

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILLI, N.Y.
January 24, 1957

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

Mr. Robert Hunter, Chairman
Mr. Charles Pfenniger
Mr. Howard Vanslyke
Mrs. Gertrude Tanager
Mr. James Fraser
Mr. John Palermo

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

- #1. Application of Joseph Entress, 149 Cherry Road, for renewal of variance to erect a temporary sign 50 sq. ft. overall, 60' from front lot line and approx. 195' northeast of Sagacia Drive on the south side of Chili Avenue in E zone.

Mr. McKay appeared, representing Mr. Entress. He asked for renewal for permit for the variance until permanent signs, on which they have approval, are erected. He explained just where the sign is located. Believed they probably would like the extension for a year. They had expected to be underway before now. It is just a sign indicating what the development is. They have approval for three permanent signs, or monuments, similar to those at Marlands and Marlands Grove, and wish this until tract is better developed and permanent signs up.

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

DECISION: The board unanimously approved renewal of this variance for a period of one year.

- #2. Application of Indian Hills Development Corp., 2655 Chili Avenue for approval of the following variances on specified lots in Lexington Subdivision Section II, E zone.

55' front setback and 35' rear setback on lots 92, 93, 94
50' front setback on lot 114
55' front setback on lot 113

Mr. Nash and Mr. Leyer from Indian Hills Development Corp. appeared before the Board and presented maps to the Board for study. Mr. Nash advised this is identical to one brought in for the preliminary review last month with one exception on lot 115, removed 35' setback after determined front of lot would be narrow and facing street on corner lot. To review he advised bringing the parkway to south have to make a slight swing to west on lots 92, 93 and 94, to meet a loop which shows on master plan, which he has brought for review, which results in short lots in three lots and they find it necessary to shorten setbacks from 60' to 55' and rear setbacks to 35' instead of 40' to have room for construction on lots.

On Revere Drive, lots 113 and 114 as mentioned, are requesting to stagger those setbacks, feel probably will have to face house more or less to narrow side of lot 115 because of some trees in front on southeast corner which wish to save and because of fact grade will be lower on Revere Drive at this point, so if house does have to face at 25' or slightly less would hope would not block view and stagger setbacks on adjacent lots and better appearing. He presented two copies of the master plan, which the Board had requested seeing. He explained the upper righthand corner was Section 1 of Lexington and pointed out where Lexington Parkway coming down and as you come to second street parallels Knights Trail. This is

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December 27, 1966

few days to try to get this straightened out with surveyors. Was not taking stand for or against this. Only thing, wants to come to agreement with Ryan Homes.

DECISION: Reserved.

Application #3 was recalled. No one appeared to represent the application.

DECISION: Variance denied because of non-appearance.

The advertised hearing was closed at 9:00 P.M.

Mr. Eugene Rash of Indian Hills Development Corp. appeared before the Board for an unadvertised hearing advising he would like to request variances on certain lots in proposed Section II of the Lexington Subdivision. Lots Nos. 92, 93 and 94, asking for front setback variances of 55' and rear setbacks of 35' and explained the reason for the request. There is no area variance needed. Engineers have recommended staggering lots 112, 113 and 114 going from 50' to 55' to 50' front setbacks for appearance. So they would be requesting these. A variance was discussed for lot No. 115 which is a corner lot, but after discussion it was felt not needed. Informally the Board felt there would be no objection to these variances.

Minutes of the previous hearing were approved as submitted.

Patricia D. Slack
Secretary

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

55.

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, 3215 Chili Avenue, Rochester, New York 14624 on January 24, 1967 at 8:00 p.m. to consider the following applications:

1. Application of Joseph Patross, 139 Cherry Road, for renewal of variance to erect a temporary sign 50 sq. ft. extend 60' from front lot line and approx. 185' northeast of Sequia Drive on the south side of Chili Avenue, in E zone.

2. Application of Jordan Home Development Corp., 2655 Chili Avenue for approval of the following variances on specified lots in Lexington Subdivision Section II, E zone:

55' front setback and 55' rear setback on lots 97, 98, 99.

50' front setback on lot 114.

55' front setback on lot 115.

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.

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:

January 14, 1967

Eleanor E. Williams

Sworn before me this 14th

day of January 19 67

Nancy B. Fromm

Notary Public

NANCY B. FROMM
NOTARY PUBLIC, State of N.Y., Monroe County

My Commission Expires March 30, 1968

Zoning Board

January 24, 1967

major loop which will eventually go to Marshall Road, will be collector street. So to bring street in at right angle, way it must go in has to swing for street and causes lots to be narrow and have so many feet to work with at end of Knights Trail and property line, have to swing there with road.

Mr. Layer reminded them again, lots on Knights Trail that are adjacent to these lots, the first two lots they still have title to and as they can see they are extra depth lots. Only possible problem he can imagine, whoever sell lot to might be concerned with amount of back lot, but finds lots of people who prefer not to mow any more lawn than they have to. Lot is 124' deep and area is still 15,000 sq. ft. This will give 34' for house, lots of models are smaller, may still end up with 40' rear. The shape of lot is not what is normally used, normally use 96' x 167'. These lots have a frontage of 120' so talking about 120' or so.

Mr. Rash pointed out on master plan the engineers had to take a little off corner on Knights Trail, had to come in over this way, getting into tough grade there. Best engineering advice was to move it over and come in in this angle as shown. Mr. Layer did not think it would appear to be restrictive, when cut through Knights Trail will look like one overall plan.

Mr. Miller on question was advised another builder had previously built on Knights Trail.

Mr. Rash explained the master plan as it is now to the Board.

Mr. Clarence Simmons, 125 Knights Trail advised he is very much in favor of the variance.

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

DECISION: The Board unanimously approved the variances on the specified lots as requested.

Decisions on Reserved Matters.

From Hearing of Zoning Board held December 22, 1966:

#2. Application of Ann Fafone spaghetti Palace, Inc., 1315 Scottsville Road, for approval of a 3' x 6' sign (illuminated) approximately 24' from Scottsville Road. Commercial Zone.

DECISION: The Board unanimously granted the variance for a period of three years, with the right to reapply for a renewal of the variance.

Minutes of the hearing of December 22, 1966 approved as submitted.

Discussion was had by the Board regarding adding a procedure to their operating procedures to the effect that if a variance were denied the applicant be required to wait for a period of one year before being allowed to resubmit the application again, unless some new evidence should appear. It was unanimously decided to adopt this procedure and Mr. Miller attorney will write up a statement notifying the Town Board of the decision. This procedure will be effective as of January 1, 1967.

Mr. McKinney who owns a lot on Westside Drive which is 70' wide on Westside Drive and 82.78' on Buffalo Road appeared informally before the Board for advice as to what he could use the lot for. He was advised they could not advise him, he would need a variance for any use of the lot and should decide what he desires to do with it, then come in with his plans and apply for a variance.

Set out below is the "Statement of Procedure" on "Denied Applications".

REHEARINGS ON AN APPLICATION AFTER DENIAL

Whenever, The Chili Zoning Board of Appeals, after hearing all the evidence presented by the Applicant, his agents, employees, or legal representatives, denies the Application for a variance and/or denies the relief requested, this Board shall not entertain or hold an additional hearing on the same or substantially similar Application by the same Applicant, his successors, or assigns, unless one of the following conditions is applicable:

- (1) One year has elapsed from the date of the "Letter of Denial" issued by this Board.
- (2) On a motion of a member of the, Chili Zoning Board of Appeals, that due to changed circumstances and conditions having occurred, relating to the, Public Health, safety, convenience and the general welfare of the citizens of, The Town of Chili, that such a rehearing is justified on a denied Application.
- (3) The Supreme Court of the State of New York remands the case to the Board for a new hearing.

Note: Every Applicant must fully and completely prepare and present all the pertinent information and data (including maps, sketches, drawings, architect renderings, witnesses etc.) pertaining to his Application at the time of the hearing.

original

Zoning Board

January 24, 1967

After discussion the board unanimously authorized Mr. Hunter, Chairman to write Supervisor Kent advising they strongly urge a preliminary meeting be held to discuss possible changes to the Zoning Ordinances in the Town of Chili with specific attention to:

Multiple Dwellings

Swimming Pools

Signs

Monuments at entrances of subdivisions

and a general overhauling of the Zoning Ordinances.

Patricia D. Slack
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILI, N. Y.
February 28, 1967

The Hearing was called to order at 8:15 P.M. Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman
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 Francis R. Tacy for approval to erect 30' x 60' frame storage building on lot 126, 20 Black Creek Road, as per plans submitted. D residential zone.

Mr. Tacy appeared before the Board. Plans were submitted to the Board. Mr. Hunter asked him to give an explanation of the building. Mr. Tacy advised he wished to have restrooms. Amount of people have there every year, feels should have rest rooms. This building will be sufficient to take care of rest rooms as well as storage for 20 boats and 23 canoes. They are sitting out in weather and he would like to get them inside. Rest rooms are very essential for amount of people that come there. He pointed out on map where Black Creek road and existing boat house were. Existing boat house is on back of lot and proposed building will be up front. Had to raise elevation of land 3' higher than boat house floor in order to use sewers and that is why want it there. Mr. Miller questioned if he could hook into town sewers? They did not have Septic Tanks? He was told they could hook into the Town sewers.

Mr. Hunter questioned what is on adjacent lot. Mr. Tacy advised it is vacant on Scottsville Road side, the east side. On west side lot is his home. It is his cousin's but he lives there. There are other homes down the line. School is across road to the south. Mr. Davis asked if he owned up to State property and was told he did. Mr. Davis advised how they had combined six lots into this one, so they have almost 200' from where house property line is to State property. Mr. Tacy agreed.

Mr. Fraser questioned if these boats were owned by him or somewhat of storage rental. Mr. Tacy advised he owned his boats, everything there owned by him. Had been there for 10 years now. Property on east side they are gradually filling in. Could not breathe close to there, now filling in. next fill will be dirt and will be level with road. Few years ago when 146" of snow, 16" of water in little boathouse. Have water condition there cannot go in there and fill it up. In course of ten years have gradually got it up, does not smell any more either.

Mr. Hunter questioned if steel frame building or wooden. Mr. Tacy advised wooden with plywood roof and aluminum outside plywood. On inside plywood, on exterior corrugated aluminum and roof aluminum. Will be a nice looking building.

Mr. Miller questioned how close did his own house sit to Black Creek Road. Mr. Tacy and Mr. Davis advised 60' from road line. Mr. Davis advised it had been built since zoning, about five years ago. It is 60' back. Mr. Tacy advised he proposed 60' setback and 20' side lines on this building so will be in line. Mr. Davis advised it would be 26' on one side and about 130' on other side. On question Mr. Tacy advised he will be leaving existing boat house where it is.

Mr. Miller questioned how far his own house on lot to west from side line. Mr. Tacy felt it was 15' from west lot line, lot is 99', felt it would be 30'. Mr. Miller questioned how far from this proposed building? Mr. Tacy felt will be about 75' between two buildings.

Mr. Hunter questioned nature of present boathouse. Mr. Tacy advised wooden frame building. Mr. VanSlyke asked if new building was going to be concrete flooring. Mr. Tacy advised concrete or asphalt, will be hard surface. In rest room, that will be concrete. Believed he would have to get another permit for plumbing when ready for that. Will also be concrete petition, cement blocks, in rest rooms for interior petition.

Mr. Hunter questioned if this is preexisting use for this property. Mr. Davis advised he had variance about ten years ago for boat house, at that time asked if was going to have place like this but was not in position at that time. Mr. Tacy advised could not do that because of high water conditions, had to fill in first, now find it necessary to have storage as well as restrooms.

Mr. Miller asked if he was going to sell pop and candy. Mr. Davis explained in his previous variance has had for ten years can sell pop, candy, etc. This is just for storage building and rest rooms.

Mr. Miller asked if he was going to paint this building? Mr. Tacy advised no, would be corrugated aluminum on sides and roof. Only way to paint it, bake it on to keep it on. The plans of the building were studied by the board and discussed, as to doors, windows, etc.

On question of Mr. Hunter, no one else appeared for or against this application.

DECISION: Variance unanimously granted with the following stipulations:

1. To be used only for the storage of boats and the installation and use of rest rooms.
2. This variance to be for a period of five years, with the right to reapply.

#2. Application of Ryan Homes, 2269 Lyell Avenue for approval to erect a house on lot 116 Hillary Heights Subd., 7 Lawnsbury Drive, on pie shaped lot with house at building line of approx. 70' width, E residential zone.

No one appeared to represent Ryan Homes on this application.

DECISION: Variance denied due to non-appearance.

Mr. Raymond F. White, 2844 Chili Avenue appeared after the close of the hearing to unofficially discuss with the Board how he would go about applying for a variance to put an addition on a building on his lot, in the rear, which has been there for 23 years, but there is no record of it on the tax rolls. This would be for living purposes. He was advised he would have to come in and apply for a variance in the usual way and have it advertised for public hearing.

Minutes of the January 24, 1967 hearing were approved as submitted.

Patricia D. Slack
Secretary

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 Office, 3235 Chili Avenue, Rochester, New York 14624 on February 28, 1967 at 8:00 P.M. to consider the following applications:

1. Application of Francis E. Tracy for approval to erect 30' x 60' frame storage building on lot 126, 20 Black Creek Road, as per plans submitted. D residential zone.

2. Application of Ryan Homes, 2269 Lyell Avenue for approval to erect a house on lot 116 Hillary Heights Subd., Lawnsbury Drive, as per annexed lot split house at building line of approx. 70' width. E residential 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.

ROBERT HUNTER, Chairman.

AE-10-February 18-TU

Eleanor B. 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:

February 18, 1967

Eleanor B. Williams

Sworn before me this 18th day of February 1967

Nancy B. Fromm

NANCY B. FROMM Notary Public

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

My Commission Expires March 30, 1968

MINUTES

ZONING BOARD OF APPEALS, TOWN OF CHILI, N. Y.
 March 28, 1967

The Public Hearing was called to order at 8:00 P.M. by Mr. Vanslyke, Acting Chairman. Roll call found the following members of the Board present.

Mr. Howard Vanslyke, Acting Chairman
 Mr. Charles Pfenninger
 Mr. James Fraser
 Mr. John Palermo
 Mrs. Gertrude Tanger

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

- #1. Application of Ryan Homes, 2269 Lyell Avenue for approval to erect a house on lot 116 Hillary Heights Subd., 7 Lawnsbury Drive, on pie shaped lot, with house at building line of approx. 70' width, E zone.

Mr. Robert Kramer, Production Manger of Ryan Homes appeared before the Board. Mr. Vanslyke questioned the size of the lot and Mr. Kramer presented him with a sketch of the lot showing the dimensions as 39.97' x 172.65' x 142.00' x 233.35' and advised Mr. Davis on his question it was 70' across at the building line, he had measured it today. Mr. Miller questioned if the lot had been in the original subdivision and Mr. Kramer advised yes, subdivision owned by Mr. Meleo and they purchased the lot from him. Mr. Davis advised Mr. Miller the subdivision had been approved by the Planning Board. At one time any lot approved by the Planning Board in a subdivision was all right, but that was changed. He advised the lot was 142' across back of lot, they have enough square footage, only thing it is not 90' at the building line.

On question of what type of house to be put on the lot Mr. Kramer advised a two story house with two car garage. House is 48' across back, counting the garage. He figured it would be about 11' on either side, Lot on north side would have to be 10', could be not too much more than that, but there seems a lot of room. The other quite far away. Being this lot projects back like it does, if did not build house on building lot line, would be hiding other house. Mr. Vanslyke again questioned if the house they contemplated building consisted of house and garage and he was advised yes, two car garage. Mr. Vanslyke questioned, so that with two car garage, will still be 11' on each side? Mr. Kramer advised correct. Mr. Vanslyke questioned if house beside it consisted of garage and Mr. Kramer advised yes, other man has little ranch with one car garage, garage on side of lot in question, garages will be next to each other.

Mrs. Tanger questioned if this was the last lot in the subdivision they have to build on. Mr. Kramer advised yes, they have issued a permit on the last lot in subdivision, this becomes the last. He again advised there is a one car garage on the house next door, and there are people living in the house.

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

DECISION: Variance unanimously granted.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

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 City of Rochester, New York, 14-24 on March 26, 1967 at 8:00 P.M. to consider the following applications:

1. Application of Ryan Homes, 2269 Lyell Avenue for approval to erect a house on lot 115 Military Heights Subd., 7 Lawrence Drive, on pie shaped lot, with house at building line of approx. 70' width, E zone.

2. Application of Francis E. Ellis Sr., 187 Cheshire Avenue for approval to erect a house and garage on lot 4 Walter Reagan Subd., 232 Middle Road, 57' from north lot line and 15' from south side lot line, lot size 100' x 400', E zone.

3. Application of Guy Turner, Mercedes Drive for approval to build an addition to existing garage to within 1' of north lot line D zone.

4. Application of Raymond F. White, 2844 Chili Avenue for approval to occupy existing structure in rear of present living quarters at 2844 Chili Avenue, 34' from rear lot line and approval to erect a 12' x 22' addition to same, E zone.

5. Application of Sheldon Gleason, 17 Atridge Road for approval of garage at 17 Atridge Road, approximately 265 feet to northeast side lot line, Residential Zone.

6. Application of Mr. & Mrs. Richard Arnold, 4 Pleasant View Drive for approval of 5' southwest side setback of house located at 4 Pleasant View Drive, Residential zone.

7. Application of Raddis Realty Corp., 100 Hudson Street to erect a 16,000 sq. ft. building on property located on Old Bohan Road and Wendener Road with a 40' setback from Wendener Road and a 50' setback from Old Bohan Road, Commercial 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.

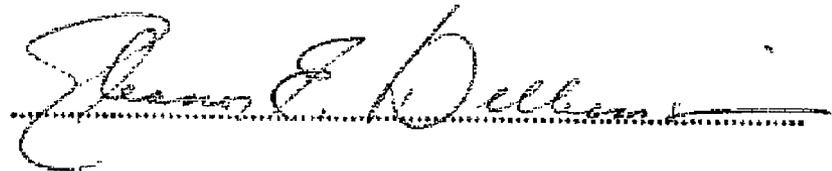
ROBERT HUNTER
Chairman

For

Eleanor E. Williams

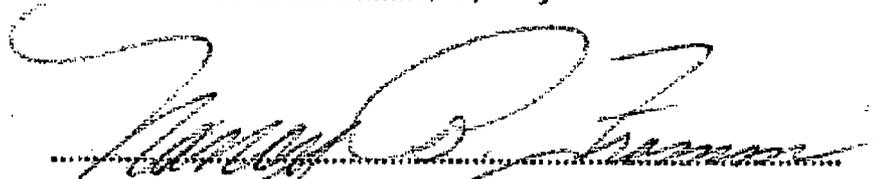
..... being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

March 18, 1967



Sworn before me this 18th

day of March 1967



NANCY E. FROMM Notary Public

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

- #2. Application of Francis E. Ellis, Sr., 13 Chester Avenue, for approval to erect a house and garage on lot 4, Walter Reagan Subd., 255 Stottle Road, 5' from North lot line and 15' from south side lot line, lot size 100' x 400', EE zone.

Mrs. Eleanor Ellis, 13 Chester Avenue, appeared before the Board. Sketch of what was planned, attached to application was examined by the Board. Mr. Miller questioned where the garage would be placed and Mrs. Ellis advised it will be on the south side of the house. Mr. VanSlyke questioned if the building included the garage and Mrs. Ellis advised it did. Mr. Pfenninger inquired why they wished the 15'. Mrs. Ellis advised in the future want some fill brought in back and a swimming pool and would like an extra 5' to get back there. She advised on question, there is a house on the lot to the south side now, and the lot to the north is vacant. Mrs. Ellis advised she had talked to the owner of the lot to the north, he had no intention of building, are going to buy another home, changed plans on building there, do not know what they are going to do there. Mr. VanSlyke questioned how far on the occupied lot is garage, is it on her side. Mrs. Ellis advised that is Mr. Schroeder's house, his garage on south side. He was here and he is 15' from his north line, which would make 30' between houses. If they want to drive in there, do not want to drive in his yard. Mr. Pfenninger questioned the ground is low on north side of Mr. Schroeder's house. Mr. Schroeder advised it was.

Mrs. Tanger questioned the size of the house and garage and Mr. Pfenninger remarked it was going to be quite a big house. Mrs. Ellis agreed. Advised will be almost 80' including the garage. She advised it will be a one story home. The garage will be on the 15' side and will be a double garage, and the neighbor on that side, his garage is on the other side of his home.

On question of Mr. VanSlyke if any one present at hearing in favor of this application Mr. Schroeder of 259 Stottle Road appeared.

On question of Mr. VanSlyke if any one present at hearing in opposition to this application, Mr. Donald Angevine of 1 White Birch Circle appeared. Advised he owns lot 5, lot to the north of this lot. Opposes this because feels it is not necessary crowding towards his side of lot, which is another 100' lot. If should sell lot and someone else builds, if had definite ideas of how large house, would say go ahead, would not hurt appearance, but not knowing what somebody else might build, someone else may want to come within 5', would hurt everyone else's house in area. This is his only complaint.

No one else appeared in favor of or opposed to this application.

DECISION: Variance denied unanimously. No hardship was shown.

- #3. Application of Guy Turner, 3 Mercedes Drive, for approval to build an addition to existing garage to within 7' of north lot line in D zone. (this zoning was corrected to E zone)

Mr. Turner appeared before the Board and sketch of proposed addition was presented and studied by Board. Mr. VanSlyke questioned what was in red is proposed addition? Mr. Turner advised yes. Mr. VanSlyke questioned the house and garage on lot alongside his. Mr. Turner advised house is about 30' from lot line and garage about 20' from lot line on this side. He pointed out his driveway and existing single car garage. Mr. Miller questioned if garage next door is detached and Mr. Turner advised yes. Mrs. Tanger questioned 27' between proposed addition and his neighbor's garage? Was advised yes. Mr. Miller questioned the size of his lot and Mr. Turner felt around 77'. Mr. Miller asked how far present garage from north line at this time? Mr. Turner advised 17', he just wanted to add 10' on to make the garage 24'. Mr. Palermo

adoption, so that small house can stay there for ever. This is not a new building he is applying for, it is an addition to existing building. Mr. Gallagher questioned then this does not apply at end of five years will be torn down? Mr. Miller advised he is saying if Board allows addition to non-conforming, pre-existing building, he will agree to take the whole thing out after five years, the building is already here. Discussion followed and Mr. Gallagher said what he wanted to be sure of was that removal will take place at end of five years. He read a letter to the Board from his attorney George J. Skivington on his behalf, advising he and his wife were against this variance, but would not oppose it provided it is granted for a period of five years and for no longer, which he submitted to be made a part of the minutes of the hearing. On this letter Mr. Gallagher had added a postscript that this variance cannot be renewed.

Mr. Miller asked him if he was next door to the east of Mr. White and Mr. Gallagher advised next house to Mr. White's, lived there since 1940. Mr. Miller asked him when the little house had been built and Mr. Gallagher believed in 1942 or 1943. Mr. White advised he had it built in 1943, should have opposed it at that time, not now. No one objected, there was only two houses out there at that time, farm across the street, open country. Mr. Miller advised there was no zoning ordinance in the Town until 1947 and there was no objection to this structure in 1943 and this was built prior to zoning ordinance. Mr. White is saying if the Board does him a favor, at end of five years will do us a favor. If he stands on his ground can leave the house there for the next 100 years. Mr. Gallagher said but he wants to increase size of it, not be same house, will be this house. Mr. White advised will not be same house, a different house. Mr. Gallagher returned part will be same but not all of it. Mr. Vanslyke questioned as he understands it, if Mr. Gallagher could be satisfied that this building will be removed then he would have no objection, was he correct. Mr. Gallagher advised that is quite right. Inquired if at end of five years could he renew the variance? He was told that was correct.

No one else appeared in favor of or opposed to this application.

DECISION: Variance unanimously granted for a period of five years, to construct a 12' x 22' addition on the westerly side of the pre-existing, non-conforming house at the rear of 2844 Chili Avenue. At the end of the five year period, the entire structure, including the pre-existing, non-conforming house as well as the said addition to be demolished or removed and any excavation filled and graded. This variance shall not be renewable after the five years.

#5. Application of Sheldon Gleason, 17 Attridge Road, for approval of garage at 17 Attridge Road, approximately 2½' to northeast side lot line. Residential Zone.

Mr. Louis Balsamo appeared before the Board. He advised that the next application to be heard was connected with this one and requested both applications be heard together.

#6. Application of Mr. and Mrs. Richard Arnold, 4 Pleasant View Drive for approval of 7' southwest side setback of house located at 4 Pleasant View Drive. Residential zone.

Mr. Balsamo, Attorney explained, this is case where Mr. Gleason bought this home from a Mr. Raley about a year ago. Mr. Raley bought this house and in 1957 attached to the house a one car garage. At the time he had this done to his, a neighbor, Mr. Arnold had put up a picket fence and shrubbery and they informed him this was the lot line. Mr. Raley, based on this, made a sketch of his lot, filed it with the Town

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

MARCH 25, 1957

APPLICANT FOR VARIANCE- NAME: Raymond F. White
PROPERTY: 2544 Chili Avenue, Chili, N.Y.
(P.O. Address, Rochester, N.Y. 14624)
LEGAL DESCRIPTION OF PROPERTY: Deed Description,
number # 2077 page 4-3/8
Recorded Monroe County Clerk's
Office Aug 22, 1941
Being Lot No. 7 of the Battle
Barber subdivision as shown on a map record
ed in Liber #64 of maps page #17.
Lot size 61' x 195'

VARIANCE REQUESTED ON MARCH 25, 1957:

Application of Raymond F. White, 2544 Chili Avenue, for approval to occupy existing structure in rear of present living quarters at 2544 Chili Avenue, 35' from rear lot line, and approval to erect a 12' x 22' addition to same, E zone.

DECISION RENDERED BY ZONING BOARD OF APPEALS MARCH 28, 1957:

Variance unanimously granted for a period of five years, to construct a 12' x 22' addition on the westerly side of the pre-existing, non-conforming house at the rear of 2544 Chili Avenue. At the end of the five year period, the entire structure, including the pre-existing, non-conforming house as well as the said addition to be demolished or removed and any excavation filled and graded. This variance shall not be renewable after the five years.

CERTIFICATE OF THE TOWN CLERK

STATE OF NEW YORK :
COUNTY OF MONROE : ss:
TOWN OF CHILI :

I, HART E. PARKHURST, Town Clerk of the Town of Chili, Monroe County, New York, do hereby certify that I have compared the preceding variance request and decision thereof filed in my office at Chili, Monroe County, New York on the 24th day of April, 1959 and that the same is true and correct copy of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Town this 24th day of April, 1959.

Mary E. Parkhurst
Town Clerk, Chili, N.Y.

GEORGE J. SKIVINGTON
ATTORNEY AND COUNSELOR AT LAW
511 WILDER BUILDING
ROCHESTER, N. Y. 14614

548-1314
AREA CODE 716

March 28, 1967

Zoning Board of Appeals
Town of Chili
3235 Chili Avenue
Rochester, New York 14624

Gentlemen:

I represent Charles Austin Gallagher and his wife, Norma E. Gallagher, both of 2842 Chili Avenue, Chili, New York. Mr. & Mrs. Gallagher have consulted me with reference to the application of Raymond White for a variance at property owned by him at 2844 Chili Avenue and I understand there is a hearing on that matter tonight, March 28, 1967.

Mr. & Mrs. Gallagher wish to inform the Board that they are opposed to this variance because it is not in conformity with neighborhood property and will devalue their property. They will not oppose this variance, however, provided that this variance is granted for a period of five years and for no longer. Mr. Gallagher will attend your meeting and make this letter a part of your minutes.

Very respectfully yours



GEORGE J. SKIVINGTON

GJS:mjr

*It must be understood
that this variance cannot
be renewed C.A. Gallagher 3/28/67*

Zoning Board of Appeals

March 28, 1967

with necessary papers in 1957, and proceeded building the garage onto the house. When Mr. Raley sold the house, everything seemed in order. Mr. Gleason later on went to sell this house. Upon sale one surveyor said garage built on land belonging to neighbor, another said built on land no one owns, a third found a different line. He said it depends on where they started to measure, there seems to be a road on side of lot 4, where start measuring 30' road or 60'. He presented a tape map showing Mr. Gleason's property with the garage 2.43 feet on the Arnold property. He advised Mr. Arnold willing to sell this 2.43' to Mr. Gleason, but in turn their house becomes a violation because they will be less than 10' from lot line. Exactly how many feet he cannot tell because this lot runs at angle and depends how measured, if you measure it at angle or straight, so cannot honestly say it will be less than the regulations call for. He advised on Mr. Fraser's question, Pleasant View Drive runs in front of Arnold's property. He advised are asking for variance to allow the Raley house sale or to give a right of way easement or sale, one or other. If land sale, asked Board to give variance on the Arnold house that their house may be less than 10' and that other house, Gleason's less likely on lot line, or if work out actual easement garage could remain where it is. Would like to have Board's permission in case work out easement.

Mrs. Tanger inquired how wide was the Arnold lot and was advised 91.63' rear and 185.24' long.

Mr. Balsamo advised had arranged either a sale or an actual right of way, if work out the easement will not need a variance for Arnold, but if sale will need one. As houses are now, neither party could sell them because no established line. So he is asking the Board that the variance be granted for the Arnolds and Mr. Gleason. Mr. Gleason would be on new lot line, fence would remain where it is. This is where trouble all started, he believed, with the fence. If these are granted, everything will remain as is, everything will look the same as now. He asked the decision be worded so if could get an easement would and Mr. Gleason could maintain this structure, but in event of sale of this piece of land, then they could have the variances. Mr. Miller felt there should be no question of an easement, it should be the sale of land from Arnold to Gleason, otherwise would have trouble with title in future, felt should be for two variances and clear title rather than easements. Mr. Balsamo advised they are willing to sell this, but he cannot tell exact footage that will remain.

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

DECISION: variance is hereby unanimously granted to Mr. and Mrs. Sheldon Gleason, reputed owners of lot 5 of the Fair View Subdivision, Town of Chili, Monroe County, N.Y. that the existing attached garage may remain in its present location a distance of approx. 2.43' from a new north-easterly side lot line. This variance is contingent on the said Mr. and Mrs. Sheldon Gleason, owners of lot 5 acquiring the following described parcel from the owners of lot 4 of the said Fair View Subdivision, Town of Chili, Monroe County, N.Y.: BEGINNING at the northwest corner of said lot 4 of the Fair View Subdivision, Town of Chili, Monroe County, which point is 397.16' westerly of Buffalo Road (1) thence on a southwest course along the southwesterly side lot line of lot 4 to the southwest corner, (2) then in an east northerly course along the southerly lot line of said lot 4 a distance of approx. 26.2' to a point, (3) then along a fence line in a northwesterly course to the point of beginning. Describing a triangular piece of land whose base is a southwesterly side lot line of lot 4 of the Fairview Subdivision, Town of Chili, N.Y. A CERTIFIED COPY of the deed of this conveyance to be filed, upon completion with this office.

- #7. Application of Kaddis Realty Corp., 316 Hudson Avenue, to erect a 36,000 sq. ft. building on property located on old Beahan Road and Weidener Road with a 40' setback from Weidner Road and a 50' setback from Old Beahan Road, Commercial Zone.

Mr. William Centner, an Attorney with offices at 725 Times Square Building in Rochester appeared in behalf of the applicant. He advised property involved is property on Weidner Road and Old Beahan Road, lot as shown by "X" marks on small sketches which he presented to each member of the Board, which he understands at present time is zoned commercial and has a requirement of 100' setback. This application is in nature of two-way application. First for variance on grounds of hardship for change in setback requirement and secondly an application which will subsequently be made, for a change in zoning from commercial to industrial which will be made through another authority.

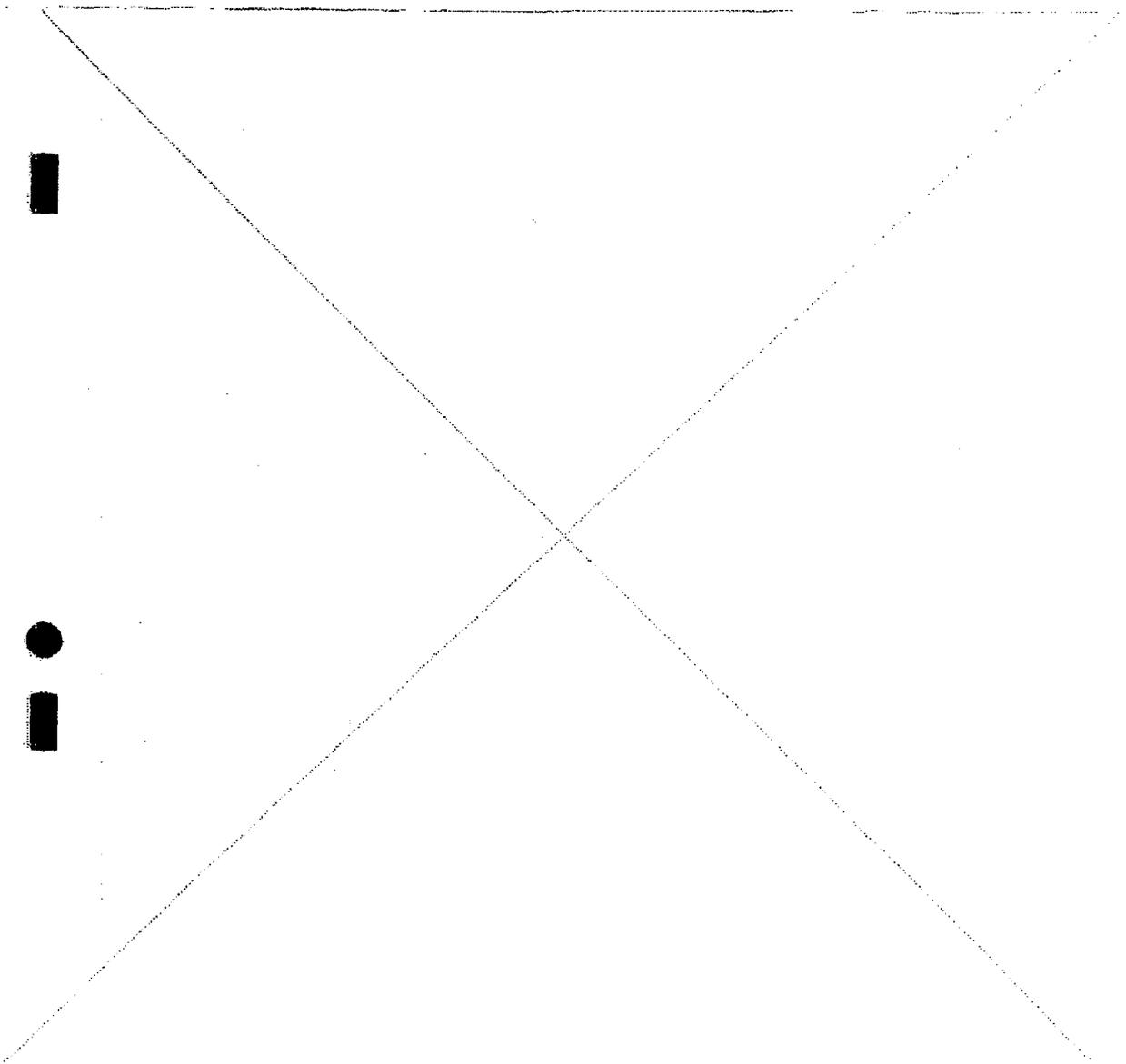
The applicant is a realty corporation which is jointly owned by Mr. Kaddis and his family and which is the lessor of property which is occupied by Kaddis Manufacturing Company. Kaddis Manufacturing Company is a Rochester, N.Y. corporation with a plant and main office on Hudson Avenue and also a plant in Parsons, Tennessee. It also has operations in other areas nearby, notably one in Henrietta of a small nature and another one in Honeoye Falls. Approximately 100 people are employed in Hudson Avenue plant. This over the years has become inefficient in its operation. This is a successful company and it desires to have a new location. This is part of way things go these days. The business is that of a screw machine operation, they manufacture small components presented for sale to American industry manufacturers through use of screw machines. He showed a newspaper showing part of the Parsons, Tennessee plant, which shows some of the nature of the operation of company. In other words, it would be classified as light industry, no heavy machines which make noise or smoke or obnoxious fumes. It is an operation which makes precision parts. Many dealers throughout country buy from this type of industry.

This property with the present setback allowed, would be practically useless for any one to purchase it. Pointing it out on a composite map, advised it is a parcel which is indicated on this map and the usable portion would be this little triangle part here. He pointed out where the airport is, pointed out position of roads. Felt from standpoint of flow of traffic, cut off by airport, so this little part sits out here. With restrictions of 100' setback, would permit only a small portion of property to be used. There are two parcels involved, and he pointed out the first and second parcel on the map.

He presented a picture of the proposed building on the area, advising the proposed 36,000 square foot building would be located in the wide area, then this area (pointing it out) would be for parking and the other piece would be reserved for future use. Was sure they recognized the wisdom of not buying just the amount of land presently required, need something for the future. The type of building proposed was shown on the sketch, cinder block construction, one floor, very modern useful building. Anticipate probably 125 people would be initially employed in the operation and it is anticipated that the manufacturing operations from Hudson Avenue would be transferred as would main office of business to this location.

He advised Mr. Willis, a licensed realtor was with them. He advised he knew these applications are decided on grounds of Hardship. Mr. Willis came forward and explained to Board why they felt it was a hardship, as to why this property unusual why some sort of setback change should be allowed since this property has had its circumstances changed by reason of change of these roads on which it abuts by reason of airport, so spirit of ordinance would be maintained.

DECISION: Variance is hereby granted to Mr. and Mrs. Richard Arnold reputed owners of Lot 4 of the Fair View Subdivision, Town of Chili, Monroe County, N.Y. that the existing house may remain in its present location, a distance of 7', plus or minus, from a new southwesterly side lot line of said lot 4. This variance is contingent on the granting by Mr. and Mrs. Richard Arnold, reputed owners of lot 4 to Mr. and Mrs. Sheldon Gleason, reputed owners of lot 5 of Fair View Subdivision, Town of Chili, Monroe County, N.Y. the following described parcel of land: BEGINNING at the northwest corner of said lot 4 of the Fair View Subdivision, Town of Chili, Monroe County, N.Y. which point is 397.16' westerly of Buffalo Road (1) thence on a southwest course along the southwesterly side lot line of lot 4 to the southwest corner, (2) then in an east northerly course along the southerly lot line of said lot 4 a distance of approx. 28.2' to a point, (3) then along a fence line in a northwesterly course to the point of beginning. Describing a triangular piece of land whose base is a southwesterly side lot line of lot 4 of the Fairview Subdivision, Town of Chili, N.Y. A Certified copy of the deed of this conveyance to be filed, upon completion, with this office.



Mr. Willis advised in the first place, composite map presented showed where airport owned, road deadended, that in itself making this hard to use in any other category and to make full use of this land with 36,000 sq. ft. building, no matter which way swing it on over all property it can be seen setback variance would have to be made to be able to accomodate that building and otherwise could not locate/building with setbacks that would be applicable. Mr. Centner felt would not be enough land for any one to do it. Mr. Willis went on with 3.07 acres normal setback would be less than an acre. He advised total acreage on first parcel is 3.07 acres, on second 2/3 of an acre, land in rear of Rotary Gas Station. He advised there is another neighbor, Matthews. Immediately to north on Weidner is Matthews Moving setup, then come to corner Gas station, some sort of trucking arrangement, next parcel vacant land, next on Scottsville single house, strictly residential property, next door residential with plumbing business and then Rotary Gas Station. Pointed out airport and where else industrial.

On question if they presently owned the property Mr. Centner advised this was something they explained to the Supervisor and to others in the Town. They have been assured by the attorney for the owners of the property that once the zoning problems are ironed out on this property, they will have contract to purchase. The present owners do not wish to sign contracts now with a contingency on it. They have no contract now, but assurance they will. Mr. Bly, attorney has been in Florida. They just insist flat contract and will not sign anything with contingency, but they are aware of this application.

The maps were further discussed and commercial land pointed out. Mr. Centner advised Mr. Willis he could conceive of no commercial use on this property because of circumstances now existing, nobody could use it commercially. Mr. Davis felt could not because of airport. He felt best use would be for a factory. Mr. Miller questioned dimensions on west line and was advised 440'. Mr. Willis felt would have to have setbacks as indicated no matter how they swing the building around. Mr. Centner wished to urge the fact in view of changes in this locality the conception of 100' setback is gone. Mr. Miller asked if he was saying this is a unique situation and Mr. Center advised yes, it was a unique situation. Mr. Davis questioned if that is from lot line or road or edge of road, that made a difference. Mr. Willis felt would be from the lot line. Mr. Vanslyke questioned actually would be 40' from Weidner Road. Mr. Pfenninger questioned if back 40' and 50' would they have ample room for the building. Mr. Willis advised yes. He pointed out on sketch of proposed building how just where access road would be and location of building.

Mrs. Tanger questioned Mr. Kaddis for their precision instruments would they have to have air filters? Mr. Kaddis advised no, would not have an air conditioned building and on further questions advised they were not calibrated so close they would have to have it. Mr. Davise advised they would have to be approved by Monroe County Airport anyway and Mr. Fraser on question of they had approached any of them was advised no.

Mr. Vanslyke inquired if this Board should rule favorably on this application that it would be contingent upon both pieces of property being utilized because if grant this and not building on the other at this time, then we suddenly have additional worse problem in future. Mr. Centner advised would be contingent on purchase of both properties. This is their definite desire. Mr. Kaddis advised yes, they would need the extra space. Mr. Davis thought there was probably more property they could get. Mr. Willis advised over 10 or 15 year period think probably or possibility of having entire piece.

Mr. Miller questioned Mr. Centner as to the firm he was with. Mr. Centner advised Brennan, Centner and Palermo. On this Mr. Miller suggested

Zoning Board of Appeals

March 28, 1967

Mr. Miller also questioned, they are asking this variance for Kaddis Realty Corp. and it is possible 10 years from now screw machine business could fall off and realty company could rent to another industrial concern? Mr. Centner said theoretically could be true.

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

DECISION: Variance granted with the following vote:

Mrs. Tanger aye

Mr. Pfenninger aye

Mr. Fraser aye

Mr. Vanslyke aye

Mr. Palermo abstained because his brother junior partner in law firm of attorneys for applicant.

The minutes of the previous hearing were approved as submitted.

Patricia D. Slack
Secretary

ZONING BOARD OF APPEALS

April 11, 1967

AMENDMENTS TO Decisions on Applications #5 and #6 heard and made at Public Hearing held March 29, 1967.

Upon the request of Mr. Louis Balsamo, Attorney acting for the applicants for the above variances, for the following amendments to the decisions and after consideration by Mr. Daniel L. Miller, Deputy Town Attorney and Mr. Howard Vanslyke, Temporary Chairman of the Zoning Board of Appeals at the Hearing of March 28, 1967, the decisions on the variances were amended as follows:

- #5. Application of Sheldon Gleason, 17 Attridge Road, for approval of garage at 17 Attridge Road, approximately 2½' to northeast side lot line. Residential Zone:

DECISION: (April 11, 1967)

Variance is hereby unanimously granted to Mr. and Mrs. Sheldon Gleason, reputed owners of Lot 5 of the Fair View Subdivision, Town of Chili, Monroe County, N.Y. that the existing attached garage may remain in its present location a distance of approx. 7.00', plus or minus, from a new easterly side lot line, described below. This variance is contingent upon the said Mr. and Mrs. Sheldon Gleason, owners of lot 5 acquiring the following described parcel from the owners of lot 4 of the said Fair View Subdivision, Town of Chili, Monroe County, N.Y.: Commencing at a point in the division line between lots 4 and 5 of the Fair View Subdivision, said point being 51.53' south of the south line of Attridge Road; thence (1) continuing south along said division line between lots 4 and 5 a distance of 34.65' to a point; thence (2) easterly and making an interior angle of 70° 31' 23" with course (1) a distance of 11.55' to a point; thence (3) northwesterly and making an interior angle of 90° with course (2) a distance of 32.66' to the point of beginning. Describing a triangular piece of land whose base is a portion of a southwesterly side lot line of lot 4 of the Fair View Subdivision, Town of Chili, N.Y. A certified copy of the deed of this conveyance to be filed upon completion, with the Town Clerk's Office.

- #6. Application of Mr. and Mrs. Richard Arnold, 4 Pleasant View Drive for approval of 7' southwest side setback of house located at 4 Pleasant View Drive, Residential zone.

DECISION: (April 11, 1967)

Variance is hereby granted to Mr. and Mrs. Richard Arnold reputed owners of Lot 4 of the Fair View Subdivision, Town of Chili, Monroe County, N.Y. that the existing house may remain in its present location, a distance of 7', plus or minus, from a new westerly side lot line, described below. This variance is contingent upon the granting by Mr. and Mrs. Richard Arnold, reputed owners of lot 4 to Mr. and Mrs. Sheldon Gleason, reputed owners of lot 5 of the Fair View Subdivision, Town of Chili, Monroe County, N.Y. the following described parcel of land: Commencing at a point in the division line between lots 4 and 5 of the Fair View Subdivision, said point being 51.53' south of the south line of Attridge Road; thence (1) continuing south along said division line between lots 4 and 5 a distance of 34.65' to a point; thence (2) easterly and making an interior angle of 70° 31' 23" with course (1) a distance of 11.55' to a point; thence (3) northwesterly and making an interior angle of 90° with course (2) a distance of 32.66 feet to the point of beginning. Describing a triangular piece of land whose base is a portion of a southwesterly side lot line of lot 4 of the Fair View Subdivision, Town of Chili, N.Y. A certified copy of the deed of this conveyance to be filed, upon completion, with the Town Clerk's Office.

patricia D. Slack, Secretary

This Indenture,

Made the 9TH day of April Nineteen Hundred and Sixty-seven.
Between RICHARD G. ARNOLD and JUNE B. ARNOLD, his wife, residing at 4 Pleasant View Road, Chili, New York

parties of the first part, and

SHELDON L. GLEASON and JEAN E. GLEASON, his wife, residing at 17 Attridge Road, Chili, New York.

Witnesseth that the parties of the first part, in consideration of one and more Dollars and other good and valuable consideration,

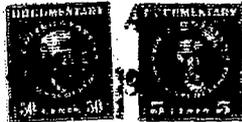
paid by the parties of the second part, do hereby grant and release unto the parties of the second part, their distributees and assigns forever, all THAT TRACT OR PARCEL OF LAND, situate, ^{IN THE TOWN OF CHILI, MONROE COUNTY, N.Y.} commencing at a point in the

division line between lots 4 and 5 of the Fair View Subdivision, * said point being 51.53 feet south of the south line of Attridge Road; thence (1) continuing south along said division line between lots 4 and 5 a distance of 34.65 feet to a point; thence (2) easterly and making an interior angle of 70°-31'-25" with course (1) a distance of 11.55 feet to a point; thence (3) northwesterly and making an interior angle of 90° with course (2) a distance of 32.66 feet to the point of beginning.

Being part of the same premises conveyed to the party of the first part by Deed ~~filed~~ ^{recorded} in Monroe County Clerk's Office in Liber 1958 of Deeds at Page 384 on April 3, 1958.

Subject to any and all easements of record, if any, affecting this property.

* as shown on map filed in the Monroe County Clerk's Office in Liber 108 of Maps at page 100.



MONROE COUNTY
CLERK'S OFFICE

1967 APR 14 AM 10 35

RECORDED

857421

Together with the appurtenances and all the estate and rights of the part ies of the first part in and to said premises,
To have and to hold the premises herein granted unto the part ies of the second part, their distributees and assigns forever.

And said grantor s

covenant as follows:

First, That the part ies of the second part shall quietly enjoy the said premises;

Second, That said grantors

will forever Warrant the title to said premises.

Third, That, in Compliance with Sec. 13 of the Lien Law, the grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part ies ha ve hereunto set their hands and seal s the day and year first above written.

In Presence of

Richard G. Arnold
Richard G. Arnold
June B. Arnold
June B. Arnold

State of New York } as. On this 9th day of April
County of MONROE } Nineteen Hundred and Sixty-seven.
CITY of ROCHESTER
before me, the subscriber, personally appeared Richard G. Arnold and June B. Arnold, his wife

to me personally known and known to me to be the same person s described in and who executed the within Instrument, and they acknowledged to me that t he y executed the same.

ROBERT C. STEWART
Notary Public in the State of New York
Monroe County No. 2622, N. Y.
Commission Expires March 30, 1969

Robert C. Stewart
Notary Public

State of New York } as. On this _____ day of _____
County of _____ } Nineteen Hundred and _____
of _____
before me, the subscriber, personally appeared _____

to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same.

Comm. of Deeds Notary Public

Box 42 1/2
Merrill Siskinway

Need

RICHARD G. ARNOLD and
JUNE B. ARNOLD, his wife

TO

SHELDON L. GLEASON and JEAN E.
GLEASON, his wife

Dated, April 9th, 1967.

STATE OF NEW YORK

County of MONROE

RECORDED ON THE
14th day of April A.D. 1967
at 10:30 o'clock A.M.
in LIBER 3806 of DEEDS
at PAGE 405 and examined

W. Fred Johnson
CLERK

MONROE COUNTY CLERK

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
April 25, 1967

The Public Hearing was called to order at 8:00 P.M. by Mr. Hunter, Chairman. Roll call found the following members of the Board present:

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

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

#1. Application of Mary Engels, 3183 Chili Avenue for renewal of variance for two 4' x 8' illuminated signs, two lights per sign at 3183 Chili Avenue B zone.

Mr. Hunter advised those at the hearing Mrs. Engels had called, she is in hospital and her husband working and no one would be able to appear at the Hearing, so Board have agreed to postpone this application until the next hearing.

#2. Application of Daniel Nicholas, 400 Westfall Road, Rochester, N.Y. for approval to erect a sign at 60 Paul Road, 10' from front lot line, 110' from right lot line and 290' from left lot line, sign to be two sided 4' x 16', 5' from ground, as per plans submitted, and approval to erect a 6' x 10' temporary sign until permanent sign completed. A zone.

Mr. Nicholas appeared before the Board and plan of sign was explained by him to the Board. Mr. Hunter questioned he was asking for two variances? Mr. Nicholas pointed out the lay out and where he wished to have the 4' x 16' permanent sign to be. It will be white with wooden letters, so until that can be made up he has an old 6' x 10' sign he wishes to use. The materials would be water proof plywood and would be all painted, and letters stained with dark wood stain and mounted on white wood sign, will be on both sides. Will have light spots (pointed out where they would be) to light it up on both sides. Thinks they will be from ground lighting it up. Two lights on each side, facing the sign. Mr. Pfenninger wondered if he could move the sign back a little further. Mr. Nicholas thought perhaps could. On question of Mr. Hunter he felt there would be two 250 Watt bulbs or 300 Watt bulbs on each side of the sign. Mr. Davis advised the sign would be more than 100' from the road, would be back almost 50' from edge of road, there is a big right of way. The map was studied and discussion of it had and the feeling was according to the map submitted would be almost 75' from the center line of the road to edge of property. Mr. Nicholas advised the temporary sign would be in the same general area as wanted the permanent sign.

Mr. Hunter inquired what hours he proposed to have it lighted. Mr. Nicholas advised was thinking of staying open until 8:00 P.M. about six days a week, Monday through Saturday, so sign would be lighted until about 8:00 in the evening.

Mr. Miller questioned the variance he was given a year ago to set up the business in this location and the restrictions on the trailers. The previous minutes were checked and it was found no trailers to be closer than 100' to the property line. Mr. Nicholas advised he had not operated there yet. Mr. Miller felt whatever the Board grants should have contingencies and Mr. Nicholas should get approval to State Highway Department. Mr. Davis advised as long as it is not on their right of way they

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 Office, 2215 Chili Avenue, Rochester, N.Y. 14624 on April 25, 1967 at 2:00 P.M. to consider the following applications:

1. Application of Mary Engels, 3283 Cary Avenue for renewal of variance for two 4 x 8 illuminated signs, one light per sign, at 3283 Cary Avenue, Zone B.

2. Application of Daniel Nicholas, 500 Westfall Road, Rochester, N.Y. for approval to erect a sign at 60 Park Road 10' from front lot line, 10' from side lot line and 200' from left rear lot line to be 150' sided 4 x 12' x 10' from ground, as per plans submitted, and approval to erect a 6' x 10' temporary sign until permanent sign completed. A zone.

3. Application of Robert Kistner, 21 Fair Oaks Drive, East Rochester, N.Y. for approval to erect temporary sign 10' x 10' off the ground, 10' from front road, on Barton Road, as per plans submitted, D zone, advertising Knollwood Subdivision.

4. Application of Richard Nerby, 4370 Buffalo Road, for approval to erect a neon sign to be attached to building at 4370 Buffalo Road, 5' x 4' as per plans submitted, B zone.

5. Application of Neil Girlando, 2975 Chili Avenue, for approval to erect two monuments, one on each side of the entrance to Old Ivy Circle, inside the easement, as per plans submitted, Zone B, 2975 Chili Avenue, D zone.

6. Application of Bernard Bianchi, 201 Angelus Drive, for approval to build on lots 13 Block E Alfred Avenue, lot 23 Block N Charles Avenue, lot 2 Block A Morrison Avenue, 10' to front lot line and 7' to either side lot line, D district.

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

DR-11-April 14-1967

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:

April 14, 1967

Sworn before me this 14th

day of April 1967

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

they cannot do anything about it. Mr. Nicholas advised he thought would be more or less a little bit above the road, this is a hollow or low in there. Mr. Davis advised it is below the road. Mr. Nicholas advised reason being put up high, so can see the sign. Mr. Vanslyke felt it should be back a long way so the light would not effect the vision of drivers. Mr. Hunter asked Mr. Nicholas if he would mind if the Board questioned putting it back farther. Mr. Nicholas felt he would not want to put that money into it, estimate is around \$1400., and not have it seen. Mr. Hunter asked how far back could he consider moving it if Board would grant it with amended distances? Mr. Nicholas advised any distance back where still could be seen decently. Mr. Davis asked the size of the letters. Mr. Nicholas did not know, thought the biggest one was 6", you cannot get too much printing on a 4' sign and still have it readable. Mr. Hunter questioned if he had given any consideration to internally lighted sign? Mr. Nicholas advised had thought of it. Actually architect who drew up one building came up with the lighting and sign and the roadway, showing where sewers coming in and water lines. They are ones that came up with all this.

Mr. Fraser questioned where the Creek bridge was in relation to this and it was pointed out to him on the map. Mr. Fraser questioned how bright an illumination did he intend to use. Mr. Nicholas advised approximately 300 Watt. Mr. Hunter advised he was talking about two on each side. Mr. Fraser questioned on approach to this bridge would it create a glare to a point that it would block out vision of bridge? Mr. Nicholas did not think it would, have pole standard near foot and has to face back into lot in order to light it up. He advised it was a straight sign. Lights would be facing the sign, will not be shining actually outside of lot. Mr. Vanslyke asked if he was going to have shield back of it, lights between sign and road? Mr. Nicholas advised according to layout show light has aluminum shield over the light. It is low area with trees behind it and along side of the entrance. Could regulate lights if they shine out too much, he would put light over the sign to come down onto it rather than shining off where would glare in someone's eyes coming around there. Dangerous enough situation there now. Mr. Vanslyke again questioned the State right of way, Mr. Davis did not know exactly how much but believed the 75' is reasonable. Mr. Vanslyke advised he would like to see that it is stated sign shall not be closer than 85' from center of road, would like it stipulated that sign not be closer than 85' of center of road to point directly in. Mr. Nicholas advised he would not object to that. Mr. Hunter asked if Board asked State to look at this and pass on it would he have any objection? Mr. Nicholas did not think they would have any objection to it, did not think any problem.

Mr. Hunter questioned if any one present at the hearing in opposition to or in favor of this application.

Mr. Dennis Smith, 26 Alfred Avenue inquired this is just going to be a sign advertising their establishment there? Mr. Hunter advised it was a sporting shop approved on this property requested before, variance is for a sign advertising the business. Map was shown to Mr. Smith and the location of the sign and business explained.

DECISION: Variance unanimously granted with the following stipulations:

1. Sign to be located at least 85' from the center line of the existing pavement on Paul Road
2. Lights should be shielded so as not to present a hazard to traffic traveling Paul Road
3. Variance granted for a period of three years with the right to reapply for renewal.

- #3. Application of Robert Kelleher, 21 Fair Oaks Drive, East Rochester, N.Y. for approval to erect temporary sign, 4' x 6', 4' off the ground, 15' from Fenton Road, on Fenton Road, as per plans submitted, D zone, advertising Knollwood Subdivision.

Mr. Kelleher appeared. He advised this is on Fenton Road south, looking directly up Everett Drive, it is 15' from pavement. He presented a picture of the sign that is already up. On question he advised it is up and has been up about a month. Mr. Miller asked which way it is facing and Mr. Kelleher advised it is facing Fenton Road, it is a two sided sign. Mr. Davis advised it is on narrow strip between houses, it is on road where it goes back into tract, there is no problem so far as vision. Mr. Palermo questioned how far from Everett Drive. Mr. Davis advised down between old stone house and Sparrs. Mr. Pfenninger asked if it was a temporary sign and Mr. Hunter asked how long he would wish it. Mr. Kelleher advised about two years. Mr. Hunter suggested one year with right to reapply for renewal. Mr. VanSlyke questioned this is a front and back sign, it is set roughly at right angles, so when travelling can be seen on both sides, and 15' from edge of pavement, unlighted? Mr. Kelleher advised yes. Mr. VanSlyke questioned how far from corner of Everett Drive and Fenton Road, supposedly starting at old mill property. Mr. Kelleher advised it is on left hand side just before get to turn to right. Mr. Palermo questioned if it was two or three lots from Everett Drive and Mr. Kelleher advised thought so. Mr. Davis advised right north of Sparrs' property. Mr. Miller thought it was no worse hazard than trees there now.

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

DECISION: Unanimously granted for a period of one year, with the right to reapply for renewal.

- #4. Application of Richard Nerby, 4370 Buffalo Road for approval to erect a neon sign to be attached to building at 4370 Buffalo Road, 5' x 4' as per plans submitted. B zone.

Mr. Nerby appeared with Mr. Charles Frank. They presented a sketch of the sign. It is 4' x 5', 18' from curb, bottom of sign 14' or 15' off the ground. On the corner, northeast corner of Buffalo Road and Union Street, go up steps into the building. It is not really neon sign, a florescent sign advertising paint and wall paper business. Have sign there now. Mr. Davis advised sign is inside of steps going up to building, but steps practically on road. Mr. Nerby advised they are almost 18' from curb. Mr. Hunter inquired about wattage of internal illumination. Mr. Frank advised it is a package sign bought from dealers under franchise, could not tell the wattage. Mr. Hunter asked if this sign translucent background? Mr. Frank advised quite a soft light really.

Mr. Hunter inquired what hours and days? Mr. Nerby advised it has timer on it. They are open nights Thursday and Friday, were going to have that shut off automatically at 9:30 P.M. This is plan. Can operate it manually, no reason to stay on the other nights of the week. Mr. Hunter asked what hours they were requesting it be operated. Mr. Nerby said he would say until 9:30 P.M. on Thursday and Friday and 6:30 P.M. anyhow on other nights. Monday through Wednesday and probably Saturday. Would have to shut it off on weekend. Mr. Frank advised this is not an elaborate timer, but all they could afford. Mr. Hunter asked if they would like it to be lighted Sunday? Mr. Nerby advised has a manual switch off on it and when close Saturday can shut it off for weekend and Monday turn it on again.

Mr. VanSlyke questioned is this one that works at different intensity, does it flider on and off? Mr. Nerby advised no, it was constant. Mr.

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Fraser inquired how far back from corner of Union Street. Mr. Frank advised an apartment at corner, thought 75' to 100'. It is not on corner, would say probably 75'. Mr. Vanslyke questioned if not hazardous place for light? Mr. Frank advised set back in quite a way, on corner of Union and Buffalo Road an apartment that sticks out, and their building sits in. Discussion was had on the visibility of the sign coming east and west on Buffalo Road. Mr. Nerby felt could be seen about three blocks from each side. As far as light on corner, light over middle of highway, so would not interfere with sign and no other stop signs.

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 granted for a period of one year on a test basis. It is the feeling of the Board, in the best interest of the community this should be tried for a period of one year, with the right to reapply at the end of said period, by a vote as follows: Mr. Pfenninger aye, Mr. Hunter nay, Mr. Vanslyke nay, Mr. Fraser aye, Mr. Palermo aye.

#5. Application of Neil Giuliano, 2975 Chili Avenue, for approval to erect two monuments, one on each side of the entrance to Old Ivy Circle, inside the easement, as per plans submitted (next to 2975 Chili Avenue) E zone.

Mr. Giuliano appeared and the plan was submitted to the Board. They will be 42" x 42", of brick or stone, solid piers sign posts, wrought iron. Mr. Hunter questioned the way this is submitted, he requests for monuments about 8' from edge of pavement, had he considered other locations for these monuments? Mr. Giuliano advised on west side trees, he did not want to disturb. Mr. Hunter asked if any chance of considering putting this on private property? Mr. Giuliano advised could move one over if want another 2'. Mr. Hunter asked if he would propose to build these and turn them over to the Town? Mr. Giuliano advised that is why he makes everything solid. Mr. Hunter questioned not light? Mr. Giuliano said not light, just a street sign giving name of Old Ivy Circle.

Mr. Pfenninger asked if would be brick and how high. Mr. Giuliano advised brick or stone, 4' overall, about 3' high he would say, no light on it. The pier will be 4' and road sign on top of pier. Mr. Palermo questioned how close will monuments be with sign there now? He was told that sign was inside his property, almost on line. Mr. Palermo questioned how far would this monument be from his lot. He really did not know. Mr. Palermo asked if they will be closer to Chili than the present sign. Mr. Giuliano advised 53' back from center of road from Chili Avenue. Mr. Miller questioned how would he feel about erecting these on his own lot and directly on lot to east of him. Mr. Giuliano advised only reason on west side would be his house and he has lot of trees, then would not show, on other lot, that is all right. Mr. Fraser said that would throw it off balance. Mr. Hunter advised concerned about town taking over something like this, maintenance and hazard if town accepts them. Mr. Miller advised supposed 30 years from now/could come along, some bricks loose, and fall over them and the Town could be sued, if on private property, could sue private owner and Town not concerned. Mr. Giuliano advised would not be even, have to keep both at same distance, and would not be able to. Could put up one, then forget the other. Mr. Palermo asked if he could get by with one on the east side? Mr. Giuliano said he could. Mr. Pfenninger questioned he wanted to save some trees? Mr. Giuliano advised even if cut trees, enough trees that it would not be seen at all. Mr. Miller questioned his own property on higher elevation than this? Mr. Giuliano advised yes, did not think would be any danger, going to be sign up even if he does not, be something, a street sign. Mr. Miller advised eventually a lot of these signs, Town would have to send man twice a week to

cut grass, gradually your maintenance going up. Mr. Giuliano commented usually the owner takes care of that, even on right of way. Would like to put both up the same distance. Mr. Pfenninger questioned, if put right on edge of the lot line and your line, would be in to filling on his side? Mr. Giuliano said yes.

Mr. Miller inquired how many lots left there and he was told 14. Mr. Miller questioned how many did Phlantz buy? Mr. Giuliano advised about five.

Mr. VanSlyke questioned what kind of trees on his property, evergreen trees or just nature trees. If soft maple, not trees he planted? Mr. Giuliano advised some he planted. Mr. Van Slyke advised these are not long living trees, not an elm, maybe swamp birch and soft maple, just brush really. Mr. Giuliano advised there is one about 10" in diameter, do not grow tree like that overnight but it was soft maple.

Mr. Davis advised name of that tract is Glen Forest, this is not advertising that, all he is asking for is small monument with street signs, would have to put them in there anyway, not advertising the tract just dressing up street sign.

On question if any one present at the hearing in favor of or opposed to this application, Mr. Tom Schleuter, 24 Hartom Road advised he feels would decorate street, not something cheap advertising tract. Mr. Alfred Buttarazzi, 244 Archer Road, believed it would look beautiful.

No one appeared opposing it.

Mr. Giuliano advised he would be willing to have them 10' or more from edge of pavement.

DECISION: Reserved.

#6. Application of Bernard Bianchi, 201 Angelus Drive, for approval to build on lots: 17 Block F Alfred Avenue, Lot 24 Block N Charles Avenue, Lot 7 Block A Morrison Avenue, 40' to front lot line and 7' to either side lot line. District D.

Mr. Bianchi appeared before the Board. Mr. Hunter got out map of Riverview Gardens to locate location of the lots. Lot 17 Block F is one next to corner. Lot 24 Block N Charles Avenue is second one from corner. Lot 7 Block A on Morrison Avenue was located on the map. On question of Mr. Pfenninger Mr. Bianchi advised it was all vacant, no houses there.

Mr. Hunter questioned on Lot 17 Block F on Alfred Avenue, lot 16 and 18 are open, no houses on either one? Mr. Bianchi advised no house on either, he owns only 17, his attorney trying to buy 16 and 18, but cannot find people who own it. Mr. Hunter asked when did he take title? Mr. Bianchi advised did not take title, have purchase offer in, would say last month or one or two months ago.

Mr. Bianchi advised same thing with Lot 24 N Charles Avenue. Could not find owners to adjacent lots, and has purchase offer on it contingent to getting variance. On Morrison Avenue, houses quite a ways down but none on lots 6 or 8.

Mr. VanSlyke pointed out two lots were adjacent to corner lots and when these are built on what will they do to corner lot. Mr. Pfenninger said would be too small to put house on.

Mr. Bianchi advised he went to County and they say are not selling anything. Went and talked to them, they said everything is stopped, not selling lots. Mr. Hunter asked when was that. Mr. Bianchi said February

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before he made purchase offer. Tried to get some others. He was thinking of putting house on west side of lot and driveway on east side. Mr. Hunter asked if he had previously applied for variances for any of these lots and he had attempted to purchase adjacent lots. Mr. Bianchi advised that was right and if gets these variances will buy the lots.

Mr. Hunter questioned what type of homes would he build? Mr. Bianchi advised he had built five, 24' x 44' all about the same. Mr. Hunter asked if they incorporated garage as part of home. Mr. Bianchi advised some do, some do not. On these would build plain small house with no garage. If can get variance for 7' will have room for one car garage. Mr. Hunter questioned these are all 50' lots, so home would be 24' x 44' and would leave 12' in case of garage? Mr. Bianchi advised would like 7' variance on both sides.

Mr. Vanslyke questioned again if he owned these lots and Mr. Bianchi advised does not own them, has purchase offer on each one contingent on getting variance. Has built about 12 houses in this section. Mr. Hunter asked if he had built anything but on single lots. Mr. Davis advised on Morrison Avenue combined lots. He has had some on 100' and some on 75'. Mr. Bianchi advised sometimes when can do it. Have tried on these, they go back 50 years, tried to go to County, but they said not selling any. They could foreclose. As far as he understands only one can take them is County. Mr. Davis advised they are working in different towns and was talking to someone in the County and they expect to go through Chili on back taxes and get rid of them. Everything the other side of Theron belongs to the County. They do not give any definite answer.

Mr. Miller requested Mr. Bianchi to submit the names of the persons that he has his purchase offers with sometime during the next week. Mr. Bianchi was willing to do this.

Mr. Bianchi advised the lot on Morrison Avenue is 106' deep, he would also like a 20' rear setback on this lot.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application Mr. Smith of 26 Alfred Avenue questioned the location of the lots and was invited to check them out on the Plate Map which he did.

No one else appeared.

DECISION: Reserved.

Hearing was closed at 9:20 P.M.

Mr. Alfred Buttarazzi appeared for an unadvertised hearing. He wished to ask for variance for 35' setback on lots in Ruth Terrace, to be in line with existing homes, and wondered how the Board felt about it. Mr. Davis advised all houses on street have 35' setback. Mr. Buttarazzi will come in for a formal hearing at the next Public Hearing.

Minutes of the Hearing of March 28, 1967 were approved as submitted. Amendment dated April 11 to the March 28, 1967 minutes were approved as submitted.

Patricia D. Slack
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
May 23, 1967

The Public Hearing was called to order at 8:05 P.M. by Mr. Hunter, Chairman. Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman
Mr. Charles Pfenniger
Mrs. Gertrude Tanger
Mr. Howard VanSlyke
Mr. James Fraser
Mr. John Palermo

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

- #1. Postponed hearing on application of Mary Engels, 3183 Chili Avenue for renewal of variance for two 4' x 8' illuminated signs, two lights per sign, at 3183 Chili Avenue, B zone.

This application was read and no one appeared. It was read later at the hearing and Mrs. Engels appeared. She advised at time she applied for it was felt it was a matter of form and felt it would be all right, no one objected at the time. Mr. Hunter questioned if any one had voiced an objection in that period of time. Had she talked to her neighbors about this new sign at all. Mrs. Engels advised no neighbors but Mrs. Henderson and Mrs. Whelpton. On question of being illuminated she advised lights have been on until about 10:00 P.M. every day, seven days a week. She advised the sign was not as published, but it is just about 36" sign inside of one window, says "Chili House of Beauty" and telephone number. It is only one sign, outside only four small floodlights. It is on the one side in picture window, would say sign about 36" x 24" - 2' x 3'. Mr. Fraser questioned if this was two signs or one sign and Mrs. Engels advised one illuminated sign only. Mr. VanSlyke questioned if she would object if renewal granted, to grant it for existing sign instead of as advertised. Mrs. Engels advised that would be fine.

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

DECISION: Variance unanimously granted for renewal of variance for existing sign which is illuminated and approximately 2' x 3' for a period of five years, with the right to reapply for renewal.

- #2. Application of Pepsi Cola Company, Pepsi Square, Rochester, N.Y. for approval of two metal signs 28' x 44", one on each side of roof, sign 14" from edge of roof, 5" x 5" lap on roof, yellow signs, black letters, not illuminated, at 1315 Scottsville Road, B zone.

No one appeared to represent the applicant for this variance.

DECISION: Unanimously denied due to non-appearance.

- #3. Application of Spall Enterprise Corp., 23 Charmwood Rd. Pittsford, N.Y. for approval of renewal of variance for two temporary signs, 3' x 3'6" on 11' posts on lots 124 and 178 Hillary Heights subd. 5' from front lot line in E zone.

Mr. Hutterman of Spall Enterprise Corp. of which he is Subdivision Manager, appeared. He advised these are existings signs, they have been up for a year. Application is for renewal. This is just a tract sign saying "Spall Homes". They are asking for renewal for

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

TOWN OF CHILI
ZONING BOARD
LEGAL NOTICE

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 Office, 3334 Chili Avenue, Rochester, N.Y. 14624 on May 23, 1967 at 9:00 P.M. to consider the following applications:

1. Postponed hearing on application of Shirley Engess, 3143 Chili Avenue for renewal of variance for 193 sq. ft. illuminated signs, two signs per sign at 1183 Chili Avenue, B zone.

2. Application of Popo Cook Company, Popo Square, Rochester, N.Y. for approval of two metal signs 28" x 44", one on each side of roof, sign 14" from edge of roof, 5" x 5" letters on roof, yellow signs, black letters, not illuminated, at 1313 Scottsville Road, B zone.

3. Application of Spall Enterprises Corp., 29 Champlain Rd., Pittsford, N.Y. for approval of renewal of variance for two temporary signs 36" x 36" on 11' posts on lots 324 and 313 Hilkey Heights, sign 5" from front lot line in B zone.

4. Application of Angeline A. Sobey, Westside Drive, for approval to build house 45' from front lot line at lot 3, Berna Lane, as per map submitted, D district.

5. Application of West Meadow Development Corp., 2169 Lyell Avenue, for approval to erect two monuments on lots 15 and 29, Bishop Gate Drive, Rossmore Park, sign at entrance off Paul Road, 23' from center line of Paul Road, 18" from gutters on Bishop Gate Drive, Monuments 18" x 4", B zone.

6. Application of Alfred Butera, 244 Archer Road, for approval to build homes on lots 9, 11, and 12, Kull Terrace, 35' to front lot line, D zone.

7. Application of Donald R. Kelly, 16 Lynda Lane, for approval to enlarge existing garage to within 5' of west side lot line, D zone.

8. Application of Herman Westura, 2185 Westside Drive, for approval to build a two-car garage attached to house, to within 7' of east lot line, D zone.

9. Application of Richard Woolaves, 22 Chester Avenue, for approval to erect a carport attached to house at 22 Chester Avenue, 10' x 28', 6' from West side lot line, D zone.

10. Application of John Lamber & Sons, Co., 87 Madison Street, for approval to erect a 4' x 4' sign, top of sign approx. 10' from grade, advertising proposed construction, 10' from lot line, as per plans submitted, A zone.

11. Application of Arthur & Jean Hauck, 19 Dallas Drive, for approval to operate Real Estate and Insurance Office temporarily at 19 Dallas Drive, D zone.

12. Application of Kaddis Realty, 314 Hudson Avenue for approval to erect a building on property located on Old Beahan Road and Weidner Road with a 15' setback from the edge of the highway on Old Beahan Road and a 25' setback from edge of highway on Weidner Road. Proposed Industrial 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

Eleanor E. Williams, being duly sworn, deposes and says 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:

May 13, 1967

Eleanor E. Williams

Sworn before me this 13th

day of May 1967

Nancy B. Fromm

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

Form

another year. Mr. Hunter asked if they expected to be here beyond this point and Mr. Hutterman felt it will be about a year and a half, they have about sixty more homes to go in there. Mr. Palermo questioned is this just a sign advertising the subdivision? Mr. Pfenninger inquired if they will take it down when they get tract built? Mr. Hutterman advised yes to both questions and explained they were three foot square signs hanging on cross arm and on lots where they were going to build homes.

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

DECISION: Variance unanimously renewed for a further period of one year with the right to reapply for renewal.

#4. Application of Angeline A. Scheg, Westside Drive, for approval to build house 45' from front lot line at lot B, Berna Lane, as per map submitted. D District.

The application was read and no one appeared. It was read later at the hearing and Mr. Robert Schickler appeared, regarding request of Mrs. Scheg attached to map of lot in question, which was submitted to the Board for study. Mr. Pfenninger inquired what the setback on houses there now and Mr. Schickler advised approximately 45' on one and the other 60'. Mrs. Tanger advised the side of one house is on corner, so the 45' setback would be a side setback, on the Angeline Scheg residence. Mr. Hunter inquired just what was the problem. Mr. Schickler advised there is 24' foundation from 45' front setback to point where trying to stay off a 20' easement, utility easement, which is 60' gas main. Would be 10' side line setback. 120' frontage and plenty on other side, would comply in every way except said 45' setback. It is because would infringe on old Cabot Gas Line easement. On question he advised there is no creek in back, there is ditch effect, overgrown presently, his intention is to relocate ditch area to do a better job than is being done presently. There is a small swale which he pointed out on map and pointed out the low spots shown on map. He wants to do a better job draining the property and cleaning it up and improving it, but it is restricted by 20' easement. Mr. Washburn, the neighbor, is in perfect agreement with him. The present driveway that is on the lot will be relocated into Lot A. The garage will be next to garage of neighbor.

Mr. Miller questioned if map has been filed in Monroe County Clerk's Office. Subdivision map of this lot. Mr. Schickler advised no, everything hinges on variance. Mr. Fraser questioned, this corner house he did mention was on side about 45' back from the setback? Mr. Schickler advised on map 50' plus or minus. Mr. Miller questioned the zoning of Lot A. He was advised D. He then advised he believed that would need a variance for the back yard. The subdivision makes the rear line too short will need a variance. Need 30' and map shows 28' plus or minus. He was just pointing this out to Mr. Schickler, better catch it now than to have something happen and present owner cannot sell it, cannot sell it without variance by their subdividing in taking land away from Lot A to create Lot B. Mr. Hunter observed would find have to change plan of home and garage or get variance on Lot A. First thing should be to check this distance. Mr. Schickler advised that seemed simple enough and would be done.

Mr. Vanslyke questioned is that the only vacant lot on Berna Lane, is this part of a development, was this tract all developed by one person. Mr. Schickler advised yes, residents of tract all but this one lot, by Mr. Entress. Mr. Vanslyke thought they must have received compensation for the lot for the easement. Mr. Schickler advised he would say at time Cabot Gas Main was put through would say slight remuneration.

Mr. Vanslyke felt with all intent and purpose compensation was sufficient to pay for the lot. Questioned how long other houses in there have

been built? Mr. Schickler advised he would guess two to five years. He went on to explain this was not included in the subdivision, it was on record as one complete parcel and the Scheg's owned it way before Mr. Entress developed the area. Mr. Hunter questioned when the gas main was put here. Discussion followed on when, Mr. Pfenninger felt in the late twenties, around 1928.

Mr. Schickler advised he would go on record that he would check the distance of the rear setback on Lot A and if it was under the 30' he would move the subdivision line to make it 30'. Felt he could establish it within the next week. But he would still want just the 45' setback on Lot B.

DECISION: Reserved.

- #5. Application of West Meadow Development Corp. 2269 Lyell Avenue for approval to erect two monuments on lots 15 and 69 Bishop Gate Drive (Regency Park Subd.) at entrance off Paul Road, 33' from center line of Paul Road, 18' from gutters on Bishop Gate Drive, Monuments 18' x 4'. E zone.

Mr. Frank Leone of Ryan Homes appeared and presented picture of proposed monuments wished to erect. They will be of same design. Mr. Hunter inquired if any part of these monuments on Town right of way. Mr. Leone advised no, the entire monument on private property on the two lots. On question advised lights in them, two lamps on monuments. They will be 33' from center line of Paul Road and 18' from Bishop Gate Drive. Mr. Davis explained they were right on edge of the property. Question arose on the width of Paul Road. Mr. Davis felt it was a four rod road. Mr. Hunter questioned how far they were off pavement itself and Mr. Leone thought approximately 12' off the pavement. Mr. Davis thought more than that, road there is not too wide, felt about 23' or 24' off Paul Road edge. Mr. Leone advised he was talking about a 60' road.

Mrs. Tanger questioned it was up to individual lot owners to take care of them? Mr. Leone advised yes, would be deeded to them. Mr. Miller questioned what arrangements to keep up light after tract is sold. Mr. Leone advised would ask them to do it, but not much more can do to be sure they will keep them lit. In past have maintained them because neighbors would like them lighted. Mr. Miller asked if they realized could leave town in bad position if potential lighter would not light it and other people in tract felt electric supplied by Town, could cause some repercussions if they did not continue lighting them if they had lights in them. Questioned at this time their corporation paying electric bill, only nominal amount? Was told yes. Mr. Miller asked what their guess would cost a month for light bill? Mr. Richard Donk, Sales Manager of Ryan Homes advised runs about \$6.00 a month. Minimum charge for the entire entry, both sides. Mr. Miller observed could be less if other electricity used in conjunction. Mr. VanSlyke questioned does this minimum charge include replacement of bulbs or just electricity? Mr. Donk advised just electricity. On question of Mr. Palermo he advised this covers both entrances, \$6.00 covers on both sides of road. Just not one entrance. One being put up on Bishop Gate Drive would be other entrance. Mr. Leone advised there would be two entrances, cost of \$6.00 only applies to one entrance.

Mr. Hunter inquired how soon before homes for sale on these particular lots? Mr. Leone advised if someone chose lot, immediately.

Mr. Fraser asked if they would be interested in this on a limited time basis. Say for three or four years, while you are promoting homes, subject to renewal? Mr. Leone advised these were designed as permanent fixtures, that was what they have in mind, masonry construction. Mr. Davis observed if person bought the lot did not want monument, they would tear it down. Mr. Leone advised they would have right to and

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and right not to light it and no one could object to them not lighting them. Mr. Miller observed and the Town would suffer repercussions if they would not. Mr. Donk inquired would they prefer at point in time when they deed this to new owner of lot they make provision to disconnect electric from entry? Mr. Hunter thought that was something they would have to discuss. Mr. Donk advised meters are on entrance themselves and he is reasonably sure if lots were purchased and they prefer to continue lighting, could make arrangements with purchasers to continue lighting it until they chose not to any longer and as far as taking out fixtures, they are set into monuments themselves in such a way they could come out and not deter appearance. Mr. Hunter advised major concern is maintenance. Point made homeowners can do what he sees fit, including nothing and this is concern of Board as to what would happen over period of time. Mr. Donk advised this is designed and built maintenance free. All masonry, roof shingled with slate shake and aluminum and around foundation, brick and concrete so grass not going to grow up along side making it unsightly. It is presentable for a long while.

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 with the stipulation at the time the developer has transferred title to these particular lots the lights should be disconnected and removed from the monuments and the monuments filled with appropriate masonry material.

#6. Application of Alfred Buttarazzi, 244 Archer Road, for approval to build homes on lots 9, 11, and 12 Ruth Terrace, 35' to front lot line, D zone.

Mr. Buttarazzi appeared and presented map of the subdivision to the Board for study. Just wishes 35' setback; on homes on either side are same setback. All homes are the same way. This subdivision is at end of street. Some have less. Wishes to build in line with the ones on the street. Mr. Hunter questioned would he conform in all other ways and Mr. Buttarazzi advised yes. This is for three homes, there is a home on the fourth lot. He advised on question of Mr. Hunter these are the only lots he has in this area, other homes in this area are older homes.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, Mrs. Adele Brule, 4 Ruth Terrace advised she did not object to these three homes on Ruth Terrace, but wished to advised there is a hole at end of this street five or six feet deep and same width and with all the rain some child was going to drown here. Wished to let Board know there is no warning about it whatsoever. Mr. Hunter asked if she had called the Town about this, she advised no, was not aware of it until Sunday, spoke to Mr. Buttarazzi tonight. Mr. Hunter advised he would pass it on and suggested she tell the Town. Mr. Pfenninger questioned if this hole on her lot. Mr. Buttarazzi advised the sewer where manhole, to set manhole at end of street. Mr. Hunter questioned it is in street not on private property? Mr. Buttarazzi advised yes.

Mrs. Brule advised she is in favor of the application. No one further appeared.

DECISION: Variance unanimously granted.

- #7. Application of Donald R. Kelly, 26 Lynda Lane, for approval to enlarge existing garage to within 5' of west side lot line, D zone.

Mr. Kelly appeared before the Board and presented tape map of property with sketch of what he wished to do. Pointed out on it the present single car garage and how the addition would be. If he did this he would have a 22' x 20' garage and be 5' to side lot line. Mr. Hunter inquired the present distance between adjoining property. Mr. Kelly advised 26½' from his present garage to the house, with this 16½' and the other man has garage on other side of his home. On question he advised he has not talked to him about it. Mr. Pfenninger asked how wide his lot is and Mr. Kelly advised 71' in front and he believed same in back. Mrs. Tanger inquired his house sits back further than the house next to him? Mr. Kelly believed 65'. Mr. Palermo inquired when the homes were built. Mr. Kelly advised tape map marked 1950. Mr. Miller inquired that would leave 16½' between buildings if this was granted? Mr. Kelly advised yes. Mr. Miller inquired is there a fence between the line? Mr. Kelly advised not on this side. On question he advised on other side 7' to lot line and he does not believe the other man has more to his garage. Mr. Miller asked him suppose after consideration the Board give decision for 7', could he work with an 8' addition? Mr. Kelly advised he could work with it, but would rather have it bigger, hopes to get two cars in. Mr. Van Slyke questioned he was asking or proposing to build 10' addition on garage he now has of 12'? Mr. Kelly advised yes. Mr. Miller questioned the distance of front of lot on Lynda Lane and Mr. Kelly advised 71'. Mr. Fraser questioned other side lot line and Mr. Kelly explained it to him and explained where building was next to his and where his garage was.

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

- #8. Application of Herman Westurn, 2185 Westside Drive, for approval to build a two-car garage attached to house, to within 7' of east lot line. D zone.

Mr. Westurn appeared before the board. Sketch of what he proposed to do was presented to the Board. Mr. Hunter questioned he did not presently have a garage? Mr. Westurn advised that is right. Mr. Pfenninger asked him how wide his lot is and was told 70' or 75'. Mr. Hunter questioned the distance there would be to the adjoining building and Mr. Westurn advised about 15', about 7' from the house and the line and 7' or 7½' from his line to the proposed garage. Mr. Hunter remarked he proposed a 24' garage, could he consider something narrower than this? This is a bit narrow with what they normally allow, concerned primarily for fire protection, would he consider 22' instead of 24', for example. Mr. Westurn advised if had to would, but thought if it was that wide would give room enough, would prefer this. Mr. Hunter asked if he had talked to his immediate neighbor. Mr. Westurn advised yes, they have no objections at all. Mr. Davis advised that was built on 10% of lot to side line. They were all built at time was 10%, all within 7'. Mr. Westurn advised neighbor built his garage about two years ago, there is about the same distance from lot line. Mr. Miller asked him if he had any idea when his house was built. Mr. Westurn believed in 1953 or 1954, three or four houses built of the same type. Mr. Fraser questioned on the other side of his property from the garage, he has 7' to his lot line, did he know approximate distance from there to neighbor's house or garage? Mr. Westurn advised just about 7', because Mr. Quimby built his a couple of years ago and that would be about the same. It is just about 7' from line he told him. Mr. VanSlyke wondered how they got built within 7' of the line. Mr. Davis advised at that time was 10% of width of lot.

Zoning Board of Appeals

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Mr. Miller questioned how far garage he just mentioned, did he know how far from line two years ago? Mr. Westurn advised 7'. On question he advised he came in and got variance.

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.

#9. Application of Richard Woolauer, 22 Chester Avenue, for approval to erect a carport attached to house at 22 Chester Avenue, 10' x 28', 6' from west side lot line. D zone.

Mr. Woolauer appeared before the Board and presented sketch of what he proposed to do. Mr. Pfenninger questioned was it 28' deep and was advised that was right. Mr. Hunter examining the sketch questioned coming out another 2' on overhang. Mr. Davis advised they were granted a variance two years ago to build a garage but never did, so is going to build carport instead. Variance was for 6' then too. Mr. Hunter using the sketch questioned 6' here measured from foundation or overhang? Mr. Woolauer advised column supporting it. Mr. Hunter questioned the adjacent property. Mr. Woolauer advised they were 12' from lot line to home. The house is on corner, this carport is in back, would not be side by side. Mr. Davis advised one on corner would be in back of him. Mr. Pfenninger observed he was going to have large overhang on roof. Mr. Woolauer advised if think it is too far out, will not leave it on. Mr. Miller questioned what street was he on corner of. Mr. Woolauer advised Chester and he believed that corner lot is Theron, only runs halfway through, no sign on it. Mrs. Tanger observed quite a few people have carports over there, they look real nice. Mr. Woolauer agreed, yes, Mr. Nichols put up one. On question he advised his lot is 50' wide, they are getting some nice houses out there now. Mr. Fraser questioned how much overhang did he have on this? Mr. Davis advised overhang has nothing to do with it. Goes from foundation wall. Mr. Hunter felt only thing to be careful about here is in case of fire apparatus. Mr. Davis felt no problem there. Mr. Palermo questioned if they cut that overhang back a few inches he would not feel bad about it? Mr. Woolauer agreed.

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.

#10. Application of John Luther & Sons, Co., 87 Stillson Street, for approval to erect a 4' x 4' sign -- top of sign approx. 7' from grade, advertising proposed construction, 20' from lot line, as per plans submitted. A zone. (5434 Union St.)

Mr. A. V. Lombard of J. Luther & Sons appeared before the board. Map of property and sketch of sign to be erected was presented to the Board and location of the sign on the map was pointed out. They were advised this is a painted, unlighted sign, not a permanent sign, needed for approximately six to eight months, for construction of Gates Albert Machine Shop. Property is other side of Higbee Farm Supply on Union Street. Sign just advertising they are contractor building it. Mr. Davis on question advised it was piece of property rezoned for Gates-Albert Machine Shop. Mr. Lombard on question explained the building was a split level building appearing like a 1-1/2 story building and advised the square footage of it. Advised are trying to get in before end of year for operation. They have another plant on Symington Place.

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.

#11. Application of Arthur & Jean Hauck, 19 Dallas Drive, for approval to operate Real Estate and Insurance Office temporarily at 19 Dallas Drive, D zone.

Mr. and Mrs. Hauck appeared before the Board. Mr. Hauck advised December 4th got burned out on Hinchey Road, undetermined fire as listed by Arson squad. They had to evacuate, had to move to their house. The burned out building has been rebuilt and just reopened, landlord cut down size of his office to increase size of the grill, former office he had bigger than he needed, could not afford the rent. Rent going in there increased. Has not had special work for it done on Dallas Drive, advised it was not too convenient to have his offices at home, had made formal application by letter to Town of Gates to purchase Town Hall. Was asking temporary variance, from what he hears Town Hall supposed to be available sometime in August a year from this September. If had to move would be impractical and inconvenient. With real estate business by law have to establish and show sign visible from street, Real Property Law, had one sign on street, but took it down, moved it down by door. He had widened his driveway. He explained the expenditure he would have to make if he had to move now for stationery, etc. and the difficulty he would have in securing an office for a short time, most good places require a longer lease. He was claiming hardship and asking extension until time to go ahead with purchase of Town Hall with Mr. Wood. When the fire happened he had no place to go, had to move his furniture and equipment. He advised Mr. Campbell said they hoped to move library and Town Hall by September 1968. Mr. Palermo question had his bid been accepted. Mr. Hauck advised no, still has to go up to public hearing, formal letter published in paper. Has sign over door and one on garage according to Real Property Law for Real Estate. As far as insurance goes, use post office box for mail. Also transports one of his help which takes time out of working ours. Mr. Hunter asked him why he did not request a variance at time it happened. Mr. Hauck advised first off on corner of Gene Drive and Dallas. Previously a man in real estate business in tract for close to 10 years. Landlord told them would be back in and quickly and described the landlord's plans then he cut size on old office and the larger one could not afford.

Mr. Hunter questioned he was asking for temporary variance in area of 16 or 18 months on assumption bid is accepted. What if not accepted? Mr. Hauck advised will move at that time regardless. If can find something else in between will be glad to do it. Under hardship on thing, this is what asking variance for. Mr. Hunter advised normally only hardship allowed is hardship on property. Mr. Hauck advised he is cognizant of this, was on Board of Gates, also realizes they can close him up tomorrow morning. Have kept a very clean place, kept it plowed out, some cars on street, have also plowed out neighbor's driveway, has improved his property, more trees ordered, do not think have deteriorated neighborhood one bit, pay pretty good tax too. Mr. Van Slyke asked how long living there. Mr. Hauck advised four years this month, both he and his wife own it. Mr. VanSlyke asked what his neighbors think of this. Mr. Hauck advised they are here to answer this he cannot speak for them. Mr. VanSlyke asked how many cars would he figure his business might bring to his place a day. Mr. Hauck advised have three of his own, his secretary has one, another that is five, could not tell what transient coming in. Mr. VanSlyke questioned if any off street parking. Mr. Hauck advised have left it, he parks on lawn, widened driveway so not to have to park on road, have parking but do not think excessive.

Mr. Miller question was he correct, if he moved his office tomorrow he would have to send out amendments on every policy issued? Mr. Hauck advised on everything, complete mailing list, on every real estate sign, and advised the price to repaint the real estate signs. Have to relocate and reprint on insurance business and had \$50 accounts in office right now, letterheads, stamps, stickers, everything runs into quite a

sum. He went on to explain why would like to stay until could get the new location and not have to be moving back and forth

Mr. Hunter questioned those at the hearing if they had any questions to please direct them at Board.

Mr. Hilbert, 25 Dallas Drive asked if variance granted would it be transferrable to someone else. Mr. Hunter advised it would be dependent upon Board's decision. Mr. Hauck advised he wants to go on record only to be given to them. Mr. Hilbert questioned what is nature of people seeking variance, corporation, private ownership? Mr. Hauck advised it is Hauck Realty, Inc. and Hauck Agency Insurance, his wife and he major stockholders, but they are asking the variance for themselves, Arthur and Jean Hauck, not corporation. Mr. Hilbert questioned how long is temporary. He was advised they believed that was answered.

Mr. Miller asked when did he anticipate he will have answer from Town of Gatas. Mr. Hauck did not know. Supposed to put it up, promised within two weeks when put through, but still not had an answer. Mr. Wood in same boat, he wants to put addition on parking.

Mr. Reifsteck, President of Hillcrest Park Association advised they would like to make it known to Board this is in strict violation of tract restrictions and the Board of Directors is sympathetic to Mr. Hauck. Hopes if a variance is granted it would be a short one. Traffic is a problem and some of the people down there have complained a little about it, thinks not overly but then some are kind of worrying in summer time about children. Mr. Hunter questioned when say short time, any particular time? Mr. Reifsteck said not particularly. Mr. Hunter advised they realize this Board has no jurisdiction over tract restrictions.

Mr. Turner, 1 Gary Drive advised he was next door neighbor. He certainly has no objection to a temporary variance for Mr. and Mrs. Hauck. His purpose being down here is finding out what temporary meant and it does seem like 18 months is quite a while for a temporary variance, but question of whether proposed property will ever be acquired. Mr. Hunter asked would he be in favor of this if shorter period of time? Mr. Turner advised yes and he is not too much against 18 months, but would like to see it a little less. Mr. Hunter asked if he wished to be on record for or against this application as submitted. Mr. Turner advised he is against it.

Mr. Hauck advised he thinks his traffic numbers two to four cars a day maximum, other than two girls. School bus going be on street will cause considerably more traffic. That has been approved right down to end of our street. Only reason he asked for that time, to him it means a lot. If can get Town Hall will know shortly. If turned down by gates will look further because this certainly is not good living, asked for that because offer in and would like to get it, but if forced out, have to comply.

Dallas Benedict, 8 Hillcrest Drive advised nothing on records that says school buses going to use Dallas Drive. Mr. Hauck advised as a road also in plans. Mr. Benedict advised at meeting nothing said.

Mr. Merlyn Stowe, 16 Dallas Drive requested Board to ask Mr. Hauck if his is only business in house at present time. Mr. Hauck advised real estate and insurance and two outside brokers that come in and Ed Weller, part of their agency and works on commission basis and another man that they have office space for, only in at most twice a week in last one and a half months. Just answering service for him, part of Real Estate. Has to do with brokerage account, answering service to him, just to get mail, he comes in and uses desk. Mr. Fraser asked if they with him prior to the fire and Mr. Hauck advised yes.

Mr. Benedict asked him if he has mail box at Westgate, does this mean his insurance papers and all have to be retitled if he has to move? Mr. Hauck advised yes, by law and went on to advise his routine with the Post Office Box.

Mr. Hunter asked those in favor to so advise. The following were in favor of this application:

Mr. Hilbert, 25 Dallas Drive

Mr. and Mrs. Wilcox, 24 Dallas Drive. Mrs. Wilcox hoped none of them ever got burned out of business or home, this is hardship thinks should be considered.

Mr. Hunter asked those in opposition to so advise. The following was opposed to this application:

Mr. James Reifsteck, 24 Gary Drive

Mr. Ballou, 15 Gene Drive

Mr. Dallas Benedict, 8 Hillcrest Drive

Mr. and Mrs. Merlyn Stowe, 16 Dallas Drive.

DECISION: Variance granted for a period of six months with the right to reapply for a renewal, by a vote of five ayes and Mrs. Tanger abstaining.

#12. Application of Kaddis Realty, 314 Hudson Avenue for approval to erect a building on property located on Old Beahan Road and Weidner Road with a 25' setback from the edge of the highway on Old Beahan Road and a 25' setback from edge of highway on Weidner Road. Proposed Industrial zone.

Mr. Centner, Attorney for Kaddis Realty Corp appeared before the Board and advised he had been here once before and asked for variance which in their good judgment they granted. Subsequently appeared before Plannin Board and secured recommendation for rezoning of this property so this manufacturing plant could be constructed. Appeared subsequently before Town Board and Town Board enacted ordinance by which zoning was changed to make it industrial so could build building. However as sometimes happens, we have subsequently found that the road which thought was 50' road actually is a state highway and state claims it has a 50' right of way. Their application previously was for setback from road line, they do not want to have the location of building change but by reason of fact that this apparently is State Highway the width of road is different from that they previously understood it to be. They understand that the state of New York has no intention of using this highway as a highway, it has no place to go and it intends to abandon it to County of Monroe, but stay same width apparently. So their application tonight is after all these things have been done, let them put their building where originally asked it to be but it has to have different setback from what apparently is now their understanding of the road line on highway right of way as they now understand it. Mr. Pfenniger questioned in other words, closer to highway. Mr. Centner advised not closer to physical highway, but apparently state claims this is 100' right of way and so if Board grants their application they will be a little closer to what State claims is the right of way but will not be anything physical because no one going to expand present road, but technically in the application with same distances as building was from actual pavement as now exists but apparently their engineers did not understand exactly how wide right of way intended to be. Mr. Hunter inquired it should be edge of highway right of way, not pavement?

Mr. Vanslyke questioned is this right of way they are claiming, they are claiming 100'. Mr. Centner advised their engineers who have made extensive study of property and made this survey of property state this is State Highway and state claims has 100' right of way. In his legal experience he has heard of disputes between property owners and State of New York as to width of their right of way, this is something which

sometimes is not well defined. Mr. Centner went on had already explained everything else about their business and thinks it appears that the Town wants their business there and this building constructed and he regrets this reapplication has to be made but this is just one of those things that happen. Mr. Hunter inquired he understands that this portion of Beahan Road that State intends to deed this to County, this is his understanding? Mr. Centner replied they have heard State intends to abandon it as State Highway because goes nowhere, so will go back to County and they assume when State deeds it back will deed back a right of way of what they claim is 100', they do not propose to spend money to dispute their claim. They have just heard this.

Mr. Miller made just a comment regarding Mr. Palermo abstaining in the vote on this application. Mr. Palermo's brother is a partner of the law firm of which Mr. Centner is a partner.

Mr. Fox, Vice President of the Kaddis Manufacturing Company advised simply because of layout of building felt could more economically utilize space, intention is to put receiving operation on Old Beahan Road side and use Weidner Road for shipping. Would be to their advantage to build a little closer to road line on Weidner Road. Mr. Hunter inquired what kind of vehicles used for shipping. Mr. Fox advised truck trailers basically in receiving operation and small stake trucks to pick up for trucking companies around town, have their shipping on the Weidner Road side, smaller stake trucks on Weidner Road side. Discussion followed on how the trucks could maneuver in this space, and Mr. Fox advised they do it in about 15' on Hudson Avenue right now. Mr. Pfenninger wondered if came back further on Weidner would make building smaller? Mr. Fox advised that is correct.

A sketch of the building layout was shown to the Board, pointing out how they would like to make building, showed the basic arrangement and driveway. Mr. Centner reminded them at the previous hearing, nearest neighbor appeared and consented to the application, and nobody appeared in opposition.

Mr. VanSlyke observed when they were here before they were considering purchase of Mr. Matthew's property. Mr. Fish advised did at one time but could not get together even close as far as price so dropped that at least at this time. Felt had adequate space if could get the setback variances with this single piece of property. Mr. VanSlyke questioned on Weidner starting at Scottsville Road is Gas station, then Mr. Matthews property and then there is no other property except piece they are considering until two roads come together? Mr. Fish advised that is right. Mr. VanSlyke questioned did their property extend to the property back of the Rotary Gas Station? There is no other property available except Mr. Matthews? Mr. Fish advised that is correct. They pointed out on map property they did own and showed piece of property had hoped to obtain from Rotary Gas Station. Mr. Centner advised that is still possible but out right now. Mr. Hunter questioned no place to go if this expands? Mr. Fish advised they feel are building enough into it right now to expand in the future.

Mr. Hunter observed only thing that bothers him is 25' setback, awfully close to road. He was told there is very little traffic on Weidner Road, nothing there. Mr. Centner thought this was a unique piece of property because roads have been changed and nothing else that can be done with this property, roads do not go any place, State does not want highway. Mr. Fish advised he would agree 100% if road were travelled and went some place.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application Mr. Lambert, 669 Beahan Road advised he was in favor of this. No one else appeared.

DECISION: Variance granted by a vote of five ayes, Mr. Palermo abstaining.

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Mr. Marchioni of Alfred Avenue appeared informally before the Board to ask their opinion on lots he owned on Alfred Avenue and possibility and suggested size of lots to build on.

DECISIONS on Applications previously heard.

Public Hearing of April 25, 1967
Application NO. 5.

Application of Neil Giuliano, 2975 Chili Avenue, for approval to erect two monuments, one on each side of the entrance to Old Ivy Circle, inside the easement, as per plans submitted (next to 2975 Chili Avenue) E zone.

DECISION: Variance granted by a vote of five ayes, Mrs. Tanger abstaining, for a period of four years, monuments to be placed 10' from gutter, with the right to reapply for renewal or until such time as the road is dedicated to the town.

Patricia D. Slack
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILL, N.Y.
June 27, 1967

The Public Hearing was called to order at 8:00 P.M. by Mr. Robert Hunter, Chairman. Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman
Mrs. Gertrude Tanger
Mr. Howard Vanslyke
Mr. James Fraser
Mr. John Palermo

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

- #1. Application of Winsor D. Ireland, 268 Archer Road, for approval of renewal of variance to use existing outbuilding at 268 Archer Road for living quarters. EE Zone.

Mr. Ireland appeared before the board and presented the members with a sketch of the property showing the buildings on the property. Advised has had variance for sometime. This is a little building in question which has been there for sometime (pointed it out on the sketch). It is a little house built for his mother to live in, now they rent it. Since it is non-conforming they have to have variance, which has to be renewed every five years. Mr. Fraser questioned if this is something that has gone on for quite some time. Mr. Ireland advised for nine years. Mr. Miller questioned square footage and Mr. Ireland advised 560 sq. ft., it is 20' x 28'. Mr. Miller, using the sketch, questioned if the shed ties in as shown. Mr. Ireland advised just attached to it, not part of living quarters, that is garage and shed in between where keep lawn mower, garden tools, etc. Mr. Ireland pointed out what was built prior to zoning, whole thing built prior to zoning. He also pointed out his house and advised this has been rented for five years, since his mother died. Mr. Palermo questioned if it could be seen from the street, and Mr. Ireland advised yes. Mr. Hunter questioned how long this has been up. Mr. Ireland advised twenty years, built it right after moved there which was twenty years. Mr. Miller questioned had different use prior to zoning? Mr. Ireland advised was chicken house. He advised he was given five years on last variance. Would like to get a longer variance this time if board was in favor of it. Mr. Davis questioned could it not be changed for his lifetime? Mr. Hunter advised whatever Board sees fit. Mr. Ireland advised he would like it as long as he owns property. He intends to use it as has been, it is rented to a couple of school teachers and they are hardly ever there, one teaches at Churchville-Chill. On question of Mr. Vanslyke as to how many apartments, he advised was just one little house occupied by two school teachers.

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

DECISION: Variance unanimously granted for a period of five years or until such time as Mr. Ireland vacates the property, whichever should be the shorter period of time.

- #2. Application of Mitchell Acres (Harrison Homes), 21 Sturbridge Lane, Pittsford, N.Y. for approval to erect a temporary sign, 9' x 7'6" approximately 20-25' from Westside Drive and Sutters Run, on lot #2 Mitchell Acres Subdivision, E zone.

Mr. Carl Green, Vice President, appeared and sketch of the sign was presented to the Board. Mr. Miller questioned the size of the sign which according to the legal notice was over 50 square feet, and after studying the sketch it was noted the sign itself was 9' x 5' and 2'6"

pole length. Mr. Green doubted the sign would be lighted, this is just until the homes are sold. Mr. Hunter advised the Board was restricted to allowing the signs for a year, assumed they might be there longer. Mr. Green thought so. Mr. Hunter advised if he wished it for longer they could reapply.

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

DECISION: Variance unanimously granted for a sign 9' x 5' for a period of one year, with the right to reapply for a renewal.

- #3. Application of Mobil Oil Corp., 675 Brooks Ave., Rochester, N.Y. for approval to erect service station at 3661 Union Street in B district, and also approval of a 12' rotating Mobil sign, base of pole 5' from Union Street and Chili Avenue.

Mr. Ralph Wickins attorney for the applicant appeared before the Board and requested a postponement for one month on this application, reason being they submitted plans to State of New York and they requested a change, somewhat slight. They have resubmitted the plans and have not received their approval. They do not believe this should come before zoning board until all cleared up and he advised his client to ask for a month postponement to next hearing because it is possible State might require another change.

DECISION: Unanimously approved to postpone this applicant until hearing next month. The postponement will be readvertised.

- #4. Application of G. R. Putney, 1203 Washington Street, Spencerport, N.Y. for approval to erect a garage 14' x 26' and breezeway 11' x 17', 5' to north side lot line at 35 Yolanda Drive. D zone.

Mr. Putney appeared before the Board. A sketch of what was proposed was submitted to the Board. Mr. Hunter questioned if he knew the distance between lot line and structure on adjoining lot. Mr. Putney advised yes, 10'. It is to the house. Mr. Hunter questioned this means there would be 15' between home and proposed garage? Mr. Putney advised yes. Mr. Hunter questioned this is a little more than single garage? Mr. Putney advised yes. Mr. Hunter questioned any particular reason they need this width as opposed to single garage, because Board concerned by narrow distance. Mr. Putney advised only reason is it is that way all around. He is contractor, the homeowners all 5' around there and he wanted what could get on garage, if could get decent one plus 9' or 9½' breezeway that is what interested in. He wondered about 5' variance but that is what heard was in neighborhood. They needed garage they could utilize did not wish one too small. Mr. Fraser questioned if they would consider making breezeway smaller? Mr. Putney advised would like to keep 11' and 14' garage. What want to keep 9' or 9½' inside breezeway and keep 14' garage, could give or take some if had to. Mr. Palermo questioned how about a 10' breezeway and 12' garage. Mr. Putney advised 10' door really needed for a normal garage.

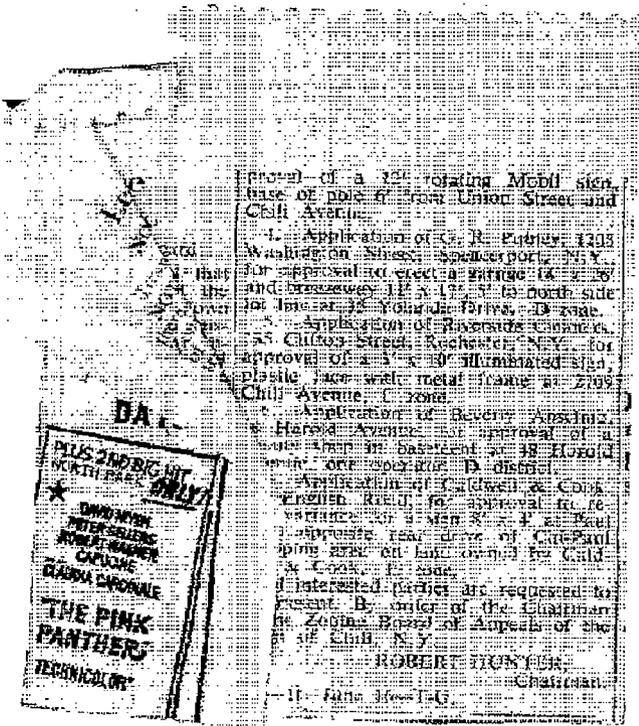
Mr. VanSlyke felt 14' too small for double car garage and wider than needed for single one. Mr. Putney felt could cut it down to say 13' in garage and 9' in breezeway. Would like to keep garage as big as could. All neighbors around there have variances for their garages and what not, that is what based the garage on for these people. Mr. Hunter questioned is the 15' space typical in that neighborhood? Mr. Putney advised in some cases less than 15' between houses. Did not want to go any less, if put garage on 5' variance, still room for a fence. There is in some cases smaller spacing. Knows a couple 13' and one is 12'. Same size lots on whole tract. Do not want to cut his lot too narrow, but wish to utilize all space to get halfway decent garage and good size breezeway. Mr. Palermo questioned house to south of this

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER,

ss.



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:

June 16, 1967

Eleanor E. Williams

Sworn before me this 16th
 day of June 1967

Nancy B. Fromm

Notary Public

NANCY B. FROMM
 NOTARY PUBLIC, State of N. Y., Monroe County

State of New York

COUNTY OF MONROE.

CITY OF ROCHESTER.

SS.

Notice

HEARING

Public hearing of the Appeals of the Town of Rochester, N.Y., on June 27, 1967, consider the following:

Removal of a 12' existing Mast sign base of pole on Union Street and Chili Avenue. Application of F. J. Pincus, 1203 Washington Street, Spencerport, N.Y., for approval of erecting garage at 25' and breezeway 10' x 17' on north side lot line at 35 Yonkers Drive, Deane. Application of Miss Sadie Clemons, 185 Clinton Street, Rochester, N.Y., for approval of a 3' x 10' illuminated sign plastic face with metal frame at 1109 Chili Avenue, E zone. Application of Peter V. Anselmi, 25 Harold Avenue, for approval of a heavy sign in placement at 48 Harold Avenue and operation of 12 signs. Application of Caldwell & Cook, 632 English Road, for approval to erect sign for a store located at East Road opposite rear drive of Chipmunk Shopping area in land owned by Caldwell & Cook, 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 ROUSTEN, Chairman.

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:

June 16, 1967

[Handwritten signature]

Sworn before me this 16th day of June 1967

[Handwritten signature]

Notary Public

NANCY B. FROMM NOTARY PUBLIC, State of N. Y., Monroe County My Commission Expires March 31, 1968

June 27, 1967

how far from lot line. Mr. Putney advised 5', they have double garage on and no breezeway. All same through that whole area. His customer only one in whole tract who does not have one. Mrs. Tanger felt it was the same in the whole tract. Mr. Putney felt there would be no trouble, on both sides have had 5' variances and a couple smaller. All they would like is so can have good garage. He is anxious to get started, he went over last night and measured it out, do not have accurate plans, will not until get started, but will keep 5' from lot line if get it.

Mr. Vanslyke questioned is it true on Yolanda Drive it is just straight in for about a quarter of mile? Mr. Davis advised dead end to expressway. Mr. Vanslyke questioned those lots all quite deep? Mr. Davis advised not too deep. Mr. Putney thought about 200' deep. Mr. Vanslyke questioned, but no cross streets so there is no other access from rear to this. Thinks have to figure that in case of fire equipment wanting to get in from other street behind it.

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 granted with the following vote: Mr. Hunter aye, Mrs. Tanger aye, Mr. Vanslyke aye, Mr. Palermo aye, Mr. Fraser nay.

- #5. Application of Riverside Cleaners, 135 Clifton Street, Rochester, N.Y. for approval of a 3' x 10' illuminated sign, plastic face with metal frame at 2709 Chili Avenue, E zone.

Mr. Loavenbruck of Loavenbruck Signs appeared before the board. A drawing of the sign was presented to the Board for study. Mr. Fraser questioned if it was going to be on face of store and how long would it be illuminated. Mr. Loavenbruck advised yes against face of building. Probably have time clock to go off at say midnight. During day would not notice light anyway, plastic sign, could not tell. Felt the time clock would have to be set for seven days a week. It would turn on probably at 7:00 A.M., during day does not matter because does not show up anyway. Mr. Fraser questioned what would coloring be. He was advised white background, letters colored with green outline. Mr. Hunter questioned how close to street is wall on which sign located? He was told would say 25' or 30', parking lot in there. All cars park right in front of building. Mrs. Tanger questioned side illumination from and was advised just from front, there is a sign there now, but this would look nicer. Mr. Hunter questioned the wattage and Mr. Loavenbruck advised three lines of bulbs, bulb every foot so 3, 10' bulbs running parallel. About only thing would really do would be show people where store is and at night light up parking lot a little so no vandalism goes on. It is about 10" depth. Middle frame aluminum, estimate life of sign 50 years. Mr. Miller questioned how thick gauge plastic and was told about 1/4" thick. On question Mr. Loavenbruck advised it would be about 12' off ground mounted right above windows, wood front. Mr. Fraser asked if any of this type of sign around and Mr. Loavenbruck advised where including one over on Chi-Paul parking lot which would be similar, only this is single face. Mr. Vanslyke questioned if this light flickered, and was advised no.

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

DECISION: Variance unanimously granted for a period of three years. Sign to be illuminated Monday through Saturday, no Sundays, not later than 11:00 P.M.

- #6. Application of Beverly Anselmo, 48 Harold Avenue, for approval of a beauty shop in basement at 48 Harold Avenue, one operator, D district.

Mr. and Mrs. Anselmo appeared before the Board. Mrs. Anselmo advised they have a room downstairs in home would like to make into shop and only do friends and neighbors on street, will not be any parking lot or sign, just for her own use. She is going to have a baby so will not be too busy. Would do it by herself, no other people, just herself. Mr. Hunter questioned what hours of day and Mrs. Anselmo advised nobody before 9:00 A.M. will probably be 10:00 A.M. to 3:00 P.M. Will not be regular, just a couple in morning and afternoon, because going to have to be on some schedule. Will be mostly Wednesday through Saturday, probably just Friday and Saturday, no Sunday. Monday and Tuesday very unlikely. Would be willing to have just two cars in driveway, lot of people walk, because in neighborhood. Mr. Hunter asked if presently operating? Mrs. Anselmo advised had done friends, just applying for license now. Mr. Miller questioned if she was claiming a hardship and she advised no. Mr. Miller questioned some reason why it should be granted? Mrs. Anselmo advised the extra income would help. Mr. Hunter advised the basic reason for granting a variance is for some hardship. Board is not allowed to do something like this that departs from ordinance unless some claim or reason. Mrs. Anselmo advised it would definitely help if received it, just moved into house in November. Mrs. Tanger questioned if this is a new house and was advised yes. Mr. Palermo questioned the size of the room and Mr. Anselmo advised 11½' x 15'. Mrs. Anselmo advised come in front entrance, can go right in room and there is a back entrance in case of fire. It is like walkout basement, it is raised ranch. Mr. Fraser questioned did this require additional plumbing? Mrs. Anselmo advised it will require plumbing. No special outlet but will have to have sink. This equipment not in it at present, this would be proposed. Mr. Hunter questioned how many years did they desire or envision doing something like this if it were granted? Mrs. Anselmo advised probably ten years, it is hard to say. Mr. Fraser questioned if any other commercial operations operating in their general area now? Mrs. Anselmo advised no and Mr. Anselmo advised nothing as far as they know. Mr. Hunter asked if they had talked to their immediate neighbors, and was told yes, have a petition here.

On question of Mr. Hunter if any one present at hearing in favor of this application the following appeared and gave their names:

Mrs. Patricia Wolf, 29 Morrison Avenue
 Mrs. Diane Sheldon, 22 Harold Avenue
 Mrs. Carole Bonnell, 31 Morrison Avenue
 Mrs. Margaret Caruso, 20 Harold Avenue
 Mrs. Joyce Pegeti, 35 Harold Avenue
 Mrs. Warren, 23 Harold Avenue
 Mr. Gilbert Warren, 23 Harold Avenue
 Mrs. Barbara Kowalski, 12 Harold Avenue (came forward after hearing
 and gave name in favor of application)
 Mrs. Osterhoudt, 30 Chester Avenue

Mrs. James Nichols, 45 Chester Avenue. Mr. Nichols advised he would like to say a few things in behalf of variance request. Is a neighbor of the Anselmos. Has lived in neighborhood since 1948. The Anselmos moved into their new home last November, this is raised ranch, and in talking with them when first heard about this and being interested what goes on in neighborhood, and being on Commercial and Industrial Development Committee, had questions in his own mind wanted answers to. In talking with them determined they built this particular type of house hopefully with this thought in mind so Mrs. Anselmo could supplement the income. They have in mind establishing a lovely home. Thinks being a contractor plus having taxes in this Town in amount of four figures, is qualified to speak. They further discussed this at some length, his

wife quite interested because she personally would like someone in neighborhood and Mrs. Anselmo is a graduate and licensed by State of New York as beautician and they were concerned about parking, what would happen in way of parking, signs and things of this nature. In past weeks got to know them quite a bit better and really feel this is something that he personally and is sure many others would like to see granted for these people because by their own volition, and he would like to read it because this is in particular favor of them in their variance for beauty shop, they placed the following restrictions on this variance:

1. No commercial parking lot
2. No signs of any kind shall be allowed.
3. No soliciting or advertising at anytime for new business
4. At no time will the outside appearance of the applicants property be changed from Residential and in no way will this variance for a beauty shop effect the value of the surrounding properties of her neighbors.

Mr. Nichols read the petition which is on file in the Town Clerk's Office, and advised it has over 100 signatures of people living on five streets of Harold Avenue, Morrison Avenue, Alfred Avenue, Names Road Charles Avenue, Chester Avenue and he advised he personally would very much like to see this nice couple get their variance.

Mr. Hunter questioned if any one present at the hearing in opposition to this variance. Mr. Neil Bubel, attorney appeared in opposition. He presented a petition. He represents Mr. and Mrs. DeFranco, 25 Harold Avenue who live across the street. He also had petition signed by people in Harold Avenue. Harold Avenue is street that runs east and west, no sidewalks on street. Children have been used to playing in area on street and along street. Petitioners home located approximately 3/4 of way from end of street down from Scottsville Road. Cars will be parked in street, only room in driveway for two cars, so children will be playing around cars, will be attractive nuisance, no question about it, in regard to cars, in area and parking on street. People also asking for use variance not an area variance. Use variance requires hardship, which they have not proven, also if any type hardship whatsoever because of any extra expense for home, this would be self imposed hardship and this would have nothing to do with it. So it is his contention that the welfare, safety of people in area, especially children, fact they will have cars parked in area along street definitely lessens value of homes and property. This is reason feels should not be granted. He submitted petition of people in opposition on Harold Avenue and objection of Mr. and Mrs. DeFranco to Board, which will be on file in Town Clerk's Office.

Mrs. Ione Hamblin advised she is beautician, owns 52 Harold Avenue. Mrs. Anselmo has made lot of promises at this hearing and little paper Mr. Nichols showed. She understands Mr. Justin from License Bureau was there and told her not to operate before came before Board, she understands she had been operating. What assurance do they have she will keep this on a small scale. Mrs. Anselmo advised this is not true, when Mr. Justin came he did not tell her in so many words stop doing this, said now they have applied for application as long as satisfactory may continue, since then he says stop and she has stopped. Mr. Justin of Cosmetology Board of Beauticians. Mrs. Hamblin advised just wanted to say, if the Board does grant her this, she has already made application to open one in her home. Does have shop in Gates, has 10 year old boy, gets \$10. support for that boy, would like it at her home also. Just wanted Board and neighbors to know also. She understands were supposed to let neighbors know, she did not know. Mr. Hunter advised there was no requirement, but Board did notify people around area as a courtesy.

Mrs. Anselmo advised some people that signed Mrs. DeFranco's petition also signed their's. As Board can see, they have signed Mrs. DeFranco's

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under false pretenses, as go back through petition they will see more names like that.

Mrs. DeFranco, 25 Harold Avenue advised first wanted to say her petition was not obtained by false pretenses. People have called her from four or five streets away, thought she lived on corner when signed petition, did not know lived down in street. Advised she has six children, also she sent a three page letter to Mrs. Parkhurst. (This letter is on file in Town Clerk's Office).

Mrs. Diegel, 12 Alfred Avenue is very much against it because people come down her street same as on street she lives on, back and turn around. Lady ran beauty shop for six or seven months, nobody said anything, had gravy, just because tightened down now, wants permit to run beauty shop. She has been out in Chester Avenue 35 years and really have not heard anything, scrapping and what have you as over this beauty parlor, one neighbor will call and want to know what other is going to do, telling not what you say, more added. She is very much against it.

Mrs. Anselmo advised when had plans to build called Town and asked if could have beauty shop and they said no, at time said nothing about applying for variance until Mr. Davis came and told her about it, then she applied for it.

Mrs. Green, 43 Morrison Avenue advised lives in back of them, they have never come to her house to let her know going to be variance put up or anything. Has lived there 11 years, she is very much against it. Mrs. Anselmo advised she did not realize she was to contact them.

Mr. Hunter advised no requirement petitioner must contact them, but if do helps Board, but there is no requirement. Mr. Anselmo advised Mrs. Green said while his wife was doing hair, was taking away her electricity and water power. He would like to have this checked. Mrs. Green advised she had already had it checked. Mr. Hunter advised this cannot be a consideration as far as the Board is concerned.

Mrs. Warren of 23 Harold Avenue advised she would like to say several things, first of all Mrs. DeFranco stated people did not know where they lived, she witnessed every signature Mrs. Anselmo put on those papers and everybody who signed it knew where she lived before signing it. Whether signed or not, a lot of people wanted to remain neutral. Everyone asked to sign knew her and who she is. Second she lives on Harold Avenue, lot of children, she has to go down street like an obstacle course, her house before Mrs. DeFranco's her children in street every night when she comes home at 5:00. Has to stop her car to get in her own driveway, Mrs. DeFranco's children play in the road without any supervision at all. Mrs. DeFranco asked to answer these charges and Mr. Miller advised ^{not} in province of this application. Mrs. DeFranco advised she was called from Charles Avenue and Chester and was told they did not know where she lived, thought corner of Scottsville and Harold Avenue.

Mrs. Green advised another thing, Morrison and Harold both come in on one street, Morrison sheers off to right, Harold straight through, cars coming for houses on both streets in same entrance, would add more traffic to their streets.

Mr. Miller questioned if Mr. Nichols was aware of any other businesses being conducted from homes in Riverview area, were there any he knew of. Mr. Nichols advised yes, and Mr. Miller questioned if they had variances. Mr. Nichols advised as far as he knew, did not know gentleman's name who operates bicycle shop over two streets from the Anselmo's (Mr. Davis advised on Lester Street) He was certain there were others, but his memory failed him. Would like to add one other thing, as far as looks

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in their neighborhood very true, as Mr. Bubel pointed out no walk way and have not had good streets for too many years, working pretty hard for streets. Thinks in a Town like Chili, or any other town, that is striving with great deal of difficulty to raise its head, have these, are inherent problems, not uncommon person would have office in her home and as long as she is willing to abide, you would be more cautious of children, because have children of his own, does not see any hardship imposed on any one else.

Mr. Hunter read letter that came signed by Betty DeFranco, 25 Harold Avenue, which will be on file in Town Clerk's Office.

Mr. Fraser questioned if she had been operating and Mrs. Anselmo advised yes. Mr. Vanslyke questioned she would not operate on Monday or Tuesday and Mrs. Anselmo advised could limit her operation to any time they wanted. Would limit it to anything they requested as long as can do it and will limit cars to two which will be in her driveway.

DECISION: Variance unanimously denied. No hardship either claimed or proven.

#7. Application of Caldwell and Cook, 683 English Road, for approval to renew variance for a sign 8' x 4' at Paul Road opposite rear drive of Chi-Paul Shopping area on land owned by Caldwell & Cook. E zone.

Mr. Donald Cultara, Superintendent for Caldwell & Cook appeared before the Board, and advised wished to renew previous variance with same stipulations, it is unlighted sign. Believes will be there for three years so would be asking for maximum time allowed. No neighbors to complain on sign, just shopping center across street. Sign is down right now because of construction, but would like to put it up again.

Mr. Glen Schaumann of the Sign Company came forward and advised they were painting the sign for the applicants, there is going to be change of copy but will be same size and in same location as present sign.

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

DECISION: Variance unanimously renewed for a period of one year, with the right to reapply for renewal.

Mr. Paul Latone, one of the builders of Ramblewood Gardens appeared before the Board informally and advised had problem which had not contemplated for head street on three lots on the curve, and would like to get informal opinion of the Board on getting variances for these lots. Presented letter had from neighbors in favor of a variance. This was discussed and he will appear for an advertised hearing.

DECISIONS on applications which were previously reserved:

From hearing held April 25, 1967:

Application of Bernard Bianchi, 201 Angelus Drive for approval to build homes on the following lots: Lot 17 Block F Alfred Avenue
Lot 24 Block N Charles Avenue
Lot 7 Block A Morrison Avenue
40' to front lot line and 7' to either side lot line, D district.

DECISION: Variance unanimously granted.

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from hearing held May 23, 1967

Application of Angeline A. Scheg and Robert J. Schickler for approval to build a house 45' to front lot line at Lot B Berna Lane as per map submitted, in D zone.

DECISION: Variance unanimously approved as per map of Lot B approved by the Planning Board of the Town of Chili, June 20, 1967.

Minutes of the hearing held May 23, 1967 approved as submitted.

Patricia D. Slack
Secretary

MINUTES
ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
July 25, 1967

The Public Hearing was called to order at 8:00 P.M. by Mr. Robert Hunter, Chairman. Roll call found the following members of the Board present:

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

Also present: Mr. Daniel Miller, Deputy Town Attorney
Mr. John Burchill, Director of Public Works

- #1. Postponed application of Mobil Oil Corp., 675 Brooks Avenue, Rochester, N.Y. for approval to erect service station at 3661 Union Street in B District, and also approval of a 12' rotating Mobil Sign, base of pole 6' from Union Street and Chili Avenue. B District.

Mr. Ralph Wickins, Attorney representing the applicant appeared before the Board and asked for another postponement. They still have same problem with State of New York. Think it is pretty well solved, 9/10ths, with State Engineers. Thinks it is hard thing to get an answer out of State. As said at last meeting, thinks should not present it until resolved with State of New York. Was asking for another postponement for one month. Would agree to pay for advertisement as Board has now paid for it for one time. Mr. Wickins advised would try to have it resolved before August. They have to make change in openings, and might need relocation of station, and that is reason hates to bring it before Board before that time.

The Board unanimously agreed to another postponement for this application. It was agreed the applicant would be charged for the next advertisement of the application.

- #2. Application of Ione Hamblin, 52 Harold Avenue, to operate a beauty shop in basement of home at 52 Harold Avenue, on a part time basis, one operator. D zone.

DECISION: Application unanimously denied due to non-appearance of applicant.

- #3. Application of Michael DiPiazza, 986 Joseph Avenue, for approval to erect two monuments and two signs at entrance to Omega Drive, (Spartan Heights Subd.), 12' long and 3' wide, 8' high over all E zone.

Mr. DiPiazza appeared with sketches of what proposed. Advised had a rendering of what sign going to look like and also detailed drawings. It is not going to be quite as large as requested on overall width and length. Will be about 8' long. On question of Mr. Pfenninger of just where the location was, he advised was located off Paul Road across from Regency Park on Voke property. Mr. Pfenninger questioned if it was going to sit on their own property and Mr. DiPiazza advised yes. Was coming inside the right of way, have given County the extra rod on Paul Road, looked for in 1965 and wanted to locate inside lot. Are contemplating putting up only one because next year are going to go up another thousand feet and put up another entrance rather than have two. So will pick the northwest corner of Paul Road on Lot #4. Will be single sign double faced. Will face Omega Drive, parallel so can be seen from Omega Drive and both sides of Paul Road. Will go beyond right of way County and new Omega Drive. He pointed out the lot on the map. Right now Paul Road 49.5' so it will be 33' off center line of Paul Road, inside the lot, making it inside their property line. Will stay back probably 2' or 3' in other direction probably back 6' from Omega Drive right of way, which

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

35.

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 at the Chill Administration Office, 3235 Chili Avenue, Rochester, New York 14624, on July 25, 1967 at 2:00 P.M. to consider the following applications:

1. Postponed application of Mobil Oil Corp., 675 Brooks Avenue, Rochester, N.Y., for approval to erect service station at 1961 Union Street in B-1 District, and also approval of a 12' rotar sign, base of pole 6' from Union Street and Chili Avenue. B District.

2. Application of Ione Hamblett, 32 Harold Avenue, to operate a beauty shop in basement of home at 32 Harold Avenue, on a part time basis. One operator. D zone.

3. Application of Michael DiPiazza, 226 Josefa Avenue, for approval to erect two monuments and two signs at entrance to Joseph Drive. Spartan Heights Subd. 2, 12' long and 3' wide. 8' high over all. E zone.

4. Application of Lawton Construction, 536 Jay Street, for approval of setback variances on lots in Hamblett second subdivision as follows: Lot 14—32' lot 151—35' lot 133—30'. In E District.

5. Application of Henry Golpocvia, Parents, Inc., 612 River Boulevard, Rochester, N.Y., for approval to erect a black top manufacturing plant on the rear of property on Scottsville Road, consisting of 25 acres part of Jay Acct. 1357, approximately 500' from Scottsville Road, A zone.

6. Application of Dr. William Harbo, 20 Lee Gardens, Apt. 12, for approval to renew variance to use two bedroom apartment as a dental office, hours Monday through Friday 9:00 A.M. to 5:00 P.M., Saturday 9:00 A.M. to 1:00 P.M., limited to one chair. Also to renew variances for an unlighted sign, not larger than 6' x 6'. 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 HEINER
Chairman

Form No. 4

80-16-July 17-T.U.

Marie S. Ransom

..... 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:

July 17, 1967

Marie S. Ransom

17th

Sworn before me this.....

day of July 19⁶⁷ }

HELEN H. STEIN, Notary Public
State of New York, Monroe County
Commission Expires March 30, 1969

Notary Public

is again 36' from center line. It will be completely within lot. Will have small spot lights from the ground up. There is question these may be changed, may go from top down, shadow light instead of spot.

Mr. Palermo questioned how far it would be from the home and was advised house sits back 60', fronts on Paul Road and 30' from Omega Drive. House is there now, which will be their model. Mrs. Tanger questioned what it was made of and was advised concrete pillars, pre-form grecian prefinish, concrete column and plywood. Letters will be black metal and the decoratives across top 1 x 3 blocks. It is circular column. He was questioned on the upkeep and advised it would be durably. This will be their's to maintain, keeping model house. When sell house will maintain it. Have 400 lots in there. Are going to put reservation what will do into the deed, that they will maintain it. Same as with Chi-paul signs, refinished them in plastic. Figure on being there for five or six years, at which time will take them down when complete tract. Will definitely take them down. Mr. Pfenninger felt after house is sold once or twice people will not take care of sign and it will fall down. Mr. DiPiazza advised no, they are going to maintain them. The way it is constructed can be picked up and moved with these columns. Nothing permanent, not like have at entrance and their maintenance there is keeping them painted, rather than that put plastic on them.

Mr. Hunter questioned the wattage of the lights. He was advised 1/8' strip, 8' wide, just have shadow lighting. Mr. Hunter questioned if requesting monument and sign. Mr. DiPiazza advised should be monument sign. Just a sign. Mr. Hunter questioned so what actually asking for is one sign, one unit, not two. Mr. DiPiazza advised that is right.

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

DECISION: Unanimous approval granted for one monument sign 8' x 3' for a period of three years, with the right to reapply for a renewal, to be located on Lot #4 of Spartan Heights Subdivision, as per plans submitted, and to be erected at the discretion of the Director of Public Works.

#4. Application of Lason Construction, 536 Jay Street, for approval of setback; variances on lots in Ramblewood Subdivision as follows: Lot 130--57'; lot 131--55'; lot 132--50', in E district.

Mr. Latone appeared before the Board, but had failed to bring maps to the hearing pointing out the location of lots. Advised it was the same as he had pointed out at the discussion he had had with the Board after their last hearing. Advised they would make up tape location maps just as soon as they set up house on each lot. Mr. Miller questioned they were on a curve? Subdivision map has been filed but they just decided it would better? Mr. Fraser questioned it was the same map that he had here last time? He thought that would be sufficient. Mr. Latone advised yes. Mr. Hunter thought the Board should have sketch for their record before formally passing on it and questioned could he get it to them. If he could give them a sketch showing dimensions in relation to road and layout of these lots, they would like it. Mr. Latone advised that he would. He also advised he had a letter with five or six signatures of nearby residents agreeing to it that he would bring.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, Mr. Bapst, 2467 Westside Drive spoke and advised he owned property alongside of it, thought it would be much nicer, would be in favor of it.

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DECISION: Unanimously approved contingent on submission of plans and approval of such plans by the Chairman of the Zoning Board, Mr. Hunter.

#5. Application of Leroy Colprovia Pavements, Inc., 612 River Boulevard Rochester, N.Y. for approval to erect a black top manufacturing plant on the rear of property on Scottsville Road, consisting of 25 acres, part of Tax Acct. 1157, approximately 500' from Scottsville Road, A zone.

Mr. Ralph Wickins, Attorney appeared before the Board. Advised he represents this petitioner and has some witnesses he would like to have testify. Thinks all acquainted with property. What is known as old ice plant on Scottsville Road. Approximately 25 acres propose to buy subject to Board's approval of putting in plant they desire. Location of plant will be in very rear portion of this premises. It is densely wooded area and plant will be located back of this area and would not be noticeable, and not in their opinion, at all from road. plant will be located in excess of 1,000' from the road. A road will be built in to the location of plant. The plant, as they understand it, will occupy perhaps 2½ acres. At this time he would like to call Harvey B. Rosenbloom, Realtor-Appraiser.

Mr. Rosenbloom came forward and Mr. Wickins asked at his request did he make an examination of this property and of the proposed use of the property. Mr. Rosenbloom replied he did and he had. Mr. Wickins questioned did he have any interest in the sale of this property and petition. He was advised no. Mr. Wickins questioned so he was independently called in by him? Mr. Rosenbloom advised correct. Mr. Wickins asked him to state to the Board what his examination has revealed.

Mr. Rosenbloom advised the site as Mr. Wickins stated is 25 acres, approximately 550' of frontage on the west side of Scottsville Road, south of Paul Road. It extends back over 1600' in depth on the south line and over 1100' on the north line and the west line is the Pennsylvania Railroad and he believes has approximately 750' along the railroad right of way. The site is extensively overgrown at the present time. There is a great deal of low land and even some bog and as he understands, was formerly an ice pond and there are still evidences of these ice pits on the site. He personally tried to walk over the site coming in from the rear railroad right of way and could not get very far because just that overgrown, both with tall trees and brush and foliage and he also tried to enter from Scottsville Road and met same barrier, so really overgrown location now. He would say total area is covered with brush or bog. It is located in an A District. Just the other side of the railroad is the Gates-Chili-Ogden Sewer treatment plant of Monroe County Sewer Agency and along Scottsville Road would be 84 Lumber and Varsity Inn.

The present location of Leroy Colprovia Pavement, Inc. is on River Boulevard adjacent to University of Rochester campus. Plant has been in that location for over thirty five years and presently occupies an acre and one quarter of land they own and approximately an acre and one quarter they lease from Lehigh Railroad. University of Rochester River Campus built back in 1963 and 1964 two new dormitory complexes within a couple of hundred feet of this land and he mentioned it as a matter of interest to indicate fact did not bother the University all these years.

Mr. Wickins had a picture marked Applicant's Exhibit No.1 which he put in evidence and Mr. Rosenbloom advised this was aerial photograph and pointed out on it Lehigh Valley Line from south going to the track that lead to former terminal on Court Street and present location of Colprovia plant on little triangle pointed out. Pointed out new high rise

dorms University built for both men and female students on River Boulevard and large complex for school completed short time before. Pointed out Mt. Hope cemetery and where University last year were in process of planning the new men's residence dorm. So this complex here created a separation two segments which was motivating reason University now owns this area here, so now able to connect these two pieces of campus. He pointed out the total complex, and at Mr. Wickins request marked on the photograph where present plant is. Mr. Rosenbloom did so by circling the plant. He stated the university was in the planning process of this new dorm which would be east of the track before the university started to negotiate to purchase the Colprovia site in early 1967. This operation has been side by side with university for a long long time. He discussed this relationship personally with Mr. Angie, Assistant Treasurer of the University regarding operation at present location and they have had good relations and he believed Mr. Thompson, Treasurer of the University has submitted letter to this Board to that effect. Mr. Hunter advised he had. Mr. Wickins requested it be made part of the record. (Letter is on file in Town Clerk's Office). Mr. Rosenbloom went on to advise he mentioned this association of the past to indicate this operation has been good neighbors in old location and would be in new location. Under Town's Zoning Ordinance, the Zoning Board of Appeals may permit under special application "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."

Mr. Rosenbloom went on, first of all, this is not prohibited use. This operation of Leroy Colprovia Pavement, Inc. is a batch or compound process. Materials are 80% stone, 15% washed sand and 5% asphalt, a petroleum by-product manufactured elsewhere, in this case mostly from Buffalo in sealed tank truck. The three ingredients are mixed and end result being road topping.

To answer specifically performance standards, he has personally seen the operation they have on River Boulevard now, which is outmoded operation. New process that would be situated on this site would be completely automatic, sealed and would have materially increased performance standard. No smoke in this compound process or solution, for heating use No. 2 fuel oil same as used for home heating. This heating is to remove moisture from stone and sand before mixed. In addition this moisture collects and traps any dust that is in process. When this heat vaporizes it deposits this collection of dust and moisture into sludge tank completely within operation internally. There is no odor of any type from this operation, and dust, as he mentioned, as far as internal operation is taken care of internally and collected and disposed of internally. Externally, stone and washed sand stored in bins and would not create any dust problem. Washed sand does not blow and stones do not blow either. Petroleum by-product asphalt received in tank truck piped directly to storage tank and then fed into batch process. No appreciable noises with the operation. Requirement and area for this new plant less than three acres, and total site involved is 25 acres. Location of plant itself is at southwest corner of the 25 acres, site behind trees and foliage, screened, isolated and insulated from all surrounding property. Entrance way would be along south line from Scottsville Road and it would be necessary to go over a bog that cuts across center of this site. The foliage and trees would act as a barrier for any possible noise, dust or any possible smoke. There is no problem here of air pollution. It is non-existent there. Checked foliage around present location to see for himself if any of the leaves of trees burned or had withered because of any pollution and there was no evidence of any. As a matter of fact he had been told that this, whatever dust that might be, has a lime content and could act as fertilizer and could be growing agent.

The railroad is not important to this operation, they do not use the railroad, railroad serves no useful purpose and just would be natural barrier. No plan for railroad.

Aerial photograph, marked Applicant's Exhibit No. 2 was submitted for the record. Mr. Rosenbloom explained it was of general area, pointed the river road at top of photograph, the runway for airport, the sewerage disposal plant, the railroad line, pointed out the area that was total site, pointed out where get heavy foliage and tall trees along railroad line, pointed out bog he spoke of that crosses through here. These are high trees here and although this looks and is relatively not as heavily wooded as the borders, this is densely foliated also, although not of as high type and he pointed the corner where the proposed location was, and marked it with an "X". He pointed out where the road would come in from Scottsville, across this bog and into this area, which of course would have to be cleared. He pointed out where the entrance from Scottsville Road would be. Mr. Wickins advised of course the road would have to be where State of New York would allow them and there is an approval that has been granted. Mr. Rosenbloom advised the line he indicated is approximately 1600' in depth so this would be well beyond 1,000'.

Mrs. Tanger questioned if they were planning to buy that entire strip. Mr. Rosenbloom thought 25 acre lot. Mr. Wickins advised Varsity Inn owns approximately 8 acres. Strip of 150' in here under option and has not been sold yet and all rest of it consisting of approximately 25 acres is the parcel they are talking about. Mr. Rosenbloom marked or outlined the area on the photograph they were talking about.

In conclusion Mr. Rosenbloom advised this would be a plant, new, modern, completely automatic plant which would involve an expenditure of well over one quarter of million dollars and it would be in his judgment considered asset to Town and to the overall economy, would increase tax base by an additional source of revenue to Town and school district. No waste or by product involved. Strictly will be compound or batch process. Location with 25 acre site with trees and foliage acting as barrier, offering maximum isolation and insulation and the fact that the total operation meets the performance standards set forth by this Board in that it would not be a nuisance or interfere with enjoyment of neighboring property, would be good is his considered judgment. He felt this is reasonable request. He advised he would be happy to answer any questions.

Mr. Wickins remarked he did not believe he had at the start stated his qualifications as an expert and at this time submitted a resume of Mr. Rosenbloom's qualifications to be made part of the record. This is on file in the Town Clerk's Office.

Mr. Hunter questioned if there had been any discussion with State as far as operation on roadway going onto State Highway. Mr. Wickins advised yes, because he has been representing owner on application before Town Board and State has laid qualifications down. If you drive up there they will see was now a gate and that is where State says road has to be. Mr. Hunter questioned was it going to meet State Road in "T" curb radius for truck? Mr. Wickins advised meets it at a "T". Mr. Hunter questioned require truck coming up and stopping to get out on Scottsville Road? Mr. Wickins advised yes. Mr. Hunter questioned he believed State will approve the plan in this fashion? Mr. Wickins advised this has already been done.

Mr. Hunter asked if they have any specific plants which show this plan? Mr. Rosenbloom presented photographs, which were marked Applicant's Exhibits 3 and 4 for the record, and advised this is five year old plant, more modern than one on River Boulevard at present but not as up to date

as one proposed, but they will give a good indication of operation. Mr. Wickins advised they were negotiating with two different manufacturers. Will take best one of the two if this request is granted. These pictures not really up to date. Impossible to really present exact plant, but these exhibits will give idea of most modern plant around here. About five years old. One plant in Arcade, N.Y. One photograph of front view and one is the rear view. This automatic plant, controlled by push button. Mr. Palermo questioned the height. Mr. Rosenbloom advised less than 40'. Mr. Fraser questioned the distance of this proposed site from Paul Road by closest way. Mr. Rosenbloom advised he could indicate it on photograph. Mr. Fraser thought it seemed less than 1600'. Mr. Rosenbloom pointed out Paul Road which he would judge to be a considerable distance. Mr. Wickins pointed out the sewer plant, and pointed out Paul Road at closest point. He would say about 1/2 mile as crow flies.

Mr. Fraser questioned they mentioned it being dust free. Had some idea of operation in Leroy. That plant to him, have seen it in operation and lot of stone dust created. Quite dusty. Mr. Rosenbloom advised he had only had experience of witnessing the plant they have on River Boulevard and as well as two other plants in vicinity of Rochester. Rochester Asphalt on Culver Road near underpass to railroad and also plant at University at railroad which is older plant, both just off East Avenue and neither one of these seem to create any dust problem. Really he was surprised himself to see lack of dust. Does not know where comes from, washed sand does not create dust and stone of sufficient size, business run to 1-1½ or 1 and 2, and does not in the operation. Once goes into operation the heating removes moisture and and takes dust out of it because dust is problem to get mix to stick. Mr. Palermo observed one at Culver near incinerator. Mr. Rosenbloom agreed yes in that general area. That is not really new plant, but lot newer than one on River Boulevard.

Mr. Hunter inquired comparing picture with existing plant on River Boulevard, shows apparently mixing operation itself, one that blends. In addition to this plant on River Boulevard, also has number of storage tanks, also piles of stone and sand, you have no specific plans which will show all these items, which he assumes will be a part of it, in relation to it? Mr. Rosenbloom advised part of that, not all that you see on River Boulevard belongs to Leroy. Part is Koppers which is different operation, nothing to do with this, and not going to move. Lot of those tanks have been there for a long period of time and are not relevant to this. As he understands the operation, there is a certain amount of stock pile of washed sand and gravel, but are continuing in operation so that there is constant turnover of material and the road topping going out so is good flow of traffic.

Mr. Wickins advised the Superintendent of the Plan was here and would also testify. He called and introduced Mr. Everett Calhoun of 75 Poplar Street, asked him if he was employed by Leroy Colprovia Pavement, Inc. and he told him he was the superintendent. Mr. Wickins asked if he was acquainted with the operation on River Boulevard, in fact ran it? Mr. Calhoun advised yes. Mr. Wickins asked him to explain to the Board what he believed the operation of this plant will be. Mr. Calhoun advised it will be mixing of road materials and will furnish it to towns, county and state, and it will be a good site for them because new construction going on in Henrietta and in this whole area.

Mr. Wickins questioned he heard question Mr. Hunter was asking the previous witness as to stock pile, etc. Could he give explanation of that as to where stored, how trucks loaded and unloaded? Mr. Calhoun advised their stone comes from three different sources, Leroy, Stafford and Clarenton and advised where sand came from and they drop this over grate and it goes up spout into plant and operation when mixing and they have

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two asphalt tanks which will be capacity of 24,000 required by State. Where they were was not feasible to automate plant because built in 1932. This new plant will be fully automated and approved by State and they can bid on State and City contracts which require automated plants. Mr. Wickins questioned is it not true new plant, as he heard previous witness, all enclosed and grates, no dust or odor present? Mr. Calhoun advised right, fully sealed and five cycles, 5 dry and one wet, will take completely all things out of there.

Mr. Hunter questioned he mentioned needed two asphalt tanks and said capacity of 24,000 gallons per tank? Mr. Calhoun advised no, total 12,000 or equivalent required by State. Mr. Hunter questioned he mentioned get stone from three sources and sand from another, different size? Mr. Calhoun answered yes. Mr. Hunter asked this would make four piles? Mr. Calhoun advised yes, line up and goes through belt up into tank. Mr. Hunter asked what would be maximum size in terms of yard? Mr. Calhoun told him do not need large stock piles because have trucks to haul it in. Easier to dump truck right in small piles than big piles and move it over. Mr. Hunter questioned what he would consider normal capacity? Mr. Calhoun advised 100 or 150 ton, something like that. Normal average size they have so many trucks working every day.

Mr. Fraser questioned most of this stone to machine goes into grates before going into machine. This does not create any appreciable dust problem? Mr. Calhoun advised all stone out of Clarendon is washed and very little. When get #2 out of Leroy, very little dust and sand is all washed and goes right into completely sealed plant. Mr. Wickins questioned as a rule trucks drop right into grate? Mr. Calhoun advised yes, but what does not, push in.

On question of Mr. Hunter Mr. Calhoun advised normally operate five days, seven hours, all day to 4:00. Mr. Hunter asked would deliveries deliver right here? Mr. Calhoun advised yes. Mr. Hunter asked how would he rate capacity of this proposed plant? Mr. Calhoun advised plants are all rated tonnage per hour. Mr. Hunter question what will be size? Mr. Calhoun advised three tons per batch. Mr. Hunter questioned how many batches per hour. Mr. Calhoun advised could not tell that, take about 55 seconds per batch going full capacity. Mr. Hunter figures, roughly 3 ton a minute, approximately 180 tons per hour. Could they sustain this? Mr. Calhoun advised no, do not actually run capacity, trucks may come in slower, shut down for some reason, automatic control. Mr. Hunter questioned normal operation. Mr. Calhoun advised according to demand. Mr. Hunter questioned what could it do. Mr. Calhoun advised could do about 180 ton an hour for the amount of hours running.

Mr. Hunter questioned any idea of incoming traffic in terms of number of trucks? Mr. Calhoun advised normally use five trailers going in. Mr. Hunter questioned owned by your company? And go back and forth? How many trips a day? Mr. Calhoun advised they make for example from Clarendon and Stafford five and Leroy six, and from Coldsand a trip every hour. Mr. Hunter questioned and he said five trailers, what would they propose to have for new plant? Mr. Calhoun advised whatever demand is, they can put on any amount. Mr. Hunter questioned how many trucks if at capacity coming in per day, number of loads? Mr. Calhoun would say around 30 loads per day if what had in present plant. Their plant they are in now is 80 ton per hour or two ton average. Mr. Hunter questioned, so are talking 2-1/2 capacity? Mr. Calhoun advised they are not automatic so cannot figure the seconds per batch with non-automatic yet. Mr. Hunter questioned he is saying around 30 tonnage in present plant, 60 in new. Mr. Calhoun advised it would not go that high, let us say 60 as a maximum. And on question he advised they operate from 15th of April to middle of November.

Mr. Hunter questioned trucks going out with mixture, would these go out in their trucks or whose. Mr. Calhoun advised go out in customer's trucks.

Mr. Hunter questioned basis of proposed plant, how many trucks per day maximum? Mr. Calhoun advised trailer holds 20-22 ton per load and 10 wheeler, 16, so would have to figure it out. Mr. Miller questioned on average of 18? Mr. Calhoun advised cannot figure, tentatively, trailer is 20-22, 10 wheeler mostly 16 on it. Mr. Hunter thought can use 180 tons per hour and work back. Mr. Calhoun advised that would be at capacity.

Mr. Hunter questioned, when bring stone and sand in, do you dump this out and then doze it into grates to get it into mixing unit? Mr. Calhoun advised that is right, the grates are probably 6' across, you back truck up there and dump it in.

Mr. Miller questioned how many trucks stored on grounds? Mr. Calhoun advised they have one trailer and ten wheeler and little ton and half Dodge. Mr. Miller questioned if would be garaged. Mr. Calhoun did not know. Mr. Miller questioned where would truck be parked? Mr. Calhoun advised back right by plant. Mr. Miller questioned how many employed? Mr. Calhoun advised five, five employees with Borlen crane operator and two truck drivers and two men at plant. Mr. Miller questioned how would they light these facilities at night, spot light? Mr. Calhoun advised had not gone into that.

Mr. Miller asked Mr. Wickins if they had clearance with Monroe County Airport. Mr. Wickins advised not as yet, but did not believe any difficulty, be low, but would get it. Mr. Miller questioned if this land was lower than Scottsville Road. Mr. Wickins advised it is very low, it is down probably 6', but portion they are building plant on is way in back and is higher and good solid ground, why really only useable part of whole thing. Where going to have to fill is to build road across strong enough to hold trucks, etc. Of course, this is their problem and not public road by any means, strictly service road. Mr. Miller questioned what percentage of total 25 acres would be occupied. Mr. Wickins advised approximately 3 acres, possibly less than three, say not to exceed three acres. Mr. Miller asked if the applicant had any plan for rest of 25. Mr. Wickins advised none at all. Mr. Miller questioned wants to use it as buffer? Mr. Wickins advised possibly in future might sell some off, but would maintain buffer, but if somebody wanted to buy it and was not allowed use, would have to come before Board again.

Mr. Hunter questioned, Mr. Rosenbloom commented stone and sand would be stored in bins, is that correct? Mr. Calhoun advised go over grate up belt into bins. Mr. Hunter questioned but actually stones would be in pile? Mr. Calhoun answered you did not say that, he explained how wanted to unload. Are going to be in a cold storage, it is covered these bins, and goes from bins over into dry into hot bins into mixer. Mr. Hunter questioned material that supplies this mixing before pushed into grate, place from which push it, is it open bin? Mr. Wickins advised storage bins themselves are enclosed, only time outside is sometimes will be two loads come in at once and dump and so forth, but not stored outside in sense as stored out there. Only temporary storage at times when bins are full. Mr. Palermo questioned how much area with plant and storage say for a couple of weeks? Mr. Wickins advised very little space they could have outside storage. Their plan is to develop in this wilderness approximately 2-1/2 acres with turnaround for trucks and everything else. Will not exceed three acres and probably less. Mr. Palermo questioned for everything they need? Mr. Wickins advised that is right.

Mr. Hunter questioned did he understand no waste or by products? Mr. Calhoun advised have a big swamp back there. If automation goes wrong you stop complete operation and mixer stops and you have to clean it out, so be put on road going in there, all it is is stone. Mr. Hunter

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queried,, but you would have to dump it? Would they be willing to apply for dumping permit if need to do this and abide by regulations? Mr. Calhoun advised yes.

Mr. Miller questioned what about roads to keep dust down? Mr. Calhoun advised quick as settled will be black topped. Mr. Miller questioned with 60 trucks and customers? Mr. Wickins advised in business of selling, would not be good advertising not to. Mr. Hunter asked if they planned to black top whole area. Mr. Calhoun advised only road. Mr. Hunter questioned how about area around plant? Mr. Wickins advised would be black topped wherever necessary to run trucks. Mr. Hunter questioned area trucks would use? Mr. Calhoun advised after it is settled down. Mr. Wickins pointed out might be a year to settle down.

Mr. Hunter asked did he understand as far as this proposed plant, will be entirely new, plan no components from existing plant? Mr. Calhoun advised not a thing comes out. He added on new plant five cyclone, 4 dry and one wet which is latest thing. On old plant have only one cyclone over there, have one with three drums that supplies water in that.

Mr. Hunter questioned if he had any knowledge to question of dust. Mentioned no dust, but then might be some with lime content, so might be some? Mr. Calhoun advised on getting it there when for example you bring it in from quarry when dump might be a little there, but that is all. But as far as plant, completely sealed. Mr. Hunter questioned, no measurable dust from plant itself, but just from dumping of trucks or dozing into grates? Mr. Calhoun advised that is right, very little. Mr. Wickins advised he would like to clear up one point, plant operation in Leroy entirely different operation, that is crushed stone. That is operation that creates dust, is crushed stone plant, this is entirely different operation.

Mr. Hunter asked if any plan for sprinkling system to be used on these piles if gone dry or dusty? Mr. Calhoun advised not necessary. Mr. Hunter questioned how about housekeeping of plant? Would they propose to sweep on some regular basis primarily the black topped area for what has accumulated? Mr. Calhoun thought always good practice for good housekeeping and believed over there cleaned everything up, no accumulation. Mr. Miller advised they were referring to dust from incoming load. Mr. Calhoun advised that is pushed right in grate. Mr. Miller thought trucks bring dust on wheels. Mr. Calhoun questioned if come off state highway onto black top? Mr. Miller remarked City of Rochester washes street nights. Would they consider washing service road or cleaning it? Mr. Calhoun advised only when rains good, but if stipulated would. Mr. Miller questioned could be sprinkler above storage pile, would they go along with that? Mr. Calhoun advised no, wet stone costs money to dry. When get stone it is all washed and sand washed. Stones damp when come in. Mr. Wickins advised their storage bins within plant, only outside when going up to bins, sometimes small accumulation for short time. Mr. Miller questioned how many tons proposed? Mr. Calhoun advised did not know, but five cool bins hold average of 50 tons apiece. Mr. Miller remarked, in other words, 250 within closed bins. Closed storage bins hold approximately two hours work ahead? Mr. Calhoun advised but you keep filling them. Mr. Wickins advised Mr. Dewitt was here, President of corporation, perhaps he can answer some questions.

Mr. Hunter questioned, they talked a little about truck storage on premises. Would it be correct to assume at times other kinds of equipment, dozer or something, how about paving unit? Mr. Calhoun advised on paved and low part trailers, which would be stored out doors along with trucks. Mr. Hunter questioned 5 tractor trailers? Mr. Calhoun advised not on premises. Mr. Hunter questioned what other equipment?

Mr. Calhoun advised roller and two loaders and that is all, there is 1½ ton Dodge and ten wheeler and truck trailer. Mr. Hunter questioned what about maintenance, do they have facilities? Mr. Calhoun believed they do, some sort of building to keep tools. Mr. Wickins advised this is way in back where almost impossible to see.

Mrs. Tanger questioned, being completely closed operation, does that mean conveyor belt is also completely covered? Mr. Calhoun believed it was, did not know what is proposed. Mr. DeWitt appeared before the Board and was introduced by Mr. Wickins. He is President of this Corporation. Mr. Wickins asked him to answer Mrs. Tanger. Mr. DeWitt advised the plan is to have five storage bins that would hold 50 tons each which they plan to cover and they plan to have two dumping hoppers that will fill these, those belts would be covered. The one out of here that goes up to the mixing plant itself will be covered where possible but so short pretty hard to cover them, but the dust of that part was not the kind of dust you see around these plants. Thinks they could show a few operations where they have done that in quite close quarters.

Mr. Hunter questioned comment made there would be no appreciable noise. Could he relate noise that would exist to anything that is common to them, could they talk easily standing next to it? Mr. DeWitt advised you talk easily except when the pulleys of the driers, if you were standing right beside them when they were loose, would not be able to talk, but did not believe could hear at edge of property through trees. Picture was taken in fall when leaves were off, and if you would walk in there now, if sun is not shining, would have a little apprehension about getting out again. Mr. Wickins advised this is not a winter operation either. Mr. DeWitt advised most of trees around perimeter are higher than plant will be. Mr. Hunter believed it was mentioned not more than 40' possible height? Mr. DeWitt might think 45'. Knows most of trees around edge taller than plant is.

Mr. Hunter asked him if they ever had complaints from operation have now on noise, smoke, dust, odor or anything the board concerned about here, on River Boulevard? Mr. DeWitt advised no. He did not know of any complaints. They have gotten along with the University in very good shape. They want to use that property, but there is absolutely no comparison with plant that will go here and that plant. Dust collection even in five years, in fact, they were looking at new plant like this last week, he was dumbfounded, did not think could run that clean all the time.

Mr. Hunter questioned, mention was made about State approval of plant etc. Does he assume mix and tolerances as to what State would approve and there fore could sell materials to them? Mr. DeWitt advised yes. Mr. Hunter questioned hot with plant itself? Mr. DeWitt said have to satisfy Department of Labor on safety, roads and entrances, etc. Mr. Wickins pointed out their customers are exclusively Towns, Cities and State as can be apparently gathered from their product.

Mr. Miller mentioned application here is for black top manufacturing plant. Thinks earlier Mr. Rosenbloom defined this as mixture of 80% stone, 15% sand and 5% filling. Is that what they would say definition of black top manufacture? Thinks black top is wrong, more pavement material. Mr. DeWitt thought practically the same; different name for different locality. Mr. Miller asked him if he would know from his experience definition of asphalt? Mr. DeWitt advised petroleum by-product. Mr. Miller questioned asphalt as we think in paving, is that black top here? Mr. Wickins advised under Zoning Law, in it prohibit Asphalt Manufacturing plant. Questioned can you explain an asphalt manufacturing plant. Asked Mr. DeWitt where they got their asphalt from. Mr. DeWitt advised from an oil refinery in Buffalo or sometimes

from Lyons where shipped in. Comes to them in tank trucks that look just like tank trucks that deliver gasoline and it is pumped into their tanks which they in turn pump it into scales where batch is processed. Mr. Hunter questioned you do not have to heat this asphalt? Mr. DeWitt advised yes. Mr. Hunter questioned and you maintain the tank you will use at a pre determined temperature? Mr. DeWitt advised yes. Mr. Hunter asked if they could tell them the temperature. Mr. Calhoun advised 270° Fahrenheit. Use an electric unit. It is automatically thermostatic controlled. Can put it at 270° all the time. Mr. Miller questioned, in other words, Asphalt used here is not manufactured, just component of batch materials? Mr. Wickins advised yes, about 5% asphalt, 85% stone, 15% sand. Very small percentage he would believe. Mr. Pfenninger questioned is this asphalt or oil, an asphalt oil? Mr. DeWitt advised it is not the asphalt like used to use on city streets, that was very dusty material, this would go back into solid if cold enough. Mr. Wickins advised it is a petroleum product. Mr. Pfenninger commented just like oil put on highway and put crushed stone on top. Mr. DeWitt agreed, essentially, except this solidifies must faster. It is not like comes in barrel, thing that comes in barrel is mined, not a petroleum product. Mr. Pfenninger commented over roads in Chili put oil on road and crushed stone, that is about same kind of thing they are going to use. Mr. Palermo questioned this is his plant? Mr. DeWitt told him yes. Mr. Wickins advised it is a petroleum product, not an oil.

Mr. Hunter advised those at hearing they would like to get on record those in favor of this application as well as those opposed. He inquired if there were any questions from those who have heard this application that might help clarify it.

Mr. Greco, 1611 Scottsville Road, adjacent to proposed plant. Advised gentleman mentioned Varsity Inn and 84 Lumber. Advised they have owned this property for last 25 years. This is all swamp land. As Mr. Rosenbloom mentioned, lot of foliage and he would like to have Mr. Rosenbloom pay taxes they pay on 28 acres of swamp next to Colprovia plant. To start, presented two letters, which wanted read. Also would like them to pay doctor bill for four kids. Talking about pollution, has degree in Bacteriology in Cornell. Have problem with Sewer Disposal, get odor at 4:30 from that, back up odor.

The two letters presented, one from Dr. Anderson and one from Dr. Gerbasi re asthmatic condition of children and the effect of the industrial plant on them read. These will be on file in the Town Clerk's Office.

Mr. Hunter inquired where his home was located. He was told it is south of this property, between railroad and this property. Mr. Greco advised it is considered swamp land, but they pay taxes. His in-laws have owned this for 25 years. Mrs. DiPascale, who owns the land, advised they built it 25 years. Sometimes want to stop and see children, who are not well, cannot get in driveway so many trucks on road, cannot get in there. Now how get in with these trucks. This new road just put in about two months ago, some other concern built a road in there about two weeks or three weeks, but then had to get out. She is concerned about traffic. Also Mr. Rosenbloom was saying next door to that plant on East River Road, do not get any complaints. Those students come and go, do not live there steady, if do go home with allergies, who knows. Another thing, their little children, said leaves do not turn on trees, leaves have no lungs, little children have lungs but leaves do not and do turn, another thing he said trees do not turn. Mr. Greco referred to the sewerage and Mrs. DiPascale said their children are sick from this. Mr. Pfenninger questioned did any of the family have these problems before they moved there. Mrs. DiPascale said no. It is lovely home and it is heartaching, and they have been spending money making it, worse there is a bog in there where this coming in right next door. Mr. Pfenninger questioned if they did not think about all the weeds growing

on adjoining property? Mr. Greco advised ragweed not problem. Mrs. DiPascale advised had them next to their property and they cut them down, have no more, do not think have too many around home. Mrs. Greco advised this was going to be very bad for her children and she lives in home and has allergies too. Knows how she feels when anything bothers her. They have never seen them in an attack, she knows how she has to rush down for medicine. They have read letters. These doctors best doctors in city. Her children cannot stand if place like that came in, where is she going to put her children. Have to get air conditioner, have to keep that house dust free. Mrs. DiPascale advised had new air conditioner at her house so boy can sleep, he sleeps sitting up all night. Mr. Pfenninger questioned what would they like built on that property. Mrs. Greco advised would not want this. Questioned did they have children with allergies? Her sister had her son over teakettle to keep him from passing out. Mrs. DiPascale advised she had one daughter that lived there that was very bad. Moved and is better. Mrs. Greco advised anything with odor, dust or anything. Has four children with it and herself, only one that does not have it is her husband, and maybe with that cough, he has. Mrs. DiPascale thought they can go out and buy property further in country.

Mr. DiPascale just wished to say one thing, the boys and girl all were born in same house. Other time there was that dump, that was very bad with all that smoke, dust, rats, all kind of bugs, and they the sucker. They pay high taxes over, around \$600. a year for one house and they say that is low land and swamp. Thinks pay high taxes for swamp, bog and everything else. He leaves it up to the fellows on Board, they know facts, the boys and girl all were born in same house over there and his daughter married in that house and he gave her that house. Boy got sick, pay doctor bills, they cannot afford them, he has to help them out. They know themselves you get dust plenty on trucks travelling in and out, how much dust they make and what they make.

Mr. Ikeman, 42 Remington, Brighton. Knew what had with dumps in Town of Brighton. Had to bring pressure and he has daughter still doctoring for asthma. Did not think they should have to stand still for this thing. As far as he can see, traffic problem today with RTP going in in fall. Traffic on Scottsville Road at 4:00 with train holding traffic back to Schianos, does not think this added traffic should be added and does not think should have to tolerate it on other side. His home is almost opposite this site, would say length of river plus quarter of mile. Mr. Pfenninger commented plus back in there, about 1/2 mile. He advised he was from West Brighton, did not believe they should have to tolerate that over there. Thinks more from West Brighton than from Chili there tonight. Does not think they should stand still for this, thinks they have Chili's sewerage plant and river gets swill in there, do not want any more of this over there please.

Robert C. Franke, 2020 East River Road advised have had long association with Town of Chili, his family too. Daughter at Ballantyne School, three families of tax payers. Just finished on Chili-Wheatland School Board, concerned with education in Brighton and Chili. Greatly disturbed about plant proposed because of depreciation to his property. Remembers dump very well and does not want to go through that again. Now disposal plant, on certain days get raw sewerage odor from disposal plant. Imagine that in this day of pollution. Knows raw sewerage goes into river from this disposal plant, sure one of the reasons Ontario Beach closed now. Another thing of this type in area, has travelled River Boulevard for 40 years, can recall days when necessary to turn on headlights to get through dust there and dirt in River Boulevard because of this plant, besides fighting traffic of plant. He left the University of Rochester in 1950 and knows University of Rochester had plant at that time and it will be the happiest day in the University of Rochester the day moves out. Speaking as parent, because has youngster riding Chili School bus, has been horrified sitting here tonight

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listening to amount of traffic added to Scottsville Road. If you take time to take traffic census you will agree it is most heavily travelled truck road in Monroe County, trucks come off overhead and when hit that open space proposed for this plant going 50 or 60 miles an hour. Can you imagine the trucks it is bringing and think of them funneling out at right angle and others coming down Scottsville Road at 50 and 60 miles an hour. You know what is happening at Varsity Inn now, cars collide with those coming over overhead. Can you imagine the traffic problem that will develop with trailer trucks in both directions, this is fantastic when you think of this amount of traffic on Scottsville Road. He cannot understand State allowing, agreeing to allow a driveway access to Scottsville Road in that location and as far as foliage, wonders what plant is going to look like in April and May and October after foliage is gone and before come in Spring. Will be an eyesore. Cannot imagine as individual this plant being noiseless, odorless or dustless.

Mr. Elner F. Anderson, 2000 East River Road wrote Town on July 22. Concurred with what Mr. Frank said. They suffered through this dump for a long time. Prevailing winds from west, any dust, noise or odors on west side of river are wafted their way. He was instrument in the dump situation and this proposal will have to be something else again. He is going to leave it up to good judgment of this Board as to whether going to interfere with residents on their side of river.

Mr. Robert Headley, 198 Penfield Road advised he was member of the Town Board of Town of Brighton. He advised Mr. Boniface was unable to be here and he was representing Town Board of Town of Brighton. Believed they had a letter from Mr. Boniface and he asked that letter be made part of record. (letter on file in Town Clerk's Office) As he understood testimony here as regards operation of plant, approximately 60 truck loads of material that will go into this plant every day, if 60 go in, 60 must go out. That is truck every 4 minutes which seems a lot of traffic not only for Scottsville Road but also for Town of Brighton and Ballantyne Bridge because surely a great deal will go over Ballantyne Bridge. You have heard Mr. Frank in regard to River Boulevard area. A couple of weeks ago went up River Boulevard and definitely smelt asphalt. Knew nothing about this then. Where he lives have opportunity almost three or four times week to come down past old Rochester Asphalt plant and there it is dusty and smelly. He can imagine joint smell of asphalt with sewerage, can imagine it. On behalf of Town Board of the Town of Brighton and residents directly opposite this, asks this application be denied.

Mr. Thomas Fink, Attorney representing Jack Friel, 1509 Scottsville Road, adjacent land owner, has 150' parcel of land. We are quite concerned about what is being built on this property. It is their feeling, and they came to this hearing with open mind as to application, that while many well intended promises made during a zoning hearing, Board can only act on an application and protect land owners, when has detailed plans in front of it. Seems to him would be problem in this case, before decision made by Board that the applicant file with the Board detailed plans showing where plant going to be, where bins going to be, describe plant and bins on plans, describing any buffer zone going to be created. Understands part of property for future development possibly. If going to be buffer zone, so set out so people can know whether proper protection for land owners. Makes this request, some submission be requested from applicant.

Mr. Wickins advised first of all on what Mr. Fink would propose, sometime in future further development. No present plans for it. Now none contemplated. But could not tell what might happen in 20-25 years. He might point out as far as traffic, is sure they know where present plant is located and traffic now going up and down Scottsville Road. Fact would be largely same, would increase to some extent, however not

not adding to traffic problem, because it is now direct route between Leroy and plant.

Mr. Fink advised to clarify, if application granted should be proper protection for adjoining land owners and does not see how could make such conditions in approval with what is before Board at present time.

Mr. Frank again spoke to the Board about the traffic that would be on Scottsville Road with this and the possibility of having entrance on Scottsville Road, and mentioned passing the plant on River Boulevard and the trouble the trucks had getting into the plant there, and the problem they would have getting into the entrance on Scottsville Road and tying traffic up worse on Scottsville Road than it is now.

Mrs. DiPascale mentioned go sometimes over to house and try to get out and do not get chance to get out on highway to go home and that is bad sitting in hot sun.

Mr. Miller addressed Mr. Rosenbloom that he made in his statement as a qualified real estate expert that he felt this would be an asset. He asked if he would like to elaborate on that. Mr. Rosenbloom replied he thought they have industrial area vacant now, not producing anything or anything of substantial nature either in revenues or jobs or anything else and he thinks that as long as have that land unproductive not doing area any good. Thinks this is good use for it. Thinks would serve other communities and certainly add to tax basis when talking in terms of over 1/4 million dollars. Talking about substantial investment. Thinks anybody in that phase of construction business is well aware of type of operation Mr. DeWitt has always maintained. His equipment, plants are first class. If ever see his trucks on road, clean and well kept, no neglected equipment. Think that type of operation should be welcome in that area, in industrial zone, not a prohibited use. Thinks should fit very nicely into that total area.

Mr. Frank asked would they describe Zone A. Mr. Hunter read from Code advising what industrial district is, and read the 31 uses allowed, and the list of items prohibited.

Mr. John Brady, 1972 East River Road advised he is right across river. Thinks worst thing ever happened in neighborhood. Very much opposed.

The Board was advised even their Town of Brighton is opposed.

On question of Mr. Hunter, no one appeared in favor of this application.

DECISION: Reserved until such time as detailed plans and specifications to scale are presented to the Board for study, together with plot plans.

#6. Application of Dr. William Harris, 20 Lee Gardens, Apt. 12, for approval to renew variance to use two-bedroom apartment as a dental office, hours: Monday through Friday 9:00 A.M. to 6:00 P.M. Saturday 9:00 A.M. to 1:00 P.M., limited to one chair. Also to renew variance for an unlighted sign, not larger than 6' x 24".

Dr. Harris appeared before the Board. On question of Mr. Hunter he advised he had been there for five years. Mr. Hunter questioned if there had been any complaints. Dr. Harris advised no, because of nature of the office, being not there on weekends and not there in evenings. Some neighbors have never seen. Not too many external evidences of it, one additional car at most in parking area, being only one chair, use only one parking space. Never had any complaint through him or through Mr. Halperin.

Zoning Board of Appeals

July 25, 1967

On question of Mr. Hunter if any one present 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 reapply for renewal, or for as long as Dr. Harris operates the office, whichever is the sooner.

The Board unanimous agreed on the following procedure for the Zoning Board. In the case of postponement of a hearing at the request of an applicant, the first postponement is without extra fee. The second postponement at the applicant's request, the applicant will be charged another fee of \$7.50.

The minutes of the previous hearing were approved as submitted.

Patricia D. Slack
Secretary.

MINUTES
 ZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
 August 15, 1967.

The Public Hearing was called to order at 8:00 P.M. by Mr. Robert Hunter, Chairman. Roll call found the following members of the Board present:

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

Also present: Mr. Daniel Miller, Deputy Town Attorney
 Mr. John Burchill, Director of Public Works

#1. Application of Leonard Campbell, 7 Evergreen Drive, for approval to erect a structure 10' x 20' in which to shelter a car, to the property line, in E zone.

Mr. Campbell appeared before the Board and presented a sketch showing what he wished to do, and drew another sketch showing the size of the lot, how house located on it and also swimming pool and tennis court. The lot is 125' x 185' deep, believed house setback approximately 90'; width of house is 40' and it is 10' from one lot line right now and 75' from the other side, and he proposed to put garage to come to the lot line, a 20' deep garage, would come approximately to the back of the house, which is 26' deep. Proposed a single car garage, distance between proposed garage to neighbor's house is 23½'. He has his garage on the other side of his house. Reason wants garage in this location and not in back, has no room, has pool and tennis court and cannot put it any other place because on corner.

Mr. Hunter questioned the age of the neighborhood. Campbell believed it started five years. His house is not a new house, but was moved there about five years ago, house was built without garage originally. Mrs. Tanger questioned how far the swimming pool was from back of house and was advised about 10'. Mrs. Tanger questioned there would be room to put garage between house and pool? Mr. Campbell advised his living room is there.

Mr. Fraser questioned on other side of house where he has 75', why could he not put it there. Mr. Campbell advised he has a porch there. Mr. Fraser questioned size of porch and was advised about 7' wide, out from house, believed was 90' from Brentwood too. Mr. Fraser questioned if the porch entrance into living room and was told goes into one of the bedrooms, he explained the layout of the rooms inside the house. Mr. Miller questioned how old the house was and was told it was moved to this site five years ago, the house is about 50 years old. Mr. Miller questioned why could not be put on side with 75' and was told because of porch and bedrooms. Mr. Miller questioned putting it in back of the house and was told 10' between tennis court and house, 2' from tennis court to back edge of property, he is now parking automobile in driveway which was there and that goes along the property line. Advised in front of house was kitchen and dining room. Mr. Pfenninger did not believe he could be allowed to build right on the property line. Mr. Fraser asked if he had approached his neighbor to buy additional property from him. Mr. Campbell did not want to infringe on him if possible. Mr. Pfenninger questioned the material the garage is proposed to be built of and Mr. Campbell advised wood, same as house. Mr. Fraser felt could create some difficulty if he sold his property or the neighbor did. Mr. Campbell thought the neighbor might give a foot or so. Mrs. Tanger questioned the blacktopping of the driveway and Mr. Campbell advised he had done it, the driveway was in but was just gravel. Mrs. Tanger felt this created a problem already. Mr. Fraser questioned the size of his neighbor's lot and the neighbor who was present advised 90' x 180'.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

TOWN OF CHILI—ZONING BOARD OF APPEALS LEGAL NOTICE

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 Office, 3235 Chili Avenue, Rochester, N.Y. 14624, on August 13, 1967 at 8:00 P.M. to consider the following applications:

1. Application of Leonard Campbell, 7 Franklyn Drive, for approval to erect a structure 10' x 20' in which to shelter a car, to the property line E. zone.
2. Application of Robert Kallier, 21 Fair Oaks Drive, E. Rochester, for approval of 40' front setback on lots 1, 2, 3 and 4 of Kallier's Subdivision, located off Penton Road, D District.
3. Application of The Diocese of Rochester, 50 Chestnut Street, for approval of construction and use of land at 261 Union Street, for a church, school, rectory, convent and incidental facilities used in connection therewith, land consisting of approx. 17 acres, E zone.
4. Application of Motel Oil Corp., 675 Brooks Avenue, for approval to rebuild an existing service station at Buffalo Road and Cotton Street, Part of Account No. 50, John Smith Allotment, and also approval to erect a 12' talling Motel sign, base of pole of Post Buffalo Road at Union Street, B. district.
5. Application of Roberts Wesleyan College, N. Chili, N.Y., for approval to erect a four story dormitory in E zone on the campus of Roberts Wesleyan College, corner of Westside Drive and Orchard Street, approximately 20' in height, which includes penthouse.

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

Form No.

DL-11-AUG 4-T.U.

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:

August 4, 1967

Eleanor E. Williams

Sworn before me this 4th day of August 1967

Clifford E. Swope

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

August 15, 1967

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

DECISION: Unanimously denied.

#2. Application of Robert Kelleher, 21 Fair Oaks Drive, E. Rochester, for approval of 50' front setback on lots 1, 2, 3 and 4 of Knollwood Subdivision, located off Fenton Road, D District.

Mr. Kelleher appeared. He presented maps of the subdivision and pointed out the lots in question. They are relatively shallow lots, 120', square footage is O.K., most of houses run 24' to 33' deep which creates back yard problem. Would, if possible, like to get 50' setbacks and acquire extra 10' in back yard. All heavily treed. He advised there was a ranch house across the way. This is a brand new subdivision and he would comply with every other condition of the code. Would like to maintain the setback, but variance would be better for people. He pointed out the spur road to property in the rear for future development. He advised back of these lots were established homes. The lot on the other side of the street is about 90' from right of way, way beyond 60' setback. On question of Mr. Hunter he advised this whole subdivision is D residential, but are not building it as D residential.

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

DECISION: Unanimously granted.

#3. Application of The Diocese of Rochester, 50 Chestnut Street, for approval of construction on and use of land at 3361 Union Street, for a church, school, rectory, convent and incidental facilities used in connection therewith, land consisting of approx. 17 acres. EE zone.

Mr. Shearer, Attorney for the Diocese of Rochester appeared before the Board. He advised this application is to use this property which is located on corner of Union Street and King Road eventually for the construction of a new Catholic Parish in the Town of Chili. Have made contact with owner to buy property subject to getting special permit required under terms of the Town's Zoning Ordinance for EE District. Believe only condition would be sufficient off street parking and of course with 17 acres plenty of room.

As far as plans as to its development and building, etc. it is premature to be able to state that at this time because probably will be some time before Church is actually organized and buildings erected. Father Dailey is here tonight, Executive Pastor of Diocese of Rochester, and he can tell you in more detail what plans are and when will be constructed, etc.

Father Dailey appeared before the Board and advised to attempt to detail any plans at this time is difficult because do not know. Say within two years will have hopefully a parish to take care of increased population out here. Will consist of Church, parking, Rectory and some sort of catechetical center, no school. Basically that is it. There will be three buildings, but do not know just where will be located. Would obviously meet Town's requirements as to location, setbacks, etc. Biggest problem is always parking.

Mr. Hunter felt difficult for Board to assess plan without plot plans to show where buildings proposed and parking in relation to them, they are asking for general thing which is difficult to rule upon. Mr. Shearer felt what they are asking for is that the use will be permitted subject to their furnishing proper plot plans when apply for building permits. All ask for is Board to permit use subject to them furnishing plans as to buildings at the time ready to formulate. Way they do this, Diocese appoints pastor, then he organizes parish and then he formulates plans as

to what he wants. Pastor will not be appointed until about two years, so cannot give anything definite. All want is use permitted subject to them furnishing proper plans at the time buildings are about to be constructed. Mr. Miller felt assuming Board granted this, would not see why could not be granted provided meets with code in effect at the time, hypothetically if Town made any changes, then would have to comply with code in effect at that time when ready to build. Mr. Shearer felt this provision in ordinance is a little unusual where require special permit for Church. Quoted a case or ruling in Court of Appeals in one decision in Brighton, held denial was abuse and discretion. Most ordinances allow church as matter of right. Mr. Miller felt our Ordinance predates that decision.

Mr. Hunter thought not trying to make any decision on case, trying to look at evidence on which to pass. Mr. Shearer suggested simply grant right to use it, subject to granting proper plans at the time to comply with codes at that time be submitted. All they want now is use so can buy land.

Mr. Palermo questioned you say three buildings, four in application. Father Dailey advised they mentioned school. Mr. Shearer advised there will be no school, other than catechetical school. Father Dailey advised talking about Church, Rectory, building to catechize in. Mr. Palermo remarked can be safe in saying will be three buildings. Mr. Hunter remarked cannot tell what it will be subject to later. Mr. Miller questioned this reflects new thing on part of Diocese? Father Dailey advised no, have not been building any new schools lately. This is present policy not to have any schools. Mr. Shearer advised they are unable to staff them.

On question of Mr. Hunter if any one present at the hearing in favor of this application or opposed to it, Mr. George Noeth, 28 Hubbard Drive thought would be great asset, in need of Church and would like to go on record being in favor of the new parish.

No one appeared in opposition.

DECISION: Unanimously granted. At the time of construction plot plan and building plan to be submitted to and approved by the Zoning Board of the Town of Chili and must conform to all building and zoning codes in effect at that time. This variance is void if a building permit is not issued within a period of three years of the date of variance. However, if a building permit is not obtained within the three year period, the applicant may reapply.

#4. Application of Mobil Oil Corp., 675 Brooks Avenue for approval to rebuild an existing service station at Buffalo Road and Union Street, part of Lot No. 70, John Smith Allotment, and also approval to erect a 12' rotating Mobil sign, base of pole 6' from Buffalo Road at Union Street. B district.

Mr. Ralph Wickins, Attorney appeared before the Board. He advised there is at present at the southeast corner of Buffalo Road and Union Street an existing gas station and their records indicate this gas station was there prior to 1928. Thinks they all know the gas station and they feel it is time it was improved. What they propose to do is tear it down and erect a modern colonial type gas station that they feel will be an asset to that neighborhood and that corner. The Company has selected colonial type because feel blends in with that location, will be something that has not been erected in Western New York, as far as he knows, feel will be an asset. Have acquired addition land and front of proposed gas station will be approximately where back is now, which again he thinks will be of great advantage. Without saying any more would like to call on Mr. Woodhouse, who has plans and specifications which speak for themselves.

Zoning Board of Appeals

August 15, 1967

Mr. W. M. Woodhouse, District Field Manager for Mobil Oil Corp. appeared before the Board. Advised has been employed in that capacity for some twenty seven years, with a total of thirty five years engineering experience in the construction field. It is a pleasure for him to have an opportunity to discuss the engineering and aesthetic details of their proposed project with the Board because he is very happy and pleased with it, very proud of effort their company is making to do this and without boring them or using too much of their time would like to give them a little background on reasons for it, things they propose to do. Will go back to end of World War II when service station was something like a shoe box and white and nobody's name in front of it. Glaring lights, distracting public, motorists, neighbors. Was not what we would like to think about today as a service station. But since then Mobil Oil Corp. has spent a great deal of time and money and researching design. Design a necessity and the reasons why a service station can be a thing of pleasure rather than an eyesore. The building they propose is the end result of this research, it is the most expensive building in their repertoire and it came to him on Friday of last week, that is how new it is. In fact their plot plan was originally drawn for another building and they obviously delayed this as much as possible to have this building. Part of research he spoke of deals with the selection of a building which will be compatible with the community and not just another white shining shoe box. Might tell you we have at this time some 17 buildings based on five basic floor plans from which we can select a building which feel will blend with the community to the best advantage and this is what they have done. He can also assure that this project, if approved, will involve greatest capital outlay in dollars and cents that this Company has made in Western New York State in his experience. He can back that up with figures, contracts, and is sure that the end result will be an asset to the community and will be profitable for their company and he is sure they are all acquainted with the existing plant and is sure they all feel it is obsolete as far as a service station is concerned. They feel one difficulty in maintaining dealers in this location is because of its obsolescence. This plan will overcome that, and in every case where we have gone into a project of this kind have without a single instance of failure. We have taken a location which may not have been productive in the past and made it productive. Also assures them that when our company elects to spend something in the neighborhood of \$80,000 on a project of this kind, exclusive of any land cost, more than one mind gets into the act, case of two heads being better than one. This goes on and on and a great many people look at these before they are approved. Feels this is one of reasons they have been successful in doing what are doing in Western New York State particularly.

Building will be two bay service station containing a sales room, a utility room for storage for material used and sold and rest rooms. All four exterior walls brick, soft red, pink mixture, the roof will be a neutral asphalt shingle and the building design, while again does not want to waste their time, design is specifically suited to a corner where you have something closer than 90° interior angle so that the dealer can observe both islands without difficulty. Will have the illumination they have been using in last four to five years, which consists of fluorescent illumination and fixture which comes off a 16' pole and is directed downward, not out, up, but down and that is used to light approaches to show motorist way without throwing it in direction to distract motorist and neighbors. Old method of lighting building was flood lights on top of pole shining on place, result was light went every place else and disturbed a lot of people. This will have fluorescent tubing such as in pictures he pointed out, under the eaves of the gables and the front eaves and that light will be directed downward, you will not see it from street, from neighbors, it will simply wash face of building and light sources will not be seen. This does not mean you will not see it from some angle, but generally speaking that is illumination for building.

The property will be blacktopped as you see on plot plan with a blacktop

curbing around east and south side to prevent water going on neighboring property. Will plant total of 80 odd upright Japanese Yew trees of 3' to 4+1/2' height along south and east property lines to effect screen fence which will be natural screening fence without the harsh object of standard fencing. The south part of property will be left intact, trees will not be cut and it will have effect of woodsy atmosphere and blend in with adjacent park neighborhood. Drainage is taken care of adequately to satisfaction of New York State Highway Department and they feel into this property will be an admirable addition to the community. He thanked the Board for their attention and would answer any questions they had.

Mr. Wickins questioned, it is proposed this just will be a service station and no tearing down of cars or anything of that nature, no juggling cars around? Mr. Woodhouse was sure that is correct, but his province is building station and not operating it. Thinks Mr. Haran can answer that question better than he.

Mr. Hunter questioned how do they plan to handle trash. Mr. Woodhouse advised built in trash enclosure, intrical part of building. Mr. Miller questioned flourescent lights exclusively so shine down on building? Mr. Woodhouse advised under the gable and overhang and lights will be under it and shining down and not up, but not in the back. Mr. Hunter questioned will have poles? Mr. Woodhouse advised will have two poles, on each road to light approaches. Mr. Hunter questioned, mentioned purchased additional property, what part is that property? Mr. Woodhouse advised survey shows that much better than he can explain it. It was shown to Board and pointed out, Mr. Woodhouse pointed out the south boundary line of the property which they have occupied and used to date and what represents the existing building which will be torn down, then he pointed out the additional property. Mr. Pfenninger questioned how far is their property line from back of building now? Mr. Woodhouse advised roughly 4', very close. With additional property they can move new building back, move pump island back and completely redesign approaches and safety island, this has been done and State of New York Department of Public Works has approved. Mr. Wickins explained front of new building will be just about where back of existing building is. Mr. Woodhouse advised present pump island on Buffalo Road is only 9' from property line, new will be 20' from property line in both cases. Everything moved back to give better ingress and egress and movability in property. Much larger safety island at corner than at present. Mr. Pfenninger pointed out quite a lot of land from east to next property land. Small dwelling on east of property, pointed it out on map. Mr. Woodhouse thought would be approximately 40' from property. Property line was pointed out on maps and where trees are going to be planted. Mr. Fraser questioned if going to have grass in the building area. Was told no black top which would be neater. Mr. Burchill questioned a pipe for the drainage which was explained to him and he was advised State of New York has issued permit.

Mr. Hunter questioned lighting in back. Mr. Woodhouse advised nothing in the back itself, nothing back in there at all.

Mr. John Haran, Real Estate Representative of the Company appeared before the Board. Advised had been with them for twenty seven years. Advised have been on this corner since early twenties, and their records go back to 1928, in one building, office and pump island in front of building. Been operating continuously, very likely oldest location in Town. It has been a profitable site for them over the years, that is why stayed there that length of time. In 1953 they put on two lube bays, but that is substantially the only improvement made in forty some years out there. Reason have not done anything up to this time because did not have sufficient land to plan and build for future years. Not doing too badly until about 1961 State came in and put in asphalt curbs in around front of building, gave very poor egress and ingress problems with result motorists had difficulty getting to island. From that time on did have dealer problems. Are hoping can build new service station with proper ingress and egress to be profitable for dealer and themselves. Mr. Hunter questioned was it true did not intend to use as repair station? Mr. Haran advised do intend to use as a repair if enough volume. They cannot control it, cannot tell dealer what they can or cannot do. If Town says cannot do painting and body repairs in a service station, they are not unhappy with this, but they cannot tell the dealer what he can or cannot do, but do not want these in. Minor repair is good, tune up and minor adjustments, switching tires, wheel balancing, most frequent repairs are good business, but other is not good business. Are strictly for service station dealers, that is what they recommend and train and teach people in their service school. Mr. Wickins advised he did know this company runs school for operators before put operator in. Mr. Haran advised man goes for at least four weeks course or more. Basic principal, how to lubricate, do minor services. In turn they have advanced courses, such as electrical repairs, tech bookkeeping, how to control his money.

Mr. Fraser questioned you do not tell your dealers what to do, but is there something in his restrictions that limit number of vehicles he might have parked around premises? As he knows, see many with dozen or so run off to side of station. For most part have not had this condition. Mr. Haran advised do not have because very strong point in

Zoning Board of Appeals

August 15, 1967

their operation, in turn train dealer when going to school not good idea to have unlicensed vehicles or junk cars around service station, do not try to get that much land so can store cars, try to keep this down. Salesmen as they make calls look for it, some gets by, but they are fighting it all the time, as try to explain to dealer. Try to teach them this is poor business, and to sell any cars, will not make the money, he thinks having a junk car around the place. Mr. Pfenninger questioned if they would sell cars and Mr. Haran advised for a number of years have been very strong against it every time. Also stress clean rest rooms. Mr. Fraser questioned they are unable to restrict it? Mr. Haran advised cannot restrict it, Government watches them, have to be real careful, but they can talk. Mr. Palermo questioned how far do they go before releasing operator. Mr. Haran advised if you keep talking about it long enough he does not want to. They would be very glad to have operator to run Town's type of operation. In most cases they say those fellows are not doing business. Mr. Palermo asked if they have a contract and Mr. Haran advised have lease and contract.

Mr. Miller questioned back of curb line, going to leave grass as well as trees in this area? Mr. Haran advised using plans, think going to be left, be curb into here. Mr. Miller questioned going to make a little park like? Mr. Woodhouse advised that is right and edge of Japanese Yews. Mr. Miller questioned, said station built on colonial design, what are pumps going to be? Mr. Woodhouse advised standard gasoline pump with design new, same as any stations, they are latest design, more efficient. Gas pumps will not be colonialized. Mr. Palermo questioned similar to pump on Lyell Road and Spencerport Road type? Was told same thing. Mr. Burchill questioned something on the island and was advised small thing to hold oil, etc and air.

Mr. Wickins would like to point out that the fact this is a pre existing use, necessary to get variance for change of location, etc. but does think would be better to tear old building down, put in new building that will be attractive, help the corner and help tax rate of Town.

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

Mr. Miller asked if on side of building two 4' diameter white disks with red horses on it, illuminated internally with fluorescent tubing, do they create any light? Was advised no, bottom is approximately 4' off the ground they will be on the station.

DECISION: Unanimously granted as per plans and specifications submitted with the following stipulations:

1. Absolutely no automobile body work, painting, welding or major repairing.
2. No outside storage of vehicles.
3. No selling of automobiles on the premises.

#5. Application of Roberts Wesleyan College, N. Chili, N.Y. for approval to erect a four story dormitory in E zone on the campus of Roberts Wesleyan College, corner of Westside Drive and Orchard Street, approximately 40' in height, which includes penthouse.

Mr. William F. Brunk, Vice President for Development of Roberts Wesleyan College appeared before the Board. Advised what they are suggesting is more favorable than what have had on land, and have removed from Town trailer park, they are all gone and barracks all gone, land cleared and what they want to build is tremendous improvement. Was not sure at what stage this comes to Board and what Board needs from them, was just asked to come over and answer questions. Kind of structure is for private residence or apartments for single resident students. They have of course had it very carefully designed and attempted to meet standards of State in terms of safety, etc. and talked with local fire departments to find

out if their equipment would be suitable. Mr. Burchill presented plans that Mr. Davis had of the structure which were studied by the Board and explained by Mr. Brunk. He advised location is a long way from corner, they are building next to this a dining center for which it is not necessary to get a variance, it is one story. Problem here is that it is a four story building, felt there was about a 90' setback. Rough dimensions 70' square, it is square and not square, outer perimeter would be square. 40' includes penthouse, two stairways in building and New York State Code requires covering of stair tower on roof, it goes above height of roof and 40' is to top of that and building itself is 6' or 7' lower than this. Mr. Fraser questioned not any problem with Fire Department in that area. Mr. Brunk advised have dormitory which is approximately 10' higher than this. Carpenter Hall building is four story, but higher ceiling. Mr. Hunter questioned eventually thought to build more dorms? Mr. Brunk did not know. At this time wish to improve this area in terms of lawn, have enough land on campus so do not need to crowd, prefer to keep all buildings away from road to keep aesthetic value. Have lots of land.

Mr. Miller questioned how many people sleeping on each floor. Mr. Brunk thought between 30 and 35, total occupancy is to be 149 sleeping. He was asked if male dormitory or female and advised neither, just dormitory.

The plans were studied by the Board and Mr. Miller again questioned the feeling of the local Fire Department. Mr. Brunk again advised no problem, they are happy they are building it this size. Mr. Miller questioned how it was going to be heated. Was told hot water baseboard heat, gas heated, no heating plant in this building, will be in building adjoining, dining center, it is underground.

Mr. Miller questioned he was away of deaths in Ithica and Cornell, what caused those, they would not be in this building? Mr. Brunk listed the reasons. They are not planning them in. Are trying to avoid them. New dorms over there now could build barn fire in living room and it could just burn itself out. These going to be solid concrete block all way through, nothing combustible in terms of structure. Heavy casing around doors and steel, floors are concrete, so no combustible items according to structure.

On question of Mr. Hunter if any one present at the hearing in favor of this application, Mr. Neil Cramer, 79 Hubbard Drive spoke in favor of this application. No one appeared in opposition to it.

DECISION: Unanimously granted. The Zoning Board recommends some type of living fence between the highway and the parking in the front of the building.

The Public Hearing was closed at 9:30 P.M.

Mr. Raymond E. Pfenniger appeared informally before the board and advised he had combined two lots on Morrison Avenue into one but would like a front setback variance to conform with existing homes in the neighborhood. Had applied too late for this meeting but would like the feeling of the Board so could do some preliminary work on the house he hoped to build on the site. The Board advised they could not officially grant it this evening, but did look at it with favor, but he would have to officially appear at the September meeting.

Patricia D. Slack
Secretary

MINUTES

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

September 26, 1967

The Public Hearing was called to order at 8:00 P.M. by Mr. Hunter, Chairman. Roll call found the following members of the Board present:

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

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

- #1. Application of Raymond E. Pfenninger, 29 Fernwood Ave., for approval to build a house on lots 5 and 6 Block D, Morrison Avenue with front setback in line with existing houses. D zone.

Mr. Pfenninger appeared before the Board. He wished a variance to build the house in line with rest of homes there. Map of two lots were shown to the board and plans of house he wishes to erect. Mr. Hunter questioned he planned to take two existing lots, make them into one lot and build on it? He was advised yes. Mr. Pfenninger explained the houses on each, on one side the house has protruding porch, his will be in line with this one, it is between 45' and 50' setback (this was later understood to be from road, not from lot line); on front of house is 4' porch so it is 4' overhang at front of house or front of porch. He was advised it is foundation that should be measured. He advised board he is building house and garage. He felt would have no problem conforming with all the other zoning requirements.

On question of Mr. Hunter if any one present in favor of or opposed to this application, no one appeared in opposition. Mr. Marchioni, 21 Alfred Avenue spoke in favor of this application.

DECISION: Application granted with the following vote: Mr. Hunter aye, Mr. VanSlyke aye, Mrs. Tanger aye, Mr. Fraser aye, Mr. Palermo aye, Mr. Pfenninger abstain.

- #2. Application of Roberts Wesleyan College, N. Chili, N.Y. for approval of a trailer in rear of lot at 65 Orchard Street for occupancy of an employee of the college, Jay Clark, who college is committed to house. D zone.

Mr. James Rudolph, Business Manager and Treasurer of Roberts Wesleyan College appeared before the board. He advised it is his responsibility to furnish housing for faculty and staff and married students connected with college family and several years ago it became a necessity to house their married students in a group of six barracks and one by one came along and asked if could park trailers, so had 20 or more at one time or other. Are in process of building two buildings, it became necessary to do something that many people were hoping would come to pass for sometime and that is doing away with unsightly barracks and trailers. So it is his happy assignment, when things came to pass in May to give notice that these people must vacate property and to arrange for elimination of final three of six barracks there. Happy to see barracks gone and trailers eliminated with exception of two which belong to present contractor. These trailers numbered some 20, belonged entirely to individual married students with exception of one, and this is one college taken over and used this trailer to house the custodian of library and custodian is an elderly semi retired former pastor, he and his wife. They looked over the college property and felt the most practical place for this was the rear of 65 Orchard Street. So they did this and

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 Office, 3255 Chili Avenue, Rochester, New York 14624, on September 26, 1967 at 8:00 P.M. to consider the following applications:

- 1. Application of Raymond E. Pfenniger, 29 Fernwood Ave., for approval to build a house on lots 5 and 6 Block D, Morrison Avenue with front setback in line with existing houses. D zone.
2. Application of Roberts Wesleyan College, N. Chili, N.Y., for approval of a trailer in rear lot at 65 Orchard Street for occupancy of an employee of the college. Jay Clark, who college is committed to house. D zone.
3. Application of Dario Marchioni, 23 Alfred Avenue, for approval to build a house on lots 1A and 1B Alfred Avenue in line with existing houses on Alfred Avenue (40' setback). D zone.
4. Application of Lawrence Scholand, 108 Elmwood Avenue for approval to build a house on portion of 889 Chili Scottsville Road, lot to be 3800 sq. ft. 29.47' x 271.50'. House to be 30' from rear lot line and 60' from front line, facing on Humphrey Road. EE zone.
5. Application of Fatsy Pihata, 149 Longview Drive, W. Webster, N.Y., for approval to erect a brick entrance and sign to Dortmund Subdivision (off Chili Avenue near Amanda Drive), to be as close to road as acceptable, to be 11' high x 4' or 4' long, 11 1/2' to be 4' x 7' approx. Residential zone.
6. Application of Henry Versling, 40 Lehigh Drive, for approval to build a garage 7' to north side lot line at 40 Lehigh Drive. D zone.
7. Application of Donald L. Roy, 25 West Camus Drive, for approval to build a garage 57' from front lot line. E zone.
8. Application of Regal Homes, Inc., 181 Powers Bldg., for approval to permit existing house and garage to remain on lot at 1907 Westside Drive, with a 44.75' front setback. B zone.
9. Further hearing on application of Leroy Colprovia Pavements, Inc., 612 River Boulevard, Rochester, N.Y., for approval to erect a black top manufacturing plant on the rear of property on Scottsville Road, consisting of 23 acres, part of Tax Acct. 1157, approximately 300' from Scottsville Rd., near 1600 Scottsville Road. A zone.
10. Application of Robert Nudd, 66 Yolanda Drive, for approval to build in addition to existing garage at 66 Yolanda Drive, 1' to north side lot line. D 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.

DK-11-Sept. 18-T.U.

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:

September 18, 1967

Eleanor E. Williams

Sworn before me this 18th day of September 19 67

Clifford E. Swage Notary Public

Notary Public, State of New York, No. 12345

almost immediately applied to Board for permission to leave it there. He might say, this is temporary basis, do not plan to stay in trailer business, but seemed to be no other answer and fact committed for housing him and he is a valued and very much appreciated and loved employee of college and his wife has been extremely ill and was operated on and has been since applied for variance and is at death's door and one reason wanted it there so would be near people who could aid in case of emergency needs. Before took trailer in there on temporary basis, contacted immediate neighbor to north and south and they both gave their permission for this. Property owned by college and home there in front used for faculty house. Trailer put on lot in back of faculty house, in middle of lot, on both sides, north end and side have tall shrubs that hide trailer and back of lot extends to cemetery, tall row of pines and doubt very few people know it is there. Pretty well hidden. They would like to ask permission to leave this trailer here. Mr. Hunter advised time would concern the Board and questioned what they were thinking of. Asked if this gentleman and wife have been living in this trailer where it was before? Mr. Rudolph advised yes. Mr. Hunter questioned the facilities, and was advised they had them all. On the time element Mr. Rudolph advised they do not plan when they are through with it to pass it on to someone else, it is their plan they can have trailer when they leave. They are in their seventies and he really had not come prepared in his mind of time involved, time he could not say. Mr. Hunter questioned could not anticipate their moving even if house becomes available? Mr. Rudolph thought probably not. This is such an ideal situation that they would like to think they could stay there for an indefinite period. Mr. Hunter did not think Board would give this, would guess would put some time length or limit if approved it. If they did do this they could reapply for permission to extend it.

Mr. Fraser questioned the property adjoining the lot this trailer is on, these are privately owned homes on either side of this lot? Mr. Rudolph advised rear is an extension of theirs, to the south college owned home they are leasing on annuity basis, and on other side is her sister, both Worbois, both very willing to allow this. In fact it has helped to take care of property and improve appearance of it because of care Mr. Clark has given it. If any of them are in their library know of his immaculate care and his immaculate type of housekeeping that will be done here.

Mr. Miller questioned how long building in front used as an office. Mr. Rudolph advised he had only been here 15 months, did not know how long and on question advised had been used prior to his coming there.

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

DECISION: Application unanimously granted for a period of one year, with the right to reapply for a renewal.

#3. Application of Dario Marchioni, 21 Alfred Avenue, for approval to build a house on lots 14 and 15 (Block G) Alfred Avenue in line with existing homes on Alfred Avenue (40' setback). D zone.

Mr. Marchioni appeared. He pointed out on map of the Riverdale Section the lots in question. Mr. Hunter questioned he was combining two lots, making one lot 100' x 120'? Mr. Marchioni advised yes, right next door to his own, will be building same house as his own. On question advised was asking for a 40' setback which would be in line with the other houses. Mr. Hunter questioned how deep a home. Mr. Marchioni advised 26'28 with garage, garage will be part of building. Will meet zoning code in every other way, side line and rear setbacks. Mr. VanSlyke questioned how large is garage and was advised depending on customer, it is being built for sale, but garage will be included with house.

Zoning Board of Appeals

September 26, 1967

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

DECISION: Application unanimously approved.

#4. Application of Lawrence Scholand, 108 Elmdorf Avenue, for approval to build a house on portion of 660 Chili-Scottsville Road, lot to be 380.02' x 279.45' x 257.50', house to be 70' from rear lot line and 60' from front line, facing on Humphrey Road. EE zone.

Mrs. Scholand appeared before the Board. Map of property in question with sketch of house to be erected and where placed on lot presented to the Board for study. It was explained it is a triangular piece of land and they need a variance as should be 90' from rear lot line. They only have 70'. The reason for this is because of it being a triangular piece of land. There is nothing in back of them around there. Mr. Davis advised alongside it is another farm. Mr. Hunter questioned if they had given any thought to placing the home further to the front. The way they have it will minimize the back yard. Mrs. Scholand advised this is the way they want it, nothing over there but another farm. Her father-in-law owns all that, it is his farm, they are getting end piece. Have considered moving it, but this seems to be best way. It is just an odd piece of land. Mr. Palermo questioned if it was right in center of farm. Mrs. Scholand advised it is just the end piece of his farm, it will square off what is left.

Mr. Cerrulli, 535 Powers Building, one of owners of golf course across the street came forward, advised is not objecting to it, but wanted to see what was going to be there. Mrs. Scholand pointed out that their home would be on Humphrey Road and pointed out where they were planning to build. Mr. Cerrulli advised was trying to locate the property in relation to his land. It was pointed out to him on his over all map.

On question if any one present in favor of this application or opposed to it, Mr. Cerrulli spoke in favor of the application, no one appeared in opposition.

DECISION: Approval unanimously granted.

#5. Application of Patsy Pilato, 169 Longview Drive, West Webster, N.Y. for approval to erect a brick entrance and sign to Dortmund Subdivision, (off Chili Avenue near Amanda Drive), to be as close to road as is acceptable, to be $3\frac{1}{2}' \times$ ^{align} 4' or 5' long, sign to be 4' x 7' approx. Residential zone.

Mr. Pilato and Mr. Cordella, 127 Farley Drive appeared before the Board. Mr. Pilato wished to erect one of brick about 6' x 2½', there will be just one. He drew a sketch of what he wished for the Board. Pointed out what part would be brick, wished it about 6' x 2' and temporary sign up, for about 3 months at most. Thought foundation would stay there. It would be wooden sign, advertising homes, would take it down after selling all houses, would put it on whatever property Board wished, have 60' roadway, felt would not have room to put it on their own property. Road would go off from Chili Avenue and circle along where homes would be, wished sign as close to Chili Avenue as can so people will see it. Mr. Hunter questioned if they owned property where wished sign and was advised just right of way. Mr. Pilato thought about 60'. Discussion had of whether to put in a brick foundation and sign or just a nice sign up there, and the problem of not having enough room on their own property. On question advised have 14 homes to be built in the tract, would like to have them all sold within year.

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

DECISION: Approval unanimously granted to erect a sign and base, which sign and base to be removed upon completion of tract and prior to dedication of road, or within two years, whichever is sooner, with the right to reapply for a renewal of the variance. This variance is granted contingent on plans of proposed sign and base to be presented to and approved by the Chairman of the Zoning Board of Appeals, the Director of Public Works and the Superintendent of Building. The sign and base to be erected and placed under the direction of the Director of Public Works and Superintendent of Building.

- #6. Application of Henry Versluys, 40 Jensen Drive, for approval to build a garage 7' to South side lot line at 40 Jensen Drive, D zone.

Mr. Versluys appeared before the Board and presented a sketch of what he would like to do, would like to build free standing garage 16' wide by 22' long. Lot have now is 80' wide and house 40' and one lot line 8'9". Understand have to have between house and garage 8' which would leave about 7.1' from lot line. Mr. Davis advised unattached garage has to be 8' from house, the nearest distance. Mr. Versluys advised there are homes on either side and distance of nearest house approximately the same 7' from this lot line. Has garage on this lot line, very close to lot line. Other within zoning code. Mr. Davis explained at one time required 10% of width of lot, were built about 1952. Mr. Hunter inquired so reasonably common in this neighborhood to have this distance to lot line? He was advised yes. Mr. Versluys advised he had talked to one neighbor, on side not building on. He had been in same position he is. He felt would roughly be 14' between buildings. It is a car and half garage. Mr. Hunter advised they like to keep 15', this would be 1' less. Mr. Versluys advised he was only estimating that. Mr. Frazer asked if he would consider narrowing the garage by 1'. Mr. Versluys advised no, cut down from two car garage, would prefer that, so to compromise making it 16'. Mr. Frazer questioned he thought about 17' from his road line to next door? Mr. Versluys advised yes. He also advised this should be from the south side lot line instead of west side lot line as originally requested.

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.

- #7. Application of Donald L. Roy, 25 West Canan Drive, for approval to build a garage 57' from front lot line, E zone.

Mr. Roy appeared before the Board. He did not have sketch. Explained, foundation of house is 61' setback from road. Have a 4' overhang and brought garage out to end of overhang. They did the concrete before the building inspector caught it. Made application and there was some misunderstanding when his wife came down and explained how and what had, they said O.K. but when building inspector came down he advised was against code, but concrete already done. Lot is 90' x 187'. Better than 10' from end of garage to side lot line. Only problem is front setback. Mr. Hunter inquired how it was in relation to other homes? Mr. Roy advised other splits are in line. This will run it out to end of overhang. Roof lines are in line. He has talked with neighbors on either side and other on street, they have no objections.

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

DECISION: Variance unanimously granted.

- #8. Application of Regal Homes, Inc. 101 Powers Bldg., for approval to permit existing house and garage to remain on lot at 1907 Westside Drive, with a 52.75' front setback. E zone.

Mr. Sanford Liebschutz, Attorney, appeared in behalf of Regal Homes. Tape location maps were presented to the Board for study. He advised actually this is question of what is legal dimension of Westside Drive. Width of it. County takes position it is four rod road. If this is three rod road, would not have to come for this variance. House built for sometime and point in question came up in completing sale insofar as question effects title and if four rod road is actual 8 $\frac{1}{2}$ ' too close to comply with 60' front setback. When built what was intended was to be 61' setback as indicated on the map. If this were to be resolved any other way would involve costly and lengthy lawsuit to establish what is Westside Drive, whether three rod road or four rod road. Have a sale for it, buyers are anxious to get in house, the concern giving the mortgage objects on this basis but will be satisfied with it on basis of variance. Mr. Duffy, the buyers' attorney is here in support of this application. Is one of questions not easy to resolve, definite legal opinions. He also pointed out the same situation applies to adjoining house, both built on same basis. That has been closed, people living in it and he has been given C.O. for adjacent house. He would like to apply for a variance on that house also. Location of the house was explained and that Mrs. Johnson's home, which is much older had a lesser front setback. Mr. Davis advised according to tape maps these are all right. It was explained the surveyor's staked this with the idea in mind Westside Drive was a three rod road. Mr. VanSlyke questioned how many other homes can be built in line with these homes. Mr. Davis advised no more now, only one lot never built on. Mr. Hunter questioned the lot left would be 60'? Mr. Liebschutz thought might want them in line with these because older house is closer than these. Discussion followed, and Mr. Liebschutz advised County takes position every road is four rod road.

Mr. Duffy, attorney for the buyers, Mr. & Mrs. Carretti, advised they would like to get in and would like to see them get in before Mrs. Carretti had her baby. They cannot get mortgage approval from any bank unless get variance, so they are hung up. This is only thing holding it up for mortgage approval, mortgage has been extended, they are ready to go, but cannot until get approval.

On question of Mr. Hunter if any one at hearing in favor of this application Mr. Carretti was in favor of the application. No one appeared in opposition.

DECISION: Variance unanimously granted.

- #9. Further hearing on application of Leroy Colprovia Pavements, Inc., 612 River Boulevard, Rochester, N.Y. for approval to erect a black top manufacturing plant on the rear of property on Scottsville Road, consisting of 25 acres, part of Tax Acct. 1157, approximately 500' from Scottsville Road, near 1600 Scottsville Road, A zone.

No further hearing was held on this application as the applicant had withdrawn their application by letter from their attorney, Mr. Wickins, dated September 25, 1967, which was read to those present at the hearing by Mr. Hunter.

- #10. Application of Robert Nudd, 66 Yolanda Drive, for approval to build an addition to existing garage at 66 Yolanda Drive, 1' to north side lot line. D zone.

Mr. Nudd appeared before the Board and drew a sketch for the Board of what he wished to do. Has a 79.44' wide lot and lot next to him belongs to Mr. Slater on the south and Town lot on the north. His existing house

and garage 11' from lot line on this side. Have single car garage, 12' x 20' garage and can use 10' this way and go back 9' which will take him one foot from lot line to north line which belongs to Town. There cannot be any building erected on this lot without his permission and permission of people across street, condition made when lot given to Town. Foundation will be even with front of house. Going back about 3' from back line of house and will come out 10'. Lot is 223' deep. Is on circle, at one point 75' and one point 90'. The building on south will not be effected. Has not talked to him about it. He advised he is last house on Yolanda Drive on right hand side. This is 60' lot town owns and next to that Harper has piece of property. Extension would be within 1' of Town property line. It will be of wooden construction. John Harper has triangle on other side of Town's property. Was his farm that State bought, left little triangle they did not want, he is land locked.

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

DECISION: Variance unanimously granted.

Minutes of the August hearing were approved as submitted.

Patricia D. Slack
Secretary

MINUTES

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

October 17, 1967

The Public Hearing was called to order at 8:00 P.M. by Mr. Hunter, Chairman. Roll call found the following members of the Board present:

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

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

#1. Application of Charles Miller, 55 Hubbard Drive, N.Chili, for approval to erect a garage 7' to south side lot line at 55 Hubbard Drive. D zone.

Mr. Miller appeared before the Board and submitted a sketch of what he wished to do. He advised garage proposed would be 16' x 22' and would end up 7½' from lot line. Lot is 75'. On question he advised the home was built about eleven years ago and at that time the setbacks were 10%. He guessed the distance from lot line to home on south was less than 10% thought possibly 8' or 9'. This would be a car and half garage. He does not at present have a garage. Mr. Fraser questioned the size of door he planned to use. He advised 9' door placed more to south side and a walk in door on north side, one in front and one in back. Mr. Davis questioned how many steps come out of back door and was advised three. He advised on question of Mr. VanSlyke the driveway would be off Hubbard Drive.

Mr. Daniel Miller asked how far his house was setback from front of lot. Mr. Miller thought about 62'. Mr. D. Miller questioned the setback on house to the south of him and was advised he thought about same, road is curved. He has talked to neighbors on both sides and they are agreeable to this variance. They thought it was a good idea. Mr. Fraser questioned if this is common up through that area, garages built on after, then they come in for variance? Mr. Miller advised yes, most of lots on that road are narrow. At Mr. Daniel Miller's request he sketched on the sketch presented, where the neighbor's garage would fall. Garages would be side by side, there would be probably about 15½' between the two. His house is story and half, the neighbor's one story. Mr. Fraser questioned if he proposed to follow same roof line and was advised yes.

Mr. VanSlyke questioned what was on line between him and the neighbor's garage, is there a hedge. Mr. Miller advised there was a fence in his back yard, since is not on line where it belongs he was taking it down. Almost all down, was going to take it all down but neighbor wants it to stay, the small part left, so is going to move it to line. Pointed out where fence would be left in back of house. Mr. VanSlyke felt then it was not 15' between houses, would only be 7' or 8' clear. Mr. Miller advised fence will be only 10' to 15' west of garage, back into lot. From road to garage will not be fenced, 6' or 8' back of garage will start, it is a chain link fence. Neighbor wants to fence off lots. Fence will start 8' from behind his garage and his garage will be set back further than 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: Approval unanimously granted.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

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 Adm. Office, 1225 CHILL AVENUE, ROCHESTER, N.Y. 14624 on October 17, 1967 at 8:00 P.M. to consider the following applications:

- 1. Application of Charles Miller, 43 Hubbard Drive, N. Chill, for approval to erect a garage 7' to south side lot line at 31 Hubbard Drive, D zone.
2. Application of 'Garden' Homes, 4358 Buffalo Road for approval to erect houses on two lots on King Road, each being 100' x 173.75' in E zone.
3. Application of Arthur Weinstein, 1469 Paul Road, for approval to erect homes on three lots, each being 99'10' wide at rear.
4. Application of Joseph Pittsford, 149 Cherry Road, for approval of a temporary sign on the corner of Paul Road and Archer Road, sign 4' x 10', to be placed 40' from each road, E zone.
5. Application of Ralph Lutz, 78 Ballantyne Road for approval to change from using premises on non conforming use as Automotive Repairs for a year, since to use premises for television radio repair and sales service, D zone.
6. Application of Arthur Roberts, 1778 Long Pond Road to erect house on lot 42' x 185' on Archer Road being subdivision of 82' Archer Road into two lots, A & R, E zone.
7. Application of Arthur Bremer, 6 Whittier Road, for approval to erect garage and breezeway attached to house at 2174 Westside Drive, 10' x 20' breezeway and 14' x 20' garage, to within 7' of east side lot line, Residential zone.
8. Application of James Kuerstei, 4 Woodside Drive, for approval to erect a 20' x 22' x 26' garage to house, 6'2" from south side lot line in E zone.
9. Application of Monroe County Water Authority, 475 Norris Dr., for approval to erect a water booster pump and station at 4480 Buffalo Road on 104' 90' x 258' being part of tax account 1957-021, being 17' x 26' as per plans submitted, E zone.
10. Application of Frank Bremer Bldg. Inc., 431 Fisher Road for approval to construct office and machine display building at Chill Industrial Park-15' to south side lot line and 14' to rear lot line, A zone.
11. Application of Regal Homes, Inc., 181 Powers Blvd., for approval to allow home at 1909 Westside Drive to remain as situated with a front setback of 52.5', Residential zone.
12. Application of Loretta B. Simmons, 244 Paul Road, for approval to erect an addition 80' x 32.4' to present building at 244 Paul Road, to be located 50' from front lot line, A zone.
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

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:

October 7, 1967

[Handwritten signature of Eleanor E. Williams]

Sworn before me this 7th

day of October 1967

[Handwritten signature of Clifford E. Swore]

Notary Public CLIFFORD E. SWORE NOTARY PUBLIC, State of N. Y., Monroe County My Commission Expires March 31, 1968

Form No. 42c

- #2. Application of Glidden Homes, 4358 Buffalo Road for approval to erect houses on two lots on King Road, each being 100' x 171.75' in EE zone.

Mr. Glidden appeared before the Board and maps of the lots were presented. Mr. Pfenninger questioned he could not go back further because of drainage easement? Mr. Glidden advised that is right, rest of lots there all are 171'. There is a house on lot 113, this is on north side of lot right where old house was. Mr. Hunter understood this has been to the Planning Board and subdivision approved subject to getting the variance? Questioned the difficulty. Mr. Glidden advised they were O.K. on width, but not on depth. He advised he had built homes on each side of them. Mr. Miller questioned depth of house on east and Mr. Glidden advised 171.75'. They were built before zoning so this is common depth with other homes. Common depth and drainage ditch in back. Nothing left in that general area where building. Depth of drainage ditch in back is 2', nothing but swale and it does belong to him and Town has drainage easement through there, has to be kept open. Width of it is about 10'.

Mr. Vanslyke questioned the type of houses and Mr. Glidden advised 36' - 34' cape cods, no garage attached. Also located so garage can be added without getting variance. Mr. Fraser questioned if the houses already built had garages, and was advised some of them.

On question of Mr. Pfenninger, Mr. Glidden advised some day will be another street in back, then the lots will back into them. Mr. Pfenninger questioned then he will still own ditch? Mr. Glidden advised, if you figure that, but the Town cannot get in and clean it out to keep water moving if do not have it. Mr. Hunter asked if provision for entry and was advised yes. Advised where future road will be. There will be ample room for a 60' road. Mr. Palermo questioned the setback on houses adjoining. Mr. Glidden advised 60' - 61' and he would conform with these houses.

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

DECISION: Approval unanimously granted with the stipulation houses to be located in such a manner to allow for future breezeway and two-car garage, which will comply with the existing side line setbacks.

- #3. Application of Arthur J. Wusnick, 1369 Paul Road, for approval to erect houses on three lots, each being 99.10' wide in EE zone.

Mr. Wusnick appeared before the board and maps were presented. Mr. Wusnick advised these were originally laid out to be 100' lots, but there was a bend in the road that made them this width. Mr. Vanslyke questioned the depth of the lots and was advised 252' to almost 400'. Mr. Vanslyke questioned the only thing he was asking for is the 2"? Mr. Wusnick advised yes, if got 100' would have to survey on the 7 lots from his own and give them 2". Would be a lot of trouble.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, Mrs. Earl Phillips, 80 Ballantyne Road spoke in favor of it, no one appeared in opposition to it.

DECISION: Variance unanimously granted.

- #4. Application of Joseph Entress, 149 Cherry Road, for approval of a temporary sign on the corner of Paul Road and Archer Road, sign 4' x 10', to be placed 60' from each road. E zone.

Mr. Alex McKay, representing Mr. Entress appeared before the Board. Sketc

of sign proposed was shown to the Board, together with photographs of the sign. When questioned that the sign was already up, he advised the sign was up for the motorcade, and then taken down. He made sure it was down and not up again until variance. It is down, he went by there yesterday and it was down. It was put up temporarily for the motorcade about two weeks ago, it is on corner lot, corner of Paul and Archer Roads on Mr. Entress' property. By temporary, they would like it about a year. Mr. Hunter questioned how many lots back there. Mr. McKay advised 121 in all four sections. This is on last section, in section where this lot is thinks about 20 lots. Mr. Miller questioned on photograph, is that only 4' high? Mr. McKay thought actually it is 5' x 10' and amended application to make it a 5' x 10' sign.

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

DECISION: Approval unanimously granted for a period of one year, with the right to reapply for a renewal. Sign to be 5' x 10'.

#5. Application of Ralph Lutz, 78 Ballantyne Road for approval to change from using premises on non conforming use as Automotive Repair, for a variance to use premises for television, radio repair and sales service. D zone.

Mr. Lutz appeared before the Board. Mr. Hunter questioned he took it he now had an automotive repair shop on this property? How long had he operated it? Mr. Lutz advised about 38 years. Mr. Hunter questioned he was switching his occupation? Mr. Lutz advised because a necessity, had a heart attack in February and that is too heavy. Feels this would be up grading property also. Mr. Hunter asked if he had a plot plan submitted that shows this in relation to lot? Mr. Lutz advised he was not asked for one, did not think about it, actually it is up to 15' from west lot line. He drew a sketch of it on back of his application and explained it, coming roughly within 15' of side line to house and garage, house 45' from east lot line. Total width is 72.6', there are 3 lots, depth is 300'. He pointed out living quarters on sketch. pointed out position of business building. Setback is roughly 50' from property line.

Mr. Hunter asked if he planned on change in building? Mr. Lutz advised no change in structure. Wanted variance for sign to be attached to building. Did not think illuminated sign. Would like to ask for it, amend application to include small sign 3' x 4' to be attached to building. Has a small 1' x 2' sign for automotive business. Would take that down and put up larger one. Sign will be on roof below peak, be below gutter, pitch toward front. Building proper is cinder block, rough cement block, only change proposes would be pull one sign down and put other up, would be tin sign, 3' x 4' or smaller. Has not decided what wants to put on, probably Radio and T.V. repair. Wants it big enough to be seen, but not too big.

Mr. Fraser questioned parking facilities. Mr. Lutz advised has parking on both sides of building and intends to enlarge it on west side. Pointed it out on sketch. He advised did not intend to sell new sets, costs too much, but in process of repair will run into a lot of T.V.s could repair himself for \$15.00 and then sell them. Mr. Hunter questioned the number of cars could park right now roughly. Mr. Lutz advised he believed six. With additional space could double that. Structure on adjacent lot is Mrs. Phillips, roughly 10' from her lot line. About 25' from her house and his garage. Would still be 10' from her line even with parking area. Even with repairs in and out, not be more than 15 or 20 minutes at most.

Mr. VanSlyke asked how far from Ballantyne School? Mr. Lutz advised about 1/4 of mile, is west of Theron Street, roughly four lots down. Pictures of the building and operation that had been taken in 1944 or 1945 were shown to the Board. He advised when questioned had taken gas pump out that was shown in photograph.

On question of Mr. Hunter if any one present at the hearing in favor of this variance, Thelma Reidberg, 494 Chestnut Ridge was in favor of it, Mrs. Heintzelman and Mr. Heintzelman, 85 Ballantyne Road were and Mr. Arthur Reidberg, 494 Chestnut Ridge Road were.

Mrs. E. Phillips, 80 Ballantyne Road asked, had no objection to running TV repair as long as remains with Mr. Lutz, in event of death, could this pass on to someone else? Mr. Hunter advised that depends on how variance granted. Mrs. Phillips requested that it be granted it be just for Mr. Lutz.

On question of Mr. Hunter if any one present at the hearing in opposition to this variance, no one appeared.

Mr. Lutz questioned if this will be recorded on the map so that people moving into residential area will be aware he is not in violation? Would like to have it registered. Mr. Davis advised it will not be marked as commercial, as it is not, the variance will be on record. This does not make it commercial property, cannot be sold as commercial, it is residential, but the variance will be on record.

DECISION: Approval unanimously granted for a period of five years, with the right to reapply for a renewal.
 Variance granted for operation of the proposed business by the applicant only.
 No materials or television sets to be stored outside the building, everything must be stored inside the building.
 Variance also granted for an unlighted sign of maximum size of 2' x 3'. This variance to run with variance granted for operation of business.

#6. Application of Arthur Reinagel, 1770 Long Pond Road to erect house on lot 82' x 185' on Archer Road, being subdivision of 82 Archer Road into two lots, A & B. E zone.

Mr. Reinagel appeared before the Board and map was presented to the Board. He advised this subdivision of the lots has been before the Planning Board and approved contingent to obtaining variance. There is a pre existing house on the one lot, this meets code. Lot would be 82' x 185' in E zone, is O.K. on area, just frontage. Homes on both sides, distance of home and garage from other property would be conforming. Mr. Hunter questioned location of structure on lot would be so located to include garage? Mr. Reinagel advised building permit will have to be applied for, nothing proposed at this time, just wish variance for this lot. Mr. Fraser asked if his intention was to sell this lot for building? Mr. Reinagel advised it has to be approved, he is a real estate broker. Mr. Palermo asked if he had a buyer for house going on this? Mr. Reinagel advised not at present, just asking to get lot approved and variance now. Mr. Miller asked if his office had legal title to the house or structure on the larger lot? Mr. Reinagel advised Roart Realty Corp., he was a partner and partial stockholder and on questioned they do not own this house, and it was separate, is not part of this sale, the old house has been sold off, there is a purchase offer on the house and Lot A, was not sure if title taken. Mr. Hunter questioned he asks for this just to be prepared so can sell it? Mr. Reinagel felt building will have to have approval, whatever goes on that lot. Discussion was had on the appearance of the existing house on Lot A. Mr. Hunter advised in granting something they would like to have some control so violate as few of codes as possible. Mr. Reinagel felt a good house could be put on this lot and conform with all codes. Mr. Palermo felt if he came in and showed the type of house it would be easier. Discussion had on type of house that could fit on the lot. Mr. Miller questioned was he sure they had not conveyed title on the old house, man over there working on that house. Mr. Reinagel was not sure if they had. The man was remodeling. Mr. Pfenninger thought he should bring in plans.

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Mr. Reinagel said he could get plot plan for house, but whatever built will have to conform with present building codes and advised on question colonial on one side and ranch on other, south side is ranch and other is colonial, or split level behind it. Whatever goes on will have to get Town's approval.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application, Mr. Miller, Archer Road (78) would like to point out to Board home he lives in to north is two story colonial, two homes across, split level, two level homes are the usual type in that area. Not objecting to this for variance, but should like some assurance proposed building would be in height with existing property across and adjoining. Would like to point out Wilcox home is two-story frame house. Would like it to be story and half or two story home.

No one else appeared for or against this variance.

DECISION: Reserved decision until detailed plans presented for the proposed house and location of the house on the property by the following vote: Mr. Hunter aye; Mr. VanSlyke aye, Mr. Fraser aye; Mr. Palermo aye; Mr. Pfenninger no, Mrs. Tanger no.

- #7. Application of Arthur Breiner, 6 Whittier Road, for approval to erect garage and breezeway attached to house at 2171 Westside Drive, 10' x 20' breezeway and 14' x 20' garage, to within 7' of east side lot line. Residential zone.

Mr. Arthur Breiner appeared, sketch of what was proposed and tape location map were presented to board. First of all, he is not owner of land, that is Mrs. Mohn, he is merely builder. She has just moved here from New Jersey, she wants breezeway and garage put on place. On old Oscar Kuebler tract, lot is 70' wide and before this time was 7'. Neighbor next door contacted, no objection whatsoever, neighbor to east, there is old fence between two from edge of garage to edge of other people's house, 14'. Garage would be to house, not garage to garage. All houses along there are 5' to 7' from side lot line, built when was 10% of lot and lots all 70' lots. It is almost to Buffalo Road. She is elderly woman, wanted to come back to Chili, Husband died about 6 months ago, she was born and brought up here. Mr. Miller questioned about how old this house is. The tape location map was dated 1950.

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

DECISION: Approval unanimously granted.

- #8. Application of James Koerper, 4 Woodside Drive for approval to erect a 20' x 22' x 26' garage to house, 6'2" from south side lot line in E zone.

Mr. Koerper appeared before the Board and sketch of what was proposed was submitted for study. This is existing home, have a single car garage and proposed to add to it. It is pie shaped lot, variance would just be for corner. Would be 28' from garage to people next door. There would be minimum of 22' from edge on garage to house next door. Mr. DeYaeger, his next door neighbor is here tonight. He is making family room out of single car garage that is there now. Garage now is 14' x 22'. On question of Mr. Miller he advised the house is five years old. On questions of Mr. Hunter he advised his house was the second house there, most others in tract newer. He will still have 22' between buildings, because his lot is pie shaped. Has a pickup truck so could put that in garage. This will be in line with neighbor's house. The house is on lot on angle, that is why garage is wider in back than in front. This will square it with property next door. Will continue existing roof line.

On question of Mr. Hunter if any one present at hearing in favor of this variance or opposed to it, Mr. DeYaeger, 6 Woodside Drive spoke in favor of the application, no one appeared in opposition.

Mr. Koerper advised the neighbor on the other side is also in favor of this, although was not present.

DECISION: Variance unanimously granted.

- #9. Application of Monroe County Water Authority, 475 Morris Dr., for approval to erect a water booster pumping station at 4480 Buffalo Road on lot 90' x 258' being part of tax account 1957-020, being 17' x 26', as per plans submitted. E zone.

Mr. Charles Frenz, District Engineer for the Authority and Mr. Barnham, from Engineering Department appeared before the Board and each member of the Board was presented with copy of application statement and letter from Mr. & Mrs. George Fischer who own the property and also are living adjacent to this piece the authority interested in. Also presented was site map and copy of survey of plot of land. The building itself, or the pumping station will be underground, approximately 3½' of the structure will protrude above ground, and will be approximately 17' x 26' in dimension. Concrete block structure, reinforced concrete floor, slab, and reinforced concrete roof slab. (a drawing of the proposed structure was presented for study). They may note several items on roof slab structure, entrance, hatchway for personnel, the louvered type structure, for air, overdoor for equipment for pumps and motors and hatch for removal of equipment should it be necessary. The use of the station will be such that they will be pumping with 1 or 2, will install two pumps, but will use 1 and should need arise use 2 with 500 gallons capacity a minute. Motors 50 HP electric and with respect to noise, would say probably between 10 and 20 feet away would not be audible at all. Station would probably be visited by one of their personnel once a day for perhaps just a few minutes a day to check equipment, etc. The station would be remotely operated such as would not require someone to be there all the time. There would not be any sign erected to denote property pumping station or what it would be used for, shrubbery planted around it such that within a year or two, the building or structure portion that would protrude above ground would be almost completely hidden. Would add no further parking space to the area than see right there in drawing, just turn around for one vehicle. Would at times probably be necessity for more than that to be there should there need to be repairs take place. The choice for the lot was such they would be as close to Ramblewood Road where there is a main, as possible, in order to utilize nearby storage facilities in Hubbard Road. The rendering they have here is very, very near what the final lot will look like, it will be landscaped, kept mowed, have asphalt driveway.

Mr. Fraser questioned the maintenance, mowed how often? Mr. Franz advised maintained regularly. Have regular maintenance department whose responsibility it is to mow lawns behind structures, and this sort of thing. That lawn to be maintained regularly during summer months as well as shrubbery. Mr. Vanslyke questioned how many of these stations they have. Mr. Franz advised they have at present time one other under ground station. Had one prior to that they no longer had need of. Recently, in Town of Brighton, almost duplicate of it other than size of pumping facilities within. That station is in operation on Allens Creek Road in Brighton. Mr. Vanslyke questioned were there residents fairly close? Mr. Franz advised one directly across street and down street perhaps about 600' or 500' away, street going back into subdivision of houses. Mr. Vanslyke questioned no complaint about noise? Mr. Franz advised no. Station described in Brighton is larger facility than this, much larger pumping. It was put in service this summer in June.

Mr. Hunter questioned the position of the Fischer home and was advised to the east, the corner of Ramblewood. Mr. Franz advised would be approximately 90' some odd feet. Survey map indicates this. (on check was 93.01'). Mr. Hunter questioned any anticipation of any need to expand? Mr. Franz advised no, that is why are putting in two pumps right now. Mr. Hunter asked if this is necessitated by new water district in Riga and Mr. Franz advised yes. Will pump to Riga and this pumping station designed with regulator and bypass dial so can utilize tank to be built in Riga for Chili as well. Station will be designed to be operated at night pumping to standpipe in Riga during nighttime hours. Mr. Hunter questioned the pressure. Mr. Franz advised they have reinforced this area recently, completed 16"-20" in Gates since put in service show this installation this past summer, they have been able to maintain this far western town of Chili with hardly any fluctuation at all. Feed come there from large pumping station on Lee Road. Because of this reinforcement do not anticipate any problem with this station, with erection of storage in Riga. Will not be pumping station where pump operates all the time.

Mr. Hunter questioned if structure had to be heated. Mr. Franz advised yes, probably electric heater in there, their production engineer will make that decision. All utilities will be underground, electric service for pump as well as facility for heating. Mr. Hunter questioned, so only possible smoke would be from heating system if happened to be gas? Mr. Franz advised right, either that or should have malfunction or something go wrong with electric motor which hardly ever happens, they specify safety devices in motor and pump. Mr. Fraser asked if they have alert equipment to show malfunction? Mr. Franz advised yes, and operator can see it.

Mr. Miller questioned if they had built pumping station in Penfield within last two years, above ground station? He was advised yes in house. Mr. Hunter questioned why do they go underground? Mr. Franz advised right now can build an underground station considerably cheaper and also when you have this much protruding above ground, less objection to it. Mr. Miller questioned the zoning placing this in and Mr. Franz advised was residential, zone E. Mr. Hunter advised assuming this Board approved it, they will still require Planning Board approval because subdividing lot. Mr. Miller questioned how much to put up ranch type house like in Penfield over this type? Mr. Franz advised approximately \$15,000. or more, he would say off the top of his head. Mr. Palermo questioned did they consider that or just going along with plan as less expensive? Mr. Franz advised this is primary reason. At time Penfield station was conceived and designed near first of year, is not too certain below ground station considered and discussed.

Mr. Hunter questioned did he understand they do not expect to paint this, but could if requested? Mr. Franz advised very likely would be painted, but could not say what color it would be.

On question if any one present at the hearing in favor of this or opposed to it, Mr. Frank Breiner, Fisher Road questioned if this was going to be fenced? Mr. Franz advised no. Mr. Breiner advised his personal experience with children, with vents and screens, what provision going to take to stop children from jumping through and once down there, they could make malfunction on pump? Mr. Franz advised on equipment have those screens are about best you can get with respect to vandalism. Should it prove this is not satisfactory, they would fence it. Have others that are fenced. Have found fence detracts from area, but can be. No planning on glass bricks. Mr. Bareham felt set back so no way kids could get to them. Mr. Breiner was thinking of some experiences they have had.

No one further appeared.

DECISION: Approval unanimously granted, as per plans submitted, and the structure to be painted.

- #10. Application of Frank Breiner Bldr. Inc., 431 Fisher Road for approval to construct office and machine display building at Chili Industrial Park, 15' to south side lot line and 15' to rear lot line. A zone.

Mr. Frank Breiner appeared before the Board and submitted sketch of building. Did not have final plans, building would be 30' wide, 180' long, would be divided, figure two 50's and other 80' long, do not propose to finish inside until they come in and finish it like customer would want it. Pointed out front 75' setback on subdivision. Would setback 15' from rear lot line of houses here and here (using map). These are three people bordering property, had given him highsign on it, went to them before went ahead with it. Several problems on this piece of property, which he pointed out on map. It is corner of Paul Road and Jetview. Going to try to construct building to look like big ranch house. It will be block construction and around in back where back to residences will be Anderson crank out windows, high. Pointed out 55' back area out from building, it will go right to property line with black top. He pointed out on map the people on Paul Road on which properties it would back up to. Pointed out one problem having with these people here, land laying this way and this water running into their low spot, one house sits 30" too low. When he subdivided brought in about 150 yards of dirt and filled up some, but they are still getting lot of runoff, so feel if they regrade this lot and put this building on here, will keep their building high and dirt back there and be swale into there, black top and bring water down and take water down to main street, will not get into there, will be 6" or 8" fall away from building, this will stop this problem. People are aware of what he is talking about, they got notice in mail. Went before had architect rendering and asked if any objection and they were for it. Total height of building would be 14'. Pointing out, figured 9' here with drop down ceiling. Mr. Miller questioned would it tower above the houses on Paul Road? Mr. Breiner advised no, and pointed out house sitting right in here, he has two car garage. Luck if they get off back of his garage. Mr. Hunter inquired the sort of business and Mr. Breiner advised just office and things to show customers, commercial sales and offices. It would be concrete painted block and brick face. Gutters and eaves will go underground in pipe and go back into street and only water he would get would be natural fall of rain. Right now have row of pine trees about 8' high for buffer zone between two properties he planted. This would be grass seeded and maintained. The lot is 100' wide and coming out here 15' so can catch swale of water. Back is 8' to 10' high so building looking toward west, you will hardly see building, it will be behind bank itself. Lot was 425' before, now becomes 415'. Have on their subdivision not laid out their lots, like this can sell any amount of land. He advised this way can catch swale, this has been one of biggest objections on this property. Another thing, neighbors are afraid of, under present rules they could not build factory but could store things and back cars, this way are putting building between parking. Is long, as can be low building, keeping everything away from them. Mr. Miller questioned how much more to put brick face by homes? Mr. Breiner figures would come to \$3500-\$3600. more. Actually Paul Road is only going to see about 20 or 30 feet of this building because shielded from the older house to the west, old house that faces Paul Road is in there and right in opening to east of that is two car garage in Savages ranch house, so they back up on end of his lot line so only thing will see few little spots through in this angle. You get full view down Jetview Drive where will have brick face. Mr. Fraser questioned if any exist doors on south side of building? Mr. Briener advised no, they will put crank out windows that will be high so nobody can look in or out, new plastic Anderson windows.

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On question of Mr. Hunter if any one present at the hearing in favor of this application or opposed to it, Mr. Joseph Gartland, 320 Paul Road questioned what is problem, is it prohibited or permitted. Mr. Breiner advised it was too close to lot lines. Mr. Hunter advised him the reason for asking for the variance.

No other person appearing for or against this application, the hearing was closed.

DECISION: Variance unanimously denied.

- #11. Application of Regal Homes, Inc., 101 Powers Bldg., for approval to allow home at 1909 Westside Drive to remain as situated with a front setback of 52.5'. Residential zone.

Mr. Liebschutz, Attorney for Regal Homes, Inc. appeared before the Board representing them and tape survey maps of the property were presented to the Board for study. He advised for sake of time, would incorporate his remarks made when he appeared on application the previous hearing on 1907 Westside Drive. Problem dealing with establishment of width of road. This is adjacent house which he discussed with Board at last meeting and for the record will incorporate remarks made at that hearing. Briefly the problem is actual width of road, if four rod width have situation where is in violation of zoning ordinances, if three rod, it is in compliance and because cannot determine that fact without expensive litigation, they would like variance to permit it to stay where it is with the 52.55' (amended the application as published to be 52.55') and pointed out the front of the house on the tape location map. This is second of two homes, people are living in it, this question came up after closed and reason would like to get C.O. issued, people in house have no objection, of course.

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

DECISION: Variance unanimously granted.

- #12. Application of Loretta B. Simmons, 244 Paul Road, for approval to erect an addition 30' x 22.4' to present building at 244 Paul Road, to be located 50' from front lot line. A zone.

Mrs. Simmons appeared before the Board and plot plan of what was proposed was presented to the Board. The present building was pointed out and the proposed addition to it was explained. This is the Alvin Blair Co. The house next door is to be moved. This is two story in front, have garage in rear, concrete block. This is 22' deep, two-story will continue two-story for 22' across the front, rear will be all warehouse. Advised would be two-story for 22' back, in back is probably story and 1/3, it is warehouse building, this is probably between 12' and 14'. It will be concrete block and brick alternate facing on the front. Existing building is concrete block and will dress up front. Existing building will be refaced with alternating brick. These are offices and one apartment on second floor now, these will be all offices, both floors. This is enlargement of the existing business. Have a supply corporation now, distributor type of business. Have three full time and one part time employæ. Mr. Hunter questioned if adding to parking and was advised now have parking out to point pointed out, should be room for 45 cars when finished. Pointed out on map where parking and where new entrance to warehouse will be. Mr. VanSlyke questioned if this addition will be on east side of present building and wondered about the small house there now. Mrs. Simmons advised yes and house to be moved to another spot, gave it away last week. Thinks it is being moved to Fisher Road. Felt did not need variance anywhere but in front.

Mr. VanSlyke questioned is the front going to be same distance as presently. Mrs. Simmons advised yes, her father got a variance in 1952 for the existing building. Mr. Miller questioned who owns corner towards airport. Discussion followed on what lands owned by Gottrey and distance from them. Discussion was had on the rear lot distance and if needed a rear lot line variance, after which it was decided it was not necessary as it abutted property other than residential.

Mr. Frank Breiner, Fisher Road, spoke in favor of this application but had one question, rumor going around there was going to be concrete block plant to the east, if this materializes would this set example, could these people come in and ask for variance for 50' where you made Gottrey stay 150'. Mr. Hunter advised each one is decided on its own merits.

Mr. VanSlyke questioned when the original construction put up and Mrs. Simmons advised it was started in 1952, they moved in in 1953, have construction and supplies for water works. They got the variance then. Second floor is an apartment, but will have offices on new structure on first and second floor. They are jobbers and distributors for items, anything in water works line. They cannot store everything in warehouse, so have rented across the road. Some of it would be incorporated in warehouse. Mr. Miller questioned if original variance allowed apartment upstairs. Mrs. Simmons advised yes, she was not in it at that time, was not industrial at that time and she believed they told her father he should have apartment to meet regulation. Has not always been lived in.

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

DECISION: Variance unanimously granted.

The Public Hearings of the Zoning Board closed at 10:20 P.M.

Minutes of the previous hearing held September 26, 1967 were approved as submitted.

Patricia D. Slack
Secretary

MINUTES
SPECIAL ZONING BOARD OF APPEALS MEETING
November 20, 1967

The Special Public Hearing of the Zoning Board of Appeals of the Town of Chili was called to order at 8:00 P.M. by Mr. Hunter, Chairman. Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman
Mr. Howard VanSlyke
Mrs. Gertrude Tanger
Mr. James Fraser
Mr. John Palermo

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

#1. Application of Hamco Machine & Electronics Corp., 250 N. Goodman Street, Rochester, N.Y. for approval of a variance to use land for an erection of a building in which will be housed a machine and electronics firm, at the corner of Milstead Way and Paul Road. E zone.

Mr. David A. Merkel, Attorney with the firm of Gano, Solomon & Ashworth, appeared before the Board. He advised before he started presentation would like to request Board to amend application to insert word "machine manufacturing and allied electronics business" - precision cutting machines. Next, would like to thank Board for the special meeting, it is appreciated by himself and Hamco Machine and Electronics Corp.

Mr. Merkel presented to Board a contract, which is a conformed contract for purchase of property in question, showing that Hamco paid \$60,000. for property and that shown in contract, was represented by sellers this was zoned industrial property and as such paid a price commensurate with industrial area. It is approximately eight acres of land and the transfer was completed on June 6, 1966. The title was Black Creek Hotel to Hamco Machine & Electronics Corp. Are requesting variance here this evening to allow Hamco Machine and Electronics Corp. to build a building upon property at corner of Milstead Way and Paul Road, a building in order to conduct a machine manufacturing, developing and research business. He drew attention to the rendering submitted by architect and which will be the building once it is built, providing the Board grants variance.

Mr. Merkel advised feel inasmuch as misrepresentation on the property as it was represented in purchase offer as being industrial and turns out Commercial B, feel the property and price they paid would render great financial hardship if used for permitted uses in a commercial zone. The property is bordered on north by Morgood Tools, zoned industrial. West, Gillette Tool and Dye, and also zoned industrial, and on east commercial, owned by Mr. Wirth. On south side of Paul Road it is Schiano's for the trailer park. They feel property use they have will not change character of neighborhood. He presented to Board copy of an affidavit by George L. Huberlie, a licensed Real Estate Broker in City of Rochester. (affidavit on file in Town Clerk's Office). He had a great deal of experience in the field of appraising and particularly industrial and in the commercial field, and his affidavit states this property zoned on a B commercial would be of value of \$4,000. an acre, and further stated that it would not be economically feasible, or property return a good investment or reasonable investment based on \$60,000. paid for property because property is surrounded by industrial and commercial eliminating residential development. It is not on a trafficked road, as he understands, traffic on that road is very slight as compared to what

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would be on Scottsville Road and consequently would not be feasible to put in a retail commercial use in there because no traffic there to support it. Mr. Huberlie also states too small for shopping center and one could not be developed there because of size of land plus fact traffic not sufficient or area grown up. He advised Mr. Huberlie was here this evening if Board has any questions as far as use of property and whether economically feasible to be used for strictly commercial purposes.

Mr. Hunter questioned did he understand they claim on burden of use, paid if commercial \$3200. as against \$60,000. paid for if industrial property? Is this basis for claim of hardship? Mr. Merkel thought it would not be economically feasible to develop \$60,000. property in that area and even \$3200. would not be feasible because no main thoroughfare this property borders on. As zoned effects this property economically because lacks population factor and traffic pattern that would render this good commercial property. For any commercial purposes, retail or shopping center, could not be built there, traffic not there and residents in area who would use these premises would not be there. On question he advised it does front on Paul Road, frontage of 492.13' on Paul. This is different as compared to property on east, which is owned by Mr. Wirth, it also fronts on Scottsville Road, much heavier traffic density than on Paul. Mr. Miller questioned how far this property was from Scottsville Road and Mr. Merkel believed 1500' or 2000', not sure of the exact footage. He had a map of the town which he presented, advising the red showed the industrial area A and the lined pencil is the commercial B and their subject property was circled in ink. He also presented another map of the subject property itself to the Board. Mr. Hunter thought frontage on Paul looked 500' or 600'. Questioned this is all zoned B as stands now? Mr. Merkel advised yes. It was pointed out on the map where Kaddis Manufacturing is located, they are not very far apart.

Mr. Merkel advised and submitted petition signed by Schianos evidencing their consent to the Board granting this variance, and also one signed by Mr. Wirth with Morgood Tools and who also owns property to the east, and Mr. Gillette, Vice President of Gillette Tools, Inc. which are both properties in vicinity previously described. Mr. Hunter questioned who was seller of this property and Mr. Merkel advised Black Creek Hotel, Inc. and Schianos. As he set forth in purchase offer, their hardship is based on fact was represented to them, Hamco, this was industrially zoned and they paid price that would be fair and reasonable for industrial property and of course, this is a \$28,000. variance in price for eight acres which is substantial. It is not question of knowingly buying hardship, had this representation in contract—that property in that whole area was zoned industrial as far as they knew. Misstated on part of Schiano, so do not think Board will find did buy hardship, and misrepresentation, not saying knowingly made or with malice, but something that happened.

Mr. Merkel advised Mr. Peter Romeo, Architect has plans if Board would like to see him and he would be glad to answer any questions with regard to type of structure and amount of parking. He added presented these to Monroe County Planning with regard to height and whether fit in with area and airport, and they have approved them. No problem in that respect.

Mr. Romeo appeared before the Board and advised he was an architect, licensed to practice in State of New York, Associate of James H. Johnson Architect. A scale model of the plant and area surrounding it had been on display for the Board to study. He thought those who had taken a close look know where it is located and general appearance as presented in model. It is basic one story structure, steel frame, fronts on Milstead way.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Dec

Legal Notice

TOWN OF CHILI ZONING BOARD
SPECIAL HEARING

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 Civil Administration Office, 5337 Chili Avenue, Rochester, New York 14624 on November 10, 1967 at 8:00 P.M. to consider the following application:

Application of Hamco Machine & Electronics Corp., 215 Goodman Street North, Rochester, N.Y. for approval of a variance to the land for an erection of a building in which will be housed a machine and electronics firm at the corner of Milstead Way and Paul Road, B 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

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:

November 10, 1967

Eleanor E. Williams

Sworn before me this 10th
day of November 1967

Helen R. Steen

Notary Public

HELEN R. STEEN, Notary Public
City of New York, State of New York
Comm. Exp. 01/01/70, No. 12856

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The administration entrance off Milstead Way. Actually steel frame building approximately 30,000 square feet with three masonry walls, north wall metal wall and so planned for expandability to north. Pointed out office area, approximately 8500 square feet, again steel frame building, upper portion is done in copper and have attempted to do something artistic. Pointed out main entrance. Approximately 12 to 15 parking spaces on Milstead Way. Off of Paul Road, road cut which affords staff parking for approximately thirty cars-same road runs back northerly and will accomodate approximately 80 cars for plant production personnel. So what have attempted to do is also keep the business and off the service end of traffic off of this Paul Road spur, namely the service doors and related facilities will be on the east side of this building and will probably be almost totally disguised by the existing hedge row to east and by fact this area has been presently depressed by cut. Approximately 10' of cut here now so they feel this adds in enhancing industrial situation. Advised most of the trees see on the model are in existence, there is a great abundance of greenery and foliage on east line and north line of hedge row and mature trees. pointed out, these you see added in here would be added with development of project. Mr. Hunter questioned if their plan met our industrial code for setbacks, etc. Mr. Romeo believed if anything more than fits the industrial requirement, this was based upon commercial requirement which set it back 100'+from Milstead Way and 100' plus from Paul Road and he believed industrial code called for 60' setback. Understands plans have been filed with State Construction Department of State of New York for their review prior to their being submitted to Mr. Davis. Mrs. Tanger questioned approximately how far from Scottsville Road was their entrance on Paul Road. Mr. Romeo related it to property line. Center line of their service road is 90' from easterly property line. This has been reviewed by State of New York and approved for curb cut and cut and drainage work.

Mr. Hunter questioned how many people planned for operation at this size. Mr. Romeo advised at this size plan for 80 production personnel and approximately 30 supervisory personnel. Mr. Hunter questioned so parking lots essentially full as planned now? Mr. Romeo advised but parking lots expandable, this is expandable somewhat to north and west and this is expandable to east and joining neck as comes off spur, pointing it out on model. Mr. Hunter questioned can still expand, make parking lot in back? Mr. Romeo felt the owner could better answer that question. Mr. Hunter advised what he was getting at, when plan future expansion would they have parking? Mr. Romeo advised this has been studied in preliminaries. Mr. Hunter asked how far might that building be expanded to the north? Mr. Palermo questioned would it double the size? Mr. Romeo advised now 150' x 200' and this was set up so could be expanded in multiples of 50' base and specifically to best of his knowledge to an ultimate of 100' to north, which would increase it by 2/3 perhaps. Mr. Vanslyke questioned, looking at front of building, the depth back of their office is 150', Mr. Romeo advised 100'. This is 100' from point of street line and this is another. Mr. Vanslyke questioned, the main building to manufacturing plant, depth of that building? Mr. Romeo advised 200' in depth by 150'. Mr. Hunter remarked so might add another 100, so is 2/3 of area. Mr. Romeo advised using model, would leave additional area in here to carry this around for parking. Do feel have enough space for future parking.

Mr. Vanslyke questioned what sort of manufacture does this company make? Mr. Bernard Kozel, Chairman of the Board of Hamco Machine and Electronics Company was introduced to the Board and advised basically would like a few words. This is not a new company, his family bought controlling interest in this company in 1957. At that time two man operation, was at 99 Mt. Hope. Since then become public company and gone from two to 50 now. Attracting people from major corporations in country, IBM

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Westinghouse, etc. Have small company but have worldwide distribution. Advised the firms that represented them in Japan, United States, Continental North America, in England and Central Europe. Do make machines to cut germanian and silicon. Intend to put laboratory on this site and develop other products, would have between 50 and 100 people in plant. Thinks Mr. Romeo's estimate of expansion was a little on conservative side, thinks would like to duplicate 30,000 sq. ft. have on factory and add to office space. This building is constructed to expand and factory along same lines down Milstead Way. Their machinery is light in structure, production machines now in pretty high precision category, basic sells for around \$11,000., one \$16,000. Press type of machine that further processes germanian and silicone and would sell for \$40,000. Feel would be worth while addition to any community. Find they are sort of in jam, bought something that was represented to them one way. Had about year and half to apply for variance and not knowing was necessary, started to move earth, awarded \$20,000. earth moving contract, ordered steel contract for \$45,000, put out bids for general construction do in December 8th, over \$200,000. so unfortunately in a position they are starting to build and made plans and do not know if can consummate project.

Mr. Vanslyke was interested sort of machinery used to build this. He was told basically lathes, basically thinks their machinery would be very small to what Mr. Gillette would be using, on average of little smaller job, have no stamping, no jump presses, basically sheet metal work done by fanning. Little noise, do not use plastic.

Mr. Palermo questioned property to north and east of this property, is that vacant. Mr. Romeo advised to north Morgood Machine, east is vacant and owned by Mr. Wirth. Contacted Morgood and they have signed petition evidencing their consent to this variance being granted. Mr. Vanslyke questioned this building they have there as setbacks now from Milstead and Paul are based on commercial development, is that correct, in other words 100' from both ways? He was told yes. Mr. Vanslyke questioned and if variance were granted they would maintain the present location of building with those setbacks? He was advised they have already committed themselves and given earth moving contracts and plat forms for plant already have that setback. Mr. Hunter questioned if building expanded, would they remain? Mr. Kozel advised it would, pointed out expansion wall and would be parallel. Mr. Fraser questioned should they double size of manufacturing area, how much would that leave them in way of setback on north end? Mr. Kozel advised that would be 300' out of a total of 300' and take side area off, thinks still would have quite a bit of room between themselves and Morgood. Thinks can treat this property with full size expansion and have enough parking. Mr. Fraser questioned would their 80 to 100 man force at time move into plant they have room for expansion of personnel, will they after? Mr. Kozel felt yes, have in excess of 20,000 sq. ft. with fifty people.

Mr. Hunter questioned how about odors or smoke, anything unusual. Mr. Kozel advised no, but at present they have air conditioning throughout main plant, administration office and do not know of any smoke or odor. Going to have basic research laboratory, between 1,000 and 1,500 sq. ft. Not aware of any odor that research would create. Mr. Romeo advised on question knew of nothing, no chemical treatment as such. Would have roof mounted gas fired heating unit. Oxides are given off as in own house furnaces, but they will not be burning coal or anything similar. Mr. Palermo questioned gas element would be more or less like us in home? Mr. Kozel advised yes.

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Mr. Hunter asked if they plan this as a one shift operation? Mr. Kozel advised as one shift. Mr. Palermo questioned the possibility of two or three. Mr. Kozel advised they have not even thought of that possibility. At present site situation in here last year was difficult to get management, working 59½ hours, office 51½, working six day week, Monday through Saturday.

Mr. VanSlyke questioned if they have any special metals and their grinders. Mr. Kozel advised at present just cut their steel, if need heat send it out, do not do any of own heat treating and on grinders think biggest machine use are 2, 3½ ton, thinks would be small in comparison to some equipment in area. Good bit of work is assembly, where are now are on wooden floors and this creates problem for them. It is not intention to do any sheet metal or stamping work, this is one job let out, however some of other machine operations may take place in their own plant.

Mr. Fraser questioned if they had any idea of what this new plant might employ in next five years. Mr. Kozel advised they were pretty conservative and in position of dealing with SEC at moment. They do have some five year plans and will say that it is entirely possible several hundred people within a short time, very fine people, capable of giving them some top management and go beyond what people running small company do have. Mr. Palermo questioned and he feels this area will be able to take care of it with five year forecast? Mr. Kozel did. Mr. VanSlyke asked if they were intending to move their present machinery from Goodman Street and how many employees? Mr. Kozel advised yes, everything will come over here. Their present lease expires August 30, 1968 and they would expect to be in operation prior to that time. Have allowed a couple of months for moving, hope would start moving within June or July and be in full operation by fall.

Mr. Miller questioned if architect cleared entrance with State Highway Department and was told yes.

Mr. Davis questioned they stated masonry in front, what is it going to be, stone or brick? Mr. Romeo advised as said previously, the factory area, east, west and south walls, unit masonry concrete block, painted and patterned, but north wall is a metal wall and be metal for the possibility of future expansion. The office area, this area has a band of black brick approximately 16" or so. He then went on to point out on the model and explain the lighting to be used to increase light and spaciousness and rest of design of building. He submitted set of construction drawings and explained the plans for exterior and interior of the plant. He explained the heating equipment that will be located on the roof and the height of the units. Mr. Palermo questioned the height of factory building and Mr. Romeo advised both lobby portion of office area and factory area is 16' from finished floor, office area itself is 12' off of finished floor.

Mr. VanSlyke questioned on their scale model between Paul Road and parking lot they have a hedge of sorts. Is that really contemplated? Mr. Romeo advised the hedge row exists on the east and north, and it will all be landscaped. Mr. Hunter assumed the parking out front was in the little circle shown on the model. Mr. Romeo advised yes, and pointed out the portion for factory parking and for staff parking.

Mr. Merkel advised Mr. Huberlie was here this evening and he had submitted his affidavit. If any of the Board would like to ask him any questions on any matters, he would be very happy to answer them. No one had any questions. Mr. Merkel again thanked the Board for the special hearing, and feels would make no change in neighborhood

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and because of misrepresentation suffer a hardship and ask that the Board grant their request for variance and permit building as shown to be erected on property. Feels this rendering would be a credit to the Town of Chili and to good sound planning. Feels should be no objections from any residents. In fact Mr. H. Gillette has come over tonight and he is here and feels his presence excellent indication, Hamco will be well received by surrounding neighbors in proposed new area.

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

Mr. Miller questioned if they know if took Warranty Deed and was advised yes.

The hearing on this application was declared closed.

DECISION: Approval unanimously granted as per plans and architect's rendering submitted at public hearing this evening and to be shrubbed as per scale model presented.

Patricia D. Slack
Secretary

MINUTES

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

November 28, 1967

The Public Hearing of the Zoning Board of Appeals of the Town of Chill, N.Y. was called to order at 8:00 P.M. November 28, 1967 by the Chairman of the Board, Mr. Hunter. Roll call found the following members of the Board present:

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

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

#1. Application of Case-Hoyt Corp., 300 St. Paul Street, for approval of a variance to erect a sign 24' long x 4' high, on Beaver Road, 50' setback. A zone.

Mr. Kenneth Young from Case-Hoyt Corp. appeared before the Board. He had no sketches to present. The sign is up and they wish it to stay up until spring. Mr. Hunter questioned the purpose of the sign and Mr. Young advised advertising it is their property and that they will be building a building up there. Will be their name on it, saying Case-Hoyt owns it and lettering advertising it. On question of how long construction will take he advised they are hoping to get in right after first of year and would say the sign would be up until probably March or April. Would like it four or five months. This would be an unlighted sign, it is wooden construction, painted sign about 4' off the ground, about 50' setback from road and it is up. It is case of calling up and finding out Zoning Board would meet tonight and were told to go ahead and put it up and present it tonight. He advised on question of Mr. Pfenninger it is about 50' north of Beaver Road and about 27' east of center line of Scottsville-Chill Road on old Henderson property.

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

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

#2. Application of Glenwood Stone Co., Inc., 671 Pullman Avenue, for approval to erect a stone manufacturing plant at 249 Paul Road. A. zone.

DECISION: No decision made, application was withdrawn by applicant prior to public hearing.

#3. Application of Arnold E. Cook, 690 Morgan Road, for approval to erect a house on undersized lot, 97' x 233.11', near 580 Stottle Road, EE zone. part of Tax Acct. 163-000.

Mr. Donald Cook appeared before the board and sketch submitted was shown to Board for study. Mr. Cook explained it and pointed out the lot in question, advising one man backed out of buying some of the property and the man who was purchasing adjoining lot now decided to buy the 100' adjoining lot and the lot 97' wide in question, but would still like to go ahead and get variance for the 97' lot and build on the 100' lot. He would want two separate deeds so could sell the 97' lot. He advised he was representing his father who owned the whole property. He sold off various lots at different times, first probably ten years ago and the other four or five years ago. There is nothing on this lot now. Mr. Hunter questioned how long ago the last piece was sold and was advised a month ago.

Mr. Hunter remarked this is hardship created by the applicant, and questioned how it came about. Mr. Cook advised, using sketch, man wanted to buy lot in here and Mr. Rhinehart, who owned one lot, wanted another 100' which left 97' in middle. Mr. Hunter question what if he were to take the 97'? Mr. Cook said he said no, when time came wanted to build would want 100' lot. He will probably build on 100' lot and leave 97' lot vacant so would like variance in case wanted to build on it. Mr. Hunter remarked it would be helpful if they talked to Board before selling them, because it is tough when gets to this point. Mr. Cook advised piece in middle was not going to anybody, if sold as one lot would be no problem. Mr. Fraser questioned the property to north and south, the lot size on those? Sketch was shown to Mr. Fraser. Mr. Cook pointed out where telephone company property was on corner and 100' to north of that. Mr. Fraser questioned if man next to it owns 200'? Mr. Cook advised he has bought the other 100' about a month ago. The open lots were pointed out. He again explained the man interested wanted two deeds to the 197'. Mr. Fraser asked if the man who bought to the north intended to sell? Mr. Cook advised no, wanted him to take the 97' but he would not. The only house there now, the one that just added on the 100' is Rhinehart's. On question of Mr. Miller he advised his house is on the 100' lot and he just added 100' on to it. Mr. Miller asked if he was aware of this when he sold him second 100', middle was 97'? Mr. Cook advised yes, but at time first started out was going to buy 197', then just bought 100', man in meantime took this 100' and Rhinehart would not buy less than 100'. Mr. Miller questioned when they intended to build this house. Mr. Cook thought in spring, man who bought the 197'. Not sold yet, in process of being sold. He will build on the 100' lot. Mr. Fraser questioned, will not buy the 97' unless has permit to build on it? He was told that was correct. Mr. Miller questioned he is buying two lots, one 100' and one 97' and Mr. Cook was here tonight to get 97' variance? Mr. Cook advised yes. Mr. Miller advised him that if the variance was granted for the 97' lot and it was not built on within a year, the variance would lapse. Mr. Cook advised he may never use it but wants two deeds to protect himself.

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

DECISION: Approval unanimously granted.

#4. Application of Fana Corp., 432 Seneca Road, for approval of a 9.5' south side lot line variance on Lot 103, 38 Lawnsbury Drive, house already constructed. E zone.

Mr. Joseph Admo of Fana Corp. appeared before the Board and explained they built the house on the lot and when had it dug out masons went in and put the cellar out over 6" unbeknownst to them. When went for first draws had to have tape map and discovered it. Tape location map was submitted and explained by Mr. Admo. The house is 9'6" instead of 10' from side. It has a two car garage, 20' on other side. The house is up, cabinets going in. He advised the surveyors were correct, but it was masons' mistake. Mr. Pfenninger questioned how far was other house on side. He was told 15' from their line. Garage is on left as face front. It is on east side of Lawnsbury.

Mr. Miller questioned if they were a subsidiary of Ryan Homes and was advised no, completely independent. Mr. Palermo asked if this was adjacent to Hillary Heights subdivision and was advised it is in that subdivision, were three lots in that tract undeveloped, adjoining one sold and they have option on lot on corner. On question of Mr. Palermo Mr. Admo advised there was a home to the south of here and people are living in it. Mr. Fraser questioned how much ground from their lot line to the dwelling and was told 15'. Mr. Miller questioned the easement for relocated creek and was told that was done by developer he thought,

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 Office, 1245 Chili Avenue, Rochester, New York 14624 on November 28, 1967 at 8:00 P.M. to consider the following applications:

1. Application of Case-Hoyt Corp., 800 St. Paul Street, for approval of a variance to erect a sign 34' long x 4' high, on Beaver Road, 50' setback. A zone.

2. Application of Glenwood Stone Co., Inc., 671 Pullman Avenue, for approval to erect a stone manufacturing plant at 249 Paul Road. A zone.

3. Application of Arnold E. Cook, 690 Morgan Road, for approval to erect a house on lot 97' x 235.11' near 380 Stone Road. EE zone.

4. Application of Fina Corp., 432 Seneca Road, for approval of a 9.6' south side lot line variance on lot 103-33 Lawbury Drive, house already constructed. B zone.

5. Application of Charles E. Sage, 79 Ballamys Road, for approval of a variance to build a house and garage on lot 126' x 150' at 91 Black Creek Road. D zone.

6. Application of Paul Pecanio, 290 Laurelton Road, for approval and renewal of variance for a 4' x 8' temporary sign at the corner of Paul Road and Maplewood Drive, 10' from either road. E zone.

7. Application of Paul Damrau, 809 Chili Avenue, for approval to continue operation of motorcycle Sales and Service at 3789 Chili Avenue. B zone.

8. Application of LeRoy Colprovia Pavement, Inc., 612 River Boulevard, to erect a black top manufacturing plant on the rear of property on Scottsville Road, near 1600 Scottsville Road, consisting of 25 acres, part of Tax Account 1137, approximately 300' from Scottsville Road. A zone.

9. Application of Hess Oil Co., Perth Amboy, New Jersey, for approval to erect a gas station at 1391 Scottsville Road, setbacks to be as per plans submitted. B zone.

10. Application of Nicholas Anello, 2235 Hudson Avenue, for renewal of variance granted September 1966 to Richard D. Fools for approval to build a house on a lot 80' x 209' on Wadsworth Drive, near 33 Wadsworth Drive. EE 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.

ER-1-107, 11-T-U

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:

November 18, 1967

Eleanor E. Williams

Sworn before me this 18th day of November 1967

Notary Public

Wel Mel Corp. Mr. Admo advised Mr. Fraser he thought on the other side approximately same width again. Advised again they have option on the corner lot. Mr. Vanslyke questioned lot on corner and was told approximately the same size and explained how the house could be placed on the corner lot. Mr. Fraser asked if the property owner on the adjoining property been approached in the possibility of purchasing additional footage to allow this? Mr. Admo advised they had not.

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

DECISION: Approval unanimously granted.

- #5. Application of Charles E. Sage, 70 Ballantyne Road, for approval of a variance to build a house and garage on lot 72.6' x 150' at 90 Black Creek Road. D zone.

Mr. Sage appeared before the Board and maps were presented to the Board for study. Maps showed the subdivision of Lot 90 into two lots R-90A and R-90B. R-90B is the lot in question. Both are corner lots in the Ballantyne area. On question of Mr. Hunter Mr. Sage advised it is actually going to front on Black Creek Road, garage will be on Theren Street, Mr. Sage pointed out the setbacks on the maps. Setback for front is 50' as planned, thinks can go to 45'. He was advised that the setback should be 60' in the front, and if wanted a lesser setback should amend his application asking for it. Discussion was had on the setbacks of homes in the vicinity, and the number of homes built on the block in this area. He advised he owned house on the next lot. Mr. Davis advised three or four of the lot owners in the area have subdivided their lots, they are deep lots, over 300' deep. Discussion was had on what setbacks should be if amended application to include variance setbacks, how he could cut down the breezeway to 16'. After discussion the application was amended to request also a 50' front setback and a 26' rear setback.

Mr. Miller advised him he should have a variance for the other lot, R-90A that existing house is on. As a matter of record should include it for area, as it is only 72.6' x 150. He should include it as part of application.

On question if any one present at hearing in favor of this application or opposed to it, Mr. Cook who lives across road spoke in favor of it. Would make corner look better that with a lot of weeds growing up there.

No one spoke in opposition to the application.

DECISION: Approval unanimously granted to build on the undersized lot with a 50' front setback and a 26' rear setback. Variance also unanimously granted for Lot R-90A, allowing reduced square footage on this lot caused by the resubdivision of the original lot 90. Lot R-90A faces on Ballantyne Road. 70 Ballantyne Road.

- #6. Application of Paul Peraino, 290 Laurelton Road, for approval of renewal of variance for a 4' x 8' temporary sign at the corner of Paul Road and Maplewood Drive, 10' from either road. E zone.

Mr. Peraino appeared before the Board and advised has a sign there now. Would like to renew the variance. Mr. Hunter questioned this is sign advertising subdivision, had previously been given variance for it for a year and would like to continue this? How much longer would he need it? Mr. Peraino advised about another year. It is a wooden sign, unlighted.

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

DECISION: Approval of renewing variance granted for a period of one year.

- #7. Application of Paul Damrau, 809 Chili Avenue, for approval to continue operation of motorcycle Sales and Service at 3780 Chili Avenue. B zone.

Mr. Damrau and his attorney Mr. Epstein appeared before the Board. He explained was not exactly sure what have here. Was a cycle shop before he took it over on corner of Chili Avenue and North Union Street and he had license to sell motorcycles. They cannot use his license, have to apply for a new license. Now requires they have written permission from Town to continue their business so in order to sell them next year have to have a license and in order to get license would like to have variance in order to continue business there. The license Department of Motor Vehicles issue requires permission because outside of city limits. Mr. Hunter and Mr. Miller advised they were not familiar with that requirement. Mr. Damrau said it was under requirements set forth to obtain license, exactly what it is he was not sure. Mr. Miller questioned was he making application for sales? He was advised they were making it for sales and service. During summer stay open sometimes until 9:00 but not later than that. Since do not deal with type of motor cycle ridden on road, not a matter of too many people riding to or from with motor cycles. Theirs are merely racing motorcycles service them, do not sell them. It does have high noise factor, but do not take them off floor, only reason turning them on would be if brought back to them for service, no light on them and cannot ride it on road to test it, would have to be during daylight hours. Mr. Hunter questioned is business any different in nature or size than business that exists there now? Mr. Epstein advised basically same thing, only difference, previous dealer dealt in road motorcycles, Honda. Also these people could ride them out at any time and also take it out in field and use their light, take it out and see what was wrong. This they cannot do with their product, does not have light and expressway lights do not light up field, so cannot do much at night, confined at night, most noise would be during day and will. Mr. Hunter questioned, cycles like these cycles do make more noise than Hondas? Mr. Epstein advised yes. Mr. Hunter asked if they had talked to any neighbors? Mr. Damrau advised he had already spoken to him and told him if any time if any unnecessary noise to let him know. This far he has not. He has been very careful not to make any noise at an unjust time. He understands during day not everything can be away from it.

Mr. Hunter questioned he was operating right now? Mr. Damrau advised had been helping Mr. Kummer. Mr. Epstein advised have not switched, but all papers signed for franchise. Mr. Hunter questioned at this point no one will know how much noise created? Mr. Epstein would assume noise would be very similar to what doing at end of last year when dealing in racing motorcycles, servicing them, so noise would be similar. Mr. Hunter asked how many times out in field with cycle? Mr. Damrau thought on average will be once a day for about five minutes. Mr. Epstein advised a path that might cover one quarter of mile. Paul takes them out and rides them around to check them, if runs alright fine, if not, run it again and test it.

Mr. Hunter questioned, assuming they do get license, how long does it run. Mr. Damrau advised one year, have to apply every year. On Mr. Miller's question advised it is on calendar year. Mr. Hunter asked, so if Board chooses to give permit for one year period to see if any

opposition to operation, would that be all right? Mr. Epstein advised fine, and next year could come back and show Board results. Mr. Miller asked would they mind if put stipulations, no turning over of motors at a certain hour of night, 7:00 or 8:00. Mr. Epstein advised during summer time, at 7:00 or 8:00 a lot of fellows who race as hobby, will come out to shop to check their own machines. These fellows come home from work and wish to check something, might keep them running for daylight period, so in summer time would be about 9:00. If Board would like to stipulate after 9:00 P.M. they would be more than happy to agree. Mr. Miller questioned house on northwest corner, what about other three corners? Mr. Damrau advised far enough away. Right across, such a distance any noise made does not bother them, only close place when running machines inside. When do take them out, far enough away, only people that could bother would be people right next door and there is approximately 20' to 30' from their building to his. They live to west on Chili. In answer to Mr. Miller's question, Mr. Damrau runs it and it is concrete block structure. Has show room in front with glass window. But shop itself has few small high windows for light, rest all concrete. Big door in back, but that is usually closed.

Mr. Miller questioned, they do not intend to encourage motorcycle clubs, etc.? Mr. Epstein advised those people he was talking about, they get bad publicity, not interested in them at all, not what they are trying to build up. He explained the difference between regular motor cycles and racing motor cycles and why they did not have lights or anything else not needed. Whole purpose to go on dirt tracks as fast as can go, cannot be ridden on road. They are hauled to where they have to go. Mr. Miller questioned similar to hill climbing motorcycles? Mr. Damrau advised very close to it. Mr. Palermo questioned if any one wishes service, have to come on trailer? Mr. Damrau advised yes, that is why several people leave them there, cannot drive them, have to come on trailer. Mr. Epstein advised in exchange for them allowing them to stay there, they take them out to track. Mr. Damrau advised races are usually held on Sunday and for final testing take them to local tracks and try them Saturday and run them. There they can ride them wide open, so really know how they run, testing around here just to see if engine runs. Take them out there to see if run all right. Mr. Epstein advised Saturday usually just skeleton crew on. In good weather, mostly down at track.

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

DECISION: Reserved.

#8. Application of Leroy Colprovia Pavement, Inc., 612 River Boulevard, to erect a black top manufacturing plant on the rear of property on Scottsville Road, near 1600 Scottsville Road, consisting of 25 acres, part of Tax Account 1157, approximately 500' from Scottsville Road. A zone.

Mr. Wickins, Attorney for Leroy Colprovia pavement, Inc. appeared before the board and advised this application was before them at a previous time and as a result of that hearing there was a request made by this Board for an engineer to come to explain the plant to be erected. At the time set it was impossible to get the engineer and they felt they had to withdraw it until could get the requested engineer here. He was here tonight and Mr. Wickins would like to make motion, instead of going over what went on before that minutes, exhibits and everything be made part of this hearing. Did have people here that testified if the Board wished to question them.

Mr. Hunter advised those present they had many people here that were

here before at original hearing. Board asked for plot plan and over all specifications and any specifications in terms of equipment and there were drawings submitted on these. Board requested additional information, that was discussed, then it was withdrawn and then brought back again this evening and Mr. Wickins proposes rather than go through complete testimony we dispense with this and make that matter of record. He asked if there were any objections to this.

Mr. Tarricone, Attorney for Gillette Tool and Machine Company objected to this procedure. This is a new proceeding, they have no assurance at this stage that the information put before the Board at that time is applicable to this application. At that time application was withdrawn and there was no interest, now there is interest in this application. They may wish to cross examine these witnesses, may wish to elicit information they did not wish to at that time, on application that was presented at that time. Mr. Hunter advised the Board will do whatever is agreeable. Mr. Tarricone suggested Mr. Wickins furnish them with copies of that previous testimony with understanding their rights are reserved at this time. After examination of that they may have no objection. Mr. Wickins advised they could certainly furnish him with minutes of hearing, that would be testimony. Could not do it tonight, have to have it prepared. Any exhibits in matter were photo pictures of plant. Plant itself is going to be explained tonight. If he is interested, could be given copies of photos. Mr. Tarricone advised provided all his rights observed, no objection to proceeding this evening.

Mr. Hunter asked if any other objections on this. Mr. Ray Arbor, 46 Red Bud Road questioned as a matter of clarification, is this a new application or an adjourned or continued matter? Mr. Hunter advised since application was withdrawn, have to say it is new. In actual practice, really continuation of application made in July. Mr. Arbor questioned if new application, should not go through entire procedure. Suggested show of hands in favor of this. Mr. Hunter advised Board is willing, were just trying to do what can to save time, but want to get all the evidence before them. Mr. Arbor suggested polling audience and seeing if want to be brought up to date. Mr. Hunter asked if he attended original hearing. No change in application, what did ask for was additional explanation. Mr. Arbor questioned this is really point of procedure then? Mr. Hunter again stated will do what group wish, the only reason for Mr. Wickins request, was fairly lengthy testimony which is in records which is open to all. Mr. Tarricone asked to make himself clear, it is not only in proposal was interested, what evidence was put before Board and in what form. These rights would have to apply to any interested individual. Mr. Wickins advised thought most were here before. Main point at issue is plant itself and that is evidence that will be presented tonight. Evidence before was real estate expert as to fact that this land is, best use land can be put to. Evidence also by Mr. DeWitt as to the plant. This is located, the entrance is seven tenths of mile from intersection of Scottsville Road and Paul and the land where plant itself will be about 1,000' back from Scottsville Road, back by railroad track.

Mr. Tarricone stated Mr. Wickins has stated on previous hearing a certain real estate individual was brought before board to testify as highest and best use that could be made of this land. However section A does not permit use of this. On that basis of by mere statement we review record, prejudices our rights, evidence improperly considered. Afraid will have to insist on entire commitment, with full presentation of all evidence, so that they may object to that evidence.

Mr. Wickins advised in first instance, he had here a man from Pennsylvania, an engineer. Thought he would put him on first. He called Mr. McCarter.

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Mr. McCarter, 200 E. Washington Street, Morristown, Pa. appeared before the Board and advised he was connected with McCarter Manufacturing Co. Was president of the corporation. Was a graduate engineer from Princeton in 1950. This corporation engaged in manufacturing equipment necessary for their operation, doing it since 1936. He has been engineer since 1950. Mr. Wickins explained he had already submitted plans which he asked Mr. McCarter to explain to the Board. Advised the plot plan was also submitted in evidence of the place where it is to be placed on.

Mr. Kelly, Brewster Lane, wished plot plan made available to audience and Mr. Hunter advised it would be.

Mr. McCarter advised this plan, made up of three major components. As far as location, will all be contained within this square (using plot plan) process involves drying operation of the stone. He pointed out drier. Passes through drier then explained plant consists of three major components, drier for drying stone, which is necessary to make paving material and a mixing tower would be second major component. Stone is elevated, screened, stored in bins, weighed, put into mixer and truck would draw it over there and then third major component is the air system which generates air for drying stone. Generation of air is simple. Is dust created in this drying process. They developed complex system for collecting dust throughout entire system. Drier creating dust is connected to dust collection system-two function to generate air for drying stone and one to remove any particles or fumes from dry process. This is carried into dust collector. All units completely enclosed and operate under pressure through ducts (pointing out ducts) and they are introduced back into control system. This particular process they are involved with in this particular installation involves so-called primary collector which he explained. This state of control really has only been introduced within last two years. On general paving this was rather unusual except in municipal governments went a little ahead of demand. New York City has had strong pollution law. Washington, D.C. and some cities dealt with using this equipment for sometime and not quite as refined as this. This system covers more than any pollution code they are aware of and they are aware of a lot, west as far as Mississippi and south as far as Carolina. Liquid material mixed in with it, actually no process involved, purely additive, brought in tank truck, sealed truck pulls into sealed weigh device, everything sealed, does not see light of day until arrives in truck. Process just about this simple. It is difficult to tell today, cannot honestly say that this was true very long ago, a plant of this type today, 100 yards from it, difficult to tell whether running or not running in terms of noise, fumes, odors or anything else.

He was questioned about dust and advised you will not see any dust. He lives within about three quarters of mile of a plant. He had previously explained how sand particles and particles collected in dry state and pressured out in process or back in process or gotten rid of and secondary wet system does final collecting. Mr. Hunter asked if he could make any statement as far as size of particles that could possibly get out? Mr. McCarter pointed out on the brochure of the equipment it points out it is 99% cleaning in micron range. In actual practice this equipment very seldom. 99.7% efficiency. At that range cannot see anything come from stack. Some people make mistake. This is wet process where literally washed in rather elaborate wash. Consequently introduces hot air into cool water and saturating it. You saturate particles and with that warm air in neighborhood of 170° when warm wet air comes out stack, you will see a plume of white steam. This occasionally you can see maybe 20' to 25' from stack, that as soon as cools down, steam disappears. On question Mr. McCarter thought 1 to 2 micron range is 1/1,000 of an inch, about thickness of

Mr. Vanslyke said it was 1/30,000 of inch.

Mr. Hunter questioned as he recalled at earlier meeting, some question as to who would supply equipment. Did he understand these gentlemen would supply the equipment, this is description of equipment? Mr. Wickins advised yes, that was reason had to withdraw until this was decided. As Mr. McCarter has told him, this equipment is pretty standard now. Mr. Wickins questioned Mr. McCarter on smoke, if any comes from this plant? Mr. McCarter advised there is really no smoke, only reason there would be if the oil or gas burner is not operating effeciently. People do not like to see that happen because wasting money. In this case Mr. DeWitt has requested and is planning to equip plant with automatic burner and they have found they seem to operate with completely clean stack. It is nothing, only thing here to put out smoke is overgrown oil burner like in cellar of home. Exactly same principal and considerably more refined because instances in home burner cost few dollars, but this sort could be expensive indeed.

Mr. Vanslyke questioned he said something about dust and smoke, how about fumes, odors? Mr. McCarter would say this has sort of got to be judgment thing. The only possible source of odor really would be the oil burner and as he mentioned, that with an efficient oil burner, there is not odor. Mr. Vanslyke questioned how about product you are using? Mr. McCarter advised oil would be one thing and product other. Liquid bituman. That was why went through that. That of course is capped and closed and ventilated until placed in truck. It would normally be about 300° Fahrenheit, in that the different specifications call for definite temperatures. Mr. Vanslyke questioned at hot temperatures would there not be more fumes than at temperatures outside now? Mr. McCarter advised none, then, because would be solid. What he was driving at, would be matter of judgment. Did not think he can smell a truck load of asphalt from 50', sort of matter of personal experience. He would say this is personal thing, he would consider a black top plant odor free. Having been around a lot of them thinks could categorically state fifty yards from black top plant no odor.

Mr. Fraser questioned on the size of particle they filter down to, they agree micron size, does that signify what sort of bulk might be found in an hour's time? Mr. McCarter advised they express efficiency as 99.7% which means they will collect 99.7% of all solids that enter the collector. You will say O.K. now what does .3% represent. He honestly cannot answer that question in so many pounds. As he did say would not be visible as came from stack. It would certainly be possible, in neighborhood, depends entirely on spread, contributing material, depends on number of things, 25 lbs. an hour and that is just guessing. Here again the additive goes in, some are washed, unwashed, in any event stack will appear visibly clean.

Mr. Palermo questioned would it help if knew what production an hour is? Mr. McCarter had good idea what it is. He was basing 25 lbs. on average production rate. As they may or may not realize, mix specifications vary, so we would have to know exactly what mix and know what might be, which will vary from week to week. It is tremendous variation, so cannot say what it would be, so many pounds. Would have to say so many today, so many tomorrow. No crushing done here, all do is dry it and size. We are drying it, mixing it and weighing it within specification automatically for State of New York. They insist on automatic mixing.

Mr. Fraser questioned, relative to this in their foundry system, this is as new equipment, is there depreciation factor with vibration, etc. does this become a problem in time or are they replaceable type

of unit? Mr. McCarter advised replaceable units and do same. However, if it is operating properly as far as production of unit concerned, it will operate properly as far as air pollution. If wear out so not collecting dust, damage own production. It should run five years without any appreciable change and if they look at picture of it, made in sections, various sections in cut away, break unit, they are replaceable. Obviously cannot let it get holes in it. Can see if these fans wear out then all characteristics of thing changes which effect drawing operation. Mr. Hunter asked if he could give any feeling, for this relatively small amount that does get away, how far it might travel, would assume it would tend to travel out of here, how far might it travel? Mr. McCarter advised here again, if wind blowing or not. So fine and in such small quantity, would not be traceable. Mr. Hunter questioned would he expect nothing here, dust settling on trees and foliage around place. Mr. McCarter advised no indeed. Advised have unit with similar equipment in Richmond, Virginia and two blocks from Southern Biscuit Company who are very fully concerned about any polluting their equipment. There is a plant very close to his own home. One within half a mile of Burroughs Corp. one major research unit, have fine unit, seems no problem there. Does not know if they realize plant up the road. Again, he lives in fairly nice residential development and one across street from plant. Have plant in Washington, D.C. in Georgetown on Patomac River. Doubt people a block up there realize it is there. In Brooklyn, N.Y. again that one almost identical equipment to this one and City of New York have strict pollution code. With proper equipment, and this is, there is no problem and he will be first to admit without proper equipment can be a mess. As he said, not visible any more with automatic equipment. We talk about dust and dirt, etc. The unit for operating the batch unit is actually Solid State Electron control, automatic controls for pulley pretty much same and motorizes controls at pulleys. This is sort of thing should not be dirty. Behooves owner to keep it as clean as possible.

Mr. Wickins asked about how high plant will be when completed. Mr. McCarter pointed out the highest point was 67½', to mast.

Mr. Wickins remarked he saw no reason to put the pictures submitted at the previous hearing in evidence of existing plants now we have exact plant, felt they were no longer of value. He called Mr. Harvey B. Rosenbloom, 901 Reynolds Arcade, Rochester, N.Y. and resubmitted his qualifications for the record. He questioned him did he at Mr. Wickins request, make an examination of the property in question? Mr. Rosenbloom answered yes and Mr. Wickins at this time would like to put in the survey in evidence. Mr. Tarricone advised in interest in saving time may he question qualification of this witness. He recalled him as real estate man, not as qualified engineer. Did not think ordinance permits any, Mr. Wickins advised he was going to describe property where plant is to be located and whole property in question and discuss as to what can be put on property as expert. Mr. Tarricone questioned his qualifications to question as civil engineer or land surveyor. Mr. Rosenbloom advised if pleases Board in here on real estate appraisal and will limit his remarks. Mr. Tarricone saw no point in having this man testify. Mr. Hunter thought might allow him to testify and if he wanted to object to any part, be on record.

Mr. Rosenbloom advised he made examination, made physical inspection of that part of the property that he could navigate. Mr. Wickins requested he described property in question and also as to where the proposed location of plant to be and he believed he had an aerial photograph to be put in evidence. Mr. Rosenbloom advised site is approximately 25 acres, west side of Scottsville Road. Everything overgrown land, low, there is a bog running across it. Mr. Tarricone moved to strike it from record, immaterial from nature of application, low swamp and overgrown land. Mr. Hunter failed to see problem in

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description. How much we take this into account is perhaps, so no problem in this. Mr. Tarricone felt fact it may have neglected in its use not of use to Board to make this consideration of application, is not directed to highest and best use and fact is there what should be put to and - Mr. Rosenbloom advised for record did not believe highest and best use in - Mr. Tarricone believed remarks prejudicial, they were trying to make this town, to make improvement of immediate interest to some people. Mr. Wickins felt part of consideration, and Board should have evidence as to description and to his analysis and do believe Zoning Board of appeals has right to consider anything they want to consider. Mr. Miller felt purely discretionary, as courtesy if we wish to allow this man to testify, no reason why not. Mr. Tarricone wished to let record show his objections.

It was advised this was put on record last September. Mr. Hunter advised this is what he stated at beginning and there seemed to be enough concern that it seemed best to go through it. Mr. Tarricone advised they are not concerned what use land being put to presently or what could or want. At this moment they are concerned with use to be made of this land. This is testimony to present physical - Mr. Rosenbloom advised as he said, the site is overgrown land, is low bog running across center of it. Heavy growth along major portion, particularly on back side along railroad and along south lot line. The total area is covered with overgrowth and bogs of some sort or another, hardly clear spot to be found on total site. Land located in A district, industrial zone in Town of Chili. West of railroad track is Gates-Chili-Ogden Sewer treatment plant of Monroe County Sewer Agency. To north along Scottsville Road is S4 Lumber. He believes that describes the site as it is now both physical and as far as location concerned. Mr. Wickins questioned if he had aerial photograph. Mr. Rosenbloom advised had aerial photograph of site showing in rough outline the general location of actual plant as was presented at last Board hearing. Mr. Wickins advised actual survey showing where plant will be located was presented to Board. Mr. Rosenbloom advised the actual plant area is designated as approximately three acres and it is set off as being over 600' off Scottsville Road. It would be at its closest point only 150' from Pennsylvania railroad right of way, would be 100' from the south lot line. The driveway area and location of plant would be here (using survey) which would be driveway coming in on the southeast corner of the lot. He pointed out what designated bog or pond area. This is all wooded all way around as shown on the drawing and plant location being in the approximate center of that three acre site which leaves over 20 or 22 acres of site unused. Mr. Wickins believed he states this plant area itself is surrounded by trees? Mr. Rosenbloom advised trees would have to be cleared to make site area, still leaving trees surrounding site so that there is a screen, there at present time and not necessitating creating screen.

Mr. Kelly, Brewster Lane questioned if part of information he was referring to something that apparently is plot plan. Would be nice for this to be exhibited so all can identify what talking about. Mr. Hunter advised would be glad to have any one examine it. Mrs. DiPascale advised their land right next to that all clear back there and they can come back and look at that. Mr. Hunter held up plot plan and explained it to those at hearing.

Mr. Wickins advised first, plot itself 620' from Scottsville Road, but plant itself will be approximately 1,000' back. Mr. Kelly asked where is access. Mr. Wickins advised if he went up by there shows it now, there is a gate and opening where it is to be and it has been cleared by State of New York on south end of property, it has been there for about a year. Mr. Hunter advised when they complete formal hearing, any one can come up and see the plot plan. Mr. Tarricone advised since he did not consider this testimony important to this matter, he had no questions.

Mr. Wickins called Mr. DeWitt, E. R. DeWitt, Pavilion, N. Y. who is treasurer of the corporation, and on Mr. Wickins statement advised they were presently located near the University of Rochester. Mr. Wickins asked if he wished to explain to the Board the reason it is necessary for them to get out of there. Mr. DeWitt advised the university wants land for future expansion and they intend to build buildings in there and they have an old antique plant there but they think are going to need land in a couple of years and could not put new plant in for two years, so have to get, have agreed to get out of there this fall. Plant has been located there since about 1934 or 1935. They have not owned it that long. Mr. Wickins advised at last hearing was letter from University of Rochester. He would like to make it part of the hearing. He presented letter from the University of Rochester regarding this plant and Mr. Tarricone objected.

Mr. Wickins questioned if permission given, did he plan to put in access road back to plant and it will be paved road for only you and emergencies, and this will be paved road back in? Mr. DeWitt advised yes. Mr. Wickins questioned did the Board believe it necessary to go over with this witness what engineer went over-at last hearing did have Mr. DeWitt explain this, but believe engineer best one? Mr. Hunter felt this is agreeable.

Mr. Vanslyke questioned, this access road is some 600' or 1,000'? You say this will be hard surface road? What did he mean, would be surfaced by his product? Mr. DeWitt advised yes, when get base. Mr. Vanslyke questioned will this road be completed full length before, will that be first operation, or would they use gravel on this road for some time? Mr. DeWitt advised they would use gravel until compacted, but cannot travel it much until compacted. Guess it would be good place to try out plant to cover road immediately. Mr. Vanslyke thought that is rather important. Mr. DeWitt advised intended to get road best could just as quick as can, but if do not have paved with black top they would oil it, but certainly he would say within a month after they are in operation would be paved with black top.

Mr. Fraser questioned much in way of dust and dirt drop off from vehicles bringing in stone? Mr. DeWitt advised no, there should be no drop off from their bringing in stone because come on miles of highway before got to that point. Mr. Fraser questioned the unloading of truck into feeder for bins, is there way of enclosing that so not dust factor from that? Did not think that was mentioned in discussion of plant? Mr. DeWitt advised they intend to cover feed hoppers and conveyors so that dust will not blow off them. Mr. Fraser questioned not possible to have enclosure where stone is dumped into this arrangement or whatever conveyor belt will pick up from? Mr. DeWitt advised would take quite a structure and would judge with equipment so that would be hardly probable to be certain nothing from that would blow out where could see it from any edge of property.

Mr. Palermo questioned this stone washed before brought in or washed on present site? Mr. DeWitt advised is not washed at any time with water. In first place, it is clean enough product so that does not have to be washed to meet specifications and of course to wash it and then dry it is just defeating half purpose of drier, would take twice as long. Mr. Palermo questioned any of area for storage? Mr. DeWitt advised small area, yes. Like to think never. Get all set for one size and that person cannot go for that, but do not intend any appreciable storage. Not economical to handle it, waste and expense.

Mr. Tarricone, Attorney for Messrs. Gillette of Gillette Machine and Tool Co. on Milstead Way was advised he could ask any questions. He requested the engineer from Pennsylvania to answer some questions.

It was questioned how far location from property plant site. Mr.

Wickins advised he stated their roadway is 7/100 mile from intersection of Paul Road and Scottsville Road. Milstead Way is approximately 2500' from Scottsville Road. After discussion it was figured roughly something like half a mile.

Mr. Tarricone questioned aggregate he was talking about, washed and then dried, referring to stored aggregate? Mr. McCarter advised he was apparently in error about it being washed, Mr. Tarricone then questioned, so being in error concerning washing, then would he revise his figures as to prospect of dust? Mr. McCarter advised no. Mr. Tarricone questioned he referred to fact that 99.7% of all solids are controlled by his equipment, is that correct. He was advised yes. Mr. Tarricone asked that includes all of the aggregate? Mr. McCarter advised he said solids that enter collector, which is about 20% of the dust that originally enters the system, so talking about 99.7% of 20% of dust that enters system. Mr. Tarricone questioned what happens to 80% of dust? Mr. McCarter advised already in. Mr. Tarricone questioned what percentage of all of aggregate is permitted to escape? Mr. McCarter advised that would be done in 100,000% the bulk of aggregate referred to going into butt. Mr. Tarricone asked aggregate going into product will run to 100,000 of tons a week? Mr. McCarter thought maybe we should establish rate here for everyone's reference. This particular production unit is rated about at 180 tons per hour. Depending on operation can make that into gross figure. Mr. Tarricone observed 180 tons per hour, talking in tons of stone. In addition to that then there will be tons of tar, of bituminus. In plant you use perlite for aggregate. Asbestos material, light sand, aggregate, gypsum? Mr. McCarter had not seen it done. Mr. Tarricone questioned that could be used in this plant? Mr. McCarter was not familiar with it. Mr. Tarricone questioned what distance can 1 or 2 micron bits of dust travel? Mr. McCarter advised 1,000 miles, but you will not see it when it lands. Mr. Tarricone questioned if he had any experience with precision equipment? Mr. McCarter advised considerable experience with it. Have an unusually complete machine shop which they need for their manufacture of batch plants. One of their lines mechanical presses and dies that go with it. Mr. Tarricone asked if he was familiar with what a micron of dust can do with precision, of equipment that can be damaged? Mr. McCarter thought depends on kind of precision machines—he refers to tool and dye, cannot say that can hurt tool and dye. Mr. Tarricone questioned in talking of micron speck types of dust, that can be of various materials? Mr. McCarter advised in this particular case, talking about a dung dust. Did not know exactly type Mr. Dewitt -- Mr. Tarricone asked but stone dust could have that they would have there, these microns would travel even to 1,000 miles? Mr. McCarter advised that is right. Mr. Tarricone again questioned the microns of dust in operation. Mr. McCarter advised this is a difficult thing, there is no way of ever checking it, but he firmly believes the operation of this unit, at full capacity, no one in area would notice any difference in dust any place. Mr. Tarricone questioned, his distance of dust that will be released, he does not take in consideration dust particles released by license of stock pile of aggregate? Mr. McCarter advised this is correct. Mr. Tarricone asked so that amount will depend primarily on fine particles contained in that aggregate? Mr. McCarter advised it will depend considerably more on the weather, in normal weather and normal humidity and rainfall you will see really no dust around stock pile. A warm dry spell you may get these foreign particles and most subject to humidity and hard to dry and will soak it up quickly. Depends much more on hot dry spell or normal humidity.

Mr. Tarricone questioned plans he had worked with, how do they contemplate bringing in of aggregate. Mr. McCarter advised plan reviewed here with Board do not include bringing in aggregate. That is why Mr. Dewitt was asked and they are making that arrangement themselves. Mr. Tarricone asked so his testimony does not take into consideration

natural dust created by bringing it in or dust created by storage nor dust created by movement of aggregate from stock pile to his equipment, referring to equipment design? Mr. McCarter advised that is true. Mr. Tarricone questioned, at that point his equipment will control from that point on? Mr. McCarter advised that is correct.

Mr. Tarricone questioned the bitumen, brought on site in solid state? Mr. McCarter advised it is not solid, in liquid state, in tank truck. Mr. Tarricone questioned but consistency of liquid state, modified for various types of pavement work? Mr. McCarter advised have different penetration built into it, do not change character of material. Mr. Tarricone questioned when you supplying business this bitumen in liquid state, what is solvent used? Mr. McCarter advised no solvent, it is temperature. Mr. Tarricone questioned the liquid controlled by temperature only? Mr. McCarter advised that is right. Mr. Tarricone questioned no oil in Bitumen. Mr. McCarter advised it is oil, petroleum. Mr. Tarricone questioned oil gives off odor? Mr. McCarter advised it has no odor, oil fumes. Mr. Tarricone questioned and heat creates fumes? As for the bitumen, his testimony previously given only had reference to control of fumes, oil in process of being made into the black top, asphalt, or whatever, is that correct. Mr. McCarter advised that is right. Mr. Tarricone questioned his testimony did not contemplate the fumes to be released in process of bringing the bitumen to site? Mr. McCarter advised, there are none, it is brought in a sealed tank car. Mr. Tarricone questioned and hose connections are made and so forth to storage tank? He questioned a loose connection to it. Mr. McCarter advised you better hope do not see any around this plant, it is very uncommon, cannot tolerate it.

Mr. Tarricone questioned, when as warm leaves the plant, then we have a product which consists of aggregate with bitumen, at that stage giving off fumes, are we not? Mr. McCarter advised you could put it that way. Mr. Tarricone questioned and his testimony did not take into consideration those fumes? Mr. McCarter advised yes it did. They discussed that feature. He pointed out that this work is a matter of personal opinion. What his attitude is, he cannot smell a truckload of black top from 25'. Maybe you will disagree and say 50' or 10'. This is his attitude and this is from personal experience and exposure. Mr. Tarricone questioned he was saying you cannot smell a truckload of black top from 50' so, therefore, no fumes? Mr. McCarter answered he cannot say there is no fumes. Mr. Tarricone queried, there is a fume and it has odor. In his opinion cannot smell that odor for more than 25', is that correct? Mr. McCarter said correct.

Mr. Tarricone questioned how would clean plant of this sort and Mr. McCarter advised would be cleaned by rain water. Mr. Tarricone questioned, this stone mixed with tar, is it not? Plant shut down on occasion, evenings? Mr. McCarter advised at night and during winter. Mr. Tarricone questioned does equipment continue to operate when shut down, does interior of equipment require cleaning? Mr. McCarter advised no. Mr. Tarricone questioned residue of material allowed to remain in this area? Mr. McCarter advised very slight. Mr. Tarricone asked and it does no harm? Mr. McCarter advised no. Mr. Tarricone questioned no need to use solvent to clean equipment. Mr. McCarter advised no, absolutely not. Mr. Tarricone questioned what about the trucks? Mr. McCarter advised he was not qualified to answer that, that is operating question. Mr. Tarricone questioned Mr. Wickins he assumed he would have some one here to testify to trucks. Mr. Wickins advised Mr. Dewitt can. Mr. Tarricone questioned is pitch delivered in barrels? Mr. McCarter advised in tank trucks, just like fuel oil.

Mr. Tarricone questioned is it possible for the equipment to operate in mixing aggregate and pitch while primary dust control is not functioning? Mr. McCarter advised it can be made either way. Mr.

Tarricone went on and can also be made to operate while secondary dust control not? Mr. McCarter advised it can be made--Mr. Tarricone questioned in fact their earlier model did, without dust control? Mr. McCarter advised lot of technical differences, one advancement-- Mr. Tarricone questioned equipment can operate without dust control feature? Mr. McCarter advised can when on yes, or no. You cannot run process unless dust collecting equipment running. On the other hand, you can run the mixer. You are not processing any stones at this stage of game. You cannot dry stone unless dust collecting equipment in operation. You can actually batch without dust collector. Mixer is sealed, work.

Mr. Tarricone questioned some of the products that can mixed are products that have very little aggregate are they not? Small sized stone? Mr. McCarter advised some of it is sand. Mr. Tarricone questioned sand and bitumen. Actually bitumen is nothing but by product, so that you may have on this site a pile or reserve of No. 2 stone, a reserve of No. 1 stone and pile of sand also, and 1/2"? Mr. McCarter advised it is possible. Mr. Tarricone questioned if Mr. Dewitt will have piles of stone.

A recess of the hearing was called at 10:30 P.M. by Mr. Hunter, Chairman of the Board.

The hearing was reopened at 10:45 P.M. Roll call found the following members of the Board present:

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

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

Mr. Wickins believed when recessed, Mr. Tarricon was asking something about trucks.

Mr. Vanslyke asked Mr. McCarter in operation of plant, how much water would he say would be used in a twelve hour operation. Mr. McCarter advised various methods of doing this, theoretically none, or as much as 75 gallons a minute. This washing process normally you would let the material settle out and recirculate the water out, make up water in nature of 5 gallons an hour. 40 gallons a day, that would be normal operation. Mr. Vanslyke questioned, certainly you do not suppose, use 50 gallons in an 8 hour day, what would this look like? That is discharged? Mr. McCarter advised that water used, comes off not still water, recirculated, as comes out all washed, is sludge. Mr. Vanslyke wondered how much sludge be accumulated in operation of twelve hour day capacity, how much sludge? Mr. McCarter advised again this depends entirely on the input. Again would guess, possibly six tons. Mr. Vanslyke questioned, this is sort of mixture of mud, etc.? Mr. McCarter advised just a sludge, fine dust and water, no large particles. Mr. Vanslyke asked what is usual procedure of getting rid of this accumulation? Mr. McCarter advised normally picked up either with loads on specialized equipment that discharges it into truck in set stop, towed away and dumped.

Mr. Miller questioned after period of couple of years carbon deposit in stack from oil burner? Mr. McCarter advised no, no carbon deposits. Will operate close to 100% if careful, any carbon deposit or oil residue deposit on stones. Do not get carbon deposits in equipment at all.

Zoning Board of Appeals

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Mr. Miller questioned, other point made, said 3/100%, could be as high as 25% an hour of microns and dust, is this solids or gas or what? Mr. McCarter advised micron is 1/200,000 of inch particle, up to 1/200,000. Mr. Miller questioned even after plant operates three or four years, no evidence of dust with reaction of air or wind? This 200 lbs a day is dispersed and no accumulation? Mr. McCarter advised do not believe, no accumulation in amounts in this area.

Mr. Wickins called Mr. DeWitt and told him Mr. Tarricone had questions on trucks and asked if he would explain operation and dumping.

Mr. Tarricone questioned, in other words, what size trucks his company uses and would use in bringing the stone or as they call it, aggregate to site and what trucks be used in hauling it away? Mr. DeWitt advised the largest legally allowed in State of New York. Mr. Tarricone asked him to tell him what is largest size? Mr. DeWitt advised depends on use. It is set up, there are many formulas if you get traffic book, so different formulas for different sets. Mr. Tarricone asked how many tons of aggregate or stone does one of his trucks he now owns carry? Mr. DeWitt advised trucks legally carry from 8 to 25 tons depending on how set up and how designed. Mr. Tarricone questioned, you have some that carry 8 and some 25 ton and some that carry some quantity of tonnage in between? Mr. DeWitt advised yes. Mr. Tarricone questioned, these are open trucks are they not? Mr. DeWitt answered yes. Mr. Tarricone questioned aggregate would be brought in from some other supply source? Mr. DeWitt advised yes. Mr. Tarricone understood from this gentleman, testified capacity of this plant would be 180 tons an hour, is that correct? Mr. DeWitt advised yes. Mr. Tarricone asked so that would average to be 10 truck loads an hour just bringing in stone to be used for this mixture, Mr. DeWitt advised yes. Mr. Tarricone questioned that would be in addition to stones, stone pile keep on hand during working day. Mr. DeWitt advised not in addition to it if you were lucky enough, they do not dump in stock pile, dump in plant. Mr. Tarricone questioned they do have some stock pile on plant site for emergency use? Mr. DeWitt advised make mistakes, have to have stock pile. Mr. Tarricone asked how many ton in stock pile approximately? Mr. DeWitt advised if you have an order for several hundred tons and will be bringing in 50 tons to round or possibly 100 to round and had to stop would have to dump in whole thing. Mr. Tarricone questioned, so actually your stock pile could vary from three day operation to function a week if stock - Mr. DeWitt advised would not be feasible to pile a week's operation in there. If full week quite a pile of stone, cost money to put it up there. Mr. Tarricone asked if he would say three day stock pile? Mr. DeWitt said no. Mr. Tarricone questioned would say one day stock pile? Mr. DeWitt said yes, because one day could be 100 tons. Mr. Tarricone observed that would be 100 tons of one type while 100 ton of whatever type you had? Mr. DeWitt advised either way. Mr. Tarricone questioned and some could include sand pile? Mr. DeWitt advised yes. Mr. Tarricone advised they were talking in terms of average of 10 trucks an hour bringing in stone on a normal operating day. This also made 10 trucks taking out tar mix, so now 20 trucks an hour coming in, going out on a normal day? Mr. DeWitt advised hoped it would be but sure would not be. Mr. Tarricone questioned building plant able to do that? Mr. DeWitt advised yes.

Mr. Tarricone questioned what provisions are going to be made for moving the stone from his stock pile to mix plant? Mr. DeWitt advised probably with front end loader. Mr. Tarricone asked him to describe that to him. Mr. DeWitt advised with bucket on front going into pile, pick it up and put it into hopper that feeds bins. Mr. Tarricone questioned front end loader would run from stock pile to hopper and what distance might that be about? Mr. DeWitt advised could be 100' to 500'. Mr. Tarricone questioned, and these front end loaders, they are four wheeled vehicles, right? But work, turn on a short radius,

that right, ordinarily the trucks would come to your hopper and dump load of stone or sand directly? Mr. DeWitt advised would like to do it. Mr. Tarricone questioned and will operate most of time? Mr. DeWitt advised that is plan we set up to do and prefer to operate. Mr. Tarricone went on, when you dump it on ground there have to pick up again, cost money to do it and your operation to minimize expense in turning out the product, so your primary operation will be back truck to hopper and dump directly into hopper. What distance will these loads of stone come from? Mr. Hunter questioned what he was trying to get at, what was he concerned about, was concerned about irrelevant material? Mr. Tarricone replied tremendous increase in traffic and that the information given by the engineer as to the dust control was only as to one phase of this operation and that they are now bringing or have brought out a phase of operation which will create a great deal of dust. He questioned where his supply source for stones brought into this site. Mr. DeWitt advised Clarendon, LeRoy, Stafford, Penfield. Mr. Tarricone questioned so that trucks of stone coming into this area will have to travel 20 or 25 miles before dumping and this will be true of all these operations in summer time, is that right? Mr. DeWitt advised yes. Mr. Tarricone questioned in summertime will they operate on an eight hour work day? Mr. DeWitt thought pretty much, yes. Mr. Tarricone questioned, but you will have longer day during the hot summer months? Mr. DeWitt advised have to give their customers material when want it, would like to start at 6:00 and have done by 12:00, they are service outfit.

Mr. Miller asked if they have clearance from State of New York to run trucks out of that driveway? It has all been cleared and nature of operation known to State? Mr. DeWitt advised yes, have been led to believe that, tell him people buying it from, would have to be square before they would close the deal, they would certainly get that, are very conscious what you do to get it. Mr. Wickins advised it was cleared about six months ago and he assumes it is still clear.

Mr. Palermo questioned, this plan of his, is this just one of these units? Mr. DeWitt advised just one.

Mr. Vanslyke questioned, in the process of dumping stock pile and moving it to the bin, there has been in the past some application which showed that this work was a dust hazard from handling of stoned. Do you use the open loader that takes it to high point and when stone is dropped is there any dust, in this plant do you have any protection at all to cut down the dust due to dumping and moving the materials? Mr. DeWitt felt that is a very easy arrangement to have there as far as wind breaks are concerned, and of course, most of this material would come in in bottom dump equipment which has shorter distance to fall and then of course, the average front end loader that you see dumping way up here somewhere, is just against that as people that saw dust because of waste material and no need for it. Mr. Vanslyke questioned, when his trucks dump into bin of hopper, does not that have to be elevated to higher elevation by belt conveyor? Is this sealed? Mr. DeWitt advised that is sealed.

Mr. Wickins advised Mr. Tarricone made a point of trucks. These trucks are now operating in this area, is that correct? Mr. DeWitt advised all are going by it at present time to River Boulevard and has been for years so would be no increase in traffic. Mr. Wickins asked traffic exists now. Mr. Tarricone remarked but not dumping any loads now in Town of Chili. Was not worried about stone on truck, worried about dumping load. Mr. DeWitt said will not see load dumped to edge of property. Mr. Tarricone questioned, you are saying be on 25 acres, the dust you are creating will settle by time get to edge of property. You are saying I will be far enough away, I will not see it? Mr. DeWitt replied he said little dust you made will not see from edge of property.

Mr. Greco, 1611 Scottsville Road, told Mr. DeWitt they were talking of trucks going by that are not traffic hazard, not pulling into or out of Scottsville Road, but if bringing 20 trucks in and out of there what is going in and out, what going to do about that?

Mr. Ideman, Brighton questioned how many loads going out to contractors? This has not been established and already have traffic problem increased any more. He lives in West Brighton, come out East River Road, large increase of traffic on West Brighton. He was advised just answered, ten going in and ten going out. Mr. Ideman remarked private contractors purchasing from him going in and out, how many loads that going to amount to. Mr. DeWitt advised that was included in his answer. Mr. Wickins advised said could not put out any more than put in. Mr. Tarricone advised what this gentleman trying to point out, you may have ten trucks going in but you will or are not going to deliver 13 ton every delivery. You may have some that will involve only one ton from three ton, so that while ten trucks going in, may have forty coming out. Mr. DeWitt advised that would be very much exaggerated, have maybe twice as many going out. Mr. Ideman questioned would say six tons to load. You will have one heck of mess. On River Boulevard have stock pile between river and road and do not think Town of Chili ready for it.

Mrs. DiPascale questioned how they were going to keep dust coming onto their land. Mr. DeWitt advised same way keep it out of air. Mrs. DiPascale did not think can keep it within 25 acres. Mr. Wickins believed it is in testimony as to how it travels. Mr. DiPascale, 1611 Scottsville said plant going to be right next to their line, within foot of their land, so how going keep fumes and dust away from it, might be 10' or 50' will be less than that, might be 40' or 50' from their line, 1611 Scottsville Road that is it. Their land goes down same depth over to railroad, little more deeper. Home located over 60' from road on Scottsville. He described the moving of road. They are to road to their property about 100' back towards their plant where going to put it on, with four children, all got sick from dump and today got asthma, got doctors' statements and proof and going to put another, got sewer plant and if put this what are they going to do. Cannot let children got out. Think are entitled to something, look on books, the property is low land, no good, that is what say, why should pay high taxes if property no good, they have to pay high taxes. Put the other back over there so more burden on their children. He cannot live there, he lives across in Brighton, 2248 River Road, his daughter lives on this land.

Mr. William C. Warren, from Brighton, representing Town Board, member of Town Board realizes this is Board's decision. Speaks as interested citizen from Town of Brighton. They are concerned because have heard from number of their citizens indicating concern on their part as to dust and odor, dirt and traffic. Have heard arguments on both sides, wants to register their concern and hope will consider citizens of Brighton. Supervisor of Brighton has filed letter with Board as to his concern over this variance.

Mr. Robert C. Frank, 2020 East River Road questioned Mr. Wickins, he stated State of New York had given approval for the driveway. Did he have something in writing? Mr. Wickins advised he said six months ago, might have been a year ago, application before Town Board to allow contractor in city to dump in here to fill this up. At that time an order to allow it had to be cleared by State of New York for an entrance. That application was granted by Town Board, then cancelled because contractor did not dump correction. It was in writing at that time. Mr. Frank said not for LeRoy Colprovia. Mr. Wickins said it does not make any difference who it was for. Mr. Frank advised it does, talked with supervisor of Permit Department at terminal for Driveways, Mr. Calancy. Has no record of any permit for entrance on Scottsville Road. Mr. Wickins advised this was true a year

ago, it will be taken care of. Mr. Frank advised he discussed it with Mr. Calancy. His comment enough dangerous situation now, we do not need any more. Mr. Wickins advised it will have to be cleared, but as stated before was clearance granted.

Mr. Arbor, Red Bad Road questioned whether applicant owns property. Mr. Wickins advised no, have contract for purchase for it. Mr. Arbor commented on basis applicant does not own property, therefore not suffering hardship. His recommendation this application be denied.

Mrs. DiPascale commented working there for 25 years and sacrificing, now these people come along. Six months and everything made so cannot sit out in summer time for a breath of fresh air. Do not want any more air polluting.

The Board called Mr. James Dungan on this matter. He stated his qualifications. Licensed professional engineer, have been for a good number of years, Town Engineer for six years and consulted on this by Mr. Miller.

Mr. Miller asked if he had chance to review plans and testimony. On behalf of Board he requested him to review them. Now as professional engineer had he formed an opinion of plans. Mr. Dungan advised he had been through these things and listened and review them. Has studied exhibit of plant, read submitted specifications at some length and if he understands drawings and specifications, these are his observations.

1. most of the hot equipment has been enclosed and is exhausted to a dust collecting system.
2. This dust is processed through cyclone separators and a wet scrubber system.
3. Since most bituminous paving plants as we know them do not have such dust collecting and separating systems, this feature, if successful, is bound to be a big improvement, as dust from this type of processing has been a big nuisance from such plants.
4. the cold equipment appears to be an open bin and open conveyor type handling 100 to 200 tons per hour of stone and is bound to generate noise and possibly dust.
5. proposed across the electric line starting of large electric 440 VOH motors, 30, 50's, 100's and 150' HP gives a big line voltage drop that can momentarily dim lights in neighboring houses. This type of operation though low in first cost, gives a large electric power demand which in turn gives large electric power bills. Normally a utility company likes to have low voltage, two step starters for large motors. Some utilities demand this.

Mr. Dungan then gave his opinion.

1. dust collecting system, if successful, will be a big improvement over existing plants.
2. processing 100 to 200 tons of stone per hour to bituminous concrete is at best a noisy operation.
3. trucking in and out 100 to 200 tons of stone and bitumastic material per hour will increase the traffic in this area.
4. that the owner check out operation, the starting characteristic of his large motors with the local utility.
5. To protect the Town, if the Zoning Board of Appeals is going to approve the proposal, it is the engineer's opinion that such approval be contingent upon the owner's getting approvals of both the Monroe County Department of Health and the New York State Department of Health and that a copy of this approval be filed with the Town Clerk before the Town issues a building permit for this construction.

Mr. Wickins asked the engineer, Mr. McCarter to comment on this. Mr. McCarter remarked first point made, would like to comment, it is way normally space 440 Volts. Large starter not being general with electrical character in all areas, this is normally determined by utilities. If they feel line in area adequate to carry load all right. This is inherent in this, if utility cannot handle this power. And other thing, thinks analysis very accurate. This equipment, he said if works, -this is not experimental-they have used this equipment as developed for twenty years, they have been using equipment identical to this since the beginning of this year, with this equipment and it is not experimental. Mr. Dungan advised his comments are based on picture, not familiar with it and it is new in this area, so must say if. Mr. McCarter wanted to make clear it is not experimental equipment. Apparently has not been very successful in convincing anyone this does not fly over. Really do not believe they will know dust there to fly. This is hard to believe in bituminous plant, it has been done. Mr. Dungan thought most are influenced by fact seen other bituminous plants and dust is nuisance up to 1/4 mile. Mr. DeWitt advised plant on River Road was built originally in 1936, it does not compare to what do today.

Mr. Miller questioned, this being noisy operation, what had he to say on that. Mr. McCarter advised this is relative term, discharging of a truck into bins, filling bin, which is normally situation of stone on stone, which is not terribly noisy, probably use vibrating feeder which is virtually noiseless fitting onto rubber bearings. Takes exception to very noisy operation. Can think of feeding systems around quarries, etc. which are noisy, large stones feed into chutes, empty bins, apron type feeders. Would not say particular equipment in operation on this will be. Do not think can consider it noisy standing 50 yards from it. You find out everybody discusses it, does not seem to define problem in decibels as such. They attempted to emply outside consulting people. Unfortunately noise level effects a persons ears in spite of its decibel level differently. Mr. Miller questioned what would it sound like, railroad or coming of truck from Scottsville Road, 700' back? Mr. McCarter advised was at plant site this afternoon and walked back, did not think would hear it from Scottsville Road. Really it is not noisy thing on plant and this can be corrected. Is the primary turbo blower, high pressure blower to feed air to burner and it develops in same intent talking about 50 HP. It is turbineengine. This can be in sound proof material, very seldom done because believe on Scottsville Road do not think would hear it. Mr. Dungan thought where going to hear stone going into empty bins and diesel. Mr. McCarter granted the stone but surely in normal operation do not want to store in empty bin and have problem.

Mr. Fraser questioned, on the feed to the hoppers, in Mr. Dungan's observation, stated was open. Mr. Dungan advised yes, he found it was open hoppers here. Mr. McCarter advised he noted that too. Actually was not sure exactly which particular system he saw, but the particular system Mr. DeWitt stated earlier that they will cover the conveyors and will wind break the bin. He stated that would be done.

Mrs. DiPascale was interested if they hear noise from their house and their property. So close have to hear noise, within feet from back and how many feet at that back and at an angle and that is where building. Mr. Hunter judged from where they said home is, is 500'. Mrs. DiPascale said not from their land. Believed home is 500'. Mr. Hunter felt about 200' from their land. Mrs. DiPascale wondered what good is their land if factory built there and dust and these other conditions. How can prove until after built there.

Mr. Gillette questioned what size turbine generators here. What is capacity cubic feet pressure. Mr. McCarter advised no different type

probably 18 Amp. for pressure 15 HP, produces 3600 cubic feet. Mr. Gillette thought lot of cubic feet. What is meter turbine? Mr. McCarter advised 40,000 for CFM.

Mr. Ideman questioned approximately in round figures, is this going to cost. Mr. Hunter advised this is not a matter of our concern. Mr. Ideman queried is he a little prejudiced in his testimony because going to sell this equipment? Mr. McCarter advised obviously since we built the equipment he was willing to be prejudiced. On other hand, I am making statements if Mr. DeWitt will hold him to. Everybody seems to lose sight of fact and against fact that you have excellent air pollution code in State of New York and they will not permit slip shod operation in State of New York.

Mr. Wilcox, 516 Paul Road would like to go on record against this. One thing would like to know is it going to be on wheels or skates like cement factories. Mr. McCarter advised this equipment will not be on wheels or skates. Will be on ground on foundation.

Mr. Hunter asked if anyone else wished to speak in relation to this proposal? Mr. Robert Frank wanted to say made rather lengthy presentation in July and would like to refer to that to give views. Would like to present petition to Samuel S. Kent, Supervisor, Robert Hunter, Chairman of Zoning Board and Members of Zoning Board. Which he designed by 155 people who have expressed their opposition to the black top plant, who are residents of Chili and Brighton. He advised this petition was taken at the time of the second meeting. Mrs. Tanager asked if they had been here in July and Mr. Frank advised no.

Mr. Frank Breiner objected to plant as resident of Chili and also as president of Chili Industrial Park because we have been fighting this same thing in that area for some time. Have stinking sewer plant to put up with now. Will be dust along with it, along with Jet runways, this all goes with it. Now lot of good industrial coming into area and everything else. These industrials are very much precision industrials that cannot tolerate dust and dirt. On this basis know what it is doing to his industrial park in relation to dirt and noise because have lost several customers due to airport on noise and dust and that and this here. He realizes up to tonight never realized had plant that might be as modern but if somebody were going on record and guarantee, which he knows no one will, this plant is going to operate efficiently, that clean, for next five years so industrial around this area will not be effected by it, then would be different system and will be. If does start out that it is holding down dust. Sure not a person in this room that has not gone by Dolomite and East River Boulevard and seen what kind of deal. He feels people of Chili and industrial people around it should have some guarantee that this is going to be specific plant, this equipment operates way says. It might go in there and operate six months to year and then we might be back to same situation.

Mrs. DiPascale again brought up traffic in a few months, college opens up then what. This is not small college, lot more cars on highway too.

Mr. Jordan Pappas, representing John Friel of Varsity Inn advised he appears for them, but at same time is not in here to oppose or affirm what is going on but is interested in one point because they are interested in what going to build there. He does not believe there is sufficient time here tonight to look over the evidence presented. If they had chance to look it over, at some of this. Presumes their decision will be one that will be delayed some period of time, would think if had documents to look at might be appreciated. Understands plans submitted as result of last meeting here. They did

Zoning Board of Appeals

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not see them and they were available for them to look at, for this he was sorry. However some gentlemen said had not seen all evidence put in this evening. Wondered if could give them sufficient time to look at all evidence, further adjournment. Mr. Hunter advised he was welcome to come up this evening to see plans if convenience. If not could come in during business hours to see same plans. Did not see any need to call an adjournment. Board has these plans and will be studying them. Mr. Pappas thought his only reason if do not get chance to look at evidence how come can make decision for or against. Mr. Hunter felt due to lateness of hour did not think likely any decision would be made this evening. If he could get in and study evidence and give his opinion in form of letter this can be given to Board.

Mr. Tarricone advised however, while he agrees with the decision expressed, however some of them are in position that we had no prior opportunity to examine these plans so we had no prior opportunity to come before this board armed with proper witnesses, evidence and information-tonight they were forced to come here and find out what was being proposed. Now they feel they need or should reserve a right to come before the Board with evidence if they feel it may be of benefit to their position. In other words, in position hat to see final word has been said, but on other hand do not want to consider delay would be hardship on any one.

Mr. Wickins advised this was duly called public hearing. Realize Board in its own discretion could have an adjournment, however do not believe should be granted on some statement like this unless Board itself as did last time, felt wished more evidence. Mr. Hunter advised Board will consider this request and if to be another hearing, notice in paper as always is. Possibility Board might want to continue hearing. To say at this time point we definitely will hesitate to do it. Mr. Wickins advised he believed that members of this Board are well acquainted with this piece of property. Did not believe that where this plant is to be located could do any possible harm to any neighbor, too far away. Do believe also this would add to Town of Chili both tax wise in school district and total and would tend to develop lece of property laying there vacant, bringing in no tax return to Chili ever since he knew it.

Mr. Dungan advised relative to Mr. Breiner asking about review of this plan on yearly basis, when state Board of Health gives permit, this is is sued on yearly basis and subject to being revoked at their discretion. This plant would be reviewed. When State issued CO and permits to operate subject to review for industrial and commercial establishments so if does go and gets certificate to produce and use this plant, sure it would be reviewed on yearly basis. Mr. Breiner advised no guarantee this plant will be plant that is going to be put in. Mr. Miller advised if Board sees fit to grant it, will be held to plant and specifications presented.

Mrs. DiPascale said you said land laying there and not paying taxes, have had their land for 22 years and how should they feel about it, do not consider their land, just there. Thinks they should use consideration about other people too.

Mr. Hunter closed the hearing.

DECISION: Reserved.

- #9. Application of Hess Oil Co., Perth Amboy, New Jersey, for approval to erect a gas station at 1391 Scottsville Road, setbacks to be as per plans submitted. B zone.

DECISION: None - Application withdrawn by applicant by telegram dated November 27, 1967.

- #10. Application of Nicholas Agnello, 2255 Hudson Avenue for renewal of variance granted September 1966 to Richard O'Toole for approval to build a house on lot 83' x 300' on Wadsworth Drive, near 33 Wadsworth Drive. RE zone.

Mr. Agnello appeared before the Board and advised he was purchasing lot on basis of getting extension of variance, they are selling lot on basis they can extend the variance granted in September 1966. On that basis he hopes it will be extended for another year. Hoping to complete construction within one year period. He presented a blue print and copy of purchase offer on it, to the Board. On question of Mr. Hunter he advised he proposed to follow zoning code except for width of lot. Mr. Vanslyke questioned if houses built on either side of the lot now? Mr. Agnello advised one on south side. Mr. Vanslyke questioned on north side there is open land? Mr. Agnello advised yes; thought two lots, but did not know dimensions of these lots. Mr. Vanslyke questioned if they were subdivided now? Mr. Agnello advised this is second lot from end of street.

Mr. Hunter studied the plans for the house submitted and noted there would be garage built with the house. Mr. Agnello advised he would center it on the lot, would be roughly 22' on either side. It was suggested putting the house off center to allow for any futur expansion as long as conform with 10' side lines.

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

DECISION: Variance unanimously granted.

Patricia D. Slack
Secretary.

MINUTES

ZONING BOARD OF APPEALS DECISION MEETING

December 5, 1967

Applications heard November 28, 1967

- #8. Application of LeRoy Colprovia Pavement, Inc., to erect a black top manufacturing plant on the rear of property on Scottsville Road, near 1600 Scottsville Road, consisting of 25 acres, part of Tax Account 1157, approximately 500' from Scottsville Road. A zone.

DECISION: Reserved

- #7. Application of Paul Damau, 809 Chili Avenue, for approval to continue operation of motorcycle sales and service at 3780 Chili Avenue. B zone.

DECISION: Approval unanimously granted for the calendar year 1968 with the following stipulations:
NO motor cycles or motor cycle engines to be operated out of doors except during the hours between 8:00 A.M. and 8:00 P.M. and indoors between the hours of 7:00 A.M. to 10:00 P.M. Operation to be limited to Monday through Saturday.

Patricia D. Slack
Secretary

MINUTESZONING BOARD OF APPEALS, TOWN OF CHILI, N.Y.
December 26, 1967

The Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was called to order at 8:00 P.M. December 26, 1967 by the Chairman of the Board, Mr. Hunter. Roll call found the following members of the Board present:

Mr. Robert Hunter, Chairman
Mr. Cornelius Strassner
Mr. Charles Pfenniger
Mr. Howard VanSlyke
Mrs. Gertrude Tanager
Mr. John Palermo
Mr. James Fraser

Also present: Mr. Daniel Miller, Deputy Town Attorney
Mr. John Burchill, Director of Public Works

- #1. Application of Nicholas J. Neri, for approval of a variance to build a house in line with other houses neighboring this lot at 75 Ballantyne Road, with a 9' setback on one side line. Lot 73.66' x 295.72' in D zone.

Mr. Neri appeared before the Board. Mr. Neri explained he had submitted plans with his application for a building permit. At Mr. Hunter's request he drew a sketch of what he wished. He explained it would be a ranch house, 9' on one side and thought the front setback would be 40'. Mr. Strassner advised he thought the setback would be 50' in line with the new house there. Mr. Neri advised would be in line with existing house on right hand side, raised ranch Mr. Jackson owned. Mr. Hunter questioned would be O.K. on one side, 9' on other side and front setback about 50'? Mr. Neri advised right hand side would be 9', the new house is on the 9' side. This lot is 73.66', measured it off at 73' so would be sure, so actually about 7' of extra space that he allowed for. The garage side is going to be short side. On one side is the new house, on the other side is garage house. Mr. Strassner explained where the garage house sat, right on the line of the next lot. Mr. Palermo questioned if the garage of the house next door was on the same side. Mr. Neri advised, no, the opposite, if facing front of house, garages are on same side. Mr. Hunter asked why he could not make house a foot shorter. Mr. Neri advised he had to go for a variance for lot size, so Mr. Davis suggested going for the side lot setback. He gave him two sets of plot plan and two sets of house plans. The house is pretty small now, because 12' garage. House is 33' and that would bring it down to 32' and the buyer wants three bedrooms. Mr. Fraser questioned the size of the garage, and Mr. Neri felt an 11' garage would be rather small. They have to have entrance door, then by time they get that in there. It is square lot, but slightly on angle. Mr. VanSlyke questioned if it was the same frontage on Names Road as in front? Mr. Neri advised yes. Mr. Palermo questioned if the new existing house was at least 10' from lot line and Mr. Neri advised has more than 10', it is a raised ranch. This house is set the long way on the lot. Mr. Palermo questioned, lot on other side with garage house, is that all that is on the lot? Mr. Neri advised garage in back of house, closer to Names Road, right next to lot line. Mr. Strassner advised it is practically on it. Mr. Palermo questioned no structure in line with the house he planned to build and Mr. Neri advised no. Mr. Hunter questioned the age of the garage house, and Mr. Strassner advised probably 50 years or older. One torn down on Mr. Neri's property was one of those, they are ready to fall down. He tore one down in order to build this. His house will be quite a bit in front of garage house.

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

DECISION: Unanimously granted.

- #2. Application of 4249 West Henrietta Road, Inc., 70 Panorama Creek Dr., for approval of a special permit to run a commercial establishment, restaurant and dancing, in an industrial zone, being a four acre portion of property located at 1891 Scottsville Road, part of tax account number 279-000. A zone.

Mr. Bernard Frank, Attorney with offices in Reynolds Arcade Building appeared before the Board and advised he was here this evening in behalf of 4249 West Henrietta Road, Inc., which is corporation which is asking for the Board's consideration of request for a special permit to build actually a party house or a building which could be used for party house and dancing establishment which is basically an enterprise, in an industrial zoned parcel on Scottsville Road. He presented plot plans to Board which might help to single it out. He advised the Towner parcel is in excess of 90 acres on Scottsville Road all of which is industrial and the acres indicated in red on the plan is the acreage which they have indicated would be used for this project in question if Board acted favorably on this request. One of their reasons for choosing this particular parcel and more or less go in the middle of it as indicated, is that as they will see, it is surrounded by other area which would be used and is contemplated to be used by Mr. Towner for further industrial development, therefore would not infringe on any area or be close to any area which at a later time would be used as residential. Mr. Towner is in favor of this on his land. As indicated, he would be glad to sell this particular parcel for this purpose and they have an option to buy it.

The building, one of the factors he was sure Board would consider in matter such as this is the building located in an industrial area and how it would fit in with possible future development of other buildings in an industrial complex should it all be developed industrial as per remaining zoning, and they have some preliminary sketches of building which he presented to Board to give idea of nature and quality intend to build. Would be a ranch type building so would fit in with basic development of industrial parcel. Now what would be more important he feels and is a point he strongly urges before them, is the developer of this particular project is fully aware if such permit were granted and operation were not successful or did not continue, it is conceivable permit would terminate but you would then have building within industrial site not in keeping with other buildings there and present problem. This building is useful and would be built in such nature it would fit in with surrounding buildings and so if this particular permit for any reason at future time could not or was not continued or business proved to be unsuccessful or some reason terminated, this building would lend itself immediately to industrial use by simple addition of perhaps loading dock in rear. It is 15,000 square feet, cement block, all of the particular design features, construction features that would lend itself, if for any reason, to an industrial building. Is sure Board prefers situation to a frame building situation stuck perhaps in middle of industrial zone whereby if particular purpose terminated or special permit terminated that building would not lend itself to industrial development and problem created. This is not case of this, strictly compact and cement building. The additional factors are shown on other page of drawing and that is manner in which building is set back from road and parking space provided. Setting it well back from the road and thinks making adequate parking facilities for any number of cars contemplated to use building and at same time giving it a well developed position on land and allowing it to be developed in keeping with other acreage. Nothing magic about where his clients have chosen to place building on parcel, but did this in relation to symmetry and what they thought best, but if Board had other ideas nothing absolutely requiring building to be there. Symetrically set up and with maximum amount of parking space and could be moved in any direction.

Believed in the application uses word restaurant. Does not wish to mislead Board that this would be a restaurant as such. Would be a party house. Would not be open for regular meals at regular times, used for guaranteed or ordered parties and used in that capacity as opposed to common use of word restaurant. When not used in that capacity would be used for a dancing establishment with live music and an opening of evening hours from seven or eight until late evening hours, but this would be whatever was required of permit, those hours, not requesting any particular hours, just what Board felt would be in order. Was sorry did not have a floor plan as yet, but afraid drawings are a little too preliminary with

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 Office, 3357 Chili Avenue, Rochester, New York 14624, on December 26, 1967 at 3:00 P.M. to consider the following applications:

1. Application of Nicholas J. Neri for approval of a variance to build a house in line with other houses neighboring this lot at 75 Hallatyns Blvd. with a 9' setback on one side. Lot 73.66' x 293.73' in D zone.

2. Application of 449 West Hendetta Road, Inc. for approval of a special permit to run a commercial establishment, restaurant and dancing in an industrial zone being a four acre portion of property located at 1891 Scottsville Road, part of tax account number 279-000 A zone.

3. Application of Harrison James Sturbridge Lane, Preston, N.Y. for approval of an 8' rear lot variance on lot 63, Mitchell Acres Subd. Sec. 1, being 16 Weatherwood Lane, irregular lot 107.65' x 166.98' x 75.77' x 174.00' B 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.

ED-11-Dec-16-1967

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 16, 1967

Eleanor E. Williams

Sworn before me this 16th

day of December 1967

Robert Hunter

Notary Public

regard to inside of building to show, but if they are familiar with party house setup, generally fairly wide open establishment with places for some tables and chairs and band in an area or corner and this would be basically the way interior of building looked.

Mr. Fraser questioned when mention open for dancing, did they propose a liquor license? He was advised yes. Mr. Fraser questioned did they not have to have food for this license? Mr. Frank advised no, used to be but that is no longer case, not true any more, different kind of licenses. If they have food certain kind, if do not want to can now get license not required to serve it. Facilities would be there and food would be served even when dances, but could possibly limit it to sandwiches, hamburgers, as opposed to full dinner menu, would not be operation where come in at lunch and dinner time and eat. Not contemplated use. Mrs. Tanger questioned it would be like Varsity Inn type of establishment? Mr. Frank advised when used for dances yes could describe it like that, although they use it regularly for that purpose. They did want to intermix that with party house dates because could. Have several overtures from caterers who are anxious to have regular facilities to book some out.

Mr. Strassner questioned did they find this location to be good because of site of R.I.T.? Mr. Frank advised certainly one of the things motivated them to move in this area, both R.I.T. and Monroe Community would find this inviting when used for dances.

Mr. Hunter questioned what would be maximum capacity of building in terms of people would he say? Mr. Frank was afraid whatever he said would be hazarding a guess. Has some indication there is a limitation imposed by code as to square footage in terms of occupancy of number of people. Whatever there was here they would abide by, he would say that conceivably it should be a maximum, probably about 1,000 could sit at a banquet possibly. Mr. Hunter questioned if they did not design parking area on amount of people? Mr. Frank advised there is limitation to square footage and parking based on code he believed, it is one car for every three square feet of building space or something to that effect. Was sorry could not exactly give figures. Number of parking spaces as relation to square footage as determined by code. Knew occupancy code by State Labor Dept. for public occupancy and he had indication that it might be their Town parking ordinances, but did not discuss that particular item with his clients and not prepared, although could give information in a supplementary letter showing how computed and based on.

Mr. Hunter questioned, he planned 310 cars, did they propose to black top that area in its entirety? Mr. Frank advised had, but if some feeling should not be, they would hope they would be able to do this and planned to do this. Mr. Hunter questioned any days of week they would not conceivably be open, any day going to be closed? Mr. Frank advised had not intended any, but any particular situation which permit, again felt reasonable, if Board felt permit would say should be closed on Monday, chose not to have it open every day of week is sure clients would not feel strongly. Is sure they intend to use it weekends, sure Thursday and Friday nights would be nights they intend to use it.

Mr. Palermo questioned he mentioned caterers, they did not have facilities, people going to lease it for a price and they come in and do all catering? Mr. Frank advised he was probably aware a number of catering firms do not have places and cannot seat 1,000 people, possibly only one place can seat 1,000 so if you find situation which requires a group of that size, these caterers do not have any place to go, so when we indicate would be a number of these even if have own places, asked could they rent it on per night basis if had opportunity. The answer is yes, on these particular nights they would say to them, this is your place. If again the Board is

thinking in terms they would be stepping out of any supervision by nature of this, they would abide by any terms the Board set, which would indicate they would have to have some supervisory person on plans. Did not mean to indicate they would relieve themselves of responsibility because giving to caterers, only did not plan to go into party house business themselves. If any one wants to use it as such, can.

Mr. Strassner questioned what happened to plan, putting it over on River Boulevard where old place burned down? Mr. Frank advised that was industrial park already under Brighton Master Plan, earmarked for something, so they never made a formal application to them, they indicated to them that it was earmarked for something else and they did not want to go back. Mr. Strassner questioned what happened when asked Henrietta to put it up on River Boulevard? Mr. Frank advised the property was backed right up to residential community, 300 residents and resident people came in and asked the Town not to, they would rather not have it backing up to that. Mr. Strassner questioned how far from residential area here. Mr. Frank advised closest residential three quarters of a mile. Mr. Strassner thought not over 300' away. Mr. Hunter thought from plot plan looked like 1,000'. Mr. Frank advised they were perfectly aware of fact that residential would be or could be disturbed with use as party house or dances, by 300 cars going in and out or some number of cars, at hours not necessarily conducive to residential use, but certainly if you could have an industrial building here, industrial right here butting that residential property, that no people in this residential area here would be more disturbed by this particular operation, 1,000 or more feet down. That is why they put it there, so if any problem insulated by further industrial development in every direction and does not infringe or impose on any residential side. They did not get turned down by Henrietta, they withdrew it. Mr. Strassner questioned they put feeler out there first, they did not take it. Already told you they would not have it in Brighton. Mr. Frank advised they said earmarked for industrial park so did not want to interject that, they did not go any further with it. Withdrew application with Henrietta because did not want to get into hazzle with residents bordering. If they gave you permit and you built or operated there in position of not wanting to impose or infringe, would be rather difficult.

Mr. Fraser questioned if the principals of this corporation were involved in restaurant business? Mr. Frank advised basically same principals of American Bowling Enterprises which operate Brighton Bowl and Panorama Bowl, -Brighton Bowl and Panorama Bowl have restaurants included with them and they have also been running, on a limited basis during off bowling season, dancing, teen age type dancing in Panorama and Penfield and young adults in Brighton Bowl and have been running dances on this same type of basis throughout chain on east coast. In terms of ability to run dances and maintain orderly operation, he would only refer them to the Boards of Penfield and Chief Lombard in Rochester. Operation in Penfield and Brighton Bowl have been held with an absolute minimum of any difficulty whatsoever. Matter of fact, received a great deal of approval and vote of thanks from Town of Penfield for manner in which run last year and same from Chief Lombard, so operation of establishment is being handled by people not novices or anything in business. They are handling this quite well at present time.

Mr. Hunter questioned he mentioned as far as closing hour, they are variable, what would that be, midnight or 2 in A.M., what would be normal? Mr. Frank thought normal would be maybe 12:00 or 12:30 on week night and a little later on weekends. Would say 12 or 12:30 on weekday and 2:00 on weekends or on Friday and Saturday. Sunday would be week night and would certainly be willing to do what Board wished in that regard. Nothing very magic about these figures.

Zoning Board of Appeals

December 26, 1967

Mr. Vanslyke requested the location of the property be pinpointed and was advised it was Towner's industrial park beyond Ballantyne Bridge, Crowley Hill beyond Riverdale District. Mr. Vanslyke requested Mr. Frank to explain the construction of the building. Mr. Frank pointed out on the plans where it was brick faced in front, and where hoped to brick face it on side, cement block building, faced with brick in front, side depended on budget. Mr. Vanslyke questioned on part of building was it block or sheet concrete or what. Mr. Frank thought block all way up and pointed out on plans some kind of panel, he had not seen specs. Mr. Van Slyke questioned the part facing highway and was advised you drive south on Scottsville Road. Advised top looks like any concrete slab and brick. pointed out where no question would be brick, if get all down sides, depends on budget but wish to stress thinks Board can feel this is not going to be an offensive or poorly constructed building that would be a possible eyesore of any kind, firmly, well constructed building which you have for multiple of purposes, whether special permit in effect or not, but sure will be successful feature, but even if were not, it would lend itself to industrial building with practically no changes or renovation.

Mr. Miller asked if he could reveal principal of this corporation, 4249 West Henrietta Road, Inc., Mr. Frank did not know if names would be of any appreciable meaning to any of them. David H. Goldman, President of American Bowling Enterprises, Michael Solo, Vice President of that organization, Dr. Barry Fenton, both his partner and he will be involved as principals, Mr. Yanowitz, and one or two others. Mr. Miller asked if they would hire resident manager who would report to this Board of Directors? Mr. Frank advised going to have manager and they have one or two already in mind for that position if the Board reacted favorably to their application. He would be glad to report to this Board if that were condition of permit. Have absolutely no hesitation asking him to do this, especially at first, if any question. Would be glad to do this voluntarily, wish to keep this on smooth and even keel as much as Board is. Mr. Miller questioned if Board saw fit to grant this permit, would it be acceptable if put restriction there would be no lease or sublet to another group or individual? Mr. Frank advised would be more than willing to have permit terminate if there was a lease or sublease unless it was with the approval, unless change of operation met with approval of this Board. Can conceive there might be situation for lease problems or some other kind of problems cannot foresee, might dictate change in entity to it and different nature require change, but would have no hesitancy assuring this Board no change in principals or operation without the prior approval of Board otherwise permit subject to termination or something to that effect. Have no qualms about making such guarantee to Board.

Mrs. Tanger questioned is their lot approximately in middle of this property? Mr. Frank advised as he understands it the low now borders the 10 acres developed by Towner for his own use at the present time. In other words his northerly border would be their southerly border. Understands this parcel is 10 acres he is developing now for his own industrial park. Understands that is 90 acres and the map he presented does not show 90 acres. This is level, flat part toward front, it goes back a long, long way. They only show four acres. This is mostly in front of house on top of hill. Mr. Strassner advised Wehle property, then hospital, then Rakus property then Brook Road. Mr. Frank advised he had lots laid out, and theirs would be first lot so to speak taken out of there. He has not sold any or carved it up, although has some lots indicated on his map. After some discussion it was felt this was on the north end of property.

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

After the close of the hearing and during the decision making period of meeting, Mr. VanSlyke made a motion this matter be tabled until a later meeting for examination of the site. There being no second to the motion, it was defeated.

DECISION: Application unanimously denied. Findings of Fact of the Board as follows.

- (1) The applicant 4249 West Henrietta Road Incorporated, is requesting a special permit to erect a one story masonry block building, to be faced with brick in an industrial zone, being a four (4) acre portion of the property located at 1891 Scottsville Road, part of tax account number 279-000, to be used for a commercial establishment.
- (2) The applicant has a contract with the present owner contingent on approval of this request.
- (3) The proposed building would be large enough to accomodate One Thousand Persons; and the balance of the four (4) acre plot would be Black Topped to handle approximately Three Hundred and Ten automobiles.
- (4) The owners would rent out the building to caterers to be used for private parties and gatherings.
- (5) At other times it would be run during the evening hours as a gathering place for young adults. Dancing to live music would be featured and alcoholic beverages would be served.
- (6) The proposed four (4) acre site would be at the middle of this industrial site, the land to the north and south along Scottsville Road is zoned industrial as well as the land to the west.
- (7) The proposed site is approximately One Thousand (1,000) feet south of Greyson Road which is zoned Class D residential and is now developed as residential, containing a large number of homes.
- (8) This proposed site is approximately Two Thousand (2,000) feet north east of the Convalescent Hospital For Children, which hospital cares for mentally disturbed children. This hospital is located at 2075 Scottsville Road, Chili, New York.
- (9) This particular site is being considered by the applicant because directly across the Genesee River to the east in the Town of Henrietta, is the new Rochester Institute of Technology Campus which will house and school thousands of young men and women.
- (10) Scottsville Road in this section has only two lanes for traffic.

- (11) The Chili Zoning Ordinance sets forth in section 19-61 sub-section (#6) on page 1930, COMMERCIAL USES as one of the PROHIBITED uses in "A" Districts (Industrial Districts).

WHEREFORE based on the foregoing facts the application is accordingly denied.

CONCLUSIONS

- (A) To place a Commercial Establishment in an Industrial Zone would flout and negate the very spirit of The Zoning Ordinance of the Town of Chili.
- (B) To grant a special permit for this application would be SPOT ZONING. If this Board were to grant this application it would be an usurpation of the legislative power of The Town Board of Chili.
- (C) Section 19-103 of the Zoning Ordinance of The Town of Chili sets forth twelve (12) specific instances where the Zoning Board of Appeals may grant a special permit. The application herein does not fall into any one of these (12) twelve categories. This Zoning Board of Appeals has no authority to grant this special permit.

BEFORE THE ZONING BOARD OF APPEALS OF
THE TOWN OF CHILI, STATE OF NEW YORK

IN THE MATTER OF THE APPLICATION OF
4249 WEST HENRIETTA ROAD INC.,
IN REQUESTING A SPECIAL PERMIT.

The applicant 4249 West Henrietta Road Incorporated, a corporate entity appeared by its attorney BERNARD A. FRANK ESQ, before this board at its regular meeting on Tuesday, December 26th 1967. The application was for a special permit to establish a commercial establishment in an (Industrial) A Zone. After due deliberation a decision was rendered by this board denying the application based on the following Finding of Facts:

FINDINGS OF FACT

- (1) The applicant 4249 West Henrietta Road Incorporated, is requesting a special permit to erect a one story masonry block building, to be faced with brick in an industrial zone, being a four (4) acre portion of the property located at 1891 Scottsville Road, part of tax account number 279-000, to be used for a commercial establishment.
- (2) The applicant has a contract with the present owner contingent on approval of this request.
- (3) The proposed building would be large enough to accommodate One Thousand Persons; and the balance of the four (4) acre plot would be Black Topped to handle approximately Three Hundred and Ten automobiles.

- (4) The owners would rent out the building to caterers to be used for private parties and gatherings.
- (5) At other times it would be run during the evening hours as a gathering place for young adults. Dancing to live music would be featured and alcoholic beverages would be served.
- (6) The proposed four (4) acre site would be at the middle of this industrial site, the land to the north and south along Scottsville Road is zoned industrial as well as the land to the west.
- (7) The proposed site is approximately One Thousand (1,000) feet south of Greyson Road which is zoned Class B residential and is now developed as residential, containing a large number of homes.
- (8) This proposed site is approximately Two Thousand (2,000) feet north east of the Convalescent Hospital For Children, which hospital cares for mentally disturbed children. This hospital is located at 2075 Scottsville Road, Chili, New York.

- (9) This particular site is being considered by the applicant because directly across the Genesee River to the east in the Town of Henrietta, is the new Rochester Institute of Technology Campus which will house and school thousands of young men and women.
- (10) Scottsville Road in this section has only two lanes for traffic.
- (11) The Chili Zoning Ordinance sets forth in section 19-61, sub-section (46) on page 1930, COMMERCIAL USES as one of the PROHIBITED uses in "A" Districts (Industrial Districts).

WHEREFORE based on the foregoing facts the application is accordingly denied.

CONCLUSIONS

- (A) To place a Commercial Establishment in an Industrial Zone would flout and negate the very spirit of the Zoning Ordinance of the Town of Chili.
- (B) To grant a special permit for this application would be SPOT ZONING. If this board were to grant this application it would be an usurpation of the legislative power of The Town Board of Chili.

(C) Section 19-103 of the Zoning Ordinance of the Town of Chili sets forth twelve (12) specific instances where the Zoning Board of Appeals may grant a special permit. The application herein does not fall into any one of these twelve (12) categories. This Zoning Board of Appeals has no authority to grant this special permit.

#3. Application of Harrison Homes, 21 Sturbridge Lane, Pittsford, N.Y. for approval of an 8' rear side line variance on lot 63, Mitchell Acres Subd. Sec. 1, being 16 Weatherwood Lane, irregular lot, 107.06' x 166.98' x 75.77' x 174.00'. E zone.

Mr. Sam DiMarzo representing Harrison Homes appeared before the Board and presented tape location maps of this lot and the lot adjoining this lot to the Board for study. He wished to apologize to the Board. One of the men, when setting new house construction, went by front lot stakes and disregarded rear lot stakes. This lot has an angle after house constructed and roof on their engineers made house tape map so was approximately 8' plus or minus from side lot line. He advised the garage was a two-car garage on the house. This is Western Country Subdivision. The house has been framed and roof is on. The engineers do not make tape location map until the roof is on. Mr. Fraser questioned if house built without basement and was advised it had a basement.

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

DECISION: Unanimously granted.

Application of LeRoy Colprovia Pavement, Inc. 612 River Boulevard, to erect a black top manufacturing plant on the rear of property on Scottsville Road, near 1600 Scottsville Road, consisting of 25 acres, part of Tax Account 1157, approximately 590' from Scottsville Road. A zone. on which hearing was held November 23, 1967.

DECISION: Approval granted with the following stipulations:

1. As per plans and specifications submitted and/or equivalent equipment.
2. Feed conveyor from dumping bin to plant hoppers to be covered plus the necessary wind breaks around the dumping area.
3. Maximum capacity of plant to be 180 tons per hour as indicated in presentation (it is understood only one asphalt plant will be erected on this 25 acre site). Plant to be operated in all other respects as specified and described at public hearing on this application.
4. All roadways, the plant site, the aggregate storage area, parking area and turnaround area shall be paved. Paving to be completed within 60 days of the beginning of the plant operation.
5. Proposed plant be approved by both Monroe County Department of Health and New York State Department of Health and that copy of this approval be filed with the Town Clerk before the Town issues a building permit for this construction.
6. Roadways and all vehicle traffic area to be regularly swept and washed as needed to minimize the creation of dust. The intent of this stipulation is to limit the dust generated in the traffic area from adding appreciably to the dust to be generated by plant itself. The Department of Public Works to the Town of Chili to be allowed periodic or what they deem adequate, inspections, at their discretion to ascertain that the operator is complying with the above stipulation.
7. Request that continuous letter of credit be posted to the Town of Chili in the amount of \$1,000. to assure the sweeping and washing of said vehicle traffic area and/or any future roads on the property.
8. That the operator of this plant must comply with all present and/or future laws, regulations and directives of the County of Monroe and the State of New York pertaining to air and water pollution. A letter be filed with the Town Clerk of such compliance every second year from the appropriate County or State Agency.
9. Entrance to proposed plant be approved by New York State Department of transportation.

By vote: Messrs. Hunter, Pfenninger, VanSlyke, Palermo Fraser and Mrs. Tanager aye, Mr. Strassner abstain.

Zoning Board of Appeals

December 26, 1967

Application of Arthur Reinagel for approval to erect a house on a lot 82' x 185' on Archer Road, being subdivision of 82 Archer Road into two lots, A & B in E zone, on which hearing was held October 17, 1967.

DECISION: Approval granted with the following vote:

Mr. Hunter aye
Mr. Van Slyke aye
Mr. Fraser aye
Mr. Palermo aye
Mr. Pfenninger aye
Mr. Strassner abstain
Mrs. Tanger no

to be as outlined in Mr. Reinagel's letter of December 18, 1967 to the Zoning Board, which letter is on file in Town Clerk's Office, in particular, the home must be either a split level, capecod or colonial and must comply with side line, front and rear setbacks of the present Town of Chili Zoning Code.

Patricia D. Slack
Secretary