

MINUTES  
ZONING BOARD OF APPEALS  
January 23, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held at 8:00 P.M. January 23, 1968. Roll Call found the following members of the Board present:

- Mr. Robert Hunter, Chairman
- Mr. Cornelius Strassner
- Mr. Charles Pfenninger
- Mr. Howard Vanslyke
- Mrs. Gertrude Tanger
- Mr. John Palermo
- Mr. John Lighthouse

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

- #1. Application of Harriet Colangelo, 334 Fisher Road, for approval to operate a beauty shop in the basement of home at 334 Fisher Road on a part time basis, one operator, in E zone.

Miss Colangelo appeared before the Board and advised she wished a variance to operate a beauty shop in basement of home. Just wished it for part time, still going to school, just for a few friends after school, like Thursday, Friday nights and Saturday. Mr. Pfenninger questioned which home it was and Mr. Colangelo (father) advised the location and advised have driveway 127' long 34' wide, plenty of parking space. On question Miss Colangelo advised in evening would be about five hours, start about 4:00 until 9:00, Saturdays 9:00 A.M. to 5:00 P.M. Will be just herself, one chair. Mr. Strassner questioned would it have advertising sign to indicate it was there? Miss Colangelo had not thought of that, but did not think so. He went around to a few of the neighbors and they are all happy to sign petition in favor of the beauty salon. Went to all neighbors surrounding them. In answer to question advised she has her license now, is not going to beauty school.

Mr. Miller questioned if home was located on easterly side of Fisher Road north of McNair and south of Jacqueline? He was advised yes. Mr. Miller questioned was she applying on basis of hardship for this variance. Mr. Hunter explained only basis on which this Board can grant variance is practical difficulty and hardship on property. Mr. Colangelo advised the property he owned from 334 Fisher Road and did not see where it would bother or hinder anybody. There is a house between himself and railroad, his son's and he owns house next to it, next to son's empty lot and then his mother's house. He owns to railroad. Only three homes to railroad and house that sits back on opposite side of road he owns. Thought about 500' from his home to railroad tracks.

Mr. Miller questioned, assuming Board granted variance, what preparation would they do for off street parking? Mr. Colangelo did not believe any necessity for off street parking, drive 127' long and 34' wide. Would not be that much traffic there. Only one operator, can only take care of one or two at time, might be couple coming and couple going. Mr. Hunter questioned, then maximum of four cars in driveway at any one time? Mr. Colangelo thought yes. Mr. Palermo questioned how many cars could that driveway handle? Mr. Colangelo felt would be quite a few, it is 24' wide.

Mr. Vanslyke questioned assuming this were granted, did he have any more daughters who would be taking on when this young lady got married? Mr. Colangelo advised no he did not. Mr. Vanslyke questioned in other words, it would be perhaps reasonable to put a definite limit to this operator only? Mr. Strassner thought a time limit. If do grant it, for

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 Civil  
 Administration Office, 1335 Chili Ave.  
 Ave. Rochester, N.Y. 14624, on Janu-  
 ary 13, 1968 at 2:00 P.M. to consider  
 the following applications:

1. Application of Ernest Colangelo,  
 134 Fisher Road, for approval to op-  
 erate a beauty shop in the basement  
 of home at 134 Fisher Road on a part-  
 time basis, one operator in E zone.
2. Application of Harrison Homes,  
 27 Sturbridge Lane, Pittsford, N.Y. for  
 approval of two signs, unilluminated,  
 on a temporary basis, as per plans sub-  
 mitted, one sign 12' x 6' to be erected  
 on lot 178-234 Hilary Drive, one sign  
 6' x 6' to be erected on lot 293-306  
 Hilary Drive, E zone.

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

ROBERT HUNTER  
 Chairman

EC-11-Jan 13-1968

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 13, 1968

*Eleanor E. Williams*

Sworn before me this 13th day of January 19 68

*Robert J. Steen*  
Notary Public

what period of time, because variance of this type usually has time limit on it and if they wish to continue on with it, it comes back before Board for reapplication. Have done this in past and think it is very good thing to do. Mr. Hunter questioned if they had any thoughts as to a reasonable time they would wish it? Mr. Palermo questioned, if granted, how many years would they want it for, one, two, three or four? Mr. Colangelo did not really know. Mr. Pfenninger felt it would be expensive setting it up, so cannot limit it to one year. Thought has to stand State Inspections.

Mr. Miller questioned if Miss Colangelo was presently employed? Miss Colangelo advised yes, Arborwood Beauty Salon off Ridgeway Avenue.

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

Mr. Stockmaster, 14 Jacklyn Drive questioned was it possible to limit hours of business if granted. Mr. Hunter advised yes. Mr. Stockmaster asked how many cars in their garage right now. Mr. Colangelo advised two that they own. Mr. Stockmaster asked if there would be a time limit put on a variance. Mr. Hunter advised likely. Mr. Stockmaster questioned what they normally think of. Mr. Hunter advised two to four years basic thing, need to take into account the investment. Mr. Stockmaster observed and no hardship brought up. Cannot say actually in favor of it. Questioned could this one variance on this piece of property be used for a tool, do not want to have in ten years from now because of this one variance something larger and more overwhelming in this area. Thinks this could be spot zoning. Mr. Hunter advised every one is judged on its own merits and there would be time limit and if wanted it longer would have to reapply and publish it and come back again.

No one appeared to oppose the variance for the record.

DECISION: Variance unanimously denied.

#2. Application of Harrison Homes, 21 Sturbridge Lane, Pittsford, N.Y. for approval to two signs, unilluminated, on a temporary basis, as per plans submitted, one sign 12' x 6' to be erected on lot 178--164 Hillary Drive, one sign 6' x 6' to be erected on lot 203--206 Hillary Drive. E zone.

Mr. McGrath appeared before the Board representing Harrison Homes. Mr. Hunter questioned apparently these are to advertise a housing tract? Some indication tonight one sign already up, are they both up? Mr. McGrath advised both are up, misunderstanding, thinks they went up last Saturday on the 20th. Mr. Hunter advised frankly, they were quite unhappy to have situation where have code and have something like this go up before variance given. Mr. McGrath advised he knew they were not supposed to go up. Mr. Hunter advised another point, did not know if he was familiar with code, our code says they may grant variance of this nature but square footage is not to exceed 50 square feet. One is 12' x 6' or 72 square feet. Mr. McGrath advised he did not realize that. Gave Mrs. Slack dimensions of sign when made application. They are actually two signs, they are connected, both 6' x 6', but are connected so that makes if 12' x 6'. Mr. Strasser questioned in straight row? Mr. McGrath advised connected so 12' long and 6' high. Would try to explain unusual situation and why chose that particular type of sign. In process of building a new model on West Side Drive at present subdivision. The developer they were involved with never got in and developed Section 2 or 3 so in meantime had nothing to sell, nothing left, so they went about trying to secure some more property which were able to do. Problem, new model under constructio

and could not stop construction on model. Now have model on West Side Drive and selling homes in Hillary Heights. Had also unusual situation trying to advertise this, how to get people to come here but go there. Had model on West Side Drive and not houses in Hillary Drive. So decided to build sign, on one side location sign and the other reflected map showing that you are now here but to get to model where must go and shows how to go back to West Side Drive where model is. After get model in Hillary Heights, one 6' x 6' will then be eliminated. However still will have model on West Side Drive, by that time will have open to sell two models on West Side Drive and one model in Hillary Heights. Will have two different type homes, one in each location, so it is a bit of complex situation and no other way get around it. Had two models on West Side Drive and third under construction, however lots selling were removed from there so had to try this devise some method to get people to both locations and indicate why looking over lots where no homes, and how could find model homes.

Mr. Strassner questioned the appearance of the signs, are they just something stuck in the mud? Mr. McGrath advised no, nice piece of art work, from aesthetic point of view what you mean by attractive, one sign in normal colors, background orange, this is their brochure cover piece, etc. simply says Harrison Homes in Hillary Heights. Other sign white background with black map. Mr. Strassner asked if they were framed. Mr. McGrath advised nicely put together, painted sign is all.

Mr. Palermo questioned how long did he think need this before move out of Westside Drive? Mr. McGrath discussed the time it would take to sell the models, the cost of decorating and furnishing the models, the bank not advancing money for new ones until old one sold, that at present are building a new model, four bedroom center entrance colonial, so could not really answer this question.

Mr. Strassner questioned how far off road on corner was the sign. Mr. McGrath advised from Hillary Drive, probably 15' to 20' somewhere in that area, and on question from Mrs. Tanger advised probably 3' or 4' off ground, and yes, quite a good height. He did not honestly know how long will need signs. Sign almost in same location where Ted Spall had his sign, connected map to it to show how to get to model, giving directions to get there. Thinks is has been successful, as successful way to do it as he knows how. How long will keep model do not know. In other location if can will do same Colonial in Hillary Heights as did in West Side Drive. Now wish to sell at least one, but that would not eliminate sign. Mrs. Tanger asked where the plans for signs were. Mr. McGrath advised that was his error. Mr. Pfenninger asked if he would want sign a couple of years. Mr. McGrath advised no, if wanted it that long would be out of business. Only 40 lots over there, 10 are sold already, hope not even a year. Would expect not to have to use sign from sales point of view, if everything goes as hope it goes, after April, being real optimistic. Would say, would if still selling lots there a year from now, are in trouble, only have 30 lots left, only had 40 to begin with. On question advised have been there about three or four weeks.

Mr. VanSlyke questioned, he indicated to Chairman he knew these signs were up. How long had he been with Harrison Homes. Mr. McGrath advised started on May 1st 1967. Mr. VanSlyke asked by whose orders were these signs erected. Mr. McGrath advised discussed putting them up and how important they were to be up. Also at that particular time was discussion had to be approved by Town Board meeting on 23rd. Sign delivered to West Side Drive location in garage of one of models. At this particular time one of construction people assumed because delivered were to go up and that is how got up. Mr. VanSlyke questioned he was aware before signs were ordered that he would require approval by Board. Mr. McGrath advised yes he was.

On question of Mr. Hunter, Chairman if any one present in favor of this approval or opposed, Mr. Limoges, 145 Hillary Drive appeared and advised he was opposed on basis these were erected before being approved by Zoning Board and nobody ever considered the existing neighbors up there and signs put up in hasty manner with boards and cinder blocks in mud, which he can appreciate because of weather condition and snow, etc., but looks out living room window and all see is big sign and this is true of several other people. Spall's sign two or three square feet and he sold in there. He questioned at present Harrison Homes building little office building, is this correct? Mr. McGrath advised yes they are. Mr. Limoges questioned could not sign be attached to this building? Mr. McGrath did not really know how, would not serve their purpose, where could be read would be on front door, would not do them any good, but where they are would like to identify their property, where begins and where ends. That is why signs were placed on these particular lots. He was informed Mr. Spall had left post in front where sign was and Mr. McGrath advised it was on their lot and if he does not take it down, they will have to. Mr. Smith, 162 Hillary Drive questioned could he not have reasonable sign attached to it where he took his down? Mr. McGrath advised he had explained why needed their signs, could not put map on that one. Little sign hanging like Spall sign with Harrison Homes is not telling people where are right now. Mr. Smith thought when drive through could go into sales office. Mr. McGrath advised that was not a sales office. It is construction shack. He has to be where models are on West Side Drive. Peculiar situation, but nevertheless it exists.

Mr. Hunter questioned, if he interpreted Mr. Limoges feelings, if smaller sign and in better taste, he would not object? Mr. Limoges advised after hearing problem which unfortunately nobody told them, it sounds like reasonable problem, but was done as far as he can see in violation of town laws. Does not want to say not aesthetic as builder says were done by professional. Would feel smaller sign at entrance and maybe big map down four lots would accomplish same thing without offending someone immediately next door to sign.

Mr. Westbrook of Hillary Heights went on record opposing it, construction of sign and complete disregard to town regulations.

Mr. Strassner questioned if Mr. McGrath would have any objection to move it to location Mr. Limoges mentioned, down the street about five lots? Mr. McGrath advised actually when sign went up, were going to move it down, went up without his knowledge and in wrong lot to begin with. He would be delighted to move it down, would like to have sign block off overpass of expressway. Mr. Strassner asked the three gentlemen present if they would object if sign moved down about five lots? Mr. Limoges advised his home is last home, his across street from lot sign on now. Mr. Hunter questioned the direction the sign would be moved and was advised west. Mr. Hunter questioned would he move the whole sign? Mr. Limoges questioned then would be just smaller sign? Mr. McGrath advised would not put up smaller sign for lots. Mr. Limoges advised he would not object to small sign on existing post on that lot, on post there now. Mr. McGrath appreciated his feelings, for their particular purpose would not be suitable for them as was for Spall. Feels would not need sign on first lot. However thinks would be advantageous from their point of view and Limoges' to move sign down four or five lots, would probably be around lots 82 or 83, approximately five or 6 lots west.

Mr. Limoges questioned if Harrison Homes had all remaining lots in that section. Mr. McGrath advised him 40. Mr. Limoges questioned if had one next to him on south side of street. Mr. McGrath advised no, Ted Spall did keep about eleven lots for himself.

DECISION: Variance unanimously granted for approval to erect a sign on lot No. 178, 164 Hillary Drive as follows:

- Sign to be moved from lot 178 five lots west.
- Sign not to exceed 50 square feet
- Height of sign not to exceed 7' above the crown of the road
- Variance granted for a period of 6 months with right to reapply for renewal.

Variance unanimously granted to erect a sign 6' x 6' on lot 203, 206 Hillary Drive for a period of six months, with the right to reapply for renewal.

Discussion was had by the Board on proposed revision to the Zoning Ordinance of the Town of Chili in regard to advertising signs, which the Board had asked Mr. Daniel Miller to study. After review of the proposed revision submitted by Mr. Miller, it was the decision of the Board to recommend to the Town Board it be adopted. Copy of the proposed revision attached hereto.

Minutes of the hearing of December 20 were approved as submitted.

COPY

Set forth hereinbelow for your consideration is my recommendation for the proposed amendment to Section 19-40 of "The Zoning Ordinance of the Town of Chili". The present section would be replaced by this proposed new section.

SECTION 19-40 ALL DISTRICTS-ADVERTISING SIGNS, DEVICES AND MONUMENTS

Signs larger than twelve inches by twenty-four inches in size, all artificially illuminated signs of any size; and all rotating and moving signs propelled by any source of power, shall not be placed on any buildings, structure or premises for any purpose whatsoever in any district of the Town of Chili without obtaining a permit from the Zoning Board of Appeals.

RESIDENTIAL DISTRICTS "D" "E" & "EE" DISTRICTS

- (a) Temporary permits may be granted for the construction, erection and use in "D" "E" & "EE" districts, for periods of time not exceeding twelve months; signs and related devices advertising the development, sale, rental or improvement of real property. Such signs shall not exceed fifty (50) square feet in area.
- (b) Temporary and permanent permits may be granted in the discretion of the Board for the erection of monuments on private property for the designation of residential tracts and subdivisions.

INDUSTRIAL & COMMERCIAL DISTRICTS - "A & B" DISTRICTS

- (c) Special permits may be granted for any type of sign advertising device or monument in A or B Districts on a temporary or permanent basis.

ALL DISTRICTS

- (d) All non-conforming, pre-existing signs, advertising devices and monuments located in the Town of Chili must obtain a permit by January 1st 1971, or within three (3) years after the inactment of

MINUTES  
ZONING BOARD OF APPEALS  
February 27, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held at 8:00 P.M. February 27, 1968. Roll Call found the following members of the Board present:

Mr. Robert Hunter, Chairman  
Mr. Cornelius Strassner  
Mr. Charles Pfenninger  
Mr. Howard VanSlyke  
Mrs. Gertrude Tanger  
Mr. John Lighthouse

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

#1. Application of Giacomina Perna, 849 Paul Road for approval to erect a house on lot at 935 Paul Road, lot being 60' wide and 200' deep. E District.

Mr. & Mrs. Perna appeared before the Board. Plan of the house they proposed to build on the lot was presented to the Board. They had no plans of houses next door. This will be a two story home, 39' wide by 22' deep and includes single car garage. Mr. Hunter questioned if they knew width of lots on either side. He was advised by persons present the lots on either side were 100' wide lots. Mrs. Perna pleaded hardship, paid taxes and wanted to build house, paid over \$100. a year, and felt good place to build home, it will be a nice looking house and she is sure it would be sold. They bought this with another lot and understand it was supposed to have been a road and was not, understood closed behind it and had other road going in different direction. Was just 60' x 200'. They bought this about two years ago. They knew there is a possibility of building because you cannot tax people on land you cannot build on in first place. On question advised they were aware when they bought lot would be asking for a variance. Mr. Strassner questioned if they were aware this was turned down at one time or another. Mrs. Perna felt even if was turned down, does not reflect on them, was before that Board. The way things are now, place up there all building up and sewers in, they do not have to worry about putting in septic tanks, so no reason why a beautiful house cannot stand on 60' x 200' lot. Why houses being built over on 50' lots. Mr. Strassner asked how far from side lines will house be? Mr. Perna advised 10' and all other setbacks will agree with area. They will meet code in all requirements if this is granted. Mr. VanSlyke questioned the 60' frontage, what does that front on, is there a road? Mrs. Perna advised was supposed to have been road when cutting up tract, but for some reason she was not aware of, closed the back, but the 60' x 200' remains there, so when bought another lot bought this with it, bought two plots of land. Mr. Van Slyke questioned the access. Mrs. Perna advised Paul Road. Mr. Van Slyke asked where will driveway come out? Mrs. Perna advised on Paul Road facing new Caldwell and Cook houses. She advised they bought two lots, another on different location, and she submitted tax bill for the lot on Paul Road, it was for \$90., this was not including school tax and advised so it is not easy to just keep lots. Mrs. Tanger asked were they aware this had been denied before? Mrs. Perna advised but at that time no sewer or even water there, but now water in and sewers up there and surely there is no excuse, just a piece of land that can be used.

On question of Mr. Hunter if any one present at the hearing in favor of this application, no one appeared. On question if any one opposed to this application, Mr. Peter Decker, 941 Paul Road advised his home and property would be first lot west of property in question. Personally he is opposed to this because feels that the property itself was

# 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, 2225 Chili Avenue, Rochester, N.Y. 14624 on February 17, 1968 at 8:00 P.M. to consider the following applications:

1. Application of Giacomo Perina, 249 Paul Road for approval to erect a house on lot at 249 Paul Road, lot being 60' wide and 200' deep, E District.

2. Application of Barbara Quinn, 226 Paul Road, for approval to operate a beauty shop in basement of home at 226 Paul Road, one operator, no signs or advertisements, E Zone.

3. Application of David Less, 2804 S. Union Street, for approval to erect a concrete building, 20' x 52' wide to be used as a coin operated car wash on Buffalo Road immediately west of Shell Gas Station, at Buffalo and Al Bridge Roads, as per plans presented, E zone.

4. Application of Daniel Nicholas, 400 Westfall Road, for approval to operate a gravel trailer and sports equipment sales establishment at 1-16-1443 Scarsville Road, moving such business from present location at 60 Paul Road, together with approval of an illuminated plastic sign on the sales office, A zone.

5. Application of Eugene Danters, 41 Chestnut Drive, for approval to erect a 20' x 20' garage, attached to house at 41 Chestnut Drive, 12' in front, 5' in rear from south side lot line, front setback in line with house, 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.

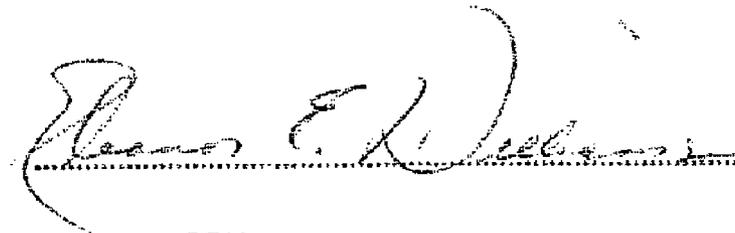
ROBERT HUNTER  
Chairman

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Eleanor E. Williams

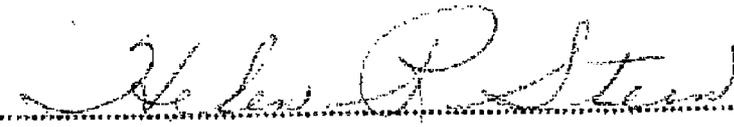
being duly sworn, deposes and say that she is principal clerk in the office of THE TIMES-UNION a daily newspaper published in the City of Rochester, County and State aforesaid, and that a notice of which the annexed is a printed copy, was published in the said paper on the following dates:

February 17, 1968



Sworn before me this 17th

day of February 1968



Notary Public

once a proposed road and was not developed as a road and feel if now put house on it will be afterthought and look out of place and eyesore and definitely feels would lower value of his home and property if wanted to sell. Would be against that. Person goes into suburban area looking for place with room around it and not houses piled on top of each other. Was over here on previous hearing on this property four or five years ago and at that time Mr. and Mrs. Perna were present and they were fully aware of situation and this variance was denied at that time and he is saying if claiming any hardship, they created their own hardship by purchasing property and know situation. Cannot see where can claim hardship. On question he advised his lot is 100' x 200'. His house is 15' from lot line. Mr. Strassner commented if they abide by 10' rule, would not bring it any closer to his home, it would not make a difference as far as congestion to his house and house that would go on lot if granted. Mr. Decker was not sure of variance they want. Was told they would follow the 10' and could not bring house any closer. Mr. Strassner asked him if he knew this lot was up for sale also? Mr. Decker advised no. He offered to buy lot twice from previous owner, was not aware was sold or for sale. Would still be interested in buying it at a fair price. Mrs. Perna advised cannot. Mr. Decker's house is quite small, there is an awful lot of space and nothing she could see that would be cutting him off. There is quite a bit of land there between his house and theirs. Mr. Pfenninger asked Mr. Decker how many square feet in his house? Mr. Decker did not know, it is 60' wide. Mr. Davis advised it was a fair sized ranch, 1200 square feet. Mr. Pfenninger advised the Perna's house would be 1100 square feet.

Mr. Wilbert, 945 Paul Road questioned which way house they were proposing was going in, endwise? He was invited to come up and look at the plans. Mr. Strassner questioned if 39' in front of house on Paul Road. He was told yes, and single garage attached to house. Mr. Wilbert advised he could not say any more than Mr. Decker, he is objecting to the variance.

Mr. Strassner questioned is proposed house two-story and what is total square footage. Mr. Davis advised needed 1400 square feet for two story house. Discussion was had according to plans was 26' x 22' and 39' x 22' including garage. Mr. Davis advised he could change that.

Mr. Freitas, 28 Wills Road advised he lived in back of property and was here at last meeting with former owner. Objected then, objected now. Moved from city to get out in open and get a little room. They say stay 10', but you put 10' on 60' lot with two-story and 10' with ranch looks squeezed in there. They all keep homes looking nice around there and are just opposed to something that does not look nice. His house is at outside corner of this lot, a little behind Mr. Decker's. Backs up to Mr. Decker's property. Mr. Strassner questioned the size of lot directly behind the lot in question. He was advised 100' x 200'.

Mr. Manthey, 933 Paul Road advised his was first property east of lot talking about and he objected for the same reasons Mr. Decker does. Moved out to get a little space and that house would be fitted in. He plans putting in a 2½ story garage on his house and that would move it closer to boundary line. On questions he advised his lot is 100' x 200'. Garage would be on side where vacant lot is. When done would be approximately 10' to his lot line. Mr. Hunter thought would be 20' then between his garage and the proposed house.

Mr. Truasi, 3270 Chili Avenue did not object as sewers and water comes out there allowing variance for smaller lots. As sewers came out thought allowed smaller lots. Mr. Hunter advised him all EE lots have to be 100' where no sewers, and where sewers E lots, 90'. Mrs.

Tanger questioned if his property abutted this property and Mr. Truist advised no. He questioned do they tax property if cannot build on it, what will they use that property for? Mr. Hunter advised that was open for question at this point.

Mr. Egan, 601 Chestnut Ridge Road advised his mother lives down there and he has 200' x 100' lot and pays taxes accordingly. Everyone knows that lot was up before this. Does not think it should be built on no

Mr. Walton, 26 Wills Road advised his lot backs up to this property and thinks he would raise an objection too inasmuch as he came out for space. Mr. Strassner question if he knew that lot existed when he moved out here. Mr. Walton advised yes he did. Mr. Strassner asked if any of them knew it. Mr. Decker advised yes. Builders advised this did exist and told him Town specifications were over and Town would not let any one build on that property. This was understood.

Mr. Wilbert advised when he built his house where it is, it was intended for road, that is way was laid out for road, what changed it he could not answer.

Mr. Vanslyke asked if this lot had been maintained? Mr. Freitas advised it was maintained until Mr. Decker was thrown off. He was mowing it up until former owner told him to quit and get off lot. Now it is nothing but weeds. Mr. Decker advised Mr. Manthey and he did it. Mr. Manthey advised he was also told to stay off it. They were not using it other than mowing the grass.

DECISION: Variance granted by the following vote: Mr. Strassner yes, Mr. Pfenniger yes, Mrs. Tanger yes, Mr. Vanslyke no, Mr. Lighthouse yes, Mr. Hunter no.

#2. Application of Barbara Girvin, 526 Paul Road, for approval to operate a beauty shop in basement of home at 526 Paul Road, one operator, no signs or advertising. E zone.

Mr. Lawrence Chase, Attorney, appeared before the Board representing Mrs. Girvin. He advised the applicant, Mrs. Girvin resides at 526 Paul Road. The applicant is merely requesting this Board recognize and confirm special use of property at 526 Paul Road. The occupant Mrs. Girvin has in basement a room which is roughly 11' x 11', approximately 122 square feet, a little less. In this room she has been doing some hairdressing for neighbors. He would like to emphasize as has been read, no advertising of this service on radio, newspapers, it is a neighborhood service and enterprise and at the present time it is necessary in order that Mrs. Girvin conform with certain requirements of Secretary of State Division of Licenses, that she ask Board to grant special permit to use property for purpose of beauty shop or to do hairdressing. He presented to Board a diagram which they might be interested in, which indicates location of room. As they look at the in upper right hand corner they will be looking at basement floor plan. He was requesting this under Section 19-7 of Code which requires in E District professional shops may be operated with permission of Board if the principal of shop itself occupies the home, that is situation here. He understood notices were sent to immediate neighbors. Oral indication of no objection had been given by Mr. & Mrs. Jackson of 520 Paul Road, Mr. & Mrs. Klingler at 532 Paul Road and Mr. Wilcox is here, resides at 516 Paul Road and, of course, Mr. and Mrs. Lipa reside next door to Girvins, who are related, her mother, and they have no objection. He continued, one point which is required if special permit granted, no off street parking and therefore would like to comment. At present time paved driveway which accomodates at least four cars. There is no on street parking because this is only single

beauty operator, cannot handle any more and will be scheduled appointments limiting amount of traffic. All off street parking. It is all in driveway. Also since this is neighborhood service, many walk over. This property is located directly opposite Carriage House, in addition in Bausch & Lomb area and do not believe any detriment to neighborhood. Mr. Hunter asked what was basis for request? Mr. Chase believed did not have to claim hardship as was asking for special permit. A use variance would require proof of hardship and they are not making application for use variance.

Mr. Miller questioned how long she had been operating. He was advised she had started in January of this year, 1968. Mr. Chase also submitted for study diagram of neighboring area of Carriage House and Bausch and Lomb.

Mr. Pfenninger inquired when this would be in operation, what hours. Mr. Chase advised primarily daytimes and Saturdays, there is an average of maybe five or six people a day. Mr. Pfenninger inquired just one operator? Mr. Chase advised yes, Mrs. Girvin. Mr. Hunter inquired how late daytimes. Mrs. Girvin advised it varies, sometimes on Wednesday come in at 5:00. Last one usually 7:00 and usually gone by 8:00. That would be latest.

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.

#3. Application of David Liese, 2804 S. Union Street, for approval to erect a concrete building, 80' x 32' wide, to be used as a coin operated car wash, on Buffalo Road immediately west of Shell Gas Station, at Buffalo and Attridge Roads, as per plans presented. B zone.

Mr. Liese appeared before the Board and presented plot plan of the property and pointed out approximately where the building would be. Mr. Hunter inquired frontage of the property approximately 250' and bordered on Mr. Markel's property? Mr. Liese advised yes. Mr. Hunter asked if he would conform with all normal setbacks and side lines--basically request is to put in this which is not an approved use? Mr. Liese advised yes. On question he advised hours would roughly be 16 hours a day, thought probably from 6:00 in A.M. until 11:00 at night weather permitting, this time a year, seven days a week. Mr. Hunter inquired if he was asking for a sign to go with this. Asked if he realized if sign required it would require a variance. Advised him he could amend his application this evening if he could tell approximately what kind of sign. Mr. Liese advised as far as he knew it would be a 4' x 4' sign but could not be definitely sure, adjacent with Shell Gas Station sign, neon type he thought. Mr. Hunter again advised if he planned to have a sign he had to include it in the application or come back separately. If planned one, should tell Board what he would like to have so it could be included. Mr. Liese thought roughly 4' x 4' on steel pole in accordance with Shell sign next door, about same distance from road, height the same as Shell sign, internally lighted sign, translucent material, like Town sign.

Mr. Hunter asked if he planned to have someone in attendance. Mr. Liese advised part of time, probably 70% if not more. It will vary with the crowd, as soon as find out what time. Mr. VanSlyke questioned it will be similar to one on Scottsville Road--hope a little better. He was advised would have three do it yourself washes and one automatic, where you drive through similar to that. It is like Brockport one, where you drive through it. He again explained the plot plan to the

Board and advised it would be in line with the 100' setback. They will blacktop front and back, side lines 10', front 100'. Mr. Strassner questioned parking space. Mr. Liese advised it is ample, there is about two acres up there. Mr. Strassner remarked he did know there would be quite a bit of waiting and needed plenty. Mr. Vanslyke questioned the frontage and Mr. Liese advised it is 250'. Mr. Vanslyke asked if he anticipated subdividing this lot? Mr. Hunter questioned traffic coming in and Mr. Liese advised there would be a driveway on either side of building. Mr. Strassner inquired if the driveway in will be longer than the stationary? Mr. Liese advised not really, you will get in there faster, will be driving in from back and driving in there here (explaining with sketch how it would work) pointed out where it would be blacktop and how far in back. Mr. Hunter questioned his plan is to have waiting cars sit on blacktop and if that is not sufficient, will you extend it? He felt waiting cars will not be stacked up on Buffalo Road? Mr. Liese advised yes, will park a lot of cars on two acres, or could make entrance on Attridge where could come in that way, but cannot see that would be necessary..

Mr. Vanslyke questioned how many days. Mr. Liese advised four, three coin operated and one automatic. Mr. Vanslyke felt there should be someone in attendance some of the time. Mr. Liese advised would be, about 70%. Mr. Hunter asked if the automatic would require an attendant. Mr. Liese advised they say not. It was feeling someone should be there. His partner advised they have looked at car washes for two years and studied them all. They have allowed a good pitch in floor.

The question of noise was brought up. Mr. Liese felt no problem really machinery wise. There is no noise connected with this. Mr. Markel's building a good distance away from them and he pointed out where he is. He talked to them and they have no objection.

Mr. Miller brought up question of refuse. Mr. Liese advised there was no drying to it, would be no refuse. Did not plan would be any of any amount. Service from garbage collection in area, should not have any buildup. He runs ice cream stand across street and they are in there every other day to collect, should be no problem. There should not be that much, but if need be would be an ample supply of space to put it, a 55 gallon drum will take a lot of towels and probably be eight of them there. Did not think that will present problem. Actually will be taking care of area, will be policed and cleaned up every day for their own good, if wish to do business it will be to their benefit. Will be paper towel dispensers, cannot imagine there being that many. They are not going to get them for nothing, they have towels like paper, that feels like cloth. Most people bring their own along. Mr. Vanslyke asked his thinking on if the Board were inclined to write into variance a requirement if not kept clean it will be shut down? Mr. Liese thought that sounds fair but would be foolish to run it and not keep it clean. Mr. Vanslyke felt the Scottsville Road one, which is quite a lucrative business, leaves quite a bit to be desired in matter of appearance and apparently they have trouble freezing up in winter and attendants put up a lot of old barrels to stop people coming in.

Mr. Hunter asked if he planned to operate it himself. Mr. Liese advised yes, with a partner. Mr. Lighthouse inquired if they have heat in there in winter. Mr. Liese advised yes, and advised the type. Are talking to heating engineer now, will not have problem freezing up, but keeping it off the floor, that is what he is figuring now, but is sure will come up with some solution. The water is heated.

On question of Mr. Hunter if any one present in favor of or opposed to this application, no one appeared. Mr. Truist of 3270 Chili Avenue

Zoning Board of Appeals

February 27, 1968

asked how many feet back. Mr. Hunter advised 100' which is required in B zone. Mr. Truisci asked how many in back, are cars going in from front or back. Mr. Hunter advised entrance from Buffalo Road, but will come in from back of lot. Mr. Liese explained the set up to Mr. Truisci.

DECISION: Variance unanimously granted for the car wash as advertised with the following stipulations:

1. Refuse containers to be enclosed behind stockade type fence or equal.
2. All parking area to be blacktopped prior to beginning of operation and blacktop to be suitably maintained to the satisfaction of the Town of Chili.

Variance for a sign incorporated in <sup>application by</sup> amendment at hearing granted with the following vote: Mr. Strassner no, Mr. Hunter yes, Mr. Pfenninger yes, Mr. VanSlyke yes, Mrs. Tanger yes., with the following stipulations:

1. Non-rotating, internally lighted sign to be erected under direction of Superintendent of building.
2. Variance granted for a period of four years with the right to reapply for a renewal.

- #4. Application of Daniel Nicholas, 400 Westfall Road, for approval to operate a travel trailer and sports equipment sales establishment at 1446-1448 Scottsville Road, moving such business from the present location at 60 Paul Road, together with approval of an illuminated plastic sign on the sales office. A zone.

Mr. Francis L. Claus, attorney, 420 Executive Office Building, Rochester, N.Y., appeared for Mr. Nicholas. Advised this is asking for permit to transfer business operation on Paul Road to here and to put it in an industrial zone. Tape location map of the property was presented to the Board for study. The location was described, it is located on the other side of railroad track over by river. Mr. Van Slyke questioned so he will have frontage on the River? He was advised yes. Mr. Hunter questioned there are two homes on the property now? He was advised yes. Mr. Hunter asked if they will remain? Mr. Nicholas advised he would like to do something about this. Eventually adding on to one and using building for that. Mr. Hunter questioned proposed to be another building? Mr. Nicholas advised no, just remodel present building and move the business office into the larger of the two houses and intend to do something to improve appearance, and later on may wish to add to it. The location of the bridge on Scottsville Road was pointed out on the tape location map. Mr. Miller questioned how they got on the property. Mr. Nicholas pointed out the driveway. Mr. Miller questioned if they had clearance from the State of New York. Mr. Davis advised road is already there, three or four houses run off that road its public thoroughfare. Mr. Nicholas advised it is right off Scottsville Road, just before turning into B4 Lumber, road that turns off to river. Mr. VanSlyke questioned is this property so you have frontage on Scottsville Road? Mr. Nicholas advised no, outside of along by bridge, no actual frontage on Scottsville itself. Mr. VanSlyke questioned where his sign was going to be. Mr. Nicholas advised on top of the building, mounted on the roof. He explained it is a flat roof. Mr. Hunter questioned if this was a two-story structure? Mr. Nicholas advised yes, the roof of this comes just above the bridge. He advised the sign would be approximately 4' high from the base. Mr. VanSlyke asked if he was moving the present building. Mr. Nicholas advised no, present building will stay there, they are going to use present building for service until possibly sell that property and possibly build building over here. Mr. Hunter inquired this will be office and sales. Mr. Nicholas advised yes, hope to get into all equipment for camping. Are not in boat business, hope to gradually work into all that business.

Mr. Hunter asked if the other home on the lot was occupied at present? He was told presently is, big building has three families and other house has one family. Mr. Van Slyke asked if he presently owned the property in question. Mr. Nicholas advised actually did not own it yet, but will acquire all of it, if does acquire it. Mr. Hunter asked what would be nearest residence or building of any type? Mr. Nicholas advised nearest building would be house over here, pointing it out and track which was roughly 300' away and pointed out where river was and nearest other building on other side of road. Mr. VanSlyke questioned if property is presently industrial and was advised yes. The location of houses along river were again pointed out to the Board and where the driveway coming in from Scottsville Road would be. Mr. Hunter inquired what happens to building down below then and was advised no other building on the property but the two houses. Property presently belonged to the Swarts, but would be sold to Mr. Nicholas.

Mr. Miller inquired if his understanding was correct application for sign also. He was advised yes, and picture of the sign proposed was presented to Board. Mr. Miller inquired how would that sign relate to road, particularly to bridge? Mr. Davis advised it would be below it. It would also be a similar sign to the Town of Chili sign, lighted plastic sign, would not be a revolving sign, would be interior lighted. Mr. Miller inquired how many feet above building proposed to put this. Mr. Miller advised about 4'. Bottom of sign to be about 4' above building, total height would be 8' above the building. Mr. Miller questioned how far back from bridge. After discussion it was felt would be about 60'. Mr. Nicholas thought would place the sign in the center of the building. Mr. Miller thought glare might affect drivers. Mr. Nicholas felt did not have glare, as matter of fact do not have too much light, not like neon or flashing sign, very subdued. Mr. Miller asked if he would put it on rear of building, furthest from bridge. Mr. Nicholas did not know actually, had not been up on roof and could not tell what structure, would have to have solid spot for it and considered the center. Mr. Hunter asked if this variance were to be granted would he place it where the Superintendent of Building felt suitable, would he leave it open to that. Mr. Nicholas felt they could work out something. Understands the concern, but does not think safetywise there would be any difference in the center of the building from any other sign along Scottsville Road. Would not be quite as prominent as some on Scottsville Road. Doubted it would be any different than if land was level and put up sign back 25' from lot line. Does not think would create any more distraction from road than that type of sign. This would be more than 25'. If were back to middle of building that would be 40', thinks it is actually further than that.

Mr. Hunter questioned the proposed hours and days. Mr. Nicholas advised would be same as operating now, 9:00 until 9:00 six days a week, Saturday probably close at 6:00, Monday through Saturday.

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 with the stipulation no refuse to be thrown on the river bank. Variance for the sign unanimously granted for a period of four years, with right to reapply for renewal, with stipulation sign to be erected under supervision of the Superintendent of Building.

- #5. Application of Eugene Daubert, 41 Chestnut Drive, for approval to erect a 26' x 20' garage, attached to house at 41 Chestnut Drive, 12' in front, 5' in rear from south side lot line, front setback in line with house. D zone,

Mr. Daubert appeared before the board and made the following changes in his application: His name should be Elmer Daubert, the garage would be 22' x 20' and the variance requested would be 10' in front and 6.2' in rear side lot line variance. He advised he did not presently have garage. Tape location map was presented to board for study, showing proposed garage. He advised his lot is 72.6'. To south of him is another property same width but 20' longer. Location on lot and size of house is about the same as his. Lot on north is owned by Mr. Pikuet and is vacant, no house there. Three properties before you get to house. On side driveway is, lot is same dimensions as on drawing and same location. Mr. Hunter asked what he would estimate distance on property and lot on south. Mr. Daubert thought would be about 18½ to 20' from his planned garage. His garage is on the opposite side and he also got variance for same reason. It would be garage to house, both garages will be on south side. Mr. Strassner questioned on back part of house would be further on line than front part, so you would equalize distance through front and back all way through? Mr. Daubert advised all built by same builder and all are same type and width. Mr. Miller questioned how many feet at rear end of garage to line? Mr. Daubert advised 6.2' and then pointed out the next house would be 18½'. He advised his neighbor was not here, but if he had any trouble he would come in and give his approval, the neighbor to the south of him.

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

DECISION: Unanimously granted.

The minutes of the January 23, 1968 hearing were approved as submitted.

Patricia D. Slack  
Secretary

MINUTES  
ZONING BOARD OF APPEALS  
March 26, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held at 8:00 P.M. March 26, 1968. Roll Call found the following members of the Board present:

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

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

- #1. Application of Ryan Homes, 2269 Lyell Avenue, for approval to erect homes on lots 52 and 54 Regency Park Subd., being 33 and 32 Bishopgate Drive, with a 34' rear setback. E zone.

Mr. Donohue representing Ryan Homes, Inc. appeared before the Board and presented detailed map of the section and where lots located on a cul de sac. In order to build homes have to stay 60' back from curb line and the shortest house they have is 26', so this would be 60' from front property line and build 26' house is 39' left in back yard. Also, most of models run 31', 32' deep. If possible would like variance to build with 7' variance in order to give customers wider choice rather than restrict lots to one particular model. As stands right now can offer only one to be built on either of these lots. Existing homes on lots 53, 51 and 55 have started construction. Mr. Davis offered what have done on a lot of cul de sacs, make them better looking, instead of going back 60' in front, different setbacks on everyone of them. Thought better off to ask for front variance instead of back. Mr. Donohue advised either way would like it. Thinks would be better if violated 60' requirement and push home up 6', if had 32' deep house. Mr. Davis felt it turns out better with variance on front because house on cul de sac, because some houses back 75'. In other words, if 60' from closest point.

On question Mr. Donohue again advised lot 53 existing home, lots 51, 50 about ready to close, 55 foundation up. Have not sold either 52 or 54, have been avoiding sales because of variance, but hope to sell one this weekend and would hope can get some type of variance so can at least build Woodbury model and, obviously, give a wider choice. Have not sold them hoping to get variance. Mr. Hunter wondered why they had not come in when map was approved. Discussion followed on this point. Mr. Hunter felt should have come before Board at same time. Mr. Davis felt it should have been spotted right when was at Planning Board.

Mr. Vanslyke questioned what was in rear of the lots and Mr. Donohue explained in rear was another development, another builder coming in back and pointed out on map where Spring Valley came in.

Mr. Hunter asked if he would be willing to consider something along lines of alternate if Board thought fit. Mr. Donohue would like to secure 7', most houses 31' or 32' deep whereas if restricted it to 1' variance could only offer one home. Would like to amend his application to request a 7' variance. Mrs. Tanger questioned if any other cul de sacs in that area. Mr. Donohue advised have one in Chiswick Circle area, do not have any more in this area. Queensbury Drive ends in dead end street. No more cul de sacs and no plans for one at present time. He pointed out these streets on the map and where Bishopgate Drive came.

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 Administrative Office, 219 Chili Avenue, Rochester, N.Y. 14614, on March 28, 1968, at 1:00 P.M. to consider the following applications:

1. Application of Ryan Homes, 2200 Lyell Avenue, for approval to erect lots 52 and 54, Regency Park Subd., being 33 and 32, Bishopate Drive, with a 34' rear setback. E. Zone.
  2. Application of Michael Egan, 3210 Chili Avenue, for approval to erect a building and 4 x 4 sign as per plans submitted, to be used as a coin operated car wash and to operate a used car lot, on property located on Chili Avenue in the 3100 block, adjacent to Sunoco Gas Station. E. Zone.
  3. Application of Robert Kelleher, 21 Fair Oaks Drive, East Rochester, for approval to erect a permanent monument, approx. 11 x 8' on lot No. 1, Krolivnik Subd., corner of Bent Oak Road and Penning Road, being 2 Bent Oak Road. D. Zone.
  4. Application of Gerald Colet, 31 Baier Drive, for approval to have a dog kennel at 1771 Union Street, being approx. 1/2 acre. EB 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

FI-3/16-68

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 16, 1968

*Eleanor E. Williams*

Sworn before me this 16th

day of March 1968

*Eleanor E. Williams*

Notary Public

On question of Mr. Hunter if any one present in favor of or opposed to this application Mr. Mark Devaney, 34 Bishopgate Drive appeared, advising his house is between these two lots and he wished to speak in favor of it. As far as he is concerned would like to see some variations on the houses, not have house after house the same.

No one appeared in opposition to the variance:

DECISION: Variance unanimously granted for a 58' minimum front setback and a 38' minimum rear setback.

or

a 60' minimum front setback and a 33' minimum rear setback.

- #2. Application of Michael Truisi, 3270 Chili Avenue, for approval to erect a building and 4' x 4' sign, as per plans submitted, to be used as a coin operated car wash and to operate a used car lot, on property located on Chili Avenue in the 3200 block, adjacent to Sunoco Gas Station. B zone.

Mr. Truisi appeared before the Board. Was thinking about putting up a 14' wide x 30' long building with 10' doors, two bays for a car wash. Presented a rough sketch. It will be square or triangular block building. This sketch was only plan had to submit for this. Mr. Hunter advised him it did not tell the Board about the proposed building, the parking facilities for cars waiting to use car wash, how building to be placed on lot, or any plans or specifications for the Board to base a decision on. He felt that the hearing should be adjourned until the April hearing and another hearing held after Mr. Truisi had submitted plans to the Board for study which plans would present just what was planned so the Board could have something on which to base a decision.

DECISION: Hearing adjourned until April 23, 1968 hearing.

Upon Mr. Hunter advising the people present at the hearing that it would be adjourned until the April meeting, Mr. Charles McCall, 3202 Chili Avenue advised he had taken time off from work to appear at this hearing and did not think could appear next month and requested permission to speak. Lives right across from lot where he proposed to put this and used car lot. He is definitely against it. He had been turned down twice before for a used car lot. Does not think lot big enough to handle the cars that would be using it and backing up and crossing on Chili Avenue. He presented a petition opposing it signed by Mr. & Mrs. Charles McCall, Mr. & Mrs. Howard Whelpton, and Jeanette Gregg, who were close to this lot who were opposed to the use requested, as he would not be able to attend the adjourned hearing. Petition will be on file in the Town Clerk's Office.

- #3. Application of Robert Kelleher, 21 Fair Oaks Drive, East Rochester, for approval to erect a permanent monument, approx. 3' x 8', on Lot No. 1 Knollwood Subdv., corner of Bent Oak Road and Fenton Road, being 2 Bent Oak Road in D zone.

Mr. Tudor, foreman for Mr. Kelleher in Knollwood Subdivision appeared before the Board and presented a sketch of the lot showing location of house on it and where wished to place monument. Mr. Hunter inquired if it would be on this property. Mr. Tudor advised it would be. Mr. Davis advised he wanted to replace sign he had a variance for and wants to put this on top of a fence, because children kept knocking the other sign off. Mr. Miller observed it would become the property of the man that buys the lot it is on. What would happen if man bought lot and did not maintain sign. Mr. Tudor felt he would want to maintain it or could tear it down. Thought people on tract would get him to take care

of it. Mr. Miller questioned if there is a tract association formed at this time? Mr. Tudor advised not that he knew of. It would be a natural cedar sign. Mr. Vanslyke questioned if it was advertising lots and Mr. Tudor advised no, just name of tract. Mr. Vanslyke asked if there was another entrance and Mr. Tudor advised no there was not. Mr. Hunter questioned if they have several homes in there now and was told yes. There are 19 lots in tract, and there are ten homes up there now. There is home on this lot, which is being used as an office, not sold. Mr. Vanslyke questioned if this was going to be erected up in the air, or on posts? Mr. Tudor advised from ground will only be about 3', on split rail fence. Posts are about 3' high, would be on one panel of fence. All wood, no masonry. Mrs. Tanger questioned they do not have sign on other tract, Pine Knoll? Mr. Tudor advised no. Mr. Palermo questioned this tract did not go through to Pine Knoll? Was told no. Mr. Hunter asked how long before complete and sell remaining homes, matter of year, couple of years? Mr. Tudor thought will be gone within year. Mr. Hunter asked if they would consider alternate, if after sold last home then sign be taken down and fence restored to same condition as is as a possibility? They are always concerned about maintenance, if they leave something like this up, man who owns property may or may not be interested in maintaining it. Mr. Tudor did not know, Mr. Kelleher never mentioned that. Mr. Palermo questioned the setback from the road. Mr. Tudor thought probably 5' or so within lot line, did not know just what. Mr. Davis said it would be in from Penton Road, thought about 25' from pavement on Penton Road, facing east. Mr. Tudor thought probably about 20' from pavement of road or better from the curb.

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 variance to erect the sign as per plans and specifications presented to the point where the home on Lot No. 1 is sold or for two years whichever is the shorter period of time. At time home is purchased the new home owner may come in and reapply for variance if he wishes it to remain on his property and wishes to maintain the sign.

#4. Application of Gerald Court, 91 Baier Drive, for approval to have a dog kennel at 3721 Union Street, being approx. 5 acres in EE district.

Mr. Court appeared before the Board. He advised they are purchasing property and it came to their attention if have over three dogs need a kennel license. According to advices he was given, you can have issued a kennel license, but it cannot be used, so have to appear before the Board. They raise boxers, breed them and show them and have ten. They are all kennel dogs, couple of house dogs. This particular property is approximately 1,000' from Chili Avenue and house is set back about 75' from the road and back about 400' to 500' from road is huge barn which portion of can be used for dogs, so would use existing building and then put up kennel runs 4' to 6' runs. These would face out to west and be enclosed so that if someone did happen to get back there no noise problem. Particular property surrounded on three sides by future park, so no problem as far as future building goes and having people moving in objecting in two or three years from now. The closest anyone would be would be in neighborhood of 1,000'. These dogs are all in, they are kept in enclosed area and it is heated in winter and plenty of water. They raise them for show and keep them in decent condition. Mr. Hunter questioned so they would be in barn itself or in these runs? Mr. Court advised would not run loose on

Zoning Board of Appeals

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property even. Runs would be behind barn which is hundreds of feet back from road and huge barn in front so nothing back there to arouse dogs as far as noise problem. Runs would extend probably 20' long, they would probably run fence over those, would possibly have fibre glass out maybe 10' to protect them in winter.

Mr. Hunter questioned he mentioned 10 dogs and couple of house dogs? Mr. Court advised house dogs would be included in 10 dogs. Mr. Hunter asked what would be maximum number of dogs. Mr. Court advised would keep puppies maybe four or five months to see if promising one. If one comes along they keep him and sell younger ones or sell him and keep younger ones. It is expensive to maintain whole raft of dogs, would say probably eight to 10 maximum. Do not anticipate more than that. Grown dogs that is. Mr. Hunter queried, in addition to this some puppies, about how many maximum. Mr. Court advised maximum couple of litter a year. They are supposed to average five, but have been running two to three. They have had ten, but these are not kept for any period of time. Mr. Hunter questioned from what month to what month normally when born? Mr. Court advised they are not like farm animals, come all different times, heat season normally twice a year, for some every 9 months, some only once, it varies.

Mr. Hunter questioned what would he say about noise level in immediate vicinity? Mr. Court thought should be fairly none, no reason, because distance, used to being in kennel, everything enclosed, no one back there to arouse them. Mr. Hunter asked if he presently raised them, operated kennel for some time? Mr. Court advised yes in another town. But only time have problems if people driving by stop and look, but actually nothing to see from road, so there would be nothing to arouse or excite them. Boxers are naturally quiet dogs and dogs are enclosed.

Mr. Hunter questioned the frontage of the property. Mr. Court did not know exactly, starts at 300' and widens and goes back to the end of the property. Mr. Hunter inquired what he would say closest distance from edge of run to edge of property? Mr. Court thought probably couple of hundred feet to one side, probably in neighborhood of 100' or so and he understands this property will be completely surrounded by park so no reason for anyone to be there. Mr. Miller questioned how far back property went and Mr. Court advised about 400' from road. Kennel in back or rear of barn.

Mr. Davis questioned if he was talking about Rose property, one side of property creek? Mr. Court believed so. Mr. Davis commented going to keep big white house and going to keep barn and surrounding him is new park, so bordered on one side by creek and house is back quite a ways. Rose property and doctor living across street. Mr. Court advised hope to bring house back as understands it was nice some years ago. Hope to improve looks of house. Mr. VanSlyke questioned the location and Mr. Davis advised just where it was, on right hand side of Union Street. Mr. Miller asked Mr. Court if he could possibly submit a plot plan of it. Mr. Court thought they have that on county maps right now and Mr. Hunter advised it would not show structure on lot, just boundary of property. Mr. Court did not anticipate this so did not bring it. Mr. Hunter stated perhaps he could make copy of it and get it to the Board. Mr. Court advised he could, yes. Mr. Davis asked if he was buying it and Mr. Court advised he was purchasing it. Mr. Davis thought he would have a tape map then. Mr. Court advised this is normally when closed that you have it, but he would like to find out about this before he closed.

Mr. VanSlyke questioned he did sell puppies which he did not think would meet his requirements. Mr. Court advised yes, they sell them. Mr. VanSlyke inquired those he thought would not make show dogs they dispose

of them themselves, so it is in sort of sense commercial. He did the same thing himself, so is not criticizing. Mr. Court questioned suppose you had someone had two females, they bred them every time in heat? This would be commercial venture and do not need kennel license. He was not aware they were applying for variance, was only aware hearing regarding issuance of kennel license, was not aware needed one. Mr. Hunter said they needed to understand what he was planning to do, understand what requested. Mr. Court advised only request is for kennel license with 10 dogs listed on it and he maintains them. Mr. Hunter advised their job is to be concerned about welfare and that this is not going to be noisy or problem. Mr. Palermo questioned he is just looking for prize dogs out of litter and others, sell them, not as business venture, you just cannot maintain them? Mr. Court advised that is right. Mr. Palermo questioned he was not going to have six or eight litters a year to make money? Mr. Court advised they breed for betterment of breed, try to improve on what have by using prize stock and improve on it, just as people breed horses, cows, etc. Breed to improve quality of animal, and dispose of excess.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, Mr. Loftus, 3768 Union Street spoke in opposition. He had a petition drafted by Mr. D.D. Davis who could not be here tonight. He read the petition which he advised was signed by eleven signatures, which petition is on file in the Town Clerk's office.

Mr. Vanslyke questioned Mr. Loftus, on how many dogs did the owners of these eleven signatures have. Mr. Loftus could not answer that, he did not own a dog. Mr. Vanslyke asked if he knew how many dogs among the homes of the 11 petitioners? Mr. Loftus thought might be two or three, only a guess. Mr. Vanslyke asked if they barked, did they drive him out of his mind? Mr. Loftus could not say they do. Mr. Vanslyke asked if he ever objected to the other people and was told he had not. Mr. Vanslyke asked him, he heard this person, did he think the man who asked for kennel under conditions he asked for, would really be detrimental? Mr. Loftus had to admit he explained it pretty good, but have no guarantee, could go in with couple end up with 100 dogs. Mr. Vanslyke advised they would restrict this to what he asked for. He was wondering on what basis they were objecting? Mr. Loftus thought that was explained in petition. Mr. Miller asked if there were homes on each side. Mr. Loftus advised no, Dr. Feltner lives across street and there are no more on it. Mr. Miller questioned where people lived who signed petition? Mr. Loftus advised Mr. Davis owns all land around Black Creek and Mr. Miller on farm down road and himself, all on east side. Mr. Miller asked how far down next piece of property to this property located to the south. Mr. Loftus advised all park around, probably a mile. Mr. Miller questioned, Chill Avenue, then his place then mile before hit next place? Mr. Loftus advised on west side. Mr. Miller asked how far next house on east side? Mr. Loftus advised Dr. Feltner across street and then Miller farm, probably 300' from property line of the house here. Mr. Hunter questioned, so 300' from front of property, so nearest property 600' or 700' from barn he is talking about.

No one further appeared in favor of or opposed to this application. Mr. Hunter advised Mr. Court the Board would like to have a copy of the plot plan on this.

DECISION: Reserved.

Mr. & Mrs. Smith appeared before the Board for a preliminary, unadvertised discussion on building a 6' basket weave fence around the rear and part of side of their property on Westside Drive, across from Wingate Street, before they came in to apply for a formal hearing for granting of the variance.

Zoning Board of Appeals

March 26, 1968

At request of Patsy Pilato who was granted approval 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, at Dortmund Circle and Chili Avenue in September, 1967, the variance has been changed to a temporary sign 6' x 4' as per sketch submitted, for a period of six months, to be erected under supervision of the Superintendent of Building.

Minutes of the February 27, 1968 hearing were approved as submitted.

Patricia D. Slack.  
Secretary

SPECIAL MEETING

Zoning Board of Appeals, Chili, N.Y.

April 9, 1968

A meeting was held by the members of the Zoning Board of Appeals who had been present at the Public Hearing of March 26, 1968 at which application of Gerald Court, 81 Baier Drive, for approval to have a dog kennel at 3721 Union Street, being approx. 5 acres in EE district, was heard, for the purpose of making decision on this application.

DECISION: Approval was unanimously granted with the following stipulations:

1. To be a maximum of ten adult dogs
2. Variance granted to Mr. Gerald Court only, as long as he is actively operating the kennel, and not to run with the land.
3. Runs to extend westerly from behind existing barn and are not to be visible from Union Street.

Patricia D. Slack  
Secretary

MINUTES  
 ZONING BOARD OF APPEALS  
 April 23, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili 3235 Chili Avenue, Rochester, N.Y. 14624 on April 23, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter. Roll Call found the following members of the Board present:

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

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

- #1. Application of Archer Homes, 2690 Chili Avenue, to erect a temporary sign, 4' x 8', as per plans submitted, advertising Plat Mar Subdivision, on Lot No. 2, being 66 Chestnut Ridge Road. D zone.

Mr. Albert Simione of Archer Homes appeared before the Board. He had no plans, had thought his partner had submitted them. He advised it is a 4' x 8' plywood sign, advertising 46 choice lots by Archer Homes, Inc. and showing name Plat Mar Subdivision - Mr. Robert Schickler, Real Estate. It is about, all told from ground, about 6' or 7', it is unlighted. Would like it about 1½ or two years, or until subdivision is completed. It should be less than that. Mr. VanSlyke questioned if this was on corner lot and was advised yes. It is about 100' from road on one side, 60' on other, about 100' from Chestnut Ridge Road, 60' from Saddle Back Trail. It is directly across street, opposite 59 Chestnut Ridge Road. On question of Mr. Miller, Mr. Simione advised it is about 3' above center of road, approximately 9' from crown, lot goes up.

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 for a period of one year, with the right to reapply for renewal.

- #2. Application of Isadore Silveria, 28 Ronnie Lane, for approval to build an open porch on front of existing home at 28 Ronnie Lane, porch to be 9' x 23' and to have a 51' front setback. E zone.

Mr. Silveria appeared before the Board and advised he is not planning on building porch in within couple of years. Understands there is no need for variance for open porch. Setback would be 51' away, as is now is 60'. Mr. Hunter asked if he had talked with his neighbors. Mr. Silveria advised they have no objections, and on Mr. Hunter's question advised this would be slab above ground, as high as front door, level with floor. Mrs. Tanger asked if any of his other neighbors had a porch and he advised no, just the stoop. Mr. Hunter questioned if got to point of closing it, what sort of structure? Mr. Silveria advised he had no thoughts at all at present, has no idea. Mr. VanSlyke questioned what sort of base. Mr. Silveria advised regular cement block, cement floor on porch. Mr. VanSlyke questioned could enclose structure and it could be used as a living space? Mr. Silveria advised it will not be insulated, does not visualize it as living place. Mr. Hunter inquired, just used in summer, even when enclosed? Mr. Silveria said yes, just summer use. Mr. Hunter questioned the style of his home and was advised a ranch home. On Mrs. Tanger's suggestion, Mr. Silveria amended his

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, 2212 Chili Avenue, Rochester, N.Y. 14623 on April 23, 1968 at 8:00 P.M. to consider the following applications:

- 1. Application of Archer Homes, 2990 Chili Avenue, to erect a temporary advertising sign 4 x 8' as per plans submitted, advertising Flat Mar subdivision, on lot 322, being 66 Chestnut Ridge Road, D zone.
2. Application of Theodore Smerka, 28 Romie Loop, for approval to build an open porch on front of existing home at 28 Romie Loop, porch to be 4 x 23' and to have a 51' front setback, E zone.
3. Application of H. Christensen, 26 Winsor Street, Rochester, N.Y. to use former All-Power Machine Plant at 291 Weidner Road for the operation of construction material inspection and testing lab., A zone.
4. Application of Gale & Roger Smith, 305 Westside Drive, for approval to erect a six foot redwood fence around the back yard at 305 Westside Drive, to enclose a proposed swimming pool and to confine dog, D zone.
5. Application of Rose Builders, Inc., 1385 Empire Boulevard for approval to erect a house on Lot R-59, 38 Names Road, being 72' wide x 148' deep with front setback in line with existing homes in area, D zone.
6. Application of Wad Con Construction Co., 497 State Street, for approval to erect a masonry and brick structure 20' wide x 60' long approximately 4' from front lot line at 1182 Scottsville Road, to be in line with present building, A zone.
7. Application of Mobil Oil Corporation, 675 Brooks Avenue, for approval to erect a new Mobil Station to replace existing Mobil Station at 2163 Chili Avenue, as per plans and specifications submitted, E zone.
8. Application of Ace Swinserve, 799 Paul Road, for approval to erect a 4 x 6' metal faced warning advertising sign, attached to building at 799 Paul Road, to be lit by a flood light.
9. Application of Rose Builders, Inc., 1385 Empire Boulevard for approval to erect a house on Lot 17E, 47 Morrison Avenue, lot being 50' x 120' with 5' side lot line setbacks and front setback in line with existing homes, D zone.
10. Application of Rose Builders, Inc., 1385 Empire Boulevard, to erect houses on 50' x 120' lots 15, 16, 17, 18 Morrison Avenue and Lot 19, at Charles Avenue, with side lot line setbacks of 5' on inside side, 18' on corner side and front setback in line with existing homes in area, 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

Norma Vivian

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 13, 1968

Norma Vivian

Sworn before me this 15th

day of April 1968

Robert E. Graby

ROBERT E. GRABY Public Notary Public in the State of New York MONROE COUNTY, N. Y. Commission Expires March 30, 1969

Form No. 4

Zoning Board of Appeals

April 23, 1968

application to read enclosed porch even those does not plan to enclose it at moment. Mr. VanSlyke asked if he planned screen enclosure or glass. Mr. Silveria replied right now not planning any at all, but probably glass in two or three years. Mr. Palermo questioned if he extended beyond house on sides and Mr. Silveria advised no. Mr. Pfenninger thought would not take much to make living room if wanted to insulate. Mr. Silveria agreed no. Mr. Pfenninger thought maybe if he sold house, people who buy it might wish to insulate it.

Mr. VanSlyke questioned where Ronnie Lane was and was advised in North Chili, near Keith Terrace.

Mr. Hunter asked if there was any particular reason why he was doing this and Mr. Silveria advised him his wife is ill, has multiple sclerosis. This would be one way for her to get out in the fresh air and he also wanted part of it in ramp so if ever needed wheel chair she could get down on lawn. Would be level with existing floor so could get out of house easily.

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 privilege to enclose the porch at a later date, not later than two years after date of the granting of this variance. Before enclosing porch, plans for the enclosure to be submitted to the Zoning Board of Appeals before proceeding.

#3. Application of H. Christensen, 56 Winsor Street, Rochester, N.Y. to use former All-Power Machine Plant at 291 Weidner Road for the operation of construction material-Inspection and Testing Lab.  
A zone.

Mr. Christensen appeared before the Board and presented some pictures he had used at Chamber of Commerce in Rochester showing type of operation contemplated. They test construction materials, concret, asphalt, soil subsurface estimation, foundation on designs, carbon control for various areas, test of water, sewerage and chemical analysis and distinctive tests within large facilities itself. A lot of testing done on site, but some which cannot be done on site, for instance some testing has to be done with laboratory facilities and chemical analysis within laboratory facilities. Except for real technical spot testing, drilling equipment primarily on job site, so matter of primarily storage of trucks and drilling rigs at night if off job or in transport to another job. Presently have seven rigs, which would be store outside at lab site when not in use. Normally truck pulled rig, although not always. They have at present time as far as truck themselves, four or five that would be stored over night - pick up trucks. He pointed out on the pictures the largest type truck used and also picture of the drilling rig in comparison. Mr. Miller questioned the location of the parking lot and Mr. Christensen advised adjacent between building and Niagara Power right of way, being the north side of building. Mr. Hunter asked if he had submitted plot plan or anything which indicates size of property and location and was advised no, size of lot is 3.2 acres and faces Weidner Road and Milstead Way on corner. Building is approximately 7700 to 7800 square feet sitting on the 3.2 acres. It is a rectangular piece of property, frontage both on Weidner and Milstead running directly parallel to the Niagara Power right of way cut off and comes back onto Milstead Way. On Weidner Road approximately 100-150' frontage and Milstead Way 300 or 400'. Building fronts on Weidner Road, set back is about 110'. He pointed out the property on a map that was on the Board. Fronts both on Weidner and Milstead. Mr. Hunter questioned the parking and was advised adjacent to building on north side and adjacent to Power Company right of way where it is at present time. Equipment will be down

behind building, parking for company cars and the employees vehicles they would want, adjacent to building as at present time. Drilling equipment and trucks behind building so not readily seen from roadway. Mrs. Tanger questioned any electric or radio equipment used in work? Mr. Christensen advised only as far as lab spectrograph for determination of heavy metals. Mr. Hunter advised he had a report from Monroe County Planning Council which he might wish to see, pointing out a few things that they should be aware of. Mr. Christensen read the recommendations and advised they were already aware of that, has considered this, it is not objectionable. They have done quite a bit of work at airport for County. Have one spectrograph for heavy metals, no particular problem on that. Sound wave might have some interference on some scale, but do not feel something would have to be in constant concern about because scale only used twice a day so could gauge time schedule. Mr. VanSlyke questioned if anything they use would interfere with airport itself and Mr. Christensen advised no. Mr. Hunter questioned anything to cause noise or fumes generated by test facility? Mr. Christensen advised no, thinks perhaps would be less than the present useage in terms of noise.

Mr. VanSlyke questioned if they actually have this property or intend to or are renting it? Mr. Christensen advised as far as testing inspection agency, they will be a tenant of the property.

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.

- #4. Application of Gale and Roger Smith, 685 Westside Drive, for approval to erect a six foot redwood fence around the back yard at 685 Westside Drive, to enclose a proposed swimming pool and to confine dog. D zone.

Mr. Smith appeared before the Board and sketch of the fence proposed was presented to Mr. Hunter. Mr. Pfenniger inquired what he wanted a fence 6' high for. Mr. Smith advised to enclose dog and proposed swimming pool and privacy. Mr. Hunter asked if he had discussed this with his next neighbors. Mr. Smith advised yes, their signatures of approval were submitted. Mr. Hunter recalled location of home, doubtful if fence could be seen from the road. Mr. Smith advised that was right. Mr. VanSlyke questioned distance of fence from lot's line. Mr. Smith told him just inside, just about 6". Understands that is legal as long as does not extend over as far as center, foundation needs to be inside, therefore have to be in 6". Mr. Hunter asked if he was aware of the special regulation regarding swimming pools he will have to comply with and Mr. Smith was aware of them and if has any question will check with Town Office. Only two knows of now are at least 4' fence and self closing gate with latch on it. He was advised to check with the Town Office. Mr. Lighthouse inquired it would not be a solid fence? Mr. Smith advised basket weave.

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.

- #5. Application of Rose Builders, Inc. 1385 Empire Boulevard for approval to erect a masonry and steel structure 70' wide x 60' long approximately 45' from front lot line at 1185 Scottsville Road, to be in line with present building. A zone.

Mr. Robert Meli from Rose Builders appeared before the Board. Sketch

or plans of proposed house to be placed on the lot was presented to the Board for study. After gets surveyed will get his lot lines. Mr. Hunter inquired if he proposed to stay within all setbacks? This situation is one of lots talked about splitting it? Mr. Meli advised this lot has been existing prior to zoning ordinance in separate ownership and single ownership and adjoining premises not owned by same owners. Was separately owned prior to 1947. Mr. Davis advised it was resubdivided since then because it is an R lot, has been resubdivided, originall, thinks, was lot 59. Original lot was on names road, about 73' x 296' but a lot of them cut them in half, resubdivided them a few years ago into double. Originally was one lot all the way from Ballantyne over to Names. He feels this was split sometime after 1947. Mr. Hunter observed the application really is for permission to put house on undersized lot, but front setback in line with existing homes. What is that setback? Mr. Meli thought 40' or 50', was not sure. He was questioned if garage was in these plans. He advised was not but would locate house over to one side of lot to allow for a garage to be added on later. Mr. Miller questioned, he waid he was representing Rose Builders, Inc. He is applicant in this matter, who is president of it. On further questions of Mr. Miller Mr. Meli advised he was president, Vice President is his brother, Michael Meli, Secretary Rose Meli, his mother, Treasurer Joseph DeCarlo. Mr. Miller asked if any other stockholders, other officers, if family corporation? He was advised yes. Mr. Miller inquired when did the corporation acquire this lot? Mr. Meli advised approximately two months ago. He purchased if from a man in Caledonia, did not know his name, filed in County Clerk's Office. Got it from assessor's office, they told him and this is how found it. They gave him name and a client interested thought this lot might be for sale, they gave man's name who lived in Caledonia. Chili Assessor did that. Mr. Hunter questioned what was on adjoining lots? Mr. Meli thought Town of Chili has big tank out there, might be sewer really, next lot has sewer pumping station and house on other side, so surrounded on either side.

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.

#6. Application of Wel Con Construction Co., 407 State Street, for approval to erect a masonry and steel structure 70' wide x 60' long approximately 45' from front lot line at 1185 Scottsville Road, to be in line with present building. A zone.

Mr. Kenneth Kotwas, representing Wel Con Construction appeared before the Board. Advised he was acking on behalf of Robert Pottieger, president of 1185 Scottsville Road Corp. Plans were presented to the Board for study. He advised the present building now occupied by A.P. Little Co. Shown on drawing was single, story, masonry and steel building 70' x 60', 16' high. Structure will be used for receiving and storing boxed goods, building will replace two twenty six year old frame structures, one used as loading dock and oil and waste storage area. Also two large tanks in front of building which extend beyond line presently are going to be removed. They are metal silo type tanks. As shown on plot plan. He pointed them out on the plans, also pointing out where trucks come in now. Mr. Hunter questioned this then is addition to existing building? Mr. Kotwas advised yes it is. He then explained the plans to the board using the plans presented. He advised on question of Mr. Vanslyke the maximum height is 16' to 35' and pointed out where the different heights differed, and how the heights varied on the existing building. Advised it will be concrete block and ridge steel siding. On question of Mr. Hunter regarding storage of materials, he advised they receive, move out, boxing for carbon paper, etc. Feels

new structure would be much neater than two existing wooden structures and tanks. Question was raised about trailer that was there, would that be there now and Mr. Davis advised that was no concern, was on County property. Mr. Hunter advised Mr. Kotwas he had received a communication from the Monroe County Planning Council with regard to this application and at Mr. Kotwas' request advised he would give him a copy.

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.

- #7. Application of Mobil Oil Corporation, 675 Brooks Avenue, for approval to erect a new Mobil Station to replace existing Mobil station at 2767 Chili Avenue, as per plans and specifications submitted. E zone.

Mr. Ralph Wickins, Attorney for Mobil Oil Corporation appeared before the Board. He believed they were all familiar with the existing gas station now located on Chili. Practically sitting on top of road. Dangerous situation. What they propose to do is buy this property, tear down house and existing gas station and move it further to west so that entrance on brow of hill where can be seen and set the station back approximately 76'. He advised there are gentlemen who will show them rendering of proposed station and will explain all the setbacks. Believes it will add considerably and certainly will correct bad situation there now and add to neighborhood. Would like to say reason they feel they cannot go back beyond 76'. If they can picture Chili Avenue they know there was house set pretty close to road, they are back further than that but cannot go back much further and still conform with existing houses and face problem, which is serious one, land slopes badly in back to go back any further. Cost would be exorbitant on matter of fill. Thinks their proposal is an excellent one for that section. Is sure they know Mobil people and he has appeared for them not too long ago on new station in North Chili. Not going to have cars out there, not doing welding or anything large. Run in way they would want gas station run. Do want sign and that will also be shown. Rendering and plans were submitted to the Board. Mr. Wickins wanted to stress, going to tear down big old brown double house so this will be only structure on property. Going to buy whole land. Have not had final approval from State on curb cutting, however does have tentative approval and does not anticipate State will not pass it. Thinks it will be all right. Cannot proceed until do get approval, but had to appear tonight because of contract to buy property. Pointed out on map two buildings tearing down and where station will be moved over further and back and picture of station that will be erected. Mr. Palermo questioned how far back from road the station was now. Mr. Wickins advised about 28'.

Mr. Harry Moore from Mobil Oil Corporation appeared before the board and advised existing station now 28' against 76' proposed from lot line. One other reason do not go back further, is studied individually and they know actually this is best area. Mr. Wickins advised they are also going to shrub it around and make it an attractive looking place. And again advised tearing down LeBarr's old house. On question of Mr. Pfenninger where they were taking the setback, Mr. Moore advised taking it from edge of three rod road. Mr. Pfenninger questioned what if State says it is four rod road. Discussion followed what this was considered.

Mr. Wickins showed on plans where sign will be with internal lighting and carbon lights. It will be rotating sign. As explained at last hearing,

Zoning Board of Appeals

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none really run after 10:00, but they cannot tell operator to close at 9:00, but sign will not be on all night, just until operator closes the station. Mr. Moore advised lights will be with adapter.

Mr. Pfenninger felt if have four rod road, will not be much setback. Mr. Davis advised it shows it is a three rod road on map. Discussion was had on the entances if four rod or three rod road. Mr. Wickins pointed out where they were now. They could stay where were but this is an improvement from their viewpoint and from Town's. They have it under lease now, but are now going to buy the property.

Mr. Hunter understands will be used stictly as service station, no welding or repairing or anything of this sort? Mr. Wickins advised it is more up to date than one they put over in North Chili. This is even later planning. It is similar to the one at Howard and Chili. Mr. Hunter questioned where they will put rubbish. Mr. Moore pointed out on map where trash can behind station. Mr. Palermo questioned no neighbors behind it presently? Mr. Wickins advised no. Mrs. Tanger questioned shrubbery in back. All residential going down in back there. Mr. Moore felt no problem doing that and advised this was all brick building, there is bin in back for trash and would have some more shrubbery in back. Mr. Wickins again explained why could not go back further.

On question of Mr. VanSlyke Mr. Moore advised it would be set back 76' from property line. He pointed out location of fuel oil tanks, waste oil, and where lights and sign to be, on map. Mr. Palermo questioned if anything between property line and cemetery and was advised another house and its location pointed out on the plot plan. Mr. Miller questioned the size of the lot the existing station is on. Mr. Wickins could not tell him that, they are leasing it from Dintroff's and will now buy the whole thing four acres from them.

Discussion was had on when the present gas station was erected. Mr. Pfenning thought was there after zoning. Mr. Haran, from Mobil Oil Corporation thought had been there since 1938, that station built in 1947, bay added on in 1954. Advised road frontage after purchase 249' according to drawing. If this was granted, move it to west and tear down old house. Existing setback now 28' and new one will be 76' Existing one has two bays and new one will have two bays. Mr. Van Slyke questioned, they say are intending to purchase 4 acres. How big a lot is this station and what are dimentions to this station? Mr. Wickins advised frontage shown on map 249' frontage 275' and 327' this way, using map. Mr. VanSlyke thought in other words, this is subdivision size lot. He was told yes.

On question of Mr. Hunter if any one present at hearing interested in this application wished to come forth and see plans, several approached the Board and inspected the plans, while Mr. Hunter explained what was proposed. Mr. VanSlyke advised map shows Chili Avenue as three rod road. State claim four rod. If State were to extend their right of way, would make a difference of 7½' on that side. Therefore it would be cut from distance of 76' to approximately 67'. This is, if State widened road, would be 66' to front of their property. Mr. Myer (who was examining the plans) questioned he was not sure if State would do this? Mr. VanSlyke advised no. No reason why would not do that, no reason to take curve off. Mr. Myers said these are some things they would like to know. They have all lived there over 27 years. Lives directly opposite when first moved there, sold morning papers and loaf of bread and single pump out there and they were told this made non-conforming useage in E zone. Now at that time they assumed would be this little area, now four acres. They were told this would be area then went from single pump to single bay and double bay and now this. Discussion was had

on how much of the property the new station would use and what use or zone would the rest be. Mr. Wickins advised only way they could buy land for new station was buy whole four acres, they would not sell any other way. The zoning will not change one bit. They do plan to sell off back part of this. Mr. Hunter advised it is zoned residential. Mr. Wickins advised the cemetery is interest in buying back there, but he cannot say they will make a deal with them, he is attorney for the cemetery, but he was instructed to contact Mobil for this property. Lexington was interested at one time in buying back end, whether still are he did not know. All they are really interested in is what is shown, but in order to buy this, had to buy whole thing. Mr. Pfenniger questioned the frontage of present property this station sits on. Mr. Wickins advised they only leased this station. He was advised the new one would be 125' x 75' with 50' right of way to west for ingress and egress. More discussion followed on the use of the remaining land and Mr. Hunter confirmed this cannot be used for anything other than residential. Mrs. Tanger questioned how much of land was station going to use. Mr. Wickins advised approximately 1 acre. Mr. Pfenniger observed if they do not grant this new station they can keep on running old station. New one would have restrictions.

Mr. Myer advised for himself and wife, when first heard did not have chance to see what would look like. Have no objection when compared to what have from safety standpoint, when come out must come out at angle and meantime for safety would be in favor of this because could approach better. From safety standpoint would be glad to get rid of this, it is hazard fright at crest of hill. This would be more at top of hill. This has been hazardous thing. Think they are concerned about is fact of useage. Looks like expansion from little space to four acres. As far as decent station which is much more safe to residents and people they are in favor of this. Concerned about fact of noise and use of zoning. Mr. Wickins pointed out to Board did not want to buy whole four acres but were forced to to get what needed. Mr. Truissi questioned if this was going to be inspection station. Mr. Wickins did not know, up to operator. Mr. Myers thought they were in favor of this building. Mr. Christel, 2766 Chili was not in favor of rotating sign. Objects to it, sits out in front, does not want to sit and see it go all the time. Makes it so much more commercial. Is directly across from the new place.

Mrs. O'Donnell lives next to Mr. Myer; Mr. Myer expressed her views.

No one further appeared to speak for or against this application.

DECISION: Variance unanimously granted with the following stipulations:

1. Setback of the building to be 86' from the front lot line, first island to be 25' from the black top curb of the submitted plans, second island to maintain same relationship with first island and building as on proposed plan.
2. Evergreen type of shrubbing and curbs as per plans submitted, plus evergreen type of shrubbing across entire rear of station.
3. Only minor repairs allowed.
4. Enclosed storage of all refuse inside stockade type fence or equivalent.
5. Tire displays limited to no closer than 60' from front lot line.
6. Internally lighted sign to be stationery, non-rotating and illuminated only when station is in operation. Granted variance for sign for a period of three years, with the right to reapply for renewal of variance at the end of that period.
7. No parking of unlicensed vehicles or vehicles for sale. Outside overnight parking of other vehicles limited to two cars.
8. Restrictions in this variance apply not only to the owner and lessor, but to the operator-lessee. It is suggested by the Board that a copy of the restrictions be given to the lessee.

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- #8. Application of Ace Swimservice, 799 Paul Road, for approval to erect a 4' x 6' metal faced, hanging, advertising sign, attached to building at 799 Paul Road, to be lighted by a flood light. B zone.

Mr. Easton appeared before the Board (Ace Swimservice) and sketch of proposed sign was presented to the Board for study. Mr. Hunter questioned the height from ground to top of sign, apparently it is attached to building. Mr. Easton advised top will be approximately 14'. Not sure exactly, have to check fittings, but in that neighborhood. Mr. Hunter questioned the distance between building and edge of lot, setback of building. Mr. Easton advised that is shallow, 25' or 30'. Mr. Hunter asked if this would have the same nomenclature on both sides and lit from both sides? Mr. Easton advised yes and on Mr. Hunter's question of what hours, advised Monday through Friday until 9:00 and on Saturday it will be off. Just five days a week. Mr. Hunter asked if he had given any thought to internal lighting as opposed to this? Mr. Easton advised yes. Location such that it would not be seen; it is the small gas station on Henderson property they are now using as pool supply store and internal lighting would not be visible, would not serve purpose which they want this sign, it would not catch the eye. They have tried this and people have said they are not able to see sign, have not known they are there and that is reason have gone to this type of sign. Flood lights would be just above that sign, impinging light on sign, about 1½' to 2' away. Mr. Vanslyke questioned gas station on Henderson Property, right at intersection of Paul and Chili? Mr. Easton advised yes. Mr. Vanslyke questioned was he using it as a gas station? Mr. Easton advised swimming pool supply. Mr. Davis advised he was just opened in summer. Mr. Easton advised yes, about six months. Light will be mounted on arm that holds that sign. Mr. Vanslyke questioned in relation to the right of way, how far from the right of way is sign going to be? Mr. Easton advised as near as he can tell, will be fastened to building which is 25' or 30' setback from property line, further from pavement. Mr. Miller asked if he had variance for existing sign now? Mr. Easton advised it was only a printed sign located directly on building and he was told at time he did not need variance. Mr. Miller questioned the zoning the property has and was advised commercial.

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

DECISION: Variance granted for a period of one year with the right to reapply for renewal, with the following vote:  
Mr. Hunter aye, Mr. Vanslyke aye, Mr. Pfenninger aye,  
Mrs. Tanger aye, Mr. Lighthouse aye, Mr. Palermo no.

- #9. Application of Rose Builders, Inc. 1385 Empire Boulevard for approval to erect a house on Lot 12E, 47 Morrison Avenue, lot being 50' x 120' with 5' side lot line setbacks and front setback in line with existing homes, D zone.

Mr. Meli of Rose Builders, Inc. appeared before the board. Plans of proposed house they wished to build were presented to the Board. As of now, does not own the lot, has it under contract. Lot on one side of this has house on it, other is vacant lot. Lot 11 has house on it, the other is delinquent. They have tried to purchase lot 13, goes back to 1927. Lot 14 believes County has sold quite a while ago. It is vacant but was sold last year and also believes one year approved but expired because of tight money situation so permit lapsed. On 13 know who did own it, estates involved, as far

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as legal heirs would be very expensive to acquire deed, did make an attempt to purchase. This information was given by Mr. Alexander, representing Rose Builders, who works for them. Does estate and title searching. Is self employed. Mr. Hunter inquired if he knew on home adjoining this lot, the side line distance, on lot 11. Mr. Alexander advised their driveway is on that side, would way over to the other side, there are quire a few of these in there. Mr. Hunter inquired what would be distance between home they proposed to build and home on lot 11. Mr. Alexander did not know, there is not at present a garage. Did not thing their house altogether 24', thought probably would be 19' between. Mr. Hunter thought possibly they would build a garage. Mr. Alexander felt most places are only 10' between. They are asking to enjoy same rights everyone else in here does. Mr. Hunter questioned if home they proposed to build includes a garage. Mr. Alexander advised yes it is incorporated, split level, 40' with garage, leaving 5' on each side, no further additions. Mr. Hunter thought problem what happens in 13 where no home and if garage goes on 11 where there is none. Mr. Alexander could not see where that would have bearing on 12. If they have roughly about 31' home, have about 19', not going to build more than 12' garage, leaving 7' in line with existing homes. Mrs. Tanger asked if they were building for speculation or had purchaser. Mr. Alexander was not sure, thought contract on it but not sure. Mr. Miller questioned understands lot joining this has home owner on it and one to west, lot 13 tied up in several estates? Mr. Alexander advised yes, very, very difficult, tried it. Mr. Miller questioned could they not build house 30' front and push it further back to comply with side lines? Mr. Alexander thought only fact inside lot and incorporating garage, why not if go along with existing regulations. Would be chopping lot up pretty bad. If put garage, where would put it, in front of house? Mr. Miller asked could they not use raised ranch turned sidewise, garage in basement, come directly in front. Mr. Alexander thought that was same type as here, little longer. Roughly will have 11, 12,000 square feet, excluding garage. On question of Mr. Miller how far set back, advised in line with existing homes. House is 40' x 25' with garage incorporated.

On question of Mr. Hunter if any one present in favor of or opposed to this application, Mr. Donald Copenhagen, 45 Morrison Avenue, which is lot 11, advised he was opposed to it. If house comes up with 5' side lot, would make that 15' away from his. His is 10' from west lot line and driveway is on the east side, so if were to build garage would not be on this side. Thinks it is a little too close. His lot is 50' lot. Mr. Palermo questioned which side garage on proposed home, east or west? Mr. Alexander said does not make any difference. If his driveway is on this side, their driveway would be next to his lot, next to 11. Mr. Copenhagen said house would be 15' away from him. Not a house on that street closer than 20'. Mr. Alexander said he thought he talked to Mr. Copenhagen on the phone, tried to buy lot from them. Point is, any split level in with garage are 5' from each line. He was asked if any split levels on the street. Mr. Alexander knew the plan very well, quite a few in this area. Mr. Copenhagen advised one on his street about 7 houses down. It is not 15' away from other house. Mr. Alexander advised this plan is the same being used in there now and you will find two or three together and 5' away from each line. Mr. Copenhagen felt that was not so.

No one further appeared in favor or opposed to this application.

DECISION: Reserved.

#10. Application of Rose Builders, Inc. 1385 Empire Boulevard to erect homes on 50' x 120' lots, lots 15E, 53 Morrison Avenue and Lot 1N, 44 Charles Avenue, with side lot line setbacks of 6' on inside side, 18' on corner side and front setback in line with existing homes in area. D zone.

Mr. Meli and Mr. Alexander appeared before the Board representing Rose Builders, Inc. Discussion had on the location of these lots to Theron Street. They explained why they wanted these. Dimensions of home would be 26' wide with garage incorporated. Discussion was had on the lot next to Morrison Avenue lbt. County owned it but sold it. Talked to owner and he wants to build on it himself. Setbacks would be 45' in line with existing houses. There is a new home on corner lot across street on corner. On Lot 1N, Charles Avenue, same style and size of home, so would be 6' on inside and 18' on outside. Woman owns lot next to this and she wants it for herself. Have tried to purchase it. Mr. Alexander felt actually could consider these lots hardship, because area does not warrant additional cost. Existing homes are on 50' lots. Mr. Hunter advised they have had people who have agreed to combine lots, are trying to upgrade that area. Mr. Alexander felt adding on to cost and having to price home accordingly to sell would be out of line. Mr. VanSlyke questioned how much more to get three lots. Mr. Alexander advised \$2500. a piece lots in that area, some are \$2700. Mr. Miller asked who owned the lots. Mr. Alexander advised the Charles Avenue lot; Mr. Noto and Lot 15E Mr. Peter Sulli. Mr. Miller questioned who owns 12E on Morrison Avenue and was advised Peter Sulli owns that. Mr. Palermo again brought up idea of buying three lots and cutting them in half. Mr. Alexander thought would make it \$3750 a lot, would add \$1250. to cost of home and these people will not pay it for that house. Mr. Hunter said some have done that. Mr. Palermo thought could be bigger house put up there. Have had several put up big houses in there. Mr. Alexander felt he had hoped build this town up from searching these titles, and did not think would buy the bigger houses down there as a rule, they appealed to the younger couples in the lower income brackets. Mr. Miller questioned he said he checked titles on all of these, who owned these particular lots before, Mr. Sulli? Mr. Alexander advised different history, all were individually and singly owned for many years, were sold off years ago when subdivision formed. Lot of people bought them, some built, most did not and let them go for back taxes and never changed title, so lot of people who owned them died, leaving different heirs and then they died also. Mr. Miller questioned how would he say Mr. Sulli owned two lots down. Mr. Alexander advised working in this area trying to get as many as can. Speculation not uncommon thing.

On question of Mr. Hunter if any one present in favor of or opposed to this application, Mr. Copenhagen, 45 Morrison Avenue advised on Lot 12E, he inquired about two months ago, it is owned by Mrs. Bianchi and lot 13 next to that, he called the Chili Town Clerk, Office of Assessor and they told him cannot find owners.

No one further appeared.

DECISION: Reserved.

Application #2 from March 26, 1968, hearing which had been adjourned.

Application of Michael Truisci, 3270 Chili Avenue, for approval to erect a building and 4' x 4' sign, as per plans submitted, to be used as a coin operated car wash and to operate a used car lot, on property located on Chili Avenue in the 3200 block, adjacent to Sunoco Gas Station. B zone.

Mr. Truisi appeared before the Board and presented a rough sketch of the building he proposed. Explained planned two bays to begin with for coin operated car wash and used car lot. Mr. Hunter reminded him they had also requested a plot plan showing this and driveway and how planned to route traffic around this building. Mr. Truisi advised entrance would be to back and they would go back. Mr. Hunter advised he would like to see sketch of this. Would he draw sketch and submit a picture of lot and show building and traffic coming in and out and where parking would be and all details. He felt they still did not have what hoped to see. This was good as far as it went, but would like to have plot plan showing dimensions of lot, where building located on property, distance from front, from side of building to lot line, to back, any driveway, any parking, something which shows them what and how this building will be used. Something to give them picture of operation. Mr. Truisi advised lot was 100' x 200', building 34' wide. Mr. Davis asked where the used car lot was going to be. Was told on side of car wash, 100' back. Mr. VanSlyke questioned the lot was 100' front x 200' deep was it rectangular? Mr. Truisi said sort of angle, but thinks both sides the same. Mr. Hunter drew, at Mr. Truisi's directions, sketch of lot and where proposed building to be placed. Mr. Truisi advised building 30' deep and 34' wide. Building will be on west side in line with gas station, 15' from side lot line, and drive would come in from Chili Avenue and come around into two bays. Mr. Hunter questioned how much of area paved? Mr. Truisi advised in beginning with gravel, whole thing would be gravel, it is practically all gravel now. Mr. Hunter questioned what about used car lot? Mr. Truisi pointed out little area on side where had 51', cars parked one back of other. Had opportunity for someone to use it and put 12 or 15 cars at a time in, all inspected, but you never know, was in here to do it, could not so did not push it any further. Roughly only 12 or 15 cars unless put them in back. Mr. Palermo asked if they were going to repair any of these cars. Mr. Truisi advised no, they are ready to sell, that is what man proposed to him. May have to wash cars, but no major repairs.

Mr. Hunter queried he was also asking for sign? Mr. Truisi did not know how far should be, but Sunoco sign in gas station thought in line with gas station. Did not know what it would be like, had not looked into it, would probably be flood light reflecting on sign. Midnight would be latest would be open and sign lighted to that time. Would like to have light inside building. Would operate carwash seven days and used car lot did not think seven days. Would be used car lot and carwash on one sign. Been used cars on this side of street for years and he applied and they did not give him a variance. Gas station on one side of property and existing house on other side, approximately 50' from his lot line. Mr. Hunter asked if he had talked to people about this application. Mr. Truisi advised yes, he is businessman himself. Believed they were in favor. It is commercial, they had cars in residential side across the street, now-commercial on both sides. Does not know what would complain about if did come in.

Mr. Lighthouse wondered about attendant at car wash business. Mr. Truisi advised must have someone there, cannot have someone in all the time but his shop is near there and can go back and forth and his kid goes back and forth, have to have somebody there, have talked to different operators. Mr. Palermo questioned the hours. Mr. Truisi advised to six or seven in the morning to twelve at night. Did not think after twelve. Have to try it out and find out. On question advised refuse inside bays, would be plenty of room, and side of building and have trash barrel. He again told Mr. VanSlyke

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gas station was on the west and house on the east side of property and his shop next to that. He went on, if cannot get variance will have to leave lot empty. Wants to put 12 or 15 cars in and all are inspected.

Mr. Miller questioned the surfacing of driveway. Mr. Truise advised would be all gravel, bank run gravel, that is as good as anything else. Will be set down, plenty of water, even in crushed stone, still dusty, cannot help that, dust with black top. Mr. Pfenninger asked why not black top. Mr. Truise advised if he made a few dollars will be, have to start some place. Has lot pretty filled with bank run gravel now, filled in lot. Mr. VanSlyke asked if they granted this variance would he be prepared to put screening hedge between his lot and house, 6' high along line? Mr. Truise advised one there now. Mr. Van Slyke asked if he would be prepared to black top entire area before he operated. Mr. Truise thought that was pretty hard, he would just as soon have it gravel first. Mr. Van Slyke asked if he would operate it if they insisted that he black top area before starting operation? Mr. Truise would find out what black top costs. Asked how much would they require black topped. Mr. VanSlyke advised everything going to move anything on, either black top or shrubbery. Mr. Truise advised would shrub. Black top that would cost \$5,000. to black top. Have to start somewhere. Thinks as long as gravel and no homes around, thinks that is sufficient. Even black top has to be replaced.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application no one appeared. There had been a petition submitted by a group of neighbors who had appeared at the adjourned hearing on March 26, 1968, which are part of the minutes of that hearing.

DECISION: Variance unanimously denied.

After the public hearing was closed on all advertised hearings, Mr. Joseph Entress approached the Board for an informal discussion on a house that had been erected in his subdivision, Marlands West, which, after it was built appeared to have been placed on the lot with one end of the house only 3½' from the lot line. He asked the Board's advice and after discussion they suggested he talk to the people whose land adjoined the lot and then request a variance.

Mr. & Mrs. William Wilcox, Paul Road informally discussed with the board location of a home they proposed to build on Stuart Road. A question had arisen if the road was an assumed road in relation to a discarded road which would mean a difference in their setback from the road. It was suggested the safest thing would be to come in and request a variance.

Minutes of the previous hearing were approved as submitted.

Patricia D. Slack  
Secretary

MINUTES  
ZONING BOARD OF APPEALS  
May 28, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on May 28, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter. Roll Call found the following members of the Board present:

Mr. Robert Hunter, Chairman  
Mr. Charles Pfenninger  
Mr. Cornelius Strassner  
Mr. Howard Vanslyke  
Mrs. Gertrude Tanger  
Mr. John Palermo  
Mr. John Lighthouse

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

- #1. Application of Grant W. Bolowski, 534 Paul Road for approval to erect a detached garage, 14' x 24' at 534 Paul Road, 6' from east side lot line. E zone.

Mr. Bolowski appeared before the Board. Advised in his deed it stated he could erect a garage 6' to the side lot line and therefore he felt he could do so. He presented the deed to Mr. Hunter. Mr. Hunter advised it was a matter of meeting Town Zoning Laws and this apparently was written into deed for tract restriction and this is separate restriction from Town Law. Mr. Bolowski advised he has been making plans according to deed and this will make a hardship. He submitted a tape location map to the Board and presented a larger drawing which showed where garage would be sitting 8' back and pointed out how if he conformed to the Zoning Ordinance it would make a hardship. His frontage is 80' and apparently this was laid out when they required 10% side lot line setbacks in 1953. He is asking for the 6' his deed says. He feels that they have taken 4' of his footage and it would be a hardship. It is not going to interfere with anyone.

Mr. Hunter asked the distance from his lot to adjoining home? Mr. Bolowski advised if was something adjoining it would be roughly 16', if gets 6', otherwise would be 20', but there is nothin in line with the garage in back there. His garage is on other end of his house and it is attached. He estimates he is 10' from lot line. When he put porch on made this in layout for driveway. Has talked to next door neighbor, would make his land more private. Has talked to gentleman and he has no objections. He objected once before when he wanted to add on, but does not see why now. Does not think would involve any one else. They have all built their garages on.

Mr. Vanslyke questioned the exact location of his house, is it on a corner lot? Mr. Bolowski advised no. Mr. Vanslyke asked if there were houses on lots on both sides of him. He was told there were and Mr. Bolowski advised this house on lot beside him is in line with his house and the garage is attached to the house. Mr. Vanslyke questioned how near he was to the Carriage House and Mr. Bolowski advised he was diagonally across from parking lot of Carriage House.

Mr. Palermo questioned the distance between his other neighbor's garage to his garage. Mr. Bolowski did not know what his is from lot line, but he was 15-3/4' from edge of foundation to lot line. If he is that much he would doubt it, he put his garage up, he never was asked, did not object, should imagine should be at least 10' like house to the east. Mr. Palermo questioned about 25' from his house to the other's garage then? Mr. Bolowski advised yes. He has biggest space.

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, 3732 South Avenue, Rochester, N.Y. 14624 on May 28, 1968 at 8:00 P.M. to consider the following applications:

#1. Application of Grist W. Bolenski, 334 Paul Road, for approval to erect a detached garage, 14 x 24' at 334 Paul Road, S' from east side lot line, B zone.

#2. Application of Carl Altamura, 123 Elm Grove Road, for approval to erect an equipment storage garage, 40' x 60' on property located at Scotsville Road, between 150' and 1215 Scotsville Road, lot being approx. 150' wide by 1193.27 x 1071.1, being 3.9 acres in A zone.

#3. Application of James Rathbun, 211 Chestnut Ridge Road, for approval to erect an attached garage, 14 x 28' at 211 Chestnut Ridge Road, 2' 10" from east side lot line, D zone.

#4. Application of Sherman Conover, 65 Beach Oaks Drive, for approval to erect a detached garage, 24' x 22' at 65 Beach Oaks Drive, S' from north side lot line, B zone.

#5. Application of J. Scavo, 37 Fenston Road, for approval to build a second story addition on one family house, including living rooms, bedroom and kitchenette at 37 Fenston Road, for living purposes.

#6. Application of William and Bernice Melton, 516 Paul Road, for approval of a variance for a 30' setback on the corner of an assumed road in order to erect a dwelling at 20 Stuart Road, driveway to be on a portion of above named property, B zone.

#7. Application of Joseph Entress, 149 Cherry Road, for approval of a rear corner side lot variance of 3.59' on north side of house erected on lot 17-67 Balmawre Road, E zone.

#8. Application of North Conduff, 109 Ann Road, for approval to erect a 3400 sq. ft. building with a rear setback of 20' on property located at 309 Sherman Road, A zone.

#9. Application of Harrison Homes, 21 Sandridge Lane, for approval of a rear corner side lot variance of 8.18' on west side of house erected on lot 177-169 Hillary Drive, B zone.

#10. Application of Wesley Farmer, 59 Springbrook Drive, for approval of an upstairs apartment in two family house at 59 Springbrook Drive, A zone.

#11. Application of A. Frederick & Sons, 710 Lake Avenue, for approval to erect an addition to existing and storage space, being 21' x 20' 1/2' to south side lot line at 710 Lake Avenue, D zone.

#12. Application of Dorothy & Walter Clifford, 635 Moran Road, for approval of an undercroft for 143' x 139' at corner of Moran and Stotz Roads (Southwest corner), E-B 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.

QQ-11-May 18-T.U.

Norma Vivian

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:

May 18, 1968

Norma Vivian

Sworn before me this 21st

day of May 19 68

Robert E. Gaby

ROBERT E. GABY, Notary Public  
Notary Public in the State of New York  
MONROE COUNTY, N. Y.  
Commission Expires March 30, 1969

Form No.

May 28, 1968

but when centered house gave him more on one side than on other, did not center house, but at time if put up garage would have been no question and he would still be 6' from line.

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

**DECISION:** Variance unanimously granted.

- #2. Application of Carl Altamura, 625 Elmgrove Road, for approval to erect an equipment storage garage, 40' x 60' on property located on Scottsville Road, between 1507 and 1535 Scottsville Road, lot being approx. 150' wide x 193.27' x 1071', being 3.9 acres in A zone.

Mr. Peter Russo, Attorney appeared on behalf of Mr. Altamura, who is contract vendee of this property and the vendor's attorney Mr. Robert Miller also appeared. Sketch of the property was shown to the Board. It is basically application to erect a building 40' x 60' on this property which is in A zone, for purposes of repairing construction equipment primarily of Mr. Altamura's and incidentally storage of equipment being repaired. The property owner to south is DeWitt operating an asphalt plant and to north would be Varsity Inn. Mr. Robert Miller advised this was property formerly owned by Consolidated trucking but has been sold to Varsity Inn. Mr. Altamura explained the sketch of the building would not be the building built, but would be a nicer looking building, but approximately 40' x 60'. Mr. Hunter questioned the location on the property. Mr. Altamura advised would have more than setback off the road, would rather stay back further. He was told that would be 100' and he advised that was no trouble. Would be repair of bulldozers and trucks. Mr. Strassner thought could not get that equipment in there. Suppose he had to repair a crane. Mr. Altamura advised would have to take that apart before getting it in, but usually never running something like that, move small bull dozer, smaller trucks. Mr. Strassner questioned how much would be outside. Mr. Altamura hoped nothing, in winter half between inside and as you repair it, line it up. It is their own equipment. Mr. Strassner questioned how many pieces stored there. He was told he owns about 10, 12 pieces. Mr. Hunter questioned he would be say getting half in building? Mr. Altamura advised never half of it at home, quite a bit goes out in winter time, they do not want it in there. Mr. Robert Miller advised length of this property about 1200' and Asphalt Plant immediately in back of it and it certainly would be out of sight of any individual passing over. Mr. Strassner advised the idea he is looking at is idea of neatness and not haphazard storage, that can make it look like a junk yard. Mr. Altamura advised he would not want that in his yard, nothing to be proud of. Mr. Robert Miller advised if they wanted premises shrubbed, he would be happy to do that. Mr. Altamura advised he did not want to kill the trees, would favor them. Mr. Russo advised all equipment is stored on job site in season and only that equipment that breaks down is brought in for repairs, heavy stuff done in field. Mr. Strassner questioned would it look neat and orderly lined up? Mr. Altamura advised would be lined up and shrubbed. Mr. Pfenniger questioned, could not line it up so could not be seen? Mr. Altamura felt if properly shrubbed, nothing would be stored in front of building, definitely not. When they go by wants them to be proud of place.

Mr. Hunter questioned building he proposes for repair of equipment? Mr. Altamura advised repair of equipment, parts, tires, etc. Office in building for dispatching or work out of, but would never be too much equipment, would like a nice looking business. Mr. Hunter advised one thing they would like to have would be plot plan showing where proposed to place building. Mr. Altamura advised he was buying property on option of approval of the variance. Mr. Hunter advised that was difficult to pass unless reasonably well defined and he did not really have much plans for building, they need rest rooms and nothing in sketch submitted indicated any of these things. He would ask them to submit these to Board in near future and they would withhold any decision until had plans in order to have the whole story. Mr. Altamura thought right now not applying for permit, but more or less to buy property. Mr. Hunter advised he did not have to spend engineering money, but would like sketch where building would be located with front setback, side lot line and second thing, more definitive plan of building itself as to layout and facilities in it. He was told setbacks should be 100' front, 80' rear and 15' side line setbacks. Mr. Strassner questioned what type of face put on building, not just steel shack? Mr. Altamura advised cinder block with shrubbery in front for now. Will build it for future veneer for brick, but right now just paint it. Possibly concrete block painted but built for future facing. Mr. Russo questioned what would they recommend for submitting of plot plan, say a week. Mr. Hunter

felt the Board could not make a decision until they received them. Mr. Altamura inquired if this would have to wait until Board meets again? Mr. Hunter advised yes, probably a month.

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

DECISION: Reserved.

#3. Application of James Rathbun, 211 Chestnut Ridge Road, for approval to erect an attached garage 14' x 28' at 211 Chestnut Ridge Road, 3' 10" from east side lot line. D zone.

Mr. Rathbun appeared before the Board and he advised that the request should be for 4'8" instead of 3'10" as originally requested. He presented a sketch of the garage and explained it to the Board. Mr. Hunter questioned the distance from property to neighbor's structure? Mr. Rathbun said at least 10', would be 14.8'. The lot is 60' x 200' and on comment he agreed he is one of the few homeowners there without a garage, he has been there thirteen years. Mr. Hunter questioned the width of his home and Mr. Rathbun thought 32' or 30' but he was not sure.

Mr. Strassner questioned how closed was his neighbor to this garage, and was advised about 14'8", that was an estimate, he had never measured it. He has talked to his neighbor and he is agreeable. It is a single car garage, a little deep for storage. Mr. Palermo questioned houses are right along with each other? Mr. Rathbun advised yes. Mr. Strassner asked if the garage built on house, and Mr. Rathbun advised it is going to be attached.

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.

#4. Application of Sherman Conway, 65 Bright Oaks Drive, for approval to erect attached garage, 24' x 28' at 65 Bright Oaks Drive, 5' to north side lot line. E zone.

Mr. Conway appeared before the Board. He advised he would like to amend the application to request a variance of 6' from north side lot line instead of 5'. He presented tape map. On south side of lot is easement through there making house 14' from lot line, so 4' taken on south lot line. In order to have use of driveway needs 4' on north side of lot line. He pointed out on tape map where the Town easement goes through, so put house at 14' which pushed him 4' and without getting 4' easement would not have use of driveway and the garage. Showed sketch with attached garage where could go straight into it. On question of Mr. Pfenninger he advised he has single garage incorporated in basement. Mr. Hunter questioned he plans garage 24' x 28'? Mr. Conway advised it would be 28' across and 24' deep. Mr. Hunter questioned something other than garage incorporated in it? Mr. Conway advised incorporated breezeway with door and couple of windows. Mr. Hunter asked ow much of 28' is breezeway, where would wall be between them. Mr. Conway advised about 10' from house. Mr. Hunter questioned, so garage would be 18' wide? Mr. Conway advised yes, 18' to 19'. Would be 24' deep, would be on the setback from end of original house. Home is 28' x 42'. Felt his hardship is because there is easement and house being pushed over 4'. On question of Mr. Strassner he advised he has an integral garage. Mr. Strassner inquired, in other words, he would have accommodations then for three cars. Mr. Conway advised no, existing garage now is used as utility room, but at time had put garage there rather than utility room. Mr. Strassner asked if he was going to convert this into a utility room? Mr. Conway advised it was originally designed as a utility room. Mr. Strassner asked, he still has garage doors on this? Was he going to take them off? Mr. Conway advised yes, that is going to be closed in and showed him the sketch. Pointed out garage and advised if built to end of driveway this would come down would not be garage, would be merely utility room, would be part of his house, not used as a garage.

Mrs. Tanger inquired how long he had lived in the house. Mr. Conway advised three years in June and would now like to build garage to end of driveway to have end use of driveway. Mr. Strassner, using sketch, inquired what he was going to put in at a certain point. Mr. Conway advised 9' breezeway. Mr. Strassner questioned how close was neighbor from finished garage? Mr. Conway advised 21'. Neighbor has 15' from lot line, so would be 21' between houses. Mr. Hunter questioned is his garage on other side? Mr. Conway advised yes, on north side and it would be 24'

May 28, 1968

Mr. Palermo asked if he had to eliminate breezeway, could he? Mr. Conway felt would not have use of driveway, it is 6' from property line, if cannot build out to that, would not have use of driveway. It was built for this and between driveway and easement had to set house up to it. It is a finished driveway, it is completed. Mr. VanSlyke questioned the easement and Mr. Conway explained it is the brook and goes underground into street and easement through right side of property, Town easement. Mr. Strassner asked if he had spoken to this neighbor on this side. Mr. Conway advised he had contacted six or seven neighbors and he submitted some signatures and addresses of those in favor of it and people who had been notified by letter of the hearing. Mr. Palermo questioned the easement ran behind him? Mr. Conway advised beside on south side of property, it is between the two houses.

Mr. Gilbert, 67 Bright Oaks Drive, on question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, advised he lived next to him and one home away from Aurelli's who live next door to Mr. Conway. He had not heard objections to this, he is sure there may be some, but he has tried to look at this from both sides and all neighbors are real fine people. Thing Mr. Conway is asking to do is not too different than many homes in neighborhood, homes of his style with attached garages. What he is asking to do is have breezeway between garage and home so can be moved to edge of driveway right now. He thinks that is good, otherwise if builds as driveway stands now, it would be in middle of driveway or close to edge. Thinks he could probably use space for storage, he has a growing family. With the garage in home now does not have as much storage and utilization space as needed. Thinks this is something that would be handy for the family. As far as they in neighborhood think it is lovely tract, would doubt very much edge of garage like this that would add another 4' on to home would detract from appearance of street, it would be in keeping with others down there now. Thinks it might enhance style of neighborhood. Some think would be much better not only to Mr. Conway but to those close by to have this kind of addition on his home. He is sure whatever he does will be in good taste. The distance between homes is just a matter of opinion between those people involved, but feels very sure that whatever he has on outside of garage will be in good keeping with quality of homes and way kept.

Mr. Bergmann, 64 Bright Oaks Drive spoke as neighbor and civil engineer and County Engineer in urban planning. Feels this addition will enhance not only property of Mr. Conway, but also the general appearance of neighborhood. Realize requiring easement, feels request justified as mentioned because of 4' easement on south side of house. Feels only fair request. Total length of house with added garage could very easily have been put on lot with no infringement if did not have easement on other side. Feels this type of house, raised ranch, is higher than the house on north side and feels one story structure such as garage would provide better transition from higher house to lower house. Far as rest, 21' to home on north side. This would be normal amount, in fact 1' in excess, if 10' requirement on each side. Not only aesthetically would be increased, but financing better home because number of homes in Bright Oaks Tract that are raised ranches, they have additional garages on them.

Mrs. Aurelli, 63 Bright Oaks Drive heard all this about 21' but does not know where means 21', but has a small ranch house and 10' on her side and 10' on Mr. Conway's side. He says he wants 4', she originally understands was 5'. She has small house and by him building this big garage with breezeway blocks her light on south side of bedroom. Feels does not think should build big garage and breezeway. So where 21' comes in, she does not know. Mr. Hunter questioned was she on south of home in question? Mrs. Aurelli advised right next where garage is going to be built, north

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June 25, 1968

this area which is zoned residential, and they prefer to keep it residential. Now if this is allowed he can quote right now three other people in that area who are immediately going into business, one is a nursery school, beauty parlor, and three, one dog bit where clip, cut and who knows what else in background. Leaves it up to Board to kill this now. He has been here before, and Board has been with them before. Now again you can say this is not really a business, but they are getting paid which will provide service. If come in, how can you prevent four-six more from doing same thing. This is their argument and they hope the Board will take it into consideration.

Mrs. Shipkowski, 45 Brian Drive. They have 24' pool. Number of neighbors here who would be will to grant her this, a number of children in area who allows free of charge to come and swim in their pool. She gives them swimming and diving lessons, does not feel has to have fee. They do not want any business in her area, feels definitely house property and just do not want something in here. She was called to take a neighbor's child over to the pool, was told last week these women paid for this to start it. She did not let her children in her pool during rain storm. This is not safety, it is ridiculous, she just cannot see it.

Joe Steinkirchner, 39 Brian Drive, wished to know how this ties in with hearing coming up tomorrow night. He was dead against it. Mr. Tomer explained to him the hearing tomorrow night was for a proposed new swimming pool ordinance and this hearing tonight was in no way related.

Mr. Mitchell Rakus, 2801 Scottsville Road was opposed to this pool or this class they are going to have until Town has meeting and comes up with some zoning on the pools.

Mrs. DeSmit, 33 Brian Drive was opposed to any kind of business, whether used one day or seven days a week.

Mrs. Carpenter, 35 Brian Drive was opposed to this pool or any variance in the neighborhood. Mr. Carpenter was opposed to the variance.

Mrs. Maier, 7 Watchhill Drive was opposed to any business in the neighborhood. Mr. Maier, 7 Watchhill Drive lived in residential area and wants to keep it that way.

Mr. Foster, 8 Watchhill Drive was opposed to the variance.

Guy Clark, 49 Brian Drive knew passed pond for churchville-Chili School for swimming pool. Does not see why children have to go to neighbor's pool for swimming lessons same as Gates-Chili. Opposes any business in neighborhood at all.

Mr. Domuracki, 33 Jemison Road did not think should charge fee for any swimming whatsoever.

Roberta Crandell advised they checked with Red Cross. Allowed to teach in rain if no lightning. No lightning today whatsoever. Taught in garage where have mats and equipment and only in water last ten minutes of class. Mrs. Koerper advised they taught without the variance, but not charging any money until they get the variance. Mr. Shipkowski questioned what she was saying, her last week's lesson and this week's lesson were granted free? Mrs. Koerper advised very true. Mrs. Shipkowski questioned she intends to give free lessons without variance, this is what she has in mind? Mr. VanSlyke advised that was not the issue, they were getting away from matter at hand.

Mrs. Koerper advised she was giving lessons because she wanted to further water safety program. Whether at Gates-Chili or Chili-Coldwater, they teach children from two years of age up. Feel young children should know how to swim, not older children. As far as she is concerned, if not granted variance fine, she can go other places to teach. Roberta

Crandell advised if variance is not granted, Mrs. Koerper feels under obligation, so if committed herself to teach these children, will have to do this gratis. Committed herself already.

DECISION: Variance unanimously denied.

#7. Application of Thomas Shoemaker, 20 Solmar Drive, for approval to erect a 6' basket weave fence around back yard on lot line, to enclose sunken swimming pool. E zone.

No one appeared to speak on this application.

DECISION: Variance unanimously denied due to non-appearance.

#8. Application of First Baptist Church in Chili, N.Y. 3182 Chili Avenue, for approval to erect a permanent sign, as per plans submitted to be of brick on concrete base, which base is 10' x 2½' at 3182 Chili Avenue. B zone.

Mr. Carl Riss, representing the Baptist Church and Board of Trustees who are in charge of having this sign built, appeared before the Board. Advised this sign will replace existing wooden structure in front of church now, will be of more permanent structure and in line with architecture of church. Essentially brick construction conforming to bricks used in Church. Mr. VanSlyke questioned how far would location be from the right of way. Mr. Riss advised this is what he is here for, to have minimum distance spelled out for him before actually digging hole. He does not have information as to how far church is from the right of way. He explained the existing sign and its location and would wish this in about the same location. The new sign will be lighted, lights will be recessed in concrete and would just throw light toward sign. He advised sketch submitted is not exact lettering, but it will be same general design with concrete base. Mr. Efridge will be in charge of the contracting work on this. On question if it would be lighted all night, Mr. Riss advised present lights on timer and believed same timer would govern this.

Mr. Davis advised he could check the location of the present sign and if it is all right then they can put the new one in same place. Mr. Riss advised he would check back with Mr. Davis.

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

DECISION: Variance unanimously granted. Sign to be erected under direction of the Superintendent of Building.

The secretary was instructed to send a memorandum to the Town Board requesting the August meeting of the Zoning Board be postponed one week and be held on Tuesday September 3rd, 1968.

RESERVED DECISIONS:

Application #2 heard at Public Hearing held May 28, 1968:

Application of Carl Altamura, 625 Elmgrove Road, for approval to erect an equipment storage garage, 40' x 60' on property located on Scottsville Road, between 1507 and 1535 Scottsville Road, lot being approx. 150' wide x 1193.27' x 1071', being 3.9 acres in A zone.

DECISION: Variance unanimously granted as per plans submitted dated 6/3/68 and property to be screened and shrubbed as per the plans submitted.

Minutes of the May 28, 1968 hearing approved as submitted.

Patricia D. Slack, Secretary

MINUTES  
ZONING BOARD OF APPEALS  
July 23, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on July 23, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter. Roll Call found the following members of the Board present:

Mr. Robert Hunter, Chairman.  
Mr. Charles Pfenninger  
Mr. Howard Vanslyke  
Mrs. Gertrude Tanger  
Mr. John Lighthouse  
Mr. John R. Palermo

Also present:

Mr. Daniel L. Miller, Deputy Town Attorney  
Mr. John Burchill, Jr., Comm. of Public Works and Supt. of Highways

- #1. Application of Robert Connor, 649 Hackensack Street, Carlstadt, N.J. for approval of a variance to remodel existing barn at 154 Attridge Road for use as a dwelling, to conform with Town Zoning Codes, E zone.

Mr. Connor appeared before the Board. Plot plan was submitted which he secured from the owner which describes size of land and shows existing barn situated upon it, which is in his opinion in good enough condition to make use of it. Mr. Hunter questioned the lot is 125' wide by 200' deep? Mr. Connor advised right. Mr. Hunter questioned the side line distances. Mr. Connor would say from edge of paving, to road from face of barn would be he would say in neighborhood of 30' - from front edge of pavement, would be a little less if anything. Distances from side line, one would be about - barn is 70' long - 55' between two sides, one a little larger, almost evenly spaced, but on one side enough for driveway. Explained the one that is largest more than meets minimum requirements for driveway, would say close to 25' or more. Barn is 70' long, 30' deep, not a basement, barn starts off level with ground and has foundation beneath. Mr. Pfenninger felt this barn would be about 27' or 28' from road line. Mr. Connor agreed, but felt it was a nice looking barn. He presented books showing reconvered barns. He is a mechanical engineer and designer and will make full set of plans and work with local building inspector and meet code and instead of drawing up one concept would get together with him and see what he will go along with and see what is acceptable. It is nice place and would enhance appearance of area as it does not now for those that have eye range of it. Presented a book which specialty is reconverting heritage and value of barns built in past, exemplifying the areas of value in them. On question of Mr. Pfenninger he explained the barns relationship to hill above railroad, that is below on north side of railroad, and explained the roof on it.

Mr. Hunter inquired this exists as shown on plot plan as individual lot? Mr. Connor believed group of three were one but were divided and knows that neighbor has section of it as separate lot and this being remaining of group. Mr. Hunter questioned how he would handle garage. Mr. Connor advised this barn has as part of it, two garages built into it, portions of it, and they have substantial cement floors in them, serviceable and good shape and would not be building any other structure but might be patio or any type of reinforcement necessary for outer services. Possibly patio in rear, but no other area would be needed since has large area. Mr. Hunter questioned he would assume he would plan to meet local building code in all respects. Mr. Connor advised of course, but thinks as being there before would have to be some degree of cooperation from building inspector so could utilize lot there already. Mr. Hunter questioned is it on a slab? Mr. Connor thought it seems to be on substantial stone foundation which must be considerably below frost line, heavy stone foundation.

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, N.Y. 14624 on July 23, 1968 at 8:00 P.M. to consider the following applications:

#1. Application of Robert Connor, 649 Hackensack Street, Carlstadt, N.J., for approval of a variance to remodel existing barn at 154 Attridge Road for use as a dwelling, to conform with Town Zoning Codes. E zone.

#2. Application of Roberts Wesleyan College, N. Chili, N.Y., for approval to move two houses from Roberts Wesleyan Campus to new locations at 4313 Buffalo Road, lots 82' wide, and houses to be placed in line with existing homes in area. E zone.

#3. Application of Caldwell & Cook, 681 English Road for approval to re-new variance for an 8' x 4' sign at Paul Road opposite rear drive of Chil-Paul Shopping Center on lands owned by Caldwell and Cook. E zone.

#4. Application of Fred Steele, 95 Fenton Road, for approval to erect a house at 125 Fenton Road, with front setback of 44' to conform with houses on adjoining properties. D zone.

#5. Application of Howard F. Christensen, 39 Colby Street, for approval to erect two signs at 291 Wiedner Road, unlighted, one being 3' x 6', the other being 4' x 6' as per sketches submitted. A zone.

#6. Application of James I. Galuska, 29 Bright Oaks Drive for approval of an exception of Sec. 19-7 and granting of special permit to perform clerical and bookkeeping tasks related to occupation as Insurance Agent and Broker in home at 29 Bright Oaks Drive. E zone.

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

ROBERT HUNTER, Chairman.

CY-11-July 12-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:

July 12, 1968

Eleanor E. Williams

Sworn before me this 12th

day of July 19 68

Helen R. Steen

Notary Public

Commission Expires March 30, 1969

Mr. Hunter questioned he would have to build floor? Mr. Connor advised his intention just to utilize upper story for dwelling because that has large expanse of area which at present more suitable than downstairs which is subdivided into little stalls; would just let that be, would need all that space; just the open area on second story. Mr. Palermo questioned would it be ground level? Mr. Connor advised no, level above ground. Mr. Miller questioned how many square feet of living area? Mr. Connor advised on one side something like 30' x 30', 900 square feet, that is about half on other side is about 30' x 20'. Mr. Miller remarked so 1500 square feet. Mr. Connor advised at minimum at that level alone. Mr. Miller questioned, what type home would it resemble closest, raised ranch? Mr. Connor felt this would be raised ranch, has considered some area at level he might use, place for extra kitchen or bathroom, character as raised ranch. Mr. Hunter questioned, then he would want to use the first floor as living space? Mr. Connor advised not directly, immediately, merely example. Visualize area on upper level, 30 x 32 and strong floor, serving as large studio place, putting big picture window on either side, that as basic liveable area. Need kitchen and bathroom which will probably be on other side or perhaps one of rooms down below. Will be one single family dwelling.

Mr. Palermo questioned the neighbors. Mr. Connor advised neighbor next door in one of cottages next door, know nice people, been in contact with them about barn, their children playing in that barn for long while before he arrived and quite familiar with it, and they have not gotten hurt there. Mr. Palermo questioned how far back are they, are they in line with barn? Mr. Connor thought they were set back perhaps about 15' from rear of barn, but knows for a fact they would be in accord with having barn there, because type of people would like that. Mr. Palermo wondered if same setback. Mr. Connor advised no. On other side unused lots. It is remodelled home, nothing on other side at present. There are several vacant lots on other side. Across street there are homes and directly across does not believe any house. Mr. Pfenninger advised some new homes on other side, down a little. Mr. Connor agreed, a number of them and thought setbacks conformed to building code, not out like barn.

Mr. VanSlyke questioned; where do lot numbers start, from Buffalo Road? Mr. Burchill advised they started from Buffalo Road. Mr. Hunter questioned the width of the road. Mr. Burchill advised four rod road, 66'. Mr. Hunter asked if he knew of any plans off hand for widening that road? Mr. Burchill did not and he advised it is a County road.

Mr. Hunter thought this was a unique proposal and Mrs. Tanger questioned if he was building this for his own occupancy. Mr. Connor advised he was. Mr. Miller questioned the square footage of the lot. He was advised 125' x 200'. Mr. Miller felt that was more than the minimum requirement for EE zone. Mr. VanSlyke brought up actually this is four rod road, then the description Mr. Connor had given, is that correct, the building is only 3' behind the right of way? Mr. Hunter advised that is why they were wondering about the road, if going to be widened. Mr. Connor advised he would make any kind of allowance as of moment to say that when road forthcoming he would provide no interference and would yield because certainly other people have done same and this might not be for another five years. Mr. Burchill advised when building permit issued, County of Monroe would pass decision on driveway.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application Mr. Jay A. Lauterborn, 151 Attridge Road advised he owned all land on west side of this road, in Town of Chili owns all remaining portion of empty land on west side of this land. This barn was originally part of property he owns now, sold it and Mr. Edwards bought farm on east and he sold it and broke it up. This barn was sold with house Mr. Edwards bought 15 or 20 years ago. People that own that

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house now, own barn. They are trying to sell barn. It sits too close, more like 20' not 35'. Barn as far as he is concerned, past its usefulness. Should not be converted into house, but that is argumentative. He can see size of that barn, going into multiple dwelling, which he would object to. Secondly, somebody bought lots on Attridge Road east side and will develop, Mr. Glidden just built house on south side and had to conform and come up with \$7,000. to put sewers, would think he would be objection, he has another empty lot between house and barn. Barn for development not good, sticks out too far and some day he hopes to develop land on west and he will conform to building codes. He has lived here too long, does not see where this is to advantage of Town. Attridge Road in twenty one years, traffic increased one hundred fold, with thruway, sewers and water, development coming into Town road going to be widened in matter of time and he cannot see why this would be advantage to Town to have that property remodelled into house. If back another 20' then he would not object; but too close to road.

Mr. Feller, 146 Attridge Road advised he lives three houses to north on east side. He agrees with Mr. Lauterborn, believes much too close to road, distance from center of road, paced if off, is 39', road 20' wide, leaves only 29' from edge of road to pavement, property and edge of barn, so cannot be porch on front of barn, also the barn quite old and he questions economics of attempting to remodel it.

Mr. Ess, 162 Attridge Road advised one empty lot between barn and his house. Front of his house sits behind barn, back of barn and he thinks it is too close to road. House south from barn and all houses fronts will be behind it. Mr. Hunter questioned if he could estimate how far he was from barn. Mr. Ess figures, one empty building lot, 100' x 200', probably 150' roughly.

Mr. Connor just wanted to add, did not have any intention of putting any other foundation on front, any patio would be in rear, would consider rear as front because you will obstruct view and in road. As far as road coming, which will come as all things do, he is willing to utilize and enjoy value of place until then, then yield to road. Felt no vehicle has collided with barn in all these years, so road being near it at this point felt definitely no hazard, because no indication of anything ever having collided with the barn. Mr. Palermo questioned if he was planning to use this barn himself? Mr. Connor advised just himself and wife. Has three children, they are grown up, one in college and one in Army, one in another State. Looks forward to them visiting him, but beyond that, that is all. Would like to say also, could never visualize its use as multiple dwelling because that type of structure could not be used for such purposes.

DECISION: Approval denied unanimously.

#2. Application of Roberts Wesleyan College, N.Chili, N.Y. for approval to move two houses from Roberts Wesleyan Campus to new locations at 4313 Buffalo Road, lots 82' wide (corrected at hearing to 81.5') and houses to be placed in line with existing homes in area. E zone (corrected to show it is in D zone).

Mr. Arthur Hauck, Realtor, representing Roberts Wesleyan College and Mr. Rudolph of Roberts Wesleyan College appeared before the Board. Plot plans of the property were presented to the Board for their study. Mr. Hauck introduced himself, advised his connection with this matter, and introduced Mr. Rudolph, who is Business Administrator of the College. Advised they have letter, had meeting with the Planning Board of the Town of Chili, and have letter of approval for subdividing property owned by Roberts Wesleyan College into three lots. Propose, have existing house on east side and Myers property, which was deeded to College, this will be torn down. That is on west side of print. Barn plotted in in order to mention it, they

are now existing, will be left there. What are asking in petition to Board, that can move two houses from campus because in area which is being expanded, move them off, tear down Myers house, which is unoccupied and eyesore and on edge of road and want permission to move two houses onto this lot. In application ask for 82' but it is 81.5'. At time made application, Loziers had not completed actual measurements, but they did get their points, Advised it is a four rod road there as they all know. Requested 14' setback because same distance back as existing houses and would carry continuity so will look same coming down Buffalo Road and the College wishes to keep it nice because of place across street. Mr. Rudolph mentioned they own, not the immediate home to the west, but the next one, the Hutchings next and Gregg House is theirs and in other direction come to President's home, so will have about five of eight properties in this area. This is directly across from Pearce Church. Mr. Hunter questioned the home that exists now, where is that located in relation to 81.5'. Mr. Hauck advised present home is plotted on, but the one torn down is in front of barn, did not plot it in there because unoccupied right now. Mr. Hunter questioned, homes they are proposing to move there are 31' wide by 24' deep, what style homes? Mr. Rudolph and Hauck both advised story and half frame dwellings and will move them over and dress them up, are on campus now. Mr. Pfenninger inquired how old and was advised about 20 years. Mr. Hunter questioned if basements in each one? Mr. Rudolph advised this is planned, are not now but will be, they will be single family and used as such, faculty now living in them. Mr. Hunter inquired anything on plans or plans for garages? Mr. Rudolph advised barn in west they have as storage area, have about five vehicles. Probably the other barn, they are in process of clearing out. Probably would make that available to the tenants. One or other would have access for their vehicles.

Mrs. Tanger questioned how far behind house would barn be? Mr. Hauck thought barn would be back about 30'. In square footage are way in excess. They have more than enough square footage, but do not comply with side line or setbacks. You can recess it, but would not look well, thought this would be better. Square footage more than sufficient, back land is quite high, felt when do it, should keep continuity. Got approval on Planning Board, have to go through Sewer Agency, would like them moved in good weather. Mr. Hunter questioned would it be plan of college to retain ownership? Mr. Rudolph advised yes, they need these for faculty that live in them now, would be same family. That is much more desirable. Where are now they have quadrangle, dorms and just completed new dining hall and new dorm, this has become center of campus. This is better for families. Mr. Hunter questioned, this gets most structures out of there? Mr. Rudolph advised only older building old quonset, and quonset scheduled in six weeks. This will be center of campus.

Mr. Vanslyke questioned the external dimensions of houses to be moved. Mr. Hauck advised 24' x 31'. It is planned will be porches. On one porch which will not be moved, cannot pick it up. This would be dressed up and porches on, have to move house as one complete unit so the porch on it now would not go. The porch is on side, in porch set up with extra closet, but cannot move it so will have to add on and contemplate dressing them up and shrubbing them to look nice. Mr. Hunter inquired would porch be forward or foundation of home? Mr. Rudolph advised porch believed, but no final decision, but not in front, would be minimum of 14'.

Mr. Vanslyke questioned if this lot presently subdivided. Mr. Hauck advised had letter from Planning Board dated July 10th which he read approving the subdivision. It has not been filed, but it is ready to go.

Mr. Miller questioned the approximately distance on proposed center lot from rear to barn? Mr. Hauck thought would run about 75'. Mr. Miller

## Zoning Board of Appeals

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questioned on the other lot and Mr. Hauck advised about 35' or a little better. Mr. Miller questioned another thing, preserving continuity of existing homes, if Board approved application but set them back another 20', would that harm them? Mr. Rudolph advised he thought if anything, would lean in this direction, would prefer it that way, thought maybe might be Board's desire to keep continuity presently there but they would prefer them set back a little.

Mr. Vanslyke questioned do they own present house at 4313. Mr. Rudolph advised yes. Mr. Hauck advised all property owned by Roberts Wesleyan, they just purchased Myers house. Mr. Vanslyke questioned is that same 14' setback continued west? Mr. Hauck advised yes, they are setback on same basis. Mr. Hunter advised yes, until barbershop, that is back about 60'. Mr. Vanslyke questioned is the Hutchings home an old one? He was advised yes, but it is close. He was advised Myers house in existence right now practically on road, but sits up high and slopes directly to road. Mr. Rudolph advised one other home between barber shop and Hutchings owned by college.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application Mrs. Wilcox, 516 Paul Road questioned she was just curious, is this tax free to Roberts Wesleyan College? Mr. Rudolph advised it is as is other. Mrs. Wilcox questioned they do have to pay sewer and water? Mr. Rudolph advised yes, even on grounds. No one further appeared to speak on this application.

DECISION: Approval unanimously granted as per plans submitted with the exception that the front setback be 30' to 40' depending upon the necessary relationship between the homes and barns on the two pieces of property.

#3. Application of Caldwell & Cook, 681 English Road for approval to renew variance for an 8' x 4' sign at Paul Road opposite rear drive of Chi-Paul Shopping Center on lands owned by Caldwell and Cook. E. Zone.

Mr. Curtin, with Caldwell and Cook appeared before the Board representing Caldwell and Cook. He advised this is an existing sign. Mr. Hunter understood this sign has been up for a couple of years. Normally we grant these for a year and we have renewed this one. Are there unusual circumstances that call for this additional time? Mr. Curtin advised they were still building in area there and are using this for advertising purposes. Mr. Hunter remarked apparently it was issued in 1966. Mr. Curtin would say so. Mr. Hunter questioned what was his feeling, will another year do it? Mr. Curtin advised they would like to have it at least for another year.

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

DECISION: Approval unanimously granted for one year with the right to reapply for a renewal.

#4. Application of Fred Steele, 95 Fenton Road, for approval to erect a house at 125 Fenton Road, with front setback of 44' to conform with houses on adjoining properties. D zone.

Mr. Steele appeared before the Board. Plot plan was presented to the Board and plans for the house. He is representing Mrs. Janet Springer who is attempting to build here. Two houses on either side, one owned by her father and one to north owned by Mr. Peters and both have 44' setback and they are asking variance to set this house in line with them. Mr. Hunter questioned lot is 200' deep by 80', so is just a matter of appearance?

Mr. Steele advised yes, pointed out where her front door comes, if goes back to 60' her front door in their back yard and they thought would look better in line with present houses. These are considerably older houses, would suspect about 20 years. Mr. Palermo questioned, houses on both sides? Mr. Steele advised they were 44' back. Mr. Vanslyke questioned size of house intend to put up. Does this house show garage? It was pointed out to Mr. Vanslyke on the plans, and a two car garage on side. Mr. Hunter questioned they would meet code in all ways except for front setback? Mr. Steele advised yes, made application for building permit, then decided rather than setback 60' would rather have variance to get it 44' like rest of houses. Mr. Miller questioned houses on east and west side of Fenton Road about 40' in? Mr. Steele advised some new homes on east side back further than that, but what they are he did not know, whether 50' or 60'. Mr. Palermo questioned, but existing ones on each side, both 44'? Mr. Steele advised yes. Mr. Hunter questioned if any other neighbors been contacted? Mr. Steele advised he had not talked with any one. He is representing Mrs. Springer in this regard, did not know if she spoke to any.

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.

- #5. Application of Howard F. Christensen, 39 Colby Street, for approval to erect two signs at 291 Weidner Road, unlighted, one being 3' x 6', the other being 4' x 6', as per sketches submitted. A zone.

Mr. Christensen appeared before the Board and sketches of the signs were presented to the Board for study. Signs will be double signs, the one reading FACT would be on Weidner Road, and the other would be facing Milstead Way. Same wording would be on each side as indicated on sketches. Mr. Hunter questioned how long they would be interested in have the signs. Mr. Christensen advised FACT sign as long as Fact Technical Service in business which hope for ever and ever. Mr. Hunter questioned the kind of materials they are made of. Mr. Christensen advised they would be approximately 1" plywood with wood preservative and pointed sign with 2 x 4 double runners on each end for support. Letters would be painted. Same would be true of other one, but that would be single piece sign facing Milstead Way or kittycorner with Milstead Way and Weidner Road. Mrs. Tanger questioned how tall would they be. Mr. Hunter advised sketches show one 6' and other approximately 6' from ground. Mr. Palermo questioned would they be lighted. Mr. Christensen advised no, building is lighted, have time switch on building at present time. Mr. Vanslyke questioned the approximately location of these signs, are they close to building or closer to highway? Mr. Christensen advised FACT sign 25' to 30' off Weidner Road, would bring it within 50' of existing building and the other would be approximately 40' to 50' off of Milstead Way-Weidner Road, which would also be within 60' of existing building. Mr. Hunter questioned would they be willing to put it up under direction of Superintendent of Building for traffic safety. Mr. Christensen advised no problem in this particular area, no traffic area, would have no objection.

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, with the following stipulations:  
 Signs to be erected under supervision of Supt. of Building  
 Variance granted on the 3' x 6' sign for a period of three years with the right to reapply for a renewal.  
 Variance granted on the 4' x 6' sign for a period of one year with the right to reapply for a renewal.

Zoning Board of Appeals

July 23, 1968

#6. Application of James I. Galusha, 29 Bright Oaks Drive for approval of an exception of Sec. 19-7 and granting of special permit to perform clerical and bookkeeping tasks related to occupation as Insurance Agent and Broker in home at 29 Bright Oaks Drive. E Zone.

Mr. Galusha appeared before the Board. Mr. Hunter advised him they would like to have him tell the Board why he would like this. Mr. Galusha advised first of all would like to say in general terms he is opposed himself to business in residential district. This is why he is surprised to be here tonight. Actually his surprise stems, he was operating under misconception about zoning ordinance of Town. He was under impression his particular type of occupation was compatible with definition of residential occupancy. Has found this is not true. Second, was reluctant to apply for temporary exception for was under erroneous impression this would be to open door to gas station, etc. in his neighborhood. Have found this is not true. Have tried to be careful to make sure his appeal is strictly within framework of machinery for exception and tried to stress fact he does have respect for ordinance. He is appealing for special exception based on his needs that literal enforcement of ordinance would constitute unnecessary hardship for him and also upon his contention that his business in home does not visually effect neighborhood and in no way hampers uses or enjoyment of adjacent property. Has some exhibits prepared. First four exhibits presenting in nature of opinions substantiating his statement this would present unnecessary hardship. He offered to read them, but was advised rather than read them, they will be put in record. Two of them are from insurance companies which he represents and two from local agent one from Victor Westcott and one from H. V. Boughner in North Chili, all in nature of supporting testimony backing his contention this would be unnecessary hardship at this time. The fifth statement is affidavit, sworn statement he made which he would be glad to read, Exhibit No. 5, having to do with difference with his family subsistence and profit earned by business in 1968. This was not read but presented. In addition said would gladly open business books to any members present of Board's choice to render opinion as to if this would constitute unnecessary hardship. Another affidavit, Exhibit 6, to the effect no visible indication on outside any sort of clerical, bookkeeping on premises, no employees, none for at least four years and persons visiting home on business between April 10 and July 10 indicate an average of 1.8 persons per week. This is attempting to estimate, claiming nothing detrimental to neighborhood in it. Since Supervisor first called him.

In addition to that Exhibit 7 is just a sketch indicating presence of house on corner of Bright Oaks and Red Bud Road and it points out fact his home faces Bright Oaks Drive and at intersection and home 27 on opposite corner and 28 directly across from intersection and purpose is to illustrate one house would be effected more by any detrimental thing in nature of traffic and visitors it would be home #28 and that homeowner is here and he presumes he will be glad to make statement.

Mrs. Tanger questioned if he had been operating in his home? Mr. Galusha advised since August 1st last year. Thought certain type of occupancy compatible, his erroneous impression about zoning he has found out. Mr. Hunter questioned ho sign or anything visible? Mr. Galusha advised no visible evidence whatsoever. Mr. Palermo questioned where is his present place of business. Mr. Galush advised he was independent insurance agent. Mr. Hunter asked how long would he propose to do this. Mr. Galusha would love to specify that three years would be ample time. Mr. Hunter questioned would he eventually hope to open a separate office? Mr. Galusha advised this has long been his plan depending on growth of thing. 1 to 4 exhibits point out a little background and how grows. Mr. Palermo asked how long he had been in it as independent agent. Mr. Galusha advised he began building his own on January 1, 1965, 3½ years ago in affiliation with another agency, on his own since last August 1st. Mr. Miller questioned

he was licensed by Insurance Department of State of New York? Mr. Galusha advised yes, agent and broker both. Mr. Hunter questioned he was basically claiming economic hardship? Mr. Galusha advised yes, business income does not justify office. Mr. Miller advised he was not making application for variance but for permit, therefore hardship does not come into this. Mr. Galusha believed was under final paragraph. Mr. Palermo questioned no signs? Mr. Galusha advised him no. Mr. Palermo questioned no one else working for him, and Mr. Galusha advised no. Mrs. Tanger questioned he did all his clerical and bookkeeping himself? Mr. Galusha advised yes. Mr. Miller observed State Insurance Department requires when broker you have office address to renew your license. Mr. Galusha advised do not specify office address, believe say address where principal place of business and in his case have to give residence address. Broker license every 24 months, agent license continuous. Mr. Miller questioned did he have to renew it as long as have it? Mr. Galusha advised yes.

On question of Mr. Hunter if any one present at the hearing in favor of this application, Mr. Reinhold, 28 Bright Oaks Drive advised he has property diagonally across street, unobstructed view of his, has couple of small tots, concerned about traffic problem and both ways, and he has been observing situation since opened up in his house and has not seen undue traffic in and out of driveway. This is main concern, and about having any commercial enterprise in Bright Oaks.

Mrs. Berduch, 23 Bright Oaks Drive advised she is neighbor in front. Knows unless given special permit unable to maintain home and office and feels if not allowed to have permit might be forced to sell home which would be great loss to Town. Good neighbors. Cannot understand why in letting him have chance to enlarge until have office, how would in any way mar and detract from neighborhood, because no visible signs.

On question of Mr. Hunter if any one present at the hearing opposed to this application, Mrs. Marilyn Fingar, 31 Bright Oaks Drive is very much opposed for any one to come in and have office, thinks no hardship on property or financial, thinks would be very bad thing for Chili Board to do, strictly residential neighborhood and they knew when bought, and she does not want to see office of any sort or anything like that in there.

Mr. Tindale, 4 Red Bud Road adjoins Mr. Galusha's property and it is possible car could go to Mr. Galusha's property and not go by Mr. Reinhold's. He has small tots also and his small tots play in road and any traffic endangers them. Feels he supports Town Zoning restrictions and feels were put there for good reason, feels not justified to operate this office.

Mr. Berduch, 23 Bright Oaks spoke on behalf of situation, if talking about traffice, in Mr. Galusha's case probably 9/100 everybody else have more traffice than he would have by himself and children in streets and traffic comes off Bright Oaks and Paul Road as thoroughfare for industrial on Paul Road.

Mr. Fingar, 31 Bright Oaks felt clerical and bookkeeping work is insurance office no matter how stated. Second if on hardship asking for permit, every other competitor in insurance can support office, if competition can do it, Mr. Galusha can do it. Stopped beauty parlor, if let this in, number of ones going to ask just want to start business. When bought homeno doubt this was residential area, is sure that is why they bought. Feels if they grant this are imposing hardship on many because his property adjoins it and they will devalue his property.

## Zoning Board of Appeals

July 23, 1968

Mr. Murphy, 32 Bright Oaks Drive is kittycorner from Mr. Galusha. Feels this should be residential area, do not want this started in their neighborhood, no reason, they would not want to put office in their basement.

Mr. Boldt, 59 Red Bud Road was opposed to this for same reason everyone else is, this is residential, should remain that way.

Mr. Tindale, 4 Red Bud Road sees no real reason necessitating this move, hope it continuous to be that way. Feels this is like any other business that wishes to come in, if one gets through many others get approved.

Mrs. Berduch inquired, lets say Mr. Galusha's is allowed they permit this, does not guarantee any further being issued? Mr. Miller advised they stand on their own merits. Mrs. Berduch thought people feel if he gets it any one can open new business. Mr. Fingar felt if Mr. Galusha gets permit he would then have hardship, can come in because one operating next door, so thinks it is chain reaction deal. Mr. Reinhold advised several other business in community that he knew of and no qualms or hearing. He happens to agree with people, but thinks in every case should be in terms of personal merit and actual situation and not everybody coming in and this type of thing.

Mr. Bromley, 34 Bright Oaks Drive felt this is residential and should remain that way.

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

DECISION: Approval denied by the following vote:  
Mrs. Tanger, no, Mr. Pfenninger, no, Mr. Vanslyke no, Mr. Palermo no, Mr. Hunter no, Mr. Lighthouse abstain.

Reserved Decision from Public Hearing held May 28, 1968.

Application of Mr. & Mrs. William Wilcox, 516 Paul Road for approval of a variance for a 40' setback on a corner of an assumed road in order to erect a dwelling at 30 Stuart Road, dwelling to be on a portion of above named property in EE zone.

DECISION: Reserved until such time as application has been made to and approved by the Planning Board of the Town of Chili for subdivision of this property.

Reserved Decision from Public Hearing held June 25, 1968

Application of Dario Marchioni, 21 Alfred Avenue for approval to erect a house on lot R-14 Block O, Chester Avenue with a 40' front setback, lot being 100' x 120' in D zone.

DECISION: Approval unanimously denied.

Patricia D. Slack  
Secretary

MINUTES  
 ZONING BOARD OF APPEALS  
 September 3, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on September 4, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter. Roll Call found the following members of the Board present:

Mr. Robert Hunter, Chairman  
 Mr. Charles Pfenninger  
 Mr. Howard VanSlyke  
 Mr. John Lighthouse

Also present:

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

- #1. Application of Carriage House, 525 Paul Road, for renewal of variance to maintain a catering establishment with caterers' license for dispensing of beverages at 525 Paul Road. E zone.

Mr. Frederick J. Mix, Attorney for Mr. Steimer, owner of Carriage House, appeared before the Board and advised Mr. Steimer was asking for a renewal of the permission heretofore granted for a similar term. Mr. Hunter thought the variance allowed on a basis of five years previously. Mr. Mix advised they were asking for an additional five years under the same conditions previously given with closing hours limited to comply with restrictions of Liquor Authority. Mr. Hunter advised only other concern previously dealt with problems in parking lot and as far as Board knew, there have been no problems.

On question of Mr. Hunter if any one present in favor of or opposed to this application-renewal of variance, Mrs. B. Wilcox of Paul Road would just like to make comment, going to lot of expense and improving their grounds, but several times this summer when have been annoyance for people by people leaving place and it has been after one o'clock and she wished something could be done about it. Has not talked to management about this, but would like to bring this to the Board. Two weeks ago Saturday night was one night, and couple of other occasions, and know were kept awake until 1:30.

Mr. Steimer advised said they close at one o'clock, Liquor Authority says if close bar at one o'clock, everyone has half hour to leave place, so might expect them to be there until 1:30.

Mr. Wm. Wilcox, Paul Road, would like to know how many exits and inlets to parking lot? Mr. Steimer advised they have two, but only use one. Mr. Wilcox questioned why one one used. Mr. Steimer advised he did not want lights flashing in everybody's eyes, can have both open if want, but was considering the neighborhood. Mr. Wilcox thought makes it rough for one person to take the whole thing. Mr. Steimer advised another reason, they are familiar with Bausch & Lomb, they use their parking lot for turn around and drag racing and make circle out of other driveway. Mr. Wilcox questioned why black top if only use one. Mr. Steimer advised thought of emergency. Mr. Wilcox questioned when first got first and second variance brought up about driveways? Mr. Steimer advised not that he knew of.

No one further appeared in favor of or opposed to this renewal of variance.

DECISION: Unanimous approval of renewal of variance granted for a period of five years. It must close no later than 1:00 A.M. No food

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:

August 20, 1968

Eleanor E. Williams (Signature)

Sworn before me this 20th day of August 1968

John Jones (Signature)
Notary Public
COMMISSIONER OF DEEDS
CITY OF ROCHESTER, N. Y.
Commission Expires June 21, 1970

with caterers' license for dispensing of beverages at 525 Paul Road, E zone.
2. Application of Robert Wesleyau College for approval of renewal of variance to have a trailer in rear of lot at 65 Orchard Street for occupancy of employees of the college, Jay Clark, who is submitted to House, D zone.
3. Application of Robert C. Bennett, 29 Westway, for approval to operate a semi-private insurance office in basement of home at 29 Westway, E Zone.
4. Application of Kaddis Realty Co., 316 Hudson Avenue, for approval of a side line setback variance for building being erected at 10 Old Beahan Road, allowing building to be 9.7' from northwest side lot line, A zone.
5. Application of Rodney Jones, of Genesee Conference of Free Methodist Church, 23 Sunnyside Lane for approval of use of lot 113, Marlands West, located on Corner of Archer Road and Paul Road for parsonage and temporary meeting place, and approval of use of Lots 110, 111 and 112 Marlands West for Church and parking lot as per plans submitted, E zone.
6. Application of Arthur Breiner, 6 Whittier Road, for approval to erect a garage 3'4" from west lot line at 2013 Westside Drive, garage 19' wide x 22' long, breezeway 6' wide, D zone.
7. Application of Robert Connor, P.O. Box 3998, Rochester, N.Y. for approval of a variance, to let non-conforming, pre-existing barn to set where it is as long as Robert Connor shall live in a new dwelling to be constructed on same property conforming to existing building codes, at 154 Altridge Road, E zone.
8. Application of Chas. Costich, 65 Broad Street, for approval of a 58.65' front line setback from Wetherfield Road, corner Stover Road, E zone.
9. Application of Robert Morgan, 400 Terminal Building for approval to erect an addition to existing building at 4375 Buffalo Road with a 75' front line setback, 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.

AA-1t-Aug. 20-T-U.

Legal Notice

TOWN OF CHILI ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that there will be a public hearing of the Zoning Board of Appeals of the Town of Chili to be held in the Chili Administration Office, 3233 Chili Avenue, Rochester, N.Y. 14624 on September 3, 1968 at 8:00 P.M. to consider the following applications:

1. Application of Carriage House, 525 Paul Road, for renewal of variance to maintain a catering establishment

or beverages to be sold after 1:00 A.M. and management to take appropriate steps to curtail noise factor in parking lot.

- #2. Application of Roberts Wesleyan College for approval of renewal of variance to have 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. Rudolf of Roberts Wesleyan College appeared before the Board. Advised they received permission a year ago to have this trailer placed here for an aged couple employed by the College and would like to ask renewal for another year. Mr. Hunter questioned if any comments from neighbors? Mr. Rudolf advised none at all. Mr. Miller questioned when did he anticipate trailer eventually will be removed? When no longer used at all? Mr. Rudolf advised at end of employment of the gentleman who is around 70 years old, would think only anticipate about one more year.

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

DECISION: Approval unanimously granted to renew this variance for a period of one year.

- #3. Application of Robert C. Bennett, 29 Westway, for approval to operate a semi-private insurance office in basement of home at 29 Westway. E zone.

DECISION: Approval unanimously denied due to non-appearance.

- #4. Application of Kaddis Realty Co., 316 Hudson Avenue, for approval of a side line setback variance for building being erected at 10 Old Beahan Road, allowing building to be 9.74" from northwest side lot line. A zone.

Mr. Will H. Field representing Kaddis Realty Co., appeared before the Board. He was representing his father, Mr. Field, who was called out of town because of an emergency in the family. Map of the plot and building being erected on property was presented to the Board for study. Mr. Davis advised the reason they were applying for this variance, they did not put down on original variance as per plans presented. Plan was previously approved, but this variance was not picked up at that time and bank wished it. Mr. Field advised the building has already been started. Mr. Davis advised they got 25' setback at time of original variance, but did not ask for this at that time.

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

DECISION: Variance unanimously granted.

- #5. Application of Rodney Jones, of Genesee Conference of Free Methodist Church, 23 Sunnyside Lane for approval of use of lot 113 Marlands West, located on corner of Archer Road and Paul Road for parsonage and temporary meeting place, and approval of use of lots 110, 111 and 112 Marlands West for Church and parking lot, as per plans submitted. E zone.

Mr. Jones appeared before the Board and presented to the Board plot plan and plans for four lots. He presented plan which showed the four lots totalling a 400' frontage on Paul Road and 168' on Archer Road. Pointed out parsonage which planned to use as living quarters and temporary meeting place. 40-45 people moving from Pearce Memorial Free Methodist Church to

start new work. Pointed out where planned to locate two-story building and pointed out parking area. They do not plan to be a large church. Pearce Memorial is a large church, will seat 1600. Theirs will be to grow to 250 people and then divide, giving approximately 20 of families to start another five or six miles away, so allowed for 77 parking places and on front know would come in front of 60' setback, that goes almost to Archer Road and then between church building and parsonage. Presented a picture of a church, they plan to build one similar, so if 77 spaces to park would make 284 people, so plan to divide at 250 so feel enough off street parking in this lot which is about  $1\frac{1}{2}$  acres to 1-3/4. Placing two-story building rather than on one level, know on one level lot inadequate. Chosen highest site on area and feel can have basement and story above that and adequate building. Concerning driveway onto Paul Road, have taken this to State Department of Highways, Mr. Skelly, and this has been approved, the driveway in location which they consider to be safe and they have lengthened it from 24' to 30' being 40' culvert in there. Have taken measurements for parking from Lutheran Manual. Plans for parsonage have gone to Town for the building permit. He presented copy of the plans for the parsonage.

Mr. VanSlyke questioned speaking of church being two-story, they are including basement as two-story? Mr. Jones advised it would be half story above and again presented sketch of building that it would be similar to and which showed size of building. Mr. Hunter questioned plan now would be to build parsonage building and not building other building until such time as judicial? Mr. Jones advised yes, project now between 1971 and 1972. Mr. Hunter questioned, parking ratio they use, is this ratio found to be true in their church in North Chili? Mr. Jones advised no, from Lutheran Manual. Mr. Miller questioned distance from proposed church to rear lot line. Mr. Jones felt 64'. Mr. Miller remarked is required 90'. Mr. Davis advised this was in E zone, required 40', 90' required in EE. Mr. Miller questioned how could they project exact size of church at this time. Did not mean number of people, but physical size. Mr. Jones advised he knew this one building he had picture of will seat about 230 and this one is quite a bit bigger, but two story would add lot more footage. Proposed dimensions 44' x 100' and do not expect to expand. When this is full will start another church elsewhere. Have made same proposal to bank, this is what they will do. Mr. VanSlyke questioned what they would do in meantime for parking before construct church. Mr. Jones advised would like to put parking lot on lot 112. Mr. VanSlyke questioned will this lot be paved or gravel? Mr. Jones advised gravel with fine gravel on top of that. He pointed out on sketch the amount of drive would plan to put in, which drive would be first stage of parking lot taking care of about 20, next stage would be taking in about another 20, feel in beginning 20 parking spaces would be adequate for congregation. Would be gravel or coarse stone parking area. Mr. VanSlyke questioned what would they ultimately think about? Mr. Jones advised black top when it is completed at time church is built, this is what have in mind anyway.

Mr. Joseph Entress inquired if he had requested status of parsonage as well as church at this hearing. Mr. Jones advised in request read they would like to use parsonage as temporary meeting place until congregation large enough to build church and next lot to be used as parking lot. Mr. Hunter remarked this was his immediate request. Mr. Pfenninger inquired what attendance would be. Mr. Jones felt 80 to 100 in parsonage building since making double garage into rooms and also basement is deep and all utilities are at one end so it is one large room. Mr. Pfenninger questioned that might be about two years. Mr. Jones advised would like two years, projecting three years.

Mr. Hunter advised one thing they would want would be more detailed plans of Church itself, church building; if the Board is inclined to be in favor of this, would he be in a position to submit more detailed plans to come to some final conclusion in near future on whole project? Mr. Jones thought they could, this would be matter of study and have to make study of each group to know Sunday school classes, do not know or think immediately, but feel in matter of a few months. This is reason why not detailed plans because do not know each variation, average age, etc. Once they find this out can project the type building, and other facilities. Mr. Hunter advised only thing Board in position to do at this point, if see fit to grant permission to go ahead with residence building on temporary basis, but did not think approval for whole thing because not sufficient plans to base judgment on. Mr. Jones felt architect may have some different plans. Understands will have to resubmit when Church building is ready or near ready, to same Board. Mr. VanSlyke questioned, presently they are building the parsonage which they intend to use for meeting place until such time as build Church. Therefore, they are putting in some investment. Now supposing when they come back to build Church that they find, or Board finds, or people find or Board thinks do not have adequate parking for their congregation or that the plans they submit for Church are not, and actually Board cannot do much about that, what he is trying to say, they are risking a certain amount of investment by building parsonage without knowing for sure they can build Church are they not? Mr. Jones admitted certain amount of risk. Mr. VanSlyke asked if they were prepared to take that? Mr. Jones believed so, this is one reason why have projected whole plot to see how Board feels about it and realize putting up house here that could be resold without much loss at all. Mr. Entress backed him up on this and explained how they had built garage to accommodate them, but could be changed back into a garage. Mr. VanSlyke questioned were they going to require any further problems of erecting parsonage on lot requiring any variance for this? Mr. Entress advised not necessary explained how they might have to acquire the next lot to have them come into garage from side, but they could still come into garage from front. Mr. Hanningner questioned after all completed could use driveway for parking also? Mr. Hunter questioned if used for individual lot would be problem for drive? Mr. Entress advised no, could come in from front with front doors, so met code in terms of setback. Mr. Entress questioned if parking would be allowed in front of Church and Mr. Hunter felt they would not like that. Mr. Jones advised he tried to keep all parking in back and side. Mr. Hunter felt that would be more pleasing.

Mr. Miller questioned in course of function, how late at night would meetings be allowed? Mr. Jones advised Sunday night service at 6:00 which would get out by 7:30 and Wednesday night would begin at 7:00 and conclude at 8:00, may be few have Board meeting, after that taking them up until 9:30, but few cars involved in that. Mr. Miller questioned church suppers, speakers, etc. how late last, expect program to be run? Mr. Jones would say 9:00 at latest, this is way operate at Pearce Memorial. Mr. Miller questioned, church supper, bazaar, whatever church function would be finished by 9:00 from his past experience? Mr. Jones thought if other activity, possibly little later, young people after baseball game have refreshments, but most people have them home by 11:00 so thinks would cooperate with parents, this would be rare occasion. Mr. Miller summarized, general church function over by 8:30 or 9:00 P.M. Mr. Jones advised yes.

Mr. Hunter invited any at hearing to come forward and study plans and see what was proposed.

Mr. Barr, 82 Archer Road questioned relative to parking lot, plans for direction of lighting that would be on in evening? Mr. Hunter did not believe plans show. Mr. Jones advised no plans at this time for lights, would think parking lot which would be in immediately would be on garage itself. Possibly shine in three different directions, flood lights.

Mr. Feiler, 86 Archer Road advised he was opposed, but eventually would be parking lot, lot which will be quite busy. Second, car headlights shining in people's houses, third, gravel which will create dust and traffic problem on Archer Road. Has been here almost 10 years and Archer Road worse every year, this will not help matters, will increase them and noise. In wintertime if lot not plowed out, park on Archer Road and possibly in his house. Questioned proposed parking lot on Archer Road, side facing east? Mr. Hunter advised would front on Paul Road, showed which way cars would come out and where drive coming out on Archer. Mr. Feiler advised have a lot of children on Archer Road, play in street all the time.

Mr. Nearby, 2389 Westside Drive, North Chili, advised he plans to be one of men going to church, to help build up this church and he was certainly for it. Does not know what he can add, but he is certainly for it 100% even to extend of moving out in that neighborhood and perhaps on Archer Road.

Rev. Reeber, Superintendent of Conference of Free Methodist Church spoke in favor of the application. Two years ago brought two of top men in from Headquarters to make survey of entire conference which covers from Rochester down south to Hornell and everything west, western part of New York State have 42 churches in this area, and several of these areas are growing in population such as Rochester, etc. Rev. Northrup spent three weeks making survey of this area, particularly the Rochester area, and as a result of his impartial survey one of areas he felt from impartial standpoint that could well afford to have another church, in fact one of reasons for bringing him in was to have him help them select area where felt would be likelihood for another church, and he actually spotted this area and in travelling with him, looking around for likely site, actual siting Paul Road and Archer Road, However land had in mind was not this corner, they thought Zuber Bros. property on opposite side, they might be interested in selling some acres, but they did not want to sell plot but whole farm, So this whole matter under survey and study by Conference for over two years and all of Conference Board, Board of Finance, Administration and Board of Evangelism or Building of New Churches, they have all given unanimous approval to this. In fact whole Conference behind this project. This means 42 churches going to support it, financial and moral support, not just matter of Pearce Memorial Church, although immediate members, about seven families, that already indicated interest in forming nucleus of new Church ones originally in that area, and new homes going up and not a lot of churches. Thinks on map only four or five churches within four or five miles of this spot and also in talking with a person in another denomination who were seriously considering starting work in Chili, finally decided to start in Henrietta, however actual choice would have been Town of Chili because felt growing area not overpopulated with churches. So, as far as wole conference, very much for this and have been looking forward with anticipation to it and feel they have selected right man in Rev. Jones to head this up. So as Superintendent of Conference did want Board to know this is Conference project, all behind this and when time comes to build new Church want to do it in harmony with building conditions. So far as parking is concerned, in winter time does not know any of their churches but what engage snow removal equipment, so do not park any of cars out on highway, do clean out parking roads to keep them available for parking.

Mr. Langdon, 85 Archer Road came being all for it, but has heard some points, not really so sure, biggest thing on him might, right next door to these four lots, biggest concern would be lights involved here. Have not heard or know of parking lights on parking lot, advised where his house was in relation to this. Mr. Hunter questioned if lights located and mounted such as not to be problem, would he be in favor or against? Mr. Langdon would not say right now, he is close to this, closest. Dust was brought up which would be temporary he presumes, but for three or four years might be a problem.

Mr. Costanza, 650 Paul Road wanted the Conference to know he operates hay ride business and party house for young group to have parties there.

Mrs. Brauch, 551 Paul Road thought it would be nice to have a church there, she is not that close, but close.

Mr. Jones spoke concerning matters brought up, always going to have ears open to complaints and to any suggestions neighbors have should this Board pas on their request, especially they have in mind Mr. Langdon because 365' of his land borders their's and work in every way possibly can on parking lights and lot, whatever is necessary so will not inconvenience him or other neighbors, will work any reasonable measures to assure than and his Superintendent will bak him up with saying that.

Mr. Nearby thought that is good idea and Mr. Langdon might wish to give them his ideas.

On question Mr. Hunter advised if this is allowed does not change zoning, just for those four lots and is strictly residential and would still be. Mr. Miller advised it is strictly residential and not even variance but special permit allowing churches, etc, school, college, library, only thing have to show is sufficient off street parking provided on plans, not even variance.

Mr. Feiler inquired how about noise, carbon monoxide fumes from cars, lights? Mr. Barr inquired will Board pass on both first building and church or just before Board first building and then at later date pass on building of church? Mr. Hunter advised up to Board, his recommendation would be pass on concept but if does decided to allow this, require detailed plans for overall building.

DECISION: Unanimously approved with the following stipulations:

1. All drives and parking areas to be presently used are to be paved within six months of completion of parsonage.
2. Specific plans, layout and specifications for the proposed church building and parking location shall be submitted to the Zoning Board of Appeals for approval prior to issuance of building permit for same.
3. No on street parking to be permitted.
4. Any lights for parking area, exterior church building or parsonage shall be properly shielded so as not to cause nuisance or annoyance to any adjoining neighbors.

(See amendment re. from granted 1/28/69)  
 #5. Application of Arthur Breiner, 6 Whittier Road, for approval to erect a garage 5'4" from west lot line at 2013 Westside Drive, garage 19' wide x 22' long, breezeway 6' wide. D zone.

Mr. Breiner appeared before the Board and tape location map was presented showing the property and explained by Mr. Breiner, together with sketch showing what he wanted. It is a 70' wide lot. They did want a 6' mud room, all together it is 25' making it 5'4" from lot line. Mr. Hunter questioned surrounding homes and garages? Mr. Breiner advised lot of them only 5' from lot lines. Thought about 13' between the garage and existing house on west side. These homes were bought when zoning called for 10% of lot line to be from side lot. Mr. Breiner thought average two car garage is 22'.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this application, Mr. Kenny, 2015 Westside Drive advised he is adjacent to his home, neighbors came over and talked to him, has no objection to this variance. No one spoke in opposition to this.

DECISION: Variance unanimously granted.

#7. Application of Robert Connor, P.O. Box 3998, Rochester, N.Y. for approval of a variance to let non-conforming, pre-existing barn to set where it is as long as Robert Connor shall live in a new dwelling to be constructed on same property conforming to existing building codes, at 154 Attridge Road. E zone.

Mr. Connor appeared before the Board. Mr. Hunter remembered the previous application Mr. Connor made and asked basically why making this application. Mr. Connor advised would like to utilize barn for minimum allowed use, which would be building that could stand as it is and one could be able to work in it and put desk in it and open barn door and look out and do desk work instead of wasting entire barn. It is in good condition, large area and certainly be building that could be useful for that function. Do not make proposal of office, but when come home instead

of sitting in kitchen to do writing or go into some other room, he would prefer to sit in barn where extra amount of spaciousness and have room about him to do anything or writing would like to do in spaciousness. Even though want nice and large, would not remodel it because disallowed at last meeting and would not want to expand any money on it. Just using it personally, he and his family. Mr. Pfenninger questioned he would not let it run down? Mr. Connor advised no, would maintain it quite well, would put any improvement in to maintain it properly. Mr. Davis questioned lot size and Mr. Connor advised 125' x 250', barn close to road, actually reaches from 25' from shoulder of existing road to barn entrance. Would like to sit back somewhat about middle, would be at least 60' back and maintain side lines.

Mr. Miller was questioned if he needed a variance and Mr. Miller advised every home should have open area as front yard and that is why he is applying for use of barn in front yard. Had prior conversation with Mr. Conner and thinks he only wants this as long as he lives there. Mr. VanSlyke questioned is this home he proposes building going to be on same lot as barn is on? Mr. Connor advised it would be. Mr. Hunter asked him to sketch out how this was going to be which he did. Mr. Pfenninger questioned how near he was to railroad and Mr. Connor advised he did not own that, was just buying one lot with barn on it. Might be as much as 100' between barn and the new house and 80' in back. Presently there is a small building on lot that might have been a chicken coop, but not concerned with them, might take that down.

On question of Mr. Hunter if any one present at the hearing in favor of this variance or opposed Mr. J. Lauterborn, 151 Attridge advised he was in favor of this man building a new house, no objection to building house, his only question, his objection to what barn will eventually be used for. Same man here less than 60 days ago wanting to remodel, now wants to build new house, but he does not want to have to come and fight use of this barn, if this barn for storage and putting desk in and leave barn as it is, be no objection, but recents coming over and talking about remodelling or putting business in barn or anything to change character because land all in building lots. Barn has no value as barn now. Does not oppose anybody bringing money into town and bringing values up because helps him, but does not want to see place of business or multiple dwelling there. As far as building house, go ahead, as long as conforms but this barn is question has in mind, does not feel this barn should have to be questioned every 60 days, he may be on vacation or out of town, but does not think as long as he is assured this barn will stay as barn no objection. No objection as application now.

On question of Mr. Pfenninger Mr. Connor advised he is a draftsman, was with Zerox, and Kodak and now with Edison.

Mr. Ess, 162 Attridge Road did not care if he builds new house, but thinks for appearance of neighborhood, barn should be torn down before any one builds new house, for appearance thinks should be torn down.

DECISION: Variance unanimously granted with the following stipulations:

1. As long as Robert Connor and/or his wife is living in the new dwelling to be constructed on the property at the rear of the barn.
2. Providing barn is not used for living, business or farm purposes.
3. Contingent upon receipt of a \$4.00 recording fee for recording variance in Miscellaneous Documents in Monroe County Clerk's Office.

#8. Application of Chas. Costich, 65 Broad Street, for approval of a 58.65' front line setback from Wethersfield Road, corner Stover Road, on partially erected house, E zone.

Mr. Chas. Costich, Engineer of Sear, Brown, Schoenberger & Costich appeared before the Board and advised they are designers of tract for Caldwell & Cook, also people who staked house out wrong. Advised the variance they are requesting is on Wethersfield Road. He presented tape location maps and pointed out the location of the house on the map and how Caldwell and Cook have been placing the corner houses in this position, and also how the variance would likely not be noticed. Very difficult unless know what to look for, to know house is out of line. Best way to judge is to have visited site. Mr. Miller questioned if it faced on Wethersfield Road and was advised yes. The other side setback is far in excess of what is required, is 38', where 20' would be required. On question of Mr. VanSlyke he advised driveway comes in on Stover Road.

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

DECISION: Variance unanimously granted.

#9. Application of Robert Morgan, 400 Terminal Building for approval to erect an addition to existing building at 4375 Buffalo Road with a 75' front line setback. B zone.

Mr. Robert Morgan, Attorney for Wm. Alexander owner of the property appeared before the Board. He advised Mr. Alexander for 20 years has occupied and owned grocery store at this location, which was built in accordance with the then zoning rules with 70' setback. He applied for building permit to put an addition on the west side of grocery store and also to rear of it on land he owned on east side of his property is a Texaco Gas Station and west side of building is Rotary Gas Station. The building permit was granted under a mistake. Actually the building does not comply with the setback as it presently is required by Town. In other words 100', actually it is setback 75' and for that reason asking for variance. The original building has also had front wall cut off and moved back some 5'-6' to afford additional parking and improve appearance of building.

Mr. Pfenninger inquired is this building up? Mr. Morgan advised in process, about 90% finished. Mr. VanSlyke questioned the exact location and Mr. Morgan advised southwest corner on Union Street and Buffalo Road, right at North Chili where Post Office was. Mr. Miller questioned existing building already up 75'? Mr. Morgan advised yes, addition to west and south. Mr. VanSlyke questioned and on each side existing gas station? Mr. Morgan advised yes. He also advised front line straight across now. Original building was 70'. Mr. Davis advised original variance granted for 70'. Mr. Alexander advised yes and he cut front of building off and moved it back 5' to improve appearance of existing building and help parking from Buffalo Road. Mr. Pfenninger inquired if addition even with existing building? Mr. Morgan advised yes and existing building front wall moved back 6' and new building even with that new front wall. Believed plans on file in Town Hall.

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

DECISION: Variance unanimously granted.

Zoning Board of Appeals

September 3, 1968

Reserved Decision from Public Hearing held May 28, 1968 and meeting of July 23, 1968

Application of Mr. & Mrs. William Wilcox, 516 Paul Road for approval of a variance for a 40' setback on a corner of an assumed road in order to erect a dwelling at 30' Stuart Road, dwelling to be on a portion of above named property in EE zone.

DECISION: Variance Unanimously granted, but Mr. & Mrs. Wilcox will be required at time of applying for a building permit to show proof that the property in question has been split into two tax accounts and in order to do this will need an official survey of the property.

Minutes of the July 23, 1968 hearing approved as submitted.

Patricia D. Slack  
Secretary

MINUTES  
ZONING BOARD OF APPEALS  
September 24, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on September 24, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Mr. Robert Hunter. Roll Call found the following members of the Board present:

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

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

- #1. Application of Charles Carbonne, 241 Hedgegarth Drive for approval to erect a house on a sub-standard lot, Lot 12E Morrison Avenue, lot being 50' x 120', to meet all other zoning restrictions as to setbacks, D zone.

Mr. Carbonne appeared before the Board. He will comply with the 10' on either side and with front and rear setbacks. House would be 26' wide x 38' deep. This would not include plans for garage. Mr. Hunter questioned what happens if want garage later on, will it be necessary then to get variance for only 4'? Mr. Carbonne thought then they can go for one, would have to go for a variance, when first put them up here, staying 5' which gave about 14' to put on garage, but now require 10' and they will comply with it. Mr. Hunter asked if this was being built for somebody or being built on speculation. Mr. Carbonne advised, no for somebody and at present they were not thinking of putting a garage on it. Mr. Hunter questioned, he would meet code in all ways except lot is undersized? Mr. Carbonne advised yes. Mr. Hunter asked if there were homes on either side of this? Mr. Carbonne advised a house on Lot 11 and other County lot, they do not wish to sell it, seems to think some estate wants to pick rest of them up. Mr. Hunter asked if he knew where home sits on lot 11? Mr. Carbonne advised 7' from side line, he built that one. Mr. Hunter advised he had a letter from owner of home on lot 11 stating their concern if he was asking for a side line variance. He claims he is 10' from side lot line and Mr. Hunter questioned he will be at least 10'? Mr. Carbonne advised the owner was wrong, he is only 7', and there is no garage on that house.

Mr. Miller questioned did he say he approached County to purchase adjoining lot? Mr. Carbonne advised Mr. Duncan supposed to make survey on that and they are supposed to be getting price ready. Mr. Hunter questioned when was this and Mr. Carbonne advised four months ago. He advised behind Theron a few lots they hope to build on, drainage problem in there right now.

Mr. VanSlyke questioned the size of house being put up and was advised 26' x 38' ranch. Mr. Davis felt that was not big enough. Mr. Carbonne advised 38.8' - putting it lengthwise on lot. Mr. VanSlyke questioned setback of house on adjacent lot. Mr. Carbonne advised 30'. Mr. VanSlyke asked how far back will his house be? Mr. Carbonne advised 30'. Mr. VanSlyke questioned how would it be possible to put garage on this structure? Mr. Carbonne felt eventually will have to get variance. Mr. VanSlyke felt still would not be enough room for garage would there? Mr. Carbonne felt a 10' garage. Mr. Hunter thought would need 6' more, if put on attached on one side, that would put it within 4' of lot line. Mr. Carbonne advised house will be 38' x 26'. Mr. Pfenninger felt could not put garage in unless right on line and Mr. Carbonne advised 14' on one side, 10' on other and could have 4' on other side. Mr. Hunter advised they have tried to keep a minimum of 15' between buildings in area. Mr. Carbonne thought would have to take 10' setback, if allowed to go over a little on that side would solve problem. Mr. Palermo questioned, if put on, which side of house would it be on, where other house is right now or near vacant lot? Mr. Carbonne felt it all depended, all garages on one side, would be on their side line, people next door had ten feet, would be 14' between garage and house. Mr. Palermo questioned would it be on side present house is? Mr. Carbonne advised it would be on lot 11 side. Usually try to keep driveways on same side. Mr. Hunter advised the gentleman that lives there would be objecting

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

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

Is Hereby Given that there will public hearing of the Zoning Appeals of the Town of Chili in the Chili Administrative Building 3235 Chili Avenue, Rochester 4624 on September 24, 1968 at M. to consider the following applications:

Application of Charles Carbone, 241 Regarth Dr., for approval to erect a house on a sub-standard lot, 12E Morrison Avenue, lot being 120', to meet all other zoning restrictions as to setbacks. D zone.

Application of Mrs. C. C. Sylvester Mary W. Sylvester for approval to erect a 5' fence from side of back of house to back across back lot line to enclose large police sized dogs. E zone.

Application of Mobil Oil Corp., 675 Saks Avenue for approval to erect gas station at northeast corner of Coldwater Road and Chili Avenue, from Chili Avenue, 76' from Coldwater Road as per plans submitted, 36' x 36', 6 pumps, and to erect a 12' x 6' rotating lighted sign the southwest corner of the property, 45' from Chili Avenue and 45' from Coldwater Road in B zone.

Application of James Godette, 21 Coldwater Road for approval to erect a machine or wrought iron sign at 690 Morgan Road with one full time employee besides owner operator, using machinery presently in shop which had been operated under expired variance. EE zone.

5. Application of Ralph B. Weber, 383 Chestnut Ridge Road for approval to construct a 9' x 12' utility house 3' to rear lot line at 383 Chestnut Ridge Road. E zone.

6. Application of Lorel Bldg., 244 Paul Road, for approval to erect a sign in front of building at 244 Paul Road as per sketch attached, 15' from front lot line. A zone.

7. Application of Patsy Pilato, 169 Longview, Webster, N.Y. for approval to erect a house on lot 8, Dortmund Circle, 8'6" to east side lot line. B zone.

8. Application of Joseph Entress, 149 Cherry Road, for approval to erect a 50 sq. ft. sign (double faced) 30' from Westside Drive and approximately 1675' from Coldwater Road in E district, as per sketch submitted.

9. Application of The Genesee Valley Church, Inc., for approval to erect a church on Beaver Road, 375' frontage by 600' depth, between Black Creek and Chili-Scottsville Road, as per plans and maps submitted. 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.

FD-9/14-1t.

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 14, 1968

[Handwritten signature of Eleanor E. Williams]

Sworn before me this 14th

day of September 1968

Notary Public, Commissioner of Deeds, City of Rochester, N.Y., Commission Expires June 21, 1970

to that then. Letter was submitted for the record from David Copenhagen, 45 Morrison Avenue, stating he was not opposed to erection of a house on lot 12E as it is stated and worded in the notice, but would be opposed if amended to include a side lot line variance other than allowed by present zoning restrictions. (Letter on file in Town Clerk's Office). Mr. Carbonne advised he would comply with the 10' side lot line. Mr. Miller questioned would he make the setback requirement of 60'. Mr. Carbonne advised he would put it 60' but all rest are 30'. Mr. Hunter advised him his application did not ask for that variance. Mr. Carbonne advised he would comply with all requirements. Mr. Miller questioned did he want to amend his application to request be in line with all homes in neighborhood. Mr. Davis advised they run from 30', some are back 50', he would suggest he stay in line with existing homes on street. Mr. Carbonne wished to amend his application to request house to be in line with existing homes in area.

Mr. VanSlyke observed seems to him, looking this over, the only logical place to build garage if man wants one is to put in rear. Questioned location of kitchen. Mr. Carbonne explained to him where kitchen was. Advised it could be detached back there, have enough room back there. Discussion was had on whether a variance would be needed if erected a detached garage in back. Any building has to be 30' from rear lot line in D zone. It was felt would not be too much of problem if house built in line with existing homes in area.

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 as amended house to be in line with existing homes in neighborhood, with the following stipulations:

1. No attached garage may be built requiring a side lot line variance. Any garage built on the property must be a detached garage conforming to Town Zoning Standards.
  2. Variance granted contingent upon receipt of a \$4.00 recording fee for recording variance in Miscellaneous Documents in Monroe County Clerk's Office.
- #2. Application of Mrs. C.C. Sylvester and Mary W. Sylvester for approval of a variance to erect a 5' fence from either side of back lot line (11 McNair Drive) to enclose two large police sized dogs. E zone.

Miss Mary Sylvester appeared before the Board. Has two problems, wants to keep neighborhood dogs away from flowers and they never did let dogs run wild, will have place to run in their own yard. She drew sketch on back of application of what proposed to do, running fence from both sides of back of house to back lot and across it. At present has no fence. Did not know the distance, the distance is to two telephone poles. Mr. Davis advised was 100'. It will be a chain link fence. On question of Mrs. Tanger, Miss Sylvester advised they did not raise dogs, just two dogs they have that are pets. Mr. VanSlyke questioned how far is point of her house from the nearest lot line. Miss Sylvester did not know. Mr. Davis advised those lots are 100' wide, 150' deep with 50' front setbacks. It is more than 10', about 15', on each side. On question Miss Sylvester advised she had not spoken to immediate neighbors to see how they felt about this. Mr. VanSlyke inquired if had dogs confined before in back. Miss Sylvester advised yes, but have 6' fence at home. If had it smaller would not hold them, one is a police dog, half collie, other a mutt. She was asked if they dig, and she did not know if they would dig under fence, do not dig the fence her mother has now. Was going to plant flowers next to fence and keep her dogs off.

Zoning Board of Appeals

September 24, 1968

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 for approval to erect either a 5' or 6' high fence.

#3. Application of Mobil Oil Corp., 675 Brooks Avenue for approval to erect a gas station at northeast corner of Coldwater Road and Chili Avenue, 88' (requested at hearing 85') from Chili Avenue 76' (requested at hearing 75') from Coldwater Road, as per plans submitted, 56' x 30', 6 pumps, and to erect a 12' x 6' rotating lighted sign at the southwest corner of the property, 45' from Chili Avenue and 45' from Coldwater Road in B zone.

Mr. Ralph Wickins, Attorney appeared before the Board representing Mobil Oil Corp. He advised this is the Nichols property and house presently there. Since right on road and right on corner has been traffic hazard for a good many years. Propose to buy 1-7/10 acres, tear down house on corner and tear down first house beside it on Chili, little green house, and then propose to erect a gas station, and thinks Board knows station they do erect, one erected on Chili and one in North Chili. Variance is minimum of 85' from Chili, gas station probably will be back about 87 1/2', but requesting 85'. Will be 75' nearest point to Coldwater Road. Are reserving on corner a good section of land so in future some day when State does something on that corner to clean it up there may be land there for them to appropriate and take for that purpose. Really believes that this is something that will help to clean up corner and remove traffic hazard. Will show survey of land, where station will be located and where islands are. Mr. Woodhouse appeared before the Board and Mr. Wickins showed rendering of proposed station.

Mr. Woodhouse advised he was District Field Engineer of Mobil Oil Corp. with offices at 675 Brooks Avenue, Rochester. If Board sees fit to grant permit, it will be his responsibility to supervise this project as has been for some twenty eight years with Company. If note of pride in that, they will forgive him because quite proud of buildings have built in Chili recently. This building will be quite similar to the most recent one at Chili Avenue. Will be standard two bay building, standard in size only, the building is not a standard building, it is a prestige building in sense. It is one of latest designs they have and one of most expensive buildings built and he feels sure it will be a very definite benefit to the community. Would like to interject, not gas station, this is service station. For some reason over years, recently term Gas Station is a quotation that they like to avoid. They are building service stations, because these projects will service community in one sense of the word. Not only for day to day service, but for emergency service, particularly in winter months when sometimes we are far from home and wife left with car and needs help. The building will be brick building, gable roof, colonial type architecture which they feel will blend with location very, very well. Thinks their selection of buildings and building materials in recent months, and designs, speak for themselves and will not enlarge on that unless there are questions, and he presented, for benefit of everyone concerned, a rendering of the building so everyone could see it.

Would like to call Board's attention to two things. First of all, the triangle at intersection which they have set aside for future development of road interchanges. They cannot design something specifically at this time because State of New York does not have specific plans. They have however consulted with them and this is the best layout they can develop from information available from the State. They feel it is more than adequate and this in turn is one of reasons why they find it difficult

to push building back to full depth. Mr. Wickins advised have to move building down further because of this. Reserving it and to try to conform and still serve both roads. Mr. Woodhouse advised two pump islands on Chili Avenue and one on Coldwater Road. Have indicated a sanitary septic system, but if sewers are available at this point, they would be more than glad to tie into sewers rather than resort to this system. Other than that he feels that lay out is typical and would forego further comments unless there are any questions. Mr. Wickins wished to point out one thing, that this area through here is all commercial, it is commercial not residential they are going into. He pointed out the homes that would be taken down on the map and as they can see, have quite a little land left around there that separates house from any one else and this land is all zoned commercial too. As to whatever will be done with this land they cannot say at this point. Board would have control on it anyway if somebody wants to buy it and put something on there.

To Mr. Hunter's inquiry, Mr. Woodhouse pointed out where sign would be located and where approach lights will be. Mr. Pfenninger questioned if have big light, be like ones in North Chili? Mr. Woodhouse advised yes, that is standard light. Mr. Pfenninger inquired is that stationary or does it revolve? Mr. Woodhouse advised light stationary, sign revolves, and that is their standard advertising sign. Mrs. Tanger and Mr. Pfenninger questioned was it lit all night? Mr. Woodhouse advised that was outside his province. Mr. Haran, of Mobil Gil Corp. advised normally the dealer controls that, but he does not think is lit all night. Pretty much up to man who runs it, should be off when he is not there. Mr. Hunter questioned they would be willing to have some reasonable restriction on it? Mr. Haran would recommend to dealer they turn light off when not operating. Mr. Wickins felt they cannot really tell dealer what to do. Mr. Haran advised they were mercury, vapor. Mr. Woodhouse advised fluorescent and light itself 8' long which shines down rather than out so does not offend motorists or neighbors. Mr. Hunter questioned that would be only light except on pumps? Mr. Wickins pointed out clear view there would be then on both roads that there has not been.

Mr. Hunter questioned does this slope up from there? He was told almost flat, very little slope. Mr. Woodhouse advised the elevation finished grades were shown on survey drawing of the property. It is virtually flat for all intents and purposes.

Mr. Vanslyke questioned this is corner which presumably somebody bought, all this will be removed? Mr. Wickins pointed out present house, then they are reserving so much (pointed it out) for future development by State, 102' on Coldwater Road and 100' on Chili Avenue. On Mr. Vanslyke's question, Mr. Wickins pointed out shrubbery and grass that was intended and curve to control traffic. Pointed out raised curbing and shrubbery, and where standard fence would be across, chain metal fence. Mr. Vanslyke questioned depth and how much left off. It was pointed out 187' and 80' wide that was reserved. Mr. Vanslyke questioned distance from edge of state property to their first pump. He was advised 20', to the next 30' and 25' and each island 4'6", so they felt would not have problem because at that time if widened could be pulled back, but building is far enough back so can be done without any great difficulty. Mr. Wickins advised unofficially this is all right as far as State is concerned. On question of Mr. Vanslyke they pointed out the location of underground tanks, the entrance on Coldwater Road and the two on Chili Avenue. Mr. Vanslyke questioned the width of Chili Avenue and Mr. Woodhouse advised is 66' right of way. Mr. Wickins advised as Mr. Woodhouse has said, know the plans are to widen Chili Avenue some day, but as to when neither State nor any one else knows. If do do it, they can move this, but at present time, most logical place for it. Mr. Pfenninger observed if widened, it will be

too close to Chili Avenue. Mr. Wickins replied cannot tell until do widen it, have to plan it as today, but have left enough room so can change. Mrs. Tanger questioned if had State approval on Coldwater Road, of this? She was told had applied, but it has not come in yet. Mr. Woodhouse felt this being 66' right of way, there is probably adequate width for development of their roadway. If take additional land will only be for drainage, etc. so probably will be not over 7' or 8' per side. That being true, they can move this back without any difficulty, 25' can be reduced to 22' and other from 22' to 20' and have enough. So have about 11' to play with and can maintain rest of it.

Mr. Palermo question the setback of pumps on station on top of hill, did he know offhand? Mr. Woodhouse thought 15' roughly. Has eight projects under way and it is hard to keep all in mind, would say roughly 15' or 20'. Mr. Hunter questioned how far that one was from this one. He was advised a little over two miles.

Mr. Hunter questioned, as far as operation, not talking about repairs, just minor? Mr. Wickins advised yes. Mr. Vanslyke questioned, how about tying this sign, so does not fly around? Mr. Hunter advised they have said sign will not be rotating in some cases. Mr. Haran felt they were not in residential, they were in commercial area, they would prefer rotating, especially in this location. Mr. Vanslyke questioned did plans show how this sign is going to be? Mr. Woodhouse and Mr. Haran advised yes, standard sign, same one and pole have been putting up for quite a few years now, and these signs do not send rays out. Sign approximately 12' x 6'.

Mr. Miller questioned what was sales per gallons per week on gas station on corner of Chili near intersection of Marshall Road, average sales, one approved in April? Mr. Haran would say 9,000 gallons per week. Mr. Miller questioned with new station, what did they anticipate? Mr. Haran thought about 12,000, but has not been proven. Mr. Miller questioned was he familiar with other gas stations where want to erect this, Sunoco and Seaway? Mr. Haran advised yes, gallons not accurate on. Mr. Miller asked if he thought do thriving business? Mr. Haran felt not as they do, but does not know, dealers changing hands in last year, but again could not honestly tell him. Mr. Miller asked him how far, in his best judgment, the Sunoco from this? Mr. Haran thought 3/4 of a mile. Mr. Miller questioned the Seaway? Mr. Haran thought another 2/100 mile beyond there. Mr. Miller asked if he realized what is located on northwest corner of Chili Avenue and Paul Road. Mr. Haran advised a church. Mr. Miller asked if he had consulted the proposal with the Church and Mr. Haran advised no. Mr. Wickins really thought strongly this will do a lot to improve this corner and if any of the Board have driven down Coldwater or Chili, they realize how this blocks view from both streets. Mr. Miller questioned in his best judgment Atlantic on Chestnut Ridge and Chili Avenue. Mr. Haran thought that an Esso station a little over tenth of mile. Mr. Miller questioned at this point they have not established if new station on Chili Avenue will be able to sell full capacity? Mr. Haran advised no, new building not finished. Mr. Miller questioned how many gallons expect of station of this type a week. Mr. Haran advised over 10,000. Mr. Miller questioned if granted, would he guarantee it will be open and not sitting vacant? Mr. Wickins did not think could give such guarantee forever on anything like that, do not know situation in twenty years from now, but you do not find their stations vacant now. Any manager can quit on you and will take six weeks to get somebody else. In this business will take month to train a man and if miss one week, is five weeks, so could be sitting three weeks or month. Have station in Greece where wife died and in month he closed down, cannot guarantee lot of things. Mr. Miller questioned will it be kept running? Mr. Haran advised that is correct, independent lease.

Mr. Miller questioned, let's assume Board grants variance, when did he anticipate completion, knew cannot say accurately. Mr. Haran believed would start in April. Mr. Woodhouse believed approximately April, would be determined when weather broke in Spring and they contract for 90 calendar day completion from start of construction and have been fairly successful in keeping that yardstick. Mr. Miller questioned, so if were granted, they would be ready to operate in mid June. Did they have adequate people in training school to put in manager? Mr. Haran advised no, would try to be dealer in neighborhood for they want right dealer, not just anybody in there. Fellow goes through training and screening, would rather keep closed until get right dealer. Mr. Pfenninger questioned how long was station vacant in North Chili until got attendant. Mr. Haran advised three to four months. Of course you have big problem when trying to open one about first of January. You need spring. Cannot always build them to open in spring, but spring is best time and they have people they want, right man, and when find some men need financing, he has to have credit and do not know before goes into training, know three weeks hence, might be type do not want, do not want if not responsible, does not fit on trade property. They can tell it in training class. They want to keep them going and they have been very successful in their stations, they do 25% of the business which means one out of every four cars drive on Mobil gas, so they have good record of putting and supporting dealer. In State do better than 21%.

Mr. Miller questioned how far would he say Mobil gas station from Westgate Plaza from this site? Mr. Haran said four miles and in that one do close to 200,000 gallons. Mr. Miller questioned what is their proposed screening at end of property? Any proposals on property line? Mr. Wickins advised just around site used, rest has trees and things in it. Approximately 3½' fence, guard rail type fence, will be shrubbery around service station. Mr. Miller questioned property to north of this property site, what is zoning of that. Mr. Wickins did not know, knew this section is zoned commercial, but as to how far goes, could not tell. Mr. Miller questioned how far up Coldwater northerly boundary of this property? Mr. Wickins advised 297'. Mr. Miller questioned northerly boundary, is that northerly boundary of property man who was printer, who passed away? He was told yes. Mr. VanSlyke questioned roughly 300' down Coldwater Road to Chili Avenue? He was told right. Mr. Wickins again advised building would be about 75' at nearest point from Coldwater Road and 85' from Chili Avenue.

On question of Mr. Hunter if any one present in favor of or opposed to this application, or if any one wished to come up and look at the plans, maps and renderings, Mrs. Bernice Wilcox, 517 Paul Road advised she would like to go along, thinks would eliminate traffic hazard on corner there. Has occasions to use it to get to Western Expressway, realizes is a traffic hazard and thinks that building, have point about serving community and would be at point of three State Highway routes and would serve quite a few people, especially if 251 is improved.

Mr. William Kelly, Attorney representing the Nichols, drew Board's attention to problem of removal of building on this corner and thinks removal by putting gas station on that corner.

Mr. James Nichols advised he was not opposed to this, but his property line abuts up against Mobil property line. Would like to know if any provision for 8' or 10' green area. It is on east side, Chili Avenue, 86' undeveloped frontage. Mr. Wickins would believe and feels strongly, that this area that will be left certainly protects him without any provision requiring them to screen something like this, this would make this too expensive, paying good price and going to cost quite a

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lot to tear down building and erect new one and thinks unnecessary to screen to their site. As to whenever anything happens in this territory then that person should be required to put some screening there and thinks very unreasonable request at this time when their site is 86' from his property line and their building would be another 20' or 30'. Mr. Palermo questioned say screening or green area? Mr. Wickins thought green area in 86'. Mr. Nichols advised he said green area. Mr. Hunter questioned would they be willing to keep this in decent shape, have good appearance? Mr. Wickins advised certainly and have to do that, big investment in that property and would not want bunch of weeds in approach to property. Mr. Nichols inquired does this mean just green or few trees along property line? Mr. Hunter advised they would prefer not to plant trees, but would keep it mowed and seeded. Mr. Wickins advised trees in there, just removing house. Mr. Nichols felt at present time very few trees, but do not go along property line. Mr. Wickins replied still believe 86' between there that will be maintained is enough protection for any one. Mr. Nichols advised he was in favor of the proposal, just wondered if Board would take into consideration have green area between his property. Mr. VanSlyke would like to know concerning this particular area that has been discussed, will this be graded and reseeded or will whatever exists there be left there? Mr. Wickins advised existing is to be left there, but will take care of it and will remove house and will have to be grading there. Mr. VanSlyke questioned what is the condition of it at moment, is it just field? He was advised lawn and shrubbery there because second house down there. Mr. Hunter questioned then would they seed rest of area? Mr. Wickins advised yes and grade it, etc. and seed it.

No one appeared in opposition to this application.

DECISION: Application was approved with the following stipulations:

1. As per plans submitted.
2. Pumps closest to Chili Avenue should be no closer than 28' to the property line.
3. A green belt of 5' evergreen trees to be planted on north and east boundary lines, a distance of 10' apart.
4. Only minor repairs allowed.
5. Enclosed storage of all refuse inside stockade type fence or equivalent
6. Tire displays limited to no closer than 60' from front lot line
7. Internally lighted sign to be stationary, non-rotating and illuminated only when station is in operation.
8. No outside storage of vehicles
9. No selling of automobiles on the premises
10. All operating conditions referred to above to be made a part of the lease between Mobil Oil Corp. and the service station lessee.

Application was approved with the following vote: Mr. Hunter aye, Mr. VanSlyke aye, Mr. Palermo aye, Mr. Pfenniger aye, Mr. Lighthouse aye, Mrs. Tanger no.

- #4. Application of James Godette, 21 Coldwater Road for approval to operate a machine or wrought iron shop at 690 Morgan Road with one part time employee besides owner operator, using machinery presently in shop which had not been operated under expired variance. EE zone.

Mr. Godette appeared before the Board. He presented tape location map showing the building and the house that he lived in presently, also the property line and trees. Mr. Hunter questioned he did buy it and move in the home? Mr. Godette advised that was correct. There is barn back there behind home and shop is only portion of barn, cement block portion at one end of barn, west side of barn and east side of barn garage and

and center where machine shop used to be. This building presently exists. It was vacant when purchased it. Mr. Hunter questioned, as they talked sometime ago, he was in effect, looking for permanent home for his business. Is this true now? Place where set up business and continue his operation? Proposal is one part time employee besides himself? Mr. Godette advised he put that in there because during busy season might need someone, but normally no part time help. Works by himself, but if got job cannot hand by self would need help. Mr. Hunter questioned would this grow so he needed to employ more people? Mr. Godette advised his grill work be himself, possibly one part time helper, this is pretty much this same size. This is not business for people to come to see him, primarily for builders. Go out and install railings in new houses and columns on porches, make this up in shop. Once in while individual might want to stop in shop, but for all practical purposes go to individual home to find out how wish it made up and go back to shop and assemble it, so as far as traffic and people coming into the property, little to no traffic. No signs that would be involved, not needed. Most of advertising on side of pickup truck, only truck involved. Building as described it before, does not think would be able to hear any noise within own home. Address is 690 Morgan Road, located between Stottle Road and Union Street, north side of Morgan and closer to Stottle. Mr. Davis advised it was about 500' from telephone building. Mr. Hunter inquired approximately what square footage area itself? Mr. Godette advised 28' x 29' the one he would be working in. There is machine shop in center of building, but he may move some of machinery into other shop, but will not be used. Presently at Buffalo Road. Has to leave location because thinks property being sold to another grocery store.

Mr. Hunter questioned, as far as equipment itself, he presently owns and has equipment needed for this operation either at Buffalo Road or here? Mr. Godette advised owns all equipment, is not welding service, will not be machine shop as it is called, it will be wrought iron business, but they are very much similar. Mr. Miller questioned the property on east. Mr. Godette advised farm land on both sides. Mr. Pfenninger advised Mrs. Dillingham west of him. Mr. Godette believed 450' or 500' from this building. On south side, directly across, more farm property, to southeast there is a house, thought it is probably 300' to 400' away. Mr. Miller asked if he owned the whole property and Mr. Godette advised he did. Mr. VanSlyke asked if he could tell him approximately what deed calls for in terms of acres. Mr. Godette advised approximately 20 acres. Mr. Pfenninger observed his east line about 300' from telephone building. Mr. Godette would say approximately. Mr. Hunter advised him if Board were to grant variance would do so for a certain period of time, and he has indicated he would hope this would be permanent location of his business. Mr. Godette advised as long as saw fit when came up for renewal, and no objections, thinks would have to be problem involved where they would not renew it, immediate neighbors, no objections by any of them.

Mr. Miller questioned, according to that tape map he owns 900' or so on road, building sits how far back from edge? Mr. Godette would say about 120' from road, house in front of building and trees on both sides and in front, almost nothing visible and everything inside building, nothing outside. In center of property. Mr. Hunter questioned, would his present intention be he retains this property as opposed to selling off some of it? He was advised yes.

Mr. Miller questioned on trucks, how many leaving property? Mr. Godette advised he has only one pickup truck and sometimes not leave during the day, but again two or three times a day. Mr. VanSlyke questioned, what is this barn constructed of, take it this shop enclosed within barn, is that it? Mr. Godette advised there was

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barn erected and one end garage was added and on far side of barn cement block building attached and his shop would be in cement block building. Mr. VanSlyke questioned what is rest of structure? Mr. Godette advised wood, main barn is wood and garage area homosite or fiber board of some kind. Mr. VanSlyke questioned is it two-story barn? Mr. Godette advised yes, second story only over center of barn, not over his shop.

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, for use only by the present owner of the property while he occupies the property, or for a period of five years, whichever is the lesser period, with the right to reapply for renewal of the variance at the end of five years.

#5. Application of Ralph B. Weber, 388 Chestnut Ridge Road, for approval to construct a 9' x 12' utility house, 3' to rear lot line at 388 Chestnut Ridge Road. E zone.

Mr. Weber appeared before the Board. Drawing of what proposed was presented to Board, utility house, frame construction on concrete slab, approximately 17' with gable roof, will be 10' deep, will be shingle same as house to match house. Property is well bordered, on back nothing but vacant field going down to expressway, nothing south except on one side house about 150' to 250' away. Something that will not be seen from street, plan to house cub tractor. Not feasible to move in and out when snow fall when two cars and tractor in same place, and would like to put tractor in utility house.

On question of Mr. Hunter if any one present in favor of or opposed to this application, no one appeared. On question of Mr. Miller regarding property to north of his property, Mr. Weber advised it was just farm land.

DECISION: Variance unanimously granted.

#6. Application of Lorel Bldg., 244 Paul Road, for approval to erect a sign in front of building at 244 Paul Road as per sketch attached, 15' from front lot line. A zone.

Mrs. Simmons appeared before the Board. Sketch of the sign proposed was presented to the Board. Mr. Hunter inquired sign evidence indicating tenants of this building? Mrs. Simmons advised that is right. Probably never be more than six tenants. Mr. Hunter remarked indicate five with one open. Sign itself 2' about 8' high by 7' wide, 12" deep and proposing back from highway center line 37'. Mrs. Simmons said which would be 15' from property line. The base will be built up with brick to match brick on front of building now. Then 4 x 4 wooden stanchions with each tenant having a 2 x 6 name plate. Black planks with white letters and a little square roof to match the building. Lighted from ground up with spot lights on each side of it sitting in ground. Lights would be perpendicular to street, it is a two sided sign with light on each side of it. Mr. Hunter inquired what would be hours of operation of lights? Mrs. Simmons advised no set pattern, manually operated on switch by themselves, do not work with floods on building. Mr. Hunter inquired what would be reasonable time to have lights lit, what would she propose? Mrs. Simmons had not given it any thought, but in winter would assume turn on about 4:00 and always be off about 10:00, not necessarily that late.

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, with the right to rapply for a renewal of the variance.

#7. Application of Patsy Pilato, 169 Longview, Webster, N.Y. for approval to erect a house on lot 8, Dortmund Circle, 8'6" to east side lot line. E zone.

Mr. Pilato appeared before the Board and tape location of property was presented to Board. Mr. Pilato advised was 1' short on this side, did not know until after surveyor gave him tape location map. This is new home, it is owner-occupied including garage and everything and difference was discovered on survey. 10'4 on west side and 8'6 on east line. It was an error by mason when put it in. Someone made the mistake, either surveyor or mason. Mr. Hunter, after studying map observed the house would not comply in first place in D zone, it is an 80' lot, house was 1'1" too wide. Mr. Pilato advised on this lot, rest of the houses there would not be same problem.

On question of Mr. Hunter if any one present at hearing in favor of or opposed to this variance, Mr. Leo Heiler, 17 Chestnut Drive advised his lot adjoins this lot on north side and he was opposed to it because he feels his property is reduced in value generally because of this and other construction in area. He is about 100' behind it. Mr. Heiler explained where his house was located. Had talked to some of the neighbors and some who wish to go on record as being opposed to it in form of petition, which he presented to Board. They all live within 500' of this subdivision. Petition is on file in Town Clerk's Office, containing 8 signatures. Mr. Heiler has two houses, one he rents out. He is mainly concerned about it because quality of tenants naturally going to go down. Sometimes been hard to get tenants because his house fronts on these back yards. Mr. Miller observed he was asking for variance for side line, could not see how this would effect him. Mr. Heiler advised his concern generally about entire subdivision. Mr. Miller advised entire subdivision has been approved by Planning Board and Town Board. Mr. Vanslyke advised this is almost 42' x 26' and it is new, he thinks this depreciates his property, in what way? Mr. Heiler advised because of front-back relation of houses. Mr. Miller advised him that was not germane to issue here. Mr. Heiler advised that is in addition to the side line variance. Mr. Hunter questioned if there presently was home next to this home in question. Could Mr. Pilato tell them what would he expect distance between this garage and building he would put on next lot? Mr. Pilato advised 10' from lot line, so total distance would be 18½' or could make it 11'. Mr. Heiler thought this was only hearing Zoning Board would have and give him opportunity to speak. Mr. Hunter advised reference made to subdivision which came before Planning Board and Town Board, which has nothing to do with this evening, this is just problem with side lot line.

No one further appeared in favor of or opposed to this variance.

DECISION: Variance unanimously granted.

#8. Application of Joseph Entress, 149 Cherry Road, for approval to erect a 50 sq. ft. sign (double faced) 30' from Westside Drive and approximately 1675' from Coldwater Road in E district, as per sketch submitted.

Mr. Alex McKay representing Joseph Entress appeared before the Board. Pictures of proposed sign presented to Board. He advised application

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for temporary permit for construction of this sign, approximately 1700' from Coldwater Road and Westside Drive and 30' from property line of Westside Drive. East of Coldwater Road, south side of Westside Drive. Backs up against the thruway. It is just acreage and they have done a little grading. He proposes eventually to have subdivision there. Would not come before Planning Board this year. Mr. Hunter questioned why want sign this soon then. Mr. McKay advised one reason to advertise it, it is future Marlands Park, thinks is going to be name of it. All preliminary work that has to be done before can get filed, wants to have sign there like at Marlands West, was there before anything filed so people going by will know it and also people in trade. Had sign in Marlands Shore since last fall and still not approved. Mr. Hunter thought would be some concern putting sign up advertising something that has not been approved. Mr. McKay thought same thing happened in Marlands West. Had sign up before approved. Mrs. Tanger observed was up before approval to have sign up. Mr. Palermo thought when this comes up should know just about when will get approval. Mr. McKay thought will apply as soon as get Marlands West pretty well filled up. Mr. Palermo inquired how much work to put sign together. Mr. McKay advised hope to get it up by Thursday if approved tonight. Marlands West thought Board gave temporary approval for year and he came back and had it renewed, that sign will be down. First time were not building any houses and had never filed subdivision with County. Mr. Miller observed at least gone through preliminary with sign. Mr. Hunter thought if nothing done in terms of development and nothing done. Mr. McKay wondered what would be difference in advertising Marlands West and Park and putting land up for sale? Mr. Hunter felt put up sign that advertises future home of Marlands something is quite different and calls that might come to Town hall, do not see how any one here can answer you, has not seen any plans, thinks would be embarrassing situation for both of us. Mr. McKay thought these signs are temporary and eventually will be permanent marker, similar to other tract. Mr. Palermo thought even if preliminary, he could come back for this. Mr. Hunter felt this was something they would like to avoid.

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 denied.

- #9. Application of The Genesee Valley Church, Inc. for approval to erect a church on Beaver Road, 375' frontage, by 600' depth, between Black Creek and Chili-Scottsville Road, as per plans and maps submitted. EE zone.

Mr. Arthur D. Hauck, Realtor, 1396 Chili Avenue, appeared before the Board and presented sketches of the property. He was sorry, Surveyor was supposed to have delivered instrument survey map this afternoon. Tonight he drew plans, maps. He will have instrument survey map with complete plot plan, and approval could be made subject to approval of final submission of plans. Basically they have five acres of land on Beaver Road next to Black Creek. Across 375' x 600' in depth. Drainage will be no problem, will grade it right into creek. Sewers they will notice on map, on purchase offer, will take sewer line across front of property 375', right across so that will carry it across street and open it up to others. That was in purchase offer that was signed and accepted with Anacleto Construction Co., owners of property. He had with him tonight Dr. Warren Humphrey, resident of Town and Don Atkins, ordained minister of Church. If Board has any questions on Church they would be pleased to answer them. As he said, was sorry about the map, but did not finish it up, ran into little complications and are trying to find monuments. 51 acres in basic parcel, they bought part of that parcel, just could not get it out. They will submit final plot plan instrument survey. They have pictures of Church and

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architect drawings of church proposed. At Mr. Hunter's request Mr. Hauck pointed out on map property in question, where encircled on map. He pointed out where drains under road and the pumping station into commercial property across street. Pointed out that this is open, where Black Creek comes down and comes back, open drainage area in here going under road then pumping station. Pointed out commercial property across street according to map. It is five acres. Land is all farm land, 51 acres originally. So only home is new one, commercial across road, Wegman's, going in. He again pointed out where land drains into Black Creek and where open area, and culvert was. If go down on site, sewer on edge of new split level, if go on site can see exactly where it is, have to carry that up to beyond 375'. He pointed out it is at bad corner where had all accidents and where flasher is, and again explained where the property was located.

Mrs. Tanger questioned what is The Genesee Valley Church, Inc.? She was informed it is a religious body following after New Testament, Christian Church, Church of Christ, non-denominational. There groups within groups. He explained the membership and advised had 100 acre camp property in Dansville area, and advised where they have sister congregations. Mr. Hauck advised they are now meeting in old Baptist Church across from Roberts Wesleyan. A set of plans of one of sister congregations was submitted to Board and they were advised they intend to duplicate them. 100' setback from road and shows parking area for 109 cars, anticipated seating 296 people. Mr. Hunter questioned would they expect this Church to grow in time. Dr. Humphrey felt if went beyond that they would start another congregation and start another group. Mr. Hauck advised that is why limited it to five acres, no need to expand it any further. Discussion was had on the location of the Church on the property, and Mr. Hauck advised instrument survey will be done this week and location map and plot plan. Mr. Hunter asked if they had elevation views and Mr. Hauck advised they will have everything just as they want, would like Board to pass it subject to O.K.ing plans. Rear and side elevations were presented for study, and Mr. Atkins advised he spoke at church last Sunday, picture of which they submitted, and the proposed church will be similar. It will be brick building, white trim, colonial, it is beautiful. He was very much taken up with the building. Mr. Hunter inquired if approved, when would they begin and when complete it? Mr. Atkins advised have closing date of October 13 on purchase offer. As soon after that as possible. Would like to begin construction before bad weather if possible and completion strictly in hands of God. They would expect at very latest to be in by May. Dr. Humphrey felt it would be embarrassing if whole thing not completed by first of July. Mr. Hauck advised have to pick purchase offer up, depending on O.K. of Board, by 15th of October. That makes it firm deal, that is why could not make next meeting. Dr. Humphrey advised they will meet with group Sunday and if get O.K. with trustees so actually really want to move for contractor. Have talked to the Sewer Agency, Don Russell, Gas & Electric, know what will cost to come in. Have to run water across road, all basic work done, know exactly what is going to cost, just need the maps. Mr. Miller questioned how many cars. He was advised plans call for 100, but room for expansion. Mr. Hunter asked if they would pave this parking road, black top. Dr. Humphrey advised probably, but good preparation base has to settle. Mr. Hunter advised they normally do require it. Mr. Hauck suggested, this land has to be re graded to pitch this back to drainage, any gravel should settle for year. If put black top in will crumble, we have proposition showing grading off. Dr. Humphrey felt would black top about year after completion of building itself. Mr. Hauck advised want grading before winter sets in, and get leveled

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off, have to pitch on that drainage into creek and lot of brush to come off. Mr. VanSlyke questioned there are no other houses right in there? He was advised no, just the one.

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

DECISION: Unanimously approved subject to submission and approval of detailed plans and specifications by the Zoning Board of Appeals and the Superintendent of Building, with the stipulation that the parking area is to be oiled or otherwise treated to control dust.

Minutes of the hearing of September 3, 1968 were approved as submitted.

Patricia D. Slack  
Secretary

MINUTES  
ZONING BOARD OF APPEALS  
October 22, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on October 22, 1968 at 8:00 P.M. The Hearing was called to order by the Acting Chairman, Mr. Howard VanSlyke.

Roll Call was as follows:

Present: Mr. Howard VanSlyke, Acting Chairman  
Mr. Charles Pfenniger  
Mr. John R. Palermo  
Mrs. Gertrude Tanger  
Mr. David Fingar

Absent: Mr. Robert Hunter, Chairman  
Mr. John Lighthouse

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

#1. Application of Ryan Homes, 2269 Lyell Avenue, for approval of a variance for house erected at 9 Queensberry Lane 2'3" from West Side lot line. E zone.

Mr. John Donohue of Ryan Homes appeared before the Board. Did not have map of lot that it effects. Corner lot #31. When initially staked out house endeavored to put it as close to east side property line as possible to line it up with house on next lot, so stakes went in ground and in digging foundation were knocked over and when foundation wall put in, built too close, beyond stakes. However, it is an error, not much else to say about it, on their part, but feel being close to that side line it improves appearance of corner. He lives directly across street and he certainly agrees with this too. Mr. VanSlyke questioned why he did not have plot with him tonight, did he not think it important enough? Mr. Donohue felt it was and was sorry he did not have the plot plan. Mr. VanSlyke went on this is the third or fourth time that Ryan Homes has erected a house on a lot and then come into the Zoning Board for a variance in order to sell the lot. He felt an error of almost 8', over 7' was no small one, they are within 2.3' from side lot line according to this. Mr. Donohue advised that was not the way he understood it. Misunderstood, thought 2.3' off. Did not have map here to verify that, thought it was 7.7' away from the lot line. Mr. VanSlyke felt that was why he thought he should have the map. Mr. Donohue again advised he thought they were only 2.3' off from the 10' side line, that was what he understood, and if the Board did not mind, he would call the office and try to straighten matter out. He was allowed to do so and the hearing was postponed until he did so.

After having called his office Mr. Donohue reappeared and advised he was able to get the information. Their application was worded incorrectly. Side line requirement is 10', they are 7.7' away from that, they are in violation 2.3'. They are all right on the corner, property faces north, and they are supposed to be 10' away from property next to them. There is house next door. Corner is to west, they are 7'7" from the house to the left as you face it, the house to the east. Mr. Davis inquired next house is how far from property line, it is more than 10'? Mr. Donohue felt it was more than 10'. Also emphasized just trying to square house on lot, probably go 50' on other side, was error in attempting to square house on lot, was plenty of room for house, deliberately trying to set it as close to east property line, to line it with house on that lot and in their efforts to do this was error on part of mason, as a result was 2.3' off. On question he advised house is already built. He drew a rough sketch of the two houses on the two lots. He was requested and did amend the application to read house to be 7.7' from east property line, and again advised he would

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

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

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 October 22, 1968, at 8:00 P.M. to consider the following applications:

1. Application of Ryan Homes, 2269 Lyell Avenue, for approval of variance for house erected at 9 Queensberry Lane 2 1/2" from west side lot line. E zone.

2. Application of Mary Engels, 146 Scottsville Chili Road, for approval to use residence at 11 Chestnut Ridge Road for business offices. E zone.

3. Application of Monroe Tree Surgeons, Inc., 225 Ballantyne Road, to erect a 6' fence with 3 strands of barbed wire 1' high above fence, around perimeter of property, excepting parking lot in front, at 225 Ballantyne Road, A zone.

4. Application of Charles Noto, 58 Massey Drive, for approval to erect a house on a substandard lot at 44 Charles Avenue, lot being 50' x 120', in line with existing homes in area, conforming to all other zoning regulations. D zone.

5. Application of Donald Roadley, 64 Janet Circle, for approval to erect an industrial building on lot at 785 Beahan Road, lot being 218.08' wide, 1.7 acres in area but conforming to all other zoning regulations. A zone.

6. Application of Oliver Perry, 4390 Buffalo Road for approval to erect a car wash at 4390 Buffalo Road, as per plans submitted, and for approval of signs advertising car wash, at road lines of Buffalo Road and Union Street, B zone.

7. Application of Michael Truzzi, 3270 Chili Avenue for approval to erect a commercial building at 3209 Chili Avenue, on irregular lot, as per plans submitted, with a 10'7" rear setback on the west rear corner. B zone.

8. Application of Clarence Heister, 221 Chestnut Ridge Road, for approval to erect a garage 20' x 22', 3" from east side lot line, 20' from rear of house. D zone.

9. Application of Charles Carbonno, 241 Hedgegarth Drive, for approval to erect homes on substandard lots, 20P Alfred Avenue and 23N Charles Avenue, in line with existing homes in area, lots being 50' x 120', conforming to all other zoning regulations. 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.

CR-1- Oct. 12-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:

October 12, 1968

Eleanor E. Williams

Sworn before me this 12th

day of October 1968

Leannette M. Helbig

COMMISSIONER OF DEEDS Notary Public CITY OF ROCHESTER, N. Y. Commission Expires June 21, 1970

For:

say was an error when foundation was installed, the mason went beyond the lines, but lot was, to his knowledge staked out properly. Normally they stake it in 2' or 3', but wished to keep it as close as could for appearance sake. Mrs. Tanger questioned why is this never discovered until house is finished? Mr. Donohue advised because engineer probably does not draw tape map until then. Mr. VanSlyke questioned if house was sold and was advised it is. Mr. VanSlyke questioned was it not discovered when mortgage was about to be put on house? Mr. Donohue advised discovered about month ago when applied. It was dug in June and completed about September. Quite a bit of arrangement of details of closing, at that time realized needed variance on it. Did not know at time or would have been corrected when foundation was put in, but were not aware of it at that point. Mr. Palermo thought would be good idea when dig hole to recheck it. Can see knocking over one or two, but you have two more stakes to go by, are four stakes. Mr. VanSlyke advised had such multitude of these before Board, that it is his opinion, this is going to continue until somebody has to tear the house down, it will cost money and they do not want it to cost money.

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

DECISION: Variance unanimously granted allowing variance as amended at hearing, for house to remain 7.7' from east side lot line.

- #2. Application of Mary Engels, 146 Scottsville Chili Road, for approval to use residence at 11 Chestnut Ridge Road for business offices. B zone.

Mr. James Robinson, Attorney, representing Mrs. Engels appeared before the Board. Plot maps were presented to the Board for study. He advised they were asking for variance to use house for business purposes, that the property be used, and not that Mrs. Engels herself have use of it, for transferable variance. Reasons for the practical hardship, that surround that particular property, he was sure they are all familiar with it, but to recap, immediately to east is Atlantic Station, to west of it Bungalow, north and east Esso Station and also the pop stand and Spitz Florist directly across the street, so can fairly be said area commercially used. At one time requested this be rezoned commercially. At that time the neighbors said variance O.K. but not change of zoning. Practical hardship is property is in essentially a commercial district. Was sure it is a legal hardship, at least Court thought was in deal with Atlant Station. Property itself, type of use immediately planned was Accounting Office, are accountants who want to go into it right now. Parking is presently adequate for immediate use, if use expanded, think adequate room. You will see almost 80' between westerly line of the property and house and with little garage that could be taken down if parking problem, but at present accountants want to use this for accounting purposes, feel adequate parking right now for all needs because not much traffic. The neighbors, only one he personally has had contact with is Mr. Reynolds, and through his attorney he has consented to this. It is requested this not be variance given to Mrs. Engels, but to property and, obviously, not too limited in time. Mrs. Tanger questioned what did he mean by that. Mr. Robinson advised variance be given to this property, can be used for business property, not Mrs. Engels use it. Mr. Palermo questioned she owns the property? Mr. Robinson advised presently yes, but no guarantee that she will own it, in fact she might well not. Thinks at this point accountants might be interested in it. But wish property be approved for business uses. Of course, one of permitted uses under B zoning.

Mr. VanSlyke questioned is present structure to be altered in any way?

Mr. Robinson advised not exterior alterations at this time, but interior to fit needs of tenants, but no exterior. Mr. VanSlyke questioned what sort of business? Mr. Robinson advised immediate contemplated use for accounting, but request was broader than that in case they wish to put insurance man in, business use as defined in code is what is contemplated. Mr. VanSlyke questioned would he want to stipulate what business? Mr. Robinson advised would not wish to stipulate that. Knows accounting is one thing immediately. If the property was transferred he might want to use it or if Mrs. Engels's she might want other business. They are thinking of office type rather than commercial type, strictly professional. Mr. VanSlyke questioned would he say could restrict it to professional? Mr. Robinson questioned would that include insurance? Mrs. Engels advised professional only.

Mr. Palermo questioned what size is house at present time. Mr. Robinson advised roughly about 20' wide at its widest and 42' deep, two story. Mr. Palermo questioned he wanted it to read the variance be on the property? Mr. Robinson advised yes.

Mr. Fingar inquired is that single driveway into garage? Mr. Robinson advised yes, overgrown, but two cars could be parked together. Actually can fit about two cars in garage and couple in to side of it. From his own experience, thinks adequate parking there. Mrs. Tanger questioned did they contemplate making parking area? Mr. Robinson advised any parking contemplated is off street, it would depend, quite frankly, on what needs after they are in there, is contemplated if needed, would be provision made for off street parking and on Chestnut Ridge side rather than Chili Avenue.

Mr. VanSlyke questioned if any one present at hearing in favor of or opposed to this application and advised they have gone before the Planning Board. The Planning Board was reluctant to change the zoning as sort of spot zoning, also residents in area were extremely opposed to change of zoning, but this Board was told that they would not have objections for its use providing variance given.

Mr. Wm. Lorenz, 18 Chestnut Ridge Road was opposed, felt directly involved, lived across from it.

Mr. Otto W. Roettger, 24 Chestnut Ridge Road was opposed to this very strongly. For grant as they said before to Mrs. Engels and not to have this piece of property commercial. Said give right to conduct business in this. Mr. VanSlyke observed so would not be against variance as long as property not commercial. Mr. Robinson remarked what is asked, the request is, this used for professional use, that is what variance is, if used for anything but professional is in violation of variance and could not be used.

Chas. Schiano, Attorney, representing Mr. Guiliano, 2975 Chili Avenue wished to be heard, go on record. Mr. Guiliano has his residence at 2795 Chili Avenue, on south side and also owns extensive real property in area. 100% unalterably opposed for use variance. Feels among other things traffic congestion, be more traffic coming in and out, and with ugly gas station will reduce property values. As mentioned, Mr. Guiliano owns extensive property east of property resides at and if he is put to hardship of variance on this property, will come in himself asking for commercial development. He does not intend to do that, intends to make residences, but if use variance granted, Board will be apprised they will come before Board and ask for use and change of zoning for that area. Do not want to do it but have to safeguard their property in area. Are opposed to it, will create traffic problem, will not among other things, add type of use which seems to be mostly residential, for all reasons opposed.

Zoning Board of Appeals

October 22, 1968

Mr. Gerald Krohlmair, 12 Chestnut Ridge Road is directly opposite. Is absolutely opposed. If gets variance thinks will be up here asking one for his place. Have it on east, west, south.

Mr. Edgar Davies, 16 Chestnut Ridge Road lives across from there, opposed to anything like that.

Mr. Dragone, 11 Old Ivy Circle is opposed it, does not believe hardship to them, just bought it for business purposes, cannot see it is hardship. Jerry L. Smith, 12 Old Ivy Circle is strictly opposed to it. Hazel May, 12 Old Ivy Circle is strictly opposed it. Submitted two notes from two neighbors who were unable to come here. They use word commercial, this is to all intents what they are asking for tonight, do not want business in that area. Notes submitted were from Mr. & Mrs. Arthur Sekol, 20 Old Ivy Circle and Mr. & Mrs. Joseph O'Donnell, 26 Old Ivy Circle.

Mrs. J. Pagliuco, 2970 Chili Avenue was very opposed to it.

Ann Cummings, 10 Old Ivy Circle was opposed.

Mary L. Hughes, 16 Old Ivy Circle was opposed to a transferable variance.

Mr. Resch, 22 Chestnut Ridge Road was opposed to it.

Mr. DiAmbro, 14 Old Ivy Circle was opposed to it.

Mr. Willard Brown, 20 Chestnut Ridge Road was opposed to it.

Mr. VanSlyke advised that from way the two letters submitted were written the people were opposed to property being rezoned commercial. He was not trying to influence people in any way, but felt should explain the difference, that this is not a hearing to change this property from residential to commercial, this would not be done before this Board. The Planning Board he understands does not wish to do this. However, a variance which is asked for, is not asking the zoning be changed, it is asking that this property be granted the right to use this house at the present time, for two accountants or for professional offices for such stated time as the zoning board would give. The Attorney for the party has asked that the application be made the variance apply to the property rather than owner. That is all. Asked of there were those who have mistakenly opposed this because they felt it was a change of zoning, they are free to make any further move they wanted. No one came forward. He again questioned Mr. Robinson if any changes to the exterior had been made or were to be made and also he would like to ask how long present owner had owned property. Mr. Robinson advised no other changes other than cleaning it up, and she has owned it since early July. Mr. VanSlyke asked if it had been lived in. Mr. Robinson advised not since early July. One of the gentlemen at the hearing advised people got out first of the year, been residence for 75 years.

Mr. Schiano would like to know basis of application for use variance, what basis is, are claiming hardship? Mr. VanSlyke advised they have claimed hardship due to existing commercial businesses in area. Mr. Schiano questioned for his own edification, was owner represented by counsel when purchased property, knew permitted use. Does not see any basis, but would like to get on issue, if they knew what zoning was and if knew law, knew zoning, what is basis for hardship because owner knew what zoning is when purchased property. Mr. Robinson believed it was bought as residential, but turned out not to work out as residential property. Mr. George Engels advised they bought the property, knew it was residential, but felt because of surrounding property it could be very easily changed to commercial or variance or something of this nature. Did not investigate too much, but with surrounding property did not feel this was necessary. However, did not know what they were getting into. Mr. Roettger questioned he heard something about hardship case, what were they referring to. Mr. Robinson advised hardship is this would be only residential property in this block immediately between Reynolds and gas station. Mr. Roettger felt she knew when bought it was residential

so hardship should not enter into it.

No one further appearing to speak for or against this application, the hearing was closed.

DECISION: Variance unanimously granted with the stipulation that all parking is to be off street parking.

#3. Application of Monroe Tree Surgeons, Inc., 225 Ballantyne Road, to erect a 6' fence with 3 strands of barbed wire 1' high above fence, around perimeter of property, excepting parking lot in front, at 225 Ballantyne Road, A zone.

Mr. Thomas Terry, Jr., from Monroe Tree Surgeons appeared before the Board. Advised would like permission to erect fence because over weekends stealing gas, tools, etc. off trucks. Notified Police, Sheriff, etc. and still getting lot of thefts over weekends and found only to do something about it is put up fence. Mrs. Tanger questioned, just inside the lot line? Mr. Terry advised yes. Mr. Davis commented they were surrounded by industrial anyway and Mr. Terry agreed. Mr. Pfenninger inquired that is in back of building? Mr. Terry advised yes, right around back.

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

Mr. Curtice, 201 Ballantyne Road had no objection, but wondered why required a variance. Mr. Vanslyke advised because Town Zoning does not allow a fence over 4' high.

DECISION: Unanimously granted.

#4. Application of Charles Noto, 58 Massey Drive, for approval to erect a house on a substandard lot at 44 Charles Avenue, lot being 50' x 120', in line with existing homes in area, conforming to all other zoning regulations. D zone.

Mr. Noto appeared before the Board. Bought lot to speculate with and wondered if could get variance to build, or sell it. It is a corner lot. Nothing on either side of him, at corner of Theron and Charles. Just almost to end of pavement on Charles. When bought it it was approved lot, and he wondered if any way he can get variance to build house on it. Mr. Palermo questioned what size house was planning to put on it? Mr. Noto asked what size could he? Mr. Davis advised it would have to be back 20' on Theron and 10' on other, so has 20' left. Mrs. Tanger questioned, vacant on side, could he buy lot next to it? Mr. Noto did not know. Questioned any way to get variance if builds 10' from one side, 16' from corner would be 4' over. 16' from Theron, could that be variance? Mr. Vanslyke felt because this is corner lot something of problem, would have to have 20' on corner lot, so would have to have house 20'. Questioned how long could he build it, has to be so many square feet, would probably be wise to see if could buy adjacent lot if nothing built there and then could have good building lot, 100' x 120'. Mr. Noto felt does not matter, he would like to sell lot, fellow will not build 20' house. Mr. Palermo questioned how close was nearest neighbor. Mr. Noto advised not on his side of block; Theron starts. Across from Theron is neighbor, but nothing beyond Theron on his side, is on northwest side of Theron. Mr. Pfenninger asked if he tried to buy lot next to it and Mr. Noto advised no. Mr. Vanslyke felt if he wants to build house on this lot he should come before Board with a plan of house and its location on the plot plan as near as possible, and then perhaps they could decide, but without a plan for house did not see how could. Mr. Noto advised he had 24' plan, would they O.K. 16' from side? Mr. Vanslyke could not say what Board would do, but thinks would have to have something, need plans for house before can pass on it. Mr.

Mr. Noto did not see any sense of getting plans if cannot build on it. Mr. Davis advised if had right plans, could build on it. Mr. Vanslyke advised have to have house with required number of square feet, which Mr. Davis advised was 950.

It was suggested that decision be postponed on this at this time and Mr. Noto could appear before the Board next month with plans so that Board knew more about it and he would not need to apply for another variance.

DECISION: Reserved and postponed for a month.

- #5. Application of Donald Hoadley, 64 James Circle, for approval to erect an industrial building on lot at 785 Beahan Road, lot being 218.08' wide, 1.7 acres in area but conforming to all other zoning regulations. A zone.

Mr. Robert Hoadley appeared before the Board and plans were submitted to the Board for study. Mr. Davis advised that when plot was approved it was a bit narrow, but it had plenty of depth, was passed by Planning Board and Town Board. He has more than enough square footage on the lot, more than needed. It is between Norry's and power plant. It is where was rezoned back in 1960-61 and goes to center of creek, cannot go any further. It is borderline of industrial. Was under same ownership at time that it was rezoned. He has 218' instead of 250'. It is residential on other side of creek. Mr. Vanslyke questioned what sort of industrial. Mr. Hoadley advised office and warehouse machinery, no heavy industrial. More or less Sales. Alchem Machinery Corp. Front of building 20' x 50' and offices, two story, block construction.

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

DECISION: Variance unanimously granted.

- #6. Application of Oliver Perry, 4390 Buffalo Road for approval to erect a car wash at 4390 Buffalo Road, as per plans submitted, and for approval of signs advertising car wash, at road lines of Buffalo Road and Union Street. B zone.

Mr. Perry appeared before the Board. Presented plot plan of property in question. It is in back at rear of stores, 300' from Union Street and 400' to front of them, it is 625' off of Buffalo Road and 300' off Union Street, has driveway, in there for the stores already, use them to go back of stores and also to bank. Mr. Davis advised it was replacing car wash that was to go across street. Mr. Perry advised same man is going to run it, he was building it and leasing it to him. Before he was going to own it. It is David Liese, the other one fell through. The plans of the car wash were submitted for study. Mr. Perry advised if that one was over there, he would not be interested in building one. Really did not want it, but need one, Mr. Liese could not buy land and build it. There will be one automatic and three hand ones and it is set up, if want, could put in two automatic and two hand. Will start out with one, pretty expensive. Mrs. Tanger questioned if there was residential area behind that. Mr. Perry advised way behind it. 300' or 400'. It is almost all commercial land behind car wash. Mr. Vanslyke questioned entrance on Union Street? Mr. Perry advised yes, unless came in shopping center. Mr. Vanslyke questioned entrance on both roads to shopping center? Mr. Perry advised yes and they are to rear of shopping area. He advised he owns medical building too and everybody seems to think that is nice and he will not put anything there that will do anything to that. Hopes to have trees there, has not planned on any screening, will be all blacktopped and kept up.

Mr. VanSlyke inquired he mentioned in his application, he was asking for approval of signs, did he have any drawings? Mr. Perry advised he did not have drawing, just said sign, nothing to go in bigger than 6' x 8', probably they never would be bigger than that, would be smaller, but asked while asking for good size, himself would not want anything bigger, that certainly would cover anything they would need. Has asked both on Union and Buffalo but has already told them would not like it on Buffalo Road himself, he is not against sign, but does not mind if they want small one. Mr. VanSlyke asked if he had his approval to knock out Buffalo Road on this sign business. Mr. Perry thought they might like small one there, but he was not going to argue about it. Mr. VanSlyke questioned if neon sign, flashing sign? Mr. Perry thought would say just lighted, not flashing, does not look good there, would not like it if living on other side of road, there are homes on other side of Union Street but not Buffalo Road. Mr. Miller questioned on Buffalo Road, lot of commercial enterprises across street? Mr. Perry advised correct. If you were on Union Street and if on Buffalo Road, would take time to find car wash which is on Union Street, could have sign on Buffalo Road, but still would not find car wash as well. Mr. Miller questioned how many homes on easterly side of Union Street to where car wash is. Mr. Perry thought six or seven. Mr. Miller questioned private or double homes? Mr. Perry thought one is multiple on corner, the next three or four residents. Mr. Miller questioned is it true that man is Liese who came before Board and made prior application? Mr. Perry advised yes. Mr. Miller questioned he has abandoned this other? Mr. Perry advised yes. Mr. Miller inquired so will just be one car wash in North Chili? Mr. Perry advised this is man that applied to them last year. Would like sign at Union Street, Buffalo Road do not care about, perhaps <sup>not</sup> as big as he said, but some sort of sign. Mr. Miller asked what time of night would they turn it off? Mr. Perry thought whenever they said, but car wash, might wash all night but after midnight; car wash people can wash up until 12 or 1. Mr. Miller questioned lights on building, spots on building, flashing on building? Mr. Perry did not think light would hurt, one lady out there is scared without light in medical center building, people over there love them, does not think one more would be objected to. Mr. Palermo questioned driveway would be lighted if wanted it to? Mr. Perry advised is now, everybody in town happy about it, it is commercial corner. Mr. VanSlyke questioned what time do they go out. Mr. Perry advised on corners stay on all night, in shopping center go out at 11:00. Back on sign again he advised he might object to something 6' x 8', do not care if made smaller, but something that would show up a little bit, maybe 4' x 6' or something like that and he is fighting for him to put sign on building, but he wants it out by road, some of it would have to do with Board. Mr. Liese is going to have to run business and Mr. Perry would like to see him get it if alright with everybody. He did not do the other car wash, land cost \$30,000; building \$25,000, equipment \$40,000 dollars, did not have that total and fellow going to back him disappeared, so he gave it up, all over with. On Mr. Fingar's question of what he owned, he advised 800' or 900', it is not all commercial, commercial is probably 300' to 400' back of there one residential street in there yet that has not been used, but they are practically close to 1000' from any existing houses. Mr. VanSlyke questioned this medical building that will be north of car wash, is it immediately north, could there be anything else between medical building and this? Mr. Perry advised that is why this is in back, really does not like car wash, but people all use them, then they will hide it, eventually put something in front like professional building that will completely hide car wash, so will eventually hide it with new building.

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

DECISION: Variance unanimously granted, as per plans submitted, with the stipulation that refuse containers to be enclosed behind stockade type fence or equal, for the car wash.

Approval unanimously granted permitting erection of one 4' x 6' internally lighted, non-rotating, non-flashing sign, 20' back from lot line at Union Street.  
 Variance granted for a period of four years, on the sign, with right to reapply for renewal.

- #7. Application of Michael Truisi, 3270 Chili Avenue for approval to erect a commercial building at 3209 Chili Avenue, on irregular lot, as per plans submitted, with a 10.7' rear setback on the west rear corner. B zone.

Mr. Truisi appeared before the Board and plans and map of what was proposed was presented to the Board. Mr. Truisi advised back of lot in at same angle as road and at one corner is only 10.7' and according to zoning should be 50' at each corner. Mr. Vanslyke inquired what was size of lot and Mr. Truisi advised 100' x 200' but it is at 40 degree. He advised in answer to Mr. Vanslyke's question the building would be 50' x 72'. Explained back of lot goes at angle of road and corner sticks out. At one corner will have 50' at other 10.7', building is 100' back from road. Rear will be used for employee parking. There is big field in back. Is trying to buy land, gas company owns about 50' in back of there. Have verbal permission to use this land, can get written statement they can use this land for parking purposes, but as far as he is concerned, this is his lot and this is what he has to apply for. Mr. Pfenninger asked if he would black top driveway. Mr. Truisi advised in time yes, State says should sit year until go all over it. Advised traight across lot is 85' but at angle the lot is 100'. Mrs. Tanger asked how high is building going to be. She was advised two story building. Mr. Fingar inquired how going to drive through to parking and was told just employee driveway in back. Mr. Vanslyke questioned the width of driveway and was advised 14'. Building 50' from front to rear. Mr. Vanslyke questioned the construction of building and was told concrete blocks. Mr. Palermo questioned two story building for professional offices? He was informed right now plan on building two story but second story will not be finished off. Mr. Davis advised first floor stores. The builder of the building, advised professional offices and restaurant in the ground floor. Mr. Palermo questioned how big a restaurant? The building advised maybe 16'-20' x 50'. Mrs. Tanger questioned how many cars would be able to park in parking lot? The builder advised 100' setback from road. Mrs. Tanger felt if have restaurant should plan on certain number of people. Mr. Truisi felt front is all parking, has to be 100' setback.

Mr. Vanslyke questioned did he plan on blacktopping this? Mr. Truisi advised whole think black topped eventually. Mrs. Tanger questioned this is not drive-in type restaurant and was told no.

Mr. Truisi was questioned on the tenants and he advised has only verbal tenants until building up, verbal, can say yes today and no tomorrow. Mr. Palermo questioned did he have someone to operate restaurant or did he plan to do it himself? Mr. Truisi advised someone else will operate it. Mr. Pfenninger asked how many tenants would he have and Mr. Truisi advised that was hard to say. The builder felt a lawyer wants 1 room office or wants four rooms. Mr. Pfenninger asked how many cars there in one time? Mr. Truisi hoped lot of them, but hard to say. Has verbal agreement to use back lot, will have written agreement, be gravel all over back, but wants it written before put gravel in. Has another 50' behind and another 100' the other way which he said he could use. Mr. Pfenninger questioned this will fill up that piece between Sunoco and where palmer used to live? Mr. Vanslyke questioned who is on his

east side. Mr. Truisi advised Pascarell, he bought the whole place, and gas station on west, house on east side, it is all commercial. Mr. Van Slyke questioned how far is the house on the east lot line to the building line? Mr. Truisi advised 80' from him, he is right next to driveway, thinks about 6' from driveway, from his lot line about 80'. At one time traded land with bar at back to have room on other side. All those lots on angle. Mr. Vanslyke questioned from Mr. Davis how close to side lot line can they build? Mr. Davis advised fire proof building can build on lot line, has to be fire proof wall whole height of building.

On question of Mr. Vanslyke of those present at hearing if any one in favor of or opposed to this application, Mr. Chas. McCall, 3202 Chili Avenue opposed it. Questioned what he said going to use building for? Mr. Vanslyke advised it was going to be two story building, commercial offices upstairs and downstairs restaurant and commercial offices. Right now nothing for upstairs at the moment. Mr. McCall definitely objected to restaurant, not sufficient parking for restaurant. Midway does not have sufficient parking and they are parking on road, there would not be enough parking space to keep cars off road. No objection to barber shop or professional building; as far as restaurant, absolutely no. The builder told him in rear would be 100' x 100' for parking. Mr. McCall felt still not enough for parking cars for restaurant. Does not object to barber shop or professional building, but does object to restaurant on account of parking and also the noise that would go along with restaurant. Mr. Miller advised in regard to Mr. Miller's objection, he would like to point out under the Zoning Law, the Ordinance of Town of Chili, restaurants are permitted use and application tonight is simply a rear line setback. Only reason in here for application. If he builds restaurant or commercial building, any one of permitted uses could be put in there and this Board could not stop him. Restaurant is permitted use under commercial. He has sympathy for Mr. McCall's objections, but cannot restrict him or anyone else from putting up a restaurant. Could deny his application for this particular building, but cannot deny him under ordinance of Town to put up restaurant. Mr. McCall questioned, even though lacks parking space? Mr. Miller advised it is still permitted use under Zoning Ordinance of this Town.

No one further appeared to speak for or against this application.

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

All parking is to be off street parking

All parking area to be blacktopped prior to beginning of operation and blacktop to be suitably maintained to the satisfaction of the Town of Chili

All refuse containers to be enclosed behind stockade type fence or equal.

#8. Application of Clarence Heinsler, 221 Chestnut Ridge Road, for approval to erect a garage 20' x 22', 3' from east side lot line, 20' from rear of house. D zone.

Mr. Heinsler appeared before the Board and sketch of what was proposed was presented to the Board for study. He advised the lot is 60' wide, there are four garages up there right now with 3' variances, 20' behind house, next door neighbor has 3' variance, 10' from back of house. Sketch presented of lot with house located on it and opposite lot, was studied by Board. Mr. Vanslyke questioned goes how far from his lot line to next structure. Mr. Heinsler advised 20' in back of his house, roughly 50' to his garage, would not be 50', about 30'. Next door neighbor is only 8' from them, which was granted. Front of his garage is equal to back

his house. He is one of last to have garage. These lots were just before zoning went into effect. Same building built all of them. Mr. Miller questioned what would prevent him moving garage. Mr. Heinsler advised he was asking 3' variance from lot line. Except one, which is 10' from back of house, all rest are 20' back. Years ago signed they would all be 3' from lot line and 20' from back of house, all signed a petition. Mr. Pfenninger questioned where house next to him. Mr. Heinsler explained where the garage was next to him, his house is 7' from lot line, all built before zoning. Mr. Miller questioned where was garage on east of him. Mr. Heinsler advised he is on south side of street, garage on west of him is on the east side of his property, they are all on the east side of property.

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

DECISION: Variance unanimously granted.

#9. Application of Charles Carbonne, 241 Hedgegarth Drive, for approval to erect homes on substandard lots, 20F Alfred Avenue and 23N Charles Avenue, in line with existing homes in area, lots being 50' x 120', conforming to all other zoning regulations. D zone.

Mr. Carbonne appeared before the Board. Would like to put up houses, will stay 10' from side, 24' wide house, giving 14' on other side, does not have garage attached. Mr. Palermo questioned were there houses on either side. Mr. Carbonne advised on Alfred Avenue on both sides and on Charles on one side, next lot is corner lot. Will be 10' on one side and conform wherever they can. On opposite side will be about 14'. So could not get garage without variance. Mr. VanSlyke questioned the setback roughly 35' or 40'. Mr. Carbonne advised 40'. Mr. VanSlyke questioned how house was set on his lot? Mr. Carbonne advised 26' x 38' will be between 40'-45'. Will keep in line with existing houses. Mr. Davis inquired if it would be same houses he is building, same house for lot he got variance on last month? Mr. Carbonne advised will be same thing. Mr. Palermo question 14' for driveway will be on same side of street, he will not have driveways next to each other? Mr. Carbonne advised no. Mr. Miller questioned is room to get detached garage in back? Mr. Carbonne advised yes, only way on side would be to get variance, have more than enough to get driveway.

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

Mr. Miller questioned did he make any attempt to buy lots on either side? Mr. Carbonne advised one is between two houses now and other one cannot locate owner. Mr. Fingar questioned if one on Charles next to white house which is for sale? Mr. Carbonne advised a little further down, the one for sale was on 75' lot. Mr. Davis questioned both lots this side of Theron Street? He was advised yes.

DECISION: Variance unanimously granted subject to the following stipulations:

No attached garage may be built on either lot requiring a side lot line variance. Any garage built on either property must be a detached garage conforming to Town Zoning Standards.

Variance granted on each lot contingent upon receipt of a \$4.00 recording fee for recording each lot variance in Miscellaneous Documents in Monroe County Clerk's Office.

Mr. Dario Marchioni appeared informally before the Board with regard to request he had submitted for approval to erect a house on Lot R-14 Chester Avenue with a 40' front setback on 100' x 120' lot in D zone which the Zoning Board had denied and requested they advise him on what grounds it had been denied. Mr. Davis advised it was denied because when he found out what he had to do to build and he only had option on property, he was going to forget it, but in meantime he had purchased lot. Discussion was had on the road he would have had to build and getting the utilities to the lot. After discussion Mr. Palermo made motion that Mr. Marchioni be given right to reapply for the variance when he had submitted letter from Monroe County Water Authority they will bring water in and submit letter from Mr. Burchill, Comm. of Public Works and Supt. of Highways of the Town of Chili he will accept road to the lot if put in to Town specifications.

Mr. Alexander McKay representing Joseph Entress appeared before the Board informally to request the Board to reconsider decision made on Mr. Entress application to erect a 50 sq. ft. sign (double faced) on Westside Drive 1675' from Coldwater Road. After discussion Mr. Vanslyke advised if he was a member of the Board and the subdivision was filed with the planning Board, he would make a motion that the Board entertain another application.

FINDINGS OF FACT re: application #2 - Application of Mary Engels, 146 Scottsville Chili Road, for approval to use residence at 11 Chestnut Ridge Road for business offices. E zone.

The property to the north is zoned commercial, property to northwest is preexisting non-conforming florist shop, property to west is variance for use as grocery store, property to east is gas station by Court Order. Granting of this application would not materially change the characteristics of the neighborhood.

Minutes of the public Hearing of the Zoning Board held September 24, 1968, were approved as submitted.

PATRICIA D. SLACK  
Secretary

MINUTES  
ZONING BOARD OF APPEALS  
November 26, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on November 26, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Robert Hunter.

Roll Call was as follows:

Present: Mr. Robert Hunter, Chairman  
Mr. Charles Pfenniger  
Mr. Howard Vahslyke  
Mr. John R. Palermo  
Mrs. Gertrude Tanger  
Mr. John Lighthouse  
Mr. David Fingar

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

#1. Application of Anthony C. Ciaccia, 11 Churchlea place, for approval to build a house, 26' x 40' on Lot 20, Block O, Chester Avenue, Acc. 787-000, lot being 50' x 120', 10' to east side lot line, 14' to west side lot line. D. Dist.

Mr. Ciaccia appeared before the Board and the lot was located by Mr. Hunter on overall map of the area. Mr. Hunter questioned basically what he was asking is to build home on substandard size lot according to our Town code. Mr. Ciaccia agreed that was right. Mr. Hunter questioned he will conform to side line and rear lines and front lines as code calls for it? Mr. Ciaccia agreed yes. Mr. Hunter questioned if there were homes on either side of where he proposed to build. Mr. Marchioni came before the Board and advised there was one house on Lot 22, one on 23 and one on 24. No house at 21 and no house on lot 19. Mr. Hunter asked whether he had made any attempt to buy piece of property on either side. Mr. Marchioni advised had not been able to find owner for lot 19 or 21. He owns 16, 17, 14 and 15, they are 100' lots (2 lots combining two 50' lots each). He advised it will be Mr. Ciaccia's home and Mr. Burchill said to put road in front of lots on other side prior to applying for building permit. Next year will put road here, (using map) there are sewers there, water ends at about half way back. Will build road down and extend water main and for 100' lots R-14 and R-16. Mr. Davis inquired he was not going to set house back 60' was he? He was not asking for it in line with other homes? Mr. Marchioni advised he wanted it in line with the other houses in area, thought they were all about 40' back. Mr. Hunter advised they would amend his request to have it in line with other homes in area. He inquired about the garage and was informed it was attached to house, garage that enters from front, it is same as another house on lot 22. Mr. Hunter inquired then there would be no need to request further variance as he knows of at this time? Mr. Marchioni advised that was right. On question of Mr. Palermo he advised garage will be incorporated as part of house, it is right in front of house, within the 26', it extends about 4' in front of house, but is part of 26' width, garage, living room, two bedrooms, two bedrooms upstairs, making four bedrooms and kitchen, dining area. There are other houses like it in that area. Mr. Davis advised four or five like it over there. On question of Mrs. Tanger Mr. Marchioni advised garage would be in line with existing homes in area.

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

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

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

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, 3235 Chili Avenue, Rochester, N.Y., 14624, on November 26, 1968 at 8:00 P.M. to consider the following applications:

- #1. Application of Anthony C. Ciaccia, 11 Churchlen Place, for approval to build a house, 26' x 40' on Lot 20, Block O, Chester Avenue, Acc 787-000, lot being 50' x 120', 10' to east side lot line, 14' to west side lot line. D Dist.
- #2. Application of B. R. DeWitt, Inc., 1535 Scottsville Road, for approval of a special permit to erect an Aggregating Proportioning Plant at 1535 Scottsville Road. A zone.

#3. Application of Donald Huot, 4432 Buffalo Road, for approval to erect a 6' fence, 80' along lot line to enclose swimming pool. E zone, at 4432 Buffalo Road.

#4. Application of Pat DeCroca, 3746 Chili Avenue, for approval to erect a 4' x 8' sign advertising land for building lease at 3313 Chili Avenue. B zone.

#5. Application of Saul Marclana, 1391 Scottsville Road, for approval to renew variance to use existing gas station at 1391 Scottsville Road as a temporary truck terminal. A district.

#6. Application of Jean Laden, 22 Tarrytown Drive, for approval to build a garage 16' by app. 20' at 22 Tarrytown Drive, 6' to north side lot line. D district.

#7. Application of Joseph Entress, 149 Cherry Road, for approval to renew

variance for a temporary sign at the corner of Paul Road and Archer Road, sign 5' x 10', 60' from each road. B zone.

#8. Application of L. T. Pflaz, Inc., 351 Dewey Avenue, for approval of a 35' rear setback in place of a 40' rear setback in erecting house on Lot 16 Old Ivy Circle. Z zone.

#9. Application of McIntee Oil Corp., 1296 Scottsville Road, for approval to erect a gas service station on Scottsville Road, app. 1280, and erect an advertising sign advertising station, as per plans submitted. 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.

CC-11--Nov. 20--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 20, 1968

*Eleanor E. Williams*

Sworn before me this.....20th..... }  
day of .....November.....1968 }

*Jeanette M. Kehring*  
COMMISSIONER OF DEEDS Notary Public  
CITY OF ROCHESTER, N. Y.  
Commission Expires June 21, 1970

DECISION: Variance unanimously granted. Front setback to be at discretion of Superintendent of Building. House to be as per plans submitted.

- #2. Application of B. R. DeWitt, Inc., 1535 Scottsville Road, for approval of a special permit to erect an Aggregate Proportioning Plant at 1535 Scottsville Road. A zone.

Mr. Ralph Wickins, Attorney for B.R. DeWitt appeared before the Board. He reminded Board approximately a year ago he represented Mr. DeWitt and asked permission for Colprovia permit on same piece of property. That was granted, bought land and erected that plant and he is sure if they have seen it and been over there, they have complied with all requests. Now would like permission to erect transmix plant in front of their existing Colprovia plant. This plant will be, if given permission approximately 400' from the road, again surrounded by trees and again as he said before, even this plant will be better than Colprovia plant. No noise, dust, odor or anything to bother anyone and hidden plot 400' back from pavement edge of Scottsville Road and proposed location of plant is probably 50' further back than that. He submitted plan in evidence, map showing location. Advised name of this plant is portable batch plant and he is pretty sure the gentlemen on Board are somewhat familiar with what it is. They use gravel, cement and sand and it is all mixed together in an enclosed plant and goes from there into a truck which is also enclosed. There will be, and he does not want to mislead them at all, there will be probably at times some sand or gravel stored on outside. The most efficient operation of plant is to bring it in and dump it right into plant and come out finished product, but this does not always work and sometimes would be some material stored on ground. However, as much as possible they will not have this because not a good efficient operation of plant and material deteriorates if stored on ground, but there will be no dust, odor or noise. Submitted brochure which he thought explains plant. Advised Mr. DeWitt was here and in a few minutes he would have him explain it more thoroughly to them. Also wanted to put in evidence that they have now existing plant in Batavia and it is right beside of motel, dairy and restaurant and he submitted letters from these people in evidence that they have never been bothered one bit by any dust, noise, odor of any kind, which he thinks strengthens their case that they cannot bother any one here because a long ways from everyone. As they know, property around their Colprovia plant is V.I., and 84 Lumber Company and behind them Sewer Agency plant. He is sure they are just as interested as he is as resident of this Town, to obtain industry in this Town. Can help our tax burden, and this would be of benefit in that respect. Unfortunately will not help Riverdale Fire District, because less than 400' from road and that goes into Gates-Chili Fire District, but will help school district and Town taxes and those people like him in Gates-Chili Fire District. This land, as they know, was formerly an ice pond and it is low and it is hard to develop, takes someone like Mr. DeWitt to develop it, not like land Eastman Kodak could use. Thinks this is best use of land and would help tax roll and asked Mr. DeWitt to explain operation.

Mr. DeWitt appeared before the Board. Mr. Wickins advised Mr. DeWitt had pictures of their plant which would like to put in evidence, but so will not mislead the Board, their plant will consist of two of these, side by side. This is picture of new plant going to put in, plant they have in Batavia similar operation, but older plant, it is old high plant 70' to 80', this will not exceed 25', not higher. Mr. DeWitt using photographs, advised they will have these plants back to back, or maybe somewhat like that so as to have one conveyor feed all eight different size aggregates, but they are 52' from point he pointed out on photograph to extend to point he pointed out. Pointed out part they proposed to cover bins themselves and will be fed into conveyor at the feed end onto shuttle conveyor. Probably two conveyors which will, be covered, show one on these pictures, but that is not covered, but these would be. Conveyor from stock pile to bin and bins will cover. Mr. VanSlyke using photograph questioned is this thing covered? Mr. DeWitt advised yes, showed better picture of top which is strictly air tight. He explained how cement is pumped out of tank into there then how goes into covered hopper and then into the mixer. Mr. Hunter queried mentioned he would not prefer to work from stock pile but from trucks? Mr. DeWitt advised trucks dumped on top of belt conveyor and ideal thing is, you think you are going to have trucks come in as use materials, but they or that does not always happen and have to have some material on ground, but no more than have at other place. Mr. Pfenninger inquired this sand is damp when bring it there? Mr. DeWitt advised yes, and coarse sand that will not blow when dry. Comes out of big piles at Batavia, Scottsville and West River Road. Mr. Palermo questioned, when they need some material

from stock pile, would they use pay loader? Mr. DeWitt advised yes. Mr. Palermo questioned how many pieces of equipment would he need on hand? Mr. DeWitt advised one would do it, but might need two because sometimes break those, but one would be all you need there. Mr. Fingar questioned if these plants going to be portable? Mr. DeWitt advised yes. Mr. Wickins would not commit assessor on it, but thinks know use of land can be taken into consideration for tax purposes, no longer farm land, vacant, same as on trailers, etc. thinks Mr. Entress can tax as high an assessment as can get on building with foundation, it does not effect assessment. Mr. DeWitt advised when you say portable they are not as portable as trailer. The fact that you do not have to take them apart to move them is what mean, but do not think have any anywhere not paying taxes on. Mr. Pfenninger questioned did he not have similar one in Scottsville by railroad on Nash's property? Mr. DeWitt did not think they had one there. Had gravel operation in there at one time, but not batch plant. He was questioned is not one at end of thruway at Paul Road, missing plant right in there at end of airport? Mr. DeWitt advised C.P. Ward.

Mr. Wickins advised he was over to Colproyia plant two or three times this summer and you can see no dust on those trees or grass or any around it. Mr. Fingar questioned house for boiler in winter? Mr. DeWitt advised they will have, they want some sort of office building and some sort of maintenance building. Mr. Palermo questioned how big will buildings be? Mr. DeWitt advised would be roughly 50' x 50' cannot say exactly, the dimensions, because do not know just how can swing conveyor in there, but they intend to cover from front of bin to front of other in one building, and then there will be little building about size of a good sized auto garage over each one of these, using photographs, except they will be higher, of course.

Mr. Fingar questioned what hours of operation at this plant? Mr. DeWitt advised pretty much 7:00 to 4:00. Mr. Hunter inquired, how many days a week, which days? Mr. DeWitt advised Monday through Friday except if they would have some Saturday operation, but pretty well surprised if on Sunday. Does not ever know of working on Sunday in Rochester. It can run longer and you could have less. Knows some of their mixers over in U. of R. that were pouring concrete at 6:30. Must be some sort of emergency or would not be doing it. But normally would be about same hours as plant there now.

Mr. Hunter questioned could he estimate how much traffic into plant in terms of trucks and trailers supplying raw material and taking away mix aggregate back, what would be reasonable? Mr. DeWitt thought would be half again as much as there is now. In number he would have to be guessing but did not think they could compare them to traffic that is going by there. Mr. Hunter questioned 25, 50, 100 trucks a day. Mr. DeWitt thought possibly 50. Mr. Pfenninger questioned he had not had any problems with asphalt plant? Mr. DeWitt advised no, and advised how they had paved those two lands so felt no trouble going out into Scottsville Road, have extra lane and that allows traffic to go around them. Shoulders are paved so trucks can get on road, gives trucks chance to stop and does not hold up traffic.

Mr. Hunter questioned if brochure submitted is the exact equipment they propose to use. Mr. DeWitt did not want to do as fast time, but it will be this or equal, not be able to tell this, could be another manufacturer. Mr. Wickins advised not guaranteeing they will buy it from these people, but will be same thing. Mr. Hunter advised they like to have, as they know, record of specifications. Mr. DeWitt advised specifications, would say, he probably could not tell this without reading in some things, might be different location, like scales or water meter, but essential he thinks, low profile plant, will look same. Mr. Palermo questioned as far as size goes and all covered? Mr. DeWitt advised, all would be same. Mr. Hunter did not see any reference to covers in this. Mr. DeWitt advised they have to build in covers, they have to build building over it. Mr. Hunter questioned if buildings located on plot plan? Mr. DeWitt advised they got operating permits for this and indicate them as went along, cannot tell until get in here because fill in on this place and have to put it on solid ground. Pointed out where would have to get down to solid ground right where plant sits and they would build that back up again, but intend to leave screen. Frankly, first time he ever saw plant from highway was today. Mr. Pfenninger did not think they ever built it because could not see it from road. Mr. DeWitt advised he would pledge they will make no more disturbance than they have here. Mr. Hunter queried, what saying, mean to be some place back here 400', but not exact location? Mr. DeWitt pointed out their drive and screening. Mr. Hunter inquired will not shift more than few feet even though not dimensions? Mr. Wickins advised at least 400' back and as guess probably 50' further than that. Mr. DeWitt advised this is not exactly as it will measure there because ground did not lend itself to it, but thinks only mistake should not have cleared this (pointed out on map) because did not use it. Just

before they got it some trees taken out. Mr. Hunter questioned these other buildings would be fairly close to outline? Mr. DeWitt advised would probably be this way, thinks that that part should probably fill in and get buildings because sort of like to have them as near highway as could. Mr. Hunter questioned but he would specify they would be hidden from road too? Mr. DeWitt advised yes, and pointed out on plan where piles would be. He pointed out his line on the map, hedgerow which is very dense, it is more or less trees when you walk up through there and cannot see anything, and he pointed out the low spot in there. He is sure they can have it as unoffensive as what they have in there.

Mr. Miller questioned how many of these portable batch plants in there? Mr. DeWitt advised two. Mr. Miller asked why could not give exact location at this time? Mr. DeWitt advised land is very unstable, will be within 50' of it. Mr. Wickins advised indicate 400' and would go back instead of forward. Mr. DeWitt would not change more east or west. Mr. Miller inquired what raw material in finished product? Mr. DeWitt advised sand, gravel and crushed line stone. Mr. Wickins advised it is liquid material that is put in there under pressure. Mr. DeWitt advised it handles like liquid but not actually liquid, pump in with hose as would pump gasoline and asphalt. Mr. Miller questioned, suppose plant broke down, how much sand stored there at time, conceivably? Mr. DeWitt supposed you could get as much as 1,000 lbs. Mr. Miller questioned, high pile? Mr. DeWitt felt 20' not higher. Mr. Miller questioned in diameter? Mr. DeWitt advised would be guess, would say 40'. Would be concrete sand or coarse sand. It is all washed before bringing it here, probably is 30 maximum, smallest up to 1/4 of inch. Mr. Miller questioned, how big wind to lift in air? Mr. DeWitt felt has to be hard wind to lift that, would doubt if 30 mile wind would raise it, as seen it in his experience. Is not engineer, but would say that knows what blows sand, but at same time is washed concrete sand. But from his experience would not think it is, but does not know if qualified to say it is 30 mile wind.

Mr. Miller questioned what is next product used? Mr. DeWitt advised use No. 1 gravel, which is about 5/8 to 3/4. Mr. Miller questioned how big pile would store this in? Mr. DeWitt would not say, 500 lb. would be plenty. Mr. Miller questioned how big pile would that make? Mr. DeWitt thought probably 30' in diameter, probably gravel would not pile as high as sand, maybe not over 15'.

Mr. Miller questioned what is other product? Mr. DeWitt advised other sizes of gravel and portable cement which comes in tank trucks. It is not liquid, but flows like liquid, would not store any of that on ground. Mr. Miller inquired if three loads and broken down? Mr. DeWitt advised would have to take it back. Mr. Miller inquired only use cement as it comes in? Mr. DeWitt advised this plant stores it right in here (using brochure) and comes up through scoop to here and dumps into covered hopper and goes into the tank truck through covered pipe and blows it into bin in this way (showing diagram). Mr. Miller inquired if unable to produce that truck will have to go? Will be no storage other than in equipment? Mr. DeWitt advised cannot afford to and would not be any good if laid on ground overnight, would be worthless. Mr. Miller went on, so no cement storage, any plans to put in tank to store cement. Mr. DeWitt advised no, other than store in batcher. Mr. Miller questioned, that is all completely covered? Mr. DeWitt advised yes, it is air tight and has to be water tight or would never get it out again. Mr. Miller inquired blown up through or carried on conveyor belt? Mr. DeWitt advised conveyor takes it up. Mr. Miller inquired, it is blown into apparatus and conveyor takes it up and at no time cement exposed to air, is that correct? Mr. DeWitt advised yes. Mr. Miller questioned how does sand get up? Mr. DeWitt advised comes on belt conveyor as see hopper under here, right on top of belt conveyor and that comes up, all aggregate in this one way hopper and when have batch completed goes out. Everything together goes up and cement added at top and this will be covered also. Mr. Miller asked if he could get them an engineer's drawing of this machine broken down or one comparable they are intending to use? Mr. DeWitt thought yes, thought he had one right there which he presented to Mr. Miller and Board to study. Mr. Fingar inquired plan to have two back up together and firm them with turn head? Mr. DeWitt advised yes, their conveyor. Mr. Miller questioned he will have tinsmith or metal man come in and build the cover over conveyor? Mr. DeWitt advised you buy these,

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shaped from corrugated metal and you just arrange them over this belt. Mr. Miller questioned his own millright would do it? Mr. DeWitt advised yes, and covered with corrugated metal. Mr. Miller asked if they do this on initial installation? Mr. DeWitt advised yes, might find would be easier to cover from top of bin down to belt but straight, but they would cover it, yes.

Mr. Miller thought so fair to say, the way presented to Board, if see fit go give special permit, they are going to come in with piece of equipment comparable to what shown here, would cover to conveyor on belt that carries aggregate through, cement at no time exposed to air. Mr. DeWitt advised got to be airtight. Mr. Miller observed at no time exposed to air and no cement storage on premises and storage of sand 1,000 lbs. and piles of approximately 20' high was that right? Mr. DeWitt advised would be his guess. Mr. Miller queried all prewashed sand and from his experience does not blow in 30 mile wind? Mr. DeWitt replied from his experience does not blow in real strong wind, which he would think would be 30 miles an hour. Mr. Miller questioned, he says pile 20' high, how tall trees around this? Mr. Wickins replied, up 20', 25', and lot of them. Mr. DeWitt advised will not be as high as trees. Mr. Wickins advised will not have that much except in emergency, may be one in two years. Mr. Miller questioned if good sound trees would stop sand before getting off property? Trees are 20' tall? Mr. DeWitt advised yes, and know economically cannot pile sand to top of trees, if only 20' tall, cannot pile sand 30' high economically.

Mr. VanSlyke questioned, you normally will load your mixer directly from trucks which brings sand, gravel and aggregate? Does he have bin he drops this into? Mr. DeWitt advised yes. Mr. VanSlyke remarked so then there really is not any way to prevent some dust when it drops into bin from truck? Mr. DeWitt agreed no, but he does not believe you will ever see any from road. Mr. VanSlyke went on, and also when they do not have truck available there, they do use from stock pile and dump it? Mr. DeWitt advised yes, with front end loader. Mr. VanSlyke continued, but he did not think going to be big dust problem? Could he give him any idea in actual use of how much of the plant would be run by moving from stock pile into the batcher, percentage of total that would be stock pile? Mr. DeWitt advised could be 25% in off season when going slow, it is hard to gauge your equipment. Mr. Wickins felt another reason would be good think to bring map and letters from dairy, restaurant located very close to existing plant in Batavia and it is not as good as this one. Mr. Hunter inquired, did he understand, aside from this, building nothing here that required part of boiler and therefore no smoke? Mr. Wickins advised electric motor. Mr. Hunter inquired in terms of noise, how could they relate how much noise would make comparing it to anything, will they be able to hear it standing in road when two are running? Mr. DeWitt thought if had day with no traffic, could hear it, but not normally, running of plant is very little noise to that at all, it is electric motor, belt conveyors. Mr. Hunter felt nothing in this he could see that would tend to create any fumes as such so only concern would be dust that might come from cement. Mr. DeWitt advised they have to pass the Health Department code and the same engineer that approved the present plant. He is sure they will have him on this plant.

Mr. Miller questioned where got their water from. Mr. DeWitt wanted to get it from County Water System line which is right along edge of Scottsville Road on their side of road, pointed out where wanted to bring line in.

Mr. Fingar questioned he said this is all going to be covered, two

aggregate bins? Mr. DeWitt advised plan to cover from here to wherever other side of this is, cover over the bind part (he showed Mr. Fingar the diagram and explained it). Mr. Miller questioned does it have self operated shovel to bring it up? Mr. DeWitt advised would be conveyor like this but type but not like that, and they would have that covered. It is portable conveyor, this would not be portable conveyor but probably one that travels, think this one travels along highway, but will not travel sideways, and it will be covered over the belt (explaining diagram). He explained have a tunnel drive over hopper, probably in a tunnel in this case because of water have to build it up from ground and dump in top. Mr. Wickins advised truck dumps it right in. Mr. Palermo questioned when going to batch will they drive into shed and dump? Mr. DeWitt advised outside hopper will have to be open.

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; as per plans submitted or equivalent; with the following stipulations:

1. All overhead bin storage, main and auxiliary conveyor belts to be covered.
2. Plant to be located at least 400' from edge of road right of way at Scottsville Road.
3. Any waste concrete that is dumped on premises to be piled no higher than crown of Scottsville Road.
4. Any serviceroads and parking areas that are a part of this proposal to be paved within a one year period. Roads to be washed as required to keep down truck traffic dust.

#3. Application of Donald Huot, 4432 Buffalo Road, for approval to erect a 6' fence, 80' along lot line to enclose swimming pool at 4432 Buffalo Road. E zone.

Mr. Huot appeared before the Board and sketch of what he wished was presented to Board. What cause is, is that level of pool is 2' higher than lot line and neighbor's lot over here and would like to put privacy fence on lot line, 4' would be actually 2' fence from inside pool area, so would like 6' to give 4' of privacy. Discussed this with both neighbors Mr. Madison and Mr. Beeman and they have no objection from their point of view. Pointed out the position of the house, both 75' lots and house 10.3' from lot line, so another reason they would both like to have privacy, would be advantageous to both. Mr. Hunter questioned the location of the pool on the lot. Mr. Huot advised lot is 250' deep, pool is roughly 130' from road and 30' from back of house, front edge of pool, it is in rear. Discussion was had on sketch presented of Buffalo Road, where house sits and where pool is and where lot line. Mr. Hunter inquired pool is already in? Mr. Huot advised yes and the 6' fence would be like at corner of house and 15' behind pool, where chain link fence comes. Has a 4' straight fence now. This would not be visible from Buffalo Road, because trees would hide it. The fence is just running on lot line and chain link in back and down around pool that would meet the fence. There is temporary fence in there right now. Only on lot line would be 6' fence and rest would be 4' around back and other side. It would be some kind of redwood commercial fence. They have redwood vertical boards, probably be putting in vertical, it would not be a butted type board fence, it would be some kind of other fence and neighbor understood kind of fence talking about.

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

DECISION: Unanimously granted. To be a screen type board fence.

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- #4. Application of Pat DeCroce, 3746 Chili Avenue, for approval to erect a 4' x 8' sign advertising land for building-lease at 3313 Chili Ave., B zone.

Mr. DeCroce appeared before the Board, had not submitted picture. Would be 4' x 8' plywood sign and he submitted the lettering of what would be on it. Mr. Hunter took it this would not be lighted sign and questioned the actual location. Mr. DeCroce advised whatever Town would require would be willing to erect under direction of Town's people. Would like it until get leases he requires, estimated might take a year. Mr. Hunter advised one year is maximum Board was allowed to give variance for on this sort of thing. Mr. DeCroce would like it for one year.

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

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

- #5. Application of Samuel Marciano, 1391 Scottsville Road, for approval to renew variance to use existing gas station at 1391 Scottsville Road as a temporary truck terminal. A district.

Mr. Marciano appeared before the Board. Mr. Hunter inquired this is renewal of variance and previous variance was for two years? Mr. Marciano advised no change at all in the use of the property, wished it as was granted. Mr. Davis remarked this is the third time came up for variance was it not? Mr. Marciano thought probably the fourth time had the same variance renewal. Answered to questioned it was still temporary truck terminal.

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

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

- #6. Application of Jean Laden, 22 Tarrytown Drive, for approval to build a garage 16' by app. 20' at 22 Tarrytown Drive, 6' to north side lot line. D District.

Jean Laden accompanied by Mr. Rinaldis, Builder appeared before the Board Tape location map showing location of garage was presented to the Board for study. Mr. Rinaldis explained it was to be 16' wide x 20' deep, front of garage would be by window on side of house and would stay just behind window. It is essentially two car garage, 1½ car garage. House next to it is about 16' from garage as contemplate building it. The neighbors have not complained about it. Do not presently have garage, is entrance from home that would come sideways into garage, 3 steps come down now, they will come into garage, which will take up part of garage. Home is roughly 10 years old and all homes in area about same age.

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

DECISION: Unanimously granted.

- #7. Application of Joseph Entress, 149 Cherry Road, for approval to renew variance for a temporary sign at the corner of Paul Road and A Archer Road, sign 5' x 10', 60' from each road. E zone.

Mr. AlexMcKay appeared before the Board requesting this renewal of the variance. This is just renewal of variance on sign on corner of Paul and Archer Roads which they got a year ago for a period of one year, so are asking for renewal. Would like another year, quite sure before year is up the sign will be down. It is 60' back from each road. It was suggested by a member of the Board that sign should be straightened up and braced as it was leaning to one side.

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

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

- #8. Application of L. T. Pflanz, Inc., 3910 Dewey Avenue, for approval of a 35' rear setback in place of a 40' rear setback in erecting house on Lot 16 Old Ivy Circle. E Zone.

Mr. Richard H. Worner, Agent, appeared before the Board and map of the subdivision including lot in question were presented to the Board for study. Had this lot along with few others on deed and street and has contract to build and the people have plan in mind they want to use and in order to put plan on lot and conform with 60' setback have to encroach about 5' on one corner. Submitted plan of this garage is all right, but one corner of house has to stick over 5'. Backs up into Jackson home. There is another one which they will probably have problem with. Mr. Hunter inquired if owner prefers this to moving it up? He was advised no other way, owner wants 60' back. Mr. Davis felt if moved cul de sac would be better off, if were not back 60' on all of them. Mr. Worner pointed out the other two lots where they might have problem, and also lot 13. Not built on all adjoining lots, but should not have trouble with them. At moment only other one might have problem with is No. 13, does not think with any other one in front. Some talk in Bright Oaks might straighten out curve, one in front, near drainage ditch.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, Mr. O'Donnell, 26 Old Ivy Circle appeared and advised he was two lots away from this. He had a serious drainage problem here, had it for two years, thinks anything that is done up here is only going to aggravate problem he has now, so he does not want to see anything built here until drainage problem taken care of. Discussion followed, even though this it was explained could not influence the Board's consideration of the application.

DECISION: Unanimously granted. The Board felt it sympathized with Mr. O'Donnell's problem and voted to write a letter to Mr. Burchill, Comm. of Public Works asking him to look into the matter with the thought of trying to alleviate it.

- #9. Application of McIntee Oil Corp., to erect gas station and sign on Scottsville Road, 1296 Scottsville Road at app. 1280 and as per plans submitted. A zone.

Mr. James V. Scampole, Attorney for McIntee Oil Corp. appeared before the Board and requested the hearing be adjourned to December 17, as he did not have an instrument survey map available at this time. He thought it would be and they were supposed to have returned it, but not returned as yet. They would prefer to have everything available at the hearing. At his request the hearing on this application was adjourned until the December 17, 1968 hearing.

Zoning Board of Appeals

November 26, 1968

Dr. Edwin L. Rague, DVM, 3390 Chili Avenue who operates an animal hospital at this address under a variance which contains the contingency that barn on premises be removed within two years of granting of variance which would have been March 1967, appeared before the Board to see about removing the contingency re the barn on the property. Discussion followed, and it was feeling of the Board he would have to apply for a variance to keep the barn.

Frank Feraino, 107 Golden Road appeared before the Board and advised he had been granted a variance in 1965 to put extension on his garage, had not been able to erect this addition before now and now found that he could no longer do it under the variance he had previously been granted. He was advised he would have to come in and request a new variance.

Mr. Hunter advised the Board due to the December meeting if held on regular Tuesday falling on Christmas Eve, the date had been changed to December 17.

Patricia D. Slack  
Secretary

MINUTES  
ZONING BOARD OF APPEALS  
December 17, 1968

A Public Hearing of the Zoning Board of Appeals of the Town of Chili, N.Y. was held in the Administration Offices of the Town of Chili, 3235 Chili Avenue, Rochester, N.Y. 14624 on December 17, 1968 at 8:00 P.M. The Hearing was called to order by the Chairman, Robert Hunter.

Roll Call was as follows:

Present: Mr. Robert Hunter, Chairman  
Mr. Charles Pfenninger  
Mr. Howard Vanslyke  
Mr. John R. Palermo  
Mr. John Lighthouse  
Mr. David Fingar

Absent: Mrs. Gertrude Tanger

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

Mr. Hunter advised that the application for approval of a gas station by McIntee Oil Co. that had been postponed at the last hearing to this one, would be at the request of the applicant postponed again until the January 28, 1969 hearing due to their key man being in the hospital.

#1. Application of Frank Ferrigno, 107 Golden Road, for approval to build utility building 10' x 30' on the rear of existing garage at 107 Golden Road. D zone.

Mr. Ferrigno appeared before the Board. Mr. Hunter inquired what he proposed to use this for and he was advised storage of garden equipment, etc.

Mr. Hunter explained to those present this variance had been granted previously something over a year ago and Mr. Ferrigno was not able to get construction started within one year which now required he had to reapply for a new variance. 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.

#2. Application of Earl Hibbard, 165 Imperial Circle, for approval to erect a temporary sign at the corner of Sutters Run and Westside Drive, 2' x 3' approx 8' from ground. E zone.

Mr. Hibbard appeared before the Board. Advised he had bought a number of lots and for obvious reasons would like to put up small sign. Asked people who own corner lot if they would object and they did not seem to. It is a laminated plastic sign, unlighted. Felt would need it about a year at most. Mr. Davis felt would not interfere with the view, other sign is in about the same place. Mr. Fingar inquired if he owned the land. Mr. Hibbard advised he had bought lots for residential development.

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 for a period of one year with right to reapply for a renewal. To be erected under direction of Superintendent of Building.

State of New York

COUNTY OF MONROE,

CITY OF ROCHESTER.

ss.

Legal Notice

ZONING BOARD OF APPEALS, CHILL, N.Y.

NOTICE IS HEREBY GIVEN that there will be a Public Hearing of the Zoning Board of Appeals of the Town of Chili, to be held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, N.Y. 14624, on December 17, 1968 at 8:00 P.M. to consider the following applications:

1. Application of Frank Ferrigno, 107 Golden Road, for approval to build utility building 10' x 30' on the rear of existing garage at 107 Golden Road. D zone.

2. Application of Earl Hibbard, 165 Imperial Circle, for approval to erect a temporary sign at the corner of Sutters Run and Westside Drive, 2' x 2' approx. 8' from ground. E zone.

3. Application of Genesee Explosives, 243 Paul Road, for approval to erect a tower radio tower and antenna, not to exceed 112 feet, at the southerly line of 2771 Chili Avenue between the garage and Grove Place Cemetery. It is self-supporting tower without guide wires or other support and P.A.A. Approved. E zone.

4. Application of Patsy Plato, 169 Longview Drive, West Webster, N.Y. for approval to reduce front setback on lots 46 to 50 and 73 to 75, Fisher Heights, Section 2 to 50, E. District.

5. Application of James Biddle, 40 Gateway Road, for approval to erect a 70' x 80' warehouse on property at 44 Paul Road, on irregular lot, 150' deep one side, 200' deep other side, 350' width front, 490' width rear, located appr. 20' to rear lot line, and approval to remodel existing house into offices. A zone.

All interested persons are requested to be present. By Order of the Chairman of the Zoning Board of Appeals, Town of Chili.

ROBERT HUNTER, Chairman

FB-11-Dec. 6-1-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:

December 6, 1968

[Handwritten signature of Eleanor E. Williams]

Sworn before me this 6th

day of December 1968

[Handwritten signature of John Jones]

Notary Public

- #3. Application of Genesee Explosives, 243 Paul Road, for approval to erect a two-way radio tower and antenna, not to exceed 112 feet, at the southerly line of 2771 Chili Avenue between the garage and Grove Place Cemetery. It is self-supported tower without guide wires or other support and F.A.A. Approved. E zone.

Mr. Thomas B. Dintruff, of Genesee Explosives appeared before the Board and presented sketch showing approximately where the Tower would be located on the property, 225' south of Chili Avenue and that would place it about 378' of center line of Marshall Road. Tower will be 100' in height, 12' wire antenna on top of this, making overall height 112'. Tower will sustain 100 mile per hour, 30 lb. per square inch, which is recommended degree of wind resistance and strength for this part of country. Had recommendation from Monroe County Planning Council stating it is up to Chili Zoning Board. Had letter from Mr. G. W. Games, Supervising Inspector of F.A.A. for Rochester District under whose responsibility any structure such as this falls, it is his ultimate decision to say yes or no, this structure may be constructed within certain area around airport. Within his jurisdiction with F.A.A. Really Monroe County Planning Commission also because they said up to Department of Public Works and they said up to F.A.A. He submitted letter stating this is his approval. Paper work on this, he had carried their application to Boston since he went there two days after his physical inspection of site. It will take a number of weeks perhaps before the formal approval comes back from that office. He is set at this point, he has no objection, but it is his approval Boston acts on. He will be glad to talk with any member of this Board or entire Board if they so desire.

Mr. Hunter inquired what the purpose of tower is. Mr. Dintruff advised two-way radio communication between people they employ at Genesee Explosives. They will not be mobile units nor in any trucks carrying explosives, for cars only and mainly to give him and his father and another salesman they have hired a little more flexibility. Mr. Hunter asked if he could tell them anything about appearance of tower, did he have sketch to indicate what it will look like? Mr. Dintruff supplied a picture of it he had and also a letter from George Lusk who does not object and did not think any one else did. (Mr. Lusk lives across Chili Avenue). He advised it will be a galvanized one, not painted also will not be lighted, because this is not required by F.A.A. It is triangular shape like Dolomite's, no guide wires, entirely self supported. Console will be inside garage. Will be remote control and they will be able to call from their place at either Chili Avenue or Paul Road, telephone line that ties in directly with it like an extension line. Thought base is about 3' triangular.

Mr. Hunter inquired roughly what investment will be represented here with this tower itself in place? Mr. Dintruff advised somewhere around \$1100. or \$1200. There is base equipment and tower and the makeup price with 14 different items, this includes installation. The installation is somewhere around \$800. Were going to dig hole and put concrete in themselves, but have decided to let them do it and tower, another \$500. or \$600. Your base unit is another \$1,000. Whole thing around \$4200. total for everything and that would include one mobile unit, so value of equipment on Chili Avenue would be about \$3200. because \$1,000. for each mobile unit. Fellow that erects it goes 215 lbs., climbs it and puts it up himself. On question that some are lighted, advised are lighted when required by FAA.

Mr. Miller advised for record, he has talked to Mr. Dintruff. First of all, he questioned, is this applicant Genesee Explosives Corp? Was he officer in corporation? Mr. Dintruff advised he was Vice President, His mother, Madeline E. Dintruff is President, Carl P. Dintruff Vice President, Thomas R. Dintruff, Vice President, Ronald Sutt, Secretary.

Mr. Miller inquired when was Genesee Explosives established? Mr. Dintruff advised 1946. Mr. Miller questioned, as they all know, the original place of business was 2771 Chili Avenue and this was prior to 1946 and up until October 1966 was primary place of business. Now new office established on 243 Paul Road, but they still conduct business at 2771 Chili Avenue and use facilities for storage of equipment. Mr. Palermo questioned what type of equipment. Mr. Dintruff advised explosive storage magazines, empty ones and have place to work on them, keep company vehicle stored there that he drives. Mr. Palermo questioned no manufacturing at this place? Mr. Dintruff advised no. Mr. Miller advised point he was bringing out, this use at 2771 is non-conforming preexisting use to zoning ordinance. Genesee Explosives have not abandoned that site although majority have moved to Paul Road and still use part of premises for business. Mr. Dintruff advised they have extra telephone there so if busy during day can answer telephone there, have branch or sub office there, he does conduct business from there daily. Mr. Pfenninger inquired if they stored trucks there, and Mr. Dintruff advised the one he drives a lot of time stored there. Mr. Pfenninger commented they did park two or three there. Mr. Dintruff advised do on occasion, by one salesman, have for one reason or other. Mr. Palermo asked if they have any of their products in trucks while parked there and was advised no. Could be exception if Saturday afternoon or Sunday, have someone bring something back from job, or Sunday someone would work on something.

Mr. VanSlyke questioned if County consulted on airplane traffic, and they have information from them, but as matter of curiosity questioned guide path of planes going to airport? Mr. Dintruff advised at that point 710'. Their elevation at that point is 605', total would make it 705' and antenna make it 717', considering trees that are there, the height of those trees, FAA inspector had no objection to that 7'. Glide pattern is 710' from say Lee Garden Apartments at Westside Drive up past Benedict Drive. Comes up and levels out then starts up again.

Mr. Miller questioned how high is this from ground level. Mr. Dintruff advised 112' to top of antenna, it is fairly flexible wire, the tower is exactly 100' from top to bottom and whatever nature of antenna, cannot be very rigid. Described why FAA and Monroe County Planning interested in this because of air level in relation to planes. Mr. Miller questioned, as practical matter, planes are 500' to 600' when go past that point? Mr. Dintruff hoped so, should be well above that, more likely 2,000 or 3,000'.

Mr. Miller inquired cannot have any of these in trucks, any regulation? Mr. Dintruff advised no, just that two-way radio or radio beam going through the reinforcement could set off blasting cap. Discussion followed on the practicability of putting them in trucks.

Mr. VanSlyke questioned the range of communication. Mr. Dintruff hoped about 35 miles, but that could be 5 miles or 1500.

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, subject to final approval of F.A.A.

- #4. Application of Patsy Pilato, 169 Longview Drive, West Webster, N.Y. for approval to reduce front setback on lots 46 to 50 and 73 to 75, Fisher Heights, Section 2 to 50'. E zone.

Mr. Arnold Carmichael, Engineer representing Mr. Pilato appeared before the Board and advised what would like to do is change the setback require-

ment because from lot 50 down the land is not wide enough to get the proper depth in the two tiers. (plan of subdivision was presented to Board for study). Another row of streets that will come later, continuation of Fisher Heights Section 1, which had variances also due to same condition. Did not include Lot 77 because at this time using this for temporary road connecting two streets together, since the complete circle will not be done at this time. The land is not wide enough until get to this point (using map) on north side, extension of this property to the north. He explained how in future development this would have four tiers, and also as this is developed will bring it around and meet road. Using map, advised on other sections will have same problem from point pointed out. Will be same way on both sides. On north side of the owned property the width gets much larger and then those lots will conform, but until get to that point will not be able to. Section 1 was less in depth and they are continuing it and would like permission to continue this. Talking about nine lots on this section, pointed out Lot 77 not to be construction on but to be used as temporary gravel turnaround until next section and it will be 11 lots next time. Mr. Davis advised reason granted originally, only had so much room in back, can swing out, but in first section could not do it, so made wider lots, but not as deep, 116' deep but 136' wide. Mr. Carmichael advised they have area required in code. Mr. VanSlyke questioned the reason for restrictions and Mr. Carmichael advised distance between south line and north line is certain dimensions and he does not own any property to south or north to this point, then this farm jogs to north giving them extra depth. Two streets are feasible to be serviced but do not have proper depth for two streets until get to certain point. Only barrier is he does not own land to south or north. No problem to rear setback, only front that wish to have changed. Mr. Palermo questioned what type of property in north and south and Mr. Carmichael advised farm land on south side, not too far away from railroad, surrounded by Lexington from the expanded depth west. Lexington surrounds them on all depths, but now used as farm land. On north it is waste land, not using farm land, but still farm land. He advised off Fisher Heights Sec. 1, two streets that will make U but are opening one street in west into Lexington. Mr. Fingar questioned changing the 50' setback to 60' and Mr. Carmichael explained how the road would have a reverse curve moving their road away from south boundary line and will move them on curve so will not be noticeable, it is fairly sharp reverse curve.

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

DECISION: Unanimously granted.

#5. Application of James Biddle, 40 Gateway Road, for approval to erect a 70' x 80' warehouse on property at 44 Paul Road, on irregular lot, 150' deep one side, 200' deep other side, 350' width front, 490' width rear, located appr. 20' to rear lot line, and approval to remodel existing house into offices. A zone.

Mr. Biddle appeared before the Board, advised application was made in his name as president of Rochester Acoustical Corp. which will be tenant. He submitted plot plan showing location of proposed warehouse. Should explain here previously operated business on Jefferson Road in Henrietta. Had a fire and were forced to vacate, been using a temporary location since. Living in Town of Chili would now like to locate it in Town. When made application for variance had only day's notice to file. In laying out warehouse could not build 70' x 80', so have 60' x 100' which is shown, it would fill their needs, and according to zoning ordinance, the way property lies creates problem from setback in rear and side line setback. Mr. Hunter questioned which would be front?

Mr. Biddle advised entrance would be off Millstead, and this would be because since existing home has Paul Road address, so tried to show 100' from both Millstead and Paul Road, felt this would be most important front line setback. Showed on map 100'. Mr. Hunter inquired how many people in this building during working hours? Mr. Biddle advised at most times none. It would be storage warehouse for acoustical cartons and accessories. One man operating out of warehouse with panel truck. Mr. Hunter inquired, then would not require parking area for employees? Mr. Biddle thought they would have at maximum six people in office itself at maximum, which would be house converted into offices, so would need parking facility for them. Mr. Hunter (using map) questioned propose 6' from this line rather than 20' as in application? Mr. Biddle advised again dimension did not allow this in grade line as slopes down. Mr. Hunter inquired what would be problem if made more sense to move building in another way? Mr. Biddle advised could move in this direction, toward Paul Road, grade dropoff at corner of house, so could move it 15' or 20'. Mr. Hunter thought could go nearer Paul Road. He questioned what would they think be as far as possible for future expansion of this building, do they anticipate having to do this? Mr. Biddle advised at present time trying to build expansion into building, larger than previous office and warehouse operation. Have operated under Rochester Acoustical Corp. for about 12 years, so know pretty much what has been and should be. Mr. Hunter questioned so they expect this should fill their needs? Mr. Biddle advised minimum of ten years. Mr. Hunter questioned and if were to expand, how would they visualize expanding? Mr. Biddle advised at present time toward rear. Would be fireproof construction, masonry or steel, and since was not pre planned, have not gotten prices in, but would have fire proof walls. At present time it would be masonry building. Mr. Hunter questioned how long before they had more complete plans available so Board would have an idea? Mr. Biddle advised they could make sketch of plans for building itself if they had the Board's requirements to location. Mr. Hunter was thinking about aesthetics of building, would like to know as well as location before making decision. Mr. Biddle advised at present time, masonry building approximately 15' high on sides, with slope roof, would say 23'.

Mr. Hunter questioned did he understand Gillette property and another piece between Gillette and them, had they talked to people who owned property? Has present owner talked to them? He was advised Mr. Swart was owner of 44 Paul Road. Mr. Cochran who lives next door, they have discussed it with him, thought set a little close, he did not object and feels would like it better. His home was pointed out in relation to Millstead Way. About in line with the other one. He occupies house and has garage that sits back. He was not interested in coming tonight. Mr. Davis advised he was trying to sell his property as industrial property, whole thing is zoned industrial.

Mr. Biddle advised bulk of materials job shipments, but do require certain amount of warehousing if material comes in and will have to store it. Only equipment they have is truck which would be stored inside, enough room for that. At present time anticipate nothing in future requiring outside storage.

Mr. Hunter inquired any drive would be in from Millstead Way? Mr. Dibble advised yes, for several reasons. There is at present time a drive into Paul Road from home. The warehouse would be served from Millstead Way. Mr. VanSlyke questioned if going to be blank wall in back? Mr. Dibble advised at present time did not have

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time to discuss it, would be blank wall, but there are trees in front. Have not reached stage to say if windows, would require no windows, but would no doubt have several for natural light.

Mr. Palermo questioned the setback on Paul Road. Mr. Dibble advised this building where stands now would be at 100'. Mr. Lighthouse thought it should face Millstead Way. Objected to it being 6' from other man's property, felt would have to be moved out. Mr. Dibble would prefer if it faced Millstead because front then, that would be side line and if masonry type construction it can fall within 15' line, it would serve their purpose better if moved over.

Mr. Hunter questioned, they asked for approval to remodel present home into offices, this would not alter exterior of home? Mr. Dibble submitted a floor plan of house, would be just a matter of taking out closet area to make office in places he pointed out, and use these for offices. Mr. Pfenniger inquired, would not change outside appearance? Mr. Dibble advised no intend to maintain as is. Mr. Hunter questioned would it be used for living purposes after remodelled? Mr. Dibble advised no. Mr. Hunter questioned how about signs? Mr. Dibble advised only thing would try to have just small or some sort of sign on side of building, name of corporation. Would not be lighted sign. Mr. Hunter advised if interested in sign would have to have that in application. Mr. Dibble advised just 1' x 2½' sign on Millstead Way side of property. Would be attached to home itself. No signs on warehouse, just for own use, no counter sales. Just a matter of identification. Warehouse would be 1 story, 15' masonry wall, about 7' to center of roof.

Mr. Davis questioned if any objection instead of 100' setback, to cut this down and move building over toward Paul Road. Mr. Dibble advised would rather have that. Mr. Vanslyke thought if had 20' on side lines, would have driveway and still leave 80' on Paul Road and also thought had 20' and 80' on Paul Road better shielded by trees. Mr. Dibble thought from Board's standpoint to make building more attractive put some facing on it, but really other than painting it, what else could be done with masonry building. House has shrubs and they intend to maintain property. Mr. Vanslyke did not know how much wall would be visual from Paul Road, but thinks some would be from there, but something should be done about bridge. Mr. Davis advised bridge will be straightened out with new road. Discussion was had on location of new road.

Mr. Fingar questioned is it possible by narrowing this building and lighting it, it could conform? Make it 40' instead of 60'? Mr. Dibble felt this makes a problem, would like to keep close to 60' because of areaway down center because of access to both sides, store cartons on both sides, could go in neighborhood of 55' or so and utilize floor space. Were originally going 70' x 80' but with lay out of property, thought this would fit better. Did not anticipate they would be held up on it, at present are in cramped quarters. Mr. Hunter asked in they could have plans in a couple of weeks? Mr. Dibble advised he would make every effort to do this, to comply and get drawings, has ability to get them out. Mr. Vanslyke questioned would holding this up for another month to get drawings disturb them? Mr. Dibble advised yes, because due to fire at much smaller location and operating at a great inconvenience and if could get variance immediately it would help. Mr. Palermo questioned, dimensions going to be 60' x 100' and height 15' plus roof, that is definite? Mr. Dibble advised height definite yes, and 60' x 100' again in accordance with Board's recommendation. Would say right now would be willing, within reason, to narrow building a little bit if it would help the picture. Mr. Davis inquired would a 70' x 80' building be more

Zoning Board of Appeals

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efficient? Mr. Dibble felt yes it would be. Would prefer 70' x 80', but can operate efficiently with 60' x 100'. Mr. Miller questioned did he volunteer he would go along with dressing on masonry building? Mr. Dibble advised at time had not anticipated brick facing, it is pretty costly. Mr. VanSlyke questioned he would be willing to paint the blocks? Mr. Dibble believed he would. Mr. Lighthouse inquired he would prefer 70' x 80' building? Mr. Dibble felt would be more advantageous than 60' x 100'.

On question of Mr. Hunter if any one present at the hearing in favor of or opposed to this application, Mr. Elliot Swart, 44 Paul Road advised as owner he is in favor of it, would like to see this property go through and like to move away from airport but cannot offer any great reason because it is to his best benefit to have it sold.

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

DECISION: Unanimously granted with the following stipulations:

1. There be a minimum side line distance of 15' on the side toward the Coghane property.
2. Distance from property line on Paul Road to side of building to be a minimum of 60'
3. Building to front on Millstead Way. Setback from Millstead Way to be as per plan submitted.
4. Driveway to building to be blacktopped within two years of completion of building.
5. Paul Road side of building to be shrubbed, landscaped suitably to screen this side of the building.
6. If cement block or concrete block is used in construction, side walls to be painted or faced. Final building plans to be submitted to the Chairman of the Zoning Board of Appeals for approval.
7. No outside storage of materials or waste.
8. Approval granted to remodel existing home into offices, but exterior of house to remain the same. Approval also granted for a small, unlighted sign, approximately 1' x 2' to be attached to the remodelled house.

It was the decision of the Zoning Board that the following letter be sent to the Town Board:

"It has been brought to our attention that the requirements of a variance granted on March 23, 1965 to Dr. Edwin Rague, 3390 Chili Avenue, have not been met.

"The variance in question allowed construction of a small animal hospital on the property at 3390 Chili Avenue, with the provision that an existing barn be torn down within two years. The record indicates that the applicant showed a willingness to remove the barn within a year if the variance for the small animal hospital was granted.

"Following the November 1968 Zoning Board meeting, the Board talked informally to Dr. Rague about this matter. Dr. Rague indicated that it would be a financial burden to comply with this requirement.

"Section 19-105 of the Zoning Ordinance sets forth penalties for non-compliance. We refer this matter to the Town Board for whatever action the Board sees fit to take.

"The Zoning Board feels that this requirement should be enforced as in all other cases or that the applicant should reapply for a modification of the variance as granted."