

CHILI ZONING BOARD OF APPEALS
October 25, 2022

A meeting of the Chili Zoning Board of Appeals was held on October 25, 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: Mark Merry, Fred Trott, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Jared Hirt, 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, Board? Not the "sign board," but does the Board have any issues with the sign?

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

1. Application of Richard Tyler, 480 Chili Riga Townline Road, Churchville, New York 14428, owner; for a variance to erect an accessory structure (pole barn) A.) 72' from front yard setback (100' req.) B.) Area of accessory structure to be 1,425 sq. ft. in total (1,140 sq. ft. proposed 285 sq. ft. existing) (1,200 sq. ft. allowed). C.) Height of accessory structure to be 20' (no higher than ridge line of dwelling allowed) dwelling at property located at 480 Chili Riga Townline Road, in AC District.

Richard Tyler, Jr. was present to represent the application.

MR. TYLER: Richard Tyler, Jr., 480 Chili Riga Town Line Road, Churchville New York 14428.

ADAM CUMMINGS: Anything to add?

MR. TYLER: No. It's all in there. As far as the height, it is just a single ranch. But the property does drop off a couple feet there, so it will visibly not be that much taller than the house.

ADAM CUMMINGS: I was going to point that out, too. By our code, it's by the dwelling. Some are Colonials that are two-story. Some of them are one-story ranches. I would make note as I drove around, I counted at least five on the three neighboring roads in this Town that did have barns that were taller than the main structure and those were Colonials or two-story.

MR. TYLER: The other is -- the right-of-way setback, that's really from the -- from the road, it's a lot farther back. I have that 33 foot right-of-way. That is a gas line that runs across and then runs across the road in front of the house.

ADAM CUMMINGS: Okay.

MARK MERRY: Well, I will go for the easy one. Page 3. It does ask "Was the alleged difficulty self-created?" You answered "No."

Could you elaborate as to why you answered "No"?

MR. TYLER: Really, it is a small lot. And originally I was planning on it forward, but after talking to the Assistant Building Inspector and going back and forth, I moved it back to where it is now. Behind there is all trees. The backyard is the septic system, so I can't go there. So it is really the only spot I got to erect a building.

MARK MERRY: So I interpreted it was self-created, but you have a reason for wanting to put it there?

MR. TYLER: That is the only spot I have.

MARK MERRY: Okay.

MR. TYLER: I have -- I have a tractor I want to put in the garage. I only have a single-car garage, which in the winter when I put the car in there, I really run out of space. And, you know, in the summer the tractor is in the garage all summer, so the car can't get in the garage. But I'm just looking for a place to be able to do that, set up a small workshop, move some of my tools out of the basement, like a table saw and other big tools that are -- it's very hard to drag stuff down to the basement to use all of the time.

MARK MERRY: Thank you.

The other question I had, there appears to be -- looks like a temporary-type storage?

MR. TYLER: Yes. There is a garage box coming down if -- when I get the pole barn up.

MARK MERRY: So that will be coming down?

MR. TYLER: Yes.

MARK MERRY: Thank you. That is all I have.

PHILIP SUPERNALT: My questions have been answered. The lot itself is about --

pretty square, right?

MR. TYLER: Yes.

PHILIP SUPERNAL: So it would be about 230 by 230.

ADAM CUMMINGS: 230 by 233.

PHILIP SUPERNAL: Only question I had.

MR. TYLER: The house is offset to the left. To 37 -- a little over 37 feet from the south property line and then from there, I have got that whole side yard that I'm proposing to build the pole barn.

PHILIP SUPERNAL: Thank you.

MR. TYLER: You're welcome.

PHILIP SUPERNAL: No further questions.

ADAM CUMMINGS: I just want to point out that I did observe by driving around there there were a few that were higher than -- it is in the Agricultural Conservation District. Not that this is an agricultural barn. I just want to say this is an accessory barn. And we are adding in the proposed. So -- so whenever that is written in there, I did check that that math was checked out with Paul (Wanzenried), so we're good with that.

Anything to add, Side Table?

PAUL WANZENRIED: No, sir.

JARED HIRT: No, sir.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ADAM CUMMINGS: Motion to close?

PHILIP SUPERNAL: So moved.

MR. DUPUIS: Wait.

ADAM CUMMINGS: So you did have something to say?

RICHARD DUPUIS, 2606 Scottsville Road

MR. DUPUIS: Richard Dupuis, D-U-P-U-I-S, 2606 Scottsville Road, Scottsville New York 14546. Hynes Tract.

Anyway, been there for 36 years and tried to put up a small porch, seasonal, that is 60 square feet. My home is 500 square feet.

According to my -- David -- one of the Davids -- it should meet FEMA specifications in regard to square footage versus a home. So my question is this -- I have a little note for the Town here.

ADAM CUMMINGS: Okay.

MR. DUPUIS: I'm confused because there is an LLC that has been building entire homes, two-story, renovating homes on the same street and probably today owns half of the street. I just want to find out if there is any favoritism toward an LLC versus an individual?

ADAM CUMMINGS: Sir, I have to ask one question. How does that relate to the application and the variance request tonight?

MR. DUPUIS: I just want the Town to be aware of this.

ADAM CUMMINGS: Okay. So the Zoning Board of Appeals is not the venue to bring that up. The Public Hearing tonight is specific to the application here tonight.

MR. DUPUIS: What meeting do I bring this one up at?

ADAM CUMMINGS: So for that one, I believe it would be the Town Board, unless -- the Town Board meeting, unless there is a specific application in your neighborhood regarding these, but it sounds like from what --

MR. DUPUIS: The Building Department?

ADAM CUMMINGS: What's that?

The Town Board meeting would be the --

MR. DUPUIS: When is that?

JARED HIRT: Everything is listed on the website in terms of the dates.

MR. DUPUIS: I'm computer illiterate.

JARED HIRT: If you call the Town office tomorrow, I'm sure they can provide it.

MR. DUPUIS: What's -- was the name of it?

JARED HIRT: Town Board meeting.

ADAM CUMMINGS: If you hold on one second, I will find out when the next one is.

PAUL WANZENRIED: Won't be until November -- October 12th they had one. November 16th at 7 o'clock. That would be here.

MR. DUPUIS: Same place?

ADAM CUMMINGS: Yes.

MR. DUPUIS: November 16th at 7.

ADAM CUMMINGS: Yes. If you just hold on one second, I will check the calendar. Yes, it is November 16th at 7 o'clock.

MR. DUPUIS: That is where I would bring this?

ADAM CUMMINGS: Yes. And don't hold me to this, but I believe the rules for that meeting are -- there is a public comment period during that meeting and each person is limited to five minutes of speaking during that.

MR. DUPUIS: Fine. I don't need more than that. Wrong meeting. Thank you.

ADAM CUMMINGS: Thank you, sir.

Motion to close the Public Hearing?

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: One condition of approval we will have is that you will have to get a building permit.

MR. TYLER: Yes.

ADAM CUMMINGS: You already applied for that. You have been denied and now you're here.

MR. TYLER: I was told I couldn't apply for a building permit until I went through here.

ADAM CUMMINGS: I think technically he applies, and he denies it. But anyway, keep going with Paul (Wanzenried). You're doing fine on that one.

For the Board tonight, I would like to still make these decisions -- we'll do SEQR of all of them as a whole and we'll do individual decisions unless someone objects to that. All right.

So 1A is the setback from the front yard, but before I do that, SEQR.

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: Ask for a motion to adopt application 1A for the front yard setback with that one condition of approval?

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

DECISION ON APPLICATION #1A: Unanimously approved by a vote of 5 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 is no other location feasible for this structure due to other obstacles.

ADAM CUMMINGS: Now, 1B -- I would ask for a motion to accept 1B. I will still leave the same condition of approval just because I always do. This is for the area of the structure.

Ask for a motion to adopt this application?

Philip Supernault made a motion to approve the Application 1B with a condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #1B: Unanimously approved by a vote of 5 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 the lot has sufficient area to allow for structure and not encroach or impact neighboring properties.

MARK MERRY: Will we have any contingencies? Like he stated he is going to remove that existing structure once the pole barn is up?

JARED HIRT: He went out to talk to the --

ADAM CUMMINGS: Jared (Hirt), I will put you on the spot. I believe from what I saw it looked like a temporary carport structure.

MR. TYLER: Yes. Just a garage in a box.

ADAM CUMMINGS: I'm not sure we can condition temporary structures by our code.

JARED HIRT: You want this removed when the permanent structure goes up?

ADAM CUMMINGS: He said he was going to do it. Can we put this as a condition on this?

JARED HIRT: Yes. Absolutely.

ADAM CUMMINGS: So we'll put that on there for this last one. So the temporary storage structure currently on the site is to be removed when your new permanent structure goes up.

MR. TYLER: I won't need it when I get the barn up.

ADAM CUMMINGS: We don't like a big pole barn and five or six of these things

scattered around it.

MR. TYLER: I totally understand. I have seen those properties.

JARED HIRT: I suggest you condition it within 30 days of the building permit being satisfied, that that be removed. So there is a start date and clear end date.

ADAM CUMMINGS: Got you. 30 days from issuance of building permit.

JARED HIRT: Completion.

ADAM CUMMINGS: The closing of the building permit?

JARED HIRT: Right.

ADAM CUMMINGS: Got you.

Are you clear for that additional condition? You clear for that?

MR. TYLER: No problem. It was coming down anyway once I did it.

ADAM CUMMINGS: Okay. Motion to adopt that application with two conditions?

Mark Merry made a motion to approve Application 1C with conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #1C: Unanimously approved by a vote of 5 yes with the following findings of fact:

1. Building permit must be obtained.
2. Temporary storage structure to be removed within 30 days from completion/closing of building permit.

The following finding of fact was cited:

1. Variance requested is not excessive and there are numerous similar structures compared to the primary structures on several other properties in the area.

ADAM CUMMINGS: 1A was front setback. 1B was square footage. I just didn't say 1C was the height one. Sorry. I didn't specify 1C was the height one. I just left it as being the remaining one. So you're all set with all those.

Continue to work with Paul (Wanzenried) and the staff over there and thank you for the packet and information tonight.

Any questions on the minutes?

I ask for a motion to accept and adopt those minutes from last month?

Philip Supernault made a motion to accept and adopt the 9/27/22 Zoning Board of Appeals meeting minutes, and Fred Trott 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.

The meeting was adjourned at 7:16 p.m.