

CHILI ZONING BOARD OF APPEALS
April 25, 2023

A meeting of the Chili Zoning Board of Appeals was held on April 25, 2023 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: Matthew Piston, 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 the signs from the Board members?

Board indicated they had no problems with the notification signs.

1. Application of Jessie Montrallos, 659 Morgan Road, Scottsville, New York 14546, owner; for a variance to house domesticated farm animals on 1.6 acres of land (5 acres req.) at property located at 659 Morgan Road in AC District.

Jessie Montrallos was present to represent the application.

MS. MONTRALLOS: My name is Jessie Montrallos. I live at 659 Morgan Road. I'm looking to get a variance just to house two goats. Two miniature goats.

PHILIP SUPERNALT: I -- I don't know much about mini goats. How big? How large are they?

MS. MONTRALLOS: About the size of a medium-sized dog. Maybe 40 pounds.

PHILIP SUPERNALT: Full size, as big as they get?

MS. MONTRALLOS: Yep.

PHILIP SUPERNALT: Any plans for more than two?

MS. MONTRALLOS: No.

PHILIP SUPERNALT: No more questions at this point.

FRED TROTT: What is the purpose of the mini goats?

MS. MONTRALLOS: Just a hobby.

FRED TROTT: Reason I ask, somebody had them for therapy animals.

ADAM CUMMINGS: Those were the Himalayan mountain goats.

FRED TROTT: I know they're mini, though.

MS. MONTRALLOS: No. No therapy. Just for fun.

FRED TROTT: How big is the fenced-in area you're going to have?

MS. MONTRALLOS: It's going to be about 20 feet wide by 100 feet long.

FRED TROTT: That's going to be enough for them?

MS. MONTRALLOS: Yep.

FRED TROTT: Is there going to be a structure for them to stay in at night?

MS. MONTRALLOS: We'll build a little structure kind of attached but behind our garage.

ADAM CUMMINGS: How far away from the nearest neighbor is that? Approximately?

MS. MONTRALLOS: Oh, I don't know.

ADAM CUMMINGS: Looking like it is -- fair to say it would be somewhere around 100 to 130 feet away from the lot line to the south?

MS. MONTRALLOS: Yeah.

JAMES WIESNER: Obviously, with any animals, you have waste. I mean -- I don't know if you have plans on how that is going to be handled?

MS. MONTRALLOS: We have some -- kind of like a wooded area behind our house, kind of just dropping it in there. It shouldn't be too much.

JAMES WIESNER: Like rabbits?

MS. MONTRALLOS: Yeah.

JAMES WIESNER: The fence will be fairly tall? Because those little goats certainly can jump.

MS. MONTRALLOS: About 5 foot. We're going to use like T posts and like a heavy wire mesh fence.

JAMES WIESNER: Contain them rather than fence them?

MS. MONTRALLOS: Yep.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JANET LECCESE, 20 Ramblewood Drive

MS. LECCESE: Makes great manure. Put it in your garden. Janet Leccese, 20 Ramblewood Drive.

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: This is in the AC District so it's a little different than the goats we had before that were in a smaller Residential District, from what I recall.

JAMES WIESNER: Can we condition the type of animal, the amount of animal?

ADAM CUMMINGS: That's a good question. I don't know how we define domesticated farm animals. I don't think that we define it here. I think it's just in the application form and we would rely on the New York State Agriculture and Markets definition of farm animals.

JAMES WIESNER: Only downside, it could open it up to like horses and --

ADAM CUMMINGS: And chickens and geese.

PAUL WANZENRIED: 500-62.

ADAM CUMMINGS: Okay. So we're really not limiting it to goats tonight. We're just doing domesticated farm animals.

MATTHEW PISTON: I would agree with that.

ADAM CUMMINGS: We really don't have a say to what type of animal it is per our code, correct? Unless we want to restrict to it this particular --

MATTHEW PISTON: I do think -- think you can restrict it to the type.

FRED TROTT: Can we restrict it to the amount also? Because she has requested for two.

ADAM CUMMINGS: Not to exceed two?

MATTHEW PISTON: So domesticated farm animals include horse, cattle, sheep, donkeys, ducks and geese. Pigs and poultry.

ADAM CUMMINGS: Okay. So I guess it's a question for the Board, do we want to limit the quantity and type?

JAMES WIESNER: I think we should to be more specific.

MARK MERRY: I would agree with that. I think it's a good idea.

PHILIP SUPERNAULT: Well, don't we --

JAMES WIESNER: Someone might have a different opinion on what they want to have.

PHILIP SUPERNAULT: Don't we even limit the number of dogs a person can have? Not necessarily in an AC District but --

ADAM CUMMINGS: Yep. And we do limit the number of chickens.

PHILIP SUPERNAULT: And besides also, depending on the size of the lot.

ADAM CUMMINGS: Yes. It is depending on the size of the lot. We're -- we're really talking about -- the variance tonight is about allowing it on a 1.6 acre piece of land. We can add in the restrictions for the conditions of approval. The only hesitation I have is it is just stating domesticated farm animals. We're in the AC District. It stays with the land.

What if somebody doesn't want goats and they want chickens or they want cattle or they want horses in the future? They're prohibited from doing that, other -- and we are granting it because it's a smaller piece of land.

PAUL WANZENRIED: Just say two miniature goats.

ADAM CUMMINGS: What?

PAUL WANZENRIED: Then just say two miniature goats, right?

FRED TROTT: We can do that?

PAUL WANZENRIED: You are the Zoning Board. You can do that.

ADAM CUMMINGS: I agree. Two mini goats.

PAUL WANZENRIED: That way if I go out there and I find a Guernsey or a Clydesdale, she can't have it.

PHILIP SUPERNAULT: Even if (indiscernible) is painted on the side of it?

ADAM CUMMINGS: Are you okay with us restricting it to -- to two goats?

MS. MONTRALLO: Yes.

ADAM CUMMINGS: Two miniature goats.

MS. MONTRALLO: Yes.

ADAM CUMMINGS: Okay. I'm good with 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 James Wiesner seconded the motion. The Board all voted yes on the motion.

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

Mark Merry made a motion to approve the application with a condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Restricted to a maximum of 2 mini goats.

The following finding of fact was cited:

1. This property is located in the AC Zone and the small size and habitat impact of these animals makes it a minor, potential impact to neighbors.
2. Application of Janet Leccese, 20 Ramblewood Drive, North Chili, New York 14514, owner; for a variance to erect a 288 sq. ft. accessory structure (shed) (192 sq. ft. allowed) at property located at 20 Ramblewood Drive in R-1-15 District.

Janet Leccese was present to represent the application.

MS. LECCESE: Good evening.

ADAM CUMMINGS: Anything to add?

Well, actually first, I'm guessing you're Janet (Leccese) from the last time?

MS. LECCESE: I am.

I did have a shed on the property when I purchased the property in 2002. I was a single mom at the time and it was way back. It's a pretty deep lot. And it -- may show on the survey that you have. That is no longer there. It's been gone for many, many years because the squirrels took over and ate up the floor and there was a big mound of nuts. I put an ad in the paper if anybody wanted the shed and they did come probably for the wood. So it's long gone.

I since married about 11 years ago and our single-car garage is now our shed. Neither of us can put a vehicle in the -- the garage that's intended for a vehicle.

So I was considering -- oh, I'll get a 10 by 12 without a permit. You can put nothing -- we have this garage full of our lawn equipment and my gardening supplies and such.

So we visited our local Amish dealer here and said "Why don't we just get a big one?" We could have a his and her side. You know. My potting side, his lawn mower. And so we opted for the 12 by 24 shed and this is my story.

ADAM CUMMINGS: Okay.

MS. LECCESE: Sad, sad story.

ADAM CUMMINGS: As it is shown on it, you have it centrally located so you have maximized the distance from each of your side neighbors. It's is even moved up off the rear lot line so it doesn't need a setback variance for that.

Jim (Wiesner), any questions?

JAMES WIESNER: I got -- it's not really pertinent to the application, but I was looking and going "I wonder how she will get it in the backyard."

MS. LECCESE: That's a good question. We do have a chain-link fence. We have a 6 foot opening on our side and our neighbors have probably double that. And, you know, we have a friendly relationship with our neighbors and we're going to have the fence removed, have the -- it's all -- it's not going to be built on-site. It will be trucked in, placed there in a free -- it will be -- the site will be prepared with gravel and such according to what is approved for that type of shed.

JAMES WIESNER: It has been thought through then.

MS. LECCESE: The beds will be rebuilt and it will be there permanently.

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 have to get a building permit for this one.

MS. LECCESE: I did get it.

ADAM CUMMINGS: You applied. He rejected it, so that's why you're here. So continue that process.

MS. LECCESE: Oh, yes. I did actually pay for a permit.

ADAM CUMMINGS: You will be all set. Just continue that process with Paul (Wanzenried) in the Building Department.

MS. LECCESE: Question. Do I have to wait? I haven't purchased this yet because I'm waiting on you guys.

ADAM CUMMINGS: After -- if it gets approved tonight, you will be all set. After tonight, if it gets approved. I can't predetermine what our decision is going to be, but if it gets approved tonight, Paul (Wanzenried) is present here and I will be sure to get the paperwork to him. You don't have to wait a week.

MS. LECCESE: Can I wait until the evening to find if it is approved? I want to go Thursday and put in the order. If possible. Waiting for a week for a letter --

PAUL WANZENRIED: They're going to vote.

ADAM CUMMINGS: We're going to vote after I say a few sentences.

PAUL WANZENRIED: So let him finish his spiel and you will find out.

MS. LECCESE: Okay.

ADAM CUMMINGS: I just can't say whether it's a "yes" or "no."

MS. LECCESE: It's been a long time.

FRED TROTT: What about this?

ADAM CUMMINGS: So a question from the Board member is that there is a variance currently on the property to erect a 22 by 22 addition to the garage, 45 feet from the lot line which was back in 2013.

MS. LECCESE: That was scrapped.

ADAM CUMMINGS: So that was abandoned?

MS. LECCESE: That was abandoned.

ADAM CUMMINGS: That permit has since ceased to exist, correct?

PAUL WANZENRIED: The variance is still there, but --

ADAM CUMMINGS: But the variance has a requirement that says a building permit will need to be obtained from the Building Department. So anybody that comes in, is --

PAUL WANZENRIED: If somebody else comes in on that property, they --

ADAM CUMMINGS: They --

PAUL WANZENRIED: They can obtain a building permit to put that addition with the variance.

ADAM CUMMINGS: Correct. With the dimensions we specified or smaller? They can't exceed what we granted them.

PAUL WANZENRIED: This is something totally different.

ADAM CUMMINGS: This is something totally different.

FRED TROTT: So my question is can we -- is there a way --

ADAM CUMMINGS: No. That stays forever with the land.

FRED TROTT: That's what I kind of thought.

ADAM CUMMINGS: You can't decline or deny or rescind for -- one variance for a new variance.

PAUL WANZENRIED: You can only amend.

ADAM CUMMINGS: Correct.

PAUL WANZENRIED: Remember that word for next month.

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 James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimous by 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. This property has sufficient acreage and the shed is located in the central portion of the property negating the need for any other variances.
3. Application of James and Karen Guy, 8 Brook Valley Drive, Rochester, New York 14624, owner; for a variance to erect a 324 sq. ft. accessory structure (pavilion) (192 sq. ft. allowed) at property located 8 Brook Valley Drive in R-1-20 District.

James and Karen Guy were present to represent the application.

MR. GUY: Good evening. I'm James Guy of 8 Brook Valley.

MS. GUY: Karen Guy, 8 Brook Valley.

ADAM CUMMINGS: Anything to add onto that?

MR. GUY: Not too much. We -- we're second owners of the house. We have been there for 25 years. There was a wood deck there when we first moved in. We had the deck pulled off last year when we had the house resided. And for the 25 years that we had it, it's -- it's oppressively sunny from 11 a.m. to sundown. We would like to have some shade and there is really no way to add something that is attached to the house that is going to really gel with the house. So a freestanding structure makes the most sense for pleasing appearance.

ADAM CUMMINGS: Okay.

JAMES WIESNER: Do you have any details at all on what this might look like? Is it being fabricated on-site? Or --

MR. GUY: Plans were in there. I do have plans, if you want to see them.

ADAM CUMMINGS: I think we can provide those. I don't see them in the packet. Your survey map shows it will be 18 by 18. But I'm assuming you're looking for height or an elevation?

JAMES WIESNER: Yes. Just kind of what it looked like.

MR. GUY: I have a 3D rendering also.

JAMES WIESNER: So it will be done by a contractor?

MR. GUY: Yes.

JAMES WIESNER: Very nice.
MR. GUY: He did a shelter for my neighbor about 20 years ago.
JAMES WIESNER: Just curious about the construction. Very nice.
ADAM CUMMINGS: You have a neighbor with a similar structure?
MR. GUY: Yes. By the same -- by the same contractor.
FRED TROTT: You didn't want it where the existing deck was?
MR. GUY: That's going to be a paver patio. It will be a paver patio.
ADAM CUMMINGS: To interrupt real quick, just a reminder, he can put it anywhere as long as he doesn't have a setback. Just want to remind you.
FRED TROTT: Just curious.
MR. GUY: We're putting the patio down and the pavilion will be on the patio.
FRED TROTT: Oh, okay.
ADAM CUMMINGS: Which is not depicted on the plans here. You have -- the wood deck has been removed?
MR. GUY: Right.
ADAM CUMMINGS: Is that where the pavers are going?
MR. GUY: Yes. Yes. Exactly. We're opting for maintenance free as much as possible.

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.

ADAM CUMMINGS: Before I get there, you will need a building permit for this, correct?
PAUL WANZENRIED: That depends where his elevations are, with his building permit.
ADAM CUMMINGS: As they should be. So just continue on that path. That's the same spiel I gave the last application. They're great at the Building Department.
So a building permit must be obtained. You have already started that process. Just continue it.
MR. GUY: And a fireplace permit also.
ADAM CUMMINGS: Yeah. We're not worried about that tonight. I don't want to confuse the matter.

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 a condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimous by approved by a vote of 5 yes with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. This structure will not encroach on any of the neighboring properties or impede sight distances for public right-of-ways.
2. There are similar structures in this neighborhood.
4. Application of Joseph Shurina, 50 Flinton Run, Churchville, New York 14428, owner; for a variance to A.) Erect a 240 sq. ft. accessory structure (shed) (192 sq. ft. allowed) B.) Accessory structure (shed) to be located 2'-0" from principal structure (8' req.) at property located at 50 Flinton Run in R-1-20.

Joseph Shurina was present to represent the application.

MR. SHURINA: Good evening, Zoning Board and members of the public. My name is Joe Shurina, 50 Flinton Run. Only change that I have is my -- is the accessory structure is a gazebo, not a shed.

ADAM CUMMINGS: Still an accessory structure, but thank you for the clarification. Same square footage?

MR. SHURINA: Yes. 240.

JAMES WIESNER: What did you just ask him?

ADAM CUMMINGS: If he was going to change the square footage of the accessory structure. It's going to stay 240 square feet. I'm assuming that is still going to be 2 feet -- 2 feet 0 inches from the principal structure?

MR. SHURINA: It's directly behind my home.

ADAM CUMMINGS: As it is shown there. Really the clarification you're providing is his plan shows a gazebo labeled here and we labeled it as a shed. Or I labeled it as a shed. According to my legal notice here. But the point of the -- the -- the accessory structure is what we're focusing on tonight.

JAMES WIESNER: There is not a shed in the back corner of your property?

MR. SHURINA: There is.

JAMES WIESNER: Oh, there is. Because it looked like -- when I looked down through the backyard, it looked like there was a shed there. I couldn't tell if it was on your property or somebody else's.

MR. SHURINA: There's a shed on my property.

JAMES WIESNER: So that would figure into the square footage.

ADAM CUMMINGS: That would figure into the square footage, correct, Paul (Wanzenried)? And it is actually in the Conservation -- if it is in the back of a lot -- I didn't think it was his shed. But that's in the conservation easement. It looks like.

JAMES WIESNER: Is that why the Conservation Board was weighing in on it?

PAUL WANZENRIED: No. No, no and no.

ADAM CUMMINGS: What is that?

PAUL WANZENRIED: No.

ADAM CUMMINGS: Okay. How big is that existing shed?

MR. SHURINA: 192 square feet.

JAMES WIESNER: So that does or doesn't figure into it?

PAUL WANZENRIED: Doesn't.

ADAM CUMMINGS: Doesn't. According to -- according to the Building Department, it does not.

JAMES WIESNER: Why is that?

ADAM CUMMINGS: Because one is a gazebo and one is a shed?

PAUL WANZENRIED: Correct.

JAMES WIESNER: Two different structures?

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: And two different types of structures.

PAUL WANZENRIED: Both -- all accessory but different types of structures. So -- so it's only cumulative whether you do -- we have only done cumulatives as we have done sheds, multiple sheds, the accumulation.

ADAM CUMMINGS: Same with if we had more than one gazebo.

PAUL WANZENRIED: Right. More than one gazebo. The same thing with garages.

JAMES WIESNER: Of the same type?

PAUL WANZENRIED: Right.

JAMES WIESNER: I'm good with that.

MARK MERRY: In your application it states that it is 2 foot from the house to try to minimize the entrance to the pool. How far away is the entrance to the pool from where you have it located on this drawing?

MR. SHURINA: There is approximately 10 feet from that entry into the pool. With the way that it is drawn.

MARK MERRY: No further questions. Thank you.

PHILIP SUPERNAL: The gazebo and the pool are in the same plane? Inbound or aboveground pool?

MR. SHURINA: It's an in-ground.

PHILIP SUPERNAL: No further questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott 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 will say a building permit -- continue on that process with Paul (Wanzenried). So a building permit must be obtained.

You guys want to separate the votes for each variance or keep them combined? What is the Board's prerogative on this one?

FRED TROTT: Combined.

ADAM CUMMINGS: Combined works for me. 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: Ask for motion to adopt this application with 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 5 yes with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. The location of the structure will not encroach on any neighboring properties.
2. The structure is located in the most logical location with its proximity to the pool, of which its use is complimentary.

ADAM CUMMINGS: So now we lock the doors and everyone has to stay for three more hours. (Laughter.) I'm just kidding. We're going to move on with a few other business items.

We had a -- technicality difficulties. No one should have gotten minutes in their emails, so we'll -- we look at those. I will be sure they get distributed to everybody by tomorrow and we'll go over them at next month's meeting. And that's it.

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 ended at 7:30 p.m.