

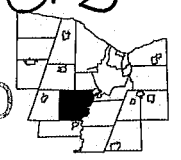


TOWN OF CHILI

STATE OF NEW YORK * COUNTY OF MONROE
ESTABLISHED IN 1822

10/24/23

RECEIVED



SEP 12 2023

David J Dunning
Supervisor

Virginia L. Ignatowski
Town Clerk

BUILDING DEPARTMENT

Mark L. DeCory
Michael S. Slattery
Mary C. Sperr
James V. Valerio
Town Council Members

DENIAL OF APPLICATION FOR LAND USE AND/OR BUILDING PERMIT

APPLICANT: Nick/Caitlyn Fantigrossi

PROPERTY ADDRESS: 1560 Davis Rd Churchville, NY 14428

TAX PARCEL NO.: 144.02-1.111

ZONING DISTRICT: GI-General industrial/R-1-15

This applicant has applied to use the identified property within the Town of Chili for the following:
Applicant proposes to erect a 40'-0" x 80'-0" accessory structure (barn) with an 80'-0" x 12'-0" storage area (covered), to house livestock and farm items.

This application is hereby denied upon the grounds that such use of the property would violate the Town Zoning Law article(s); III.

As such, the following relief would be required to proceed:

- Appeal of My Interpretation Use Variance to permit the following:
- Area Variance seeking the following relief:

Section of Code*	Concerning*	Change From*	Change To*
500-13(B)(2)	Area of an accessory structure	192 sq. ft.	4,160 total sq.ft. 40'x80' building w/ 80' x 12' covered storage
500-13 (B)(2)	Height of Accessory Structure	12'-0" allowed	20'-0" proposed
500-60-(B)	Location of an accessory structure	Not permitted (Front Yard)	Permitted
500-62(B)(5)	Location of Building Housing Livestock	200.00' required	100.00' proposed from East and South Property Line

September 12, 2023

Date

Code Enforcement Officer

FILE COPY

TOWN OF CHILI

3333 Chili Avenue, Rochester, NY 14624

Tel: 889-889-6143 Fax: 889-8710

www.townofchili.org

APPEAL TO THE ZONING BOARD FOR AN AREA VARIANCE

SECTION I: APPLICANT INFORMATION – PLEASE ANSWER THE FOLLOWING:

APPLICANT(S)*	OWNER(S) (If not applicant)	ATTORNEY/AGENT
Name: <u>Nicholas Fantigrossi</u>	<u>Caitlynn Fantigrossi</u>	<u>NA</u>
Address: <u>1560 Davis Rd</u>		
<u>Churchville NY 14428</u>		
Tel/Fax: <u>585-313-3357</u>		
E-Mail: <u>Nicholas.Fantigrossi@gmail.com</u>		

* The application must be signed by the Property Owner(s). Attorneys/consultants/agents may not sign on behalf of the Property Owner.

SECTION II: PROPERTY INFORMATION – PLEASE ANSWER THE FOLLOWING:

- Property Address (No. & St.): 1560 Davis Rd
- Tax Parcel No.: 262200 144.02-2-1.111 3. Current Zoning District: G.I./R.1.15
- Has a previous ZBA application/appeal been filed for this property? Yes? No?
If Yes, then: When: Apr 2022 For What: House Build
- Is property located within (check all that apply)?: Flood Plain Wetlands
- Is there a written violation notice or “stop work order” for this Property Yes No
 If “Yes”, then attach a copy of the violation notice(s) and stop work order(s).
- Has the work, use, or occupancy to which this appeal relates already begun? Yes No
- Brief description of the project: (include current and proposed use):
Building of a Barn For Storage and animal
Shelter 40x80 with an overhang of 12 feet

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ZONING BOARD OF APPEALS APPLICATION FORM

8. Are there special circumstances such as lot size, slope, or other physical conditions of the property which make compliance with the zoning regulations challenging? If so, please explain:

Baran will fall less than 200 feet from the property lines appx. 100 feet from south and 100 from east

SECTION III: AREA VARIANCE – PLEASE ANSWER THE FOLLOWING:

The applicant requests relief from the following sections and requirements of the Zoning Law:

Section of Code*	Concerning*	Change From*	Change To*
500-13(B)(2)	AREA OF ACCESSORY STRUCTURE	192 SQFT	4,160-(40'x60 BLDG w/ 80'x12' COVERED STORAGE.
500-62(B)(3)	LOCATION OF BUILDING HOUSING LIVESTOCK.	200 FEET.	100' PROPOSED FROM SOUTH & EAST PROPERTY LINE.
500-60(B)	LOCATION OF ACCESSORY STRUCTURE.	NOT PERMITTED (FRONT YARD)	PERMITTED.
500-13(B)(2)	HEIGHT OF ACCESSORY STRUCTURE	12'-0" MAX PERMITTED	20'-0" PROPOSED
500-			
500-			

*See example below:

500-13(D)(1)	Rear Yard Setback	60 feet	58 feet
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Criteria For Area Variance

To grant an area variance, the ZBA must balance the benefits to the applicant against the potential harm to the health, safety, and welfare of the neighborhood and community, taking into consideration the following:

1. Can the benefit sought by the applicant be achieved by other feasible means? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.) and why they are not feasible.

NO. Placement on the lot dictates its location
 Purchase of land not possible neither is alternative design

FILE COPY

ZONING BOARD OF APPEALS APPLICATION FORM

2. Will granting the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? Granting the variance will not create a detriment to nearby properties or an undesirable change in the neighborhood character for the following reasons:

Will not change the character of the neighborhood or nearby properties

3. Is the requested variance substantial? The requested variance is not substantial for the following reasons:

40 x 80 Baan that will fall within 200 feet of a property line approx 100ft from south and 100 from east due to existing driveway and topography of land

4. Will the variance have any adverse physical or environmental effects on neighborhood or district?

The requested variance will not have an adverse physical or environmental effect on the neighborhood or district for the following reasons:

Will not have an adverse physical or environmental effect:

- will not be visible from road
- land is not a wetland or wildlife habitat

5. Was the alleged difficulty self-created? (although this does not necessarily preclude the granting of an area variance). Explain whether the alleged difficulty was or was not self-created:

DISCLOSURE

Does any Town officer, employee, or family member thereof have a financial interest (as defined by General Municipal Law Section 809) in this application? Yes No If "yes", a statement disclosing the name, residence and nature and extent of this interest must be filed with this application.

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APPLICANT & PROPERTY OWNERS' CERTIFICATIONS:

1. **Application to the Zoning Board:** I/we, the property owners of the land in question and the applicants hereby request an appearance before the Zoning Board of Appeals.
2. **Authorization to Enter Property:** I/we, the undersigned Property Owners, hereby authorize the members of the Zoning Board of Appeals and designated Town staff to enter the property associated with this application for purposes of conducting any necessary site inspections relating to this application.
3. **Property Owner's Authorization of Applicant and Liability:** I/we certify that I/we, the undersigned Property Owners, am/are all of the Owners of the Property which is the subject of this application, that I/we have authorized the applicant to make this application and that **I/we agree to be bound by the application, the representations made by the applicant, and the decision of the Town.**
4. **Truth Required By Law:** I/we understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York

Sworn to before me this

Sept. 12 2023
Virginia Ignatowski
Notary Public

X Nicholas Fantigrasi
Property Owner

X _____
Property Owner

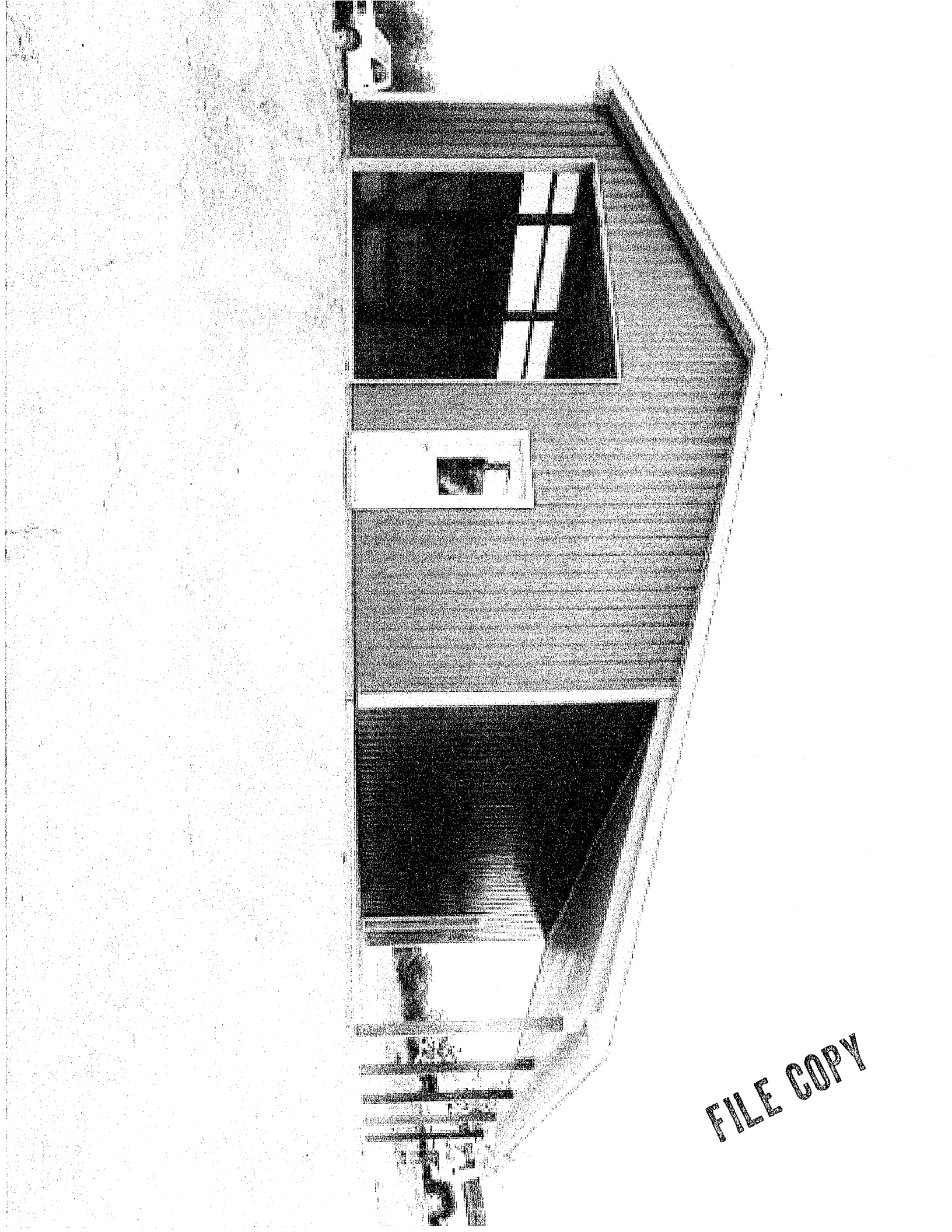
X [Signature]
Applicant

X _____
Applicant

STATE OF NEW YORK
MONROE COUNTY
Office of the Clerk of the
Town of Chili

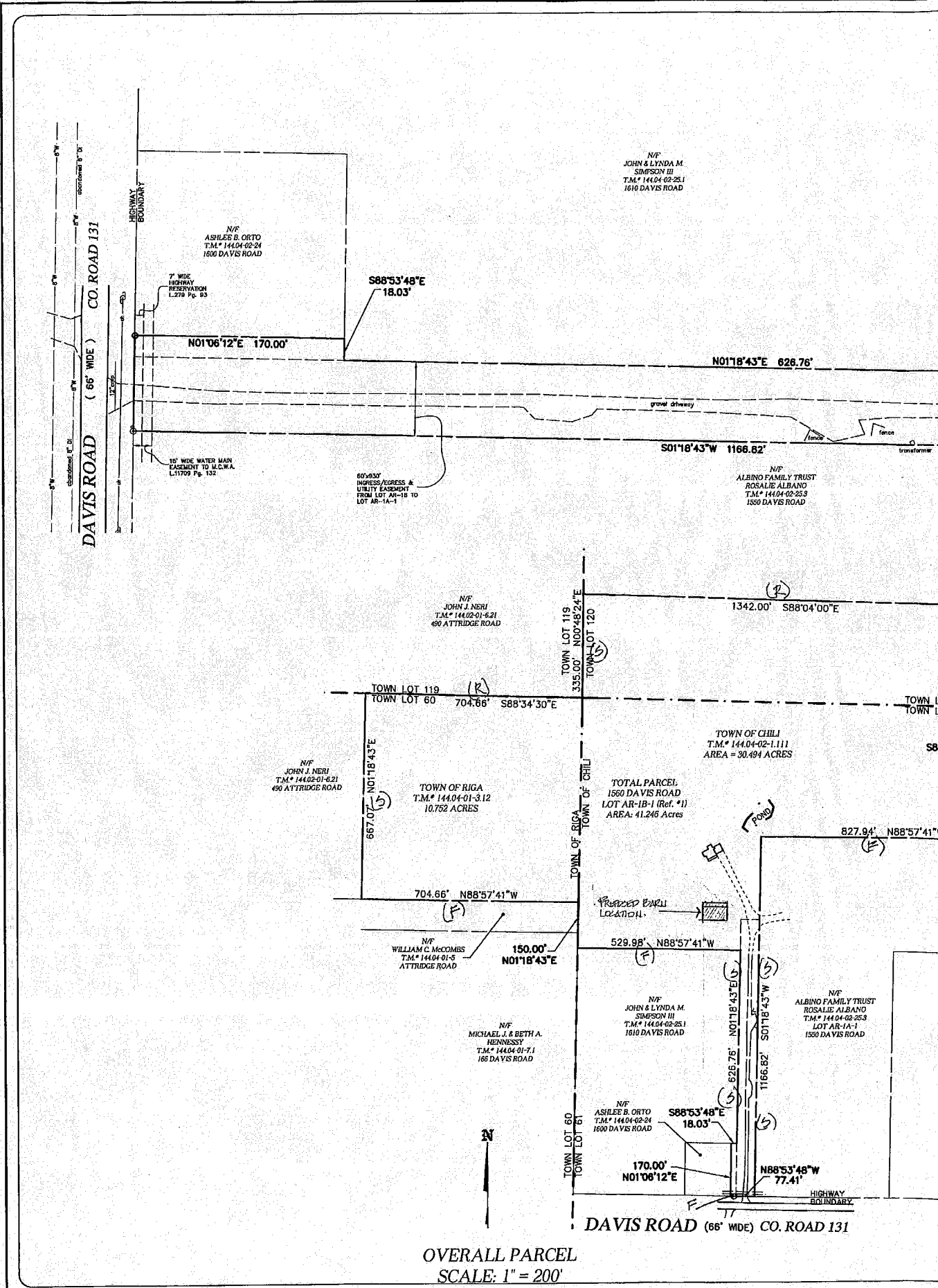
VIRGINIA L. IGNATOWSKI
Notary Public, State of New York
No. 0108167842
Monroe County
Commission Expires 06/04/26 27

FILE 2023



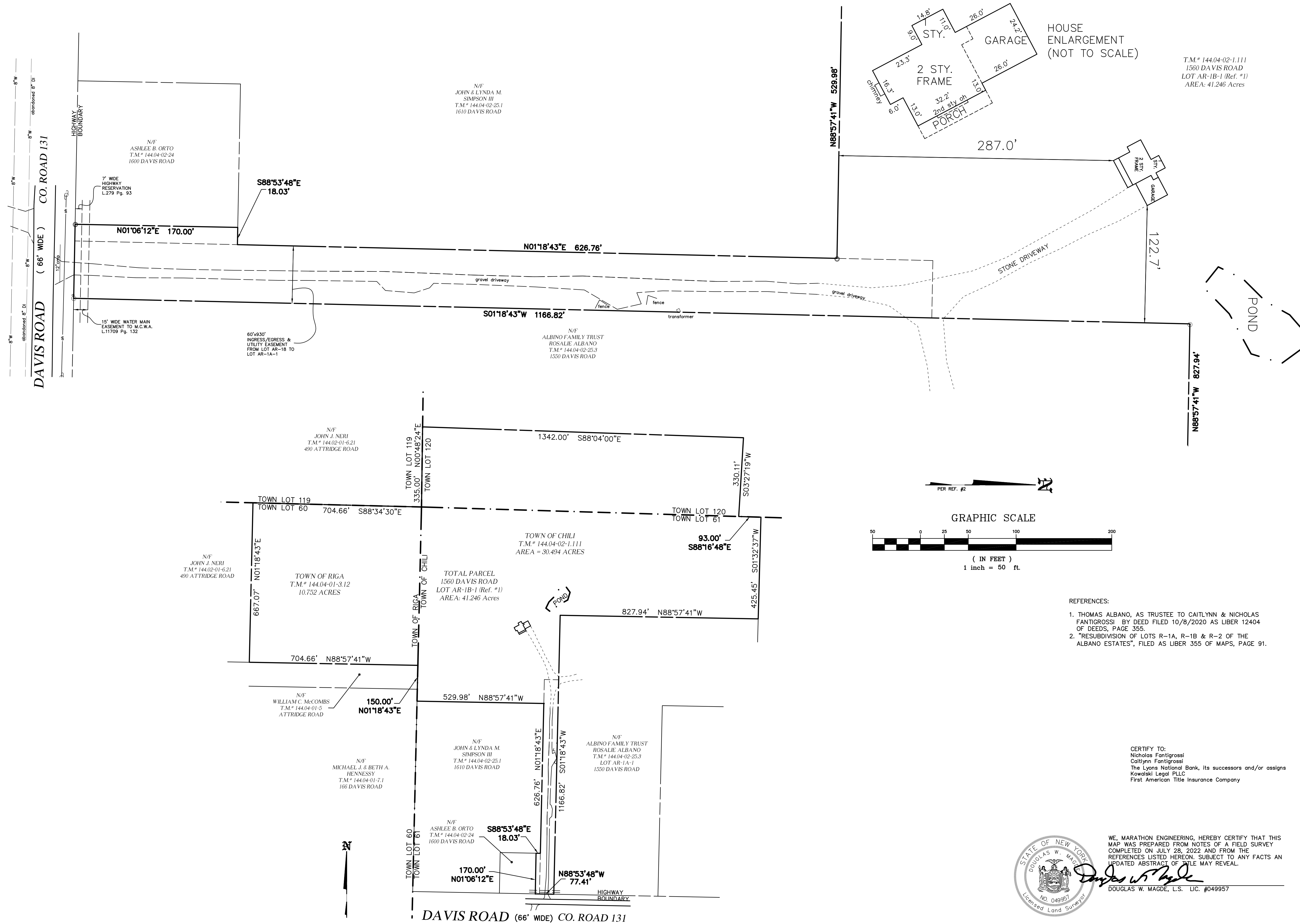
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File: S:\Drawings\Monroe County\Chillicothe\Davis Road 1560 Final Survey - July 2022.dwg, Last saved: 9/6/2022, Plot Date: 9/6/2022, By: DOUG MACDE, Plot Style: -----

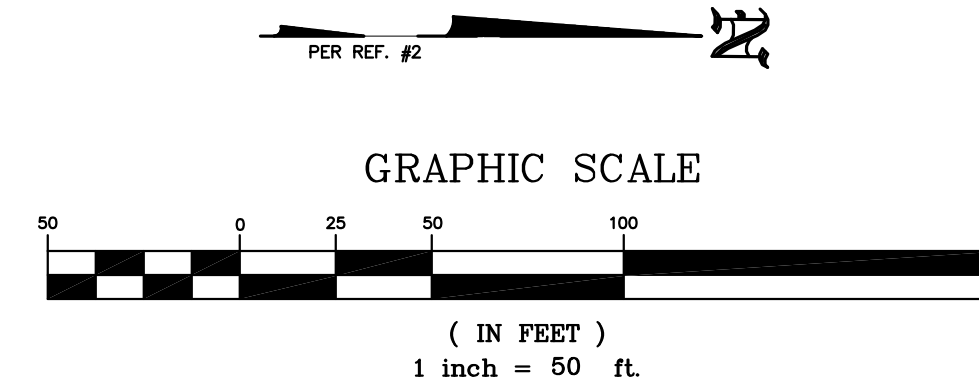


OVERALL PARCEL
SCALE: 1" = 200'

File: S:\Drawings\Monroe County\Chili\Davis Road 1560 Final Survey - July 2022.dwg, Last saved: 9/16/2022, By: DOUG MAGDE, Plot Date: 9/16/2022, Plot Style: -----

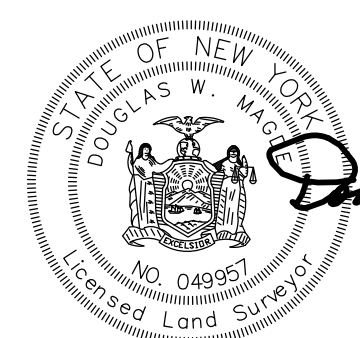


OVERALL PARCEL
SCALE: 1" = 200'



- REFERENCES:
1. THOMAS ALBANO, AS TRUSTEE TO CAITLYNN & NICHOLAS FANTIGROSSI BY DEED FILED 10/8/2020 AS LIBER 12404 OF DEEDS, PAGE 355.
 2. "RESUBDIVISION OF LOTS R-1A, R-1B & R-2 OF THE ALBANO ESTATES", FILED AS LIBER 355 OF MAPS, PAGE 91.

CERTIFY TO:
Nicholas Fantigrossi
Caitlynn Fantigrossi
The Lyons National Bank, its successors and/or assigns
Kowalski Legal PLLC
First American Title Insurance Company



WE, MARATHON ENGINEERING, HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY COMPLETED ON JULY 28, 2022 AND FROM THE REFERENCES LISTED HEREON, SUBJECT TO ANY FACTS AN UPDATED ABSTRACT OF TITLE MAY REVEAL.

Douglas W. Magde
DOUGLAS W. MAGDE, L.S. LIC. #049957

MARATHON ENGINEERING
ROCHESTER LOCATION
39 CASCADE DRIVE
ROCHESTER, NY 14614
585-458-7770
ITHACA LOCATION
840 HANSHAW RD, STE 6
ITHACA, NY 14850
607-241-2917
www.marathoneng.com

SURVEY MAP
#1560 DAVIS ROAD
PART OF LOTS 60, 61 & 120, TOWNSHIP 2, RANGE 1, JOHN SMITH ALLOTMENT
TOWN OF CHILI
MONROE COUNTY
STATE OF NY

JOB NO: LS 2022
SCALE: 1"=50'
DRAWN: DWM
DESIGNED: DWM
DATE: 07/29/2022

REVISIONS		
DATE	BY	REVISION

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 143, SECTION 2308 FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO REPRODUCE ANY MAP, AND IN SO DOING, THE SEAL OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR, IF IN THE HANDS OF THE SEAL OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR IS NEEDED, THE SEALING REQUIREMENTS OF LAND SURVEYOR SHALL APPLY TO THE SEAL OF THE SEALING ENGINEER, AND THE SEALING REQUIREMENTS OF THE SEALING ENGINEER SHALL APPLY TO THE SEAL OF THE SEALING ENGINEER, AND THE SEALING REQUIREMENTS OF THE SEALING ENGINEER SHALL APPLY TO THE SEAL OF THE SEALING ENGINEER.

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DRAWING TITLE:
HOUSE LOCATION
SURVEY

1 of 1
SHEET No: **SV-1**

LS 2022
JOB No: DRAWING No:



Department of Planning & Development
Monroe County, New York

Adam J. Bello
County Executive

Ana J. Liss
Director

To: Town of Chili Zoning Board

From: Yixuan Lin, Senior Planner yl

Date: October 12, 2023

Subject: BARN - 1560 Davis Rd
1560 Davis Rd, Churchville 14428
Applicant proposes to erect a 40'-0" x 80'-0" accessory structure (barn) with an 80'-0" x 12'-0" storage area (covered), to house livestock and farm items.
MCDP&D Response to Development Review Referral (CI23056)

Review Authority and Response:

General Municipal Law: [X] Section 239-m (Zoning) [] Approval [] Modification [] Disapproval [X] Comment [] No Comment
[] Section 239-n (Subdivision) [] Approval [] Modification [] Disapproval [] Comment [] No Comment

County Charter: [] Section C5-4.A (Airport) [] Approval [] Approval with Conditions [] Disapproval
[] Section C5-4.C (Advisory Review) [] Comment [] No Comment

Previously Reviewed by MCD&P (if yes, previous referral response applies to this referral):

[] Yes [X] No

Referred to the Development Review Committee (DRC) (If yes, DRC Project Review Report attached):

[X] Yes [] No

MCDP&D Comments:

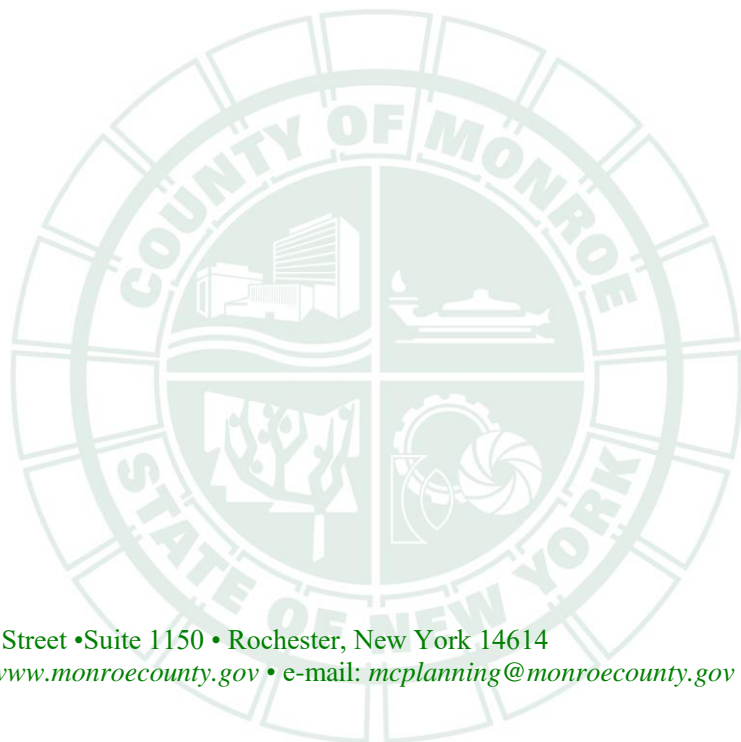
- 1. The subject parcel is within 500 feet of the Town of Riga's municipal boundary. The clerk of the board should provide written notice to the neighboring municipality in accordance with General Municipal Law 239-nn.
2. The subject parcel is located adjacent to NYC Westshore Line (Churchville - Chili). The board may wish to consider the site's relationship to the planned trail, the potential impact of the development on the trail, whether this would be an appropriate location for a connection to the trail, or landscaping that screens the site from the trail.
3. Applicants are encouraged to contact other County Departments and non-county agencies to ensure all permitting requirements for this project have been satisfied.
4. According to the New York State Department of Environmental Conservation (NYS DEC) and the United States Geological Survey National Hydrography Dataset (USGS NHD) it appears a portion of a stream is located on the subject property. Streambanks, sometimes called riparian zones or stream corridors, are the link between land and water, and the health of streams depends in large part on the condition of the streamside. Research has shown that naturally vegetated corridors along streams provide numerous benefits essential for human health and welfare. Healthy stream corridors can reduce flooding downstream; trap sediment; remove dissolved contaminants; provide shade; contribute leaf matter (important for insect food and fish habitat); provide wildlife habitat; offer recreational opportunities; and increase aesthetic value and desirability of a property.

In order to protect the stream corridor, mitigate potential flood impacts on downstream properties and prevent contaminants from entering the stream consider the following:

- Maintain a healthy, vegetated streamside buffer by preserving trees and shrubs along the stream edge.
 - Limit tree cutting to removal of large branches that fall into the stream and divert streamflow and cause erosion.
 - Minimize channelized storm flows through the streamside buffer to filter contaminants and reduce erosion.
 - Reduce impervious areas near the streamside and, where necessary, use stone or brick instead of pavement and concrete for driveways and walkways.
 - Exclude vehicles, livestock, or excessive pedestrian traffic.
 - Reduce or eliminate buffer area exposure to fertilizer, herbicides, pesticide, animal waste, household and automotive chemicals, trash, debris, and piles of leaf litter.
 - Maintain septic systems.
5. According to the National Wetland Inventory (NWI) maps prepared by the United States Department of Interior, this site appears to contain a portion of a federal wetland that is classified as PSS1Ad. Although a buffer area is not required, it is beneficial to the wetland if a natural buffer of 100 feet is left around it. In addition, please note that, while the NWI maps are based upon aerial photography and not field data, they are a strong indicator that wetlands regulated by the U.S. Army Corps of Engineers (Corps) may exist on your project site. Final verification of the location of federal wetlands can only be determined through an on-site delineation. The applicant may need to obtain a permit from the Corps. For further information regarding the need for a permit, the applicant should contact: Steven V Metivier, (716) 879-4314

If you have any questions regarding this review, please contact me at 585-753-2026 or YixuanLin@monroecounty.gov.

xc: Development Review Committee
NICK FANTIGROSSI
Steven V Metivier, United States Army Corps of Engineers
Monroe County Planning & Development



Subject: Attachment to File CI23056
BARN - 1560 Davis Rd
1560 Davis Rd, Churchville 14428

The Monroe County Development Review Committee (DRC) has reviewed the subject application and have the following comments that need to be addressed prior to submission of final plans for approval.

Monroe County Department of Health (MCDOH), Contact Brett Gobe (585-753-5459) with questions.

1. Plan Approval by the Monroe County Department of Public Health NOT required.

Monroe County Department of Transportation (MCDOT), Contact John Raymond (753-7711) with questions.

1. The Monroe County Geodetic Survey Monumentation Network provides the framework for all positioning activities (latitude, longitude, elevation) in Monroe County. In order to preserve geodetic survey monuments, the location of monuments in the vicinity of the project should be evaluated. It is the responsibility of the Developer to see if a monument is in or near the work area by utilizing the [Monroe County GIS Interactive Map Gallery GPS Base Stations & Survey Monuments map](#); plotting the location of any monuments within the proposed construction area and by e-mailing full site plans and a request for review to the County Surveyor, at gregorybly@monroecounty.gov. A security deposit and a survey monument monitoring report may be required to protect any monumentation located in or near the work area. Contact Gregory D. Bly, PLS, at (585) 753-1156 if you have questions.

Confirm there will be no construction in the Monroe County ROW by calling John Raymond at 753-7711.

Monroe County Department of Environmental Services (MCDES), Division of Pure Waters, Contact Richard Bianchi (753-7614) with questions.

1. This project was not sent to Monroe County Environmental Services for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.

New York State Department of Transportation (NYSDOT), Contact Zachary Starke (272-3472) with questions.

1. This project was not sent to New York State Department of Transportation for review. Applicants should verify with this agency that they do not have jurisdictional requirements for this project.

