

Zoning Board of Appeals

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do not have architectural.

Mr. Hunter commented on hours of operation, what would be normal hours they would expect these lights to be on. Mr. Connors advised was not qualified to speak on that, all he knew listening to most people and problem you have, whatever competition would want or expect to be able to meet whatever competition is doing. Mr. Hunter questioned was he correct they intended to use it for washing, lubricating, not be involved in major repair or body work? Mr. Connors advised that is correct. Mr. Miller questioned they mentioned it backs on to Town park, what provision made for refuse, tin cans, used tires, etc. Mr. Pietropoali advised do not plan to use triangle portion, propose to put a fence around the station in back and then refuse cartons to be inside that fence. Mr. Connors advised there is trash enclosure. Mr. Miller questioned capacity. Mr. Connors advised 4' wide 8' long, get one and large drum so can keep in there, collected and out of sight. On question Mr. Connors advised would be chain link fence. Mr. Pfenninger asked if there would be fence all around and Mr. Connors told him on two sides. Mr. Miller questioned since backing on Town Park could they put up fence a little easier on the eye, picket or such, rather than chain? Mr. Connor advised would rather get away from painted, stained or something they could, does not have to be chain link fence.

On question of Mr. Hunter if any one at hearing in favor of this application, Mr. Bickel advised he owns that property and is in favor of them going in there and doing what they want to do.

Mrs. Meister advised she was directly across the street and was not opposed. Has gas station right across street which does not bother her a bit.

On question of Mr. Hunter if any one at hearing opposed to this application, Mr. Leon Armer, Attorney with offices at 251 Powers Bldg., Rochester, N.Y. appeared before the Board, on behalf of Mr. and Mrs. Samuel Grover who live at 3250 Chili Avenue and Mr. Howard Longbine who lives at 3247 Chili Avenue. Mr. Grover's property is directly across the street from the Gas Station and Mr. Longbine's directly to the East between Town property and this proposed construction. Mr. Longbine has occupied his property there for a considerable period of time and has occupied it as a residence but in compliance with the zoning ordinances which permit the use of property in a B district for residential purposes. Mr. Grover's property across the street is situated in a residential zone not a business zone. One major point he would like to make on their behalf is this, that almost directly across the street from here, one of the proposed entrances to this gasoline station on Chili Avenue, is located the exit from the shopping center and as Mr. Mooney has stated how he is basing his opinion as to value and so forth to some extent on the traffic that will be brought to the gas station from the shopping center and from the Town Office complex here which would mean that such traffic flowing from those areas would have to leave the parking area of the shopping center by driving west on Chili Avenue, making a left turn across Chili Avenue or a direct path from the east across Chili Avenue into the extreme exit on Chili Avenue of the proposed gasoline station. There is a problem here, of course Chili Avenue is two lanes wide. Traffic making such a turn will have to cross a solid line pavement mark which extends to the extreme end of this entrance into the gasoline station, so the people wanting to patronize this place are going to be inclined to take west entrance into it meaning crossing this solid line and waiting for traffic to clear from opposite lane in many cases before doing so which will be definite hazard here because other users of the highway will be using the same solid line relying upon it, proceeding in opposite direction. It could be that such users would go clear to Scottsville Road making left turn out Scottsville road entrance into this station, come out back into Chili and proceed, but that does not seem to be likely, average drivers would if it is constructed and I point out to you on their behalf this is a very serious traffic

hazard that will arise from location of this proposed driveway at a point where part of traffic is obstructed by solid line. Would like to further take position on their behalf, no proof of hardship here because present use of property is a permitted use since the ordinance in 1961 which made this area a business district was enacted it has been occupied as a residence, which use is a permitted use under present ordinance and since property bears considerable improvement and has been used in compliance with ordinance and capable of being further used in compliance, it would not appear there is such a hardship here as would warrant a disregard of these setback restrictions. Would also like to point out that it should appear from the material before the Board that the land upon which this residence exists is higher than Mr. Longbine's land. As a result he will receive the benefit of the fumes which will be admitted, which will flow downhill naturally into the property from the operation of the station and particularly from the filling of the supply tanks in the station, if any of you have ever been around a service station when big tanker trucks pull in around 2:00 o'clock AM. you are aware of their presence, particularly on a warm summer night for a considerable distance away. The Board may by Section 19-54 consider the other relative factors, of danger to adjoining property and interfering with traffic; emission of odor, dust, fumes or noise and so forth and property across street being residential property is bound to be depreciated in value by the existence of a noisy, bustling gas station directly across from it. One further technical point wish to make, do not wish to appear stuffy about it, but perhaps in fixture you might wish to act in accord with it, it appears to him that the notice of this hearing is defective in that it recites in the notice that this is an application in reference to a commercial zone. In no place in your ordinance is there a reference to a commercial zone, a B district is a business district, not a commercial and he takes position in using term commercial in a public notice you have, unwittingly he is sure, but definitely led people who might otherwise oppose this application to believe there is a district in the Town of Chili devoted to commercial uses which would include gas stations and his reading of ordinances fails to disclose this is a fact. If Board has any questions of Mr. Grover and Mr. Longbine, they are here and would be glad to answer.

Mr. Miller asked Mr. Armer if his appearance here tonight was special. Mr. Armer answered it is on their behalf in opposition to Board granting variance. Mr. Miller questions if he was making a general appearance on the application. Mr. Armer replied this is a general appearance on their application, but he pointed out and wished to further rely upon Mr. Miller interrupted to again question if he was making a general appearance as to the merits. Mr. Armer answered yes.

Mr. Pietropoali in rebuttal advised this traffic hazard, these plans are reviewed and gone over with by the State of New York, it is a State Highway, they have no objection as of now to this easterly entrance, where it is going to be located. He does not know if it is going to be directly across the street from the Shopping Center. Mr. Armer replied not directly across but going from one to the other.

Mr. Pietropoali advised also they, at some prior time, were granted a variance for construction of a gasoline station in the Plaza which is directly adjacent to residence of Mr. Grover in residential district and if the Board see fit this evening, we held up with those plans although we could obtain our building permit we went to another location, if Board saw fit to grant this location, we would be willing to abandon plans for construction of gasoline filling station in Plaza itself. Do not want two filling stations. Mr. Miller said he did not understand Mr. Pietropoali, do applicant here tonight have title or contract to land in Plaza? Mr. Pietropoali explained prior to time Mr. Miller became counsel to this Board, Sibarco and Atlantic Refining Co. had a contingent contract, with he believed, Pitt Orchard of Buffalo, the owners of real property of Chili-Paul Plaza, and they came here asking for variance to erect gasoline station in Plaza itself. Believe Mr.

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Connors can tell exact location, believe near east exit of Shopping Center relatively close to Grovers. That variance was granted by this Board, however we, because the Grovers and our attorney negotiated on this matter, have withheld taking any action on it, have not obtained our building permit, which assume we need to build in the Plaza itself, and we discovered this location here and would be more than happy to abandon Shopping Center one and have this one.

Mr. Miller questioned do not variances run to land and not individuals?

Mr. Pietropaoli advised do not know who run to. We were people who presented plans at that time with Pitt Orchard. Mr. Armer advised may be side issue if matter of other application to be considered. Article 78 proceeding brought on it, no return ever made by Town of Chili, so we have made no motion to present the matter to require return, but I do not think we can say other matter is in limbo at this point.

DECISION: Application unanimously denied for the following reasons:

1. Consensus of Board was needs of community would not be served by placing a gas station at this location.
2. Pumps and station building too close to Chili Avenue.
3. Close proximity to Town Park tends to jeopardize the overall safety of the others of the community.

#4. Application of Edwin Rahn, 34 Yolanda Drive for approval to operate a Beauty Salon in basement of home at 34 Yolanda Drive part time, one operator.

Mr. Rahn appeared. It would be his daughter running it, one shampoo bowl, one dryer, 6:00 PM to 9:00 PM nightly. Mr. Hunter advised as he indicated, fundamental basis upon which this Board can consider granting an application is one of hardship. Mr. Rahn advised no hardship claimed. His daughter would like to do it a little bit. A petition of neighbors was presented to the Board signed by neighbors who wanted this variance granted.

Mr. Hunter questioned how many nights would they wish this to be in operation. Mr. Rahn advised depended on how business rolled in for her, do not know, she is working now and this is just something to do prior to her marriage.

On question by Mr. Hunter if any one at hearing in favor of this application or opposed, no one appeared.

DECISION: Application unanimously denied. There was no hardship claimed or shown.

#5. Application of Douglas T. Hall, 26 Brentwood Drive, for approval to extend a garage to within approximately 4' west side of house.

Mr. Hall appeared with a sketch of garage, showing what he wanted. Wanted to extend garage from one point, approximately 30' from line to other house, neighbors do not object. It would be approximately 30' from building as it now exists so if were to be built would have 22' between two buildings approximately. This would be 4' to lot line, frontage of lot is about 90'. It is 125' at rear of house and is on triangle, it is on angle and hard to say, perhaps 30' or 40', there is garage and home on side, so two garages will be next to each other. Problem is set of steps and door that has to be opened before get to cars. That is why want to extend it. Garage is now 20' and wish to extend it 8', garage is attached. Mr. Hunter advised would like to have a plot plan. Mr. Hall advised stairway is approximately 48" when you drive two cars in with door. Mr. Hunter asked if he had talked to neighbors. Mr. Rahn advised yes, mentioned it to next door neighbor and across street. None objected, no one came to object here. Mr. Miller questioned, he said rear lot line is wider than front, could he borrow tape location map from bank and give a more complete sketch? Discussion was had on dimensions of lot as it is irregular.

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Mr. Hunter question if any one at hearing in favor of the application or opposed to it. No one appeared.

DECISION: Application unanimously denied. No hardship shown.

#6. Application of Michael DiPiazza, 40 Shrubbery Lane, for approval to build houses on lots 5 through 24 Omega Drive, Spartan Heights Subdivision and lot 32 Spartan Heights Subdivision, all undersized lots, in E Residential zone.

Mr. DiPiazza appeared. He advised question was raised when he went in for drainage approval on a few lots that were slightly undersized. That is on this side here and lot No. 30 (pointed out on map which had been presented to Board.) Correction made to Board that it should be lot No. 30 not 32. This is the Voke farm, adjacent to Chi-Paul Gardens, Chili Avenue coming into Paul Road just before railroad track. He started in June of 1964 for preliminary of complete area in that vicinity with plan which was submitted to Planning Board and came back and these were approved in January 14, 1966, they took plan and reviewed it and gave preliminary approval, went before Town Board and at that time somebody raised question the lots were undersized. He had thought Planning Board had final say. These are 89.05' are just about 1 foot undersized. Lot 30 is by railroad and large ditch and this is property line (pointed out on map) which belongs to property and 25' easement has given to Town on storm drainage. Is over on setback line, on front line under. Frontage on Chili. At setback is all right. Mr. Davis and Mr. Hunter advised no problem as far as width at this point if it is at 90'. Mr. DiPiazza advised why we brought it up on one lot, advised may have to come to move house nearer front because of easement for sanitary sewer that was already installed. On others definitely a problem, depth are just short. Mr. Davis advised in depth they are deep enough, total area just a hair under 15,000 sq.ft. They are just a little narrow. Mr. Miller questioned how much of a job to eliminate one. Mr. DiPiazza advised a complete engineering job, changing sewers, laterals, everything, would not fall between lots any more, running sewer down one side, if does not get variance. Mr. Hunter asked why were they undersized, was it an oversight? Mr. DiPiazza advised they were close to 90' and they had approval of Chi-Paul Gardens, taken up with Planning Board. Mr. Miller questioned when first tract built. Mr. DiPiazza advised Chi-Paul he took over when Golisano stopped. It was taken over two years ago last April. Planning Board approved 80' lots for them in Chi-Paul. Sewer is already in north of Railroad, coming in from Majestic Heights so cannot deviate too much, cannot do it on account of sewer. Shrubbery Lane will eventually come out to Starlight Drive. Mr. DiPiazza pointed out drains for back yards, part of drainage district. Land in back is higher, keeps going into Chestnut Ridge, will build right up there, drainage has been approved. Mr. Miller asked if he came in later on with another section, how do they intend to comply. Mr. DiPiazza advised next section works out with exactly 90' and pointed out on map where they would be. No problem with next section, preliminary plotting already done. Mr. Pfenninger asked if sewer has crossed Chestnut Ridge and Mr. DiPiazza advised goes up to Andy Lane coming along railroad.

On question of any one at hearing in favor of this application or opposed to it Mr. Meister questioned would like to know about lot 30 Shrubbery Lane, what are dimensions of that lot. She was advised at front 71.22', the east line 182.33', rear line 105.91' west line 160.18' at railroad 37'. She advised she was speaking of lot that abuts her property and was advised that was on old Chi-Paul gardens, that this is Section 2 and not the lot she referred to. Mrs. Meister advised she was questioning just the lot that abuts her place. Drains on their property, they also took out a section and she had nothing to say about it. It was a regular swimming pool and dangerous to her children. Mr. DiPiazza advised she is referring to Chi-Paul subdivision, opposite

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Town Hall.

DECISION: Application for variance unanimously granted.

- #7. Application of Bernard Balsam, 51 Creekview Drive for approval to build extension on present garage 5' to east side lot line, in E zone.

Mrs. Balsam appeared. She knows some sort of plans for it but do not have it and unable to get them from her husband. He is ill in hospital. Mr. Davis advised she lives by proposed street which never will be a street, lives on Creekview Drive, one time proposed street that would be put in then they put in throughway and expressway, it never will be street, they live on other side of 60' right of way, that belongs to Town and never will be street, they would like to buy it, but the Town cannot sell it, can only give it back to the original owners.

On question of Mr. Van Slyke Mrs. Balsam said present lot is 90 x 200, feel they have enough room, that they probably would not even have to have a variance, but because of fact if ever given back to original owner wanted to be sure, cannot get it surveyed, are not sure if are within their legal rights, this is why asking for this variance. Present garage is double, but addition would provide them with storage space.

Mr. Davis advised at time built garage there was the street and they had to stay 20' because of corner, now could go within 10'. Have had trouble for years, getting surveyors on that tract, they would not go up there. He thinks they have 10', but are afraid of it, might be over 9'.

Mrs. Balsam said neighbors know about it and they have discussed it, but does not know if any one objects. Mr. Miller advised actually that is a gully up there. Mrs. Balsam on question of Mr. VanSlyke advised could not say just what extension they wanted, would have to find it out, have a double garage now, this would be an additional. Mr. Davis advised it is about a car and a half, a good size single, cannot get two cars in it. Mr. Hunter advised they would like to have more information, it would be helpful, what frontage, how many feet this would be extended and distance feel would be to lot line. Perhaps she would bring in a sketch.

On question of Mr. Hunter, if any one at hearing opposed to this application or in favor of it, no one appeared.

DECISION: Variance unanimously granted, but construction must be completed in one year or otherwise this variance will be void.

- #8. Application of Mrs. Mary M. Lovetro, 30 Shrubbery Lane, for approval to operate a beauty salon part time in residence at 30 Shrubbery lane, 3 or 4 evenings a week, 6 to 9 P.M. and all day Saturday. One operator in E zone.

Mr. Michael Rose, Attorney with offices at 900 Wilder Building appeared here of counsel for Mr. Charles West, who unfortunately last evening had a mishap, who asked him to appear for Mrs. Lovetro. Would like to detail specifically a few elements which may under normal circumstances be damaging for variances of this nature. Problem of off street parking, question of hardship, character of applicant. Mrs. Lovetro is a widow of 52 who has operated beauty salon in home on Pullman Avenue for 16 years under permit from City of Rochester, think it would be beneficial to know that during period of 16 years, never encountered any difficulty with city. This applicant for beauty salon in home intends if permitted by Board to place it in basement, problem of off street parking, submit to Board, she has driveway of 20' wide by 60' long. At no given time during operation of beauty salon, if approved, will there be more than three patrons in her beauty salon which would entail at most, 3 automobiles and we submit

to you, with a width of 22' and length of 60' easy accessibility in and out of this driveway, she would practically be impossible to create traffic hazard as other neighbors around who thought it would.

Application is for three evenings a week and one day Saturday. Think this in itself, besides fact she does not intend to put sign in front or any light does not create commercial establishment and violation of zoning. On hardship, this woman is 52 years old and a widow, has as a dependent a 44 year old sister who is mentally incompetent, unable to work and therefore Mrs. Lovetro has been providing her support for a number of years and will have to continue. Presently has approximately \$2,000. worth of beauty salon equipment on Pullman Avenue which place of business is up for sale, which is a home also, which she intends to use if given approval. If not granted approval there is drastic possibility she would have to sell equipment at great loss because of nature of depreciation of these items and go out and seek other employment to support her sister. Think she is responsible person, one who will add to the standing in community, not create any traffic hazard. Submit her application should be considered with highest regard for beauty salon at her home. Thank you.

Mr. Miller questioned how long has Mrs. Lovetro been contracted to purchase at Shrubbery Lane. Mr. Rose advised Spring of this year. Mrs. Lovetro said April of 1966. Mr. Miller questioned now occupying house? Was advised in process of moving in, has not moved in as of this date. Mr. Hunter questioned one reason or several reasons why cannot operate in normal commercial location, from standpoint of leaving her home and sister? Mr. Rose advised real problem, probably the overhead in establishing business in a commercial location, either rent or buying place for this purpose when she has business which is limited. Do not know nature or how great number of customers she would have. Mr. Rose asked Mrs. Lovetro to come before the Board, and requested her to answer Mr. Hunter. She advised because of overhead, especially operating part time, it would not pay. Mr. Hunter advised another possibility would be in someone's employ, were there problems here. Mrs. Lovetro answered most places do not want you for a few hours at night, want you for full time. She wanted to work only evenings not during day, just on Saturday. She is an instructor at a beauty salon during the day.

Mr. Vanslyke questioned if she did have a regular job beside this and Mrs. Lovetro advised yes, is an instructor in a beauty school.

On question of any one at hearing in favor of this application, Mr. James Poston, 34 Shrubbery Lane advised he owned home adjoining, right next to Mrs. Lovetro. Cannot see any reason why she should not be allowed to run a shop.

On question if any one present opposed to this application Mr. Richard Blind of 24 Shrubbery advised he was not sure if he was opposed but did come here to object to it. Does not quite see hardship because of fact she does have a job. Does not know area she did live in, but seems strange would move into residential area that has tract restrictions that would deny her this permission for any kind of commercial venture. Did not know whether she was aware of this or her lawyer was aware of the restrictions. He had a copy of them with him. The only way she could get by them would be to get all people in tract to give permission. Objected to it on information he had given. Mr. Hunter pointed out those were tract restrictions. Mr. Blind advised he knew the Town did not enforce tract restrictions, but advised seemed strange Mrs. Lovetro would come into area like that with restrictions. Mr. Poston advised he would like to know the restrictions, he had no knowledge of them. Mr. Miller advised that it did not matter here tonight, and advised him to check with his lawyer on them. Mr. Hunter advised this Board was only concerned and governed by Town Laws.

DECISION: Variance unanimously denied. No hardship shown.

- #9. Application of Phil Trapani, 1830 Clifford Avenue for approval to build house on Lot R-20 Block E, Harold Avenue, lot size 100' x 120'. Front setback in line with existing homes; D. Zone.

DECISION: Variance unanimously denied because of non-appearance.

- #10. Application of John Harmon, 4 Jensen Drive for approval to build an attached garage to within 7 feet of south lot line. D zone.

Mr. Harmon appeared with plan which he submitted to Board. Lot is 80' wide. Mr. Hunter questioned distance of side line to next building on next lot, was informed approximately 8'. Mr. Hunter questioned if this were to be built there would be about 15' between two? Mr. Davis questioned if not overall variance there for 8'. Mr. Harmon advised not sure, his north boundary is 7', got figures when built. The lot sizes changed since they were built. Mr. Davis questioned if garage on there now, was told no. Mr. Hunter asked if it would be double garage and if he had talked to neighbors. Mr. Harmon advised the garage was 26' x 24' and he had talked to one neighbor at No. 2, he is agreeable, he is closest to him. Mr. Miller asked where chimney would be. Mr. Harmon advised it would be built in against chimney, chimney would be outside. Mr. Miller questioned what is immediately to the south of property, does he have a garage, would it be garage to garage? He was told yes. Mr. Van Slyke asked entrance would be and it was pointed out to him on plan. Mr. Miller asked how far from other garage if it was approved and Mr. Harmon told him about 15'.

On question of Mr. Hunter if any one at hearing in favor of this application or opposed, no one appeared.

DECISION: Variance unanimously granted, but construction must be completed in one year, otherwise this variance will be void.

- #11. Application of Caldwell & Cook, 681 English Road, Rochester, N.Y. for approval to place monuments at following locations: corner Paul Road and Gateway Drive, one on east side lot 58 Spring Valley and west side of lot 57, Spring Valley, E zone.

DECISION: Variance unanimously denied because of non-appearance.

- #12. Application of Frank Breiner Builder, Inc. 431 Fisher Road for approval of 75' front set back on either side of Jetview Drive, Chili Industrial Park. A Industrial zone.

Mr. Breiner appeared with plans. Mr. Hunter advised he had a letter from the Planning Board stating they had no objection. Mr. Breiner advised they are going to maintain 100' on Paul Road, what want was setback on Jetview to setback 75' on that private road, which would be dedicated to Town. Advised have to go before town board and planning board on their customers with their plans, this is all open land, do not have to hold to plot plan, is whatever customer may want, they can sell. The setback is their problem on any one of these plots. Mr. Pfenninger asked, all in lots, outside lots will be setback 100'? Mr. Breiner advised only one facing on state highway, Paul Road. Mr. Breiner advised buffer zone is giving them problem on residential, industrial people do not want to waste that land on their front, 75' would have 210' between builder and we have 36' side lot and row of trees to almost lot line. One built within 100' of back lot line. Lots are 313' to 420'. Mr. Miller asked if road dedicated at this time. Mr. Breiner advised section approved all dedicated. Might state purchase offer coming out on lot 15.

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Is specifying they maintain 100' setback on Paul Road, have made it worth their while, want nice looking building to set them off. Mr. Miller asked if making it plot restriction and Mr. Breiner advised making it on purchase offer on this one lot. They have to present their plans in front of Planning Board for final approval. Mr. Vanslyke questioned if lots on plan comprise total amount of industrial park and Mr. Briener advised yes, it is 57 acres. Mr. Vanslyke questioned if there was just this one road. Mr. Breiner advised yes. This is all still left, that can be functional to whatever customer wants. Mr. Miller questioned if this is on file with County Court? If someone wants to buy whole piece, they can? Mr. Breiner advised yes, all customers have to come back through Planning Board. They want 75' setback on all park where it does not come out on main highway.

On question if any one at hearing in favor of this application or opposed, no one appeared.

DECISION: Variance unanimously granted with the stipulation that any structure built on Lot 15 will face Paul Road and maintain a 100' setback from Paul Road and a westerly side setback on Jetview of 75'.

Hearing closed at 10:25 P.M.

Patricia D. Slack
Secretary

Decision made on application of Joseph Oliver, 1830 Clifford Avenue for approval to construct ranch home on corner lot #2, Block O, Charles Avenue, lot 50' in width by 120' in depth in D zone, which application was heard on March 22, 1966

DECISION: Variance granted provided the house be 24' wide with an 8' setback on west side line and an 18' setback on the east side line, house to face on Charles Avenue. Construction must be completed in one year, otherwise this variance will be void.

MINUTES
SPECIAL MEETING
ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.

June 7, 1966

A Special Advertised Meeting of the Zoning Board of Appeals of the Town of Chili, N.Y. was held at 8:00 P.M. June 7, 1966. Meeting called to order at 8:00 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
Mr. Howard Van Slyke
Mr. Charles Pfenninger
Mrs. Gertrude Tanger

Also present: Mr. Daniel Miller, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

- #1. Application of Indian Hills Development Corp., 960 Pinnacle Road, Henrietta, N.Y. for approval of variance to erect monument at intersection of Chili Avenue and Lexington Parkway, in the Town of Chili, N.Y. as per plans submitted.

Mr. Eugene Rash, Development Manager for Indian Hills Development Corp. appeared before the Board, thanked the Board for using their time for coming here to look over the plans, he appreciated it as it saved him some time in their schedule. He presented plans to the Board and explained what was proposed. On each side of road, corner stone column with lamp. These are street lights. Up until recently planned one street light but of same height as in subdivision making it 12' above ground, Gas & Electric says now, globe 6" above column on each side of road, will be street light with 10' column 2 x 2, go from left to right. On the left hand, or west side of boulevard will be column with stone, drywall 12" to 18" high which is because of landscaping. Does not believe involved with any zoning variance. No sign on that side. On opposite side of road is again street lamp as indicated then 6' column and 1/4 circle north and east of it toward road, 6' stone column between two columns will be sign LEXINGTON. Sign made with old barn siding 3' from top to bottom approximately 1' space below then the landscaping, drywall below ground. Going to right from that is another low drywall small stone fence leading to a 6' column, over in this corner, two columns connected with sign of same type, same length, same height. Columns here 6'. What we shall have in effect three 6' piers which are structures involved for variance. Do not think street light involved for variance. Structure and connected sign for which we want variance. Column on right hand side, you will note primarily interested in, right hand side or east side, nearest column to adjacent lot is 10' off the line, the closest to right of way, street right of way, is 2'. Incidentally that 33' away from Chili Avenue itself. On other side we are about, west side of LEXINGTON, that column would be, it is hard to say, 14', 16' south of the Chili right of way line, it jogs northwest and actually comes back 24'. In center is flagpole, flagpole to be 25' above ground, area to be landscaped. Area on west side also landscaped and planted.

Mr. VanSlyke questioned if this intended to be a permanent structure. Mr. Rash advised that is right. Mr. Layer of Toar, Inc. advised their feeling is lights themselves correspond to and are the same as street lights in the boulevard maintained as part of lighting district. Mr. Rash advised along that line, Town Board has not committed itself at this time to take this over, their feeling is that they probably will. This piece of land in both side of road and in legal description for highway at present. However, they have not committed themselves to take this over with the land. We will probably make some arrangement, we will

State of New York }
COUNTY OF MONROE } ss.
CITY OF ROCHESTER }

NOTICE OF HEARING

TOWN OF CHILI
Zoning Board of Appeals
Notice is hereby given that there will be a special public hearing of the Zoning Board of Appeals of the Town of Chili to be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on Tuesday, June 7, 1966 at 2:00 P.M. to consider the following application: Application of Indian Hills Development Corporation, 969 Pinnacle Road, Henrietta, New York for an approval of variance to erect monument at intersection of Chili Avenue and Lexington Parkway, Town of Chili, Zone E (Residential) as per plans submitted. All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, New York. Robert Hunter, Chairman.

BS-June 1-11.

Gladys Chipperfield being duly sworn, deposes and says that she is principal clerk in the office of the ROCHESTER DEMOCRAT & CHRONICLE a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

June 1, 1966

Gladys Chipperfield

6th

Sworn before me this _____
day of _____ June 19 66 }

Nancy B. Fromm

NOTARY PUBLIC
NANCY B. FROMM
NOTARY PUBLIC, State of N.Y., Monroe County
My Commission Expires March 30, 1968

Special Meeting Zoning Board of Appeals

June 7, 1966

be there about eight years and make certain it is maintained. One thing Mr. Kent and Mr. Tomer discussed with Mr. Rash. They expect probably will be taken over, but they have not committed themselves at this time. If not, will make some arrangement either through Association or when it comes time for dedication if the Town says remove it, will have to. Mrs. Tanger inquired what happened to the lights then. Mr. Rash advised Lighting District, globes maintained by Gas and Electric, power for them comes up in middle of mall. The Gas and Electric will maintain the light, they will not replace stone column which is being built in such a way, we are going to have separate from concrete, so light post itself does not depend on column itself. It is part of the lighting district, even if Town takes it over. Mr. Layer advised Town would not be taking over lights itself, just the structure. Cost of these lights are part of overall lighting district that handles entire subdivision so that this will be cost borne by town, town billed for it then it is assessed back to district. Have made arrangement whereby they are going to pay for first two years for all district then put on tax rolls. They think it is an attractive construction obviously. Mr. Miller questioned if dry wall without mortar. Mr. Pfenninger questioned about the maintenance and Mr. Hunter questioned if it would be unpainted. Mr. Rash advised they have been getting lumber from some old barns that is where it is going to be gotten. Mr. Hunter questioned how formed and Mr. Rash advised side wood mounted probably on wrought iron. Mr. Hunter questioned height of flagpole. Mr. Rash advised 25' above ground.

Mr. Rash advised some question before where zoning involved and where in. Mr. Davis and he looked whole area over. Mr. Davis advised all subdivisions have them now, all big subdivisions. Mr. Rash advised it concerned them to have this looking good, going to be in there eight or ten years. Mr. Hunter questioned if they were certain and satisfied no problems as far as traffic hazard? Mr. Davis advised no, quite a ways back. Mr. Rash advised 33' off the pavement. Advised they wanted to follow general principle they started with. Wall will be 2'.

Mr. Layer advised Mr. Ford is here this evening. They have discussed this with him and he said he wished they had more room so they could put up a bigger one, be more stone on his side. Mr. Rash advised he had gone over this with Mr. and Mrs. Walworth on the other side, they have no objection.

Mr. Miller brought up the matter of when they plan to dedicate the road to the Town. They did not know just when but Mr. Davis advised it is usually two years after completion of a section.

Mr. Harold Ford, 2657 Chili Avenue addressed the Board and advised he was in favor of it, thinks it will enhance section there, from what he has seen of the plans thinks they are doing their best in landscaping it.

Mr. Layer advised they thought something like this is a credit to the entire area and subdivision and hope it will serve the purpose they fully intend it to do. They advised they give a flag to every house sold, together with bracket.

DECISION: Variance granted unanimously. Erection to be as per plans, drawn by Highland & Highland, Architects, submitted with application for variance, which plans are on file in Town Clerk's Office. Variance granted for a limit of four years with the right to apply for renewal.

Decision made on application of Bernard Bianchi, 201 Angelus Drive, Rochester, N.Y. for approval to build a house on Lot No. 13, Block A Morrison Avenue and a house on Lot No. 1, Block D, Morrison Avenue. Lots 50' x 120' (corrected to read 50' x 112') with 40' front set

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25' rear set back, 8' from side lot line on one side, 18' from side lot line on other side, in D zone, which application was heard on April 26, 1966, on which decision was reserved for Mr. Bianchi to submit amended plans, which he has done, plans which require only front and rear setbacks and conform with 10' side setbacks.

DECISION: Variance unanimously granted to build house on each of lot No. 13 Block A Morrison Avenue and on Lot No. 1 Block D, Morrison Avenue. House to be placed in line with existing homes and placed under supervision of Superintendent of Buildings as per plans submitted by Mr. Bianchi in June of 1966, which plans are on file in Town Clerk's office. Construction of the homes is to be completed within one year of the granting of this variance, or variance to become void.

Minutes of the May 24, 1966 meeting were approved with correction of word "undersigned" on page 33 to "undersized".

Discussion was had on the recommendations set forth in Mr. Miller's letter of May 25, 1966 to Mr. Robert Hunter, Chairman of Chili Zoning Board of Appeals for time limit on variances, which he recommended be considered as a proposed amendment to the Zoning Ordinance of the Town of Chili, copy of which is on file in the Town Clerk's office.

Motion made by Gertrude Tanger, Seconded by Mr. Van Slyke and unanimously carried:

THAT the Zoning Board of Appeals of the Town of Chili, N.Y. recommend that the Town Board of the Town of Chili, N.Y. consider the following recommendations as a proposed revision to the Zoning Ordinances of the Town of Chili:

TIME LIMIT ON VARIANCES

"Any order or decision of the Chili Zoning Board of Appeals, granting approval or conditional approval of a requested variance shall expire if:

1. The necessary building permit has not been obtained within one (1) year from the date of such grant of approval by the Board, or should the decision of the Board be appealed, within one (1) year from the date of final determination of such appeals.
2. The building permit, when obtained within the aforesaid year, shall be revoked or expire by limitation.
3. The Zoning Board of Appeals in its discretion upon an original application of any petitioner, if requested by the petitioner may extend the one year period of time, if the facts of a particular situation warrant it; but, for no longer than a period of four (4) years.
4. Any order or decision of the Chili Zoning Board of Appeals heretofore made granting approval or conditional approval of a requested variance shall expire within two (2) years of the grant of approval or by March one, Nineteen Hundred and Sixty Seven, whichever shall be later, unless said variance grant contained a specified time limitation."

Patricia D. Slack
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.

June 28, 1966

Hearing called to order at 8:00 P.M. Roll call found the following members present:

Mr. Howard Van Slyke, Acting Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger

Also present: Mr. Daniel L. Miller, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings

- #1. Application of Michael Jacopille, 13 Milewood Road, for approval of a variance to add a bedroom and a garage to existing dwelling, to within 4' of side lot line and 25' of front lot line. Front line is same as existing houses (River is in front of house, no road), EE zone.

Mr. Jacopille appeared and advised plans were with request for building permit. Mr. Pfenninger asked if he had consulted with neighbors. Was advised neighbor's house is more on other end, roughly within 20' to 22' of property line. Mr. Davis advised house is really about 300' from lot-line, river should be rear lot line. Mr. Jacopille advised it is back one mile from Scottsville Road, and on question of Mr. VanSlyke advised house is 25' from river, other houses are all in line. The lot is 70' x 366'. His neighbors on both sides have been contacted and approve of it.

On question, no one spoke in favor or opposed to this application.

DECISION: Application unanimously granted, but construction must be completed in one year, otherwise this variance will become void.

- #2. Application of Stephen J. Quinn, 219 Chestnut Ridge Road for approval to build garage 3' to east side lot line at 219 Chestnut Ridge Rd, D. Zone.

Mr. Quinn appeared with a sketch of the garage and sketch of where house is on the lot. It will be 20' in and 3' from lot line. House from front property line is 54' on Chestnut Ridge. Garage is to be in rear of house 20' back. Lot is 60' wide. Garage to be 20' and 22' deep. Mr. VanSlyke questioned nearness of nearest building and was advised it was vacant lot one. Mr. Howarth was granted a variance to build a month ago. It is a 60' lot. Mr. Pfenninger questioned if he could narrow garage a couple of feet and Mr. Quinn advised only reason asked 3' was because garages to west are 3' off lot line, 20' back. All to east are attached garages. Mr. VanSlyke questioned if he could move it over the other way and was told it would then be behind house. Mr. Quinn advised only reason is to make it in unison with rest of houses in area, if have to move it in, have to move it in. Discussion followed as to distance between house to be built on vacant lot and Mr. Quinn's .

On question, no one appeared in favor or opposed to this application.

DECISION: Application unanimously granted as per plans submitted, but construction must be completed in one year, otherwise this variance will become void.

- #3. Application of Thomas Buttarazzi, 10 Adella Circle, for approval to build a house and garage on Lot B, 554 Paul Road, lot being 43' wide x 200' deep, E zone.

Mr. Buttarazzi appeared with plans of house he proposed to build. House is 26' wide. House will have required square footage. Mr. Van Slyke

June 28, 1966

questioned if this was part of school property and was advised yes. Mr. Pfenninger questioned if this was down near the old school, Mr. VanSlyke advised yes, between old school and the street. Mr. Buttarazzi advised was billed for sewer tax, wishes to build on it. He explained the plans for the house to the members of the Board. Advised Board houses on east and west of lot. Was asked if this lot was part of his development and he advised it was left, he did not buy the school but bought land from Rices on both sides of school.

Mr. Vanslyke explained application to those at the hearing and questioned if any one in favor. No one appeared.

On question of any one opposed, Mr. Albert Argartiere, 560 Paul Road appeared. They are neighbors on the west, do not believe it is right to put house on a 43' lot. This is suburban living, do not want this crowded into a 43' city lot. Besides, house will not blend in with rest, going to stand out like a sore thumb.

Mr. Pfenninger asked Mr. Buttarazzi if he would be 10' from side lot lines. Mr. Buttarazzi advised 17' to be divided between two sides, 8½' from each side. Mr. Pfenninger advised he did not ask for a side line variance and he would need one for that. Mr. Davis advised he was asking to build that particular house on this piece of property and Mr. Vanslyke said so that includes it. Mr. Argartiere questioned if entrance counted toward lot line and Mr. Davis advised not if it is open. Mr. Argartiere against it said he did not think it is right. Mr. Buttarazzi advised his other houses are 8' on each side, he has variance.

Mrs. Argartiere appeared. Opposes this thing, lot too narrow, do not think should put house on it; lives next door, not for it. They live in house on west side of lot. If somebody with children here, not going to have place to play, would play in everybody else's lot.

Mrs. Brauch, 551 Paul Road. Lives across from it. Thinks it is not right for him, going against zoning. Why the other houses are all nice, it would be an awful eyesore.

Mr. and Mrs. George Huntoon, 550 Paul Road appeared. Live east of the property, own this property. Their objection is just size of lot and conditions leading up to it. Thinks Town knows what existed before and what he means. On question advised they do not live in school house, they rent it.

Mr. & Mrs. William Wilcox, 516 Paul Road. Mr. Wilcox advised he has another lot like it at the Planning Board last week. Mrs. Wilcox opposed it, it does not conform to surrounding area. This could have been incorporated into his original subdivision because land was originally in a 40 acre purchase. Also school house lot 132' wide, believes there is possibility could obtain some land from Mr. Huntoon to make up deficit. Thinks this should be investigated before 43' lot precedence established in this area.

DECISION. Variance unanimously denied for the following reasons:

1. Lot is undersized.
2. Frontage is less than required and two side line setbacks would be required
3. In the opinion of the Board it is a self created hardship.

#4. Application of Harold Potter, 2165 Westside Drive for approval to operate a radio and television repair service at 2165 Westside Drive E zone. Renewal of a variance.

Mr. Potter appeared. Mr. Pfenninger inquired if he had put any additions on or was it the same as when he got variance before and was told yes.

Mr. Vanslyke questioned if he employed any people who make deliveries with truck or car. Mr. Potter advised no employees, uses own car, does most of work in somebody else's house. Mr. Vanslyke questioned if he had any objections from his neighbors. Mr. Potter advised no. Mr. Miller questioned

State of New York
 COUNTY OF MONROE,
 CITY OF ROCHESTER.

} ss.

Legal Notice

**TOWN OF CHILL
ZONING BOARD**

Notice is hereby given that there will be a public hearing of the Zoning Board of Appeals of the Town of Chill to be held in the Chill Administration Office, 3225 Chill Avenue, Rochester, New York 14624 on June 28, 1966 at 8:00 p.m. to consider the following applications:

1. Application of Michael Jaccopile, 18 Millwood Road, for approval of a variance to add a bedroom and a garage to existing dwelling, to within 4' of side lot line and 25' of front lot line. Front line is same as existing houses (River R. in front of house, no road) E-E zone.
2. Application of Stephen J. Quinn, 219 Chestnut Ridge Road for approval to build garage 3' to east side lot line of 219 Chestnut Ridge Road, D zone.
3. Application of Thomas Gutarazzi, 18 Adelia Circle, for approval to build a house and garage on Lot B, 554 Paul Road, lot being 43' wide x 200' deep, E zone.
4. Application of Harold Potter, 2165 Westside Drive for approval to operate a radio and television repair service at 2165 Westside Drive E zone. Renewal of variance.
5. Application of Caldwell & Cook, 281 English Road, for approval to place monuments at following locations: Corner Paul Road and Gateway Drive, 1 on east side, lot 58 and 1 on west side lot 57, E zone.
6. Application of Earl Hibbard, 145 Imperial Circle for approval to renew variance granted to erect a sign 3' x 4' from the ground on the northwest corner of Creekview Drive and Chill Avenue, E zone.
7. Application of Phil Trapani, 1830 Cliff Avenue for approval to construct one family dwelling on lot R-20, Block E, Cliff Avenue, lot size 100' x 200', front setback in line with existing homes, D zone.
8. Application of Glenn H. Schoeman, 590 South Avenue, to erect an 8' x 4' sign on Paul Road opposite rear drive of sign on Paul Road across from shopping area on lands owned by Caldwell & Cook, as per plan submitted.
9. Application of Eugene Everdell, 2207 Clover Street, Pittsford, N.Y., for permanent approval of two 3' x 12' illuminated signs on bases 7' wide x 12' high, one at corner of Evergreen Road and Brier Street, one at corner of Evergreen Road and Westside Drive, E zone. Renewal of a variance.
10. Application of Lancaster Homes, 1845 Ridge Road East, for approval to build house to within 3.70' of north side lot line on Irregular lot, Lot No. 78, 51 Hillary Drive, E zone.
11. Application of Atlantic Refining Co., 1840 Lyall Avenue, and Grandeur Signs, 426 Exchange Street, for approval to replace present sign at 2950 Chill Avenue with new sign 8' x 44 1/2" inferior lighted with word "ATLANTIC" mounted on a center pole 14' 4" tall, E zone.
12. Application of Mr. & Mrs. Victor Lazado, 21 Chester Avenue for approval to erect a garage 14' x 20', five feet to east side lot line at 21 Chester Avenue, D zone.
13. Application of Stevenson Homes, Inc. 100 Winslow Avenue for approval to renew variance previously granted for one 8' x 12' sign on the west side of 1895 Westside Drive, in E zone, Corract address 1995 Westside Drive.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chill, N.Y.
 Robert Hunter, chairman

Form #426

.....Marie S. Ransom..... being duly sworn, deposes and say that she is principal clerk in the office of the ROCHESTER TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

June 18, 1966

Sworn before me this 22nd
June 66
day of 19

NANCY B. FROM Notary Public
NOTARY PUBLIC, State of N.Y., Monroe County
My Commission Expires March 30, 19

if he had a sign on front of his house, how far back. Mr. Potter advised small sign located on front lawn about 20' or 25' from lot line, not lighted, with link chain

On question of any one present in favor of or against this variance, no one appeared.

DECISION: Renewal of variance unanimously granted for a period of three years, with the right to apply for a renewal.

#5. Application of Caldwell & Cook, 681 English Road, for approval to place monuments at following locations: Corner Paul Road and Gateway Drive, 1 on east side, lot 58 and 1 on west side, lot 57, E zone.

Mr. Cultara of Caldwell & Cook appeared. Wished same thing as on Chestnut Ridge. Plans shown to Board. Four wheelhouses, Gateway new entrance off Paul Road. On question of Mr. VanSlyke if these are lighted Mr. Cultara advised those on Chestnut Ridge have lights inside that show through wooden doors. Top is wooden and bottom stone. Mr. VanSlyke questioned if they regarded these as permanent, they go with piece of property? Mr. Cultara said in boundary of lot, the owner takes care of them, whoever buys the lot.

On question if any one present in favor of or against this variance, no one appeared.

DECISION: Variance unanimously granted as per plans submitted, but construction must be completed in one year, otherwise this variance will become void.

#6. Application of Earl Hibbard, 165 Imperial Circle for approval to renew variance granted to erect a sign 3' x 4' from the ground on the northwest corner of Creekview Drive and Chili Avenue, E zone.

Mr. Davis, Superintendent of Buildings advised Mr. Hibbard had asked him to represent him as he had to be out of town. The houses in this tract all built, two more to sell on Creekview then he is going to take sign down, only needs it for two months more.

On question if any one present in favor of or against this variance, no one appeared.

DECISION: Renewal of variance unanimously granted for a period of one year.

#7. Application of Phil Trapani, 1830 Clifford Avenue for approval to construct one family dwelling on lot R-20, Block E Harold Avenue, lot size 100' x 200' (lot size changed at hearing to 100' x 120') front setback in line with existing homes, D zone.

Mr. Trapani appeared. Advised size of lot should be 100' x 120' not 100' x 200' as in legal notice. Advised the old house that was on lot has been torn down. Plans were shown to the Board. On question, Mr. Trapani advised was asking to be allowed to stay in line with front setback of existing houses. Side lines 20' on one side and 40' on other. One car attached garage. Houses on each side. This is all in line, just wants front setback.

On question if any one present in favor of or against this variance, no one appeared.

DECISION: Variance unanimously granted as per plans submitted. Construction must be completed within one year, otherwise this variance will become void.

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- #8. Application of Glenn H. Schauman, 590 South Avenue, to erect an 8' x 4' sign on Paul Road opposite rear drive of Chi-Paul Shopping area on lands owned by Caldwell & Cook, as per plans submitted.

Mr. Schaumann appeared. Plans were shown to the Board. Mr. VanSlyke inquired if sign lighted and was advised no, just painted. This is to replace present sign now installed at same location. Sign is now 3' x 6'. After home opening is completed that will come down, this sign to advertise subdivision as a whole. Same location same type of sign. On question Mr. Davis advised this sign will replace little blue sign. Mr. Pfenninger asked how long they wished it for. Mr. Schauman advised just one year. Mr. Pfenninger inquired how far back from road, Mr. Schaumann advised 25' to 30' from edge of pavement.

On question if any one present in favor or opposed to this variance, no one appeared.

DECISION: Variance unanimously granted as per plans submitted for a period of one year.

- #9. Application of Eugene Evangelist 2707 Clover Street, Pittsford, N.Y. for permanent approval of two 3' x 5' illuminated signs on bases 7' wide x 16" high, one at corner of Evergreen Road and Brian Street, one at corner of Evergreen Road and Westside Drive, E zone, Renewal of a variance.

Mr. Evangelist appeared, would like to have the signs permanent. People have planted flowers around them, they are more of a monument, same as other tracts.

It was explained the signs are at Brian Drive and Westside Drive not as stated in legal notice.

Mr. VanSlyke asked what they are constructed of. Mr. Evangelist advised brick, illuminated with spot lights that hit sign, that are down on ground. Mr. VanSlyke questioned what becomes of these, are these part of the lot that is sold? Mr. Evangelist advised no, they are on the right of way. Was going to suggest if can get Town to approve illuminated lights and take out spot lights. He now gets electric from people on both corners and is paying them so much a year for electric. The people around are taking care of the signs now. Have shrubs and flowers around them. People want a nice looking house and do not mind, they take care of them. Going to be quite a few homes, it is an asset to the tract. Going to make two more for all entrances and will have same type signs. Would like to get variance for two signs on Evergreen and Westside Drive.

Mr. Van Slyke questioned those at hearing if any one in favor or opposed to this renewal and issuance of variance for two similar signs at Evergreen Drive and Westside Drive. No one appeared for or against.

DECISION: Variance unanimously granted to renew variance for two existing signs on Brian Drive and Westside Drive on a permanent basis and unanimously granted variance to erect two signs on Evergreen Drive and Westside Drive as per plans and specifications of signs on Brian Drive and Westside Drive. Latter two signs to be constructed in one year or the variance to become void.

- #10. Application of Lancaster Homes, 1845 Ridge Road East for approval to build house to within 3.70' of north side lot line on irregular lot Lot No. 78, 51 Hillary Drive, E zone.

Mr. Roy Goldback representing Lancaster Homes appeared. Tape location map shown to Board. Mr. Goldback explained house is already up, know now they are within boundary they should not be, found this out from engineers after house was up. Are too close to north boundary now that tape location map came out, and engineers told us this particular house would not fit on the lot. Changed it to face east and find it is

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too close to north side property line. House next door is about 24' this would be roughly 27, 28 feet away from existing house, which has a garage on it. Their driveway is on the opposite side. This was put up in the winter time and perhaps stakes moved with other construction, after put on lot, found house too big for that particular lot. People on the other side have no objections. House is fully constructed. On question could not have been put lengthwise because was told would have to have 40' to rear and he thought they had 14'. On question of Mr. Miller he advised side line is 24', it is a split level with garage attached. Garage is a two-car garage 20 or 24' x 28' depth.

On question if any one present in favor of this variance or opposed, no one appeared.

DECISION: Variance unanimously granted.

#11. Application of Atlantic Refining Co., 1840 Lyell Avenue, and Granger Signs, 426 Exchange Street, for approval to replace present sign at 2950 Chili Avenue with new sign 8'3" x 4'4 $\frac{1}{4}$ " Interior Lighted with word "ATLANTIC" mounted in a center pole 14'4 $\frac{1}{4}$ " tall. E zone.

Mr. Charles Connor of Atlantic Refining Company appeared before the Board. Plans of the new sign requested shown to the Board. Mr. Connor explained they are changing their signs throughout the country and replacing them with internal illuminated sign as per plans. Two metal signs there now will be eliminated and come down, new foundation put in. They own the property there. This is just a replacement of existing sign. Mr. VanSlyke questioned how far back will sign be. Mr. Connor advised present sign itself is right up to property line at that "v", it is inside on their property. Present sign is 16', this one will be 15' within a few inches. Mrs. Tanger questioned if it would obstruct the view coming down Chili Avenue and was advised definitely will not in the on coming traffic and at intersection you are under the sign. It will not obstruct driveway view because it is sitting off to the side. Board was told the lighting is internal fluorescent, not flashing, not revolving, just lettering says "Atlantic" One at Buffalo Road and Elmgrove Road. Nicer than one up there now. It is a standard sign, have made them by the thousands, up all up and down eastern seabord. Their identification is this sign. Mr. VanSlyke questioned how far back were they from the highway? Mr. Connor questioned what he meant by highway. Mr. VanSlyke advised Chili Avenue from property line, he assumed it is a four rod highway. Mr. Connor said Chili is at least a 4 rod and so is Chestnut Ridge 4 rod. Mr. Davis advised State claims all state roads 4 rod. Mr. Connors advised they are not set back at all. This will be same as present sign, at this point is property line, very close to it. This will be in relatively the same position, will not hang over the right of way. Peculiar circumstances, if put any other place will be backing it right against the building or on top of the building.

On question of Mr. VanSlyke if any one present in favor of or opposed to this variance, no one appeared.

DECISION: Variance unanimously granted as per plans submitted. Construction to be completed within one year or variance to become void.

#12. Application of Mr. and Mrs. Victor Lazada, 21 Chester Avenue for approval to erect a garage 14' x 20', five feet to east side lot line at 21 Chester Avenue, D zone.

Mr. Lazada appeared. Plans were shown to the Board. On question he advised house is two years old. There is a house next to him, garage is on the other side. His house is about 16' from his lot line, has fence over there, has double lot. Mr. Davis advised the Board Mr. Lazada has about 30' in back yard so could not put garage in back. Mr. Lazada advised they were supposed to build house in other street, then they could not get permission, so had to build on Chester Avenue. On question of Mr. Miller, advised sewers and water are in there.

zoning Board of Appeals

June 28, 1966

On question of Mr. VanSlyke if any one present in favor of or opposed to this variance, no one appeared.

DECISION: Variance unanimously granted as per plans submitted.
Construction to be completed within one year, otherwise this variance will become void.

#13. Application of Stevenson Homes, Inc. 100 Winslow Avenue for approval to renew variance previously granted for one 8' x 12' sign on the west side of 1895 Westside Drive, in E zone. Correct address 1995 Westside Drive.

No one appeared to speak for this variance.

DECISION: Variance unanimously denied because of non-appearance.

Minutes of the Special Zoning Board of Appeals meeting of June 7, 1966 were approved as submitted.

Mr. D.D.Davis and Mr. Skinner appeared before the Board for an informal and preliminary hearing on a proposed request for a variance to erect a gas service station at the northwest corner of Chili Avenue and South Union Street, size of property 170' x 155'. Owner of property D.D.Davis, purchaser and contractor Oliver B. Ashman. Plans were shown to the Board and discussed. Present Zoning of the property was discussed and layout of the proposed station. They were advised no decision could be made until an advertised hearing held.

Meeting was closed at 10:25 P.M.

Patricia D. Slack,
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILLI, N.Y.
July 26, 1966

Hearing was called to order at 8:00 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
Mr. Howard Van Slyke
Mr. Charles Pfenninger
Mrs. Gertrude Tanger

Also present: Mr. Daniel L. Miller, Deputy Town Attorney
Mr. William Davis, Superintendent of Buildings.

- #1. Application of John Fantigrossi, 170 Brook Road, for renewal of variance to operate a roofing and sheet metal business at 170 Brook Road, EE zone.

Mr. Fantigrossi appeared before the Board. On question of how long the previous variance was granted for he advised it ran for three years, but he was a couple of years over it. He advised business is not actually a manufacturing plant, its work is all done outside of the area. This is only for storage of materials and equipment, storage of drums of tar, it is in a barn, it is a farmhouse, barn and garage. Equipment consists of tar kettle, wheelbarrels, etc., used for industrial roofing. No work performed right in area, take out equipment and supplies as needed, and equipment transported from job to job.

On question if neighbors object, he advised no neighbors have complained, there are no close neighbors, WHEC Tower on one side and the railroad. Big truck kept in barn. It is a five day operation, hours 8:00 to 4:00. On question he advised no signs connected with this. Has eight men working for him, but most of the time they do not show up at this location, go direct to the job.

On question of those present at hearing if any one opposed or in favor of this application, no one appeared.

DECISION: Variance unanimously granted for a period of three years, business to be operated in the same manner and with the same hours of operations as has existed for the past two years, with the right to reapply at the end of the three year period for a renewal of the variance.

- #2. Application of Mrs. Angelo Licata, 41 Brian Drive, for approval to operate a day nursery at 41 Brian Drive, 5 days a week, 7:00 A.M. to 5:00 P.M. approximately 15 children, E zone.

Mr. Licata appeared representing his wife, and advised when applied for this just wanted to have a few children, but this started a big rumble. Mr. Hunter questioned what he proposed to do. Mr. Licata advised his wife has State license, runs a nursery in the City, they have been living at Brian Drive about three months and would like to operate a nursery there. Mr. Pfenninger inquired about the ages of the children and was advised two to five. Mr. Licata advised he was worried about false rumors, and whatnot in the neighborhood. Mr. Hunter inquired about the number of children and Mr. Licata advised there would be five at most and he would amend the application to five children instead of fifteen. Again advised he did not like rumors that have been spread around. Mr. Vanslyke questioned the size of his lot and was told he had a corner lot 170' deep, supposed to be 90' wide, but is corner lot and unfenced. Has four bedrooms, 3,000 square feet. It is at corner of Brian Drive and Watch Hill Drive. The hours would be 7:00 A.M. to 5:00 P.M., five days a week, for children where the people are working and bringing in the children.

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He was questioned if this would be exclusive of summer and he said it is slow right now. Would be neighborhood children, a maximum of five, there could be five, if neighbors want to bring them, it is up to them, it is their jurisdiction.

Mr. Hunter advised him the only reason for variance is a hardship, was he claiming a hardship for this nursery. Mr. Licata advised he needed this because of income. Mr. Hunter questioned if he had children of his own. Mr. Licata advised a daughter 19 and an adopted boy. Four living in home, as well as proposed youngsters. Mr. Licata advised they have a big family room there. Mr. Hunter questioned if his wife would give up present operation. Mr. Licata advised there is no profit, this is last alternative.

Mr. Miller questioned if there would be any outside signs of operation. Would he put up swings and slides and how many? Mr. Licata advised children would play in yard, and it all depended on the swings and slides. There would be no signs in front of place, all in back yard.

Mr. Hunter questioned if this required State license, and Mr. Licata advised yes and his wife has one. Actually his wife was asked to do this, then this other thing started going.

Mr. Hunter questioned if any one present at hearing had any questions on this application.

Mrs. Sheila M. Hosenfeld, 5 Brentwood Drive questioned does granting a variance of this sort mean you change the zone characteristic, what other businesses are potential possibilities? Mr. Hunter advised the granting of the variance does not change basic zoning, all this does allow, if it is granted, is variation that has been requested, or amended as the Board sees fit, for an unlimited or limited time. This does not change basic zoning law. Each situation is acted on and judged accordingly.

Mr. Frank Heffer, 11 Watch Hill Drive questioned in a nursery school are there any health laws that have to be abided by? Mr. Licata advised there is. Requires license by State and there are strict regulations imposed by State. If have over six children, have two bathrooms. Investigators come down to check for cleanliness, lavatories, sleeping quarters. It is pretty strict and good for youngsters.

Eugene Shipkouski, 45 Brian Drive advised he owns property adjacent, on southwest corner, his back yard adjacent to his side yard. Representing large group present. This group in strong objection to any such operation in this area. Majority of people on Brian Drive, Watch Hill Drive, certain ones on Brentwood Drive, and there would be more had they had time. Had a petition signed by better than forty people who own and reside in at least 25 of those houses and who are very strongly against this from view of that this is taking a rather exclusive area which has potential for becoming good residential area and opening it up to other business of same nature, beauty parlors, etc. In gathering information for this petition, certain innuendos where this is very fast becoming test case for their area. It is a service which is performed by a person for which they expect to be compensated, this makes it a business. Having lived in other areas in Connecticut and Long Island he has seen the rundown of a good neighborhood become rapid. At moment was a little confused as to what Mr. Licata is intending to do. He got notice, five other people and looked at this and immediately there was objection, so consequently petition and representation. Wanted Board to be aware of feelings of just about everyone in vicinity, with exception of one family and possibly another, to operation. Hopes when Board considers it will take their views. He has built a house in excess of \$30,000 and will now have privilege of overlooking fenced playground. Mr. Licata has a very nice home, if such a business were to be conducted, would require enlargement. In all sincerely thinks Board must consider viewpoint of people here. That should in general indicate feelings of the people in that particular area and his own.

State of New York
 COUNTY OF MONROE,
 CITY OF ROCHESTER.

ss.

Legal Notice

NOTICE OF HEARING

TOWN OF CHILI ZONING BOARD
 NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chili to be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 26, 1966 at 8:00 p.m. to consider the following applications:

1. Application of John Fandrossi, 170 Brook Road, for renewal of variance to operate a roofing and sheet metal business at 170 Brook Road, EE zone.

2. Application of Mrs. Angelo Licata, 41 Brian Drive, for approval to operate a day nursery at 41 Brian Drive, 5 days a week, 7:00 a.m. to 5:00 p.m., approximately 15 children, E zone.

3. Application of Ryan Homes, Inc. of Cheshwick Circle and Paul Road, 1845 Ridge Road East, for approval to place two brick monuments either side zone.

4. Application of John Syracuse, 2709 Chili Avenue, for approval to erect a row of seven garages directly at rear of stores at 2709 Chili Avenue (garages 30'x84') to be built 10' to east side lot line approximately 50' to rear of stores, E zone.

5. Application of John Syracuse, 2709 Chili Avenue, for approval to erect a concrete plant on property on north side of Paul Road next to 134 Paul Road (4 acres), Industrial zone.

6. Application of Martin Roger, 709 Westside Drive, for approval to erect family room 24'x30' over detached garage located 25' from house at 709 Westside Drive, E district.

7. Application of Wm. C. Schwab, Jr., 261 Chestnut Ridge Road for approval to build 20'x20' garage at 261 Chestnut Ridge Road, 7'6" from either side lot line, and 5' to rear lot line, D zone.

8. Application of Wilbert Rabb, 2775 Scottsville Road for approval to operate a trap shooting range at 2773 Scottsville Road, EE zone.

9. Application of Darwin Turner, 14 Ronnie Lane for renewal of variance to basis in home at 14 Ronnie Lane, E basis in home at 14 Ronnie Lane, E zone.

10. Application of Bernard Bianchi, 201 Angelus Drive for approval to build house on lot 12A Morrison Avenue, lot 50'x111', 7' side lot setbacks, 49' front setback, 23' rear setback, with garage, D zone.

11. Application of Werner A. Beer, 6 Wyncrest Drive for approval to build an addition to present patio to 4½ feet of north lot line. Addition 12'x17', D zone.

12. Application of Raymond F. Bubel, 24 Jensen Drive, for approval to erect a garage, 14'x22' and breezeway 8'x10' to existing house at 24 Jensen Drive, 8' to south side lot line, D zone.

13. Application of Oliver B. Ashman, 592 Pinegrove Avenue, Rochester, N.Y. for approval of variance to erect a gas service station on property on the northwest corner of Chili Avenue and Union Street.

All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, N.Y.

ROBERT HUNTER,
 Chairman.

TU-7-18-16.

Marie S. Ransom

..... being duly sworn, deposes and say that she is principal clerk in the office of the ROCHESTER TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

July 18, 1966

Marie S. Ransom

Sworn before me this 27th
 day of July 19 66 }

Clyfford E. Swope

Notary Public

CLIFFORD E. SWOPE
 Notary Public, State of N.Y., Monroe County
 Commission Expires March 30, 1968

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The petition mentioned was submitted to the Board by Mr. Shipkouski. He then addressed Mr. Licata and advised him that this had nothing to do with him personally, but did not feel should have to put up with potential business area. Mr. Licata questioned if his wife still wanted to take in foster children? He wanted to take in neighbor's children. Mr. Shipkouski advised the idea is wonderful, the location is not. Mr. Hunter stopped the debate. Mr. Licata questioned where did he get idea telling some of these people he was building up big building, big sign and 15 car parking lot?

Mr. Alfred J. Heilman advised he had entered into contract to purchase 27 Brian Drive and was going to close. He is an attorney and wanted to point out Mr. Evangelist, builder and owner of this acreage filed uniform plan in Monroe County Clerk's office with covenants running with land which apply to all property in this vicinity how said lots should be used for residential purposes only. Mr. Hunter advised him Board could not consider this, it was outside of Board's realm. Mr. Miller advised him does not believe covenant applies here. Mr. Heilman said just advised it as point of information.

Mr. Heffer questioned what hardship Mr. Licata claimed. Mr. Hunter advised he claims an economic hardship, claims he needs the income.

Mr. Robert Gillette of 40 Brian Drive spoke and advised he thought it would be an asset to the neighborhood. For himself this would be something he could put his children in, nice house, controlled by State. If send them out have to drive a long way, this is right there. Lives across street and he would suffer the most by the cars which will be bringing them.

Mrs. Hosenfeld advised she was confused, in paper wanted 15 children, when they came around to her with petition understood 30 were in order, now she understands it is 5. That would effect her. Mr. Hunter advised her request before Board calls for maximum of five youngsters. If were to have or want more then would have to come forward for variance again. Mrs. Hosenfeld advised if limited to five she would have no objection, her objection was numbers and business of another building. Her name is on petition, she now withdraws it.

Mr. Gillette advised he would first make good arrangement on what it is, thinks lot of things have been talked about, people signed this because they thought he was going to have to build. Lot of things have been exaggerated.

Mr. Shipkouski advised the opinion of people sitting here is that day nursery itself, the operation of one, is good idea, but what they object to is a commercial business in what is now a very exclusive residential area and are not concerned about if it would be good or bad for the neighborhood, but allowing such a thing in that area is bound to attract other business which choose to come in that neighborhood, we would have set precedent. This is our objection, nobody hates nursery schools if on Buffalo Road or some commercial road fine, this would satisfy everybody. This is the opinion of this group. He is speaking for the group.

Mr. Edward Casey, 31 Brian Drive advised he signed petition on basis of 15 children. Heard no rumors there would be 15 car garage, petition was exactly what was solicited on notice sent by Board. Agrees, 5 or 15, it is commercial establishment.

Mr. Russo, 15 Brian Drive advised he felt that way. He signed this not realizing this was to be small number, not a 15 car garage or parking lot. All signed it with this in mind.

Mr. Heffer advised he had to concur. Board knows as well as he, once a variance is granted. It is very nice residential area. They feel that by granting this variance you are opening this to commercialism. Once it starts no reason why not put beauty parlor, machine shop or multiple dwelling in. Once you start something, no stopping.

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Mr. Gillettee advised this word, beauty parlor, he is hair dresser, lives at 45 Brian Drive, does not plan on opening one. If any one came in, or any type of business except this one, he would object.

No one else appeared for or against this variance.

DECISION: Variance unanimously denied, on the grounds that no hardship was shown.

- #3. Application of Ryan Homes, Inc., 1845 Ridge Road East, for approval to place two brick monuments either side of Chiswick Circle and Paul Road, E zone.

Mr. John F. Donahue of Ryan Homes appeared before the Board with sketch of the proposed monuments, planned size 5' high, 3' wide and 24' wide. These are rough measurements, but will make them whatever size the Board wish. He pointed out where would be raised letters "REGENCY PARK". Would be on lots 2 and 13. Lots approximately 110 x 167. Will hold both of these lots, eventually will sell them and if customers want them torn down will tear them down. Will have two small lamps, that will be lighted, and would have to make some arrangement on cost of lighting when sold lots. They would be set back as decided by Board. They have 77 lots in area, so assume will be footing bill for lighting for about two years. Will build homes on these particular lots in about two years or before. Mr. Hunter asked if plan would be to include this and sell it, if they were these home owners would maintain this? Mr. Donahue said this is correct, or lamp could be taken off. He advised (and showed small map) this is initial area for three foundations, have sold two or three houses there, in this area there are thirteen lots.

Mr. Donahue advised main structure of monuments is used brick, shingle roof, side stone slabs, regular carriage lamps on each side. Mr. Vanslyke questioned is there a cavity inside? Mr. Donahue advised he would imagine there would be if it is 3' wide. Mr. Hunter questioned if they would carry insurance to cover them in case of accident. Mr. Donahue advised they would have sales models and they have liability insurance on that, these would be considered part of sales office, so they do cover it with liability insurance. Thinks this would add beauty to area. Would be perfectly willing to build far enough back to allow good view of Paul Road, so as not to block view.

Mr. Hunter advised if the Board granted this variance it would be granted to be located in consultation of Superintendent of Buildings, would this be all right with them. Mr. Donahue advised perfectly all right.

On question if any one present in favor of or opposed to this variance, no one appeared.

DECISION: VARIANCE unanimously granted as per plans and specifications submitted, with the following stipulations:

1. Monuments to be 18' long and 4' high
2. Interior of monuments to be filled with sand or other appropriate material
3. To be located at the discretion of the Director of Public Works and to be constructed under supervision of the Superintendent of Buildings.
4. Construction must be completed in one year, otherwise this variance will become void.

- #4. Application of John Syracusa, 2709 Chili Avenue, for approval to erect a row of seven garages directly at rear of stores at 2709 Chili Avenue (garages 30' x 84') to be built 10' to east side lot line approximately 50' to rear of stores. E zone.

Mr. Edward Malone, Attorney, 702 Wilder Building appeared for Mr. Syracusa. Requesting special permit to put up seven garages on Chili Road back of stores. Sketch of intended garages presented to Board. Mr. Syracusa advised lot is 369' x 160' wide. Setback on stores 25' or 30'. Mr. Pfenninger questioned if this footage included his house. Mr. Syracusa

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advised no, just up to driveway. Advised to back end of store is approximately 160' from fence line. East lot line is 160', other line is 140', frontage is 160'. 300' total between house and stores, stores 160', 10' from east lot line. Stores occupy approximately 130', six stores there. He was questioned how far back would garages be, between stores and garage. He advised approximately 10' or 15' whatever supposed to stay back from them. He was questioned distance from rear of garage to rear of lot would be approximate 10'? He advised going to put garages as far back as can according to law. Mr. Davis advised could be 10' to rear lot line. Mr. Syracusa advised will be parking lot between stores and garages, will use them for six tenants, tenant upstairs is seven and another can be used for most anything. On question of Mr. VanSlyke he advised it will be one big garage with 7 stalls in it. Will be divided by wire for each garage, wire fence between each garage, there will be seven doors. Would like it to be 10' from rear lot line, distance between garages and stores for parking. There is parking lot back there now, but it is not black topped. Man from Greens has job to black top it, his driveway and entire area in rear of stores, to cost over \$2,000. Mrs. Tanger questioned what height would garage be. Mr. Syracusa advised about 10', regular garage, hop roof. Construction 2 x 6 rafters with asphalt shingles and side cement blocks.

On question if any one present in favor of or opposed to this variance or if any one had any questions Mr. Richard Crain, 6 Earl Drive questioned what purpose are garages going to serve? Mr. Syracusa replied so that tenants would be taken care of and have garage and tenant up stairs. Now have their cars outside, tenant upstairs has to leave his car outside day and night.

Mr. John Schleyer, 10 Earl Drive observed understands tenants are going to use this? Only one apartment, dry cleaner comes to work by husband, baker, he comes and goes, Arnie is only one needs room and hair dresser does not.

Mr. Syracusa advised could be he may want to use it himself, keep my cars in, 3 cars in my family. Mr. Schleyer advised understands he has his own. Mr. Syracuse advised six car garage loaded and full of merchandise two garages attached to his house.

Mr. Allen Bullock, 2 Earl Drive questioned as he understands it this is classified as E residential zone? Mr. Hunter advised yes, this is pre-existing use for stores themselves. Mr. Bullock advised this is what was confusing him, stores pre existing variance, actually it is residential? Mr. Hunter advised it is, but stores were there before zoning, therefore allowed to use it as it was at that time.

Mr. Crain advised he was opposed to this because this proposed structure will be directly behind his property, would make it decline in value if he wished to put it up for sale. Mr. Malone questioned if he had looked back of place now and seen condition, did he think it would be better? Mr. Crain advised it was now blocked off by picket fence that blocks it out. Garages would tower over the fence.

Mr. Schleyer advised against this structure for simple reason, Mr. Syracusa talked about going to have this parking area black topped three years ago, is not done yet. Every summer for three years he is eating dirt from in back. If he has 7 car garage carries as much, knows he is not going to black top. Ten years ago, area was going to be cleaned out.

Mr. Malone questioned would he be satisfied if top black topped as condition of this permit.

Mr. Schleyer advised yes, but still opposed to structure. Type he will build will be only up there for 10 or 15 months then will fall down. Never used good piece of lumber.

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Mr. Allen Bullock advised he was opposed to this request, basically because of possible reduction of property. Apparently the intended or ultimate use will be commercial one way or another, whether storehouse same as garage back of his house. Appears to be extension of commercial property. It is a residential area.

Mr. Pfenninger asked Mr. Syracusa if he wanted all the garages or none? Mr. Syracusa replied, that is right, exactly it.

DECISION: Variance unanimously denied, on the grounds that no hardship was shown.

#5. Application of John Syracusa, 2709 Chili Avenue, for approval to erect a concrete plant on property on north side of Paul Road next to 134 Paul Road (4 acres) Industrial zone.

Mr. Malone, Attorney for Mr. Syracusa, appeared before the Board for him. An application was made sometime ago for a permit to put up a concrete mixing plant on Paul Road. The Board of Appeals rendered a decision which was appealed to the Supreme Court and went before Judge Newton, Justice of Supreme Court, who made a decision on June 29, 1964. Judge Newton died and no Order was entered. He talked to Mr. Wickens, Attorney for the Town of Chili at that time. So nothing was done on that matter. (Mr. Malone had a copy of the Memorandum Decision which he presented to Mr. Miller, Attorney for the Zoning Board.) Mr. Malone advised sum and substance of decision is in the last paragraph of decision in which Judge stated "determination of the Board of Appeals is annulled and the matter remitted for a determination stating the facts or reasons upon which the Board's determination was based". He now understands Mr. Syracusa has made another application so that would be combined with that application and remitted back to Board for determination of their findings as to consideration of facts because Court had not any on which to make decision or to determine what matter was about because Board did not make decision as to findings of fact, from evidence submitted at that time. Testimony taken at that time, March 24, 1964 and Mr. Malone submitted copy of the Town's minutes that were taken at that time. He did not know whether the Board would like to take any further testimony, he thinks it was pretty well covered back at that time when the first application submitted. He did not believe additional testimony would help the situation as far as making their decision based upon minutes which were taken sometime ago. According to Town's Zoning Ordinance their application is based upon the permit, he believed, which is a special permit that is issued under the Town's Zoning Ordinances, in industrial area, Industrial District A and there are several things listed there for permitted use that can be used in there, he believed 31 of them and the 32nd is "such additional manufacturing, processing or compounding uses as the Zoning Board of Appeals may permit upon special application to it after it be found that such use will not produce smoke, odor, dust, fumes or noises liable to become a nuisance or interfere with the enjoyment of neighboring properties and which are not hereinafter specifically prohibited." Believes all are familiar with the area they are talking about, it is across from Sewer Plant. To get into sewer plant to build anything in there, very expensive operation, even though right across from it, cannot get into plant without spending several thousands of dollars to run pipe to make connection. Right next to airport and according to tonight's paper, editorial said they are going to expand that, and it is almost impossible to have this property used for any other purpose than something that can be put up and taken down. No factory would wish to go in there, no house in there because of noise and traffic of the airport, which will be expanded.

Mr. Van Slyke questioned, did not Mr. Syracusa build a house there? Mr. Malone advised he had a house and put it there, did not build, he had one and had to put it some place so put it there. Now there are no other houses on this road. Mr. Syracusa advised there is a house 500-600 feet further east, opposite Schiano's Trailer Park.

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Mr. Malone advised believed they pointed out in previous testimony distance from Gillette property is 1,000 to 1,500 feet. This situation he believes is a hardship from the point that what can they do with this land? Does not think anybody would want to build a house or live in that area, does not think any manufacturing plant would buy it for that purpose. Maybe could be a junk yard or trucking freight terminal. There was a great deal of talk about traffic, as I think testimony shows, four trucks or six going in and out of this plant as our architect testified, would be dust proof trucks, and something about contamination of creek, do not think so under present circumstances. No need of it, do not think we could under health laws. Thinks or feels as though sewer plant being across is detrimental, airport on other side, and does not know what this land can be used for unless something for temporary purpose such as concrete mixing plant which can be moved and taken up. To spend a lot of money being built up would be foolish as could not get desirable tenant in there.

Mr. Malone advised he had not talked to Mr. Miller, attorney for the Board as to what procedure should be. He would like to take these two and have them combined and let it go at that, based upon old testimony.

Mr. Miller advised he thought we should postpone this for one month to review that former testimony; and would like their experts to come in to give the Board the right for cross examination.

Mr. Carl Tarricone, Attorney representing Gillette Machine & Tool, Inc. spoke. He was here in 1964, was in Court at time Mr. Wickins argued this motion with Judge Newton. Mr. Malone never submitted an order in 1964. The Board has changed and felt it only logical Mr. Syracuse come before this Board, come in again with new application, does not think they can ask this Board to render a decision on evidence or testimony taken before its predecessor Board.

Mr. Hunter suggested it be postponed for a month and heard from scratch

Mr. Tarricone advised he would be glad to make their information available but if Mr. Malone has copy of Order. This is a memorandum decision and decision says submit order. He never did that, had that Order been submitted, they would have appealed that decision. At this stage now, it must be deemed abandoned. Mr. Malone advised Judge Newton died before he could render the order. Mr. Miller questioned if Supreme Court sent this back, is formal order filed in Monroe County Clerk's Office. Mr. Tarricone advised only Memorandum Decision which says submit Order and what at that time was for the then Zoning Board to set forth the basis of its findings in denying that application. The Order was never submitted, this then has become annulled. You cannot ask this Zoning Board to render a decision made by prior Board.

Mr. Van Slyke advised this is a new application. Mr. Malone advised he asked it to be joined. Mr. Van Slyke advised this is in form of new application. Mr. Miller advised if this is a new application he feels the Board is entitled to right of cross examination and cannot accept this prior testimony. Wished to postpone it for one month and have them bring their experts in. Mr. Hunter advised he agreed, to be fair to them and Board, which is a different Board.

Mr. David A. Merkel, Attorney with firm of Gano, Solomon and Ashworth, 612-617 Wilder Building advised he was here tonight to object. In regard to the former hearing and decision, would like to point out decision has no binding effect on any Board or any person until it is an Order signed by Judge rendering the decision and entered in the County Clerk's Office, and this Board cannot act on this prior application. He came out for the new application and will object to any combination or consolidation or any testimony on this prior application. Does not think Board should consider any directive from Supreme Court to act on this prior application. Thinks Mr. Tarricone's position is well taken.

Mr. Malone agreed no order had been submitted. Mr. Tarricone felt and

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suggested whatever copy of Memorandum Decision that had been submitted be immediately returned to Mr. Malone so that this Board will not be influenced. Mr. Malone advised all that Decision read was to make findings of fact on decision. That is what they have to do on next one.

Mr. Hunter advised those at hearing that this application is to be considered at next month's meeting on its merits as a new case and those involved will be advised as to the meeting date.

DECISION: Decision unanimously postponed and consideration of application postponed until the August meeting of the Zoning Board of Appeals, which will be held August 30, 1966, at which hearing the Board is to be supplied with architectural renderings, proposed plot map, egress and ingress to premises and full details as to the nature of the operation together with plans for parking facilities for employees and trucks.

#6. Application of Martin Roger, 709 Westside Drive, for approval to erect family room 24' x 30' over detached garage located 25' from house at 709 Westside Drive, E district.

The applicant appeared and advised his name was Roger Martin. This is existing building, garage is there. Builder told him it was necessary for a variance because he wanted a sink up in that room and he understands he cannot have sink up there unless he has a variance because it will be considered as an apartment. Does not want it as an apartment, there is a stairway going up side of it, garage built into a hill, it is a three car garage, it is just a place for children to play, nobody living in there, would not be suitable, want to put in a toilet and sink, there will not be a kitchen. There would be one large room with partitioned area with toilet and sink, like a powder room, petitioned off with door. Right now main entrance is through garage with a pull down stair, want to put door at rear of garage for upstairs. Builder said he had better find out first, will be used only by family as family room. It is one big room 19' x 21'. On question Board advised it is opposite West Marlands, at foot of hill.

On question if any one present at hearing in favor or opposed to this application, no one appeared.

DECISION: Variance unanimously granted. Dimensions as corrected 19' x 21' including a powder room, following stipulations to apply:

1. Not to be used as a dwelling
2. To be built under the New York State Building Code
3. Construction must be completed in one year, otherwise this variance will become void.

#7. Application of Wm. C. Schwab, Jr., 261 Chestnut Ridge Road, for approval to build 20' x 20' garage at 261 Chestnut Ridge Road, 7' 6" from either side lot line, and 5' to rear lot line. D zone.

Mr. Schwab appeared with plot plan, and pointed out where room is being built on back of house. He wishes to put garage on back end of lot. Chili Water Tower is back of his lot and service road runs alongside one side of his lot, then there is a bank on end where lot line is. He has a 24' swimming pool in back of house and if moves garage out further toward house will crowd pool. He would also like to know if the service road to water tower is a town road. He was advised it was not belonged to Water Authority, was a right of way. Mr. Schwab said if it was he could have garage facing road and use it for access, otherwise has to have driveway here (pointing it out on plan). Mr. Hunter advised he did not think it was a public road as far as availability for use. Mr. Davis felt it belonged to the Water Authority. Mr. Miller inquired where fence is around pool. Mr. Schwab advised had post rail fence. There is hill on this side (indicating on sketch) empty lot and

another house. Was sand hill they cut down. Robert Sales is a neighbor. Next door neighbor's garage is set over on other side. When he built his house was promised the other half lot, but could not get together with the man. The garage is to be built about 74' from family room, then there is a pool between.

Mr. Hunter questioned if any one present at the hearing in favor of this application or opposed. No one appeared.

DECISION: Variance unanimously granted. Construction must be completed in one year, otherwise this variance will become void.

#8. Application of Wilbert Rabb, 2775 Scottsville Road for approval to operate a trap shooting range at 2775 Scottsville Road, EE zone.

No one appeared to present this application. Notice read at two intervals during meeting, still no one appeared.

DECISION: Variance unanimously denied due to non-appearance.

#9. Application of Darwin Turner, 14 Ronnie Lane for renewal of variance to do upholstery work on a part time basis in home at 14 Ronnie Lane, E zone.

Does this work part time evenings, a couple or three nights a week. Does it in his garage, 24' garage, does the sewing in the cellar. There is no noise, three horse electric motor. Has had no objection or concern from neighbors. Has talked about renewing the variance to some of them, they do not object. There is no sign in front of his house. Mr. VanSlyke inquired if he had a truck and was told yes, used it to make deliveries. Articles normally stored in garage, in summer outside, but not in front. Works about 7:00 to 9:30, 9:45 at latest in evenings. Weekends mostly away fishing. That is what this is for, fishing money. He does not claim any hardship, this is just a hobby. Does not advertise in the paper, people see his work. He goes and picks up chairs, no traffic. Goes out and gives estimate and then in turn he will pick it up and bring it to his garage and take it back. No traffic, delivery truck usually brings material when he orders it. Mr. Miller questioned if any painting or advertising on side of truck. Was informed there was not. If he does advertising at all, strictly in paper. No signs, have 1/2 ton pickup truck, open with canvas cover over it.

On question if any one present in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously renewed for a period of three years, business to be operated in the same manner and with the same hours of operations as has existed for the past two years, with the right to reapply at the end of the three year period for a renewal of the variance.

#10. Application of Bernard Bianchi, 201 Angelus Drive for approval to build house on lot 12A Morrison Avenue, lot 50' x 111', 7' side lot setbacks, 40' front setback, 23' rear setback, with garage. D zone.

Mr. Bianchi appeared with plan of house. Would like 40' front setback, 7' on side. If Board wishes garage will build one, if not, will not. 7' on each side with garage, house is 24'. Mr. Hunter questioned if front setback would conform with other homes in area and Mr. Bianchi said yes. On question if same as with garage, Mr. Bianchi advised this would be a ranch house. Mr. Hunter questioned who owns lot No. 13, and was told Mr. Bianchi had built on that. Mr. Hunter questioned who owns No. 11 and Mr. Bianchi advised he looked it up but could not find out. Mr. Davis advised Mr. Bianchi had built on Lot No. 13 and No. 1. Mr. Miller inquired when had Mr. Bianchi acquired this lot. Mr. Bianchi advised around the

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18th or 19th of this month. Mr. Hunter asked him if he had attempted to buy Lot No. 11. Mr. Bianchi advised he would like to, did inquire, but nobody knows how. Would like to get some others too. He pointed out on map of area other lots in area he had built on.

Discussion was had on lots and vacant lands in the area, where streets might be put.

Mrs. Tanger inquired what the square footage of his planned house would be and was told 1056.

On question if any one present at the hearing in favor of this application or opposed, no one appeared.

DECISION: Decision on this variance unanimously reserved.

#11. Application of Werner A. Beer, 6 Wyncrest Drive for approval to build an addition to present patio to $4\frac{1}{2}$ feet of north lot line, Addition 12' x 17'. D zone.

Mr. Beer appeared. Advised he wished to correct the notice, this is not addition to present patio, this is for a patio adjacent to the garage. Will be built right on end of garage 12' x 17', an addition to garage. He showed a plot plan showing present garage 19' x 19' and pointed out to Board how addition would be attached to garage. Mr. Pfenninger questioned how far from lot line and was advised 4' 6". Mr. Beer pointed out on plan where home is, garage is in back of the home, drive in from Wyncrest, this patio will be extension out from garage 12'. Has another 100' in back. Patio will be enclosed. His lot is 60' x 200'. Will be very similar to Mr. Kalmbach's next door. Mr. Hunter questioned distance from their lot line to garage, distance between adjacent structures and was advised estimate 20' or 25' between both.

Mr. Vanslyke questioned if their driveway on the side nearest Mr. Beers. Does it extend back further or less far than Mr. Beer's proposed building. Mr. Beer advised at present time their driveway extends back about half the distance of his garage. Their driveway does not come quite to end. The only difference is his is a double garage where Kalmbach's is a single garage.

On question if any one present at the hearing in favor of this variance or opposed, no one appeared.

DECISION: Variance unanimously approved. Construction to be completed within one year, otherwise this variance becomes void.

#12. Application of Raymond F. Bubel, 24 Jensen Drive, for approval to erect a garage, 14' x 22' and breezeway 8' x 10' to existing house at 24 Jensen Drive, 8' to south side lot line. D zone.

Mr. Bubel appeared. Sketch of plans shown to the Board. Mr. Hunter inquired what the width of the lot is. Mr. Bubel advised believed about 75'. Mr. Hunter inquired location of home next to it. Mr. Bubel said about 7' off lot line on that side. If Mr. Bubel's application approved, would be 15' between the houses.

On question if any one present at hearing opposed to this application no one appeared in favor or opposed.

DECISION: Variance unanimously granted, construction must be completed within one year, otherwise this variance becomes void.

#13. Application of Oliver B. Ashman, 599 Pinegrove Avenue, Rochester, N.Y. for approval of variance to erect a gas service station on property on the northwest corner of Chili Avenue and Union Street.

Mr. McCarthy, associate of Mr. Skinner of 4-Seasons Realty appeared before

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the Board for Mr. Skinner who was unable to attend. Mr. D.D. Davis owner of the property also appeared. Sketch of proposed location was presented to the Board, and proposed site for the station. Mr. McCarthy advised he believed it would be a Texaco Station but was not sure. He had not further information regarding lighting, parking facilities, etc. Mr. Skinner was supposed to meet him at this Hearing, was attending another one this evening, and he had all the information. Mr. Hunter advised it would be a little difficult to pass judgment on this unless the Board had some definite details, on hours, lighting, type of building, etc. Mr. & Mrs. Victor Carver, 1788 Chili Avenue were present at hearing, they own property adjacent west of it and are interested where it is going, not objecting to it, but interested, would like to know definitely what is coming in there.

Mr. Davis advised this property was rezoned commercial in 1947. Mr. Hunter suggested under the circumstances, hearing on this be postponed, have them come to the next Zoning Board Meeting, and present their plans and all information concerning what they wish and plan.

DECISION: Consideration of this application unanimously postponed until August meeting of the Zoning Board of Appeals, which will be August 30, 1966. At that hearing the Board is to be supplied with architectural renderings, proposed plot map, egress and ingress to premises and full details as to the nature of the operation.

Minutes of the Zoning Board of Appeals Public Hearing and Meeting of June 28, 1966 were approved as rendered.

Meeting was closed at 11:15 P.M.

Patricia D. Slack
Secretary

MINUTES

ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.

August 30, 1966

Hearing was called to order at 8:10 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger

Also present: Mr. William Davis, Superintendent of Buildings
Mr. Daniel L. Miller, Deputy Town Attorney

Mr. Hunter, Chairman advised those present at the hearing that Item No. 2 on tonight's agenda had been withdrawn.

#1. Postponed application of John Syracusa, 2709 Chili Avenue, for approval to erect a concrete plant on property on north side of Paul Road next to 134 Paul Road (4 acres). Industrial zone.

Mr. Ed Malone, Attorney for Mr. Syracusa in this matter appeared. Wished to ask for an adjournment of this matter at this time. Mr. Frey, the architect who was to be here to submit plans is ill, has hurt his shoulder and was unable to complete these plans for tonight's hearing. Mr. Malone would like to have this adjourned for one more month.

Mr. Hunter advised those present at the hearing of Mr. Malone's request.

Mr. Carl Tarricone, Attorney representing Gillette Machine & Tool, Inc. advised he felt that it is in abuse at this time because this matter was scheduled to be heard last month and the application was incomplete at that time. Was adjourned at that time to this evening and certainly there was ample time to warn the people that are at the hearing this evening in regards to this application and Mr. Malone waited until very last minute to make his request. There is nothing in ordinance that requires filing of blueprint for construction of mixing plant so therefore the application as it stands before the Board at this time is qualified to be heard. He advised he would like a display of hands as to how many were here as regards this application. (Approximately 20 people raised their hands).

Mr. David Merkel, Attorney with the firm of Gano, Solomon and Ashworth representing a machine and electronics company advised he was here one month ago and were here for this hearing at this time. No mention at that time Mr. Malone needed plans. He was prepared to proceed then. They have engaged a professional engineer who is here who expects to be paid for his appearance. In view of fact raise question because of lack of blueprints, at prior hearing wished to proceed, he will object to this adjournment. Feels at this time he wants adjournment because of these blueprints immaterial and it should not be granted and if Board feels they want to grant it, feel Board should impose the penalty of paying for their expert here this evening which will result in double expense.

Mr. Malone advised at last meeting he wanted to proceed on record submitted two years ago. They had to hire their architect over again. Intended to proceed with this case, yesterday he called Mr. Miller he would be here. This situation has happened and we have foundation here with plans just what we are going to put up. These are vitally important to Board and people and only one qualified is architect who has designed this plant and knows what it will do and feels this Board needs that in order to render decision and these people need that in order to determine upon the testimony whether this is proper or not.

Mr. Hunter advised could go ahead and take evidence that can be heard, but the Board feel they would need these plans in order to make a fair judgment, so that if it did hear evidence then it would be bound over to

State of New York
COUNTY OF MONROE,
CITY OF ROCHESTER.

ss.

LEGAL NOTICE

TOWN OF CHILI ZONING BOARD
NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chili to be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on August 30, 1966 at 8:00 P.M. to consider the following applications:

1. Postponed application of John Syracuse, 2709 Chili Avenue, for approval to erect a concrete plant on property on north side of Paul Road, next to 134 Paul Road (4 acres). Industrial zone.

2. Postponed application of Oliver B. Ashman, 399 Pinegrove Avenue, Rochester, N.Y., for approval of variance to erect a gas service station on property on the northwest corner of Chili Avenue and Union Street.

3. Application of Miguel Engulic, 230 River Meadows Drive, to renew variance to use existing gas station at 1391 Scottsville Road and Widner Road as a temporary truck terminal. A district.

4. Application of Mrs. Rita Grancey, 7968 West Heartlets Road, Rush, N.Y. for approval of variance to operate a riding stable at 165 Morgan Road, with 5 riding horses, property consisting of 7.3 acres. E-E zone.

5. Application of Ballantyne Road, Inc., 225 Ballantyne Road for approval to erect signs on premises at 225 Ballantyne Road, 100' from Ballantyne Road, 16' x 30', 3' x 22', 15' off ground, as per plans submitted. B district.

6. Application of Martha Wehle, Jr., 3229 Chili Avenue, for approval to erect a 30' x 40' commercial building at 3229 Chili Avenue, 63'-6" front setback from Chili Avenue, in line with existing building. B zone.

7. Application of Mary Lovetro, 30 Shrubbery Lane, for approval to operate a part time beauty shop in home at 30 Shrubbery Lane. E zone.

8. Application of Fred M. Fox, 49 Yolanda Drive, for approval to erect a 2 car garage 24' x 40' at 49 Yolanda Drive, 3' to north side of line. D zone.

9. Application of Ogden Telephone Co., 21 West Ave., Spencerport, N.Y. for approval to erect an addition to present building at Buffalo Road and Orchard Street, 32' x 58', 40' from front lot line and 20' from rear lot line. B zone.

10. Application of Louis Martino, 2787 Ridgeway Avenue for approval to erect a 6,000 sq. ft. building for purposes of a machine shop on parcel of land at 785 Beahan Road with a 218.08' frontage. Industrial zone.

11. Application of Wesley J. Parmenter, 39 Springbrook Dr., N. Chili for approval of variance for 2-family dwelling at 39 Springbrook Drive limited for time present owner holds title to property and occupies one of apartments.

Robert Hunter,
Chairman
Zoning Board of Appeals

T-U-11-Aug. 22-CF

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of the ROCHESTER TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

August 22, 1966

Eleanor E. Williams

Sworn before me this 22nd
day of August 1966

Nancy B. From

NANCY B. FROM Notary Public
NOTARY PUBLIC State of N.Y., Monroe County
My Commission Expires March 30, 19

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hear the rest at a different time. This came before the Board a couple of years ago. The Board would like to get it determined and to do this needs all the evidence it can to get the whole case in front of it and the people to settle it. Recognizes the inconvenience to those here, but feel no other choice but to postpone the hearing.

Mr. Tarricone inquired what protection will they have that they will not be confronted with repetition of this? He would assume that when this application came on and then made application for adjourning application, that he then had his plans and asked for variance in good faith by coming in and saying these are my plans and specifications, based on these may I have variance. Now it seems because they detect was going to be some opposition going to develop, these plans and specifications for proposition are being brought to the Board merely because they chose to. He asked if this is adjourned upon failure to proceed with this hearing, it can be dismissal of application.

Mr. Hunter again advised he did not really see, in fairness, how this Board can listen without plans and specifications.

Mr. Miller advised for the record, this was adjourned last month at his request as attorney for the Board, not by the applicant. No fault of the applicant his architect is sick today. Feels it is only fair to postpone it one more month.

Mr. Merkel inquired if this will be a definite date. Their engineer came as an expert, if in a month fair, if two months fair, but to run indefinitely would be a hardship. For record, this next postponement will be one way or other? Mr. Hunter advised it will be one month, on our regular meeting night the 4th Tuesday of next month, September 27th. Mr. Merkel inquired if this would be at head of calendar in view of fact it will be third time on calendar. Mr. Hunter felt that was a reasonable request and it would be.

#2. Postponed application of Oliver B. Ashman, 599 Pinegrove Avenue, Rochester, N.Y. for approval of variance to erect a gas service station on property on the northwest corner of Chili Avenue and Union Street.

This application was withdrawn by applicant's agent and therefore not heard.

#3. Application of Manuel Enguix, 230 River Meadows Drive, to renew variance to use existing gas station at 1391 Scottsville Road and Weidner Road as a temporary truck terminal. A district.

Mr. Enguix's tenant Mr. Sam Marciano appeared on his behalf.

On questions of Mr. Hunter Mr. Marciano advised he had been using this as a truck terminal for the last year and half. Mr. Enguix and Gulf Oil had been renewing prior variances. The last renewal, he was in process of buying the property but that was delayed because of his illness, but it is in process now, getting new abstract because they could not find the old one. He will be owner within next month or two and is buying it to have for the same use. Has 10 trucks now, would not have any more than that, he does not think. Trucks hauling stone. They are 10 wheel dump trucks, are stored on Weidner Road, back and side. On question of Mr. Miller he advised are parked probably 200' back on Scottsville Road side and on Weidner Road side inside the pole line. The way they are parked the intersection can be seen. It is a five day operation, roughly the hours are 6:30 A.M. and back at 5:30 P.M. Monday through Friday. Once in a while on Saturday. Mr. Enguix applied for this variance, as owner. As soon as his lawyer gives him O.K. he will apply for the variance as new owner. Just wished a six months extension now. The operation has not changed since previous variance granted.

On question of Mr. Hunter no one at hearing appeared for or against this

application.

DECISION: Variance unanimously granted for a period of six months. Operation to be conducted in same manner as heretofore, with the privilege of applying for a renewal of the variance.

- #4. Application of Mrs. Rita Graney, 7968 West Henrietta Road, Rush, N.Y. for approval of variance to operate a riding stable at 165 Morgan Road, with 5 riding horses, property consisting of 7.3 acres. EE zone.

Mrs. Henline, 165 Morgan Road appeared to speak for this application for her mother. Have just moved in. It is development of houses, runs from Scottsville Road to Krenzer Road. Almost opposite Krenzer Road. There are homes on either side of them. Property consists of home and they are planning on building a barn. None there presently. On question of how many days a week, hours, how many people plan to accomodate, she advised will plan to operate 6 days a week, will be closed Monday. Barn would be built back toward south line quite a ways back, there is a slope cutting off five of the seven acres, would have to be up above so could watch barn and horses. Are going to have a riding range inside, depends on how many people. Do not plan to take them and ride them on road, but if a lot of people would have to. Have seven acres, could make trails on that seven acres. The hours would vary, would be until it got dark, starting time 9:00 or 10:00 A.M. to about one hour before sunset riders could go out. Would start with five horses, would like to build to 15 including their own horses, that would not be used. If did not prove profitable, would not buy more horses. Have four horses of their own now. Mr. Hunter questioned the application is to cover more than five horses? Mrs. Henline advised as she understood they could keep their own horses whether a stable or not. Would not consider their own private horses as part of riding stable. Would have just five horses for stable, plus their own. In other words would have about 9 horses, 5 riding plus 4 of their own. They plan on selling one of their own so would have only three of their own at most.

Mr. Miller questioned structure of the barn, and was advised 62' x 30' single level, no loft, feed room, tack room, very nice looking, have it all planned, galvanized steel siding, would submit a set of plans, but not right now, her mother has a set of plans. On question of Mr. Miller she advised located on south side of road. Mr. Davis questioned how much frontage on Morgan Road and she advised about 150' on front and rest goes back behind other houses.

Mr. Hunter explained this application to those at hearing and inquired if anyone had any questions.

Mrs. James Glasow, 160 Morgan Road questioned what about the parking problem, where are they going to park that plan to ride? Mrs. Henline advised side of property on which would build a path going back into the barn for a parking area. Mrs. Glasow questioned how many cars and was advised about three at one time. Mrs. Glasow asked where barn was going to be and was told in back of property, it would be within beginning of drop off, could not have it behind, could not see horses or barn. Plan on having fences, wood and electric, and insurance to cover it, are going to have horses anyhow. Mrs. Glasow asked where horses were going to be ridden, in the street? Mrs. Henline advised no, not for three or four years if they can help it. Mrs. Glasow asked about all odors and attendant health hazards. Mrs. Henline advised they do not want that themselves, they have had horses for years, do not like smell of them themselves, plan on keeping it clean and disinfected.

Mrs. Glasow inquired about it lowering house values. Mrs. Henline said to them it would raise the value. Mrs. Glasow advised quite a few of them did not feel it would raise the values once this was established. Mr. Hunter advised he did not think that was something that could be answered here. Mrs. Glasow felt it would lower value because of noise, they

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are out for fun, gentleman next door sleeps during the day, highly residential area, not good for commercial venture.

Mr. Robert Lane, 161 Morgan Road questioned the zoning of area and was advised it was EResidential. He had a zoning book from which he read what was allowed in residential and Mr. Hunter advised him that was why this variance was requested. Mr. Lane questioned the electric fence, how high is voltage. Mr. Davis advised they cannot have electric fence or barbed wire fence bordering residential property, a farmer can have it around his farm, as long as it is not near residential property, and he advised Mr. Lane it could not be around his property or bordering it.

Mrs. Lee, 139 Morgan Road questioned over this embankment, there is kind of drainage through there when runoff, is there going to be any change in volume of land when they dig this for barn? Mrs. Henline advised are not digging, it will be a pole barn and no digging whatsoever except to dig holes to put poles in, no obstruction.

Mr. Adams, 112 Morgan Road questioned what is to prevent these people, two or three, from taking horses out in road? Lot of children in this area. Mr. Hunter advised this could be made a condition of the variance. Mr. Adams questioned if insurance would cover his childrens' face if kicked by horse, kids are going over there, going to be snoopy, he is concerned about the children. Mrs. Henline advised she has two children herself, has twins and as far as she knows they can have horses and the barn if do not have riding stable. Going to have them anyway, as long as over five acres they will have horses and barn. If cannot have riding stable will still have their own, are six in family and have six horses, are going to have horses and fencing. Mr. Adams questioned, he had 2½ acres, if he could buy man's land next to him, he could go ahead and raise pigs. Mr. Hunter advised zoning ordinance allows use of property as farm, giving certain restrictions, that is what she is referring to.

Mrs. Goodell, 175 Morgan Road questioned where the horses would be and Mrs. Henline advised will be in barn for now, when they are pastured when barn is up will be all behind and down in gully. Mrs. Goodell advised this goes by their property. Mr. Pfenninger questioned how far west on Morgan did Mrs. Henline's property run towards railroad, do they run to pond? Mrs. Henline advised no, run to Mrs. Goodell's right next door, same frontage. Mrs. Goodell advised they have 175', Mrs. Henline had about 110'. Mrs. Henline advised runs to edge, then on back, 7 acres takes up two houses back.

Mrs. Gallo, 4 Krenzer Road advised she would like to know if just on these 7 acres or buy more property or have more property, whether this will expand. Mr. Henline doubted very much if they will expand. Going into this with limited expense, but doubt if buy more land, do not plan on having that many people, they would have to make appointments, do not believe would have a lot at one time, they would ride on property, have 7 acres, in riding range and trails. Mrs. Gallo asked about parking, knows house, single driveway, where would any people come to park that were going to ride? Mrs. Henline advised plan on having path leading back to barn, really do not plan that many cars at one time. Mrs. Gallo asked if there was enough room for road along side? Mrs. Henline advised would try to eliminate them parking in front, parking in driveway up to five cars, do not plan that many.

Mrs. Gallo advised she would just like to say, thinking of most of people, 10 of us representing 10 homes, we do not want any commercial ventures. All right to have horses for your own family, but we are residential area and never had anything like this up to now, do not want to set precedent and have other things less desirable move in.

Mr. Ziefel of 159 Morgan Road questioned if they planned to fence the property all the way back to the Throughway. Mrs. Henline advised by next year to where property ends yes, plan on fencing whole thing in for their own horses.

Mr. Goodell, 175 Morgan Road questioned what provision had been made for getting feed for these horses. Mrs. Henline advised they have hay right now, keep it at another place, that way they go and get it if they need it for their own horses. When barn is built will have a feed room in barn. Mr. Goodell questioned how they were going to get feed in to barn. Mrs. Henline advised bring it up driveway and take it back into barn on pathway, will do it that way. On question advised on side Mr. Goodell is on. Mr. Goodell questioned if there is room enough for that, how much room between property line to have it? Mr. Hunter advised need 12' or 15' at least. Mr. Goodell questioned from lot line and Mr. Hunter advised yes. Mr. Goodell advised he did not think that much space to do that from driveway. Mr. Pfenninger inquired how much footage for drive? Mrs. Henline advised would say about 10' or 12'. Mr. Goodell advised he thought there was 58' between their house and his. His driveway runs 40' from house to line, do not think there is room to put driveway in there to get vehicle through. Mr. Pfenninger questioned if they would build this barn further back than back of these properties. Would they go behind that or would they build it right next to house. Mrs. Henline advised it would be right in the middle of the top slope before it goes down, could not build it behind it, cut off drainage, have to build it up above so we could see it. Barn would not be near these people's property, would not be put on somebody else's line, would have it in middle.

Mr. Lee, 139 Morgan Road, advised could come half way between their house or back yards of other people's houses. Mr. Miller questioned how deep are the yards and was told they vary. Mrs. Tanger questioned where slope is in relation to Mrs. Henline's house. Mrs. Henline advised as far as she could say, it would be an acre. They just moved in this weekend. Mr. Pfenninger questioned what kind of fence would they put up. Mrs. Henline advised straight fence now that they realize cannot be electric, 18 gauge, they plan on putting wood fence around, three board, cannot do it right now, have to get their horses in. But do want wood fence.

Mr. Hunter asked Mr. Goodell how far back the drop was from his front property. Mr. Goodell advise he did not own back that far. Original lot there had owner who sold only an acre, which gave him 175' in front and 250' back. So back of 250' he would estimate it would be probably another 100' or 150'. Mr. Pfenninger asked if this girl's property was on old Severance farm. Mr. Goodell advised all of this property is on old Severance farm. Owned both sides of road. He then submitted a letter from Mrs. Thirtle, 200 Morgan Road, who was unable to come tonight, which was a letter of protest on this.

Mrs. Gallo of Krenzer Road said she had called Town Office who said someone had to be here in person to protest. She had two people that were not able to come who would have given her letters if they knew they could. Mr. Hunter advised they like to have the people come, but can consider a letter.

Mr. Lane, 161 Morgan Road said he thinks most of others feel as he does, if this was at one end or the other it would not be so bad, but right in the middle. He has 4 small children, oldest over 5, they try to play in own yard, but naturally go next door. Mrs. Henline again stated they can have the horses anyhow. Mr. Lane advised but they object to business, there is too much traffic with a business, and if they get one business they will get a lot more. If this does go through and this is a business, would that leave it open for other people? Mr. Hunter advised every instance is considered on its own merits, it does not establish a precedent. If another one wanted to be formed, it would have to come before the Board and considered on its own merits.

Mrs. Glasow, 160 Morgan Road inquired if there is anything in the Code of Chili which prevents keeping of an attractive hazard, which it will be for these children. Most of families have two or three small children and the horses are an attractive hazard. Mr. Hunter advised this has to be a consideration. Mr. Goodell inquired if there was any limit to number

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of horses. Mr. Hunter advised if variance were granted there would be a limit. Mr. Goodell questioned even if not granted, as Mrs. Henline said, she can have them anyway, is there any limit? Mr. Davis advised anything over five acres establishes it as a farm and there is no limit on horses. He was questioned, if you have over five acres you can just go ahead and raise anything you want to raise? Mr. Davis advised all but swine, we have a swine ordinance. He was asked what he thought of a farm in the middle of a residential area?

Mrs. Gallo of Krenzer Road advised they have two lots across the street for sale and a fairly new barn, another thing they are afraid of, no water up there, is afraid lots will not sell.

Mr. Hunter questioned if Mrs. Henline was claiming any hardship on this request. She advised her mother is a widow, she had wanted to start it after her husband died. She cannot go to work, wants this business as a means of income. Mother owns it and has moved in, are living there now.

Mr. Birchenough, 155 Morgan Road advised horses in there, most of wind comes from the West, what are they going to do all night?

The Board was asked if there is any way of keeping them from putting horses in there. Mr. Hunter advised none that he knew of.

On question if any one present at hearing in favor of this application, no one appeared.

DECISION: Application unanimously denied. Insufficient hardship shown, in view of the surrounding residential area. The hardship, if any, is self created.

#5. Application of Ballantyne Road, Inc., 225 Ballantyne Road for approval to erect signs on premises at 225 Ballantyne Road, 100' from Ballantyne Road, 1'6" x 30', 3' x 22', 15' off ground, as per plans submitted. B district.

Mr. George A. Cafalu, General Contractor for building appeared as agent. Sign will be 100' back from road on Ballantyne Road. It is for Monroe Tree Surgeons, down by Mr. Harper's property. Mr. Hunter questioned if more than one sign of that type. Mr. Cafalu advised it is sign for new building back there, existing sign on present building, asking for one sign, two pieces to it. "Monroe" on one, "Tree - Landscape" on other, 15' high 30' across. Will be illuminated up until about 10:00, on a timer, fluorescent tubing or some kind of internal lighting. Plastic lights, believe lighted seven days a week. All goods, trucks, necessary to conduct business stored in back. Sign was originally to be put on the building, but felt more advantageous for it up in front. Was approved on the building, but they changed their mind. Building itself is back 300', there is a private road going in. All open field about 300' down. Mr. Davis advised gas and electric property down there.

Mr. Hunter questioned if any one present opposed to this application:

Mr. Rhoda, 193 Ballantyne Road advised they lived two doors down from proposed sign, area next to Curtice's, here four years, gotten over hazards of airplanes, such as this and trucks, now these people asking us to have light in our window up to 10:00 at night, kids go to bed at 7:30, think sleep is important and light coming down the way this would be definite distraction. Only business, certainly back enough, why not put on top of building instead of on ground. Feel definite detraction to area, residential now except this one business. Mr. Hunter asked him how far he estimated sign is from his home. He replied less than 2,000'.

Mr. McMann, 185 Ballantyne Road felt the same way Mr. Rhoda does. Nicer plants, RG&E, Zerox, et al all placing signs on face of building. Monroe

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Tree Surgeons is not business where you need something, they come to you, not where you would ride down looking for sign, so no need for sign in front yard.

Mr. Lloyd Curtice, 201 Ballantyne Road. Wondering if any requirements on placement of sign, distance, height, so forth. Must have because they came to appeal. They had at one time an area zoned as industrial which ran in line behind where these houses are, his house running in back of farm, and did not know if whole thing had gone for industrial but these. It has nothing to be done about it but wondering what Town has on sign setback, height requirement. Mr. Hunter advised in general must request for sign, except 1 x 2, other than that must come to Zoning Board for request and stipulations can be made as it sees fit to grant variance. Nothing spelled out in Code.

Mr. Curtice advised was not going on record either for or against this application.

Mrs. McMann, 185 Ballantyne Road opposes it because does not think sign necessary, truck drivers should know without sign, and other people do not need to know, would just be a large advertising sign.

Mr. McMann, 185 Ballantyne Road questioned if sign is placed there is there any chance industrial next door will want to put 35' sign? Called to attention signs on W. Henrietta Road, one after the other.

Mr. Hunter advised they have no answer to that. Mr. Miller questioned how the sign would be placed, and was advised parallel to the road.

DECISION: Variance unanimously granted, but sign to be illuminated no later than 10:00 P.M. Construction must be completed in one year, otherwise this variance will become void.

#6. Application of Martin Wehle, Jr., 3229 Chili Avenue, for approval to erect a 30' x 40' commercial building at 3229 Chili Avenue, 63.8' front setback from Chili Avenue, in line with existing building.
B. Zone.

Mr. Wehle appeared with set of plans which he presented to the Board. He wishes to add another commercial building to the existing building, needs a variance for a setback, original was in before zoning. Mr. Hunter questioned if this would be an extension of his own business and Mr. Wehle advised, no for rental. Mr. Hunter questioned parking. Mr. Wehle advised no idea, intention of building is for office space. Advised this is 70' now from road right of way, have 40' here and 67' in back and all of this and want to build brick out from 18" for decorative purposes to dress it up. Mr. Miller asked how deep. Mr. Wehle advised 40' deep, has 67' to rear line, 40' to side line. He gave the various dimensions of the lot which angles. Mr. Miller questioned if he intended to face the other building while facing this? Mr. Wehle advised that was beside the point.

On question of Mr. Hunter if any one present at hearing in favor of this application or opposed, no one appeared.

DECISION: Variance unanimously granted. Construction must be completed in one year, otherwise this variance will become void.

#7. Application of Mary Lovetro, 30 Shrubbery Lane, for approval to operate a part time beauty shop in home at 30 Shrubbery Lane.
E zone.

Mr. Charles West, Jr. attorney with offices at 6 State Street, Rochester, N.Y. appeared for Mrs. Lovetro. He advised this application was before this Board on prior occasion. At that time he was ill and another attorney appeared on his behalf. He advised before bringing the facts to light

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which surround this situation, he would like to say at the outset that he was also faced with many of the problems including the problem which is before this Board this evening, as Deputy Town Attorney for the Town of Gates, also on the Zoning Board as Mr. Miller is, knows how Zoning Board feels about this type of variance, both in Gates and in Chili. The general feeling being not too favorable because if one is granted, then others will have to be granted and then flood of applications but would just like to answer by reiterating what our Board Chairman has pointed out in other case, that is, each case should be considered on the individual merits. There is no such thing as a precedent in a zoning variance and in granting of it. Aren't here tonight to establish any precedents, am here on case with set of facts which honestly and firmly believe deserves attention and consideration in granting this variance. This is definitely a situation where an individual is suffering from very dire hardship or will if not allowed to operate under auspices of a part time beauty shop. Mrs. Lovetro, as pointed out before, has been operating for 33 years as a beautician in Rochester area, for 16 of those years operating a shop at 229 Pullman Avenue and at time this shop was established and begun she obtained variance, this variance has continued, she has operated under this variance, never been a complaint, violation and she has operated continuously for a period of 16 years. In the early part of June she moved to Chili and now resides at 30 Shrubbery Lane in the Town of Chili. At the time she moved Mr. West was representing her and he had the occasion to examine abstract of title and can personally verify no tract restriction in her particular lot area with regard to a beauty shop. Has also spoken to developer of this tract, Mr. Dipiazza who developed and who is builder of Spartan Homes and he informs him there never was a tract restriction for this area and he also would be in accord with the operation of a part time beauty shop. Reason for his not being present this evening was a personal one involving his family, that is why he is not here with Mr. West on this.

Shop would operate, if variance is granted, between hours of 6:00 and 9:00 P.M. Mrs. Lovetro would be willing to stipulate no appointments scheduled after hour of 9:00 P.M. The parking facilities for this operation would be all off street parking, has one of largest driveways on the street, and would accommodate at least 10 automobiles, although she would not at any particular occasion have that amount of appointments schedules. There would be no signs and there would be nothing in the way of outside advertising or structures indicating a part time beauty shop would be situated on this premises.

Now in addition to this supplemental income, she is also employed as an instructor and her income as beauty consultant and instructor, take home, is approximately \$80.00 per week. That money supports herself and sister, approximately 45 years of age, presently suffering from a mental condition. The mortgage payments, upkeep, food and so forth, are the burden of the applicant. Her husband died in 1963 and there is no other source of income other than what he has just mentioned.

Now to give you an idea of equipment which is presently situated on property at Pullman Avenue which she has had now for over a year and is unable to get a firm offer to purchase to present time mostly for reason beauty equipment is situated there and whoever may be interested in that property is not interested in operating as a beauty shop. All of this equipment, two chairs, two shampoo dryers, one sink, four dryers, one large desk, etc. under two years old, cost approximately \$2,400. All equipment, with exception of four dryers, is approximately two years old. Through his own personal investigation found out if she had to sell this equipment as secondhand equipment approximate resale value amount she would realize would be \$500. to \$600. No resale value, so if forced to sell, again hardship as she will suffer monetary loss.

When this application appeared before this Board, believe it was sometime in May, there was he thought, one objection to the application. At this time would like to add as part of the evidence in this case the following petition: "Following is a list of residence in the immediate area of 30 Shrubbery Lane who approve and are in accordance with the use of 30

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Shrubbery Lane for a Beauty Parlor on a part time basis by Mary Lovetro" signed by 23 people (petition on file in Town Clerk's Office). He would like to add, in addition to signing this petition, many of those very residents indicated they felt not only she should have this or they would not oppose it, but it was a necessity for this area. "Did some checking on other beauty shops in area, closest shop approximately mile from her place of residence and most of these people indicated they would prefer having someone in very immediate area situated in a home such as she has here, they could go to and have their hair dressing done. This he believed would be the bulk of her business, do not believe she will carry over a great deal from Pullman area, bulk of small business would come from immediate area and residents who seem to be very much in favor of it.

Would like to close saying feel this is true hardship case and is sure that he does not have cases to cite as precedents for Supreme Court matters that have been conducted along these lines. Feel Court would look favorably upon this and consider it a hardship case. Mrs. Lovetro is here and she will also be happy to answer any questions from Board or any one attending here this evening.

On question of Mrs. Tanger Mrs. Lovetro advised she is now employed 9:00 A.M. to 4:30 P.M.

Mr. Hunter questioned how much additional revenue she thought or estimated this would provide. Mrs. Lovetro advised she would say perhaps about \$50.00 a week, depending, it would vary. Mr. Hunter questioned if she had made any attempt to rent space for this operation in the Town of Chili. She advised no she had not for the simple reason it would not pay, would not make that much for three nights and weekend, Saturday, would not pay. Mr. Hunter question:if there was some situation which would force her to move from Pullman Avenue out here, in consideration of her need for this part time revenue? Mrs. Lovetro advised first place memories and since husband died.

Mrs. Tanger questioned how long she had lived at Shrubbery Lane and was advised since first of June. Mr. West advised certainly fact she lost her husband it should not be considered self imposed hardship in that sense.

Mr. Miller questioned if they stated going business on Pullman Avenue. Mr. West advised on a part time basis. Mr. Miller questioned what she grossed there and she advised \$50.00 or \$60.00.

On question of Mr. Hunter if any one present in favor of this application or opposed Mr. James Postman, 34 Shrubbery Lane advised he lived next door, agreed with Mr. West, she does have ample parking and did not see any reason or hindrance why she not be allowed variance, she has no advertising, he has no objection whatsoever. Mr. West advised would be willing to operate without a sign and limit it to hours of 6:00 to 9:00 P.M. and no appointment scheduled after hour of 9:00 P.M. if granted.

Mrs. Bourgeois of 19 Deb Ellen Drive spoke and is in favor of it.

Mr. DiGioia, 36 Shrubbery Lane advised: under conditions Mr. West states, this being a hardship case and also business operated on a part time basis, feels it should be granted.

DECISION: Variance unanimously denied. No hardship shown, hardship if any, self created and surrounding area strictly residential and established approximately two years ago. Contract to purchase house made in April of 1966.

- #8. Application of Fred M. Fox, 49 Yolanda Drive, for approval to erect a 2 car garage 24' x 40' at 49 Yolanda Drive, 3' to north side lot line in D zone.

Mr. Fox appeared. Made correction on application, garage to be 24' x 26'. He presented a tape location map of property showing location of house and proposed garage and advised would be 8' from side lot line instead of 3'. He has checked all lots and all lots on block are 80' lots, although on map it is marked 78', so should be 8' to side lot line. It will be 12' between his house and next door neighbor, discussion about distance between proposed garage and adjoining home, felt it would be 14 $\frac{1}{2}$ ', distance between his and next garage is about 11-3/4'. Felt with garage would be 14' between his and neighbor's.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted. Construction must be completed in one year, otherwise this variance will become void. To be two car garage 24' x 26', 6' or more to North side lot line.

- #9. Application of Ogden Telephone Co., 21 West Avenue, Spencerport, N.Y. for approval to erect an addition to present building at Buffalo Road and Orchard Street, 32' x 58', 40' from front lot line and 20' from rear lot line. B zone.

Mr. John Stone, engineer for Ogden Telephone Company appeared before the Board. Plans were presented to Board for examination. He advised legal notice should be changed to read 26' from front lot line.

Mrs. Tanger questioned what is next to it and was advised open lot to West, owned by president of Company.

Mr. Hunter asked if they were requesting this to expand and was advised yes, they were running out of space. Have ordered new equipment so customers can dial directly adjacent Rochester Office and this new building is about 1-1/2' higher than existing one because new equipment is higher. Mr. Hunter questioned if he had any idea how long this addition will last. Mr. Stone advised they believe 10 years, but who can tell, with Kodak moving in. They would like to have it done by first of January. Break in front, side will be like existing back, is 2 x 6 construction with plywood over it and aluminum panel on so can easily knock out wall. On question of location he advised it is on southwest corner of Buffalo Road.

On question of Mr. Hunter if any one present at hearing in favor of this or opposed, no one appeared.

DECISION: Variance unanimously granted to erect an addition to present building, 32' x 58', 26' from front lot line and 20' from rear lot line at Buffalo Road and Orchard Street. Construction must be completed in one year, otherwise this variance will become void.

- #10. Application of Louis Martino, 2787 Ridgeway Avenue for approval to erect a 6,000 sq. ft. building for purposes of a machine shop on parcel of land at 785 Beahan Road with a 218.08' frontage. Industrial zone.

Mr. Martino appeared. Sketch shown to Board. Problem that exists only have 218' frontage and the Town requires 250' frontage. Land on either side, this belongs to Niagara Mohawk Power, County Land and Railroad property. Across street is airport. Is an acre and a half, has sufficient square footage.

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Mr. Hunter asked him to tell the Board a little about hours of operation, type of operation, parking, how many cars, etc.

Mr. Martino advised intention is building building. Has prospect lessee who would like to build in this area if Mr. Martino could obtain variance. As far as their operation and design he does not have it at present, just square footage, which would be 1400 sq. ft. Mr. Hunter advised it was a little difficult to make decision without knowing operation. Mr. Martino questioned actually only problem is frontage was it not? Mrs. Tanger felt they had to know what goes in there. Mr. Martino said it would be much smaller than Gottrey. Mrs. Tanger advised airport has put restrictions on, reason type of business should be known. Mr. Martino advised he did not know regarding hours of operation of machine shop. Mr. Hunter questioned if the Board withheld decision, could this information be gotten to it before attempting to make decision on request. Mr. Martino questioned if variance was granted and they stipulate going to operate between 9:00 or 10:00 at night, this man could not operate after that period. Mr. Hunter advised that is why they wished to know, then grant it with this stipulation, then person knows where he stands, that Mr. Martino apparently has a particular party in mind. Mr. Martino advised he did and if he got variance could obtain lease for this building. From what he knew of machine shops, they occasionally operate around the clock. Asked could not Board give variance and say it would have operation round the clock and give it to him right away. Mr. Miller asked why not give man lease contingent on him getting variance, then he could give him more particulars on what he intends to do. Will not hurt anything, then reapply with what you can regarding parking and other facilities?

Mr. Martin advised time is of the essence as far as this is concerned. This is 30th of August, if he continued much longer and waited for another meeting in bad position. They may not wait. They stipulate if he could erect a building would be interested in leasing it. This is way he approached it. Am complying with 100' setback, square footage of land area, only thing do not have is operation, whether 8 to 5 or possibly around clock operation. Mrs. Tanger advised wished to know how many employed, how many cars, etc. Mr. Martino advised ample space for all parking, over 6,000 square feet, should be no problem. Mr. Hunter advised they were saying do not feel possible to consider without more information. Mr. Martino advised he could but if had to wait for another month would put him in bad situation. Mr. Hunter advised did not see how they could approve it on this basis, not knowing anything about the operation itself. Mr. Martino asked suppose he got hours of operation for them, would he have to wait. Mr. Hunter advised could call special meeting but at his expense. Could be done if can get members of Board together. Realizes Mr. Martino's position, but they have obligation to Town, do not feel they have information we need to pass judgment on it on this basis. Mr. Martino advised if he had his frontage all he would have to get would be permit and because he is short now he has to get lease, which would be very hard to get.

Mr. Hunter advised him they needed hours of operation, how many days a week, how people employed, how much parking for employees, customer parking provided and anticipated and this sort of thing. Any sign proposed, if so, where would they put it, what size, would they be lighted, where parking area be in relation to building itself. They would like layout of building as well as driveways, parking and plans. Mr. Martino asked if got this to Board by noon tomorrow would they be able to pass on it. Mr. Hunter advised this is a public meeting, it should be presented to public. Mr. Hunter questioned of those at the hearing if they would object to this. No one present did. Mr. Hunter then advised Mr. Martino the only problem would be when Board could get together to consider this, if he wanted to do that they will get to it as soon as they can. Mr. Martino advised very good, would have this information for the Board tomorrow.

On question of Mr. Hunter, no one present at hearing appeared in favor or opposed.

DECISION: Decision on this application withheld until more information received from applicant, Mr. Martino.

#11. Application of Wesley J. Parmeter, 59 Springbrook Dr., N. Chili for approval of variance for 2-family dwelling at 59 Springbrook Drive, limited for time present owner holds title to property and occupies one of apartments.

Mr. Parmeter appeared. Turned over approval of his request by ten immediate neighbors together with their signatures. (on file in Town Clerk's Office). Mr. Hunter asked if this was a 2-family dwelling now. Mr. Parmeter replied yes, have four rooms upstairs, 3 double and a single, single could become a kitchen. Built the home when he retired and built this home with the idea that he could have an income from it. Now had used it for boys from college for couple of seasons, but that sort of played out because of dormitory facilities. Last year they were fortunate having men working on the new Church so had more roomers. Now this idea of boys is not dependable, may be a need, may not be for boys from the college this year. Understand there is to be some need for housing, but might say that they have reached that age, his wife not too well, one reason why they are retired, reached that age where difficult for her to take care of upstairs as required having college boys there. Apartment would be much easier for her and also their immediate community neighbors very much in favor of this, feel it would be for their betterment and last year had six cars parked there and garage besides, with apartment, couple residing up there, one car at most. Hooked into sewer, have city water, feel whole setup nicer for apartment, that is why asking for this.

Mr. Pfehninger inquired if any apartments in that vicinity. Mr. Parmeter replied no. Are on edge of commercial. Just down street, Mr. Beason is in commercial, he is only short distance from them, but they are in the residential. They are last house on Springbrook Drive, deadend street.

Mr. Miller asked him if his immediate neighbors signed the petition. Mr. Parmeter advised all of their immediate neighbors signed.

Mr. Hunter asked him if his hardship was he needed this for income? Mr. Parmeter advised yes, he is retired, on Social Security. In ministry 45 years and his wife is not able to carry on and do the work that is needed for boys. They would very much appreciate consideration on this variance.

DECISION: Variance unanimously denied. Insufficient hardship shown.

The Public Hearing was closed at 10:00 P.M.

Mr. Fred Curr approached the Board for an unadvertised, informal discussion on being granted a variance on property he is interested in at 3127 Chili Avenue. He would like to purchase it, but can only do so if he were to receive a variance to operate a part time beauty shop there, which he would need to do to help defray the expense. He and his wife have two children one 2 years and one 8 days and he wished to know the feeling of the Board. He felt to wait until the next meeting would be too long, and was wondering if the Board would look favorably upon his application. He was informally advised if he wished to purchase the house to make his offer contingent upon obtaining approval of such a variance and advised they could not tell if he would be granted it as it would have to have a public hearing on it. He advised he had questioned both property owners across the street, and they did not object.

Mr. Malone and Mr. Syracusa came in for informal discussion on Show Cause Order that had been served on Mr. Miller and Mr. Hunter with regard to Mr. Syracusa's application for variance to erect garages at the rear of his property on Chili Avenue which had been denied at the previous Zoning Board Hearing.

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Reserved Decisions:

Application of Bernard Bianchi, 201 Angelus Drive for approval to build house on lot 50' x 111' 7" side lot setback, 40' front setback, 23' rear setback, in D Zone, which application was heard at the July 26, 1966 hearing and on which decision was reserved:

DECISION: Variance unanimously granted. Construction must be completed in one year, otherwise this variance will become void.

Patricia D. Slack
Secretary

MINUTES

ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
September 27, 1966

The Hearing was called to order at 8:00 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. Howard VanSlyke

Also present: Mr. William Davis, Superintendent of Buildings
Mr. Daniel L. Miller, Deputy Town Attorney

#1. Postponed application of John Syracusa, 2709 Chili Avenue, for approval to erect a concrete plant on property on north side of Paul Road next to 134 Paul Road (4 acres). Industrial zone.

Mr. Edward Malone, Attorney with offices at 703 Wilder Building, Rochester, N.Y. appeared representing Mr. Syracusa. He advised was referring to application No. 180 which was originally presented here. Does not believe this application correctly states what they wish to put into this land on Paul Road. This states erection of concrete plant on property at 134 Paul Road. Under your Zoning Ordinance of A District uses, which is an Industrial District, Section 19-60, I would like to at this time amend this application for a "Transit Mix" operation, which means they are not making anything on this property by way of concrete. This is a transit mix operation which is merely a loading and unloading of material, so that, with your permission would like to amend this application at this time.

Mr. Miller advised there was no objection to that, and asked him for the benefit of the Board to please define what a transit mix operation entails. Mr. Malone advised he thought that will be up to the report of the engineer what that consists of.

Mr. Malone advised under Section District Uses, A, according to our Zoning Ordinances states that a permit is automatically granted for (he then read the 31 uses listed in the Zoning Ordinance Section 19-60 "A District Uses") plus (32) such additional manufacturing, processing or compounding uses as the Zoning Board of Appeals may permit upon special application to it after it be found that such use will not produce smoke, odor, dust, fumes or noises liable to become a nuisance or interfere with the enjoyment of neighboring properties and which are not hereinafter specifically prohibited. He advised they are not specifically prohibited under this section of our Zoning Law from putting in a transit mix plant. He appealed to the Board that this is not a matter of a public hearing. They are not asking for a variance, they are appearing here under the authority given to them by the Zoning Ordinance to issue a permit if the Board finds it comes within the scope of our Ordinance. This is an administrative act on the part of this Board due to the way the Zoning Ordinance was drawn. Otherwise any one of these 31 items that he stated here, our Building Inspector would ordinarily have to grant the license. If they were putting in a coal yard, lumber yard, manufacturing plant of any kind, the building inspector would ordinarily have to give them a permit. He hopes people here who have read newspaper in regard to this hearing will get point of what they are trying to do, it is our Zoning Ordinance that gives them the right to be here only asking to be given permit if they find they do not violate ordinance for Town of Chili. He respectfully submits that this is not a point of a public hearing, and objects to any public hearing on this at this point.

State of New York
COUNTY OF MONROE,
CITY OF ROCHESTER.

} ss.

Legal Notice

TOWN OF CHILI
ZONING BOARD OF APPEALS
NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chili to be held in the Chili Administration Offices, 3205 Chili Avenue, Rochester, New York 14624 on September 27, 1966 at 3:00 P.M. to consider the following applications:
1. Application to Breining Agency and Wm. C. Kane, 39 State Street and 22 Buffard Drive, for approval to erect a 4' x 6' sign approximately 50' from Chili Avenue and Chili Vista Road, EE District.
2. Application of Ameplyco Properties, 1160 Scottsville Road for approval of an addition 25' x 41' to present building 45' from front lot line (Scottsville Road) to be used as an office building, Industrial zone.
3. Application of Richard L. O'Toole, 236 Warwick Avenue for approval of variance to build a house on a lot 83' x 300' on Wadsworth Drive, EE Zone.
4. Application of Samuel B. Marciola, 147 Atkinson Street, for approval of permanent variance to use existing gas station at 1391 Scottsville Road and Weldne Road as temporary truck terminal and privilege to sell gasoline to public, A District.
5. Application of Fred Bruner, 75 Bayou Drive, for approval to erect a 50-unit motel Restaurant and cocktail lounge on 1/2 acre parcel on the southeast corner of the Western Expressway and Union Street, being part of Town Lot 66 — 100' to nearest lot line, E zone.
All interested parties are requested to be present. By order of the Chairman of the Zoning Board of Appeals of the Town of Chili, N.Y.
ROBERT HUNTER
Chairman
TD-11-Sept. 19 (BV)

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of the ROCHESTER TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

September 19, 1966

Eleanor E. Williams

19th

Sworn before me this
day of September 19, 1966 }

Nancy B. Froman
NANCY B. FROMAN, Notary Public
NOTARY PUBLIC, State of N.Y., Monroe County
My Commission Expires March 30, 19

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Mr. Malone went on; now if you insist, and he assumed his objection is overruled (he was told he was correct) he would proceed with his first witness and insisted all these witnesses be sworn. Mr. Hunter did not object. Mr. Miller questioned as to this point of swearing witnesses, whose was he going to swear? Mr. Malone advised everyone up here. Mr. Miller advised he could swear his own witnesses if he so desired. Mr. Malone advised not going to swear his if opposition does not. Mr. Hunter advised not swearing in witnesses. Mr. Malone advised taking away a constitutional right. Insisted statements be made under oath. Under 2670 Town Law such Chairman or in his absence, the acting chairman may administer oath and compel the witnesses. Mr. Hunter advised a ruling had been made. Mr. Malone advised he was not waiving his right to have witnesses sworn.

Mr. White was called as Mr. Malone's first witness. On questions of Mr. Malone he advised he lived on Spring Street, Rochester, N.Y. he was a salesman for Stone Conveyor Company, Inc., Honeoye Falls, N.Y. who manufacture material, handle equipment, etc. and has been with them approximately eleven years. Pursuant to request of Mr. John Syracusa he made some drawings in regard to the proposed transit mix plant he intends to erect on Paul Road.

Mr. Malone presented a plan to be marked Petitioner's Exhibit #1 which he then showed to Mr. White, asking him what it was. Mr. White advised it was a general layout of the proposed plant. Mr. Malone asked him to describe the batch plant as it is and the operation of it. Mr. White advised we have to start with the aggregate. First all of the aggregate in ready mix, and that is washed in sand and gravel plant and in the process of washing the fine material or dust particles are washed away. Then it would be brought into storage area near the batch plant or in the batch plant then it would be fed into the hopper through conveyor into aggregate storage bin then through gates into weigh batcher; from there into truck, so there would be very little dust through any of this process. Thinks probably the main concern here would be the cement and the cement dust and in this, have a truck that draws it from the cement manufacturing plant in a sealed truck, comes out to the batch plant, it is blown up a sealed pipe into a storage bin or silo whichever you want to call it, and this in turn is all sealed and it is blown up by air. Now on top of this manufacture what we call the filter box, and anyone who has a hot air furnace in his home knows what the filter is, nothing but fibre glass that air passes through to take dust particles out of the air. This is principally what this filter box is, has electric motor on to vibrate and knock dust out of filter as it is being filled. This is only time dust comes out of silo, when cement truck delivering cement. Then in this case it is going directly into screw conveyor to be transferred over to weigh batcher and in all of our installations we have cover over the cement compartment in weigh batcher with canvas connection with weigh conveyor and batcher so no dust can escape, get on bottom of weigh batcher that dumps into truck. Only dust would be from where dumps from batcher into truck and on bottom of batcher rubber jut that sticks down in back of transit mix truck and dust almost negligible. That is about the process.

Mr. Malone questioned in a transit mix plant, there is not any concrete mix on the grounds, generally speaking? Mr. White advised no.

Mr. Malone requested him to tell what happens when it goes into this truck for people who do not understand. Mr. White advised two processes, one where aggregate and cement mixed inside truck, the other in a drum mixer then dumped into transit mix truck. Here he is talking about dumping material directly into truck and by adding water and mixing, mixing the

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the concrete inside the truck. Mr. Malone questioned this is general, the mix and adding of water done before getting to job where concrete to be poured depending upon the time recommended? Mr. White advised depending on time generally speaking, sometimes on job site, sometimes on way to job site.

Mr. Malone presented a plan to be marked Petitioner's Exhibit #2 which he showed Mr. White and asked him what it was. Mr. White advised this is just a general location of Mr. Syracusa's land and how the storage area, garage and so on would be located on the property.

Mr. Malone presented a plan to be marked Petitioner's Exhibit #3 which he showed Mr. White and asked him what it was. Mr. White advised this was a prefabricated material garage that Mr. Syracusa said he thought he would like on the property to house his trucks. Mr. Malone asked if he could describe approximate height and distance. Mr. White advised height was 12' high, door 10' wide, enough for four trucks and is 40' long and 30' deep, 14' eaves.

Mr. Malone requested Mr. White to go back to Petitioner's Exhibit #1 and show roughly how thing is set up. (he held up the exhibit). Mr. White advised it has dump hopper, can load with front loader, conveyor goes up to chute to batcher, different material in different bins, three compartments of bin for two sizes of stone and one sand, off to side cement silo and on bottom of that dumps directly into truck. On questions of Mr. Malone he advised, pointed out on plan, where trucks come in right under 12', over to extreme right is an air tight container for the cement that is in that silo and that is blown in from a sealed truck, similar to a milk truck. Mr. Malone inquired if he had constructed plants similar to this in the area, Mr. White advised could not think of any like it in the area. Mr. Malone asked where had he constructed one. Mr. White advised could not tell exactly right now. Cannot say right off hand, would have to look it up. Mr. Malone asked if they have a record and Mr. White said they had some, yes.

Mr. Hunter asked Mr. White to define "aggregate". Tell what material and size of particles. Mr. White advised aggregate is stone and cement sand in the ready mix business, is generally speaking, 1/4" down to 100 mesh in transit mix. Did not know that he could put an exact measurement on 100 mesh. Mr. Hunter inquired that is what will pass through a 100 mesh? Mr. White said yes. The other aggregate depending on what they are going to pour would be #1 stone, #2, IA, various graduations and they use various sizes in different concrete. Mr. Hunter questioned, there were three circles on Exhibit #2 labeled "material stock pile". Takes it this is aggregate and could be three different sizes. Mr. White advised yes, sand in one and stone of a larger size in others likely.

Mr. Hunter questioned could he tell us, you mention a truck comes and loads the cement silo, blows in by air. Approximately how long it takes to unload a load of cement into this silo? Mr. White advised he thought about 3/4 of an hour, was not sure. Mr. Hunter inquired based on what he knew of this plant, about how frequently might this cement silo have to be reloaded? That is another truck come up, what is the range we are talking about? Mr. White advised could be once a day or once every two months, depending on how much concrete was sold and how much used. Mr. Hunter questioned if relatively busy, not more than once a day? Mr. White advised in a plant this size do not think he would ever reach that fast. Mr. Hunter questioned does silo hold contents of one truck load coming in? Mr. White advised yes.

Mr. Hunter questioned how long does it normally take to load transit mix.

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with aggregate and cement? Mr. White said here again depending size batcher and how much going to be in truck, could vary from two minutes to possibly five or six minutes roughly speaking.

Mr. VanSlyke questioned how cement delivered to plant, in what form, bulk or sacks? Mr. White advised him in bulk. Mr. VanSlyke questioned are these designed for the cement truck, are they the common cement trucks we see delivering cement for various constructions? Mr. White advised no, this type truck looks almost like milk tank, it is different type truck and big tractor and trailer with tank on it. Mr. VanSlyke questioned it is mixed in transit? Mr. White advised he was talking about delivery to silo; Mr. VanSlyke was talking about delivery to job? Mr. VanSlyke said yes. After you have completed loading your truck, is this plant designed to make use of the transit mix trucks which we normally see handling jobs? Mr. White advised it would have to be transported from this plant to site, in a transit mix truck.

Mr. VanSlyke asked if he could tell us where a plant is in operation locally, he is describing plant designed to load these trucks without dust or noise, where is such a plant in operation so Board might perhaps go and see it and satisfy themselves this is a relatively dustless operation. Mr. White advised Manitou has a plant, Baughman on Jefferson Road; Ludington has a plant. Mr. VanSlyke questioned if these were similar. Mr. White advised principally all the same. Mr. VanSlyke asked then you would not say yours is better than the one another uses? Mr. White advised this is pinning him down, there can be improvements on some plants. He cannot say this is better than any of the other plants or it is worse. Mr. VanSlyke inquired, in other words, if we observe the operation of Mr. Baughman on Jefferson Road, we would have a general idea, this would do a comparable amount of business? Mr. White advised he believed so.

Mr. Miller questioned capacity, cubic feet on truck. Mr. White advised they figure barrels, 4 cubic foot in barrel. Believes this will be 200 barrel capacity. Mr. Miller questioned this is designed for 200 cubic foot capacity? Mr. White advised 800 cubic feet or 200 barrels. Mr. Miller questioned is statement you made before, one of these trucks bringing in cement, would that hold 200 barrels? Mr. White advised unless capacity is 110-130 barrels in delivery truck.

Mr. Miller questioned; earlier in your dissertation you talked about filling the hopper with aggregate. How is this brought from stock pile to hopper? Mr. White advised in this instance probably with a front end loader. Mr. Miller inquired what 20 yards of cement can a front end loader carry? Mr. White advised depends, you have anywhere from 3/4 of a yard, believes there is one made to 14 yards. Mr. Miller inquired this sand, assume you will use sand, this is brought from stock pile to hopper, would be subject to prevailing winds. Not covered? Mr. White advised, no it is not covered. Mr. Miller asked would they get some dust as or if wind were blowing, from your sand being transported to hopper? Mr. White said he was afraid it would have to be a gale. Mr. Miller inquired if special name to sand they use in cement business? Mr. White he did not believe so. Mr. Miller questioned did they use blow sand in concrete? Mr. White advised no, just sand. Mr. Miller asked if it came from around here? Mr. White advised several places in area they wash and screen this sand out. Mr. Miller inquired if they would buy washed and screened sand and transport it or do it on premises. Mr. White advised this was not set up. This was not a washing operation. This would have to be brought in from some place else. Mr. Miller inquired their aggregate is already processed? Mr. White advised it would have to be.

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Mr. Miller questioned if conveyor or belt is covered? Mr. White advised no, you can have it covered or not. Mr. Miller questioned, way plans drawn conveyor or belt is 24" wide, 120' long, are there any plans for cover here where aggregate dumps into top? Mr. White advised no. Mr. Miller questioned could cover be built on it. Mr. White advised yes. Mr. Miller questioned you can enclose the whole top where conveyor belt drops the aggregate? He was told right. Mr. Miller questioned is there any dust coming out of filter when truck loads at silo? Mr. White advised actually only time air blown into silo is when truck nearly empty then you get some air in this filter business, possibly takes 95% of air out. He cannot guarantee this would do that because it would depend on how dirty or clean that filter was. Mr. Miller advised, referring to plan, they show three way chute. From end of chute to top of aggregate bin is open space where falling through the air. He asked how many feet to top of first line. Mr. White advised probably three feet. Have to remember this is washed material and all real fine matter washed out. Mr. Miller questioned is sand going up in open belt moistened with water? Mr. White advised had never seen sand taken out of pile that was not damp. Mr. Miller asked if any provisions if there was a drought like this past summer. Mr. White advised center in sand pile would still be damp. Outside would be dry; but inside of pile would be damp. Mr. Miller questioned could there be some control to apply moisture to the sand or hopper. Mr. White advised yes, could always be moisture added, by spraying water on pile or spraying on up to end of conveyor.

Mr. VanSlyke questioned, you stated Mr. Baughman has Trans Mix. He happened to have been in the position to look out his window every day for last year and half to see Mr. Baughman's trucks delivering concrete on construction job. If no dust or appreciable dust in plant and these trucks do not later have dust, why after each and every lot this truck is washed outside and inside by driver. He also washes outside after each and every lot. Mr. White advised this is after he has unloaded. In process of unloading he gets some cement that will run outside of his truck. This is what he is washing off, does not want this to build up. Mr. Van Slyke advised trucks covered with dust when he arrives, outside is washed as well as inside each time. He is wondering about this dust, where does it come from, he drives his car over the same road, not that bad when he gets there. Mr. White advised he thought what he is washing off is more wet cement rather than dust on outside of drum mixer, does not believe it is dust he is washing off. Wet cement would get hard and build up, he washes it off while it is still wet.

Mr. Miller questioned on the proposed plan they show roadways and road for the trucks to drive under the batcher. What is the proposal for type of road put in there? Mr. White advised this would be up to Mr. Syracusa. Actually he is here representing the industry and not particularly any one in particular, but this could be black top, or it could be any type of material, this would be up to individual who is going to put plant in.

Mrs. Tanger questioned, conveyor belt run by electric motor, how large a motor? Mr. White advised as it is he would say roughly 20 horsepower. Mrs. Tanger asked would this be running all day? Was told no, only as he needed material. Mrs. Tanger asked about how long? Mr. White advised 24" belt would handle about 250 ton an hour, there is about 150 ton storage. Could fill this bin in less than an hour.

Mr. VanSlyke questioned you use this bull dozer to put in hopper from which belt operates? Mr. White advised yes.

Mr. Hunter asked if Mr. White could tell approximately how far it will be from pile of material to hopper? Mr. White advised this again depends upon how big stock pile needed in business in year. Anywhere from 50' to 50 yards depending on situation yearly.

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Mr. Hunter advised those at hearing there would be questioning of the people appearing after call appearing for the petitioner's application had been heard.

Mr. Malone called his next witness, who on Mr. Malone's questions advised his name was Dominic C. Russo; he lived at 59 Thornell Road, Pittsford, N.Y. did business under the name of Don C. Russo and he operated two sand and gravel plants and ready mix plant and they sell to brick industry and competitors, run about 19 concrete trucks. On question of Mr. Hunter advised Transit Mix.

Mr. Malone questioned, you heard Mr. White give his statements up here in regard to petitioner's Exhibit 1, which is diagram of proposed trans-mix plant that they have, was he familiar with that type? Mr. Russo advised yes, he had one almost like it, only his does not feed with conveyor, they charge their hopper with a dump truck or loader. Mr. Malone asked if they operated out of a bin and was advised yes. Mr. Malone asked if their sand and gravel washed at the pit and was told yes. Mr. Malone requested Mr. Russo to tell what he knew about the delivery of cement and what problems of dust and so forth he had observed in operation of his plant.

Mr. Russo advised, he would back a few more years, first charged their cement silo with bucket line that made a lot of dust and expensive, then came out with air system and truck comes in with pump in back and pumps the cement up to the silo with about 15 pound pressure. Our silos are bigger and we get sometimes one load to six loads a day. Have 2,000 barrels of storage. Put that in a few years back when cement shortage, believe only one in area that had cement in stock, but have enough ahead. That will dump a load or pump up in about 1/2 hour. They have filter on top, before had that, dust came out and they were losing cement. By putting filters in, saved the first month in dust. In this plant here, if he was putting it up, he would cover the top right up, so in winter to keep heating inside, have to heat this plant to operate in winter. Would cover conveyor, because if it rains, it will only wash sand down. He has plant in Nunda and they have had that experience and there is butt that slides down that goes into cement trucks that controls the dust in the Transit Mix.

Mr. Malone asked him how long he had been in this business? He advised started in 1954. Mr. Malone asked him if he was familiar with other plants in the area, his competition, Baughman, Ludington, etc. and would he say their plants operate as efficiently as this proposed plant, or not, from his observations? Mr. Russo advised this is a simple plant. Dolomite has automation plant. This is manual control, plant here, man takes figures off board. The new plant, automation, has card you put in, set dial, cement comes out automatically in fact today he had appointment, they are going to change their plant to automation.

Mr. Pfenninger questioned you do not mix cement on property? Mr. Russo advised right. Back up, load up truck, open your drum, very seldom see truck go on job with truck load mixing. When you are on job and when set up, then you start mixing. Never go on job with load of cement. If driver does, will be fired on spot. Mr. Pfenninger said he had seen them on job going slow. Mr. Russo said coming back. There is a law that you can do that because of safety problem.

Mr. Malone questioned, you have done quite a bit in the industry have you not in regard to improving the industry? You have been recognized by the people in this business, have you not. He showed him Petitioner's Exhibit 4 (so marked for the record) and asked him what it was. Mr. Russo advised it was a reprint from Trade Magazine "Pit and Quarry" March 1965 issue, on

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their plant put up in Mendon, most modern plant in State barring none, and that is a big statement to make. That plant has been written up in this trade magazine.

Mr. Malone questioned Mr. Russo if he could state, with reasonable certainty, the dust factor in the area of this plant, one with covering such as he described. Mr. Russo said it would be very small. More dust in a parking area if the roads are paved, and eventually they will because always come back with concrete left over and you are building roads, them you could top with black top. Dust would be more with trucks on ground than from plant itself and if the road bed was properly laid with concrete or macadam, it would eliminate any dust.

Mr. Malone asked Mr. Russo to tell what sand is. Mr. Russo advised different kinds of sand, plaster sand, concrete sand, block sand, filter sand. In this operation you use concrete sand, goes through 1/4" screen. Do not try to keep much 100 because too fine. They have plant in Nunda, they wash sand and gravel and they crush gravel, and here he will use pea gravel, ones and twos and maybe #3, but most pea gravel and 1 and 2. Mr. Malone questioned if most of the building in which Trans-Mix is used specifically, generally insist it be washed gravel, washed sand. Mr. Russo advised most of your big jobs insist on State approved material or you are checked right along by State Inspectors. Mr. Malone questioned what about sand blowing, does sand blow, sand that is used in this type of material? Mr. Russo advised not concrete sand. If you use mason sand, that is screened through 1/8, but concrete sand is a little heavier, is a little chance, but not if you are back 300 or 400 feet from road, would not blow very much because of weight. Mr. Malone questioned, would take quite a wind to blow it? More dust out of a plowed field than they would get from any sand, or more from a coal yard? Mr. Russo replied yes, but he was not familiar with coal yard.

Mr. Hunter asked Mr. Russo if there was any way he could or would determine how much cement you lose out of filter when filling silo. He mentioned reduced by putting on filter, is there any way of knowing how much he missed? Mr. Russo advised they stop most all of it. Mr. Hunter questioned 90%, 99%. Mr. Russo advised more than that. The boys park their cars around, no sand on cars. Mr. Hunter questioned what happens to sand when you wash it. Mr. Russo said you take out your dirt. Mr. Hunter said other than sand particles themselves? Does this tend to remove all small particles that would pass through the 1/4 screen? Mr. Russo said yes. Mostly sand is screened hydraulically, you, you raise your fans and can control your fans and make any graduation you want, the finest you want and there up.

Mrs. Tanger questioned where he got his water from. Mr. Russo advised he paid \$14,000. to dig that pond.

Mr. Miller questioned; he did comment on petitioner's exhibit, if he were building this he would cover over the conveyor belt, would put complete cover over cement storage? Mr. Russo said no, the hopper for one reason, going to operate in winter and intend heating in there, if cover do not lose your heat. Mr. Pfenninger questioned that has nothing to do about dust though? Mr. Russo said would cover whole top up in turn, chutes, and put cover on conveyor in case some rain or sleet storm do not wash sand back to conveyor. Mr. Hunter questioned you say you have several? Mr. Russo advised one ready mix plant and two sand and gravel. Mr. Hunter questioned what would be nearest structure that is neighbor to him, how far away from his plant for neighboring building? Mr. Russo advised his house, it is worth \$150,000. He would not put up something if it is bad. It is 1,000 feet away. Mr. Hunter questioned this would be closest to either of his two plants? Mrs. Tanger inquired you are up on the hill? Mr. Russo said yes, on Thornell Road.

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Mr. John Syracusa, 2717 Chili Avenue appeared before the Board. Mr. Malone asked him, he heard Mr. White give statement here in regard to Petitioner's Exhibit 1 in which he gave an outline what plant as proposed to be constructed here is. Heard him state as to the open conveyor and open bin top; also heard Mr. Russo state that he would cover this plant for heating purposes to operate in winter time. Would he? Mr. Syracusa advised covering this conveyor is a matter of taste. Mr. Malone questioned would he amend this exhibit to include cover on conveyor and over the top of the mixing bin? Mr. Syracusa advised would be glad to. Mr. Malone asked him if he would as part of this permit put in some sort of oiled road, stone road, to eliminate dust for these trucks? A driveway either oiled, macadam, stone and oil? Mr. Syracusa advised definitely. You put oil on it and it stops any dust or anything else, you will not get any more dust for maybe six months. Mr. Malone questioned he would as part of this permit maintain a road of such a nature? Mr. Syracusa replied definitely, from highway in to the plant there would be this driveway, would be oiled and looked after with manual surface. Mr. Malone questioned as set forth in Petitioner's Exhibit 2, the roadway as shown there? Mr. Syracusa advised that would be approximately in the neighborhood of 150' at the most. Would be no problem.

Mr. Pfenninger inquired, if this application was granted, how long before this building completed? Mr. Syracusa advised they would maybe get at it possibly just as soon as the first snow fall, not for this year's business, approximately another two months before they would start setting up any equipment, like foundations for the bins and so forth, have to have four, maybe 4 x 4. Mr. Pfenninger inquired, he would have it put up in a year? Mr. Syracusa advised maybe in about three months completed from time started, maybe less. Mr. Hunter inquired when start? Mr. Syracusa said not until snow flies, possibly November or December because all are working in the pit. Mr. Hunter inquired finished by March at latest? Mr. Syracusa advised he happens to own a gravel pit at present and needs all the help he can get out there.

Mr. Miller questioned you run a gravel pit and sell sand and gravel. Where load? Mr. Syracusa said Victor. We wash sand and also wash gravel, 3 types, pea and 1 and 2, 1 and 2 together. Mr. Malone questioned, have no interest in this plant although same road? Mr. Syracusa said yes, bears my name.

Mr. Malone asked Mr. Syracusa if he washed his sand and gravel and stocked his aggregate. Mr. Syracusa replied every bit of it has to be washed in order to sell to any one, to use in concrete got to wash it, no question about it. Mr. Malone questioned if it is State inspected. Mr. Syracusa said yes, they have State Acceptance Certificate from State of New York. Mr. Malone questioned there would be no washing of sand and gravel on premises at Paul Road? Mr. Syracusa replied no, definitely not, would be delivered in stock pile with 2 and 1/2 ready to put it up to put it into hopper to go into bin where it has to be weighted and put in the truck. Mr. Malone questioned there would be no mixing of concrete for sale on these premises? Mr. Syracusa advised no such thing as selling, Ready mixed concrete. Cannot mix it, sell it, against the law. Mr. Malone questioned would he be manufacturing anything on these premises, processing anything. He was told no. He asked would he be using this to store material, store sand and gravel and loading it to a truck. Mr. Syracusa said that is right. Mr. Malone asked if any odor or fumes with this operation? Mr. Syracusa said no there is none. Mr. Malone asked him if he had observed several plants? Mr. Syracusa advised he owned one plant before and sold it. He put in another one across the road. Mr. Malone advised him he was talking about sand and gravel, he, Mr. Malone, was talking about Transit Mix. Asked if he was familiar with any, with what plants he had observed? Mr. Syracusa replied of B.R.DeWitt, Baughman, Ludington and Don Russo. Mr. Malone questioned in his observation of those plants did he note sand dust or any dust? Mr. Syracusa replied no. Mr. Malone questioned does sand blow or sand dust, the sand he used in this operation? Mr. Syracusa

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replied it does not blow. If you get a tremendous wind off stock pile you might get a little which will maybe move for about 10 or 15' and that is provided it is good and dry. That is the only dust that this plant will ever produce. If they were handling mason sand he would say they would be in trouble because mason sand is so fine she dries up, so quick that if you do get gust of wind instead of 15' may blow 50'. That is truth. Can come to his plant and inspect his operation, he can show you concrete sand laying there, #1 stone, pea gravel and 1 and 2, also mason sand.

Mr. Malone questioned, he was owner of property at Paul Road for which this application is made, how large a parcel is that? Mr. Syracusa advised yes, it was nine acres. and on question is about 1,000' frontage. On question he advised there is one house near, house he owns himself, only house within 2,500' of this proposed plant. There is no house within 2,500' from this plant that he intends to put up. Mr. Pfenninger inquired how far is the machine shop from this place. Gillette Machine Shop which is on the side road, not on Paul Road. Mr. Syracusa advised about 2600'. Mr. Malone questioned on back of his property are there trees. Mr. Syracusa advised loaded with trees. Mr. Malone questioned these would be higher than the plant that he proposed to build? Mr. Syracusa advised anywhere from 45' 55' to 60' in air. And on question advised it is really thinly populated there, no question. Mr. Malone inquired how far are trees from road. Mr. Syracusa advised approximately 350' from road, they are behind his house, about 125' to 150' and 100' setback which he had when he put this house up, you have approximately 250' to 300' from road. Mr. Malone questioned what is across the road? Mr. Syracusa advised a disposal plant, which he thinks belongs to County. Mr. Malone questioned if that ever has any odor? Mr. Syracusa advised him not to go by at 11:00 or 12:00 if wind blowing in right direction. Mr. Hunter questioned, Gates, Chili Ogden Sewer you are speaking about? Mr. Syracusa said yes. Mr. Malone questioned what was to West of him. Mr. Syracusa advised airport fence, which he sold the County 31' x 580' and that is only thing there, fence and disposal plant and his house, and you cannot find a house or single thing unless you go almost 2500' either direction, going west or going towards east. No structure of any kind as far as machine shop. Gillette Machine cannot be seen from his property at any time, especially today with those trees.

Mr. Malone questioned, in his experience in the building, could he say whether or not concrete is mixed on job or is it ordinarily brought in in transit mix truck. Mr. Syracusa said brought in transit mix truck then add water then it is concrete. Mr. Malone questioned, so any building in Chili has to be brought in in transit mix truck. So if comes from plant has to travel roads of Chili in order to get to building project? Mr. Syracusa advised correct.

Mr. Hunter questioned is sand delivered to this site, would it be in open trucks? Mr. Syracusa advised yes it would, he has open truck. Mr. Hunter asked could he tell them roughly how many trucks a day might use this, in consideration of both supply trucks and transit mix, added all together, how many trucks per day? Mr. Syracusa advised it all depends. You can stand still for a week and you can have ten trucks move out in an hour. No telling. If you call up and four or five people call up, if trucks are out they go, if not have to wait until one comes, no telling how much traffic that area will want. Mr. Hunter questioned, could be as many as ten in given hour? How many hours a day? Was told eight hours. He questioned how many days a week. Was told five or six days, not any more than six and doubted on Saturday, would exclude Sunday and maybe Saturday. Mr. Hunter questioned hours of operation and Mr. Syracusa advised maybe 7:00 A.M. until 5:00 P.M. would be about the latest load would get out at 5:00.

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Mr. Miller inquired how many transit mix trucks did he propose to purchase or raise. Mr. Syracusa advised planned to start with six trucks. Mrs. Tanger inquired if they would be stored on the property at all times. Mr. Syracusa said yes, plans four garages for repair work and so forth. Mrs. Tanger inquired not to house trucks? Mr. Syracusa advised to house trucks. Would not house all trucks that are out all day, will not hurt them. Two or three trucks break down, nothing unforeseen to have three trucks break down.

Mrs. Tanger questioned if he would use a lot of water in this operation. Mr. Syracusa advised none because your trucks handle your water, each truck has compartment of 400 gallons.

Mrs. Tanger questioned how close was he intending to put it to airport property, his piles look close to fence. Mr. Syracusa advised would stay 10' to 15' away from the fence. Mrs. Tanger observed she assumed he had checked with the airport that his motor will in no way effect communications. Mr. Syracusa advised they will have maybe three motors and biggest will be 7½ horsepower. Mrs. Tanger asked this will not interfere in any way with communications? Mr. Syracusa advised no.

This hearing was recessed at 9:30 P.M. for 15 minutes. The Public Hearing reopened at 9:45 P.M. Roll call found the following members of the Board present:

Mr. Hunter, Chairman

Mr. Pfenninger

Mr. VanSlyke

Mrs. Tanger

Mr. Malone questioned Mr. Syracusa about how long he had owned this property and was told about twelve years. Mr. Malone questioned that was before this Zoning Ordinance was put in? Mr. Syracusa advised he would say yes, but really could not answer that question. Mr. Davis advised section for industrial was in about 1947, was revised a little. Mr. Miller advised the ordinance went in November 1, 1947. Mr. Malone advised for the record would like to refer to is date which is matter of record in County Communications office, which he would give the Board. Also would like to have map of this area made part of this record; your area map.

Mr. Hunter opened the hearing for questions. He knew a number of people here tonight would like to find out information, express their feelings and would appreciate them doing this in an orderly fashion. Would appreciate them keeping their comments and questions relevant to the issue, in order all may have an opportunity to get questions answered. He asked first if any one present in favor of this application. No one appeared. He then questioned if any one present who objects to this application.

Mr. Tarricone attorney asked for clarification, were they having questions at this time, not presentation of evidence objecting to it? Mr. Hunter asked if he was suggesting he had some formal presentation to make against it, they were allowing a question period first. Mr. Malone advised he would like presentation first. Mr. Merkel, Attorney of Gano, Solomon & Ashworth said the Board now has testimony of three people, petitioner and two experts. Feels that in order for Board to properly get right perspective of their testimony and for the benefit of all, a period of questioning of these particular men as to exact procedures and all qualifications should be taken up now and then after presentation they have for those opposed. Feels while all fresh in their mind and Board's should have opportunity, so when objection presentation is presented will be intelligent and defined. He advised he is representing Hamco Electric Co., who propose building on Paul Road and Milstead Way.

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Mr. Hunter advised they were going to allow questions first and formal presentation after questions.

Mr. Schiano advised he had a petition he would like to lay before the Board consisting of 46 names and addresses of family residents in Town of Chili objecting to this application.

Mr. Ralph Schiano, 31 Paul Road advised would like to clarify list briefly to effect that first 24 names on list are residents at 31 Paul Road which places them 6/100 mile from proposed site. Other names range as far west as Chestnut Ridge Road, Sierra Road and roads in that general area. He then submitted petition to Board. Mr. Hunter questioned if they were all property owners. Mr. Schiano advised not all property owners, he would identify them. Mr. Malone questioned if Mr. Schiano was going to be at hearing later for questioning, if not he would not let petition go in record. Mr. Tarricone objected to Mr. Malone questioning Mr. Schiano and Mr. Hunter requested Mr. Malone to hold his questions. Mr. Schiano took back the petition and advised he would bring it up later.

Mr. Merkel approached the Board and advised as a point of procedure he was going to move to dismiss this application on ground no show. He filed original application for Trans-Mix, it has been denied. Due to evidence feels jurisdiction defect before Zoning Board of Appeals in a Board of First Instrument unless he has shown in his application denial of permit. Does not think Board has jurisdiction to act at this point. Mr. Hunter advised Judge required it to come before Board, it is in order.

Mr. Tarricone wanted opportunity to question some witnesses that have been present on behalf of application. Mr. Merkel asked to question Mr. Syracusa.

Mr. Merkel questioned Mr. Syracusa, was he going to store on this property? Blow sand in these bins? Mr. Syracusa answered yes. Mr. Merkel questioned in form of sand dust, very small part? Mr. Syracusa advised not sand dust. Mr. Merkel questioned you are also going to store gravel? Was told yes. Mr. Merkel asked was he going to store some sand? Mr. Syracusa said yes. Mr. Merkel asked, and the gravel of various sizes. Mr. Syracusa said yes. Mr. Merkel questioned in your testimony you say that you are going to take there sand and gravel and you are putting cement into these trucks that transport it? Mr. Syracusa answered right. Mr. Merkel asked these are drum type of trucks that rotate and these trucks rotate on plant there? At your site, do they start in rotating? Mr. Syracusa answered not necessarily so, no. He was asked can they? He answered yes, they can. Mr. Merkel asked do they? Mr. Syracusa replied no, unless you shift into gear to rotate that hard. Mr. Merkel questioned is that customary to start rotating them as soon as placed in truck, it usually takes place on site of your plant? Mr. Syracusa advised it does not, it takes place at destination. Mr. Merkel questioned, at plant you have the cement and the sand and the gravel in various proportions and measure out of bins? Mr. Syracuse advised weighed in. Mr. Merkel questioned weighed material then put into drum and goes in standard measure? If you have order from one for X measure, you mix it for them? Mr. Syracusa advised right. Mr. Merkel questioned him on his procedure. Mr. Syracuse advised weigh stone and cement, the weigh scale is attached to bin. Mr. Merkel asked if these piles of sand put into hopper then into bin? Mr. Syracusa said no put into hopper and then hopper discharged it into the bins. Mr. Merkel asked then in other words three compartments for your sand, pea gravel and cement. Then you are putting these raw materials into hopper, into bin so bin weighs? Mr. Syracuse advised that is right. Mr. Merkel asked each one is then separately emptied? Mr. Syracusa advised right into big drum that is in bottom of your aggregate bin. Mr. Merkel asked then what happens? Mr. Syracusa advised you put your foot down and in it goes into truck. Mr. Merkel

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questioned force of gravity causes mixture to go into truck? Mr. Syracusa advised that is right. Mr. Merkel questioned in this drum, does the sand and stone mix up? Mr. Syracusa said rotated, is mixed up at that time. Mr. Merkel said so this plant use in a sense is storage of cement, sand and gravel but also have the mixing and measuring of aggregate, you measure, weigh and mix. Mr. Syracusa replied that is what the bin is for. Mr. Merkel asked then the only procedure left in your process of the manufacture of cement is adding water, correct? Mr. Syracusa advised that is right. Mr. Merkel questioned that is done at some other site when it gets to its destination, would be done on premises. Mr. Syracusa advised that is right.

Mr. Merkel advised Mr. Russo testified conveyor belt and hopper you had should have certain covers. He asked Mr. Syracusa if he recalled stating that was merely a matter of taste. Mr. Syracusa replied it was a matter of taste if he cared to spend money put cover on it. He did not have to but knew Mr. Russo had more experience than he has. Mr. Merkel asked would this cover on conveyor or hopper decrease the amount of dust. Mr. Syracusa replied that he did not know. He could not answer. Mr. Merkel questioned what capacity of his sand storage bin. Mr. Syracusa advised 150 ton. Mr. Merkel asked what proof of loss through various transportation from the storage truck into the bin. Mr. Syracusa advised no loss. Mr. Merkel asked what test had he determined for that. Mr. Syracusa questioned what type of test did he want him to say. He never worked a ready mix, a transit mix plant. Has seen the yard, has seen the situation and is only talking from that experience. Mr. Merkel questioned there have been no test run by him? Mr. Syracusa advised that is right. Mr. Merkel asked if he had seen result of any test by manufacturers? Mr. Syracusa replied he had seen operation four or five years. Mr. Merkel questioned had he witnessed any loss of cement or dust in air, or residue on ground? Mr. Syracusa replied no.

Mr. Merkel questioned he believed Mr. Syracusa stated the Baughman Trans-Mix on Jefferson Road was a model operation, was that correct? Mr. Syracusa said yes. Mr. Merkel questioned operation he intended to run, do they have same facility, on same order. Mr. Syracusa replied yes. Mr. Merkel asked did he have same type of operation and equipment. Mr. Syracusa replied no due to fact he has to move his machine from sand bin to cement bin. In his operation (Mr. Syracusa's) all in one. You have sand going into your truck, stone and cement into truck in one stop not two stops. Mr. Merkel questioned, but this Baughman on Jefferson Road is good representative? Mr. Syracusa replied very good. Mr. Merkel questioned, you testified that your operation will be equal quality as far as control of amount of dust? Mr. Syracusa replied definitely. Mr. Merkel questioned is Baughman's perhaps a little better dust control? Mr. Syracusa replied he would not say that. About the same degree.

Mr. Merkel questioned he had testified to Board members that his stock piles would be about 15' from fence and jet runway, was that correct? The jet runway adjacent to his property and airport. Mr. Syracusa advised the jet runway was approximately 600' to 700' away from his property. Mr. Merkel questioned jet planes give off any winds or steam from the jet motors? Mr. Syracusa replied you get plenty of smoke. Mr. Merkel asked if he felt that exhaust? Mr. Syracusa advised not that he knew of, they fly so high in air. Mr. Merkel questioned when on ground? Mr. Syracusa advised he did not know, could not answer that.

Mr. Merkel questioned sand that is delivered to his property will be in his own trucks, that are coming from where? Mr. Syracusa advised from his plant or bin in Victor. Mr. Merkel asked if they would have

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to come down Paul Road? Was told yes. Mr. Merkel question as these trucks are passing by is there any sand thrown out or blown off the trucks? Mr. Syracusa replied no. Mr. Merkel questioned how fast do the trucks usually travel. Mr. Syracusa advised he did not know, was not driving. Mr. Merkel asked Mr. Syracusa if he proposed to have short wave radios on his proposed trans-mix trucks. Mr. Syracusa advised no.

Mr. Merkel asked Mr. Syracusa if he knew how far cement dust will travel exposed into open atmosphere. He told him he could not answer that. Mr. Merkel asked if he knew how much cement, what percentage is lost at Russo's plant from exposure. Mr. Syracusa replied not any due to fact that goes into truck under cover. Mr. Merkel questioned and air tight sealed tube? Mr. Syracusa replied no. Mr. Merkel questioned when you are dumping your mixture from this mixture drum into your trucks, is there air tight tube on that? Mr. Syracusa advised no. Mr. Merkel questioned, so part of this process is exposed? Mr. Syracusa replied have tube going into concrete truck. Mr. Merkel asked from mixing drum to truck, is that exposed? Mr. Syracusa advised yes, that is exposed.

Mr. Merkel questioned you have approximately 20 H.P. motor going to run this conveyor belt and mixture drum? Mr. Syracusa advised will not need 20 H.P. on entire plant. Mr. Merkel questioned did Mr. White testify it was 20 H.P. motor? Mr. Syracusa said he did not hear him. Do not see 20 H.P.

Mr. Merkel questioned he had a gravel pit in Victor? Below surface of ground? Mr. Syracusa advised where he gets stuff from. Mr. Merkel questioned proposed storage of your sand and proposed storage of your gravel above ground, just laid on ground? Mr. Syracusa advised yes. Can go as high as 72' in air as conveyor. Mr. Merkel questioned how long would that stock pile last. Mr. Syracusa advised all depends on your sales, you may have ten trucks; five times, then none next day. Mr. Merkel questioned, if you go 75' in air, what is base of this stock pile? Mr. Syracusa advised no base it is on the ground. Mr. Merkel asked how many tons stored there. Mr. Syracusa advised maybe 30,000, maybe 20,000, all depends. Mr. Merkel questioned he was talking about proposed site, how many over here. Mr. Syracusa advised he would dare say 4,000 or 5,000 tons. Mr. Merkel questioned how many tons of dirt in each sand truck moved in from Victor, what ton capacity? Mr. Syracusa advised 20 ton truck, each will carry 20 ton. Mr. Merkel questioned, "you are going to have 4,000 or 5,000 tons? These trucks are continuously bringing the sand in? Mr. Syracusa said 4,000 or 5,000 tons, yes. Mr. Merkel questioned, they are also continuously bringing in gravel? How much gravel do you plan to store? Mr. Syracusa replied 4, 5, 600,000 ton, depends on nature of business. Mr. Merkel asked is that dry gravel. Mr. Syracusa answered, no, damp. Mr. Merkel questioned any dust connected with gravel? Mr. Syracusa said no there is not any dust connected with stone.

Mr. Merkel asked if any dust comes off gravel when you move it. He was told no. He asked how about sand and was told definitely not, too much moisture. He questioned how about surface of sand. He was told it all depends on weather. If sun is shining four or five days you get dust five or ten feet at most away from pile. Mr. Merkel questioned of course dust is to be dependent about the size of sand? Mr. Syracusa advised sand is only one size. Mr. Merkel asked what size is cement sand they are going to use here. Mr. Syracusa answered regular concrete sand. Mr. Merkel again questioned what size. Mr. Malone stepped up and insisted Mr. Merkle be fair in his questioning, and an argument ensued.

Mr. Merkel questioned, this dry cement is kept in a storage bin, is it not? Is that storage bin air tight? Mr. Syracusa answered that is right. Mr. Merkel questioned this is moved from truck and into storage bin, blown there by air, where is air generated from? Mr. Syracusa replied you insert the

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screw with 4" or 5" hose into your pipe that goes to bin, there is no dust whatsoever. Mr. Merkel questioned this goes into the bin? Mr. Syracuse replied blows into bin. Mr. Merkel asked is this truck open any time before cement blown in, truck that brings it in? Mr. Syracuse advised no. Mr. Merkel asked if any cement dust at this time? Was told none at all. He questioned, in other words your plant will be absolutely dust proof? Mr. Syracuse advised as far as cement is concerned. Mr. Merkel questioned suppose fairly windy, does silo gravel dust expel into the air, only dust from wind, carry matter of 4' or 5'? Mr. Syracuse replied that is right, if gust of wind. Mr. Merkel asked do those jets that turn around by his property give off wind gust? Mr. Syracuse advised they give you smoke, if that is what he is referring to. Mr. Merkel replied gust, he was referring to, did he feel a breeze? Mr. Syracuse replied no, they are in the air when travel and as far as turning around, he does not see them turn in runway, turn in front of airport office, there whatever you may call it.

Mr. Malone objected to this cross examination = did not feel he should be subject to cross examination, he was putting words in the witness' mouth. Direct questions all right, should be consistent.

Mr. Carl Tarricone representing Gillette Machine & Tool Co. advised he would like to have Mr. Syracuse asked does he intend to cover the entire surface of his property with some sort of black top material, that was referred to by counsel, or concrete cover? Mr. Syracuse replied he really did not get the question, did not understand it. Mr. Hunter asked Mr. Tarricone if he was saying not just roads, but whole area inclusive? Mr. Syracuse replied there was 9 acres of land, no. Mr. Tarricone questioned did he intend to cover the roadway area with some sort of hard surface. Mr. Syracuse said yes. Mr. Tarricone questioned is it customary for dirt to accumulate on the pavement in a concrete mixing plant. Mr. Syracuse replied he did not know, could not answer that question. Mr. Tarricone asked if dirt did accumulate, would this dirt be called dust? Mr. Malone advised that was a hypothetical question, Mr. Syracuse was not qualified to answer. Mr. Syracuse advised he could not answer that if he paid him for it. Mr. Tarricone advised he would like to find out if overhead loader that is to transport aggregate from stock pile to conveyor is Diesel engine or gas engined or some other type? Was advised Diesel. Mr. Tarricone questioned him on the over head loader, if it was typical. Mr. Syracuse advised cost \$28,000. was mounted on rubber, Mr. Tarricone questioned rubber track? Mr. Syracuse advised four rubber tires on it. Mr. Tarricone questioned this front end loader would apparently be in operation continuously to keep the bin filled? Mr. Syracuse advised you put 150 yards of material in storage bin, takes sometime before you need any more material, unless business is so great you have to load it two or three times a day. Mr. Tarricone questioned what is the capacity of his mixing trucks or delivery trucks? Mr. Syracuse advised six and seven yard capacity. Mr. Tarricone said he said he intended to buy six trucks, so that with each truck delivering a load he would be handling or delivering something like 42 yards of concrete simultaneously? Mr. Syracuse replied right. Mr. Tarricone questioned, so your bin would only last for three deliveries? Mr. Syracuse advised he would say yes. Mr. Tarricone questioned he certainly did not intend to buy trucks and keep them parked in yard? Mr. Syracuse replied not unless Mr. Tarricone wished to give him the money. Mr. Tarricone went on, Mr. Malone is Town Attorney for Town of Victor; Mr. Malone answered he was not. On question of Mr. Tarricone, Mr. Syracuse advised he never resided in Victor, he was in business there.

Mr. Tarricone asked where he intended to get the water to be used in concrete mixing, was told from your hydrants. Mr. Tarricone asked if he intended to wash his trucks the way Baughman washes them, was told Mr. Syracuse did not see why not. He asked inside and out? Mr. Syracuse replied that is right. Mr. Tarricone questioned, of course, when you wash trucks, water will drain to ground won't it? Will run off somewhere won't it? Mr. Syracuse advised that is right, you can dig a hole 6' or 8' deep, 20' in diameter, let all your water go in there, Baughman has that now. Mr. Tarricone said he did not show such holes in his print.. Mr. Syracuse advised did not draw them.

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was not an architect. Mr. Tarricone returned this plant built for him and he would assume architect put into print what he wanted. Mr. Syracuse advised no, he just hired him and told him to draw him a blueprint. Mr. Tarricone questioned did he intend to build this plant and man to make delivery without telling him what he wanted? Mr. Malone said question was argumentative, Mr. Miller said it was not necessary, Mr. Syracuse advised it was a matter of taste, he knows of his experience. Mr. Tarricone questioned his print does not have any provision for disposal of water. Mr. Syracuse advised he did not see any on there. Mr. Tarricone asked him if he would concede that his overload loader will create noise, you can hear it? Mr. Syracuse advised when you load up the material you load up the motor and you will drive it over and dump and go back in there and pick up until your bin is filled. You will hear the motor unless you are stone deaf. Mr. Tarricone questioned, unless you are stone deaf, you will hear hopper operate? Mr. Syracuse advised if you are not familiar with situation, you will not hear hopper, he was asking foolish questions. That hopper has no moving parts whatsoever. So now nothing to make any noise. Mr. Tarricone asked if conveyor has moving parts, can you hear that? Mr. Syracuse said no, if were you would hear it. Mr. Tarricone asked the trucks can be heard too can't they? Mr. Syracuse advised the trucks are O.K. just like automobiles. Mr. Tarricone questioned, so you intend to operate dust free, noise free and water free?

Mr. Charles Carroll, owner of property at 60 Paul Road, attorney representing Mr. Nicholas, leasing this property asked Mr. Syracuse what he intended to do with concrete that is put into truck and brought back to plant not used? Mr. Syracuse replied put hole in the ground and keep filling it, when filled, put another hole in, one hole will last three or four years. Mr. Carroll questioned from your experience, and he believed Mr. Russo testified, you usually bring back 1/2 yard or a yard. Mr. Syracuse felt not over a quarter of yard. Mr. Carroll questioned if there was provision in plans for discharge pit? Mr. Syracuse advised he did not see hole in the ground. Mr. Carroll asked if this pit would be near Black Creek. Mr. Syracuse advised yes it is, he owned to middle of Black Creek. Mr. Carroll asked possible some will go into Black Creek? Mr. Syracuse said no. Mr. Carroll questioned but discharge will be near Black Creek? Mr. Syracuse advised no, definitely not, he owned 9 acres there, can put hole here or there if he had to. Mr. Carroll questioned, you mention your plant in Victor was State inspected, what for? Mr. Syracuse advised sand is state inspected. Mr. Carroll questioned nothing to do with dust or noise? Mr. Syracuse advised no.

Mr. Merkel questioned Mr. Syracuse, he stated dig hole for discharge, how big a hole was he going to dig. Mr. Syracuse advised 8' deep, 20' in diameter. Mr. Merkel questioned him about the dirt he was taking out to dig the hole, Mr. Syracuse advised intended to put it alongside of Black Creek, had a 600' area. Mr. Merkel questioned use it as land fill? Mr. Syracuse advised right. Mr. Merkel asked him if that created any dust, moving that dirt around?

Mr. Don Nicholas advised he expected to be operating next to Mr. Syracuse. Mr. Syracuse stated no building 2600' of his place. He had a garage within 200' or 300' of his place, two garages. Also he said he was going to dump his waste into these holes, are they going to be dug along Paul Road or across creek? He notices land fill already coming over into his side. Mr. Syracuse advised him he was over to him the other day and asked him to go back and take a look at his piece of property because he said he wanted to get his business 100' back from road and way it is now it would not be back that far. He, Mr. Syracuse, wanted to buy his property. Mr. Nicholas continued, Mr. Syracuse said there was only going to be 1/4 of yard of waste concrete. He lived on Linden Avenue about 1/4 mile from DeWitt Plant and knew all the fellows in that cement mix plant and he used to own a trailer park, they built entire road with waste concrete the fellows brought to his place. If they wanted to buy, otherwise they would have to dump it. Had poured five or six yards left over from jobs that were taken out but were not run or something, and this went on day after day. They could still be buying concrete from them if desired. Not supposed to be selling it, but

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were. He explained the big area they had at DeWitt's which they filled solid with left over concrete and again explained how they got rid of it by selling it to individuals. Mr. Syracusa said that was DeWitt's. Mr. Hunter instructed them to restrict their comments to questions and questions to be relevant. Mr. Nicholas questioned what guarantee or bond are they giving to individual business around there; since they are practically guaranteeing this dust situation will not arise, this will not happen and guarantee they will not be dumping into Black Creek area, how many feet back from Black Creek itself, so that this will not be dumped over? Mr. Syracusa advised the plant itself. Mr. Nicholas questioned for all operations how much setback in there or should be asked of him. Would think 50' or 100' from Black Creek so waste material will not be dumped in it. Mr. Syracusa advised no material will enter into Black Creek at any time during his entire operation; from back, from road, he will abide by the Board. Mr. Nicholas asked him if he did not say he was going to take fill and dirt dug from holes and put it over the bank? Syracuse said he did not know what fill. Mr. Hunter questioned where he intended to put material from digging hole? Mr. Syracusa advised he had 200' to the creek from his highest elevation. Have 125' and still be 90' away from water.

Mr. Nicholas questioned where he intended to store trucks from Victor, at his place on Paul Road, did he figure on getting more than six trucks, a fleet or twelve or twenty, and where was he going to store the broken down trucks, he will have from time to time, ones that are not going, will they sit on same property? Mr. Syracusa said on same property yes. Mr. Nicholas inquired other broken down equipment, do you intend to operate like other ready mix plants on Linden, one across from DeWitt, did he intend to operate like that one? Mr. Syracusa advised if he was big enough like DeWitt. Mr. Nicholas felt his question not answered and would like to know answer, would like to know what he was going to do with all his broken equipment. Mr. Miller advised that was speculation and Mr. Syracusa did not have to answer. Mr. Malone asked Mr. Syracuse if he intended to store any junk trucks or such and Mr. Syracusa advised absolutely not.

Mr. Frank Breiner, owner of Chili Industrial Park asked and addressed Mr. Syracusa. Advised the people that lived out there for 10-15 years have known that corner for sometime. He lives 1/4 mile from this property and can remember sitting back in this hall several times when Town Board and citizens of Chili have begged, threatened and everything else to Town Board to get him to clean up that corner as well as area he sold to Chili Sewer Agency. Now his question is, what does Mr. Syracusa plan on doing with the junk, stones, trees, rubbish, trash and everything else laying in this property, that the citizens have to look at? Mr. Syracusa advised you cannot see if from the road, you cannot see anything on that property if you stand on stilts to look at it. Mr. Breiner advised he would like to lighten his mind a little more in regard to this concrete plant, Mr. Syracusa says there is to be no dust in this operation, still and all he says his stock piles are going to be 50' from conveyor belt. Mr. Syracusa advised, no the engineer said that they run anywhere from 15' to 50' from hopper. Mr. Breiner questioned he estimated how much acreage of this land, of this 9 acres he owned is going to be seeded roadway, and how much acreage all under gravel dust which is up around the plant, had he any study? Mr. Syracusa advised no. Mr. Breiner asked if his maps showed it. Mr. Syracusa advised he did not know if they do or do not show capacity of amount of material stored there. Mr. Breiner said you do not know. We, the people here in Chili living by this place, feel and know they are going to get dust at dry season, do not care where you go or what type of material other than 100% oiled material every week will hold down dust as long as traffic going over. Mr. Miller questioned if Mr. Breiner were testifying or asking a question. Mr. Breiner advised working up to his question. He continued Mr. Syracusa stated before he was going to oil roadway, only his plans do not show how much acreage going to be left open. Can he believe then that he is going to oil only up to edge of his roadway and this area all around plant will be open with no oil, or anything else on it? Mr. Syracusa questioned was he asking him if he was going to asphalt balance of property? Mr. Breiner advised he was going to oil to end of driveway from

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road! We assume 100' from where plant set up, what he was asking was; was he going to oil or calcium balance of area of his trans mix area that he was going to use? Mr. Syracusa advised yes he was. Mr. Breiner advised him he thought he had better ask Mr. Russo and see what effected by that. Mr. Malone advised him he was testifying now. Mr. Miller told him to keep it to questions. Mr. Breiner asked Mr. Syracusa was it not true that this batch plant he was setting up will have a boot whereby he top loaded his drums, right or wrong? Mr. Syracusa advised he did not know what he was talking about. Mr. Briner advised on these drum or load these trucks from bin hopper. Mr. Syracusa advised bin hopper. Mr. Breiner continued, you say going to load this with boot on this loader. Like what happens to balance of dry concrete that does not go into truck at this point? Mr. Syracusa replied, where to you want it to go, he did not know where it is going. Mr. Breiner asked is it true are you going to have a vibrating system on your bins to get the material into the truck? Mr. Syracuse replied no, do not need vibrating for material to go into hopper or back it out of hopper into bins. Mr. Breiner asked do not all ready mix plants have them. Mr. Syracusa replied he did not know. Mr. Breiner replied we can figure this plant is not to be equipped with vibrating to make this cement? Mr. Syracuse advised no vibrator on any equipment on Paul Road unless material needs vibrator. Mr. Malone had been talking to Mr. Syracusa and Mr. Merkel asked that the record show Mr. Malone was coaching the witness.

Mr. Breiner advised where this plant is going, he would like to see the plot map if he could in relation to the fence of the jet runway and where plant is to be set in relation to where jet turns around. Mr. Syracusa advised 60' or 70', about 300' away from fence line. Mr. Breiner was shown the map, and advised he would like Mr. Syracusa to show him how far. Was shown where airport fence was, which he studied, which did not have scale. Mr. Hunter asked could Mr. Syracusa estimate how far runway from fence line? Mr. Syracuse advised would dare say 450' from fence line to runway. Mr. Breiner asked so we can assume another 300' to jet taxiway? Mr. Syracuse advised he did not know. Mr. Breiner asked him if he had been out lately since two motor and three motor jets up on turnaround at end of runway, had he been out there to observe amount of air these jets are producing when they turn the power on? Mr. Syracuse advised no, he did not get out of pit until 5:00 about 6:00 when he gets home, not lucky enough to see one. Mr. Breiner questioned would he not, say with blast of air when jets making turn around here it will pick up his stock pile dirt in area and put it in area around there? Mr. Syracusa advised no, absolutely not. Mr. Breiner asked if he was saying jets will not make this blast of air? Mr. Syracusa said if they are will not be able to move that material around, if they do might move it from or couple of feet, 3 or 4 feet, that is about it. Mr. Breiner asked how about dry dirt on ground. Mr. Syracuse asked him what is happening in airport, do you see that move? Mr. Breiner advised he had seen plenty of it.

Mr. Pudup, 330 Paul Road advised he would know what this is going to look like, he has seen this property, one complaint after another for last couple of years; what he did with that property. From what done in past, how can we take his word now. Mr. Hunter told him to confine his questions to property. Mr. Pudup advised he was talking about that property. Had problem there before. What guarantee do they have they can take his word on statements he is making, what conditions, what going to do with cement left over, what with water. Mr. Hunter advised if Board sees fit to approve this, they will lay down certain conditions and do its best to see they are enforced. Mr. Pudup said businessmen in business to make money, seems odd to him man going into venture spending money he is going to be spending knows so little about what is going into that plant.

Mr. Schiano, 31 Paul Road asked to have the size of piles of inventory clarified that will be on Paul Road. Felt that 100,000 or 200,000 tons would reach as high as 70' and probably pertain to the Victor Plant. On Paul Road property, how high would he estimate piles of inventory. Mr. Syracusa advised 20', 25', 30', that will give him all material he will want to produce for the week if he has any kind of business at all. Would say 20' to 25' would be his limit.

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Mr... Wilcox of 561 Paul Road questioned, he would like to know on house down there, how close will that come to house, how close cement building come to his house? Looked at map, no scale on it, how close coming to present house on his property. Mr. Syracuse advised about 350' to 400' away, He asked east or west, and was told west of house. Mr. Wilcox inquired how deep is that property on west side of that property? Mr. Syracuse said about 400' at tail end. Mr. Wilcox asked how many feet will these stock piles of sand and gravel, each pile separately cover, in diameter of each stock pile? Mr. Syracuse advised would daresay in vicinity of 100' at bottom. Maybe 70' mabe 60', never can tell. Mr. Wilcox asked but will not come closer than Town ordinance to the lot line of Little Black Creek? Will not violate any zoning ordinance? Mr. Syracuse advised no.

Mr. Tarricone said he would like to know when Mr. Syracuse saw these maps that have been submitted, proposed layouts? Mr. Syracuse advised there is four copies. Mr. Hunter said he did not think this is a pertinent question. Mr. Syracuse advised he did not know, could not tell. Mr. Malone asked him if he brought these into his office about a week ago and Mr. Syracuse said yes.

Mrs. Wilcox, 561 Paul Road questioned Mr. Syracuse, he mentioned his house, is this a residential house? Is it used for residential purposes? Mr. Syracuse advised someone is living in there now. Mrs. Wilcox asked him if it is a residential home? Mr. Hunter advised her that was not pertinent to question here tonight. Mrs. Wilcox said it was in a way being a plant next to a home. Mr. Hunter advised it is all industrial property. Mr. Miller advised it was immaterial whether it is or not, property is industrial. Advised Mr. Syracuse not to answer the question. Mrs. Wilcox read from the Zoning Code having to do with residential property and again questioned Mr. Syracuse if this residential or not. Mr. Hunter advised he thought this would have come up when the house went on there, does not think it pertinent to this tonight, there is somebody living in there now, there is a family living in it. Mrs. Wilcox again asked is it residential house there or not. Mr. Hunter advised he had already rules on the question.

Mr. Merkel called Mr. White for questioning. Asked him by whom he was employed and what his position with them was. Mr. White replied Stone Conveyor Company, Inc. Honeoye, N.Y. and he was a salesman. Mr. Merkel questioned as a salesman was he connected in any way with design of this trans-mix. Mr. White advised drew basic design work on all equipment he sells. Mr. Merkel asked what were his qualifications as far as design, what degree? Mr. White advised he held no degree. Mr. Merkel asked what training he received or was in process of receiving concerning design of trans-mix plants. Mr. White advised had no schooling along those lines. Mr. Merkel questioned had he worked under supervision of engineer or designer of this type? Mr. White advised no one that holds any degree. Mr. Merkel questioned no formal education as far as engineer? Mr. White advised no. Mr. Merkel asked where he had gotten his experience for the design he drew of this plant? Mr. White replied Fallon Air - 11 years. Mr. White on question of Mr. Merkel on what experience during eleven years in designing these plants advised worked in engineering department for a year, worked as draftsman, did some design work, not on his own, but under supervision of engineer. Mr. Merkel asked if his firm were going to sell this plant to the applicant? Mr. White advised not necessarily. Mr. Merkel questioned you have given him bid on this plant? Mr. White advised had given him no prices. Mr. Merkel asked him if they had discussed proposed sale and he replied no, they had not.

Mr. Merkel stated Mr. White stated that the only time dust, cement dust would be expelled from this particular hopper was when vibrator was working. Mr. White advised he made no mention of any vibrator. Mr. Merkel asked if there was going to be one on there. Mr. White advised depended on Mr. Syracuse. Mr. White advised plans made no mention of any vibrators on Mr. Merkel's question if the plans show vibrator on them. Mr. Merkel questioned he said dust that is expelled is negligent. What is percentage of dust expelled

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per ton. Mr. White advised he had no percentage. Mr. Merkel asked if he had run any test to determine percentage. Mr. White advised no he had not. Mr. Merkel asked him if he were able to state the distance that dust will travel at varying velocities of wind? Mr. White advised he was not. Mr. Merkel asked him if he were able to state here what effect cement dust or sand will have on precision instruments and precision tools? Mr. Malone advised Mr. White had said there was no dust, hypothetical question. Mr. White advised he would like in turn to ask how precise are they talking about? Was told 2/10 of a thousand. Mr. White advised he worked as a machinist at Gleasons and 2/10 is normal grinding and not extremely precision. Mr. Merkel questioned did he ever work under cement dust conditions and note the effect at Gleasons? Mr. Merkel then questioned is some dust expelled from this plant? Mr. White advised can sweep the floor and get dust. Mr. Merkel questioned, you are going to mix sand, gravel and cement, is that correct? Mr. White advised plant will not mix anything, measure it out in certain set amount and then combine it. Mr. Merkel questioned, this plant entails raw material of sand, gravel and cement? Mr. White advised correct. Mr. Merkel questioned he testified before, process unload transport bringing it in, loading it into hopper or loading it into storage bin or measuring it out or some steps, some cement dust expelled into air, only time closed when dumped from hopper into the ready mix trucks. Is there any dust, whether from sand, gravel or cement expelled into air? Mr. White advised he could not truthfully say. Mr. Merkel questioned did he not say in response to Mr. Malone there was some dust, but negligent? Mr. White advised probably did, yes. Mr. Merkel questioned, as far as percentage of dust, you have no figure? Mr. White advised he had no figures. Mr. Merkel asked did he have any books, other data available to determine percentage? Mr. White advised there are none that he knew of. Mr. Merkel questioned what tests had his firm run to determine any dust expelled into the air from this particular plant? Mr. White advised did not know if run any tests.

Mr. Merkel told him he believed he said typical operation would be Baughman's on trans-mix. Mr. White advised in general he thought all in area are same. Mr. Merkel asked him to be specific, is Baughman's. Mr. White advised did not know specifically, had never been in Baughman's plant.

Mr. Merkel questioned he heard Mr. Russo testify conveyor should have top on it and storage bin hopper should have top, did he recall that. Would he say these recommendations would be considerable with good trans-mix manufacturing practices? Mr. White advised this depends on operation, whether in summer use or winter operation, as Mr. Russo said, in winter is must, in summer operation not necessary. Mr. Merkel questioned where is filter box going? How often is that changed? Mr. White advised depends on the usage. Mr. White questioned if this filter box were not changed, it would expel a greater degree into air, and even in perfect working order, is not some dust expelled into the air from that area? Mr. White advised very little. Mr. Merkel asked how much? Mr. White told him he had no figures. Mr. Merkel questioned 1/2 of 1%? Mr. Malone advised Mr. Merkel Mr. White had said he had no figures. Mr. Merkel said, in other words, you have no idea? Mr. White advised no, not amount of percentage.

Mr. Tarricone asked Mr. White if he had prepared these drawings submitted by Mr. Syracusa? Mr. White advised he did. Mr. Tarricone questioned the ones presently labelled Exhibit 1, 2, 3, did he prepare all three? Mr. White advised yes. Mr. Tarricone asked if he could tell them when he prepared this? Mr. White advised the date was on the bottom. (upon checking the exhibits it was found there was no date on them). Mr. Tarricone questioned if he had any idea when these were prepared. Mr. White said maybe two weeks ago. Mr. Tarricone questioned when you say maybe two weeks ago, do you mean two weeks ago? Mr. White advised he could not give an exact date. Mr. Tarricone questioned, but he knew not prepared a month ago, right? Mr. White advised right.

Mr. Carroll questioned Mr. White said on direct testimony he was here representing the industry. Mr. White advised he said in benefit of the industry. Mr. Carroll asked him what he meant by that. Mr. White advised the cement

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industry, could be sand, gravel, cement. Mr. Carroll asked who asked him to come here tonight. Mr. White advised Mr. Syracusa. Mr. Carroll inquired if Mr. Syracusa was paying him for his testimony. Mr. White told him he was not. Mr. Carroll asked him if he had done business with Mr. Syracusa and Mr. White replied a little. Mr. Carroll asked him if he intended to do business depending upon the outcome? Mr. Malone felt that question not in order. Mr. Carroll questioned he was representing Mr. Syracusa and not cement industry, is that not a more correct statement? Mr. White advised he did not believe so. Mr. Pudup inquired how much of this plant is Stone Conveyor supplying? Mr. White advised they could supply the whole plant. Mr. Pudup inquired what were they negotiating for? Mr. White advised nothing whatsoever at this point. Mr. Pudup observed they were under some negotiation if he was making drawings. Mr. Malone advised trying to sell plant. Mr. White advised he would like to sell the whole plant. Mr. Pudup inquired if Stone Conveyor manufactures all this equipment? Mr. White advised all that is shown on the drawing, yes.

Mr. Merkel questioned Mr. Russo. Questioned he had been in trans-mix business since 1954? Mr. Russo advised that is right. Mr. Merkel questioned he believed Mr. Russo stated he had had various plants built around the area. Mr. Russo advised two plants. Mr. Merkel asked if he had actually built these himself. Designed these places himself. He went around the country and took pictures of what he felt was good and made design and this was what he built. Mr. Russo advised correct.

At this point Mr. Hunter advised due to the lateness of the hour (11:00 P.M.) items 2 through 6 on the agenda will be heard at a special meeting of the Zoning Board to be held October 4th 1966, a week from tonight at 8:00 P.M.

Mr. Merkel asked Mr. Russo if he had seen a plant similar to one applicant proposed. He was advised yes. He inquired where was it located? Mr. Russo advised on Linden Avenue. Mr. Merkel asked him how about Baughman's on Jefferson Road, would he say operation there typical example of operation applicant proposes? Mr. Russo advised only on one condition, Mr. Syracusa has conveyor, Mr. Baughman has crane. Conveyor does not have engine. Mr. Merkel questioned, then as far as it goes, no appreciable difference. You say you have designed one yourself? Mr. Russo advised he had worked with engineers, told them what he wanted and had it put together. Mr. Merkel questioned had he had any formal engineering himself, any formal design himself? Mr. Russo replied no. Mr. Merkel questioned if this type of operation being proposed here, does that expel sand dust? Mr. Russo advised no. Mr. Merkel asked him if he had seen the plans proposed here this evening? Mr. Russo advised he had seen other plants like it. Mr. Merkel questioned is there any dust expelled from this type of operation? Mr. Russo advised if there is you can control it. Mr. Merkel questioned is there any expelled? Does cement dust get into the air, in accordance with plans he had there? Mr. Russo replied when you are loading a truck, everything is going into the drum. Mr. Merkel asked, your testimony, no dust? Mr. Russo advised no. Mr. Merkel said he was talking about Mr. Syracusa. Mr. Russo said does not. Mr. Merkel questioned if there was any dust expelled at Baughman's at Jefferson, residue of cement around ground, around equipment. Mr. Russo advised when they come back they wash up. In their line of business, the last load of mixed concrete left over, and if he caught one of his salesmen selling it, would fire him, when concrete comes back they use it to pave their yard. Mr. Merkel asked him what happens when he gets done paving his yard and he replied that would take a long, long time. Mr. Merkel questioned if he was holding himself as an expert? Mr. Russo advised no, just lucky, made a lot of money, written in a Trade Magazine.

Mr. Merkel said he would like to know why Mr. Russo had come here tonight, for what purpose, to tell us no cement dust from this operation? Mr. Russo advised he said if there is, you can control it. Mr. Merkel questioned what proof of loss of cement or what expels into air? Mr. Russo advised cannot afford to have it, do not know proof. Mr. Merkel returned you say can be controlled? Could he point out on plans submitted here what specific controls are? Have been talking about cement going into truck. Mr. Russo

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replied if you think going to get dust, pipe end of small hopper. Mr. Merkel asked with open conveyor any dust, open storage bin any dust from that open sand, if measure sand as concrete? Mr. Russo replied no to all, unless pick up back feed and start blowing. Mr. Merkel asked if does, how many feet does it blow? Mr. Russo replied did not know. Mr. Merkel asked him how about gravel stored there, any dust that accumulates? Mr. Russo advised no worse. Mr. Merkel asked how about cement truck, any dust blow off them? Mr. Russo advised yes at 80 miles an hour. Mr. Merkel asked how about at 35 miles an hour? Mr. Russo advised no. Mr. Merkel questioned even if you are driving behind one? Mr. Russo advised yes, he has 37 trucks on road, he should know. Mr. Merkel questioned there is no dust and Baughman's plant on Jefferson is typical example of this type of operation and absence of dust or presence of dust that would exist on Baughman's would be same on Mr. Syracuse's, is that correct? Mr. Russo replied Baughman's plant is closed, this does not show that it is closed. If he was putting it up, he would close whole thing. Mr. Merkel remarked Baughman's is closed, this is not, so one on Jefferson Road would have additional? Mr. Malone advised they amended their plans. Mr. Merkel questioned does this amendment include a cover on it? Mr. Russo advised these are tricks learned the hard way. Mr. Merkel said he had been called as leading witness in testimony, summing it up, most dust can be controlled, good example is Baughman's or Dolomite. Mr. Russo advised Baughman's is equal or not better.

Mr. Merkel questioned he assumed one of factors to control dust is filter system. What happens if this filter were plugged or not changed? Mr. Russo advised you are pumping cement upstairs at 50 lb. pressure and if plugs up cannot get it up, it would not move. Mr. Merkel questioned if he was there when he, Mr. Merkel was asking Mr. White a few questions. Believed he said you would release more cement into air. Mr. Russo advised he disagreed there. Unless he has a different filter. Mr. Merkel advised they were talking about usual filters will do. Also Mr. Russo testified this type of operation can be airtight. Mr. Russo advised he did not say airtight. Mr. Merkel questioned was there not a possibility some of this dust will get into the air? Mr. Russo replied, yes, if you are pumping cement upstairs and she plugs, bound to get some. Mr. Merkel questioned not an airtight operation is it? Mr. Russo advised he thought it is air tight. Mr. Merkel advised him he was changing his answers from a number of seconds ago. Mr. Russo replied he says he could make it air tight. Mr. Merkel questioned is this going to be air tight? Mr. Russo advised he would make sure it is going to be. Mr. Merkel asked him to tell him how he was going to make it air tight. Mr. Russo replied now he was asking him some tricks it had taken him 20 years to learn. Mr. Merkel questioned to hold dust down. Mr. Russo replied if you get any dust. An argument ensued between Mr. Merkel and Mr. Malone on the use of the word dust. Mr. Merkel again questioned Mr. Russo, in other words this is going to be an airtight situation. Mr. Russo replied can make it air tight. Mr. Merkel questioned, these plans as shown, this is going to be an air tight operation. Asked him if he would care to look at them again. Mr. Russo questioned Mr. Syracuse if his trucks were going to be all the same height. Mr. Syracuse replied yes as far as he knew. Mr. Russo answered Mr. Merkel, yes, he can make it airtight. If he has truck 10' has to have butt that goes down 10'. Mr. Merkel questioned when unload truck, any residue left in butt? Mr. Russo advised no. Mr. Tarricone questioned, actually all these dust control measures he was talking about are dust control of hopper, conveyor and bin? Mr. Russo replied and cement. Mr. Tarricone observed all testimony about dust control has not concerned the dust control of dirt on the ground, and this is where real problem is. Mr. Russo answered if he paves road, no problem. Mr. Tarricone advised go a step further, if paved it and keeps it clean, because if paved and does not keep it clean, Mr. Russo advised keeping it clean no problem. Mr. Tarricone observed he did not ask if problem to keep it clean, he said if does not keep it clean, then problem on dust. When your stock pile aggregate wet, aggregate is washed or not, in handling you cause more dust? Mr. Russo advised they do not. In his experience he does not. Mr. Tarricone questioned, when truck dumps load of stone, stones rub against each other, does this constitute dust? Mr. Russo advised him he should read his article, would save him a lot of headaches. Mr. Tarricone advised if he was here

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making the application they would not be as worried. Questioned when these stones rub in being dropped from truck some are crushed and pulverized, does actual fine particles of sand, drift clear? Mr. Russo advised Mr. Syracusa crushes his stone with impact and anything goes through impact makes dust. He crushes stone like he does, he was first one to put one in ten years ago, rest are following suit. When goes through impact crushes clean. Mr. Tarricone question what about bank run ground gravel? Mr. Russo advised do not use for concrete. Mr. Tarricone questioned on non State Job? What is to prevent Mr. Syracusa from using bank run gravel? Mr. Russo advised he would be out of business in one week. Mr. Taricone questioned just law of competition will prevent him from doing this? Mr. Russo advised no one in this room would buy concrete if bank run gravel. Mr. Tarricone advised there is such thing as bank run gravel and it is being used in concrete. Mr. Russo advised he agreed with him some may be, but they in industry never use bank rub.

Mr. Tarricone questioned Mr. Russo observed the print of Mr. Syracusa, did he see those for first time tonight? He did not see any provision for disposal of wash water for trucks, not even provision for washing trucks are there, and no office provision, are there? Mr. Russo advised we are taking ready mix and dust, not office.

Mr. Pudup questioned, did somebody say conveyor going up 72'? Mr. Hunter advised height on plans shows 38' to top of conveyor.

Mr. Frank Breiner questioned, he heard Mr. Syracusa make statement that he would oil the entire area where he is operating from. Is this allowable procedure? Mr. Russo advised he does not know nothing about this concrete, going to have a lot of headaches he does not know about. Mr. Breiner questioned can they assume area from stock pile to conveyor and around cement plant is not to be oiled, whereby residue you pick up will have tendency to blow around? Mr. Russo advised no, if he had that problem could be couple of sprinklers and keep it wet. Mr. Breiner asked why then did he not do that on his plant? If this is going to be an example of ready mix plants around like DeWitt, Ludington, why don't you people do something then to keep down dust where your delivery trucks are driving in and out making dust by crushing your gravels and everything else. Mr. Russo advised they do. Mr. Breiner advised he had been by his place, wind blowing from northwest. Mr. Russo advised he saw fine sand, not coarse stuff. Mr. Breiner advised drawing sand from your gravel pit to your elevator silo whereby you were loading your trucks. Only wants to state here this cement dust dries out and blows. Mr. Russo advised they go through with tank and on hot day and dump 2,000 gallons of water, two or three times. Mr. Breiner advised saw trees to west are grey from dust, east of your cement plant. Mr. Russo advised they are cutting the trees down, they do not have any trouble. Mr. Breiner questioned, he heard Mr. Syracusa say he is going to leave his trucks around his yard, broken down and everything else. Can they assume then his operation at a future date is going to look like Mr. Russo's when looking over 96, seeing all broken down? Mr. Miller advised Mr. Russo not to answer that question. Mr. Breiner advised they know Mr. Syracusa's reputation from the past. Mr. Syracusa advised him they know his too. Mr. Hunter questioned if there were any more questions. Mr. Russ advised concrete that comes back they pave their yard with it. He advised Mr. Syracusa was getting into something he knew nothing about. Mr. Breiner advised they wish he would stay out of it.

Mr. Merkel questioned Mr. Russo, he said this operation could be made air tight, because truck going to be same height. Would an inch or two or three in each truck make difference? Mr. Russo advised he did not see on that plan a slide to take care of height. Mr. Merkel questioned a new truck would make a difference? Mr. Russo advised it would make a difference. Mr. Malone questioned would a slide butt take care of difference in height? Mr. Russo advised yes.

Mr. Hunter requested any one who wishes to stand up and go on record as being against this application, please do so.

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Mr. Wilcox, Paul Road advised he had already stated his reasons, setback and side lines at 15', thinks for industrial area supposed to go little more than that, definitely against it.

Mr. Tarricone advised if he might, before registering opposition, they have a witness that is prepared to testify as an expert, would like to proceed with this witness. Since Mr. Merkel and he have collaborated in this matter, wished to let him ask the questions.

Mr. Merkel called Mr. Stanley J. Klein, 1694 Highland Avenue, Rochester, N.Y. introduced him and advised he was employed by Mr. Tarricone and himself to do some work in regard to this application. He asked Mr. Klein where he attended college and was told University of Rochester. Mr. Malone advised he would waive recitation of his qualifications. Mr. Merkel asked him what degrees he had and he advised BSME in 1939 and New York State Professional Engineers Licence 1953. Mr. Merkel questioned a New York State Professional Engineer's license is given to one after passing a test? Mr. Klein advised qualifying examination given to all professional people such as doctors, lawyers, set up by Board of Engineers. On question he advised his present business is consulting engineer, does work for various concerns and businesses in area; does investigation work related to safety, public health as a result of negligence actions, liability actions from defective products. Mr. Merkel questioned what experience had he had with dust control or cement industries. Mr. Klein advised he was first introduced to subject of dust in 1947 when as director of engineering for manufacturing plant they were designing and building, cement block maker nearby, so had experimental product to be sent to South Avenue, LeRoy Machine Co., and so as result of different results and development work that was done, had occasion to explore the problems of dust which they were considerably aware of to begin with, because was precision manufacturing plant, products and parts for automotive industry. Mr. Merkel questioned during his investigation of this, did he have occasion to go to concrete trans-mix plant on Jefferson Road which had been referred to this evening. Mr. Klein advised yes. Mr. Merkel asked him what were his observations. Mr. Klein advised he found it to be quite contrary to evidence provided him, it was quite a dusty plant, he spent about 15 minutes there, actually got as much confirmation as needed, everything completely coated with dust and even a bad taste in my mouth, was perhaps 1,000' away from batch operation which in itself was covered with 1/4 to 1/2" of dust, particularly north road had previously been paved or oiled, so had hard surface, bottom layer of dust and as trucks came behind one then one saw quite a cloud of dust in the air. Mr. Merkel questioned on this day in fifteen minutes time he was covered with dust? Mr. Klein advised he was. Mr. Merkel questioned the wind velocity of that day. Mr. Klein did not recall any unusual amount of wind, little in afternoon. Mr. Merkel questioned if velocity of wind, from 5 to 15 miles, would the distance that cement dust travelled increase proportionately? Mr. Klein advised in all probability there would be, the finest would be carried an unlimited distance because certain particles do not settle outright, remain airborne. Mr. Merkel questioned he said he had some experience with precision machine and dust control. He questioned him about the particles of cement dust expelled into the air. Mr. Klein advised he had some data collected from different sources on cement industry and dust in general if they would be interested. Had a document put out by the National Safety Council in Chicago in 1963 entitled "Dusts, Fumes, and Mists in Industry". There are certain paragraphs quite pertinent to situation they might be interested in hearing about. This is published by National Safety Council, 425 No. Michigan Avenue, Chicago, Illinois. Mr. Malone inquired if they have one in New York State? Was he personally acquainted with any writers of that magazine? Mr. Klein advised 1/3 of national, contains perhaps 500-600 similar documents dealing with hazards and industry in general. This article related to dust in industry, defines dust, which might be of interest, he read. "The term dust as used in industry is generally applied to airborne solid particles that range in size from 0.1 micron to 25 microns (one micron = 1/10,000 centimeter = 1/25,000 inch). Process dusts below 0.5 micron in size are rare. Dusts above 5 microns in size usually will not stay air-borne long enough to present an inhalation problem. Dust may enter the air from various sources. It may be dispersed when a dusty

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material is handled, such as when it is dumped into a mixer or a product is dusted with talc. Dust may be formed and dispersed when solid materials are reduced to small sizes in processes such as crushing, shaking. In these processes, the mechanical action of the grinding or shaking device supplies a source of energy to disperse the dust formed".

Mr. Merkel questioned in regard to cement dust, did he have any measure or figures on what amount of size of particles of cement dust? Mr. Klein advised he did. Cement dust ranges in particles from 7-1/2, 20, 60 microns which means some will be airborne, some will settle outright. Mr. Merkel questioned, dust he observed that day was airborne, was it not. Mr. Klein advised observed both kinds. Mr. Merkel questioned in manufacturing of precision instruments, these bits of dust such as he observed at Baughman's plant, do they have any appreciable significance being in the air? Mr. Klein advised would indeed because of their size could be introduced into precision bearing surface. The size ranges to 4/1,000 of an inch and you could get quite a number of these into bearing in spite of mechanics to exclude them. Mr. Merkel questioned with these conditions, would that tend to throw off drill? Mr. Klein advised cement is made of material highly abrasive, introduction of these abrasive materials would indeed score and damage highly precisioned surfaces. Mr. Merkel questioned, as he heard testified this evening that applicant's plant would be run under same conditions as one on Jefferson Road, could he state with reasonable engineering certainty, there would be constant dust, would also be present in plant? Mr. Klein advised he would be quite certain he would have dust present in the plant if also did not take special measures to exclude it in the atmosphere, inside and outside. Mr. Merkel questioned, you say measures to exclude it, that would mean those in area would have to use certain type of air conditioning and other expensive measures to exclude this dust? Mr. Klein advised specially constructed air conditioners equipped with filter that would filter out and exclude dust, mechanical filter would not, need electrical filter. Mr. Merkel asked if they are expensive. Mr. Klein advised they are more expensive than mechanical filters. Mr. Merkel questioned if he had plant of approximately 20,000 cycles, would this increase motor of plant? Mr. Klein advised decidedly. Mr. Merkel questioned if this dust were located westerly of the precision manufacturing plant, this would be carried in prevailing westerly winds? Mr. Klein advised it would, it would be carried across plant of Gillette, into proposed Hamco on into Brighton, had a map to show such would be the case, which he produced. Mr. Merkel presented to the Board the map referred to by Mr. Klein and had it marked Exhibit #1 in opposition and asked proposed site of the concrete plant to be pointed out. It was pointed out that the Syracuse property is located down by Paul Road, Black Creek in this area. Mr. Merkel asked is that property located in what direction of property owned by Gillette Machine and Tool. Mr. Klein advised southwest. Mr. Merkel questioned and Hamco Electronics also southwest, as well as Morgood property site? Did he estimate distance? Mr. Klein advised scale 1" to 100' from nearest corner to Syracuse's over to Gillette would be straight line distance perhaps of 400' or 500' and to Hamco an additional 1,000' maybe 1200' in straight line. Mr. Hunter advised distance to property line, not building.

Mr. Merkel questioned, he said dust expelled could easily reach into Town of Brighton? Mr. Klein advised that is right, small particles are the ones in the air and could be included in precision machine parts and damage them once they settle down. Mr. Merkel questioned as far as dirt dug out of the ground and piled, that produce dust that will travel any appreciable distance? Mr. Klein advised in general the wash operation is perhaps 75% or 80% effective in removing dust. There are certain economics that prevents such a complete wash that you could exclude all particles, consequently when some dry or grade of stone, small dust particles would be given up regardless. Mr. Merkel questioned, and in moving of these gravel or sand on conveyor belt? Mr. Klein advised any movement unless drenched by water unless hydraulic flow. Mr. Merkel questioned or advised, such operation not hydraulic flow. Mr. Klein advised whenever revision in original draft of plant. Mr. Merkel asked if he had any experience in designing of cement plants. Mr. Klein

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Mr. Klein advised they have designed all types of conveyor and mixing equipment, but have not set up cement plants. Mr. Merkel questioned if he had examined plans of conveyor type belt. Mr. Klein advised he had not examined any plans submitted. Mr. Merkel showed him the applicant's Exhibit #1 and questioned him if these plans as are submitted show any kind of hydraulic or drainage system to cut down dust. Mr. Klein advised no, they do not.

Mr. Tarricone requested Mr. Klein to tell the Board what the effect would be on permitting this cement mixing plant to be erected and when referring to the effect on the growth of this area for the type of industry that is now being conducted by Gillette. Mr. Klein advised his feeling is it would have the effect, and already evidence that prospective operations would be unwilling to move in and if this is any indication he would say it would greatly hamper the growth of the community to industrial activity, particularly machine industries. He would say it would have that immediate effect. Mr. Tarricone asked, in other words, granting of this application would stop all future development along line of the Gillette plant? Mr. Klein advised he would not be so conclusive as that, but it certainly would give future prospective plants reservations about moving in.

Mr. Miller questioned in that article, what did he say micron size was of dust that blows in air, in article he was quoting? Mr. Klein replied in area of 5 or so micron, 7-1/2 to 60 micron approximate range of cement. Mr. Miller questioned he quoted area dust in air, in general what is settling rates for sizes? Mr. Klein advised dust 5 microns will take 2½ minutes to fall 1" and as particle size decreases to 6, 1/4 of minute, could take 5.90 minutes to fall one foot. Mr. Miller advised his question is, what size is airborne? Mr. Klein advised dust about 5 microns in size will not stay airborne long enough to cause an inhalation problem. Mr. Miller questioned 5 or larger will not stay airborne? Mr. Klein advised that is apparent from the data available. Mr. Miller questioned did he not say particularly cement was 7½ to 60? Mr. Klein advised cement is graded by microns, in any material, however, you cannot be completely conclusive that you do not have smaller or larger than. Mr. Miller advised he was quoting 7-1/2 to 60? Mr. Tarricone advised it covers the health factor with airborne. Mr. Klein advised there is rather general agreement as to effect ing health. He was questioned those less than 10 microns? He advised yes all the way up to 60 microns in size. Mr. Miller questioned what proof would he say cement dust would be airborne? Mr. Klein advised there is a manufacturing standard, certain percentage would screen out. Mr. Miller questioned he did not know on average load of cement is 60 or 50 or 7½. He did say airborn has to be 10 or less microns? Mr. Klein advised that is correct.

Mr. Miller questioned flour that goes into bread, is that considered dust? Mill flour? Mr. Klein advised yes it is. Mr. Miller asked would mill flour be a hazard to this type of industrial plant? Mr. Klein advised as far as abrasive property do, not far as the mineral dust, flour is organic in nature. Mr. Miller questioned how about dust expelled by carpet cleaning plant? Mr. Klein advised would contain all mineral dirts that were removed and could be equivalent to ground under your feet. Mr. Miller questioned would he say, as an expert, dust from a carpet cleaning plant would be harmful to this neighboring machine plant? Mr. Klein advised if submitted to area he would say it could.

Mr. Miller questioned he believed Mr. Klein said something about it effecting industrial growth in community as far as machine shops, what did he base this on? Mr. Klein advised prospective property owners such as Hamco and Morgood, etc. they would not enter this community under these circumstances. Mr. Miller asked if he knew this of his own true knowledge? Mr. Klein advised that is implication. Mr. Miller asked if he had any indication to believe others would have same feeling? Mr. Klein advised that is correct.

Mr. Miller questioned he stated sand dust 7½ to 60 microns but could not tell them offhand a batch in any given quantity, what percentage would be 7½ or 60? Mr. Klein advised he could not but information is available.

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Mr. Miller asked him if he would find it and submit it to the Board. Mr. Klein advised he would.

Mr. Hunter questioned Mr. Klein indicated on question of flour depends on quantity and anticipation. This could be a problem to a machine shop? Mr. Klein advised talking about carpet cleaning. Mr. Hunter questioned did he know from his own knowledge what kind of quantity and anticipation there might be from a concrete plant? Mr. Klein advised not until he finds out the percentage of size according to percentage of material that would constitute cement dust.

Mr. Malone questioned Mr. Klein, was there any dust in this room? Mr. Klein advised yes there is, but no way to tell percentage without a certified sample to determine it. Mr. Malone questioned had he made any determination of the dust on the Gillette property? Mr. Klein advised no, had not been retained to make such a test, and on question of Mr. Malone advised he had been in the plant. Mr. Malone asked if he knew how far 10 microns will travel airborne? Mr. Klein advised would depend upon velocity of wind. Any particle would remain airborne as long as propelled, will not settle. You can see any particle of 50 micron or over without aid of a microscope.

Mr. Malone asked him if he knew what sand it? Mr. Klein said yes. Mr. Malone asked him if that was dust? Mr. Klein advised tentative object not considered dust because it is granulated. However, he would like to modify it. Mr. Malone questioned he was an expert in dust was he not? Mr. Klein advised he had some information available on the subject. Mr. Malone asked him if he had any degrees in studying dust? Mr. Klein advised he did not know any college that offers such degrees. Quite possible an M.D. might have. Mr. Malone asked him if he were an M.D. and Mr. Klein advised no. Mr. Malone asked Mr. Klein if there are instruments you can take outside and measure dust for the 10 mile an hour wind? Mr. Klein advised yes there are. Mr. Malone question did he have such an instrument? He advised no and Mr. Malone questioned who has. Mr. Klein advised believed Department of Health at local level, State level and County. Mr. Malone asked him if he knew any local law, state or National that has any air pollution control? Any State in U.S. or national government that has air pollution control? Mr. Klein advised that is a point of locality. He did not know, no. Mr. Malone questioned he was an expert was he not? Mr. Klein advised on certain aspects of dust. Mr. Malone questioned he would know if such a law on air pollution. Mr. Klein advised there is current legislation. Mr. Malone questioned any criterion for measuring under State that he knew of, he was an expert. Mr. Klein advised on engineering expansion, not legal. Mr. Malone questioned do any of these books say that there is such a law or any way to measure? Mr. Klein advised there are standards established which control the limits of air pollution. Mr. Malone questioned that he knew of. Mr. Klein answered cannot find any. Mr. Malone asked if any regulation that he knew of in the Town of Chili law that governs the air pollution? Mr. Klein answered if are, he does not know them. Mr. Malone questioned any standard under the laws of Chili in regard to air pollution. Mr. Klein advised if there are he did not know them. Mr. Malone questioned, in other words he did not know of any standard for fixing dust under the zoning laws of the Town of Chili. Mr. Klein advised he knew methods of sample and comparison, two such standards. He cannot state such laws, has had no occasion to investigate legality. Mr. Malone advised Mr. Tarricone who objected that he was asking him if he is familiar with the Town Law. Mr. Klein advised he was not retained to investigate legality of air pollution. Mr. Malone asked him what he was retained for. Mr. Klein advised to determine if such conditions resulting from plant operation would produce hazards harmful to health, machines, and he can prove that it does, whether or not it is legal or not is irrelevant to his observations. Interest in it inherent rather than legal. Mr. Malone observed he did not care about property rights.

Mr. Malone asked Mr. Klein if he was familiar with the Gillette plant, had he ever been there. Mr. Klein advised yes. Mr. Malone asked if he knew

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if any filter on building. Mr. Klein advised did not know. At time he was in their plant was consulting on another subject and did not make a survey or the plant. Mr. Malone questioned do trucks go by road that Gillette plant is on? Mr. Klein advised as far as he knew. Mr. Malone questioned is there dust from traffic on a road. Mr. Klein advised it is inevitable. Mr. Malone questioned what size are these particles that would come naturally from road? Mr. Klein advised he could not say, generally you find some particles on your own sidewalk, maybe in your own living room carpet, particles vary from one micron to 50 microns. Mr. Malone questioned so that dust of one micron would get into a plant operated under this high precision unless had proper filter? Mr. Klein advised problem arises from dust density, not necessarily from one particle, but dust density thing you have to be concerned with. Whether or not constitute problem of filter would be how much. Mr. Malone questioned if he was familiar with airport. That was all dug up around there and planes going in and out. Did Gillette hire him to investigate dust then? Mr. Klein answered no. Mr. Malone questioned, you would say with dirt through several acres being torn or dug up would cause problem to a plant, would he not, by side of tool plant? Mr. Klein advised if dust were raised in cloud regardless of cause, it would constitute a problem. Mr. Malone queried, in other words, sand is not dust, we agree? Mr. Klein advised dust is relative term, sand reverts to grains, first dust, finally grains. Pure sand that has been thoroughly sifted and washed free of all dust would drop to ground, but that is hypothetical case. Mr. Malone questioned he heard question. Mr. Klein advised yes, he can agree with him, pure sand, but you do not find it in actual conditions, you always find mixtures of small particles, larger particles, even if washed. Mr. Malone questioned what percentage, had he ever experimented with it? Mr. Klein advised had conducted some tests in regards to abrasive hazards. Mr. Malone said he was asking about sand. Mr. Klein advised yes, particles of sand and more finally abrasive action on pump action. Mr. Malone questioned would he say could be concrete type sand or fine? Mr. Klein advised no, it would be the same thing.

Mr. Malone questioned map he produced, opposition's Exhibit No. 1, is that drawn to scale? Mr. Klein advised had not scale on it. Was using it as reference, apparently it is professionally drawn map. Mr. Malone questioned he did not know where it came from? Mr. Klein advised Mr. Tarricone could probably tell him where it came from. Mr. Malone asked him if he was familiar with the property where this plant is to be located? Mr. Klein advised yes, it is indicated here on the map. Mr. Malone asked him if he were familiar with the trees on the back? Mr. Klein advised not with the trees. Mr. Malone questioned would he say trees in the area, that would have some bearing on stopping any dust that was travelling or would that go right through the trees. Mr. Klein advised it might have a small bearing effect; but airborne dust will rise to very great height, way above tree level. Mr. Malone questioned how high. Mr. Klein advised as high as air currents would carry it. Mr. Malone queried probably would not land in proximity area; land in Brighton or Pittsford. Mr. Klein advised what he said was very fine airborne dust traveling in southwesterly, north easterly direction could in fact be carried into Brighton. Mr. Malone questioned Mr. Russo has plant in Town of Mendon, probably 15-20 miles from there, we could be getting dust in his machine plant from his plant? Mr. Klein advised using radio active trace detector we could probably prove it. Hypothetical, you could conduct such a test. Mr. Malone questioned, ordinarily, if particle is airborne travels quite a distance, could travel more than 2500'? Mr. Klein advised depending on air velocity. Mr. Malone questioned, ordinary particle will travel quite a distance, say 2500 feet? Mr. Klein advised would not want to say, too hypothetical.

Mr. Malone questioned when he was at Baughman's plant, what day was he there. Mr. Klein after considering said he believed it was the 29th or 30th of August. Mr. Malone asked him how long he was there. Mr. Klein advised approximately 15 - 20 minutes. Mr. Malone questioned that was the only time he was there? Mr. Klein advised he had passed by there many, many times. Mr. Malone questioned before this? Mr. Klein advised he did business on Jefferson Road with many of the plants, with Strasenburgh's. Mr. Malone

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asked him what Strasenburgh's do. Mr. Klein advised they are related with pharmaceutical concern. Out of prevailing wind direction. Mr. Malone questioned are there not some instruments used in that business? Mr. Klein advised he presumed so; did not know all their pharmaceutical operations, mixing, batching and packaging of drug matter. Mr. Malone questioned they never complained to him of dust? Mr. Klein advised never had occasion to discuss it. Mr. Malone questioned, but never complained to him. Mr. Klein advised never had, he had talked to plant engineer but that subject had never come up. Mr. Malone queried he was an expert but they never hired him or complained about dust. That is pharmaceutical instrument plant that produces. Mr. Merkel objected to questions, felt it is not relevant, privileged conversation between client and agent. Mr. Hunter requested Mr. Malone to confine his questions relevant to the plant in question. Mr. Malone asked Mr. Klein if he saw the machine shop on the Baughman property? Mr. Klein advised he did not enter any of their premises, remained on the outside looking at it objectively. Mr. Malone questioned where? Mr. Klein advised along main driveway leading into drive around maintenance building, around batching building. Mr. Malone asked when he said machine shop, what did he mean by that. Mr. Klein advised he did not enter their machine shop, if they do have one, he did not know it. Mr. Malone asked if he drove into the property. Mr. Klein advised yes. Mr. Malone questioned and were back toward batch plant, did he talk to any one there? Mr. Klein advised no, it was about 4 or 5 o'clock daylight savings time.

Mr. Malone questioned, would he say a machine shop that was repairing trucks, was fine machinery involved there. Mr. Klein advised he could not say. Mr. Malone asked him if he knew anything about trucks. Mr. Klein advised yes, knew there are pressure parts in trucks. Mr. Malone questioned, would he say Baughman, if he was repairing trucks and using machinery for pressure parts to put in \$30,000 truck beside this batch plant, he would be endangering his repair work? Mr. Klein advised depending on what kind of work he was doing. If he were using pressure machinery believed would be layer of dust over whole building. Covered with dust himself. Mr. Malone asked if he took a sample. Mr. Klein advised did not, wiped it off window sills and clothing. Mr. Malone said did not measure that dust. Did he ever leave his car in any parking lot down town? Mr. Russo questioned any dust when he came out? Mr. Klein advised not as noticeable as this. Mr. Hunter asked when was the last time. Mr. Hunter advised he did not see the value of any more of this. Mr. Malone insisted he answer the question. Mr. Klein advised around same day they had their meeting, perhaps the 30th of August.

Mr. Grippo, 18 Adela Circle questioned how far is Mr. Syracusa's plant going to be located from jet runway. Mr. Hunter advised 450' to airport fence on his property. Mr. Grippo inquired would he say his proposed plant would be about 1,000' from jet runway? Mr. Syracusa advised he would say 400' or 500' away. Mr. Grippo questioned Mr. Klein, he had stated he was at Baughman's plant for 15 or 20 minutes and he was full of dust and his car in that time. Mr. Klein advised yes, could even taste it. Mr. Grippo questioned he also stated he was professional as far as equipment machine parts. Would he say jet engine is pretty pressure in intakes? Mr. Klein advised he would not say jet engines are particularly effected by dust particles in air because customary effect is negligent, so constructed, and sealed it would not effect rotation of motors he is sure. Mr. Grippo questioned in his opinion if Baughman's plant was located and same conditions were here that day he visited the plant, would he say would have any effect on any air machine engines equipment? Mr. Klein advised if engines were being maintained, inspected, repaired would have same effect as on any machine shop. It would be harmful for your maintenance procedures.

Mr. Russo asked Mr. Klein if he was aware that Flower City has big brick plant on Mt. Read Blvd. and right across the street there is a pressure machine shop and they have no complaint, about 300' on Mt. Read Blvd. Mr. Klein advised he was familiar with location and knows his operation. Asked how much dust does he raise? Mr. Russo advised if he made any dust

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you would think this machine shop would complain and we have heard nothing. Mr. Klein advised he could not vouch for vicinity. Mr. Russo advised Mr. Baughman has his repair shop right next to his batch. Mr. Klein advised fact does not mean his machines will not suffer.

Mr. Malone showed Mr. Klein copy of Zoning Ordinances of Town of Chili and asked him to read Section 19-60. Asked how many of those items listed under Industrial Zone A from 1 to 31 would he say would be harmful to any machine shop. Mr. Tarricone objected. Mr. Malone felt it is very important it is comparative. He is asking him if he knows. Mr. Merkel advised he would like ruling from Board. Thinks Mr. Malone is not asking whether this law is just, correct and fair; that to get variance under this law he must exclude certain things set forth there, not to determine what is right or wrong about that law. Mr. Hunter felt did not need this question.

A five minute recess was called at 12:35 P.M.

The Public Hearing of the Zoning Board of Appeals, September 27, 1966 was reopened at 12:45. Roll call found the following members of the Board present:

| | |
|----------------------|----------------------------------|
| Mr. Hunter, Chairman | Mr. VanSlyke |
| Mr. Pfeininger | Mr. Miller, Deputy Town Attorney |
| Mrs. Tangier | |

Mr. Merkel questioned Mr. Klein, the conditions he observed at the cement plant on Jefferson Road, would he consider the dust situation there as being dense? Mr. Klein advised he would consider it dense considering the layer of dust on the ground, contained on the clothing, sufficient to cause use of calcium chloride to withhold it, which was not too effective. Mr. Merkel questioned the accumulation on his clothing would be one reason to consider it dense? Mr. Klein advised yes. Mr. Malone questioned he knew it came from the cement plant, all of this dust? Mr. Klein advised did not have information to be conclusive about it, he would assume so.

Mr. Tarricone advised he would only like it if Mr. Malone would stipulate Gillette is a pressure machine tool company and cannot tolerate abnormal dust conditions, whether they emanate from Syracuse's property or elsewhere. Mr. Hunter questioned what he meant by abnormal dust conditions? Mr. Tarricone advised this room has dust, this is normal dust conditions. Anything beyond this is abnormal. Mr. Malone advised he was not an expert on dust.

Mr. Hunter advised it was ten minutes to one A.M. By 1:45 A.M. he wished them to be finished with all examinations and questioning. Mr. Tarricone advised he could not agree with that, would rather adjourn this meeting if should turn out it would take longer. Mr. Hunter questioned how long he would estimate it would take. Mr. Tarricone had not the slightest idea. Mr. Miller advised not going past 1:15 A.M. if no objections, adjourn and put them at end of calendar at next week's adjourned meeting. Mr. Tarricone suggested these good people sitting here all night, let's spend next 15 or 20 minutes entering their opposition then adjourn rest of proceeding and they will come out on adjourned occasion.

Mr. Wilcox, Paul Road, would like to go on record opposed on grounds do not believe we have sufficient information about this plant, where going to be located and just exactly what plant consists of.

Mr. Pudup, 330 Paul Road advised he might be a little confused, thought when somebody comes up before Board supposed to submit plans that show what is going on before it meets, on his prints do not think anybody's name or dates on them when made or what dimensions, no scale, how do we know what man is putting in. Mr. Hunter advised Board will ask for more details. Mr. Pudup stated it should have been thrown out first five minutes. He objects.

Mr. Breiner, Fisher Road advised he would like to enter petition at this time with between 35 and 40 names, which he read. He advised these are just

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people on Fisher Road and Paul Road, in immediate area of plant, are all property owners. He advised he was president of Chili Industrial Park. Have located their first pressure machine shop in Industrial Park, several other inquiries about it. When had this rezoned from E residential to Industrial were compelled by the Planning Board and Town Board that everybody that goes in there would present plans and get final O.K. on it at that time even though rezoned, regardless of ordinance. Up to this time have turned down four trucking concerns, three heavy equipment people because of what they agreed upon. If Mr. Syracusa goes ahead with this application and Board sees right to grant it and dust goes in and kills their sales of precision shop set up in this Park, then they will take second rates, heavy equipment, this will ruin whole area.

Mr. Malone questioned how far away was he. Mr. Breiner advised about 1/2 mile. Mr. Malone questioned he had this zoning changed from residential by Planning Board? Mr. Breiner advised no, they recommended it to Town Board and Town Board did, conditions state, Mr. Malone inquired conditions were attached to change of zoning? Mr. Breiner advised at Town Board their prospective customers were to present their plans to Planning Board for final approval also building inspector. Mr. Malone questioned that was changed from zoned residential to industrial? Mr. Breiner advised if he was to do what they were trying to do here he would have to come to petition this Board. Mr. Malone advised were only asking for permit which this Board has right to issue. This is just as though went to building inspector in residential area and asked him to issue house building permit, what doing under this special permit, am not asking for planning from one district to another, am trying to keep within scope of this ordinance for just ordinary permit, trying to say what will have in this permit, consider updating from proposed plan to qualify this to meet any specifications made here tonight.

Mr. Hunter asked if any others who wished to go on record.

Mr. Cochrane objected on ground of dust which known to be present in any concrete plant, never see one without dust, detrimental to Gillette next door and also very injurious to any plant life trying to cultivate in area.

Mr. Frank Gillette, object on grounds do not think it is good for Chili. They moved out here about 3½ years ago, thought it good place to come. Built model, up to date plant, encouraged other small industries to do likewise. Since Morgood across way, Hamco had intended to build and down the way just past corner in Breiner's Industrial tract built up for small industries, asset tax wise. But if this allowed, none of them will come. Mr. Malone questioned him, did he know zoning ordinances in industrial district A when he built here?

Mr. Frey, Assistant General Manager of Hamco Electronics advised they from Hamco are very dead set against Mr. Syracusa putting his plant on parcel across from Gillette. They find such a plant, a cement plant, will be definitely injurious to their type of operation. He explained how the cement dust would offset all this. Manufacture the world's leading pressure wafering machine and it has several thousand parts in each machine. Just cannot stand any sort of silicic acid which would be lying around, injurious. He explained the smallness of the parts, how they intermesh and how all action is guaranteed. Mr. Merkel questioned used for slides and medical research. Mr. Frey advised used in electronics industry and I.B.M., Westinghouse, General Electric, RCA. Mr. Van Slyke questioned are these to cut very thin? Mr. Frey advised slices of specimens in other words solid crystal ball and slice it into silver dollar and then each slice held within 2/10,000 of accuracy to each slice, this has to be held there, cannot stand any sort of dust or dirt particles that would touch intermeshing parts. On question of Mr. Van Slyke Mr. Frey advised they manufacture the machines they in turn sell to a customer, who in turn manufactures his own slices. Mr. Van Slyke asked him what is closest tolerance on their part. Mr. Frey advised within 8/10,000.

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Mr. Malone questioned where is this going to be located. Mr. Frey advised right across from Gillette, corner of Milstead Way and Paul Road. Mr. Malone questioned on corner of Milstead and paul? Did he know how far that is from proposed plant? Mr. Frey advised they have retained a lawyer and also the professional engineer to do this work for them. Mr. Malone questioned if they would have any filter on this plant regardless of whether they put in plant. Mr. Frey stated they will not only have to have filters, Mr. Malone broke in regardless of their proposed plant in here or not. Mr. Frey advised will probably have to have some sort of filtering condition to take care of.

Mr. Carroll advised Mr. Nicholas of 60 Paul Road, immediately to east last April appeared before Board and was granted permission to erect building for retail camping trailers, sporting equipment, he has plans for erection of this building. If this application is granted he does not intend to build it, that is his feeling. Does not want to go out and wash boats and trailers. Mr. Malone questioned if he had filed a permit to build anything then? Mr. Hunter advised Mr. Malone that was not pertinent. Mr. Nicholas advised this cement dust from the plant if there, and he is not an expert, only assuming from what he sees at other plants, he has seen they do seem to have an awful lot of dust around, do not thinks it comes from other plants, if this settles on any equipment on display is going to involve keeping them clean and believes it will be impossible. Mr. Malone advised he knew this is industrial zone.

Mr. Merkel objected to this application.

Mr. Grippo of Adela Circle was going on record as objection because of insufficient data, no scale, if he produces something better may change his opinion one way or other.

Mrs. Pudup, 330 Paul advised by this time should think they would know we do not want it. Objected to plant going in.

The Hearing was adjourned at 1:10 A.M. until October 4, 1966.

Patricia D. Slack
Secretary

MINUTES
ADJOURNED MEETING OF THE ZONING BOARD OF APPEALS
TOWN OF CHILI, N.Y.
October 4, 1966

The Hearing was called to order at 8:05 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. Howard VanSlyke

Also present: Mr. William Davis, Superintendent of Building
Mr. Daniel L. Miller, Deputy Town Attorney

Mr. Hunter advised this is resumption of meeting which was begun last week and as announced at that time what we would like to do take agenda as published starting on item #2 then come back to item #1 which was application for concrete plant which we hope to finish this evening. He advised that the application for the erection of the motel at the corner of the Western Expressway and Union Street, had been withdrawn and will not be presented at this evenings meeting.

- #1. Application of Brenna Agency and Wm. C. Kane, 39 State Street and 22 Buffard Drive, for approval to erect a 4' x 6' sign approximately 60' from Chili Avenue and Chili Riga Road. EE District.

Mr. Wm. C. Kane of 22 Buffard Drive appeared. He advised this sign for which they were making an application is a real estate "For Sale" sign located on a little triangle at the intersection of those roads. He presented a map of the triangle. Mr. Hunter inquired if he was the owner. He advised was owned by corporation of which Mr. Sol Bochler is one of the principals and they have their permission to erect the sign. It was at his request that they put the sign up. Mr. Hunter inquired he said this is real estate sign. Mr. Kane advised no, it merely says "For Sale" and Wm. C. Kane and Brenna Agency, Realtors. Mr. Hunter asked for how long a period were they interested in having this for this location. Mr. Kane advised would like to leave it until the property is sold, however if they wish to put time limit on it, it is all right with them. Mr. Hunter advised the code suggests we consider a year limit, which does not say they cannot come back and reapply. He asked if sign would be lighted and was advised no. Mr. Kane advised it is to be a 4' x 6' wooden sign, black letters on a yellow background. Mr. Pfenninger asked how high will the bottom be. Mr. Kane advised bottom of sign will probably be about two or three feet above the ground and then sign is 4' high above it. Mr. Hunter asked if he would be willing to locate this at discretion of Superintendent of building and the department of public works in recognition of possible traffic hazards. Mr. Kane advised yes, one reason they though a large sign would be more practical than a small sign was because of intersection of the two roads. This is the main highway, this is what he would say is a secondary road, then there is this road that comes across there (pointed it out on map) and reason we believe a large sign there would be more practicable from traffic standpoint is it is simple sign and yet large enough to be read without somebody slowing down to see if could read it. He advised the measurements were 250' on Chili Avenue, 270' on Chili Riga Road and 175' on Stuart Road.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted for a period of one year, with the right to reapply for renewal of the variance. This sign to be erected under the direction of the Superintendent of Building and Director of Public Works of the Town of Chili.

Adjourned Zoning Board

October 4, 1966

- #2. Application of Annepllico Properties, 1160 Scottsville Road for approval of an addition 25' x 41' to present building, 45' from front lot line (Scottsville Road) to be used as an office building. Industrial Zone.

Mr. Deverson of Leceesse Corporation the contractors appeared. Their existing office had the variance about 7 years ago to build original building, so are asking for variance to continue same building, same architect, parallel to road, the 25' would be parallel and 41' deep. Just continue present building, just enlarging. To be used as an office building, it would be continuous of their existing office. Would not have storage space for materials, etc. Mr. Tanger questioned how long they had been there and Mr. Deverson advised he believed eleven or 12 years, did not know exactly. He advised Mr. Davis had the plans. On question of the depth of property, advised it was triangle shape to back, it narrows to a point, going back is about 300'. Mr. Miller questioned was this addition going to be built the same style, architecture as existing building? Mr. Deverson advised exactly. Figures it would be about 1025 square feet.

On question of Mr. Hunter no one appeared in favor of or opposed to this application.

DECISION: Variance unanimously granted. Construction to be completed within one year, otherwise this variance becomes void.

- #3. Application of Richard L. O'Toole, 236 Warwick Avenue for approval of variance to build a house on a lot 83' x 300' on Wadsworth Drive. BE zone.

Mr. O'Toole appeared before the Board. Mr. Hunter asked if he had a plot plan of this property to submit. He advised no. Mr. Hunter questioned could he tell the Board what size of house will be and how it might be located. Mr. O'Toole advised he did not know size of house, did not own the property. Would only buy it if could get variance, would have to talk to people out there, some do not have cellars and there is pond in back so does not know if could put cellar in back. He was questioned did he know why it does not meet requirements? He advised all he could find out, gentleman who subdivided in 1954 divided it up this way. Next one to it is 111'. This only 83' next one 200' wide. Mr. Hunter questioned, as far as he knew, he would plan to meet all other requirements as far as front line and side lot line, this sort of thing, only thing he was asking for is ability to build on this lot which does not meet our present code? Mr. Vanslyke questioned where it is located. Mr. Davis advised off Bowen Road almost up to Stottle Road. Mr. O'Toole pointed out to Mr. Vanslyke on the map where it is located.

Mr. Miller questioned where would rear boundary be, at edge of pond or center of pond. Mr. O'Toole advised near edge of the pond the real estate broker told him. Mr. Miller asked if he knew this lot owned by an individual. Mr. O'Toole advised Thomas Abate, he said they could do this, have a letter of approval. Mr. Vanslyke questioned is this 80' wide by 300' deep? Mr. O'Toole advised yes. Mr. Davis questioned is there a house each side of that? Mr. O'Toole advised no, just one side, they are at end. Mr. Pfenninger asked would that be last on Wadsworth? Mr. O'Toole advised it is last one on west side, sort of lapping around is another lot.

On question of Mr. Hunter if any one present in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted. Construction to be completed within one year, otherwise this variance becomes void.

- #4. Application of Samuel B. Marciana, 147 Atkinson Street, for approval of permanent variance to use existing gas station at 1391 Scottsville Road and Weidner Road as temporary truck terminal, and privilege to sell gasoline to public A District.

Adjourned Zoning Board

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Mr. Marciana appeared. Mr. Hunter inquired essentially this is to continue a temporary variance he has had? Mr. Marciana advised he was buying the property, the offer has been accepted; all depends on this Board's decision. Mr. Hunter questioned, there were certain conditions laid down when this was first granted, and renewed, has he been meeting these conditions? Mr. Marciana advised he had. Mr. Hunter asked if he planned to operate in the same way? Mr. Marciana advised had been operating for the last year, and eight months approximately, in fact he plans on improving the conditions on the outside. Mr. Miller questioned did he store old cars and/or repair old cars? Mr. Marciana advised no, he was in dump truck business, wants to settle in one location, has been hopping. Now find this location, move all work done over to Kodak presently. Am midway between the pits and Kodak and very convenient for him, that is why has been considering buying it. Mr. Hunter asked if his repair work to be done inside and none on the outside. Mr. Marciana advised just the emergencies. Mr. Pfenninger asked how many trucks. Was told right now 12. Mr. Hunter asked if he planned to have more and Mr. Marciana advised, no thinking of cutting down. Mr. Pfenninger asked how much land. Mr. Marciana advised 196 through front, 246 along side, narrow in back. Mr. Pfenninger asked if he kept the trucks in back of line of building or way out to road? Mr. Marciana advised no, most in line with building. Mr. Pfenninger inquired and will not be any old trucks? Mr. Marciana advised just trucks that run.

Mr. VanSlyke questioned if he was the man who has been operating this for the past year. Mr. Marciana advised yes, more than a year. Mr. VanSlyke advised last Tuesday night there were three trucks parked in front of the gas station, those trucks being worked on in front of the gas station. Last winter when we had quite a snow storm, but sometime after that, some ten days after that, the rear of the lot was not plowed and he was there, the snow not over 4 $\frac{1}{2}$ deep, trucks were in the front, there was also a pile of mufflers, tail pipes and various stuff on lot line fronting. Weidner Road, there was also pile of tailpipes, old tires and other things in rear of place. Now, he took a good look at that. Tonight when he came by, go by it every day, and it seems in pretty good condition, but also noted during last year, good deal of repair of cars which he assumed to be perhaps to be employees, especially on weekends. Mr. Marciana advised no sir. Mr. VanSlyke said lots being worked on, do not think being serviced or repaired, but worked on with hoods up, in front of garage. Mr. Marciana advised they probably belong to employees, checking oil, but no major or minor repairs. As far as Weidner Road, pile of rubbish was there before he moved there, that was cleaned out before he saw it. As far as snow storm, they could not help it, could not get someone to clean out snow. Was stuck out at Kodak a whole week and when came in with truck could not go further than front. As soon as able to go in back, went in back. That was something unusual. He asked Mr. VanSlyke he said Tuesday night he saw trucks out there being worked on? Mr. VanSlyke advised no, two parked in front of place on Weidner Road, side with hoods up, one in front of the place and two across on the left. As the place looked tonight, he would approve it, as it has looked to him before, he would not. Mr. Marciana advised sometimes have to work to make use of them in the morning, come on at 5:30. Do some work then put them back, do not leave them there all night, sometimes mechanic has to work late. Mr. Hunter inquired could they park in back while working on them? Mr. Marciana advised have only front entrance there, they service them, then put them in back, but he thinks compared to what was before he was there, it is 100% better than it was when he went in there, it was really a rubbish pile, usually with truck terminal does get dirty. Mr. Davis asked him did he not figure on making it bigger and putting trees on to back? Mr. Marciana advised figure on that so can drive right to back. Was thinking of putting side entrance so would not have to come through Weidner. Mr. Miller inquired, when he was in in August was it not his policy to keep them 200' back from Scottsville Road? Mr. Marciana advised yes, still is unless emergencies when we have to work on truck, no other way to get in building.

Mr. Miller asked if do have to store, repair, etc. what is his plan, suppose bulk of tires? Mr. Marciana advised keep inside. Mr. Miller asked anything

Adjourned Zoning Board

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useable bring inside? Mr. Marciana advised yes, only tires outside ones they discard, cannot get them every day, they come probably once a month. Would not be enough accumulation to have them stop, to pay them for it. Mr. Miller questioned any possibility to building closed in yard? Something to screen it so would not be visible? Mr. Marciana advised yes, could do that.

Mr. Hunter questioned; one difference, he did want to sell gasoline? Mr. Marciana advised no, just in case on gasoline, decide to lease front part out to an oil company, was already approached on that, but would not want to lose his permit. Mr. Hunter questioned if he could get this, his primary concern would be for the truck terminal? Mr. Marciana advised that is right.

On question of Mr. Hunter if any one present in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted to use existing gas station as a temporary truck terminal for a period of two years, with right to reapply for a renewal of the variance, with the following stipulations:

1. Junk parts and used tires and all other material and refuse must be stored in a fenced in area at the rear of the building. It is the intent of the Board that none of the materials so stored shall be visible from the streets.
2. Trucks to be parked at least 200' from Scottsville Road.

Variance to sell gasoline to the public at the above location unanimously denied.

#5. Application of Fred Bruun, 75 Baycrest Drive, for approval to erect a 50-unit motel Restaurant and cocktail lounge on 4-1/2 acre parcel on the southeast corner of the Western Expressway and Union Street, being part of Town Lot 66 - 100' to nearest lot line. E zone.

This application was not heard inasmuch as the applicant withdrew the application prior to the meeting.

The hearing was recessed at 9:20 P.M. until 10:00 P.M.

The zoning Board unanimously voted to request the Town Board to change the date of the regular October meeting from October 25 until November 1, as a convenience to the majority of members of the Board.

Mr. Miller advised the Board that the Court had sent back Mr. Syracusa's application for a variance to erect a row of seven garages directly at rear of stores at 2709 Chili Avenue. (garages 30' x 84'), to be built 10' to east side lot line approximately 50' to rear of stores in E zone, for a rehearing. The Board had unanimously denied this variance. Therefore it must be re-heard at the next meeting at the expense of the Town.

Minutes of the August Hearing were approved.

The Adjourned Zoning Board Hearing was reopened at 10:00 P.M. to hear the continuation of the hearing on the application of John Syracusa, 2709 Chili Avenue, for approval to erect a concrete plant on property on north side of Paul Road next to 134 Paul Road (4 acres) Industrial zone. (this application having been amended to request a "Transit Mix" Operation instead of a concrete plant).

Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman

Mrs. Gertrude Tanger

Mr. Charles Pfenninger

Mr. Howard VanSlyke

Also present: Mr. William Davis, Superintendent of Building

Mr. Daniel L. Miller, Deputy Town Attorney

Adjourned Zoning Board

October 4, 1966.

Mr. Hunter advised the Board would start the proceeding by having its attorney call a witness. Mr. Miller requested Mr. Bernard Entress to appear. Mr. Miller advised Mr. Entress is now the Assessor of the Town of Chili and asked him how long he had been. Mr. Entress advised seven years. Mr. Miller questioned prior to that he was in the building business, for how many years? Mr. Entress advised about 25 years. Mr. Miller questioned he had 25 years of building business and development behind him? Mr. Entress advised that is right. Mr. Miller questioned in that time, how long had he resided in Chili? Mr. Entress advised seventeen years. Mr. Miller asked him if he were familiar with our Town and industrial area? Mr. Entress replied he thought so. Mr. Miller advised at his request Mr. Entress had done some investigation into this particular application, the surrounding area, etc. He asked him to tell those present anything from his own knowledge how he feels a cement plant would effect the existing area. What was his opinion on this? Mr. Entress advised his opinion is that a cement plant in that area there would not do any good to our industrial area or the development of it, because we have four concerns already located in the immediate area that have developed their land, the All Power Machine Manufacturing Company, we have Morgood Tools and Gillette Tool and Dye, all within the immediate area of the proposed cement plant. We have Hamco Machine, an electronic corporation which just purchased seven acres in that area, they are contemplating building in the very near future. Mr. Miller asked him for his best estimate on how many miles or feet from this proposed location? Mr. Entress advised he had taken our assessment maps, which are gotten out by Monroe County and projected them from Mr. Syracuse's property to the All Power Machine and Tool plant and if you use Mr. Syracuse's property as a hub and fan out to the east and north east you will get the picture of what he was going to try to bring out. The All Power is the furthest away, approximately 2,000' in a straight line. All Power is located at 291 Weidner Road, then we get the next one, Morgood Tool, presently just being completed and ready to be occupied, that is distance of 1,500', then we have Gillette Tool and Dye (incidentally Morgood Tool is at 940 Milstead Way) located at 955 Milstead Way. That plant is the closest to this one in question and that is 300'. Hamco Machine and Electronics is across the road from Gillette Tool and Dye, that is 1200' from the proposed plant. These figures were taken from the Monroe County map of Chili, from plate 75, 76 and 95. In that area we have approximately 33 acres. Mr. Miller inquired by that area? Mr. Entress advised that particular area that he has quoted, the area constitutes the property at Milstead Way, Weidner Road, Scottsville Road and Paul Road, those are the boundary lines. We have 33-1/4 acres in that area, we have approximately 7 acres that is developed, which leaves the balance of 26 acres to be developed so there is approximately 20% of it developed. The assessed valuation on the entire parcels within that area amounts to \$91,000. of the potential assessment in that area.

Mr. Malone objected to assessment testimony, did not think it is material. Mr. Miller requested to have the objection noted and asked Mr. Entress to continue. Mr. Entress continued the potential assessment could reach one half million dollars based on present assessment we have in there. So it is his opinion that we have an investment in that area over there, in fact all the companies that have located in that area have a big investment in there in his opinion, that we should do all we can to protect their investment there. Mr. Miller advised he had no further questions at this time.

Mr. Malone questioned Mr. Entress and inquired what is his occupation. Mr. Entress advised he is assessor for the Town of Chili. Mr. Malone asked full time? Mr. Entress advised yes. Mr. Malone questioned he thought the 33-1/4 acres they have in the area there should be put into tool and dye or tool companies? Mr. Entress advised he thought tool and dye companies have set a pattern in that area. Mr. Malone asked if he thought it should be continued in that pattern? Mr. Entress advised not necessarily tool and dye companies, no, but he did not feel that any permit should be granted here that will be detrimental to the area. Mr. Malone asked him what did he consider detrimental to the area. Mr. Entress advised in his opinion

Adjourned Zoning Board

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there is a dust factor. Mr. Malone questioned was he here last week and heard testimony given? Mr. Entress advised part of the meeting. Mr. Malone questioned he did not hear it all? Mr. Entress advised no, not all. Mr. Malone asked him if he were familiar with Industrial Park on Henrietta Road or Jefferson Road. Mr. Entress advised pretty much so. Mr. Malone asked if he knew where it was located. Mr. Entress advised in general area, yes. Mr. Malone asked if he knew there is a trans-mix concrete plant there? Mr. Entress advised yes, Baughman's. Mr. Malone asked if he knew whether tool and dye people go into that area? Mr. Entress advised he knew Zerox located to East. Mr. Malone questioned if he was familiar with other factories going in there? Mr. Entress advised he has travelled the area, yes.

Mr. Malone questioned he was familiar with the Town Zoning Code was he not? Mr. Entress advised pretty much so. Mr. Malone advised he would show him the Zoning Code of the Town of Chili and asked him if he was familiar with the uses in District A. Mr. Entress advised he could not recite them by heart. Mr. Malone questioned he had looked at them, he knew what they are? He can look at them and know what they are, can he not? Mr. Entress advised yes. Mr. Malone started, you think any of those. Mr. Merkel broke in, this is getting beyond realm of this man, he is assessor, his question will be to interpret this beyond his scope, asked Board not to have any testimony of his in relation to that, has no qualification to interpret statutes. Mr. Malone advised he has given opinion. Mr. Merkel returned yes, given opinion to valuation there, those are his qualifications. He would like ruling from the Board. Mr. Hunter advised the Board would note objection and proceed.

Mr. Malone questioned did Mr. Entress have any opinion as to any of those items listed in District A that would be detrimental to the tool and dye business? Mr. Entress advised he would study that. Mr. Malone questioned how long would it take him to study it. Mr. Entress advised it was a little hard to say on that.

Mr. Tarricon addressed the Board and said he objected to this. Mr. Carroll joined him, advised we were here to 1:30 last week, primarily because of Mr. Malone. You are running this Board, why not slap him down. Object to these questions, his opinion of zoning ordinance is not relevant. Mr. Tarricone advised they were not here to quarrel with Town as to whether this ordinance is fair and proper, we are willing to live with this ordinance. This applicant came out and asked for special permit, he has duty of proving his use is not detrimental to the area and his use how fits within this ordinance. His cross examining at this time is presented upon quarrel with statute. Mr. Malone withdrew the question.

Mr. Malone questioned Mr. Entress did he think piling of sand and gravel on the property in question would be detrimental to the tool and dye business he anticipates would come into this area? Mr. Entress replied not the piling of it would not. Thinks under certain conditions it could be detrimental. Mr. Malone asked if he piled sand and gravel in the area on the Syracuse property, did he think. Mr. Merkel objected, no qualifications. Mr. Hunter took the objection, advised Mr. Malone to question on his testimony.

Mr. Malone questioned when Mr. Entress measured Syracuse property from Gillette property, what area was that of Syracuse's. Mr. Entress advised this is projected 100' from the west line, the line bordering airport runway, 100' from that line projected in 100' from the north boundary line that would be the creek. Mr. Malone questioned then if the plant was, how far would that be from Paul Road? Mr. Entress advised approximately 200'. Mr. Malone asked how far back the stream is northwest corner of the Syracuse property from Paul Road? Mr. Entress advised approximately 350'. Mr. Malone asked from north west corner? Mr. Entress replied from the northwest corner? No, the northwest corner is in creek. The northwest corner is the rear property line, or rear boundary line. Mr. Malone questioned and how far from the point he measured to the Gillette property is that point? Mr. Entress advised 100' south and east. Mr. Malone questioned so that the northwest corner is 350' from Paul Road? Mr. Entress advised approximately.

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Mr. Malone questioned, so that if the plant on the Syracusa, that was proposed to be located, was placed 50' back or what is within requirements of zoning ordinance, from Paul Road, then this batch plant would be approximately how far? 1,000' would it not from the Gillette property? Mr. Entress advised he did not think he said that, he said 800'. Mr. Malone questioned that would be from Syracusa's north line? Mr. Entress said no, that would be from the 100' in and east from that northwest line. Mr. Malone advised he was talking about the batch plant. Mr. Entress advised he did not know where it would be placed. He just projected that. Mr. Miller questioned he determined his point of measurement 100' east of the west line of Syracusa's property and 100' north of Paul Road? Mr. Entress advised he determined the line 100' south and east of the northwest corner of the property. Mr. Malone questioned to the Gillette plant itself? Mr. Entress advised to the plant, not to the property line. Mr. Malone questioned and he got that off a plat map? Mr. Entress advised distance off the plat map. Mr. Malone questioned Gillette property on that map? Mr. Entress advised not the Gillette property, it is tax map he projected it on. Mr. Malone questioned did he scale this. Mr. Entress advised yes.

Mr. Malone questioned it was his opinion that concrete mix plant on this property would not increase the valuation of the Town of Chili, is that correct? Mr. Entress advised no he did not say that, it would not increase the assessed valuation of the Town of Chili. The fact that the plant is there would increase it some. Mr. Malone inquired but not as much as tool and dye? Mr. Entress advised he thought it would have an effect on future development of that area down there, it definitely would of any company that wanted to locate in that area. Mr. Malone questioned any of these things in District A listed should be properly put in there; should they not? Mr. Miller advised he did not testify to what can be put in District A. Advised Mr. Entress not to answer the question. Mr. Malone questioned it is his opinion as assessor of the Town of Chili that the concrete trans-mix plant should not be put into the area, is it not? Mr. Entress advised he did not think he would answer that as Assessor of the Town of Chili.

Mr. Tarricone asked Mr. Frank Gillette to appear as witness in opposition to the application. He gave his name and address, Frank Gillette, 228 Countryshire Drive. Mr. Tarricone asked if he were an officer of the Gillette Tool and Dye Company and was told he was. Mr. Tarricone asked if his brother was co-owner with him of this company and was told yes he is. Mr. Tarricone pointed out a gentleman present at the hearing and asked if that was his brother sitting over there, Howard Gillette and was told it is. Mr. Tarricone questioned the Gillette Tool & Dye Company, is that the company that owns property on Milstead Way in vicinity of property owned by John Syracusa. He was told yes. Mr. Tarricone questioned on property owned by his company, do they have a building situated thereon? Mr. Gillette advised yes they do. Mr. Tarricone asked if he knew the square footage of the building they have? Mr. Gillette advised approximately 17,000 square feet. Mr. Tarricone questioned the building they have, is it equipped with air conditioning? Mr. Gillette answered yes it is. Mr. Tarricone asked and in conjunction with the air conditioning, do they have a dust filtering system? Mr. Gillette advised they do. Mr. Tarricone asked if he could tell them how many times the air that is permitted to enter the building is filtered? Mr. Gillette advised it is filtered twice. Mr. Tarricone questioned, the business conducted by the company is tool and dye business? Mr. Gillette advised tools, dyes and all precision. Mr. Tarricone questioned in their precision work, what degree of tolerance do they have to maintain? Mr. Gillette advised they go up to 50 millions of an inch. Mr. Tarricone asked could he tell them who some of their customers are? Mr. Gillette advised International Business Machines, General Motors, B&H Aircraft, Xerox Corporation, Link Aviation. Mr. Tarricone advised he believed he had named enough. Asked how many employees. Mr. Gillette advised approximately 70. Mr. Tarricone questioned some of these employees reside in the Town of Chili? Mr. Gillette advised yes, some of them. Mr. Tarricone questioned, if the application were granted to Mr.

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Syracusa, Mr. Malone objected to this question, anticipation. Mr. Tarricone continued, in Mr. Gillette's opinion would the conduct of his business create or increase the dust problem his company has to cope with? Mr. Gillette advised sure, increase it. Mr. Tarricone questioned before coming to Chili, where did they maintain a plant? Mr. Gillette advised they had two plants, one at 70 Holworthy Street and 1225 Mt. Read Boulevard, right across from another cement plant. Mr. Tarricone questioned what was their experience with all kinds of dust? Mr. Malone objected to cement plant business, no cement engineer. Mr. Tarricone questioned, this constituted a serious problem to them? Mr. Gillette advised yes, one of reasons they got out. Mr. Tarricone questioned is that one of reasons, because it is a clean town? Mr. Malone objected to this line of questioning.

Mr. Tarricone questioned Mr. Gillette if he were associated with any association in the tool and dye business. Mr. Gillette advised yes he was officer of the Rochester Chapter, National Tool and Dye Association. Mr. Tarricone questioned as an officer of the National Chapter of the Tool and Dye Association, has he had occasion to talk to the owners of other tool and dye companies? Mr. Gillette advised he had. Mr. Tarricone asked and have any of these conversations been concerning relocation sites that they were looking for? Mr. Gillette advised yes, and everybody talk them up to coming out here, and they are coming out.

Mr. Malone objected.

Mr. Tarricone asked Mr. Gillette as a result of John Syracusa's application did he solicit petition to object to the granting of this application. Mr. Gillette advised that is right. Mr. Tarricone presented a petition to be marked Exhibit #2 for opposition. He then showed it to Mr. Gillette and asked if it was signed by him. Mr. Gillette advised that is right. Mr. Tarricone questioned and these signatures are all in opposition and they bear the signatures of residents of the Town of Chili, are these signatures of people all residents of the Town of Chili in opposition. Mr. Malone requested permission to see them and was so granted.

Mr. Malone asked Mr. Gillette when he built his plant. Mr. Gillette advised in 1961 he believed. Mr. Malone questioned when he built the plant was he familiar with district he was building the plant in. Mr. Gillette advised definitely. Mr. Malone questioned he was aware of the zoning law covering District A? Mr. Gillette advised he knew as his own industry. Do not know about his District A. He read law books, he, Mr. Gillette will answer your questions. Mr. Malone question he is a businessman, he came here he said to get out of dusty situation did he not? Mr. Gillette advised dust and dirt. Mr. Malone questioned he was not concerned about zoning in Town of Chili when he came? Mr. Tarricone objected, they are not questioning this man's zoning application, he was in compliance with zoning. Mr. Miller advised Mr. Malone to just question him on what he testified to. Mr. Malone said just a few simple questions. He came to Chili and settled in industrial zone A. Mr. Gillette advised because he figured this place to come, out of noise and dirt and want to stay and others want to come who will not and he may move out. Mr. Malone asked if he lived in Chili? Where did he live? Mr. Gillette advised he lived in Town of Greece for the past 16 years. Mr. Malone asked if he was right next to airport, his plant. Mr. Gillette advised right. Mr. Malone questioned planes going in and out? Was advised yes. Mr. Malone asked if he got any dust in from planes. Mr. Gillette advised not any more, not since they got it finished. When we built airport was going to go some place else, it was temporary deal with dust, building airport. Not it solved, do not want any more dust from him building. During hot summer time it was enough he had to clean air conditioning and filters. Mr. Malone questioned so his factor is equipped for dust? Mr. Gillette advised normal dust.

Mr. Van Slyke asked Mr. Gillette to tell him whether or not the problem from dust now, he said he did have dust while airport under construction, is this due to the close tolerance he is maintaining on products he is making or also apparently on wear of machines using to make these things. Mr. Gillette advised both. Mr. Van Slyke asked him what he said yes his tolerance.

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 and Mr. Gillette advised 50 millions of an inch. Mr. Van Slyke questioned what type of machine is this used on? Mr. Gillette advised jig borers. Mr. Van Slyke questioned is this extremely expensive? Mr. Gillette advised yes and Mr. Van Slyke questioned how expensive. Was told one that does this work \$150,000.

Mr. Hunter questioned did he know how small a particle his present filter system will stop? There was some testimony as to size of dust particles and he was wondering what Mr. Gillette's system would have to allow go through against what it would stop. Mr. Gillette advised never made a test. Mr. Miller questioned did an industrial engineer familiar with machine business install his filtering system? Mr. Gillette said yes. Mr. Tarricone asked how often did they clean the filters or dust control system at present time. Mr. Gillette advised about every two months. Mr. Tarricone questioned how often during the period the airport was under construction. Mr. Gillette advised about twice a week. If got cement in there will have to throw them away, cannot clean them. Mr. Tarricone questioned what would he estimate cost of cleaning air control system? Mr. Hunter advised this regular cleaning. Mr. Gillette advised take a couple of men probably a day. Take them all down, clean them and put them up, then if have to throw away, Mr. Tarricone asked what would he estimate cost in dollars and cents to clean dust control system. Mr. Gillette advised probably \$100. a day. Mr. Tarricone questioned would he have to shut down his operation if he had to replace his filtering system. No for cleaning, take this down and replace his filtering system. Mr. Gillette advised would have to shut one building, they have three or four buildings, have to shut one at a time. Mr. Tarricone questioned how many employees does this effect. Mr. Gillette advised probably a quarter of them off, would not be working, have approximately 70, would say about 15 would be out of work if they had to shut right down.

Mr. Malone questioned if they ploughed this land up, Mr. Syracusa put in corn patch or anything, that would not bother him any? Mr. Gillette said he would not say it would, if you would plough in spring. Mr. Malone questioned if brought in sand and gravel and cement and piled it up there, would that bother him any? Mr. Gillette advised if conditions move it around and stir it up to elements. Mr. Malone questioned if just brought in and stored, you would be compelled to move? If they do that, would he move out? Mr. Gillette advised he said too much dust he would. Mr. Malone questioned, if brought in sand and gravel and stored it on ground, would that cause him to move? Mr. Gillette questioned and stored it on ground, loose cement? Mr. Malone said yes. Mr. Gillette advised he thought eventually he would have to if it blew all around.

Mr. Tarricone called Mr. Frank Breiner as a witness in opposition to this application. He gave his name as Frank Breiner, 431 Fisher Road. Mr. Tarricone asked him if he owned property in the Town of Chili and was told yes he did. Mr. Tarricone asked if his property was in vicinity of property owned by John Syracusa. Mr. Breiner advised yes, his home is known as 431 Fisher Road which is due northwest of this property approximately speaking about 1200' and he also owns the Chili Industrial Park which is down the road from his property, road length about 1/2 mile. Mr. Tarricone questioned in Chili Industrial Park you have rented portions of that park to tenants? Mr. Breiner advised they have sold portions at the present time negotiating for lease backs with several other companies whose names he will withhold at this time. Mr. Tarricone questioned the parcels he has sold, have they all been in conformity with the zoning requirements of the Town? Mr. Malone objected to the question, calling for a conclusion. Mr. Breiner advised all their people that enter their Chili Industrial Park must be cleared through planning board or down. Mr. Tarricone questioned in negotiation with prospective purchasers have you turned down customers? Mr. Breiner advised yes, have turned down four trucking concerns plus three heavy equipment people who wanted to move in, which we do not want in area. Want nice campus type industrial park which they more or less agreed upon. Mr. Malone advised Mr. Breiner he turned down trucking concern because his permit does not let him have trucking concern. Mr. Breiner advised he could allow any trucking concern in here under your rules, he was turning them down on his own. This is his landmark he wants to leave behind him.

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Mr. Malone questioned he converted this industrial park in a residential district? Mr. Breiner answered no. Mr. Malone questioned was this not residential before put through? Mr. Breiner advised no; across road is all Bausch & Lomb. They own all property across road and Gottry owns 60 acres to east of that, and the B&O industrial. Mr. Malone questioned what does Gottry have? Mr. Breiner advised they are haulers for heavy equipment. Mr. Malone questioned he had no objection? Mr. Breiner advised no, he lived next door to them. Mr. Malone questioned was he in an E residential district? Mr. Breiner advised before. Mr. Malone questioned was that not changed to something else? Mr. Breiner advised changed from E residential to Industrial. Mr. Malone questioned when was that? Mr. Breiner advised either in 1963 or 1964.

Mr. Tarricone questioned in Mr. Breiner's opinion would dust accumulate from Syracusa's operation if this application were granted? Mr. Breiner advised if the wind came from the east which it does sometimes and filtered the air and we were not able to sell to precision people and tool and dye, and he could not sell his property to these people, then he would go and take second best, trucking. Mr. Tarricone questioned, in other words, the granting of this application would create dust problem which would be detrimental to present residents as well as future occupants? Mr. Malone questioned if you get the dust which you say when wind comes from east, Gillette would not get it would he? Mr. Breiner advised that one day.

Mr. Merkel called Mr. Syracusa as a witness in opposition. He questioned Mr. Syracusa that he believed last week he testified that the plant he intended to build would be substantially the same as that of the Baughman plant on Jefferson Road. Mr. Syracusa advised similar to it and same operation they would carry on there, would be the same operation they would carry on there. Mr. Merkel said he believed he testified the cement would be transported from the truck which brings it into storage bin by means of pipe line. He showed him Oppositions Exhibit #4 (so marked) for identification. Does that picture show the transportation of cement from truck itself to storage bin? Mr. Syracusa said yes, here is hose hooked and that is pipe. Mr. Merkel questioned that is typical picture of type of operation and operation you would be conducting would be similar to that? Mr. Syracusa advised that is right. Mr. Merkel said, now on Exhibit 4 in opposition he placed circle and designate it as No. 1 and ask him whether area does not show an accumulation of cement or cement dust, what does that picture show in the circle. Mr. Malone objected and asked how can he tell whether cement dust or otherwise, you cannot tell it from a picture. Mr. Merkel returned he had already testified to it. Did he testify this is identical of what his operation will be? Mr. Syracusa said that is right. Mr. Tarricone objected, Mr. Syracusa's attorney is testifying for his client. Mr. Hunter asked to see the picture. Mr. Syracusa showed it to him and explained it. Mr. Merkel advised he would like to put in record Mr. Malone is coaching the witness. Mr. Syracusa advised he is his lawyer. Mr. Hunter advised Mr. Merkel could ask if Mr. Syracusa knew the answer. Mr. Merkel questioned what does that area in picture inside circle show? Mr. Syracusa advised shows delivering sand from this truck. Mr. Merkel asked what is inside circle. Mr. Syracusa said he did not know, did he know? The picture was shown to the Board. Mr. Malone objected to pictures going into foundation as no proper foundation having been laid.

Mr. Merkel asked Mr. Syracusa if he was familiar with this type of operation. Mr. Syracusa said he was. Mr. Merkel advised he was putting a rectangle on this area and designating it as No. 2. What does that show in this rectangle? Mr. Syracusa said he did not know what it is. Mr. Malone objected. Mr. Merkel wished the record to show that Mr. Malone was again coaching the witness.

Mr. Merkel presented another exhibit to be marked as No. 5 in opposition. Mr. Malone objected, Mr. Merkel is using him as an expert, nothing in record that he is an expert. Mr. Miller requested they cut out objections and coaching, let's make this short and to the point.

Mr. Merkel showed Mr. Syracusa Exhibit 5 in opposition and asked what the

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picture shows. Mr. Syracuse advised a cement bin. Mr. Merkel questioned that is type of cement bin for storage he planned to have at his plant, a similar one? Mr. Syracuse advised he would not say that no. Mr. Merkel questioned how is his going to differ? Mr. Syracuse advised his bin is already on his property out to his pit and altogether different set up. Mr. Merkel questioned you are going to store this in open pile. Mr. Syracuse said that is right. Mr. Merkel questioned, your sand and your gravel and cement going to be in an enclosure? Mr. Syracuse advised that is right. Mr. Merkel questioned how long had he been in cement business. Mr. Syracuse advised four years. Mr. Merkel questioned where had he been located. Mr. Syracuse advised in Victor on Malone Road. Mr. Merkel said only four years and he is familiar with type of operation which is similar to Baughman's and that is same he is going to have on Paul Road? Mr. Syracuse advised something similar to it. Mr. Merkel said if this cement and the cement going to come in truck and piped, is his cement coming in what way, open truck? Mr. Syracuse said yes, open truck. Mr. Merkel asked if in bags would it cut down? Mr. Syracuse advised no such thing as bags. Mr. Merkel questioned stone in bags? Mr. Syracuse advised stone comes in loose, same as sand, in trucks.

Mr. Merkel showed Mr. Syracuse Exhibit 6 in opposition and asked him to tell him what that is. Mr. Syracuse advised this is a bin. Mr. Merkel asked what kind of bin? Mr. Syracuse advised steel bin. Mr. Merkel asked did he know what type of operation that used for? Mr. Syracuse advised did not know, can use for one half dozen things. Mr. Merkel asked is it type similar on Baughman property? Mr. Syracuse said he did not know where it is, could not tell him.

Mr. Merkel showed him Exhibit 7 in opposition (which had been so marked) and asked Mr. Syracuse what it was. Mr. Syracuse advised fire house truck and ready mix truck. Mr. Merkel said ready mix truck. If he were to circle the three trucks there and designate them by numbers 1 to 3, would he identify those trucks from left to right. Mr. Syracuse said as far as he could see this is dump truck, thinks a trailer on right and a tractor trailer. Mr. Merkel asked is that type which will bring sand into his property? Mr. Syracuse said right. Mr. Merkel asked what is truck in middle of picture. Mr. Syracuse said trans mix truck and do not know what it is. Mr. Merkel said trans mix truck. Is that typical of type of and size he will be using? Mr. Syracuse advised he could not answer that, may be bigger or smaller. Mr. Merkel questioned same general character, type of construction of the truck and the general characteristic of his truck going to be used? Mr. Syracuse said he would say yes. Mr. Merkel asked if he noticed any dust in that picture. Mr. Syracuse said no. Mr. Merkel asked could he see any cloud in there. Mr. Syracuse said no.

Mr. Merkel submitted Opposition Exhibits Nos. 9, 8, 6, 4, 5, 7 to be included in the evidence. Mr. Malone objected to them being offered, nothing as to when taken, where were, by whom, no grounds to be admitted in evidence for lack of proof. Mr. Merkel advised they were taken on Baughman's road at request of Mr. Tarricone by Vardan's on September 29th in afternoon. Since Board not bound by strict rules of evidence feels properly have been identified as type of operation and type of truck would be used, show what type of dust and dirt expelled. Mr. Malone insisted there was no proof, Mr. Merkel said the pictures speak for themselves. Mr. Malone objected to the pictures being entered. Mr. Miller advised we would accept them as pictures of a concrete mixing plant.

Mr. Tarricone called Mr. Lewis Marussich, 1171 Garson Avenue, Rochester, N.Y. and asked him what business he was in. He replied he ran the General Research and Instrument Company and Genesee Tool and Dye Company. Mr. Tarricone questioned if he was an officer of this company and where was it located. He advised he was and it was located at 99 Mt. Hope Avenue. Mr. Tarricone inquired if this company recently acquired property in the Town of Chili. Was advised yes. He asked where. Mr. Marussich advised Chili Industrial Park. Mr. Tarricone inquired how much land and was advised essentially 3 acres. Mr. Tarricone questioned what uses would this land be put to. Mr.

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Mr. Marussich advised a tool and dye business. Mr. Tarricone asked did he intend to build and have plans been drawn? Mr. Marussich advised plans are with State of New York being checked up. Mr. Tarricone questioned what size of building do these plans call for. Mr. Marussich advised 1 story building 18,000 sq. feet. Mr. Tarricone asked what use and was told electrical, machine and precision. Mr. Tarricone questioned in some respects his business in competition with Gillette? Was advised that is right. Mr. Tarricone asked if he objected to Gillette being in his area. Mr. Marussich advised no, moved here because of them, and on questioned advised knew them from 21 years ago. Mr. Tarricone asked if their business would be effected by dust and was told it would not help any. Mr. Tarricone asked if they had a dust control system contemplated in your plant? Mr. Marussich advised air conditioned throughout. Mr. Tarricone asked in the event this application were granted to John Syracuse and his conduct of his business created dust, would this result in more dust control work necessary in your building? Mr. Marussich advised he would not know until they got in building and tried it, hard to say, not in there yet. Mr. Tarricone questioned, then the more dust in surrounding area, more dust control you will have to do, is that right? Mr. Marussich said yes. Mr. Tarricone questioned had he known that John Syracuse was going to make this application, would he have bought the land from Chili Industrial Park? Mr. Marussich said he did not believe so.

Mr. Malone questioned, just fact that John Syracuse owned this land, would that have stopped him? Mr. Marussich advised just because he owned land would not stop them, just what he wants to do with land would stop them. Mr. Malone asked him if he was here at last hearing and was told no. Mr. Malone questioned if no dust as presented here, that would not effect him then would it? Mr. Marussich advised no dust, no trouble, but they lived with dust 21 years, have been in business for 21 years. Mr. Tarricone asked Mr. Marussich if there was something he wanted to tell, Mr. Malone objected, Mr. Tarricone asked Mr. Marussich if he could bring them up to date on his dust problem. Mr. Miller asked Mr. Marussich if he wanted to make a statement? Mr. Marussich said they belonged to National Tool & Dye Assoc. thousands of people, work with space program. Up to five or six years ago dust was not too much of problem, tolerances are closer, they do lot of business for space program and Kodak and why moved into Chili have to get away from dust and dirt, have seen quite a few of plants with dust proof rooms, where people wear smocks, etc. They are approaching this need, dust proof rooms quite a possibility, tolerances getting closer and closer, have to buy bigger and better machinery for these tolerances, .68 to .70 degree measure, why have airconditioning, may have to go into dust proof rooms in future, all ties in with dust.

Mr. Tarricone asked him if he had ever observed a cement mixing plant in operation? Mr. Marussich advised had one right next door on Mt. Hope Avenue, behind them a trans-mix operation, do not mix it there any more. Mr. Tarricone questioned was that a cause of dust in the area? Mr. Marussich said the City of Rochester. About every two seasons had to dig up the sewers and get the cement out of the sewers, should be in their records. That is why stopped mixing it there. Mr. Tarricone questioned did he himself observe dust emanate from that? Mr. Marussich said you could taste it.

Mr. Malone questioned was not that a concrete mixing plant? That was not a batch plant like the application. Does he know difference between concrete mixing and batch? There is no concrete mixing done on property. That is where materials are put into truck, no mixing of concrete at plant as such, that is the difference.

Mr. Malone asked him if he knew there was a tool and dye plant going up on Jefferson Road? Mr. Marussich advised one there now, right near Zerox, Sagamore Drive. Mr. Malone questioned is there another going up there? Mr. Marussich said he would not know.

Mr. Carroll questioned Mr. Nicholas, asked him where he resided. He said 452 Linden Avenue, Penfield. Mr. Carroll asked if he owned property in the Town of Chili, and where was it located. Mr. Nicholas advised yes he did

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at 60 Paul Road, right next door to Mr. Syracusa, toward Scottsville Road side, and on question he owned 6-1/2 acres. Mr. Carroll asked what was his present occupation. He advised right now they are just managing a trailer park that is on Linden Avenue. Mr. Carroll asked if there was a cement plant near his trailer park on Linden Avenue. Mr. Nicholas said DeWitt and Petrossi. Mr. Carroll asked how far were they situated from trailer park, and did Mr. Nicholas own the trailer park. Mr. Nicholas advised they had owned it, but do not any more, he had never actually measured the distance from the plants, but would believe it almost half a mile. Mr. Carroll asked if he had been up to these cement plants. Mr. Nicholas said so many times Mr. Carroll asked if he had observed any dust. Mr. Nicholas advised dust all over the place, can write your names on car, can write your name on the cement bin itself, write sign on it if you wish. Mr. Carroll asked if this effected operation of his trailer park. Mr. Nicholas advised no, they are far enough away, wind blows toward them, not toward him. Mr. Carroll questioned, he heard Mr. Russo testify here last week about his dust free operation. Between last week's hearing and tonight, did not he, Mr. Nicholas, go there? Mr. Nicholas advised drove by and around and found trees in front of operation on road leading between Pittsford and small town, Bushnell Basin, found trees in front were loaded with dust. Mr. Carroll questioned what kind of dust? Mr. Nicholas advised could not tell, but a lot of dust. Mr. Carroll asked what is color? Mr. Nicholas advised were dusty color on leaves, were dusty color. Mr. Malone advised Mr. Russo operates a sand and gravel pit, does he not, and is digging into dirt and the ground? Mr. Nicholas said that is correct. Mr. Malone questioned, there is big area dug up? Mr. Nicholas answered that is correct and not an asset to any territory. Mr. Malone questioned if Mr. Nicholas knew whether or not he has mason sand there. Mr. Nicholas said he understood he does, yes. Mr. Malone questioned he knew there is a difference between sand used in trans-mix plant? Mr. Nicholas said he understands there is, he is not an expert on it.

Mr. Malone asked him, his land lays between Syracusa's land and Gillette's land? Mr. Nicholas advised his backs up to Mr. Gillette and Mr. Syracusa. Mr. Malone asked how wide would he say his land is at narrowed point between Gillette's land and Syracusa's land? Mr. Nicholas advised he did not check distance. Mr. Malone asked if he had some idea. Mr. Nicholas said he did not check the distance. Mr. Malone questioned he used to be in real estate business, did he not? Mr. Nicholas said no sir, he did not. Mr. Malone questioned when he bought this land, did he look at zoning map? Mr. Nicholas said he did. Mr. Malone questioned he knew this was industrial area and were familiar with it? Mr. Nicholas replied he thought he had protection of Board as far as granting a variance, did not think that had anything to do with not having protection of Board. Mr. Malone questioned, but he was familiar with type of uses area could be used for? Mr. Nicholas answered but he thinks industry has to be protected too. Mr. Malone questioned he had trailer park on his property? Mr. Nicholas answered they do not have a trailer park, do not own trailer park. Have two garages.

Mr. Miller questioned Mr. Nicholas when he went out to visit Mr. Russo's operation, was he correct, there is a sand pit and cement plant in same place? Mr. Nicholas advised that is correct. Mr. Miller questioned he could not tell whether cement dust or sand dust? Mr. Nicholas said he would not be able to tell, he is not an expert.

Mr. VanSlyke asked Mr. Nicholas if he could tell him the frontage of his land on Paul Road. Mr. Nicholas could not. Mr. VanSlyke asked what is the general shape of his land. Mr. Nicholas advised he had a surveyor's map of it, but did not bring it along. Mr. VanSlyke asked if his land is deeper than its frontage. Mr. Nicholas said it is. Mr. VanSlyke asked how much so. Mr. Nicholas said he believed it goes back around 600' or 900'. Mr. Carroll presented a map advising this is map prepared by real estate broker whom offered it for sale and it was now offered by Mr. Carroll in evidence. He pointed out irregular shape, first line is center line of Black Creek. Mr. VanSlyke remarked says here he had 231.7' on Paul Road, actually broader in rear than in front. Mr. Malone questioned did he go back to the airport

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land. Mr. Nicholas replied he did not really know, had not had it checked out to see if bordered the airport or Mr. Syracuse is back there. Mr. Malone questioned would he say he backed up to the end of the airport line, his property. Mr. Nicholas advised he would be able to say that, no. Mrs. Tanger questioned he was given permission to operate a business on this property? Mr. Nicholas advised camping trailers, sporting equipment. The same condition existing as on Linden Avenue next to it would just about wipe it out. Would not be able to display his equipment out there. Mr. Malone questioned what kind of permit he had. Mr. Nicholas advised had variance to sell camping trailers and sporting equipment.

Mr. Merkel stated he would like to make motion for record on behalf of Banco Electronics, move dismiss petition of John Syracuse on grounds he failed to show his operation is such that would not be considered obnoxious, that Board take into consideration he introduced testimony of Mr. White who is salesman who is bidding for sale to Mr. Syracuse for trans-mix and whose only qualification was draftsman work under engineer for one year, and board take into consideration that Mr. Syracuse also set forth testimony of Mr. Russo who has been in business since 1954 and that he has no formal experience designed plant based on pictures taken around country, had competitor type operation, further testified operation was same as Baughman's on Jefferson and that Mr. Syracuse himself has four years' experience in trans-mix business, in his own testimony was unable to identify certain debris in circumstances which as or if an expert should be able to identify and both he and Mr. Russo testified plant probably would be similar and very close to operation of Baughman on Jefferson, feel they have failed to show they have brought themselves without prohibition of statute and ask Board to take into consideration fact Mr. Klein, Professional Engineer testified as to various effect this type of abrasive material will have on precision machines his client is manufacturing, feel that would be nuisance in this type of operation and testified his observation of plant on Jefferson Road for a period of 15 minutes, expelling an immense amount of dust on his clothes and operation itself was cause of tons of dust and dirt into air. Feel his testimony and the lack on part of petitioner sufficient to deny application on ground and because dust be obnoxious, a nuisance and prevent others in area of use of property for what it was proposed.

Mr. Hunter advised as far as dismissal, this will be denied. Board will consider the application.

Mr. Malone advised he wished to commend Board on sitting and listening to testimony. Thinks Town ordinance is clear as to uses in District A. Feels the only people here in objection to it are people who have these plants and feels also if there are tool plants located near these transit-mix plants which Board on its own observation will find out, if dust is their problem. He respectfully submits the Board look at one of these plants and investigate upon their own observation as to whether or not this concrete transit-mix plant creates dust that would be detrimental to any of nearby property adjoining Syracuse property. Thinks they have had lots of fun here and it has been long and their patience has been good. He asked these people be sworn to their testimony and thinks it would have cut down a great deal and respectfully submits this testimony given here has been prejudicial from both sides. All he asks, this Board investigate on their own and determine from their own observations if this plant will cause anything detrimental to any property or detrimental to the Town of Chili. Traffic not problem, Gottfrey, any plant will have truck, concrete truck if you do building have to come for merchandise. This property can be used for storing of building material and building materials can be stored on this land in manufacturing or processing anything in relation to storing of these materials.

Mr. Malone felt they were entitled to special permit under Town Ordinances for Industrial A District. He would like to better amend his views which are covered on exhibit 1, 2 and A to be set forth to comply with all testimony stated here in relation to covering of conveyor, the bin and putting in these further additional reduction of dust problems that could be created. He would like to set forth the side lot distance as to location of plant also

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front lot line distance, would like to set forth the paving of the area of the roadway which is to be done which would be set forth in detail and submitted to the Board at that time.

Mr. Hunter asked that they submit more detailed plans and asked if they were ready to do that this evening. Mr. Syracuse advised Mr. White is in Albany, left night of meeting and still in Albany, will not be back until Friday this week. When he gets back he will guarantee Board set of blueprints for Board to be able to pass judgment on. Mr. Hunter advised should be scale prints. Mr. Merkell wished it noted in record his objection to the continual amendments of Mr. Malone. He was going to object to this, series of continual amending, came out to make one type of application, made another, one plan, now others. He objects.

Mr. Hunter questioned if any others who had not declared themselves for or against this proposal, or had any questions, that did not speak last week, to do so at this time.

Mrs. Alice Dunn, 42 Adela Circle, advised everyone around their area is against this, just do not want it.

Mr. Spohn, 300 Paul Road advised he was against it.

Mrs. Powell, 200 Paul Road, advised they did not want it there, that is close to them and they do not want it.

Mr. Tarricone advised he would like to make one final statement, applicant has the burden of satisfying this Board that his contemplated use will not produce smoke, odor, dust, fumes or noxious odors liable to become a nuisance or interfere with the enjoyment of neighboring properties and which are not hereinafter specifically prohibited. He then quoted from Sec. 10-60 "A District uses". Mr. Malone suggested he read the whole paragraph. Mr. Miller advised the Board will take notice of this code.

Mr. Hunter declared the hearing closed at 11:30 P.M.

DECISION: The Board unanimously voted to reserve decision on the above application at this time.

Patricia D. Slack
Secretary

MINUTES

ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.

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The Hearing was called to order at 8:00 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
 Mr. Charles Pfenninger
 Mr. Howard VanSlyke
 Mr. James Fraser
 Mr. John Palermo

Also presents: Mr. William Davis, Superintendent of Building
 Mr. Daniel L. Miller, Deputy Town Attorney

#1. Application of Paul Peraino, 290 Laurelton Road, Rochester, N.Y. for approval to erect a 4' x 8' temporary sign at corner of Paul Road and Maplewood Drive, 10' from either road, E district.

Mr. Peraino appeared before the Board. Advised the sign will be about ten feet in from Paul Road. Did not have a plot plan. Had a sign there one time before. Mr. Hunter questioned what it was for and Mr. Peraino advised a temporary sign for housing development. Mr. Hunter asked when he said temporary, what period of time. Mr. Peraino advised possibly two years. Mr. Hunter advised Town Code allows them to do something for a year at a time, he would have to come back and reapply if wished it for longer. He questioned if the sign would be lighted or what? Mr. Peraino advised not lighted, plywood sign 4' x 8' with 4' post, about 4' off the ground. Bottom would be 4' from ground, 4' high, about 8' high, he would be willing to place the sign at the discretion of the Superintendent of Building and the Director of Public Works. This will be a smaller sign than the last time. Mr. VanSlyke questioned where Maplewood Drive is and Mr. Peraino advised it is a proposed street one half block from Chestnut Ridge Road Extension, going down towards Chili Avenue.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application, no one appeared.

DECISION: Application for variance unanimously granted for a period of one year, with the right to reapply for a renewal. Sign to be erected under supervision of Superintendent of Building and Director of Public Works.

#2. Application of Mobil Gas Station (Edward Kellett) corner of Buffalo Road and Union Street, for approval of a 3' x 4' illuminated sign on a pole 4 $\frac{1}{2}$ ' from ground, located 15' from Buffalo Road, as per plans submitted. B District.

Mr. Slish from Brite Signs Inc. appeared before the Board and advised this will be a small 3' x 4' plastic double faced sign on 4" pole set in concrete. Bottom of sign to ground approximately 9'. Will be put on east side of building and anywhere between 24' to 50' from curb into building line. Total height about 13'. He corrected the application and plans submitted to show sign 9' from ground instead of 4 $\frac{1}{2}$ ' as stated. Will not be flashing, will be stationary, says "TOP VALUE STAMPS", will be seen from east or west, that is why two faced sign going east and west on Buffalo Road. It is separate from building, will light up area for approach to station. Will be about 20' or 30' away from the building. Mr. Hunter questioned will it be close to home east of that station. Mr. Slish advised will be on building line, not sure how far home is, thinks it is set back in a way, thinks sign will be closer to road, will conform to what Superintendent of Building says they want and go along with that, it will not be a traffic hazard. Mr. Hunter wished to know hours it would be lighted. Mr. Slish advised it will depend. These plastic signs do not go on during day, but would depend, in winter months around 5:00 to closing which is around 11:00 or 12:00 P.M. Will be on six days a week, except Sunday.

State of New York
COUNTY OF MONROE,
CITY OF ROCHESTER.

Record Notice

REVIEW OF CHILI ZONING BOARD
NOTICE IS HEREBY GIVEN that there
will be a public hearing of the zoning
cases at 10:00 A.M. of the 10th day of
November, 1948, at the City Auditorium,
1335 Chili Avenue, Rochester,
New York, to consider the following applica-
tions:

1. Application of Paul Pardino, 250
Laurelton Road, Rochester, N.Y., for ap-
proval to erect a 45x8 temporary han-
dcarved cedar wood sign and Moonboard
Drive-in, 107 North Elmer Road, E. District.
2. Application of Mabel One Slatton
(Flowers' School), corner of Buffalo Street
and Union Street, for approval of
an illuminated sign on a pole 14 ft. from
ground, located S. from Buffalo Road,
as per plans submitted by B. District.
3. Application of Charles S. Gliddon,
4335 Buffalo Road, N. Chili, for approval
of variance to erect house 11.75 ft.
from Monroe County Road Line on lots 1, 2,
3, 4, 5 of the Edwards Farm lots facing
on Attridge Road, E. District.
4. Application of Harold J. and Jeanne
A. Donnelly, 49 Elmwood Drive, for ap-
proved to add 10 feet to home at 49
Elmwood Drive, to widen 5 feet of the
pension drive to width of 5 feet of the
North side lot line, D. District.
5. Application of Robert J. Matko, 67
Hubbard Drive for approval to erect a
garage 30 x 30 ft. east of North
Drive, to within 3 or 4 feet of North
Drive. Lot line of 67 Hubbard Drive, D.
District.
6. Application of Indian Hills Develop-
ment Corp., 360 Pinchot Road, lot no.
100, for a 30 x 100 ft. windmill tower
located on a building 10x10 ft. high, a
foundation 8x8 ft. wide, necessary for
construction of building, to be erected on
lot no. 48. Has been cleared with County
Planning Board and application for a
Permit is in progress, E. District.
7. Application of Ned Morris, 100 Alex-
ander Road, Rochester, N.Y., for approval
to erect industrial building 80x100 ft.
3 story, on Beaman Road, undersigned lot,
A. District.
8. Application of Silber's Station, 101
Hudson, for permission to erect
gasoline station on Northeast corner
Union Street and Chili Avenue, B. or
E. District.
9. Application of Donald W. Binn, 752
Chili Avenue for approval of renewal of
variance to operate the now established
Chili Beauty Salon of 2475 Chili Avenue,
E. zone.
10. Application of Community Christian
Church, 2647 Chili Avenue, for approval
of a 40x100 ft. temporary 45x10 ft.
sign on the roof of the church from
Chili Avenue, E. District.
11. Application of Raymond Blodgett, 500
Attridge Drive, for approval to erect
house on lot CRB-5 and Lot BRB-5BRC
house on lot CRB-5, each 10x10 ft. being 72 ft. wide and
Creek Road, each lot being 72 ft. wide and
120 ft. deep, D. zone.
12. Application of John Syracuse, 278
Chili Avenue, for approval 16 acres
of seven garages directly adjacent
lots at 2403 Chili Avenue, Monroe
County, to be used 10 ft. to road line at 10
ft. approximately 80 ft. rear of 120 ft.
wide and 120 ft. deep, E. zone.

All interested parties are requested
to be present, by order of the Chairman
of the Zoning Board of Appeals of the
City of Chili, N.Y.

ROBERT HUNTER,
Chairman

Eleanor E. Williams being duly sworn, deposes and say
that she is principal clerk in the office of the ROCHESTER TIMES-UNION
a daily newspaper published in the City of Rochester, County and State
aforesaid, and that a notice of which the annexed is a printed copy, was
published in the said paper on the following dates:

October 26, 1966

26th

Sworn before me this
day of October, 1966

Notary Public, SWOPE
NOTARY PUBLIC, State of N.Y., Monroe County
My Commission Expires March 30, 1961

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Mr. Vanslyke questioned the lot it is located on and Mr. Slish advised thought it is approximately 50' if not more. Mr. Vanslyke asked if he had contacted people on either side. Mr. Slish advised he had, but if they so desired he can contact them and see what the reaction will be. Mr. Palermo questioned if house next door sat behind the station. Mr. Slish advised almost even with the station. Mr. Miller asked if there was a sidewalk along there and Mr. Slish advised no, the sidewalk on the other side.

On question of Mr. Hunter if any one present at the Hearing in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted for a period of two years, with the right to reapply for renewal, to be erected as per plans submitted and amended at hearing, to be erected under supervision of Superintendent of Building and Director of Public Works. Construction must be started within one year, otherwise this variance becomes void.

#3. Application of Charles S. Glidden, 4358 Buffalo Road, N. Chili for approval of variance to erect house 51.75' from Monroe County Road Line on lots 1, 2, 3, 4, 5 of the Edwards Farm, lots facing on Attridge Road, EE District.

Mr. Glidden appeared before the Board and presented maps, to show just what he wanted. Setback is 60' from deed line, at same time always question about Monroe County Line. Mr. Hunter, using map questioned he was calling deed line here and Monroe County property line here? Mr. Glidden advised it is 66' right of way. Your setback from that point would be 51.75', wants to be sure O.K. to set it 60' back from deed line. Mr. Hunter questioned there is discrepancy here to what is edge of property? Mr. Glidden advised and pointed out where deed line of property but Monroe County claims road is 66' wide, always dispute about that. They have set 60' from deed line but he wants to be sure he is O.K. 60' from deed line, that would make it 51.75' from Monroe County Line. Mr. Van Slyke questioned is his deed line center of highway. Mr. Glidden said he did not think so in this case. Mr. Davis advised years ago that could have been a three rod road, lot ran from center. Mr. Vanslyke said on farm land, from center of highway. Mr. Davis advised this on County map is four rod road, 66', lot line, is 33' from center of road, shows it on that map. Mr. Glidden advised wanted to put it 51.75' back of Monroe County Line which is 60' back of deed line, so there will not be any dispute. Mr. Hunter asked what is problem of going 60' from Monroe County Line. Mr. Glidden advised that would mean setting it back further and would need lot of fill, cannot see any reason to, no leech field on that, does not require leech field as going to get sewers in February, just added expense. Mr. Hunter questioned property to the southwest, was it his or someone else's, is this open farm land. Mr. Glidden advised that is right. Mr. Hunter asked what is nature of this land compared to this, does this also fall off back here and on other side? Mr. Glidden advised that is right, not quite as much. Mr. Hunter asked if this property was no different than property around it?

Mr. Vanslyke questioned size of lot and is it now subdivided? Mr. Glidden advised they are 180 x 200. Mr. Hunter questioned how far away would there be homes in a certain direction. Mr. Glidden advised and showed on map where a barn is, and there is a home he pointed out, a farmhouse about 400'. Mr. Hunter advised one reason he asked about property around this, not allowed to grant variances where situation or hardship is not unique to property in question. If this land were low and next land not, then this particular piece of property has unique hardship, but, he pointed out, same situation holds here and here. Mr. Glidden advised the grade there will be 16" higher than center of road, does not care about back of it. Say little better than 8' of dirt needed, if leech would not mind putting it in.

Mr. Miller questioned when he took title to this plot of land? After

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discussion and checking date map signed Mr. Glidden advised about three years ago he purchased it.

Mr. Fraser questioned how close was nearest house to this proposed building. Mr. Glidden advised would be about 150'. Mr. Fraser questioned that setback. Mr. Glidden advised he did not know exactly. Mr. Palermo questioned how far back compared to houses he planned on putting in. Mr. Glidden felt about the same. Mr. Pfenninger questioned he planned to stay 60' back, 33' from middle and then 60' back? Mr. Glidden advised no, it would not be that, Monroe County Line there is 66' now then deed line is about 8'. Mr. Pfenninger said he took deed line from old three rod road, that is out of picture, now go to four rod road. Mr. Hunter advised that is why he was asking for variance. Mr. Glidden advised if leech field was to be in front, would set back 60' or 65' or 70', but no need of all this account of the leech because was going to have sewers there in February, so he is just asking for the variance, lot is all staked out 60' from there and noticed did not gibe with 93 from center of road, then his engineer brought up question, so they decided if stay 60' from deed line better get straightened out for 51.75'. Mr. Miller questioned but actually 60' from deed line? Mr. Glidden said yes. Mr. Pfenninger questioned is this along on the Shure property? Mr. Glidden advised yes, Edwards got it from them.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this variance, Mr. Frank Breiner spoke and advised he was in favor of this application because knows where lots located and if put these houses back will not have good footages and would have cracks, cannot see this argument of three and four rod roads, never was a test case to his knowledge in Court.

Mr. VanSlyke questioned if Attridge Road had a numbered route and Mr. Glidden did not know.

No one appeared in opposition to this application.

Mr. Hunter questioned could he estimate for them what it would cost to fill these lots to make the code requirements. Mr. Glidden advised would run about \$300. a lot. Mr. Pfenninger questioned, then would have to set footing on fill? Mr. Glidden advised he would have to do it one way or other. Mr. Hunter questioned he had to do some fill as it is? Mr. Glidden advised yes. Mr. Hunter questioned his footing with this application would have to go on fill? Mr. Glidden advised not if stayed with 51.75', have plenty of solid.

DECISION: Variance unanimously denied. Hardship if any is self imposed and is not unique to the property in question.

#4. Application of Harold J. and Joan M. Donnelly, 45 Jensen Drive for approval to add a room to home at 45 Jensen Drive to within 8 feet of the north side lot line, D District.

Mrs. Donnelly appeared with sketch that she presented to the Board. They have 20.3' to lot line, proposed addition 12', if put on distance to lot line would be 8'. Mr. Pfenninger asked how far is house on next lot from line. Mrs. Donnelly advised about 8' from their lot line. She explained it is a corner lot, would be 31' between edge of room and street, edge of road, there is homes across from Scott Lane and all around Scott Lane, would be one story addition. Mr. Hunter questioned what this does to vision around corner, also have corner setback. She advised they took that into consideration and considered the trees and everything else planted along lot that are already there. Mr. Miller questioned they have 20' now? Mrs. Donnelly said yes from edge of house to their lot line. They would be within 8.3' to corner, it is corner lot facing Jensen. Mr. Hunter questioned these homes were built about the same time? Mrs. Donnelly advised yes they were, about 10 years ago, maybe little before that.

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Mr. Hunter advised that essentially only basis for granting variance is on basis of hardship or difficulty in use of property and asked if they claimed any hardship. Mrs. Donnelly advised they need the room, that is the hardship, have five children. Mr. Pfenninger asked if they could put it on other side of house? Mrs. Donnelly advised would not be practical, bedrooms on other side, need living area, Mr. Hunter asked how many rooms they had and was told six. Mr. Hunter questioned had she talked to neighbors. Mrs. Donnelly advised yes, has signatures of all of them, they do not object.

On question of Mr. Hunter if any one present in favor of this application Mr. Ed Beckman, 10 Scott Lane appeared and advised his home on Scott Lane is directly across from site of Donnelly that borders Scott Lane and he was in favor of addition they plan. It is nice, plus they need the room.

Smith of 38 Jensen appeared and approved of this addition on their home, they need more living area, feels will not obstruct view, trees in front of house there, would not make any difference.

No one appeared in opposition to this variance.

Mr. Miller questioned how far does Jensen go beyond Scott Lane? Mrs. Donnelly advised it does not, is a U deadends and turns. She explained to Mr. Miller how the houses surround the curve of Jensen Drive and Scott Lane.

Petition read into minutes of surrounding homeowners approving this addition with their signatures thereon. Petition on file in Town Clerk's Office.

DECISION: Variance unanimously denied. No hardship shown to the property.

#5. Application of Robert J. Malerk, 67 Hubbard Drive for approval to erect a garage to within 3 or 5 feet of North Side lot line at 67 Hubbard Drive. D District.

Mr. Malerk appeared with tape location map which was shown to Board. The house is 17' from north lot line, the further back he puts garage the more he will have to jog driveway to get into garage. Wants 18 x 20 garage. Also land in back goes down, further back goes down, more fill required. Quite a drop in back. The nearer he gets to lot line, nearer he gets garage to house, drive only goes to back of house, nearer to lot line, less drive and fill. People next door G.Russo, offhand would say about 20 - 25' from line, no garage up yet. Mr. Hunter asked if their home was about in line with his house. Mr. Malerk advised they have room for breezeway and garage and still stay within 10'. He had a letter from them approving his application which he presented to Mr. Hunter. (this was carbon of letter sent to Zoning Board by Mr. Russo). Mr. Hunter questioned if he had talked to other people around him. Mr. Malerk advised Mr. Houser and Mr. Ryan, they have no objection. Mrs. Worboys has no objection at all. Mr. VanSlyke questioned if this was in North Chili and was advised yes. Mr. VanSlyke questioned man in lot next to him has no garage at present, where is his present driveway located? Mr. Malerk advised right next to his, practically on same side. Mr. VanSlyke questioned he said he has room? Mr. Malerk advised he would build a breezeway and garage, his side door here, he, Mr. Malerk, has no side door, distance at least 20'. Mr. VanSlyke advised if neighbor wanted 20' garage then there would not be total, just distance of 5' between buildings if he should want to put garage in here. Mr. Merkel said he has room for breezeway and garage and it would not be near his, he would be back quite a way from his. Mr. Hunter questioned double garage and breezeway? Mr. Malerk said yes. Mr. Hunter advised he would have to have 32'. Mr. Malerk guessed he had 20 to 25'. Mr. VanSlyke questioned did he know offhand frontage of neighbor's lot line? Mr. Malerk advised same as his, he would assume 75'. Mr. Hunter questioned if he had made any attempt to meet the

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code of 10'?. Mr. Malerk advised he would have to go back further and do some filling, does not know cost, would have to check with contractor. Mr. Pfenninger inquired what he meant by 3' or 5'. Mr. Malerk advised the smaller the number of feet, but will take what can get. Will settle for 5' but if 3' could build garage up closer to house, less fill and driveway to put in. Property falls off going back and to side.

Mr. Miller questioned because property falls off, would be too expensive on south side? Mr. Malerk advised driveway already in, has been there for eighteen years. Mr. Miller questioned rear entrance is in back of house, directly in center? Mr. Maler advised if put on other side, would be putting in another driveway. Mrs. Worboys is up higher than I am. Mr. Fraser asked what his existing driveway width is. Mr. Malerk advised 16'. Mr. Fraser asked if he planned to flare this driveway into garage. Mr. Malerk advised yes, will have to go over sidewalk, may have to take that out. Mr. Palermo asked how far back from house and Mr. Malerk told him approximately 10'.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this variance Mr. Cramer of 79 Hubbard Drive appeared in favor of it, felt it was unfortunate house was situated where it is on lot, by circumstances, he would favor the variance.

No one appeared in opposition to this variance.

DECISION: Variance unanimously denied, no hardship shown to the property.

#6. Application of Indian Hills Development Corp., 960 Pinnacle Road for approval to erect a 30' whip type 2-way radio antenna on a building 13½' high in Lexington Subdivision, necessary for no longer than two years, to be erected on lot 48. Has been cleared with County Planning Board and application for 2 FCC is in progress. E District.

Mr. Rash, Development Manager of Indian Hills Development Corp. appeared. Advised there are two changes to this application, address of company is now 2655 Chili Avenue and the FCC application has since been approved. He advised propose operating base radio in moveable building on tract that is used as construction and sales office and they have to speak from this point wherever office happens to be. Moved out of Henrietta. This serves as communication for various vehicles. He contacted Planning Commission, Mr. Leach, who told him height was 100' lower than anything they have to be concerned with. Are about 3' over height ordinance and lower than height line between them and air course. It is just a straight pole 30' long, held in place by four guide wires. Whip is 30', ridge of building is 13½' high, total height is 43'. It is on building they had up at corner, now moved down, will move as tract progresses. Application for FCC automatically when it grants permission to move these, when moved already cleared with air force and anything else within three miles that might interfere.

On question of Mr. Hunter if any one present in favor of this variance or opposed, no one appeared.

DECISION: Variance unanimously granted for two years.

#7. Application of Neil Norry, 100 Ajax Road, Rochester, N.Y. for approval to build industrial building 80' x 150', one story, on Beahan Road, undersized lot. A District.

Mr. Norry appeared before the Board and advised he would like to clarify this application. After meeting with Mr. Davis they were advised lot is not undersized for development plan for Industrial Park on Beahan Road. He produced topographical maps on it. He pointed out building he was talking about met 15' and 100' setback. Thought had to go, but each individual subdivision complied with 30%.

He wanted to present the Board with start of project, they have another

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building going in, hopefully this fall. He discussed question of uses. The front plant for Sun Chemical Company, printing Division Blenders. All prohibited uses covers manufacturing, does not think they need a variance. The invited Mr. Finalborgo of Sun Chemical to clarify this so that they can proceed with this. They need to get fairly quick approval to break ground and get the people in building, front building nearest Beahan Road. Building in back is being built without a tenant, but he is sure they will find someone. The plans are tentatively approved by County and Airport. He introduced Mr. August Finalborgo, and advised they feel fortunate to get Sun Chemical Corporation.

Mr. Finalborgo advised it is what is called a blending station. They have in Chicago and New Jersey and West Coast and near Boston what they call mother plant where actual manufacturing takes place. In the mother plant prepare from dry color and vehicles and forward them to branches which has basic palette of materials they have to match colors with those set specifications. Must be no dust involved. Service business where have to be near customer, within 24 hours. Have been in Rochester for six or seven years, down on Stutson Street; but need more space. This site appeals to them because in right area for serving customers here and in Buffalo. He showed the Board pictures of the type of building. Material comes in drums or metal containers and is shipped out in similar containers and this is blending operation. These pastes are mixed same as cake batter mixed at home. This type of ink has no solvents. He advised would not manufacture ink at this location, merely a blending operation. Advised would employ roughly eleven people.

On question Mr. Norry advised they were building the building and would lease it to Sun Chemical Corporation. Had plans of this building, plus other building going in.

Mr. Finalborgo advised have plants all over, 38 plants. Make base in Chicago, Boston, New Jersey and San Francisco. Base shipped to this plant in drums and they blend from those drums and make pattern colors. Mr. VanSlyke questioned was he a chemist and he advised Chemical engineer. and on question of Mr. VanSlyke advised there were no toxic materials in this, unless alcohol used for cleaning up. and there were no fumes. Less than you would get if you were mixing paint. You will get slight odors from vehicles, linseed oil, etc.

Mr. Norry advised application when it was made, he spoke to Mr. Davis he knew what application was going to be. Mr. Hunter advised this apparently was advertised as application for building on his lot, that was what was to be before Board, and he is requesting something quite different. Mr. Norry advised they did not feel variance necessary and really wanted an opinion of Board to back them up to go ahead. This would be an extremely clean operation. Discussion was had on the operation, if necessary to come before the Board. Mr. Norry did not want to get started and find out they were in violation. The only question was if considered ink manufacturing and they wanted it cleared up, but this is not manufacturing. Mr. Hunter advised the Board's concern is if producing smoke, odors, etc. to become a nuisance, were they making statement this operation will not do any of these things, will not violate code? Mr. Miller advised Mr. Finalborgo as chemical engineer was making this statement and as deputy Town Attorney he would say they did not have to come before Board as they are not manufacturing.

Mr. Hunter advised those at the hearing of the opinion that the original application not needing a variance and the applicant wanting an opinion on the use of the building and the opinion given.

After the close of the hearing and more discussion on the operation the building to be used for, it was felt that this should come in for a variance.

DECISION: Unanimous decision of the Board that the application as originally submitted did not need a variance. Proposed use of the building would be subject to a variance and they to be so notified.

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#8. Application of Sibarco Stations, Wilmington, Delaware for approval to erect gasoline station at Northeast corner of Union Street and Chili Avenue, B District.

Mr. Donald C. Summers, Attorney with Coyle, Marks & Jordan, attorneys for Sibarco Stations and applicant owner John L. O'Hearn appeared. The property at northeast corner intersection of Route 33A and Route 259, commonly called Union Street. This is an application on behalf of Sibarco for construction and maintenance of an Atlantic Service Station at this corner. Are coming before the Chili Zoning Board under their ordinance which allows this use as special use and as he understands it the present existence use of property is small grocery store with gas pump that has been their since prior to beginning of ordinance. Therefore non conforming use. In that assurance they are extending a non conforming use and under Town's Section, 19-103 subparagraph 5, they are allowed in the Board's discretion, a special permit to extend non-conforming use or build providing existed at time ordinance effected. Was sure most of the members of the Board familiar with location of present station (submitted map), there is a building presently on property, believes it has two little pumps, 1 story frame house and another building adjacent. State right of way, pump in right of way, proposed building located up in northeast corner and falls in this corner and faces major intersection here, 100' back on both sides, not over two story, does not exceed 20% of lot, more than 10' from both lot lines, 50' rear setback. Shown two bay service station, (pointed out on map) showed where 70' to one lot line, building will be built Colonial type of structure. Showed proposed pumps and building on map, and pointed out how many feet from Chili Avenue.

Mr. Charles Connor from Sibarco also appeared and explained the map, Mr. Pfenninger inquired if they would pull building down that is there now and was advised yes, and build a new one. Mr. Summers advised felt there was a need for a service station here and quoted some statistics regarding increasing traffic and cars. Felt Town of Chili is probably one of most expanding towns in County of Monroe, so on basis of need thought it is apparently clear these service stations will be of service to area. This building going to be fine residential, brick, pointed out where building will be located on, will have view of corner which will improve it.

Mr. Davis questioned how far from entrance to expressway, must be 300' from entrance. They were aware of it and Mr. Connors advised looks about 650' on that to corner. Mr. VanSlyke questioned if had been approved by State Highway Department, and was advised yes, they did not have proposal for signs, will submit specification to Board as to sign they have them. Mr. Hunter questioned if had State approval for location of gas pumps. Mr. Connors advised do not have approval for gas pumps, tentative approval of plans, State only requires 15' setback for pumps so they anticipate will get approval. Have been told safety of islands, everything else of that nature subject to them.

Mr. Hunter questioned the zoning of property adjacent to this property. Mr. Davis advised would check it. It was believed most surrounding property commercial. Mr. Davis felt just where store is is commercial, thinks where house is residential.

Mr. Connors advised the Board and pointed out on the map the outside illumination, pointed out where two proposed signs to be erected with internal illumination, mercury vapor, flood light on approach, standard ATLANTIC sign.

Mr. VanSlyke questioned size of lot and was advised 234' x 162' x 162' irregular lot. Mr. VanSlyke asked if they intended to use this building for anything other than ordinary gas station, any repair. Mr. Connors advised just minor repairs, which are done in a service station.

Mr. Miller questionsd what provision made for trash. Mr. Connors advised trash enclosure in back side for dealer to keep rubbish, and such, large enough for an actual accumulation, he would assume for a month, fence type

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4' to 6' high so cannot see into it. Mr. Miller asked in lease agreement do they prevent leasee from storing hot rods and this type of race cars on premises? Mr. Connors advised not that familiar with complete details, knows it says they must abide by any local laws or regulations or lease is cancelled, he cannot say for sure, but would assume something in there about being a nuisance. Mr. Summers said he would say if special permit Board could put restrictions of any use like this in its conditions. Mr. Hunter questioned if they would say normally no vehicles stored outside this building, tow truck would this likely be in bay at night? Mr. Connors advised he would say yes, during day cars being worked on for service, but nothing more than 12 hours.

Mr. Hunter questioned as far as sign, he mentioned two signs, these are only signs they propose at this point, other than on building, these are both internal lighting, approximately how are off ground? Mr. Connors advised bottom 12' off ground and they will be 46 square feet, 10 x 4' something or other, about 16' to top. Have two now in Town of Chili. Mr. Hunter questioned hours of operation, 7 days a week? Mr. Connors advised most service stations are 7 days a week and 16 hours a day. All he can say, this station would be operated to meet competition and demand. Mr. Hunter asked how late and was told about 11:00 or 12:00, something like this.

Mr. Miller questioned they were asking for special permit to extend non conforming pre existing use, he takes it they are requesting only for gas station, not extending grocery business. Mr. Summers advised that is right.

Mr. D.D. Davis advised he would like to request hedge along rear at north as well as on the east, have residents on both properties so would like to request that heds. Mr. Hunter asked if they would be willing to do this and Mr. Summers advised yes, but if get hedges too close to road, will block road. Mr. Davis advised 150' from Chili Avenue there is stop sign and light there. Mr. Summers advised they were willing to hedge it.

On question of Mr. Hunter if any one present in favor of this application, no one appeared. On question of any present opposed to this application Mrs. Helen Schmidt, 22 Fenton Road questioned when this gas station would be erected. Mr. Summers advised as soon as get permit. She advised she had a two/lease for the store on this property and the gas pumps. It expires September 20, 1968. Mr. Miller asked if she was opposing it strictly on grounds it will put her out of business if new owner does not renew the lease? Mrs. Schmidt advised she signed the lease which still has another two years to run. Mr. Summers advised he thought this is a private matter. They have an option subject to approval by Zoning Board to construct service station there. Gary Schmidt 35 Yolanda Drive advised he said they have option, he did not see, he felt Mrs. Schmidt has first option to buy. Mr. Hunter ruled this is not pertinent to this before the Board and did not think Board should listen to it.

Mrs. Beatrice Taylor, 3771 Chili Avenue opposed this application, thinks a need for grocery store around there. Has been very nice woman and they need some place to go.

Mrs. Weidner, 3582 Union Street opposed it for the same reason as Mrs. Taylor.

A ten minute recess was declared at 9:45 P.M.

The Zoning Board Hearing was reopened at 10:00 P.M. Roll call found the same members present as at the beginning of the hearing.

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DECISION: Application unanimously granted, as per plans and specifications submitted, subject to the following stipulations:

1. No storage of unlicensed vehicles on property.
 2. No parking of a licensed vehicle for a period longer than forty-eight hours.
 3. A screen of live, compact, evergreen hedge, at least 6' high be placed along the north and east side.
 4. Construction to be started within a year, or this variance shall become void.
 5. A permit must be obtained before proceeding.
- #9. Application of Donald W. Binn, 752 Chili Avenue for approval of renewal of variance to operate the now established Chili Beauty Salon at 2675 Chili Avenue. E zone.

Mr. Binn Appeared before the Board. He advised his wife and he owned the Chili Beauty Salon, she operates it. They are operating it on a variance and would like a continuance of this. It is where Scotty's Florist was. Were granted a variance five years ago and one previous to this. Mr. Hunter questioned how many girls can work at one time. He was advised four on Saturdays, during week, 1, 2 or 3. Have capacity to operate with four operators, they also have off street parking. Mr. VanSlyke asked for how many cars, and was advised around sixty cars. On question of Mr. Hunter were advised open every day, open at 8:00 A.M. until 5:00 P.M., two nights a week until 8:30 P.M. Saturday until 3:30 or 4:00. Mr. Hunter questioned if this operation is essentially as was when began. Mr. Binn advised operation itself is, but it has been improved, they put a black top in. Mrs. Binn advised had black topped parking lot almost a year and half, have been there eight years. Mr. Hunter inquired if they have talked to any neighbors as to how they feel about it. He was advised not really, all customers. Mr. Ford owns empty lot on east side, west Mr. Schneider, know he does not object because they put hedge in, Seranati across street, backs onto Lexington project and dead ends of lots and also across street is Lee Gardens.

Mr. Davis advised the building has been in there twelve years, was first for Scottie as Florist then Scharvogel as heating, has not changed in 12, 15 years. Mr. Binn thought it was built before zoning. Mr. Pfenninger advised before zoning Mrs. Scott built it. Mr. Binn advised has not been changed yet, no outside lighting and adequate parking. He advised Mr. Scharvogel had a sign and got a permit for it and assured him permit was still good, only four numbers and he was wondering if still good; long sign, one 2675. He is not familiar with it, in fact when black topped brought it up, understand there is this variance that is still valid.

Mr. Hunter asked if they intended to keep it as isno change in operation, essentially as originally. He mentioned improvement, blacktopping of parking area, what else? Mr. Binn advised completed parking lot last time, but are going to put siding on it if get the variance. Mr. Palermo questioned if aluminum, and Mr. Binn advised he liked aluminum but Mrs. Binn did not, thinks it will be aluminum. Mr. VanSlyke questioned if they owned this property and Mrs. Binn advised yes. Mr. Miller asked how long a variance they are applying for? Mr. Binn advised would like a permanent one, or five years. As he said, essentially same operation, have put in parking and would like to get siding, but if short term variance cannot do it.

On question if any one present at hearing in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted for a period of five years, with the right to apply for a renewal.

#10. Application of Community Christian Church, 2647 Chili Avenue, for approval to erect 3'x 4' temporary sign at 2647 Chili Avenue,

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approximately 20' from Chili Avenue, E District.

Mr. Freeman, representing Community Christian Church appeared before the Board and requested the sign which is to be temporary, erected in front until Church is built. Should be finished in about six months. Sign wording "This Will Be Future Home of Community Christian Church"

Mr. Hunter question for how long a time and was advised they figured about six months. Will be an unlighted sign made of plywood, about two or three feet off ground, it would be 7 feet high.

On question if any one present at hearing in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted for a period of one year.

#11. Application of Bernard Bianchi, 201 Angelus Drive for approval to erect a house on lot CR 89 and Lot BR 89 Black Creek Road, each lot being 72.6' wide and 150' deep. D zone.

Mr. Bianchi appeared. He could conform to the code on these lots, there is plenty of room, all he is asking for is undersized lot, even for the corner lot. Only question is actual width of the lot itself. Mr. VanSlyke questioned if he was building a garage with these homes. Mr. Bianchi advised he did not know, but if did still would conform. Mr. Miller questioned if Board granted variance would he place houses so that double garage could be put on them and still comply? Mr. Bianchi advised house would be 24' x 44' will be plenty of room for two car garage. Mr. Miller questioned he would set it to one side so if customer bought it, could build garage? If he centered house, then we would have people in asking for double garage. Mr. Bianchi advised he would not center it. Mr. Hunter said we could stipulate this and was he willing to accept this. He was questioned if lots on side, would they conform? Mr. Bianchi advised nothing on either side, open land. Mr. Davis advised facing these are vacant lots, originally was over to Ballantyne, Mr. Cook took half on Ballantyne for himself and other half cut into two lots. Mr. VanSlyke questioned, if you are going around this way, is it toward Scottsville Road going down Ballantyne on right or left. Mr. Davis advised on left, runs from Ballantyne to Black Creek, corner of Theron Street, on south side of Black Creek Road.

On question if any one present at hearing in favor of or opposed to this application, no one appeared.

DECISION: Variance unanimously granted. Houses to be located at the discretion of the Superintendent of Building. Construction to be started within a year, or this variance shall become void.

#12. Application of John Syracusa, 2709 Chili Avenue, for approval to erect a row of seven garages directly at rear of stores at 2709 Chili Avenue (garages 30' x 84') to be built 10' to east side lot line approximately 50' to rear of stores, E zone.

Mr. Malone, Attorney appeared for Mr. Syracusa and presented Mr. Hunter Chairman of the Board with certified order in this matter, which was referred back to this Board to start appeal over again. He believed Mr. Syracusa had filed plans with Board in this matter. Had plans drawn by Architect Frank Fry, setup with usual garage construction shown in detail, setback approximately 50' from present stores which now exist, pre existing non-conforming use.

Mr. Syracusa had not submitted the maps. Sketch was drawn for Mr. Hunter by Mr. Malone. Stores are 50' deep, there are six stores with flat upstairs, there is a liquor store, hairdressing store, grocery store, bakery hardware store and dry cleaning store, and one apartment upstairs.

The seven garages will be concrete block construction, he pointed out where the driveway is, these garages are set approximately 50' back from building. Mr. Syracusa anticipates black topping area between garages and commercial

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building, it is now gravel and it is a mess in there and driveway going out to Chili Avenue. Garages will be 10' from back line and 10' from East line. Mr. Miller questioned how far is store from east line. Mr. Syracuse advised approximately 10' to 12' away, between 10' to be exact. Mr. Hunter questioned if garages will be in line. Mr. Syracuse advised driveway on east side of building with small house there. Do not own property to east, sold it, built the place, left 10' at that point between building and stores, total width of lot is 140' or 150' in that vicinity, including 10' and driveway. Mr. Hunter inquired what would depth be of whole thing. Mr. Syracuse advised shortest part 175' would be his own on west lot line, and keeps coming out to approximately 300' and some odd feet on the east line. Mr. Malone advised if 50 were stores and 50 to stores and 30 more and 10% off line, 140. Mr. Syracuse explained it is pie shaped. Mr. Pfenninger observed if build 10' from south line, when you get to east end will be real wide. Mr. Syracuse advised it will be. Mr. Pfenninger inquired how far from stores then. Garages would not be squared with building unless took end, start off 40' or 50' and squared off. How far from building at narrow end? Mr. Syracuse advised in vicinity of about 60' or 70'. Mr. Pfenninger asked how far is building there now from garage on narrow end? Mr. Syracuse advised all of 50' every bit of it. Mr. Hunter asked if garage will be parallel to lot line? Syracuse advised matter of taste, have not decided whether to be oblong or square. Mr. Hunter asked what is total width of six stores? Mr. Syracuse advised about 120' across front and 50' deep.

Mr. Palermo questioned if these garages were going to be used by tenants, to put cars in? Mr. Syracuse advised that is right and hardware man wants to use two for glass and store man to use two too, pile out of back end of this lot there now, if go back there, it is mess.

Mr. VanSlyke asked is this going to be one building, are these garages going to be separate in building, going to have seven doors? Mr. Syracuse advised seven doors and five wires separating seven garages, wire petitions. Will all be single garages, unless man wants two doors and we have to pull out one partition.

Mr. Hunter asked, you talk about glass business, glass cut for sale and Mr. Syracuse advised yes and entering glass, installing glass in frames. Mr. Hunter asked if this business now on this property? Mr. Syracuse said he now rents place on Bronson Avenue and finds it difficult to go back and forth, feels this will help him considerably. Mr. Hunter questioned, in general not now on this property, to be put in garage? Mr. Syracuse advised yes. Arnold would like to get two doors. Took over this milk business and is doing very good business, he would be using it to store his stuff in there. Right now has two 3 x 10 refrigerators outside back of store. He would like to put all of this in these garages if possible.

Mr. Hunter queried, glass business would be two and Arnold two, other three used how? Mr. Syracuse advised baker would want one maybe and man upstairs. Mr. Fraser questioned he wants to put freezers in there? Mr. Syracuse advised freezers, beer cases, boxes, empties clutter up back end of place.

Mr. Hunter questioned what is basis for his application, pre existing use of this property for commercial use, what is basis for his application for garages, hardship? Mr. Syracuse advised he needs room, it is hardship on stores. Particularly Arnold. Mr. Hunter questioned hardship because volume of business increased? Mr. Syracuse advised Idylbrook brought in \$2,000 more a month than he was actually doing before he got agency in there. Mr. Malone pointed out that expansion of business is continuation of development of this property, apparently people want it or would not be doing business there and with increase in the business as everybody knows, you do not make as much as two years ago, need storage space in order to be able to keep their business and he does not believe there is an objection to the building because they would not be doing business there if there was. If this was leveled out in back so cars could get out in back for parking and black topped there as he said he would do, would get cars off the street parking out in front. If Chili Avenue is widened, may have to move stores

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back into area, that is why he said (Mr. Malone) tack it on to back of building. Mr. Syracuse says if street was widened may have to cut off front of stores and move back into lot, if street is widened will be room for parking in back there instead of front as is now. 50' between building and proposed garage. Parking in front may be taken. Would be used until such time as changes come along, but having space back there, could get all these crates and what have you inside the building here, garage space.

Mr. Hunter questioned, gentleman proposing to move glass business out here now has hardware? Mr. Syracuse advised paint and wallpaper, has some hardware in there, in fact was to begin with, now in principally paint and wall paper and this glass business. Mr. Miller questioned as of now not conducting glass business from Mr. Syracuse's property? Mr. Syracuse advised whatever he can, woman in store, gets a call conducts it from there, if not goes down to Bronson and takes care of it whenever he can. Mr. Hunter asked if his customers private dwelling owners as opposed to industrial type? Mr. Syracuse advised most anything, as far as industrial or residential. He did \$157. yesterday over in Henrietta.

Mr. Miller asked him what he was going to do with other three garages, two used for glazier business, other two storage in connection with Arnold's Market? Mr. Syracuse advised man upstairs wants one, baker wants one and one garage to worry about. Mr. Miller asked him if he knew approximate size of average automobile on the road, overall range? Mr. Syracuse replied 24' to 25'. Mr. Miller said that was a little high, in his opinion average length is 14' to 18'. Mr. Hunter said about 19-19½'. Mr. Miller asked Mr. Syracuse why he was building them 30' deep. Mr. Syracuse advised in case want to work in front or want to get in, he has Oldsmobile he drives, cannot close his overhead door without trouble because of size. Mr. Miller asked the depth and was told 18.6'.

Mr. Miller questioned not essential you have these garages, but they are warehouses he is building? Mr. Syracuse replied use for garages, warehouses, anything essential. Mr. Miller questioned versatile utility building he wants to build? Mr. Syracuse advised he would say so. Mr. Hunter questioned four out of eight in use for garage?

Mr. Miller questioned main reason he did not want to attach to existing building possibility Chili Avenue may be widened by State force him to put parking area in back? What is depth of front? Mr. Syracuse replied about 30' from highway to front of building. Mr. Malone questioned if there is a sidewalk there? Mr. Syracuse said directly in front of stores. Mr. Hunter questioned when he says Highway, means State property line? Mr. Syracuse said curb there State put in so cannot come all over, either one end or other. Mr. Hunter asked if he had discussed this with people on adjoining property? Mr. Syracuse said no, he did not.

Mr. VanSlyke questioned, he is asking to build 7 garages here. No supposing the Board felt he had a use since he has six stores and tenant upstairs, seems reasonable to ask to ask to build some garages, but he would like to point out that if the Board allowed him to build garages, this does not necessarily follow that he would be allowed to conduct businesses in these garages which were not already non conforming use. In other words if they were allowed and if a business moved in here which was objectionable to the neighborhood, he would see to it he was stopped. Mr. Malone advised it should be related to business that was there. He understood this was a hardware store, non conforming use, grocery store, hairdresser. This expansion should only go as related to those things and should not be an objectionable thing that would cause a variance in type of operation of commercial operation. In other words, more of an addition to the present commercial businesses that are there to enable them to do business and stay. Mr. Syracuse questioned they were trying to express these should be garages? Is that correct? Mr. VanSlyke advised he had asked the Board to approve building of seven garages, which might be considered a reasonable request, but it does not necessarily follow any sort of business he wants to put in

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those garages would be, and he thinks there should be some plain understanding here before going ahead with this. He does not think because he has business on Bronson Avenue it should be transferred here. Mr. Syracuse said he is now renting. Mr. Vanslyke advised renting a hardware store, but not the business here. Mr. Malone advised original understanding to be hardware store if he was ordinary hardware store would put glass into frames. Mr. Vanslyke said he granted that, in a limited way, not doing \$157. worth of business in one day. Mr. Malone advised that was an unusual circumstance. Mr. Vanslyke felt that it did not necessarily follow because in business, doing business there, taking on a new line actual expansion of business. He felt this should be restricted to ordinary hardware, glass business used only in relation to hardware store, it should be restricted to that, does not think should be glass shop as such.

Mr. Fraser advised his interpretation of a garage was to house a vehicle. Mr. Malone advised he understood it was garage to put truck and automobiles in for people. Assumes hardware man has truck, has little space in front if wants to repair glass in window can do that. His understanding was to put trucks to get out of way. Mr. Syracuse advised exactly what is in first place. Mr. Malone advised he understood garages to put trucks and cars in and whatever and only incidental use and not carry on primary business. Mr. Syracuse advised drycleaning and beauty parlor only two people not interested, but what if tomorrow I rent it to someone else and they need place to put it in? Mr. Malone questioned was it his understanding not be used primarily for business used for garages and only incidental use for business? Mr. Pfenninger wanted it cleared up just what he wanted to use it for. Mr. Syracuse asked what would they say tomorrow someone got in, occupied to store merchandise, how can he come and tell them he needed it for car when man is using it for storing merchandise, did not want to get in that category. Mr. Malone questioned would he restrict that to garage or storage? Mr. Syracuse advised no business conducted out there, that he can assure them on, he owns property. As far as come in with this, that if stores stuff in there he cannot object, but if uses as store will have something to say. Mr. Miller questioned, suppose Board granted this variance and he put up seven garages, suppose rented five and his car in one, and one not used, if he came and said he wanted to put his TV shop in there, would he rent it to him? Mr. Syracuse said no. Mr. Miller asked why? Mr. Syracuse advised because he was restricted now, only use for 7 tenants of existing building in front. Mr. Malone advised not to put another business out there different from front end. Mr. Fraser questioned about Arnold's operation, he mentioned putting a freezer back there. Would he operate sales of milk products out of back storage? Mr. Syracuse advised no, go with push cart and go out with four or five cases and store them in there. Mr. Davis felt that Arnold was not going to wheel that milk 50' across. He could use those built right on to store, use for storage, could still have garages and use for whatever. For Arnold a lot better. Mr. Syracuse said that would be putting a wagon ahead of horse, what if tomorrow State comes across and widens that road, would have to back up stores and shove them in back. Mr. Vanslyke questioned are these garages going to be big enough so he can get one of those cement trucks in it? Mr. Syracuse said no, will not be, only 7' door. Mr. Malone advised plan drawn by this architect are supposed to be finished. Mr. Pfenninger advised he did not like chain wire petition. Mr. Syracuse advised if tomorrow you want to make two garages into one if you want to. He was asked if making it out of 9 chain gauge. Mr. Miller advised he realized they could not give ruling on this tonight, they want to see those plans.

On question if any one present at hearing in favor of or opposed to this application, no one appeared in favor of it.

Mr. Richard Craine, 6 Earl Drive spoke in opposition of it. His property lies directly behind, feels that with this proposed structure would reflect adversely on the value and also the aesthetics to his property and surrounding ones. It makes him wonder a little if these garages so sorely needed by tenants, why were they not here to support this need. Mr. Syracuse advised he thought this hearing was going to take place Thursday and both were going

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to be here , but had made different plans. In fact his attorney had him thinking on Thursday. That is only reason. Mr. Craine advised these notices were sent out way in advance and gives the date. Mr. Syracuse asked him if he owned that fence. Mr. Craine advised 6' he believed. Mr. Syracuse asked did he know more or less. Mr. Craine advised that fence was there when he bought the property. He asked in event these are erected, in which direction are openings of garages, north or south? Mr. Syracuse advised opening facing the north, facing the road.

Mr. Doug Benedict, 1 Earl Drive questioned, it is classified as E commercial, what restriction as far as building to lot line? Mr. Hunter advised classified E being used as commercial, was in use prior to zoning coming into effect. Mr. Benedict asked what are minimums to lot line. Mr. Hunter advised E calls for 40' rear, 60' front 10' side. Mr. Davis advised unattached garages are allowed to within 10'.

Mr. Hunter read a letter from Mr. J. Schleyer, 10 Earl Drive in opposition to this variance, which letter is on file in Town Clerk's Office.

Mr. Malone advised reason black top had not been put in there was because this proposal being put up. If granted would consent to black top being put in and lot cleaned up. Assure your neighbor here would like to have cleaned up, that back lot is bad. Mr. VanSlyke questioned if he already had 6 garages on lot. Mr. Syracuse said his own property yes, that is another piece of property, have a four car garage and two car garage attached to, two doors need repair and that is all he can say about property. Driveway is a mess, he could stand a driveway if can get an asphalt man to put it in. Have asked 10 people, 8 in this year. One wants 30¢ a square foot. This is another separate lot. These garages were built prior to zoning.

The hearing was declared closed at 11:05 P.M.

DECISION: Decision on variance unanimously reserved.

Patricia D. Slack
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILLI, N.Y.
November 22, 1966

The Hearing was called to order at 8:05 P.M. Roll call found the following members present:

Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mrs. Gertrude Tanger
Mr. James Fraser
Mr. John Palermo

Also present: Mr. William Davis, Superintendent of Building
Mr. Daniel L. Miller, Deputy Town Attorney

Mr. Howard Vanslyke, member of the Board, appeared at 9:10 P.M.

#4. Application of Neil Norry, 100 Ajax Road, Rochester, N.Y. for approval of a variance for a distribution and blending of printing ink operation to be operated in proposed industrial building to be erected on property located on Beahan Road, part of tax account No. 1500-000. A District.

Mr. R. Gilleton, who works for Mr. Norry, appeared to speak for this application. Advised two weeks ago brought the matter before the board and fully described to the Board what they propose to use the building for. Mr. Hunter explained to those present at the hearing that the application came up which called for permit to build building on this property, this was not what was wanted. Building specifications were all right. Question was use of building at that meeting. After talking the Board erroneously ruled Board did not have to rule on their use. After further discussion rectified their error, this use is not prohibited in our code, but neither is it allowed as a specific allowed use. The reason for the hearing tonight is to determine if use should be allowed.

Mr. Gilleton advised the second of two buildings being put up, they have not decided the use, understand will have to conform, but have not decided what it will be but will come and tell the Board first. The first building is to be for Sun Chemical General Printing Ink Division Distributors and Blenders of printing Ink. Believes Mr. Davis has full plans for both buildings. Have submitted both to County and State and received approval from State and now County approval is pending. Believe certain drainage problems County has to work out. Understand problems are resolvable and County approval should be coming very soon.

Mr. Hunter advised as he knew in our code have allowed uses and in addition is this statement: "Such additional manufacturing, processing or compounding uses as the Zoning Board of Appeals may permit upon special application to it after it be found that such use will not produce smoke, odor, dust, fumes, or noises liable to become a nuisance or interfere with the enjoyment of neighboring properties and which are not hereinafter specifically prohibited. He questioned did they understand correctly, he did not expect to have any appreciable amount of any of these items? Mr. Gilleton advised that is correct, this is not a manufacturing process, it is a mixing or blending so no chemical changes that take place, nothing put out into air as such. On question he advised there may be venting for people working/close quarters with this, but will comply with health hazards regarding this, this is only special venting. He advised he was hoping it had all been explained at the previous hearing, he was a third party. Mr. Hunter advised this was a separate hearing, so this should be available to any person here.

On question of Mr. Hunter if any one present in favor of this application or opposed, no one appeared.

State of New York
COUNTY OF MONROE,
CITY OF ROCHESTER.

} ss.

LEGAL NOTICE

TOWN OF CHILL

ZONING BOARD

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chill to be held in the Chill Administrative Office, 1135 Canal Avenue, Rochester, New York 14604 on November 11, 1966 at 6:00 P.M. to consider the following application:

1. Application of Joseph Edress, 159 Cherry Road, for approval to erect three signs—50 sq. feet. in area at intersection of Chill and Westway at Paul Road and Westway, and Archer Road and Bellanca Drive, E. End subdivision.
2. Application of Douglas and Mary Hall, 30 Brookwood Drive, for approval of variance to erect a carport attached to garage at 25 Brookwood Drive, N.Y. 14604, 17' on west side lot line. E. End.
3. Application of Harold J. and Joan M. Donnelly, 42 Jensen Drive for approval of a variance to add a room to home at 45 Jensen Drive to reduce E. of the north side lot line. D. End.
4. Application of Neil Nixey, 100 Ajax Road, Rochester, N.Y., for approval of a variance for a distillation and blending of printing ink operation to be operated in proposed industrial building to be located on property located on Brainerd Road, part of the account No. 1500-0001 A. Distiller to be present at meeting of the Charter of the Town of Chill, N.Y.

ROBERT HUNTER
Chairman

Eleanor E. Williams

..... being duly sworn, deposes and say that she is principal clerk in the office of the ROCHESTER TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

November 11, 1966

Eleanor E. Williams

11th

Sworn before me this
day of November 1966

Nancy B. Fromm

NANCY B. FROMM Notary Public

NOTARY PUBLIC, State of N.Y., Monroe County

My Commission Expires March 30, 1967

Zoning Board of Appeals.

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DECISION: Variance granted for a distribution and blending of printing ink operation. 12/5/66 - Amended to be distribution, blending or mixing of printing inks, including dry colors operation.

- #1. Application of Joseph Entrass, 149 Cherry Road, for approval to erect three signs--50 sq. feet in area at intersection of Chili and Westway, at Paul Road and Westway, and Archer Road and Bellmawr Drive. E District (variance subject to approval of subdivision).

Mr. McKay, representative of Mr. Joseph Entrass appeared before the Board, sketches or plans of the layout of the signs and pictures of the signs at "Marlands North" and "Marland's Grove" were shown to the Board. These will be the same type as those in the pictures. The sketches showed the locations on the three entrances, one at each entrance, a little paved island, sign will be in center of island and 30' back from the road. Will be the same as others, primarily monuments with hanging sign. Mr. Fraser questioned these will be 30' back from the road? Mr. McKay said yes, State Highway requirement for visibility purposes, so will not block vision. Mr. Pfenninger questioned 30' from road line? Mr. McKay advised property line. On tract property, what is thinking, it would be Town property at time dedicated. Mr. Hunter questioned, which means Town becomes responsible for its maintenance? Mr. McKay advised he would presume it would, same idea as any tract in Chili or anywhere else that has signs like this. Mr. Davis advised all have been on streets. Mr. McKay advised actually they have two roads, going in one way and out one way, they believe safety factor for traffic too.

Mr. Hunter questioned if this has been discussed with Town Board, as to their feeling about taking over things like this? Mr. Davis advised discussed one at Lexington, that is on highway, on right of way. Mr. Miller said they could give them a five year variance. Mr. Davis said so when Town accepted the road, they would have to accept monument, so they could remove it if they wished.

Mr. Miller questioned if the pole was cedarwood. Mr. McKay advised actually he believes it is a new telephone pole 6" diameter at one end and 8" minimum at the other. Mr. Hunter asked if he could give any estimate as to when he felt this right of way might be turned over to the Town? Mr. McKay advised it might be quite a while. Westmar Village is one of the first tracts and he does not believe that has been turned over, that is four years. Will be turned over probably in certain period of time after everything in tract has been sold. Mr. Hunter asked if he could say what period of time he felt they needed this for? Mr. McKay advised he would say about five years, about the same number of lots as down in Westmar, 121 or 117. On question Mr. McKay advised with the Board's approval they were going to build these right away, weather permitting.

On question of Mr. Hunter if any one present at hearing in favor of this application or opposed, no one appeared.

DECISION: Variance granted for a period of four years, with the right to reapply, as per specifications and plans submitted. To be erected under the supervision of the Superintendent of Building and the Director of Public Works. Construction to be started within one year, otherwise this variance shall become void.

- #2. Application of Douglas and Mary Hall, 26 Brentwood Drive, for approval of variance to erect a carport attached to garage at 26 Brentwood Drive, 9' x 22', 1' to west side lot line. E District.

Mr. Donald Robinson, Attorney with offices at 210 Wilder Building, Rochester, N.Y. appeared as attorney representing Douglas and Mary Hall, the applicants in this matter. He presented the Board with a couple of pictures which show the structure. Unfortunately Mr. Hall did not realize he needed to come before the Board to start this structure and he went ahead and started and then was advised by Building Department that he was

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not permitted to do it without prior approval, so he stopped his construction and got this application in before the Board to proceed in proper legal manner. Application to erect carport. Mr. Hall has a garage on his property and Mr. Robinson presented a reproduction copy of his tape location map which shows that he has a house and garage on Brentwood Drive on north side of street and next to garage there is approximately a 10.7' area and in that area he has made application to build a carport. He said the Board might wonder why he is building a carport when has the size garage he has. Mr. Hall has a trailer which he keeps in the garage because he feels it is unsightly to have it out in his yard all the time so puts that in garage and wanted to build carport to keep his car. Next to his property, as can be seen in pictures, his neighbor on the side where he proposes to build it, on east side, has quite a huge boat and this boat has been located in that location as shown in picture, since Labor Day and apparently will be there continually until he sees fit to put it in the water again, which may or may not be next summer and this proposal Mr. Hall makes has two purposes, would screen out this boat which is towering over his property on the side and mounted on its blocks, and more important, would provide shelter for his automobile. He has asked some neighbors in area to indicate if they approved of this and they have signed a consent which he submitted to the Board, consent from a number of the neighbors who are in immediate area of the structure and who have indicated they consent to erection of carport in the manner in which Mr. Hall has undertaken to do it.

Mr. Hunter questioned could he tell them, apparently partially sided, what will be nature of this carport if completed? Mr. Hall appeared before the Board and described what he intended completed structure will look like. He explained just like photograph shows, it is macadam along here, whole driveway, and this is all macadam up in here (shown on photograph), same as driveway. Reason he put siding in, had regular poles and wind came along one night and blew this right out of ground so had to fasten it down because did not want to lose investment, so dug holes and put cement and steel rods in there and bolted redwood to macadam and fastened this down in here, it is all bolted. This is redwood siding, about \$200. tied up in that. Mr. Pfenninger asked if he was going to enclose the whole thing. Mr. Hall advised open on both ends, just this one side. Mr. Pfenninger questioned but like a garage, is it not? Mr. Robinson advised no back or front or door to it. Mr. Hall explained the pictures, what he planned, or had built, it is aluminum corrugated roof, at one portion redwood is bolted to frame. Edge of lot is 1' away. Mr. Pfenninger questioned how far from here to next house? Mr. Robinson advised about 20'. Mr. Hall advised garage on house next door on same side, nearest him, thinks 24' between, thinks more than map shows. Mr. Hunter questioned how old were the homes there. Mr. Hall advised about four years old. Mrs. Tanger asked if he had a double garage. Mr. Hall advised always thought double garage was 24 x 22. He explained how in his garage are steps going into the house, making a sort of companionway in the garage, leaving approximately 15'. Has no more than 15' with steps. Believe garage approximately 20' or 19', so when gets car in here has to get out on right side, when puts in second car has to go through both cars to get out. So he put his trailer in there. Thinks trailer would look a little bad around neighborhood, so decided to put it in garage and put second car in carport. So that is what he did, he thought this was allowed, was sorry if he did something against the law, thought he was allowed because aluminum roof and he bolted this down, which is not permanent. Mr. Hunter advised for all purposes and appearances, it is a structure. Mr. Hall advised it was not hideous, has about \$500. tied up in it altogether. Mr. Robinson advised some neighbors were here tonight in favor of it. Mr. Miller asked if he had ever thought of taking out rear wall of garage and putting it backwards. Mr. Hall advised had wanted to do that for a family room and talked to a fellow about this already and he recommended that he did not think he would like it too much. Roof of garage is approximately 18' to 20' lower than house, follows same line but drops down about 15 to 20' so would constitute lower family room, so if brought back out this way would be too low, because he talked to builder. Mr. Hunter advised primary basis allowed to grant variance is on hardship

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to property, would he state what hardship he claims here, what did he feel was his hardship? Mr. Hall advised he would figure hardship of \$500. investment in this situation, not easily come by. In fact all the rest of material in garage at this time, thinks that constitutes hardship. Mr. Hunter advised that is not a hardship to property, this is self created hardship. Mr. Robinson advised he would not agree with that completely on line variance. Do not say any basis on which property owner has to show hardship as long as does not effect other property owners or effect text of Town variance. Does not see any legal prerequisite to apply to use of piece of land. That is his opinion and quoted the case of Otto vs Steinfeld. He felt the hardship basis does not apply to side line setback. The fellow made a mistake, did not understand he had a requirement, he had to meet, he was informed of it, stopped work, checked with people to find out how they felt, found what he had to do and is here tonight to explain proposal and some of people in area have indicated their consent and some are here tonight. Mr. Hunter questioned in his opinion this there would not harm the aesthetics of this neighborhood?

Mrs. Tanger asked Mr. Hall if he had ever come in to increase the size of his garage? Mr. Hall advised he did but was turned down. But this is different from garage, is a carport. Mrs. Tanger advised that he was informed that he had to have a variance to build. Thought laws were explained to him at that time in relation to his lot line when he appeared before. Thought he was aware of the situation. Mr. Hall advised that was a garage, a complete unit, a structure. Mrs. Tanger advised this is a structure too. Mr. Hall returned but this is not a garage. Mrs. Tanger said it is still a structure. He was aware at the time it was an addition to his home. Mr. Hall advised he was not aware he could not put up a carport. Mr. Miller questioned how long ago did he apply. Mrs. Tanger advised it was within six months. Mr. Hall said he did not think he would have spent \$500. if he thought he could not do it. Mr. Miller questioned at that time when he applied before he realized there was a side line setback of 10'. Mr. Hall advised they never did explain. Mr. Miller asked why did he apply? Mr. Hall advised he knew he was going to set his garage out so far. Mr. Miller asked if he had applied for a building permit and Mr. Hall said he asked someone and they said he had to have a variance. Mr. Palermo questioned what size was the addition to garage? Mr. Hall advised it was approximately 8'. The minutes were checked and it was disclosed he applied in May to extend garage to 4' of side lot line.

On question of Mr. Hunter if any one present in favor of this application Mr. Deyager, 6 Woodside Drive spoke, advising he was in favor of it because thinks under carport better than out in open all time.

Mr. Joe Hobson, 25 Brentwood Drive spoke. #1 wants to clarify this matter, what he should have known, he did not know. He lives directly across from Mr. Hall, his house faces his, would like to state, nicer than having old car sitting out there and would also like to see what Zoning Board does about big boats and jeeps, thinks they should be kicked out, not carport. Definitely for this thing because looks nice and covers car up, has trailer that was out prior, they put it inside out of way. Gets a little disturbed sometimes, believes this problem of neighborhood to say, little problem here, have not any one in neighborhood, except some snoopy guy who put in complaint, he speaks for any one, would like to know who complained against it. Looks better than car sitting out there.

No one appeared in opposition to this application.

DECISION: Variance denied. No hardship shown to the property, any personal hardship was self created.

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#3. Application of Harold J. and Joan M. Donnelly, 45 Jensen Drive for approval of a variance to add a room to home at 45 Jensen Drive to within 8' of the north side lot line. D. District.

Mr. William Kelly, attorney, appeared for Mr. and Mrs. Donnelly. He submitted plot plan drawn by Mr. Donnelly showing location of house on property. Lot is located at the intersection of Jensen Drive and Scott Lane on south side and lot is approximately 85' wide and 170' deep on Scott Lane, this plot plan shows location of existing house on there and proposed family room would like to have on north, 8.3' from the north property line and approximately 31.4' from edge of Scott Lane. They have lived out there for 10 years now, he and wife and five children and house has to be enlarged in order to serve his family use and it is intended to put family room on north side to utilize house. Established area, no other roadways to be extended or coming through area, by that mean no other roads going north or west, right on corner. At last hearing a petition or consent was filed with Board with some 32 names, being husband and wife, 16 home owners in general vicinity. For the Board's information there are four other houses in the general area where deviations on property lines, southwest corner of Lonran and Jensen Drive, which is 32' from pavement, northwest corner of Lonran and Jensen Drive, which is 26', southwest corner of Charmaine and Jensen Drive, 31.1' from pavement, northwest corner of Charmaine and Jensen Drive which is 37.6' from pavement. Good number of these lots are so narrow have been allowed to build closer to boundary line, in general 30' plus or minus from pavement. Copy of those previous deviations in area left with Board for their consideration.

Mr. Hunter asked if he knew what actual distance from home to property line? Mr. Kelly advised he did not know, did not have any plot plans. This is older established area, does not know why corner lots set up like this. In order to use this property properly because of the sunlight and other aspects of living, they do not have too much choice but to locate this family room on this side, but when finished there does not think will destroy anything. It is an established corner, does not think will detract from property. They would like to utilize their house, living there for ten years. Would appreciate any consideration the Board can give them. Drove through area to orient himself and front line as far as on Jensen all seems to be in line, so if going to put it any place would be toward Scott Lane.

Mr. Miller questioned what is width of Scott Lane pavement. He was advised 22'. Mr. Kelly said they were not going to widen or extend it, no place to go, houses all around. Mr. Miller asked how many homes on Scott Lane on north side. Mr. Donnelly said about 20 all told, 12 on north side. Mr. Hunter questioned about when were these homes built. Mr. Kelly believed 1954, 55, 56. Had a certain amount of variances with subdivision in the first place. Mr. Hunter said they talked about what code was when this home was built, did not know what previous code was, but did not believe any change since 1956. Mr. Davis said he thought was around that time changed from 10% of side lot lines. Mr. Hunter wondered if they recalled when that change was made in code and what corner lot requirement was? Mr. David and Mr. Kelly said frankly, they did not know.

Mr. Fraser questioned would they consider reducing width of this room by about 2'. Mr. Kelly advised difficult to work with 10' wide family room, extra 2' would be a lot easier as far as wall space. He would urge the Board not to impose a 2' problem here. Mr. Miller questioned the width and Mr. Kelly advised it was 12'. Will be a door coming through from kitchen through an existing closet into family room, exterior door down here, wo when you use east and west walls with windows and doors, going to need the depth. Would certainly appreciate any consideration on it, long time neighbors out here and hope to be continued neighbors, what can be done would be appreciated.

Mr. Miller questioned Mr. Kelly in this particular situation would he say

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the fact, from the edge of road to right of way is approximately 23', would he say that is unique situation. Know law calls for 20', here 23', would he say generally that is unique? Mr. Kelly advised yes he would say it is unique. They realize this is a deviation, but when going to stay here. Mr. Miller questioned there is 43' from edge of house to edge of pavement? Mr. Kelly advised that is right and it will stay that way. All the people on the street signed the petition, so anything the Board can do will be appreciated.

DECISION: Variance granted. Apparently the pavement of Scott Lane is somewhat offset to the north from the true center of the right of way so that an additional 5' more between edge of pavement and edge of property than would normally be the case. This is an L so that traffic forced by the nature of corner to slow down to a slower rate of speed to make corner lower hazard than you would normally find on an X intersection. Previously side yard variances were granted on corner lots at four locations in the area.

PREVIOUSLY RESERVED DECISIONS:

Application of John Syracusa, 2709 Chili Avenue, for approval to erect a row of seven garages directly at rear of stores at 2709 Chili Avenue (garages 30' x 84') to be built 10' to east side lot line approximately 50' to rear of stores, E zone. Application heard at Public Hearing held November 1, 1966.

DECISION: Variance denied unanimously.

1. Entirely new commercial use rather than an extension of preexisting non-conforming use.
2. Surrounding area is residential and as such Board does not feel it wise to add a new business to this area. It is against public policy to allow a new business use in a residential area.

Application of John Syracusa, 2709 Chili Avenue to erect a concrete plant on property on the north side next to 134 Paul Road. (4 acres) which application amended at hearing to ask for a transit mix concrete batching plant on this property, in A District. Application heard at public Hearing held September 27, 1966 and adjourned Public Hearing held October 4, 1966.

DECISION: Variance denied with four nay votes, two abstain votes by two members of Board not previously members of board when hearings held.

Feeling of Board from all evidence presented, this application for variance would be liable to result in interference with the use of neighboring property.

Patricia D. Slack
Secretary

MINUTES

ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
December 22, 1966

The Hearing was called to order at 8:05 P.M. Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman
Mr. Charles Pfenninger
Mr. Howard Vanslyke
Mr. James Fraser
Mr. John Palermo

Also present: Mr. William Davis, Superintendent of Building
Mr. Daniel L. Miller, Deputy Town Attorney.

#1. Application of Indian Hills Development Corp., 2655 Chili Avenue for approval of two signs 4' x 10', actual sign panel, 3' 9" x 3' 6", total height approx. 7' from ground, on property bordering on north side of Paul Road and Marshall Road., E Residential.

Mr. Joe Piazza representing Indian Hills Development Corp. appeared before the Board. Sketch of the signs to be erected presented to the Board. These will be on lands owned by Indian Hills Development Corp. He was not sure of the exact location of the signs, they will be put up subject to Superintendent of Building's approval. Signs will be identical. They will be unlighted signs and they will want them for about a year. On question if similar to other sign at entrance on Chili Avenue, advised no, it will be higher off ground, about 7', it is almost a square sign, signs are on both sides. He advised, on question, they own land from Marshall Road on Paul to almost opposite the parking lot of Bausch and Lomb. He advised they will check with the Superintendent of Building before installing signs and will conform to distance from road that he specifies. The signs are printed on both sides, in essence on two locations, will be four signs.

On question of Mr. Hunter if any one present at the hearing in favor of this application or opposed, no one appeared.

DECISION: Variance unanimously granted. Signs to be erected under direction of the Director of Public Works and/or Superintendent of Building. Variance granted for a period of one year after erection of signs.

#2. Application of Ann Rafone Spaghetti Palace, Inc., 1315 Scottsville Road, for approval of a 3' x 6' sign (illuminated) approximately 24' from Scottsville Road. Commercial zone.

Mr. Joe Ingogia appeared for the applicant. Sketch of the sign to be erected was presented to the Board. Mr. Hunter questioned, this will be lighted, what hours of operation. He was advised from 11:00 A.M. to 2:00 A.M., a seven day operation. Mr. Pfenninger questioned how far back from the road would it be. He was advised, according to specifications, it will not be on the building, will be on the ground. Mr. Davis advised the building is not that far back, will have to be back as far as the building. The Board was advised the building in question was the brick building at corner of the trailer park. Discussion was had that the building was only about 15' from the road. Mr. Ingogia advised they would set the sign close to the building and they would like the variance for as long as they could get it. Mr. Miller questioned if they would have to check with the State Highway and Mr. Davis advised no, as long as not on State right of way. Mr. Hunter questioned if they had talked to the people around that area, and Mr. Davis advised no one around there, just trailer park. On one side empty lot, across the street Olympic Park, nothing there to bother any one.

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Mr. VanSlyke advised he would like to know distance of building from the road, knows it is pretty close. Mr. Davis said from right of way not much over 20' or 25'. Mr. VanSlyke did not believe it was nearly 20' back, it was close. Mr. Miller questioned if sign could be seen going up and down Scottsville Road, and if it would be plastic sign, the front of it. He was advised it would be hanging up and could be seen going north and south on Scottsville Road. It was a plastic sign. The sign will be near the entry of the trailer park on other side of building, entry on other side of building. There is a parking area in front of the building, their driveway would be the lot next door if they can get it, right now it is paved in front of building, the landlord paved it. The sign will be on the north side, right next to the empty lot and the empty lot is where they are thinking of getting other parking area.

On question of Mr. Hunter if any one present in favor of this application or opposed to it, no one appeared.

DECISION: Reserved.

#3. Application of Nicolas Pascarelli, 4479 Buffalo Road, for approval of a 4'x9' sign to be located at the corner of Buffalo Road and Ramblewood Drive, 39' from Buffalo Road and 35' from Ramblewood Drive (center of roads) advertising homes. E Residential.

This application called no one appeared to represent applicant.

#4. Application of Charles S. Glidden, 4358 Buffalo Rd, for approval to convert one family dwelling at 3281 So. Union Street, N. Chili, into a two family dwelling...Commercial zone.

Mr. Glidden appeared with maps of proposal, which he presented to the Board. He advised it is the first house on Union Street by the Texaco Station. Plans to make one family on one floor, and one family on second floor. He had not figured the square footage. It was noted by Mr. Hunter on first floor one bedroom plus den, 30'9" x 38'. Mr. Glidden pointed out open porch with roof and front porch, it faces on Union Street. Mr. Davis questioned if he was going to add on or is it going to be just the way it is. Mr. Glidden advised just the way it is, not going to do anything with wall. He advised it is a two-story house with a sharp peak. On question of Mr. Hunter regarding height of walls he advised believed 7' floor to ceiling on second floor. Also advised there would be no garage. Mr. Hunter questioned the lot is roughly 125' x 250' and Mr. Glidden advised that is right.

Mr. Hunter questioned this home was rezoned recently? Mr. Glidden said yes, was residential, now commercial. Mr. Baade questioned how long ago. Discussion followed, and he was advised just this one piece was rezoned early this year, and it was the son's application. Discussion was had on the surrounding property. Mr. Glidden advised it was one lot before Gas Station right next to driveway, that is commercial. He pointed out to what point is now commercial and he owns property in back. It was advised where the Alexander property is. Mr. Glidden advised he owns behind there up to back of Rotary Station. Mr. Miller questioned the driveway and was advised probably 10' and about 70' deep. It is on north side. On question of age of house, Mr. Glidden advised he could not tell, it has been remodelled a couple or three times.

Mr. Hunter asked Mr. Glidden if he was claiming a hardship asking for this variance. Mr. Glidden advised could be, he had offered to buy it, only way could or would be interested would be to make it a two family. Would not buy it for 1 family house, it is presently in son's name, he will buy it, but only if can be used for two family home. Mr. Hunter questioned if there was anything that would make it not useable as single family. Mr. Glidden advised it is commercial, would be hardship enough living in it with gas station rest in there commercial. Mr. Fraser questioned if

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

} ss.

Legal Notice

TOWN OF CHILI-ZONING BOARD
NOTICE IS HEREBY GIVEN that
there will be a public hearing of the
Zoning Board of Appeals of the Town
of Chili to be held in the Chili Adminis-
tration Office, 2175 Chili Avenue,
Rochester, N.Y., on December
27, 1966, at 6:00 p.m. to consider the
following applications:

1. Application of Indian Mills Develop-
ment Corp., 265 Corn Avenue, for
approval of two signs 4x10, retail
store signs, 3'6" x 12', total height
approx. 7' from ground on property
bordering on north side of Rail
Road and Marshal Road, E. Resi-
dential zone.
2. Application of Ana Farone Saccoccia
Palace, Inc., 153 Scottville Road,
for approval of a 3x6 sign illuminated
approximately 10' from Scott-
ville Road, Commercial zone.
3. Application of Nicolas Passarelli,
4479 Buffalo Road, for approval of
a 4x8 sign to be located at the cor-
ner of Buffalo Road and Ramble-
wood Drive, 10' from Buffalo Road
and 10' from Ramblewood Drive
(either of roads) advertising horses.
E. Residential.
4. Application of Charles S. Gidder,
2338 Buffalo Road, for approval to
convert one family dwelling at 9281
South Clinton Street, N. Chili, into a
two family dwelling, Commercial
zone.
5. Application of Dean Homes, Inc.,
2269 Lyell Avenue, for approval to
erect a house on a lot with a front
age of 22'3", depth 170', in a resi-
dential zone, at 32 Sonridge Drive.
House size 4x20.

All interested parties are requested
to be present. By order of the Chair-
man of the Zoning Board of Appeals
of the Town of Chili, N.Y.

ROBERT J. HUNTER,
Chairman.

TU: 12/19/66 - DG

Eleanor E. Williams

..... being duly sworn, deposes and say
that she is principal clerk in the office of THE TIMES-UNION a daily
newspaper published in the City of Rochester, County and State aforesaid,
and that a notice of which the annexed is a printed copy, was published in
the said paper on the following dates:

December 19, 1966

Eleanor E. Williams

Sworn before me this

day of December 1966 }
.....

Nancy E. Froom
Notary Public
NANCY E. FROOM, State of N.Y., Monroe County
My Commission Expires March 30, 1968

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any other multiple dwellings in that vicinity. Mr. Glidden did not think so.

Mr. Heffer questioned when zoned commercial like that, how do they estimate square footage for residential house because all zoning laws specify E or D? Mr. Hunter advised would have to use our Code as a guide. Mr. Baade questioned was he mistaken in believing Mr. Glidden cannot apply for variance until he owns land, believes you must be owner of land. Mr. Miller advised he has an implied contract here he would say. Mr. Baade said he believed was at Mr. Glidden's own request land made commercial around it, therefore because land is commercial is his own doing so not hardship on him. Mr. Glidden advised his son asked for this to be commercial, he is asking for other piece now. His son owns it. Mr. Baade advised then son implied hardship on himself. Mr. Glidden claimed this is hardship but he #1 knew it was commercial when buying it therefore by buying it would imply hardship on himself and his son who now owns it implied hardship of commercial land next to him himself. That is his point. Does not really think house is big enough to meet 1050 apartment requirements, does not think ground for hardship. Mr. Hunter advised even if zoned residential would still require variance. Mr. Pfenninger inquired how many square feet of living space in this house now? Mr. Glidden advised did not know, will be same area as is now, only interior to be changed.

Mr. Hunter questioned if any one present in favor of this application. Mr. Charles E. Glidden, 34 Hiawatha Trail, Spencerport spoke in favor of it.

Mr. Hunter questioned if any one present opposed to this application. Mr. Richard Baade, 15 Hilltop Drive. opposed it because believed since no zoning law requirement within our standards now not really asking for true variance, asking for rezoning of law to have apartments. 2. Did not believe any condition involving hardship here because hardship would be self imposed since does not now own land, would be buying it. 3. It is presently residential, residential land close behind him. Those people would be enduring hardship as result of it. Mr. Miller questioned how they would be enduring hardship? Mr. Baade advised amount of land and condition of land if children, would be playing in neighbors' yards. Mr. Miller questioned how would he feel if undertaking parlor there? Think it better in his opinion? Mr. Baade advised yes, better kept than multiple dwelling because owner does not live there and concerned with appearance. Mr. Miller questioned how about bank? Mr. Baade said same thing. Mr. Glidden advised this property is commercial now, has been for pretty near a year. Property on south is his and he is trying to get that commercial.

Mr. Frank Heffer, 11 Watchhill Dr. was opposed because, he does not know how Mr. Glidden made out with Planning Board a month ago, thinks with granting of this variance will give Mr. Glidden wedge that will help him get what he wants with land immediately south of this piece of property. was before them a month or six weeks ago for multiple dwelling along this side, it will help him get rezoned or variance to build what he wants to build on piece of land directly to south of this land. Mr. Glidden asked him why he was interested in it? Mr. Heffer advised he was against multiple dwellings in the Town of Chili until Town Board does something with zoning. Thinks nothing should be done until specific laws for multiple dwellings.

Mr. Joseph Kircher, 101 Attridge Road was opposed. This invades the very privacy in neighborhood of single dwellings they managed to keep even at cost of going to Supreme Court. To allow this would be departure from it, would break ice and allow multiple dwellings-as Mr. Heffer says, Mr. Glidden has put before Planning Board a plan to build apartment south of this, which would enhance his chance of getting another, then seeking 1, 2 or 3. Are trying to keep character of neighborhood single dwellings.

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This is what have been fighting and will continue to fight. A small start is a start. This is thing they are fighting, multiple dwellings.

DECISION: Unanimously denied. It was the unanimous findings of the Board that the house was inadequate for a two family dwelling.

#5. Application of Ryan Homes, Inc. 2269 Lyell Avenue for approval to erect a house on a lot with a frontage of 32.50', depth 170' in E residential zone, at 32 Sunridge Drive. House size 41' x 26'.

Mr. Michael Duffy, Attorney representing Ryan Homes appeared before the Board. Copy of tape location map presented to the Board. Reason for this application, the surveyor goofed. That is what happened. On two lots immediately to south, as a result of what transpired, this was after house was completed, after builder conveyed title, was only 2½' from lot line. The other house 8'4" from lot line, this was not known, unintentional, not deliberate by Ryan Homes. They found this out subsequent to time was conveyed, came out to stake off another lot and found error, was mechanical error, in going through maps and plotting where houses to be placed. What plan on doing is give 7½' and bring him into conformity so have 10' side line restriction with that house, will be 30' from his home, (pointing on map) this particular dwelling on this side, no change 10' side line restriction on north side, no change over here, going to be at least 20' from that line. Have contract at present time subject to obtaining this variance. Was able to get someone to build smaller home to get requirements for this lot, this is why being done. Subsequent to time of obtaining this variance will make application through Planning Board for subdivision for three lots then can also convey, if get approval of other owner so he will have 93.75' on other side.

On question of Mr. Hunter if house would have garage he advised would have garage, intracal garage, be a part of 41' structure. Homes on lots on either side that makes this locked in. Mr. VanSlyke questioned if corner lot in conformity and Mr. Davis advised him it was. He questioned if it was built by Ryan and was told all were. Mr. Duffy again advised all he could tell them was the surveyor goofed, mechanical error made by one of his assistants. Does not know why has never happened before. Mr. VanSlyke advised him it has many times, that is why they are skeptical.

Mr. Miller advised reason Mr. Hunter asked about the garage was that the proposed owner may come in next year for second garage. The builder present advised it will be a raised ranch. Unlikely to put on another garage, or have to extend entire house. Mr. Palermo said he could put garage under a sundeck. Mr. Hunter questioned floor of garage will be at same level as home? The builder advised same as basement. Mr. Palermo questioned if driveway is at grade level? The builder advised he would say more or less level. Mr. VanSlyke inquired how many square feet of living space in this house? The builder advised he would say somewhere around 1050 to 1100 square feet of living space. Mr. Hunter inquired if house on other side on lot to the south, had a garage presently and was advised both have garages on them, single car garage attached. Mr. Palermo questioned nothing over the garage on house next door? The builder advised no. Mr. VanSlyke questioned the exact dimensions of the house and was advised 41' x 26'. Mr. Duffy advised both houses were up and conveyed when they found the error. He pointed out on the map where both off by 20' and 10' and explained how it had happened and the reason for it.

On question of Mr. Hunter if any one present in favor of this application or opposed, no one appeared.

Mr. George Bitsko, 23 Sunridge Drive advised he lived adjacent to this property. Due to this mistake by surveyors he is trying to work out some agreement. His lot line is 2½' from house. Would like to have a