 30' west side setback (40' req.) at property located at 4 Beaver Rd. In LI District.

MR. CASAVARDE: My name is Jose Casaverde. I live at 4 Beaver Road Extension, Churchville, New York.

I was looking to put up -- it's actually a pole barn off in the side yard. I'm enclosing my garage because my mother is moving in with me. So I need somewhere to store that contents and then the contents of her house, as well. So I was looking to put up the pole barn. I'm putting it off on that side yard so I can potentially extend the driveway to get to it.

And as far as the setback, there is a pine tree between the house and where I want to put it. And then there is two other pine trees. One died that I cut down and to put it up, I have to cut one of them down. And I'm trying to save that one that is between the house and where the pole barn would be.

ADAM CUMMINGS: Okay.

MR. CASAVARDE: That is why I was looking to put it 10 feet further that way.

ADAM CUMMINGS: Okay. And once again, that is further towards the west? I'm trying to get it right. Yep.

I just wanted to comment that I did get County Comments on this, and --

PAUL WANZENRIED: Local matter.

ADAM CUMMINGS: They do have it as a local matter. They talk about Ag Markets and Agricultural Districts, but I believe it is a local matter.

Correct, Paul (Wanzenried)?

PAUL WANZENRIED: (Nodded in the affirmative.)

FRED TROTT: Are you removing the existing shed?

MR. CASAVARDE: Where, the back corner?

FRED TROTT: Yes.

MR. CASAVARDE: That is rotted and I'm very much looking forward to taking that thing down.

FRED TROTT: Okay. I have nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application and Fred Trott 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 will be the need for building permit from the Building Department.

MR. CASAVARDE: Yep.

ADAM CUMMINGS: You mentioned the shed. It's on your application that you will remove it, so I won't put it as a condition, but it's in your application so make sure you remove the shed.

MR. CASAVARDE: Definitely.

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.

Fred Trott made a motion to close the Public Hearing portion of this application and Philip Supernault 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.

DECISION: Unanimously approved by a vote of 4 yes with the following condition:

1. Building permit must be obtained prior to construction of commencement.

The following findings of fact were cited:

1. The presence of mature pine trees prohibit the placement of this structure to meet the setback requirements.
  2. Also, the size of the structure is easily accommodated with larger lot size, 1.96 acres.
6. Application of 3457 Union St. LLC, owner; 3457 Union St., North Chili, New York 14514 for a variance to (A)- Allow 216 parking spaces (750 req.) (B)- Allow front yard park parking (not allowed) (C)- Allow off street loading berth at 12'.5" (14' req.) at property located at 3457 Union St. in GI District.

David Cox and Mike Erne were present to represent the application.

MR. COX: Good evening, Board members. I'm David Cox with Passero Associates, the civil engineer for the project and I also have with me Mike Erne with C&M Forwarding if you have any owner questions.

So it wasn't that a long ago, couple years ago we were here for Phase 1 of their new headquarters for C&M. A 300,000 square foot building. They were thinking it would take at least five years to fill the thing and it took like six months. So they just -- for a couple different reasons. One, is when you build a building that nice, it looks great, people say, "I want my stuff stored there. I don't want it in stuff with a leaking roof and it looks bad."

So they got a lot of new interest from that.

And then also with COVID hitting, shipping has been through the roof. So that also put a huge surge on then.

And they also have other warehouse space that they're looking at that the leases probably will not renew in a few years, so they have -- they already have space dedicated for this second phase.

So they didn't think it was going to come this soon, but they are ready and ready to move onto the second phase. As the preliminary overall plan, it's another 300,000 square foot building. The main difference, though, is this will be purely warehouse. Phase 1 had an office component and it had a crawl stock component to it. Phase 2 is purely warehouse. So it will be less traffic than Phase 1. It will mostly just be storing things.

All of the variances that we are requesting are the same variances we requested for Phase 1 and got approved. Just the "no parking" in the front yard, it's -- you know, like 1500 feet off of Union Street. It's kind of hard to think that that is front yard, but it is. And it is completely behind Building 1. So from Union Street you won't even see the parking that is considered in the front yard.

Number 2, was the number of parking spaces. Being that it is a warehouse building, with truck traffic, we don't need 750 parking spaces. So we just have the number required for the -- for the project.

And during Phase 1, we also provided a plan showing that if it got converted to some other use, that you could put that many car parking spaces on the -- on the property.

So --

ADAM CUMMINGS: When you say that, you're saying we could fit 750 automobiles or cars --

MR. COX: Automobiles.

ADAM CUMMINGS: -- as opposed to tractor-trailers?

MR. COX: Yes.

ADAM CUMMINGS: Thank you.

MR. COX: The last one is just the -- kind of the industry standard is 12 1/2 feet for the parking for the loading docks. Not 14 feet. So we're requesting that. And that is the same as it was for Phase 1.

ADAM CUMMINGS: Okay.

MR. COX: I can take any questions.

ADAM CUMMINGS: On this one, I would like to do each one individually. I will say that up front.

So let's talk about the parking spaces first.

JAMES WIESNER: I have no comments. I mean -- all three of these variances, I think, is what -- very consistent with what we saw in Phase 1, the loading berth, the front yard parking, obviously the number of spaces changed a little bit, but was still requested. So would you concur these are pretty consistent with Phase 1?

MR. COX: Absolutely.

ADAM CUMMINGS: This is kind of unique that we actually got to see the variances in action over -- instead of five years, it has been six months. But we got to see what possible impacts they would have had, good, bad or indifferent and I haven't seen any bad ones from this. And this one is, as Mr. Cox pointed out -- is further back from Union Street than Phase 1.

JAMES WIESNER: That's all I have.

ADAM CUMMINGS: And I'm taking it that you're covering A, B and C?

JAMES WIESNER: I did.

ADAM CUMMINGS: We'll stick with A, B and C then. I'll be flexible.

FRED TROTT: No. Other than the parking you had on Phase 1, you don't have any issues with that?

MR. COX: No.

PHILIP SUPERNALUT: No questions.

ADAM CUMMINGS: To be clear, you said -- I just want to reiterate, this is going to be warehouse space. There is no office space, so hence the additional parking that would have been needed at the first one for the employees, administrative and otherwise, it would be parking in the front. That's not necessary for the back one?

MR. COX: Correct.

ADAM CUMMINGS: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Philip Supernault 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: You will need to get a building permit for this one.

MR. COX: We figured.

JAMES WIESNER: Can't hide it. (Laughter.)

ADAM CUMMINGS: I don't think you're going to get below the 192 square feet. (Laughter.)

Just trying to think if there was anything else. I appreciate that you guys have the same variances and kept the consistency from Phase 1 to Phase 2.

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 an Unlisted Action with no significant environmental impact, and Philip Supernault seconded the motion. The Board all voted yes on the motion.

Philip Supernault made a motion to approve the application with a condition, and James Wiesner seconded the motion.

ERIC STOWE: Would your motion be the application in its entirety, as you said it was A, B and C?

ADAM CUMMINGS: Yes. Sorry. I tried to clarify it with Jim (Wiesner). My flexibility is to do all three at once. So this is for all three, A, B and C. Since they were consistent with Phase 1, we will be deciding all three of them.

I lost track where I was.

JAMES WIESNER: We were taking a vote on the application.

ADAM CUMMINGS: Oh, yeah. Application with that one condition of approval. Looking for a motion -- who made the motion?

PAUL WANZENRIED: You already did the motion. You're voting.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: We're voting now on all three of them?

ADAM CUMMINGS: All three of them.

All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following findings of fact were cited:

(A) - The reduced number of parking spaces was justified as this parcel will be used more for warehousing/industrial purposes and not retail, which would necessitate the much larger parking space count per Town Code. Also, requiring the required number of parking spaces sized to accommodate tractor trailers would result in excessively large expanses of impervious parking lot areas.

(B) - This site is located well below the Union Street roadway due to the site elevations. It will not likely be visible to most travelers and neighbors. Pushing parking to the rear of the building would result in less safe travel pathways for employees, visitors, and truck drivers at the site.

(C) - The existing facility and other warehouse distribution centers have 12.5' wide loading berths. The width is consistent with industry standards.

7. Application of Chili Fire Department owner; 3231 Chili Ave., Rochester, New

York 14624 for a variance to erect (A)- A internally illuminated monument sign (not allowed) (B)- Allow front yard parking (not allowed) at property located at 3231 Chili Ave in GB District.

David Cox and Chris Fish were present to represent the application.

MR. COX: David Cox with Passero Associates, the civil engineer for the project, and also with me is Chris Fish from the Chili Fire Department. I will let him come up and just share a few words and then I will do my spiel.

MR. FISH: Good evening. Chris Fish, 10 Sunset Hill. I'm the President of the Chili Fire Department currently. As -- as you will see before you, we have a pretty large scale project under way to move into new digs on our same property, on our ball field area actually, which from the street you really wouldn't see. That is behind a current office building which we own and we'll be taking down as part of the project.

Parking-wise -- I will let Dave (Cox) kind of talk about the layouts there and how that really would still fit generally speaking out there for -- for the public's perspective on the street. I wanted to speak for a moment on the sign board, if I could.

I know over the years -- and I certainly can appreciate it as a home owner in this Town and traveling up and down the street to keep a consistent look and feel out there. But as the primary emergency response agency in this community and area surrounding, we have for quite some time tried to make sure we're able to get messages out there of public importance, whether that be due to weather conditions; federal issues; alerts from FEMA; PAWS, which is Public Alerting Warning Systems, as well as our local EDM and down to the Town when it comes to local emergencies. Being able to get that message out about Amber alerts, silver alerts and things like that.

As well as certainly highlighting important things that the Fire Department supports like the American Red Cross Blood Drive we do on a very regular basis, as well as supporting other Town events like the Memorial Day Parade, our 4th of July event in years when we were able to hold those and also our 911 Memorial Service that we just conducted a week or so ago.

So those kind of things we feel are where and how we get that message out there to a -- to the main thoroughfare of Chili Avenue, in the Chili Center, and why we're here before you today hoping for your support on that.

MR. COX: Just to give you kind of a little brief story on the project, so right now, the existing building -- so the existing building is right here (indicating). And the new building is going to be directly adjacent to it on -- on -- right in the grass area, the ball field.

ADAM CUMMINGS: Can you point out the office building, as well?

MR. COX: (Indicating). There is the office building. So the plan is to have a new entrance drive after the -- that building is demolished. Would go right in. So one of the things is, for the front yard parking, this building, you know, the frontage is pretty narrow. There is not enough room to actually put the building up close and for a Fire Department, we don't want it too close because we need some stacking outside the truck bays for stacking and things like that. So with it being pushed back here, the front yard parking is really set back quite a ways off the property. We're over 200 feet from Chili Ave. back there.

And the existing Fire Department also has parking in the front yard, as does a lot of the other surrounding properties in this area.

But we did look at whether -- you know, to rehab the existing building -- it's about 55 years old and we looked at, you know -- it was really trying to fit something that, you know, doesn't really meet the needs. Trucks have gotten bigger and things like that. So the best option was just a brand new building. We eliminate a lot of the unknowns in the property. For instance, there is a sanitary sewer main that runs through the existing building. There's just weird things like that. Why would they do that back then?

So the new build really kind of -- is a lot cleaner look. We have some elevations there. The -- I'm sorry for the color change. This is a little better. When we do the 3D rendering, somehow the lighting changes and the printer changes, but it will have the same bricks, the same style with a little Fire Department emblem there. So it will be a nice -- a nice-looking sign out there.

Let's see if there is anything else. Just a little history on the Fire Department. It was founded in 1931 and now has four stations, covers over 40 square miles for a population of 29,000. There are currently 104 active members and in 2018, volunteers responded to 911 calls for service and provided over 21,000 hours of service to the community. So I -- those are some pretty impressive stats there. So, you know, so many Chili residents have been putting so much time and effort to serving the community. It's just great to see.

So yeah. I think that is all I have.

ADAM CUMMINGS: We'll start out with the sign. First thing. You brushed over that, or at least I didn't hear it. Where is the monument sign going to be located?

MR. COX: Right out here (indicating).

ADAM CUMMINGS: Okay. So we'll stick with A, the monument sign.

JAMES WIESNER: So you're going with A first or -- is that what you're saying?

ADAM CUMMINGS: Yes. A -- A -- this one, they're definitely going to be completely different.

JAMES WIESNER: The question I had is why wasn't it part of the package. Because this is the first we're seeing it, isn't it?



MR. COX: Oh, really?  
ADAM CUMMINGS: Yes.  
MR. COX: Oh.  
JAMES WIESNER: Didn't --  
MR. COX: Not sure what happened there.  
ADAM CUMMINGS: So I'm in agreement with that. This is -- I don't know if it went to the Planning Board and didn't make it to us or what happened there, but we never received it here.  
MR. COX: Oh, okay. I'm not -- I don't know what happened.  
ADAM CUMMINGS: I -- I'm just going to be candid. Since we haven't seen it, it is really tough for us to make a determination with little to no information.  
MR. COX: Sure.  
ADAM CUMMINGS: So my suggestion will be to table this until next meeting.  
MR. COX: Okay.  
ADAM CUMMINGS: Just since we haven't seen it to -- to come up with questions to fairly --  
MR. COX: Sure.  
ADAM CUMMINGS: -- assess everything.  
I will give you the heads up on it, it says internally illuminated. I still can't tell right now, but we would like more specs in terms of is it going to be an LED sign.  
MR. COX: It is going to be an LED.  
ADAM CUMMINGS: We have not seen many of these applications, but we do have specifications that we require, color intensity, changes of transitions, if we even allow them. So if you can work with Paul (Wanzenried) to make sure we can get that information to us.  
MR. COX: Sure.  
ADAM CUMMINGS: All right. So I will mark that down as A, um -- I would like to push it on to you to request to table it until the next month's meeting.  
MR. COX: I will request --  
ADAM CUMMINGS: Thank you.  
MR. COX: -- that it be tabled.  
ADAM CUMMINGS: So at the applicant's request, this one is going to be tabled until next month's meeting pending that additional information.  
So moving onto the front yard parking, Jim (Wiesner)?  
JAMES WIESNER: So the old fire hall and the new fire hall, are they on two separate properties?  
MR. COX: They're on one property right now. But there is a possibility in the future of subdividing the property and selling that -- the old building off -- property off.  
JAMES WIESNER: That is what I was seeing, the property line down.  
MR. COX: That's a future property line. We just wanted to show that that is a possibility for the future.  
JAMES WIESNER: At this point they're still -- they're one big property?  
MR. COX: Yep.  
ADAM CUMMINGS: So two big buildings on one property. Which is the front office building on its own parcel?  
MR. FISH: Yes.  
ADAM CUMMINGS: And that would actually -- are you looking to subdivide that into the new main one?  
MR. COX: Yes.  
MR. FISH: Into that piece (indicating).  
ADAM CUMMINGS: Does that clear that up?  
JAMES WIESNER: Yes. That is not something that you are taking any action on at this point? It is still in the planning process --  
MR. COX: Yes.  
JAMES WIESNER: -- or future possibly?  
MR. COX: Right.  
ADAM CUMMINGS: Good question.  
JAMES WIESNER: The existing fire hall is going to stay once this is built at this point?  
MR. FISH: "Stay" as in we don't have an immediate plan for it. We certainly are looking for options to be able to -- interested parties to come in and maybe buy the place and rehabilitate it into something useful, but --  
JAMES WIESNER: But right now, it is getting the new fire hall built?  
MR. FISH: Yes.  
JAMES WIESNER: And then you have things to sort out of the way.  
MR. COX: They need transition time to move things over and switch things over.  
JAMES WIESNER: Okay. That's all I got.  
ADAM CUMMINGS: Since the -- I will call it the administration building -- the office building is going away, fair to say that you're moving those parking spaces to the back one?  
MR. FISH: Yes. Because all of our Corporate Office staff -- my office, our Chief's office have all moved into the main firehouse and parking associated with it. We do have some commercial -- the people on the first floor occupying that will not be moving with us into our facility. These leases will terminate co-incident with our moving into the facility and those places will find new places to be.

ADAM CUMMINGS: So with that front, it is obviously -- those front row of the spaces and -- I guess Paul (Wanzenried), question for you is, that road that is right up to the sidewalk, that is still classified as front parking, correct, where the handicapped spaces are?

MR. COX: Here (indicating)?

ADAM CUMMINGS: Yes. I know it doesn't go beyond the front of the building -- or sorry, yes, it does, because it says "concrete" there.

MR. COX: Yes.

ADAM CUMMINGS: So I guess I'm struggling with that. For them to meet ADA -- I guess they could move the handicaps over to the side, but then the front entrance would never have handicapped spaces?

MR. COX: Right.

PAUL WANZENRIED: Why?

ADAM CUMMINGS: Because there is no front parking. I guess you would have handicapped spaces, but they would be on the side of the building.

PAUL WANZENRIED: There's an accessible route.

ADAM CUMMINGS: That is true. There is a sidewalk all of the way around.

PAUL WANZENRIED: There you go.

MR. COX: But it is nice to have handicapped parking close to the front entrance.

ADAM CUMMINGS: I would say less convenient accessible parking.

PAUL WANZENRIED: It is an accessible route.

FRED TROTT: I have questions. The building that you already have that you're going to be taking down, that has front parking, correct?

MR. COX: Correct.

FRED TROTT: So wouldn't that be considered front parking for the building? Why would they need to come for it?

ADAM CUMMINGS: What do you mean? This is front parking for the new building?

FRED TROTT: Yes. But the old building that they're tearing down --

ERIC STOWE: They changed the code to prohibit it after they already had front parking.

ADAM CUMMINGS: That is the preexisting, nonconforming.

FRED TROTT: Okay. For some reason --

ADAM CUMMINGS: The old one could still have the front and no issues with us here, unless they did some substantial improvements on that site. This one (indicating). So that is something -- food for thought in the future, if it gets subdivided and we develop it --

PAUL WANZENRIED: Which technically, when they build this facility, that is a substantial improvement for the property.

ADAM CUMMINGS: True. Because it hasn't been subdivided yet.

FRED TROTT: My question has nothing to do with front parking.

ADAM CUMMINGS: Then what --

MR. COX: Just want to preface that.

FRED TROTT: The width of the roadway, is that -- do you plan on keeping it that narrow? It just looks like the other one is much wider.

MR. COX: The other one is -- is very wide. But this is actually wide enough here for our -- for the Fire Department.

MR. FISH: We have been back and forth on that topic.

ADAM CUMMINGS: Before the Planning Board --

MR. FISH: We may want an inch or two more, but they can have two fire trucks side by side going in and out. It has more than enough lane width.

PAUL WANZENRIED: So it's ingress/egress.

MR. COX: It's 32 feet wide. It's a pretty substantial driveway.

PHILIP SUPERNAULT: Are you -- are you speaking right now -- is that professional building going away?

MR. COX: Yes.

PHILIP SUPERNAULT: That will be razed, an empty space?

MR. COX: Yes.

ADAM CUMMINGS: It will be a driveway.

PHILIP SUPERNAULT: In terms of front parking, any projections how many vehicles might be in there on a -- given days?

MR. FISH: During weekdays, three to four possibly. We have a couple of daytime administrative staff that would be parking there. Maybe they would park in the back depending what they're doing on -- in the building. In our evening hours, primarily 7 o'clock when we have the meeting and stuff, you can see that parking lot filled with the firefighters David (Cox) mentioned, as well as whatever training is going on. But that is typically held in the evening hours.

The other daytime parking would be Red Cross when they're doing the blood drives and things like that. People would be coming in and out of those doors. Elections, we're an election polling site and things like that.

ADAM CUMMINGS: So moving forward, with the exception of maybe a car -- vehicles owned by the staff members who are going from the old headquarters to the new building, it will look about the same as it does now?

MR. FISH: Absolutely. Correct.

PHILIP SUPERNAULT: Thank you.

FRED TROTT: How many parking spots are you proposing total?

ADAM CUMMINGS: I have the old one. It says 25.

MR. COX: It's more than that.

ADAM CUMMINGS: I only have the site plans. My numbers stopped at C1-01.

MR. COX: 76 is stuck in my head.

ADAM CUMMINGS: So was there ever an evaluation done to push those parking spaces to the back? Because the way I'm viewing this, you have not subdivided it, so it is still one parcel. So you have the banked parking spaces on the old one and now you're asking for the ones on the new building, too.

MR. COX: So for one, we want the complete loop around the building for -- for circulation purposes like that.

So there is already going to be the drive lane and as we mentioned, there is the front entrance there. So it is just -- it makes sense to have some, you know, parking near the front entrance where there is already a drive lane.

ADAM CUMMINGS: Right. But our Comprehensive Plan Committee was very clear they don't like us approving front parking.

MR. COX: Yes. I would say in those instances when the project can be right along Chili Avenue, that then you would -- I would agree, you don't want your Chili Ave. streetscape to just be parking lot. This is, like I said, over 200 feet back behind some properties, behind some trees and it is not right up there on Chili Ave.

ERIC STOWE: Just a note that we didn't open the Public Hearing on the sign, so that will need to be renoticed for next month.

ADAM CUMMINGS: Oh, right. Yes. Yes. Which I -- which I was planning on reopening it anyway, because we would have new information. But thank you.

Paul (Wanzenried), I didn't catch what you said there.

PAUL WANZENRIED: I'm busy counting the spaces.

ADAM CUMMINGS: Not you. Oh. You were counting his spaces?

Because it is unique having the old one still tied to the new one.

JAMES WIESNER: That's kind of -- if it would be different if it was completely subdivided, but -- so as Paul (Wanzenried) said, it's since it's all one site, this is the substantial one. So we're, in essence, granting a variance for the existing parking that is on the existing fire hall. Which you may not want, because --

ADAM CUMMINGS: Right.

JAMES WIESNER: -- because that one truly is on the road.

ERIC STOWE: All right. On the existing site, 34. On the new site, 93. That is 127?

ADAM CUMMINGS: Yes.

PAUL WANZENRIED: Total.

ERIC STOWE: Not front yard. Just total.

ADAM CUMMINGS: Understood. So the comment we're now discussing is what Paul (Wanzenried) said, is because it's not subdivided, we now are, in essence, granting a variance for the existing parking on the existing fire hall. So those ones along the side and that parking in the front area is fronting on Chili Avenue or encroaching closer on it, is the point we're making.

JAMES WIESNER: And we can't control that.

ADAM CUMMINGS: Right. So -- so if we grant this, before they build the new building, we're now allowing them to continue on with that -- or can we condition it to not have those side ones? But then that handcuffs you because if this is not built, you can't use those front parking spaces for your meetings.

MR. FISH: Yes. Well, to be accurate on these, the ones up on the side are for emergency volunteers responding to calls. So that is only utilized when there is a call.

ADAM CUMMINGS: Agreed. But we're just granting the front spaces. We're not saying what they're being used for.

ERIC STOWE: Adam (Cummings), what we had previously done as in the prior application you heard, the new development on the new parcel, because they subdivided -- on C and F, if you drew an outline would somewhat be dependent where the front parking -- where the front yard is.

ADAM CUMMINGS: Correct.

ERIC STOWE: And razing the structure --

ADAM CUMMINGS: I'm not talking about the ones in the admin building. I'm talking about the ones with the existing fire. That is not changing.

ERIC STOWE: A prior comment at the Planning Board meeting was there was potential that that building could be removed and a subdivision line that runs through the proposed landscape berm could be installed and a new construction created on the new parcel where the existing building is.

ADAM CUMMINGS: Right. That's what I'm getting at. When the new parcel is in there, we would hear the site plan application.

ERIC STOWE: That's correct.

ADAM CUMMINGS: And they have -- they would do a plan showing no front parking.

ERIC STOWE: That's correct.

ADAM CUMMINGS: What I'm getting at on this one is, if we're granting it with this one, are we also granting the front parking -- the preexisting, nonconforming.

ERIC STOWE: It is not what we had historically done as in C&M Forwarding when we granted front parking, they drew a lot line and then we had them come back for that one.

ADAM CUMMINGS: Right.

ERIC STOWE: So...

ADAM CUMMINGS: I'm not the lawyer that has to defend this. That is why I'm asking them.

PHILIP SUPERNAULT: If they subdivide, is it a brand new ball game then?

ADAM CUMMINGS: If they subdivide the new with a new development.

PHILIP SUPERNAULT: But the existing building stays, then the front parking has -- stays also? Even -- even if they subdivide?

ERIC STOWE: It -- you could make an argument either way.

PHILIP SUPERNAULT: Okay.

ADAM CUMMINGS: Okay. Yeah, the -- just to be clear, the front parking on the admin building we're not discussing here because that's becoming a driveway.

PHILIP SUPERNAULT: Right.

ADAM CUMMINGS: And that's all part of the main parcel that the new firehouse would be on.

Clear as mud.

JAMES WIESNER: The Fire Department owns the administrative building and that property right now?

MR. FISH: Correct.

JAMES WIESNER: And it is part of the parcel where the old fire hall and new fire hall are? Or is it its own property now?

MR. FISH: Two separate, with separate mailing addresses. That's -- that is 231 and this one is 32 --

MR. COX: I believe it is one property, but it has a separate mailing address.

MR. FISH: I mean, it has its own tax --

ADAM CUMMINGS: Each one -- right now, it's all one tax parcel, correct?

PAUL WANZENRIED: No.

ADAM CUMMINGS: It's not?

PAUL WANZENRIED: It's not.

ADAM CUMMINGS: So the office --

PAUL WANZENRIED: The admin is its own private Idaho, and then there is the Fire Department's parcel.

ADAM CUMMINGS: Got you. But that has not been subdivided yet, even though it is being depicted here? So the smaller lot has not been subdivided into the bigger one?

MR. COX: Correct.

MR. FISH: There has been no moving to realign any property lines.

ADAM CUMMINGS: That makes it even more complex. This would have been a good one for the public to see. I will wait for them to conference and then I will ask my question. I'm going to let you know, the question is I'm not seeing an accurate representation. I'm seeing a proposed lot line and, in essence, a proposed resubdivision or dissolving one of them, that is not clear to me. It is taking two and making two, but it is really taking three and making two. I don't know if I'm explaining that right. You have the big parcel and the postage stamp for the office building and now we're taking the postage stamp with a new name on it and separating out the old one. So that is what I'm getting at. It is, in essence, three parcels that we're shifting it from two to two.

PAUL WANZENRIED: You don't know what they're doing with the third one. Two, we're only talking about front yard parking. Anyway you cut it, it is front yard parking.

ADAM CUMMINGS: My question is, on this plan they showed they are subdividing the office building. Now I'm moving onto the office building. The office building stands on its own tax ID.

PAUL WANZENRIED: Yep.

ADAM CUMMINGS: Is that part of this one here?

PAUL WANZENRIED: No. That becomes a subdivision.

ADAM CUMMINGS: It's being depicted to us --

PAUL WANZENRIED: It's under common ownership. Could they could grant themselves an access easement to --

ADAM CUMMINGS: I didn't think you could grant yourself an easement.

MR. COX: You absolutely can.

ADAM CUMMINGS: You can't file an easement to yourself.

ERIC STOWE: You can't grant an easement to yourself. It's a legal nullity.

ADAM CUMMINGS: It just means you drive across and then when you sell to it someone else, you grant the easement of -- you can't grant an easement to yourself. It is not --

MR. COX: Two separate properties.

PAUL WANZENRIED: Either way, it is still front yard parking. Let's go back to the issue at hand.

ADAM CUMMINGS: But my question is, front yard parking -- should we be considering -- you know, the plan shows it here, of the front office building. But do we ignore that all together?

The plan also shows it has been subdivided and is part of the main parcel, and it's not.

MR. COX: We don't need front parking for that property.

ERIC STOWE: We're also not modifying anything that hasn't already been grandfathered for front yard parking at the --

ADAM CUMMINGS: Office building.

ERIC STOWE: -- the preexisting --

PHILIP SUPERNAULT: So the existing office building looks to have a -- maybe 15 spaces that are considered front parking?

ADAM CUMMINGS: Yeah. He stated those will all get moved over to the new building.

PHILIP SUPERNAULT: So the new building looks like about 26 front parking spaces so, in essence, we're not -- if nothing is allowed, we're not granting a lot more than is already there now.

ADAM CUMMINGS: Right. And the point that was made, it is so far off.

PHILIP SUPERNAULT: Yes.

ADAM CUMMINGS: We're actually moving it off the streetscape and moving it in.

All right. I confused enough of it. It is odd to me to see the lot lines massaged in such a way that it is not clear which one is a front and which one is not.

PHILIP SUPERNAULT: And we're not doing anything with the existing parking in front of the present fire station, correct? We have all lived with that and it has been grandfathered and preexisting?

ADAM CUMMINGS: Correct.

FRED TROTT: We came up with that. Looking at it now, it is all one piece.

PHILIP SUPERNAULT: Yes.

FRED TROTT: So now you're adding this front parking to this.

ADAM CUMMINGS: And whether this is all on one parcel, it's developing on half of the parcel triggering preexisting, nonconforming.

PHILIP SUPERNAULT: But we're only getting about 10, 12 more spaces, even though nothing is allowed --

ADAM CUMMINGS: I think we have covered that one well enough. All right. I will mark down some things here.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and Philip Supernault 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 will move onto -- once again, this is for letter B only because letter A was tabled at the applicant's request until next month.

On Application B, 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 an Unlisted Action with no significant environmental impact, and Philip Supernault seconded the motion. The Board all voted yes on the motion.

On Application B, James Wiesner made a motion to approve the application with no conditions, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION A: Unanimously tabled at the applicant's request until the 10/27/2020 meeting by a vote of 4 yes to table.

DECISION ON APPLICATION B: Unanimously approved by a vote of 4 yes with the following finding of fact having been cited:

(B) - The property is set back (greater than 200 feet) from Chili Avenue, so front yard parking will not be intrusive or completely visible from the street and make the most sense related to traffic flow and building access for this site.

ADAM CUMMINGS: So you have front parking.

MR. COX: Thank you very much.

ADAM CUMMINGS: Please send along the information for that sign. Work with Paul (Wanzenried) on that one. I will admit this looks a lot like the Village of Churchville's fire station and then it is drastically different from what you just showed on the renderings on the back of it. It was nice to see either one of those come in in my opinion. Not that I'm supposed to state opinions, but I don't get too many opportunities. So thank you for coming in. Have a good night.

James Wiesner made a motion to approve the 8/25/20 Zoning Board of Appeals meeting minutes, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

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

The meeting ended at 8:05 p.m.