

CHILI ZONING BOARD OF APPEALS
November 28, 2023

A meeting of the Chili Zoning Board of Appeals was held on November 28, 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, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Jared 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?

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

1. Application of John Tassone, 127 Morgan Road, Scottsville, New York 14546, owner; for an area variance to erect A) 14'-0" x 40'-0" accessory structure (detached garage) to be located 8'-0" from the side (West) property line (46'-0" min. required). B) to allow a pre-existing shed 10'-0" x 10'-0" (no permit required) to be located 12'-0" from the rear (South) property line (50'-0" min. required per district) at the property located at 127 Morgan Road. AC District.

John Tassone was present to represent the application.

MR. TASSONE: John Tassone. My address is 127 Morgan Road, Scottsville, New York, 14546. As -- I applied for the variance for the 14 by 40 structure, as you stated. Kind of -- it's a pre-built structure, so it -- in the location that kind of went over -- actually with my neighbor, John Daly, who actually suggested the location. So I know he doesn't have an issue with it.

It's just a spot in the yard that works. I have a leach field. I can't really get anything deeper into the yard. It looks like it will fit there. Not fit -- it will fit there, but it looks like it was kind of meant to be there. I don't think it's going to affect the neighborhood poorly at all.

And then the existing -- when I came in to do the permit for the new one, we found there was an existing one that also needed a variance, so we added that to the application.

ADAM CUMMINGS: Okay. I will zoom through. I did put all our packet -- trying something new this meeting because it's easier with just one application. But this is the full supporting documents off the website, so just to scroll through those.

And I will stop on the map. So that identifies the two structures. That's the new detached structure up there. Correct?

MR. TASSONE: That's the proposed.

ADAM CUMMINGS: And that's the existing one (indicating). All right.

MARK MERRY: So there is no chance of flipping it and lessening the variance that you're requesting this evening?

ADAM CUMMINGS: You're saying to put it over to this side (indicating)?

MARK MERRY: Yes.

MR. TASSONE: That's not -- it's not level over there. It's like -- right off the house there's a hill going down.

MARK MERRY: Couldn't tell from the road. I didn't want to get out of the truck.

ADAM CUMMINGS: You will still have to be 46 feet. So he could put it in the middle here (indicating). One of his middle ones. This one (indicating) you said is too high. You could put it over here (indicating). In the -- in accordance with the existing variance that you have, correct? You acknowledge that.

MR. TASSONE: Septic is there. Septic tank is right around where your cursor is now.

ADAM CUMMINGS: Okay.

MR. TASSONE: Then the leach field is back closer -- right where the cursor is there, it goes wide -- but my septic is right off the back of the house.

ADAM CUMMINGS: Thank you for clarifying that.

So that excludes all this area (indicating)?

MR. TASSONE: Yes.

MARK MERRY: Okay. Thank you.

ADAM CUMMINGS: I don't have anything about that structure. The 10 by 10 -- how long has that been there? Do you have any idea?

MR. TASSONE: Since -- we bought the house in 2006.

ADAM CUMMINGS: It was pre-existing?

MR. TASSONE: It was pre-existing before that, yeah.

ADAM CUMMINGS: You got a neighbor here on the west, the Drexlers?

MR. TASSONE: Yes.
ADAM CUMMINGS: And John Daly that you referenced.
MR. TASSONE: Yes, yeah.
ADAM CUMMINGS: Where is he?
MR. TASSONE: He --
ADAM CUMMINGS: Which property?
MR. TASSONE: Oh, the -- the Drexler one, yes.
ADAM CUMMINGS: He is on -- Drexler.
MR. TASSONE: Yes. Adjacent property is farm field. Yeah.
ADAM CUMMINGS: That is what I was getting at.
Side Table, anything to add?

(Indication was negative.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Wiesner 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 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: One condition of approval goes without saying. You will have to continue the process and get a building permit for that larger structure.
Paul (Wanzenried), he still does not require one for the 10 by 10; correct?
PAUL WANZENRIED: Correct.
ADAM CUMMINGS: Thank you. And I will do these as separate decisions.
So the first one is 1A, for the 14 by 40 foot accessory structure, the detached garage to be located 8 feet from the west side property line. With condition of approval that a building permit must be obtained.
Motion to adopt?

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 1A: Unanimously approved by a vote of 3 yes with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. Due to the location of the onsite wastewater treatment system on the rear of the lot and site topography on opposite side of lot, the only feasible location is the proposed location.
2. There is adequate separation from the adjacent lot and the neighbor has stated no objections to the project.

ADAM CUMMINGS: 1B is the 10 foot by 10 foot existing structure that's been there for at least 17 years. This one does not have a condition of approval. I would ask for a motion to adopt this application.

James Wiesner 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.

DECISION ON APPLICATION 1B: Unanimously approved by a vote of 3 yes with no conditions and the following findings of fact were cited:

1. Variance is minimal in nature and the structure has been present in this location for more than 18 years with no complaints.
2. It does not encroach on the neighboring agricultural lot.

ADAM CUMMINGS: So that did pass. Have a good night. Thanks for coming in.

ADAM CUMMINGS: Any issues with the minutes last month?

Mark Merry made a motion to accept and adopt the 10/24/23 Zoning Board of Appeals meeting minutes, and James Wiesner seconded the motion. All Board members were in favor of the motion.

Adam Cummings made a motion to adjourn the meeting, and Mark Merry seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:09 p.m.