

ZONING BOARD
January 26, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 26, 1982. The meeting was called to order at 7:30 p.m. by Chairperson, Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff DiHeron, Bob Erwin, Ralph Barbaro, Robert Burnett, Shirley Whepleton, Bill Cates.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Connolly, Building Inspector.

Mrs. Chapman called the meeting to order. Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of Larry Zubert, 6 Brewster Lane, Rochester, New York 14624 for variance to allow a 5' x 5' (50 square feet total both sides) illuminated freestanding sign with 4 colors on existing pole at property located at 2948 Chili Avenue in an NB zone.

Application amended to allow a 5' x 5' (50 sq. foot-total both sides) internally illuminated freestanding sign, such sign to contain a Gold Key logo and to be mounted on existing pole at property located at 2948 Chili Avenue in NB zone.

Mr. Zubert was present to discuss this with the Board. He said that Coca Cola Company offered to put up this sign, only variance would be four colors and gold key logo.

Mrs. Chapman asked what colors would be on the sign and Mr. Zubert said Coca Cola would be red, key would be gold, charcoal would be black, background would be white. Mrs. Chapman inquired as to how many volts and if this would be internally lighted? Mr. Zubert said 110 volts and it would be internally lighted. Mrs. Chapman asked the hours of illumination and was told 8:00 a.m. until 2:00 a.m. Mr. Erwin asked how high the sign would be from the ground? Mr. Zubert said he has stood underneath the sign and it is taller than he, that he cannot reach it. Mr. Barbaro asked if this sign were already up? Mr. Zubert said yes but it is not hooked up yet. Mr. Barbaro asked how wide the front of the building was, and wanted to know where the patrons pulled in? Mr. Zubert said that his patrons park to the east side of the building. Mr. Burnett said he estimated the width of the building to be 50 feet. Mr. Barbaro said that he thought the sign was approximately 8 feet off the ground and goes up approximately 13 feet, and Mr. Zubert said yes. Mr. Barbaro asked if the sign rotated and was told no.

Mrs. Chapman indicated that according to the new ordinance that no pictures, designs or illustrations are allowed on signs. Mr. Miller said that the ordinance went into effect December 16, and he felt that Mr. Zubert should be given the right to amend his application verbally.

Mr. Barbaro asked how far the sign would be from the public right of way and Mr. Connolly said probably 35-40 feet and 100 feet from Chili Avenue. Mr. Zubert answered Mr. Barbaro's inquiry that the sign was about 3 feet from the building.

Mrs. Chapman said that this was a matter for local determination by Monroe County.

Mr. Jack Kashett, 2915 Chili Avenue, said he opposed the sign, and that it will bring Town properties' values down in the area.

No one spoke in favor.

DECISION: Granted unanimously, subject to the following conditions:

1. The sign is to be no more than 17' above ground level.
2. The sign is to be placed no closer than 35' from the right of way of Chili Avenue.
3. The Zoning Board of Appeals is allowing the applicant no more than 90 sq. feet of total signage which follows the

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *1-20-82*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated... *1-20-82*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1983.

Patricia M. Smith
Patricia M. Smith
Publisher

Final Bk. June 1952

Legal Notice

CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 26, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of Larry Zubert, 6 Brewster Lane, Rochester, New York 14624

for variance to allow a 5' x 5' (50 sq. ft. total both sides) illuminated freestanding sign with 2 colors on existing pole at property located at 2948 Chili Avenue in an NB zone.

2. Application of Gerald VanStrader, 7183 Dublin Road, Bergen, New York 14415 for variance to erect a 8'x4' illuminated freestanding sign, variance to erect a 8'x4' wall sign to be above the gutter line at property located at 3533 Union Street

in G1 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman, Chair-
woman
Chili Zoning Board
of Appeals

1/26/82

formula of 1 1/2 sq. feet of signage per linear foot of the building frontage facing Chili Avenue.

2. Application of Gerald VanStreader, 7183 Dublin Road, Bergen, New York 14416 for variance to erect an 8' x 4' (64 sq. feet- total both sides) illuminated freestanding sign, variance to erect an 8' x 4' wall sign to be above gutter line, at property located at 3532 Union Street in GI zone.

Mr. Connolly stated that the variance for the sign above the gutter line no longer requires a variance.

Mr. VanStreader was present to discuss this with the Board. He said the sign is 4' x 8' 3/4" plywood and the letters will have somewhat of a 3-D effect. Mrs. Chapman asked if he wanted 32 sq. feet illuminated sign, and canopy lighting underneath and Mr. VanStreader said yes.

Mr. Connolly said it would be 53 feet to the center of the road. Mr. Barbaro asked if there was any logo going on the sign of a manufacturer and was told no.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted unanimously, subject to the following condition:

1. The freestanding sign is to be placed no closer than 53' from the center of Union Street.

OLD BUSINESS:

1. Application of Legris, 244 Paul Road, Rochester, New York 14624 for variance to erect a 20' x 80' manufacturing addition to be 13' from side lot line (30' required) at 41' from front lot line (100' required), variance to erect a 100' x 60' warehouse addition to be 13' from side lot line (30' required), 11' from rear lot line (40' required) variance for 36.5% lot coverage (35% allowed), variance to allow additional front parking lot for 2 spaces at property located at above address in M-2 zone.

DECISION: Adjourn application.

Janice Chapman, Chairperson
Chili Zoning Board of
Appeals

ZONING BOARD
February 9, 1982

A special meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 9, 1982. The meeting was called to order at 7:30 p.m. by Chairperson Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff DiHeron; Ralph Barbaro; Robert Burnett; Shirley Whelpton, Bill Cates.

Also Present: Mr. Connolly, Building Inspector.

Mrs. Chapman called the meeting to order. In the absence of Mr. Miller, Mrs. Chapman stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to erect a house with a 37' rear setback (90' required) and variance for the garage to be a total of 1,343 square feet (900 square feet allowed) at property located at 21 Florentine Way in R-1-20 zone.

Mr. James Perna was present to discuss this with the Board. He said they had run into a problem with the corner lot situation. He feels that the house will look better the way it is proposed. The problem is maintaining a 55-foot setback on two sides of the road. Asking for variance so they can fit house on this lot.

Mrs. Chapman asked how far the house was from the neighbors' properties? Mr. Perna explained that the house is actually 200 feet away from the other house. Mr. Barbaro asked if the reason the house was being turned around is that the owners wanted a bigger garage? Mr. Perna said yes, explaining that aesthetically they will look the same, because the houses are all facing the same way. Mrs. Chapman inquired as to the size of the garage, and Mr. Perna said that the owner now lives on Fisher Road and owns antique cars, that this would be strictly for his own personal cars. Mrs. Chapman inquired if the garage will look the same as the house? Mr. Perna said yes, it will be 3-cars wide, but as deep as the house. Mr. Burnett asked if there were any specific plans for the contour of the roof and was told no, that this was a very good drainage area. Mr. Burnett said that the living space would be 1,600 sq. feet and garage would be 1,343 sq. feet.

Mrs. Chapman indicated that this did not have to be submitted to Monroe County.

No one spoke in favor or opposition.

DECISION: Granted with a 5-1 vote. Mr. Burnett voting no. All others voting yes. With the following condition:

1. Extra large garage is never to be used for mechanical repairs to vehicles not owned by the occupier and is to be used only for storage of his own cars.

OLD BUSINESS:

1. Application of Legris, 244 Paul Road, Rochester, New York 14624 for variance to erect a 20' x 80' manufacturing addition to be 13' from side lot line (30' required) and 41' from front lot line (100' required), variance to erect a 100' x 60' warehouse addition to be 13' from side lot line (30' required) 11' from rear lot line (40' required), variance to allow additional front parking for 2 spaces at property located at above address in M-2 zone. (Variance for lot coverage deleted-no longer required)

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *2-3-82*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated. *2-3-82*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1983.

Patricia M. Smith
Patricia M. Smith
Publisher

Feb. Jan'y 1982

Legal Notice

**SPECIAL MEETING
LEGAL NOTICE
CHILI ZONING
BOARD OF APPEALS**

Pursuant to Section 367 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on February

9, 1982 at 7:30 p.m. to hear and consider the following application:

1. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to erect a house with a 37' rear setback (90' required) and variance for the garage to be a total of 1,343 sq. ft. (900 sq. ft. allowed) at property located

at 21 Florentine Way in R-1-20 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman,
Chairwoman
Chili Zoning
Board of Appeals

2/9/82

Ms. Ann Haag, Architect, was present to discuss this with the Board. Mrs. Chapman indicated that they had received an letter from the Planning Board and that they had approved application. Mrs. Chapman inquired as to the drainage plan; and Ms. Haag said that she had met with the Drainage Committee and secured their verbal approval. The original plan has been changed by the addition of several things--did perc. test and pit test, and there will be a 9 foot deep addition of disposal field under the parking lot. The runoff of roofs into gutters and collecting into system which will be under the parking lot. Mr. Burnett said that having pursued this with the Drainage Committee, it was their impression for holding tanks to be put in. Ms. Haag said this was their initial idea, but when discovered the type of soil changed their minds. Mr. Burnett indicated he felt the land there was low, that they were adding more roof surface and only one excretion point.

Mr. Connolly asked if the plans had been approved by the Town Engineer and was told yes. Mr. Burnett inquired as to how many expansions this business had already and was told this was the second expansion, and that the business had been there since '65.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted with 5-1 vote. Mr. Burnett voting no.
All others voting yes.

Janice Chapman, Chairperson
Zoning Board of Appeals

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ZONING BOARD
February 23, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on February 23, 1982. The meeting was called to order at 7:30 p.m. by the Chairperson, Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff DiHeron, Ralph Barbaro, Robert Burnett, Bill Cates, Shirley Whepleton.

Also Present: Mr. Miller, Deputy Town Attorney (appeared at 7:40 p.m.) and Mr. Connolly, Building Inspector.

Mrs. Chapman called the meeting to order. In the absence of Mr. Miller she stated that notice of this meeting was posted on the Town Bulletin Board and advertised in the Gates-Chili News.

1. Application of Mr. & Mrs. Peter Sciolino, 92 Parkway, North Chili, New York 14514 for Conditional Use Permit to allow a beauty shop in home at property located at above address in R-1-15 zone.

Mr. and Mrs. Sciolino were present to discuss this before the Board. They indicated it would be limited to one operator, and be a one-chair beauty shop in their home. There would be no advertising, and no signs. Will be run by wife. They have a two-car garage with a long driveway. The maximum number of cars will be two. This will be run on a limited basis - Thursday, Friday, Saturday - 9-4 p.m., and sometimes Thursday evenings. The primary reason they want this is to ensure the in-home care of their children.

Mrs. Chapman asked about the location in the basement and the exits from that area? She was concerned about additional fire hazard. Mr. Sciolino indicated that there would be an entrance through their two-car garage down to the basement. Mrs. Chapman asked if this was an outside stairway entrance and was told inside.

Mrs. Chapman said the home owner is responsible to notify their insurance carrier of changes like this and indicated that they would have to undertake this responsibility.

James Conklin, 84 Parkway Drive, said he lived in this neighborhood approximately (6) six years, and feel there is no concern or ramifications. From his vantage point if they do not know this business is there, no concern on their part.

Mrs. Chapman said she had received a petition with 35 signatures stating that they do not object to Mrs. Sciolino using her home as a part-time beauty shop.

No one spoke in opposition.

DECISION: Granted with 4 yes - 2 abstentions, subject to the following conditions:

1. Approved for one year with right to renew;
 2. The Conditional Use Permit will only be granted after satisfactory inspection by the Town of Chili Fire Marshal & Building Inspector.
 3. There be no external advertising of business.
2. Application of Amateur Sports (Don Aselin), 53 Hay Market Road, Rochester, New York 14624 for variance to erect a 2'x3' free-standing sign at property located at southeast corner of Ballantyne Road/corner of Archer Road in RA-20 and FPO zone.

Mr. Aselin was present to discuss this with the Board. He indicated that the main purpose he wanted a sign located on their property is that this is so-well hidden that most people are not aware of the fact at that intersection that Ballantyne Road turns south. It will be a small 2'x3' sign - 5' in total height.

Mrs. Chapman asked if this sign was to be illuminated? No, will be masonite board, Mr. Aselin answered.

Mrs. Chapman said Monroe County states this is a matter for local determination.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. 2-17-82

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated. 2-17-82

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1983

Patricia M. Smith
Patricia M. Smith
Publisher

Legal Notice

CHILIZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3236 Chili Avenue, Rochester, New York 14624 on February 23, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of Mr. and Mrs. Peter Sciolino, 92 Parkway, North Chili, New York 14514 for Conditional Use Permit to allow a beauty shop in home at property located at above address in R-1-15 zone.
2. Application of Amateur Sports (Don Aselin), 53 Hay Market Road, Rochester, New York 14624 for variance to erect a 2'x3' freestanding sign at property located at southeast corner of Ballantyne Road/corner of Archer Road in RA-20 & FPO zone.
3. Application of David Beaver, 283 Beaver Road, Rochester, New York 14624 for Conditional Use Permit to allow a windmill -30' high at property located at above address in R-1-20 zone.
4. Application of David Richards, 275 Beaver Road, Churchville, New York 14428 for Conditional Use Permit to allow a windmill -30' high at property located at above address in R-1-20 zone.
5. Application of Gary Spoor, 250 Fisher Road, Rochester, New York 14624 for variance to erect a 4'x34' & 24'x14' addition to garage to be 4.5' from side lot line (50' required) at property located at above address in RA-10 zone.
6. Application of Bernard Iacovangelo, 7 DaVinci Drive, Rochester, New York 14624 for variance to erect a 20'x18' addition to house to be 40' from rear lot line (90' required) at property located at above address in R-1-20 zone.
7. Application of Doug McDanel, 49 Orchard Street,

North Chili, New York 14514 for renewal of Conditional Use Permit for custom frame making in garage at property located at above address in R-1-15 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman,
Chairwoman
Chili Zoning
Board of Appeals

Janice Chapman
Feb 1982

No one spoke in favor or opposition.

DECISION: Granted unanimously with the following condition:

1. The sign be no closer than 50' from center of Archer Road.
3. Application of David Beaver, 283 Beaver Road, Rochester, New York 14624 for Conditional Use Permit to allow a windmill 30' high at property located at above address in R-1-20 zone.

Mr. Beaver indicated that the application should be corrected to say 67' instead of 30'. He said this will be in the center of his back yard. Totally surrounded by farm property.

Mrs. Chapman explained that a great deal of Chili falls into the airport zone and that she was concerned about noise, height and electrical?

Mr. Beaver submitted papers on this to the Board.

Mrs. Chapman asked if this was to be totally independent on the fluctuations of the wind? She was told yes. Mrs. Chapman asked Mr. Beaver how he proposed to use this and was told it will be used for their house's heating system. Mrs. Chapman asked about the inspection of electrical components and Mr. Beaver said RG&E and Underwriters.

Mrs. Chapman asked about the validity of the Monroe County review since they had been given information stating this would be 30' high, and it is 67' high? Mr. Miller said he felt that this should be resubmitted and allow Mr. Beaver to amend his application verbally.

Mr. Connolly said the elevation for this would be 572' - and the maximum according to the airport is 710'. There are no height restrictions outside the airport district. Mr. Connolly questioned the location being 15 feet to the rear and side lot line. He said if anything should fall, this could go over property line.

Mr. Barbaro stated that the producer of the windmill specified 80 foot tower and asked what Mr. Beaver was using? He indicated a 60 foot tower, the mill will extend 7 feet above that. Mr. Barbaro inquired of Mr. Beaver what he intended to do with any excess power; and Mr. Beaver said he didn't think he would have any. Mr. Barbaro asked if Mr. Beaver was planning on any storage facilities for the excess power and was told no.

Mr. Erwin said that this would be a 3000 watt maximum machine. Mr. Barbaro asked if this tower was recommended by the windmill manufacturer? Mr. Beaver said yes. Mr. Barbaro wanted to know about and guidewires and was told there will be none. Mr. Barbaro asked what speed this would shut down and was told at 55 mph. Mr. Barbaro asked if Mr. Beaver foresaw any problem with noise, and that in his impression noise could carry for about 500 feet in Rochester area. Mr. Beaver said he foresaw none. Mrs. Chapman asked if this also had a manual shutoff and was told yes, it can be shut off at the ground. Mr. Barbaro asked how many pieces this tower came in and was told 3-20 foot sections bolted together. The slab would be 13 1/2' by 4' thick. Mr. Miller asked if there was any possibility of reflection annoying the neighbors and was told no. Mr. Barbaro asked about the CB antenna in the application; and Mr. Beaver said that was in the future, his main concern is with the windmill right now. Mr. Miller asked if this moved; and Mr. Beaver said it was a stationary vertical axis.

Mrs. Chapman said she would have to resubmit this to the County because of the change in the amount; and that the Board will look into the questions of windmills during that interval.

Dario Marchioni, 120 Old Chili-Scottsville Road, in favor of application. Would like to see someone not to have to pay high electrical bills.

David Richards, 275 Beaver Road, lives directly east of Mr. Beaver. In favor.

Tom Wood, Independent Energy Systems, Inc., 1190 Brooks Avenue, Rochester, New York, Vice-President. Said there was no problem with noise. He indicated that he would be happy to talk with the Board and discuss this and answer any questions they might have.

No one spoke in opposition.

DECISION: Tabled for the following reason:

Application will be resubmitted to Monroe County Planning Department because of the change in height (now 67' high)

4. Application of David Richards, 275 Beaver Road, Churchville, New York 14428 for Conditional Use Permit to allow a windmill 30' high at property located at above address in R-1-20 zone.

Mr. Richards was present to discuss this with the Board. He indicated that he has not completed the design for windmill and would just be putting up the tower now.

Mr. Barbaro informed Mr. Richards that the variance has to be for the complete windmill. If the Board is to grant this variance on just what they have, they don't have the authority to do this.

Mr. Burnett told Mr. Richards that he should be apprised of the fact that this is the first applications for windmills brought before the Board. Any decision made at this time will be a precedent for future applicants. He is concerned with the overall height of this, looking for criteria of some sort.

Mr. Barbaro said that when Mr. Richards asked for a variance to put up a tower for a specific purpose and that purpose only, this will have to be delineated to the Board; the airport is only one regulation.

Mr. Barbaro said he felt they would want more information on what is going to be put on top of this tower.

Monroe County states this is a matter for local determination.

Mrs. Chapman said that when this was submitted to the County the applicant asked for a 30' tower, and that this would have to be resubmitted, (now 75' high).

David Beaver, 283 Beaver Road, in favor.

Dario Marchioni, 120 Old Scottsville-Chili Road, in favor.

No one spoke in opposition.

Mr. Burnett said he felt the Board needs to know the specific structure. Mr. Barbaro said that the height is only one of the criteria; they need specifics for visual pollution factor, noise factor, etc., they need something more specific.

Mr. Richards said when he decides, that he will put this up anyway without a variance.

DECISION: Tabled for the following reason:

Application will be resubmitted to Monroe County Planning Department because of the change of height (now 75' high).

5. Application of Gary Spoor, 250 Fisher Road, Rochester, New York 14624 for variance to erect a 4' x 34' & 24' x 14' addition to garage to be 4.5' from side lot line (50' required) at property located at above address in RA-10 zone.

Mr. Spoor was present to discuss this with the Board. He indicated that he has a 24' x 24' garage attached to his house, and an existing 14 foot patio. The basic wall is going to stay and on one side of garage will put shelves in. After gets car in can't walk around it, needs more room.

Mrs. Chapman asked Mr. Spoor if the Planning Board granted him a variance? He said yes.

Mr. Barbaro asked Mr. Spoor if he was doing certain things to cars to make them saleable? And asked where he does this? Mr. Spoor said that they are either friends or part of his auto work. Cars have never been displayed for sale. Mr. Barbaro asked if he has sold cars from his house? Mr. Spoor said yes, make paperwork out of my office; and this is done on a part-time basis.

Mrs. Chapman inquired as to what sort of construction Mr. Spoor was planning and how close the house next door is to your lot line? He indicated there is 4 1/2 foot to the fence, then their driveway, and house. It will be aluminum sided. Will be a new roof on it, and next year will do the house. Mr. Spoor plans on putting in a back wall and will have no windows in the back.

Mr. Barbaro asked if he was going to remove the original wall of the garage? Mr. Spoor indicated that the back wall is coming out and 6-8 foot of side one, 4 foot will use as walk area and shelving. Mr. Barbaro asked if Mr. Spoor had given due consideration to the Fire Department's access to his property? He indicated that he thought they could get through.

Mrs. Chapman indicated that a petition had been submitted containing 4 signatures stating they have no objection.

Mrs. Rinck, 254 Fisher Road, objects application. Feels it is too close to her house. She showed the Board pictures. Stated that he had already begun building. Mr. Connolly indicated that he had received a call and put a stop order on the building, and had allowed him to put 15# felt paper on the roof, but to go no further.

Mr. Barbaro asked Mr. Spoor why he started building without a permit? Mr. Spoor said he felt he would be allowed to do this since he already had a garage there.

DECISION: Granted - 5 yes - 1 no - upon the following conditions:
None.

6. Application of Bernard Iacovangelo, 7 DaVinci Drive, Rochester, New York 14624 for variance to erect a 20' x 18' addition to house to be 40' from rear lot line (90' required) at property located at above address in R-1-20 zone.

Mr. Iacovangelo was present to discuss this with the Board. He stated he would like to put addition on rear of his house. His home is situated on a pie-shaped lot, 90' setback requirement. He proposes to use existing concrete patio as a kitchen. There would be the same type siding, windows and everything in conformity with existing structure.

Mrs. Chapman stated that the nearest corner, closest distance would be 40'? And Mr. Iacovangelo said that was correct. She stated that because of the configuration of the lot line you have 60'; and was told that is correct.

This did not have to be submitted to Monroe County.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

7. Application of Doug McDanel, 49 Orchard Street, North Chili, New York 14514 for renewal of Conditional Use Permit for custom frame making in garage at property located at above address in R-1-15 zone.

Mr. McDanel was present to discuss this with the Board. He stated that he has been in business for three years and he would like to renew his permit.

Mrs. Chapman asked if this business was located in a free-standing concrete block garage; and was told yes. She asked him his hours of operation; and was told 2-6 hours, Saturday by appointment. Mrs. Chapman said she felt the sign looked nice.

Mr. Connolly stated that he has not received any complaints.

No one spoke in favor or opposition.

DECISION: Granted unanimously upon the following conditions;
1. Application granted for 5 years. 2. No additions or expansions of the present business, and continue to operate with the existing sign.

Janice Chapman, Chairperson
Chili Zoning Board of Appeals

ZONING BOARD
March 30, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on March 30, 1982. The meeting was called to order at 7:40 p.m. by the Chairperson, Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff D'Heron, Bill Cates, Shirley Whelpton, and Bob Erwin.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Connolly, Building Inspector.

Mr. Miller stated that notice of this meeting was posted on the Town Clerk's bulletin board and advertised in the Gates-Chili News.

1. Application of Samuel Pontarelli, 19 Creekview Drive, Rochester, New York 14624 for variance to allow a front loading dock, variance to allow front parking lot for 30 vehicles, variance to allow 2 road cuts at property located at 1177-1185 Scottsville Road in GI zone.

Mr. Pontarelli was present to discuss this before the Board. He indicated they have been there for eight years. Prior to tonight loading equipment in the side of the building using parkway and had been leasing from the County. Due to the County's need, no longer have access to this building. Want to build a driveway leading right to Scottsville Road. Near the corner of the building there is a driveway that is small. Needs parking in the front for employees. He employs 13 people. The other businesses sublease from him. They will need parking spaces as well, as they were using this too. He needs new access to the building.

Mrs. Chapman wanted to clarify location of the loading dock. He indicated that those are for the tenants. He seeks to build driveway to the right of that because that is where he loads and unloads materials. Mrs. Chapman inquired as to whether the building is owned by Mr. Pontarelli; and was told he owns it but leases the land from the County. He rents that building to a sublesser. Mrs. Chapman asked if there had been any preparations made for paving this area? Mr. Pontarelli said that he had people coming in to give him estimates. Mrs. Chapman indicated that they might be more amenable to granting this, if it were paved.

Mr. Pontarelli stated that in terms of traffic, his traffic patterns will be no different than before. Will be a matter of making the turn a few feet earlier.

Mrs. Whelpton asked him the nature of his business? Metal fabrication. Mr. D'Heron asked what the longest trailer was and was told 80 feet. He indicated also that 35 feet in the front is owned by the State, and that the trailers would be 15-18 feet off of the road. They would back into the driveway the same as they are doing now.

Mrs. Chapman indicated that Monroe County stated there would be no additional impact on the airport and this does not require any further environmental review. She told Mr. Pontarelli that a second road cut would require a permit from the N. Y. S. D. O. T., that it would be conditional upon New York State granting this.

No one spoke in favor or opposition.

DECISION: Unanimously approved conditional upon successfully obtaining a permit for the additional road cut from New York State Department of Transportation by July 1, 1982.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date...*3-24-82*...

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PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated...*3-24-82*...

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 19*83*

Patricia M. Smith
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Patricia M. Smith
Publisher

Legal Notice

LEGAL NOTICE
CHILI ZONING
BOARD OF APPEALS

order of the Chairwoman of
the Chili Zoning Board of
Appeals.

Janice Chapman
Chairwoman
Chili Zoning
Board of Appeals

Pursuant to Section 267 of
Town Law, a public hearing
will be held by the Chili
Zoning Board of Appeals of
Chili Town Offices, 3235 Chili
Avenue, Rochester, New
York 14624 on March 30, 1982
at 7:30 p.m. to hear and
consider the following ap-
plications:

1. Application of Samuel
Pontarelli, 19 Creekview
Drive, Rochester, New York
14624 for variance to allow a
front loading dock, variance
to allow front parking for 30
vehicles, variance to allow 2
road cuts at property located
at 1177-1185 Scottsville Road
in GI zone.
2. Application of Flightime
Parking (Frank Bona), 1140
Brooks Avenue, Rochester,
New York 14624 for variance
to allow an undersized lot to
be 2.56 acres (10 acres
required) at property located
at 165 Burben Way in RA-10
zone.
3. Application of Flightime
Parking (Frank Bona), 1140
Brooks Avenue, Rochester,
New York 14624 for Land Use
Variance to allow Long Term
Parking at property located
at 165 Burben Way in RA-10
zone.
4. Application of Dario
Marchioni, 120 Old Chili
Scottsville Road, Church-
ville, New York 14428 for
Conditional Use Permit to
allow a windmill to be 85'
high at property located at
above address in R-1-20 zone.
At such time all interested
persons will be heard. By

Open house - Friday March 1982

3/30/82

2. Application of Flightime Parking (Frank Bona), 1140 Brooks Avenue, Rochester, New York 14624 for variance to allow an undersized lot to be 2.56 acres (10 acres required) at property located at 165 Burben Way in RA-10 zone.
3. Application of Flightime Parking (Frank Bona), 1140 Brooks Avenue, Rochester, New York 14624 for Land Use Variance to allow Long Term Parking at property located at 165 Burben Way in RA-10 zone.

Mr. Bona was present to discuss this before the Board. He stated that he was here to apply to park long-term vehicles at property located at the end of Burben Way. Plans are to store long-term vehicles on this property, for customers parking for 5 days or more. He stated he thought there was a misunderstanding as to the amount of traffic they will generate and that as long as they park long-term vehicles there (approximately 100 cars), they will move 20-30 cars per day. They will turn over one car every hour, and he felt that it will be an operation that will go unnoticed by the neighborhood. He further indicated that there was also a misunderstanding as to the number of people - only one person on the lot when a car is being moved. All other times gate will be locked and one attendant will be there 99 percent of the time. They will be pulling in one car and bringing one car back every hour. Believes they are offering a use for this property that will not make it disruptive. Due to the distance of the property, don't believe it would be economical to park short-term cars there. Only feasible to park long-term customers. Presently they are operating on Ajax Road. He believes that the neighbors would say for the most part that this is unnoticeable. They would be willing to move the cars during the day, and they would be willing to do whatever is most desirable to the residents on Burben Way. In the span of 20 minutes they could run all the days' cars and be gone until the next day - could do it either way. One remark made by the County is that we would drive fast, and have to bring the cars back to the customers fast - we bring the cars back one day before they are scheduled to be picked up. Have a staging lot and put the cars there a day before. There would be no reason to drive these cars fast. Bus service has nothing to do with the staging lot on long-term parking. He stated he would be glad to listen to anything residents have to say as to when they feel they would like them to operate this lot.

Mrs. Chapman asked if it was correct they are running a valet service and was told yes. The customers leave cars with them, she asked, and in turn you meet them at the airport and get them. Mr. Bona stated they have their customers' cars back on Brooks Avenue the day before they are scheduled to be picked up. He stated they intend to improve this property by grading and erecting a fence around it, which will have a gate and will be locked when they are not there. Also plan to provide proper screening around property. Some of the trees and shrubbery can be left. Any stranger would not know this was there.

Mrs. Chapman asked if they own all of this property, and was told at the present time have a contract subject to the approval of the Town. Mr. Bona said that New York State was responsible for creating this undersized lot, and that Mr. Cerami has been responsible for paying taxes on it for some time, in response to a question by Mrs. Chapman in regard to this undersized lot.

Mr. Cerami stated that originally this was 18.096 acres, and they purchased it in '64, New York State made it into two separate lots. Mrs. Chapman said the Board will ask the interpretation of this by the Town's legal counsel. Mr. Cerami stated that part of this land is in Gates and part in Chili. Mrs. Chapman asked what was on the lot now, and Mr. Cerami indicated that at the present time it is vacant land, with trees and shrubbery on it. Mrs. Chapman stated that this seemed rather wet to her and asked if he knew the elevation of this? Mr. Cerami stated that it will hold water when cleared and that there are sewers on the property and they intend to utilize them when they pave this. He further stated that he will guarantee drainage.

Mr. Connolly said that this was 532-541 feet above sea level, and that the flood plan is 525 feet. Mr. D'Heron asked if the

sewers were sanitary or storm? Mr. Connolly said they were sanitary sewers and that the Town of Chili does not have combined sewer. Mr. Connolly asked what property borders their north property line and was told houses and is in the Town of Gates. Per Mr. Connolly's inquiry, Mr. Cerami stated that on the west there was residential; north, residential. Mr. Connolly asked Mr. Cerami if he was the contract vendor and if he was claiming a hardship in regards to this property? Mr. Cerami stated that he was the owner of this property since '66 and has tried to dispose of it, wanted to cooperate with all the people. He contacted Supervisor Powers about six years ago. He suggested to go to County Planning Board which he did. They expressed a desire for commercial-industrial low type structure, low density. He left it vacant until he had a customer, Mr. Bona applied for this variance, but I still own it. The County at one time wanted to purchase part of it, with grant money, but haven't gotten the money. Mrs. Chapman inquired as to whether they tried to sell residential? Mr. Cerami stated that the County won't allow it, they have told him most of it is in direct pattern of the runway, and he further stated he will gladly cooperate with the Board. He was trying to do what the County has requested.

Mr. Connolly inquired as to whether they had listed this with a real estate broker, and was told many times for commercial and residential in the newspaper with his daughter, an independent broker. This is well known with all brokers and they are aware of it. Mr. Miller asked if they listed it as RA-10, and was told didn't list, just tried to sell it. Mr. Cerami said he felt the Town made a mistake in not rezoning this, and Mrs. Chapman asked if he came to the Town meetings when they were rezoning property and was told no, he didn't.

Mr. Cates inquired as to their precautions about vandalism? And Mr. Bona said it will be a high fence, 1 foot if they can, vandalism is at a minimum now, they patrol it and lock cars, and will have a couple of lights there - two or three. Mrs. Chapman said this would have to be submitted to the County with specific information on the lighting. Mr. Bona said generally they would not have to go to the lot after dark for any reason, just to patrol. Their customers will not go to this property. Mr. Erwin asked the hours of operation? He was told 24 hours a day cars will be parked there. Gates will be locked. Cars are never moved on the weekend, all the cars will be brought to the staging lot on Friday for Saturday and Sunday pickups. Mr. Bona said they could get a German Shepard, chained.

Mrs. Chapman said that Monroe County had indicated they might need a second access to this, and Mr. Bona said he felt they thought cars would be moving in and out all the time. Mr. Cates asked what the driving distance was, and was told 2/3 mile. Mr. Erwin asked the speed limit and was told 35 going east, 40 going west.

Mr. Bona said the Town of Gates offers them patrols everynight. Mrs. Chapman said she understands this, but this would be in the Town of Chili, and under the jurisdiction of the Sheriff's Department.

Mr. D'Heron asked about the sort of maintenance and was told a general cleanup, they would try to maintain a clean appearance. If needed, they could get a wooden fence. Mr. Erwin asked if they planned on a sign, and was told there would be no need for one, except a "keep out" sign. Other maintenance would be snowplowing in the winter.

Mrs. Chapman informed Mr. Bona that the Town of Chili ordinance indicated no barbed-wire fencing, and wanted him to be aware of that.

Mr. Mike Cerami, brother, real-estate broker, indicated he felt that the Board is trying to do its best and to do best for their residents. He felt that this problem is not caused by the owner, but by the State of New York. If the property could have been sold before he would have sold it, they verbally listed this. Understands concern of neighbors that will create a traffic or noise problem. They have run a trial test and had an average of 40 or better cars

this week, and don't think the neighbors have noticed it. This property is owned by his brother. He stated that if they could go to residential, build 7-8 houses, with average of 2 cars per house, felt they will have more traffic; they could get motorcycles, too. He stated that he has a right to use this land, and it is up to the residents if they want a quiet operation. Mr. Bona is willing to cooperate and that the residents should see this, and that this man will make a fine neighbor. Feels this is the best use for this property.

Mr. James O'Neil, Councilman from the Town of Gates, stated that he was there to speak against this application on behalf of the residents. They were not opposed to development of lands in the Town of Chili, but when application directly affects our town and its residents, must voice an opinion. Feel approving this would create safety hazard and unnecessary noise. Serious drainage problem. We, the representatives of the community must work together not only for their own town but must consider the affects of this. Would like the Board to deny this application and keep the streets of Burben Way and Ruth Ellen Way safe. He submitted a petition to the Board of 137 names (basically from the Town of Gates, with 13 from the Town of Chili) in opposition to this.

Mrs. Jess Herrera, 139 Burben Way, a broker with King Arthur Real Estate, said that most of their homes would be devalued. Just sold a home on Burben Way, feel it would have sold for 18 percent less than it sold for if parking lot went in. Want to keep this residential. If necessary, will go to County and fight this.

Donna Roeper, 146 Burben Way, stated that they have said 10-20 cars, 13-40 cars, and tonight they are saying 20-30 cars. She showed the Board pictures of the neighborhood. There are 48 children, 12 school buses, quite concerned with traffic, worry about their children.

Bob Roeper, 146 Burben Way, said that he felt this should be denied, this is an established residential area, not commercial.

John Rowe, 154 Burben Way, stated that he has to repair his lawn - 5 times in the past two years, because he lives next to traffic. Feel they do not need any more traffic.

Ron Schmidt, 3 Ruth Ellen Way, stated that he was a former member of the Gates Zoning Board. Stated that he felt that the Board should be willing to take the finding of facts from the Monroe County Planning. Zoning Boards have responsibility to residents, and please take that into consideration.

Vincent Assini, Esq., Town Attorney for the Town of Gates, stated that he appeared on behalf of the Town Board of the Town of Gates. Up to now he had not heard one bit of evidence concerning hardship for owner, which is the only basis this variance can be granted, has to be economical hardship. The only applicant is Mr. Bona, Mr. Cerami isn't on application. Listing verbally is not evidence. Surrounding this is houses, shouldn't be allowed in residential neighborhood. Feels the County has to speak for itself on its findings and what Mr. Cerami said they told him. Feels the comments by the County would have to be overruled to pass this. The impact of this type of use on these homes and their safety, noise factor, think you should reject application and tell whoever owns this land to try to sell under present ordinance.

Richard Camp, 148 Burben Way, stated that he would like to comment on the affect of wildlife and drainage. There is wildlife back there and on several occasions have seen deer in the area. Feels drainage is a problem, spring runoff water is considerable, water fills up in their yards. Only drainage we have is for 18" line for the last houses on Burben Way and Ruth Ellen Way. Was assured that any new development of that land would inhibit the flow of water.

Mrs. Chapman stated that this Board was not concerned with drainage, they were aware of it. That was not before this Board this evening, the Planning Board would consider that, if necessary. They were concerned about undersized lot and whether or not this land will be used for this specific purpose.

Henry Flagg, 5 Ruth Ellen Way, stated his greatest concern was children. After 7:30 a.m. will run into school buses, and after 4:00 p.m. the kids are playing on the streets. Concerned with electricized fencing and guard dog.

County Legislator, Peter Formicola, stated that he understands the owners and application are trying to do. Problems exist with the number of children on that street. Feel there are plenty of pieces of property located near the airport that would serve this man's purpose. Worried about cars and more traffic.

Jack Hart, Supervisor of the Town of Gates, stated that their other parking lots were in a highly industrial area. Feels Burben Way is a very nice quiet residential street. He referred to the letter from the County of Monroe. He agreed wholeheartedly with it. Feels it is criminal to do this. That piece of property was intended for use as residential, suggest that is what it should be used for.

Daniel Ghysl, 81 Burben Way, opposes. He bought this property in 1961. If the Board lets this go in, feels he will lose substantial dollars. This was supposed to have been a dead-end street, and someplace along the line Ruth Ellen Way was cut in. Will devalue property and concerned with safety of children.

Betty DiPonzio, Councilwoman of the Town of Gates, said she concurred what the only hardship would be by the residents. There would be 2.6 acres to patrol with only one gate. Inquired as to whether the Sheriff's Office would be willing to go in and patrol this? How would they do it, get a key? Do you propose this? Opposes.

D. Wall, 23 Ruth Ellen Way, a resident on the south side. Doesn't want to look out back yard and windows and see this, fenced area and parking lot.

Richard Simmis, 133 Burben Way, showed Board pictures of Mr. Bona's existing lots. Feels that it is very easy to promise they will be maintained, but he has to do it, and keep them up. The only thing you can go on his past parking lots.

Councilman Brixner, Town of Chili, said there was a reference made to contracts of the Town of Chili. Asked if the owner had in writing correspondence from the Town of Chili indicating what he can or cannot do with relation to this property and its present zoning? Mr. Cerami indicated he does not have.

DECISION: 2. No action taken, undersized lot created by the State of New York. 3. Unanimously denied - a. Intermunicipal effect - adverse effects upon the health, safety and welfare of residents of Town of Gates; b. Safety hazard to children; c. No testimony provided applicant would suffer any economic hardship. In addition insufficient testimony offered by owner that he has been denied economic return on his property as it is currently zoned RA-10.; d. Denial of the land-use variance would directly support this segregation of traffic - segregation of commercial traffic from an established residential neighborhood.

ZONING BOARD

3/30/82

4. Application of Dario Marchioni, 120 Old Chili Scottsville Road, Churchville, New York 14428 for Conditional Use Permit to allow a windmill to be 85' high at property located at above address in R-1-20 zone.

Mr. Marchioni was present to discuss this before the Board. He would like to put up a windmill, it will be for the purpose of generating electricity which will be used by the residents of his house. He plans on placing this in such an area that would be 200 feet from Scottsville-Chili Road, 120' from back of house and 120' from adjacent property, which will be approximately 300' from his house. He owns 18 acres.

Mrs. Chapman inquired as to the reason for that particular location, and was told he didn't want to run too much electrical wire, and also this would loose a certain amount of energy through the wires, feels he is putting it in the best place for generation. Mrs. Chapman also noted that his lot sloped significantly. He stated that it would be done by grading, that he didn't want to change contour of the land, there will be a 16' x 16' concrete slab. He will not change anything around it. The reason he would like the particular height he stated is that from the height of the street to that location 15-20' drop from the street. He is placing it at a lower area to allow for that drop and has to pick up the wind. He is going to what's available by the brochures and the company's reputation. Mr. Marchioni also stated this is the first time he has done this, and also to take foresight into the future, figuring the needs of his house and family and the way this would look like it is an economical venture.

Mrs. Chapman asked what the cost of the windmill would be and Mr. Marchioni said if he does some of the work, such as the concrete and erecting, estimates the cost would be between 10-13 thousand dollars. Mrs. Chapman asked if this was the same windmill as Mr. Beaver and Mr. Richards, and was told yes. Mr. Marchioni said they planned on putting all three up at the same time. Reverend Jones, his neighbor, said it was a good idea, Mr. Marchioni stated.

Mr. Marchioni stated if there is a significant noise, his wife would be the first one to make him take it down.

Mr. D'Heron asked about conditional use section 115.12 subd. 4 - power plant and if this would be considered as a power plant? Mr. Miller said his interpretation is that power plant refers to a public utility, there is no building in conjunction to this application. Mr. D'Heron asked if the manufacturer recommended the height of the windmill, and Mr. Marchioni stated he is building it to what the manufacturer recommended.

Mr. Beaver and Mr. Richards, 283 and 275 Beaver Road, were in favor of this.

Mr. Cerami, 1259 Lyell Avenue (19 Creekview) in favor.

Monroe County states this is a matter of local determination.

No one spoke in opposition.

DECISION: Unanimously approved: 1. No evidence of any noise pollution involved with operation of this windmill, 2. Windmill to be placed in low density zone, if it would fall, would not endanger any other resident of the Town of Chili, 3. Windmill appears to be an extremely well-engineered design which will be installed on a utility-grade tower with an extensive concrete base.

OLD BUSINESS:

1. Application of David Beaver, 283 Beaver Road, Churchville, New York 14428 for Conditional Use Permit to allow a windmill to be 67' high at property located at above address in R-1-20 zone.

This was tabled last month, and comments have come back from Monroe County stating this was a local matter.

DECISION: Unanimously approved. 1. No evidence of noise pollution with operation of this windmill, 2. Windmill to be placed in low density zone. If windmill should fall, it would not endanger any other resident of the Town of Chili, 3. Windmill appears to be an extremely well-engineered design which will be installed on a utility-grade tower with an extensive concrete base.

2. Application of David Richards, 285 Beaver Road, Rochester, New York 14624 for Conditional Use Permit to allow a windmill to be 75' high at property located at above address in R-1-20 zone.

Mr. Richards stated he has decided to install the same windmill as the other two.

Monroe County states this was a local matter.

DECISION: Unanimously approved. 1. No evidence of noise pollution with operation of this windmill, 2. Windmill to be placed in low density zone. If windmill should fall, it would not endanger any other resident of the Town of Chili, 3. Windmill appears to be an extremely well-engineered design which will be installed on a utility-grade tower with an extensive concrete base.

Janice Chapman, Chairperson
Chili Zoning Board of Appeals

ZONING BOARD
April 27, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 27, 1982. The meeting was called to order at 7:30 p.m. by Chairperson, Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff D'Heron, Ralph Barbaro, Bob Burnett, and Shirley Wheplton.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Connolly, Building Inspector (appeared at 9:30 p.m.).

Mrs. Chapman called the meeting to order. Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of Rita Tufano, 40 Fenton Road, Rochester, New York 14624 for renewal of conditional use permit to allow a beauty shop in home at property located at above address in R-1-20 zone.

Mrs. Tufano was present to discuss this before the Board. She said her beauty shop is in operation two days a week, and her patrons are mostly neighbors who walk, but there are only two cars allowed in the driveway.

Mrs. Chapman asked if there was a driveway on both sides of her house, and was told yes, but one driveway goes to a house in the back of hers.

Mr. Barbaro asked what days of the week she was in operation and was told Thursday and Friday.

Mrs. Chapman noted that Mr. Connolly had said he never has received a complaint and would see no problem of renewal of conditional use permit.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Unanimously approved.

Conditional use approved for 3 years with the right to renew.

2. Application of William & Ruth Faber, 243 Reed Road, Scottsville, New York 14546 for variance to allow 2 single family dwellings on one lot without subdividing, variance to allow 2 road cuts at property located at above address in RA-20 & FPO zone.

Application withdrawn.

3. Application of Suburban Propane, 3325 Chili Avenue, Rochester, New York 14624 for variance to allow a fence with 3 strands of barbed wire to be a total of 7 feet high around total property at property located at above address in GB zone.

Mr. Arichiello was present representing Suburbane Propane. He indicated that they would like to install a 7 foot high fence. He indicated to the Board that he had submitted a letter about the fence and where it will be located.

Mrs. Chapman asked if this fence will also enclose the front parking, and was told it will be the same routing as currently exists. Mrs. Chapman asked if it will be back from the road front and was told yes. Mr. Arichiello showed the Board where the fence would be located, and indicated it will be on their right of way. Mrs. Chapman asked if there was currently a fence in the rear, and was told yes, but it is in very bad shape. The new fence will enhance the area and make it more secure.

Tom Hardy, also with Suburban Propane, indicated that the map the Board had was not correct, and he made corrections where the fence would be located. He said this is strictly a replacement fence.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *April 21, 1982*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated *April 21, 1982*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*83*

Patricia M. Smith
Patricia M. Smith
Publisher

Legal Notice

CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 27, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of Rita Tufano, 40 Fenton Road, Rochester, New York 14624 for renewal of conditional use permit to allow a beauty shop in home at property located at above address in R-1-20 zone.
2. Application of William & Ruth Faber, 243 Reed Road, Scottsville, New York 14546 for variance to allow 2 single family dwellings on one lot without subdividing, variance to allow 2 road cuts at property located at above address in RA-20 & FPO zone.
3. Application of Suburban Propane, 3325 Chili Avenue, Rochester, New York 14624 for variance to allow a fence with 3 strands of barbed wire to be a total of 7 ft. high around total property at property located at above address in GB zone.
4. Application of Peterson Drugs, P.O. Box 66, Oakfield, New York 14125 for variance to allow 3 additional wall signs-12 sq. ft. each to take a total of 4 wall signs with the total signage of 196 sq. ft. at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.
5. Application of Ray Sands, 3320 Chili Avenue, Rochester, New York 14624 for variance to erect a 4'x3' freestanding sign (total 24 sq. ft.) at property located at above address in GB zone.
6. Application of Bruce Hickey, 16 Bent Oak Road, Rochester, New York 14624 for variance to erect a 17'x20' addition to garage to be 25' from rear lot line (30' req.) at property located at above address in R-1-12 zone.
7. Application of Dominick Valerioti, 755 Marshall Road, Rochester, New York 14624 for variance to erect a 11'x13' addition to house to be 7½' from side lot line (10' req.) at property located at above address in R-1-12 zone.
8. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, New York 14624 for Land Use Variance to allow a Professional Building at property located at 2661 Chili Avenue in R-1-15 zone.
9. Application of B.R. DeWitt, 20 Transport Drive, Rochester, New York 14623 for variance to erect a 9' Diameter silo to be 45½' high at property located at 1533 Scottsville Road in GI & FPO zone.
10. Application of Riverdale Fire Department, 35 Circle Drive, Rochester, New York 14623 for variance to erect a 56'x40' addition to fire station to be 44.5' from front lot line (100' req.), variance for the finished floor elevation to be 523.3' where 525.5' is required at property located at above address in RA-20, & FPO zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman
Chairwoman
Chili Zoning Board
of Appeals

*Janice Chapman
Chairwoman
Chili Zoning Board
of Appeals
April 1982*

He said the fence will follow the same location in the front area of the property at which the fence is now installed.

Mr. Barbaro asked if they had had problems with security, and was told no, that they want to make things more secure; if used the proper way they feel this is a very good thing.

Mr. Miller asked how far their fencing would be away from Chili Avenue, and Mr. Hardy indicated that to Mr. Miller on the map.

Mrs. Chapman asked if there would be a gate in the front area, and was told yes and will be in the same spot but more secure.

Mr. Miller asked about the location of the fence in regards to the road right of way and Mr. Hardy said that he believed on the edge of their property.

Mr. Miller noted that it would be a 3-strand, positioned inward at a 45-degree angle, and that the only way an individual could get involved is by getting themselves up to the 7-foot height, so it would not be likely a child could injure himself. Mr. Arichiello said that the only way would be if someone tried to enter their property.

Mrs. Chapman asked about the strength with regard to a car coming from the road, and was told it was told to them this could stop a car.

Monroe County states this is a matter for local determination.

No one spoke in favor or opposition.

DECISION: Reserved. Zoning Board feels fence may have been installed on the right-of-way of Chili Avenue which appears to be a four rod road. Suggest contact NYSDOT for clarification and notify the Town of Chili Zoning Board of Appeals by letter as to their determination.

4. Application of Peterson Drugs, P. O. Box 66, Oakfield, New York 14125 for variance to allow 3 additional wall signs 12 sq. feet each to make a total of 4 wall signs with the total signage of 196 sq. ft. at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

Mike Charleton, 34 Saddleback Trail, was present representing Peterson Drugs. He stated the reason for change in location they have no window space to put signs up, they did not know there was a restriction on this. So that is why signs are there now.

Mrs. Chapman asked if they felt this was a hardship on their business operation not to have window space and was told yes. Mr. Charleton said that the signs were professionally done. Mrs. Chapman asked if he was saying that the design of the building is such that they have no window space and was told that is correct.

Mr. Burnett said he questioned who is going to determine professional manner - we as a Board or individual store owner? Mr. Charleton said he could understand his point, but thought that if they looked at the signs they would have to agree they look very neat, and are not detracting from the plaza. They were helping him as a businessman. Because of the structure could only put a door in, and they didn't realize there was a restriction against this type of sign. Mr. D'Heron said he agreed the sign holders do look nice, but his concern was what they would look like when the ads were actually in them. Mrs. Whelpton said that she as a business person felt this would be tying the hands of a business person, that a small amount of advertising on windows or signs if done tastefully is fine. She said she thought the Board should base their decision on the types of signs used.

Mr. Burnett stated that they had already given their approval for an oversized sign in the front with their logo, and Mr. Charleton agreed.

Mr. Barbaro asked the frontage of their building and was told 100 feet approximately.

Zoning Board

4/27/82

Mr. Miller asked how many different colors would be on the cardboard inserts and was told 3 colors with a white background. Mr. Miller asked who would be making up these signs and was told a company in Batavia, New York. Signs would be 2' x 3' - holders designed to hold two posters for a total of 6. Mr. Miller asked how often they would expect to change paper inserts, and was told three times a month.

Mr. Burnett asked if the items that were going to appear in the signs were the same items as they advertised in the newspaper? Mr. Charleton said that monthly they would be, weekly they are not.

Mr. Miller stated that as a practical they were not doing anything different than when they had windows; and Mr. Charleton agreed, stating that they needed the signs because that location had no windows.

Monroe County states this is a matter for local determination.

No one spoke in favor or opposition.

DECISION: Granted with four voting yes and one voting no, upon the following condition: The applicant must obtain a sign permit from the Town of Chili Building Department.

5. Application of Ray Sands, 3320 Chili Avenue, Rochester, New York 14624 for variance to erect a 4' x 3' freestanding sign (total 24 sq. ft.) at property located at above address in GB zone.

Mr. Sands was present to discuss this before the Board. Mrs. Chapman asked what this sign was made of? Mr. Sands answered 3/4" plywood, a 4" pressure treated post, painted white with black letters, colonial style.

Mrs. Chapman said he had indicated a 20-foot setback from right of way. And Mr. Miller said he would like to know how high the bottom of the sign is above his lawn and was told 3 foot by 3 foot sign, 6 foot high. Mr. Miller asked if his sign would be perpendicular and was told yes, can see east or west, this is a two-sided sign. Mrs. Wheplton asked if this sign would be illuminated and was told no. Mr. Burnett had a question of whether this sign would be visible on the property from the east going west, and Mr. Sands indicated he really didn't know. Mr. Burnett said he felt a tree would be in the visible line with the mailbox and wanted to know if Mr. Sands was going to take that down, and Mr. Sands answered yes.

Mr. Burnett asked if in any way this sign would detract from a person seeing the flashing light at the railroad crossing and Mr. Sands answered no.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted with four voting yes and one voting no, upon the following condition: The applicant must seek a sign permit from the Town of Chili Building Department.

6. Application of Bruce Hickey, 16 Bent Oak Road, Rochester, New York 14624 for variance to erect a 17' x 20' addition to garage to be 25' from rear lot line (30' req.) at property located at above address in R-1-12 zone.

Mr. Hickey was present to discuss this before the Board. He explained that this addition was going to go straight out behind existing garage. The finished product will be two deep and two wide. Work will be done by Fred Steel, contractor on Fenton Road. The style will be in keeping with the rest of the house - cape cod with gable on front for the living room. The garage will also have a gable design. The exterior will be white, asbestos shingles. Roof will be black with 3-1 shingles. His lot is very heavily treed, very well hidden. There is only one neighbor who could see this garage. Will use this for storing lawn furniture, mower. He is also restoring a '51 Chevy convertible and would like to do that here.

Mrs. Chapman indicated a concern with regard to flammable materials he might use in the restoration process of antique cars? Mr. Hickey answered that he would not be painting this, this would be a mechanical restoration only. This garage would not be heated. He would use no torches of any kind.

Mr. Barbaro asked if he was planning to do more cars and was told no. He indicated that he had no room for more than this, with storage for lawn mower, etc.

Mr. Burnett asked Mr. Hickey if he would concur with him that the addition to his garage would be for the restoration of his '51 Chevy, and this would be his primary objective? Mr. Hickey answered his wife would say his primary purpose is for storing toys and lawn equipment, and he hopes to find room for his car. He would put equal value on each one.

Mr. Burnett inquired about storm sewers and asked how he was going to evacuate the water and was told from the garage to back yard and then into fields. Mr. Hickey indicated that he has a gutter on one side, and on the other side that water would be spread along 20 foot edge there. Mr. Hickey said that he didn't think there would be any problem and no erosion. Mr. Burnett asked if he were planning another opening to garage and was told the access is a door between house and garage now.

Monroe County stated this is a matter for local determination.

No one spoke in favor or opposition.

DECISION: Granted with four voting yes and one voting no.

7. Application of Dominick Valerioti, 755 Marshall Road, Rochester, New York 14624 for variance to erect a 11' x 13' addition to house to be 7 1/2' from side lot line (10' req.) at property located at above address in R-1-12 zone.

Mr. Valerioti was present to discuss this before the Board. He indicated he planned on putting on a family room which would be L-shaped, which would be added onto the porch.

Mrs. Chapman asked him what side the neighbor's driveway was on and was told the other side.

Mr. Barbaro asked if his existing porch is enclosed, and was told yes, his intention was to make a family room out of the whole thing. Mr. Barbaro wanted to know what was immediately south of him along that property line? Mr. Valerioti said his neighbor. Mr. Barbaro wanted to know how far they were from his property line and was told about 7 or 8 feet.

In response to a question by Mr. Miller, Mr. Valerioti said he will be putting in the family room on the same side as family room.

Mr. Burnett asked Mr. Valerioti to explain his intended addition. Mr. Valerioti said there is a gable there now and he will add onto the top of the gable all the way down to the edge of his house. His porch is wood and the house is stucco. There will be vinyl siding on the outside. The finished room will be 11 x 22 feet. Mr. Burnett asked him how water would be evacuated? Mr. Valerioti explained that the back of the porch with gutters and splash box and he has 6" gutter pipe coming down, and the runoff goes into the ground.

Mr. Barbaro asked him if his porch was there when removed in and was told yes. He further asked if it was an existing variance on the porch that is there now and was told no. Mr. Barbaro asked him how long he estimated it would take him to finish this and was told he hoped to be finished by September or before.

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No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Unanimous approval.

8. Application of Harold Ford, 230 Chestnut Ridge Road, Rochester, New York 14624 for Land Use Variance to allow a professional building at property located at 2661 Chili Avenue in R-1-15 zone.

Mr. Gail Elder, real estate broker, was present representing Mr. Ford. He said they came before the Board in August '81 for change in zoning to accommodate 17 units, but didn't get an approval. Since that time they are coming back for approval for a professional building. In November '81 they were denied a variance to extend the existing farm market. Mr. Ford dows have permission to use this property until '84 for a farm market now. The Planning Board liked the idea for a professional building, but they didn't rezone this. They said Mr. Ford should approach the Zoning Board for a professional building. This land does not have a single family house on it. There is a beauty parlor next to this, apartments are across the street. This building would look very similar to professional building in Gates near Hinchey Road. Feel they need a professional building in Chili.

Mrs. Chapman inquired as to whether this property has been listed as residential property? Mr. Elder said yes, but they were extremely low offers. Mrs. Chapman asked if he felt they would not have provided a sufficient return for Mr. Ford, and Mr. Elder answered that was correct. Mr. Elder said he felt this was not a good spot for homes, especially for families with small children.

Mr. Don Avery showed the Board a map and indicated two trees would remain and one would be taken down. This would be 75' back from the right of way line. All parking will be behind face of the building. 18 people maximum. They provided for 33 parking spaces, now there is a double driveway there, they are asking for one. They feel there would be no more traffic than presently have with the farm market. He showed the Board his plan for drainage and stated this will not have any more water than presently is flowing from this property. They will have a catch basin and a contained dry well and overflow will go into that. They will satisfy all of this for the Planning Board. They will utilize the trees there now and will probably add some more.

Mrs. Chapman asked if the shed and farm market would be discontinued, and was told the shed would be taken down and there would be no farm market. Mrs. Chapman asked if the other house and garage would remain on a separate lot and was told yes.

Mr. Barbaro asked when the farm market would be terminated, and Mr. Ford said they have already terminated this, they couldn't operate without an addition and the Board denied that.

Mr. Burnett asked why they felt they would need a professional building in that vicinity when there are other professional buildings with vacancies in them? Mr. Elder said they have been approached by several people for space along Chili Avenue, and there appears to be a demand for this. Mr. Burnett was concerned that they would be boxing in the Lexington tract with a commercial venture. Mr. Elder said they shouldn't be denied something because they were not there first, and he felt that some of the residences there now are devaluing Chili Avenue and something like this would not.

Mr. Barbaro asked if this was a one or two-story building and was told two, 6,000 square feet.

Monroe County stated that they would approve for a land use variance with condition that a maximum during business hours would not exceed 18 per acre.

Mr. Barbaro had a concern with getting in and out of Chili Avenue, and said that anything they can do to have a better line of sight would be welcome.

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Keith Lape, 19 Alfred Avenue, made a comment on airport, and asked if this fell within one-mile radius of the airport? He was told it was about 7,700 feet away from runway 28.

Mr. Brixner, 14 Hartom Road, Chili Town Councilman, stated that he was concerned this rezoning application should be before the Town Board to allow for a formal hearing. He said this came before the Planning Board and two reasons were given by the applicant. He read R-15 zoning ordinance to the Board, and said there are 10 conditional use possibilities for rezoning. He feels there are potentials for conditional use for this particular site. He doesn't believe there was formal hearing for the public before the Planning Board for rezoning. Mrs. Chapman explained that they came in front of the Planning Board for discussion and were sent to appear before the Zoning Board. Mr. Brixner indicated to the Zoning Board that the Town Board members are elected and in his opinion he feels this should go before the Town Board.

Don Aselin, 53 Haymarket, in favor of this, indicating that there were very few professional buildings.

Keith Lape, 19 Alfred Avenue, stated that as a taxpayer and a resident for 10 years, he would like to see this done to encourage business and professional people to move into Chili.

Kenneth Camere, 41 Hidden Valley Road, indicated he is part of an insurance agency in Chili-Paul Plaza and is in favor.

Elmer Parent, 7 Daunton Drive, stated that his property adjoins southern line of proposed building. There is a serious drainage problem there. Drains off of entire acre into his back yard. Objects to noise. He was assured 18 years ago this would be a quiet residential area, and doesn't want this. Traffic hazard. Opposes.

DECISION: Granted with four voting yes and one voting no, with the following conditions: 1. adequate drainage system, especially to the south be provided. 2. adequate screening to be provided around the parking area to prevent traffic noise from carrying to adjacent residential properties.

9. Application of B. R. DeWitt, 20 Transport Drive, Rochester, New York 14623 for variance to erect a 9' diameter silo to be 45 1/2' high at property located at 1533 Scottsville Road in GI and FPO zone.

Mr. Marion Brocca and Doug Hix were present to discuss this before the Board. They would like approval for this silo to accommodate ready mix concrete. This will be a fly ash silo. They would want approval to keep competitive in ready mix concrete business. This would dispose of fly ash waste material. The Federal and State governments are backing the use of fly ash.

Mr. Miller asked what fly ash was and was told waste material from coal.

Mrs. Chapman asked if this was something they would be buying and using in mixing their concrete and was told yes.

Mr. Barbaro asked how far this would be from Scottsville Road and was told 500 feet. They showed the Board pictures of plant and where it will be located. It will be 65' high, fly ash will be located behind tanker which is 45 1/2' high. The aerial tower there is 100' high.

Mr. Barbaro asked if they were going to use this in place of gravel, and was told no, a certain percentage would take the place of cement.

Mrs. Chapman stated that there lot is screened and there are other structures there that are considerably taller than this.

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Mr. Barbaro asked if they get much dust from this and was told no, this is very controlled, the silo equipment has dust bags.

Mr. Burnett commented on a possible health hazard and stated that dumping of hazardous waste is prohibited in Chili. They answered they are using this so no one dumps it.

Keith Lape, 19 Alfred Avenue, asked about the trucks carrying this fly ash? He was told they are tankard trucks, and completely sealed. Mr. Lape said he was in favor of it.

Monroe County states this is a matter for local determination.

DECISION: Granted with four voting yes and one voting no.

10. Application of Riverdale Fire Department, 35 Circle Drive, Rochester, New York 14623 for variance to erect a 56' x 40' addition to fire station to be 44.5' from front lot line (100' req.), variance for the finished floor elevation to be 523.3' where 525.5' is required at property located at above address in RA-20 and FPO zone.

Mr. Keith Lape was present to discuss this before the Board. He stated that this building was erected in 1932. The repair of this building would be double the cost to erect a new building. The use of the building the way it is laid out is limited, they want to better utilize the space they have. Heshowed the Board pictures of the present building. Building is serviced by Riverdale Fire Department, and Riverdale Fire Commission, and a number of neighborhood organizations utilize this building. He showed the Board a map of planned building.

They will be using less actual ground space than they were presently using. They want to make this onebuilding, right now there are two buildings--with 8 feet in between them. Sanitary sewers run in between the buildings. They plan to renovate the restroom facilities. Wood texture lll siding. Will be a rust color to match other building.

Mr. Burnett asked if this building would be rented out at any time, and was told no, the district does accept donations from organizations who use the building. Mr. Burnett asked what he would estimate the maximum number of people using this facility would be at a given time, and was told 50.

Mr. Connolly stated he asked Mr. Lape to submit a set of drawings by a licensed architect before the Planning Board.

Mr. Lape said they were going to maintain the present distance from the road that they have now.

Mrs. Chapman indicated that she wanted the Board to be aware that this building will be the same distance from the road and will be smaller than what is there now. Mrs. Chapman asked how this would be financed and was told through contributions, and activities and fund raisings.

Mr. Jerry Brixner, 14 Hartom Road, was in favor of this.

Monroe County states this is a matter for local determination.

No one spoke in opposition.

DECISION: Unanimous approval

Janice Chapman, Chairperson
Chili Zoning Board of Appeals

ZONING BOARD
May 25, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 25, 1982. The meeting was called to order at 7:30 p.m. by Chairperson, Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff D'Heron, Ralph Barbaro, Bob Erwin, Bill Cates, Bob Burnett, and Shirley Wheplton.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Bob Connolly, Building Inspector.

Mrs. Chapman called the meeting to order. Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of John Interlichia, Jr., 115 Salisbury Street, Rochester, New York 14609 for variance to erect a 1'10" x 2'4" two-sided freestanding "A" frame sign to include a logo at property located at 4415 Buffalo Road in GB zone.

Mr. Interlichia was present to discuss this before the Board. He indicated that he had put this sign out and was told he had to go through proper channels, his business is in North Chili Professional Building, downstairs, and he would like a sign to generate business.

Mrs. Chapman asked what the sign was made of and was told aluminum. Mrs. Chapman asked if it was correct the sign would be approximately 53' from the center of the road and was told that was correct.

Mr. Barbaro asked if the North Chili Professional Building has a sign listing who is in their building and was told inside but nothing is outside the building. Mrs. Chapman said they would be concerned that other businesses located there might also want signs outside.

Mr. Barbaro asked if Mr. Interlichia had approached the owner of the building about the possibility of a common sign established that lists all the businesses that are located in the building, and Mr. Interlichia indicated his partner had talked to the land owner but this wasn't discussed. Mr. Barbaro asked if he were given a temporary permission and allowed to post this sign until such time as he pursued this with the owner would that be all right, and Mr. Interlichia said yes but asked what he would do if the owner said no? Mr. Barbaro answered that he would have to go before the Board again.

No one spoke in favor or opposition.

DECISION: Granted for six months only. Applicant must obtain sign permit.

2. Application of Nicholas Tufano, 40 Fenton Road, Rochester, New York 14624 for variance to erect a 26' x 12' addition to house to be 7' from side lot line (10' req.) at property located at above address in R-1-20 zone.

Mr. Tufano was present to discuss this before the Board. He said he would like to build an addition to add a bedroom, family room, and extend kitchen - 12' x 26', two floors.

Mrs. Chapman inquired as to his proposed addition and if he would be using the area that is an enclosed porch and was told yes. She asked if he intended to have a basement and was told no. She said that since the proposed addition is in line with existing porch, she assumes that the existing porch is 7' from the lot line and was told yes, she was correct. Mrs. Chapman asked if the siding would match the rest of the house and was told yes. Mr. Tufano said the roof would be a shingled roof.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *5-19-82*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated... *5-19-82*

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1983.

Patricia M. Smith
.....
Patricia M. Smith
Publisher

Legal Notice

LEGAL NOTICE CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Ave., Rochester, New York on May 25, 1982 to hear and consider the following applications:

1. Application of John Interlichia Jr., 115 Salisbury Street, Rochester, New York 14609 for variance to erect a 1'10"x2'4" two sided freestanding "A" frame sign to include a logo at property located at 4415 Buffalo Road in GB zone.
2. Application of Nicholas Tufano, 40 Fenton Road, Rochester, New York 14624 for variance to erect a 28'x12' addition to house to be 7' from side lot line (10' required) at property located at above address in R-1-20 zone.
3. Application of Joseph Yachette, 70 Hillary Drive, Rochester, New York 14624 for variance to allow an undersized lot to be 16.8 acres (20 acres required), variance to allow the lot width at the building line to be 604' (700' required) at property located at 136 Stottle Road in PRD and FPO zone.
4. Application of Amateur Sports, 53 Hay Market Road, Rochester, New York 14624 for variance to allow an additional 12 freestanding signs (6 signs being 3'x4' each and 6 signs being 1'x1½' each) at property located at 525 Ballantyne Road in RA-20 & FPO zone.

5. Application of Charles Cutala, 2575 Chili Avenue, Rochester, New York 14624 for renewal of variance to allow a 5'x5' (50 sq. ft. total both sides) freestanding sign at property located at above address in NB zone.

6. Application of John Stich, 10 Berna Lane, Rochester, New York 14624 for variance to erect a 14'x27' addition to garage to be 77' from rear lot line (90' required) at property located at above address in R-1-20 zone.

7. Application of Fred Rissberger, 76 Shrubbery Lane, Rochester, New York 14624 for variance to erect a 24'x26' attached garage to be 18' from side lot line (60' required on corner lot) at property located at above address in R-1-15 zone.

8. Application of Amerada Hess Corp., 1 Hess Plaza, Woodbridge, New Jersey 07095 for variance to allow an 8'x5' (80 sq. ft. total both sides) freestanding sign on existing pole, variance to allow the sign to be 21.9' high (20' allowed), variance to allow the signage on 2 canopies to be a total of 66 sq. ft. variance to allow the wall sign to be 22' and the price sign to be placed on the wall to be 24 sq. ft., variance to allow the total signage on

the property to be 192 sq. ft., at property located at 4371 Buffalo Road in GB zone.

9. Application of Marcel's Bowling Inc., 1350 Scottsville Road, Rochester, New York 14624 for variance to erect a 7'x7' (98 sq. ft. total both sides) freestanding sign on existing pole, variance for the total signage on property to be 586 sq. ft. at property located at above address in GB zone.

10. Application of Walter Garnham, 805 Marshall Road, Rochester, New York 14624 for Conditional Use Permit to allow a windmill-92½' high at property located at above address in R-1-15 zone.

11. Application of Walter Garnham, 805 Marshall Road, Rochester, New York 14624 for variance to allow a windmill to be 92½' high (49' allowed) at property located at above address in R-1-15 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman
Chairwoman
Chili Zoning
Board of Appeals

*Zoning Book
May 1982*

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Mr. Burnett asked what type of drainage he had presently and was told gutters. Mr. Burnett asked if he would be guttering this new structure and tying into what is already there and was told yes. Mr. Burnett asked if wall joining the garage and addition is fire-proofed and was told he didn't know. Mr. Connolly indicated that one of his requirements would be for a fireproofed wall.

Mr. Erwin asked what was on the next lot on the 7' side and was told a driveway that goes to the house behind. Mrs. Chapman noted that he has an extremely deep lot.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted unanimously.

3. Application for Joseph Yachett, 70 Hillary Drive, Rochester, New York 14624 for variance to allow an undersized lot to be 16.8 acres (20 acres req.), variance to allow the lot width at the building line to be 604' (700' req.) at property located at 136 Stottle Road in PRD and FPO zone.

Mr. Yachett and Mr. H. Klingenberger were present to discuss this before the Board. Mr. Klingenberger said that Mr. Yachett had purchased this parcel about four years ago and at that time it was zoned R-15. He bought this parcel of land to put house on it in the future and has decided he wants to do this now. He showed the Board a map which had been used for selling of the lots on Stottle Road.

Mrs. Chapman asked if they had been before the Planning Board for this and was told yes, for a guest house approval.

Mr. Barbaro asked if they were planning on building a two-bedroom house and a guest house and was told yes.

Then Mr. Burnett inquired as to in the future they wished to sell this property in regards to the house being closer to Stottle Road than the guest house and if they had given this consideration, and Mr. Yachett said he owns two parcels, he developed the barn on one and the other one he plans on a house and guest house, and that he could not sell without the Board's approval. He doesn't plan on selling the guest house separately. Mr. Burnett had a concern with drainage. Mr. Klingenberger said the septic system will have a greater capacity than he needs.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted unanimously.

4. Application of Amateur Sports, 53 Hay Market Road, Rochester, New York 14624 for variance to allow an additional 12 free-standing signs (6 signs being 3' x 4' each and 6 signs being 1' x 1 1/2' each) at property located at 525 Ballantyne Road in RA-20 and FPO zone.

Mr. D. Aselin apologized to the Board, stating he didn't realize the signs inside his property were in violation. He indicated that the Board has received charts indicating the location and size of the signs. He said concession signs are not permanent, when the business closes they are removed. Parking signs must direct people where to park. Team warm up area signs designate where the teams will warm up. Maintenance area signs are to keep people out from around equipment. Insurance company requires signs they are not responsible for injuries. The signs are made of masonite 2' x 4' freestanding and they are not lighted.

Mr. Burnett felt that liability signs would have no pertinence. Mr. Aselin said that their insurance company requires the signs be posted in 8 different locations within the park.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted.

5. Application of Charles Cutaia, 2572 Chili Avenue, Rochester, New York 14624 for renewal of variance to allow a 5' x 5' (50 sq. ft. total both sides) freestanding sign at property located at above address in NB zone.

No one was present to represent this application.

DECISION: Tabled.

6. Application of John Stich, 10 Berna Lane, Rochester, New York 14624 for variance to erect a 14' x 27' addition to garage to be 77' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

Mr. Stich was present to discuss this before the Board. He said he was proposing to take the outside wall of the garage and move over 14' and put in a second-car garage. He needs variance for back lot line, actually he is not going back any further in the back, just going straight over.

Mrs. Chapman asked him if his existing garage is 77' from the rear lot line and was told yes. She asked him about the house and was told it is 12' less. Mrs. Chapman inquired about the garage's materials and was told shingled wall, 3-1 asphalt shingle roof, will be the same as existing garage. She asked about guttering and was told down spouts and splash box.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted unanimously.

7. Application of Fred Rissberger, 76 Shrubbery Lane, Rochester, New York 14624 for variance to erect a 24' x 26' attached garage to be 18' from side lot line (60' req. on corner lot) at property located at above address in R-1-15 zone.

Mr. Rissberger was present to discuss this before the Board. He said he lives on the corner of Shrubbery and Buckey. His house is approximately 60' from the road and he wants to come out 24'.

Mrs. Chapman asked about his existing driveway and was told he will keep the existing driveway and hopes to enlarge it to match the garage.

Mr. Barbaro asked about the streets and intersections, and was told town park is directly across the street.

Mrs. Chapman asked about the siding and roofing and was told it will be the same. Mrs. Chapman asked if he had down spouts and splash box and was told yes and will continue with that system.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

8. Application of Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095 for variance to allow an 8' x 5' (80 sq. ft. total both sides) freestanding sign on existing pole, variance to allow the sign to be 21.9' high (20' allowed), variance to allow the signage on 2 canopies to be a total of 66 sq. ft., variance to allow the wall sign to be 22' and the price sign to be placed on the wall to be 24 sq. ft., variance to allow the total signage on the property to be 192 sq. ft., at property located at 4371 Buffalo Road in GB zone.

Sanford Liebschutz, Esq., was present representing Amerada Hess Corp. He stated that Hess has entered into a contract to acquire 8

gas stations in Monroe County. They would sell nothing but gas and oil and at Christmas a truck for the children. The station they are acquiring in Chili has been a self-service station and the sale is subject to obtaining the necessary permits. There is an existing freestanding sign there, and they propose to replace face retaining the existing pole. Their colors are green and white.

Mrs. Chapman asked if the sign there is currently 21.9' high and was told it is currently higher than that. Their new sign will be 2' lower. They are going to reduce signage to the minimum they can. They propose to replace Amoco with self-service, the same size. Mrs. Chapman asked if they planned on repainting the canopy and was told yes, green and white. They are asking to replace price sign on the building with 7' less and take self-service sign and put up identity sign on the front of the building. They are asking for a reduced signage than what is there now, approximately 30 sq. ft. from existing and are upgrading signage substantially. He feels signage is done well and Hess is very particular about this. Across the street Mobil has a freestanding sign and feels they need identity sign and should have the same as Union Street and Buffalo Road gas stations.

In response to a question by Mr. Barbaro, Mr. Miller stated he felt the price sign is a permitted sign.

Mr. Burnett stated that although he was in sympathy with their signage request, he felt the price sign next to pumps would be adequate to service customers. He feels this area might be sign pollution. Mr. Burnett asked if additional price signage were denied if they could live with it. Mr. Liebschutz said they would be uncomfortable without it and feels it is important. There was some discussion on this.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted.

9. Application of Marcel's Bowling, Inc., 1350 Scottsville Road, Rochester, New York 14624 for variance to erect a 7' x 7' (98 sq. ft. total both sides) freestanding sign on existing pole., variance for the total signage on property to be 586 sq. ft. at property located at above address in GB zone.

Mr. Fournier was present to discuss this before the Board. He indicated he purchased Olympic Bowl and the sign blew down and they did not replace it. The sign proposed basically is a simple sign to identify himself, and he wants to identify "Lilac City Bowling Tournament" and this will be lit, with goose-neck lighting.

Mr. Connolly said the application should be amended to add two logos "Owls and Lilacs" and he asked Mr. Fournier if he had any objection to amending this and was told none.

Mrs. Chapman said the total signage is 586 sq. ft. on the building - billard room and Brunswick Olympic Bowl. He said he took the word Brunswick down and put up Marcel, he wasn't aware he had to come before the Board for this, so that is why he is here tonight. He said he feels he needs some identity from the street. Feels signs there were pre-existing.

Mr. Cates asked about goose-necked lighting and asked if it would light up the entire sign and was told yes.

Monroe County approved signage.

No one spoke in favor or opposition.

DECISION: Granted, with amendment to approve two logos.

10. Application of Walter Garnham, 805 Marshall Road, Rochester, New York for Conditional Use Permit to allow a windmill - 92 1/2' high at property located at above address in R-1-15 zone.
11. Application of Walter Garnham, 805 Marshall Road, Rochester, New York 14624 for variance to allow a windmill to be 92 1/2' high (49' allowed) at property located at above address in R-1-15 zone.

Tom Wood was present representing Mr. Garnham. He indicated Mr. Garnham had submitted plan to the Board giving the position and placement of the tower. He personally feels height restrictions are unreasonable.

Mrs. Chapman asked the location of the tower in regard to the rear lot line and was told 130' or 140' from rear lot line. She was particularly concerned because the property to the rear is owned by the school district, and might be sold as residential.

Mr. Miller asked how far he was from southerly line and was told 250'. Mr. Miller asked how far his house was back from the road and was told 60-70'. Mrs. Chapman inquired as to the base and was told 10' triangular. Mr. Erwin asked how deep the footing was and was told 9'3" deep. Mrs. Chapman asked if the designs and engineering would be stamped by an engineer and Mr. Garnham said the footings would. Mr. Barbaro asked why they selected an 80' tower and was told the higher it was the higher the velocity, they experience fewer mechanical problems and an all around better way to go.

In response to a question by Mr. Barbaro, Mr. Wood said that over a period of one year this size tower produces just about enough output for one all-electrical home. Mr. Erwin asked about the possibility of a blade coming off and Mr. Wood said this was a well engineered machine. They can't say they will never have this happen, designed with 2 to 3 times safety factor. There was a discussion on safety factors. Mr. Erwin asked if the owner could adjust the safety device and was told can only be adjusted by them.

In response to a question by Mr. Miller, Mr. Wood said they have a maintenance contract and they do not recommend the home owner do the maintenance.

Mr. Cates added his concern was if the present owner moved and the new owner does not want this there, and doesn't want maintenance contract what would happen. Mr. Cates asked how power cables were run from this unit to the house and was told underground, and locked shut off box accessible by the utility company only and a shut off in the house. Mr. Cates asked if this had to be UL approved and was told no, not at this time. Mr. Cates asked if a fence were proposed for this around the base and was told no. Mr. Cates was concerned about this. He was told the tower will be anti-climb. Another ladder has to be added to it in order to get up the tower.

Mr. Burnett stated that the adjoining land might be turned into a development and was concerned with aesthetic factors, and factor with TV and radio reception, factor with blade coming off and going 10 times length of blade and eyesore factor. One of those blades could sever a 3/8" cable. There was a discussion on electro-magnetic interference. Mr. Wood said their blades are constructed of fibre-glass and have the least interference. There was a question on icing and a significant build up of ice on the down blade. Mr. Wood said the unit would be unbalanced and kick itself off and shut off the power in that case. Mr. Burnett asked about the DBA rating. Mr. Wood said studies are different according to trees, fields, etc. and this was around 45-58 DBA on the A scale, which is below restrictions. Mr. Barbaro asked where he had rated this and was told on the property line. Mr. Barbaro asked of this particular design if there were any installed and was told no. He then asked where they got rating on the DBA for this design and was told based on the plant design.

Zoning Board

5/25/82

Mr. Cates asked about TV Channel 6 reception. Mrs. Whelpton asked about lightening and was told the tower is separately grounded from the unit itself and is well insulated and would immediately go into fail safe mode. Mr. Cates asked what would happen to this system if RG&E goes down and was told system automatically deactivates and goes into fail safe system mechanism. Mr. Cates was also concerned with icing on the mechanical link. Mr. Wood felt confident it would run.

No one spoke in favor.

Mrs. Chapman said she had received a letter from Mr. and Mrs. Martin, 799 Marshall Road, indicating their opposition to the granting of these applications because of many unanswered questions.

J. Hannah, 791 Marshall Road, in opposition, and had a question about the possibility of a commercial venture. Mr. Barbaro explained that any excess electricity would be sold to RG&E. He had a question of noise and Cable 6 reception. Also concerned with children climbing tower. Feels couldn't sell property behind him and concerned about the windmill.

Mr. Nowicki, Chili Avenue, stated that Bausch & Lomb plant is in that area, they have towers over there and thinks that should be checked out. Mr. Barbaro asked Mr. Woods who would be liable, at least for the initial installation and wondered if the Town couldn't be liable, based on the decision before this Board tonight. Mr. Miller stated that the Town could be sued at any time.

Monroe County comments were not received.

DECISION: Tabled for receipt of Monroe County Dept. of Planning comments.

Janice Chapman, Chairperson
Chili Zoning Board of Appeals

ZONING BOARD
June 22, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 22, 1982. The meeting was called to order at 7:30 p.m., by Chairperson, Janice Chapman.

Present: Janice Chapman, Chairperson; Cliff D'Heron, Bill Cates, Shirley Wheplton, Bob Burnett.

Also Present: Mr. Miller, Deputy Town Attorney; (arrived at 8:00 p.m.), and Mr. Connolly, Building Inspector.

Mrs. Chapman called the meeting to order. In the absence of Mr. Miller, Mrs. Chapman stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of Franklin Savino, 30 Indian Hill Drive, Rochester, New York 14624 for variance to erect a 16' x 12' enclosed porch to be 46'3" from front lot line (60' req.) at property located at above address in R-1-15 zone.

Mr. Savino was present to discuss this with the Board. He said he wants to put a porch on the front of his home.

Mrs. Chapman asked him what his house currently looks like? Mr. Savino said it is a concrete frame construction, there is a 4' deep concrete foundation, shed roof. Mrs. Chapman asked if this porch would set back in towards the house and was told yes. She further asked what siding he proposed and was told aluminum and the roof will match the house. Mrs. Chapman inquired if he was having windows and/or screens and was told both.

In response to a question by Mr. D'Heron, Mr. Savino stated that this will be enclosed and will extend porch out and will be the full frontage of that part of the house.

Mr. Burnett asked the percolation of the soil and what sort of water evacuation he had and was told water runoff will go into the ground and will be like the rest of the house. Mrs. Chapman asked if he had any problems with standing water and was told no, he lives on a hill.

No one spoke in favor of opposition.

DECISION: Granted unanimously with no conditions.

2. Application of McDonald's 3313 Chili Avenue, Rochester, New York 14624 for variance to allow a playground area (46' x 26 1/2') in front of existing restaurant to be 35' from front lot line (75' required), variance to erect a fence around the playground area to be 4 1/2' high (3' allowed) at property located at above address in GB zone.

Richard Guan, owner of McDonald's was present to discuss this with the Board. Stated they were before the Board a year ago, and were coming back to show commitment to program they have at McDonald's—McDonald's is committed to the family and feel this will provide more service to the families. He introduced Mr. Gerry Leaseman, landscaper; Steven Jaffe, Esq., attorney representing McDonald's; and Ray Nielson, Regional Director of McDonald's Corporation. He stated they are trying to do something for the community. This is a continuation of their attempt to provide a facility to families and they can take their kids and play there. They are involved with Little League, football and soccer. They are trying to make a better place for the people of this town.

Ray Nielson, lives in Albany, NY, construction manager of McDonald's, stated he would like to construct a McDonald Land Park in front of the restaurant. Parks are an accessory use and extension of existing facility. Kids are their most important customers. Have had good experiences with the park. Park will be made of brick pillars, and wrought iron fence. Slide area will have a safety pad. Rest of the park will be covered with astro turf for a cushion effect. Park will be located in front of the restaurant because they feel can control and supervise park and will allow customers to enter store to get to the park. Understands concern that facility in front would be dangerous to kids, but could put railroad ties or decorative plantings to serve as a buffer. They will submit a landscaping plan if the Board so desires. In regards to distracting for motorists, there will be no moving pieces of equipment visible from the road. There will be solid shrubbery around it if the Board feels would be a distraction. With regards to an increase

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *6-16-82*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated *6-16-82*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 1983

Patricia M. Smith

Patricia M. Smith
Publisher

6/22/82

of exterior noise, they hope to have kids playing there, but park will close at dusk if not earlier. The park would be controlled situation for families. Noise has not been a problem in the past. They do not encourage kids over the age of 10 or 11 to play there.

Mr. Jaffe, Esq., said he felt the owner has every right for this park. Hopes to have something that would be acceptable to the Board and residents, and feels if they can place a barrier in front of this, which is not over 3 foot, they would meet the Board's requirements. Asked the Board to look at the ordinance, Subdivision D, Section 115.35. He also read Section 115.83 to the Board. And stated that according to this, felt that this would be an acceptance. He stated this is not the building, and would not have to move building, this could be reduced or moved back. Feels at this point they are not talking about structure at all. Also, they are talking about park as an accessory use, based upon the large number of parks built, this is a recreational facility and not a structure. Feels the Town and they are fortunate, the owner is there most of the time. Feels will serve Mr. Guan and also people who come there.

Mrs. Chapman stated one of the Board's major concerns is there is a beautifully landscaped area there, and they would be taking up this area for a playground. Mr. Leaseman, landscaper, has been maintaining this property, and stated he landscaped a similar park in Penfield. Mr. Guan showed the Board pictures of this park. Mrs. Chapman asked about the 7' high Ronald McDonald and Mr. Guan said that will be gone in the park in Chili. Mrs. Chapman asked if they will be removing the picnic tables from the playground area and was told they will leave them there because people like to eat there, and watch the kids. Mrs. Chapman asked about the slide and was told the slide will be 11-12' and the head will be removed at the top. Mrs. Chapman asked about supervision, and was told they watch this and supervise it from the inside.

Mr. D'Heron's concern was with actual setback from the main roadway, and Mrs. Chapman added this is a 4-rod road. Mr. Guan stated he wanted to save the plantings there and showed the Board the landscaping plan. In addition to that will remove or replace existing stockade fence. If can't be repaired will replace this fence, and will be done by professionals.

Mr. Case asked if the playground inside will remain and was told yes.

Mr. Burnett commented on the nice job they did in Pittsford. And stated he visited two of their sites today and said they were basically trying to eliminate as much parking in the front of the properties as they can in that section. He said the Town is in the process of expanding the park system. Greatly concerned with more clutter and the harder it is for new people to adhere to the green belt. In regards to the sight line of their property, the increase in 2 1/2 years in the Town of Chili has been a 30 percent increase in traffic. Traffic in the future will be heavier. Feels that in the future there might be consideration given to widening this road to accommodate traffic. Feels their proposal would be even closer to the road. Concerned with traffic coming from the west, and in the evening this reverses itself. Concerned that the more they try to screen this area, the more they will be faced with problem of clear sight down the road. Mr. Nielson felt no problem with sight vision. One car will leave the driveway at a time. Mr. Burnett talked about flow patterns from the pickup window and restaurant parking of the building.

Mr. Guan said he felt widening of the road will eventually happen, but that will be a minimal problem there. Feels they could address it at that time. This is not a permanent structure.

Mr. Burnett was concerned with the green belt. Mr. Nielson stated that there is a 35' green belt there and this will be maintained.

Mrs. Chapman said she was concerned with the playground equipment and its visibility for advertising. Mr. Nielson stated that children relate to the characters they see at McDonald's. They have tried to cut down on the height of the equipment. They would be happy to look at some alternatives if the Board questions the height of this equipment. There was a discussion on the equipment, and Mr. Nielson said all their equipment will meet all safety requirements.

Mr. Sarazyn, 20 Daunton, in favor, feels McDonald's is trying to give the children an added attraction.

Thomas Keta, 360 Humphrey Road, in favor. Feels places like Suburbane Propane don't have any green belt.

Barry Bruno, 1620 Penfield Road, built park in Penfield. Feels Mr. Guan owns both places, and the park is mainly for children who cannot read, so that is why they have figures. In favor.

Marlene Krenzer, 56 Lexington Parkway, feels good idea and feels not as much danger as beer bottles and traffic in parks.

Mr. H. Smith, 3091 Chili Avenue, likes the way McDonald's looks, nice looking and well-kept area. Feels could be more green belt area in other stores there.

Mr. Hall, 9 Crossbow Drive, thinks a good idea and is well-run place.

Nancy Cook, 8 Brasser Drive, mother of five children, feels playground would be safe place for kids and would be clean.

Francis Trussi, 3300 Chili Avenue, lives across the street. Has definite complaints. Driveway exit is straight across the street from her's, has kids and garbage there. Feels there is enough traffic there now and noise until 11 at night. Feel there will be more kids and more traffic and more garbage. Mr. Guan said he would be glad to meet with her and try to come up with a solution.

Bev Longbine, 3249 Chili Avenue, opposes. Feels this building sits quite a bit below road and feels there is traffic hazard as it is right now. Feels proposed area would not help problem.

Mr. Savino, 30 Indian Hill Drive, asked why this could not be put in the side or back of this building? Mr. Guan said that would eliminate parking, they maintain the property on the left, but do not own this. Also can't control the playground from there.

Mr. Guan showed a letter from 3308 Chili Avenue saying they would have no objection to this park.

Monroe County states this is a matter for local determination.

DECISION: Granted with four yes and one no (Mr. Burnett) - upon the following conditions: remove the Captain Cook figure from the slide tower. Big Mac Climber to face the front of the building. Outside lights to be shut off when the business is closed.

3. Application of Donald Colucci, 22 Stone Barn Road, Rochester, New York 14624 for Conditional Use Permit to allow an office in home at property located at above address in R-1-15 zone.

Mr. Colucci was present to discuss this with the Board. He stated he would like to have an office in basement for purpose of obtaining wholesale used car license. Needs an office to get a license.

Mr. Miller asked him where he stored the cars? He answered he will have just one car with dealer's license. Mr. Miller asked him if he intended to doll up the car at his residence and was told no. Mr. Miller asked where he was planning on parking these cars after he bought them, and was told he will have just one car there at a time. Mr. Miller asked how many licensed cars he had now and was told three. Mr. D'Heron asked if it was correct that he had to have an office in order to get a license and was told yes. Mr. D'Heron asked if the work on the cars would be done by someone else and was told yes.

Mr. Burnett asked if it would be possible to run his business out of his father-in-law's license and was told that he doesn't have a lot or anything for him, he has to get his own license.

Mr. Miller asked if the State requires him to have a sign and was told yes, 1 x 1 on the house.

No one spoke in favor.

Pat Gaskin, 12 Majestic Way, stated he thought Mr. Colucci had started a boarding house early last February. Doesn't want a used car lot there. Upset and distressed and doesn't think the Town should allow. Feels R-1 neighborhood. This would be turning it into commercial.

Mr. Marrito, 10 Trails End, faces his driveway and shares feelings as far as not wanting used car lot across the street. Asked if in the future any vehicle Mr. Colucci has there will have plates on it, and Mrs. Chapman said yes. He then stated he would have no objection, if it is limited to one vehicle with a dealer plate.

DECISION: Denied - 2 yes, 2 no, 1 abstention.

4. Application of Mark Johnson, 5 Trails End, Rochester, New York 14624 for variance to erect an 8' x 10' shed to be 5' from side lot line (8' req.) at property located at above address in R-1-15 zone.

Mr. Johnson was present to discuss this before the Board. He stated he had erected this before he realized he needed a variance. Has 40" concrete footers, 4 x 4 pressure treated lumber, 2 x 6 pressure treated joices. Marble chips are around it, it is built to match the house.

Mrs. Chapman asked the reason why he put it where he did and was told he put it off to one side of his lot, and if he had known would have put it within the 8'.

Mr. Antonakakis, 10 Trails End, in favor. He can see shed from back yard, very well constructed.

Pat Gaskin, 12 Majestic Way, in favor.

No one spoke in opposition.

DECISION: Granted unanimously.

5. Application of Janet Tenny, 108 Wheatland Chili Town Line Road, Scottsville, New York 14546 for variance to erect a 4' x 2' (8 sq. ft.) freestanding sign, variance to allow the sign to be 5' from front lot line (20' req.) at property located at above address in RA-20 zone.

Mr. Tenny was present to discuss this before the Board. He erected sign and it is apparently too close to lot line.

Mrs. Chapman asked if he would like to keep it where it is and was told yes, he put it in with footers, dug holes and is in with concrete. Mrs. Chapman asked if he was advertising and was told no, just says "Windy Hill Farms."

No one spoke in favor or opposition.

DECISION: Granted unanimously.

OLD BUSINESS:

1. Charles Cutaia, 2575 Chili Avenue, Rochester, New York 14624 for renewal of variance to allow a 5' x 5' (total 50 sq. ft both sides) freestanding sign at property located at above address in NB zone.

Mrs. Cutaia was present stating she wants to renew variance.

Mrs. Chapman asked if this was the same sign as has been up in the past and was yes. Mrs. Cutaia said they put a light on it, an exterior light. In response to a question by Mrs. Chapman, Mrs. Cutaia said the hours of operation were from 9 until 9. Mrs. Chapman asked if it was lighted when the business was closed and was told yes. Mrs. Chapman asked how many colors were on the sign and was told green, red, white and black.

No one spoke in favor or opposition.

Monroe County states this is a matter for local determination.

DECISION: Granted unanimously.

2. Suburban Propane, 3325 Chili Avenue, Rochester, New York 14624 for variance to allow a fence with 3 strands of barbed wire to be a total of 7' high around total property located at above address in GB zone.

Mr. S. Arichello was present to discuss this with the Board. Mrs. Chapman said she was in receipt of a letter from the NYSDOT concerning the right-of-way and Suburban Propane has conformed. That is a 4-rod road. The NYSDOT stated they wanted a tension wire on fence. Mrs. Chapman asked if they had made plans to conform with what the State suggested and Mr. Arichello said they will comply.

Mrs. Chapman added she had received a letter from the Fire Marshal and read this. His recommendation would be to permit the fence to be installed.

Mr. Burnett asked how they planned on affixing barbed wire to tension wire since tension wire is a free swinging wire? Mr. Arichello stated they will submit specifications to the fence builder from the NYSDOT. There was a discussion on this.

DECISION: Granted with 4 yes and 1 no, upon the following conditions:
Fence to be constructed in accordance with the State Standards mentioned in the letter from the New York State Department of Transportation dated May 25, 1982.

Janice Chapman, Chairperson
Chili Zoning Board of Appeals

ZONING BOARD
JULY 27, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 27, 1982. The meeting was called to order at 7:30 p.m. by Vice-Chairman, Ralph Barbaro.

Present: Ralph Barbaro, Vice-Chairman; Cliff D'Heron; Bob Erwin; Bill Cates; Bob Burnett; and Shirley Whelpton.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Connolly, Building Inspector.

Mr. Barbaro called the meeting to order. He stated that Mrs. Chapman, the Chairperson, has excused herself because of a conflict of interest. Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of Francis Pfuntner, 132 ~~Bowen~~ Bowen Road, Churchville, New York 14428 for Conditional Use Permit to erect a 38' x 60' barn at property located at above address in PRD zone.
2. Application of Francis Pfuntner, 132 Bowen Road, Churchville, New York 14428 for variance to erect a 38' x 60' barn (120 sq. ft. allowed), variance to allow the barn to be 14' high (8' allowed) at property located at above address in PRD zone.

Mr. Pfuntner was present to discuss this before the Board. He stated he will use this barn to store a camping trailer and farm tractor and trailer, and dump truck used to haul wood. Will store wood in the barn for burning which will be approximately two years use of wood, which is approximately 40 face cords. This will be obstructed from the road and will be difficult to see. This will be used strictly as a storage barn.

Mr. Barbaro asked if there were any intentions to rent space out? Mr. Pfuntner said none. In response to a question by Mr. Barbaro, Mr. Pfuntner described the barn as follows: will be slab 2 x 6 construction, 2' on center. Barn wood type of siding. 38' trusses on 4' centers. Rolled roofing. One door on the front which will open approximately 18' - will be two sliding doors. Will be painted redwood. Mr. Barbaro asked what type of rolled roofing and was told stone rolled roofing would be like 3 in 1 shingles. Mr. Barbaro asked what type of siding his house has and was told cedar shingles, this barn would be the same color - red.

Mr. Burnett said this would be 2280 square feet and asked how this would relate to house and his present garage? Mr. Pfuntner said his garage is used for autos. Mr. Burnett said it looks like this barn would be larger than the house and garage and was told yes. Mr. Burnett asked about percolation and was told he is on a septic system. In response to a question of Mr. Burnett, Mr. Pfuntner said he was to let runoff out into back lot. Mr. Burnett was concerned if this would cause any problem to his neighbors and was told it shouldn't, his neighbor has two acres and he does too, if there is surface runoff will have tendency to run off to the front of the lot.

No one spoke in favor.

Mr. Seely, 3874 Union Street, said he had questions about this. Mr. Barbaro explained that Mr. Pfuntner intends to use this to store things for his own use and explained this to him. Mr. Seely indicated this sounded like a business to him. He also said his lot the lowest in the neighborhood (Mr. Pfuntner's). Feels this could be abused and used for some other use.

Mr. Barbaro asked Mr. Pfuntner if he had ever contracted the trailer out for any use and was told no, he further asked him if he had any intention of doing so and was told no. Mr. Barbaro asked if they stipulated this as a condition if this would create a hardship on him and was told he could handle this easily.

DECISION: Granted unanimously with the condition that no commercial use or storage of commercial equipment or material.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... 7-21-82

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated... 7-21-82

Handwritten notes:
M...
B...
July 1982

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1983

Patricia M. Smith
Patricia M. Smith
Publisher

Legal Notice

CHILIZONING BOARD OF APPEALS

Pursuant to Section 267 of Town law, a public hearing will be held by the Chili Planning Board at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 27, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of Francis Pfuntner, 132 Bowen Road, Churchville, New York 14428 for Conditional Use Permit to erect a 38'x60' barn at property located at above address in PRD zone.
2. Application of Francis Pfuntner, 132 Bowen Road, Churchville, New York 14428 for variance to erect a 38'x60' barn (120 sq. ft. allowed), variance to allow the barn to be 14' high (8' allowed) at property located at above address in PRD zone.
3. Application of Allen Dupra, 11 Milewood Road, Scottsville, New York 14546 for Conditional Use Permit to erect a 15'x16' tool shed at property located at above address in RA-20, FPO & FW zone.
4. Application of Allen Dupra, 11 Milewood Road, Scottsville, New York 14546 for variance to erect a 15'x16' tool shed to be 6.5' from side lot line (8' required), variance to allow the shed to be 240 sq. ft. (120 sq. ft. allowed), variance to allow the floor elevation to be 524.6 where 529.0' is required at property located at above address in RA-20, FPO & FW zone.
5. Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, New York 14623 for renewal of Land Use Variance to operate a Restaurant/Tavern at property located at 2771 Scottsville Road in RA-20 zone.
6. Application of Robert Conner, 41 Springbrook Drive, North Chili, New York 14514 for variance to allow 2 road cuts on one lot at property located at above address in R-1-15 zone.
7. Application of Bradley Allen, 19 Minute Man Trail, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x8' wood shed at property located at above address in R-1-15 zone.
8. Application of Bradley Allen, 19 Minute Man Trail, Rochester, New York 14624 for variance to erect an 8'x8' wood shed to be 6' from garage (8' required) at property located at above address in R-1-15 zone.
9. Application of Barbara Bridenbaugh, 23 Hubbard Drive, North Chili, New York 14514 for renewal of Conditional Use Permit to allow a Dog Grooming business in home with the same conditions as in previous conditional use at property located at above address in R-1-15 zone.
10. Application of Tom Moscati, 562 Ellicott Square, Buffalo, New York 14203 for variance to erect an 8'x8' (128 sq. ft.) double-faced freestanding sign, variance to allow the freestanding sign to be 4' from front lot line (20' required), variance to erect an additional 9 wall signs to be 2 1/2'x4' each, variance to allow the total signage on property to be 252 sq. ft. at property located at 25 Chestnut Ridge Road (Wilson Farms and Long Pond Meats) in NB & R-1-12 zone.
11. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to erect a house to be 45' from front lot line (60' req.) at property located at 31 Florentine Way in R-1-20 zone.
12. Application of Ardans, c/o Empire Sign Co., 727 E. Main Street, Rochester, New York 14605 for variance to erect a 10'x5' (100 sq. ft.) double-faced freestanding sign, variance to allow the total signage for Ardans to be 200 sq. ft. (100 sq. ft. allowed) at property located at 3313 Chili Avenue in GB zone.
13. Application of John LaFontaine, 290 Fisher Road, Rochester, New York 14624 for variance to erect a 14'x14' enclosed porch to be 44' from side lot line (50' required) at property located at above address in RA-10 & FPO zone.
14. Application of Arthur Herzog, 14 Keith Terrace, North Chili, New York 14514 for variance to erect a 24'x28' attached garage to be 7.7' from side lot line (10' required) at property located at above address in R-1-15 zone.
15. Application of Ernest Embling, 156 Chestnut Ridge Road, Rochester, New York 14624 for Conditional Use Permit to allow a Farm Market at property located at 1136 Paul Road in R-1-20 zone.
16. Application of Derek Chapman, 7 Andony Lane, Rochester, New York 14624 for variance to erect an 8'x18' solar room addition to be 52' from front lot line (60' required) at property located at above address in R-1-15 zone.
17. Application of Karen Clancy, 680 Beahan Road, Rochester, New York 14624 for variance to erect a 12'x20' solar room addition to be 35' from one side lot line and 12' from the other side lot line (50' required on both sides) at property located at above address in RA-10 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman,
Chairperson
Chili Zoning
Board of Appeals

3. Application of Allen Dupra, 11 Milewood Road, Scottsville, New York 14546 for Conditional Use Permit to erect a 15' x 16' tool shed at property located at above address in RA-20, FPO and FW zone.
4. Application of Allen Dupra, 11 Milewood Road, Scottsville, New York 14546 for variance to erect a 15' x 16' tool shed to be 6.5' from side lot line (8' required), variance to allow the shed to be 240 sq. ft. (120 sq. ft. allowed), variance to allow the floor elevation to be 524.6' where 529.0' is required at property located at above address in RA-20, FPO and FW zone.

Mr. Dupra was present to discuss this before the Board. He stated this would be used for tools and storage only.

Mr. Erwin asked what kind of tools and was told garden tools, tractor and a small hand mower.

Mr. Barbaro asked where this would be located and was told 120' from the road. Mr. Barbaro asked why so far and was told he doesn't want this close to his house. Mr. Barbaro asked why this was so close to the side lot line and was told that Mr. Dupra and his neighbor talked this over and feels it would be better there.

Mr. Connolly stated that he tore down his existing garage and has started erecting it. Mr. Barbaro asked if this was on a foundation and Mr. Dupra said it is on a slab of 3'4" plywood and 2 x 10 rafters, it could be moved if he has to, but it took 32 people to move it. That is the highest part of his yard there, and stated that he can get neighbor's consent in writing if needed.

Mr. Barbaro asked the finish and was told Texture 111 stained like his house. Mr. Barbaro asked about the roof and was told rolled roofing with stone.

Monroe County states this is a matter for local determination.

No one spoke in favor of opposition.

DECISION: Granted unanimously with the condition that the tool shed is never to be used for human habitation under any circumstances.

5. Application of John & Rosemary Rowe, 108 Riverside Drive, Rochester, New York 14623 for renewal of Land Use Variance to operate a Restaurant/Tavern at ~~above address~~ ^{2771 Scottsville Rd} in R-1-15 zone.

Mr. and Mrs. Rowe were present and stated they would like to make an application for a permanent variance.

Mr. Barbaro stated that this Board can grant permit for any time period it wishes as long as it is within the law, this depends on the circumstances and if it would be beneficial to the Town.

Mrs. Rowe stated they are on Scottsville Road and bought it as a restaurant but it was never zoned commercial. Mr. Barbaro asked the name of the restaurant and was told "Marquis of Queensbury". He asked if there were any changes in operation and was told no. Mr. Miller asked the hours of operation and was told they open at 4 p.m. and stay open until 12 p.m. They had been opening for lunches but were losing money. Mr. Rowe stated that they serve sandwiches, chicken wings, etc. They are not open Sundays. They had a shower and graduation party, but nothing big, they are still struggling, haven't caught on yet.

Mr. Burnett explained that the reason a 3-year permit period was granted the last time was more of a test period for them to establish business and there was concern by the neighbors. Mr. Rowe said there are no complaints by the neighbors now.

Mr. Erwin asked if they had a problem with vandalism and was told no. Mr. Barbaro asked if they had problems with parking and was told no.

No one spoke in favor or opposition.

DECISION: Granted unanimously for a period of 5 years.

6. Application of Robert Conner, 41 Springbrook Drive, North Chili, New York 14514 for variance to allow 2 road cuts on one lot at property located at above address in R-1-15 zone.

Mr. Conner was present to discuss this before the Board. He said he wants to put in parking area on southeast side of property coming in on Spring Brook Drive. Home is a two-family dwelling, and his mother used to live there and now plans to rent this apartment out.

Mr. Barbaro asked if he had permission from the Town to have a rental unit, and was told yes, in 1962 Zoning Board granted permission for it. Mr. Barbaro asked where his home fronts and was told faces on Spring Brook Drive, is a 3-room apartment on the first floor. His part is 3 rooms downstairs and 3 bedrooms and a bath. Mr. Barbaro asked if this would be 32' from lot line or roadway, and was told will be 32' from the roadway, there is fencing there. Mr. Miller stated it might need to be deeper because would be parked in the road right of way. Mr. Barbaro asked then if this would create a hardship and was told no, if needs to be 35', won't have a problem.

Mr. Burnett asked if at the time the variance was issued if he made application for an in-law residence, and was told no, made application for rental unit for two-family dwelling.

No one spoke in favor or opposition.

DECISION: Granted unanimously, with no conditions.

7. Application of Bradley Allen, 19 Minute Man Trail, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 8' wooden shed at property located at above address in R-1-15 zone.
8. Application of Bradley Allen, 19 Minute Man Trail, Rochester, New York 14624 for variance to erect an 8' x 8' wooden shed to be 6" from garage (8' required) at property located at above address in R-1-15 zone.

Mr. Allen was present to discuss this before the Board. He stated that at the present time has a 2-car garage and recently purchased a car which he wants to put in garage, his pool filter, equipment and heater now is in his garage. Would like this on the side of the garage because of looks and want to put in shrubs and can't see from the road. Will take away from the looks if he puts it in the back yard. Neighbor has no complaints.

Mr. Barbaro asked how far this would be from the lot line and was told 10'-12' from lot line. Mr. Barbaro asked the construction? Sided as same as house and will match the way the house looks. Freestanding on blocks. Riding mower, snow plower and push mower will be stored there.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

9. Application of Barbara Bridenbaugh, 23 Hubbard Drive, North Chili, New York 14514 for renewal of Conditional Use Permit to allow a dog grooming business in home with the same conditions as in previous Conditional Use at property located at above address in R-1-15 zone.

Mrs. Bridenbaugh was present to discuss this before the Board. Mr. Barbaro read July 20, 1981 Planning Board's conditions, and she stated that these would be the same. Would like to keep application current, has never had any complaints.

No one spoke in favor or opposition.

DECISION: Granted unanimously with the following conditions;

9. Continued

Conditions:

1. Number of vehicles in driveway at any time to be a maximum of three. No on-street parking permitted.
 2. Hours of business - 10 a.m. to 5 p.m. Monday through Friday, occasional Saturday permitted.
 3. Maximum of two people conducting the business.
 4. Scheduled appointments only.
 5. No dogs on premises unless in a cage or on a leash.
 6. No signs.
 7. Granted for one year.
10. Application of Tom Moscati, 562 Ellicott Square, Buffalo, New York 14203 for variance to erect an 8' x 8' (128 sq. ft.) double-faced freestanding sign, variance to allow the freestanding sign to be 4' from front lot line (20' required), variance to erect an additional 9 wall signs to be 2½' x 4' each, variance to allow the total signage on property to be 252 sq. ft. at property located at 25 Chestnut Ridge Road (Wilson Farms and Long Pond Meats) in NB and R-1-12 zone.

Mr. Thomas Wold, a representative from Niagara Frontier Services, was present to discuss this before the Board. He feels signs there are not enough, and needs more signs. When the building was designed, had no windows to conserve energy, for security reasons, etc. Stated he was also representing Long Pond Meats.

Mr. Barbaro asked if they owned the building and was told no, just rent it. Mr. Barbaro asked what the 8' x 9' sign would be used for and was told for advertising Wilson Farms. Wilson Farms will have 7 signs. Mr. Barbaro asked wherethe freestanding sign would be located and was told 3 feet from property line, wanted to get sign as close as possible to Chili Avenue. Mr. Barbara asked if he felt the sign on the building wasn't visible from Chili Avenue, and asked what kind of hardship would it impose if sign was put 20' from right of way? Mr. Wold said they would lose one parking space.

Mr. Burnett stated that he lived in this area, and that they were in an area that is a real traffic problem area, and the driveway is a complicated one in that you have Chestnut Ridge, Fenton Road and traffic coming into street from Chili Avenue. He thinks putting more signage up there will add more confusion. They should consider their neighbor King Arthur, who wants their business to look as good as possible. Doesn't feel they need more signage, basically thinks they will find that the building has adequate visibility at the present time. Feels this is a dangerous corner.

Mr. Barbaro stated that when they built this they came in with a change in the front, and that at that time they knew they were not going to put in windows. Why is it they are coming back a year later with a request for more signs? Feel they should have planned for more than a year ahead. Mr. Wold stated that at that time town didn't allow freestanding signs, and feels needs a freestanding sign for more recognition.

Mr. Cates indicated that he felt that everyone in the community knows that Wilson Farms is there. Mr. Burnett added that he felt that traffic from the west would not see sign because of King Arthur, but Mr. Wold indicated that he felt that sign would give them better visibility than they have now. Mr. Burnett felt that the people's safety coming in and out of their property should be a concern. Mr. Barbaro asked the purpose for additional signage and wanted to know if they were doing the volume of business they had anticipated? Mr. Wold said no.

Mr. D'Heron added that they could not create a hazard to any adjoining property, and felt that if this sign would fall it would fall on King Arthur property.

Mr. Miller stated that the Board might want to take into consideration that additional lighting might make residential area upset because of additional lighting there.

Mr. Burnett quoted Section 115-34D of the variance indicating 20' and stated that Mr. Wold is requesting only 4'.

Mrs. Whelpeton said that sign will be in two phases and asked what would be on this sign? She was told Wilson Farms would be on top and underneath advertising that they can change. She asked if there would be any guard factor around the sign and was told no, it would be on the green area. She further asked if they felt they needed extra wording there, and feels it would serve no real purpose. Mr. Wold answered that he felt that it would promote specials. Mr. D'Heron asked what colors were the letters on the sign and was told black letters on yellow back-
/interchangeable
ground. Sign will be red, white, yellow and black.

the wording on
Mrs. Whelpeton asked if/the bottom of the sign would be inside or outside and was told outside, will be 20' above the ground.

No one spoke in favor.

Mrs. Kay Strassner, 46 Everett Drive, opposed to additional signage.

Mr. Barbaro read a letter from Mrs. Pagliaco, 2970 Chili Avenue, in opposition of this. (Letter to be on file in Building Inspector's office.)

DECISION: Variance for freestanding sign denied.

Variance for the 9 additional wall signs granted.
Variance for total signage to be 252 sq. ft. denied.
Total signage on the property to be no more than 124 sq. ft. consisting of a 2' x 17' sign and 9- 2½' x 4' signs.

11. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to erect a house to be 45' from front lot line (55' required) at property located at 31 Florentine Way in R-1-20 zone.

Mr. Perna was present to discuss this before the Board. He stated the reason they want this is because of a big hill behind the house.

Mr. Sam Turfrito, owner of the house, in favor of this.

No one spoke in opposition.

DECISION: Granted unanimously.

12. Application of Ardans, c/o Empire Sign Co., 727 E. Main Street, Rochester, New York 14605 for variance to erect a 10' x 5' (100 sq. ft.) double-faced freestanding sign, variance to allow the total signage for Ardans to be 200 sq. ft. (100 sq. ft. allowed) at located at 3313 Chili Avenue in GB zone.

Mr. David Wilson was present representing Ardans to discuss this before the Board. He said the reason for this is that Naums is going through a name change nationwide to Ardans. The existing freestanding sign is 5 x 20' they are going to reduce it to 5' x 10', will be a new double-faced sign, supported on the same poles 9'9", will be set on channel leaders. Will be 30' off the road also will be in a ditch. Will not see the building sign coming from the west, this sign will be facing the same as it is now only half the size. There is sign on the building but it is part of the windows. A will be 6', r-d-a-n-s will be 5'. We are in the process of remodeling the old Naums.

Mr. Burnett said that when consideration was given for that sign, it seems they were trying to give businesses a certain amount of recognition. And asked how this would involve the rest of these signs. He was told they would only change Naums sign, will not change the rest of the names on the sign. Chili Lanes sign will be the same. Mr. Burnett wanted to know if this would affect the other signs on the pole and was told no. Mrs. Whelpeton asked the type of plastic and was told elexan plastic.

Mr. D'Heron wanted to know how this would be lighted and was told internally fluorescent. Mr. Burnett asked the lighting hours and was told he didn't know, but believes the whole sign is on a timer.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

- 13. Application of John LaFontaine, 290 Fisher Road, Rochester, New York 14624 for variance to erect a 14' x 14' enclosed porch to be 44' from side lot line (50' required) at property located at above address in RA-10 and FPO zone.

Mr. LaFontaine was present to discuss this before the Board. He said this will be a screened porch on the east or back of the house. It will be screened on three sides.

Mr. Barbaro asked if the screens will go from the roof down and was told 7' x 4' sections. In response to a question by Mr. Barbaro, he stated siding will be Texture 111 and stained to match house, and the roofing will match as closely as possible.

Mr. D'Heron asked about footings and was told down 48" in concrete.

Monroe County states this is a matter for local determination.

No one spoke in favor or opposition.

DECISION: Granted unanimously based on the fact that the porch will be a screened in porch.

- 14. Application of Arthur Herzog, 14 Keith Terrace, North Chili, New York 14514 for variance to erect a 24' x 28' attached garage to be 7.7' from side lot line (10' required) at property located at above address in R-1-15 zone.

Mr. Herzog was present and said he would like to build a bigger garage, will be 16" centers, cedar shingles, 3-1 roofing.

Mr. Barbaro asked if there was a garage there and was told will have breezeway and garage. Mr. Barbaro asked why he wanted to go over extra footage and was told wanted more room for storage. Mr. Barbaro inquired if it would be any hardship if he went under 12', and was told thinks it would be too small, would like it for the kids to play in. Mr. Barbaro asked if there would be a fireplace there and was told no, will be enclosed breezeway. Mr. Erwin asked if he were going to put furniture there and was told yes.

Mr. Burnett asked Mr. Herzog to describe his present home and was told 4 bedrooms, family room in cellar 24 x 14', but there is a pool table there, feels this is a game room and needs the breezeway. Mr. Burnett asked if he planned on heating the breezeway and was told yes, eventually. Mr. Burnett asked how he presently evacuated the water and was told gutters down into the yard. Mr. Burnett stated that he is only 7' from his neighbor's yard and wouldn't this pose a problem? Mr. Herzog said doesn't see a problem. Mr. Burnett added that currently there is no problem because of green grass there, but he would be concentrating water, and will be taking away the green belt area. Mr. Herzog said he doesn't foresee a problem and could put a gutter on the other side of the garage. Mr. Burnett asked if the neighbor would be affected by this and was told no.

Mr. Miller asked how far away his neighbor's house was and was told 10-12'. Mr. Miller asked if he had a garage there and was told no, it was on the other side.

Mr. Barbaro asked why he couldn't go deeper and was told windows would be in the way, and Mr. Barbaro asked why he couldn't go back, and was told he was going to have a patio there. Mr. Barbaro asked if patio would have a roof on it and was told yes.

No one spoke in favor or opposition.

DECISION: Granted with 5 yes, 1 abstention, no conditions.

- 15. Application of Ernest Embling, 156 Chestnut Ridge Road, Rochester, New York 14624 for Conditional Use Permit to allow a Farm Market at property located at 1136 Paul Road in R-1-20 zone.

Mr. Embling was present to discuss this before the Board. He wants to operate a fruit and vegetable stand there. Former Ford Farm Market on Paul Road.

Mr. Barbaro asked if he went to the Public Market and was told three times a week. Mr. Erwin asked what he sells there besides fruit and vegetables and was told nothing.

Mr. Miller asked how long he has been in business and was told been doing fruits and vegetables for years, just this year there, two weeks.

No one spoke in favor or opposition.

DECISION: Granted unanimously through December 31, 1983 for the sale of fruits and vegetables only.

16. Application of Derek Chapman, 7 Andony Lane, Rochester, New York 14624 for variance to erect an 8' x 18' solar room addition to be 52' from front lot line (60' required) at property located at above address in R-1-15 zone.

Mr. Chapman was present to discuss this before the Board. He stated he would like to build solar addition to the front of the house which will extend 8' from the house. He showed the Board photographs, stating that there is a small roof coming out from the entranceway and proposed addition will come out to that roof.

Mr. Miller asked if this would be all glass construction and was told not quite sure, consulting with architect on this.

Mr. Barbaro asked if there was any particular reason why this was on the front of the house and was told southern exposure is the front of the house. Mr. Miller asked if this would aid in reduction of heating costs, and was told hopes it will. Mr. Miller asked what he would be furnishing this with and was told one way might be tubs of water or phase change materials, change from liquid to solid and vice versa., might put green plants in the front. Front wall of the house would still remain there, would be in the entranceway, might remove window and put in sliding glass door.

Mr. Burnett asked if his solar room would look like the one the swimming company advertises, and was told he hopes to obtain a variance to construct this, hasn't decided what type of construction, doesn't want to go to a lot of expense if can't get variance. Mr. Burnett asked if the roof line will have solar panels in it and was told no.

Mr. Miller asked how he knew 8 x 18' is the optimum size for the room and was told this will sit in front of the house and Mr. Miller said so the pre-existing house led you to decide on 18' and was told yes. Mr. Miller asked what type of foundation and was told concrete footings with block to the appropriate level. In response to a question posed by Mr. Miller, he stated that probably 2' with crushed stone instead of basement, this will have a crushed stone floor.

Mr. Barbaro asked how he planned to match this to make it look attractive as the front of the house and was told shrubs, annual flowers the same as it is now.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

17. Application of Karen Clancy, 680 Beahan Road, Rochester, New York 14624 for variance to rerect a 12' x 20' solar room addition to be 35' from one side lot line and 12' from the other side lot line (50' required) on both sides at property located at above address in RA-10 zone.

James Clancy was present to discuss this before the Board. He said they want to put this on the back of the house, and will buy this from Muswim Pools. He is the brother of Karen and their grandparents moved in and need room and this will be cheaper and will help cut down heating bill. Will come out the back with sliding glass doors, all tiled.

Mr. Burnett stated he noted that only one corner on the south, and Mr. Clancy said that last year we had 255 solar days, and the way the room will sit will be 10-15 percent cut down on their heating bill. This will have shaded glass.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

OLD BUSINESS

1. Application of Walter Garnham, 805 Marshall Road, Rochester, New York 14624 for Conditional Use Permit to allow a windmill 92½' high; and variance to allow the windmill to be 92½' high (49' allowed) at property located at above address in R-1-15 zone.

Mr. Garnham was present before the Board. Mr. Barbaro asked if there had been any changes and was told none.

Mr. Barbaro stated that there would be no further testimony required.

DECISION: Granted 5 yes, 1 no., contingent upon N.Y.S. Professional engineers stamped plans and with the stipulation that an annual maintenance inspection and certification by a qualified windmill manufacturer and/or service organization be presented to the Building Inspector's office.

Ralph Barbaro
Vice-Chairman, Zoning Board of Appeals

/ks

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on August 24, 1982 at 8:00 p.m. The meeting was called to order by Chairperson Janice Chapman. Mrs. Chapman apologized to the audience for the delay, stating that they were waiting for a forum of the Board members.

Present: Janice Chapman, Chairwoman; Cliff D'Heron; Bob Burnett; and Shirley Whelpton.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Connolly, Building Inspector.

Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

1. Application of William Chatman, 65 Lexington Parkway, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 12' wood shed at property located at above address in R-1-15 zone.

Mr. Chatman stated that he wanted this shed for storage of tools.

Mrs. Chapman asked him how this would be sided and was told treated wood. Mrs. Chapman said she noticed the shed is already there and asked what sort of foundation, she was told none, it is sitting on top of the ground. Mrs. Chapman asked how close this was to the lot line in the back and was told four feet. Mrs. Chapman asked if he had talked to his neighbor about this, and was told no, but the neighbor didn't complain. Mrs. Chapman asked if he will move this so he will comply to 8' from back lot line and was told yes.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

2. Application of Joe Benson's Service, Inc., 1421 Scottsville Road, Rochester, New York 14624 for variance to erect a 4' x 8' free-standing sign, variance to allow 3 wall signs to be a total of 117 ½ sq. ft., variance to allow the total signage on property to be 149½ sq. ft. at property located at above address in GI zone.
3. Application of Joe Benson's Service, Inc., 1421 Scottsville Road, Rochester, New York 14624 for variance to erect a 24' x 40' addition to repair shop to be 17' from side lot line (35' required) at property located at above address in GI zone.

Ms. Ann VerHague, architect, was present representing Mr. Benson. She stated he wishes to add to repair shop which will house his largest tow truck he has which is presently standing on the lot. Will also use repair bay to repair large trucks that are brought in. Would like to amend request that the building would be closer to side lot line--9' from the lot line at the front corner and 12½ from the lot line at the rear corner. He needs this on this side, and addition wouldn't work on the other side. Will devise plantings that will screen the building on that side. She showed the Board photographs of the property.

Mrs. Chapman said there are so many cars parked on the property now, and asked where those vehicles will go since they are covering additional land? Mrs. VerHague said he will lose 4 parking spaces, and Mr. Benson had assured her he does have room in the back for these, and Mr. Benson said will not be a problem.

Mrs. Chapman asked if shed on the west end of the property will be removed and was told yes. Mrs. Chapman asked about signs and what Mr. Benson was proposing? She was told 4 x 8 sign is already in existence, it will be redone and repaired; will be same on the 3 sides will say "Joe Benson's Service, Inc.", and will go behind glass. Large sign on the building will be removed, and the others that are behind the glass now will be removed.

Mr. Miller asked what Mr. Benson would be doing with the upstairs and was told it will be office space. Mrs. VerHague added the trailer on the side would be removed, plantings, trees and shrubbery will be added.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date.. *8-18-82*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated.. *8-18-82*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*83*.

Patricia M. Smith
Patricia M. Smith
Publisher

Legal Notice

CHILIZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on August 24, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of William Chatman, 55 Lexington Parkway, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x12' wood shed at property located at above address in R-1-15 zone.
2. Application of Joe Benson's Service Inc., 1421 Scottsville Road, Rochester, New York 14624 for variance to erect a 24'x40' addition to repair shop to be 17' from side lot line (35' required) at property located at above address in GI zone.
3. Application of Joe Benson's Service Inc., 1421 Scottsville Road, Rochester, New York 14624 for variance to erect a 4'x8' free-standing sign, variance to allow 3 wall signs to be a total of 117½ sq. ft., variance to allow the total signage on property to be 149½ sq. ft. at property located at above address in GI zone.
4. Application of Vincent Mosele, 53 Names Road, Rochester, New York 14623 for variance to erect a 15'x4' addition to house on existing foundation to be 32' from side lot line (50' required) and 54' from front lot line (100' required) at property located at above address in RA-20 & FPO zone.
5. Application of June Babiuk, 50 Humphrey Road, Scottsville, New York 14546 for variance to erect a 3'x4' freestanding sign that ad-

vertises a business on another property (50 Humphrey Road) at property located at 236 Chili Scottsville Road in PRD, FPO & FW zone.

6. Application of Monroe Tree and Landscape, 225 Ballantyne Road, Rochester, New York 14623 for variance to erect a chain link fence with 6 strands of barbed wire to be a total of 8' high (3' allowed) to go around entire parking area, at property located at above address in RA-20 & FPO zone.

7. Application of Karen Ferrara, 33 Red Leaf Drive, Rochester, New York 14624 for renewal of Conditional Use Permit to allow a beauty shop in home with the same conditions at property located at above address in R-1-12 zone.

8. Application of Leonard Ziobro, 45 Brian Drive, Rochester, New York 14624 for variance to erect a 24'x38' attached garage to be 10' from side lot line (60' required on corner lot) at property located at above address in R-1-15 zone.

9. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to allow a house to be 58' from front lot line (75' req. as shown on subdivision map), variance to allow 82' lot width at building line (90' required) at property located at 16 Florentine Way in R-1-20, FPO & FW zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman, Chair-
woman
Chili Zoning Board of
Appeals

Zoning Board - Aug 1982

Mr. Burnett indicated he was confused primarily because this is a very cluttered location, basically, when addition is put on the west side of the building, feels just adding to that, they will be close to lot line. Mrs. VerHague said she realizes that, but feels that this building will help. Mr. Burnett indicated a concern with the need for fire equipment getting in there, feels this business volatile, and can't see why this can't be on the east side of the building. Mrs. VerHague said they feel this won't work, would have to change bathrooms, parts department, he has a problem with theft and is anxious to consolidate these functions. She stated that Mr. Burnett was right, there is no direct access other than taking down fence to that side.

Mrs. Chapman had a question about colors on signage? She was told colors are green and white, but may retain yellow or orange that is on building now.

Jim Nichols, 150 Toby Road, Pittsford, said he owns property in two locations in the Town of Chili, introduced Mr. Alexander Marshall. Stated they came to Planning Board Meeting and Mr. Benson had requested 17' variance and tonight says 9', feels they felt at Planning Board it was a zoning problem. They are presently working to develop 8 acres there into an industrial park. Read agreement with Morgood Tool on the development of these 8 acres with Mr. Marshall, stating that this land would maintain the same aesthetic appearance and wanted to be assured neighbors would be as careful with the appearance of their property as they are with theirs. Feels Mr. Benson has violated the Town's ordinances; they would be looking for a 10' side line variance, which would put buildings 20' apart. Feels this application sets precedent in an area which has great impact on its neighbors. Mr. Miller asked if they were the principal owners of the property to the south and to the west of Mr. Benson's and was told yes. Mr. Nichols showed Mrs. Chapman their property on the map.

Pet Robson, 1000 Millstead Way, representing Kayex, a Division of General Signal, stated they were within 1000' of Mr. Benson's parcel and would be concerned that there is no parking spaces for heavy trucks on his property. Feels he is using property that is owned by Niagara Mohawk. Feels a fire hazard, there is no access in the back of the building in case of fire. Feels he should contain his business within his property and he should try to live within the ordinances of this Town. Opposed to granting any variances.

Al Marshall, 37 Wedgewood, opposed. Feels there is a 35' requirement and they are asking for 9', would make buildings close. Asked about signs there and Mr. Miller stated pre-existing, non-conforming and Mr. Benson would have to come into compliance by December 15 of this year. Mr. Marshall asked about conditional use permit and 150' frontage? Mr. Connolly said building is 29' high and is not imposing upon height restriction. Monroe County indicated variance will not affect airport and will not be exposed to aircraft hazard, matter for local determination.

Mrs. Whelpton asked about putting building to the back? She was told he uses back as car storage and feels would be best to keep it there. Mr. Connolly said his (Mr. Benson's) conditional use is for storage of vehicles.

Mrs. VerHague said Mr. Benson has permission to park cars on Niagara Mohawk property. One of the reasons he is building this is to put trucks inside and attempting to alleviate repairing outside. There will be parking space to the side. He is trying to upgrade property. They made a mistake with the survey, used 1960 survey, and this was not an attempt to deceive. He has hired her as an architect and is trying to upgrade his property. She called Mr. Connolly as soon as found out there was a mistake, would appreciate the Board's cooperation.

DECISION: 3 yes, 1 no on Application 3, which defeats application. Unanimously granted 4' x 8' freestanding sign application. Application on 3 wall signs delayed and other sign variances until such time as applicant returns with a materially altered building plan.

ZONING BOARD

September 28, 1982

The meeting of The Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on September 28, 1982 at 7:30 P.M. The meeting was called to order by Chairperson Janice Chapman.

Present: Janice Chapman, Chairperson; Ralph Barbaro, Vice Chairman; Shirley Whelpton, Bob Burnett, Bill Cates, and Bob Erwin.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Robert Connolly, Building Inspector.

Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

- 1. Application of Ray Capestany, 32 Alger Drive, Rochester, New York 14624 for Conditional Use Permit to erect an 8' by 8' wood shed at property located at above address in R-1-12 Zone.

Mr. Capestany asked why he needs a Conditional Use Permit for this building? Mrs. J. Chapman said it was not up to this board to make that determination, it is part of the Town law and under the Town Board purview. He showed board instrument survey, indicating where the shed is. Mr. Chapman asked if it was above storm water easement? Mr. Capestany said it is right on edge. Mr. Capestany said it was made of wood and matches house. Mr. Barbaro asked if the shed was already constructed and was told yes. Mr. Barbaro asked when it was constructed? And Mr. Connolly said he sent Mr. Capestany a letter 8-10 days ago to remedy and it was erected at that time. Mr. Barbaro asked if it was within 10 feet of property line and was told 8' one way and 10' the other. Mrs. Chapman asked if it were anchored and was told on 4 x 5's and nailed to them. Mrs. Chapman asked what he was proposing to use the shed for and was told, storing garden tools, lawn mower, etc., there will be no storage of chemicals.

No one spoke in favor or opposition.

DECISION: Granted 5 yes - 1 abstention with no conditions.

- 2. Application of Kimberly Town Homes & GRT Management, 700 Warren Road, Ithaca, New York 14850 for variance to create an under-sized lot to be .505 acres (22,000 sq. ft.) where 36,000 sq. ft. is required at property located at 401 Beaver Road in RM & FPO Zone.

Mr. F. Monfrado, Esq., was present appearing on behalf of the applicant. Showed the board the parcel on the map. They desire to convert apartments to condominiums, submitted to Planning Board, whether this particular parcel should be subdivided off before creation of condominiums, reason being would have life expectancy of 40-50 years and this parcel would be married to the condo. It is overgrown with weeds and has not been used for some time. Question is whether this should be allowed to be subdivided off, it is substandard size. Tried to track down owner and school district as of November 12, '59 abandoned all interest that school district would have (School District #1) in that location (this is to adjoining property). Called County and it was their opinion it was school district property, and he showed the Board a letter on that subject, and stated if this adjoining parcel is foreclosed they intend to pursue purchasing it, as it adjoining their property.

Mr. Chapman asked square footage and was told approximately 50 x 100.

Mr. Barbaro asked if they intended on obtaining ownership of adjoining property that the school district abandoned, was told that at the present time no plans, but might eventually.

Mr. Chapman asked if they currently had plans to develop remaining parcel and was told no. Mrs. Chapman asked if to the best of his knowledge if there was a conservation easement on that property and was

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *9-22-82*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated... *9-22-82*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1983.

Patricia M. Smith
Patricia M. Smith
Publisher

Zoning Board - Sept 1982

Legal Notice

CHILL ZONING BOARD OF APPEALS

Pursuant to Section 24-231 Town Law, a public hearing will be held by the Chill Zoning Board of Appeals at the Chill Town Offices, 3235 Chili Ave., Rochester, New York 14624 on September 28, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of Ray Capestany, 32 Alger Drive, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x8' wood shed at property located at above address in R-1-12 zone.
2. Application of Kimberly Town Homes & GRT Management, 700 Warren Road, Ithaca, New York 14850 for variance to create an undersized lot to be .505 acres (22,000 sq. ft.) where 38,600 sq. ft. is required at property located at 401 Beaver Road in RM & FPO zone.
3. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 for variance to erect an 18'x8' (total 288 sq. ft.) double-faced

illuminated freestanding sign to be placed on Buffalo Road side of property at property located at above address in R-1-16 zone.

4. Application of G. David Anderson, 12 Weatherwood Lane, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x8' wood shed at property located at above address in R-1-15 zone.
5. Application of John Bugajski, 568 Paul Road, Rochester, New York 14624 for variance to erect a 25'x12' solar room addition to be 53' from front lot line (75' required) and 8' from side lot line (10' required) at property located at above address in R-1-15 zone.
6. Application of Rebecca Vineall, 24 Red Bud Road, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x12' wood shed at property located at above address in R-1-15 zone.
7. Application of Linda Allen, 10 Battle Green Drive, Rochester, New York 14624 for Conditional Use Permit to allow family day care at property located at above address in R-1-15 zone.
8. Application of Stop 'N' Go,

3215 Chili Avenue, Rochester, New York 14624 for variance to erect a 3'x6 1/2' double-faced addition to freestanding sign, variance to allow a total of 5 wall signs (1-3'x3'; 4-2'x3'), variance to allow the total signage on property to be 225 sq. ft. (100 sq. ft. allowed) at property located at above address in GB zone.

9. Application of Don Chambers, 13 Tarrytown Drive, Rochester, New York 14624 for variance to erect a 15'x24' attached garage to be 5.5' from side lot line (10' required) at property located at above address in R-1-12 zone.
10. Application of John Interlich, 115 Salisbury Street, Rochester, New York 14609 for variance to erect a 4'x4' addition to freestanding sign (North Chili Professional Building) at property located at 4415 Buffalo Road in GB zone.
11. Application of Wayne Strawn, 13 Weatherwood Lane, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x12' wood shed at property located at above address in

- R-1-15 zone.
12. Application of Wayne Strawn, 13 Weatherwood Lane, Rochester, New York 14624 for variance to erect an 8'x12' wood shed to be 2' from rear lot line (8' required) at property located at above address in R-1-15 zone.
13. Application of Ray Ornt, 42 Cutter Drive, Rochester, New York 14624 for Conditional Use Permit to erect a 10'x20' wood shed at property located at above address in R-1-15 zone.
14. Application of Ray Ornt, 42 Cutter Drive, Rochester, New York 14624 for variance to allow a 10'x20' wood shed to be 6' from rear lot line (8' required), 2' from side lot line (8' required) and to be 200 sq. ft. (120 sq. ft. allowed), and to be 9' high (8' required) at property located at above address in R-1-15 zone.
15. Application of William Powell, 28 Gateway Road, Rochester, New York 14624 for Conditional Use Permit to erect a 6 1/2'x6 1/2' wood shed at property located at above address in R-1-15 zone.
16. Application of William Powell, 28 Gateway Road,

Rochester, New York 14624 for variance to erect a 6 1/2'x6 1/2' wood shed to be 6' from rear lot line (8' required) at property located at above address in R-1-15 zone.

17. Application of Joe Benson's Service, Inc., 1421 Scottsville Road, Rochester, New York 14624 for variance to erect a 22'x40' addition to repair shop to be 12'5" from

side lot line (35' required) property located at above address in G1 zone. At such time all interested persons will be heard. In order of the Chairwoman the Chill Zoning Board Appeals.

Janice Chapman
Chairwoman
Chill Board
of Appeals

told there is an easement on record given to the Town of Chili to the land associated with Black Creek.

Mr. Miller asked if he would verbally amend application to go along with having residences on this lot, and was told yes, it is no problem.

Monroe County stated matter for local determination.

No one spoke in favor.

Mr. Koster, 387 Beaver Road, asked the proposed useage? Mr. Monfrado indicated he would go along with that the Board decided. Mr. Koster said he would have no objection if there was single family home there, but did not want a high rise or multiple dwellings allowed.

DECISION: Granted unanimously, no conditions.

3. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 for variance to erect an 18' x 8' (total 288 sq. ft.) double faced illuminated freestanding sign to be placed on Buffalo Road side of property at property located at above address in R-1-15 Zone.

Mr. George Ford, Vice-President for development of Roberts Wesleyan was present to discuss this before the Board. He stated he assumed the Board had received all of the paperwork on this and the County comments.

Mrs. Chapman asked how high this sign will stand and was told 8', will pour concrete slab and set it on that.

She asked if it would be illuminated and was told externally, lights will be in berm. She asked the hours of illumination and was told approximately it would be turned off no later than 11 p.m., and what the Board decided would be no problem. She asked if this would be on a timer or manually turned off and was told a timer.

Mr. Barbaro asked if this will be 53' from the center of the road, and was told yes, building inspector said it meets with codes of the Town of Chili. Mr. Barbaro asked why they were asking for such a large sign? Mr. Ford said earlier they had a plastic sign and vandals cracked it and destroyed it, there is a temporary wood sign there. Feel sign will hopefully be indestructible---speed limit is 55 mph and want people to see it. They are trying to give distinction and recognition to the College. Mr. Erwin stated that this sign was 88 time the limit.

Mrs. Whelpton asked face of the sign and was told brick. Mr. Ford added an electrical contractor will recommend the lighting.

No one spoke in favor.

Mr. H. Smith, 4283 Buffalo Road, said his property was the closest to this proposed sign. Object to the project and the size of the sign, extravagance of the sign and the lighting. Light will be reflected into all windows on the north and west side of his house, will illuminate side of his house, and will be an intrusion of his private property. Object to the way the announcement was made of this tonight, objects to the devious manner, had no way of knowing where sign would be located. There was nothing in the notification of where sign would be.

In response to a question posed by Mr. Barbaro, Mr. Ford showed the Board and audience where the sign would be located on the map. Mr. Ford added said he felt there was nothing devious about the way he represented the college, gave all information to the Building Inspector.

Mrs. Chapman asked the cost and was told '82 class project-- donated \$2,000, the rest will be donations from several individuals.

Mr. Barbaro asked if it would be an extreme hardship if the Board said the sign size was too big? Mr. Ford indicated that the size of the sign was based on what they felt could establish identification, feel would cause problems if Board would want it much smaller, letter are on 12".

Mrs. Whelpton asked Mr. Ford about an elongated sign with soft lighting and shrubs? Mr. Ford said several alternatives were discussed, they feel standards are with approval of the College.

Mr. Burnett said Mr. Ford showed ground level in two berms with light fixtures in two berms, and wanted to know how much fixture will be in these berms? Mr. Ford said they were in consultation with electrician, lighting will be at a minimum. Mr. Burnett asked how far berm would be from sign and was told 5' back. Mr. Burnett stressed a concern with vandalism in regards to lighting, in that lighting is 5' away from sign itself.

Mr. Barbaro asked how far driveway was from sign location and was told 659 feet.

Mr. Donald Seely, 4277 Buffalo Road, objects to the sign for the site value, doesn't want to see sign there, wood sign there now is not objectionable. Stated lawn behind President's house has not been cut and they say because of lack of funds, asked how they can afford to maintain sign. Feels sign is many hundreds of feet away from College itself. Feels good possibility of vandalism there.

Monroe County stated matter for local determination.

DECISION: Denied 4 no - a abstentions.

4. Application of G. David Anderson, 12 Weatherwood Lane, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 8' shed at property located at above address in R-1-15 Zone.

Mr. Anderson said he would like permission for this wooden shed for storage. Mrs. Chapman asked the purpose and was told storage of bikes, lawn mower, etc. She asked the construction and was told wood frame, white with black trim, matches house. She asked foundation and was told, cinder blocks, anchored down.

No one spoke in favor or opposition.

Monroe County states matter for local determination.

DECISION: Granted unanimously.

5. Application of John Bugajski, 566 Paul Road, Rochester, New York 14624 for variance to erect a 25' x 12' solar room addition to be 53' from front of lot line (75' required) and 8' from side lot line (10' required) at property located at above address in R-1-15 Zone.

Mr. Bugajski said this would be an addition to his house, would be family room and bedroom, will be designed by Bentland Corp., will be aesthetically pleasing, and in order for solar room needs to be on south side of his house.

Mrs. Chapman asked if it would be predominantly glass and was told there will be a picture window and two double hung windows in the bedroom.

Mr. Miller asked how many square feet of glass and was told 35%. He asked if it would be a one-story addition and was told yes. Mr. Miller asked the size of the rooms and was told bedroom will be 11 x 11, and family room will be 14 x 11.

Mr. Bugajski said it would be brick or T-3 sided.

No one spoke in favor or opposition.

Monroe County said this is a matter for local determination.

DECISION: Granted unanimously, with no conditions.

6. Application of Rebecca Vineall, 24 Red Bud Road, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 12' wood shed on property located at above address in R-1-15 Zone.

Ms. Vineall said this would be wood shingled on the outside and have a wood floor, wood foundation, will be anchored to the ground.

Mrs. Chapman asked how close to the lot line was told 10'.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

7. Application of Linda Allen, 10 Battle Green Drive, Rochester, New York 14624 for Conditional Use Permit to allow daycare (family) at property located at above address in R-1-15 Zone.

Mrs. Allen was present to discuss this with the Board. Wants to become a certified licensed day care operator for 6 children. Plans to have 2 children under the age of two, so limit would be for 5 children. Will provide them with play area.

Mr. Erwin asked if she planned on being the only adult there handling the children during the day and was told yes.

Mrs. Chapman said she had received letter from licensing agency stating basement must be above ground level and have two means of egress. Mrs. Allen said her basement has two windows, is carpeted and paneled, she could not say if it would be all right until social services inspects it. She said her intention would be not to use basement unless approved by social services agency.

Mr. Connolly explained the difference between basement and cellar.

Mr. Erwin asked about other means of exit. Mrs. Chapman added that routes in case of fire should be planned out for. Mrs. Chapman read a letter from the Fire Marshal to the Board.

Mr. Barbaro asked if she was presently conducting babysitting services in her home now and was told yes. He asked why she was doing this in the home and was told she doesn't wish to leave her home to go back to work, likes working with small children. He asked if she regarded this as a business and was told yes. He asked if she had a business name, tax account, etc. indicating this is set up as a business, and she said not at the present time, but understands she will have to.

Mr. Erwin asked if she would be working on weekends and was told no, Monday through Friday, 6:30 a.m. - 5:00 p.m.

Mr. Burnett indicated a concern about this, and said with the inclement weather in the Rochester area, finds it difficult to believe she would have all these children in the first floor level, feels basement would be more logical place to put them, feels basement does not lend itself to a placement of small children, especially since she would be the only one there. Feels she should not use this particular facility. Asked what type of stairwell she had in the cellar and was told finished with carpeted steps, walls on both sides and underneath it. Mr. Burnett said he felt would constitute an entrapment area.

Mr. Barbaro asked how her neighbors felt and she said there were no objections.

Mr. Cates asked how many children she had there now and was told presently one - and next Monday the second one.

Mr. Burnett expressed a concern with evacuating all of these children, and asked if she were aware it would be a problem.

No one spoke in favor or opposition.

Monroe County states matter for local determination.

Mr. Burnett asked the present age of her children was was told
4 - 7 - 11.

DECISION: Denied 2 yes, 3 no, 1 abstention.

8. Application of Stop "N" Go, 3215 Chili Avenue, Rochester, New York 14624 for variance to erect a 3' x 6 1/2' double-faced addition to freestanding sign, variance to allow a total of 5 wall signs (1 - 30' x 3'; 4 - 2' x 3' (, variance to allow the total signage on property to be 225 sq. ft. (100 sq. ft. allowed) at property located at above address in GB Zone.

Mike Gaglia with Granger Wilson signs was present.

Mr. Erwin asked why they need so many signs? Mr. Gaglia said all of the signs in the application are there already except for the 3 x 6 1/2' sign which will be mounted on the pole of the freestanding sign, which will show the price of gas.

Mrs. Chapman read the Monroe County recommendations to the Board.

Mr. Burnett asked what the 4 - 2x3' signs are presently used for and was told for weekly specials.

Mrs. Chapman indicated they would have liked to have representative of Stop 'N' Go present to have asked him questions about signage.

Mr. Barbaro said he felt they were asking for an additional 10% signage and to put up a freestanding sign as well.

Mr. Erwin indicated he would like to talk with representative of the store to show a hardship.

Mr. Burnett asked the reason why the owners couldn't be there, and was told they operate out of Ohio. Mr. Burnett asked if he would be willing to cancel one of the signs on the building and was told no, he was there to ask for additional signage.

In favor.

Carl Bradsley, feels person needs signs, feels we have the biggest amount of bankruptcy since the 30's, feels they need to advertise.

No one spoke in favor.

DECISION: Denied unanimously.

9. Application of Don Chambers, 13 Tarrytown Drive, Rochester, New York 14624 for variance to erect a 15' c 24' attached garage to be 5.5' from side lot line (10' required) at property located at above address in R-1-12 Zone.

Mr. Chambers was present to discuss this. Mrs. Chapman asked if this would be indented from front set back of the house and was told yes, 2'. She asked the plans for the roof and was told lower than the house and attached to the house, separate back. Siding - clapboard siding and next spring, house and garage will be sided. Evacuation of water - gutters and downspouts. Asked about water running into next four neighbors lot and was told pitch of garage will be same as house gutters, will run from the right side and drain from the house. Slopes toward back of the lot, 10' pitch over 100' area.

Mr. Barbaro asked if this was being built by a contractor, and was told yes, Lakes Industries on Buffalo Road.

Mr. Burnett asked if he had a garage there now and was told no.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

10. Application of John Interlichia, 115 Salisbury Street, Rochester, New York 14609 for variance to erect a 4' x 4' addition to freestanding sign (North Chili Professional Building) at property located at 4415 Buffalo Road in GB Zone.

Mr. Interlichia said he had talked with the owner of the building about cluster signs and they are not interested in it. The A-frame sign will be removed when this is granted, gave Board letter from the owner. Will be white background, with black letters, will hang in the center with screw eyehooks.

Mr. Barbaro asked why he didn't have material like rest of signs (natural wood with engraved lettering), and was told he doesn't have the money. Mr. Barbaro asked if he were going to do this himself and was told yes, for \$5 - 10.

Mr. Miller asked what the sign would say and was told "New Creations Hair Salon".

No one spoke in favor or opposition.

Monroe County said matter for local determination.

DECISION: Unanimously approved with the following conditions: sign to be in wood tone with yellow incised lettering similar to that of the existing sign to which it will be attached, the existing A-frame sign to be removed.

11. Application of Wayne Strawn, 13 Weatherwood Lane, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 12' wood shed at property located at above address in R-1-15 Zone.
12. Application of Wayne Strawn, 13 Weatherwood Lane, Rochester, New York 14624 for variance to erect an 8' x 12' wood shed to be 2' from rear lot line (8' required) at property located at above address in R-1-15 Zone.

Mr. Strawn showed the Board a picture of shed and what it would look like, wood frame construction. It will have T-111 siding, black shingles, painted white same as the house. Foundation will be 4 x 4's weathered wood, set it on the ground, 3/4' plywood floor.

Mr. Barbaro asked why only 2' from rear lot line, and was told back lot is very small (showed Board handdrawn picture of back lot).

Mrs. Chapman asked about side yard, and was told their bou is not quite a and trying to keep him in back away from road, wants to have as much back yard as we possibly can.

Mr. Barbaro asked if he had talked to the people in the rear, and was told yes, no problem and gave the Board a letter from them.

Mr. Strawn said he would like to amend variance to 10' high instead of 8'.

Opposition:

Dick Patton, 3 Gateway Road, had a question about the fence and it was explained to him, stated a concern if house is sold and new neighbor comes in, they have a shed there.

DECISION: Granted unanimously with no conditions.

13. Application of Ray Ornt, 42 Cutter Drive, Rochester, New York 14624 for Conditional Use Permit to erect a 10'x20' wood shed at property located at above address in R-1-15 Zone.
14. Application of Ray Ornt, 42 Cutter Drive, Rochester, New York 14624 for variance to erect wood shed to be 6' from rear lot line (8' required) and to be 200 sq. ft. (120 sq. ft. allowed) and to be 9' high (8' allowed) at property located at above address in R-1-15 Zone.

Mr. Ornt said shed is now there, and a 10 x 12 metal shed there originally and there was no requirement at that time, and didn't take time to find out if rules had changed. Has 3 children, lots of bikes, big lawn and decided to put up larger shed instead of two sheds. Put this in the exact same spot as metal shed.

Mr. Barbaro asked if the original shed was 2' from property line and was told yes. He asked when he put it up and was told '72; he asked if Mr. Ornt was aware had to be 10' from the property line and was told no.

Mrs. Chapman asked if this was frame construction and was told yes, sided Texturé III, she asked how it was anchored, and was told by the weight. Mr. Barbaro asked the cost and was told \$599.63 without labor. Mr. Barbaro asked if it would be difficult to move and was told yes, neighbors didn't say anything when I was constructing it, or would have moved it them.

Opposition:

Dick Patton, 3 Gateway Drive, Rochester, New York 14624 showed Board list of people in the area who think should be made to hold to Town's regulations. Showed pictures.

Mr. ERwin asked Mr. Patton if he had talked to Mr. Ornt when he was putting up this shed, and was told saw him. Mr. Barbaro asked if he had questioned Mr. Ornt about the closeness to the property line and was told no. Mr. Barbaro said Mr. Ornt could have stopped building it and would have suffered far less hardship then he would suffer now if he had to move it.

Carol Bradsley, 1 Gateway Drive, feels should put this in his back yard and should have gotten permit.

DECISION: Granted 5 yes and 1 no.

15. Application of William Powell, 28 Gateway Road, Rochester, New York 14624 for Conditional Use Permit to erect a 6 1/2' x 6 1/2' wood shed at property located at above address in R-1-15 Zone.
16. Application of William Powell, 28 Gateway Road, Rochester, New York 14624 for variance to erect a 6 1/2' x 6 1/2' wood shed to be 6' from rear lot line (8' required) at property located at above address in R-1-15 Zone.

Mr. Powell said he didn't know needed permit, put it up in a weekend. Can't put on either side, has fence with roses, hemlocks, cedars, 4' back hedge. To remove would have to cut up two limbs of willow tree. It is on wood 4x4's on cinder blocks. T-III grooved paneling, gray roof.

No one spoke in favor or opposition.

DECISION: Granted unanimously with no conditions.

17. Application of Joe Benson's Service, Inc., 1421 Scottsville Rd., Rochester, New York 14624 for variance to erect a 22' x 40' addition to repair shop to be 12'5" from side lot line (35' required) at property located at above address in G1 Zone.

Mrs. Ann VerHague, Architect, was present representing Mr. Benson. She said they propose to build 22 x 40 addition, side of repair and service station. Second story on existing station. New bay will be to house large tow vehicle which at present is not covered. Second story will be for offices. Trailer will be removed. Whole build-

ing will be upgraded and signage will be cut down. 12.5' in the front and 14.5' in the back, proposing fire lane at the side with gate so there are two gates to enter back lot. Parking in front for clients and sometimes for behicles themselves as they wait to be serviced. Are losing two parking spaces with addition but feel we can accommodate those at the property of Niagara Mohawk.

Mrs. Chapman asked about something in writing about agreement with Niagara Mohawk? She said it was verbal and had been in effect for at least 5 years.

Mr. Barbaro asked who verbal agreement was with and was told owner of the power company and he further asked how she knew it to be true, and was told via Mr. Benson. Mrs. VerHague said she had looked bery carefully at location of addition and feels it is in the right location. Mr. Benson has had a problem with theft in thepast, too. Mr. Barbaro asked what sotrage area in the rear was used for and was told damaged vehicules which are awaiting insurance company to look at.

Mr. Miller asked size of parcel and was told 150' square feet. Mr. Miller asked if Mr. Benson had tried to acquire any other property and was told the price was too high.

Mrs. VerHague said Mr. Benson is planning on cleaning up, cutting down on signage on the southwest side, she amended application to 117 square feet for signage.

Mrs. Chapman asked the color of signs and was told green and white. Mr. Miller asked if they had a complete plan where plantings will be and was told yes. Mrs. Chapman asked if shed on east property line will remain, and was told it will be removed.

Opposition:

Al Marshall, 37 Wedgewood, opposed. Mr. Marshall said he was in opposition of this, had questions about parking spaces, said he had counted 28 there today and Town has a limit of 15. Feels he is in violation of Conditional Use Permit.

Jim Nichols, 150 Toby Road, representing Al Marshall, opposed.

Pete Robson, 1000 Milstead Way, representing Kayex, a Division of General Signal, opposed.

Monroe County states matter for local determination.

DECISION: Granted 5 yes, 1 no.

Janice Chapman
Zoning Board Chairperson

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ZONING BOARD
October 26, 1982

The meeting of the Zoning Board of Appeals of the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 26, 1982 at 7:30 p.m. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Shirley Whelpton, Bob Burnett, Bill Cates, Cliff D'Heron, and Mel Olver.

Also Present: Mr. Miller, Deputy Town Attorney; and Mr. Connolly, Building Inspector.

Mr. Miller stated that notice of this meeting was posted on the Town bulletin board and advertised in the Gates-Chili News.

Approved minutes of September 28, 1982 meeting.

1. Application of William Alexander, 4375 Buffalo Road, North Chili, New York 14514 for variance to allow an additional wall sign to be 14' x 3', variance to allow the total signage for Food Valu Store to be 258 sq. ft. (100 sq. ft. allowed) at property located at above address in GB zone.

Mr. Alexander was present and stated that they had added onto the Food Valu Store and want sign to indicate come of the new products. The sign will be furnished and made by Coca-Cola.

Mr. Burnett asked the present sign size in the front of the building and was told 36' long. Mr. Burnett asked where this sign would be located and was told where "Ray's Radio" sign was previously.

Mr. Olver asked how large the previous sign was (Ray's Radio), and Mr. Alexander said he did not know, but added this new sign will be lit and the previous sign was a wooden sign.

Mr. Barbaro stated that they were over the allowable signage now. Mr. Alexander said some signs are on Union Street, too. Mr. Barbaro said they have 108 square feet of signage on Buffalo and didn't he feel that would be adequate? Mr. Alexander said that it would leave a hole where "Ray's" sign was. And Mr. Barbaro asked if they couldn't move their sign over? Mr. Alexander said he wants to indicate where ice cream parlor is, this is sort of a separate business.

Mr. Miller asked what the new sign would say and was told ice cream parlor, bakery and deli, and will have a Coke decal on it. Mrs. Whelpton asked if he could have this sign made without the Coke decal? Mr. Alexander said they (Coke) would not pay for it. Mrs. Whelpton added that the Board found that when people buy their own signs they take better care of them than signs contributed by advertisers.

Mr. D'Heron asked what is written on their present sign and was told Food Valu. He further asked if there would be room to add this additional information on their present sign, and was told by Mr. Alexander, not really. Mr. Burnett disagreed with that.

Mr. Miller inquired as to whether this ice cream parlor and deli were separate? Mr. Alexander said opens from store, but they open the deli and ice cream parlor earlier than the store, it also has a separate door you can use. Wants to operate them as a separate business and may expand business, especially in the summer time.

Mr. Olver asked if had discussed the possibility with Coke of replacing existing sign with one new sign? Mr. Alexander did not respond.

No one spoke in favor or opposition.

DECISION: Unanimously denied: 1. the 14'x3' sign is too large a variance for an establishment which already has over two times the allowable square footage of signage, 2. the character of the proposed sign with its "Coke" logo is not in keeping with the existing signage on the store.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date....*10-20-82*.....

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
PUBLISHED IN THE

GATES-CHILI NEWS

Issue Dated *10-20-82*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 1983

Patricia M. Smith

Patricia M. Smith
Publisher

Legal Notice

CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 26, 1982 at 7:30 p.m. to hear and consider the following applications:

1. Application of William Alexander, 4375 Buffalo Road, North Chili, New York 14514 for variance to allow an additional wall sign to be 14'x3' variance to allow the total signage for Food Valu Store to be 258 sq. ft. (100 sq. ft. allowed) at property located at above address in GB zone.
2. Application of Barbara Cenzi, 56 Ballantyne Road, Rochester, New York 14623 for Conditional Use Permit to allow an 8'x8' metal utility shed at property located at above address in RA-20 & FPO zone.
3. Application of Augsburg Corp., 520 Riverside Avenue, Ogdensburg, New York 13669 for variance to allow a 7'x9½' double faced freestanding sign, variance to allow 2 logo signs on fuel tanks to be 15'x10' each, variance to allow total signage on property to be 433 sq. ft. (100 sq. ft. allowed) at property located at 1129 Scottsville Road in GI zone.
4. Application of Robert J. Miller, 4270 Union Street, North Chili, New York 14514 for variance to erect a 42'x40' pole barn to be 6' from side lot line (50' required) at property located at 4260 Union Street in RA-20 zone.
5. Application of Roger Roach, 1 Still Meadow Drive, Rochester, New York 14624 for variance to erect a 17'x32' inground swimming pool to be 30' from side lot line (55' required on corner lot) at property located at above address in R-1-15 zone.
6. Application of Robert Lehr, 20 Black Creek Road, Rochester, New York 14623 for variance to erect an 11' x 34.4' addition to building to be 12' from side lot line (50' required), variance to allow the floor elevation to be 521.62 (525.0 required), variance to allow parking in the front setback area at property located at above address in RA-20 & FPO zone.
7. Application of Robert Lehr, 20 Black Creek Road, Rochester, New York 14623 for Land Use Variance to convert existing building into a party house at property located at above address in RA-20 & FPO zone.
8. Application of Michael Dellfava, 2 Loyalist Avenue, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 8' wood utility shed at property located at above address in R-1-15 zone.
9. Application of William Dellfava, 2 Loyalist Avenue, Rochester, New York 14624 for variance to erect an 8' x 8' wood utility shed to be 31' from side lot line (55' required on corner lot) at property located at above address in R-1-15 zone.
10. Application of Bonnie Gionta, 4415 Buffalo Road, Suite 2, North Chili, New York 14514 for variance to erect an 8' x 3' addition to freestanding sign at property located at above address (North Chili Professional Building) in GB zone.
11. Application of Anthony Andolina, 16 Morgan Road, Scottsville, New York 14546 for variance to erect a 9' x 6' enclosed porch to be 27' from side lot line (50' required) at property located at above address in RA-20 zone.
12. Application of Deanna Erwin, 893 Paul Road, Rochester, New York 14624 for variance to erect a 10' x 22½' addition to garage to be 8' from side lot line (10' required) at property located at above address in R-1-15 zone.
13. Application of Richard Mastrodonato, 10 Majestic Way, Rochester, New York 14524 for Conditional Use Permit to allow an office in home at property located at above address in R-1-15 zone.
14. Application of John Wehremeyer, 27 Chi Mar Drive, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 8' wood utility shed at property located at above address in R-1-20 zone.

At such time all interested persons will be heard. By order of the Chairwoman of the Chili Zoning Board of Appeals.

Janice Chapman
Chairwoman
Chili Zoning Board
of Appeals

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