

CHILI ZONING BOARD OF APPEALS
August 23, 2023

A meeting of the Chili Zoning Board of Appeals was held on August 23, 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 with the signs?

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

1. Application of Joshua Goulart, 3 Springbrook Drive, North Chili, New York, 14514, owner; for a variance to erect an accessory structure (shed) A.) In front yard (not permitted) B.) 46' from front yard setback (55' req.) at property located at 3 Springbrook Drive in R-1-15 District.

Joshua Goulart was present to represent the application.

MR. GOULART: Hi. My name is Joshua Goulart. And as you stated, I'm residing at 3 Springbrook Drive.

ADAM CUMMINGS: You're looking for a shed variance?

MR. GOULART: Yes, sir. It is time for a larger shed.

ADAM CUMMINGS: Okay. I'll start with Board questions from Jim (Wiesner).

JAMES WIESNER: So this is replacing an existing shed that is already there?

MR. GOULART: It is.

JAMES WIESNER: So this is --

ADAM CUMMINGS: And shifting it a little bit over.

MR. GOULART: Taking a metal shed, removing that one and then putting a new one to be 8 feet from the back, 8 feet from the side.

JAMES WIESNER: And it's on an -- or going to go on an existing pad?

MR. GOULART: I will pour a pad to put it on, yes.

JAMES WIESNER: I don't have anything else.

MARK MERRY: I do not have questions.

FRED TROTT: This is -- it's --

ADAM CUMMINGS: It's because it's a corner lot. Unique. There is no backyard. It is two side yards.

FRED TROTT: Yes.

ADAM CUMMINGS: Two front yards.

FRED TROTT: Is it 8 feet from the side with his neighbors?

ADAM CUMMINGS: Yes. So when I said back, it's the two side lots. 8 feet from each of those.

FRED TROTT: I have no questions. I understand his situation here.

ADAM CUMMINGS: Once again, this is on -- in the farthest corner away from those front yards. The whole lot is 71 feet wide. And then 200 feet deep on the other end.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: No one.

Phillip 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.

FRED TROTT: He is still within the size?

ADAM CUMMINGS: Yes. He doesn't need a permit for the size I'm seeing here.

FRED TROTT: 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 Mark Merry seconded the motion. The

Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt -- actually, any reason the Board sees to split these up? You okay with one vote for both A and B for these variance requests?

MARK MERRY: They go hand-in-hand.

ADAM CUMMINGS: Agreed.

Phillip Supernault made a motion to approve the application with no conditions, and Mark Merry seconded the motion. All Board members were in favor of the motion.

JAMES WIESNER: I guess they don't quite add up. It is a 46-foot setback, 16 inches of shed and 8 feet. So that is 24 -- 70, but it's back line is 71 feet.

ADAM CUMMINGS: So yes. The whole width is 71 feet. And taking off 8, would get you to 83. But it's really -- I think it's going to be -- this map is a little difficult with this draft land surveyor.

Correct me if I am wrong, Paul (Wanzenried). We're trying to get it from 55 feet to 46 feet and it's being measured off of Parkway Drive, correct?

PAUL WANZENRIED: Yep.

ADAM CUMMINGS: So the way the numbers were derived, is not from the centerline of the road and not the -- necessarily property line that is depicted here where the whole lot width is 71 feet. Unless I'm doing my math wrong here. Oh, no. It's off by a little bit. You have 8 feet plus 16 is 24. And 71 minus that would be 47.

JAMES WIESNER: Foot difference there.

ADAM CUMMINGS: So -- but now we have a foot buffer to take into accounts any overhanging on a soffit or anything.

JAMES WIESNER: That's fine. I vote yes.

ADAM CUMMINGS: Does that equal math?

PAUL WANZENRIED: I like the a margin of error.

ADAM CUMMINGS: I agree rather than coming back.

MARK MERRY: Nice catch though, Jim (Wiesner). The rest voted yes.

DECISION: Unanimously approved by a vote of 5 yes with no conditions and the following finding of fact was cited:

1. Requested variance is minor in nature as the shed location is in the furthestmost point on the property from the roadways.
2. Application of Charles Beyor, 46 Black Cedar Drive, Rochester, New York 14624, owner; for a variance to an ancillary structure A.) 288 sq. ft. (192 sq. ft. allowed) B.) 4' from principal structure (8' req.)

Charles Beyor was present to represent the application.

MR. BEYOR: I'm Charles Beyor. 46 Black Cedar is my primary which includes Michelle Avina (phonetic). She is technically the homeowner. We both live there. And yes, we're looking to construct a pergola over the patio in our backyard behind the house.

FRED TROTT: No. I guess I didn't realize it was a pergola.

ADAM CUMMINGS: Still a built structure. That is what is unique of our code. If they put a shed on there, this would technically still be an ancillary structure, correct?

PAUL WANZENRIED: Yep.

ADAM CUMMINGS: But this one specific to here and --

FRED TROTT: Okay.

ADAM CUMMINGS: Yes.

FRED TROTT: Okay.

JAMES WIESNER: The 288 includes the shed and the pergola?

ADAM CUMMINGS: Right.

FRED TROTT: No other questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

Fred Trott made a motion to close the Public Hearing portion of this application, and Phillip Supernault seconded the motion. The Board unanimously approved the motion.

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

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 Type II Action with no significant environmental impact, and Mark Merry seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: First thing I will ask, any reason you guys see to separate it again? I don't. This one is unique with that letter B with proximity to the principal structure. The whole point of these things are to have it so there is sun-screening to enjoy your house, like a canopy attached to your house. This is an alternative to that. So having it closer than 8 feet makes sense in this case. One thing I wanted to point out. Otherwise, I don't see any reason to separate them. And just keep them combined.

JAMES WIESNER: Square footage is just for the pergola, not the shed.

ADAM CUMMINGS: I --

PAUL WANZENRIED: That is correct.

ADAM CUMMINGS: That is a good question. It is 96 square feet.

JAMES WIESNER: So is it considered a different kind of structure?

PAUL WANZENRIED: That's correct.

ADAM CUMMINGS: Perfect. I thought they were combined. Good question. But it also says maximum pergola square footage. All right.

James Wiesner made a motion to approve the application with no conditions, and Phillip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no condition and the following following findings of fact were cited:

1. The proposed pergola is located in a reasonable location for its use and proximity to the main structure.
2. The requested variance is reasonable and will not impact neighboring properties.
3. Application of Kurt Caruso, 984 Chili Center Coldwater Road, Rochester, New York, 14624 owner; for a variance to erect a front porch 40' from front yard setback (75' req.) at property located at 984 Chili Center Coldwater Road, in R-1-12 District.

Kurt Caruso was present to represent the application.

MR. CARUSO: My name is Kurt Caruso and I do reside at 984 Chili Center Coldwater Road and would love to put a covered front porch on my house.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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: Nice to hear about a front porch going up on a house these days.

MARK MERRY: Keep that in mind.

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 Phillip Supernault seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: One condition of approval. You will have to get building permit from the Building Department so just work with them on that one.

MR. CARUSO: I'll chat with Paul (Wanzenried) later.

ADAM CUMMINGS: Yep.

MR. CARUSO: Thank you, sir.

ADAM CUMMINGS: And I'll ask for motion to adopt the one condition of approval.

Mark Merry made a motion to approve the application with a condition, and Phillip Supernault 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 proposed porch will not impact any right-of-way travel ways or obstruct views of traveling vehicles and pedestrians in the area.

2. The variance is minor in nature.
4. Application of Michael Crockett, 3 Pine Knoll Drive, Rochester, New York, 14624 for a variance to erect an accessory structure (shed) from side/rear setback A.) 1.2 from the primary side yard (8' req.) B.) 4' from the secondary side yard (8' req.) at property located at 3 Pine Knoll Drive in R-1-15 District.

Michael Crockett was present to represent the application.

MR. CROCKETT: Good evening. My name is Michael Crockett and I reside at 3 Pine Knoll Drive.

ADAM CUMMINGS: So one thing I'm just going to get out of the way right out front. Side yard with 1.2 feet would require a State variance. So make sure you're prepared on that and I will recommend a condition of approval from this local variance to apply to make sure the State signs off. Their requirement is 3 feet. So the 4 foot it doesn't apply to, but the 3 feet or less -- well, it is actually less than 3 feet. You have to go through them. So I just kind of point that out.

JAMES WIESNER: This is similar to the earlier application. Just replacing a shed that is already there?

MR. CROCKETT: Yes. Same place. Just new shed.

MARK MERRY: No questions.

ADAM CUMMINGS: Another corner lot. I don't have any questions.

FRED TROTT: Pre-existing, nonconforming.

ADAM CUMMINGS: Yes. He is replacing it on there.

MARK MERRY: This will look much nicer, though.

ADAM CUMMINGS: And once again to shift it further onto the property, you have overhead wires that will be a conflict.

FRED TROTT: No questions.

ADAM CUMMINGS: I don't have a sheet -- as far as you know, Paul (Wanzenried), we don't have any complaints?

PAUL WANZENRIED: No, sir.

He needs a State variance. He needs the State variance. Yes.

ADAM CUMMINGS: He has the paperwork for the State variance application as I mentioned earlier. So just keep working on that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Phillip 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 being a State variance will be required. And that's it.

FRED TROTT: Is this helping him at all with the pre-existing, nonconforming with the State variance?

ADAM CUMMINGS: I don't know. It could. But he is fixing it anyway. I --

FRED TROTT: Just curious to see if it made it easier. I don't know how hard it is to get that.

ADAM CUMMINGS: The variances, the State has been pretty responsive on most of them.

PAUL WANZENRIED: Should be within under -- I would say under three weeks. Usually get them back in a couple weeks. Lately.

ADAM CUMMINGS: 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 James Wiesner seconded the motion. The Board all voted yes on the motion.

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

Fred Trott made a motion to approve the application with a condition, and Phillip Supernault 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. Variance from NYS must be obtained.

The following findings of fact were cited:

1. The proposed variance is related to the replacement of an existing shed

that will be replaced with a new one.

2. No complaints have ever been received related to this structure.

The Board discussed approving the minutes.

Adam Cummings made a motion to accept and adopt the 7/25/23 Zoning Board of Appeals meeting minutes, and Phillip Supernault seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:23 p.m.