

CHILI ZONING BOARD OF APPEALS  
February 27, 2024

A meeting of the Chili Zoning Board of Appeals was held on February 27, 2024 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: Board members have any issues on the signs on these two properties?

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

1. Application of Dominick Caruso, 843 Westside Drive, Rochester, New York 14624, applicant and owner; for a variance to erect a replacement porch with a proposed A) primary front setback of 38.00 ft. (48.00 ft. previously approved). B) Secondary front setback 4.1 ft. pre-existing (60.00 ft. required) at the property located at 843 Westside Drive. R-1-20 District.

Dominic Caruso was present to represent the application.

MR. CARUSO: Dominic Caruso, 843 Westside Drive, Rochester, New York 14624.

ADAM CUMMINGS: Okay. So that's what you're looking to do as it is shown on the map?

MR. CARUSO: Correct.

ADAM CUMMINGS: Changing the front porch that you have with the primary -- with a primary -- because you're a corner lot, you actually have two front yards. So we designate one to be a primary and one is a secondary. Your primary front is Westside Drive and your secondary is Fenton.

And that just shows where you're taking the front stoop, which was on that front corner, on that two-story house and you're looking to extend it and widen it; correct?

MR. CARUSO: Correct.

ADAM CUMMINGS: Side Table, anything to discuss on this one?

PAUL WANZENRIED: No.

MATTHEW PISTON: No.

ADAM CUMMINGS: I just wanted to point out -- I will zoom over a little bit.

Just because that secondary one -- as we were talking about that -- as the agenda said, it's pre-existing. So that one has been there -- the 4.1 feet from the right-of-way. He is not adding on to that. That is to make this property compliant with the code.

We haven't -- correct me if I am wrong, Paul (Wanzenried), we haven't received any complaints about that Fenton Road --

PAUL WANZENRIED: No.

ADAM CUMMINGS: -- frontage one?

PAUL WANZENRIED: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

PAT BIETRY, 807 Westside Drive

MS. BIETRY: My name is Pat Bietry. I live at 807 Westside Drive.

My only concern is -- is -- unfortunately, the paper that we were sent in the mail didn't give us diagrams or anything.

ADAM CUMMINGS: Yep.

MS. BIETRY: But from what I can see there, how close to your hedge line are you going to be?

MR. CARUSO: It extends just from the existing corner of the house. So it will be the same as the current house sits.

MS. BIETRY: So we're going from between the hedge line to the current house?

MR. CARUSO: Correct.

MS. BIETRY: Be --

MR. CARUSO: No. We're not going from the hedge line to the current house.

ADAM CUMMINGS: I will zoom in more for you.

MS. BIETRY: It will be kind of just like your porch, except lower.  
ADAM CUMMINGS: Here is the side of his house here (indicating). He will extend the porch.  
MS. BIETRY: Straight out.  
ADAM CUMMINGS: Towards Westside Drive. Then he will go over and then he will come back and catch on to the bump-out that is on his house here (indicating). The front stoop used to be here (indicating).  
MS. BIETRY: Oh yeah.  
ADAM CUMMINGS: He is enlarging it to not go past this --  
MS. BIETRY: That corner.  
ADAM CUMMINGS: -- this corner of the house, correct.  
MS. BIETRY: Will it have a roof on it?  
MR. CARUSO: Yes.  
MS. BIETRY: Is it going to be -- I'm sorry if I'm being picky --  
MR. CARUSO: It's okay.  
MS. BIETRY: -- but living in Chili for 47 years, I know what kind of weather and ground we live on. Because we have about 4 feet of sand and then the rest is clay. Which we have real crappy drainage. I can definitely attest to that.  
What kind of roof are you going to have on it?  
MR. CARUSO: It's wood and asphalt shingles. Just like that. It is a good rendering (indicating).  
MS. BIETRY: Now, from the basic part of the house on top, you're still going to have a gutter line; correct?  
MR. CARUSO: There's going to be a gutter above it and on it.  
MS. BIETRY: On it, okay.  
Now, I think the way I see it there, you're not going to be close to your heat pump that you have presently?  
MR. CARUSO: No. It's opposite that.  
MS. BIETRY: It's the opposite. Okay.  
What are the dimensions of the porch going to be?  
ADAM CUMMINGS: He is proposing it to be 24 feet lengthwise and then 8 -- 9 feet -- it -- it's changing. I can't tell if that is an 8 or a 9. I have to go to the other sheet here to get to it.  
PAUL WANZENRIED: It's a 9.  
ADAM CUMMINGS: It's a 9.  
MS. BIETRY: He only has a little stoop in front. That I know.  
ADAM CUMMINGS: Yes. 9 feet. So it's 24 feet by 9 feet. And then it's -- it's a tough dimension because then -- because the house bumps out 1.9 feet, it's actually 7.1 feet on that side.  
MS. BIETRY: Yep. All right. Are you planning on having drainage in the front for your gutters? Or will you have your gutters run right out?  
MR. CARUSO: I am going to -- yeah. I actually do want to have it -- we'll connect them and run it to an existing pipe I have that sits in the front of the yard.  
MS. BIETRY: Okay. All right. Just because -- you're facing north?  
MR. CARUSO: Right.  
MS. BIETRY: We do get some Nor'easters where the sun does not catch the roof at all. You're going to have ice build up and snow build up. I just don't want to see you putting a lot of money into something that is going to come walking back into the house. I have already experienced that once in my lifetime.  
MR. CARUSO: Yes. I would like to avoid that.  
ADAM CUMMINGS: All set?  
MS. BIETRY: All set. Thank you.

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: So you do have two variance requests today. That is letter A and B in the agenda.

One condition of approval will be that you have to get a building permit. So you have already applied. You were then denied and that's why you're here tonight. So continue on that process with Paul (Wanzenried) in the Building Department.

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: I would like -- you guys want me to separate them? They are separate, so we'll do them separate.

First we'll do A, which is just the front setback of the new porch where he is requesting a 10-foot relief to be 38 feet.

Fred Trott arrived.

ADAM CUMMINGS: I ask for a motion to accept this with the one condition of approval.

On Application 1A, 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: Approved by a vote of 4 yes with 1 abstention (Fred Trott) with the following condition:

1. Building permit shall be obtained.

The following finding of fact was cited:

1. Location of new porch will not encroach or obstruct views of neighboring properties or public travel ways.

ADAM CUMMINGS: So now we'll move on to the letter B, which is the pre-existing one, the 4.1 feet. This will also have that condition of approval. Well, actually no, it won't. Because that's pre-existing. So I would ask for a motion.

On Application 1B, Mark Merry made a motion to approve the application with no conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

JAMES WIESNER: So do you -- should we be defining the primary and secondary?

ADAM CUMMINGS: We already did. So Paul (Wanzenried) actually does that -- the primary is Westside Drive -- oh, I see what you're saying.

JAMES WIESNER: It's not defined.

ADAM CUMMINGS: It's not depicted there. It's drawn where it says 38.0 feet proposed front setback. So we can put that in the minutes, that the primary is Westside Drive, County Road 119. And the secondary is Fenton Road.

DECISION ON APPLICATION 1B: Approved by a vote of 4 yes with 1 abstention (Fred Trott) with no conditions and the following findings of fact were cited:

1. This main structure has been in this location for more than 30 years with no complaints received nor conflicts with vehicles or pedestrians traveling within the public right-of-way.
  2. It would cause a significant economic burden to move or relocate the main structure to accommodate the setback requirements.
2. Application of Larry Uhrinyak, 1380 Scottsville Road, Chili, New York 14624, applicant; Anna C. Wheeler, 17 Benedict Drive, Rochester, New York 14624, owner; for a variance to erect a 10 x 10 ft. porch to front of the main structure with a proposed A) front setback of 18.6 ft. (60.00 ft. required) B) side setback of 4.6 ft. (10.00 ft. required) at the property located at 17 Benedict Drive. R-1-12 District.

Larry Uhrinyak was present to represent the application.

MR. UHRINYAK: Good evening.

ADAM CUMMINGS: Anything you would like to add? I will just scroll real quick to get to the application.

MR. UHRINYAK: I think we came up with 10 feet off the house to line up the existing sidewalks so we could have stairs coming down from them. That is how we got the 10 foot. So we would have sidewalk from the driveway.

ADAM CUMMINGS: You're saying -- the stairs are coming down?

MR. UHRINYAK: Yes, yes.

ADAM CUMMINGS: So there's a sidewalk and it then goes over this way (indicating).

MR. UHRINYAK: Leads up to the stoop. You can see the little dotted line where the existing stoop is.

ADAM CUMMINGS: All right. I would just like to point out that letter B, that 4.6 is relating to -- like we did on the first one, trying to clean up this property in terms of code compliance. That is why the 4.6 is on there. That is the closest measurement on that northern face of it. Of the side yard. One measurement is 4.6. One is 4.7. So we want the closer of them.

And then on the other side, 4.9 and 5.1, so we have the lesser on that. But focusing on that northern side of the garage.

Side Table, anything to add?

MATTHEW PISTON: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry 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.

JAMES WIESNER: Paul (Wanzenried), can you -- excuse me, Adam (Cummings). Can you go down to the bottom of page 3 for the disclosure?

ADAM CUMMINGS: Page 3, yep.

JAMES WIESNER: It says "Yes."

Is there a Town employee or --

ADAM CUMMINGS: It's a good question.

JAMES WIESNER: Don't usually see that.

MR. UHRINYAK: I probably meant to put "No." I'm a little dyslexic. Sorry about that.

JAMES WIESNER: I was wondering if it was a typo.

ADAM CUMMINGS: I didn't even notice it was checked. Usually it is left.

MR. UHRINYAK: I done it with an iPad and my finger, so I might have dragged it.

ADAM CUMMINGS: But just to clarify, as far as you know, there is no Town officer, employee or family member that has a financial interest in this?

MR. UHRINYAK: No.

ADAM CUMMINGS: Okay. Good question.

MR. UHRINYAK: Good one.

ADAM CUMMINGS: All right. Any other questions?

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: One condition of approval I didn't mention earlier that was a given -- because you did apply already -- a building permit will be required so you already started that process. So that would be that one condition of approval. And we'll also split these ones up.

So letter A, the front setback of 18.6 feet, that's for that front porch extension. He explained why it's 10 foot closer to line up the sidewalks.

So I would ask for a motion to adopt this application with one condition of approval.

On Application 2A, James Wiesner made a motion to approve the application with a condition, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2A: Unanimously approved by a vote of 5 yes with the following condition:

1. Building permit shall be obtained.

The following finding of fact was cited:

1. Location of new porch will not encroach or obstruct views of neighboring properties or public travel ways and was selected to align the porch stairs with the existing sidewalk.

ADAM CUMMINGS: So that one has been approved. Now we'll move on to letter B. Once again, it's the side setback of 4.6 feet. That's identified there on the north side of the building, being the closest on that one.

And I ask for a motion to adopt that application, but there won't be any conditions of approval on that one.

On Application 2B, Fred Trott made a motion to approve the application with no conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 2B: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. This main structure has been in this location for more than 30 years with no complaints received nor conflicts with vehicles or pedestrians traveling within the public right-of-way.
2. It would cause a significant economic burden to move or relocate the main structure to accommodate the setback requirements.

ADAM CUMMINGS: Board members, I ask for a motion to accept and approve the minutes from the January meeting?

Fred Trott made a motion to accept and adopt the 1/23/24 Zoning Board of Appeals meeting minutes, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

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 was adjourned at 7:18 p.m.