

CHILI ZONING BOARD OF APPEALS

June 29, 2021

A meeting of the Chili Zoning Board was held on June 29, 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, 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 Town of Chili Zoning Board of Appeals. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits. He introduced Doreen Sharick as the stenographer.

ADAM CUMMINGS: I do have to point out on the agenda, one of the applications, which is Application No. 3, that applicant did write in this week, stating he'd like to be withdrawn from this meeting and delayed until the July meeting.

Eric, do we have to do any formal action for that?

1 ERIC STOWE: Was it a table or withdraw?

2 ADAM CUMMINGS: He just said he'd like to be delayed until
3 the July meeting because he forgot to put the signs up.

4 ERIC STOWE: You can do a motion to table at the
5 applicant's request.

6
7 James Wiesner made a motion to table Application No. 3 and
8 Philip Supernault seconded the motion. All Board members were
9 in favor of the motion.

10

11 ADAM CUMMINGS: Any issues on any of the other signs from
12 any Board members?

13

14 The Board members indicated they had no problems with the signs.

15

16 1. Application of Matthew Geary, owner, of 70 Rio Grande Drive,
17 North Chili, New York 14514, for a variance to allow a hot tub
18 to be located 8 feet 9 inches off the north side yard setback
19 (10 feet required) at property located at 70 Rio Grande Drive in
20 a PRD District.

21

22 MR. GEARY: My name is Matthew Geary. I live at 70 Rio
23 Grande, North Chili, 14514.

24 ADAM CUMMINGS: All right. Sir, so you are looking for the
25 hot tub and that's within the privacy fence, correct?

1 MR. GEARY: Yes.

2 ADAM CUMMINGS: Jim Wiesner, any questions?

3 JAMES WIESNER: I don't have any questions.

4 ADAM CUMMINGS: Mark (Merry)?

5 MARK MERRY: I do not.

6 ADAM CUMMINGS: Fred (Trott)?

7 FRED TROTT: So looking at Google Earth, looks like you
8 have a patio, looks like a gazebo?

9 MR. GEARY: Yup.

10 FRED TROTT: And then you're looking to put the hot tub on
11 the other side of the gazebo?

12 MR. GEARY: Yes.

13 FRED TROTT: Any reason why you couldn't put it on the
14 gazebo, where the gazebo is?

15 MR. GEARY: It's already been installed.

16 ADAM CUMMINGS: The hot tub you're saying, not the gazebo?
17 Well, the gazebo's been installed, too, but the hot tub is in
18 the location you're asking for tonight, right?

19 MR. GEARY: Right.

20 MR. TROTT: Okay. All right. No other questions.

21 ADAM CUMMINGS: Phil (Supernault)?

22 PHILIP SUPERNAULT: So the gazebo, that's east of the pool.
23 Okay. No other questions.

24 ADAM CUMMINGS: All right. Side table, anything to add?

25

1 COMMENTS OR QUESTIONS FROM THE AUDIENCE: None

2

3 Fred Trott made a motion to close the Public Hearing portion of
4 this application and Mark Merry seconded the motion. All Board
5 members were in favor of the motion to close the Public Hearing.

6

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

9

10 ADAM CUMMINGS: Once again, we're just looking at 8 feet 9
11 inches instead of 10 feet. It's not a significant amount. It
12 is within the privacy fence that's not viewed. I live in
13 Caboose Circle. You can't see it within the fence.

14

15 Adam Cummings made a motion to declare the Board lead agency and
16 based on the information and evidence presented at this meeting,
17 determined this application to be a Type II action with no
18 significant environmental impact, and James Wiesner seconded the
19 motion. The Board all voted yes on the motion.

20

21 Fred Trott made a motion to approve the application, and Mark
22 Merry seconded the motion. All Board members were in favor of
23 the motion.

24

25 2. Application of Eleanor Hawthorne, owner, 271 Stottle Road,

1 Scottsville, New York 14546, for a variance to erect a structure
2 (barn) A.) 10 feet from the north property line (50 feet
3 required) B.) 10 feet off the north property line next to house
4 live stock, (100 feet required) C.) 20 feet height of accessory
5 structure (12 feet required) at property located at 271 Stottle
6 Road in PRD district.

7

8 ADAM CUMMINGS: Anything else to add?

9 MS. HAWTHORNE: I don't think so.

10 ADAM CUMMINGS: Okay. And you are Eleanor Hawthorne of 271
11 Stottle Road?

12 MS. HAWTHORNE: Yup.

13 ADAM CUMMINGS: Okay. Board, this is split up to be three.
14 Do we want to keep them as three individual decisions for each
15 of these variance requests?

16 FRED TROTT: I guess so.

17 JAMES WIESNER: It doesn't really matter to me. A and B
18 are directly related.

19 ADAM CUMMINGS: Correct.

20 JAMES WIESNER: C could be -- could argue it's a separate
21 issue.

22 ADAM CUMMINGS: All right. Well, I like how they are
23 separated. They give the ability -- these are another one of
24 those very narrow lots. And trying to put it in the middle to
25 meet that hundred foot requirement is very, very difficult.

1 MS. HAWTHORNE: Absolutely.

2 ADAM CUMMINGS: Especially with a lot that's only 250 feet
3 wide. So I'd like to keep them separate just to keep it clean.
4 So we will do A, B and C. so we'll stick with A first, 10 feet
5 from the north property line. So on our page, that's the right
6 side one. And she's got 10 feet where it's supposed to be 50
7 feet is required. I misspoke there. It's a 100 foot
8 requirement, but a 50 foot. Once again, if your barn went
9 further in to meet that 50 feet, it would be directly behind the
10 house, correct?

11 MS. HAWTHORNE: Right. One of the reasons for choosing
12 that particular spot is because of wind direction. Where the
13 sun would fall on the open doors in the summer and where the sun
14 would be in the winter, it's the one spot where it can be
15 visible from the house where I can monitor what's going on there
16 and keep an eye on things.

17 ADAM CUMMINGS: Okay. Do you have any questions on that
18 one from the side lot on there?

19 JAMES WIESNER: No.

20 ADAM CUMMINGS: Mark (Merry)?

21 MS. HAWTHORNE: I don't think the barn will even be visible
22 from the road. My neighbor to the south has a barn that is
23 probably considerably bigger than what I'm planning there and I
24 know you can't see it from the road. Visually, I don't think it
25 will be a problem.

1 ADAM CUMMINGS: Mark (Merry), any question on this one?

2 MARK MERRY: Yes, pointing off from where you were asking,
3 this is a pretty substantial request for a variance.

4 MS. HAWTHORNE: I don't hear what you're saying.

5 MARK MERRY: So is there any concession in order to reduce
6 the variance that you're asking for? It's a pretty substantial
7 -- a substantial variance that you're asking us to approve
8 tonight.

9 ADAM CUMMINGS: He said that it's a a very substantial
10 variance that you're requesting, 50 feet is required. You're
11 asking for 10 feet. So it's pretty much an 80 percent
12 increase.

13 MR. HAWTHORNE: My neighbor on the side stopped over last
14 week and I walked him out and showed him where it was going to
15 be. Well, yeah, I guess it would be okay.

16 ADAM CUMMINGS: Okay. But he didn't provide any letters
17 and he's not here tonight, right?

18 MS. HAWTHORNE: No.

19 MR. MERRY: So would you consider reducing that amount?

20 ADAM CUMMINGS: So moving it further over, so it's 20 feet
21 over instead of 10?

22 MS. HAWTHORNE: It just won't work like that.

23 ADAM CUMMINGS: Because of the visibility?

24 MS. HAWTHORNE: Yeah, I fiddled around with the placement
25 and where it is is --

1 MR. MERRY: Okay. I'm all set. Thank you.

2 ADAM CUMMINGS: Did your placement also look at putting a
3 driveway to it?

4 MS. HAWTHORNE: Yeah, we would just continue the driveway
5 back down there.

6 ADAM CUMMINGS: Correct. So if you moved it further to the
7 south or further away from that property line, your driveway
8 couldn't get to it.

9 MS. HAWTHORNE: Yeah, the driveway would have to --

10 ADAM CUMMINGS: Go around the house.

11 MS. HAWTHORNE: Yeah, be more complicated.

12 ADAM CUMMINGS: Fred (Trott), any questions?

13 FRED TROTT: No.

14 ADAM CUMMINGS: We're going to move on to B next after this
15 one. Phil (Supernault), anything on this one?

16 PHILIP SUPERNAULT: No.

17 ADAM CUMMINGS: All right. We will move onto B, which is
18 the 10 feet off the north property line to house livestock. So
19 that's the same property line, but now, to house livestock, it's
20 supposed to be further on. Once again, it's a 250 foot wide
21 lot. So to even meet that hundred feet, would be pretty
22 difficult. Jim (Wiesner), any questions on that one?

23 JAMES WIESNER: So there's actually already horses back
24 there? You're just adding the barn to it at this point?

25 MS. HAWTHORNE: I have -- well, I've cleared a two and a

1 half acre brush lot behind the house and then made it into a
2 pasture. And my neighbor uses the pasture.

3 JAMES WIESNER: So there's horses already there? You're
4 adding a barn, but there's livestock already there?

5 MS. HAWTHORNE: On the -- yeah.

6 JAMES WIESNER: And it sounds like there's not been any
7 complaints?

8 MS. HAWTHORNE: It keeps it --

9 JAMES WIESNER: Mowed down.

10 MS. HAWTHORNE: You've got to mow it or grow it.

11 JAMES WIESNER: And the neighbor's house, looks like it's
12 about 50 to a hundred feet away? The neighbor's house is about
13 100 -- 50 to a hundred feet -- the neighbor's house is actually
14 ahead of yours? And the barn behind yours?

15 MS. HAWTHORNE: Their house is a little further back than
16 mine.

17 JAMES WIESNER: Okay.

18 MS. HAWTHORNE: And then their house is down -- the barn is
19 down behind their house.

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

21 ADAM CUMMINGS: Okay. Mark (Merry)?

22 MARK MERRY: We're good.

23 ADAM CUMMINGS: Thanks. Fred (Trott)?

24 FRED TROTT: No, I'm good.

25 ADAM CUMMINGS: No questions. Phil (Supernault)?

1 PHILIP SUPERNAULT: No questions.

2 ADAM CUMMINGS: Letter C, we're going to talk about the
3 height of the structure. So it's going to be eight feet higher
4 than is required. She's asking for 20 feet as opposed to 12
5 feet. And I suspect that is due to the pitch of the roof and
6 how wide that structure is?

7 MS. HAWTHORNE: Yeah, yeah.

8 ADAM CUMMINGS: Is there a loft in this building?

9 MS. HAWTHORNE: Hay storage.

10 ADAM CUMMINGS: Okay.

11 MS. HAWTHORNE: Yup. I looked at not making it that high
12 and just having a single story, but hay storage at ground level
13 is just a terrible waste of space. It makes more sense to put
14 it up.

15 ADAM CUMMINGS: Jim (Wiesner), any questions on that?

16 JAMES WIESNER: I don't have any questions.

17 ADAM CUMMINGS: Fred, any questions on the height?

18 FRED TROTT: No.

19 ADAM CUMMINGS: Phil (Supernault)?

20 PHILIP SUPERNAULT: No questions.

21 ADAM CUMMINGS: Side table, I did skip you on the first
22 part. Anything to add? All right.

23 MS. HAWTHORNE: It's not a full story higher. I think
24 there's --

25 ADAM CUMMINGS: Right.

1 MS. HAWTHORNE: -- Like a two to four foot knee wall.

2 ADAM CUMMINGS: Right, that's why it's only 20 -- 20 feet
3 total. It could almost -- it most likely would be even taller.

4 MS. HAWTHORNE: I assume that's to the peak.

5 ADAM CUMMINGS: Yeah.

6 MS. HAWTHORNE: Okay.

7

8 COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

9

10 Fred Trott made a motion to close the Public Hearing portion of
11 this application and James Wiesner seconded the motion.

12 All Board members were in favor of the motion to close the
13 Public Hearing.

14

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

17

18 ADAM CUMMINGS: Condition of approval will be that you have
19 to get a building permit. So you've already started working
20 with him. Continue to work with Paul (Wanzenried) in the
21 Building Department.

22 MS. HAWTHORNE: Yeah, this project is not imminent. It's
23 going to take time --

24 ADAM CUMMINGS: Yup.

25 MS. HAWTHORNE: -- To put it all together.

1 ADAM CUMMINGS: All right. I'll do one SEQR statement for
2 all of them and then we'll do individual board votes -- or
3 individual variance votes.

4

5 Adam Cummings made a motion to declare the Board lead agency,
6 and based on the information and the evidence presented at this
7 meeting, determined this application to be a Type II action with
8 no significant environmental impact, and Fred Trott seconded the
9 motion. All Board members were in favor of the motion.

10

11 ADAM CUMMINGS: And this is application -- or variance
12 request letter A, related to the setback from the side lot line
13 where 50 feet is required, as per motion to adopt this
14 application, and I'm going to leave the building permit
15 requirement on each of these.

16

17 Fred Trott made a motion to approve the application and Philip
18 Supernault seconded the motion. The Board members all voted yes
19 on the motion.

20

21 ADAM CUMMINGS: So now letter B, which is a similar
22 variance. This one is different only because it's talking about
23 housing livestock on this agricultural property for use. Ask
24 for a motion to adopt this application with that one condition?

25

1 James Wiesner made a motion to approve, and Fred Trott seconded
2 the motion. All Board members were in favor of the motion.

3

4 ADAM CUMMINGS: So now Letter C, the height request, ask
5 for a motion to adopt this application?

6

7 Philip Supernault made a motion to approve the application, and
8 James Wiesner seconded the motion. All Board members were in
9 favor of the motion.

10

11 3. Application - that one has been tabled until next month.

12

13 4. Application of Aaron Keller, owner, 126 Attridge Road,
14 Churchville, New York 14428, for a variance to erect a structure
15 (detached garage 572 square feet) (1,406 square feet existing)
16 (total of 1,978 square feet) where 1,200 square feet is allowed
17 at the property located at 126 Attridge Road in R-1-15 district.

18

19 MR. KELLER: I am Aaron Keller, 126 Attridge Road,
20 Churchville, 14428. I guess I'd like to rely on the paperwork.
21 Hopefully, it isn't confusing. I thought it might have been.
22 Took me a while to get a grasp of the whole concept of what was
23 going on here. When I saw the notice, I thought it might have
24 been filed as two variances, but it didn't look like that on the
25 notice. So I guess I can try to field through this or however,

1 you want to do it.

2 ADAM CUMMINGS: I'll try to explain it as well before we
3 jump in, but this is all because we have to aggregate everything
4 together in terms of the square footage. So it's looking at the
5 total storage square footage on the whole property.

6 MR. KELLER: If everybody has the picture that I supplied,
7 that is what's existing. So the detached garage has been there
8 since the forties for the house that I demolished, and when I
9 built the new house, I didn't realize that I was over -- or
10 there was a 1,200 square foot variance -- or that I needed a
11 variance until I applied to put an extension on the detached
12 garage, which brings us here today to look at, which is why the
13 total square footage is over the 1,200, why I'm asking for an
14 additional 572.

15 ADAM CUMMINGS: So to be clear, the pre-existing he was
16 above 1,200 before, but it was pre-existing because that was
17 here since the forties. And now, the detached garage that
18 you're talking about, is you're putting an addition on that
19 masonry detached structure?

20 MR. KELLER: Yes.

21 ADAM CUMMINGS: Is that clear to everybody?

22 FRED TROTT: Yes.

23 ADAM CUMMINGS: Jim (Wiesner), any questions?

24 JAMES WIESNER: I don't have any questions.

25 ADAM CUMMINGS: Mark (Merry)?

1 MARK MERRY: I do not.

2 ADAM CUMMINGS: Fred (Trott)?

3 MR. TROTT: Not any more.

4 ADAM CUMMINGS: Nothing else? Side table?

5

6 COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

7

8 Fred Trott made a motion to close the Public Hearing portion of
9 this application and Philip Supernault seconded. All Board
10 members were in favor of the motion to close the Public Hearing.

11

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

14

15 ADAM CUMMINGS: All right. One condition of approval,
16 you'll have to get building permits and continue to work with
17 Paul on that. You would have already applied for one.

18

19 Adam Cummings made a motion to declare the Board as lead agency
20 and based on the information and evidence presented at this
21 meeting, determined the application to be a Type II action with
22 no significant environmental impact, and Philip Supernault
23 seconded the motion. The Board all voted yes on the motion.

24

25 Philip Supernault made for a motion to approve the application

1 with one condition, and Fred Trott seconded the motion. All
2 Board members were in favor of the motion.

3

4 5. Application of Crlyn Acquisitions, LLC, owner; 2070 Lyell
5 Avenue, Rochester, New York 14606, for a variance to erect a
6 structure, (house) with a 40 foot front yard setback, (60 feet
7 required) at property located at 22 West Bellaqua Estates Drive
8 in R-1-20 district.

9

10 PAUL WANZENRIED: Mr. Chairman, the applicant is on his
11 way, but may be sitting on Chili Ave. on the opposite side of
12 that train. So it would behoove you perhaps --

13 ADAM CUMMINGS: We will postpone this one and put it to the
14 end of the agenda.

15 PAUL WANZENRIED: Thank you, sir.

16 ADAM CUMMINGS: And hear the next two applications and
17 hopefully, they make it before we adjourn the meeting.

18

19 6. Application of Eric Williams, 79 Wheatland Center Road,
20 Churchville, New York 14428, for Michael and Marylou Williams,
21 owners; for a variance to create an undersized lot, .515 acres
22 (one acre required) at property located at 73 Wheatland Center
23 Road in RA-1 district.

24

25 MR. WILLIAMS: Good evening. My name is Eric Williams, 79

1 Wheatland Center Road, Churchville, New York. I'm here on
2 behalf or an agent for Michael and Marylou Williams --

3 MR. MICHAEL WILLIAMS: I'm Michael and Marylou.

4 MR. WILLIAMS: -- 73 Wheatland Center Road in Churchville,
5 New York. We are requesting a variance to create a substandard
6 and nonconforming lot from a pre-existing nonconforming lot.
7 Reality is, we are looking to purchase a little bit of property
8 from my mother and father, who happen to be my northerly
9 neighbors, to install a pool, which you'll hear in the next
10 application.

11 ADAM CUMMINGS: Okay. Jim (Wiesner), any questions?

12 JAMES WIESNER: No.

13 ADAM CUMMINGS: Mark (Merry)?

14 MARK MERRY: No.

15 ADAM CUMMINGS: Fred (Trott)?

16 FRED TROTT: No.

17 ADAM CUMMINGS: Phil (Supernault)?

18 PHILIP SUPERNAULT: No questions.

19 ADAM CUMMINGS: Side table? This isn't unique. We have a
20 couple others come in from the old Clifton Hamlet. I want to be
21 clear, you said family owns the neighboring parcel?

22 MR. WILLIAMS: Yes, my mother and father own the
23 neighboring parcel. That's correct.

24 ADAM CUMMINGS: I don't have any conditions to add to this
25 one. Once again, this is for 73 Wheatland Center Road, not 79?

1 MR. WILLIAMS: That's correct.

2 ADAM CUMMINGS: Which is the way it's noticed?

3 MR. WILLIAMS: Yes, yes.

4 JAMES WIESNER: 73, not 79.

5 ADAM CUMMINGS: Correct, the last sentence of it.

6 FRED TROTT: Just so I don't get confused, 73 Wheatland

7 Center we're talking about right now?

8 ADAM CUMMINGS: Correct.

9 FRED TROTT: They're going to give up a portion of their
10 lot to 79?

11 MR. WILLIAMS: That's correct.

12 ADAM CUMMINGS: Correct.

13 FRED TROTT: And they happen to be your parents?

14 MR. WILLIAMS: They happen to be my parents.

15 ADAM CUMMINGS: Correct.

16 FRED TROTT: So evidently, they like you?

17 MR. WILLIAMS: Apparently, yes, at least they agreed to
18 this part.

19 ADAM CUMMINGS: And to be clear, so previously, was all one
20 lot, correct?

21 MR. WILLIAMS: Yes.

22 ADAM CUMMINGS: So it was all one lot, now they're looking
23 for a subdivision. They couldn't subdivide to be two one-acre
24 lots. They were only able to make it to be --

25 MR. WILLIAMS: Well, they are two -- two pre-existing

1 nonconforming lots.

2 ADAM WILLIAMS: Gotcha.

3 PAUL WANZENRIED: Two pre-existing nonconforming.

4 ADAM CUMMINGS: That's what's throwing me off because the
5 .515 is so similar on both of them. So pretty much it was a 1.1
6 acre parcel that they're splitting in two?

7 MR. WILLIAMS: No.

8 ADAM CUMMINGS: No.

9 MR. WILLIAMS: The parcel at 73 Wheatland Center Road,
10 which is what we're talking about now is .6 approximately --

11 ADAM CUMMINGS: Gotcha.

12 MR. WILLIAMS: -- Approximately .6 acres.

13 ADAM CUMMINGS: Gotcha.

14 MR. WILLIAMS: The parcel at 79 Wheatland Center Road is
15 approximately .4 acres.

16 ADAM CUMMINGS: Now, I'm following you.

17 MR. WILLIAMS: They are going to convey about a tenth of an
18 acre to me, which will equal balance the parcels out to about
19 .515 acres roughly.

20 ADAM CUMMINGS: Gotcha.

21 MR. WILLIAMS: So we're going from .6 down to .5.

22 ADAM CUMMINGS: And .4 to .5?

23 MR. WILLIAMS: That's correct.

24 ADAM CUMMINGS: It's really to accommodate a pool?

25 MR. WILLIAMS: It's all being driven to accommodate a pool.

1 ADAM CUMMINGS: That's one special pool.

2 MR. MICHAEL WILLIAMS: That's one special parent.

3 ADAM CUMMINGS: I don't see the hot tub on there. All
4 right. That's clear. Thank you. All right. Is that clear,
5 Fred (Trott)?

6 FRED TROTT: Yes.

7

8 Adam Cummings made a motion to declare the Zoning Board as lead
9 agency, and based on the information and evidence presented at
10 this meeting, determined the application to be an Unlisted
11 action with no significant environmental impact.

12

13 ADAM CUMMINGS: I don't know what kind action this is.

14 ERIC STOWE: Did we do a public hearing?

15 ADAM CUMMINGS: We didn't I was so thrown off by the
16 train. Thank you, Eric. That's why I'm glad Eric is here.
17 They are the only ones left here.

18

19 COMMENTS OR QUESTIONS FROM THE AUDIENCE:

20

21 MR. MICHAEL WILLIAMS: I'm Eric's and Chrissy's parents and
22 I approve of everything from day one.

23 ADAM CUMMINGS: Thank you, sir.

24 MR. MICHAEL WILLIAMS: You're welcome.

25

1 Philip Supernault made a motion to close the Public Hearing
2 portion of this application and James Wiesner seconded the
3 motion. All Board members were in favor of the motion to close
4 the Public Hearing.

5

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

8

9 Adam Cummings made a motion to declare the Board as the lead
10 agency, and based on the information and evidence presented at
11 this meeting, determined the application to be an Unlisted
12 action with no significant environmental impact, and Philip
13 Supernault seconded the motion. The Board all voted yes on the
14 motion.

15

16 Philip Supernault made a motion to approve the application, and
17 Fred Trott seconded the motion. All Board members were in favor
18 of the motion.

19

20 7. Application of Eric Williams, owner, of 79 Wheatland Center
21 Road, Churchville, New York 14428, for a variance A.) to create
22 an undersized lot to be .515 acre (one acre is required) B.) to
23 erect an accessory structure (pool) 75 feet from the front
24 setback (100 feet required) at property located at 79 Wheatland
25 Center Road in the RA-1 district.

1

2 MR. WILLIAMS: Again, I'm Eric Williams, 79 Wheatland
3 Center Road, Churchville, New York. Again, pre-existing
4 nonconforming substandard lot. We are going to purchase a
5 little bit of property from my northerly neighbor to create a
6 little bit -- well, to create another nonconforming substandard
7 lot of .515 acres, again, to accommodate a pool. Based on the
8 underlying zoning, the front setback requirement is 100 feet.
9 The total depth of the property is a hundred -- approximately
10 134 feet. So unless I wasn't going to install the pool, I don't
11 know that I can get away from that front setback variance
12 requirement.

13

ADAM CUMMINGS: Jim (Wiesner), any questions?

14

JAMES WIESNER: So these are both existing nonconforming,
15 the lot size and setback?

16

MR. WILLIAMS: Both -- both lots are pre-existing
17 nonconforming lots, for size.

18

JAMES WIESNER: You have something that caught my eye,
19 looking at a brand new house. Maybe it's not a brand new house?

20

MR. WILLIAMS: I just painted it.

21

JAMES WIESNER: I'm like, how did he get away with it?

22

MR. WILLIAMS: I just painted it last year. Was built in
23 1949.

24

JAMES WIESNER: Just looked like a brand new house. I'm
25 thinking, how did he get away with that front setback.

1 MR. WILLIAMS: Thank you.

2 JAMES WIESNER: But really you've got no other place for
3 that leach field out back.

4 MR. WILLIAMS: That's correct.

5 JAMES WIESNER: You've got no options.

6 MR. WILLIAMS: That's correct.

7 ADAM CUMMINGS: Mark (Merry)?

8 MARK MERRY: No.

9 ADAM CUMMINGS: Fred (Trott)?

10 FRED TROTT: I have no questions.

11 ADAM CUMMINGS: Phil (Supernault)?

12 PHILIP SUPERNAULT: No questions.

13 ADAM CUMMINGS: Side table? They're all set.

14

15 COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

16

17 Fred Trott made a motion to close the Public Hearing portion of
18 this application and Philip Supernault seconded the motion. All
19 Board members were in favor of the motion to close the Public
20 Hearing.

21

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

24

25 ADAM CUMMINGS: Trying to think, I'm leaning towards not

1 since we already passed one prior, I don't have any conditions
2 of approval. Anything from the Board, have a condition of
3 approval they can think of?

4 PAUL WANZENRIED: Building permit.

5 ADAM CUMMINGS: Oh, for the pool, building permit.

6 PAUL WANZENRIED: Thank you.

7 ADAM CUMMINGS: So building permit must be obtained which
8 he already applied for.

9 MR. WILLIAMS: Understood.

10
11 Adam Cummings made a motion to declare the Zoning Board as lead
12 agency, and based on the information and evidence presented at
13 this hearing, determined this application to be an Unlisted
14 action with no significant environmental impact, and Fred Trott
15 seconded the motion. The Board all voted yes on the motion.

16
17 Philip Supernault made a motion to approve the application, and
18 James Wiesner seconded the motion. All Board members were in
19 favor of the motion with that one condition of approval.

20
21 5. Application of Crlyn Acquisitions, LLC, owner; 2070 Lyell
22 Avenue, Rochester, New York 14606, for a variance to erect a
23 structure (house) with a 40 foot front yard setback (60 feet
24 required) at property located at 22 West Bellaqua Estates Drive
25 in R-1-20 district.

1

2 MR. FALLONE: I'm Robert Fallone. Represent Crlyn
3 Acquisitions, regarding 22 West Bellaqua Estates. The mirror
4 lot, I can't remember, I mean it's the mirror lot that I came in
5 for another variance for the exact same setback. So I mean our
6 feeling is we're keeping the same uniformity in the subdivision
7 on that -- on that street because it is a corner lot.

8 ADAM CUMMINGS: Because it is a what lot?

9 MR. FALLONE: A corner lot.

10 ADAM CUMMINGS: Called a corner lot because of how
11 strangely they were subdivided?

12 MR. FALLONE: Correct.

13 ADAM CUMMINGS: Because they were strangely subdivided in
14 this.

15 MR. FALLONE: I think I came last year and you granted a 40
16 foot setback, front setback on that.

17 ADAM CUMMINGS: Yup. And on this one, there was no look at
18 rotating this house so that it actually runs with the curve of
19 the street?

20 MR. FALLONE: It's pretty much -- it's identical to the
21 other lot.

22 ADAM CUMMINGS: Jim (Wiesner), any questions?

23 JAMES WIESNER: No. I'm just curious, when you were asked
24 the same question, I mean why couldn't you spin it I guess?
25 What would prevent you?

1 MR. FALLONE: I mean if do you spin it, you have no back
2 yard and this -- this is a sold -- we have a contract on this
3 particular house on this lot, and they are looking to do an
4 inground pool eventually in the future. So if we spun it, the
5 way the grade is in the back yard, it would be impossible to put
6 a pool in there.

7 JAMES WIESNER: The only other question I have is, so and I
8 don't know, maybe you or Paul could answer this, when this went
9 before Planning and was subdivided, was there no vision at all
10 what these houses would look like on this property?

11 ADAM CUMMINGS: I think the prototypes did not call out --
12 the prototypes that would have been shown don't -- they would
13 have fit within those parcels now, this particular model,
14 correct?

15 JAMES WIESNER: So during site plan approval for the
16 Planning Board, there was houses shown?

17 PAUL WANZENRIED: They were more than likely just prototype
18 rectangles, Jim (Wiesner). That's typically what they put on
19 there. And as lots are developed, houses and different
20 configurations are presented and such, we end up in the case we
21 are in now. In site plan, too, Jim (Wiesner), you're primarily
22 looking at frontage, lot area, topography, and if it meets all
23 of that criteria of the district, it's usually one of the things
24 that's voted on.

25 JAMES WIESNER: I guess what I'm wondering, is this typical

1 to have a developer to continue to come back to ask for
2 variances? And I can't think of one particular development that
3 we've seen and this is I think the third one at least in here.

4 PAUL WANZENRIED: This would be the second one.

5 ADAM CUMMINGS: This is the second one for the corner lots.

6 PAUL WANZENRIED: We've had several variances for accessory
7 structures that went in.

8 JAMES WIESNER: I can't remember any of that, things like
9 that.

10 ADAM CUMMINGS: Yes, yup.

11 ERIC STOWE: We've also had them on Rose Hill more
12 recently.

13 JAMES WIESNER: I'm sorry, I didn't hear that.

14 ERIC STOWE: More recently, we've had some on Rose Hill.

15 ADAM CUMMINGS: Yes, so other developments that I'm aware
16 of is -- well, Vista Villas obviously, because when we converted
17 it -- or when it was converted from the golf course multi-use to
18 the single family home, there were definitely some -- some area
19 variances like this that came in under that one. It is few and
20 far between and the Planning Board does try --

21 JAMES WIESNER: But we're not expected to go to this level
22 of the Planning Board.

23 ADAM CUMMINGS: Not typically, no, no, unless the
24 prototypes look like the most -- I'm guessing your prototypes
25 don't look like this complex of a house layout.

1 MR. FALLONE: Out of 51 lots, we only came for two.

2 ADAM CUMMINGS: Well, we like zero, but I see what you're
3 saying.

4 JAMES WIESNER: And the size of the lot is exactly the same
5 size as the slice on the other side?

6 MR. FALLONE: The one that you guys approved last year?

7 JAMES WIESNER: Yes, the lot size, the acreage and all of
8 that's the same?

9 ADAM CUMMINGS: I don't think it's the same, but I think
10 it's very similar. So I'm talking Math terms. But in terms of
11 the orientation, the only thing he could really do is push it
12 back further into the lot, but as the applicant just said, if
13 you move it to that, that eliminates the entire back yard.
14 There's a deck shown right now which only allows 63 more feet to
15 go in and there is a drainage and storm sewer easement in the
16 back, which is to take into consideration this lot.

17 JAMES WIESNER: And the house and property behind it, is it
18 the same distance as the other property as well?

19 MR. FALLONE: That one is the larger one. That one is the
20 larger corner. We didn't need a variance for that one.

21 JAMES WIESNER: So the proximity of the house and the lot
22 next door is the same as on the other property?

23 MR. FALLONE: As this one?

24 JAMES WIESNER: Yeah.

25 MR. FALLONE: Yes.

1 JAMES WIESNER: Okay.

2 ADAM CUMMINGS: All right. Mark (Merry), any questions?

3 MARK MERRY: Those were good questions. I don't have any
4 questions now.

5 ADAM CUMMINGS: Fred (Trott)?

6 FRED TROTT: No, Jim (Wiesner) had the same questions I
7 did.

8 ADAM CUMMINGS: Phil (Supernault)?

9 PHILIP SUPERNAULT: No questions.

10 ADAM CUMMINGS: All right. So have to point out, that in
11 the record we do have a letter that we received the 28th,
12 yesterday, just to make you aware that we did get it from the
13 Bellaqua Estates Homeowners Group, Co-Chairman Mr. Aselin, did
14 mark down several articles of concern. It says five, but I
15 think there's four articles on here. They don't actually relate
16 to ours here, but none of these pertain to this individual
17 parcel that we're looking at here, but I just wanted to make
18 sure everyone was made aware that these were in here. Those are
19 other -- those could be outstanding items that are from the
20 original site plan approval, but the building department would
21 do as part of code enforcement, but I don't feel it's
22 appropriate for us to do anything in here because this is
23 specific to this parcel lot number 33.

24 Side table, anything to add?

25 ERIC STOWE: And I would agree with your assessment, that

1 complaints not related to this parcel, that would deal with
2 development of the overall site plan, aren't really applicable
3 to this consideration.

4
5 COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

6
7 Philip Supernault made a motion to close the public hearing and
8 Mark Merry seconded the motion. All Board members were in favor
9 of the motion to close the Public Hearing.

10
11 The Public Hearing portion of this application was closed at
12 this time.

13
14 ADAM CUMMINGS: One condition of approval is a building
15 permit will need to be obtained.

16
17 Adam Cummings made a motion to declare the Zoning Board lead
18 agency, and based on information and evidence presented at this
19 meeting, determined this application to be a Type II action with
20 no significant environmental impact, and James Wiesner seconded
21 the motion. The Board all voted yes on the motion.

22
23 Fred Trott made a motion to approve the application with one
24 condition, and Mark Merry seconded the motion. All Board
25 members were in favor of the motion.

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ADAM CUMMINGS: Any questions on the minutes that we've got in our e-mails? Any questions, comments on that? If not, I'll ask for a motion to accept and approve those minutes from last month's meeting.

Mark Merry made a motion to accept the 5/25/21 Zoning Board of Appeals meeting minutes, and Philip Supernault seconded the motion. The Board was unanimously in favor of the motion.

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

The meeting ended at 7:47 p.m.

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C E R T I F I C A T E

I, DOREEN M. SHARICK, do hereby certify that I have reported in stenotype shorthand the Chili Zoning Board of Appeals meeting minutes, held at the Chili Town Offices, 3333 Chili Avenue, Rochester, New York, on June 29, 2021.

Doreen M. Sharick

Doreen M. Sharick,
Notary Public.