

CHILI ZONING BOARD OF APPEALS
August 24, 2021

A meeting of the Chili Zoning Board of Appeals was held on August 24, 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, James Wiesner and Chairperson Adam Cummings.

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

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 on signs? Board members?

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

1. Application of Mark Vigna owner; 3453 Chili Avenue, Rochester, New York 14624 for a variance to erect a structure (shed) 10' from rear setback (60' req.) at property located at 3453 Chili Avenue in R-1-20 District.

Mark and Christine Vigna were present to represent the application.

MR. VIGNA: My name is Mark Vigna. I live at 3453 Chili Avenue, Chili, New York.

ADAM CUMMINGS: Okay.

MR. VIGNA: I have lived at that residence since '95, which is 25 years. I'm just looking to expand my shed space and to hide some of my recreational vehicles and tuck them away somewhere safe.

Just a side bar. I never knew I had this 60 foot setback when I bought the property in '95. If I would have known that, I might not have bought it because I was always planning on putting something there. It wasn't on the map.

That's pretty much all I have.

JAMES WIESNER: Why is it a 60 foot setback?

ADAM CUMMINGS: Good question. I believe --

PHILIP SUPERNALT: What was the question?

JAMES WIESNER: Why is it a 60 foot setback? It is usually 8 feet off the property line.

ADAM CUMMINGS: 8 feet, 10 feet. In that R-1-20 --

JAMES WIESNER: It is not a side street at all.

MR. VIGNA: Florentine was kind of added later, that side street next to me. It is actually next to a house next to me. So I have a person behind me that is on Florentine Way. I have talked to him about it and he doesn't have an issue.

JAMES WIESNER: So you have an interconnecting piece of property onto --

MR. VIGNA: Florentine Way.

JAMES WIESNER: You have your property and then another one --

MR. VIGNA: I'm not on the corner, but I had -- my backyard backs to my neighbor on Florentine behind me.

JAMES WIESNER: But that doesn't --

MR. VIGNA: He is the first house on the left as you come down --

PAUL WANZENRIED: Yeah. But he is in an R-1-20. And the R-1-20 has a 60 foot setback.

JAMES WIESNER: As opposed to R-1-10?

ADAM CUMMINGS: Or R-1-12, correct.

JAMES WIESNER: What is R-1-20?

PAUL WANZENRIED: R-1-20.

ERIC STOWE: Minimum lot, 20,000 square foot. And looking at it, the required minimums were changed in August of '95. I can't say that they changed that specific one, but they were changed in '95.

JAMES WIESNER: It's a strange zoning district. Okay. That's all I got.

ADAM CUMMINGS: I would just like to state that, as well. Typically we do see 10 to 12 foot separations in an R-1-12, which is a 12,000 square foot; is that correct?

PAUL WANZENRIED: Your typical rear yard is probably 30, 40 feet.

ADAM CUMMINGS: I'm thinking side.

PAUL WANZENRIED: Sides are 10s and 8s.

ADAM CUMMINGS: Yeah. Anything else to add, Side Table?

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry made a motion to close the Public Hearing portion of this application, and Philip Supernault seconded the motion. The Board unanimously approved the motion.

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

JAMES WIESNER: So you don't currently have a garage on your house?
MR. VIGNA: I have an attached garage, yes.
ADAM CUMMINGS: It's a single bay, correct?
MR. VIGNA: And a small shed.
ADAM CUMMINGS: And building permit, correct?
PAUL WANZENRIED: Yes, sir.
ADAM CUMMINGS: So one condition of approval is that you will have to get a building permit. I suspect you already started that process with Paul (Wanzenried).
MR. VIGNA: Already gave him the plans.
ADAM CUMMINGS: So if you just continue working with him on that, if it gets approved.
This is tucked back pretty good behind the house.

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.

Mark Merry made a motion to approve the application with one condition, 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 the following condition:

1. Building permit must be obtained.

The following finding of fact was cited:

1. Location of structure will have minimal visibility to nearby properties.
2. Application of Francine Roveda owner; 416 Fisher Road, Rochester, New York 14624 for a variance to A.) Erect a structure (shed) 304 sq. ft. (192 sq. ft. proposed & 112 sq. ft. existing) B.) Erect a structure (shed) 4' from open deck attached to house (8' allowed) at property located at 416 Fisher Road in R-1-12 District.

Francine Roveda was present to represent the application.

MS. ROVEDA: Good evening. My name is Francine Roveda. I'm trying to get approval for a shed to -- for gardening, furniture, deck furniture. I do not have a garage. So -- I guess it says everything here, what I need.

ADAM CUMMINGS: Okay.

JAMES WIESNER: One question I do have is -- so it looks like the shed is -- the stairs coming off the deck is right up against the shed?

MS. ROVEDA: No. On that side -- let me see if I can say -- towards the south side, um, there is no stairs. Stairs only out the side to get off the deck. The stairs you see is against the house and that's 8 feet away from where the -- the shed -- the new shed would be.

JAMES WIESNER: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: Building permit is not necessary because it is smaller or do you do the aggregate of the two?

PAUL WANZENRIED: 12 by 16 will need the permit.

ADAM CUMMINGS: Okay.

You will have to get a building permit for the new shed.

MS. ROVEDA: Okay.

ADAM CUMMINGS: That would be one condition of approval tonight.

MS. ROVEDA: Do I need to come back again for the new permit?

ADAM CUMMINGS: If it gets approved tonight, you don't have to come back before the Zoning Board. The variance would be all set. But you do have to continue on with the Building Department.

MS. ROVEDA: Okay.

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.

ADAM CUMMINGS: Motion to adopt application with one condition of approval?

James Wiesner made a motion to approve the application with one condition, 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 the following condition:

1. Building permit must be obtained for the 12'x16' shed.

The following finding of fact was cited:

1. Proposed location will not impact neighboring properties and does not encroach on adjacent deck or create hazardous conditions.
3. Applicant of William Kastner owner; 7 Omega Drive, Rochester, New York 14624 for a variance to erect a structure (deck) 5.5' from front yard setback (60' req.) at property located at 7 Omega Drive in R-1-15 District.

Nick Kastner was present to represent the application.

MR. NICK KASTNER: How you doing? My name is Nick Kastner. I'm actually his son. He wasn't actually able to be here tonight.

The only thing I would add to that is as far as details, he -- his current structure out front, his porch, he has a concrete structure which is dilapidated and falling apart, currently sits about 5 feet from the house. House is about 61 1/2 feet back. Not thinking much to really build without violating the variance. So what we want to build is really not much of a larger footprint than what he has there.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application, and James Wiesner seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: This one will need a building permit, as well. So your father will have to get a building permit from the Building Department.

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.

ADAM CUMMINGS: Motion to adopt?

Mark Merry made a motion to approve the application with one condition, 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 the following condition:

1. Building permit is required prior to commencement of construction.

The following finding of fact was cited:

1. Variance is minor in nature and will be replacing an existing structure. In addition, it will not have adverse impacts to traffic line of sight or the public right-of-way.
4. Application of Florence DiFrancesco Wood owner; 31 Springbrook Drive, North Chili, New York 14514 for a variance to A.) Erect a structure (shed) 2' from side set back (8' req.) B.) Erect a structure (shed) 1' from the principal structure (8' req.) at property located at 31 Springbrook Drive in R-1-15 District.

Florence DiFrancesco Wood was present to represent the application.

MS. DIFRANCESCO WOOD: Hi. I'm Florence DiFrancesco Wood and I would like to build a 7 by 7 Rubbermaid shed. It's not real -- it's a resin shed. Whatever that means. Plastic.

ADAM CUMMINGS: Yep.

MARK MERRY: Why are you in for a variance tonight? Is there no other location on that parcel you could place that shed without asking for a variance?

MS. DIFRANCESCO WOOD: I was told I needed a variance because the property is -- I have a small lot and I -- I'm putting the shed on the side of my home and it's close to the neighbor's fence, I guess.

ADAM CUMMINGS: So in other words, you didn't -- you didn't look to put it into the backyard?

MS. DIFRANCESCO WOOD: No.

ADAM CUMMINGS: Kind of tucked away in the corner so it would more closely meet with the requirements here where it's supposed to be 8 feet from your house and 8 feet from the side?

MS. DIFRANCESCO WOOD: Um, because the backyard lot has a really deep slope, I'd like to store my snowblower and I would like to not break any bones as I'm pushing the snowblower up the back hill. So I would like to just put it in my asphalt driveway and I thought it would be much easier to be side-by-side by the house. Long-term, I don't know. Is it going to work? I don't know. It's going to help me short term to store my small amounts of possessions. Because I don't have a garage. And I never had a shed, so this is the closest thing that I can get to store my stuff.

PHILIP SUPERNULT: Principal reason is to store your snow blower?

MS. DIFRANCESCO WOOD: Snow blower, lawn mower.

PHILIP SUPERNULT: Gotch you.

ADAM CUMMINGS: Quick question, will this need a State variance?

PAUL WANZENRIED: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: I don't have any conditions to add onto this one.

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.

ADAM CUMMINGS: Motion to adopt?

Philip Supernault 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:

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

The following finding of fact was cited:

1. Proposed location will not impact neighboring properties and is small in nature.
5. Application of Natalie Surace owner; 41 Chestnut Drive, Rochester, New York 14624 for a variance to erect a structure (deck) 2.5' from south side yard setback (10' allowed) at property located at 41 Chestnut Drive in R-1-12 District.

Natalie Surace was present to represent the application.

ADAM CUMMINGS: I apologize if I said your last name wrong.

MS. SURACE: You actually got it right. A lot of people get it wrong, so thank you.

ADAM CUMMINGS: Anything else to add?

MS. SURACE: Yes. I am Natalie Surace. The property you see on the property map, the deck follows the line of the house, but the property line curves inward toward the back of the house because they are angled. There is also a very steep decline there.

So the first issue we ran into was the one corner of the deck is about 3 1/2 feet from the property line.

The other issue we ran into was that when we built a ramp around the side of the house -- then we tried to keep it fairly minimal -- we ended up 2 1/2 feet from the property line. Now, the

house itself is only 6 feet from that side end of the property line so we are hoping to get an approval to keep the deck following the line of the house as well as the -- the ramp that leads up that provides safe and accessible entry to the house.

And we do recognize that we have to get a State variance for this, as well. And that process is underway.

ADAM CUMMINGS: Okay. Thank you.

JAMES WIESNER: Two sets of drawings. One says "former" and other says "current." Former deck was torn down or added onto?

MS. SURACE: Former deck was torn down when my husband's foot fell through it, yes.

JAMES WIESNER: It was torn down?

MS. SURACE: Yes.

JAMES WIESNER: Current deck is what was built and put into its place?

MS. SURACE: Yes.

JAMES WIESNER: And it -- it obviously wouldn't -- if there -- it didn't have a permit when it -- when it was actually built?

MS. SURACE: That's correct.

JAMES WIESNER: Is that a fair statement?

MS. SURACE: Yes. Not my smartest decision, but I'm here to rectify it.

JAMES WIESNER: So it is actually already built?

MS. SURACE: Yes.

ADAM CUMMINGS: Which is the photograph?

MS. SURACE: The photograph, yes. We started building five years ago. We were asked to stop, which we did, and no construction since.

ADAM CUMMINGS: Since five years ago?

MS. SURACE: Five years ago.

JAMES WIESNER: So it's a matter of not being able to close it out? It is kind of interesting because where it is 2 1/2 feet is -- I mean that's not necessarily a part of the deck that even has to be there. It looks like it is just a little walkway that --

MS. SURACE: It is, yes. So that is -- that is the ramp that leads out to the side of the deck. So I don't know how much you can tell from the photo, but that's where the deep line starts. So there would be no other way to access the deck without that little side piece.

JAMES WIESNER: Looks like a little walkway down the side of the garage; is that correct?

MS. SURACE: That's basically all it is.

ADAM CUMMINGS: You previously had stairs that came off the back?

MS. SURACE: Previously had stairs that came off the back.

ADAM CUMMINGS: Now it doesn't?

MS. SURACE: Right. And now you're looking about a story and half drop from stairs that would come down the back.

JAMES WIESNER: So before you had a setback of -- 6 feet was the minimum. Now it's 3 feet?

MS. SURACE: Yes. We did go a little further with the deck to the end of the house. Previously it ended shortly before the end of the house. We felt that it looked a little odd that way.

JAMES WIESNER: That's all I got. Kind of an awkward lot.

ADAM CUMMINGS: Very.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry made a motion to close the Public Hearing portion of this application, and James Wiesner seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: Is this already totally constructed?

MS. SURACE: It's partially constructed.

ADAM CUMMINGS: So I will mark down you have to get a permit, correct?

MS. SURACE: Yes. And I have been talking with Jerry in the Building Office about that, so he sent me here first, of course.

ADAM CUMMINGS: Good. So you will have to get a building permit. I won't say prior to commencement of construction, but you have to go get one.

MS. SURACE: Yes.

PAUL WANZENRIED: It's also contingent upon achieving the State variance. The application is before the State right now.

JAMES WIESNER: That's 3 feet.

ADAM CUMMINGS: It is actually 2.5 on this one, but I think the State is 3.

JAMES WIESNER: 3?

PAUL WANZENRIED: 5.

ADAM CUMMINGS: I thought it was 3, too.

PAUL WANZENREID: If they don't get the State variance, they would have to modify the deck accordingly.

JAMES WIESNER: There's a State Zoning Board.

PAUL WANZENRIED: There actually is a State variance.

MARK MERRY: You want to apply?

JAMES WIESNER: No.

PAUL WANZENRIED: It's one man and broken up into regions. So there is five to eight regions, I think, in the State.

MS. SURACE: One man covers like 12 different counties.

JAMES WIESNER: So there is still -- there is still a caveat obviously. Even if we agree to it, the State could say no?

ADAM CUMMINGS: Yes.

MS. SURACE: Yes.

JAMES WIESNER: We'll let the State handle this.

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.

ADAM CUMMINGS: Motion to adopt with two conditions?

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 4 yes with the following conditions:

1. Building permit must be obtained.

The following finding of fact was cited:

1. The irregular and small shape of the parcel provides unique requirements. Proposed location will not impact neighboring properties or create hazardous conditions.

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