

CHILI ZONING BOARD OF APPEALS
May 24, 2022

A meeting of the Chili Zoning Board of Appeals was held on May 24, 2022 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: Fred Trott, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Matthew Piston, 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 signs from the Board members?

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

1. Application of Rebecca O'Neill 27 Westway, Rochester, New York 14624, owner; for a variance to erect an accessory structure (shed) of 240 sq. ft. (192 sq. ft. allowed) at property located at 27 Westway in R-1-12 District.

Rebecca O'Neill was present to represent the application.

MS. O'NEILL: Rebecca Lynn O'Neill, 27 Westway, Rochester, New York 14624. The variance is really to cover a loft storage space that is a 24 by 10 structure in the apex of the shed. So the actual footprint of the shed is only 10 by 16, so it's actually within the allowed -- for the Town. It's just for the loft storage space, is what the variance is for.

FRED TROTT: I'm slightly confused. You have one shed and you are going for two or you're replacing a shed?

MS. O'NEILL: I'm getting a shed. There is not currently a shed on the property. It's 10 by 16 feet, but it has loft storage. You can see on one of the photos I had with the permit. Anything that is an overhang counts against square footage, therefore, putting the square feet at 240 square feet as opposed to 160 square feet. That's nothing that anybody will see. It is just so I can store more things.

PAUL WANZENRIED: It's in the denial page, Fred (Trott).

ADAM CUMMINGS: And then it -- the top picture shows the loft.

PHILIP SUPERNULT: How tall is the structure?

MS. O'NEILL: It is 11.2. 11 feet 2 inches. It is listed specifically on the map in red. 11 length, 16 wide, 11.2 high.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott 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: One condition of approval is you will have to get a building permit. You have already started that process so just continue it. We did deny you.

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 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.

The following finding of fact was cited:

1. Variance requested is not excessive and there are numerous similar

structures on properties in the area.

2. Application of Don and Sue Josephson, 8 Province Drive, Rochester, New York 14624, owner; for a variance to erect a front porch 52 ft. from front setback (60 ft. required) at property located at 8 Province Drive in R-1-15 District.

Don Josephson was present to represent the application.

MR. JOSEPHSON: Good evening. This is Don Josephson, 8 Province Drive.

ADAM CUMMINGS: Thank you for correcting that.

MR. JOSEPHSON: The envelope was labeled correctly, but the sheet is incorrect.

ADAM CUMMINGS: Okay. I have made that correction. Thank you. Don.

Anything else to add? It is pretty self-explanatory.

MR. JOSEPHSON: I kind of thought that. The sooner we could get started, the better. In fact, I would like to apply for the building permit tomorrow.

ADAM CUMMINGS: Okay. That will be fine, assuming you get approved tonight. I don't want to presume your decision tonight. But yes, based on the decision --

MR. JOSEPHSON: Okay.

JAMES WIESNER: The front step area, is that just going to be concrete?

MR. JOSEPHSON: Yes.

JAMES WIESNER: Not actually going to be a deck?

MR. JOSEPHSON: Right.

PHILIP SUPERNALUT: Just a clarification. It is a self-created situation?

ADAM CUMMINGS: Yep.

PHILIP SUPERNALUT: Most of them are, as you said.

ADAM CUMMINGS: Yep.

PHILIP SUPERNALUT: No further questions.

ADAM CUMMINGS: Once again, it's going on -- to point out, it is a difference of 8 feet from what is required.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Fred Trott 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: One condition of approval will be to get a building permit. You were denied one, so just continue working with the Building Department on that. That's all I have there.

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 a condition, and Fred Trott seconded the motion.

JAMES WIESNER: Can I ask a question?

ADAM CUMMINGS: Certainly.

JAMES WIESNER: This variance is actually going to the post and not the front of the pad?

ADAM CUMMINGS: The measurement, I believe, would be going to -- according to this plan I'm seeing here, I'm seeing 55 feet there. The survey map it is there. I believe it's going to the slab.

JAMES WIESNER: My understanding is it would go to the post.

ADAM CUMMINGS: By that line you're seeing there?

JAMES WIESNER: Well, just the fact that that is truly the structure.

ADAM CUMMINGS: Sometimes we have done it to the overhang I have seen. So you have the overhang over those posts, which in this case lines up with the slab.

JAMES WIESNER: I was just curious.

ADAM CUMMINGS: That's a question for Paul (Wanzenried). He is allowed to get 52 feet from the right-of-way, is what we're allowing here. I will leave it up to Code Enforcement where you're measuring that to.

PAUL WANZENRIED: You want an answer now or just going to ride along with the sunset?

ADAM CUMMINGS: We have a while until the sunset, so I would like an answer now or at least your thoughts on it.

PAUL WANZENRIED: He's all right.

ADAM CUMMINGS: I didn't hear it.

PAUL WANZENRIED: It's not to the post. It's to the slab.

ADAM CUMMINGS: Right. It looks --

PAUL WANZENRIED: Slab and overhang are one and the same.

ADAM CUMMINGS: That's what I'm seeing by the picture. There is a line that depicts it to the front face of the columns, but I think that is just something in the sketch out, which it doesn't show dimensions there. But with the overhang and the slab edge, that's a good question, Jim (Wiesner). I'm interpreting that is to go to the front of the built structure. The plane. The front plane of the built structure.

PAUL WANZENRIED: Yeah.

JAMES WIESNER: That would be the overhang?

ADAM CUMMINGS: The overhang and the slab.

FRED TROTT: If you look at the roof, it says 9 feet and -- 11 feet.

PAUL WANZENRIED: But there is a cantilever on the house, so that is where you pick up the other foot, 2 feet.

FRED TROTT: Got you.

ADAM CUMMINGS: So we're going to make Paul (Wanzenried) hold a piece of plywood up vertically to know exactly where that is. Just kidding.

PAUL WANZENRIED: Don't worry about it. We're all good.

ADAM CUMMINGS: We're all good.

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:

2. Location of the front porch will not encroach on any public right-of-way areas or obstruct line of sight for vehicular or pedestrian traffic in the neighborhood.
3. Application of American Packaging Corp. 100 APC Way, Rochester, New York 14624, American Packing Corp. 100 APC Way, Columbus, WI 53925, owner; for a variance to erect a 75' high building (50' allowed) at property located at 100 APC Drive in LI zone.

ADAM CUMMINGS: While they're setting this up, just for everybody's benefit, this is the one over off of 252. So the big -- over near the salt barn that is there. The background of it has the Community Center. Wegmans is over in that area. And this is the one across from Rose Hill Estates.

Jeff LaDue, Travis Perry, John Borman (phonetic) and Michael Streeter were present to represent the application.

MR. LADUE: Evening. My name is Jeff LaDue, architect with Form2 Architecture here representing the applicant, American Packaging.

Tonight we have John Borman (phonetic) and Travis Perry from American Packaging that can answer questions on operations if you have them.

And then also Michael Streeter from the Pike Company who has been Construction Manager on-site to fill in all of the holes.

Tonight, we're asking the Board's consideration of the area variance for a 75 foot addition where 50 feet is allowed.

The -- the addition overall is 59 -- roughly just under 60,000 square feet of which 22,000 square feet is proposed to be 70 feet tall. The original building -- this is basically the third addition. Basically completes the rectangle, we'll call it, on the northwest corner of the building.

The -- it will -- the building will finish out roughly under 400,000 square feet. The -- the height requirement is due to the new process that will be implemented at this facility that utilizes what is called vertical extruders. There is plans for four of them. So the -- the -- what -- the box was 100 by 75 -- or 150 by -- well, 22,000. So basically it's four sections per plan for manufacturing equipment basically. And they can speak to the -- to the process of it.

We tried to provide some renderings to give you a sense of the scale relative to the size of the building. There isn't -- one that we provided from the -- I don't want to get away from the mike -- sort of that corridor entrance up at the intersection up by Wegmans to give a sense of sort of what, I guess, our best -- with the technology we have -- to give you a sense what that 75 feet would basically incorporate.

The fortunate thing about the timing is -- and its location is, it being on the northwest corner of the building, it's away from the adjoining neighborhood. It's sort of in a -- at least on-site, relative to the building from the front, it's in the back portion. So one -- one thing for scale, the tanks that are there, are 55 feet tall -- so you can see from -- from this vantage point, you can't see the tanks. And we use that sort of as the basis of the layout on -- on --

ADAM CUMMINGS: So once again, on that picture right there, that dark blue part, that's the white?

MR. LADUE: This would be the proposed addition. The 22,000 square feet. And then

from -- from this vantage point, it's basically at that end, the far end on the other side of the tanks.

ADAM CUMMINGS: And I do think that gives a good point of reference with the Community Center and the development next to Greenwood Townhomes, on the next one off of Paul Road there.

MR. LADUE: As in the case of the five tenets we have to address, obviously the one that always becomes the caveat is the self-created. In this case, the self-creation is really a product of a growing business and growing operations and trying to -- you know, when they built this facility, I'm sure no one at least would have thought at this point we would be building out this facility so soon after it was first constructed. And really, to meet market, there is changes in terms of operation and function. They want to do -- they want to basically provide that service to their client -- to their customers here at this location. So that is really the crux of, I guess, why that 75 -- that 75 feet is important here and germane to this location in this spot specifically.

So they -- they can answer the questions in terms of the particulars of what that operation is. But that's, you know -- I think that surmises sort of the -- the intent or the request of the Board.

JAMES WIESNER: So just to understand better the -- the need for the 75 foot height, this machinery is not something that could be -- if there is a taller footprint, it is not something that could be spread out to get the same result? In other words, lower the footprint and -- what makes it so unique, I guess is where I'm going, that it has to be 75 foot in height?

MR. PERRY: I can talk to that. My name is Travis Perry with American Packing Corporation. The type of equipment is unique in this industry in that it cannot be spread out or laid on its side. It's called blown film and so it uses a curtain of air that rises a molten extrudate up through a set of rollers and it cools as it rises. It needs that distance and works with gravity and the cool jets of air to create raw material, our film stock.

So the -- so the best available technology and best quality is done this way. So the machinery is designed and purchased out of Germany. This is kind of the industry standard for this type of equipment.

JAMES WIESNER: So it's not a custom piece of equipment. It is something you purchase as a given height --

MR. PERRY: That's correct.

JAMES WIESNER: I ask that just because my familiarization is you usually buy a piece of equipment to fit -- fit the spot where you're going to be. In this case you're buying the equipment and you're going to fit the spot to the equipment?

MR. PERRY: Yes. That's correct.

FRED TROTT: Is this brand new technology or has this been in existence? And do you use it in other facilities in --

MR. PERRY: It's existing technology for decades now. Our corporation does not do it. Other competitors in our market do have this equipment. This will be our first purchase of this type of equipment for American Packaging.

FRED TROTT: This is like shrink wrap? From the way you're sounding --

MR. PERRY: Shrink wrap would be made the same way, yes. Our raw material is a clear film or a white film for the most part. It comes on a roll, a large roll and we would print it. On a spool of roll, print and/or laminate it and then we roll it and cut down to smaller rolls. That's our business. These are packages or bags that are generally used for food packaging.

This equipment helps us make the raw material in-house rather than having to purchase it from suppliers. We have control over the quality. We have control over the supply chain and we have the control over experimenting with making different types of structures.

MR. STREETER: It's a raw material that they purchase at somebody else's facility now.

FRED TROTT: Then you would buy their product and then do your printing and stuff -- now you're making that product and printing it?

MR. PERRY: Correct.

FRED TROTT: If you didn't get approval tonight, what would that mean to your business?

MR. PERRY: We would have to think of a different way to control the supply chain better. We could get risk in the market with our competitors. Our large competitors all do this in-house and are able to make their own raw material. It would put us at a disadvantage in the market.

FRED TROTT: Did you -- when you guys first moved here or came up with the concept of moving here and building this building, did you have the mindset you would build this?

MR. PERRY: No. I think the plan would have been to put this -- this equipment in other plants. But now that this plant has -- has grown so big and become a center for excellence for us and already has the resin silos and the rail siding available, it's more cost effective because it uses the exact same silos and rail siding. If we put it in another plant, those plants -- we would need to add rail siding and add silos to plants that don't have them. So it also is a big cost benefit to us. We don't have to add silos. We use existing silos and existing resin conveyance equipment that is on-site already.

ADAM CUMMINGS: I just have one and maybe an obvious one, so I apologize ahead of time. This equipment has to be housed inside, correct? Climate controlled?

MR. PERRY: Yes.

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. The Board unanimously approved the motion.

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

ADAM CUMMINGS: You will need to get a building permit for this. That will be one condition of approval. I don't have anything else on it.

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.

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

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

JAMES WIESNER: I have one more question. Sorry to do this to you again. So obviously if the 75 foot goes through, it essentially means anywhere on this property they could have more 75 foot structures?

ADAM CUMMINGS: Yes.

JAMES WIESNER: Are there plans on expanding this at all? You didn't foresee this coming, so I don't know if that is a fair question or not.

MR. PERRY: There is currently no plans to add more than -- we're sizing this that it would handle enough equipment for the foreseeable future.

JAMES WIESNER: Okay. However that -- obviously if you're growing, that's good. That foreseeable future could change. And it would probably be -- be, I'm guessing, not more -- even if you double -- this will feed the whole building, so would you have to double the size of the building maybe to get -- have to put on another addition like this?

MR. PERRY: That's probably a fair statement.

ADAM CUMMINGS: Or raise the existing footprint and other portions of that. It's a pretty tight footprint they have there.

PAUL WANZENRIED: This pretty much builds out that parcel, that site.

ADAM CUMMINGS: The only way they could go is up. They can't go wide.

PAUL WANZENRIED: I don't think they're going up.

ADAM CUMMINGS: That would alter the structural --

JAMES WIESNER: I thought that they owned the parcel to the right, as well?

PAUL WANZENREID: They do own the parcel to the west.

JAMES WIESNER: But at this point, that's a separate --

PAUL WANZENRIED: Correct.

JAMES WIESNER: -- tax address and it would have to be a whole another consideration?

ADAM CUMMINGS: Whole other site plan and it has a lot more wetland areas compared to this.

So back to the Board vote.

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 building will be located far front Route 252 and in the back portion of the site. The visual renderings showed very little impact, or change, to the neighboring properties.
4. Application of James Niziurski, 760 Scottsville Chili Road, Scottsville, New York 14546, Tom Rath, PO Box 268, 15 Maple Street, Lake Placid, New York 12946, owner; for a variance to erect a monument sign to be A.) 46.75 sq. ft. per side (32 sq. ft. per side allowed); B.) 7' in height (5' allowed) at property located at 760 Scottsville Chili Road in AC, FPO District.

James Niziurski was present to represent the application.

ADAM CUMMINGS: This is Morgan Crossings, formerly known as Chili Country Club, just to make sure everyone knows where we're talking.

MR. NIZIURSKI: Good evening. Jim Niziurski, 760 Scottsville-Chili Road, Scottsville, New York 14546.

This not really an erection. It's more or less kind of putting a new facelift on the existing

sign that was outside of Chili Country Club.

ADAM CUMMINGS: But you're enlarging it?

MR. NIZIURSKI: A little bit, correct.

ADAM CUMMINGS: Just --

MR. NIZIURSKI: It's coming from the bottom. So the bottom -- we're looking to add two pieces to the bottom, inside of, I guess, the field goal posts.

FRED TROTT: But not extending the height of it?

MR. NIZIURSKI: No. Not extending the height.

FRED TROTT: So -- so it's no longer Chili Country Club?

MR. NIZIURSKI: No. They decided -- new owners came in last March and they decided to rebrand, kind of get away from the Vince Pompa edict we all had with us. It's not the same thing as it once was. We don't give everything away. Tried to make it look nicer and decided to rebrand, rename.

FRED TROTT: I'm sorry. The -- so the bottom part of the sign, is that going to be like two circles?

MR. NIZIURSKI: Correct.

FRED TROTT: So -- so it's going to be kind of like a three-section sign?

MR. NIZIURSKI: In essence. The circles are going to butt up against the bottom of what used to be the old sign, is how we're going to attach it.

And then we're also going to use the poles on the side for attaching from the top and the side.

ADAM CUMMINGS: But I think calculation-wise for us here, we're doing the rectangle.

FRED TROTT: I understand that. Just looking at the picture, it looked like three different pictures. I wasn't sure if there was a completed -- how it was going to be finished.

ADAM CUMMINGS: Yep.

FRED TROTT: I don't have any other questions.

JAMES WIESNER: So realistically if those two little round signs at the bottom weren't there, you would have exactly what you had before, which would meet code. So what is --

MR. NIZIURSKI: I don't believe it did.

ADAM CUMMINGS: That's what I was getting at. I don't think the existing sign met code, correct?

PAUL WANZENRIED: (Indicating).

ADAM CUMMINGS: It depends -- if you went by the exact letters, I think it meets it, but if you look traditionally how we measure the signs, it doesn't.

JAMES WIESNER: Okay. I'll go with that. I mean, it has changed. I guess that is the significant part of it.

So what's -- so what -- the two little signs at the bottom, what is the importance of having them? What are they?

MR. NIZIURSKI: So Morgan's Crossing now entails Morgan's Crossing, which they're calling the golf course.

Rock Bottom Golf is the dot com that came in. They're now running the golf shop portion of it.

And the Checkered Tavern is, I guess, the middle building between the old golf shop and what is now Jack's Place that used to be the pro shop. The old -- I think it was a cart barn back in the day. They've redone that to become a tavern for the golfers. So just kind of showcases everything that is on property.

ADAM CUMMINGS: Got you.

So the big white house that was the Party House is what you're calling the cart barn?

MR. NIZIURSKI: No. That's --

ADAM CUMMINGS: That's Jack's Place?

MR. NIZIURSKI: That's Jack's Place. That's still obviously there. The building behind the gazebo that Jack's Place has, that is now the new tavern.

ADAM CUMMINGS: I got you.

JAMES WIESNER: Okay. That's all I got.

ADAM CUMMINGS: Paul (Wanzenried), I will quiz you on our new zoning code.

Do we maintain that four-color limit?

PAUL WANZENRIED: No.

ADAM CUMMINGS: Thank you. I thought we got rid of that in the new zoning code update.

PAUL WANZENRIED: It's still in there. It's still in there. We didn't touch the sign code.

ADAM CUMMINGS: Just the whole zoning code.

So my question to that is, it's not in color here. It's obviously not going to be in black and white, your actual sign, correct?

MR. NIZIURSKI: Correct.

ADAM CUMMINGS: So we may have him coming back if there are more than four colors on the sign.

PAUL WANZENRIED: There isn't. I know that because I have a colored version.

ADAM CUMMINGS: Okay. Then I don't have any other questions.

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. The Board unanimously approved the motion.

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

FRED TROTT: So there is still going to be a Jack's Place?

MR. NIZIURSKI: Correct.

ADAM CUMMINGS: But it's not part of this corporation. It's separate.

FRED TROTT: It's separate so he has a separate sign?

PAUL WANZENRIED: He does.

FRED TROTT: And so that is --

PAUL WANZENRIED: It's approved.

FRED TROTT: Approved. Okay. That's all I was trying to get to.

PAUL WANZENRIED: Jack has a second sign and that's approved. And then there is the Chili Country Club sign, so they're basically refacing it with Morgan's Crossing and adding the two little blurbs at the bottom.

FRED TROTT: Okay.

PAUL WANZENRIED: That's what triggered it.

FRED TROTT: Okay. Got you.

ADAM CUMMINGS: We do have two separate ones here.

Does anybody have an issue with height? I personally don't because of how close it is to the road, the snow accumulation.

Paul (Wanzenried), do you have an issue with height?

PAUL WANZENRIED: No, given it is 55 through there, it's fine. Also, that is the existing height actually.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: It was that -- it was never picked up in the previous variance for the monument sign and so I don't --

ADAM CUMMINGS: There have not been any complaints about that sign?

PAUL WANZENRIED: No. That is why I was able to pick it up this time and make it legal.

ADAM CUMMINGS: Perfect.

All right. I will keep these combined unless you guys want them separate? Up to you, the Board, to have that discretion? I will just streamline my decision sheet.

Okay. You will need to get a sign permit for this, so continue working with Paul (Wanzenried) on that.

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.

ADAM CUMMINGS: Now I would ask for motion to adopt with that one condition of approval.

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. Sign permit must be obtained.

The following findings of fact were cited:

1. Variance was not significant in nature.
2. The location is not visible to any residential areas and replaces a sign that has existed for decades.
3. The height is appropriate for visibility of passing vehicles and to avoid covering by snow events.

ADAM CUMMINGS: We still have to do the March minutes. We did not -- we deferred them last month to this month.

Fred Trott made a motion to accept and adopt the 3/22/22 Zoning Board of Appeals meeting minutes, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: We will delay the April 26th, 2022, minutes until the May meeting.

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 7:36 p.m.