

CHILI ZONING BOARD OF APPEALS
February 23, 2021

A meeting of the Chili Zoning Board of Appeals was held on February 23, 2021 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, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

Chairperson Adam Cummings declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

ADAM CUMMINGS: Any issues with the sign?

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

1. Application of Khym Kaupelis owner; 110 King Road, Churchville, New York 14428 for variance to erect a garage (1,591 sq. ft.) (1,200 sq. ft. allowed) at property located at 110 King Road in R-1-15 District.

Khym and Terri Kaupelis were present to represent the application.

ADAM CUMMINGS: If you could state your name and address just for the record for the stenographer to capture it and anything else you would like to describe about your application.

MR. KAUPELIS: Okay. My name is Khym Kaupelis and I'm the owner at 110 King Road. And I'm here with my wife, Terri. I think she is somewhere in the audience. Oh, there she is.

Raise your hand. They got it. Okay.

I also live with two -- two of my sons, Cole and Cooper and we have two chocolate labs. We love living in the Town of Chili and it's hard to believe that I have been here for 35 years already. I bought my house when I was 28 years old and it's a multi-family fixer upper. It was then. It's not quite so much that way now.

But it also has several out buildings and it had been five acres when I bought it. Since then I have accumulated about another acre partly from Robert Fallone and King Forest Estates and also from Perna Development. So I have a little extra space on the sides.

Let's see. Since I bought the place back in 1986, I have done many improvements to the property and to the house. Maybe some of you have seen me working on it when you have driven by. I like being outside in the summer working on it.

Over the years I have done a number of things, including planting about 100 trees. Most of those are evergreens. Many of them are around the perimeter of the property, so it has created a natural border for my neighbors.

Also, to the rear of the house, I -- a couple years ago, I built an addition on that, which is a two-bedroom and another bathroom.

Also I put two new roofs on. One on the barn and -- you can see right here (indicating), there is a barn here and then there is a shop which I also recently built a gabled roof and also put another roof on that. So that should last a long time.

Hopefully the next step is to build this garage. That is what I'm here for, for the variance. Currently there is a shed in that very spot. You can see a picture there. If you look at the map, you can see the little red area. The blue area is where I hope to expand a new two-car -- it is like an oversized two-car -- two-bay garage.

One of the reasons why I would love to do this is to get a lot of the personal belongings of mine separated from the business part. I do currently have a variance on the property. It's a Land Use Variance so I can run my business out of there, cabinet making and construction business. A lot of my equipment is in the shop and the barn. It would be great to have a little more residential part for that pretty much exclusively.

So I would like to tear down that shed. And I know some of you might be thinking well, that's got a lot of character. That's what I thought for a long time, too. And maybe I was just thinking it so I wouldn't have to deal with it. So my wife, who I love dearly, she has been complaining about it. I keep saying "Baby, it's character. It's character."

Apparently there is a fine line between character and an eyesore. So anyway, for her 50th birthday, I said "What would you like to do? What can I could for you on your 50th? We can't go on vacation. We can't have a party."

She said "How about you build me a garage?"

So that is how this all started. And so I think that's -- pretty much sums up the explanation

I have at the moment.

You can see the picture of the new one and approximately what I would like to build. And I would be happy to answer any questions.

ADAM CUMMINGS: Okay. And to be clear, that's in the center of the lot. We're not here for area variances. Off the back it is 260 feet. Off the west it is 140 feet. From the east, which is the residential subdivision over there, it is 305 feet. And from the way King Road juts out, it's 125 feet from that right-of-way.

PHILIP SUPERNAULT: Just could you -- could you just show me on the aerial here where it is? Do I have the right property there?

MR. KAUPELIS: Yes. That's -- that's the correct property. So you can't see the shed because it's covered with trees, but it would be directly behind the house, right there.

PHILIP SUPERNAULT: Okay. Thank you. Only question I had.

FRED TROTT: Um, I had a question -- it escaped me.

So this would be for your personal residence, vehicles and stuff like that?

MR. KAUPELIS: That's it exactly. Lawn mowers, garden equipment and stuff I need to maintain the six acres.

FRED TROTT: And it's going in the same spot of this building where -- you're taking down right now?

MR. KAUPELIS: A little larger. It basically replaces that. A little bit deeper and a little bit wider.

FRED TROTT: And how big -- do you know how big this building is? Square feet?

MR. KAUPELIS: This one is going to be 100 -- 1,591 square feet.

FRED TROTT: The old one I'm talking about.

ADAM CUMMINGS: The old one is 32 by 13.

MARK MERRY: 416.

For what it is worth, I always get stuck on this one. I'm looking at the -- the dimensions we're talking about here and the proposed is 1591. Then we have the metal roof with 780 square feet of open porch. Are we looking at the all-in number that brings it over 2300 square feet?

MR. KAUPELIS: No. It's included.

ADAM CUMMINGS: It's all in one. So it is the whole square footage and I believe there is a second floor on this.

MR. KAUPELIS: I also thought that if I have an open porch, it wouldn't be extra square footage, but I found out that is not the case.

PAUL WANZENRIED: It all counts.

MR. KAUPELIS: So we have to consider it like no open porch, the whole area that is there, that is what is included in the 1,591 feet.

ADAM CUMMINGS: The square footage is everything under the roof. If you just did the length times width calculation, it wouldn't come out with 1591 because there is a second floor you have to add onto that.

MR. KAUPELIS: Well, it is more of a storage area. It wouldn't really consider it a floor. Although, there's a staircase that goes up to -- so in some ways you could consider it, but it will be for the odds and ends, Christmas stuff, the stuff we all put in our garage that we can't put our cars in.

MARK MERRY: Yes. We all have too much stuff.

MR. KAUPELIS: 35 years of stuff is too much stuff.

ADAM CUMMINGS: But for our consideration, we do consider the entire square footage, not just the fingerprint from looking over the top. It is the entire usable -- not -- the wrong term.

MR. KAUPELIS: Not the overhangs. Don't confuse the overhangs with the porch. Beyond -- beyond the support -- like a house has a wall and there is a little overhang or eaves. That is not considered square footage. The same as this. Because there is a little bit of an overhang.

ADAM CUMMINGS: We're good with how it has been defined with the square footage that we have gone through.

MR. KAUPELIS: Yeah.

MARK MERRY: I have a question --

MR. KAUPELIS: I made the front here -- the overhang in the front of the doors, that is mostly for aesthetics and to keep the rain -- if the doors are open, to keep the rain out.

MARK MERRY: That looks very nice.

MR. KAUPELIS: That overhang, as far as I know, is not part of the square footage. But anywhere like between the side of the building here and this post (indicating) that is considered and is included in that 1,591.

MARK MERRY: I see a letter in your application. Was there any responses from your neighbors.

MR. KAUPELIS: Absolutely. Yes, there was, in fact. Yes. Yes. My neighbor -- people want me to work for them. They -- they have my number handy and they think of it.

To the rear, Anthony -- I can't remember his last name, but he said yeah, he is all for it. He said "You should build it bigger."

My neighbor, Ryan, next door -- that would be to my west -- he just texted me and said he was going to stop by and lend his support, but he was busy so he couldn't come out.

But I -- but those are the only two responses I got. But I did it more like a courtesy. I know I wasn't required to do that. But people drive by the signs and "I wonder what that is." They don't stop. They don't know what is going on. They do get the letter from the Town, but I

thought I would make it easy for them to contact me if they wanted to if they had any questions. Just trying to streamline things.

MARK MERRY: I think it's a good idea. I'm all set. Thank you.

ADAM CUMMINGS: The Building Department, we haven't received any letters in opposition or support for it?

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ADAM CUMMINGS: Your wife is the only one here in the public if you want to add something.

MS. KAUPELIS: I think it's a great idea. Thank you.

Adam Cummings made a motion to close the Public Hearing portion of this application, and Fred Trott seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

ADAM CUMMINGS: We will have one condition of approval here, that you have to get a building permit and continue to work with Paul (Wanzenried) in the Building Department on that.

MR. KAUPELIS: Yep.

Stamped drawing I'm sure. Architect's approval?

ADAM CUMMINGS: That's up to -- that's up to the Building Department to advise you on all that.

MR. KAUPELIS: Paul (Wanzenried) can fill me in on that.

ADAM CUMMINGS: Paul (Wanzenried) will be able to help you out with any of those.

MR. KAUPELIS: Whatever Paul (Wanzenried) says goes.

ADAM CUMMINGS: That's right. I did want to point out the Department of Planning for Monroe County did send it along. They do have a couple of comments but more related to just to check on monumentation from the DOT. And I don't see any others -- the Department of Health had no comments.

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.

Philip Supernault made a motion to approve the application with one condition, and James Wiesner 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 were cited:

1. Location of garage does not adversely encroach neighboring properties, as this property is more than 5 acres.
2. The location of the garage is the same as an existing, dilapidated structure, which is being replaced.

ADAM CUMMINGS: I wanted to bring up two revision items. I did get letters from Town Clerk. First one is -- the repealing and replacing of Chapter 304 Historic Preservation of the Town Code. They are undergoing the State Environmental Quality Review actions they must do and the Town Board would like to ask to declare themselves as lead agency for that action. I am not going to have this Board do anything, so no action for that. If anyone has a comment on that.

JAMES WIESNER: SEQR?

ADAM CUMMINGS: Yes. SEQR. They will be lead agency for that SEQR evaluation for that.

We also received one for the repeal and replacement of Chapter 500 of the zoning code. Once again, the Chili Town Board would like to act as lead agency. It's asking if we have any objections. I do not have any objections to that. Either -- nor do I want to perform any action from this Board. I just wanted to notify all of you.

If anybody has a question?

For one thing, we're the judicial Board that reviews especially the zoning part, so we don't want to be lead agency for the environmental quality review on it.

The other one we're not equipped or experienced to do the lead agency duties for the SEQR determination. We can't change laws and things like that. So it is more appropriate for the Town

Board to do it.

MARK MERRY: Just a formality?

ADAM CUMMINGS: Yes.

MARK MERRY: Got you. Okay.

ADAM CUMMINGS: Good on that Eric (Stowe)?

ERIC STOWE: Yes.

Philip Supernault made a motion to accept and adopt the 1/26/21 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 Philip Supernault seconded the motion. All Board members were in favor of the motion.