

CHILI ZONING BOARD OF APPEALS
10/24/23

A meeting of the Chili Zoning Board of Appeals was held on October 24, 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: Jaret Hirt, 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 sign? I will point out the sign -- as Dorothy (Borgus) and I discussed earlier, the sign wasn't in the best location. It was nailed to the tree that was farther down the driveway.

FRED TROTT: I saw it.

ADAM CUMMINGS: Took some knowledge to know that it was there. But any other issues or any discussion on the sign? If not, we'll go ahead.

1. Application of Nicholas Fantagrossi, 1560 Davis Road, Rochester, New York 14612, owner; for a variance to erect a 40'-0" by 80'0" by 12'0" storage area (covered). A) Total area proposed 4,160 sq. ft. (1,200 allowed), B) Height proposed 20-0 (12-0 allowed), C) Located in front yard (not permitted), D) Housing of livestock 100.00 from property line (200.00 required) at the property located at 1560 Davis Road in GI/R-1-15 District.

Nicholas Fantagrossi was present to represent the application.

ADAM CUMMINGS: That's a unique parcel split across two zones and even split across two municipal boundaries, us and Riga, not for the part we're looking at now, but the whole parcel does. And the improvements he is looking to do is in the zone of the R-1-15.

Is that accurate, Paul (Wanzenried)? Or do I have that backwards? Is the GI in the back or the GI in the front?

PAUL WANZENRIED: The GI is in the back and the R is in the front.

ADAM CUMMINGS: Okay. All right.

FRED TROTT: Can you clarify that?

ADAM CUMMINGS: So the parcel itself, the way the zoning districts were drawn up on the zoning map, the parcel was actually split in two. So the northern part or the back part is actually falling within the General Industrial Zone. The front part where he is looking to go do this is in the residential zone, the R-1-15 district.

FRED TROTT: Why wasn't it made when they purchased the house --

ADAM CUMMINGS: What do you mean?

FRED TROTT: Why didn't they make it all one?

ADAM CUMMINGS: They don't make it. The Town Board makes the zoning. The Town Board looked at it and drew a line across where they wanted the industrial, which probably lined up with the industrial parcel and it splits the parcel. So if the applicant would like to come to the podium, identify yourself with your name and address and anything else you would like to add on this. Otherwise, I'll go right into Board questions.

MR. FANTAGROSSI: My name is Nicholas Fantagrossi. I live at 1560 Davis Road. It's our hope to be able to build this barn for our farm. We are a part-time farm. We have cows, horses, pigs and chickens.

I wasn't aware that this was split -- splitting the residential zone. I thought it was a little bit further down. But with that being said, we would still like to get this easement.

Yep. Variance.

MR. FANTAGROSSI: Variance. Variance. I'm sorry.

ADAM CUMMINGS: We're not doing easements.

MR. FANTAGROSSI: Variance.

ADAM CUMMINGS: Just clarifying it for the record.

Actually, it's one application tonight, so we'll hit them all at once instead of going one at a time.

JAMES WIESNER: It is a very interesting parcel. This has already been subdivided?

MR. FANTAGROSSI: Yes. So we built a house last spring and moved in last August. So we have been there for a year.

JAMES WIESNER: So it was subdivided at that time.

MR. FANTAGROSSI: Um, I'm not sure how to answer that. That was up to the

engineers. My knowledge is -- the zoning never changed. It was what it was. There is a line at the -- I believe it's -- the old West Shore line is where it splits between residential to the south and -- and industrial vacant to the north.

JAMES WIESNER: You're talking about the formation -- the formation of that particular parcel, was it part of a larger farm?

MR. FANTAGROSSI: It was part of a larger parcel.

JAMES WIESNER: So it was subdivided.

MR. FANTAGROSSI: Yes.

JAMES WIESNER: And then obviously it's a flag lot, so there's a shared driveway now for --

MR. FANTAGROSSI: We own the driveway. The driveway is -- the dimensions are on the map.

JAMES WIESNER: Look likes there is another parcel.

MR. FANTAGROSSI: Then the actual property is 42 acres.

ADAM CUMMINGS: Yes.

MR. FANTAGROSSI: Ten of which is in Riga.

ADAM CUMMINGS: So that I will explain. So yes, it's -- the overall parcel is -- is 42 acres. There is an easement. He owns -- I haven't read the language, but I believe he, as the parent parcel on that, owns it and as you will see in the plan, it calls out an ingress and egress and utility easement. That is for the neighboring parcel who also uses it as a driveway to get back to their house.

MR. FANTAGROSSI: That's correct.

ADAM CUMMINGS: That goes to the A1 --

MR. FANTAGROSSI: 1550 Davis has an easement agreement.

ADAM CUMMINGS: A1 --

PAUL WANZENRIED: Albano.

ADAM CUMMINGS: It says "Albino Family Trust."

PAUL WANZENRIED: Albano.

ADAM CUMMINGS: I'm just reading it here. I thought it was Albano, as well.

PAUL WANZENRIED: It is.

ADAM CUMMINGS: Okay. So the surveyors map has it as "Albino," but I believe it's Albano with an A.

JAMES WIESNER: So the animals -- you already have animals that you're bringing over or --

MR. FANTAGROSSI: Yes.

JAMES WIESNER: So your -- you have a separate piece of property that you have the farm on currently.

MR. FANTAGROSSI: The farm is the back parcel of the property.

JAMES WIESNER: Okay. So what do you do for those animals today? What type of shelter do they have?

MR. FANTAGROSSI: They have run-in shelters. They have what is called a run-in shelter. It's a 10 by 20 3 1/2 sided shed that they can go into to get out of the weather.

MARK MERRY: You're expanding the number of livestock on the property that you --

MR. FANTAGROSSI: The intent is to expand the number of livestock. Not by a great amount, but we want to have some areas where we can put some horses in if they need to be out of the pasture, as well as storage for our equipment.

MARK MERRY: That's what is driving the footprint of this structure, correct?

MR. FANTAGROSSI: Correct. So if you look at the picture -- the picture of the barn, the lean-to area is going to be the only area for livestock. The rest of the barn is going to be equipment. I do not have any aspiration to be a commercial horse border or anything like that.

PHILLIP SUPERNAULT: Could you stand closer to the microphone, please?

MR. FANTAGROSSI: I'm sorry.

PHILLIP SUPERNAULT: Thank you.

MARK MERRY: So if we're taking these all in at the same time -- right?

ADAM CUMMINGS: Right now we're just throwing questions out at him. We'll have individual decision-making process.

MARK MERRY: So you appear, sir, to have a pretty substantial parcel here. I'm just -- I'm -- out of curiosity, the location of the structure. What is driving that location?

MR. FANTAGROSSI: The availability of electric and water. If we go beyond the house, running the water -- running the waterline that comes from the road, as well as the electric from the transformer that is there would be very, very, very, very, very expensive.

MARK MERRY: Okay. Thank you. That's all I have.

FRED TROTT: So that's what is driving you to put it in that spot, the electric and the water?

ADAM CUMMINGS: And proximity to the driveway, I'm assuming.

MR. FANTAGROSSI: Proximity to the driveway, as well as utilities.

FRED TROTT: Because you do have a lot of property there. I don't -- that seems to be awfully close. The other question I have for you is why do you have to have it that high, the 20 feet?

MR. FANTAGROSSI: Well, it would be -- standard for a pole barn is 12-foot walls and then the peak of the roof, in order to provide the adequate snow load and --

ADAM CUMMINGS: Snow falling off.

MR. FANTAGROSSI: -- engineering wise so it falls off.
FRED TROTT: My pole barn is not 20 feet high.
MR. FANTAGROSSI: From the base to the tip of it? How tall are your walls?
FRED TROTT: My walls are 10 feet.
MR. FANTAGROSSI: In order to put our tractor that I have in there of -- 10 foot is not enough.
FRED TROTT: I'm sorry. I have a 10-foot garage door. So I have 12-foot.
MR. FANTAGROSSI: What is the pitch of your roof?
PAUL WANZENRIED: What is your width?
FRED TROTT: I'm -- I'm within code.
ADAM CUMMINGS: No. What is your width? That will drive your height.
FRED TROTT: My width is 30 and my length is 40.
PAUL WANZENRIED: So 15 times 40. 60. 15 times 4 is 60. That is 5 feet. So -- so your ridge height on top of 12 is 17 feet.
FRED TROTT: 17.
PAUL WANZENRIED: Right. He is 40 feet. So take 20 times 4 and now you're at 80.
FRED TROTT: And the size of the garage, why is it -- how much of that -- of the building is interior garage that is not for the horses or anything else?
MR. FANTAGROSSI: 40 by 80.
FRED TROTT: 40 by 40.
MR. FANTAGROSSI: Actually, the footprint is 52 by 80 with a 12-foot overhang.
FRED TROTT: Why do you need that much room for equipment?
MR. FANTAGROSSI: To -- if I wanted to put a camp trailer or anything there, that's what really makes the most sense as far as cost-wise in our budget.
There is a preexisting structure that is -- the neighbors, that's right across -- within maybe 150 -- so it is 50 feet from my property line, as drawn. His barn is, I believe, bigger than this one. It is a preexisting pole barn. It's -- I think it's 50 by 100, but I'm not sure.
ADAM CUMMINGS: So we are going to be the smaller one right there.
FRED TROTT: Is that a preexisting, nonconforming?
PAUL WANZENRIED: Uh-huh. On his property?
MR. FANTAGROSSI: No. Tom Albano.
PAUL WANZENRIED: Oh, that's Tom (Albano)'s? That's preexisting, nonconforming.
MR. FANTAGROSSI: That was the other driving factor where we wanted to put the barn, in the same proximity of his.
ADAM CUMMINGS: How far from Davis Road is this approximately?
MR. FANTAGROSSI: 1500 feet.
ADAM CUMMINGS: Thank you.
MR. FANTAGROSSI: I don't believe you would be able to see it from the road with the trees.
PHILIP SUPERNAULT: What was that question, Adam (Cummings)?
ADAM CUMMINGS: I asked how far off Davis Road that is going to be.
MR. FANTAGROSSI: The answer was about 1500 feet.
ADAM CUMMINGS: All set, Fred (Trott)?
FRED TROTT: Yeah.
ADAM CUMMINGS: You want me to come back to you?
PHILLIP SUPERNAULT: Am I mistaken -- so your property line is actually quite a ways back from the road, right? You don't own the front lot. You own the second lot in?
ADAM CUMMINGS: He does own the front lot. He has a flag lot and he owns the parcel that has the flag that touches the front of Davis Road.
PHILLIP SUPERNAULT: Okay.
ADAM CUMMINGS: Then the neighbor has the egress part. That's why it is a shared driveway that you see is split.
PHILLIP SUPERNAULT: Got you. So I'm looking at the map and it says John and Linda Simpson.
ADAM CUMMINGS: That is right along Davis Road.
MR. FANTAGROSSI: So that -- that lot is actually owned by this gentleman (indicating). He's the neighbor to the south. And that's -- that's what you're seeing in there. So you're looking at John -- John Simpson's property and then we're actually behind that.
PHILLIP SUPERNAULT: That's why I asked.
So your property -- your property doesn't even touch Davis Road. Your back, correct?
MR. FANTAGROSSI: The only part of our property that touches Davis Road is where the driveway is.
PHILLIP SUPERNAULT: Correct.
MR. FANTAGROSSI: So I believe it's -- 60 or 80 feet wide.
PHILLIP SUPERNAULT: I'm seeing --
MR. FANTAGROSSI: All of the way back, better part of 1300 feet.
PHILLIP SUPERNAULT: Okay. So if I'm reading this correctly, the Ortos own a piece up front that fronts on Davis; correct?
MR. FANTAGROSSI: Correct.
PHILLIP SUPERNAULT: The Simpsons own the property around the Orto property and then you're back?
MR. FANTAGROSSI: Correct.

PHILLIP SUPERNAULT: If you moved your barn into compliance, how far would it be from your house? Say if you went 200 --

MR. FANTAGROSSI: So I understand what you're asking. If we moved it back, I would be in my leach field which is in front of my house. So that was the other --

PHILLIP SUPERNAULT: Got you. Okay. And you have livestock on the property at the -- right now?

MR. FANTAGROSSI: Yes.

PHILLIP SUPERNAULT: What -- what -- can you give me some -- a better idea of numbers and stuff like that?

MR. FANTAGROSSI: Sure. We have five cows. Three horses. And then three permanent pigs. And then some assortment of chickens and water fowl.

PHILLIP SUPERNAULT: You're going to increase all that livestock?

MR. FANTAGROSSI: Not by a lot, but yes. This is not my full-time job. I'm a City of Rochester firefighter. So this is just a hobby farm.

PHILLIP SUPERNAULT: Okay. So all -- all those animals, numbers will increase of all those animals?

MR. FANTAGROSSI: Correct.

PHILLIP SUPERNAULT: Some more than others? So this is just a hobby? It's going to continue to be a hobby or --

MR. FANTAGROSSI: Yes.

PHILLIP SUPERNAULT: Do you butcher any of these animals?

MR. FANTAGROSSI: Currently just pigs.

PHILLIP SUPERNAULT: Okay.

MR. FANTAGROSSI: We actually have an LLC farm. You can look us up. It's called Fantagrossi Farms.

PHILLIP SUPERNAULT: And there will be a connection between the livestock here and the livestock on the farm? Will there be --

MR. FANTAGROSSI: Yes.

PHILLIP SUPERNAULT: -- an overflow kind of thing?

MR. FANTAGROSSI: Yes.

PHILLIP SUPERNAULT: Thank you.

ADAM CUMMINGS: I think we covered the square footage question on there of the height. I believe we covered it. A little detail there.

But you said you have a neighboring -- Mr. Albano's barn -- is that taller than 20 feet?

MR. FANTAGROSSI: I can't say for sure. I believe he has 16-foot walls, but I --

ADAM CUMMINGS: So more than likely it will be a similar height.

MR. FANTAGROSSI: It will be a similar structure.

ADAM CUMMINGS: Either way, it's greater than 12 feet.

MR. FANTAGROSSI: Yes.

ADAM CUMMINGS: Your front yard, you mentioned that one -- right in front of your house is your leach field for your septic system, correct?

MR. FANTAGROSSI: To the southwest of it.

ADAM CUMMINGS: Yep. So if you moved to the 200 feet instead of the 100 feet, and if you went to the northeast, you have got a pond on your property; correct?

MR. FANTAGROSSI: Correct.

ADAM CUMMINGS: So that would conflict and I'm guessing the topography goes towards the pond?

MR. FANTAGROSSI: Yes. Everything kind of goes north downhill into drainage.

ADAM CUMMINGS: And then my last question on it is all of the neighbors' houses, are they closer to Davis Road on those -- I think we talked about the Simpson's property there, Orto's property and Albanos. And then it looks like to the east somebody else is building a house.

MR. FANTAGROSSI: Significantly farther away. They are significantly closer to Davis Road, yes.

ADAM CUMMINGS: Okay. Thank you.

PAUL WANZENRIED: I think have you covered it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Good to be back and see familiar faces. And some good questions tonight.

I went in today and looked at the packet that the Board has gotten tonight and I did have some questions. Number one, I did not -- I did not see the sign, which I know is a requirement. And -- and I am told it was a little irregular to have it where it is, but I -- but I have to wonder if all of the other neighbors saw it either. With this kind of an application, I expected you would have a crowd in this room.

ADAM CUMMINGS: We don't seem to be popular here.

MS. BORGUS: Pardon?

ADAM CUMMINGS: We don't seem to be very popular here. Even on the ones we think people will come to, they don't show up.

MS. BORGUS: What I'm concerned about, I guess in a way is maybe they didn't see the sign either. Maybe they're not aware. This is kind of a big change to the neighborhood when

you start bringing in this kind of livestock in a residential area, especially with some very nice homes up there. I would think that they would have more than a few concerns about this.

I did -- I did go on the computer and look up some -- a website. I understand -- I don't know if you people had done that. But what I gathered from the pictures on the website was, that this was an attraction, that -- you know, come and see the animals. Come and pet the -- not that it said that, but it -- that was the feel you got from it. They had a picture of the cattle and the -- you know, the wagon and all that. And it -- it almost appeared that it was an attraction to draw people in to come and -- like a petting zoo, if you will.

ADAM CUMMINGS: Or like a component of Stokoe Farms?

MS. BORGUS: What?

ADAM CUMMINGS: Like Stokoe Farms?

MS. BORGUS: Like Stokoe Farms. Yes. Yes. I own a farm. I understand about farms. I mean 40 acres is -- is really not --

ADAM CUMMINGS: A big one.

MS. BORGUS: -- a farm. I mean when you have a farm, it's -- it's kind of a farmette in my opinion.

I'm a little concerned, too, about the fact that -- number one, they have all this livestock and -- and evidently, they have never requested this kind of a hearing about it. So they have kind of jumped the gun and went ahead with the animals and then now they're -- they're kind of coming in looking for a blessing. So -- and it sounds like there is going to be more animals.

And a lot of people in Town, especially up the Riga way and Churchville way, they have horses. But I don't think too many have pigs. Pigs are a very smelly animal. If you have ever -- if you ever had pigs, the odor that they present is pretty -- pretty -- pretty rich. So I -- I just don't like the idea of all these animals.

Number one, they were brought in without approval, without clearance, without the code being looked at evidently. And now it looks like it is going to be even -- the thought is to go bigger, bigger, bigger, bigger.

I -- I guess I would like kind of an explanation, is this a business, this -- this -- this -- these animals? Is this a business? I'm hearing no, but on the other hand, if you're going to get more, it's kind of a contradiction.

ADAM CUMMINGS: It could be. It might not be. I -- I don't know. I'm trying to focus on the area variances that we have tonight. Only thing we have related to livestock is its proximity to the property line. I suppose we could check our code and ask New York State Ag & Markets what their thoughts are on sound agricultural -- yes, Paul (Wanzenried)?

PAUL WANZENRIED: Ag & Markets wouldn't take a play in here. It's an R District. However, if you look at 500-62 Animals, if he has over five acres, he is allowed to have domesticated animals of which include horses, cows, ducks, and any sort of fowl. He can pretty much have anything he wants. There is no defined number as to the number he can have on that, so long as he has over five acres.

And then what becomes an issue is the proximity to the property line of the storage of the -- of the livestock. Which is why he is actually before us tonight. It's 500-62(b)5, location of building housing livestock.

MS. BORGUS: Now, so am I to think that none of his neighbors that -- that -- that would have a problem with this setback haven't commented?

ADAM CUMMINGS: I have not received word opposing it or in favor of it.

PAUL WANZENRIED: Well, we can ask his neighbor right there (indicating).

CHRIS TOVAR, 1610 Davis Road

MR. TOVAR: Hello. Good evening. I'm Chris (Tovar). I purchased the Johnson property about a year ago. I have dealt with the Supervisor here, you know -- also getting permits for my property.

I met Nick (Fantagrossi) a couple times. He has come by my property and -- just to see the progress. His property, I -- I can only see his house in the fall when the leaves drop, but in the summertime, I -- I can't see back there.

You know, he's -- I walked back there. I have -- I'm aware of the animals he has. The smell does not bother me. They're contained. You know, I have never heard of the animals being out in the open. His property sets quite a ways from Davis Road.

You know, I see -- obviously, he enters and outs, but I have never seen his animals roam free anywhere on my property and my property butts up to his, you know.

ADAM CUMMINGS: So I will ask you, where -- I will word it two different ways. You can answer either question. Are you in favor or in support of the project or you have no objections?

MR. TOVAR: I support the project. I believe he is doing this for a cause to -- I mean it's important for his livestock or whatever he has for tools or equipment for storage, you know. We all have garages and stuff. So he -- he is -- he is telling me the variance -- I mean what's his purpose for using it and why he wants to proceed with this? And -- just -- he is just trying to ask you guys if you're all in. What your thoughts are.

MS. BORGUS: Well, I'm very concerned that this is more than just a hobby. I'm sorry. This is how these things get out of control. And only thing I can say is I -- I've stood in this very room when I have heard the subject of just chickens being brought up and the applicant has been turned down. This is far more serious than a few -- than a dozen chickens for the kids to learn how -- where eggs come from. This -- this is big time. Five cows with an idea to get more.

Three horses, three pigs that they slaughter. So that's obviously going to be a turnover. Maybe more -- at any given time. And nine chickens and water fowl besides is quite an assortment.

ADAM CUMMINGS: And to be fair, Dorothy (Borgus), real quick to interject, I do believe chickens -- most of the chicken ones we did hear were on much smaller parcels.

MS. BORGUS: Oh, I hear. This is probably a wonderful idea what they're doing. And God bless them if that's what they want to. But not there. Not there. Not where you have got so many beautiful homes on that road and being -- they're being built all of the time. And everybody does a good job on that road. Everybody takes care of their place. I'm not saying he won't. But this is not the place for this kind of a project.

ADAM CUMMINGS: I do have to -- I do see a hand behind you, so if you don't mind, could I have him jump in quick and I'll go back to yours?

MS. BORGUS: I would hope that if you decide to go ahead with any of this, you find a way to put some kind of a limit on how many animals he can have on this piece of property. Thank you.

GENE EASTON

MR. EASTON: My name is Gene Easton. Actually, I'm a distant relative of Dorothy (Borgus), but that's beyond the point.

I'm one of the neighbors up the road. I -- I own a couple farms up the road. Been there on Davis Road my whole life. As a matter of fact, when I was a kid, I was running down -- up and down those rail tracks with the field cars and some mini bikes and everything else. So I know -- I know all that property really well.

My only -- I mean, I think it's a great idea. I think it is nice to have some horses back on the street. My farm used to have horses. I have a couple barns now. And probably have way more impact on what -- than what he is doing, because he is so far off the road.

My only reason that I came tonight because I -- I -- I've met -- I've met Nick (Fantagrossi) and I have seen him out on horses and stuff. I don't have a problem at all with what he is doing.

My concern was the industrial behind there. Now, that's -- that's really my concern. As far as if you want to have impact to Davis Road, get closer with the -- with the industry that is obviously all over Union Street.

So in my eyes, I would love to have a farm there as opposed to some -- some company buying up that chunk of property and building something back there that would really impact the whole -- the whole nature of the thing.

His -- if you haven't driven by it, he sits way back.

I'm assuming that it's -- your property line is the old railroad bed, correct?

MR. FANTAGROSSI: Yeah. That's correct.

MR. EASTON: So there is an old railroad bed. And then there is a -- a decent-sized field and then there is the two neighbors up in front of them. The neighbor in front of him -- I'm not sure whether that is you that bought the old house and --

MR. TOVAR: Yes.

MR. EASTON: -- the old Steg property?

So he is doing a wonderful job rebuilding barns. So there is a big -- big barn sitting between Nick (Fantagrossi)'s property and Davis Road. So it's -- to me it would be very low impact.

Cows, you know, obviously -- he doesn't have enough acreage to really run a functioning farm, so I wouldn't be concerned about that. And I think anybody that has been attached with horses and cows knows that they're -- they're not real economically friendly, let's put it that way. You're spending more money than you're making.

MR. FANTAGROSSI: I'll say.

MR. EASTON: I just want to say I had a feeling that there was probably going to be not a whole lot of people showing up so I just wanted to put it in -- was concerned about the industrial zoned area. So I would assume that that would seal that off unless somebody came in from the Riga side, which I guess is still possible. Because I know there is some land back there that has been there forever, back to the railroad tracks.

MR. FANTAGROSSI: I own ten acres into Riga and then the rest of it is John Neri's property who owns almost to the -- Attridge.

MR. EASTON: But that is zoned industrial, too.

ADAM CUMMINGS: To clarify, I will jump in. Because I don't really want the conversation between you two. It is supposed to be with us, the Board.

MR. FANTAGROSSI: Sorry.

ADAM CUMMINGS: But we aren't in the jurisdiction of changing zoning. That is the Town Board's jurisdiction of things.

MR. EASTON: Right.

ADAM CUMMINGS: As long as he is holding it and not interested in doing it, it is up to his control what happens on that. But that is good information that I would like to pass along. Because it is a uniquely zoned parcel.

MR. FANTAGROSSI: I can say for the record that I am not in favor of industrial over there. I really wish C&M Forwarding hadn't expanded, but that is none of my business. But as long as I own that 42 acres, it will be green space per se.

ADAM CUMMINGS: And then on Riga, we don't have any control on that. I'm not even --

MR. EASTON: No. I get that. I get that. But that whole -- obviously has been a lot of

industry that came into that area with -- with the trucking and I'm way more concerned with that, the traffic that gets diverted down Davis Road from the FedEx. When the road shuts down, guess where they all go down? We never had 18-wheel trucks going down Davis Road in my lifetime. You know what I mean? But we do now. So it's -- it's a little bit different.

Just wanted to say that I'm in favor of what he is doing and I think it would be a -- great for the neighborhood.

ADAM CUMMINGS: Okay. Thank you.

Mrs. Borgus, anything else?

MS. BORGUS: No. Thank you.

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: We did talk about chickens. I think it was goats. Himalayan mountain goats, I believe, specifically. We have talked about dogs. We are restricted based on acreage but never to the size of the parcel we have here.

I just want to leave that up to the Board, your discussion on it.

JAMES WIESNER: He is allowed to have --

ADAM CUMMINGS: He is allowed to have them on there.

JAMES WIESNER: Don't see where we can control it. That's not the issue here. It's the placement of the barn.

MARK MERRY: I guess my only question is are we going -- is this an all-in or do these one at a time?

ADAM CUMMINGS: One at a time.

MARK MERRY: Okay.

ADAM CUMMINGS: We'll do them one at a time, but I do want to point out that the square footage does kind of tie in with the height as was already discussed. Because you make it wider, that is what it is making it 20 feet. You make it narrower, it will bring the height down.

JAMES WIESNER: What would take it out of the front yard? What would that mean?

ADAM CUMMINGS: Taking it out of the front yard --

JAMES WIESNER: Because there are three front yards here. Four front yards.

ADAM CUMMINGS: So yes.

JAMES WIESNER: What would --

ADAM CUMMINGS: So it is being measured currently from the front of the flag. Not the stem of the flag. The bottom part of the flag.

Is that accurate, Paul (Wanzenried)?

PAUL WANZENRIED: Hang on.

ADAM CUMMINGS: That is how it is drawn. The 100 foot, we are interpreting that to come -- or are you interpreting that to come from the front edge or the bottom edge of the flag, not measuring 100 feet from the road frontage?

PAUL WANZENRIED: That is correct.

ADAM CUMMINGS: That makes logical sense.

PAUL WANZENRIED: The fronts, if you follow my map -- there is little "F"s and little "S"s. Might be an "R" in there somewhere.

ADAM CUMMINGS: Okay. So, Jim (Wiesner), to answer your question, in order to get it beyond that one, it was -- to get it to 200 feet would be pushing it towards the house if it went to the north there. Which is where his leach fields are located for his septic system.

JAMES WIESNER: What I'm saying is, the -- the variance C, located in the front yard --

ADAM CUMMINGS: Yep.

JAMES WIESNER: -- it has to be behind the house.

ADAM CUMMINGS: It would have to be behind the house. Yes. So if it went behind the house, to the northeast, he has a pond and all of the sloping ground goes toward that pond. He could go behind the house. But as you said, the extent of the water with the electric -- and the driveway is -- is an expensive --

PHILLIP SUPERNAULT: Water and electric is at the house right now, isn't it?

JAMES WIESNER: The hardship you're saying is utilities. Where will you tap into the utilities? At the house? Do you have to bring it in from the road?

MR. FANTAGROSSI: The hopes is the T in the waterline that comes off the road. They asked us to run a 2-inch waterline. Actually, they asked us to run a 1-inch waterline and we increased to a 2-inch waterline from the road. I would like to T into it to get into the barn.

The other thing was, is because that is an old railroad bed, it is the highest feature. It is the highest topographically. It's all built on stone and we don't have to worry about drainage. I don't have to worry about rot. So we wanted to utilize the fact that that base is already there.

To move it back into the -- behind the house, I would have to bring in probably close to 1,000 yards of stone in order to build it up to a point where it is not going to be wet constantly. Because that whole area is a depression.

ADAM CUMMINGS: Does that answer for you?

JAMES WIESNER: I think so.

ADAM CUMMINGS: Side Table, anything to add? I saw you're talking so I wasn't sure.

FRED TROTT: Makes more sense now, that there is a railroad bed. I can understand that

more. I mean in my opinion, I -- I do have issues with almost everything on there, but in the same respect, you really can't see it from the way this property is. And how the property is laid out as far as your backyard and stuff like that, you don't have many options.

ADAM CUMMINGS: Well, he does, but there is no cost effective ones.

FRED TROTT: Yeah.

ADAM CUMMINGS: If not, I'll declare the Zoning Board lead agency --

JAMES WIESNER: Did you close the Public Hearing?

ADAM CUMMINGS: Yes. We did a vote.

JAMES WIESNER: I don't remember. It was a long time.

FRED TROTT: Dementia kicking in.

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

ADAM CUMMINGS: So now we'll start with letter A, the total area proposed to be 4,160 square feet where 100 -- where 1,200 square feet is allowed.

Ask for a motion to adopt this application.

Oh, I do have one condition of approval. You will have to get a building permit.

MR. FANTAGROSSI: Absolutely.

ADAM CUMMINGS: You have already started that process.

So I would ask for that motion to adopt the application.

Yes, Paul (Wanzenried)?

PAUL WANZENRIED: Um, does the Board have any concerns with the -- any commercial endeavors? Like an agribusiness on the property? Would you want to condition that, as well?

ADAM CUMMINGS: I will admit, I'm conflicted on regulating agribusinesses when we have our own Farmland Protection Plan in the Town. Even if it's in a Residential District.

PAUL WANZENRIED: Okay. That is the point right there.

ADAM CUMMINGS: Even though it's in a Residential District, I still -- in New York State, especially in the counties in this area -- we're not Westchester -- agricultural is a major priority in this State.

JAMES WIESNER: Right to farm.

PAUL WANZENRIED: So is the -- it is in the Town of Chili, as well. We have a Farmland Protection Act.

ADAM CUMMINGS: I just wanted to point it out.

PAUL WANZENRIED: I also know it's an R district, so. Okay.

ADAM CUMMINGS: Yes. Just out of curiosity -- I didn't do the research on it. What's the zoning in Riga? Did we ever hear back from Riga what theirs is?

PAUL WANZENRIED: No.

ADAM CUMMINGS: I would be curious what theirs is with our abutting it to maybe give us an opportunity that our GI -- our LI and our -- no. Our GI and our residential zone butting up to their agricultural zone. We might need to look at that.

PAUL WANZENRIED: I believe he was right in that Neri's property to the north is in the GI. All that area from Attridge to Union is GI.

ADAM CUMMINGS: It is GI because of the railroad?

PAUL WANZENRIED: Right.

ADAM CUMMINGS: For the rail spur that could spur off of it.

PAUL WANZENRIED: Right.

ADAM CUMMINGS: I remember that one.

PHILLIP SUPERNAULT: I do have some concerns and -- we all looked this over, right? From Monroe County?

ADAM CUMMINGS: Yep.

PHILLIP SUPERNAULT: Who has jurisdiction over their concerns?

ADAM CUMMINGS: Um, well, they have labeled it as -- at their DRC. Which one specifically?

PHILLIP SUPERNAULT: Um --

ADAM CUMMINGS: Most of these are boilerplate.

PHILLIP SUPERNAULT: Well, Number 2.

ADAM CUMMINGS: Yep. Of which I can find no plan. That -- that Western Shore -- that New York City West Shore line goes all of the way to Albany and then down the Hudson to New York City. The trail ended in Churchville and I have seen nothing out of Genesee Transportation Council or anyone else to have a plan for the foreseeable future to keep extending that.

PHILLIP SUPERNAULT: And our local plan that appears in our -- in our -- in our plan.

ADAM CUMMINGS: Our 2030?

PHILLIP SUPERNAULT: Yeah.

ADAM CUMMINGS: No.

PHILLIP SUPERNAULT: This wouldn't impact that.

ADAM CUMMINGS: No. Our trail that is planned is along Black Creek, but not along the West Shore line, the old railroad.

PHILLIP SUPERNAULT: Okay. And Number 4?

ADAM CUMMINGS: Yep.

PHILLIP SUPERNAULT: Who would have --

ADAM CUMMINGS: Would ultimately fall on the DEC. But this one -- his stream just happens to be on his 43-acre parcel, not necessarily in the area that is being developed.

PHILLIP SUPERNAULT: I'm just thinking about the impact of livestock on streams.

ADAM CUMMINGS: Yep. So they get permitted separately through what is called the consolidated -- CAFO.

PAUL WANZENRIED: CAFO.

ADAM CUMMINGS: I forget what the C stands for, but it is animal -- Concentrated Animal Feeding Operations. And they would then be regulated by them and Ag & Markets to make sure the sound agricultural processes are in there to not pollute the stream.

But the Town doesn't -- even on the MS-4 side, which is the stormwater, the municipal separate storm sewer system permit, we don't get into that. That's all deferred to the DEC to oversee that regulation.

PHILLIP SUPERNAULT: But there are controls in place?

ADAM CUMMINGS: Yes.

PHILLIP SUPERNAULT: So we don't have to worry about a landowner -- a 40-acre landowner can't dump 300 head of cattle in there?

ADAM CUMMINGS: Exactly. They would be permitted and regulated by the State. I -- I don't know if it is 300 head of cattle. They have their own threshold of it, but even the smaller ones, if they pollute, it's a violation of the Clean Water Act and Environmental Conservation Law in New York State.

PHILLIP SUPERNAULT: I'm wondering where do we stand -- I understand agribusiness, but I also have a sense of -- where there is agribusiness and then there is what I would say commercial show farming, a/k/a Stokoe Farms or any of those places where -- are we concerned about that? Do we -- are there any controls in place? And -- I don't want to discourage that, but say it becomes a -- a show place and they want to bring 300 people a weekend in there.

ADAM CUMMINGS: I don't believe we do. I don't --

PHILLIP SUPERNAULT: Are there --

ADAM CUMMINGS: I haven't heard of anywhere in Town. I haven't heard of any controls in place or any regulation of such a thing.

PHILLIP SUPERNAULT: So --

PAUL WANZENRIED: He still -- again, I'm going to go back to -- it's an R zone. He still has to comply with the parameters of the residential zoning district. So for him to open up a business, an agribusiness or something of that nature, he would have to follow through. Off the top of my head, I'm going to say it'd probably take a Planning Board action, okay? Because there would be site plan involved in it. How you get people in there? How are you getting people out? Ingress, egress, site lighting, the whole -- from what I have heard from the applicant, it does not sound like that's his intention. Okay?

But if it did morph into something of that nature, that's what would have to happen. That's the path that he would have to go to comply with.

PHILLIP SUPERNAULT: I'm not discouraging that.

PAUL WANZENRIED: He would probably be back before you guys, as well.

ADAM CUMMINGS: Right. And probably the Planning Board for a Special Use Permit. But once again, tonight we're here for all of the area variances specific to that.

Yes, sir?

MR. FANTAGROSSI: Just -- just to answer your question, that is not my intention. Ever.

PHILLIP SUPERNAULT: Right.

MR. FANTAGROSSI: I understand.

PHILLIP SUPERNAULT: You may not own it forever either. That's the thing.

MR. FANTAGROSSI: Just -- just to -- not my intention.

PHILLIP SUPERNAULT: Thank you.

ADAM CUMMINGS: But that would even go to a commercial business, even if it wasn't him, the next one, it is still restricted and that part -- the GI zone, just because it's split doesn't migrate over into the R zone without a rezone from the Town Board.

And I'm not saying that has happened. I'm just saying that would be an action that would be done -- need to be done. I'd like to leave it with that one condition of approval. Still asking for a motion.

Fred Trott made a motion to approve the application with a condition, and Mark Merry seconded the motion.

JAMES WIESNER: We're voting already?

MARK MERRY: Yes, we are. Unless you have a question.

JAMES WIESNER: Yes.

MARK MERRY: Yes, you have a question? Or yes, you're voting?

JAMES WIESNER: Yes, I'm voting.

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 is minimal in nature due to the large size of the property (>10 acres).

ADAM CUMMINGS: Now letter B is the height of the proposed structure to be 20 feet 0 inches with 12 feet 0 inches allowed. I ask for a motion to adopt the application.

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 ON APPLICATION 1B: Unanimously approved by a vote of 5 yes with the following finding of fact having been cited:

1. Building permit must be obtained.

The following findings of fact were cited:

1. Variance is minimal in nature due to the large size of the property (>10 acres).
2. Additionally, the structure will be similar to other agricultural use buildings (barns) that are similar heights.

ADAM CUMMINGS: All right. Letter C is located in the front yard where it's not permitted.

Philip Supernault made a motion to approve the application with a condition, and Mark Merry 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 condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. Due to the irregular, flag-shaped lot, this variance is somewhat unavoidable.
2. The location of the structure will be away from neighboring residences.

ADAM CUMMINGS: And the letter D, housing of livestock 100 feet from the property line. To be clear, that's the south property line of the flag lot, or the flag portion of the lot. Motion to adopt the application?

James Wiesner made a motion to approve the application with a condition, and Fred Trott seconded the motion. The vote on the motion was 3 yes to 2 no (Mark Merry and Philip Supernault).

DECISION ON APPLICATION 1D: Approved by a vote of 3 yes to 2 no (Mark Merry, Philip Supernault) with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. Due to the irregular, flag-shaped lot, this variance is somewhat unavoidable.
2. The nearest residence is more than 500 feet away.
3. Allowing livestock adheres to the Right to Farm and Farmland Protection Plan for the Town of Chili and Monroe County.

ADAM CUMMINGS: So you're all set on that, sir. Have a good night. Keep working with Paul (Wanzenried) in the Building Department.
MR. FANTAGROSSI: Absolutely. Thank you.

The Board discussed training.

Philip Supernault made a motion to accept and adopt the 9/26/23 Zoning Board of Appeals meeting minutes, and Fred Trott seconded the motion. All Board members were in favor of the motion.

Philip Supernault 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 7:47 p.m.