

ZONING BOARD
January 25, 1983

A 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 25, 1983 at 7:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Shirley Whelpton, Robert Burnett, Tom Ward and Melvin Olver and Cliff D'Heron.

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 Jasper Green, 66 Battle Green Drive, Rochester, New York, 14624 for renewal of Conditional Use Permit to allow a driving school office in basement of home with the same conditions at property located at above address in R-1-15 zone.

Jasper Green was present and spoke. Mr. Barbaro read the Conditional Use Permit dated March 7, 1981 and stated that was the prior Conditional Use Permit granted at that time, and stated this was to expire on 12/1/81. Number two stated the maximum number of cars was to be four, and number three, no signs will be installed relative to this Conditional Use. It was signed by the Chairman then, Robert Hunter. He stated they received the County determination which stated it was a matter for local determination and it can be voted on tonight.

Mr. Green stated he would like to have the same request extended at this time. He is asking for a three year extention with the same conditions. He stated there are only two cars but there may be four sometimes and a basement telephone and that is all.

Mr. Barbaro asked if that was the only thing they use the basement for and was told yes, just to receive calls and call out. Mr. Barbaro asked if he employes anyone and was told he was the only one.

Mr. Olver asked how many cars are used in this and was told, two. Mr. Olver asked if he goes to the home of his customers and was told he does go to the home. Mr. Olver asked if they come to his home and was told, no. Mr. Olver asked if there isn't an occasion when the customers come to his home and was told he could not think of one occasion.

No one spoke in favor or opposition.

DECISION: Approved, 5 yes and 1 no. Conditional Use shall remain in effect until 12/31/85, with no more than four cars in the driveway at any one time and that no signs are to be placed on the premises related to the Conditional Use.

- 2. ✓ Application of Malcolm Glazer, 311 Ridge Road East, Rochester, New York 14621 for variance to erect a 10' x 6' double faced freestanding sign on existing pole at property located at 1345 Scottsville Road (Evergreen Mobile Home Park) in GB zone.

Mindy Higgins was present and stated she was employed by Granger Wilson Signs and is representing the management office.

Lisa Curtin was present and stated they were requesting renewal of the permit for the sign.

Mr. Barbaro stated he did not understand who was representing the mobile home and was told Lisa Curtin. Mr. Barbaro asked if the sign was up and was told yes. Mr. Barbaro asked when was the sign put up and was told a good many years ago. Lisa did not recall the specific date. Lisa stated they would be changing the writing on

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *1-19-83*

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

GATES-CHILI NEWS

Issue Dated... *1-19-83*

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

Received & filed
January 25, 1983

Legal Notice

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 25, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Jasper Green, 66 Battle Green Drive, Rochester, New York 14624 for renewal of Conditional Use permit to allow a driving school office in basement of home with the same conditions at property located at above address in R-1-15 zone.
2. Application of Malcolm Glazer, 311 Ridge Road East, Rochester, New York 14621 for variance to erect a 10' x 6'

double faced freestanding sign on existing pole at property located at 1345 Scottsville Road (Evergreen Mobile Home Park) in GB zone.

3. Application of Anthony Perrotta, 1350 Buffalo Road, Rochester, New York 14624 for variance to erect a house to be 20' from one side lot line (60' required on corner lot) and 6' from the other side lot line (10' required) at property located at 164 Chestnut Ridge Road (corner of Tarrytown Drive) in R-1-12 zone.

4. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to allow a 6' x 5' double faced freestanding subdivision sign to include

the name and phone number of the builder with a 1' x 4' double faced sign below to include the name and phone number of the realtor, variance to allow the total signage to be 68 sq. ft. (32 sq. ft. allowed), variance for the sign to be 17' from front lot line (20' required) at property located at 164 Archer Road in R-1-15 zone.

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

Ralph Barbaro, Chairman
Chili Zoning
Board of Appeals

*Forwarded
Board Jan 1983*

the sign. She stated right now it reads, "ELMA MOBILE HOME SALES" and that will be changed to "EVERGREEN MOBILE HOME PARK". She stated she would have it repainted. She stated it will no longer be selling the homes and they will take that part off the sign.

Mr. Olver asked if this sign was lighted and was told by Lisa Curtin that the sign was lighted at one time but is no longer. However, in the event they would light it, it would be on a timer. The wiring is there for it. Mr. Olver asked if they were ground lights and was told they were internal lights. Mr. Olver asked what hours would they light it and was told, in the winter, five thirty to eleven.

Mr. Burnett asked what the purpose of the sign is, that all the residents are living there, there are not more sales and what significance does the sign have and was told by Ms. Curtin that it identifies the park and is for business. Mr. Burnett stated that she indicated there was no business being conducted and was told they do rent the lots. Just like you would put an add in the paper, you would have a sign up.

Mr. Barbaro asked if they just weren't selling mobile homes like they used to and was told, yes.

Mr. Ward asked what was the occupancy right now and was told, one hundred and twenty. Ms. Curtin stated that is what she believed it was, there was one vacancy. Mr. Ward stated most of the residents have been there for a while and there wasn't a great turn-over and was told that was right.

Mr. Burnett asked what would they use on the sign to indicate there was a vacancy and was told an add in the paper. Mr. Burnett asked if they would put a for rent sign up and was told no.

No one spoke in favor or opposition.

DECISION: Approved, unanimously. Application granted with the following conditions:

1. If a sign is to be lighted, Fire Underwriters approval must be obtained for all wiring.
3. Application of Anthony Perrotta, 1350 Buffalo Road, Rochester, New York for variance to erect a house to be 20' from one side lot line (60' required on corner lot) and 6' from the other side lot line (10' required) at 164 Chestnut Ridge Road (corner of Tarrytown Drive) in R-1-12 zone.

Herman Klingenberg was present, 1504 Scottsville Road, to describe the proposal to the Board. He stated Mr. Perrotta is the owner of the parcel of land, the northeast corner lies on Chestnut Ridge Road and Tarrytown Drive. He stated they are proposing a one-story ranch house with a front setback of 60 feet from Chestnut Ridge Road and twenty foot side setback from Tarrytown Drive and six feet from the easterly lot line. He stated they could see from the map that the house immediately to the east of the parcel has a front setback of forty-two and a half feet and a three foot side setback. On the other side of Tarrytown to the west is a front setback of 67 feet and a setback from Tarrytown of twenty-four and a half feet. He stated they are requesting a sixty foot setback from Chestnut Ridge Road as an exception under the Zoning Ordinance. He stated the required setback from Chestnut Ridge is seventy-five feet, once again, the house on the west side is sixty-three point seven feet.

Mr. Barbaro stated there is no question about homes being built on pre-existing nonconforming lots. He asked them to define what their hardship is.

Mr. Perrotta stated his hardship was that he owned the lot and could not sell it and could not build on it.

Mr. Barbaro asked what that amounted to financially and was told four thousand dollars. Mr. Barbaro asked if that is what he feels he has invested in the property and was told that is what he has in it in costs, for the unkeep and the cost of the lot.

Mr. Perrotta stated that there have been problems with cutting the grass and that his neighbor did it. Mr. Perrotta sent him a letter asking if there was any interest on his part in buying the property and never received a reply.

Mr. Barbaro asked what he offered the house for and was told thirty-eight hundred dollars.

Mr. Barbaro read a letter from the Chili Zoning Board of Appeals from January 27, 1981 that stated it was unanimous that they deny the application for the variance and the reason why.

Mr. Burnett stated he sat on the Board when it was denied and at that time it was discussed that the other buildings were built before the present Zoning laws were in effect.

Mr. Barbaro asked if he has had any recent purchase offers and was told, no. Mr. Barbaro asked if he recently advertised the property for sale in a publication and was told a year ago. Mr. Barbaro stated that was not recent. Mr. Barbaro asked if he had any purchase offers and was told, yes, just verbal offers where people wanted to buy subject to obtaining the permit and he thought it would be better for him to come to the Board rather than somebody else. Mr. Barbaro asked when did he receive those and was told through the course of the last three or four years. Mr. Barbaro asked if there was anything within the last few months and was told, no. Mr. Perrotta stated he had three standing offers where people wanted to build on this lot if they could get a building permit.

Mr. Burnett asked if the thirty-eight hundred dollar figure have any relationship to what he purchased the property for and stated on a tax foreclosure he didn't pay thirty-eight hundred dollars and was he correct. Mr. Perrotta stated, no, he wasn't. Mr. Burnett asked if he paid thirty-eight hundred dollars and was told, yes, it was somewhat less but when you add up all the the tax bills it would come out to that.

Mr. Barbaro asked what his plans would be if he were to build here. Mr. Perrotta stated he would not change the grade, that it was very sandy. Mr. Barbaro stated he would require a culvert under the driveway.

Harold Hous, 162 Chestnut Ridge Road was present and stated it is not possible to move a structure that was build before the guidelines were set for setbacks. He also stated there would be a problem with drainage and also there would be an obstruction from his driveway. Mr. Hous presented a petition with names of people that are against this variance.

Mr. Barbaro asked Mr. Hous if he would be interested in buying this house and was told he would have to give it a lot of thought. Mr. Hous stated his own personal opinion is that it would be no good except to himself or Mr. Perrotta if they can't come to terms on the sale of the house then obviously he can't sell it to him.

Mr. Barbaro stated he thought that gave him a hardship.

Moses Cooper was present, 170 Chestnut Ridge Road, and stated he had the newest house in the area. He stated he paid big bucks for his house and that was the purpose of moving out so he wouldn't be crowded and he wouldn't want a house right across from him. Mr. Barbaro asked him is he ever considered buying that lot and was told, no. Mr. Barbaro stated he knew when he bought there that someone may build there that someone may build there and Mr. Cooper stated he did not know.

Rudolph Vogel was present and stated he was there the last hearing on this. He stated Mr. Horris owned that land and the land with the house and he divided that piece of land so that when his son

came back from the service he would build a house on it for him. When the son came back he didn't want to live there and when Mr. Horris sold that house that piece of land was there. Mr. Barbaro asked which war he was talking about and was told the Korean War. Mr. Vogel also stated he wanted to refresh the Board's memory. He stated when Mr. Perrotta bought that land he bought it for speculation.

Mark Ezrow was present and asked if when Mr. Perrotta bought that land were the zoning laws the same as they are now and was told by Mr. Barbaro they are exactly the same.

No one spoke in favor.

DECISION: Approved, 5 yes to 1 no, with the following conditions:

1. The setback from Chestnut Ridge Road to be a minimum of 80 feet or more so as to insure that there be a distance of at least 15 feet between the closest points of any new home constructed on that lot to the house at 162 Chestnut Ridge Road.
2. That grading and drainage plans showing a maximum effort to achieve good visibility for entrance and egress from the proposed driveway to Tarrytown Drive, and from Tarrytown Drive to Chestnut Ridge Road, and eliminating any evacuation of surface storm water to properties to the north and east, be submitted to and approved by the Building Inspector and Town Engineer.
4. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to allow a 6' x 5' double faced free-standing subdivision sign to include the name and phone number of the builder with a 1' x 4' double faced sign below to include the name and phone number of the realtor; variance to allow total signage to be 68 sq. feet (32 feet allowed), variance for the sign to be 17' from front lot line (20' required) at property located at 164 Archer Road in D-1-15 zone.

Jim Perna was present and stated he was asking for the variance to advertise this new subdivision. He stated it would be a temporary sign until they get the new road cut in. He stated the sign is four by five but he has a two lane road and he can't do it with the size of the sign now.

Mr. Burnett asked if it was a two sided sign and was told, yes. Mr. Perna stated it was a good looking sign.

Mr. Connolly stated he gave Mr. Perna a copy of the sign ordinance three different times and talked to him about it. Mr. Perna stated he is a developer in the Town and he knows there are laws, but before that law was passed last year he was able to put that sign up. Mr. Perna stated he has invested a million dollars.

Mr. Perna stated as soon as the track is done, the sign will be down. He stated section one and two will be done by the fall of this year. Mr. Barbaro asked how many sections there were and was told four.

Mr. Connolly stated these particular signs are only granted for six months anyway but he has not made a subdivision sign out of it. Mr. Barbaro asked what happens at the end of the six months and was told by Mr. Connolly that he renews it.

No one spoke in favor or opposition.

DECISION: Approved 4 yes to 2 no. Variance granted for six months.

Ralph Barbaro
Chili Zoning Board

ZONING BOARD

February 22, 1983

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 22, 1983. The meeting was called to order at 7:30 P.M. by Ralph Barbaro, Chairman.

PRESENT: Ralph Barbaro, Chairman; Thomas Ward, Bill Cates and Bob Burnett.

ALSO PRESENT: Bob Connolly, Building Inspector.

Mr. Barbaro called the meeting to order and stated that this was a legally constituted meeting of the Chili Zoning Board and that notice of the meeting has been advertised in a newspaper of general circulation and also posted on the Town Clerk's bulleting board.

1. Application of Roy Moseley, 23 Chili Riga Town Line Road, Churchville, New York 14428 for a 9 foot side setback where 10 ft. is required at property located at 2213 Westside Drive in a R-1-15 Zone.

Mr. Roy Moseley was present and stated he had a map showing the side setback on both sides as well as the front. He stated he was on the job when the mason started laying out the foundation and requested that he make it eleven feet from the lost line and it ended up being nine to nine and a half. He didn't stay on the job but stated he had made mistakes and it still could have happened. Mr. Barbaro asked if he was the owner and was told he was the contractor and the owner. Mr. Moseley stated it was just a mistake.

Mr. Barbaro asked if it was staked out and was told the mason did it. Mr. Barbaro asked what the present status of the house is and was told it was finished. Mr. Barbaro asked how long ago did this take place and was told he became aware of it three and half weeks ago. Mr. Barbaro asked what was the status of the construction at that time and was told it was ready for interior carpeting, that it was almost finished.

Mr. Moseley stated he talked with Mr. Connolly and Mr. Connolly suggested he get a variance.

Mr. Ward asked if the house was sold and was told, yes. Mr. Ward asked if the owner had intentions of putting on a twenty foot attached garage and was told he was not sure. He stated the owner had talked about it but he didn't have the money to do it.

Mr. Moseley stated to the east of the property is an empty lot and the gas station.

Mr. Ward asked if there was any parricular reason for a thirty-two and a half foot lot line and asked if there was a reason they held so tight to the lot line and was told for a future garage, but he didn't have any intentions of building the garage for the owner.

Mr. Burnett asked if there wouldn't be a problem with a two-car garage coming up to the lot line and was told it could be a one car garage. Mr. Moseley stated the owner was aware of allof this.

No one spoke in favor or opposition.

DECISION: Approved.

2. Application of Mr. & Mrs. Peter Sciolino, 92 Parkway, North Chili, New York 14514 for renewal of a conditional use permit to operate a beauty shop at property located at above address in a R-1-15 zone.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 2-16-83

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

GATES-CHILI NEWS

Issue Dated 2-16-83

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 February 22, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Roy Moseley, 23 Chili Riga Town Line Road, Churchville, New York 14428 for a 9 ft. side setback where 10 ft. is required at property located at 2213 Westside Drive in a R-1-15 zone.
2. Application of Mr. and Mrs. Peter Sciolino, 92 Parkway, North Chili, New York 14514 for renewal of a conditional use permit to operate a beauty shop at property located at above address in a R-1-15 zone.
3. Application of Gerard Smith, 441 Stottle Road, Scottsville, New York 14546 for conditional use permit to erect a storage shed at above

property address in a RA-20 zone.

4. Application of Gerard Smith, 441 Stottle Road, Scottsville, New York 14546 for variance to erect a 12 ft. x 16 ft. (192 sq. ft.) shed 9½ ft. high where 120 sq. ft. and 8 ft. high is permitted at above property address in a RA-20 zone.

5. Application of Gary Marks, 2911 Chili Avenue, Rochester, New York 14624 for approval of land use

variance to operate a farm market, firewood business and greenhouse at property located at 1196 Paul Road, Churchville, New York 14428 in a LI and R-1-20 zones.

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

Ralph Barbaro, Chairman
Chili Zoning Board
of Appeals

Zoning Board
Feb 1983

Mr. Peter Sciolino was present with his wife, Debbie, and stated that his wife was presently running a beauty shop in the basement under a conditional home use permit that the Board granted last year and stated he would like to renew it for a three to five year renewal if possible. He stated their present conditions are all the same as they were last year and nothing has changed. He stated they have had no complaints and also has a petition for support of this request with thirty-two signatures on it.

Mr. Barbaro read from a letter which was sent by Debbie Sciolino that stated she was the only person employed in the shop, and she worked on one person at a time keeping the car situation to one or two at the most parked in the driveway. There is no external advertising and most of the neighbors are customers. The main reason for the request is to allow the children to have their mothers home.

Mr. Connolly stated he had received no complaints.

Mr. Ward asked if there was a secondary entrance or exit and was told there were three windows in the basement and then the stairway. Mr. Ward asked if they were your standard basement windows and was told, yes. Mr. Connolly stated the fire marshal approved them.

Mr. Burnett stated he was the safety engineer and stated he would have some reservations about the inability to exit the building because they do have a rather extensive heat factor with the dryers. He asked how would a person evacuate through the window in case of a fire and was told the windows open up. Mr. Burnett asked if he was five foot tow would it be easier for him to exit and was told yes, with some help. Mr. Sciolino stated this was raised ranch and stated the beauty shop only takes up about a quarter of the basement. He stated the basement is open, there are no partitioning walls. He stated they only had one dryer and stated it is on one circuit and would be highly impossible for a fire to start. Mr. Burnett stated they may consider putting in an emergency exit. Mr. Barbaro asked if they ever considered an outside basement stairwell and asked if they would consider that it if was a stipulated condition and was told, yes.

Jom Cockling, 84 Parkway Drive was present and stated they have lived in the neighborhood for approximately six years and at no time of the day or night could you drive down the street and no that anything unusual was going on in this residence. He stated other neighbors have children that drive and have three, four, five cars and those people you would think have businesses going on. So he would recommend that this application be granted.

Lowell Pierce, 98 Parkway Drive was present and stated they have no problem with interference or anything else and stated there are only one or two cars at a time in the driveway and stated the Board should approve it.

No one spoke in favor or opposition.

DECISION: Approved with the following conditions:

1. No external advertising of business
 2. Secondary means of egress from shop area accepted to B.I. by 8/21/83
 3. Three years from date of B.I. approval of #2
3. Application of Gerard Smith, 441 Stottle Road, Scottsville, New York 14546 for conditional use permit to erect a storage shed at above address in a RA-20 zone.
 4. Application of Gerard Smith, 441 Stottle Road, Scottsville, New York 14546 for variance to erect a 12 ft. x 16 ft. (192 sq. ft.) shed 9½ ft. high where 120 sq. ft. and 8 ft. high is permitted at above property address in RA-20 zone.

Mr. Gerard Smith was present and Mr. Barbaro asked if there were any other building on the property at present and was told no. Mr. Barbaro asked if his garage is fourteen foot by twenty foot, single

car garage and was told it is twelve by twenty two. Mr. Barbaro asked what the purpose of such a large storage shed was and was told he had a garden tractor and it is approximately ten foot long. Mr. Barbaro stated he had a lot one hundred by two hundred and asked, what in God did he do and stated he had a garden in the back that the farmer rents him some land from and stated it is a kit that comes from Grossman's and that it the size it will be. Mr. Barbaro asked how high would the peak be and was told the side wall is about four feet and then it tapers up. Mr. Barbaro asked if this was a standard kit and was told, yes. Mr. Barbaro asked if he already bought it and was told, no. Mr. Barbaro asked what the exterior of the kit was and was told it would be lectured and was asked if that would match his house. Mr. Smith said his house was aluminum siding and stated it would be painted white with a black trim and was asked what kind of roofing and stated asphalt shingles and that will be white, also the same as the house. Mr. Smith stated it would be sitting on cement blocks and stated it has a foot of its own. Mr. Smith stated it would be eight feet from the back of his house. Mr. Smith asked why he had to loose eight feet from his house to the shed and Mr. Connolly stated the ordinance required it. Mr. Barbaro asked if it would be totally in back of the garage so it can't be viewed and was told, yes.

Mr. Barbaro asked what was on the property to the left and was told open land. Mr. Barbaro asked on the right and was told there is a dwelling -- another house.

Mr. Cates asked if he planned on storing gasoline and was told, no, just a tractor and lawn chairs and a rototiller and stuff like that.

Mr. Burnett asked if with the type of equipment stored wouldn't it be better to have it further away from the house even though the house is siding, and wouldn't ten feet be a better distance and was told by Mr. Smith that he would be loosing another tow feet. Mr. Burnett stated it would give the fire department more working room if there was a fire. Mr. Barbaro interjected that the Town Law requires only eight feet and he is meeting the eight foot requirement.

No one spoke in favor or opposition.

DECISION: Approved

5. ✓ Application of Gary Marks, 2911 Chili Avenue, Rochester, New York 14624 for approval of land use variance to operate a farm market, firewood business and greenhouse at property located at 1196 Paul Road, Churchville, New York 14428 in a LI and R-1-20 zone.

Gary Marks was present and Mr. Barbaro stated his request states that he wished to use the property for the following purpose; to construct and operate a small market approximately twelve by twenty-four, one story, situated kitty corner to Paul and King Roads. You will want signs on the farm market, the structure is one story with less than twenty-five feet to store equipment, supplies, etc. so as not to be an eyesore on the property, and to construct a greenhouse next to the barn to raise plants with which to produce crops. The total parcel is eleven acres, approximately six acres to operate a fire wood business under the farm market permit, which would include, cutting, splitting and selling. You would also like to bring in Christmas trees to sell on the property.

Mr. Marks stated he feels he could do a very good business at a reasonable cost to the prople and stated this is one of the reasons he would like to operate the farm market. Mr. Barbaro asked if he was aware there was a farm market right up the road and was told, yes.

Mr. Barbaro asked him to explain what farm market meant to him and Mr. Marks stated his seasonal crops would be his main concern and he had intended to use five acres for growing crops, and he would be cutting and splitting wood on five acres and one acre would be lost

to the easement and set backs. He stated he could do very well selling tomatoes from his greenhouse and was hoping to grow five to six thousand plants, not this year but the following year.

Mr. Barbaro stated he had three buildings shown, A, B and C. C is the greenhouse and it appears to be very small. Mr. Marks stated he could grow six thousand plants in the greenhouse. Mr. Barbaro asked him when the tomatoes will ripen and was told July, he will go with tomatoes and corn. He stated he was going to grow pumpkins in between the corn crop and he is going to haul in alms and Christmas trees and of course the wood would be brought in.

Mr. Barbaro asked about the wood cutting operation and was told about fifty thousand cords coming in. Mr. Barbaro stated that was a pretty big operation and was told it has to be to make it worthwhile. Mr. Barbaro stated that goes beyond the concept of a farm market. Normally a farm market is to sell only those commodities that are raised on that farm. Mr. Marks stated that Westview brings in his logs and sells them and Mr. Connolly stated that was not before the Board this evening. Mr. Barbaro stated the application doesn't state fifty thousand cords and Mr. Marks stated it may only be five, but that is the maximum, fifty thousand.

Mr. Ward asked how many employees would be anticipated at peak time and was told no more than one or two. He stated his family planned to do most of it. He stated his father is laid off and his brother is not working and he has other people who can help.

Mr. Burnett stated he was a neighbor and stated he believed they were currently operating a business from their home, bringing logs in and things of that nature, cutting extensive periods of time. He asked what will happen to the home operation. Mr. Marks stated his home operation was few logs to take care of the house. Mr. Burnett stated they had a larger quantity of logs than would be needed for his home. Mr. Marks stated everything he has is going to be burned. Mr. Barbaro asked if they were selling at all and was told, no. Mr. Burnett asked why was the cord out in front and was told he was selling at the time and when he was told by the Board that he couldn't do it he stopped. He still drafts downstairs, he still has his own little business downstairs. Mr. Burnett asked if he realized he was in a residential area and was told, yes. Mr. Burnett asked if he was cognizant that he had to appear before the Board before he entered into a business and was told, he took down the sign when he was told to by the Town and he took his wood pile away and he hasn't done any drafting downstairs per se, except for his own little signs.

No one spoke in favor or opposition.

DECISION: Denied for the following reason:

1. Too great a variance
2. No provisions for enclosed buildings for operations and storage
3. No provisions to contain noise
4. No hardship
5. Goods not raised on premises
6. No provisions for removal of wood cutting wastes
7. Traffic hazard of wood carrying trucks through residential area
8. Architectural treatment and appearance of buildings not in keeping with purpose of LI zone

Ralph Barbaro
Chairman, Zoning Board

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 22, 1983 at 7:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Thomas Ward, William Cates, Cliff D'Heron, and Mel Oliver.

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 Dario Marchioni, 120 Chili-Scottsville Road, Scottsville, New York 14546 for approval of a variance to allow a 24' x 24' addition to a warehouse to be 75' from the front lot line (100' required) 30' from the side lot line (50' required) and floor elevation of 524.5' where 527.0' is required at property located at 21 Fricker Avenue, Rochester, New York 14623 in RA-20 & FPO Zones.

Mr. Marchioni was present and stated it was a 24' x 24' storage building just for storing material for his company (Dario Marchioni's General Contracting Company) such as tools, materials and scaffolding.

Mr. Connolly stated that Mr. Marchioni got a variance for the back of his building and put it on the side instead. Mr. Marchioni stated he made a mistake. When he went to make the foundation, the septic tank was there. There was no bottom there so that support was out and he couldn't put footing in for foundation.

Mr. Barbaro asked why he didn't come back for a change and Mr. Marchioni stated it was ignorance. He felt as soon as he got a variance he could put it anywhere on the other side. He stated the original building is not ground level.

Mr. Ward asked about the hole excavated that Mr. Marchioni was using as a landfill last summer. Mr. Marchioni stated he dug a hole in the woods to bury leaves, etc. Mr. Ward said that the property is devaluating property around it because of its appearance. Mr. Ward said that too much is stored outside and asked if he planned to move things inside. Mr. Marchioni stated he would be moving things inside.

Mr. Barbaro asked about fire protection such as smoke alarms. He was told that it was just going to be masonry stored.

No one spoke in favor. In opposition:

Keith Lape, 19 Alfred Avenue, is opposed because Mr. Marchioni is making an application without testing the ground and because he has built a building and has not gone back for the variance. Mr. Connolly stated a land use variance was received to put the building up but he hasn't called for an inspection.

Decision: Tabled for 60 days. The following conditions will apply to any Zoning Board action on this application:

1. No outside storage of building material.
2. All outside storage of equipment, tools, scaffolding, etc. must be to the south side of the new warehouse and not exceed 10 feet in height.
3. No outside storage of any kind to the north side of the existing structures.
4. No dumping or burying of waste material on the premises.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *3-16-83*.....

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

GATES-CHILI NEWS

Issue Dated *3-16-83*.....

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 Meeting
for March 1983*

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 March 22, 1983 at 7:30 P.M. to hear and consider the following applications:

1. Application of Darle Marchioni, 120 Chili-Scottsville Road, Scottsville, New York 14546 for approval of a variance to allow a 24'x24' addition to a warehouse to be 75' from the front lot line (100' required) 30' from the side lot line (50' required) and floor elevation of 524.5' where 527.0' is required at property located at 21 Fricker Avenue, Rochester 14623 in RA-20 & FPO zones.

2. Application of Thomas J. Kifa, 360 Humphrey Road, Scottsville, New York 14546 for approval of a variance to create 3 undersized lots 5.013 acres where 20 acres is required, and lot width of 545.97' where 700' is required at property located at above address in RA-20, PRD and FPO zones. Lots are facing on Ballantyne Road.

3. Application of John A.

Hellaby, Jr., 203 Robert Quigley Drive, Scottsville, New York 14546 for approval of an undersized lot being 5 acres where 20 acres is required, lot width of 430' where 700' is required at property located at 216 Ballantyne Road, Scottsville, New York 14546 in RA-20 and FPO zones.

4. Application of Patrick Evans, 116 Janes Road, Rochester, New York 14612 for approval of a variance to allow front parking for 27 cars at property located at 1288 Scottsville Road, Rochester, New York 14624 in GB zone.

5. Application of Gary Volshen, 1803 Scottsville Road, Rochester, New York 14623 for approval of a conditional use to allow a storage shed 9.5'x10' at property located at above address in RA-20 and FPO zones.

6. Application of Fredrick Rodas, 63 Hubbard Drive, North Chili, New York 14514 for approval of a conditional use to allow a 18'x28' storage shed at property located at above address in R-1-15 zone.

7. Application of Fredrick Rodas, 63 Hubbard Drive, North Chili, New York 14514 for approval of a variance to allow a 18'x28' storage shed (504 sq. ft.) 11 ft. high where

8' is permitted at property located at above address in R-1-15 zone.

8. Application of Melford and Katherine Robinson, 22 Yolanda Drive, Rochester, New York 14624 for approval of a variance to erect a 24'x30' garage to be 2' from side line where 10' is required at property located at above address in R-1-12 zone.

9. Application of Timothy G. Hunter, 41 Strawberry Lane, Rochester, New York 14624 for approval of a variance to install a hedge higher than 3 ft. on a corner lot adjacent to Rose Road at property located at above address in R-1-15 zone.

10. Application of Robert A. Brunshidle, Sr., 3079 Chili Avenue, Rochester, New York 14624 for approval of a variance for a two-story detached garage, 40-x24', with side setback of 4.8' where 10' is required and 960 sq. ft. (900 sq. ft. permitted) at property located at above address in a R-1-12 zone.

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

Ralph Barbaro
Chairman
Chili Zoning
Board of Appeals

2. Application of Thomas J. Kita, 360 Humphrey Road, Scottsville, New York 14545 for approval of a variance to create three undersized lots 5.013 acres where 20 acres is required, and lot width of 545.97' where 700' is required at property located at above address in RA-20, PRD and FPO Zones. Lots are facing Ballantyne Road.

Mr. Thomas Kita was present and stated that all of his money is invested in his farm and the only way he can add onto his house is by selling some of his property. He said that the County Health Department regulated at least five acres for a septic system. He said he owns 70 acres.

Mr. Barbaro said he was trying to determine if Mr. Kita has a practical difficulty as this must be shown. Mr. Kita stated approximately 50% of his equity is mortgaged and the only way he can get any money is to sell some of his land. He said he would continue to farm the remainder of his land. He further stated that most people only want five acres and he didn't feel he could sell any larger lots. He wants to enlarge his family and therefore will need to enlarge his house.

Mrs. Nancy Kita spoke in favor saying that they both work.

A letter in opposition was read from a Mr. Abyouk and Trojan Florists.

DECISION: Granted unanimously with no conditions.

3. Application of John A. Hellaby, Jr. 203 Robert Quigley Drive, Scottsville, New York 14546 for approval of an undersized lot being 5 acres where 20 acres is required, lot width of 430' where 700' is required at property located at 816 Ballantyne Road, Scottsville, New York 14546 in RA-20 and FPO zones.

Mr. John A. Hellaby, Jr. was present and stated he was requesting a zoning variance of 5 acres on his father's property so he could build on a 2 acre lot. He said the soil condition is a problem. He said the County of Monroe's Department of Planning is wrong when they state that the land has been used for farming because it is not basically farm oriented. He said it is a flood overlay area and that he plans to build a house for his own use on this property.

Mr. John A. Hellaby, Sr. was present and stated that when he bought the land 22 years ago, it was agreed that he would be growing a family, not potatoes. He said that if his son has to go to 20 acres, 65% would be wetland and garbage land.

A Mr. William VanDuser stated that the land is on top of a hill and that the County apparently hasn't researched it too well because the land has not been used for agriculture for a number of years and the County hasn't taken into account the elevation of the land. It is not in the flood plan.

Mr. Ward stated that the application is for the entire acreage. When legal notice is done, whatever that entire property is classified is what they look at.

The letter from Mr. Abyouk and Trojan Florists were noted in opposition.

DECISION: Granted unanimously with no conditions.

4. Application of Patrick Evans, 116 Janes Road, Rochester, New York 14612 for approval of a variance to allow front parking for 27 cars at property located at 1288 Scottsville Road, Rochester, New York 14624 in GB zone.

Mr. Patrick Evans was present and stated he planned to buy the property located at 1288 Scottsville Road to change the use for the sale of used cars. He said he would like to get rid of the present eye-

sore and restore the building to useable shape.

Mr. Barbaro asked the source of his used cars and if he planned the collection of wrecked cars or part salvaging. Mr. Evans stated no, that he was not in the business of junk cars. He is interested in three or four year old cars, luxury types. He would have a very small service area for preparing cars to go out only. All his body work gets shipped out and he does minor repair work only. Mr. Barbaro further asked why he couldn't have his parking spaces to the side of the building and have customers park along the road. Mr. Evans stated that there was not enough room for that and that only employees will be moving in and out. He further stated that right not his wife and he are the only employees will be moving in and out. He further stated that right now his wife and he are the only employees besides a cleanup person, and he would start off with one salesperson. He said that whatever footage off the pavement is required he will comply with.

No one spoke in favor. Keith Lape, 19 Alfred Avenue, is concerned that there might be another junkyard on Scottsville Road.

DECISION: Granted (4 yes, 1 no) with no conditions.

5. ✓ Application for Gary Voleshen, 1803 Scottsville Road, Rochester, New York 14623 for approval of a conditional use to allow a storage shed 9.5' x 10' at property located at above address in RA-20 and FPO zones.

Mr. Gary Voleshen was present and stated that he was requesting to build a small shed for storage of his snowmobile and motorcycle. It would be located well back away from the road in the vicinity of the existing garage. He said there was not enough room in the garage because of his car which he is restoring. It would have the same basic plans as the garage then stuccoed to match the house.

No one spoke in opposition. Keith Lape, 19 Alfred Avenue, spoke in favor stating that he knows Mr. Voleshen and that he has done a great job with his property.

DECISION: Granted unanimously with no conditions.

6. ✓ Application of Melford and Katherine Robinson, 22 Yoland^d Drive, Rochester, New York 14624 for approval of a variance to erect a 24' x 30' garage to be 2' from side line where 10' is required at property located at above address in R-1-12 zone.

Mr. Melford Robinson was present and read his letter of intent to the Board. He stated that if he built his garage any smaller, he wouldn't be able to get his pickup truck and camper inside it.

Mr. Barbaro stated that the neighbors have to be assured of fire protection if he encroaches on their property and Mr. Robinson said that he would be going back away from the house 11'. Mr. Connolly stated that he could not build a combustible frame any closer than 3' to the lot line.

No one spoke in opposition. Mrs. Katherine Robinson spoke in favor.

DECISION: Granted unanimously upon the condition that the garage be no closer than four feet from the side lot line.

7. ✓ Application of Timothy G. Hunter, 41 Shrubbery Lane, Rochester, New York 14624 for approval of a variance to install a hedge higher than 3 ft. on a corner lot adjacent to Rose Road at property located at above address in R-1-15 zone.

Mr. Timothy Hunter was present and stated he wants to add privacy to a very large yard that is very open to passing cars and people who tend to use it as a shortcut.

Mr. Barbaro stated that he would have to insure that there is adequate visibility. Mr. Connolly stated that the Superintendent of Highways has no objections to Mr. Hunter's plans.

No one spoke in favor or opposition.

DECISION: Granted unanimously upon the condition that the hedge row extend from rear lot line northerly approximately 113 feet to a point intersecting a line from the rearmost part of the house.

8. Application of Robert A. Brunshidle, Sr., 3079 Chili Avenue Rochester, New York 14624 for approval of a variance for a two-story detached garage 40' x 24' with the side setback of 4.8' where 10' is required and 960 sq. ft. (900 sq. ft. permitted) at property located at above address in a R-1-12 zone.

Mr. Robert Brunshidle was present and stated that he needed two stories for storage room and a place for his son and him to work.

When told by Mr. Ward that it would have to be unrelated to his heating business, that no storage of any heating or air conditioning units would be allowed, and that no people could be going in and out because it is strictly residential, Mr. Brunshidle stated that what he has for business, he keeps in his truck.

Mr. Oliver asked if he would be willing to make the structure any smaller or move it in an additional 5.2 ft. for the minimum of 10 ft. Mr. Brunshidle said that it would put it in the middle of backyard, that his lot width is only 62.8'. He said he would consider shortening up the size. He said he would be using the garage strictly for his own use and it would give his son someplace to work on his bike.

Mr. Barbaro asked why it couldn't be a one-story garage. Mr. Brunshidle stated that his house is a Dutch Colonial and it would look strange to put up a barn garage and have 6' wasted above it.

Mr. Miller inquired about what heating unit would be used and Mr. Brunshidle stated it would be a self-contained gas unit.

A County of Monroe letter was read determining this to be a local matter.

No one spoke in favor or opposition.

DECISION: Granted (4 yes, 1 no) with the following conditions:

- 1) No people dwelling in the structure.
- 2) No conducting of business or storage of business-related goods or equipment in the structure.
- 3) No repair facilities or parts for business-related goods and services to be located in the structure.
- 4) No repair of motor vehicles other than the present owners immediate family residing on the premises.
- 5) The building occupy no more than 900 sq. ft. of lot.
- 6) The building be located no less than 4.8 feet from the side lot line immediately to the rear of the existing garage.
- 7) The existing garage be removed.

Ralph Barbaro, Chairman
Chili Zoning Board of Appeals

86

ZONING BOARD

April 26, 1983

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 26, 1983 at 7:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Shirley Whelpton, Bob Burnett, Cliff DiHeron, and Mel Oliver. Tom Ward was present for items 10 through 15 on the agenda.

Also Present: Mr. Miller, Deputy Town Attorney.

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 Linda Allen, 10 Battle Green Drive, Rochester, New York 14624 for Conditional Use Permit do allow family day care at property located at above address in R-1-15 zone.

Ms. Linda Allen, 10 Battle Green Drive was present and stated that she'd like to clarify that conditional use is incorrect. It is not a family day care center it is a family day care home. She stated she was asking permission to babysit in her home for up to six children legally with a permit from the State from Social Services to do so. They have seen her house and feel it is adequate. The fire safety inspector has said it is okay.

Mr. Barbaro asked if the play area is the family room behind the garage and was told yes. He asked if the basement playroom is panelled and was told yes. He asked if there were two windows exits in the basement and a stair exit and was told yes. Ms. Allen stated there are four smoke alarms and four fire extinguishers, all operable. Mr. Barbaro read the Fire Marshall's letter stating no inspection was needed from that office. Mr. Barbaro read the Social Services letter stating the basement would qualify for day care home. Mr. Miller stated as long as it is only used for a few hours a day.

Mr. Burnett stated that this matter had been heard back in August (#11568) at which time her application was denied and wanted to know why it was being brought up at this time rather than the designated one year period. Mr. Miller stated that a majority of the Board voted to hear it. Mr. Barbaro stated they have the right to reopen any hearing. Mr. Oliver stated there are additional provisions in the Town Law (258) regarding reconsideration of any application. Mr. Burnett went on record as opposing the hearing.

Mr. Oliver asked if there were any other employees and was told no. He asked the ages of the children Ms. Allen is presently caring for and was told 15 months, 17 months, 2½ years, 4 years and her own 5 year old. Mr. Oliver asked her the hours and was told between 6:45 AM and 4:45 PM. He asked if they all come in individual cars and was told two come together as they are sisters. There are three vehicles that drop off and pick up children, one at 6:45 AM, one at 7:30 AM and the other at 8:00 AM. She stated she has a double driveway. When asked if all the bedrooms are used for sleeping purposes, she stated only the master bedroom and the back bedroom. When asked the size of the windows in the basement, she stated standard cellar size windows, 2' x 15" and that she could get through them. They are case windows which can be 2' x 15" and that she could get through them. They are case windows which can be opened from the inside and lifted off. An air hockey table is under one of the windows.

Mr. Burnett stated that reason her application was turned down originally was because of safety. He challenged any 14 month old child to do all of the necessary things to get out regarding one of the exists from the master bedroom which would be crossing a storage shed.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *4-20-83*...

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

GATES-CHILI NEWS

Issue Dated... *4-20-83*...

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

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 26, 1983 at 7:30 p.m. to hear and consider the following applications:

1. 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.

2. Application of Angsbury Corp. c/o Empire Signs, 101 Louise St., Rochester, New York 14606 for variance to

erect a 3'x10' wall sign, variance to allow the total signage on property to be 256 sq. ft. (100 sq. ft. allowed) at property located at 1129 Scottsville Road in GI zone.

3. Application of Raymond Thygesen, 50 Sequola Drive, Rochester, New York 14624 for variance to erect a 5'x20' garage addition to be 5' from side lot line (10' required) at property located at above address in R-1-12 zone.

4. Application of John Battaglia, 38 Pine Valley Drive, Rochester, New York 14626 for variance to erect a modular home with a basement floor elevation of 522.33 and a garage floor elevation of 523.0 at property located at 189 Ballantyne Road in RA-20 & FPO zone.

5. Application of Jack Hallaby, 816 Ballantyne Road, Scottsville, New York 14546 for variance to erect an 18.5'x26' concrete vault to be 21' from side lot line (35' required) at property located at 1525 Scottsville Road in GI zone.

6. Application of Craig Pease Builders, P.O. Box 270, Waterloo, New York 13165 for variance to allow a house to be 6' from side lot line (8' required in subdivision) at property located at 18 Loyalist Ave. in R-1-15 zone.

7. Application of Ronald Rhoads, 890 Marshall Rd., Rochester, New York 14624 for variance to erect a fence to be 4' high (3' allowed when adjacent to street) at property located at above address in R-1-15 zone.

8. Application of Ron DiCharlo, 1260 Scottsville Road, Rochester, New York 14624 for variance to allow front parking for 52 cars at property located at 1280 Scottsville Road in GB zone.

9. Application of Robert Patrucci, 24 Pleasant View Drive, North Chili, New York 14514 for variance to erect a 24'x32' garage addition to be 5' from side lot line (10' required) at property located at above address in R-1-15 zone.

10. Application of Frank and Janet Lobene, 246 Fisher Road, Rochester, New York 14624 for Conditional Use

Permit to allow a beauty shop in home at property located at above address in RA-10 zone.

11. Application of Dario Marchioni, 129 Chili Scottsville Road, Churchville, New York 14428 for variance to expand a pre-existing non-conforming use to add a 32'x48' pole barn, variance to allow the pole barn to be 30' from side lot line (50' required), variance to allow a floor elevation of 521.0' where 527.0' is required at property located at 21 Fricker Avenue in RA-20 and FPO zone.

12. Application of William Bonehill, 620 Morgan Rd., Scottsville, New York 14546 for variance to create an undersized lot to be 1.986 acres (30 acres required) with a lot width of 208' (700' required) at property located at above address in RA-20 zone. Property faces Stottle Road approximately 550' north of Morgan Road.

13. Application of Herman Klingenberg, 1504 Scottsville Road, Rochester, New York 14623 for variance to

create an undersized lot to be 8 acres (20 acres required) with a lot width of 540.70' (700' required) at property located at above address in PRD zone.

14. Application of James Bushart, 28 Parkway, North Chili, New York 14514 for Conditional Use Permit to erect a 10'x12' wood utility shed at property located at above address in R-1-15 zone.

15. Application of James Riggioni, 1100 English Road Apt. 803, Rochester, New York 14615 for variance to create an undersized lot to be approximately 3.5 acres (20 acres required) with a lot width of 213.29' (700' required) at property located at 114 and 122 Bowen Road in PRD zone.

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

Ralph Barbaro
Chairman
Chili Zoning Board
Of Appeals

*zoning book
April 1983*

Mr. Barbaro asked if all of the children were either inside or outside at the same time and was told generally except that her son can go out alone.

Mr. Burnett asked if the children could get out by themselves from the lower playroom and was told two of them could because of the table under the window. When he asked about the stairs being fire proofed, he was told they are wooden steps and cinder blocks with a smoke alarm at the top of the stairs and two in the basement.

Ms. Sharon Rozanski, 7 Revere Drive, spoke in favor of Ms. Allen stating that she has been at her home, her daughter stays there and that she feels the care there is very adequate. Ms. Joyce Cuff, 14 Minuteman Trail spoke in favor saying she has entrusted her son's care for two years and that everything meets with her approval.

The following is Social Services interpretation of a family day care home:

"Rooms to be occupied by children for the primary purpose of sleeping or eating should be above ground and have windows open to the outside. However, basement level recreation rooms which are finished, airy and well-lighted may be used for occasional children's play. There must be provisions for protecting children from hazards within play areas. Outside play areas should be uncluttered, well drained and fenced or have other means for keeping children within the area. Fences confining children close to the house or building shall have at least one gate that may be used as an emergency exit.

Although there is no specific requirement regarding amount of square feet allowed per child, overcrowding should be avoided and consideration given during the study process to the adequacy of sleeping, eating and play spaces.

For the child who becomes ill or shows symptoms of illness, provision shall be made for isolation until the arrival of the parent. The isolation area may be in a separate room or in a screened area within a large room."

No one spoke in opposition.

DECISION: Approved (4 yes, 1 no, 1 abstention) with the following conditions:

- a. Day care for a maximum of six children including her own.
 - b. Day care hours from 6:30 AM to 5:30 PM.
 - c. That home complies with building and fire codes with respect to exits.
 - d. That there be no parking other than in existing driveway.
 - e. That this conditional use permit is granted for a period of one year.
2. Application of Augsbury Corp., c/o Empire Signs, 101 Louise Street, Rochester, New York 14604 for variance to erect a 3' x 10' wall sign, variance to allow the total signage on property to be 250 sq. ft. (100 sq. ft. allowed) at property located at 1129 Scottsville Road in G1 zone.

Mr. David Wilson of 101 Louise Street, representing Empire Signs, was present and stated that they were asking for a variance to allow a sign on the International Tire Building on that particular property that would say Bridgestone and the dealer's name. The other signs on the property do not relate to the International Tire facility.

Mr. Barbaro asked if there was presently an Augsbury dual sided sign and was told yes. Mr. Wilson said they were asking to put up a 30 square foot sign flat against the building nearest to the expressway.

Mr. Barbaro asked if the Augsburg Corp. sign, the existing fee standing sign, is theirs or someone else's sign, and if there is a Bridgestone sign on the building and was told no. Mr. Barbaro asked if there were any offices of Augsburg Corp. in that building. Mr. Wilson stated that he believed they were in a separate building. Apparently they own one parcel and it has never been subdivided. Mr. Burnett stated that when Augsburg was in there he indicated that he purchased all of the signs from Webco. It was resolved that one sign would be erected in front of the building. It was never resolved that they were the owner and user of the building.

Mr. Barbaro asked if it was a warehouse or a retail tire outlet. Mr. Wilson stated it is a retail tire outlet. Mr. Barbaro asked if this was their only retail outlet and was told yes. Mr. Barbaro asked if they sell tires to other retailers and Mr. Wilson stated he didn't know, but they may sell to some gas stations as most do.

Mr. Barbaro asked for the size of the Bridgestone lettering and told 1' high by 8-10'. The sign is 3' scale. The lettering would be illuminated with yellow background and red letters, fluorescent tubing on strictly during business hours. It would be about 80' from the expressway right of way. Mr. Burnett stated 57' because of the turning radius.

Mr. Miller asked how many square feet and was told 60 square feet on the side facing Scottsville Road. The existing sign is not illuminated, with individual letters fastened on. Two signs would not be seen at the same time because the other building is in the way.

Mr. Oliver asked if there were any other tenants in the building and Mr. Wilson stated he believed there were and that one of them has a sign.

No one spoke in favor or opposition.

DECISION: Tabled (5yes, 1 abstention) until the May hearing. The Board decided to table this motion until the May 24 hearing to request an on-site inspection to determine how many businesses reside on the premises and the number, location and total area of all signs for these businesses and any presently unrented space. The building inspector is requested to make this inspection and report to the Board on May 24, 1983.

3. ✓ Application of Raymond Thygesen, 50 Sequoia Drive, Rochester, New York, 14624 for variance to erect a 5'x20' garage addition to be 5' from side lot line (10' required) at property located at above address in R-1-12 zone.

Mr. Thygesen was present and stated he needed the variance for his wife's wheelchair. He said it would be the same type of siding which is aluminum. He stated it is a 16' garage door with an automatic opener.

Mr. Barbaro asked what is immediately to the left of this property line and was told his neighbor, Mr. Gibbs' home. The garage sits back from his house. There are 20' from the corner of his house and Mr. Thygesen's garage. There would still be 15' between the garage and the opposite house and 12' from the front of the garage to the other house because they are at an angle. There is no obstruction between either house.

Mr. John Gibbs, the neighbor, stated he saw no reason for denial of this application.

No one spoke in opposition.

DECISION: Granted (5 yes, 1 abstention).

4. ✓ Application of John Battaglia, 38 Pine Valley Drive, Rochester, New York 14626 for variance to erect a modular home with a basement floor elevation of 522.33 and a garage floor elevation of 523.0 at property located at 180 Ballantyne Road in RA-20 and FPO zone.

Mr. James Herring of the firm Herring Development, 16585 Ridge Road, West Holley was present and stated they were asking that the first floor elevation be at 522.33 which is 1.67' lower than the 524 that is normally accepted. The first floor ends up at 1.33' above the road. He did some checking of the houses in the area. Mr. Battaglia's immediate neighbor at 190 is 27" below the road, 178 is 30" below the road, and 179 across the road is 40' below the road. They have been there for 38 years without any problems. The building location was changed from the back to the front without any problem. The building location was changed from the back to the front where there was already an existing building. The basement was approximately 4' lower than the first floor. He has got the stone and is ready to pour the concrete. When he finished the block work, it was approved. Mr. Klungenberger informed him that he was too low. If this variance is denied, the stone and soil would be \$603. It would cost \$2,000 for fill to raise it and another \$2,000 for the blocks. He stated he wouldn't be standing in front of the Board if he didn't feel it was built okay. He stated it is his fault where the elevation is now. On the right hand lower part of the map, the sewer top, he laid the house above the sewer rim. He went from that and gave more than he thought they needed. He found out he was wrong. Mr. Barbaro asked why he didn't straighten it out and Mr. Herring said he did but it didn't show up. Mr. Barbaro asked if he never saw a relief map that showed foot elevation marks and Mr. Herring stated he never did one from the Corps of Engineers and that he has been a builder for 22 years and has never been in court before.

Mr. Barbaro stated that Mr. Herring stated it would be a hardship for Mr. Battaglia to bring it up to proper level for several thousand dollars which probably would be financed, that it would be a hardship on him because there is no provision in the contract but that Mr. Herring admits it is his fault. Mr. Herring stated that he admits the elevation is his fault. Mr. Barbaro stated that Mr. Herring didn't wait for the surveyor to come in, that he went by the sewer elevation on a map by a line oversight. Mr. Herring stated that if Mr. Klungenberger had gone out and he had raised the wall another 2', his contractor said he wouldn't bring in any dirt. Mr. Barbaro asked what would happen if he had to raise the level of the basement and Mr. Herring stated it is a raised ranch and it is the lowest floor of the house. The lowest level in the basement is 1.33' above the road and that he understands they don't have much problems down there.

Mr. Barbaro stated it floods every year and that by allowing this the Town could lose its flood plan insurance authorization. If we did that it would place all the people to the south of Chili in jeopardy. The only protection they have is the flood protection.

Mr. Burnett asked if he was familiar that the Monroe Tree Surgeon was done there and Mr. Herring stated yes. Mr. Burnett stated they had to bring in additional dirt.

No one spoke in favor or opposition.

DECISION: Unanimously denied. The Board decided to keep with the variance that was approved in November, 1981 that allowed for a minimum elevation of 524.0.

5. Application of Jack Hallaby, 816 Ballantyne Road, Scottsville, New York 14546 for variance to erect an 18.5'x26' concrete vault to be 21' from side lot line (35' required) at property located at 1525 Scottsville Road in G1 zone.

Mr. Jack Hallaby was present on behalf of Armored Motor Services of America who bought this property with the thought in mind of consolidating their local operation. They run an armored car service with considerable amounts of money on the site which requires bank type reinforced concrete vault. There is no room outside.

They'd like to put it on the easterly side against the rear wall. The location with respect to the existing building will be maintained by matching this vault in with the interior layout. The existing building is only about 16' high from the south property line which places the proposed vault only 21' from the south property line.

Mr. Olver asked if Armored Services owns the property and Mr. Hallaby stated yes. Mr. Olver asked if the addition would cut into the parking lot and was told no.

Mr. DiHeron asked if it would be totally closed on the outside with no access and was told yes with bullet proof glass and steel doors on the inside, and that the exterior would not be visible from Scottsville Road.

No one spoke in favor or opposition.

DECISION: Granted (5 yes, 1 abstention). (Building permit required.)

6. ✓ Application of Craig Pease Builders, P.O. Box 270, Waterloo, New York 13165 for variance to allow a house to be 6' from side lot line (8' required in subdivision) at property located at 18 Loyalist Avenue in R-1-15 zone.

Mr. Craig Mele of Craig Pease Builders was present and stated that the original map was 7' only and that the variance was changed to 8'. The stakes were misplaced and the houses aren't crowding each other.

Mr. Barbaro asked if the house is occupied now and Mr. Mele said no, not until they get a C of O. Mr. Barbaro asked if the lot was surveyed and was told yes. The mason thought he was doing them a favor because he thought he was crowding the other lot line so he slid the stakes too far by 10'.

Mr. Burnett asked when Mr. Mele filed his flat plan what the layout was and Mr. Mele stated 40' to the front of the house. Mr. Burnett asked why his contractor couldn't recognize it and if Mr. Mele had gone down and looked at it since it was built and was told yes. He stacked the house out and during the course when he had the stakes set, they didn't dig it right away because of the weather. The mason slid them down because they were crowding the opposite side line. Mr. Burnett asked if the footage was inspected and was told yes but he wasn't notified. Mr. Burnett stated as a builder, Mr. Mele should have seen the difference.

Mr. Barbaro asked what his customer said. Mr. Mele said it was okay as long as the situation could be corrected. Mr. Barbaro asked if 6' on one side and 25' on the other doesn't bother him and Mr. Mele said no.

Mr. Olver asked if he built the house next door and Mr. Mele said it was already constructed. Mr. Burnett stated that knowing he couldn't invade his property, he must have known where his lot line ended. Why couldn't he discover it before he got the house up? Mr. Mele stated you can't see it. From the time they excavated and the foundation, he didn't go back, he did not measure it.

No one spoke in favor or opposition.

DECISION: Denied (5no, 1 abstention) for the following reasons:

- a. No hardship running to the land was inferred or shown.
- b. No unique set of circumstances was indicated or proven.
- c. Applicant made no attempt to obtain more land to bring property into compliance.

- d. Applicant states original site plan called for a 16 foot setback, but an error was made after surveying and survey stakes were moved so that house ended up exactly 6.0 ft. from the side lot line, a 10 ft. "mistake" of that magnitude could go unnoticed by experienced contractors until after the house was fully completed and awaiting closing.
7. Application of Ronald Rhoads, 890 Marshall Road, Rochester, New York 14624 for variance to erect a fence to be 4' high (3' allowed when adjacent to a street) at property located at above address in R-1-15 zone.

Mr. Rhoads was present and stated that his dog was hit by a car last year and that he has another dog and he would like to protect it.

Mr. Barbaro asked how far is fence from the edge of Marshall Road. Mr Rhoads stated there is a drainage ditch all the way around it but he will have it surveyed. It's probably 10' off edge of the road and probably the same off Paul Road. He stated someone turned around on his front lawn last week. He stated the speed limit on Paul Road is 35 MPH.

Mr. Burnett asked why the fence has to be 4' high and Mr. Rhoads stated because of the size of the dog. Mr. Burnett stated their concern is because it is a corner lot, visibility has to be allowed for proper observance. Mr. Rhoads stated that they could still see because they have to pull up to the stop sign and they will be visible; he can see both ways and the fence would not interfere, there is plenty of room from Paul Road.

Mr. Burnett asked if the trees were inside the fence line and was told outside. Mr. Burnett asked if it wouldn't be better to have the chain link fence for greater visibility and Mr Rhoads stated he would consider it, but that he'd like a good looking fence and chain link looks like a roller coaster.

No one spoke in favor or opposition.

DECISION: Granted (5 yes, 1 abstention) with the following condition: That a 4 foot high fence along Marshall Road and along Paul Road, to a point intersecting the front line of the house be open chain link fence without slats or insertions in the fence material. Remainder of fence can be of "board on board" construction.

8. Application of Ron DiChario, 890 Marshall Road, Rochester, New York 14624 for variance to allow front parking for 52 cars at property located at 1280 Scottsville Road in GB zone.

Mr. DiChario was present and read the following from his explanation sheet:

a. Since the property at 1280 Scottsville Road has been a gas station, the history of this property has been one of a high volume of traffic and parking. We would like to to maintain the property as it presently exists.

b. The property entrances and egresses are presently located in front and lend themselves to a smooth and safe flow of traffic exiting onto Scottsville Road.

c. The parking spaces will be adequately set back from the road and will not interfere with traffic safety when entering or exiting the property.

d. We feel this parking variance is a reasonable request based on other buildings in the surrounding area that maintain frontal parking.

e. In relationship to the construction of Air Park Plaza, frontal parking will aid us in the immediate rental of the Air Park Plaza.

- f. The area requested for parking is presently now completely black topped and is ideally situated for the safety and convenience of Air Park Plaza personnel and customers. The frontal parking is of paramount importance in the success of Air Park Plaza rentals and the increased benefit of additional jobs for the Town and County.

Mr. Miller asked if to the east and west there was parking. Mr. DiChario stated there is no building that doesn't have front parking on it on Scottsville Road now.

Mr. DiHeron asked what was the right of way behind it. Mr. DiChario stated that on the final site plan it shows a sufficient amount of mercury vapor light facing downwards.

Mr. Olver asked if he received preliminary site plan approval and was told yes.

Mr. DiHeron asked if the final site plan approval was contingent upon this Board's approval and was told yes. Mr. DiChario stated he has to make as many things for their leasing as desirable as possible. He wouldn't want to park in the back, it would be a great disadvantage.

Mr. Olver asked if other used were considered and Mr. DiChario stated no because he didn't contemplate any difficulty because of the nature of the whole avenue being the same. The building he put up five years ago has not been any problem.

Mr. Burnett asked if he would consider an alternate parking program and Mr. DiChario said not successfully because of the costs.

No one spoke in favor or opposition.

DECISION: Granted (5 yes, 1 abstention).

9. ✓ Application of Robert Patrucci, 24 Pleasant View Drive, North Chili, New York 14514 for variance to erect a 24'x32' garage addition to be 5' from side lot line (10' required) at property located at above address in R-1-15 zone.

Mr. Patrucci was present and stated that the present garage is 20' wide and it protrudes into his breezeway by approximately 1'. There is an attached shed on the back of the garage. He'd like to take them both down and rebuild a new garage. The 5' variance stems from two things. He would like to move the new garage over 1' so he can have the full 9½' inside the breezeway and the other comes from making the garage 24' wide. One problem is that his breezeway floor is about 4' higher so he needs a provision to make a step down. The breezeway would be finished off into a family room. The lot line is pie shaped.

Mr. Barbaro asked how far is nearest structure to the right and was told 16' to the nearest neighbor. The garage is to the east of the property line. Bushes are in there which he is going to pull out.

Mr. Olver asked the distance from the present garage and was told 10' to the lot line. His neighbor's new proposed garage is 16' x 26'.

Mr. Barbaro asked if there was 21' between the corner of his garage and his neighbor and told yes.

Mr. DiHeron asked if the finish was to match the exterior of the house and Mr. Patrucci stated the breezeway would be wooden shingled clapboard. Same as per garage.

No one spoke in favor or opposition.

DECISION: Granted (5 yes, 1 abstention). (Building Permit required)

10. Application of Frank and Janet Lobene, 246 Fisher Road, Rochester, New York 14624 for Conditional Use Permit to allow a beauty shop in home at property located at above address in RA-10 zone

DECISION: Tabled. Held without prejudice for one month. Applicant did not appear.

11. Application of Dario Marchioni, 120 Schili-Scottsville Road, Churchville, New York 14428 for variance to expand a pre-existing non-conforming use to add a 32'x48' pole barn, variance to allow the pole barn to be 30' from side lot line (50' required), variance to allow a floor elevation of 521.0' where 527.0' is required at property located at 21 Fricker Avenue in RA-20 and F80 zone.

Mr. Marchioni was present and stated he would like to build the

building for the purpose of storing a vehicle he presently owns with his associates at the site, in addition to a dumptruck, trailer, backhoe, and other small mixers on the site. By doing that they will solve the problem of vandalism on the equipment and keeping the equipment in better shape by keeping it out of the weather. The doors would be on the south side of the building, approximately three doors 10' wide x 12' in height. The floor would be the existing grade floor, no floor is actually needed. The equipment would be away from the visual site of the neighbors. They could store some lumber and other valuable equipment they need for their business. Presently the equipment faces Fricker Avenue towards the north of the property which creates a visual problem. He has a letter stating he has to clean up the site depending upon the weather. Presently he has alot of mud. He had more dirt brought in to raise the mud holes. He couln't move the vehicles during the winter because the tires were frozen in the holes. The property to the south is wild life.

Mr. Barbaro asked why he didn't combine the two lots and Mr. Marchioni stated reassessment and having to go before the Board again. Mr. Barbaro asked if the building materials had been moved into the shed and was told yes. Mr. Barbaro stated that with this building, Mr. Marchioni could get all of his equipment out of sight, that his land would be open land with no construction material outside and Mr. Marchioni stated with a certain exception on the southern side of the building. Mr. Barbaro stated he still had 30 days to clean up the property.

Mr. Burnett stated that there are no sewers in the area and asked how he planned on handling the water. If he puts a hard surface up where will the water go? Mr. Marchioni said there are stones there now with 100 acres of vacant land which is parkland. Mr. Burnett said he is only 521' and that he has to divert the water.

Mr. Oliver noted that there was a discrepancy in the site maps from 523' to 524'. A foot lower would void it and he'd like to see a copy of the surveyor's field notes. He is going to need some kind of back-up on the figures.

DECISION: Tabled for one month pending building inspector's review of clean-up at the property required by previous application of March 22, 1983. Applicant is requested to supply verification of elevation of recently constructed building including survey records as there appears to be a discrepancy between site plan maps dated March 28, 1983 and January 26, 1983. Applicant is also requested to consider combining lot R-22 with Lot 20 into a single parcel to eliminate the need for one of the two variances being requested.

12. Application of William Bonehill, 620 Morgan Road, Scottsville, New York 14546 for variance to create an undersized lot to be 1.986 acres (20 acres required) with a lot width of 208' (700' required) at property located at above address in RA-20 zone. Property faces Stottle Road approximately 550' north of Morgan Road.

Mr. Bonehill was present and stated he was requesting a variance to create an undersized lot to create a lot for possible resale to a buyer. Lot is adjacent to Niagara Mohawk easement.

Mr. Barbaro asked where the power line is and was told to the north of the property. Mr. Barbaro asked if he had a buyer and was told yes. There are three lots approximately 125 each. Mr. Barbaro asked if it was farmed and was told yes. Mr. Bonehill stated the buyer is a personal friend who is being thrown out of an apartment complex this summer and likes Chili because his purpose in life is to play golf and he can walk to the country club from here.

Mr. Miller asked why not more acres and Mr. Bonehill stated two is all he can afford. Three lots that were sold before he bought the land were all undersized.

Mr. Barbaro asked if the right of way is 225' for the power line and was told 300'. Mr. Barbaro asked if he was planning to continue renting it out for farming and was told yes.

DECISION: Denied (5 no, 1 yes) for the following reasons:

- a. No hardship running to the land inferred or shown.
 - b. Too great a variance from present zoning requirements and too great a difference from precedents set in the past for variances granted in RA-20 zone.
13. Application of Herman Klingenberg, 1504 Scottsville Road, Rochester, New York 14623 for variance to create an undersized lot to be 8 acres (20 acres required) with a lot width of 540.70' (700' required) at property located at 320 Humphrey Road in PRD zone.

Mr. Vincent DaChille, 50 Harold Avenue, was present for the applicant and stated he filed for a variance for an 8 acre lot which is all he actually owns. He married into the family. There were five children involved. His mother-in-law owns 40 acres and would like to split it up evenly among the children.

Mr. Barbaro asked if the application was made by his engineer rather than him personally and was told yes.

Mr. Burnett asked if he proposed to build on the site and was told yes. Mr. Burnett told him he would need a raised fill system and that there are no storm sewers. Mr. DaChille stated he went to Mr. Klingenberg and asked if everything was okay to build a three-bedroom ranch and was told it was fine. Mr. Burnett stated a perc test shows no percolation.

Mr. Ward said the County should approve 8 acres because 5 acres is minimum.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

14. Application of James Bushart, 28 Parkway, North Chili, New York 14514 for Conditional Use Permit to erect a 10'x12' wood utility shed at property located at above address in R-1-15 zone.

Mr. Bushart was present and stated he plans to store his riding lawnmower and lawn equipment basically in the shed. He doesn't have a garage so it makes it necessary. He said it would be constructed of wood with double doors, barn type.

Mr. Barbaro asked about the siding and was told it would be a regular Texture III stain. He has a builder-friend who will do it for him.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

15. Application of James Riggione, 1100 English Road Apt. 803, Rochester, New York 14616 for variance to create an undersized lot to be approximately 3.5 acres (20 acres required) with a lot width of 213.29' (700 required) at property located at 114 and 122 Bowen Road in PRD zone.

Mr. Riggione was present and said that the houses on either side of the property with lots about the same size. He will have to have the Health Department's approval and a raised fill system. He plans on building a 66' house on it which his wife and he will live in plus a garage.

Mr. Miller asked if he received the Planning Board's approval and was told yes subject to the Zoning Boards approval.

Mr. Oliver asked if there were two separate lots, pre-existing non-conforming lots and was told yes.

Mr. Joseph Ruffino, 1395 Creek Street, the realtor representing the seller was present and stated the pre-existing lots were bought in 1964. The owner is a 74 year old widow. She has held onto the lots all these years and paid taxes on it in the hope that the grandchildren would use it. They rezoned RA to 5 acres. At the time she bought them they were two separate lots. He went to the neighbors with the option to buy and they weren't interested. The new owners will go through all the proceedings they have to, they are aware of the expenses involved.

Mr. Ward stated that Monroe County Health Department was not going to give approval on less than 5 acres. They are pretty tight on that.

Mr. Ward asked what the estimates were in distance from his lot line to the other houses and was told 50' away, 60' on the east side and 50' on the west.

No one spoke in opposition.

DECISION: Granted unanimously, (Note: Combined two previously undersized non-conforming lots one more desirable lot.)

/dh

Ralph Barbaro, Chariman
Chili Zoning Board of Appeals

96

ZONING BOARD

May 24, 1983

The meeting of the Zoning Board of Appeals in the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 24, 1983 at 8:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Shirley Wheelpton, Tom Ward, Bob Burnett, Bill Cates, Cliff DiHeron, and Mel Oliver.

Also Present: Bob Connolly, Building Inspector, and Dan Miller, Town Attorney.

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 Frank and Janet Lobene, 246 Fisher Road, Rochester, New York 14624 for Conditional Use Permit to allow a beauty shop in home at property located at above address in RA-10 zone.

Mrs. Janet Lobene, 246 Fisher Road was present and stated she would like to get the permit to do hair in one room of her house for about three or four days a week from 9:00 AM to 2:30 PM usually, averaging 10 to 15 people per week either Tuesday or Wednesday through Saturday.

Mr. Oliver asked if she was presently operating a beauty salon and was told no. He further asked if she proposed to handle customers by appointments only and was told she would want to do it that way.

Mr. Burnett asked the reason why she selected her home and Mrs. Lobene stated it is the most convenient place and because she has three little children still at home. She stated she could use the extra income. She doesn't plan on doing a lot, just part time. It is hard for her to get out otherwise. Mr Burnett asked if there was a dual entrance and was told yes, a front and back entrance, plus an entrance into the garage. Mr. Burnett asked if the wall was a fire wall and was told yes, her husband is a fireman.

Mr. Oliver asked the size of the garage and was told a two-car garage with the driveway the full width of the garage about 100 feet to the front of the house. Mrs. Lobene stated she plans to do one customer at a time only because she doesn't have too much room otherwise.

No one spoke in favor or opposition.

DECISION: Unanimously approved with the following conditions:

1. There be no on-street parking of customers or occupant's vehicles.
 2. There be no more than two customers' cars in driveway at any one time.
 3. That customers are accepted by appointment only.
 4. There will be no outside advertisement.
 5. Hours of operation are limited to 9:00 AM to 2:00PM, Tuesday through Saturday.
 6. Permit is for one year, reapplication for renewal is responsibility of owner.
2. Application of Edwin Kellogg, 29 Adela Circle, Rochester, New York 14624 for Conditional Use Permit to erect a 12'x16' wood utility shed at property located at above address in R-1-15 zone.

*Joining Bob Lusk
May 1983*

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... 5-18-83

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

GATES-CHILI NEWS

Issue Dated... 5-18-83

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 1985

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, NY 14624 on May 24, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Frank and Janet Lobene, 246 Fisher Road, Rochester, New York 14624 for Conditional Use Permit to allow a beauty shop in home at property located at above address in RA-10 zone.
2. Application of Edwin Kellogg, 29 Adela Circle, Rochester, New York 14624 for Conditional Use Permit to erect a 12' x 16' wood utility shed at property located at above address in R-1-15 zone.
3. Application of Edwin Kellogg, 29 Adela Circle, Rochester, New York 14624 for variance to erect a 12' x 16' shed to be 2' from garage (8' required), variance to allow the shed to be 192 sq. ft. (120 sq. ft. allowed) at property located at above address in R-1-15 zone.
4. Application of the American Legion Club, 450 Chili Scottsville Road, Churchville, New York 14428 for variance to expand a pre-existing, non-conforming use to erect a 16' x 22' addition to club, variance to allow the addition to be 0' from side lot line (100' required on corner lot) and 23' from rear lot line (50' required) at property located at above address in PRD zone.
5. Application of August Calleri, 31 Chi-Mar Drive, Rochester, New York 14624 for variance to allow a second road cut on property, variance to allow front parking adjacent to Chili Avenue and Paul Rd. at property located at 3149 Chili Avenue in GB zone.
6. Application of William Crowley, 38 Lawnsbury Drive, Rochester, New York 14624 for variance to erect a masonry chimney for a woodburning stove to be placed on an easement at property located at above address in R-1-15 zone.
7. Application of Harry Beaney, 123 Stover Road, Rochester, New York 14624 for Conditional Use Permit to erect a 10' x 10' wood utility shed at property located at above address in R-1-15 zone.
8. Application of Gary Harrington, 1003 Chili Ctr. Coldwater Road, Rochester, New York 14624 for variance to erect a fence on a corner lot to be 4' high (3' allowed) at property located at above address in R-1-15 zone.
9. Application of David DeRuyscher, 525 Westside Drive, Rochester, New York 14624 for variance to erect a 28' x 15' addition to house to be 73 1/2' from rear lot line (90' required) at property located at above address in R-1-20 zone.
10. Application of Philip Ronzo, 25 Battle Green Drive, Rochester, New York 14624 for variance to erect a 16' x 20' addition to garage to be 46' from side lot line (60' required on corner lot) at property located at above address in R-1-15 zone.
11. Application of Paul Marinucci, 28 DaVinci Drive, Rochester, New York 14624 for variance to erect an 8' x 23.3' addition to garage to be 18.5' from rear lot line (26' required in previous variance) at property located at above address in R-1-20 zone.
12. Application of Douglas Drago, 4281 Brick School House Road, Hamlin, New York 14464 for variance to create an undersized lot to be 5 acres (20 acres required) from a total 79.2 acre parcel, variance to allow a lot width of 250' (700' required) at property located at 240 Humphrey Road in PRD & FPO zone.
13. Application of Robert Byer, 925 Paul 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.
14. Application of Brenda Koop, 3331 Union Street, North Chili, New York 14514 for Conditional Use Permit to allow a quilt shop in home at property located at above address in RM zone.
15. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to allow a house to be 54.25' from rear lot line (55' required in previous variance) at property located at 1079 Paul Road in R-1-20 zone.
16. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for variance to erect a 50' x 40' recreation shelter to be 25' from front lot line (100' required) with a floor elevation of 522.5 where 527.0 is required at property located at 525 Ballantyne Road in RA-20 & FPO zone.
17. Application of Sam Street, 45 Hazel St., Rochester, New York 14623 for variance to create an undersized lot to be 3.78 acres (20 acres required) from a total 63.5 acre parcel, variance to allow a lot width of 265' (700' required) at property located at 201 Ballantyne Road in RA-20, FPO & FW zone.
18. Application of Sam Street, 45 Hazel St., Rochester, New York 14623 for Land Use Variance to allow a construction business on property located at 201 Ballantyne Road in RA-20, FPO & FW zone.
19. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York 14620 for variance for a professional building to be approximately 55' high (35' allowed), variance to allow front parking at property located at 1200 Scottsville Road in GB zone.

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

Ralph Barbaro,
Chairman
Chili Zoning
Board of Appeals

3. Application of Edwin Kellogg, 29 Adela Circle, Rochester, New York 14624 for variance to erect a 12'x16' shed to be 2' from garage (8' required), variance to allow the shed to be 192 sq. ft. (120 sq. ft. allowed) at property located at above address in R-1-15 zone.

Mr. Edwin Kellogg, 29 Adela Circle was present and stated he would like to build the shed 2' from the garage because he can't put it back any further because it is flooded back there. There is poor drainage. He wants it on a cement slab but there is no way he can lay cement back there.

Mr. Barbaro asked what he intended to store in the shed and Mr. Kellogg stated tools, lawn equipment, etc. which is stored in the garage presently. Mr. Barbaro asked what he would put in the garage and was told nothing because it is very small.

Mr. DiHeron asked about the siding and was told it would be grooved the same as the house with a shingle roof.

Mr. Oliver asked why such a large storage shed and was told because the garage is so small he might as well build a big one now because he can always use the room. He plans to put a work bench in there also.

Mr. Burnett stated he would be in compliance if he had 6'. Mr. Kellogg stated it still gets wet and soggy at that point in the backyard. Mr. Burnett said he is taking away the capability of the water being stored into the ground. Mr. Kellogg said no matter what he builds, it is going to be wet. It just doesn't drain back there. Mr. Burnett stated he is going to add more water.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

4. Application of the American Legion Club, 450 Chili Scottsville Road, Churchville, New York 14428 for variance to expand a pre-existing, nonconforming use to erect a 16'x22' addition to club, variance to allow the addition to be 0' from side lot line (100' required on corner lot) and 23' from rear lot line (50' required) at property located at above address in PRD zone.

Mr. Donald Carpenter representing the American Legion Club was present and stated the addition would be utilized to take care of bottles and cans when we have to put them on deposit for 5¢.

Mr. Oliver asked the height and was told approximately 14 to 16 feet with a garage door on one end of it.

Mr. Barbaro noted that the building presently isn't on the lot according to the map and Mr. Connolly stated they couldn't get a variance to build on the road right of way.

Mr. Burnett asked the reason why it couldn't be built from the north side to the south parallel with the lot and was told because of a well.

Mr. Barbaro asked about the exterior siding and was told basically the same as the existing building, shingles, cement blocks and cement slab.

No one spoke in opposition. In favor: Mr. Robert Lindler and Mr. James Richardson who both said it is needed badly.

DECISION: Granted Unanimously.

5. Application of August Calleri, 31 Chi-Mar Drive, Rochester, New York 14624 for variance to allow a second road cut on property, variance to allow front parking adjacent to Chili Avenue and Paul Road at property located at 3149 and 3151 Chili Avenue in GB zone.

Angelo Calleri, Esq., 19 West Main Street, Rochester, New York was present representing Mr. August Calleri. He stated that since the time the original application was submitted, they have been before the Planning Board and has has an initial response from DOT and in light of what the Planning Board had proposed and what DOT suggested, they have prepared a revised plan which he distributed to members of the Board. They will withdraw so much of the application that addresses the curb cut on Paul Road. The DOT, taking into consideration the drainage patterns, suggested that they eliminate the proposed curb cut. The lay of the land is that it basically slopes to the southeast. The matter before the Board was the parking spaces in front of the structure. They have moved the curb cut to the east so that there will be one entranceway, a double entrance. The parking would be along the Chili Avenue side and also the rear of the structure so much as would be in front of a portion of the rear of the structure on Paul Road. They need the parking for the following reasons: 1) Although it is not a high volume area, there are times when it can be. 2) The parking area that is close to the shop is very important because many of their customers are older people who are brought to the shop by their adult children and they stay with them and, therefore, need to be as close to the building as possible. They do not intend to blacktop the parking area. They will be preparing the surface with a gravel surface. The walkway will be concrete. The parking lot will be a surface which will absorb the rainfall.

Mr. Barbaro asked how many customers and how many persons win the business normally. Mr. Calleri stated at any given day the owner plus two operators and customers at the rate of one customer per half hour. Mr. Barbaro asked why 17 parking spaces then? Mr. Calleri stated that 17 might be more than they need and they would have no difficulty eliminating the ones on Chili Avenue but in terms of proximity, they need the ones closest to the shop.

Mr. Barbaro asked if they were aware that it falls within the master plan to redesign the road by DOT. Mr. Calleri stated they have received the proposed plan from the State and are quite aware that in 1988 the State may take the intersection. Mr. Calleri stated they are presently in the neighborhood in the Chili Paul Plaza and have been for 10 years and it is very important they they stay in the Town in that area.

Mr. Barbaro asked if the owner owned the property and was told it is under contract pending the Board's approval.

Mr. Burnett asked wouldn't we be placing the State in jeopardy by having the State pay a much higher cost for the intersection and having the State pay more tax dollars by paying the owner. Mr. Calleri stated no, that the State has not offered a taking. The State may never take it. The State handed them a totally non-committal document that says it is unofficial and for study purposed only and they are dealing in the present. Mr. Calleri lives in the Town, he has a family to support and a business to maintain. His lease is expiring and he would like to stay in the area.

Mr. Barbaro asked how the property was going to be improved and was told they would be repairing the outside, bringing it to a more pleasing appearance and totally renovating the inside, plus improving the parking area and grounds. Mr. Barbaro asked why no sign variance and was told the building is a sign.

Mr. Ward stated he was interested in knowing what the State's comments are regarding the entrance and exit. There is a little bit of a rise. Mr. Calleri stated they had no comment as to the volume of traffic on entrance and egress. A letter dated May 6 from the regional manager was submitted. Mr. Ward said he found it difficult to believe the State didn't comment on it; he is very concerned about how it will affect the traffic pattern because it is a very busy intersection. Mr. Calleri stated that one of the good things about the entranceway is that they propose to move it further away from the closest intersection far away from the turn around as possible. Mr. Barbaro stated it was really a matter for the Planning Board. Mr. Ward stated the concern is how to leave the area from a dead stop to a higher area.

Mr. Olver asked how they plan to mark spaces without a hard surface. Mr. Calleri stated they didn't think they could. One of their concerns is that if the State involves itself with a taking in the future, it would be a problem paving for a short period of time. If they get a strong indicator from the State that they are not going to take, then they will probably go with a hard surface that could be marked.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

6. Application of William Crowley, 38 Lawnsbury Drive, Rochester, New York 14624 for variance to erect a masonry chimney for a woodburning stove to be placed on an easement at property located at above address in R-1-15 zone.

Mr. William Crowley was present and stated there is a creek that runs along his home in the ground which is buried. At the present time his house is 13" onto the easement.

Mr. Olver asked how large the chimney would be and was told 24" square, 30" in the ground, regular cement block.

Mr. Ward asked what if the town had to get in there to do some work on the easement. If it were in the way, legally it could be removed. He stated he was surprised to see the house encroaching the easement. Mr. Crowley stated he has roof overhands 24' on his house and he doesn't know if the 13" is included. He has been a resident for eight years and was just recently made aware of the problem. He thinks there will still be enough room though.

Mr. DiHeron asked what was on the east side of the house, if the chimney would be on the family room side. Mr. Crowley stated yes and that the room is 25' long and 13" wide and by placing the stove there 8' between two windows, it will be more centrally located. On the back side he would have to remove a window or a door and he would like to put a solar room there someday.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

7. Application of Harry Beaney, 123 Stover Road, Rochester, New York 14624 for Conditional Use Permit to erect a 10' x 10' wood utility shed at property located at above address in R-1-15 zone.

Mr. Harry Beaney was present and stated he would like to build the shed for the storage of his tools. It would be built the same as his home, same design. A wood shed built by a contractor.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

8. Application of Gary Harrington, 1003 Chili Center Coldwater Road, Rochester, New York 14624 for variance to erect a fence on a corner lot to be 4' high (3 allowed) at property located at above address in R-1-15 zone.

Mr. Gary Harrington was present and stated he wanted to put up a 4' high fence because he feels it will look better and the kids wouldn't be able to hurdle it too easily. His neighbor has a 4' high fence also. It would be an open chain link fence.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

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9. Application of David DeRuysler, 525 Westside Drive, Rochester, New York 14624 for variance to erect a 28' x 15' addition to house to be 73½' from rear lot line (90' required) at property located at above address in R-1-20 zone.

Mr. DeRuysler was present and stated he would like to build the addition which would be divided into two bedrooms. He would maintain the same lines as the house. The siding would be as the rest of the house. The distance between the pool and the addition would be 11'.

Mr. Oliver asked where the pool was located and was told right behind the house, 26' at the present, 11' when he gets through with the addition.

Mr. Barbaro asked if it would be finished off the same and was told it would be vinyl siding on the exterior and the roof would be the same color.

Monroe County Planning Board determined this to be a matter for local determination.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

10. Application of Philip Ronzo, 25 Battle Green Drive, Rochester, New York 14624 for variance to erect a 16' x 20' addition to garage to be 46' from side lot line (60' required) on corner lot at property located at above address in R-1-15 zone.

Mr. Philip Ronzo was present and stated he has a one-car garage but wants to put another one to make it a two-car garage basically. He is a little short in storage.

Mr. Barbaro asked the present width of the garage and was told 14', with a total of 30' in width and 20' in depth once the new garage is built.

Monroe County Planning Board determined this to be a matter for local determination.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

11. Application of Paul Marinucci, 28 DaVinci Drive, Rochester, New York 14624 for variance to erect an 8' x 23.3' addition to garage to be 18.5' from rear lot line (26' required in previous variance) at property located at above address in R-1-20 zone.

Mr. Paul Marinucci was present and stated he would like the addition primarily to have storage space within the building dwelling for tools and a lawn mower.

Mr. Barbaro asked if he would be putting in another door and was told no, that the 8' width will have a decorative window. Mr. Barbaro asked what is immediately on the next lot. Mr. Marinucci stated that the way the house is now set on the lot, he absorbs 75% of the lot to the north. The house immediately behind him which is his set back is set back further from the road and he takes up further south from the house. So the area between the garage, the attachment and the setback is his front yard. Mr. Barbaro asked if his neighbor looks at his garage then and was told yes.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

12. Application of Douglas Drago, 4281 Brick School House Road, Hamlin, New York 14464 for variance to create an undersized lot to be 5 acres (20 acres required) from a total 79.2 acre parcel, variance to allow a lot width of 250' (700' required) at property located at 240 Humphrey Road in PRD and FPO zone.

Mrs. Sandra Drago was present and stated her husband was working. She said they would like a simple two-story house. Her in-laws live on the property now.

Mr. Barbaro asked if she was buying the lot from her in-laws and was told yes. He further asked why not over to the corner and was told because of a curve.

Mr. Barbaro stated that part of the problem when people divide up parcels is that it indicates that they are planning to take more out in the future. When you do that you are supposed to file a subdivision plan. When you start cutting things up, it is a de facto subdivision and should be handled that way. If the Board grants a variance for this de facto subdivision, then it almost by precedence command them to grant the same variance to the next three or four people who come before the Board. Before you know it, there are five parcels cut up into five lots. Why not more land? Mrs. Drago stated that is just the amount of land they decided upon. They want to be next to their in-laws instead of down the road.

Mr. Douglas Drago was present and stated the land has been a working farm for 100 years. He wants to give his son the lot next to his. There are gas line right across the street plus he wants to keep the farm in tact as much as possible. He is not intending to sell lots. They have been approached by many but they like their privacy. His son intends to farm the land.

Mr. Barbaro asked the reason why not the corner lot and was told the house would be in far enough from the road to take advantage of the natural gas plus save as much of the farm as possible. The curb is not a good place to build, it is very low. He will be at least 250' away from the in-laws. Mr. Barbaro asked if he intended to divide the other lots for other children and was told no.

Monroe County Planning Department states that the lot appears to be outside of the flood plan.

Mr. _____ stated that if we continue to grant variances for undersized lots, the integrity of the district will eventually be undermined.

Mr. Barbaro asked how far from the edge of Brook Road to the property and was told 300-350'. It is the lowest spot, quite severe, almost a 90 degree turn at the bottom of the hill.

No one spoke in favor or opposition.

DECISION: Granted unanimously with the following condition: That the north lot line of proposed lot be at least 250' from the south road right of way of Brook Road.

13. Application of Robert Byer, 925 Paul 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. Robert Byer was present and stated there seemed to be a discrepancy between the application and the letter he submitted to the building inspector dated April 25, 1983. He is not applying for an office in his house as the letter stated. It is solely run by himself and his wife. They have an answering machine. His wife and he pick up products as they need them and sell them to their customers that day. It will not cause excessive amounts of traffic to Paul Road. They do not store any inventory and they do not sell from their house to the public. They sell coffee.

Mr. Barbaro asked if the accounting and paperwork were done at home and was told yes. He further asked if the checking account is in the name of the business and was told yes with the address being 925 Paul Road. Mr. Barbaro stated that under the law, he is maintaining an office in his home.

Mr. Olver asked if a room was set aside for the office and was told yes.

Mr. Burnett asked if he was employed elsewhere and was told yes and that this is basically supplemental income. Mr. Burnett asked if he had any objections to relocation and was told no. Mr. Byer stated he would love to have an office elsewhere.

Mr. Harry Beany stated he wanted to know the answer to this application. Mr. Barbaro stated that the answer is yes, that Mr. Byer is making application for relief from a zoning area so he can operate an office out of his home under the conditions stated in his letter. The Board will vote to approve or disapprove. If it is approved, Mr. Byer would have permission to operate it for one year. He is asking for the function of running an office out of his home.

Mr. Burnett stated that anytime one deals with the public, then it becomes the law.

No one spoke in favor or opposition.

DECISION: Granted unanimously with the following conditions:

1. That there be no product sold directly on the premises, nor customer pick-up at the premises.
 2. That there be no storage of product on the premises.
 3. That there be no advertising on the premises.
 4. That there be no commercial pick-up or delivery at the premises.
 5. That no owners' vehicles have permanent signage.
 6. This permit granted for a period of two years, owner is responsible for renewal application.
14. Application of Brenda Koop, 3331 Union Street, North Chili, New York 14514 for Conditional Use Permit to allow a quilt shop in home at property located at above address in RM zone.

Mr. Donald Koop, husband of Brenda Koop, was present and stated that up until February 4 they were operating a shop at the former church on Buffalo Road but have been evicted. He entered into a contract with a realtor to purchase property which has been zoned commercial. After that he changed his mind. The shop had continuous payments such as accounts payable, telephone bills, materials, etc. They are looking for a place that is reasonably priced. Requesting temporary variance to operate shop which is described in his letter. The building is a single family dwelling. Proposing to use two rooms, adequate space for cars, parking in rear, driveway all the way around so no one will have to back out to Union Street. Each room they are proposing to use has at least three exits. They normally have 10-15 customers per day, some by pairs, never more than three to four people at one time.

Mr. Barbaro asked how much time is needed and Mr. Koop stated it was hard to say. They have a realtor who is actively looking. They need a place where the shop rental will carry the whole think or one where there will be the capability of upstairs rent. Mr. Barbaro asked how about a shopping plaza and Mr. Koop stated the rental derived would not support that.

Mr. Barbaro asked if one year would be adequate and was told yes.

Mr. Olver asked if there were instructional programs being offered. Mr. Koop stated he wouldn't speak out against it. The present arrangement is that the classes are at the home of the other woman. The students all pull in and out at the same time so there would not be a traffic problem.

Mr. Barbaro asked the hours and was told 10:00 AM through 5:00 PM, Monday through Saturday.

Mr. DiHeron asked if there are classes during those hours. Mr. Koop stated both, accommodating both day and night people. It shouldn't amount to more than two days per week: two days, two nights.

Mr. Barbaro asked how long they have been residents and was told since 1966. The business is three years old.

The Monroe County Planning Department states that this is a matter for local determination.

DECISION: Granted unanimously with following conditions:

1. That there be no on-street parking or road should parking.
 2. That there be no outside advertising.
 3. Hours of operation are restricted to 10:00 AM to 5:00 PM, Monday through Saturday.
 4. This permit is granted for a period of one year; owner is responsible for renewal application.
15. Application of Perna Homes, 1075 Paul Road, Churchville, New York 14428 for variance to allow a house to be 54.25' from rear lot line (55' required in previous variance) at property located at 1079 Paul Road in R-120 zone.

Mr. James Perna representing Perna Homes was present and states there was a problem with the stake out on the lot. The engineer set the house back more than 6'. With the brick ledge, the house is off by less than 5". If he had known he had done it, he could have fixed it.

Mr. Barbaro asked if there was a variance already and Mr. Connolly stated there was a variance when the lot was subdivided.

Mr. Perna stated he tried with a cantilever. Mr. Ward stated that with a 72' setback in front and 55' in back, it leaves exactly 33.0'. Mr. Perna stated he had it staked out perfectly. The engineer made the setback. Mr. Ward stated it is his ultimate responsibility.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

16. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624 for variance to erect a 50' x 40' recreation shelter to be 25' from front lot line (100' required), with a floor elevation of 522.5 where 527.0 is

required at property located at 525 Ballantyne Road in RA-20 and FPO zone.

Mr. Don Aselin, President of Amateur Sports, was present and stated they propose to put up the shelter to store equipment, run concessions and vending machines. They have been operating in module buildings on the exact same site. They are planning on putting permanent structures. They have a big problem with vandalism. The alteration proposed on their new plan was there no longer was a doorway, just an open area. They are familiar with the flooding problem on the property. They have been there since 1979. The proposed that the elevation be 523.0' in lieu of 527.0 required. It would bring them above the current road elevation on Ballantyne Road. They are requesting the setback be 10' in lieu of 75'. They have been operating from modular homes at the exact same site. If they move it to the east, it will encroach on their playing area. The building they have now is 34 x 12, two buildings which they rent plus a 26 x 8 trailer, all in one line. They cannot store any of their big equipment because they get severely damaged. They need a communication center for the scheduling and programming of events.

Mr. Barbaro asked if it would be the only structure on the lot and Mr. Aselin stated yes, that they contacted DES and a Mr. Carroll went down and said they didn't need a permit because they are beyond the area. Mr. Barbaro asked if it had been before the Planning Board and was told yes and the decision was reserved pending revisions. Mr. Barbaro read a letter from Don B. Martin, Director of Planning. Mr. Barbaro asked if they had any documentations that state the Town Engineer was satisfied with the requirements and was told no. Mr. Connolly stated that he just got the letter; Mr. Flint indicated that he didn't have time to respond but that he would. Mr. Barbaro stated they should delay any vote until they hear from the Town Engineer.

Mr. Barbaro asked if there were any restrooms and was told no. Mr. Connolly stated that it is a public assembly with concessions and that he would demand there be toilet facilities plus facilities for the physically handicapped. Mr. Aselin stated they have three port-a-johns, all are sulphur. They are in a flood overlay zone and it is completely solid sulphur. Mr. Connolly stated that since they put the portable structure up, the laws have changed so greatly that there is no consideration whatsoever compared to what it was. They have to comply with it. Mr. Aselin stated he would have to withdraw his application as he could not comply. They have port-a-johns which were originally approved. Mr. Barbaro stated it was because they didn't have a permanent structure. Mr. Aselin stated they had a plumbing contractor come in and give them a price of running $1\frac{1}{2}$ miles to hook up water. \$10,000 would have to be spent for drilling wells and they are all sulphur which don't last more than 60 days. Mr. Ward stated they would have to work through the Planning Board. Mr. Miller asked why it couldn't be classified as a shelter.

Mr. Burnett stated that when they started this, it was supposed to be sports only. Why all the game machines? Mr. Aselin stated he has to make a living. For a \$50,000 piece of property, he has over \$200,000 in the ground. It has been a long, hard struggle. He understands the flooding problems when he began. He does not make money on the softball leagues. He has to diversify into pop and vending machines. It is not greed, it is survival. Mr. Burnett asked if he hadn't gone beyond his original intent and Mr. Barbaro stated it is his prerogative.

Mr. Barbaro stated the other structures are less than 527' and they stated they would be getting rid of the other structures. Mr. Aselin stated that 8-10' in the yard from the existing ball field and ground elevation. Mr. Barbaro stated he wouldn't be able to get flood insurance and Mr. Aselin stated that according to his insurance, he doesn't need it. Mr. Barbaro stated that the Town does need it and they cannot jeopardize the Town. Mr. Aselin asked about a hold harmless. Mr. Barbaro stated it has nothing to do with the, the insurance company would withdraw and the people would sue the Town for allowing a building to be lowered too low. Mr. Miller stated it is not a residence. Mr. Barbaro stated that the Town's ordinance is more strict than the national flood. If something broke loose from Mr. Aselin and destroyed something else, then the Town could be liable.

No one spoke in favor or opposition.

DECISION: Unanimously tabled until the June meeting.

17. Application of Sam Street, 45 Hazel Street, Rochester, New York 14623 for variance to create an undersized lot to be 3.78 acres (20 acres required) from a total 63.5 acre parcel, variance to allow a lot width of 265' (700' required) at property located at 201 Ballantyne Road in RA-20, FPO and FW zone.
18. Application of Sam Street, 45 Hazel Street, Rochester, New York 14623 for land use variance to allow a construction business on property located at 201 Ballantyne Road in RA-20, FPO and FW zone.

Mr. Sam Street was present and stated he proposed to put up a 100 x 60 building for a shop for his own use. He runs a small construction company and needs a place to park his equipment. He stated that one-fifth of the land is part of the Black Creek drainage.

Mr. Barbaro asked why he was splitting off such a small piece and was told that 3.7 acres is on the north side of Ballantyne Road and the rest of the land is on the southside. It is the only part of the land which is across Ballantyne Road. He did not submit any plot maps. Mr. Barbaro asked if there was other land adjacent to this from the owners and was told no, it is of no use to them because they don't do any farming any more. He did approach the seller.

* Copy Attached.

Mr. Barbaro asked if it would be pole barn structure and Mr. Street stated it would be chip board Texture 111 on the outside with 11" of cell installation and plywood on the inside poles. Mr. Barbaro asked not galvanized and was told no.

Mr. Barbaro asked the setback from the road and was told 50'. He would like to use as much of the land as he can for storage and parking. He stated the equipment would be stored inside most of the time. Outside he would keep his dumptrucks and pickup.

Mr. Barbaro asked if any of it was paved and was told it would be eventually. That is what he does mostly.

When asked if there would be any aggregate storage, Mr. Street replied no.

Mr. Barbaro asked if he had looked at industrial or commercially zoned lands and Mr. Street stated he had looked in Henrietta and West Brighton but they are talking one acre for \$20,000.

Mr. Ward asked where he presently stores his equipment and was told at his home and that there was no problem with vandalism.

No one spoke in favor or opposition.

DECISION: Unanimously denied for the following reasons:

1. Applicant's hand-drawn sketch is totally inadequate as plan for development.
 2. Applicant failed to provide detailed information on proposed stages of development.
 3. Outdoor storage of construction equipment not conducive to recent zoning requirements for this area.
19. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York 14620 for variance for a professional building to be approximately 55' high (35' allowed), variance to allow front parking at property located at 1200 Scottsville Road in GB zone.

Warren Rosenbaum, Esq., 700 Wilder building, Rochester, New York was representing Mr. Press. He stated they have received preliminary site plan approval for the office building which would be a four-story luxury tower. A special meeting is scheduled with the Planning Board on June 7, 1983. He stated that the front parking along Scottsville Road, based on the landscaping plans, should be approved by the Planning Board. It will not be a detriment to the surrounding but enhance the aesthetics. The plan is to try to conserve as much as possible. Land will be held for future development. The total project envisions seven structures on land being held for future development. By eliminating parking along the front of Scottsville Road, they required the use of more land for the first building and by doing so will cut down their ability to develop sited in the future.

Mr. Press was present and stated that up and down Scottsville Road there is parking along the frontages including across the street where Federal is built. All he wants is the same as his neighbors are permitted; otherwise, it will be very difficult for long term financing.

Marty Rose, Mr. Press's architect, was present and stated that on the new plan the piece of land with the dumpster and lighting is utilized by Burger King with no specific lease arrangement. The land belongs to Mr. Press and up until two weeks ago it was unclear if Burger King would release their claim to it. They decided to move down somewhat. At that point they rent out some additional parcels. The arrangements are better, less composition. The second plan increases parking to one area. The 25' green strip is left with a 40' green strip on either side of the roadway. From the entrance driveway as well as Scottsville Road, you will be viewing the building with a good deal of green and landscaping between them.

Mr. Barbaro asked if Burger King was required to have so many parking spaces. Mr. Press stated that Burger King's situation was approved with parking without 38'. He gave them the 38' subsequently because he didn't have use of the land for the last 10 years. He gave it to them with the understanding that when he developed the front he could get it back. They blacktopped it. Everybody uses the front. They are one of the poorer Burger Kings and they have no traffic or parking problems. They don't need the 38'. They don't want or need it. Mr. Barbaro asked if it wasn't part of the original application and was told no. It was something Mr. Press gave them as a good will gesture. Mr. Barbaro stated that actually they are moving the parking out to comply more closely with the fire marshal's regulation and was told yes. Mr. Barbaro asked if there was parking to the front and rear and was told yes. Mr. Connolly stated that the Gates-Chill Fire Department wants four parking spaces on the east side.

Mr. Rosenbaum stated in regard to the height of the building that the roof's highest point would be 55' and that the airport has no problem with that height. It would not interfere with their clearance. It is a marketing strategy to develop and market property along Scottsville Road. To eliminate it and make a drab looking building would sentence this building to a failure. The height makes it a very successfully looking structure. Without this kind of structure they will not be able to successfully develop the structure.

Mr. Press stated that they are trying to capture the flavor of the airport. The fact that it has a tower is because they are trying to copy that effect. When you walk into their lobby, once you are past 30' you will be inside a three-story open bridge covered area, the bridges going from side to side. The tower will have a shaft for the elevator. They have put in a top executive suite to pay for this. The amortization from the rent from this suite will pay for much of the heavy expenses they are putting into the lobby. If they eliminate anything, they will have an ordinary building and they need something unique in order to compete with the other towns. They need a corporate image with something different and unique. Otherwise they will just have a wooden shack the same as everybody else's building.

Mr. Rose stated that the scale of the building is not dissimilar except that it is taller. The tower is tall but the rest of the building has been spread out and tends to hug the ground. It won't have the appearance of being awkward. Mr. Barbaro stated that he didn't have anything from the County. Mr. Rosenbaum stated they got something from them for the Planning Board. Mr. Barbaro stated they couldn't vote on this until they have it.

Mr. Press said they provided it to the Planning Board. Mr. Connolly stated that the application was mailed to the County on 4/22/83 and they have 30 days to respond. It is their fault for not responding. Mr. Press stated that the building will total under 40,000 square feet. They have a triple A tenant ready to go to lease if they can promise him it by the fall. If he backs out they won't meet the financing. When they went to the County they received them enthusiastically. They got all of the documents for the Planning Board. They told them it was a local matter and were satisfied. Mr. Barbaro read a letter from Mr. Martin, Director of Planning for the County, dated May 5, 1983 approving the airport decision (attached). Mr. Rosenbaum stated that as far as zoning, it should be a local determination. Mr. Ward stated that it shouldn't be any problem voting on it with a contingency that the County approves it.

Mr. Burnett noted that on last month's agenda, their neighbor is seeking the same variance. It looks as though they are going to have a used car lot. It would look a lot nicer if they had a green belt in there. Mr. Press stated they hope when they present the landscaping to the Planning Board, they will approve it. They aren't going to have it blacktopped entirely. They will have a belt plus landscaping so that the blacktop will look minimal. Mr. Burnett asked how far the green belt would be. Mr. Press stated he didn't know. They have turned it over to an engineer with instructions to make it attractive but pragmatic. They would like to put up the building with a number of parking spaces with a number of people occupying it. They have one tenant for 10% of the building. Part of the space won't be used 80% of the time. However, they don't know exactly what is going to be with the rest of the 75% of the tenants. They are going to try to discourage dentists and doctors. They want a corporate image. They would like to have some flexibility with the first building.

Mr. Burnett asked how far back from the road are they going for the front parking. Mr. Rose stated there would be a 25' green strip from the property line to the first parking space plus an additional 25' to the roadside. Total from the blacktop to the blacktop of the parking will be approximately 55-60'. They intend to do some swaling.

No one spoke in favor or opposition.

DECISION: Unanimously approved with the following conditions:

- 1. Front yard parking will be no closer than 25 feet from the south road right-of-way of Scottsville Road.
- 2. The area between the south road right-of-way line of Scottsville Road and the north boundary of the parking area should be landscaped in accordance with the Planning Board's recommendations.

OLD BUSINESS

- 1. Application of International Tire Co., c/o Empire Signs, 101 Louise Street, Rochester, New York 14606 for variance to erect a 3' x 10' wall sign, variance to allow the total signage on property to be 250 sq. ft. (100 sq. ft. allowed) at property located at 1129 Scottsville Road in G1 zone.

Mr. Connolly stated that it was Augsburg International Tire. The property was agriculturally split 1 1/2 years ago. Mr. Michael McCarthy is willing to take the International Tire sign down. Approval of International Tire on side of the building is addition to the one on the side of the building. Car wash is not a consideration.

DECISION: Approved (5 yes, 2 abstentions).

- 2. Application of Dario Marchioni, 120 Chili Scottsville Road, Churchville, New York 14428 for variance to allow a 24' x 24' addition to warehouse to be 75' from front lot line (100' required), 30' from the side lot line (50' required) with a floor elevation of 524.5' where 527.0' is required at property located at 21 Fricker Avenue in RA-20 and FPO zone.

No one appeared on behalf of this application.

DECISION: Denied (5 no, 2 abstentions) for the following reasons:

- 1. Building is not in location as described in building permit and not at proper elevation.
- 2. Owner has not made adequate effort to remove debris from surrounding area.
- 3. Owner has been illegally filling the land and changing grades and elevations.
- 3. Application of Dario Marchioni, 120 Chili Scottsville Road, Churchville, New York 14428 for variance to expand a pre-existing non-conforming use to add a 32' x 48' pole barn, variance to allow the pole barn to be 30' from side lot line (50' required), variance to allow a floor elevation of 521.0' where 527.0' is required at property located at 21 Fricker Avenue in RA-20 and FPO zone.

No one appeared on behalf of this application.

DECISION: Denied (6 no, 1 abstention) for the following reasons:

- 1. Owner wishes to expand a recently built structure which does not conform to zoning regulations.
- 2. Owner has not supplied requested documents to explain

3. Building Inspector's review of clean-up of property states that clean-up effort was totally inadequate. Inspector states there appears to have been little effort made to satisfy Zoning Board's previous requests.

Ralph Barbaro, Chairman
Zoning Board

/dh



MONROE COUNTY DEPARTMENT OF PLANNING

301 County Office Building
39 West Main Street
Rochester, New York 14614

Don B. Martin, Director
(716) 428-5461

May 20, 1983

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

Dear Board Members:

SUBJECT: Application by Amateur Sports for an area variance to construct a storage shelter at 525 Ballantyne Road. (File #CI-941FZ)

I reviewed this application according to Sections 239-1 and m of the New York State General Municipal Law. This review was based on a map entitled "Recreation Shelter" drawn by Ronald A. Samsel, P.E., dated April 8, 1983. I find this to be a matter for local determination. However, I wish to make the following comments for the board's consideration:

- 1) Aspects of this proposal are before the Chili Planning Board and their action should be considered prior to the Zoning Board of Appeals granting of any variances.
- 2) Prior to the granting of any variance as to the elevation within the 100 year floodplain, the town's engineer should be satisfied that this will be consistent with the requirements of the National Flood Insurance Program.
- 3) If any food preparation or restrooms will be part of this shelter, then the necessary permits must be secured from the Monroe County Health Department.

If you have any questions about these comments, please contact Gerald E. Charipar at 428-5630.

Sincerely,

Don B. Martin
Director of Planning

DBM:GEC:js

xc: John Flint, Town Engineer

County of Monroe

NEW YORK

DEPARTMENT OF PLANNING
301 COUNTY OFFICE BUILDING
ROCHESTER, NEW YORK 14614



TELEPHONE:
(716) 428-8461

DON B. MARTIN, DIRECTOR

May 5, 1983

Town of Chili Planning Board
3235 Chili Avenue
Rochester, New York 14624

Dear Board Members:

Subject: Application by Elliott Press for airport review and preliminary site plan approval for a professional office building in a General Business district at 1200 Scottsville Road. (File #CI-953ASP)

I have reviewed this application according to Article V, Section 504.A of the Monroe County Charter and Sections 239-1 and m of the New York State General Municipal Law.

Airport Review and Decision

The applicant seeks preliminary site plan approval of a professional office building, the first in a series of seven office buildings, to be constructed on a 15.3 acre site which was formerly the Rochester Drive-in Theatre. The site is adjacent to the Rochester-Monroe County Airport, but it is outside the approach-departure corridor of any instrument equipped runways. If approved, the maximum occupancy of the site at any one time for each building, would not exceed ninety persons, according to the applicant. The height of the office building would not exceed fifty-three feet. This height is less than the 60 foot height of the drive-in theater which is currently on site.

This application was also reviewed by the Monroe County Department of Engineering which reviews all airport referrals for their adverse impact on airport operations. They found that if this application were to be approved, it would not have an adverse impact on airport operations. Therefore, based on this information, I approve this application insofar as airport considerations are concerned because it will not adversely affect airport operations and will not expose an undue concentration of persons to potential aircraft crash hazards, or other adverse impacts from airport operations.

Aside from my decision, I wish to note that the Department of Engineering indicated that noise impacts on this site from airport operations, may be significant particularly from large aircraft operating in a crosswind condition from Runway 10-28. Therefore, I recommend that the applicant consider the

attached standards for reaching a noise reduction level of 30 decibels and that he use the suggested techniques for achieving this reduction in areas where the public is received.

Zoning Recommendation

I have reviewed this preliminary site plan based on maps drawn by Martin Rose, dated April 21, 1983, entitled "Airport Business Park" and April 25, 1983, entitled "Airport Business Park - Plot Plan." I find this preliminary site plan to be a matter for local determination. However, I offer the following comments for the board's consideration:

- 1) The final site plan should have the following information - a location sketch, and the method of temporary erosion/siltation control during the construction of the building.
- 2) All other requirements of the preliminary site plan approval process outlined in the Chili Zoning Ordinance should be complied with.

In addition, this application was reviewed by the Monroe County Development Review Committee (DRC). The attached Project Review Report identifies items that must be addressed by the applicant or municipality before final approval may be obtained of the respective DRC member agency.

Environmental Review

The State Environmental Quality Review (SEQR) Act requires that a determination be made as to whether or not this application is subject to review under SEQR. I find this application to be an Unlisted Action as defined in Part 617.2(aa) of the SEQR regulations. I find that if this preliminary site plan were to be approved, that it would not have a significant countywide environmental impact. The town should designate a lead agency and render a determination of significance on this project. No further environmental review will be required by this agency.

Please contact Gerald E. Charipar at 428-5630 if you have any questions about this review.

Sincerely,



Don B. Martin
Director of Planning

DBM:GEC:cm
Attachments (3)

xc: Charles Valenza, Monroe County Department of Law
George Landgren, Monroe County Department of Engineering
Samuel Cooper, Manager, Rochester-Monroe County Airport
William Kelly, Town Attorney
Daniel Miller, Deputy Town Attorney
John Flint, Town Engineer
Applicant

ZONING BOARD

June 7, 1983

The special meeting of the Zoning Board of Appeals in the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 7, 1983 at 7:00 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Tom Ward, Bob Burnett, Cliff D'Heron and Bill Gates, Mel Olver and Shirley Wheelpton.

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

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 Craig Pease Builders, P.O. Box, Waterloo, New York 13165 for Variance to allow a house to be 6' from side lot line (8' required in subdivision) at property located at 18 Loyalist Avenue in R-1-15 zone.

Clark Cannon, Esq., 114 Seneca Street, Geneva, New York, the attorney for Craig Pease Builders, was present and stated the following. Mr. Pease as a builder is a domestic coporation, been in the business for 17 years in the Waterloo area. He is a small contractor. What he does is build one, two, or three homes at a time mainly for the majority of that time in and around the Finger Lakes area. Last year he came into Chili. He plans to build around 30 homes and wishes to be a good neighbor and in no manner wishes to violate the zoning laws. He does not go in and build an immense subdivision. He does not have the resources to do that. His wife is one employee and he has one or two other men. He will hire a crew to build one home at a time. He will go in and buy one lot at a time. He had before him the closing staement for lot 10-24 as well as the bond and mortgage with Milo Coporatiog. Mr. Pease has about \$55,000 invested. The cost of the lot itseld is \$13,500 which becomes due October 6, 1983. The procedure that he utilizes is that he will buy the lot, borrow the money, build the home, and sell the home, then go on from there. At any given time he has two or three homes. That is all he can afford. He committed an error. He cannot justify it; it was simply a mistake. He looked at the electric box on the corner and made an erroneous assuption that that was the corner of the lot. He hoes not own the lot on either side. He would gain nothing by moving it in one direction or another. It was a simple mistake. He moved his house over within 6' of the side lot line. Luckily the adjoining house was built significantly back a difference of 24.8' from the edge. There has been a zoning change in the interim but there are several homes less than that 24.8'. Aesthetically there is no problem. As far as the concern regarding the availability of accessibility for emergency vehicles: there is more footage between these homes than the other five in the area.

Mr. Barbaro asked if any of the other homes have less that 8' and Mr. Cannon replied he believed they were. Mr. Ward asked if any of them were less than 16' and was told no, he believed 17.6' was the least. Mr. Cannon stated he believed the building as set out on the survey is equal in distance between the back and side lots. There was no advantage for Mr. Pease's moving that house closer to the side line. He would gain nothing by that. Once the error was discovered, he first appeared befor the board. He then contacted Mr. & Mrs. Willowby, who are the adjoining neighbors and requested that they sell a 2' strip to him so that he would be in compliance with the zoning. He knew that the subdivision plan states that it must not be changed so he didn't know if 2' could be sold. The neighbors stated they didn't wish to sell the 2'. Mr. Pease also contacted two housemoving firms who refused to give a written estimate. Verbally they stated it would cost between \$5000 and \$6000. In conunction with the estimate, Mr. Pease provided his own estimate as to the additional cost he would incur such as redigging the foundation. So that the cost for moving and relaying the foundation would run somewhere between \$1,500 and \$13,000. That is Mr. Pease's hardship to date. There is another

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *6-1-83*

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

GATES-CHILI NEWS

Issue Dated... *6-1-83*

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.,
My Commission Expires March 30, 1985

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

zoning book

June 7, 1983

Legal Notice

**PUBLIC HEARING
SPECIAL HEARING
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 June 7, 1983 at 7:00 p.m. to hear and consider the following application:

1. Application of Craig Pease

Builders, P.O. Box 270, Waterloo, New York 13165 for variance to allow a house to be 6' from side lot line (8' required in subdivision) at property located at 18 Loyalist Avenue in R-1-15 zone.

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

**Betty Bartok, Chairman
Chili Zoning Board
of Appeals**

hardship and that is the innocent victims. They are a young couple that purchased this home, they signed a building agreement in March. They sold their home and placed their furniture in storage. The husband went to live with his parents, his wife has been living with her parents. For the last two months they have been separated. They have informed Mr. Cannon that if the house is required to be moved, they will declare the contract null and void. There is the hardship to them and the hardship to Mr. Pease in reselling the house because he couldn't get the price required to make the investment equitable. He would have to discount the house. It would be a practical hardship as Mr. Cannon understands the law. Mr. Cannon quoted from the Variance Laws which states that practical difficulties are something less than unnecessary hardships. In *Washberger v. Michalis*, the court said that the following matters should be considered:

1. How substantial the variance is in relation to the requirement.
2. The effect, if the variance is allowed of the increased population density thus produced on available governmental facilities.
3. Whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created.
4. Whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance.
5. Whether in view of the manner in which the difficulty arose and in consideration of all the above factors the interests of justice will be served by allowing the variance.

The factors which the court regarded as relevant invite the board of zoning appeals to determine practical difficulty by balancing the need, the harm, and the alternative solutions.

Mr. Cannon stated that if they are allowed or denied, it is still to remain a single home neighborhood.

Mr. Barbaro asked if it would change the character of the neighborhood. Mr. Cannon replied no substantial change would occur. They actually have 24.8' between two properties which is 5 or ' greater than that which presently exists on the same street.

Mr. D'Heron questioned whether the difficulty can be obviated. Mr. Cannon stated they attempted to obtain 2' from the adjoining neighbor plus the additional problem with zoning because there would be a violation of two lots in subdivision plan. And they attempted to get an estimate for a house moving.

Mr. Ward stated that difficulty arose in the interest of justice by allowing a variance. Mr. Cannon said that they have a man brought to the brink of financial ruin who clearly made a mistake and the ones who no longer reside together and have no place to go. Clearly, justice would not be encumbered.

Mr. Barbaro stated the case he cited deals with an area variance, not a setback. An area variance is where a certain size house is required or a certain size lot. In this case, there is no variance being asked for the size. Both the lot and the house size were adequate. He failed to see how this case and the judgment rendered applies to side setback. There was no physical or geographical structure that made it improper for the house to be set on the house properly. In the planning board plan and the engineering plot plan, it showed the house. Seven feet would have been in violation of the zoning regulations so if it slipped a foot, he could understand. If it slipped from 8' to 7', but how can a stake slip exactly 8' in the front and 8' in the rear. He stated that Mr. Cannon said they looked at an electric box but at the same time the board was told that the land was staked out. At some point in time someone must have looked at the land or the board wasn't told the truth.

Mr. Cannon replied the land was staked out. They looked at the

///

box and made a mistake. As to the area variance versus use variance, he considered this to be an area variance.

Mr. Miller stated this is an area variance. A lesser degree of a variance. A setback would fall under the text of practical difficulty and not under hardship.

Mr. Cannon further cited in the Matter of Otto v. Steinhilber (282 N.Y. 71) which stated "A change of area may be granted on the ground of practical difficulties alone, without considering whether or not there is an unnecessary hardship...in the absence of statutory provisions to the contrary, special hardship need not be established as a condition to granting an area variance."

In the Matter of Gerling v. Board of Zoning Appeals, 6 A D 2d 247: "In its determination the board should consider (1) how substantial the variation is in relation to the requirement, (2) the effect, if the variance is allowed, of the increased population density thus produced on available governmental facilities (fire, water, garbage and the like), (3) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment can be obviated by some method, feasible for the applicant to pursue, other than a variance, and (5) whether in view of the manner in which the difficulty arose and considering all the factors the interests of justice will be served by allowing the variance."

Mr. Burnett stated that they were not there to rectify other people's errors. They had these people who are suffering because of this mistake. He found it difficult to understand how this error could have been compounded in so many ways. If the builder was correct, they should have had a digger and surveyor and several other people involved. He found it personally difficult to accept. The whole thing is that if the Town turns down this variance as it did before, they would be the bad guys and yet legally he felt he had no other choice.

Mr. Cannon stated that the courts have dealt with this problem and they have said where there is a problem. Life being what it is, it is imperfect and the courts are giving you that discretion.

Mr. Miller asked where Mr. Cannon felt a line could be drawn to distinguish those cases such as where a practical difficulty can be given and those cases where builders make mistakes and then go in and request a variance. Mr. Cannon replied that you can only take each case as it comes. The courts are saying they are going to give you the discretion. You have to look at the practical difficulty. The court is saying you have to balance...

Repeated in verbatim
~~Mr. Miller asked where MR. Cannon felt a line could be drawn to distinguish those cases such as where a practical difficulty can be given and those cases where builders make mistakes and then go in and request a variance. Mr. Cannon replied that you can only take each case as it comes. The courts are saying they are going to give you the discretion. You have to look at the practical difficulty. The court is saying you have to balance....~~

Mr. Barbaro asked why the footers didn't notify them of the problem. Mr. Cannon replied that they didn't have a sight survey until the time that the bank asked for one.

Mr. Burnett stated he took the liberty of visiting the property. He stated that all of the other homes plus this one were developed with two residences already in existence. Basically it is not hard to determine where the center of the lot would be. He could not justify a builder moving that far. Even the builder on the north said it was very off center. Very few of those homes are not centered. Had Mr. Pease taken that amount of land and moved it over, there would have been no difficulty. If they had been looking at virgin land, he could understand, but there was a power box and a utility box. Mr. Cannon replied when they looked at those boxes, they were not the boundary lines.

Mr. Cannon reiterated that there was no reason for Mr. Pease to intentionally move the house as he does not own either property on either side so there was no reason he would want to do it. He

simply made a mistake.

Mr. Pease stated that when they made the plot plan, it was centered. When it was staked, it was incorrect. He was not aware of it until the survey was seen. If it was the only house he was going to build there, he could understand, but he is going to build 20 more houses and doesn't want to cause any problems.

No one spoke in favor.

In Opposition: Chris Willowby, 16 Loyalist Avenue who stated that his house is on that plot of land so that at some point in time in the future, they may be able to add on to it. He asked how this would effect any addition.

Mr. Barbaro stated he could add 10' without asking for a zoning variance. Mr. Barbaro asked if he was making a statement in opposition or just asking questions. Mr. Willowby stated he was just asking about an addition.

Mr. Cannon stated that he offered the Willowbys \$1,800 for their land.

DECISION: Granted (5 yes, 1 no, 1 abstention).

Ralph Barbaro, Chairperson
Zoning Board

/dh

ZONING BOARD

June 21, 1983

The meeting of the Zoning Board of Appeals in the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 21, 1983 at 7:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

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

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

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 Dave Steinmiller, 248 Archer Road, Churchville, New York 14428 for renewal of Conditional Use Permit to allow a beauty shop in home at property located at above address in R-1-20 zone.

Mr. Dave Steinmiller was present and stated they have had the beauty shop for eight years and would like to have it just the way it has been in the past and, if possible, for a longer period of time in the variance. Nothing has been changed.

Mr. Barbaro stated that as a matter of public record the renewal was granted on May 16, 1980 for a conditional use permit for a period of three years to operate the beauty salon with the following conditions: no on-street parking, no signs, and Mrs. Steinmiller was the sole operator of the beauty salon. Asked if this was still the case, Mr. Steinmiller answered yes.

Mr. Cates asked where it is located in the home and was told in the garage. He converted half of the garage to a beauty shop so that when you look at the house, it looks like a house. Just a private entrance into the shop.

Mr. Oliver asked how many customers in the shop and was told two at a time by appointment only.

Mr. Barbaro asked what hours and was told 9:00 to 5:00 P.M., one night a week from 1:00 to 8:00 P.M., usually on Thursdays.

Mr. Oliver asked how many cars in the driveway. Mr. Steinmiller stated it can accommodate 12 to 13 cars, three wide from the garage to the side of the lawn, two back holds six, then it holds 2-4-6 or more. Mr. Oliver asked how many is the most number of cars he has there at one time and was told at the most 5 or 6. Sometimes people go there and his wife is slow and they just have to move the car.

No one spoke in favor or opposition.

DECISION: Unanimously approved/granted for five years with the following conditions:

- 1. No on-street parking.
 - 2. No signs.
 - 3. Mrs. Steinmiller is the sole operator.
- 2. Application of LaVerne Blowers, 2217 Westside Drive, Rochester, New York 14624 for variance to erect a 20' x 20' attached garage to be 6' from side lot line (10' required) at property located at the above address in R-1-15 zone.

Mr. LaVerne Blowers was present and stated that he is requesting permission of the Board to erect the garage to new construction which was just constructed this past year and to have the garage added as part of the house attached to it to be within 6' of the property line instead of 10'.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date. *6-15-83*

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

GATES-CHILI NEWS

Issue Dated. *6-15-83*

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith

Patricia M. Smith
Publisher

Honing Book
June 1983

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 June 21, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Dave Steinmiller, 248 Archer Road, Churchville, New York 14428 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 LaVerne Blowers, 2217 Westside Drive, Rochester, New York 14624 for variance to erect a 20'x20' attached garage to be 6' from side lot line (10' required) at property located at above address in R-1-15 zone.

3. Application of Anne Popowich, 3 Amanda Drive, 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-1-12 zone.

4. Application of Joyce Scott, 11 Sequoia Drive, Rochester, New York 14624 for variance to erect a 20'x26' garage to be 43' from lot line (45' required in subdivision) at property located at above address in R-1-12 zone.

5. Application of Danny Fischer, 40 Weatherwood Lane, Rochester, New York 14624 for Conditional Use Permit to erect a 12'x20' wood utility shed at property located at above address in R-1-5 zone.

6. Application of Danny Fischer, 40 Weatherwood Lane, Rochester, New York 14624 for variance to erect a 12'x20' shed to be 4' from side lot line (8' required), variance to allow the shed to be 240 sq. ft. (120 sq. ft. allowed), variance to allow the shed to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

7. Application of North Chili Community Church, 3355 Union Street, North Chili, New York 14514 for variance to erect a 14'x4' freestanding

sign at property located at above address in RM zone

8. Application of Richard Kijowski, 17 Revere Drive, Rochester, New York 14624 for Conditional Use Permit to erect a 10'x8' wood utility shed at property located at above address in R-1-15 zone.

9. Application of Richard Kijowski, 17 Revere Drive, Rochester, New York 14624 for variance to erect a 10'x8' shed to be 5' from garage (8' required) at property located at above address in R-1-15 zone.

10. Application of Adolf Schroeder, 93 Stover Road, Rochester, New York 14624 for Conditional Use Permit to erect an 8'x8' wood utility shed and 8'x8' gazebo at property located at above address in R-1-15 zone.

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

Ralph Barbaro,
Chairman
Chili Zoning
Board of Appeals

Mr. Barbaro asked if the house had a garage before and was told no. He further asked the construction and was told the house is a new construction. Mr. Barbaro asked the type of siding and was told vinyl which he proposed to use on the garage. Mr. Barbaro asked if there was an 8' drainage easement on the other side of the house and was told yes. Mr. Barbaro asked what adjoins his property to the west and Mr. Blowers stated a private residence which is the side that the garage is proposed. Mr. Blowers was unsure of the distance but stated it was the same front setback. Mr. Barbaro asked how far their house is from his property line and Mr. Blowers answered 10', no further than 18-20' from the property line. Mr. Barbaro asked if there were any trees and was told no.

Mr. Ward stated there was quite a grade change where it drops off where the property was filled. He asked if this garage is going to be constructed the same elevation. Mr. Blowers stated no lower. It would be ground level. Mr. Ward asked if more fill would be required and was told he didn't know but they would be able to keep the drainage with no problem. Mr. Ward stated it is kind of hard to tell if drop off is less than 6' away from the property line. Mr. Ward suspected that the drainage be maintained so that it wouldn't be forcing it over to the adjoining property. Mr. Blowers stated either way, he thought the drainage level could be maintained with no problem. Mr. Connolly stated there is a good swail in between the two houses. Mr. Ward said he didn't want to lose that. Mr. Connolly stated the house next door was made to pipe it. Mr. Burnett asked if it could be gutted into the swail. Mr. Ward asked why he couldn't live with a 16' wide garage. Mr. Blowers stated there was no serious hardship - it was a convenience factor only. It is used for storage and his car. Mr. Ward asked why he couldn't live with 18'. Mr. Blowers stated 18' would be tight. The garage door is normally 16 or 17'. Mr. Miller asked if there would be a practical difficulty from his standpoint if he did eventually get a second car and only had 18' and Mr. Blowers stated yes, it would be difficult.

No one spoke in favor or opposition.

DECISION: Unanimously approved provided proper drainage is maintained.

3. ✓ Application of Anne Popowich, 3 Amanda Drive, 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-1-12 zone.

Mrs. Anne Popowich was present and stated she would like to have her permit renewed so that she may continue to do the same work as before.

Mr. Barbaro read Mrs. Popowich's letter to the Planning Board (copy attached). Mr. Barbaro asked where in the home does she operate her business and Mrs. Popowich stated a room right off the garage. He further asked if there were one or two people there at a time and was told at the most, three. Her driveway holds about six cars.

Mr. Burnett noted the fact that she only has one door leading into the facility but no egress door. Mrs. Popowich stated she has her garage door as the entranceway and one can come in straight through the house and go out the family room sliding glass doors. Mr. Burnett stated the Town is becoming more concerned about the welfare of people in confined areas. The door is only 2.6" wide which doesn't denote a very wide door.

Mr. Barbaro asked if that was the only entrance into the room and was told yes. He asked about the windows and Mrs. Popowich stated they were standard size Anderson windows big enough for a person to get through easily.

Mr. Burnett asked if she would consider a second door. Mrs. Popowich stated it would be possible to put one off the garage if it had to be done. Mr. Burnett stated that she has her two dryers down at the only door. If there were a malfunction in them it would be the same area people would have to evacuate. Mr. Barbaro stated the window is an escape. Mr. Barbaro asked how high the window is and was told low with no storm window, just screens that crank out. Mr. Barbaro asked if they were permanently affixed to the frame and was told they

push out. Mr. Barbaro asked about window rods and was told they are 3/4 the size of the window.

Mr. Connolly stated that as long as she is not in the cellar, he didn't think she needs a second means of egress. There are a million stores in the Town with only one egress.

Mr. Oliver asked how far the window is on the outside and was told the front sidewalk is low. Mr. Miller stated that if they couldn't get out of the garage, they could go through the family room, just 5' from the other doorway out into the backyard.

Mr. Oliver asked if the conditions were attached by the Planning Board in 1981. Mr. Connolly stated sole proprietorship, no advertising, no signs, granted for two years, no on street parking.

No one spoke in favor or opposition.

DECISION: Granted (6 yes, 1 abstention) with the following conditions:
 Granted for three years with same conditions plus no on-street parking. No signs, Mrs. Popowich is the sole operator.
 4. Application of Joyce Scott, 11 Sequoia Drive, Rochester, New York 14624 for variance to erect a 20' x 26' garage to be 43' from front lot line (45' required in subdivision) at property located at above address in R-1-12 zone.

Mrs. Joyce Scott was present and asked if there were any questions.

Mr. Barbaro asked if she wanted to make a 20' x 26' to existing garage and was told yes, a 20 x 20 existing garage. They want it to be an in-law apartment and they want another garage in front of that for their use.

Mr. Barbaro asked where the house sits approximately. Mrs. Scott stated it sits back half way from where the garage is now.

Mr. Barbaro asked if the Planning Board rendered a decision and was told yes. Mr. Connolly stated it was granted a condition use.

Mr. Barbaro asked if they had made application for a garage plus multiple residential use and was told no, the Planning Board first for multiple residence, then permit for variance of 2'.

Mr. Oliver asked if the garage would add 4' onto the living space. Mrs. Scott stated the existing garage for the in-law apartment would go out 4' more to make living space then add another garage onto that.

Mr. Barbaro asked who was going to live there and was told her mother. Mr. Barbaro stated he was concerned that it was going to block the line of site of people next door. Mr. Connolly stated that if it was sticking out 24' instead of 26' it would still be sticking out which would be in the guidelines. There is only 2' in question.

Mr. D'Heron asked if the siding and roofing would match and was told yes.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

5. Application of Danny Fischer, 40 Weatherwood Lane, Rochester, New York 14624 for Conditional Use Permit to erect a 12' x 20' shed to be 4' from side lot line (8' required), variance to allow the shed to be 240 sq. fr. (120 sq. ft. allowed), variance to allow the shed to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Danny Fischer was present and stated he intended to use the shed for storage of garden tools, lawn mower, snowblower, etc. Mr. Barbaro asked why so close to the property line. Mr. Fischer stated there is a 30' driveway easement in the back and he couldn't put it in the front. He has a 20' drop off in the back. Mr. Barbaro asked

how about closer on the other side of the lot and was told it would obstruct the view of the traffic on the other side. Mr. Barbaro asked if it would be a kit and was told Texture III siding with a stained finish. The front of the house is cedar with dark stain.

Mr. Oliver asked why the shed is 10' high and was told the roof has a severe pitch in the back in order to comply with 8' height. He has an overhead door which will have to be about 5' to comply with the roof pitch.

Mr. Ward asked the relationship of the house north of his and was told it has the same setback. Mr. Ward asked how far their house is from the property line and was told approximately 27'.

Mr. Barbaro asked if he was in business for himself and was told no.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

7. ✓ Application of North Chili Community Church, 3355 Union Street, North Chili, New York 14514 for variance to erect a 14' x 4' freestanding sign at property located at above address in RM zone.

Mr. Jerry Tallo, the business manager for the North Chili Community Church, was present and stated they are currently utilizing a temporary sign since they moved into the building in February of 1980. They are in the process of finishing construction and want to put a permanent sign on.

Mr. Ward asked if the lettering and everything on it would be one color and was told that the letters would probably be one color and the background another.

Mr. Gates asked if there would be lights and was told yes. Mr. Ward stated the lights possibly could infringe on the traffic and was told they would not be fluorescent, just enough light to show lettering. A cap will go over it.

Mr. Connolly stated that a freestanding sign is permitted only with the approval of the Zoning Board.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

8. ✓ Application of Richard Kijowski, 17 Revere Drive, Rochester, New York 14624 for Conditional Use Permit to erect a 10' x 8' wood utility shed at property located at above address in R-1-15 zone.

9. ✓ Application of Richard Kijowski, 17 Revere Drive, Rochester, New York 14624 for variance to erect a 10' x 8' shed to be 5' from garage (8' required) at property located at above address in R-1-15 zone.

Mr. Richard Kijowski was present and stated he would like permission to construct the shed with the variance because of the level of the land plus the trees right in front.

Mr. Barbaro asked how he proposed to side it and was told with a stain.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

10. Application of Adolf Schroeder, 93 Stover Road, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 8' wood utility shed and 8' x 8' gazebo at property located at above address in R-1-15 zone.

Mr. Adolf Schroeder was present.

Mr. Miller asked if there were two distinct constructions and was told that was correct. Mr. Miller asked what he is going to do with the gazebo and Mr. Schroeder said just sit there, his wife wants to sit there.

Mr. Barbaro asked what it is going to look like. Mr. Schroeder stated it would not be of any abstract nature. It will conform to existing architecture.

Mr. Barbaro asked if the variance had been granted before the garage and was told no, for the front entrance. The builder didn't do it. He felt it would interfere with his construction.

No one spoke in favor or opposition.

DECISION: Granted.

Ralph Barbaro, Chairman
Zoning Board of Appeals

/dh

MAY 9, 1983
~~March 10, 1981~~

To the Chili Planning Board,

On March 4, 1981 I went to the Chili Town Hall to apply for a conditional use permit to do hairdressing in my home at 3 Amanda Drive. It is my understanding that you request a letter of intent as the first step in being granted a conditional use permit.

In checking your records you will see that the planning board did graciously grant me a conditional use permit when I resided at 61 Laredo Drive. Since that time I have moved to 3 Amanda Drive. My intentions would be the same as before. I wish to do about ten people (friends, relatives and a few neighbors) a week at scattered hours, approximately fifteen hours a week. The hair would be done on the main floor of the house. There will be no need for anyone to park on the roadside at anytime because of a double driveway. There will be no more than two to three cars in the driveway at one time.

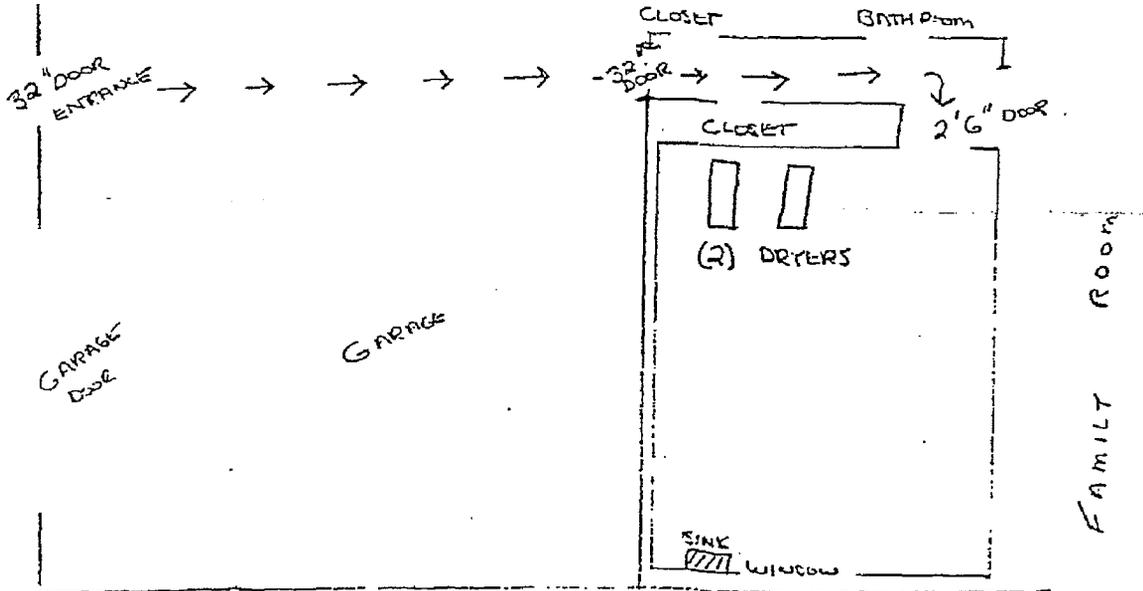
The reason I am not working at a shop at this time is because I have a daughter who needs a parent with her when she is at home. Sherri is in the special education class at Paul Road School. Do *Doc* to her emotional well being I feel I should be home for her when she needs me.

I appreciate the time you took in reading this letter and hope that my request can be granted.

Sincerely,

Gene C. Cypriani

The drawing below is a brief diagram of the room to be used.



Application #3, page 114

118

ZONING BOARD

June 28, 1983

The meeting of the Zoning Board of Appeals in the Town of Chili was held in the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 28, 1983 at 7:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

Present: Ralph Barbaro, Chairperson; Shirley Whelpton, Tom Ward, Bob Burnett, Cliff D'Heron and Mel Oliver.

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

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 Gary Spoor, 250 Fisher Road, Rochester, New York 14624 for renewal of Conditional Use Permit to allow an auto dealership in home with the same conditions at property located at above address in RA-10 and FPO zone.

Mr. Gary Spoor was present and stated it was renewed here for the last 10 to 11 years. Brought small thing he had signed by a few neighbors surrounding him, the ones who would have any concerns. Basically the same as he has every year. No changes.

Mr. Barbaro asked if he has occasions to sell cars from his property. Mr. Spoor stated sure, he told him that - he asked before. Mr. Connolly stated he was at a different Board. Mr. Spoor stated cars are not displayed or advertised for sale. "What have you got for sale" word of mouth deals. The way he has done for 10 to 11 years. Never a car in front of his house with a price on it. They are parked in his driveway but never displayed. Mr. Barbaro asked if he was employed elsewhere and was told the Red Star Express.

Mr. Burnett asked how far his property is from the Rinck's property and was told between the garage and fence, maybe 3 feet. Mr. Burnett said in essence his garage is only 4' feet plus the width of the fence and was told yes. Mr. Burnett asked how that could come about and Mr. Spoor stated he got a variance; the garage was only 6', he added 3'. Mr. Burnett asked if there was a reason why his cars couldn't be handled in the Buffalo Road location and Mr. Spoor said he needs the garage for his repairs and tools. Mr. Burnett asked if he fixed cars because it doesn't say anything about maintaining a garage. Mr. Spoor stated he doesn't run a garage; he fixes his car and his wife's. He doesn't do any major work, just tune ups or tires.

Mr. Barbaro asked prior to selling the cars and was told yes, nothing more than the average man who maintains his own car. Mr. Barbaro asked how he is maintaining the cars he is going to sell. Mr. Spoor stated J&J does his mechanical work. Anything major, he sends out. As far as wash and wax and polish, he does it himself.

Mr. Burnett asked how about New York State inspections and Mr. Spoor stated he doesn't inspect anybody's but his own. Mr. Burnett asked if he is selling a car, you are required to have the car inspected...who and where. Mr. Spoor stated he can either do it himself or take it to a garage which he has done for years. Mr. Burnett asked if he wasn't required to have a license or a display of the license and Mr. Spoor stated no, he has a license but he is not doing work for the public. If someone pulled into his yard and asked for an inspection, he couldn't do it.

Mr. Barbaro asked if he accepts trade off the street and Mr. Spoor stated no. Mr. Barbaro further asked that if he has a New York State inspection license to license cars he intends to sell and he doesn't accept any inspection business, he only inspects the cars he intends to sell and Mr. Spoor answered yes.

Mr. Ward asked if he was the only employee and was told yes. He further asked if he was incorporated and was told no. When asked by

11
Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 6-22-83

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

GATES-CHILI NEWS

Issue Dated 6-22-83

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N.Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Patricia M. Smith
Publisher

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

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Publisher

*Jeing Book
June 1983*

Legal Notice

CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be heard by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on June 28, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Gary Spoor, 250 Fisher Road, Rochester, New York 14624 for renewal of Conditional Use Permit to allow an auto dealership in

home with the same conditions at property located at above address in RA-10 & FPO zone.

2. Application of Robert Metcalfe, 4482 Buffalo Road, North Chili, New York 14514 for Conditional Use Permit to erect an 8' x 12' wood utility shed at property located at above address in R-1-15 zone.

3. Application of Arthur & Barbara Girvin, 526 Paul 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-1-15 zone.

4. Application of Robert Maloney, 393 Stottle Road, Scottsville, New York 14546 for variance to erect a 10' x 35' addition to house to be 39.1' from side lot line (50' required) and 1.44' from front lot line (100' required) at property located at 830 Brook Road in PRD zone.

5. Application of Eugene Gitro, 35 Alger Drive, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 12' wood utility shed at property located at above address in R-1-12 zone.

6. Application of John Timpano, 49 Stover Road, Rochester, New York 14624 for Conditional Use Permit to erect a 14' x 14' gazebo at property located at above address in R-1-15 zone.

7. Application of John Timpano, 49 Stover Road, Rochester, New York 14624 for variance to erect a 14' x 14' gazebo to be 1' from garage (8' required) at property located at above address in R-1-15 zone.

8. Application of JoAnn Smith, 687 Westside Drive, 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.

9. Application of Toni Terroneo, 8 Tomi Terrace, Rochester, New York 14624 for Conditional Use Permit to allow an 8'x12' wood utility shed at property located at above address in R-1-15 zone.

10. Application of Tom Flynt, 8 Tomi Terrace, Rochester, New York 14624 for variance to allow an 8'x12' wood utility shed from rear

Mr. Ward if anybody came onto the property to do clean up, or any complaints from the neighbors, Mr. Spoor answered no except for the neighbor next door who complains about everything.

Mr. Oliver asked if the records show when the conditional use permit was granted. Mr. Spoor stated 11 years ago when he was on Janice Road. Mr. Barbaro stated the last conditional use permit expired in April. Mr. Spoor stated he got out of the hospital and has been out of work for a few months. Mr. Connolly stated the Zoning Ordinance changed in 1981 or 1982. Looking at the section on RA district and under conditional uses, he didn't see anything that would apply to this particular type of use. Then you have to go back to 1976. He didn't know why it was brought in for a conditional use then other than the Planning Board probably had it. Mr. Miller said if it is a customary home occupation which he is saying, then it doesn't need to go before any board inasmuch as he is in an RA zone and because that is a permitted use in a RA zone. It could significantly change the character of the neighborhood; therefore, he felt it should be brought before one of the boards, and it has been before the Planning Board since 1976.

Mr. Spoor stated he goes through very big pains to keep his home at top level condition so that there are no complaints.

Mr. Ward asked if there was any limitations as far as time. Mr. Spoor stated he works nights from 5:00 to 1:30 and 6:00 or 7:00 on weekends. If he's outside, he never goes out until 8:00 or 9:00 in the morning and not regularly. Mr. Ward asked anything past 10:00 at night or before 7:00 or 8:00 in the morning and was told no.

Mr. Oliver asked where the cars are parked and was told in the driveway. He drives one and his wife drives another. Mr. Oliver asked how large the driveway is and was told there is no problem parking two cars and walking alongside of them. Mr. Oliver asked if there were cars there he was preparing for sale or just ones that he is driving. Mr. Spoor stated sometimes they are just there waiting to be cleaned up.

Mr. Burnett asked if he had his footings in and moved Mrs. Rinck's fence and was told no, it is his fence. Mr. Burnett asked if he removed the footings before he went before the board and was told yes, he went a little too fast with it. Mr. Burnett asked if he performed his inspections outside and was told yes, if it is a nice day. Most of the time he is in the garage.

Mr. D'Heron asked if he generates a lot of noise and was told no because the garage is insulated. He asked if he had any equipment and was told a tire changer and air wrench. Mr. Barbaro asked if he used them outside the garage and was told yes, in the summer he will change a tire outside.

Mr. Charles Bellinger of two houses over spoke in favor. Mr. Alfred Schroth a neighbor, spoke in favor. Mrs. Spoor, his wife, spoke in favor.

Mrs. Rinck, his neighbor, spoke in opposition. She stated Mr. Spoor had a conditional use for only an office for retail paperwork. He is running a car sale for repair business. Her neighbors and she see six or seven cars, only two with license plates. The cars change every week. She asked the Planning Board to reject. Many Fisher Road people and others agreed to sign a petition (submitted).

Mr. Barbaro stated the application was granted in 1981 by the Planning Board. Mr. Barbaro asked Mrs. Rinck if she ever had her car repaired by Mr. Spoor and was told no. He asked if anyone in the neighborhood have their cars repaired by him and was told the people in the room that night bought their cars from him. Mr. Barbaro asked would they take a car they own to be repaired and Mrs. Rinck stated Mr. Bellinger did. Mr. Spoor stated Mr. Bellinger did buy a car from him and he asks him for help whenever he has a problem.

Mrs. Rinck stated she was there in 1981 and was told to go home. Mr. Barbaro stated he didn't recall that at all. There would be a

decision rendered that evening and she wished to stay, she was welcomed.

Mrs. Rinck stated the noise on Sunday was very bad. Mr. Spoor stated he was in the hospital on Sunday - nobody was home. Mrs. Rinck stated the noise and fumes are very bad.

Mrs. Irene Brixner, 14 Harton Road, was present representing her mother who lives on Fisher Road (Theresa Manucino). Mrs. Brixner spoke in opposition because she travels Fisher Road and Mrs. Rinck knows what she is talking about because the driveway is loaded with cars. No cars that have been there from week to week, cars that are constantly changing. Whether or not the board gave him permission to change cars, she doesn't care what business Mr. Spoor has in his home, Fisher Road concerns her. Mrs. Brixner asked what the Monroe County Planning Board said and Mr. Barbaro read their letter dated May 23, 1983. That is what bothers her that they are talking about a repair shop. Mr. Spoor is asking for an office and four cars. More cars without plates.

Mr. Barbaro stated Mr. Spoor's application indicated that he wants to do minor repairs for resale. Any dealer who does repairs does not have plates. He can keep them without registration. Two people have testified that there are more cars. Any photographs? Mrs. Rinck stated the last time when she was there they turned her down. Mr. Barbaro asked if any neighbors brought any evidence? Mrs. Brixner said she is afraid he is going to ruin the land on Fisher Road if it ever gets zoned commercial.

Mr. Jerome Brixner was present and read a letter from Mrs. Rinck dated April 2 or 20 to the Chili Town Board. He stated the condition use permit to allow an office for retail automobile sales for property located at above address with three stipulations heard on February 23, 1982 by the Zoning Board, conditions have changed since then.

Mr. Spoor stated that his house is well kept. If there are any complaints, they should be addressed to the house next door. He wants his house appraised. His neighbor's house hurts him to the tune of \$10,000. He has no intention of turning it into a repair shop. He is keeping it within his conditions and he intends to keep it that way. If he sells a car, he needs the office to make up the paper work.

Mr. Barbaro stated the major bone of contention seemed to be the repair of automobiles. He could not find in previously granted use where he was allowed to repair automobiles nor did he ask for it this time. It was never a stipulation but it was brought up every time. It should be addressed.

Mr. Burnett asked how he equated his business with Schiano's and was told it was very small. Schiano's is a wholesaler, Mr. Spoor is a resaler.

Mr. Brixner asked how many signatures were on the petition and was told 56, over half from Fisher Road.

DECISION: Approved (5 yes, 1 no) with the following conditions:

1. No more than four cars on the premises at one time including those registered and/or customarily used by the owners.
2. No advertising of cars for sale on premises.
3. No signs on the property.
4. Time limit of one year.
5. Owner must adhere to rules and regulations for Customary Home Occupation as defined in Section 115-83 of the Code of the Town of Chili, specifically but not exclusively to part "E", which prohibits repair of gasoline or diesel engines or motors which are not expressly registered in the owner's name; vehicles registered in the business name or without

registration, or carrying dealer plates are expressly prohibited from being repaired on the premises.

- 6. Washing, waxing, and vacuuming of cars is permitted, but body repair work is expressly prohibited.
- 2. Application of Robert Metcalfe, 4482 Buffalo Road, North Chili, New York 14514 for Conditional Use Permit to erect an 8' x 12' wood utility shed at property located at above address in R-1-15 zone.

Mr. Robert Metcalfe was present and stated his intentions as above. Mr. Barbaro stated it was reviewed by the Monroe County Planning Board who found it to be a matter for local determination. No variance is required other than for the shed itself. Mr. Metcalfe stated the exterior would be Texture III siding painted white with black trim and barn shaped.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

- 3. Application of Arthur and Barbara Girvin, 526 Paul 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-1-15 zone.

Arthur and Barbara Girvin were present and stated they are the sole proprietors and have been in business at the above address since 1975 with a conditional use permit from the Town and also have a d/b/a to conduct business on file. No outside advertising from the premises. Approximately open 2½ days a week, 20 customers, some walk, others drive, 24' x 90' driveway with no more than four cars at any one time, one entrance and one egress door, heat detectors with automatic dials, five letters of approval from neighbors.

Mr. Burnett stated that he has visited the Girvin facility and had to compliment her that they have done an excellent job. They also have a third door on the premises.

Mr. Frank Citro spoke in favor stating they have a beautiful, clean place.

No one spoke in opposition.

DECISION: Unanimously approved with the following conditions:

- 1. No on street parking.
- 2. No signs on the premises.
- 3. No on-site advertising.
- 4. Granted for five years.
- 4. Application of Robert Malone, 393 Stottle Road, Scottsville, New York 14546 for variance to erect a 10' x 35' addition to house to be 39.1' from side lot line (50' required) and 1.44' from front lot line (100' required) at property located at 880 Brook Road in PRD zone.

Mr. Robert Maloney was present and stated that he would like to renovate the existing structure. Presently there is a 14' x 36' addition for a blacksmith shop built in the 1830's. Since it has to come down, he is applying for a variance to reconstruct it in a smaller fashion.

Mr. Connolly stated that the members should be familiar with the property. It was the Scutter property. The present structure is on the road right-of-way.

Mr. Ward asked why he wanted to build it out. Mr. Maloney stated he didn't see any reason to tear it down. The structure has been inspected and needs to be rejuvenated. He could see no reason to tear something down that is that old.

Mr. Oliver asked if there was no new addition and Mr. Maloney stated no, what is existing has to be remodeled narrower. He can reconstruct it smaller than 4'.

Mr. Connolly stated the variance was granted for 11.44' front set back. That part that was imposing on the right of way. He now wants to move it back out so it is 1.44' from the front lot line.

Mr. Barbaro stated the former owner was granted a variance to tear off the front and Mr. Maloney wants to put the 10' back on. He asked what the use of the 10' extension would be. Mr. Maloney answered the living room and porch.

Mr. Miller stated they couldn't give a variance because the structure was in the road right-of-way. As to the structure itself, it is non-conforming presently existing. He stated that other than the road right-of-way, he didn't think the Town could make him pull it down. It would be to everybody's advantage if the board acts favorably because he is pulling back at least 4'.

Mr. Barbaro asked if the only reason is to make use of the existing foundation and Mr. Maloney stated financially it is easier to assemble something like that.

Mr. Barbaro stated the structure was supposed to be torn down. Mr. Connolly stated that not until Bob came did he issue a building permit. He asked him if it was all right to leave that part of the structure up.

Mr. Oliver asked if he was using more than the existing footage of the actual structure. Mr. Maloney replied yes, the lumber will all be reused. It will be updated.

Mr. Connolly stated he has submitted a set of drawings by a licensed architect.

Mr. Barbaro asked if there was a hardship to building the living room to the east. Mr. Maloney stated it would be fine if he had enough money. There is already a good existing foundation.

Mr. Burnett stated that previously they said he could not use it according to the last decision (prior owner). It was not removed. Now he is coming in as a new owner and...Mr. Maloney replied he is applying for a variance to keep it up. Mr. Burnett said there must have been some reason why it didn't come down. Mr. Maloney stated it is up to the county.

Mr. Ward asked if it was an undersized lot when it was created. Mr. Maloney replied he has two acres now.

Mr. Oliver asked the terms of the application that was previously before the board and Mr. Connolly replied undersized lot, lot width 700', side set back of 406.10'.

Mr. Ward stated from his viewpoint the board did not have the authority to say he has to take down so many feet of his house because it is 2' on the right-of-way, pre-existing, non-conforming. Only if it is unsafe could the town take local action.

Mr. Burnett stated that if they made a decision before this gentleman bought the property, he would have been buying the property without the front. If the foundation was left with fill, the application now is to reuse the foundation over again. Back to point one.

Mr. Barbaro read a letter of decision dated September 23, 1981 regarding an application of Linda Morrison, River Road, owner of the property, for a variance to combine two undersized lots who proposed tearing it down.

Mrs. Phyllis Maloney spoke in favor stating the front of the house is a blacksmith shop dated back to 1832. It is an historical landmark according to the Landmark Society. Financially, it would be a hardship on their part to put a new addition in. It does not take away from the property value. They are doing work to make it look much nicer. It would be senseless to tear it down. It is structurally sound and will add to Chili to know they have a landmark here dating back to that time. To tear it down would be a waste.

Mr. Olver asked what they intend to do with the addition. Mr. Maloney stated the main structure of the house will remain but will be shortened 4'. He doesn't know what the use will be yet.

Mr. Barbaro stated it is not registered as an historical landmark or they wouldn't be able to change it. Mr. Burnett stated they are changing it from the point of origin.

Mr. Miller noted that he was present when the other application was made but he didn't recall specifically what was requested. It may have been contingent. The way this reads: no contingency to indicate that the board had no intent of making prior applicant tear down the building in order to grant the variance.

No one spoke in opposition.

DECISION: Approved (5 yes, 1 no).

5. Application of Eugene Gitro, 35 Alger Drive, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 12' wood utility shed at property located at above address in R-1-12 zone.

Mr. Eugene Gitro was present and stated the shed would be 8' high, 96 square feet.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

6. Application of John Timpano, 49 Stover Road, Rochester, New York 14624 for Conditional Use Permit to erect a 14' x 14' gazebo at property located at above address in R-1-15 zone.
7. Application of John Timpano, 49 Stover Road, Rochester, New York 14624 to erect a 14' x 14' gazebo to be 1' from garage (8' required) at property located at above address in R-1-15 zone.

Mr. John Timpano was present and stated his plans are out of the Better Homes and Gardens magazine. His first stage of the deck will sit on top of the patio which is presently in the back of the garage. Floor of the deck will also be the floor of the gazebo. It will work together as one.

Mr. Olver asked the roofing material and Mr. Timpano replied he didn't know if it would match the asphalt shingle which is light brown or cedar shack. Pressure treated and stained. The gazebo will have its own shutters which will go to the edge of his patio. Everything will be independent in case there is any heaving during the winter.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

8. Application of JoAnn Smith, 687 Westside Drive, 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. JoAnn Smith was present and stated the shop would be a part time beauty salon in her home operated for four years with no complaints that she knew of. Usually just one car in drive which is a large circular driveway.

Mr. Barbaro asked where it is located in the home and was told the first floor, private entry. Mr. Barbaro asked if there was another entry into the house, from the house into the shop and Mrs. Smith replied there is one door to the shop and two outside doors that are not far from the shop. There is only one door connected to the shop.

Mr. Burnett asked if it was connected inside the shop and Mrs. Smith replied no, she has a window. Mr. Burnett asked if there was an outside door that led into the shop and was told no, there is a hallway adjacent to it with a kitchen next to that. Mr. Burnett stated that a person entering her shop would have to go into the hallway, down the hall and into the shop.

Mr. Barbaro asked what is at the end of the hall and was told the family room with a sliding door.

Mr. Burnett asked how she would get out in case of fire and Mrs. Smith stated out the window which is probably waste high. Mr. Connolly asked if the window opens a clear 18" and Mrs. Smith replied yes, it is an Anderson crank out.

Mr. Burnett asked if the window could be converted to a door and Mrs. Smith replied not really because she has two doors not far from them. Mr. Ward stated if she has a window that complies with the codes, it is okay.

The Monroe Planning Board determined it to be a matter of local determination.

No one spoke in favor or opposition.

DECISION: Granted for five years (5 yes, 1 no) with the following conditions:

1. No on-street parking.
 2. No advertising on premises.
 3. No signs on property.
9. ✓ Application of Louis Flynt, 8 Toni Terrace, Rochester, New York 14624 for Conditional Use Permit to erect an 8' x 12' wood utility shed at property located at above address in R-1-15 zone.
 10. ✓ Application of Louis Flynt, 8 Toni Terrace, Rochester, New York 14624 to erect an 8' x 12' utility shed to be 4' from the rear lot line (8' required) and to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Louis Flynt was present and stated when he asked for this he wanted the tool shed to be the same size as his neighbor's. He found it is was bigger and wanted to know if he could change it at the meeting. Mr. Miller stated he could amend it. It was under 120' at the time of the request for the variance.

Mr. Barbaro stated they would amend it and add a third variance for 140 square feet where 120' is required. Mr. Miller stated he would have to get a building permit now.

Mr. Ward asked if there would be a hardship if it weren't amended and Mr. Flynt stated he has a large tractor and trailer and had looked at his neighbor's and felt he could put everything into it.

Mr. Burnett asked if it was a pre-fab unit and was told he was starting from scratch: 2 x 4 construction, pressure treated floor, Texture III siding. Roofing same as his house. Exterior finish would be stained same color as the house.

Mr. Oliver asked why 4' off the property line rather than 8'. It seems like there is enough room. Mr. Flynt replied because of where the trees are, it ruins an area for things like a pool or games. The one directly behind him is on the line or within a foot.

No one spoke in favor or opposition.

DECISION: Granted unanimously.

OLD BUISNESS

Application of Amateur Sports Program, 53 Hay Market Road, Rocheste, New York 14624 for a variance to erect a 50' x 40' recreation shelter to be 25' from the front lot line (100' required) with a floor evelvation of 522.5 where 527.0 is required at property located at 525 Ballantyne Road.

DECISION: Apillication tabled. A new application was submitted for a 30' x 68' building to be 20' from the front lot line. The decision was postponed to the July meeting pending information on elevations in southwest corner of property and review of desirability of that area as an alternative location for building.

Ralph Barbaro, Chairperson
Zoning Board of Appeals

/dh

ZONING BOARD

July 26, 1983

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 on July 26, 1983. The meeting was called to order at 7:30 P.M. by Chairman Ralph Barbaro.

Present: Ralph Barbaro, Chairman; Tom Ward, Bill Gates, Bob Burnett and Mel Oliver.

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

Mr. Barbaro stated that this is a legally constituted meeting of the Chili Zoning Board.

Mr. Miller stated that the Town Clerk has published notice of this meeting in the Gates-Chili News, and that notice of the meeting was posted on the Town Clerk's bulletin board. He stated that the applicants have the right to appeal to the Supreme Court in an Article 78 proceeding within 30 days on matters they do not agree with.

- 1. Application of Sal Gerbino, 31 Bucky Drive, Rochester, New York 14624 for variance to erect a 12' x 16' wood storage shed to be 198 sq. ft. (120 sq. ft allowed) and to be 11½' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Gerbino was present and stated that the main point involved in his request was that there is an existing shed which was three square feet smaller. There is an easement on the side lot line of his property which eliminates the possibility of having a two-car garage. Regarding the shed--he wants to make a new shed that is not rundown. The present shed is rundown. The main difference is one of height... from 8 feet for the existing one to 11 feet for the proposed shed. When he moved to the property there was water on the back lot. The height of the shed is 8 feet total to eliminate water damage to the shed and/or its contents. He says the construction would be improved over the existing shed tenfold. The new shed would upgrade looks and use.

Mr. Barbaro asked what the shed would be used for. Mr. Gerbino replied it would be used for storage such as garden tools. Mr. Barbaro asked household, and yard goods? Mr. Gerbino replied yes.

Mr. Barbaro asked if Mr. Gerbino was engaged in any business, and Mr. Gerbino replied he was not.

Mr. Oliver asked if the new shed would be in the same location as the prior shed. Mr. Gerbino replied, yes, it will be 4 feet wider and about 4 feet less long. Same location. (Mr. Gerbino shows the Board a copy of a map showing the location of the proposed shed).

Mr. Oliver asked if the swimming pool is still there, and Mr. Gerbino replied it was.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

- 2. Application of George Albro, 24 Black Creek Road, Rochester, New York 14623 for variance to erect a 4' high fence where 3' is allowed at property located at above address in RA-20, FPO & RW zone.

Mr. & Mrs. George Albro were present. Mr. Albro said his reason for this 4' high fence is because of an in-ground swimming pool, and that they plan on having one put in next year. They also have a German Shepherd dog and this fence would let him run free. They would tie into their neighbor's existing fence. It is four feet.

Mr. Barbao said he has difficulty because of the quality of the map coy of seeing where the fence is. He asked that Mr. Albro point

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... 7-20-83

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

GATES-CHILI NEWS

Issue Dated... 7-20-83

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER

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

My Commission Expires March 30, 1985

Patricia M. Smith

Patricia M. Smith
Publisher

Legal Notice

CHILIZONING BOARD OF APPEALS

Pursuant to Section 287 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals of the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on July 26, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Sal Gerbino, 31 Bucky Drive, Rochester, New York 14624 for variance to erect a 12' x 16' wood storage shed to be 198 sq. ft. (120 sq. ft. allowed) and to be 11½' high (8' allowed) at property located at above address in R-1-15 zone.
2. Application of George Albro, 24 Black Creek Road, Rochester, New York 14623 for variance to erect a 4' high fence where 3' is allowed at property located at above address in RA-20, FPO & FW zone.
3. Application of Barbara Levan, 45 Evergreen Drive, Rochester, New York 14624 for Conditional Use Permit to allow a beauty shop in home at property located at above address in R-1-15 zone.
4. Application of Clinton VanZant, c/o F. Robert Michel, 36 W. Main Street, Rochester, New York 14624 for variance to allow a 23' x 8' shed to be 6" from rear lot line (8' required) and 1' from side lot line (8' required), variance to allow the shed to be 184 sq. ft. (120 sq. ft. allowed) at property located at 5 White Birch Circle in R-1-12 zone.
5. Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York 14608 for variance to allow a house to be 9.8' from side lot line (10' required) at property located at 47 Alger Drive in R-1-12 zone.
6. Application of Herman Klingenger, 1350 Buffalo Road, Suite 2, Rochester, New York 14624 for variance to allow a house to be 75' from front lot line (100' required) at property located at 118 Wickins Road in RA-20 zone.
7. Application of Michael Welch, 41 Chestnut Drive, Rochester, New York 14624 for variance to allow a goat on a property with 1 acre (5 acres required) at property located at above address in R-1-12 zone.
8. Application of James Brown, 55 Hitree Lane, Rochester, New York 14624 for Conditional Use Permit to allow a wholesale used car business with an office in house at property located at above address in R-1-15 zone.

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

Ralph Barbaro, Chairman
Chili Zoning
Board of Appeals

*James Brown
Rochester
July 1983*

it out on the map. (Mr. Albro points out the location of the fence to Mr. Barbaro. Mr. Barbaro and Mr. Albro have a discussion of referring to the map.

Mr. Barbaro stated that the applicant is requesting a 4' fence around his entire property, on both side lot lines, across the back lot and approximately ten feet inset from the front lot line.

Mr. Gates added that there will be two ten-foot gates on either side of the property. One is for the existing driveway and the other is for a possible future driveway.

Mr. Barbaro, referring to the map, said he noticed there is another lot, and asked if there was a house on that lot. Mr. Albro answered yes, there are houses on either side.

Mr. Barbaro asked how far away Mr. Albro's property is from the corner. Mr. Albro answered that their house is approximately in the center of their lot.

Mr. Barbaro asked, how far from street corners? Mr. Connolly said there isn't any.

Mrs. Barbaro asked, this lot next to you--do you own it? Mrs. Albro answered, no, they sold it.

Mr. Oliver asked how long has the neighbor's fence been erected? Mr. Albro replied, between 10-15 years.

Mr. Barbaro asked what is the construction of the fence, and Mr. Albro replied, chain link.

Mr. Burnett asked, what about the pool? Will it be on the front of the property? Mr. Albro answered that it would be on the back.

Mr. Burnett said, basically the only reason to enclose the front of the property is to contain the dog. Mr. Burnett asked if the neighbor's fence was next to the Albro's. He continued that in reality, they are going to fence in three sides of their lot. Mr. Albro said yes, this is true.

Mr. Burnett said you could tie that in if you brought your fence from the corner of the home over to your new intended fence line. Mrs. Albro said, no, the dog would not have the security of the house, and there have been too many break-ins there.

Mr. Burnett said, you intend to come down this side, across the back and tie into your neighbor's fence line. So if you brought the fence from the corner over to your new fence you have done what you need--contain the dog.

Mrs. Albro asked, just the corner? Mr. Burnett replied yes. Mrs. Albro said the dog wouldn't be able to get around to the front of the house, and the people have been breaking in around the front.

Mr. Burnett asked how many other homes on their street have similar fences? Mrs. Albro replied, the Roccas, the Taceys, the Phillips, and have four foot fences.

Mr. Oliver asked if their adjacent neighbors have a fence at their front lot line, and Mr. Albro answered yes.

Mr. Burnett asked how deep is your property? Mr. Connolly said 220.98 feet on one side.

Mr. Burnett said, your opinion is that the fence is going to be a deterrent to anyone breaking in? Mr. Albro answered yes, and people will see that the dog is loose.

Mr. Oliver asked, do you intend to leave the fencing open or put in plastic strips to provide privacy? Mr. Albro answered they will leave it open.

Mr. Barbaro stated that the record should show that the matter has been submitted to the Monroe County Planning Board, and determined to be a matter for local determination.

No one spoke in favor or opposition.

DECISION: Granted, no conditions.

Mr. Ward: Yes
 Mr. Cates: Yes
 Mr. Burnett: No
 Mr. Oliver: Yes
 Mr. Barbaro: Yes

3. ✓ Application of Barbara Levan, 45 Evergreen Drive, Rochester, New York 14624 for Conditional Use Permit to allow a beauty shop in home at property located at above address in R-1-15 zone.

Mrs. Levan was present and said, we have a pre-existing room that I would like to put a beauty shop. Just a few days a week. I would run it. Our driveway will fit eight cars, and there will be no on-street parking. People will not be there constantly. Probably not more than two people at a time. It is a back room. There is a laundry room and exit door on the same level a few feet away.

Mr. Barbaro asked, are you presently working in a beauty shop? Mrs. Levan answered yes.

Mr. Barbaro asked, are you planning to leave? Mrs. Levan said, not right away. It will take a while. But I would like to be sure that it is legal to do it before I proceed.

Mr. Barbaro asked, you don't own your own shop? Mrs. Levan answered, no.

Mr. Barbaro asked, isn't there another beauty shop on Evergreen Drive? Mrs. Levan answered, no.

Mr. Barbaro asked, are any of your neighbors customers? Mrs. Levan answered, not particularly.

Mr. Cates asked what size windows will there be in the beauty shop? Standard size? Mrs. Levan answered standard size. A little deeper than this (indicates windows in room).

Mr. Burnett asked, is this on the first floor? Mrs. Levan replied, a few steps down. Mr. Burnett asked, below ground? Mrs. Levan replied, half.

Mr. Burnett asked, where is the door? Mrs. Levan replied, you go down stairs and there is a laundry room, and then to the left is...

Mr. Burnett said, the door is going...would you enter from the family room? Mrs. Levan replied, people would come from downstairs. But you can get out through the laundry room to the back of the house.

Mr. Burnett asked, do you have to go upstairs to get to ground level? Mrs. Levan replied, approximately four steps.

Mr. Barbaro mentioned, you say the shop would be operated four days a week: Tuesday, Thursday, Friday and one-halfday on Saturday. It would open at 9:00 a.m. and close in the early evening. Your driveway is 80' x 6'. It would hold eight cars. There would be no need to park on the street. There would be no more than three cars parked at any one time. That is almost a full-time occupation.

Mr. Levan replied, but during that time you are not busy constantly. I would state I am open a certain number of hours. But it is not a constant thing.

Mr. Barbaro asked, by appointment only? Mrs. Levan answered, basically, yes. Mr. Barbaro asked Mrs. Levan if she has young children at home. She answered yes, but she would take them to a sitter on the days when she worked.

Mr. Barbaro mentioned that this becomes a commercial establishment rather than a home application--most people want to work at home because they have kids. But this looks like you are trying to have work with kids.

Mrs. Levan replied, but if I said I kept the kids...this will not be a full-scale thing. Having the kids out is to avoid distraction.

Mr. Barbaro asked, why don't you open a shop in a commercial area? Mrs. Levan replied that the rent is too high--\$500.00 per month. You have to be really established.

Mr. Burnett asked, are you currently working in a commercial enterprise? Mrs. Levan replied yes. Mr. Burnett asked, would you be doing a disservice to the person? Mrs. Levan replied, no, and I wanted to be sure of the legality of this. My boss knows about this. I know a lot of people who are doing this.

Mr. Burnett said, this Board has a responsibility to people in commercial areas. We should recognize the fact that they bring tax dollars into the community.

No one spoke in favor or opposition.

DECISION: Approved, with the following conditions:

1. No on-street parking.
2. No signs on premises.
3. No on site advertising.
4. Hours of operation: Tuesday, Thursday, Friday - 9:00 a.m. to 7:00 p.m.; Saturday, 9:00 a.m. to 2:00 p.m.
5. Application granted for one year.

Mr. Ward: Yes
 Mr. Cates: Yes
 Mr. Burnett: No
 Mr. Barbaro: Yes
 Mr. Oliver: Yes

4. Application of Clinton VanZant, c/o F. Robert Michel, 36 W. Main Street, Rochester, New York 14614 for variance to allow a 23' x 8' shed to be 6' from rear lot line (8' required) and 1' from side lot line (8' required), variance to allow the shed to be 184 sq. feet (120 sq. ft. allowed) at property located at 5 White Birch Circle in R-1-12 zone.

William L. Von Dohlen, Esq., associated with F. Robert Michel, appeared on behalf of the applicant and said the applicant could not be at the meeting because he had been transferred out of State. The applicant purchased the property in July, 1978. At that time the shed was in evidence. However, the tape location map presented to the Van Zant's attorney at that time did not show the shed. The attorneys representing the Van Zants and the bank relied on the tape location map. Thereafter the Van Zants signed a contract to sell the property and a second tape map was made and shows the shed. The bank and the attorneys representing the buyers ask that a variance be obtained to complete the transaction. The shed is on blocks, but it is of such a size and shape and it is built around trees in such a way so that it cannot be moved. It services swimming pool equipment and lines and is used as a changing room. It has been there for approximately seven years. He has this information from the Van Zants and surrounding neighbors on all three sides. The neighbors have no trouble with it. The configuration of the property would not allow the moving of the shed because of trees, the patio around the pool and on the side where there is no room--there is a four foot high fence. The shed cannot go there because of the trees and the wall. When the house was sold they retained \$2500.00 in escrow in case the variance is not granted. They cannot place the shed anyplace else. Mr. Van Zant knew it was there, but he didn't know it was illegal because he had incorrect information. He did not build it in violation. He is an innocent victim of it being built there by prior owners and wrong information. But he needs to transfer the property. The shed has caused no difficulty to neighbors. The neighbors support the shed. Also, they would have to move all the water from the swimming pool.

Mr. Oliver: The water controls for the pool?

Mr. Von Dohlen: Yes, and also the shed is used as a changing room and storage room.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

5. ✓ Application of Pride Mark Development, 50 Lyell Avenue, Rochester, New York 14608, for variance to allow a house to be 9.8' from side lot line (10' required) at property located at 47 Alger Drive in R-1-12 zone.

Mr. James Barbato was present, and said he would like to request a zoning variance to allow structure to be placed closer than the 10' requirement. We did have house set back and lot staked out. It became error with mason--he did not allow ten feet. The closest house is 18 feet from the side yard. So it would not cause any great inconvenience.

No one spoke in favor or opposition.

DECISION: Granted, no conditions.

Mr. Ward: Abstain
Mr. Cates: Yes
Mr. Burnett: Yes
Mr. Barbaro: Yes
Mr. Oliver: Yes.

6. ✓ Application of Herman Klingenberger, 1350 Buffalo Road, Suite 2, Rochester, New York 14624 for variance to allow a house to be 75' from front lot line (100' required) at property located at 118 Wickins Road in RA-20 zone.

Mr. Klingenberger was present and said he was there to represent Mr. Howard Johnson who has built a building on Wickins Road which was 409 feet wide and 571 feet deep. The house was constructed 75 feet set back from the highway boundary line of Wickins Road. The house was staked out in accordance with plans submitted to the Town for approval. The setback was not denoted on the original site plan. The setback was scaled off and house staked out. Closest house is across the street approximately in line with the easterly boundary line of this line. That house is set back 40 feet. This is to the east of this adjacent house. It is sitting 400 feet away from Johnson's and has a setback of 300-350 feet. Wickins intersects at corner of _____ and Wheatland Center Road 725 feet away from west boundary line. Front of house facing Wheatland Center Road. Side of house facing Wickins Road is 15-20 feet back. We are requesting a variance of this structure.

Mr. Barbaro said, I think you said there was an error made in locating house because of two different regulations--on requiring 75 feet and the other 100 feet. Mr. Klingenberger replied that this was true. Mr. Barbaro asked if Mr. Klingenberger was clear now, and Mr. Klingenberger replied he was.

Monro County has determined that this is a matter for local determination.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

7. ✓ Application of Michael Welch, 41 Chestnut Drive, Rochester, New York 14624, for variance to allow a goat on a property with 1 acre (5 acres required) at property located at above address in R-1-12 zone.

Michael Welch was present and said his application to keep the goat was threefold. He said first, he and his wife desire a goat as a pet for their children, ages 5 and 3. They cannot have dogs or cats because children are allergic to them. Second, the goat would be a good educational tool for the children to learn about dairy animals--their care, feeding and housing requirements. Third, his wife is hypo-

glycemic, and the doctor has recommended goat's milk. The goat would be housed in a commercial tool shed on a site where a shed was previously. It has a brick front. The door on the front would be larger than a conventional door. The goat would be staked on a six-foot tether. Goats do not graze--they eat more grain and hay than grass. The six-foot tether would give 100 sq. ft. for a grazing area. He and his wife decided on a mature female goat. It would be the most quiet, most docile and most gentle.

Mr. Barbaro asked, how will you dispose of the waste?

Mr. Welch replied that goats have no more than dogs. They have plenty of waste area in the back of their yard. Their lot is 700 ft. deep, and is in a natural state.

Mr. Barbaro, after looking at map of applicant's property, mentioned that he has several drainage ditches, and asked if the applicant could transverse them.

Mr. Welch answered that they are pretty much filled; the ones on the tape map are underground pipes.

Mr. Barbaro asked how far Mr. Welch proposed to put the shed from the lot line, and Mr. Welch answered 10 or 12 feet. There was a shed there before and they took it down.

Mr. Barbaro questioned whether Mr. Welch would have to be granted a variance for the shed also, Mr. Connolly mentioned, if housing livestock, 100 feet from the lot line.

Mr. Welch asked if livestock is anything besides cats or dogs, and Mr. Barbaro answered anything other than cats or dogs.

Mr. Burnett asked, while Mr. Welch is able to feed the goat on a natural basis now, what will happen in the winter? Mr. Welch replied that the goat will eat hay and grain. As far as out in the yard--they don't graze like cattle and sheep. Mr. Burnett mentioned that his question is directed to storage of fodder for the animal when it cannot be in the yard.

Mr. Welch replied that they have a shelf within the 6' x 8' structure and it would be okay, and they have storage space in a friend's barn for additional storage to bring over food on a weekly basis.

Mr. Burnett asked what type of structure will the shed be. Mr. Welch replied they haven't decided. Basically, a wooden shed with a larger front door. It would face east.

Mr. Burnett asked, from the standpoint of the animal being housed in the building, what source of ventilation will there be? Mr. Welch replied, just an open door and window. Mr. Burnett asked, the door and window. Mr. Burnett asked, the door and window will be opened at all times?

Mr. Welch replied, yes, the goat can stay outside except in the very most severe weather--because of respiratory problems.

Mr. Barbaro asked, how far is your neighbor on the left? Mr. Welch replied, only 12 feet between our house and Miss Wing's. The Abbays are a lot farther.

Mr. Barbaro mentioned that it was his understanding that goats have a tendency to nip, and asked Mr. Welch if he intended to keep the goat so that it will not do this. Mr. Welch replied that the bucks and kids are the ones (goats) to be concerned about. Females are okay based on the research they have done.

Mr. Connolly said the only problem he sees is that there is a 100 foot setback in an RA zone. Probably this application could be to include a shed--12 feet from lot line.

Mr. Barbaro asked Mr. Miller, is there any way this can be considered under conditional use rather than a variance?

Mr. Miller replied you can give him limited conditional use for

a period of time. Mr. Barbaro said the Board may be reluctant to grant a variance because a variance is permanent.

Mr. Connolly said that the Zoning Ordinance says if you get complaints from three people, he would have to get back before the Board.

Mr. Miller suggested, give him a conditional use for about three years.

Mr. Barbaro asked Mr. Welch if he intends to breed the animal, and Mr. Welch replied no.

Mr. Barbaro said, don't you have to breed it to get milk, and Mr. Welch answered, no, not necessarily.

Mr. Burnett asked what kinds of inoculations would be necessary? Mr. Welch replied he did not know. Goats have the lowest susceptibility of animals like this.

Mr. Burnett mentioned they have another inbred non-immunity. Mr. Welch said he will check with the vet and get the required inoculations.

(At this point, the Board reviews various applicable sections of the Chill Code).

Mr. Barbaro stated that this matter was submitted to the Monroe County Planning Department and was determined to be a matter for local determination.

No one spoke in favor.

Mr. Barbaro asked if anyone had come to speak in opposition.

Mr. Ken Abbey, 45 Chestnut Drive, was present, with many of his neighbors, and said quite a few of them are negative. He said he would have to question the 12-foot distance from the property line. Also, an acre of land -- he doesn't think it qualifies, because there is so much wetland, and it is more like 1/3 of an acre. He said they would appeal this if it is approved.

Mr. William Walsh, 9 Lynda Lane, was present. He said we would oppose it on the effect it would have on the financial value of our home.

Mr. Gilbert Countryman, 3 Lynda Lane, was present, and said that the neighborhood is a nice area, and he would like it left that way.

Mrs. Margie Stevens, 26 Harton Road, was present and said, my neighbors and I are all opposed. If five acres are required, there must be a reason. We are definitely opposed.

Mr. Philip Dutcher was present, and said he has some concern about the effect on property values because of noise, odors. He grew up on a farm, and if he wanted to live on a farm, he would not have moved to the suburbs.

Mr. Ron Sagin, 5 Lynda Lane, was present, and said he was opposed to the application because it will have an adverse effect on property values.

Mr. George Simons, 34 Chestnut Drive, was present, and said he was opposed--because of property values.

Mr. Henry Stevens, 26 Hartom Road, was present and said he sees no reason to have a variance from the five-acre requirement.

DECISION: Denied for the following reasons:

1. No hardship to land demonstrated.
2. Incompatible with residential character of neighborhood.
3. Large number of close neighbors in opposition, no one in favor.
4. Deviation from zoning requirements of 80%.
5. Narrowness of lot requires placement of animal habitat

too close to neighbors in residential area.

Mr. Ovler: No
 Mr. Barbaro: No
 Mr. Burnett: No
 Mr. Cates: No
 Mr. Ward: No

8. ✓ Application of James Brown, 55 Hitree Lane, Rochester, New York 14624 for Conditional Use Permit to allow a wholesale used car business with an office in house at property located at above address in R-1-15 zone.

Mr. Barbaro called Mr. Brown three times, but Mr. Brown did not appear.

Mr. Connolly mentioned that Mr. Brown had been in the office that day and was aware of the meeting.

Mr. Philip Roy, 51 Hitree Lane, was present and asked to address the Board. Permission was granted.

Mr. Roy said he and his neighbors had circulated a petition. He asked the Board, if Mr. Brown did show up, what would be the disposition?

Mr. Barbaro answered that the Board would not hear testimony unless the applicant were there. There will be no decision. The procedure of the Board is that they will table this application for one month without prejudice. They will give him that long.

Mr. Roy said that Mr. Brown is his brand new neighbor, of five months. He said that Mr. Brown had said that he had been laid off. He (Mr. Brown) didn't want unemployment insurance. He wanted to open a business.

Mr. Barbaro said--if I can cut you off-- we have to give the applicant one other chance. If he fails to appear he has to re-apply. It is only fair to the applicant to give him an opportunity. We will table this application without prejudice until next month. You can re-appear next month if you want to.

Mr. Jerry Kenny, 34 Hitree Lane, was present, and said he had received notice.

Mr. Connolly said notices are sent to neighbors in 500-foot radius only.

Mr. Kenny asked if he could go on record as being opposed, and Mr. Barbaro answered, no. But send a letter addressed to me at the Town Hall and I will read the letter at the hearing for this case.

Mr. Roy (brings petition forward) and said, if Mr. Brown doesn't come to the next meeting, can he apply again? Mr. Miller answered, we usually let them re-apply within three to four months.

Mr. Barbaro said if he doesn't come back next time, we will have to cancel the application. The next meeting is August 23. We will add this as No. 1. You have a petition. But it is still important that people show up.

Mr. Connolly said, if you reserve decision on it, I will make it No. 1 next meeting.

Mr. Barbaro said, we should indicate that he was delinquent.

DECISION: Tabled for one month without prejudice.

OLD BUSINESS

Minutes of February 22, 1983 meeting for approval.

Mr. Ward mentioned that the minutes should reflect each person's remarks. On Application No 5, Gary Marks, he thinks probably quite a bit of discussion which was pertinent to the decision e.g. he had in-

quired whether he was going totake any action to cut down noise--that was not in there. The discussion went on for one hour. Less than two minutes here. No provision for enclosed buildings to contain noise, etc. All those things were established and really should be reflected in the minutes.

Mr. Barbaro agreed. But as Dan pointed out, some minutes that we have taken in the past--a lot of discussion was left out. We are trying to do a better job now. We are asking the stenographer to stay to get decisions. I will see what I can do. I don't even know who it was in February. We had three changes.

Mr. Burnett mentioned an error on page 4...elms...not "alms" third paragraph from bottom, seventh line down,...and he is going to haul in "alms"...". I think it should be "elms".

Mr. Barbaro said he thinks that is probably correct.

Mr. Burnett added, he says he brings in his logs---see the next paragraph down.

Mr. Barbaro said he is sure it was not "elms".

DECISION: Unanimously decided to table minutes.

- 1. Application of Amateur Sports Program, 53 Hay Market Road, Rochester, New York 14624, for variance to erect a 68' x 30' building to be 20' from front lot line (100' required) with an elevation of 522.5 where 527.0 is required at property located at 525 Ballantyne Road in RA-20 and FP0 zone.

DECISION: Tabled due to a discrepancy between 20-foot setback requested of Zoning Board and 35 foot setback granted by Planning Board.

Ralph Barbaro, Chairman
Zoning Board of Appeals

/akw

ZONING BOARD

August 23, 1983

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 23, 1983. The meeting was called to order at 7:30 P.M. by Chairman Ralph Barbaro.

Present: Ralph Barbaro, Chairman; Shirley Whelpton, Tom Ward, Bill Cates, Bob Burnett and Cliff D'Heron.

Also Present: Robert Connolly, Building Inspector; Dan Miller, Deputy Town Attorney. Mr. Miller arrived at 7:45 P.M.

Absent: Mel Oliver.

Mr. Barbaro stated that this is a duly constituted meeting of the Chili Zoning Board, and that the legal statements about the meeting would be deferred until the arrival of Dan Miller, the Deputy Town Attorney, which arrival was imminent. Mr. Barbaro went on to introduce the Board.

Mr. Barbaro addressed some matters of old business as follows:

1. ✓ Application of James. Brown, 55 Hitree Lane, Rochester, New York 14624 for conditional use permit to allow a wholesale used car business with office in home at property located at above address in R-1-15 zone.

Mr. Barbaro stated that he has a letter from Mr. Brown to Mr. Connolly stating that he wishes to withdraw his application. The item is closed.

2. ✓ The application of Amateur Sports for variance to erect a 68' x 30' building to be 20' from front lot line (100' required), with an elevation of 522.5 where 527.0 is required at property located at 527 Ballantyne Road in RA-20 and FPO zone.

The application has been withdrawn by letter from Mr. Aselin to Mr. Connolly.

3. Discussion was had of the May 24 minutes; statements therein were incomplete; Mr. Barbaro stated there were no other documents to improve the quality of the minutes, and the Town Clerk also has none. He resubmitted the minutes of May 24 and would like to defer the minutes for July.

The minutes of May 24, 1983 were unanimously approved.

Approval of July 26, 1983 minutes deferred.

1. ✓ Application of Arthur Felluca, 65 Daunton Drive, Rochester, New York 14624 for variance to erect an additional wall sign to be 12' x 3' at property located at 25 Chestnut Ridge Road in R-1-12 zone and NB zone and to allow pictorial design.

Mr. Felluca was present and said he owned the property. His partner, Fred Deil, was present to show the proposed sign to the Board. (Mr. Deil shows sketch of proposed sign to Board, and they review the same).

Mr. Deil said it would be 3' x 12', to be put on a frame of 3/4" plywood. It would be applied to the roof with angle irons.

Mr. Burnett asked if the sign would be lighted, and Mr. Deil answered that it would not.

Mr. Burnett asked if the sketch showed the sign as it would be, and Mr. Deil answered yes.

Mr. Barbaro asked if there would be any additional display box, and Mr. Deil answered no.

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1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *8-17-83*

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PUBLISHED IN THE

GATES-CHILI NEWS

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Geraldine C. Snyder
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Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985.....

Patricia M. Smith
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Patricia M. Smith
Publisher

zoning board 8/23/83

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 Avenue, Rochester, New York 14624 on August 23, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Arthur Felluca, 65 Dauntton Drive, Rochester, New York 14624

for variance to erect an additional wall sign to be 12'x3' at property located at 25 Chestnut Ridge Road in R-1-12 and NB zone.

2. Application of Michael Weber, 647 Beahan Road, Rochester, New York 14624 for renewal of conditional use permit to allow a machine shop in garage at property located at above address in RA-10 zone.

3. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 for variance

to erect a 12'x4' free-standing sign at property located at above address in R-1-15 zone.

4. Application of James Gillen, 976 Morgan Road, Clifton, New York 14431 for variance to erect a 10'x16' wood utility shed to be 160 sq. ft. (120 sq. ft. allowed) at property located at above address in RA-20 zone.

5. Application of Salvatore Farrace, 8 DaVinci Drive, Rochester, New York 14624 for variance to erect a 33'x24' in-law apartment to be 80' from rear lot line (99' req.) at

property located at above address in R-1-20 zone.

6. Application of William Harrington, 21 Brasser Drive, Rochester, New York 14624 for conditional use permit to allow a real estate office in home at property located at above address in R-1-15 zone.

7. Application of Nina Ball, 75 Woodview Drive, Rochester, New York 14624 for variance to allow front parking for 30 vehicles at property located at 3501 Union Street in GI zone.

8. Application of James Mruk, 14 Hitree Lane, Rochester, New York 14624 for variance to erect a 20'x14' addition to garage to be 46' from front lot line (60' req.) at property located at above address in R-1-15 zone.

9. Application of Huworth Lennon, 34 Loyalist Avenue, Rochester, New York 14624 for variance to allow a 15'x19' enclosed porch to be 25' from rear lot line (40' req.) at property located at above address in R-1-15 zone.

10. Application of Walter

Adamson, 42 Fenton Road Rochester, New York, 1462 for variance to erect a 4.5'x5 enclosed porch to be 45.5 from front lot line (60' req.) at property located at above address in R-1-20 zone.

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

Ralph Barbaro, Chairman
Chili Zoning Board
of Appeals

Mr. Felluca said they have a bull on the wall and they intend to take it down. It is between two existing signs.

Mr. Connolly asked if they intend to keep this bull, and Mr. Felluca replied no. The bull is between these two windows, and they are taking it down. There is a "Long Pond Meats" sign inside which will be taken down--inside the store in the window facing out.

Mr. Barbaro asked if there would be any sign above the door, and Mr. Felluca replied no.

Mr. Deil added that the only alteration to the drawing which the Board was reviewing would be the words "wholesale" "retail" which will be on the final sign.

Mr. Barbaro asked what color the sign will be, and Mr. Deil replied black on white.

Mr. Barbaro asked what signage is on the building now? You have the 32" x 43" panels?

Mr. Felluca answered yes, for advertising.

Mr. Connolly added seven more that Wilson Farms got a variance for.

Mr. Barbaro asked if they are connected with Wilson Farms, and Mr. Felluca answered they have a long term lease with me, but I have nothing to do with the business end of it.

Mr. Burnett asked what the background of the sign would be and Mr. Deil answered 3/4 inch plywood.

Mr. Burnett stated he was concerned about the west wind. How many angle irons? Facing the west and the back of the sign, you are bound to have a certain amount of wind. Are you going to have angle irons on the ends or in threes or what?

Mr. Deil answered full 12 foot with angle irons. Plywood bolted frame on the sign itself.

Mr. Ward asked if the sign would be professionally done, and if so, who is the contractor. Mr. Deil answered Color Print.

Mr. Burnett said, without the bull you have greater room for words. Will you insert "retail"? Mr. Deil answered yes. Mr. Burnett asked if the full would appear on any sign. Mr. Felluca said the wooden bull is going to be taken off the building.

Mr. Connolly stated that pictorial designs are not permitted, so you need another variance, if you are going to keep the bull on the sign.

Mr. Barbaro added that they would need two variances, one for the sign and one for the pictorial design, or logo.

Mr. Barbaro asked how wide is their portion of the building, and Mr. Felluca answered 23-3/4 feet.

Mr. Connolly added they are well within what they are asking for.

Mr. Barbaro asked if there would be any lights, and Mr. Felluca answered no, we are not open in the evenings.

Mr. Barbaro asked, how big is Wilson Farms' sign? Mr. Felluca answered he didn't know--their sign is smaller. They have 60 feet.

Mr. Barbaro asked if the drawing of the sign was to scale, and Mr. Deil replied yes. The drawing was done by Color Print Corporation.

Mr. Barbaro asked if it would be the same as Wilson Farms' sign, and Mr. Felluca replied no, theirs is larger.

Mr. Ward asked, 3/4 inch pressure treated plywood, and Mr. Deil answered yes.

Mr. Ward asked about paint. Mr. Deil, checking his contract, said hand painting on dura ply material 3' x 12' -- no more about paint.

Mr. Burnett asked, just a flat board? No frame? Mr. Felluca answered no. Nothing framing sign. Just support on the back.

No further questions.

No one spoke in favor.

Mr. Barbaro asked if anyone in the audience had come to speak in opposition to this application.

Mrs. Josephine Pagliuco, 2970 Chili Avenue, was present and said she was confused. Where will the sign be? On the roof or along the building?

Mr. Barbaro referred her to the drawing; and Mr. Connelly shows her his copy of the drawing, showing where the sign will be.

Mrs. Pagliuco asks if there is any law about signs on roof, and Mr. Connelly answered, not any more.

Mrs. Pagliuco speaks about cutting weeds; she has been doing it. She has asked Mr. Felluca to do it, but he snapped at her. She said Mr. Felluca said he didn't have to do it. It has been written to Mr. Felluca that he must keep the area clean.

Mr. Barbaro asked if she was talking about weeds on the other side of the fence from his, and she answered yes. She has been cleaning them. Nothing has been done, although she has called the Building Inspector. The Zoning Board and Planning Board agreed to it.

Mr. Barbaro asked Mr. Miller if the Town can do anything to keep the area clear.

Mr. Felluca says there are no weeds there. Mrs. Pagliuco said the drainage streams run from her fence.

Mr. Barbaro said to Mr. Felluca that he was at his property 3 days ago and about 4:45 p.m. today and the second time was as the result of a telephone call from this lady with this problem. I recall the original application for establishment of a parking lot which was reviewed by the Planning Committee and Zoning Board. There did not appear to be any excessive weed growth, but I saw a lot of ebris, pop bottles, beer cans, paper, broken glass at the edge of the parking lot.

Mr. Felluca said, if I had any other neighbor, you wouldn't notice anything. I have had comments that the corner looks good. Wilson Farms--kids buy things there. They are out there sweeping.

Mr. Burnett stated, I have noticed the same situation. I didn't notice any dispositional facilities provided. Is there a reason for this? Mr. Felluca said, it is outside Wilson Farms' door. No one comes out of my store and drops any meat.

Mr. Ward mentioned that this doesn't pertain to the issue. I have seen people cleaning up there. We must spend time on the item at hand.

Mr. Barbaro stated that the matter had been submitted to the Monroe County Planning Board, and had been determined to be a matter for local determination.

DECISION: Unanimously approved, with the following conditions:

1. The existing wooden bull is to be removed.
2. A sign permit will be required.

(At this point, Mr. Miller arrived, and Mr. Barbaro asked him to make the legal statement about the meeting, as follows:)

8/23/83

Mr. Miller stated that the Town Clerk has published notice of the meeting in the Gates-Chili News. This is the official newspaper of the Town of Chili. Notice also is on the bulletin board in the lobby of the Administration Building. He tells the audience that if they are applicants, and the Zoning Board does not grant their application, and/or if they are in opposition to an application and they have a grievance, they have the right to appeal a decision of the Board within 30 days after such a decision is filed with the Town Clerk. Otherwise, they are forever estopped from such actions. He tells them that they have to retain legal counsel and bring an Article 78 proceeding, in the Supreme Court, and the Court will rule on the application and testimony and make findings of fact.

2. ✓ Application of Michael Weber, 647 Beahan Road, Rochester, New York 14624, for renewal of conditional use permit to allow a machine shop in garage at property located at above address in RA-10 zone.

Michael Weber was present and said he had brought a letter signed by the majority of his neighbors to confirm that he has not been a nuisance and should be permitted to continue operating. He presents the letter to the Board.

Mr. Barbaro asked if these are metal working machines, and Mr. Weber replies yes. Abrasive cut off saw.

Mr. Barbaro asked, what types of metal do you work with? Mr. Weber replied stock.

Mr. Barbaro asked what type of parts do you make? Mr. Weber replied small machine parts--1", 2" or 3" long.

Mr. Barbaro asked do delivery trucks bring raw materials and pick up finished goods? Mr. Weber replied, no we pick up raw materials and deliver the finished products either in personal vehicle or using UPS.

Mr. Burnett asked if this was Mr. Weber's only occupation, and how long he had been operating. Mr. Weber replied one year.

Mr. Burnett asked Mr. Weber if he had considered moving into a commercial area, and Mr. Weber replied yes, but I don't have the work to warrant it at this time.

Mr. Burnett asked Mr. Weber, do you foresee that the nature of your business will improve to the point that your product runs will get longer?

Mr. Weber replied yes, but I would like to stay in my present location for a while. But I can't get much more in the way of machines in.

Mr. Burnett asked, what type of insulation is at the location? Mr. Weber replied 3- $\frac{1}{2}$ " in walls and 5" on roof; ventilation through wind turbine. He added that there is no disposal problem with oil from the machine, as most of it is soaked into the rags when the machine is cleaned after use.

Mr. Burnett asked what type of material, and Mr. Weber replied coal roll material.

Mr. Burnett asked, how do you evacuate the smoke which results from such a process, and Mr. Weber replied, no problem so far. I don't work it fast enough.

Mr. Barbaro asked, any smoke detectors? Mr. Weber replied, I have two fire extinguishers. Mr. Barbaro asked what type, CO₂? Mr. Weber replied yes.

Mrs. Whelpton asked, what are your hours? Mr. Weber replied 5:00 p.m. to 9:00 p.m. and it varies on Saturdays. Mrs. Whelpton asked if Mr. Weber ever worked on Sundays or kept late hours, and he replied he did not.

Mrs. Whelpton asked if he had ever worked into the late hours, and Mr. Weber replied once or twice.

Mrs. Whelpton asked if the windows are open in the summer so that there is noise. Mr. Weber replied that the back door is open. There is no noise that you can detect.

Mr. Barbaro asked, do you cut either aluminum or magnesium? Mr. Weber replied no.

Mr. Ward asked, how long have you been operating? Mr. Weber replied since December 10, 1982.

Mr. Barbaro asked, were these conditions the conditions that were granted to you? Mr. Weber replied they were.

No one spoke in favor or opposition.

Mr. Barbaro read the the Board the letter from Mr. Weber's neighbors. He stated that the matter had been submitted to the Monroe County Planning Board, and had been determined to be a matter for local determination.

DECISION: Granted, with the following conditions:

1. No signs on property.
2. No outside storage of parts or materials.
3. Hours of operation limited to 6:00 p.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays.
4. Permit granted for a two-year period.

Mrs. Whelpton:	Yes
Mr. Ward:	Yes
Mr. Cates:	Yes
Mr. Barbaro:	Yes
Mr. Burnett:	Yes
Mr. D'Heron:	Yes

3. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624, for variance to erect a 12' x 4' freestanding sign at property located at above address in R-1-15 zone.

Mr. George Ford, whose business address is at the college, above, and whose home address is 22 Mapleton Drive, was present on behalf of Roberts Wesleyan. He referred the Board to a drawing of the proposed sign and to a chart. He said they are in compliance. Jim Powers was out at the location to help them in locating the sign so they would be in compliance. He stated that all the information was there.

Mr. Barbaro asked if the sign would be all brick, and Mr. Ford answered, concrete block core, brick facade.

Mr. Barbaro asked if the sign would be the same type as the one on Buffalo Road, and Mr. Ford answered yes. Same bricks, so they will be matching.

Mr. Barbaro stated that if this was an identification monument, we don't have to handle the decision.

Mr. Burnett said, we never had clarification. He added he didn't appreciate what was done by the college to get around the decision of this Board. Neighbor complaints. Now here we are again. I am speaking for myself personally. We were overruled in the sense that it was not a sign but was a monument.

Mr. Miller stated he did not feel that there was any subterfuge on the part of the college. It was my interpretation of what was requested, applied for and erected.

Mr. Burnett stated it was a decision on the part of the Chairperson, and Mr. Miller agreed.

Mr. Barbaro stated we need clarification as to whether this is a sign or identification monument. We can defer this if you wish.

Mr. Connolly asked, can we proceed with the application? Mr. Barbaro answered if it is not a sign, there is not much sense in proceeding.

Mr. Miller stated, if you are saying that a place of higher education is a place of business, it would fall into the category of a sign. I think this institution is not selling a product. I don't think that is considered a business per se. They are not advertising anything for sale. Depends on how you want to interpret the word "business".

Mr. Burnett stated that the last time it had to be hurried up because the money donated by the student body had to be used up -- \$2,000.

Mr. Barbaro said yes, but we must now define whether this is a sign or monument. If it is a monument, we will terminate the discussion as not being under our jurisdiction. If it is a sign, we will continue the hearing. Would you like to defer this?

Mr. Miller answered, yes. Mr. Barbaro added, OK, we will delay discussion of the remainder of this topic until after the break.

After the break, Mr. Barbaro re-reads Application No. 3, and asks Mr. Miller his opinion as to whether this is an identification monument or a sign.

Mr. Miller replies that this is not a sign, but is an identification monument. The reasoning is in reading the definition of a sign, a sign is defined as "outdoor advertising which calls attention..." (reads definition of sign from Code). I think in this instance that this is an educational institution not-for-profit corporation, not in business for profit. In referring to the American College Dictionary, "business" is one occupation, profession or trade, purchase or sale of goods in an attempt to make a profit. Granted, anyone employed at Roberts Wesleyan as a bus driver, maintenance worker, etc. is in business. But in and of itself it is not a business. It is an educational institution and this is not a sign as defined in the Code. It is an identification monument. I don't feel that they should have to make an application for this particular structure. I don't think churches ever asked for variances for crosses, etc. I don't think other churches have asked for variances for signs that identify them. In my opinion, the majority have not asked for variances.

Mr. Cates mentioned, last month a church applied for a sign--why didn't you decide then?

Mr. Ward added, I agree. But I still would like to say--even if it is an identification monument, still I think the Board should have an opportunity to review each application due to the fact that even though most of the time the type of operations you are talking about are responsible and care about their property, this is not to say that there isn't going to be a not-for-profit corporation that comes in and could ruin the appearance of the town. Our sign ordinance is designed to protect the Town. I feel we have to have a way to review each application.

Mr. Burnett asked, how would you address the sign at the Children's Hospital on Scottsville Road? they are rendering a service.

Mr. Miller answered, same way. Signs in that category are identification monuments.

Mr. Burnett asked, what about restaurants? And Mr. Miller replied, they are in business.

Mr. Barbaro stated that the university is trying to identify its location, not advertise.

Mr. Cates stated, we must treat them all on an equal basis. That has not been done.

Mr. D'Heron stated, my interpretation of the definition (reads definition from Code) is that it is a sign.

Mr. Barbaro said, the question is whether this structure is for the purpose of advertising or to call attention.

Mr. D'Heron added, whether it is a university or a church, it is still a business because it is in the business of making a profit.

Mr. Barbaro said, not necessarily. The last application of this nature related to a similar structure. It was determined to be a monument for identification. I determine that this application is for a monument for identification and is not subject to consideration by this Board.

Mr. Burnett stated, I would like to go on record as to the authority you have assumed in making this decision.

Mr. Ward said, if it is question of zoning, that is why we are here. We are empowered to make that determination. If it is a question of interpretation, can that question be put to this Board in the form of a motion and voted on?

Mr. Miller answered, yes. A function of the Zoning Board is to hear applications of individuals who are applying for continuing use permits or variances.

Mr. Ward stated, we have a question here. If it is an identification monument, you are saying we don't have to hear it. So where does final determination come from? This Board? The Town Board? The Courts?

Mr. Cates stated, the Board as a whole should make the determination.

Mr. Miller stated, if the Board causes applicant to feel aggrieved, that person would have to bring an Article 78 proceeding before the Supreme Court to review the Board's action.

Mr. Barbaro asked, do you feel that I can make this determination?

Mr. Connolly stated, before any application comes to this Board, every application should be approved.

Mr. Ward stated, that is my point. We must treat everyone on an equal basis.

Mr. Barbaro stated, I retract the statement that it should not be held by this Board. I do not handle a decision on every application that comes before this Board as to whether it is pertinent to this Board. If something like that does come up, it is noted in the minutes.

Mr. Miller stated, there are certain items from time to time that have been discussed to determine which Board they go before.

Mr. Barbaro stated, OK, but that is your responsibility. So it probably is not correct for me to make a determination. The matter of such things as identification monuments should be addressed in the zoning regulations. We will hear the application.

Mr. Ford stated that the information has been presented which describes the sign. He said they have notified people in the community. We have made all the legal announcements. The sign will have letters on one side. Total square footage: 4' wide x 12' long = 48 square feet.

Mr. Barbaro asked, lighting?

Mr. Ford replied, yes, Fluorescent lighting, 6" high.

Mr. Barbaro asked, what are the hours of operation of the lights?

Mr. Ford replied, dusk until 6:00 a.m. to prevent vandalism.

Mr. Burnett stated, in your original application, the reason for the monument was to identify the school. You have already done that. Why do you need more?

Mr. Ford replied, the official address of the school is 2301 Westside Drive. Many people come out and do not see the sign that is there--it is a very small wooden sign.

Mr. Burnett stated, this is the same argument that was used before. Traffic on Westside Drive is not as heavy as on Buffalo Road.

Mr. Ford replied, many people who come on Westside Drive---only one small sign marking the college.

Mr. Burnett stated, if they come out Buffalo Road, they can see that sign.

Mr. D'Heron asked, how can it be a good identification sign when there is lettering only on one side?

Mr. Ford replied, because most people come from the west. They come down on 259 and drive right by it. There is only one small sign. Since the erection of the other sign, we have not received anything but positive remarks. People have told us what a fine item it is, etc. We have not had any problems with it.

Mr. Cates said, I don't think anyone is objecting to your sign.

Mr. Burnett said, you stated Mr. Powers was out to see the sign. How did he get involved?

Mr. Ford replied, I called him. Mr. Burnett asked if this was correct procedure. Didn't Mr. Ford think it was irregular that he would follow a route that was not standard. Mr. Ford replied, no, he came in to this building and was referred to the Building Inspector.

Mr. Burnett stated, you had applied before and knew the procedure; Mr. Ford stated, I followed it.

Mr. Burnett stated, we are hearing ten applications. Isn't that irregular?

Mr. Barbaro stated that the merits of the sign should depend on its construction, location, etc. nothing else.

Mr. D'Heron asked, how far back is the sign?

Mr. Connolly added, 20 feet, I think.

Mr. Ford asked how many people visited the sign?

Mr. Burnett said, I did.

No further questions.

No one spoke in favor or opposition.

DECISION: Granted, no conditions.

Mrs. Whelpton:	Yes
Mr. Ward:	Yes
Mr. Cates:	Abstain
Mr. Barbaro:	Yes
Mr. Burnett:	No
Mr. D'Heron:	Yes

4. Application of James Fille, 796 Morgan Road, Clifton, New York 14431 for variance to erect a 10' x 16' wood utility shed to be 160 square feet (120 sq. ft. allowed) at property located at above address in RA-20 zone.

Mr. James Gillen was present. He stated that he made this appli-

cation to build a shed to store garden tools, etc. so that he could utilize his garage to store his automobile.

Mr. Barbaro asked how the shed would be fabricated, and Mr. Gillen replied it would be of wood, partially in sections, and would be erected on site. The partitions would be erected.

Mr. Barbaro asked what type of siding? Mr. Gillen replied fiberboard. The house has been sided and there is aluminum and vinyl siding left over.

Mr. Barbaro asked what type of roofing? Shingle? Same type as the house? Mr. Gillen replied yes to both questions. No further questions. (Monroe County has determined this to be a matter for local determination).

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

5. ✓ Application of Salvatore Farrace, 8 DaVinci Drive, Rochester, New York 14624 for variance to erect a 33' x 24' in-law apartment to be 80' from rear lot line (90' required) at property located at above address in R-1-20 zone.

Mr. Barbaro called Mr. Farrace, but he did not appear.

DECISION: Tabled. Applicant must appear at the September 27, 1983 hearing or the application will be denied.

6. ✓ Application of William Harrington, 21 Brasser Drive, Rochester, New York 14624 for conditional use permit to allow a real estate office in home at property located at above address in R-1-15 zone.

Mr. Barbaro called Mr. Harrington, but he did not appear.

DECISION: Tabled. Applicant must appear before the September 27, 1983 hearing or the application will be denied.

7. ✓ Application of Nina Ball, 75 Woodview Drive, Rochester, New York 14624 for variance to allow front parking for 30 vehicles at property located at 3501 Union Street in G1 zone.

Kathy Hunt, representing Joseph Yankanich, 1726 Long Pond Road, surveyor for Nina Ball, was present. She stated they were requesting a variance allowing parking in the front setback. The existing building is set back 125 feet. They are asking that parking be 50 feet from the existing lot line.

Ms. Hunt presents a copy of the proposed parking plan to the Board. She stated that Ms. Ball is planning to change the roof line. TK III siding to dress it up. Some fencing to the rear.

Mr. Barbaro asked, does this have to go before the Planning Board?

Mr. Connolly stated, it has been there. Reserved. No county comments back. Preliminary site plan approval. Outside storage of equipment, sale of cars...Conditional Use of outside storage of construction equipment.

Mr. Barbaro stated, the Planning Board decision is reserved pending County comments. Apparently Nina Ball obtained this property recently?

Ms. Hunt replied, within the last eight months.

Mr. Barbaro stated, the former occupant of the building originally intended a conditional use permit for the sale of cars...

Mr. Connolly stated, no, he was denied. He never went through with the complete application.

Mr. Barbaro stated, I thought he had a one-year conditional use.

Mr. Connolly replied, no, conditional use for dismantling of vehicles was denied.

Mr. Barbaro asked, who will operate the business? Ms. Hunt replied Nina Ball's son.

(Mr. Connolly stated, the previous owner was Richard Lindsay).

Mr. Ward asked does he operate business of construction sales or construction equipment storage in the area? Ms. Hunt replied she didn't know.

Mr. Ward asked, any construction equipment? Ms. Hunt replied, used.

Mr. Barbaro asked, tractors, payloaders, backhoes? Ms. Hunt replied, she did not know.

Mr. Burnett asked why didn't Nina Ball come? Ms. Hunt replied, she thought she would be here later; maybe she thought it would take longer.

Mr. Burnett asked, she knew the meeting would start at 7:30?

Mr. Barbaro, reviewing the application, stated, application for front parking for 30 vehicles. What is the nature of the vehicles?

Ms. Hunt replied, customer parking, employers' parking, parking for sales.

Mr. Ward asked, are the rest of the spaces reserved for the display of used cars for sale? Ms. Hunt replied, yes.

Mr. Barbaro asked, what are the spaces in back for? What is the nature of the storage? Will they store complete cars? Car bodies?

Mr. Connolly stated that part of the site plan approval to Planning Board.

Ms. Hunt stated that she knows they realize that they are not to dismantle anything.

(Mr. Connolly reads the application formerly made by Richard Lindsay.) Mr. Connolly stated that the Zoning Board gave him approval for it, with three conditions. (Presents application and decision to Board). He will have lived up to those conditions. That is why they are here now.

Mr. Ward asked, what would hardship be---500 feet and site occupies one half of that. What would be hardship in displaying vehicles more in line with the property?

Mr. Connolly stated this plot is drawn incorrectly and in fact is tow lots. (shows Board map)

Mr. Ward asked, what is the hardship?

Mr. Barbaro stated, 4.7 acres. Is that the area of one lot or two?

Mr. Connolly said, both parcels.

Mr. Barbaro said, automobile and parts sales--do you know what kinds of parts there will be? Ms. Hunt replied, no.

Mr. Barbaro stated, there is no one here representing the person who intends to use this.

Mr. Burnett stated, I can't make a more specific judgment without further information. Why don't we defer this. There are a lot of unanswered questions.

Mr. Barbaro asked, any opposition? OK, we are going to defer this. It will be Item 1 of old business at the September meeting, at which

time we would expect to have Nina Ball here to answer questions. The answers of the representative of the surveyor did not adequately give us a picture of what they are going to do. We will re-hear this application without prejudice at the September meeting. At that time I will ask for comments. If you want to make comments, please come to that meeting. Otherwise, please write your comments down and send them to me at the Town Hall.

Mrs. Anna Liese, 3504 Union Street was present, and stated, there are 18 cars; now they are raising it to 30. Cuts up the lawn, ect. I hope it will not be another Lindsay.

Mr. Barbaro asked Ms. Hunt to have her map revised. There are two parcels shown and one should be shown.

DECISION: Tabled, because the representative could not answer the questions of the members. Application will be brought up again at the September 27, 1983 meeting.

8. ✓ Application of James Mruk, 14 Hitree Lane, Rochester, New York 14624 for variance to erect a 20' x 14' addition to garage to be 46' from front lot line (60' required) at property located at above address in R-1-15 zone.

Mr. James Mruk was present. He presented plans of the addition to the Board for its review. He stated he is changing his garage and needs an additional variance.

Mr. Barbaro asked, you don't plan any internal changes? Your garage will be 14 feet long? No internal changes?

Mr. Mruk replied, no internal changes.

Mr. Barbaro asked, what type of siding, and Mr. Mruk answered, the same siding.

Mr. Barbaro asked, will you have a builder do it, and Mr. Mruk said he will have the footings dug, but he will do the carpentry.

Mr. Burnett asked, if the property were to be sold, what would a new owner think about this long garage? Mr. Mruk replied, I don't know. I don't plan on selling.

Mr. Burnett answered yes, but we as this Board must address this possibility. Mr. Mruk said, yes, for example, there was a pool there when I bought it, but I don't even think of it.

Mr. Connolly asked, how long has the pool been there? Mr. Mruk replied, it has been taken care of. A variance was obtained.

Mr. Ward asked, what are your neighbors' setbacks? Will it affect their line of view? Mr. Mruk replied, I don't know; the houses seem to be lined up with mine.

Mr. Burnett asked, is Brown's house even with yours?

Mr. Mruk said Blakeley's is way back.

Mr. Ward asked, 60 foot or greater setback? Mr. Mruk replied, yes, I think so.

Mr. Ward asked, no house as far as you are planning in the back? Mr. Mruk replied, no way to get back there. There is a fence around the property. There is a lot of space.

A further question was raised by Mr. Roy Arbor, 46 Red Bud Road, Rochester, New York 14624 who stated he was not for or against. He asked, isn't there room in your present garage? How deep is your present garage?

Mr. Mruk replied, 22 feet deep. I have other things in there now.

Mr. Arbor said, possibility of 22.5 foot garage--is this a matter of what I would like, or hardship, or what?

Mr. Barbaro replied, anyone can come before this Board and appeal for a special condition. Mr. Arbor answered, I understand, but I wondered why.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

9. Application of Hurworth Lennon, 34 Loyalist Avenue, Rochester, New York 14624 for variance to allow a 15' x 19' enclosed porch to be 25' from rear lot line (40' required) at property located at above address in R-1-15 zone.

Mr. Lennon was present. Mr. Barbaro asked, what type of things will be on it?

Mr. Lennon answered, it is already built. I was notified that my tax would be increased after everything was completed. (Mr. Lennon shows letter to Board).

Mr. Connolly stated, he was granted a permit to build a shed.

Mr. Barbaro asked, did you submit a map at that time?

Mr. Connolly stated, there is a map in my office. The assessor went down and caught the addition--an enclosed porch--and never reported it to me. He saw it. So I sent him a letter telling him to come in. He had a permit for shed.

Mr. Lennon said, if it was reported that a shed and a porch were to be built, why would the Town send me a letter telling me my taxes will be increased?

Mr. Connolly stated, the Assessor went out and saw it but didn't report it to me.

Mr. Barbaro stated, a porch is taxable, and a shed is not.

Mr. Connolly stated, he has a shed and an enclosed porch. Mr. Lennon added, yes.

Mr. Barbaro asked, this application is for what? Porch or shed? Did you submit drawings at the time of your application?

Mr. Lennon answered, yes. I have the permit right here.

Mr. Burnett asked, was the building put up in 1980? Mr. Lennon answered, yes.

Mr. Barbaro stated this application has been reviewed by the Monroe County Department of Planning, Airport Referral Section, Don. B. Martin, Director of Planning. He states that there is no obstacle to airport, and he approves this application insofar as the airport consideration is concerned.

(Mr. Connolly presents 1980 drawings showing shed to the Board).

Mr. Barbaro said, all we have a record of is the shed. That is 12' x 12'. Eighteen feet from side lot line. But we don't have anything for the porch. All the Building Department has is the application for the shed.

Mr. Burnett asked, was the porch put in at the same time as the shed? Mr. Lennon replied, yes.

Mr. Ward asked, was there a drainage easement on the back of your lot line? How much of the lot is for easement?

Mr. Lennon answered, I don't know. There is a variance at the back line.

Mr. Ward said, I would like to know what the width of the easement is. Bob, do you know what the width of the easement is?

Mr. Connolly answered, it doesn't show on his map. It may not belong to anyone. It may belong to the Town.

Mr. Lennon said, drainage comes to the back of my line.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

10. ✓ Application of Walter Adamson, 42 Fenton Road, Rochester, New York 14624 for variance to erect a 4.5' x 7' enclosed porch to be 45' from front lot line (60' required) at property located at above address in R-1-20 zone.

Mr. Adamson was present. He said he would like to build an entryway, rather than a porch, to separate the main living room from the cold and to protect those who enter. A place to take coats off. Siding would be identical--cedar shingle--and roofing will be the same. Should be 7' x 4'.

Mr. Barbaro said, so it will be four feet out by 7 feet wide. Your house is already 50 feet in a 60-foot zone and you will reduce it.

Mr. Ward said, all the houses are set back within 45' range. Prior to the 60' range.

No further questions.

No one spoke in favor or opposition.

DECISION: Granted unanimously, no conditions.

Mr. Barbaro once more called Mr. Farrace and Mr. Harrington, but they were not there.

In connection with Mr. Harrington's application, Mr. Miller recommended that witnesses who are opposed to the same should be allowed to speak.

Mr. Barbaro said, the only problem is that next month--these people don't show up and their comments are in this month's minutes.

Mr. Connolly pointed out that a witness present has a petition.

Mr. Barbaro said, we will accept the petition. He stated he wants Item 6, the application of Mr. Harrington, to carry over into next month's meeting.

Mr. John Zinter, 25 Brassier Drive, was present, and read the petition which he had brought with him. It was signed by 16 residents of the street. Please enter this in the minutes.

Mr. Barbaro asked, is there anyone here who wishes to speak to this matter? (No reply). We will defer this until next month without prejudice. Give them the benefit of the doubt. If they don't show up at the next meeting, the application is wiped off the agenda.

Mr. Zinter asked, will we know what date it is?

Mr. Connolly replied, I can send it out again. Mr. Barbaro added, it is in the Gates-Chili News.

Mr. Zinter asked, please send out same notice to the same people, and Mr. Connolly said OK, September 27 meeting.

In connection with Application No. 9, Mr. Burnett said he was confused because the original application was for a shed and this application is for a porch which is on the building. Mr. Barbaro said maybe it was a question of communication.

Ralph Barbaro, Chairman
Chili Zoning Board

/akw

ZONING BOARD

September 27, 1983

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, on September 27, 1983. The meeting was called to order at 7:30 P.M. by the Chairman, Ralph Barbaro.

Present: Ralph Barbaro, Chairman; Shirley Whelpton, Tom Ward, Bill Cates, Bob Burnett and Mel Olver.

Absent: Cliff D'Heron.

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

Mr. Barbaro stated that this is a duly constituted meeting of the Chili Zoning Board, and asked Mr. Miller to make the legal statements.

Mr. Miller stated that the Town Clerk has published the agenda of the meeting in the Gates Chili newspaper, and also that the agenda was posted on the bulletin board in the hallway of the Town Hall. People within a 500 foot radius have received notification of items in close proximity to their homes. He advises the audience that if they feel a Zoning Board decision is adverse to their appeal, they must appeal with legal counsel in an Article 78 proceeding within 30 days. In the event they fail to do this within 30 days, they are forever estopped from such an action.

Mr. Barbaro explains the workings of the meeting, to wit: the activity is that we have items on the agenda. We call the items, and the applicants make their presentations to the Board. The Board asks questions. At the end of the question period, the Chairman will ask if anyone is in favor of or opposes the application. The Board takes all applications in the order received, and hears all testimony. Then there is a 15 minute recess, then a vote is taken on the applications the Board can vote on. If the audience doesn't wish to stay for the decisions, they can find out what they were from the Building Department after 9:30 a.m. Applicants will be notified by mail.

Mr. Barbaro introduces the members of the Board.

The minutes of the June 21, 1983 meeting were approved; the minutes of the June 28 meeting were approved; and the minutes of the July 26 meeting were approved.

- 1. Application of Salvatore Farace, 8 DaVinci Drive, Rochester, New York 14624 for variance to erect a 33' x 24' in-law apartment to be 80' from rear lot line (90' required) at property located at above address in R-1-20 zone.

Mrs. Mary Jo Farace, 8 DaVinci Drive, appeared. She explained that the applicant, her husband, Mr. Salvatore Farace, is a fireman, and that she is appearing to present the application. She stated that they have applied for a permit to build the structure and have received it, and now need to receive a variance.

Mr. Barbaro asked, whose in-law would this be for? Mrs. Farace replied, my mother.

Mr. Barbaro asked, one person? Mrs. Farace replied, yes.

Mr. Barbaro asked, why would you be building this? Mrs. Farace replied that her mother has been in poor health--heart attacks. She is now living alone since the death of Mrs. Farace's father three years ago. Her mother wants to be closer the Faraces and their kids. Her mother will sell her home and move in.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date.....*9-21-83*.....

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

GATES-CHILI NEWS

Issue Dated...*9-21-83*...

Geraldine C. Snyder
.....
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

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

*Zoning Min book
Meeting Sept 27, 1983*

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 September 27, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Salvatore Farace, 3 DaVinci Drive, Rochester, New York 14624 for variance to erect a 33' x 24' in-law apartment to be 80' from rear lot line (90' req.) at property located at above address in R-1-20 zone.
2. Application of William Harrington, 21 Brasser Drive, Rochester, New York 14624 for conditional use permit to allow a real estate office in home at property located at above address in R-1-15 zone.
3. Application of George Albro, 24 Black Creek Road, Rochester, New York 14623 for variance to erect a 28' x

24' detached garage to be 1,024 sq. ft. (900 sq. ft. allowed), variance for garage to be 8' from side lot line (50' req.) 8' from rear lot line (50' req.), with an elevation of 521' where 525' is required, variance to allow a second road cut at property located at above address in RA-20, FPO, & FW zone.

4. Application of Richard Mastrodonato, 10 Majestic Way, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home at property located at above address in R-1-15 zone.
5. Application of Robert Austin, 334 Fisher Road, Rochester, New York 14624 for variance to allow the total square footage of 2 garages to be 1,338 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-15 zone.
6. Application of Robert Jaus, 29 Wadsworth Drive, Churchville, New York 14423 for variance to erect a house to be 8½' from both side lot

lines (50' req.) at property located at 31 Wadsworth Drive in PRD zone.

7. Application of Midas Realty, c/o Hunt Realty, 237 Main Street, Suite 500, Buffalo, New York 14203 for variance to erect a building to be 62' from front lot line (75' req.), variance to allow front parking for 8 vehicles at property located at 3220 Chili Avenue in GB zone.
8. Application of Midas Realty, c/o Hunt Realty, 237 Main Street, Suite 500, Buffalo, New York 14203 for variance to erect a freestanding sign to be 57 ft. per face of a double faced sign, variance to erect an additional 3 wall signs to be a total of 32 sq. ft. at property located at 3220 Chili Avenue in GB zone.
9. Application of The Carriage House, 525 Paul Road, Rochester, New York 14624 for renewal of variance to allow a catering establishment at property located at above address in R-1-15 zone.

Mr. Connolly stated that the application has come through the Planning Board for conditional use for an in-law apartment and was granted about two months ago.

Mr. Barbaro asked, the addition on the house--is the siding going to match? Mrs. Farace replied yes, we had an architect come in. The lines will agree. It goes off the back of the garage. The roofs, windows and siding will all match.

Mr. Barbaro asked, in the event that your mother no longer lives there, what would you do? Mrs. Farace replied, we have incorporated the addition into the plans. Two windows are moved; sinks are back to back. It opens up. It becomes part of the house.

Mr. Oliver pointed out that the 80' figure from the rear property line is not shown on this map. Please show me where it would be. (Mrs. Farace points out location on the map.)

Mr. Burnett asked how will the new addition evacuate water? Do you have sewers?

Mr. Barbaro stated he would like to defer that; this application was made to the Planning Board and they have approved it. So there is nothing we can do to address the Planning Board.

Mrs. Farace stated, we have had the same builder who built the house--he will build the addition. He is familiar with the tract and knows where water runoffs are.

Mr. Burnett asked, was this addressed at the Planning Board meeting? Mrs. Farace replied, yes. The architect was there and addressed all these questions. There are cathedral ceilings, which needed approval also.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

2. Application of William Harrington, 21 Brasser Drive, Rochester, New York 14624 for conditional use permit to allow a real estate office in home at property located at above address in R-1-15 zone.

Mr. William Harrington, 21 Brasser Drive, was present. He said, I am here to ask for a variance for a temporary real estate office. I have taken some of the information from the letter of intent. (Reads from letter on intent: maximum number of people in office: 2; maximum number of cars: 2-8; hours: Monday-Friday, 9:00 a.m. to 5:00 p.m.) Some deviation. I am only asking for a conditional variance for a limited time.

Mr. Barbaro asked, what is a limited time? Mr. Harrington replied, six months to a year so that I can look for another property and move into a permanent office.

Mr. Barbaro asked, you are proposing that the office be located in the basement? Mr. Harrington replied, yes.

Mr. Barbaro asked, where is the primary entrance and egress? Mr. Harrington replied, it is a walk out basement; door on side of house.

Mr. Barbaro asked, is the basement below ground? Mr. Harrington replied, no, it is a walk out basement.

Mr. Barbaro asked, are there windows? Mr. Harrington replied, yes.

Mr. Barbaro asked, is there a utility room in the basement? Mr. Harrington replied, yes. Mr. Barbaro asked, is there a proposed bath? Mr. Harrington replied, yes.

Mr. Barbaro asked, are there smoke alarms? Mr. Harrington replied, yes.

Mr. Barbaro asked, why do you feel you must have this in your home? Mr. Harrington replied, I have recently obtained my broker's license--a month ago. I want to go out on my own. I deal in investment property. I deal with 8-10 clients. A normal realtor deals with 40-50. I also buy income properties. It would help me to get started and give me time to find suitable property.

Mr. Barbaro asked, have you considered renting or procuring commercially zoned properties? Mr. Harrington said, I felt this is easier.

Mr. Barbaro asked, have you tried to obtain commercially zoned property? Mr. Harrington replied, I am paying rent where I am now, to a broker.

Mr. Barbaro asked, are you employed by him? Mr. Harrington, replied, well, an agent is subcontracted to other brokers.

Mr. Barbaro stated...2-8 cars listed. Why 8? Mr. Harrington replied, I feel this is the maximum at any one time.

Mr. Burnett said, I realize all businesses must start small. Basically you must be selling commercial property. Wouldn't it be a little ambiguous that you are running an office out of your home and not try to go into a commercial establishment?

Mr. Harrington said, I looked, but could not find anything suitable to buy. I haven't found anything.

Mr. Burnett said, you apparently have not disposed yourself from the interest in renting. You can lease property. We are trying to enhance business community as much as we can.

Mr. Harrington said, I would prefer not to go out and rent a piece of property. I would rather buy one.

Mr. Burnett said, but you could consider renting--rental property is available. Mr. Harrington replied, I have explored it, but it would be preferable to start out in my house.

Mr. Barbaro asked, how long have you lived there? Mr. Harrington replied, I have owned it two years.

Mr. Barbaro asked, how long have you lived there? Mr. Harrington replied, I have moved back within the last one and one-half months.

Mr. Ward asked, if a conditional use permit were granted, would you continue to be the only person operating out of that office, or would you subcontract other agents to work for you? Mr. Harrington replied, I think there can only be two people. So I just think myself and one other.

Mr. Oliver asked, where do you propose to provide parking? Mr. Harrington replied, I have a two-car width driveway which is 80' long.

Mr. Ward asked, would there be a financial hardship imposed if the Board denied your application? Mr. Harrington replied, it would be a lot easier for me, yes.

Mr. Ward stated, I am trying to establish for the record if there would be a hardship. Mr. Harrington replied, yes, and I just went through a separation.

Mr. Olver asked, where would your clients enter the building?

Mr. Harrington replied, from the side of the house where there is a breezeway.

Mr. Olver asked they would immediately go downstairs? Mr. Harrington replied, yes, downstairs or into the kitchen.

Mr. Burnett asked, how do you propose having people know of your office? How would your clients know?

Mr. Harrington replied, I would just telephone them. I have a small number of clients.

Mr. Barbaro asked, are you aware that there is an ordinance required for signs? Mr. Harrington replied, no.

Mr. Connolly stated, he has to have a sign visible from the street.

Mr. Barbara stated, so you would have to have a sign in a residential area.

Mr. Connolly asked, could it be in a window? Mr. Harrington replied, yes. As long as it is visible.

Mr. Ward asked, do you go out and meet your clients, and the office is just a meeting point? Mr. Harrington replied, mainly a meeting point and a place to keep records and books.

No further questions.

No one poke in favor.

In Opposition:

Mr. Zinter, 25 Brasser Drive was present. He stated, I am his neighbor. I presented you on August 23 with a petition. It was signed by neighbors, and I would like you to consider it. I would like to remind you that Brasser Drive is a dead end street opposite a school. Any traffic which comes into the street would have to pass before the school.

Mr. Barbaro asked, is there any other opposition to this application? He noted the petition was presented at last month's meeting because it was on last month's agenda. (He reads the petition). A copy of the petition was attached to the minutes of the meeting of August 23.

DECISION: Approved, with the following conditions:

1. Limited to six months, at which time applicant will have found suitable commercially zoned property to buy or rent;
2. Maximum of two people employed, including applicant;
3. Hours of operation restricted to Monday through Friday, 9:00 a.m. to 5:00 p.m.
4. No signs on the premises other than Licensed Real Estate Board sign required by New York Secretary of State.
5. No more than 25% of total house square footage area to be used for this purpose.
6. No on-street parking will be allowed.

Findings of fact:

1. Appears to fall within Town Code Section 115-83 (Definition of Customary Home Occupation).
2. Majority of activity carried on off the premises.

VOTE: Mrs. Whelpton: Yes, with conditions
 Mr. Ward: Yes, with conditions
 Mr. Cates: Yes, with conditions - 6 months
 Mr. Barbaro: No
 Mr. Burnett: No
 Mr. Olver: Yes, with conditions - 25% of area

3. Application of George Albro, 24 Black Creek Road, Rochester, New York, 14623, for variance to erect a 28' x 24' detached garage to be 1,024 sq. ft. (900 sq. ft. allowed), variance for garage to be 8' from side lot line (50' req.) 8' from rear lot line (50' req.) with an elevation of 521' where 525' is required, variance to allow a second road cut at property located at above address in RA-20, FPO & FW zone.

Betty Rechichi, representing Triple Lakes Construction, was present.

Mr. Burnett asked, where is Mr. Albro? (Mr. Connolly replied, in Hawaii). Mr. Burnett asked, would it be pertinent that we hear evidence in view of the fact that the applicant and the person addressing us are not the same?

Mr. Miller stated, she is his agent.

Mr. Barbaro said OK.

Ms. Rechichi stated that they are requesting a variance for this garage. He has two cars, a boat, a pickup and has a small garage. He has been there 44 years. The property has never been flooded.

Mr. Barbara asked, what does he propose to put in the garage? Ms. Rechichi stated, his boat and his cars. Mr. Barbaro asked, his own, and Ms. Rechichi replied, yes.

Mr. Barbaro asked, why is the garage so far back? Ms. Rechichi replied, he wants to use the space in front.

Mr. Barbaro asked, how does he want to use the space in front? Ms. Rechichi replied, he wants to use the property. If he moves the garage up from the property line, then the property is useless. There would be nothing back there.

Mr. Olver asked, the garage would encourage use of the property?

Ms. Rechichi replied, he would like the garage in back of the lot. He does not want to bring it up further. If he brings the garage up toward the front, the property in back of the garage would be useless.

Mr. Olver asked, Why?

Mr. Barbaro stated, in order to obtain a variance for anything, you must show hardship. If there is some hardship that runs to the land because of the nature of the land or nature of the property owner's ability to use it, we want to bring it out. We are trying to assess the nature of the hardship.

Ms. Rechichi stated, if he had the garage, he would have a place to store his vehicles.

Mr. Barbaro said, yes, but he could move the garage up, move the garage over--there are different options here. He has to show hardship. Can you demonstrate hardship?

Ms. Rechichi replied, no.

Mr. Miller asked, how can you demonstrate a practical difficulty? Hardship often runs with theory of use. This is more or less a side-line type of variance. Is there any practical difficulty with moving the garage up?

Ms. Rechichi replied, no.

Mr. Barbaro asked, what will he do with this garage? Ms. Rechichi answered, he will use it.

Mr. Barbaro asked, how many drivers are there? Ms. Rechichi answered, I don't know--at least two.

Mr. Burnett said, I don't think we have enough information. My suggestion is that we defer this application until the subsequent meeting so that we can find out all the ramifications as to why the garage has to be located there.

Mr. Ward said, may I suggest--I have sketched out where the garage would be with respect to the rear lot line. The problem with the side setback is that he only has 97 feet. The Board may want to consider this if the applicant wants to make an amendment.

Mr. Miller said, you said he lived there 44 years. Ms. Rechichi answered, yes. Mr. Miller said, the lot itself is a non-conforming preexisting lot. It would seem to me that one of his practical damages is that this non-conforming preexisting lot is located in a zone that has been upgraded to RA-20. It would seem the Board must give him a variance. If he lived there 44 years it would take him back to 1939. Before the Town of Chili defined zoning ordinances.

Mr. Barbaro stated, I agree, Dan, but five variances are requested. In regard to the side setback, we are limited in our approach to those. In regard to the elevation variance and rear setback, we have options and would like to discuss them. Is there any hardship if the application were delayed for 30 days?

Ms. Rechichi replied, no.

Mr. Barbaro asked, does the Board want to consider this further or defer it?

(Mr. Olver reads Section 11541 (b)).

Mr. Barbaro stated, we will defer this application until next month. The reason is that we have a number of questions pertinent to the five variances requested which may affect the decision of the Board. In this case, we will ask anyone who has come to speak in favor or opposition to come back at the next Zoning Board meeting on the fourth Tuesday in October and review the application then. October 25, 1983.

No further questions.

No one spoke in favor or opposition.

DECISION: Tabled until October 25, 1983.

4. Application of Richard Mastrodonato, 10 Majestic Way, Rochester, New York, 14624, for renewal of conditional use permit to allow an office in home at property located at above address in R-1-15 zone.

Richard Mastrodonato was present. He stated, last year I obtained a conditional use permit to operate an office for snow plowing business in the winter season. Bob, I don't have a copy of that letter. It requires no customers coming to the house, office in basement for season in which I have an answering service and radio. The only time it is used is when it snows. This year I would like to have it for two years. It would run from November 1 through April 1. No other trucks with snowplows in driveway except my own truck which has a plow, my car, my son's car, my wife's car.

Mr. Barbaro asked, do you have other people who plow for you? Mr. Mastrodonato answered, yes. But I give them the business. Mr. Barbaro asked, how? Mr. Mastrodonato answered, by route.

Mr. Barbaro asked, do the other people come to your home? Mr. Mastrodonato replied, no. Their assignments are received--I go to their houses and give them assignments. A route is established. Everything comes through me. The route is established, and during the winter season I am there or my wife takes calls.

Mr. Barbaro asked, do you ever have meetings at your premises? Mr. Mastrodonato answered, no. If they have questions they come in their own car or walk over.

No further questions.

No one spoke in favor or opposition.

DECISION: Approval, with the following conditions:

1. Granted for a period of one year, at the end of which applicant is required to apply for an extension.
2. Office use is only for the purpose of conducting a snow plowing business between October and April.
3. Only one pickup truck or blazer type vehicle owned by applicant and outfitted with a plow may be parked at this residence.

VOTE:

Mrs. Whelpton:	Yes
Mr. Ward:	Yes
Mr. Cates:	Yes
Mr. Barbaro:	Yes
Mr. Burnett:	No
Mr. D'Heron:	Yes

5. Application of Robert Austin, 334 Fisher Road, Rochester, New York, 14624, for variance to allow the total square footage of 2 garages to be 1,338 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-15 zone.

John Pisaturo, Esq., and his client, Mr. Robert Austin, were present. Mr. Pisaturo stated that Mr. Austin is intending to build a structure to the rear of his property; a 2 car garage 34 feet across the side that faces the street, and 24 feet deep. Mr. Austin has had problems with the lot being unapproved as a subdivision and he went before the Planning Board and to have the lot confirmed. Mr. Austin has two sons; one has a truck and one has a van. There is a practical difficulty with four vehicles and only a 2 car garage. Mr. Austin for 30 years has been involved with antique vehicles (passes out photographs of such cars). Mr. Austin now needs space for all four vehicles. Also, he has experienced vandalism with one or two other vehicles. He will do repair work on antique vehicles only. There will be a 28 foot door what will face the line. He is being as aware as he can be of next door neighbor. Behind him the lot is owned by Mrs. Catalina and that property is between Mr. Austin's property and the railroad. The practical difficulty you must take notice of is three fold. When you look at the present property there is a two car garage. The possibility of expansion, if only to store the 4 cars, is impossible. Secondly the four vehicles themselves--all four members of the household work. I asked him what he was going to do about the driveway. He told me he didn't want one. The reason was that there are two 8 foot garage doors. He wants a work-bench area. He wants to work on old cars. He doesn't want to rip up the lawn. There would be no commercial activity. His hobby is automobiles. He would like to repair and work on the cars he has. He will not buy any more cars. He will not do any repair work for others. He will not make this into a commercial activity. He wants to continue the residential nature of his home. He wants to put this as far back as he can on the property so that it is least obvious. Intention in design with regard to building this (presents plans to Board). These were prepared by Ken A. Caruso. He will erect something pleasing. He intends to store and repair his own cars. He does not intend to acquire any further cars.

Mr. Barbaro said, I am looking at the pictures of cars and registrations. A 34 Ford sedan, a 34 Ford pickup and a 20 Ford Convertible. I notice that none of them are antique vehicles. They are all normal registration. When a car is an antique, isn't it normally registered as historical? Unless there is intent by the owner to operate them as a regular vehicle.

Mr. Austin said, the 34 Ford was registered in 1971. Mr. Barbaro asked, does it have the original engine? Mr. Austin replied, no a Chevy engine.

Mr. Barbaro said, the registration states it expires on April 30, 1972. When was the last time you registered it? Mr. Austin replied, in 1971.

Mr. Barbaro said, the 10 convertible--it has been chopped and channelled and has racing slicks. Mr. Austin replied, the body has not been altered.

Mr. Barbaro said, I notice it has racing slicks. Do you ever race it? Mr. Austin replied, no, never.

Mr. Cates said, the total capacity of the three-car-garage--four existing cars and anticipated cars? Mr. Austin replied, yes. Mr. Cates asked, where will you put those cars? Mr. Austin answered where they were before.

Mr. Pisaturo said, some are stored in the City. Only one or two antique vehicles are at the property. He still wants to continue his hobby with regard to one or two cars.

Mr. Cates said, you mentioned he wants to tone these up---

Mr. Pisaturo said, no. He wants to work on his own and maintain them. Cars will not come in and then stay there for six months for sale. He wants to work on them and store them. He wants to consider building with a small amount of notice to the neighbor.

Mr. Burnett said, how are you determining the work "maintain"?

Mr. Pisaturo said, we are trying to maintain cars at their present status. We are not going to upgrade or enter into repair operations so that other vehicles can come and go. All we are talking about is minimum necessary.

Mr. Burnett stated, one vehicle is modified. A large amount of modification went on. That is not maintaining. Maintaining is when your tire goes down and you fix it, etc. But if you go into the business of modifying vehicles, this is different from maintaining.

Mr. Pisaturo said, we are talking about some one who has worked on vehicles for over 30 years. When you first become interested in working on cars, you want to make a few changes. Those changes were made 8-10 years ago. He has no intention to change vehicles, just to maintain them. Whatever the status is now. He is not buying hot rod vehicles to sell or juice up. He wants to work on them occasionally, nothing else.

Mr. Ward said, this garage is being built to house what? Mr. Pisaturo replied, Mr. Austin's sons' cars, antique cars; areas in garage are not favorable for maintenance.

Mr. Ward said, four family vehicles and two antique cars? Mr. Pisaturo replied, yes.

Mr. Ward asked, do his sons' vans come across the grass? Mr. Pisaturo answered, he wants to keep the grass. He doesn't want to make it a mess. If he has a blacktop driveway there might be screeches in the night. He wants a work area and a storage area.

Mr. Ward asked, how are you going to maintain the grass if the sons are going in and out every day or if other vehicles are stored there?

Mr. Pisaturo replied, there will be some wear and tear. But it will be a very small part.

Mr. Ward said, grass is not meant to be driven on. Mr. Pisaturo said, yes. He will keep it minimal.

Mr. Ward said, has Mr. Austin been called "Mr. Goodwrench"? Mr. Pisaturo answered, that was a joke. He used to work at the War Memorial and they called him that. Mr. Ward said, I just wanted to clarify it. Three 8 foot doors?

Mr. Austin replied, two 7 foot doors.

Mr. Pisaturo added, in the area in the middle is where he wants to keep his tools.

Mr. Ward asked, a two car garage which is the size of a three car garage, but the middle bay is where the work area is. Mr. Pisaturo said, yes.

Mr. Ward asked, the antique cars are stored in the City? Mr. Pisaturo answered, the antique cars are at his home now. Mr. Austin added, there are three cars in the City.

Mr. Cates said, plus four personal cars.

Mr. Ward said, nine cars. Two on the property. Mr. Pisaturo said, yes. He intends to have no more than two cars at the site. He is going to get rid of the other cars. Behind the house he sold when he moved to this area was a 6-8 car garage. There was a lot of vandalism. He wants to pursue his hobby.

Mr. Ward asked, none of the anticipated cars are licensed? Mr. Austin answered, no.

Mr. Ward asked, have you investigated other avenues--such as barns--or rental space? Mr. Austin replied, I don't know of any. My neighbor was looking for a garage or barn, but I couldn't find one.

Mr. Ward mentioned, you do see them for rent.

Mr. Burnett asked, aren't there garages just for storage? Mt. Read Boulevard, etc.? Have you explored this? Mr. Austin answered, I couldn't afford one month's rent for three cars.

Mr. Pisaturo stated, some areas are a great distance from where he lives. They are merely storage sheds, and not set up to do work on cars.

Mr. Burnett said, yes, but this is an unlicensed vehicle. You are not going to do additional modification? Mr. Pisaturo stated, these cars constantly need work. We have four vehicles on the site now. (Asks Mr. Austin: how many can you store in your garage now?)

Mr. Austin answered, one if I am lucky. The space is cluttered.

Mr. Pisaturo added, his storage for family space is limited.

Mr. Burnett stated, storage sheds are available here.

Mr. Ward asked, have you ever done any refinishing at any of your property in the City for other people on their antique cars? Mr. Austin answered, one for Robert Malley at a collision shop.

Mr. Ward asked, you have no intention of doing this kind of work? Mr. Austin answered, no, I don't have the time.

Mr. Pisaturo asked, did the County make a determination with regard to this application? Mr. Connolly answered, that one I called on. The County said it was a local matter.

No further questions.

In favor: Harriett Catalina, 340 Fisher Road, who stated, I have no objections.

In opposition: Mrs. Frances Dustman, 336 Fisher Road. She stated, my bedroom is next to Austin's garage. In 1979 Mr. Austin was against an industrial park. (Presents pictures to Board).

Mr. Oliver asked, your bedroom windows are by the present garage? Mrs. Dustman replied, yes. Every one of these pictures was taken from my bedroom window. (Board reviews pictures) Mrs. Dustman continued, they dug the floor out of the garage. They do work out there. They do fix other cars. I called a real estate dealer and he drove by my house and said what a junk pile. These are all Austin's cars.

Mr. Oliver asked, (indicating on picture) whose are they? Mrs. Dustman replied, I don't know.

Mr. Oliver asked, what did they do? Mrs. Dustman replied, I don't know. He jacked them up.

Mr. Oliver asked, who do the motorcycles belong to? Mrs. Dustman replied, all friends and relatives. It has put me in the hospital.

Mr. Oliver asked, are you also objecting to the garage in back? Mrs. Dustman answered, they can't park them there. There is no way.

Mr. Burnett asked, how long is the motor home? Mrs. Dustman answered, 25 feet.

Mr. Burnett asked, how long is it there? Mrs. Dustman answered, all but two weeks of the year.

Mr. Oliver asked, Bob, have you been on the premises? Mr. Connolly answered, yes, I have been on the premises but not in the basement. I never had a complaint from Mrs. Dustman till two weeks ago.

Mr. Oliver asked, what cars are presently registered to your family? Mr. Austin answered, 1971 van, red; I have a green pick-up--Chevy; my wife has a green and white 1971 Malibu Classic.

Mr. Oliver asked, what does your son have registered to him? Mr. Austin answered a Dodge Duster, green.

Mr. Connolly asked, do you have any other vehicles that are not registered regularly? Mr. Austin answered, no.

Mr. Barbaro asked, how many motorcycles do you have? Mr. Austin answered, a total of eight.

Mr. Barbaro asked, what about the floor being dug out? Mr. Austin answered, to accommodate one car I dug out some of it.

Mr. Barbaro asked, you have a ramp that goes down from the garage into the basement? Mr. Austin answered, yes.

Mr. Barbaro said, you are requesting a variance for 1338 square feet. Mr. Pisaturo said, we are requesting the use of two bays in the present garage and two in the garage to be constructed. That is the application.

Mr. Barbaro asked, of Mr. Austin: do you have two sons who compete in motorcycle competition? Mr. Austin answered, my sons have been racing for about seven years on dirt.

Mrs. Dustman interjected, I can understand his sons fixing up cars. But their friends come in.

Mr. Barbaro asked, is there anyone else in the audience who is in opposition?

Susie Williams, of 330 Fisher Road, was present. She stated, I am concerned that it will bring additional traffic--additional motorcycle noise. When you are raising young children you have to be concerned. If he wants it for storage, that is fine. But I don't want any noise.

Mr. Pisaturo said, Mr. Austin was talking about his sons.

Mr. Barbaro asked, does he do work on his bike in the garage? Mr. Austin answered, if he does work it is all in the garage. She had the police at our house three times in six years. I have seen flash bulbs go off at night. I am not deliberately making noise.

Mrs. Dustman said, he didn't see flash bulbs because these are all time exposures.

DECISION: Granted, with the following condition:

1. No more than seven cars and/or trucks including immediate family's personal vehicles on premises for their own use.

VOTE:

Mrs. Whelpton:	Yes
Mr. Ward:	No
Mr. Cates:	Yes
Mr. Barbaro:	Yes
Mr. Burnett:	No
Mr. Oliver:	Yes

6. Application of Robert Jaus, 29 Wadsworth Drive, Churchville, New York, 14428 for variance to erect a house to be 8- $\frac{1}{2}$ ft. from both side lot lines (50" req.) at property located at 31 Wadsworth Drive in PRD zone.

Alfred J. Heilman, Esq., 232 S. Plymouth Avenue, Rochester, New York, 14608, was present representing Mr. Jaus. He said his client presently owns two pieces of property. The property at 29 Wadsworth Drive is under contract to be sold. He bought that property two years ago and one year ago bought the property which is before the Board. That property is vacant and part of the contract to sell the house is to find suitable housing. So he wants to build a house on the lot and live there himself. The present requirement is 50 feet. He has 96- $\frac{1}{2}$ feet. He could make the house smaller if the Board required this. When he bought the house the deed he received at that time indicated that the side lot lines would be 10 feet. (He provides the Board with copies of the deed). Indicating, he went on to say, this is the vacant lot. The deed refers to lot No. 15. He has had the Health Department out. They did perks. Room for system in back. There is water in the area. He would like to stay in the area. Part of the problem with his present home is that it is such a big lot he doesn't have time to maintain it. Only time he has to maintain the lot is on Sunday. The land is generally level. I don't believe it would create any runoffs. There is a pond in back.

Mr. Burnett asked, your landfill. If it is going to land it would go toward your pond. What provisions are you making in that area of your pond? Are you going to have effluent going in there?

Mr. Jaus, was also present, replied, I have left that up to the Health Department.

Mr. Burnett asked, what was your perk test? Mr. Jaus answered, the first perk was 9 min. 11- $\frac{1}{2}$ -14.

Mr. Burnett said, I believe you are in clay. Mr. Jaus answered, yes.

Mr. Ward asked, did the HEALTH DEPARTMENT witness the perk test? Mr. Jaus answered, they will go out there.

Mr. Cates asked, where did they take the test from? Mr. Jaus answered, in back.

Mr. Burnett asked, how far from the pond? Mr. Jaus answered, 80 feet.

Mr. Barbaro asked, is this before the Planning Board? Mr. Connolly answered, no not really. All he has to do is conform to the setbacks. I did require a grading plan.

Mr. Barbaro asked, what are requirements for setback? Mr. Connolly answered, ten feet.

Mr. Burnett asked, how far out is that from the adjacent property lot line? Mr. Jaus answered, ten feet.

Mr. Oliver asked, how about side property? Mr. Haus answered, 46 feet from lot line on the south side.

Mr. Barbaro asked, who owns the property at the other side of the lot where you live now? Mr. Jaus answered, I don't know.

Mr. Barbaro asked, you have no Health Department approval yet? Mr. Jaus answered, no, it is not confirmed.

Mr. Burnett asked, regarding the pond--it must evacuate somewhere. Mr. Jaus answered, it is not fed by anything.

Mr. Burnett asked, no entrance? Mr. Jaus answered, it is a stagnant pond. There is nothing running into it.

No further questions.

No one spoke in favor.

Mr. Barbaro asked if anyone in the audience had come to speak in opposition.

Angela Hetzel, 33 Wadsworth Drive, was present to speak in opposition. She presented copies of a petition to the Board. (Reads letter from neighbors...we are writing this letter of appeal to you requesting denial of the variance of Robert Jaus for 31 Wadsworth Drive. Attached please find a copy of our petition to deny the variance. By allowing another house to be built, it would alter the rural character of the neighborhood; the property values would be damaged; the pond supports a variety of wildlife; neighbors have shown themselves to be respectable neighbors.)

Mr. Miller asked, whose land is the pond on? Mrs. Hetzel replied, it belongs to seven people.

Mr. Heilman said, the two lots he owns are on back of the pond.

Mrs. Hetzel said, others own lots on the back of the pond. Everyone else has been told they could not put a septic system in because of the pond. When Mr. Jaus bought the property he was concerned that someone was going to build on it. He bought this property so that no one else could build and now he wants to do it. It is a very private area there and we would like to keep it that way. There is clay out there--water stays all spring when it rains. The pond does drain out. There is a spring near the pond. The water drains out through several peoples' lots. Everyone except Curtis and McGoo are here.

William Hetzel, 33 Wadsworth Drive, was also present in opposition.

Susan Stone, 2 Wadsworth Drive was also present. She agreed with the opposition.

Diane and Richard Gracie, 32 Wadsworth Drive, were also present. They agreed with the opposition. They said, this will look like a city subdivision.

Bill Lutgen, 14 Wadsworth Drive, was present. He agreed with the opposition. He said, three to four years ago, I came before the Planning Board Commission. I was questioned thoroughly. The point was being made that it was to be kept in the state it was in.

Louis DiPetro, 24 Wadsworth Drive, was present. He stated, I would like to add that many people own two lots. The reason we own them is to protect our privacy that was there.

Lisa DiPetro, 24 Wadsworth Drive, was also present, and agreed with this.

Doug and Elizabeth Salisbury, 64 Hubbard Drive, were present. They stated, we were led to believe that this would be left vacant. If we are the new owners, we would like to see the property left the way it is.

Mr. Miller stated, this is a non-conforming preexisting lot. It was set out prior to zoning ordinances of the Town of Chili. Therefore, restrictions that would apply to RA-20 are not applicable.

Mr. Ward asked, is there an existing well in the front yard? Mr. Heilman answered, no.

Mr. Ward said, that would have an effect. What would the distance be between this house and any adjoining structure? Mr. Heilman answered, the house he presently owns is approximately 46 feet south.

Mr. Ward said, 54 feet between structures. Mr. Heilman said, on the other side, 15 plus 8 or 9 feet.

Mr. Ward asked, does that subdivision map show lots of the same size? Mr. Heilman answered, no. It must have been amended. This doesn't show that particular lot.

Mr. Miller stated, the deed ties in to a map filed August 20, 1937.

Mrs. Hetzel stated, the new house would be 21 feet from our house.

Mr. Ward asked, how far back is your house from Wadsworth Drive? Mrs. Hetzel answered, I think 65 feet.

Mr. Barbaro asked, in the house you left, have you had any problems with the septic system? Mr. Jaus answered, none.

Mr. Barbaro asked, any problems with the water system? Mr. Jaus answered, no.

Mr. Barbaro asked, has the pond ever flooded? Mr. Jaus answered, no.

Mr. Barbaro asked, how much fill would be required for an adequate septic system? Mr. Jaus answered, I don't know.

Mr. Barbaro asked, what is the topo with respect to the lots surrounding yours? Mr. Jaus answered, higher than mine.

Mr. Barbaro asked, do you keep ducks and geese? Mr. Jaus answered, yes.

Mr. Barbaro asked, do you have a permit? Mr. Jaus answered, no.

Mr. Barbaro asked, is a permit required? Mr. Jaus answered, we did it to keep the mosquitos down and keep the pond green. We enjoy them as pets.

Mr. Barbaro said, this petition says you have had occasion to shoot and kill wild life.

Mr. Hetzel stated, Mr. Jaus called me and asked if I heard him kill the raccoon that he called his animal. He says his house does not flood. Without a sump pump all the houses would flood.

Mr. Barbaro said, I get the impression that many of you have received variances.

Mr. Hetzel said, there are only two new homes there. We still have 85 feet between us.

Mr. Miller asked Mr. Heilman, did you indicate to the Board that if they did not go along with 8-1/2 foot variance your client would accept less?

Mr. Heilman answered, yes he would accept an amount to those dimensions so long as he could put the house up.

Mr. Connolly stated, we have certain criteria for square footage.

Mr. Heilman stated, yes, that want to increase it, he will amend his application. He has two small children, and loves the neighborhood.

DECISION: Denied, because of overwhelming opposition of neighbors.

VOTE:

Mrs. Whelpton:	No
Mr. Ward:	Yes
Mr. Cates:	Yes
Mr. Barbaro:	No
Mr. Burnett:	No
Mr. Olver:	No

7. ✓ Application of Midas Realty, c/o Hunt Realty, 237 Main Street, Suite 500, Buffalo, New York 14203, for variance to erect a building to be 62' from front lot line (75' required), variance to allow front parking for 8 vehicles at property located at 3220 Chili Avenue in GB zone.

No one appeared to speak on behalf of this application. The application was tabled to the October 25 meeting.

8. ✓ Application of Midas Realty, c/o Hunt Realty, 237 Main Street, Suite 500, Buffalo, New York 14203 for variance to erect a freestanding sign to be 57 feet per face of a double faced sign, variance to erect an additional 3 foot wall sign to be a total of 32 sq. feet at property located at 3220 Chili Avenue in GB zone.

No one appeared to speak on behalf of this application. The application was tabled to October 25 meeting.

9. ✓ Application of The Carriage House, 525 Paul Road, Rochester, New York 14624, for renewal of variance to allow a catering establishment at property located at above address in R-1-15 zone.

Mr. & Mrs. George Steiner were present, and they stated they would like a permanent variance. They said they have been coming every five years.

Mr. Ward asked, you have no intention of changing the operation? The Steiners replies, no.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted; application for permanent variance was approved.

10. ✓ Application of The Carriage House, 525 Paul, Road, Rochester, New York 14624, for renewal of variance to allow a 4' x 6' double faced free-standing sign at property located at above address in R-1-15 zone.

Mr. & Mrs. George Steiner were present, and said they would like a permanent variance.

No questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted; sign permit required for the sign.

II. ✓ Application of JoAnn Hanna, 15 Solmar Drive, Rochester, New York, 14624, for conditional use permit to allow a beauty shop in home at property located at above address in R-1-15 zone.

JoAnn Hanna was present, and said, I would like to ask the Board for a continuing use permit. This is the first time I have ever been here. (She presents a drawing of the proposed shop to the Board; the Board reviews the same).

Mr. Barbaro asked, where is the kitchen? Mrs. Hanna said, it is not on that level.

*INSERT...

Mr. Barbaro said, the kitchen is not on the first floor? Mrs. Hanna answered, it depends on how you come into the house. I have three exits: one from the kitchen; one from the front door; one from the back door.

INSERT... Mr. Barbaro asked, this is a separate level? Mrs. Hanna answered, yes. Mr. Barbaro asked, this is the lower level? Mrs. Hanna answered, yes. Mr. Barbaro said, then this is the first floor. Mrs. Hanna answered, yes.

Mr. Oliver asked, where does the back door lead to?

Mrs. Hanna answered, in through the living, dining room, downstairs.

Mr. Barbaro asked, how big is the window? Mrs. Hanna answered, 3 feet by 3 feet.

Mr. Barbaro asked, how far off the floor is it? Mrs. Hanna answered, 2 feet.

Mr. Barbaro asked, how long have you been operating a beauty shop? Mrs. Hanna answered, I haven't been. I am working now. My hours have been changed. I don't have 9 to 5 any more. I do customers who come at home. I would like to do it legally.

Mr. Barbaro asked, will you do these people on appointment basis only? Mrs. Hanna answered, yes. I have sought employment in this town, but have been unable to get a job. Rent in an industrial area is \$500-\$600/month.

Mr. Barbaro said, you are proposing to be open Monday, Wednesday and Friday from 10:00 a.m. to 4:00 p.m. No more than one customer or family would be worked on at one time. What do you mean by "family"?

Mrs. Hanna answered, well, mother and daughter.

Mr. Barbaro asked, how old are your children? Mrs. Hanna answered, 11 and 13.

Mr. Barbaro asked, how long have you lived there? Mrs. Hanna answered, three years. It would be a hardship to me. My kids. I would never make the same amount at home as I make now. Also, I must pay off my student loan. My license is a year old. I have 7 years to pay it off. (She presents a list of names of people who do not oppose this proposed shop).

Mr. Ward said, no signs no advertisements.

Mr. Barbaro said, you will be the sole operator? Mrs. Hanna answered, yes.

Mr. Barbaro asked, if that were a condition, would that be all right? Mrs. Hanna said, yes.

Mr. Barbaro said, you haven't done well where you work? Mrs. Hanna said, I have. I have to get this approval.

Mr. Barbaro said, do you have to work a certain number of hours per year to keep your license? Mrs. Hanna answered, no. But I can't risk complaints and have people try to take away my license.

Mr. Barbaro asked, are any of the people on this list your regular customers? Mrs. Hanna answered, some are and some are not.

Mr. Burnett said, you are in a commercial establishment. Wouldn't you be doing a disservice...

Mrs. Hanna said, no. I work for a huge company. I have to work 10 to 5; 10 to 6; 10 to 6:30 - 7:00. I don't work in Chili, I work in Greece.

Mr. Burnett said, we are hearing applications for businesses in peoples' homes all the time. Are we doing a disservice by allowing these types of businesses?

Mrs. Hanna said, you must tell these people to reduce rents.

Mr. Burnett said, they have rental problems too.

Mr. Barbaro asked, do you know of any other beauty shop in the area where you live in a home? Mrs. Hanna answered, no, I don't.

No further questions.

Mr. Barbaro asked, is there anyone in the audience in favor of this application?

Paula Schweigert, 19 Solmar Drive, was present. She said, I have no objections. She has maintained her property.

Heidi Kliewer, 21 Solmar Drive, was present; she said she had no objections.

Mr. Barbaro asked, is there anyone in the audience in opposition to this application?

Mr. Dave Wiser, 8 Solmar, was present. He stated, this is a residential area. All the people who moved into the area moved for residential reasons and it should be kept that way.

Ruth Ryan, 17 Baymon, was present. She said, I am opposed. It would cause traffic. There is no economic hardship here. We chose a residential area and would like to see it remain that way.

Mr. Robert Brooks, 16 Solmar, was present. He expressed concern about property values.

Mr. Korytkowski was present. He stated it is a beautiful area, residential. What we are seeking is another attempt in support of business zoning. Where will it stop? If you allow this, you will have to make exceptions all over the place. The area is zoned residential. No business allowed. Why are we even considering this?

Mr. Barbaro answered, we are hearing this. Under the laws of the State of New York, any resident of any town has the right to ask for a variance from the zoning laws of that town. When a resident makes an application, the Town must make a business-like review of that application. No judgment calls are made prior to this hearing. These people are exercising their right.

Theresa McCorry, 17 Solmar Drive, was present. She stated, I am opposed. I have lived there for 17 years. It is a residential neighborhood.

Mr. George Bowman was present. He stated that he agreed with this.

Ms. Christine McCorry was present. She stated, I grew up here. I don't think kids should have to put with cars.

Mr. & Mrs. Wildy, 5 Solmar Drive, was present. They stated, they agreed. That the people are very nice, that this is strictly a business deal. Would like to protect the investment made in a nice house.

Mr. Michael Smith, 18 Solmar Drive, was present. He stated he agreed with this.

(At this point, at the request of one of the neighbors, Mr. Barbaro reads the names of the neighbors who are not opposed).

Ms. Schweigert stated, there are people who appreciate it. It is not as negative as it seems. There are as many in favor as are opposed.

Mr. Korytkowski said, I can do cut rate repairs; what is to prevent me?

Mrs. Hanna answered, people will not come into the driveway and upset the neighborhood. People walk to me. I will not put a sign up and will not advertise. I will not do anything to hurt the neighbors.

No further questions.

DECISION: Granted, with the following conditions:

1. Conditional Use granted for one year.
2. Hours of operation restricted to Monday, Wednesday and Friday from 10:00 a.m. to 4:00 p.m. and one evening Monday through Friday from 6:00 p.m. to 9:00 p.m.
3. No on street parking.
4. No signs on premises.
5. No on site advertising.

VOTE:

Mrs. Whelpton:	Yes
Mr. Ward:	Yes
Mr. Cates:	Yes
Mr. Barbaro:	Abstain
Mr. Burnett:	No
Mr. Olver:	Yes

12. ✓ Application of the Brick Oven, c/o Granger-Wilson Signs, 26 Saginaw Drive, Rochester, New York, 14623 for variance to erect a 9' x 5' double faced free-standing sign on existing pole at property located at 4405 Buffalo Road in GB zone.

Mr. Earl Terhane was present, representing Granger-Wilson. He stated, it says 9 x 5' double faced freestanding sign on existing pole. Actually, we are only asking for replacement of the faces to the existing sign. The new face would say, "The Brick Oven". (Shows the Board a drawing of the proposed sign.

Mr. Olver asked, will they be the same size? Mr. Terhane said, yes.

Mr. Connolly stated, this was made a local matter.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions. Applicant to obtain a sign permit from Building Department.

13. ✓ Application of 84 Lumber Co., c/o Granger-Wilson Signs, 26 Saginaw Drive, Rochester, New York 14623 for variance to erect a 16-1/2' diameter double faced freestanding sign

to be a total of 402 sq. ft. (120 sq. ft. allowed), variance for sign to be 14' from front lot line (20' req.) and 46' high (20' allowed) at property located at 1505 Scottsville Road in G1zone.

Mr. Earl Terhane representing Granger-Wilson and Mr. Bob Piantkowski, representing 84 Lumber were present.

Mr. Barbaro asked, why does the sign have to be that big?

Mr. Terhane answered, the existing sign is made of plywood and was put up some time ago. (He shows the Board pictures of the proposed new sign). 84 is improving its property sites. They want to put the national logo on signs. The present sign is 576 square feet at the present time which is 12 feet wide, 24 feet high; 6-1/2 ft. logo. It is double faced. (He presents photographs of other signs used by 84 Lumber to the Board). They feel they need a sign of that size. They would like to apply for a 10-foot diameter sign. It would be 75 square feet on each side or 150 square feet.

Mr. Barbaro asked, would it be the same width? Or would the width be reduced by six feet also? Mr. Terhane answered, 35 feet overall, including pole. The present location is to the extreme north. We would like to put this sign next to the driveway. It would allow people to know where the entrance is.

Mr. Barbaro asked, are you proposing to move it back to 20 feet from the right-of-way?

Mr. Terhane answered, the change in location was not distance, but moving it south.

Mr. Barbaro stated, the variance is that the sign is 14 feet where 20 feet is required.

Mr. Piantkowski stated, they are planning on remodeling the building. They want to break up the entire front lot. Moving it too far back from the front line would make it a hazard.

Mr. Barbaro asked, is there a front parking permit? Mr. Piantkowski answered, there is parking along the side.

Mr. Barbaro said, you could pave it without a variance from this Board.

Mr. Ward asked, how long has 84 been there? Mr. Piantkowski answered, since the early 70's.

Mr. Ward asked, would there be financial hardship if this variance were not approved? Mr. Piantkowski answered, the building was rebuilt. No signage on the building at all.

Mr. Barbaro asked, would any signage be on there? Mr. Piantkowski answered, no.

Mr. Barbaro asked, this would be the one and only sign? Mr. Piantkowski said, yes.

Mr. Terhane said, there is a lot of copy on the old sign. The new sign would only have the disk.

Mr. Burnett asked, what about the stacks of lumber with advertising on them?

Mr. Connolly stated, they are not there all the time.

Mr. Burnett stated, that is not legal here. I passed by there the other day and every lumber pile had something on it. Mr. Connolly added, those little pyramids you make.

Mr. Piantkowski stated they are up for a few days when there is a sale on.

September 27, 1983

Mr. Ward asked, no more signage on the building? Mr. Piantkowski answered, no more. Nothing to identify us as 84 other than the sign at the road.

Mr. Oliver said, you have a lot of parking by the warehouse. Do you ever use it up? Mr. Piantkowski answered, on Saturday or when we are running a sale, the dock parking area is 180 feet long. I have seen it filled up.

Mr. Oliver asked, is there parking away from the building? Mr. Piantkowski said, yes, but that is all dirt.

Mr. Oliver said, but it is extremely unlikely that you will need parking space along the fence. No reason why you could not place the sign 20 feet off the property line.

Mr. Terhane said, with the old sign coming down, the 14 feet was measured from the front of sign whereas a single pole--there would be no problem. We are talking six feet. 20 feet is no problem.

Mr. Burnett said, you have 12 400 watt bulbs. That is a lot of light. Mr. Terhane said, the white letters would show through with red background.

Mr. Burnett asked, what are the hours the sign will be on? Mr. Piantkowski said 9 to 10. No Sundays.

Mr. Terhane added, the material being used is what is being used on motels, filling stations. It will withstand 100 mile an hour winds. It is more like a canvas material. It is very safe; it doesn't fade. It can be washed.

Mr. Miller asked, what would happen if you threw a rock at it? Mr. Terhane answered, it would become broken.

Mr. Connolly stated, there were no County comments on this.

Mr. Oliver asked, was the County Planning Board aware of amendments?

Mr. Terhane answered, amendments just came up. Mr. Connolly added, they recommended that they take down a lot signs.

Mr. Burnett asked, will the material support a ladder? Mr. Terhane answered, any repairs would be done from a bucket truck.

Mr. Connolly stated, this was sent to the County on September 1, 1983. Their application probably was missed.

Mr. Terhane said, so they would have had to advise you prior to this meeting?

Mr. Barbaro answered, yes. Mr. Connolly said, they said they mailed it on the 22nd.

Mr. Terhane asked, would it help if I submitted plans on ten foot diameter?

Mr. Barbaro said, sure. But we can't act until we hear from the County.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, with the following conditions:

1. Sign will 10 ft. in diameter; 2. sign will be 35 ft. high
3. All parts of sign will be at least 20 ft. from Scottsville Road right of way.
4. All other existing signs on premises will be removed.

5. No additional signs (permanent or temporary) will be allowed.
6. Conditional on County Planning Department determination that this application is a matter for local determination.
7. A sign permit will be required.

OLD BUSINESS:

1. Application of Nina Ball, 75 Woodview Drive, Rochester, New York, 14624 for variance to allow front parking for 30 vehicles at property located at 3501 Union Street in G1 zone.

Mr. Barbaro explains that this is old business because the representative could not answer questions of the Board at last month's meeting.

Mr. Dan Ball was present.

Mr. Barbaro asked him to please restate his application; the nature of business, reason for wanting front parking, description of hardship.

Mr. Ball stated, I want a used car dealership here. Also, I have construction business. I would want to operate that business from here. Construction equipment that I use--I sue it for a while and then sell it.

Mr. Barbaro asked, what type of construction? Mr. Ball answered, general construction.

Mr. Barbaro asked, you propose to store equipment at this site and then offer it for re-sale? Mr. Ball answered, yes. I might buy a bulldozer and then if we don't need it I would put it for sale.

Mr. Barbaro asked, and the nature of the car business? Mr. Ball answered, used cars.

Mr. Ward asked, has this been to the Planning Board, Bob? Mr. Connolly answered, yes it has. Ralph has their letter.

Mr. Barbaro asked, where do you get used cars that you plan to sell? Mr. Ball answered, what I have sold is cars I have bought in Florida.

Mr. Barbaro asked, what is your source of used cars? Mr. Ball answered, I have no source. This is what my intention is.

Mr. Barbaro asked, what do you anticipate would be your source? Mr. Ball answered, buy from other dealers or cars from the Southern States.

Mr. Barbaro asked, do you plan to do any type of work on these cars before offering them for sale? Mr. Ball answered, yes, but I don't know what amounts there would be.

Mr. Barbaro said, mechanical work, body work? Mr. Ball agreed, yes.

Mr. Barbaro asked, do you plan to be in the parts business? Mr. Ball answered, if we could.

Mr. Barbaro asked, no stripping or dismantling of cars? Mr. Ball answered, no.

Mr. Barbaro asked, how about the construction equipment? Mr. Ball said, no. Except I would have dump trucks there and in winter I would have a pickup.

Mr. Miller asked, do you plan on paving this? Mr. Ball answered, I plan on paving it. But I don't have it on a work schedule.

Mr. Barbaro asked, with all that space in back, why do you feel you need front parking? Mr. Ball answered, for the used cars. (Presents sketch of plan for property to the Board).

Mr. Barbaro asked, you are the sole owner of the business? Mr. Ball answered, my mother, father and I.

Mr. Oliver asked, are you selling used cars anywhere right now? Mr. Ball answered, no. I had a license. Mr. Oliver asked, where are the offices for the construction business? Mr. Ball answered, in Gates, at my mother's house.

Mr. Oliver asked, how about the construction equipment? Mr. Ball answered, it is at the site.

Mr. Barbaro asked, is this property still for sale? Mr. Ball answered, no. We have owned it for nine months. We bought it from Lindsay.

Mr. Ward asked, Prescott Motors--are they still down from you? Mr. Ball answered, they are gone.

Mr. Barbaro asked, what would your feelings be if you were restricted to 10-11 cars for parking? (Discusses alternative parking arrangements with Mr. Ball, both of them referring to the sketch).

Mr. Oliver asked, did Lindsay have a variance for front parking? Mr. Connolly answered, he did, but he never fulfilled his obligations.

Mr. Barbaro said, the conditions were no more than 19 cars; 6 employees' cars; 5 customer cars at any one time; no less than 20 feet back. Front yard parking area be served with a store. This was approved for a hearing.

Joseph Yankanich, architect and surveyor, was present. He stated he prepared the plans. Instead of 20 feet, we have increased it to 50 feet.

Mr. Barbaro said, this was two lots at one time. Has it been combined into one? Mr. Yankanich answered, no. They said it would have to be combined here - we would have to keep everything on one lot. So we thought we would get our variance.

Mr. Barbaro asked, so you have no intension of making it one parcel of land at this point? Mr. Yankanich answered, no, not now. They said they wanted everything on the one lot.

Mr. Barbaro said, normally a variance is granted to a single parcel of land. This drawing we have doesn't show the property line.

Mr. Ball stated, it is 250 feet frontage on each piece.

Mr. Barbaro asked, you are losing eight places on each piece? Mr. Ball answered, yes.

Mr. Burnett said, if you went from railroad going south you would only lose six pieces. Why couldn't they be utilized and the property line be extended out? Or if you used that space plus six on the south side you are back to your full complement of needed spaces. Mr. Ball said, that would be all right. If we took employees out and put those cars there.

Mr. Barbaro said, I have noticed some old cars there. Do they belong to you? Mr. Ball answered, we have cleaned them up.

Mr. Barbaro asked, any unregistered vehicles there now? Mr. Ball answered, three.

Mr. Barbaro asked, what are they there for? Mr. Ball answered, one I plan on restoring; one is my brother's; one belongs to someone; he asked if we could park it there for a few days and he hasn't come to get it.

Mr. Ward asked, for the construction business--if you are going to have your main office there and will there be a lot of material stored there? Mr. Ball answered, no, I buy the material and have it shipped to the job.

Mr. Barbaro asked, what will be in the building? Just offices? Mr. Ball answered, no, we will be working on construction equipment. There will be some kind of shop there.

Mr. Olver asked, are there overhead doors in back? Mr. Ball answered, not yet. I have purchased them but have not put them in yet.

Mr. Burnett said, that building has no sprinkler. You are going to put combustible material in there, and automobiles?

Mr. Connolly said, he has to submit drawings done by an engineer and he must comply with New York State laws.

Mr. Barbaro (reads approval of Planning Board of application, with conditions).

Mr. Connolly said, they reserved decision on site plan pending plans from licensed landscape architect.

No further questions.

No one spoke in favor or opposition.

DECISION: Tabled until the October 25 meeting pending submission of site plan showing suggested front parking modifications and lot lines.

Ralph Barbaro, Chairman

akw

ZONING BOARD

October 25, 1983

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, on October 25, 1983. The meeting was called to order at 7:30 P.M. by the Chairman, Ralph Barbaro.

Present: Ralph Barbaro, Chairman; Susan Brooks; Tom Ward; Bill Cates; Mel Olver; Cliff D'Heron.

Also present: Robert Connolly, Building Inspector, and Dan Miller, Deputy Town Attorney.

Mr. Barbaro stated that this was a duly constituted meeting of Chili Zoning Board, and Mr. Miller made the legal statements. Mr. Barbaro introduces the members of the Board, and reviews the procedure.

Mr. Barbaro stated that Application No. 1 has been deferred to the end of the meeting.

2. Application of Gregory Fontana, 7 Brian Drive, Rochester, New York 14624, for variance to allow a 12' x 20' wood utility shed to be 240 sq. ft. (120 sq. ft. allowed), variance to allow the shed to be attached to the garage (8' required) and to be 7' from side lot line (8' required) at property located at above address in R-1-15 zone.

Mr. Fontana was present. He said he wants to store lawn equipment in the shed. Mr. Barbaro asked him if he proposed to have a door from the garage into the shed, and he answered yes, it will be part of the garage so he can use equipment in the wintertime. Mr. Barbaro said it could be considered an extension to garage, and Mr. Fontana agreed. Mr. Barbaro asked how big the present garage was, and Mr. Connolly interposed 23' x 24'.

Mr. Barbaro asked if the shed or extension would have four separate walls or would the back wall of the garage be one of the walls of the shed? Mr. Fontana said it would.

Mr. D'Heron asked if the present garage had a bonded concrete floor, and Mr. Fontana answered yes. Mr. D'Heron asked if the shed would have a concrete floor, and Mr. Fontana answered yes. Mr. D'Heron asked if it (the shed) would be the same level as the garage, and Mr. Fontana said it would.

Mr. Cates asked if it would be the same height, and Mr. Fontana said it would not. The roofs will be attached.

Mr. Connolly stated that Mr. Fontana had started construction, but that Mr. Connolly had stopped the work. It was imposing on the site. He put a stop work order on it until Mr. Fontana could get a building permit.

Mr. Barbaro asked if the foundations were poured for the three walls, and Mr. Fontana said they were. Mr. Barbaro asked how far along Mr. Fontana was. He answered that the sides are up and the roof rafters.

Mr. Barbaro asked if there was a floor in and Mr. Fontana said there was not. Mr. Barbaro asked Mr. Fontana if he was aware he needed a building permit, and Mr. Fontana said he was not. Mr. Barbaro asked Mr. Fontana if he was doing construction work, and Mr. Fontana said he was.

Mr. Barbaro said the only variance he thought the Board had is the 7' side lot line. Mr. Connolly said if it is over 120 square feet, the structure is a shed and the applicant needs a variance.

Mr. Barbaro asked if the siding would be the same as that on the garage and Mr. Fontana said it would be.

Mr. Olver asked if the roof line would be the same height. Mr. Fontana said no, it is coming down.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *10-19-83*

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

GATES-CHILI NEWS

Issue Dated... *10-19-83*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Patricia M. Smith
Publisher

Zoning Book Oct 1983

Legal Notice

CHILI ZONING BOARD OF APPEALS

Pursuant to Section 287 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 25, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Robert Austin, 334 Fisher Road, Rochester, New York 14624 for reopening of application granted on September 27,

1983 for a variance to allow the total square footage for 2 garages to be 1,336 sq. ft. (900 sq. ft. allowed) at property located at above address in RA-10 zone.

2. Application of Gregory Fontana, 7 Brian Drive, Rochester, New York 14624 for variance to allow a 12'x20' wood utility shed to be 240 sq. ft (120 sq. ft. allowed), variance to allow the shed to be attached to the garage (8' required) and to be 7' from side lot line (8' required) at property located at above address in R-1-15 zone.

3. Application of Apple Valley Farm Market, 2575 Chili Avenue, Rochester, New York 14624 for variance to erect a 4'x3' double-faced free-standing sign on existing pole to include a logo at property located at above address in NB zone.

4. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York 14620 for variance to erect a 16'x9' freestanding development sign to be up during the construction of office buildings (2-4 yrs.), sign to be 128 sq. ft. (32 sq. ft. allowed) and to contain more than the name of the project at property located at 1200 Scottsville Road in GB zone.

5. Application of Marvin Ives, 435 Stattle Road,

Scottsville, New York 14546 for variance to erect a 12'x12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed) at property located at above address in RA-20 zone.

6. Application of Lyell Metals, 1515 Scottsville Road, Rochester, New York 14624 for variance to erect a 135'x40' addition to warehouse to be 5' from side lot line (35' required) at property located at above address in GI zone.

7. Application of LaRue & Associates, 1475 Winton Road North, Rochester, New York 14609 for variance to combine 4 undersized lots into one larger undersized lot to be approximately 1.02 acres, with a lot width of 298.14 (700' required) at properties

located at 1773, 1775, 1777, 1779 Scottsville Road in RA-20 and FPO zone.

8. Application of Denluck-Hyde Assoc., 25 Main Street, Suite 400, Rochester, New York 14614 for variance to erect a house to be 56.76' from front lot line (60' required), with a lot width of 88' at the building line (90' required) at property located at 21 Clay Hill in R-1-15 zone.

9. Application of Denluck-Hyde Assoc., 25 Main Street, Suite 400, Rochester, New York 14614 for variance to erect a house to be 41.63' from front lot line (45' required) at property located at 27 Clay Hill in R-1-15 zone.

10. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624

for variance to erect a house to be 30' from rear lot line (40' required) at property located at 24 Clay Hill in R-1-15 zone.

11. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624 for variance to erect a house to be 30' from rear lot line (40' required) at property located at 28 Clay Hill in R-1-15 zone.

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

Ralph Barbaro, Chairman
Chili Zoning Board
of Appeals

Mr. D'Heron asked what would be the height of the back end of the roof from the ground and Mr. Fontana said about 9'6". Itapers down to about 8'.

Mr. Barbaro asked if there would be a double door and Mr. Fontana said no. Inside there will be a door and also a door to the yard.

Mr. Barbaro asked how big the inside door will be, and Mr. Fontana said 42".

Mr. Cates asked Mr. Miller if the Board could notify the applicant now. Mr. Miller said yes. He asked Mr. Fontana if he would like to verify the amendment to his application--an addition to the garage rather than a shed. Mr. Fontana said he would. Mr. Miller said OK.

Mr. Barbaro asked if anyone in the audience had come to speak in favor of the application. Mrs. Alvira Fontana was present, and said she was in favor of it.

No one spoke in opposition.

There were no further questions and no more discussion.

DECISION: Unanimously approved, no conditions.

3. Application of Apple Valley Farm Market, 2575 Chili Avenue, Rochester, New York 14624, for variance to erect a 4' x 8' double-faced freestanding sign on existing pole to include a logo at property located at above address in NB zone.

Barbaro Southcott, of Portage Road, Medina, Manager of Apple Valley Market, was present.

Mr. D'Heron asked what the variance was that was being requested. Mr. Connolly answered, a freestanding sign. Mr. Barbaro added, 64 square feet total and logo. Mr. Barbaro asked, what is the former name of this place of business? Ms. Southcott answered, Cutalia's. Mr. Barbaro asked how big the sign was that was there, and Ms. Southcott answered, there was no sign.

Mr. Connolly asked, how much bigger is your sign, and Ms. Southcott answered, it was lighted up. Ours is not lighted.

Mr. Miller, referring to a drawing of the sign, asked if it would be in the form shown and Ms. Southcott said it would be. She said it would be made of plywood 2 x 2 hard edge, double faced, painted.

Mr. Miller asked if there would be lights on the sign at night, and Ms. Southcott said there would not be.

Mr. Barbaro asked how long has it been there, and Ms. Southcott said she didn't know, she had only been there one month, but the owner said they needed identification.

Mr. Barbaro asked what the sign was hanging from, and Ms. Southcott answered a structure like a telephone pole.

Mr. Connolly stated that the first sign was 50 square feet.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, with the condition that the sign be on the existing pole.

4. Application of Elliott Press, 1400 Mt. Hope Avenue, Rochester, New York, 14620 for variance to erect a 16' x 8' freestanding sign to be up during the construction of office buildings (2-4 years), sign to be 128 square feet (32 square feet allowed) and to contain more than the name of the project at property at 1200 Scottsville Road in GB zone.

Mr. Steven Abramson, an associate of Elliott Press, was present.

Mr. Barbaro asked him why this sign was wanted. Mr. Abramson answered to promote the new building, there is a lot of traffic and they want to promote the new building. The information is that the tower is Airport Office Park.

Mr. Barbaro asked why 8' x 16' and Mr. Abramson answered that they had taken six sheets of plywood. (He presents photographs of the sign to the Board).

Mr. Barbaro asked if they had started construction of the sign. Mr. Abramson said they have other uses for it if they can't use it here. The sign that is there now will be removed. Also the architect's name, the designer's name and the developer's name will be on it. It will not be lighted.

Mr. Miller asked if it would be a one-sided sign, and Mr. Abramson said it would be. Mr. Miller asked how high it would be above ground, and Mr. Abramson said about the same height as the existing sign, probably 4 feet off the ground.

Mr. Barbaro asked Mr. Abramson who he represented; Mr. Abramson answered, just Elliott Press. Mr. Barbaro asked why do you want the architect's name, the engineer's name and the developer's name on the sign? Mr. Abramson said, it shows basically who developed the project. Mr. Barbaro stated, it becomes advertising. Mr. Abramson said they are trying to promote the Airport Business Park.

Mr. D'Heron asked what size lettering, and Mr. Abramson referred him to the photographs.

Mr. Barbaro stated that his item had been submitted to Monroe County Department of Planning, and he reads the letter he has from Dan Martin (copy attached).

Mr. Olver asked Mr. Abramson if he would be willing to consider the County's recommendations, and Mr. Abramson said he would be.

Mr. Abramson added that the sign would not be a piece of junk. The sign will be 8 feet high. Same as existing sign is now, and 12 feet off the ground.

No further questions.

No one spoke in favor or opposition.

DECISION: Granted unanimously with following conditions:

1. Granted for one year with consideration for extension if first building is not constructed.
 2. Sign be no higher than 12 feet from ground.
 3. Sign be 30 feet from road right of way.
 4. No lighting allowed.
 5. Existing sign be removed.
 6. Sign permit will be required.
5. Application of Marvin Ives, 435 Stottle Road, Scottsville, New York, 14546 for variance to erect a 12' x 12' wood utility shed to be 144 square feet (120 sq. ft. allowed) at property located at above address in RA-20 zone.

Mr. Marvin Ives was present. He said the shed would be used for his lawn mower and garden tools. The shed would be built from a kit. Mr. Barbaro asked if the kit was pre-cut and Mr. Ives said it was. Mr. Barbaro asked if it would have Texture III siding, and Mr. Ives said yes. Mr. Barbaro asked what type of roof the shed would have and Mr. Ives said shingle.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions. A building permit will be required.

6. ✓ Application of Lyell Metals, 1515 Scottsville Road, Rochester, New York 14624 for variance to erect a 135' x 40' addition to warehouse to be 5' from side lot line (35' required) at property located at above address in GI zone.

Mr. Bill LaDue was present on behalf of Lyell Metals. He said they want a 50' warehouse addition. In 1981 he appeared before the Board and requested a variance for addition to the existing facility. After that appearance, his client's business suffered economic problems, but three or four months ago business conditions improved and they decided to proceed with the addition. The purpose is for a warehouse for products that are in the yard and stored inside. Aluminum and copper materials. They will be extending the existing basement to the new location past the building to the west. Addition is to the west of existing warehouse in back. Present reason for requesting a variance is to open walls in building to allow a bailer to pass through.

Mr. Barbaro asked if this application had been before the Planning Board, and Mr. LaDue said no. They are scheduled for the next meeting.

Mr. Olver asked when the existing building was constructed and Mr. LaDue answered in 1978-79. Mr. Barbaro stated that the building had been constructed in two phases. The initial phase is the portion shown on the drawing. Mr. LaDue stated that it was all constructed at once.

Mr. Olver asked if construction has been commenced on Phase 3, and Mr. LaDue answered yes. (He reads a letter from his client to Bob Connolly). (Copy attached). Mr. LaDue stated that they had put in foundations, and that is the extent of the work that has been done.

Mr. Olver asked if this addition would be on the same level, have the same roof line and be of the same type of construction as the existing structure, and Mr. LaDue replied that it would.

Mr. Barbaro stated that any decision rendered by this Board, if favorable, would be subject to Planning Board approval, and Mr. LaDue stated he realized that.

Mr. Connolly stated that they are asking for 5' side setback. Mr. Barbaro stated that this was submitted to Monroe County Department of Planning. Airport review. Decision was made that if this application were approved, it would not adversely affect airport operations. It is a matter for local determination, and no significant environmental impact review is required. (Copy of County determination attached).

No further questions.

No one spoke in favor or opposition.

DECISION: Granted unanimously, subject to Planning Board approval of site plan.

7. ✓ Application of LaRue & Associates, 1475 Winton Road North, Rochester, New York 14609, for variance to combine 4 undersized lots into one larger undersized lot to be approximately 1.02 acres, with a lot width of 298.14 (700' required) at properties located 1773, 1775, 1777, 1779 Scottsville Road in RA-20 and FPO zone.

Mr. Al LaRue was present. He stated that they are trying to combine those four lots into one substandard size lot.

Mr. Miller asked what they intend to put on the lot, and Mr. LaRue said nothing has been planned at the present time. They want to make

October 25, 1983

their accounting easier--one tax bill, not four. Mr. Miller asked what kind of firm LaRue & Associates is, and Mr. LaRue answered engineers and architects. He said this consolidations would save them quite a bit of accounting.

Mr. Oliver asked, there is a dwelling and garage here at present, and Mr. LaRue said there was. Mr. Oliver asked if these would be removed, and Mr. LaRue said no.

Mr. Oliver asked if the owners lived in the dwelling, and Mr. LaRue said it is rental property.

Mr. Ward asked who would own the land, and Mr. LaRue said the same people who own it now. (Mr. Annuci, Mr. Levy and Mr. Mariotti, who are the owners of the land, were present also.)

Mr. Barbaro asked these gentlemen if they have any other business and they said that they did not.

Mr. Barbaro asked if there was a plan to have multiple residential structure build, and Mr. LaRue said nothing has been formulated.

Mr. Connolly told the applicants they could come in for a land use variance or rezoning. Mr. Barbaro told them they would have to reapply. Mr. Connolly added if they intend to do anything but a single family home.

Mrs. Brooks asked how long the three partners have owned this property, and they answered 13 years.

Mr. Barbaro stated that the application was reviewed on basis of airport review--would not adversely affect airport operations. He stated it is a matter for local determination.

No further questions.

No one spoke in favor or opposition. Mr. Kenneth Lake, 19 Alfred Avenue, was present to offer a comment. He said he was present on behalf of several neighbors who are very concerned. He is concerned with them saying they are going to combine the lots but they don't know what they will do with it. The size of the lot would not conform with lots in the area.

DECISION: Unanimously granted, no conditions.

8. ✓ Application of Denluck-Hyde Associates, 25 Main Street East, Rochester, New York 14614, for variance to erect a house to be 56.75' from front lot line (60' required), with a lot width of 86' at the building line (90' required) at property located at 21 Clay Hill in R-1-15 zone.

Mr. Don Avery of Denluck-Hyde was present. Using a drawing, he described the situation of dwellings. Mr. Barbaro asked if this project was already up, and Mr. Avery said it was.

Mr. Barbaro asked if when the foundation was started, did they start out at the front wall of living room and begin the garage? Mr. Avery said they did.

Mr. Oliver asked if on Lot 19 the minimum setback is 50 feet, and Mr. Avery, indicating on his drawing, said that it was.

Mr. Ward said that he was concerned because this is the third one that has been done.

No further questions.

No one spoke in favor or opposition.

DECISION: Granted, no conditions.

VOTE: Mrs. Brooks, yes; Mr. Ward, no; Mr. Cates, no; Mr. Barbaro, yes; Mr. Oliver, yes; Mr. D'Heron, yes.

9. Application of Denluck-Hyde Associates, 25 Main St., Rochester, New York 14614, for variance to erect a house to be 41.63' from front lot line (45' required) at property located at 27 Clay Hill in R-1-15 zone.

(Mr. Avery, representing Denluck-Hyde, was present.) Using the drawing he had made, he and the Board confer regarding this proposal. No testimony was given.

No further questions.

No one spoke in favor or opposition.

DECISION: Granted, no conditions.

VOTE:

Mrs. Brooks:	Yes
Mr. Ward:	No
Mr. Gates:	No
Mr. Barbaro:	Yes
Mr. Olver:	Yes
Mr. D'Heron:	Yes

10. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624 for variance to erect a house to be 30' from rear lot line (40' required) at property located at 24 Clay Hill in R-1-15 zone.

Mr. James Perna was present. He stated that they are requesting the same variance as Lot 24. There was no discussion, and no one spoke favor or opposition. The reason for this is that Application No. 11, which follows, contains discussion for both No. 10 and No. 11.

DECISION: Granted unanimously, no conditions.

11. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624 for variance to erect a house to be 30' from rear lot line (40" required) at property located at 28 Clay Hill Road in R-1-15 zone.

Mr. James Perna explained that when they got these approved they did not know what kind of construction they would have on the lot. Rather than crowding the house onto one side of the lot they wanted to keep it centered. That is why they are requesting 30 feet. This is one of the larger houses, it is only 30 feet wide. The lot is big but there is no room in back.

Mr. Barbaro asked if this has been started, and Mr. Perna said yes.

No further questions. No one spoke in favor or opposition.

DECISION: Granted unanimously, no conditions.

OLD BUSINESS:

1. Application of George Albro, 24 Black Creek Road, Rochester, New York, 14623 for variance to erect a 28' x 24' detached garage to be 1,024 square feet (900 sq. ft. allowed), variance for garage to be 8' from side lot line (50" required) and 8' from rear lot line (50' required) with an elevation of 521 where 525 is required, variance to allow a second road cut at property located at above address in RA-20, FPO and FW zone.

Mr. George Albro was present. Mr. Barbaro asked him why he wanted to put the garage so far back, and Mr. Albro said they plan on having an inground pool installed next year.

Mr. Barbaro asked where the pool would be, and Mr. Albro said approximately 40 feet in back of the house in the center of the lot.

Mr. Barbaro asked how that would affect the position of the garage, and Mr. Albro said he wanted the garage off the right so they could have a garden in back.

Mr. Olver asked if they had a garden there now, and Mr. Albro said no.

Mr. Barbaro said Mr. Albro was edning up with a multitude of variances by doing this. First of all, the size of the garage. Garage to be 8 feet from side lot line. 521' elevation. Second road cut. It seems Mr. Albro can reduce the number of variances required. The Board wanted to see if Mr. Albro would be willing to consider these things. Move it closer to front, etc.

Mr. Albro said he would consider moving it from the lot line. It could cover over; but he would like that distance because of the pool and the garden.

Mr. Miller asked what the size of Mr. Albro's lot is, and Mr. Albro said 220 feet deep and 97.8 feet wide.

Mr. Barbaro said looks like Mr. Albro would have room for the pool and asked him what is his hardship that it must be back so far. Mr. Albro said it doesn't; it is the way he and his wife want it. They want shrubs, trees, etc. There is no real hardship, it could be moved.

Mr. Olver asked wouldn't the driveway take up space that could be occupied by the pool and garden, and Mr. Albro said yes. Mr. Olver commented that if Mr. Albro moved the driveway he would be freeing up space.

Mr. Miller asked Mr. Albro how old his house is, and he answered 50 years.

Mr. Olver asked Mr. Albro how long he had lived there, and Mr. Albro answered 44 years. He said his father had bought it.

Mr. Miller stated that the applicant has a non-conforming pre-existing lot.

Mr. Barbaro said he could see that an 8 foot side lot line would be necessary; he didn't see why rear lot line variance should be granted. He asked Mr. Albro if he was in danger of being flooded by Black Creek. Mr. Albro said he was not. Mr. Barbaro asked if Mr. Albro's neighbors have anything where the garage would be, and Mr. Albro said his neighbors plan to put up a garage next year.

Mr. Olver asked how far their house is from Mr. Albro's lot line, and Mr. Albro said 30 feet. Mr. Connolly asked if Mr. Albro owned another lot to the east, and Mr. Albro said they had owned one, but they sold it.

Mr. Olver said, you are asking for a height variance. If you were to bring the garage forward, the necessary variance would be less than it is now. 519.83 and 522 in front.

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rs. Albro was present. She said the garage has to be in the back so far because there is a septic tank in the back and the pool has to be a certain distance from it. Mr. Barbaro asked her if they were on sewers, and she answered they were, but the tank is there. It is 3-4 feet beyond the garage.

Mr. Olver asked them if they would consider moving the garage next to the house. Mr. Albro answered they already have a garage. This will be a garage and storage building for tools, a boat, and lawn and garden equipment.

No further questions.

No one spoke in favor or opposition.

DECISION: Granted.

VOTE: Variance to erect a 28' x 24' detached garage to be 1,024 sq. ft. (900 sq. ft. allowed)

Mrs. Brooks, Abstain; Mr. Ward, yes; Mr. Cates, yes; Mr. Barbaro, yes; Mr. Olver, yes; Mr. D'Heron, yes.

2. Variance for garage to be 8' from side lot line (50' required)

Mrs. Brooks: Abstain
 Mr. Ward: No
 Mr. Cates: Yes
 Mr. Barbaro: Yes
 Mr. Olver: Yes
 Mr. D'Heron: Yes

3. Variance for garage to be 8' feet from rear lot line (50' required)

Mrs. Brooks: Abstain
 Mr. Ward: Yes
 Mr. Cates: Yes
 Mr. Barbaro: Yes
 Mr. Olver: Yes
 Mr. D'Heron: Yes

4. Variance for elevation of 521' where 525 is required

Mrs. Brooks: Abstain
 Mr. Ward: Yes
 Mr. Cates: Yes
 Mr. Barbaro: Yes
 Mr. Olver: Yes
 Mr. D'Heron: Yes

5. Variance to allow a second road cut

Mrs. Brooks: Abstain
 Mr. Ward: Yes
 Mr. Cates: Yes
 Mr. Barbaro: Yes
 Mr. Olver: Yes
 Mr. D'Heron: Yes

NEW BUSINESS:

1. ✓ Application of Robert Austin, 334 Fisher Road, Rochester, New York, 14624, for reopening of application granted on September 27, 1983 for a variance to allow the total square footage for two garages to be 1,338 sq. ft. (900 sq. ft. allowed) at property located at above address in RA-10 zone.

John Pisaturo, Esq. and Robert Austin appeared. Mr. Pisaturo said that the application was originally started on July 15, 1982. On October 19, 1982 they asked the Building Bureau for a hearing. Included a map. The map submitted this year was the same. The land was not approved as a subdivided lot. There was a letter to the Planning Board indicating they would have to make an application to get the lot approved. The application went to the Planning Board and was approved subject to an instrument survey. The County of Monroe said that although the house was there for several years, they were concerned about the septic system. We weren't getting approval on the lot to build a new house. The house was 30-80 years old. We had an instrument survey made. We could not reproduce it for these proceedings. I have never been to Mr. Austin's house. When I went to the Building Bureau I copied the map prepared in 1978 when Mr. Anstino bought the property. It was a tape location map. I was not aware that any additional structure for storage was on the property. The Building Bureau had contacted Mr. Anstino to examine the site. There was another structure approved by the Building Bureau. I don't know when he obtained that approval. The lot up until the middle of this year was not approved. I have a copy of a letter dated October 19, 1983 that may be part of the building records. In 1982 we tried to get a zoning variance.

Mr. Barbaro asked what he had tried to get a variance for in 1982, and Mr. Pisaturo answered for what they are trying for now. They were advised by the Building Bureau that the lot was not approved.

All other properties had been sold.

Mr. Barbaro asked if that had been cleared up, and Mr. Pisaturo said yes. When Mr. Anstino notified him that the building was down, he told him to take it down, and Mr. Anstino did.

Mr. Barbaro stated that the Board had decided to re-hear this application because the building was there; also to determine if the square footage requested was the proper amount; also, it was brought out that the basement of the house was being used as a garage. If the basement is being used as a garage, you have a garage and you are requesting a new garage on square footage which should be included. He asked Mr. Pisaturo and Mr. Austin if they wish to amend the application to include existing garage and the area of the basement being used as a garage. Mr. Pisaturo said no, you could make it conditional that the basement no longer be used as a garage. He wants to request garage to be used to store whatever is in basement now. He requested that the condition be imposed if the application is approved. His client has no plan to put car parts in this area.

Mr. Barbaro asked if there were antique cars in the basement, and Mr. Austin said yes. Mr. Gates added that the cars are on wheels. Mr. Barbaro asked if these would be removed from the basement, and Mr. Austin said that they would; Mr. Pisaturo added that the garage would be restored. Mr. Pisaturo said this is a storage problem.

Mr. Barbaro asked Mr. Pisaturo if his client has spent any time engaged in the modification or repair of motor vehicles, be they automobiles or motorcycles, or other motor vehicles, in return for goods and services or money? Mr. Pisaturo asked Mr. Austin if he had done work for his neighbors. Mr. Austin said he had welded a rototiller and fixed a lawn mower.

Mr. Barbaro asked Mr. Austin if he had made modifications to motorcycles and Mr. Austin answered that his sons might have. Mr. Austin added that his boys race every week in addition to their jobs.

Mr. Barbaro asked Mr. Austin if his sons were doing repairs, and Mr. Austin said they were on their bikes. Mr. Barbaro asked if they did repairs on friends' bikes and Mr. Austin said yes, and on neighbors. Mr. Barbaro asked how many vehicles have been modified and Mr. Austin said none.

Mr. Oliver asked where the vehicles to be removed would be. Mr. Pisaturo said in the garage--no outside storage. Only personal vehicles of owners would be outside.

Mr. Oliver asked where the ten motorcycles are and Mr. Austin said they were in his garage. Mr. Oliver asked what about the other four vehicles. Mr. Austin said they would be in the driveway. Mr. Oliver asked Mr. Austin if he had any other recreational vehicles, and Mr. Austin said he has a Harley-Davidson of his own.

Mr. Barbaro asked what is the actual amount of motor vehicles, and Mr. Austin answered four cars and one trailer; Mr. Barbaro asked how many motorcycles and Mr. Austin said about 8 not counting his Harley. Mr. Barbaro stated, a total of 14 vehicles plus three in basement. He asked Mr. Austin if he had any others and Mr. Austin said he has a Corvette in the city. Mr. Barbaro pointed out that this leaves Mr. Austin with 13 vehicles in a 3-car garage.

Mr. Pisaturo pointed out that they would use the garage for storage and for the repair of antique vehicles. Mr. Oliver asked if Mr. Austin was planning to extend his driveway back and Mr. Austin said no. Mr. Oliver pointed out that Mr. Austin would have three antique cars back there and not enough room to move them around. He asked if the cars were registered now, and Mr. Austin said they were not.

Mr. Oliver asked if the cars needed to be registered and Mr. Austin said yes. Mr. Pisaturo pointed out that this is a hobby situation--there is a minimum of transportation.

Mrs. Brooks asked if any of the cars were insured as show cars or vintage cars. Mr. Austin said they were not.

No further questions.

No one spoke in favor.

Mrs. Frances Dustman, 336 Fisher Road, was present. She stated that one night work had been going on till midnight; she heard Mr. Austin and his son discussing orders; she saw an old man get his wallet out and pay Paul; they have been using 2233 sq. ft. garage is 532 and 120 in shed plus extension on shed comes to 2233 sq. ft. and if Mr. Austin gets 815 sq. ft. more it will come out to 3613. They took three pickup trucks out and put them in the shed. There will be only 24' of open space from his patio to the proposed garage--it will spoil the view. A lot of neighbors bought their property for the view and they will have nothing. She cannot understand how Mr. Austin can have a hardship.

Mr. Barbaro said it is up to the Board to prove if hardship exists. Mrs. Dustman added that they are not storing the camper in the large garage. She stated she had put her property up for sale.

Mr. Barbaro asked if she had documentation from a realtor that people have refused to consider her house because of the state of the property next door; Mrs. Dustman said she did not. She stated that all the realtors when they see the shed, ask what is that next door. One from Nothnagle didn't even take her property.

Mrs. Susie Williams, 330 Fisher Road, was present. She stated she was in opposition since being at the last meeting and seeing the plans. She has made phone calls to the neighbors' the neighbors have lived there longer than she has, which is two years. Everyone seems to know that some business is being done there. Bob Austin did receive firewood for services that he rendered--it may or may not have been at his property. He has helped her husband and has never recieved money but she does have a very strong concern about this building being used for a business. She didn't know if the Board required petitions. Mr. Barbaro stated that if they wanted to talk, they would have been at the meeting.

Mr. Austin stated he had gone to Walworth for two months to work on a Chevy and he was paid in 20 cords of wood.

DECISION: Granted, with the following conditions.

1. That all motor vehicles and motor vehicle parts be removed from the basement of the premises; the ramp entrance to the basement be filled and sealed and garage concrete floor be re-poured. These be accomplished within 6 months of completion of new garage, but no later than 18 months from this meeting.
2. No unlicensed vehicles of any kind will be stored outside.
3. No motor vehicle parts will be stored outside.
4. No repairs or modifications to motor vehicles in return for money, goods, and/or services to be conducted on the premises other than the owners' vehicles. Conduct of any business is expressly prohibited.
5. Building Inspector to inspect property and basement at six months and eighteen months.

VOTE:

Mrs. Brooks:	Abstain
Mr. Ward:	No
Mr. Cates:	Yes
Mr. Barbaro:	Yes
Mr. Olver:	Yes
Mr. D'Heron:	Yes

OLD BUSINESS:

- 4. ✓ Application of Nina Ball, 74 Woodview Drive, Rochester, New York, 14624, for variance to allow front parking for 30 vehicles at property located at 3501 Union Street in GI zone.

Mr. Joseph Yankanich was present. He stated that they are asking for a smaller amount than had previously been requested. They are keeping the parking within limits of this one tax account parcel. By doing this they will reduce the number of parking spaces required. Twenty-one for cars plus one for construction vehicles. Planning Board required that a plan be made and stamped by licenses landscape architect and here it is. Mr. Barbaro said he thought it was construction equipment.

Mr. Ball who was also present, said used cars. Mr. Connolly interposed that used cars was a conditional use.

Mr. Barbaro asked if the Planning Board had granted conditional use and Mr. Connolly said they had. Conditional use for outside storage and sale of construction equipment subject to getting these plans.

Mr. Ward asked how many parking spaces they have now and Mr. Barbaro, consulting his copy of the plan, said 22. Mr. Miller said he counted 31.

Mr. Ward asked how many Mr. Ball is applying for, and Mr. Yankanich said 21 plus one large one for construction vehicles. Mr. Barbaro asked if they would amend the application to include the larger one, and Mr. Yankanich said they would. Mr. Barbaro asked if Mr. Ball had any timetable for the renovation of the building. Mr. Ball said within a year, but he would not want to be held to it. He wants to change the overall appearance of the building. For possible resale and also to improve its appearance.

Mr. Barbaro said he has gone by the property and there has been no real attempt to arrange any of the parking up front. He has seen large dump trucks and an old car. No attempt seems to have been made. Mr. Barbaro said he would hate to see this approval granted and activities continue as they have been. Does Mr. Ball have any idea when he will do some landscaping? Could this request be granted conditional upon these things being completed?

Mr. Yankanich said this would have to be part of a letter of credit that the Planning Board is going to impose.

Mr. Ball said he hopes that there is not a stipulation as to the amount of the letter of credit so that it would restrict his activities and make it impossible for him to proceed. Mr. Miller interposed that it is up to the Town Board to set the amount of letter of credit.

Mr. Barbaro said the Board did not want to give Mr. Ball a license to operate without giving it some thought. Mr. Ball said he intended to improve the property.

Mr. Olver said he was concerned as well--the property looks worse than ever.

Mr. Ball said he has been working there. He has not had Town approval and has not been able to do anything. Mr. Olver said his objection is to having construction equipment left at the job site. There was vandalism and it had to be moved. Insurance Company asked that it be moved.

No further questions.
No one spoke in favor or opposition.

DECISION: Granted unanimously.

(August 23, 1983 minutes approved; June 7, 1983 minutes were approved.)

Ralph Barbaro, Chairman

ZONING BOARD

November 22, 1983

The meeting of the Zoning Board of Appeals of the Town of Chili was held at the Chili Administration Offices, 3235 Chili Avenue, Rochester, New York, on November 22, 1983. The meeting was called to order at 7:30 P.M. by the Chairman, Ralph Barbaro.

Present: Ralph Barbaro, Chairman; Susan Brooks, Bill Cates, Tom Ward, Mel Olver.

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

Mr. Barbaro stated that this is a duly constituted meeting of the Town of Chili Zoning Board; he made the statements about notice being sent to neighbors within a 500' radius. Mr. Miller made the legal statements.

Mr. Barbaro introduced the members of the Board and reviewed the procedure.

1. Application of Midland Management, P.O. Box 4095, North Chili, New York, 14514, for Land Use Variance to operate a day care center in the Meadowbrook Farm Apartments at property located at 3328 Union Street in RM zone.

Harriett Howett, Vice President and General Manager of Midland Manager, was present. She stated they are asking for a permit to set up a day care center. They have had requests from incoming tenants and existing tenants asking where they can find day care, and they would like to provide it. By offering a non-profit, fully licensed day care center, they can provide better service to their tenants. The tenants want this service and would have to go elsewhere for it. It would be easier for the tenants to have the day care center on the site. They would develop a sense of community by doing this. They have asked the tenants to indicate their feeling about this. (Presents a drawing of the proposed project to the Board). This drawing shows the location of the building they would like to use. They have 80 signatures especially from people who live in that building. She is New York State certified school teacher. All personnel would be certified, and they would conform to State code. They have been approved regarding concept and building setup.

Mr. Barbaro said on reviewing the drawing, that the 2-bedroom apartment is square feet and the studio is feet. He asked Mrs. Howett if she is planning to use either of these. She said that the 2-bedroom unit would be used. That would be sufficient space for 15 children.

Mr. Barbaro asked her if she proposed to have more than 15 children, and she answered, if it goes up it is backing up to an existing unit of the same configuration, and they could use that. Mr. Barbaro asked her if the studio would be used, and she said it would not. Mrs. Brooks asked her if this is the second floor, and she said it was the ground floor and back exits.

Mrs. Brooks asked what age the children would be, and Mrs. Howett replied pre-schoolers and an after school program. Mrs. Brooks asked if that would include the 15 and Mrs. Howett said it would.

Mrs. Brooks asked how many adults there would be and Mrs. Howett said one for every 4 or 5 children. For after school, it is 7 or 8 to one. Also there would be a registered nurse who could visit the site.

Mrs. Brooks asked where the play area for the children is. Mrs. Howett said that in back of Unit 188 there is a playground--where it says "Pool". It is a fenced-in area. To the left of the pool there is a playground and trees.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *11-16-83*

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

GATES-CHILI NEWS

Issue Dated... *11-16-83*

Geraldine C. Snyder
Notary

Patricia M. Smith
Patricia M. Smith
Publisher

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Nov 1983

Zoning Code Book

Legal Notice

Chili Zoning Board Of Appeals

Pursant 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 November 22, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of Midland Management, P.O. Box 4095, North Chili, New York 14514 for Land Use Variance to operate a day care center in the Meadowbrook Farm Apartments at property

located at 3328 Union Street in RM zone.

2. Application of David Yunker, 35 Chestnut Ridge Road, Rochester, New York 14624 for variance to extend a pre-existing, non-conforming use to erect a 12' x 4' and 1' x 12' addition to front house at property located at above address in R-1-12 zone.

3. Application of Charles LaRocca, 1079 Paul Road, Churchville, New York 14428 for Conditional Use Permit to allow a real estate office in home at property located at above address in R-1-20 zone.

4. Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, New York 14624 for variance to allow an existing house to be 81' from rear lot line (90 ft. required) at property located at 220 Chestnut Ridge Road in R-1-20 zone.

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

Ralph Barbaro, Chairman
Chili Zoning Board
Of Appeals

Mr. Gates said he didn't understand the non-profit aspect. Why are they getting in this business if they don't want to make a profit? Mrs. Howett answered, they want to make one--for just themselves.

Mr. Barbaro stated they will not make a profit on the day care center, but they hope it attracts tenants, and Mrs. Howett agreed.

Mr. Olver asked if they intend to set up a separate entity to run this, and Mrs. Howett answered yes, a separate non-profit corporation.

Mr. Miller asked if the Board grants this, would they be willing to have it restricted to Building 188? Mrs. Howett said she would. There are a number of apartment complexes which have incorporated day care centers--Willow Pond, Riverton, and also some in the City. Some are Government bonded--Ibero American Leagu, and maybe Greenleaf Meadows. Mr. Miller asked if there is more than one apartment in Building 188 and Mrs. Howett said there are three other apartments.

Mr. Miller asked what is the letter of the apartment for which the variance is requested. Mrs. Howett said 188-2. Mr. Miller asked if they are asking for a variance for a day care center to be located in No. 188-2 and Mrs. Howett said yes.

Mrs. Brooks asked if it is vacant now and Mrs. Howett said it is.

(At this point Mr. Barbaro reads a letter from Mr. Connolly regarding this). He asked Mrs. Howett if she has taken any action on the matters referred to in the letter. She said Tom Canfield made a visit to the site and felt the building would be okay.

Mr. Connolly said Tom Canfield is not who they are getting the variance from. He has nothing to do with State Building Codes Council. Mrs. Howett would have to apply to Mr. Connolly and he would have to deny it and she would have to make an application for that variance.

Mr. Barbaro asked the applicant if she had any objection to seeking and receiving approval of the variance from the New York State Codes Council, and she said she did not.

Mr. Olver said the Board has to consider whether there are unusual circumstances which make this use different from others in the same district. Under the Town's Code, this would not be approved use or conditional use. Is there any unnecessary hardship or extenuating circumstances? Mrs. Howett said she sees a need which is not being met. She sees mothers taking children into their homes under less than perfect conditions. Her service would have to conform. She thinks the Board may have more requests like this in the future.

Mr. Olver said he agreed, and that this kind of service has to be provided. But he must decide whether this Board can find sufficient hardship that would place her in a position that is different from any other apartment project. Mrs. Howett said they do have a large number of children. Mr. Olver said if this was denied, he would encourage her to address her efforts to the Town Board to make a change in the law so that this can be provided in apartment projects. He would like to see this done on a permanent basis.

(Mrs. Howett presents a copy of a petition to the Board).

Mr. Gates asked if this land use is permanent, and Mr. Barbaro said it was. Mr. Connolly said he thought there could be a time limit on it.

Mr. Miller added you could limit it but it would run with the land. Mr. Gates asked what if they go out of business and a non-certified center comes in? Mr. Miller answered you could make it a condition that they file a copy of their license.

No further question.

No one spoke in favor or opposition.

DECISION: Approved, with the following conditions.

1. Applicant obtains variance from N York State Codes Council.
2. Applicant obtains and maintains an active license for a day care center from the New York State Department of Social Services.
3. Day Care Center will be limited to two adjacent ground floor two bedroom apartments, specifically apartment numbers 188-2 and 188-4.
4. Applicant is required to send copy of renewed license each year to Building Inspector.
2. Application of David Yunker, 36 Chestnut Ridge Road, Rochester, New York, 14624, for variance to extend a pre-existing, non-conforming use to erect a 12' x 4' and 1' x 12' addition to front house at property located at above address in R-1-12 zone.

Mr. Barbaro stated that this had been determined by the County of Monroe to be a matter for local determination.

Mr. David Yunker was present. He said the extension is going on the back of the front house. There are two houses on one lot. He said the roof slope is wrong, and he is going to correct it.

Mr. Olver asked if he was going to replace an addition already there, and Mr. Yunker said he was, he is extending it and squaring it off. Mr. Connolly interposed that he is putting the addition on.

Mr. Barbaro asked if there was an encroachment on the side lot line, and Mr. Connolly said there was none. Mr. Barbaro asked if there was another home to the rear of this, and a shed to the rear of that, and Mr. Yunker said this was correct. (He indicates this to Mr. Barbaro on his tape location map).

Mr. Connolly said there are two homes on a single lot. They have been there for years and are pre-existing.

Mr. Barbaro asked if the siding on the addition will be the same as on the rest of the house, and Mr. Yunker said yes, they will have it all re-sided at once and have the roof done.

Mr. Miller asked who will occupy this, and Mr. Yunker said he would; Mr. Barbaro asked what the other house is used for, and Mr. Yunker said his sister is renting.

No further questions.

In favor: Mr. James Mulhern, 14 White Birch Circle. He said he didn't understand what this was going to be. Mr. Yunker has done a super job on this house, cleaning it up. He would give him (Mr. Yunker) the OK.

Mr. Satella, 34 Chestnut Ridge Road. He said he has lived there since 1939. He has seen six different families come and go, but he has never seen anyone take care of his property like this man does. He wants to extend it to the back in the front. He would highly recommend and urge that Mr. Yunker be allowed to continue.

In opposition: None

DECISION: Unanimously granted, no conditions.

3. Application of Charles LaRocca, 1079 Paul Road, Churchville, New York, 14428, for Conditional Use Permit to allow a real estate office in home at property located at above address in R-1-20 zone.

Mr. Barbaro stated that Monroe County has determined this to be a matter for local determination.

Mr. LaRocca was present. He said he is a licensed real estate broker. He would like a permit to operate a real estate office in his home. He has built the home in the last seven months. He lives on Paul Road. He is presently with Nothnagle, he manages their Brockport office. He has lived in Chili for 14 years and would like to get closer to his area. He would like to start on December 1.

Mr. Barbaro asked him if he would no longer be working for Nothnagle, and Mr. LaRocca said that is right.

Mr. Miller asked how many sales people are anticipated, and Mr. LaRocca said he has a five-car turn around. The lot is 125 feet. Probably 1-3 people would work with him the future.

Mr. Miller asked Mr. LaRocca if he had three salespeople, how many did he anticipate would be on the premises other than himself at any one time, and Mr. LaRocca said one or two. Mr. Miller asked how long they would be there, and Mr. LaRocca said that 70-75% of their business is on the telephone. Some people come in for 5-10 minutes. It would be very limited as far as a lot of cars being there. His neighbor has given him permission for this.

Mr. Olver, reviewing the floor plan of the house, which Mr. LaRocca had given to the Board, asked if this has an entry directly into the study, and Mr. LaRocca said you have to go into the garage. Also, he has a light post in front of the house and he would like to put the name of his firm and "Licensed Real Estate Broker"--very small.

Mr. Miller said that is stated in the application. The Town has a sign ordinance. If the sign is small enough, he may not have to apply for it. Mr. LaRocca said it is very small.

Mr. Miller said the Board allows people to modify their applications as long as it is within the area of the general application, but for this sign Mr. LaRocca would have to re-apply. Mr. Cates pointed out that this is not his original application. Mr. LaRocca asked if having the sign in the window would be OK. Mr. Connolly said he has no control over that.

Mr. Barbaro asked if Mr. LaRocca had looked into the availability of commercially zoned property for his office. Mr. LaRocca said he had, but he would like to start small. Mr. Barbaro asked him specifically where he had looked. Mr. LaRocca said across the street in the shopping center; on Chili Avenue near Pixley Road. He added he used to live on Gary Hill Drive and people came over. Mr. Olver said under the present ordinance that would be illegal.

Mr. Barbaro asked Mr. LaRocca if he wanted time to establish his business, and Mr. LaRocca said yes, it came up quickly.

Mr. Barbaro asked Mr. LaRocca what his feelings would be if he were granted a conditional use permit for a period of time to allow him to establish himself and than that time would expire and he would have to move the business into a commercial location. Mr. LaRocca said he would rather go this way and see if he grows.

Mr. Barbaro said he was concerned that Mr. LaRocca would be establishing a commercial operation in a residential area. The Committee wants to encourage local concerns. They would not want to encroach on the rights of other property owners in the area in which Mr. LaRocca is living. So how would he feel if he were granted a conditional use permit to get him on his feet, established in the community, and enable him to develop a clientele and then get out into a commercial area in six months? Mr. LaRocca said he didn't know how he would be doing in six months. Mr. Barbaro asked if he could survive for six months and Mr. LaRocca said yes.

Mr. Barbaro said that Mr. LaRocca and his wife are agents, and Mr. LaRocca is a broker. So both of them actively participate in the business. Is there anyone else who participates in the business? Mr. LaRocca said his daughter.

Mr. Barbaro said so if Mr. LaRocca were limited to those three persons, would that create hardship within six months to a year? Mr. LaRocca said no, but he would like to leave it open.

Mrs. Brooks asked why the Board has to impose a time limit. Time pressure would be one more thing. It would be an additional strain. Mr. Cates stated it is a residential zone. Mrs. Brooks stated it is a very short amount of time. Mr. Barbaro added that the laws says one year time limit on conditional use permit.

Mrs. Brooks said six months is short. Mr. Barbaro said that he had stipulated six months because the Board had another approval and he accepted the six month limit. A precedent was set. The Board should be consistent. He asked Mr. LaRocca if he thought if a variance was granted to him, someone else would be encouraged, and Mr. LaRocca said no.

Mr. Oliver asked Mr. LaRocca if he had a secretary and Mr. LaRocca said no. Mr. Oliver asked who takes care of his secretarial work, and Mr. LaRocca said his wife. For the telephone, they have a recorder.

No further questions.

No one spoke in favor or opposition.

DECISION: Denied. See reasons in letter dated November 28, 1983.

4. ✓ Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, New York, 14624 for variance to allow an existing house to be 61' from rear lot line (90' required) at property located at 220 Chestnut Ridge Road in R-1-20 zone.

Mr. Barbaro stated that the Monroe County Planning Department had stated that this is a matter for local determination.

Mr. Don Avery of Denluck-Hyde, 25 Main Street East, Rochester, New York, 14614, was present. He had a map of the property with him, and indicating on the map, he said that the distance on the map where property would be taken from Martin property and added to Grace Covenant Church property would be the proper size. Rear yard would be 61 feet not 90 feet. They want to put in proposed portable classroom here in back. This was before the Planning Board and he thinks it was approved.

Mr. Miller asked, by the church buying the rear portion of the Martin property, it throws their home into non compliance, and Mr. Avery said yes.

Mr. Miller said, just lot line type of variance. Nothing is being constructed. Just change of ownership of land.

Mr. Barbaro asked if the Martins still reside there. Mr. Avery said they do. They may build a garage in here (indicating).

Mr. Barbaro said there are two applications to the Planning Board: 1. For subdivision of two lots and 2. for classroom. Both approved. Subdivision application approved pending their approval of rear yard setback.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

Ralph Barbaro, Chairman

TOWN OF CHILI

Organized 1892

TOWN OFFICES 3235 CHILI AVENUE ROCHESTER NEW YORK 14624 TEL 869 3550

JAMES J. POWERS

Supervisor

CAROL A. O'CONNOR

Town Clerk

ROBERT L. CRIDDLE

JEROME F. BRIXNER

JOHN NOWICKI

RANDY C. PIQUET

Council

November 28, 1983

Mr. Charles LaRocca
1079 Paul Road
Churchville, NY 14428

Re: Your application for Conditional Use Permit to allow a real estate office in home at property located at above address in R-1-20 zone.

Dear Mr. LaRocca:

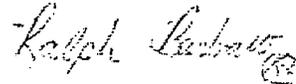
The Chili Zoning Board of Appeals, at their November 22, 1983 public hearing, voted to deny the above described application for the following reasons:

1. Long term establishment of a commercial enterprise within a residential R-1-20 zone is not in keeping with the intended residential character of the area, or the intent of the law regarding Customary Home Occupations.
2. Recent residential development of the area has been with large expensive homes with large lots. A commercial establishment here, in a location adjoining a right of way to land presently available for similar residential development, would be a detriment to that future use and contrary to the towns intent for that area.
3. Applicant recently purchased his property knowing it is in a R-1-20 zone and as a real estate broker is fully aware of limitations to business establishments.
4. Commercially zoned properties are available for rent in the area.
5. Recent trends have been that real estate offices locate in high traffic commercial locations.
6. The applicant's claim that denial would prevent his earning his livelihood does not have merit because:
 - a. Commercially zoned properties are available to establish his business.
 - b. The applicant is known in the community and has an established favorable reputation having been in business in this community in the recent past.

Charles LaRocca
Page 2
November 28, 1983

- c. There are numerous advertised openings for qualified experienced real estate agents in the area.
 - d. The applicant's separation from his present employment was voluntary and stated he would be able to support his family for at least six months to become re-established in the area.
7. Applicant's contention that other real estate agents are illegally operating from residentially zoned properties in the same fashion he seeks to do legally does not make his intended use any more palatable to the towns intent for development of the area.

Sincerely yours,



Ralph Barbaro, Chairman
Chili Zoning Board of Appeals

RB/kr

cc: Dan Miller, Depy. Town Atty.
Wm. Kelly, Town Atty.
Robert Connolly, Bldg. Inspector
file

ZONING BOARD

December 27, 1983

A meeting of the Chili Zoning Board was held on December 27, 1983 at the Chili Town Offices, 3235 Chili Avenue, Rochester, N.Y. 14624.

Present: Ralph Barbaro, Chariman; Shirley Wheelpton, Susan Brooks, Bill Cates, Mel Oliver and Cliff D'Heron.

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

The meeting was called to order at 7:30 P.M. by Mr. Barbaro, who declared it to be a duly constituted meeting of the Chili Board of Appeals. He asked Mr. Miller to make the legal statements, and he did so. Mr. Barbaro introduced the Board. Mr. Miller asked the audience to be aware that five members of the board are present, and four votes are needed to pass an application.

1. Application of August Calleri, 31 Chi Mar Drive, Rochester, New York, 14624, for variance to erect an additional three wall signs-- 1 being 1½' x 3' and 2 being 2' x 4' each at property located at 3151 Chili Avenue in GB zone.

The applicant was present, together with his attorney, Angelo Calleri, ESq., 19 W. Main Street, Rochester, New York 14614, who spoke on his behalf. Mr. Calleri stated that the property is at the intersection of Chili Avenue, Coldwater Road, and Paul Road. There is an existing sign on the structure, on the north wall. (Refers the Board to a rendering of the property).

He said this sign is lighted from inside. It is 4' x 6'. Sign to be erected on the north wall is non lighted. Made of plastic, and painted on surface are the words "No Appointment Necessary". It is 1.5 feet x 3 feet. Conforms to ordinance. Total signage does not exceed the maximum of 100 square feet. Sign No. 2 is on west wall. It is non-illuminated. It will depend on the same kind of exterior lighting used to light the rest of the building. It is 2' x 4'. It will say "Hairstyles be August". Sign No. 3 will be on the south wall. On Paul Road side. 2' x 4'. Non-illuminated. They would have total traffic on all four sides. There is only one sign on the building now. Applicant intends to illuminate the face of the building through same type of ground lights now on the property. They are long ray brown lights.

Mr. D'Heron asked if they have had any trouble with people not being able to find the place, and Mr. Calleri said yes. Several people have said they don't know where he (the applicant) moved to. Applicant has made substantial investment in property.

Mr. Miller asked if they are going to build the westerly wall in line, and Mr. Calleri said yes.

Mr. Barbaro stated that Monroe County Planning Department has ruled that this is a matter for local determination.

Mr. Calleri stated that the ordinance may say that because the property is located on a corner and has two entrances, the applicant may be entitled to a second sign. Mr. Connolly pointed out that they are not putting the sign where the door is.

Mr. D'Heron asked if the applicant would be entitled to a free-standing sign, and Mr. Connolly said yes, with approval.

Mr. D'Heron asked the applicant if he was asking for that, and his attorney, Mr. Calleri, answered no. Not if they get approval of wall signs. Mr. D'Heron asked if they would be willing to have that as a condition and Mr. Calleri said they would.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions. A sign permit must be obtained.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date *12-21-83*

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

GATES-CHILI NEWS

Issue Dated *12-21-83*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1985

Patricia M. Smith
Patricia M. Smith
Publisher

Spring Book
2072

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 December 27, 1983 at 7:30 p.m. to hear and consider the following applications:

1. Application of August Calleri, 31 Chi Mar Drive, Rochester, New York 14624 for variance to erect an additional 3 wall signs-1 being 1½'x3' and 2 being 2'x4' each at property

located at 3151 Chili Avenue in GB zone.

2. Application of Mr. and Mrs. Ernest Bowen, 9 Flint Lock Circle, Rochester, New York 14624 for variance to allow a house to be 48' from front lot line (60' required) and 36.8' required (40' required in subdivision) at property located at above address in R-1-15 zone.

3. Application of B.R. DeWitt, P.O. Box 95, Pavilion, New York 14525 for variance to erect an 18'10" x 18'10" cement silo to be 49' high (35' allowed) at property located at 1533 Scottsville Road in G1 and

FPO zone.

4. Application of Robert Jans, 29 Wadsworth Drive, Churchville, New York 14428 for variance to allow a 22'x28' addition to house, to be 49.9' from side lot line (50' required) at property located at above address in PRD zone.

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

Ralph Barbaro,
Chairman
Chili Zoning
Board of Appeals

3. ✓ Application of B.R. DeWitt, P.O. Box 95, Pavilion, New York, 14525 for variance to erect an 18'10" x 18'10" cement silo to be 49' high (35' allowed) at property located at 1533 Scottsville Road in GI and FPO zone.

Mr. Doug Dicks, an employee of B.R. DeWitt, was present. He said DeWitt has received a contract to supply to Eastman Kodak Company a special kind of concrete. They used the existing portable plant and now it is necessary to do this. They would need a height variance to allow for extra height of cement silo.

Mr. Barbaro reads Monroe County Department of Planning statements. As to height, this is a matter for local determination. Regarding environmental impact: if approved, no significant Countywide environmental impact.

Mr. Miller asked how tall the trees around the property are. Mr. Dicks answered 40 feet to 50 feet.

Mr. Connolly asked if they already have tower higher than this, and Mr. Dicks said yes, it is 60 feet. New facility would sit behind that.

Mr. Miller asked if it would be fair to say in summer and spring when leaves are on trees, you would not be able to see it? Mr. Dicks said yes. It is not up yet, but you can't see the site from Scottsville Road.

Mr. Barbaro, referring to a drawing of the proposed structure, asked if this is partially on what used to be a salt pad, and Mr. Dicks said yes. It is adjacent to that. (Points to map).

Mr. D'Heron asked if the ownership would be three or four separate parcels, and Mr. Dicks said DeWitt owns three parcels. Mr. D'Heron asked if this proposal fits all required setback provisions and Mr. Dicks said yes.

Mr. D'Heron asked what they would have to do if this variance were not granted, and Mr. Dicks said they could not use that portion of the portable plant that they want to use. They would have to make a large capital expenditure. It would cost \$250,000.00 for a complete mixing facility. They have taken a portion of the combination ready-mix concrete plant and are using that together with the new mixer that they had to buy. They had to build the silo and mixer high enough so that it could be fed by conveyor that came along with the portable plant.

Mr. D'Heron asked if the company has any other property around that could be used for this. Mr. Dicks said they are concerned that the product can be delivered near Kodak construction sites. It will be delivered in dump trucks not conventional cement trucks.

Mr. Barbaro asked if this would result in any new employment at that location, and Mr. Dicks said no. Kodak will guarantee 900 yards per year--four yards a day. So they want to use existing personnel.

Mr. D'Heron asked if their contract with Kodak is contingent upon their being able to build this, and Mr. Dicks said yes. The way he understands it. They want them to provide them with this special mix.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

4. ✓ Application of Robert Jaus, 29 Wadsworth Drive, Churchville, New York, 14428, for variance to allow a 22' x 26' addition to house to be 49.9' from side lot line (50' required) at property located at above address in PRD zone.

Robert Jaus was present. He said is applying for 1.25 inches for an addition that is already there (refers Board to drawing).

Mr. D'Heron asked if the foundation is there now, and Mr. Jaus said yes.

Mr. Connolly said the house was sold to Mr. Jaus and the addition was already there. It was put on without a building permit. Bob has sold the house and I cannot correct it without a variance.

Mr. Jaus said the property had been split and the addition was put on.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions. Applicant to obtain a building permit.

2. ✓ Application of Mr. and Mrs. Ernest Bowen, 9 Flint Lock Circle, Rochester, New York, 14624, for variance to allow a house to be 48' from front lot line (60' required in subdivision) are property located at above address in R-1-15 zone.

Mr. Bowen was present. Mr. Connolly said the house changed hands once. Tape location map--same thing happened. (Mr. Connolly shows the Board setback problems).

Mr. Connolly said the Bank is requiring an instrument survey.

Mr. Cates asked Mr. Bowen if he was the buyer and Mr. Bowen said he is selling. The map is 12 feet off.

No further questions.

No one spoke in favor or opposition.

DECISION: Unanimously granted, no conditions.

By order of the Chairman.

Ralph Barbaro

akw