

CHILI ZONING BOARD OF APPEALS
April 23, 2024

A meeting of the Chili Zoning Board of Appeals was held on April 23, 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.

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, any issues with signs?

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

1. Application of Ken Brabant, 39 Clifton Road, Churchville, New York 14428, applicant and owner; for a variance to erect an accessory structure (12'-0" x 24'-0" shed) 288 sq. ft. (192 sq. ft. permitted) at the property located at 39 Clifton Road. RA-1 District.

Ken Brabant was present to represent the application.

MR. BRABANT: My name is Ken Brabant, 39 Clifton Road, Churchville, New York 14428.

ADAM CUMMINGS: To confirm, the map I put on there is your survey mapping showing in the southwest corner is where you want to put your proposed shed. It's going to be 8 feet off the west property line and 8 feet off the south property line?

MR. BRABANT: Yes.

ADAM CUMMINGS: Okay.

JAMES WIESNER: So you have an existing garage in the -- on the opposite corner of where the shed is going?

MR. BRABANT: Yes.

JAMES WIESNER: And there is actually a laneway that -- that appears it is not on your property or is on your property that goes back there?

MR. BRABANT: There is not.

JAMES WIESNER: Okay. So it doesn't -- that is not on your piece of property?

MR. BRABANT: No.

JAMES WIESNER: Okay. I'm assuming -- Paul (Wanzenried) is not here -- that is an accessory structure so it's not being counted?

ADAM CUMMINGS: Right.

JAMES WIESNER: Because it has a garage door on it.

ADAM CUMMINGS: Right.

JAMES WIESNER: I guess usually the question is -- they clean up the properties when they do this. Why did they not get the variances for the garage?

ADAM CUMMINGS: I do not know that answer. For the side setback -- for the side and rear setback?

JAMES WIESNER: Uh-huh.

ADAM CUMMINGS: I believe he is labeling that -- what he told me is he is going to leave that as a pre-existing, nonconforming until such point as when he decides to do any updates to that garage.

JAMES WIESNER: Okay.

ADAM CUMMINGS: As a little bit of a change from our previous Code Enforcement Officers.

JAMES WIESNER: Usually they do an inventory when something happens on a piece of property, but that didn't take place here then?

ADAM CUMMINGS: Right.

JAMES WIESNER: That's all I got.

MARK MERRY: Jim (Wiesner) stole mine, so I'm all set.

ADAM CUMMINGS: A team effort then.

MARK MERRY: That's what we're here for then.

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.

ADAM CUMMINGS: I don't have anything else. Any time we get ones in Clifton, they're always -- since it's one of the few hamlet areas we have in Town -- it's always a little bit different than normal. I don't have anything else on this one. Other than there are other properties that have the sheds. But as we pointed out, the framed garage and the shed is unique to this one, but tonight we're just looking at the shed.

And the other one would remain as pre-existing, nonconforming until such time as they come to the Building Department with a change on that structure.

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 Fred Trott seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Forgot to state one condition of approval for this. And you will have to get the permit from the Building Department because I believe -- yes. You're above that one. So your shed permit that you have already applied for that you got denied for, just continue on. That will be a condition of approval if we approve it tonight. So just keep working with Paul (Wanzenried) in the Building Department.

MR. BRABANT: Okay.

Mark Merry 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: Unanimously approved by a vote of 5 yes with the following condition:

1. Shed permit shall be obtained.

The following finding of fact was cited:

1. The proposed shed is similar, or smaller, than several other structures found on neighboring parcels in this hamlet area.
2. Application of Nicholas Hallowell, 411 Beaver Road, Rochester, New York 14624, applicant; Jamie Scannell, 9 Wyncrest Drive, Rochester, New York 14624, owner; for a variance to erect a accessory structure (16'-0" x 9'-42" deck) with a proposed front setback of 31.08 ft. (60.00 ft. required) at the property located at 9 Wyncrest Drive. R-1-12 District.

Nicholas Hallowell was present to represent the application.

MR. HALLOWELL: Good evening.

ADAM CUMMINGS: So front deck or porch, however you want to term it. Is that accurate what you're looking at there?

MR. HALLOWELL: That's correct.

FRED TROTT: He is changing the front setback to what?

ADAM CUMMINGS: 30 -- 31.08. So it is showing that -- it is cutting into the -- there was a concrete sidewalk that went to the front stoop or the front steps; is that correct, sir?

MR. HALLOWELL: That's correct.

ADAM CUMMINGS: So they're going over that part. This new deck would tie into that concrete sidewalk?

MR. HALLOWELL: No. The concrete sidewalk will be taken right out.

ADAM CUMMINGS: Oh, okay.

FRED TROTT: Is it going to be covered?

MR. HALLOWELL: Where -- where -- where currently the --

FRED TROTT: No. I mean the deck? Is there or does it plan to be open-face?

MR. HALLOWELL: Plans on -- we're just doing composite decking and we're going to do vinyl handrails and spindles.

ADAM CUMMINGS: So they're not extending the structure. The roof structure. They're just putting --

MR. HALLOWELL: Yeah, no.

ADAM CUMMINGS: -- just a deck without any canopy.

FRED TROTT: Okay. I don't have anything further.

ADAM CUMMINGS: I do have one question. How did the number get to the 100ths place? Did you just measure it that accurately? Or did a surveyor provide that?

MR. HALLOWELL: That was actually Jerry. He came up with that number. We made some adjustments and that's a number he finalized on that document.

ADAM CUMMINGS: Okay.

MR. HALLOWELL: Not I.

ADAM CUMMINGS: Do you think that you have got space so that -- there's -- is there a

possibility that you might build over that?

MR. HALLOWELL: No.

ADAM CUMMINGS: What I'm getting at, making sure there is a buffer space so if you're shorter than or further way from the road, that would be better. But we don't want you closer to the road.

MR. HALLOWELL: The swing of the entry door, if that matters -- having that room when you open the door, it is where it needs to be.

ADAM CUMMINGS: I'm just asking to make sure we didn't have to change the variance. But sounds like we have enough space.

We have no one left in the public, but I'll make a motion to open the Public Hearing and then I'll ask to close.

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.

ADAM CUMMINGS: You will have to continue on with the building permit. So one condition of this approval will be the requirement for a building permit must be obtained.

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: Motion to adopt this application and that one condition of approval?

James Wiesner 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: 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. The location of the deck will not encroach on any neighboring properties or hinder any safety aspects or line of sight viewpoints for pedestrian and vehicular traffic in the public right-of-way.

ADAM CUMMINGS: All right. Moving on to the minutes from the March meeting. Anybody have any comments or revisions on that? If not, I'll ask for a motion to accept and approve the minutes.

Fred Trott made a motion to accept and adopt the 3/26/24 Zoning Board of Appeals meeting minutes, and James Wiesner seconded the motion. The vote on the motion was 4 yes with 1 abstention (Mark Merry).

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 7:10 p.m.