

CHILI ZONING BOARD OF APPEALS  
November 23, 2021

A meeting of the Chili Zoning Board of Appeals was held on November 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 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: As we move forward, I would like to point out that Applications 2 and 3 for the Speedway gas stations, at the request of the applicants, have been postponed until the December meeting.

So we will be hearing Application Number 1.  
Any issues with the sign?

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

1. Application of Christopher Clark, 33 Pine Knoll Drive, Rochester, NY 14624 for a variance to erect an accessory structure (shed) to be 320 sq. ft. (192 sq. ft. allowed) and 12'-8" in height (12' allowed) at property located at 33 Pine Knoll Drive in R-1-12 District.

Christopher Clark was present to represent the application.

ADAM CUMMINGS: So if the applicant has anything else to add besides that description, feel free to address the Board.

MR. CLARK: No, that is all. I showed it all in the description on the paperwork.

ADAM CUMMINGS: Excellent. Thank you. Board questions? Jim (Wiesner)?

JAMES WIESNER: I do have a few questions.

So this is fairly sizeable for the neighborhood and the size of the lot. Is there any drawings or renderings of what this structure might look like?

MR. CLARK: I can -- I can -- on a map, I could -- I gave out copies of the map and the lot size. Do you have them? I gave you a copy of any -- do you have it? This one?

ADAM CUMMINGS: So we have a map showing it. Do you have one?

MR. CLARK: Yes, I have the same one.

ADAM CUMMINGS: Do you have one showing the front of it?

JAMES WIESNER: What it looks like.

ADAM CUMMINGS: That looks like a perspective rendering.

JAMES WIESNER: The only other question I had, I don't know if he -- the applicant knows how tall -- I don't know what the pitch is on his garage to know how tall that is, whether the structure is going to be taller than the garage.

MR. CLARK: No. The -- the garage is -- my current garage is bigger than that. Bigger than the shed. The shed design itself.

ADAM CUMMINGS: So it will be shorter than the garage?

MR. CLARK: Yes.

JAMES WIESNER: And the door of the structure will be facing the back of the garage?

MR. CLARK: Yes. It will have a door and my garage has a back door, too.

ADAM CUMMINGS: Okay.

JAMES WIESNER: Okay. The only other question I had, is on this plat drawing for that address, there is a different name on that property than what is on the application. I don't know why that is.

ADAM CUMMINGS: That would be the person drawing the map didn't update the tax map portions. So you can see down -- theirs is on the left -- it's addressed to Christopher Clark and Elma Clark.

JAMES WIESNER: Those must have been the previous owner maybe?

ADAM CUMMINGS: Or a typo --

ERIC STOWE: The surveyor who prepared the survey, when they purchased it in -- roughly late 2018, early 2019, recited that the land at that time was now or formerly the Martinellis but certified the survey to Christopher and Elma Clark. So I'm led to believe they purchased in late 2018, early 2019.

JAMES WIESNER: Is that what the N/F is above?

MR. CLARK: Yes. I bought the house in 2019, early 2019.  
JAMES WIESNER: Okay. That's all I have.  
ADAM CUMMINGS: Thank you for confirming.  
MARK MERRY: No additional questions.  
FRED TROTT: I have no questions.  
PHIL SUPERNALUT: No questions.  
ADAM CUMMINGS: Side Table?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ADAM CUMMINGS: Not seeing any hands, I ask for a motion to close the hearing.

Adam Cummings 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.

ADAM CUMMINGS: 192 square feet. All right.  
One condition of approval will be the need for a building permit. So please continue working with the Building Department to finish that process.  
MR. CLARK: With the Building Department?  
ADAM CUMMINGS: Yes.  
That is the only condition I have.  
Anyone else on the Board like to add anything else? All right.

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: Now I would like to ask for a motion to adopt this application with that one condition of approval.

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: Approved by a vote of 4 yes to 1 no (James Wiesner) with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. Structure will be in a location not readily visible from the public right-of-way and will not encroach on adjacent properties.
  2. The height will be lower than the principal structure and the adjacent garage roof peak.
2. Application of Site Enhancement Service (Rep: J. Charley Schalliol), 6001 Nimitz Parkway, South Bend, IN 46628, Speedway LLC (John Leopard) 539 South Main Street, Findlay, OH 45840 owner; for Speedway LLC 3152 Chili Avenue, Rochester, NY 14624, proposed variance(s) of:
    - A. Number of Monument Signs- 6 fuel dispensaries, 2 vacuums, 1 air pump, 1 car wash, 1 firewood, total of 11 on-site (1 allowed).
    - B. Height of Monument Signs- fuel dispensaries 102", air pump 69" and car wash/vacuum 72" (60" allowed).
    - C. Area of Monument Sign- fuel dispensaries 34 sq. ft. per side total 68 sq. ft. (2 sides/pump) (16 sq. ft. per side/ 32 sq. ft. total allowed).
    - D. Number of Wall Signs (Car Wash) - 4 car wash instruction, menu, entry signs (2 wall signs allowed per building/suite).
    - E. Area of Wall (Car Wash) Signs- car wash information 17 sq. ft., car wash menu 18.25 sq. ft. (second sign ½ sq. ft. of the first (16 sq. ft.) 8 sq. ft. allowed).
    - F. Directional Sign Size (car wash directional)-3.2 sq. ft. (proposed) (3 sq. ft. allowed).

- G. Height of Directional Sign-Dunkin Donuts 54", car wash 46.5" (42" allowed).
3. Application of Site Enhancement Service, ( Rep: J. Charley Schalliol), 6001 Nimitz Parkway, South Bend, IN 46628, Speedway, LLC (John Leopard) 539 South Main Street, Findlay, OH 45840; owner, for Speedway, LLC 4371 Buffalo Road, North Chili, NY 14514, variance(s) of :
- A. Illumination of Sign-Information that changes every 4-5 seconds (no flashing, intermittent, rotating, or moving signage allowed).
  - B. Number of Monument Signs-6 fuel dispensaries, 1 vacuum, 1 air pump, 1 car wash, 3 season sale (firewood, ice, seasonal) (1 allowed).
  - C. Height of Monument Signs-fuel dispensaries 108", air pump 69" and car wash/vacuum 72" (60" allowed).
  - D. Area of Monument Sign- fuel dispensaries 36 sq. ft. per side total 72 sq. ft. (2 sides/pump) (16 sq. ft. per side/ 32 sq. ft. total allowed).
  - E. Area of Wall (car wash) Signs-car wash information 36 sq. ft. (Second sign ½ sq. ft. of first (37.5 sq. ft.) 18.75 sq. ft. allowed).

DECISION ON APPLICATIONS 2 AND 3: Postponed at the applicant's request.

James Wiesner made a motion to accept and adopt the 10/26/21 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 Fred Trott seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:29 p.m.