

to post a sign over a sign. As a result of a communication gap, Nothnagle thought the Forest Creek Equity Company had secured a variance, the real estate agents did not know that they needed one, and the sign company did not know, ask, or care.

Mr. Ward reminded applicants that there is a stiff penalty for failure to comply with zoning ordinances.

Mr. Melville asked how far the set back on the present signs are. He was told by Mr. Ward that requirements are 20' from the right of way, and that the signs are already in violation.

Miss Dickson said that the signs are needed for high visibility because 30 new homes under construction must be advertised.

Mr. Ward said that Pumpkin Hill had been granted a variance in June of 1984 that they had failed to comply with. Mr. Gutmann said that Pumpkin Hill will be applying for a new ordinance on their signs.

Mr. Ward asked if there was a trailer on the property. Ms. Dickson said that there is a sales and construction trailer, but the first model home will eventually be the sales office. She further stated that most sales have occurred when people have driven past and seen their signs.

No one spoke in favor or in opposition.

Mrs. Whelpton suggested tabling this application for one month, allowing time to the applicants to modify their proposal. This would allow them to move the signs back to comply with the original variance, and would eliminate the need for reapplication for this variance.

Tabling the application was denied by a vote of 3 to 2, with negative votes cast by Mr. Melville, Mr. Ward, and Ms. Brooks.

DECISION on original application:

Disapproved by a vote of 3 to 2 with the negative votes cast by Mr. Melville, Mr. Ward and Ms. Brooks.

9. Application of Frank Burns, owner, 530 Chili Scottsville Rd., Scottsville, New York 14546 for variance to allow a house to be 71.3' from the front lot line (100' req.) at property located at above address in RA-20 zone.

Mr. Frank Burns is present and explains that his house was built by Faco Builders of Webster. The builder erred in placing the house too near the front lot line. Applicant is seeking the variance to comply with town regulations, he says.

Mr. Ward asks if the house is completed, and applicant says that it is.

Mr. Ward asks if the builder has assumed liability, and the applicant says that the builder claims it is not his fault.

Mr. Ward asked if neighbors had complained, and the applicant says they have not and that his father is his next door neighbor.

No one spoke in favor or in opposition to this application.

DECISION: Application approved unanimously by five votes.

10. Application of John Anderson, occupant, 5 Milewood Road, Scottsville, New York 14546, owner of property - John Sharpe, for variance to erect a 25' x 22' attached garage to be 20' from side lot line (50' req.) with a floor elevation of 525.09 (529 req.) at property located at above address in RA-20, FPO, FW zone.

John Anderson is present and explains that he wants to tear down his existing carport, build a garage in its place, and add an addition over the garage.

Mr. Ward asks if the garage and addition will occupy the same space as the carport, and applicant answers that the addition will extend 3-4' over the garage. Mr. Ward asks if it will take up the same space at the foundation, and he answers "yes".

Mr. Ward asks if this is agreed upon by the present owner, and the applicant says the owner is his father-in-law, from whom he expects to buy the house.

Mr. Ward asks if they have flood insurance since this is in a flood plain zone and an addition to the house may affect their coverage. Applicant says he will check with his insurance company.

No one spoke in favor or in opposition to this application.

DECISION: Approved by unanimous vote of five.

Approved by five
P. L. [Signature]

CHILI ZONING BOARD

May 28, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Offices, 3235 Chili Avenue, Rochester, New York 14624 on May 28, 1985 at 7:30 p.m. The meeting was called to order by Vice-Chairperson Tom Ward.

PRESENT: Tom Ward, Chairperson, Shirley Whelpton, Dan Melville, Ralph Wehner

ALSO PRESENT: Dan Miller, Deputy Town Attorney
Bob Connolly, Building Inspector

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of James Christian, 92 Fenton Road, Rochester, New York 14624 for variance to erect a 27' x 16' and 16' x 7' addition to house to be 7' from side lot line (10' req.) at property located at above address in R-1-12 zone.

James Christian is present to represent this application. He states that he wants to add a family room to his home. This would be on the north side of the house, parallel to the lot line and 7' from it. He would like to extend it directly out the back of the house.

Tom Ward asked if this was for his own family, not an apartment or living quarters for others. Mr. Christian answered that the addition was a family room and powder room for his own family.

Shirley Whelpton asked if the addition would have an outside entrance, and Mr. Christian told her that it would have a sliding glass door with a deck and steps going into the back yard.

Mr. Ward asked if there were any in favor or opposition to this proposal, and no one expressed favor or opposition.

DECISION: Approved by a vote of four.

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

Rita Tufano is present to represent this application. She explains that she is requesting a renewal of the variance to continue to run a beauty shop from her home. She has been operating this shop for five years now.

Tom Ward asked her how many times she had been in to renew this variance, and she answered "four in the past seven years."

Mr. Ward asked her how many days a week she used the shop, and she told him it varies from week to week, but is generally only two days a week.

Mr. Ward then asked her if she would still be willing to comply with the conditions imposed with the original variance, i.e., no outside parking on the street, no advertising on the exterior premises, etc. She said those conditions were still acceptable.

No one spoke in favor or in opposition to this proposal.

DECISION: Approved by a vote of four.

Conditions: Variance is good for five years with same conditions as previously imposed.

1. No on-street parking
2. No more than 4 cars allowed in driveway at one time.
3. No outdoor advertising
4. Shop operation two days per week.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date 5-22-85

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

GATES-CHILI NEWS

Issue Dated 5-22-85

John M. Robortella
Notary

JOHN M. ROBORTELLA
NOTARY PUBLIC, State of N. Y. Monroe County
My Commission Expires March 30, 1986

Patricia M. Smith
Patricia M. Smith
Publisher

James Bond May 1985

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 May 28, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Application of James Christian, 92 Fenton Road, Rochester, New York 14624 for variance to erect a 27' x 16' and 16' x 7' addition to house to be 7' from side lot line (10' req.) at property located at above address in R-1-12 zone.
2. Application of Rita Tufano, 40 Fenton Road, Rochester, New York 14624

for renewal of conditional use permit for a beauty shop in home at property located at above address in R-1-20 zone.

3. Application of Ryan Hornes, 1280 Scottsville Road, Rochester, New York 14624, owner of property - William Baird; for variance to erect an 8' x 4' double faced freestanding sign to include realtors name, phone number and logo at property located at 400 Paul Road in R-1-15 zone.
4. Application of Roma DeSiato, 11 Stal-Mar Circle, Rochester, New York 14624, owner of property - Chili Associates; for variance to allow 2 wall signs, each being 15' x 3' and to include logos at property located at 3240 Chili Avenue (Chili-Paul Plaza) in

GB zone.

5. Application of Ben Bendross, 154 Hillary Drive, Rochester, New York 14624 for variance to erect a 12' diameter satellite dish to be placed on peak of roof at property located at above address in R-1-15 zone.
6. Application of Brian Stotz, 22 Jemison Road, Rochester, New York 14623 for variance to erect a 32' x 20' and 8' x 4' addition to house to be 5.3' from west side lot line (50' req.) and 12.4' from east side lot line (50' req.) at property located at above address in RA-20 & PPO zone.
7. Application of Charles Mannara, 1 Hunt Point, Rochester, New York 14624 for variance to erect a 23' x 14' addition to house to be 6'

front side lot line (8.2' req. as per subdivision plans) at property located at above address in R-1-15 zone.

8. Application of Mark Jackman, 10 Hunt Point, Rochester, New York 14624 for variance to erect a 12' x 12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed), variance for shed to be placed on a drainage easement, variance to allow a 4' rear setback (8' req.) and 4' side setback (8' req.) and to be 12' high (8' allowed) at property located at above address in R-1-15 zone.
9. Application of Barbara Steinmiller & Gail Schott, 2704 Chili Avenue, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-20 zone.

10. Application of F Navas, 3037 Griffin Churchville, New York owner of property Ralph Weber; for U Variance to allow a shop in existing building property located at 2 Avenue in R-1-15 zone.
11. Application of Oliver, 575 Chestnut Road, Rochester, New York 14624 for variance to 12' x 20' wood utility be 240 sq. ft. (120 allowed) and to be (8' allowed) at located at above address in R-1-20 zone.
12. Application of Warchol, 16 Adela Rochester, New York for variance to addition to garage from side lot line (10 property located at address in R-1-15 zone.
13. Application Brown, 55 Canterbury Rochester, New York owner of property

3. Application of Ryan Homes, 1280 Scottsville Road, Rochester, New York 14624, owner of property - William Baird, for variance to erect an 8' x 4' double faced freestanding sign to include realtors name, phone number and logo at property located at 400 Paul Road in R-1-15 zone.

Haide Shackelford, sales representative for Ryan Homes is present to represent this application.

Tom Ward says that the sketch shows the sign to be 30' from the road, and he asks if this is from the pavement or from the property line. Mrs. Shackelford says she is unsure, but that they will comply with whatever the Board suggests.

Tom Ward asks what material the sign will be made of, and is told that it will be wood with metal posts.

Tom Ward asks how long they will need the sign, and Mrs. Shackelford says, "for three years." She says they are in section 3 now and have half of the homes sold.

Tom Ward asks if Ryan Homes will maintain these signs and she says "yes." He asks if Ryan Homes has a contract to do section 4 and she tells him yes.

QUESTIONS OR OBJECTIONS FROM THE AUDIENCE:

Tom McQuin - 23 Loyalist Avenue

He asks where the sign will be located and is told it will be on Paul Rd. His concern is that all of the houses on Loyalist Ave. are not Ryan Homes and yet appear to be. He suggests that the ideal place for the sign is on Chili Ave., where the Ryan Homes are actually located.

Tom Ward asks if the parcel doesn't come all the way down to Paul Road. When he is told yes, he then reminds the audience that they have had town approval on that parcel of land and the applicants do have a right to appear before this Board for a sign. He further states that this has been sent to Monroe County Planning Department and has been classified as a matter of local determination.

Tom McQuin states further that the town has afforded no protection to him and his neighbors. He says they have built houses on strange lots in the past and the neighbors have had little recourse.

Linda Groves -

She is opposed because people are being deceived by the placement of the sign. She says that Ryan Homes cannot claim to be of the same quality, and she objects that her home is made to look like a Ryan Home.

Tom Ward stated that these comments were out of order. The quality or value of the Ryan Homes is not the question, but the sign size on the adjoining property.

John Groves -

His reasons to oppose this application are similar to his wife Linda's. He says there are only 2 Ryan Homes in his area. He states that residents of his neighborhood do not want to be associated with Ryan Homes. He says the Board should give them 30 days or so to circulate a petition. He says, "maybe we cannot stop it, but we might at least delay it."

Again, Mr. Ward stated that these comments were out of order. "All property owners within 500' have been notified by mail and it has been published in the Gates-Chili News. Those in favor opposed have this opportunity tonight to speak to the Zoning Board.

DECISION: Unanimously approved by a vote of four.

Condition: Sign must be placed at a minimum of 20' from the road's right of way.

4. Application of Roma DeSiato, 11 Stal-Mar Circle, Rochester, New York 14624, owner of property - Chili Associates; for variance to allow 2 wall signs, each being 15' x 3' and to include logos at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

No one is present to represent this application; it is therefore tabled for one month. A letter is to be written to applicant asking them to appear before the board in one month, or risk having the application denied.

DECISION: Tabled for one month.

5. Application of Ben Bendross, 154 Hillary Drive, Rochester, New York 14624 for variance to erect a 12' diameter satellite dish to be placed on peak of roof at property located at above address in R-1-15 zone.

Mr. Bob Smith - 74 Richmond St.- is present to represent this application. He explains that the trees in the applicant's yard are too tall in the rear yard of the house and since the disk must face south, the only choice is to place it in the front yard.

Tom Ward says that there is a new ordinance in the Town of Chili that says all satellite dishes must be placed in the rear yard.

Mr. Smith says that there is no way possible for the applicant to comply with that ordinance and still use the dish.

Tom Ward asks who they have contacted to install this dish, and Mr. Smith says his company, which is World Wide Satellite.

Tom Ward asked if the dish had already been purchased, and Mr. Smith said it had been purchased 1½ months ago.

Dan Melville asked if it could realistically be installed on the roof. Mr. Smith said it is done all the time.

Tom Ward asked how it was anchored and what it weighed. Mr. Smith said it is on a tripod mounted on a 2 x 4 board and that it weighs 150 pounds.

QUESTIONS OF OBJECTIONS FROM THE AUDIENCE:

Don Faso - 134 Hillary Drive

Mr. Faso is opposed because he feels such an arrangement, a satellite dish on the roof, will affect the overall appearance of the neighborhood negatively. He says he thinks it would be one gigantic lightning rod. Another problem, according to Mr. Faso, is that the house is on the outside of a curve on Hillary Drive. He says that they have topped some trees in the front yard on the property and he does not see why they cannot do the same in the back yard in order to pick up the necessary signal. Mr. Faso says he has aerial photos that he will gladly show the Board if they would like to see just where the house is located.

DECISION: Application denied by three negative votes.
Shirley Whelpton abstained from voting.

6. Application of Brian Stotz, 22 Jemison Road, Rochester, New York 14623 for variance to erect a 32' x 20' and 8' x 4' addition to house to be 5.3' from west side lot line (50' req.) and 12.4' from east side lot line (50' req) at property located at above address in RA-20 and FPO zone.

Brian Stotz is present to represent this application.

Tom Ward asks what the addition is for, and Mr. Stotz says it is to be a bedroom and storage for his musical instruments. It is to be for his own personal use.

Tom Ward asks if it is to have a full basement, and the applicant says that it is to be on a slab. Tom Ward then asks how long he has owned the house, and the applicant says for two years.

Tom Ward reminds the applicant that he should check with his insurance company since this is a flood plain and an addition may affect his coverage.

No one spoke in opposition to the application; Valerie Stotz spoke in favor.

DECISION: Unanimous approval by a vote of four.
conditions: Must comply with other conditions of the flood plain zone.

7. Application of Charles Mannara, 1 Hunt Point, Rochester, New York 14624 for variance to erect a 23' x 14' addition to house to be 6' from side lot line (8.2 req. as per subdivision plans) at property located at above address in R-1-15 zone.

Charles Mannara is present to represent this application. He says that he wants to add a family room to his corner lot home.

Tom Ward asks if it would be any hardship for him to ^{not} go over 12' wide, instead

of 14'. He says he can only go 11 $\frac{1}{2}$ and that it will be 23' long. In this case, the addition would be too narrow. Tom Ward asks if it will have a basement and the applicant says that it is to be built on a slab.

Tom Ward asks if there is any drainage easement on the property and the applicant says, "not to my knowledge."

DECISION: Unanimously approved by a vote of four.
No conditions.

8. Application of Mark Jackman, 10 Hunt Point, Rochester, New York 14624 for variance to erect a 12' x 12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed), variance for shed to be placed on a drainage easement, variance to allow a 4' rear setback (8' req.) and a 4' side setback (8' req.) and to be 12' high (8' allowed) at property located at above address in R-1-15 zone.

Mark Jackman is present to represent this application.

Tom Ward asks if construction has been started and Mr. Jackman says it has not. He asks if there is any reason it has to be over the drainage easement. Mr. Jackman says he wants to keep the shed at the back of the lot instead of in the middle of the yard.

Tom Ward says that if the town had to get in to do any work on the drainage easement, it would be very difficult. He asked the applicant if he couldn't move it 5'. Mr. Jackman says he could compromise.

Tom Ward asked if there was a swale along the back of the property. Bob Connolly said there was a swale there.

No one spoke in favor or in opposition to this application.

DECISION: Unanimously approved by a vote of four with the following conditions:

1. A minimum of 10' from the rear property line.
2. 4' from the side lot line as requested.
3. It must not be built on or over the drainage easement.

9. Application of Barbara Steinmiller and Gail Schott, 2704 Chili Avenue Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-20 zone.

Dave and Barbara Steinmiller are present to represent this application. They explain that they bought the home and want a beauty shop in two rooms of it. They explain that parking is adequate so that on street parking is not at all necessary. There is room for 4-5 cars in the back, but they would like to park 8-9 cars with the driveway going out onto Pixley Road.

Tom Ward asks what their hours of operation are, and is told Monday through Saturday and $\frac{1}{2}$ day on Saturday, with one night a week shop hours. Tom then says that they have a conditional permit on Archer Road.

Tom Ward asks how many customers they will have at one time, and they say "probably 4-6 at the most."

Tom Ward asks if the business will be confined to the first floor, and they confirm this, saying that they hope to rent the 3 bedroom apartment upstairs to a single family.

Tom Ward asks if they have had any comments from the N.Y. Department of Transportation regarding the driveway, and they tell him that they thought they needed approval from the Town Board before they could even apply to the NYDOT. Tom Ward told them they would have to contact the state DOT if their application was approved.

Mrs. Steinmiller said she wanted to reassure the Board that the exterior of the home would not be changed at all, except that they will fix up the lawn and have the trees trimmed in the back.

Shirley Whelpton asked if they were granted the variance, and if the business grew, if they would then expan into other rooms of the house. The Steinmiller said that they would not. Two rooms, according to them, was sufficient.

Tom Ward asked if there was more than one exit from the house and they told him that there were two.

He then asked if they planned to do any outdoor advertising, to which they said they would simply like one sign, which would match the decor of the house

QUESTIONS OF OBJECTIONS FROM THE AUDIENCE:

James Bradley - 2699 Chili Ave.

He submitted a petition from the neighbors, which stated an objection to the Steinmiller's proposed beauty shop. Nine residents of Chili Avenue expressed concern for this proposal being approved. Mr. Bradley said they opposed it because they did not want Chili Ave. to become any more commercial than it already is. He said that granting a variance for the sign, the parking changes, etc., would set a precedence that none of them would appreciate.

Douglas Benedict -

He expressed concern over the commercialization that another shop would present. He said he is opposed also because it would set a precedent.

Mr. Steinmiller reminded those opposed that they had operated a shop on Archer Road and had not had any complaints.

Tom Ward said this application had been classified as a local matter by the Monroe County Planning Board.

DECISION:

Unanimously approved by a vote of four with the following conditions:

1. A one year limit
2. No on-street parking
3. No external changes to the structure
4. Driveway changes only with approval of Town Engineer.
5. Hours of operation are limited to Mon.-Sat. from 9-5.
6. Apartment rental is limited to a single family.

10. Application of Kathleen Navas, 3037 Griffin Road, Churchville, New York 14428, owner of property-M/M Ralph Weber; for land Use variance to allow a beauty shop in existing building at property located at 2675 Chili Avenue in R-1-15 zone.

Kathleen Navas is present to represent this application. She is requesting a variance for the existing beauty shop that she is buying. She explains that she will have 4 operators, possibly five, but no more than that. Also, the hours of operation will be from Tues. to Sat. 8:30 - 5, and there will be no more than 10 on the premises at any given time.

Tom Ward asks if the property is already existing as a shop, and she says yes, and for the past 27 years, it has been a beauty shop. Tom says then that this actually represent a change of ownership. He asked her if the existing limitations would be acceptable to her. She said, "yes."

Tom Ward asked if the shop would be confined to one floor, and she said yes.

Dan Miller asked what the overall size of the shop was, and she told him 20 x 40 or 800 sq ft.

Ms. Navas said the shop had been owned by Sally Weber for 12 years. She said that she already had the purchase offer in and it was now subject to town approval.

QUESTIONS OR OPPOSITION FROM THE AUDIENCE:

James Bradley says he is opposed to the idea of further commercialization. Again, he presents an application signed by the same neighbors, who are opposed to this application too. He said the neighbors also felt that the building was not very attractive, and they objected to the appearance of this shop.

Dan Miller asked him if the building was there when he bought his home. He answered "yes."

Ms. Navas explains that Mrs. Weber is retiring. She says the building could not be turned into a home without a lot of construction. She said she plans to paint it. "It would be a greater problem to tear it down or convert it to a home than to keep it as a beauty shop, she said.

DECISION:

Unanimously approved by a vote of four with the following conditions:

1. Variance is granted to applicant only.
2. No on-street parking
3. Hours of operation limited to Tues. - Sat. 8:30 - 7:00.

11. Application of Andrew Oliver, 575 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 12' x 28' wood utility shed to be 240 sq. ft. (120 sq. ft. allowed) and to be 12' high (8' allowed) at property located at above address in R-1-20 zone.

Andrew Oliver is present to represent this application. He says he wants to build a storage shed. He says it is for the pool and he wants to store lawn furniture in it.

Tom Ward asks if his property isn't about five acres. He says, "yes, there is a railroad on one side and farm land on the other.

Tom Ward says that the Monroe Co. Planning Board has designated this as a matter of local determination.

No one spoke in opposition to this proposal. Terry Eagan of 601 Chestnut Ridge spoke in favor of the proposal.

DECISION: Unanimously approved by a vote of four with no conditions imposed.

12. Application of Marion Warchol, 16 Adela Circle, Rochester, New York 14624 for variance to erect an addition to garage to be 7' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Mr. Marion Warchol is present to represent this application. He says he wants to extend his one car garage to a two car garage.

Tom Ward asks if it is to be storage area or for a second car. Mr. Warchol says it is to be for both.

Tom Ward asks if the existing house is 8' from the lot line and Mr. Warchol says it is and it is typical of the neighbors homes too.

No one spoke in favor or opposition to this proposal.

DECISION: Unanimously approved by a vote of four.
No conditions imposed.

13. Application of Al Brown, 55 Canterbury Road, Rochester, New York, 14607, owner of property - Harry Burdick; for variance to allow a warehouse to be 30' from west side lot line (40' req), 20' from east side lot line (40' req.), 54' from rear lot line (80' req.) and variance to allow front parking for 9 vehicles at property located at 271 Paul Road in LI and FPO zone.

No one is present to represent this application; it is therefore tabled for one month. Applicant will be advised by letter to appear before the Board in one month, or risk denial of his application.

DECISION: Adjourned without prejudice for one month.

14. Application of Joseph Yankanich, Surveyor, 1726 Long Pond Road, Rochester, New York 14606, owner of property - Dar Investors; for variance to erect a single family dwelling to be 40' from front lot line (100' req.), 40' from rear lot line (50' req.) and 7' from side lot lines (50' req.) at property located at 35 Harold Ave. in RA-20 & FPO zone.

No one is present to represent this application; it is therefore tabled for one month.

DECISION: Adjourned without prejudice for one month.

OLD BUSINESS:

1. Application of Robert Gonyo, 17 Dakota Street, Rochester, New York 14611 for variance to allow a lot width of 623.06 for lot A (700' req.) and 539.50 for lot B (700' req.) at properties located at 90 and 925 Chili Scottsville Road in RA-20 zone.

Robert Gonyo is present to represent this application. He says that he wants a variance because the lots are not wide enough.

Tom Ward asks if he is subdividing from one large lot, and Mr. Gonyo says they were illegally subdivided when he bought it.

Tom Ward asked if he was in the process of getting maps done, and he said yes. Tom then asked if he had been to the Planning Board, and he said no.

Bob Connolly said he did come in for the preliminary though. Bob said it was one large lot and he bought $\frac{1}{2}$ and is now trying to legalize his part.

Dan Miller asked if there was enough land to comply with the variance and Mr. Gonyo said, "yes, there are 50 acres and I am buying more.

Tom Ward asked Bob Connolly if they had gotten a note out to the neighbors, and Bob said, "no, we didn't know it was coming up.

No one spoke in favor or in opposition to this application

DECISION: Unanimous approval by a vote of four with no conditions imposed.

OLD BUSINESS:

Tom Ward said the Board had been asked to rehear the application of Susan Belding once more for the operation of a beauty shop on Amanda Drive. Previous denial by a vote of 3/2 was based in part on the objections of neighbors, who now support her application in petition form.

It is suggested that she must readvertise at her own expense and legal notices must be mailed as per the zoning law.

DECISION: Application will be reheard if applicant applies again.
Unanimously approved by a vote of four.

Re: Pumpkin Hill Forest Creek Equity application
Another hearing is requested for revised freestanding signs. Request to rehear is based on a change in the application.

The applicant must readvertise at own expense and legal notices must be mailed in compliance with the zoning law.

DECISION: Rehearing unanimously approved by vote of four.

Tom Ward adjourned this meeting at 10:00 p.m.



CHILI ZONING BOARD

June 25, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on June 25, 1985 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Tom Ward, Chairperson; Shirley Whelpton, Dan Melville, Susan Brooks, Ralph Wehner

ALSO PRESENT: Dan Miller, Deputy Town Attorney

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Rodney Beale, owner, 27 Stottle Road, Churchville, N.Y. 14428 for variance to erect a 12' x 20' and 14' x 4' detached garage to be 5.5' from side lot line (10' req.) at property located at above address in R-1-20 zone.
2. Application of Rodney Beale, owner, 27 Stottle Road, Churchville, N.Y. 14428 for variance to erect at 14' x 16' wood utility shed to be 224 sq. ft. (120 sq. ft. allowed) and to be 4' from side lot line (5' req.) at property located at above address in R-1-15 zone.

Rodney Beale is present to represent this application. He explains that he needs another garage because water has totally undermined his old one. The shed, he explains, is necessary for the storage of junk.

Tom Ward asks if the existing garage is to be removed, and Mr. Beale says, "yes." He states further that he will have to go underneath it to get below the water. He explains that this is why he is going even larger than what he had--to get away from the water. This is what the contractor suggested, he says.

Tom Ward asked what size the existing garage is, and Mr. Beale said that it is 2' one way and 4' the other shorter than what he is asking for. Tom then asked why the shed had to be so close, and Mr. Beale said it is because of the slope of his property. He explained that he has a sharp angle coming down and the drainage there is the problem. He claims that water is undermining the whole property. He says that he is going to lift it off the ground to try to get above the water.

Tom Ward asks what is the property just to the north of his property, and Mr. Beale says there is no other residence there.

Dan Melville asks if the new garage is going where the old one was. Mr. Beale says that it is going to overlay the old one, extending 2' on one side and 4' on the other.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval by a vote of five.

3. Application of Roger James, owner, 2465 Westside Drive, North Chili, N.Y. 14514 for variance to allow a second road cut on property located at above address in R-1-15 zone.

Roger James is present to represent this application. He says that he needs a variance for a second driveway. The present drive, he says, now exits on Westside Drive and when he backs out, he is backing into traffic flow from two directions. In the winter, he says the snow plows pile snow so that it blocks his drive and reduces the visibility.

Tom Ward asks if there is any drainage swale that might be affected, and Mr. James says there is one that would not be interfered with by his proposal.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *6-19-85*

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

GATES-CHILI NEWS

Issue Dated... *6-19-85*

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, 19...*87*

Legal Notice

Zoning Application Town of Chili

Pursuant to Section 287 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals, 3235 Chili Avenue, Rochester, New York 14624 on June 25, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Application of Rodney Beale, owner, 27 Stottle Road, Churchville, New York 14428 for variance to erect a 12' x 20' and 14' x 4' detached garage to be 5.5' from side lot line (10' req.) at property located at above address in R-1-20 zone.
2. Application of Rodney Beale, owner, 27 Stottle Road, Churchville, New York 14428 for variance to erect a 14' x 16' wood utility shed to be 224 sq. ft. (120 sq. ft. allowed) and to be 4' from side lot line (8' req.) at property located at above address in R-1-20 zone.
3. Application of Roger James, owner, 2102 Westside Drive, North Chili, New York 14514 for variance to allow a second road cut on property located at above address in R-1-15 zone.
4. Application of Style Lite Home Improvements, 2945 Cylerville Road, Lester, New York 14539, property owner - Jeannette Freese; for variance to erect a 15' x 15' addition to garage to be 17' from side lot line (50' req.), 25' from rear lot line (50' req.) with a floor elevation of 522.8 (526 req.) at property located at 191 Ballantyne Road in RA-20 & FPO zone.
5. Application of Gary Spoor, owner, 260 Fisher Road, Rochester, New York 14624 for renewal of conditional use permit for an office in home at property located at above address in RA-10 & FPO zone.
6. Application of John VanSavage, owner, 29 Jemison Road, Rochester, New York 14623 for variance to erect a 24' x 24' detached garage to have a floor

elevation of 524.0 (525.5 req.) at property located at above address in RA-20 & FPO zone.

7. Application of George Kueppers, owner, 1035 Paul Road, Rochester, New York 14624 for variance to erect a 4' high fence along Paul Road & Chestnut Ridge Road where 3' is allowed at property located at above address in R-1-20 zone.

8. Application of Ralph Szweda, owner, 10 Cross Bow Drive, Rochester, New York 14624 for variance to erect a wood utility shed to be 3.5' from side lot line (8' req.) and 4' from rear lot line (8' req.) at property located at above address in R-1-15 zone.

9. Application of Susan Belding, owner, 11 Amanda Drive, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-12 zone.

10. Application of William Davids, owner, 202 Morgan Road, Scottsville, New York 14546 for variance to erect a 20' x 30' detached garage to be 6' from side lot line (50' req.) and 4' from house (50' req.) at property located at above address in RA-20 & FPO zone.

11. Application of Perna Homes, owner, 849 Paul Road, Rochester, New York

14624 for variance to allow a house to be 8.59' from side lot line (10' req.) and to be placed 1.41' onto an easement at property located at 10 Woodruff Glen in R-1-15 zone.

12. Application of Pam Dickson, Nothnagle Realtors, 2170 Chili Avenue, Rochester, New York 14624, property owner - Forest Creek Equity Corp.; for variance to erect two 8' x 1' additions to existing freestanding signs at property located at 844 Paul Road in RM zone.

13. Application of Townline Deli, 2575 Chili Avenue, Rochester, New York 14624, property owner - Charles Cutaia; for variance to erect a 5' x 5' double faced freestanding sign at property located at above address in NB zone.

14. Application of Philip Schuler Jr., owner, 1300 Scottsville Road, Rochester, New York 14624 for variance to allow a 1' front setback for a boat pond at property located at 1350 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.

R. Thomas Ward, Chairman
Chili Zoning Board of Appeals

OLD BUSINESS:

1. Application of Roma DeStato, 11 Stal Mar Circle, Rochester, New York 14624, property owner - Chili Associates; for variance to allow 2 wall signs, each being 15' x 3' and to include logos at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.
2. Application of Al Brown, 55 Canterbury Road, Rochester, New York 14607, property owner - Harry Burdick; for variance to allow a warehouse to be 30' from west side lot line (40' req.), 20' from east side lot line (40' req.), 54' from rear lot line (80' req.), variance to allow front parking for 9 vehicles at property located at 271 Paul Road in LI & FPO zone.
3. Application of Joseph Yankovich, Surveyor, 1726 Long Pond Road, Rochester, New York 14606, property owner - Dar Investors; for variance to erect a single family dwelling to be 40' from front lot line (100' req.), 40' from rear lot line (50' req.) and 7' from side lot lines (50' req.) at property located at 35 Harold Avenue in RA-20 & FPO zone.

Opening Board June 85

Susan Brooks asked Mr. James what kind of fill he planned to use in this second drive; he answered that he planned to use stone fill until the ground firmed, and then he would consider black topping the drive.

No one spoke in favor or in opposition to this proposal.

DECISION: Unanimous approval by a vote of five.

4. Application of Style Lite home Improvements, 2945 Cylerville Road, Lester, N.Y. 14539, property owner - Jeanette Freese; for variance to erect a 15' x 15' addition to garage to be 17' from side lot line (50' req.); 25' from rear lot line (50' req.) with a floor elevation of 522.8 (526 req.) at property located at 191 Ballqntyne Road in RA-20 and FPO zone.

No one is present to represent this application.

On Second Call: Mr. Werner Locker is present to represent this application. He says they are requesting permission to extend the garage to the rear of the house, and it is to be used as both garage space and recreational area.

Shirley Whelpton asks if there is an outside exit in the back and is told yes.

DECISION: Unanimous approval by vote of five.

5. Application of Gary Spoor, owner, 250 Fisher Road, Rochester, N.Y. 14624 for renewal of conditional use permit for an office in home at property located at above address in RA-10 & FPO zone.

Mr. Spoor is present to represent this application. He says he wants to renew his conditional permit that he has had for several years. He explains that the conditions will be the same as before.

Susan Brooks asks him what kind of business he has, and he explains that it is a used car business, but no cars, used or new, are displayed there.

Tom Ward asks him how many years he has been applying for this same renewal, and he answers, "14."

Dan Melville asks if he does repairs on the property, and he says no.

Mr. Spoor submits a petition to the board. It has been signed by five immediate neighbors who have no objection to his renewal.

Charles Bellinger of 250 Fisher Road spoke in favor of this application.

No one spoke in opposition to the proposal.

DECISION: 3 year conditional use permit unanimously approved by vote of 5.

Conditions: No more than 4 cars parked on the property at any given time.
There will be no advertising on the property.
No body repair work is allowed on the premises.
No engine repair is allowed.

6. Application of John VanSavage, owner, 29 Jemison Road, Rochester N.Y. 14623 for variance to erect a 23' x 24' detached garage to have a floor elevation of 524.0 (525.5 req.) at property located at above address in RA-20 & FPO zone.

Martha VanSavage, wife of above applicant, is present to represent the application. She explains that the old garage has fallen down. It was 20' x 20' and the proposed garage will be 24' x 24' and in the very same place.

Tom Ward asked if there is already an existing drive and she told him there was. He then asked if the garage was strictly for storage and for their own personal vehicles, to which she answered "yes."

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval by a vote of five.

7. Application of George Kueppers, owner, 1035 Paul Road, Rochester, N.Y. 14624 for a variance to erect a 4' high fence along Paul Road & Chestnut Ridge Road where 3' is allowed at property located at above address in R-1-20 zone.

Mr. Kueppers is present to represent this application. He explains that his property is on a corner lot, and that he has four little children who need to be contained by use of a 4' fence around his property.

Shirley Whelpton comments on the size of his lot and questions why he needs to fence the entire yard. She says that many children in Chili do not have this much space to play in.

Mr. Kueppers says that he wants to fence the entire thing because the children are growing and will need greater space as they get older. He also says that while he is doing it at all, he wants to do it right and permanently.

Tom Ward says, "you're showing this to be right around the boundaries of Paul and Chestnut Roads, is there any reason why you couldn't move the fence back toward the house to allow for better visibility at that corner?"

Dan Melville asks how far off the road is that, and he is told it is about 10'. Dan says that his concern is also for the visibility at the corner.

Tom Ward reminds the applicant that the present application places the fence on a town easement, and that the fence would be subject to removal if any work needed to be done there. He explains that any cost in removing or replacing the fence would beat the owner's expense.

Mr. Kueppers asks for clarification of the town's ruling on fencing swimming pools. He says that he may want to put in a pool in the future, and this is another reason why he wants a 4' fence around the yard.

Tom Ward read the Monroe County Planning Department's recommendations that suggested that the Zoning Board deny this application because of the visibility problem at the corner if it were approved.

Mr. Kueppers asked about a chain link fence. He stated this his wife preferred a white picket fence, but that he would happily go along with a chain link fence, which might also resolve the visibility problem.

Tom Ward said the board could recommend that, but might also require that the fence be set back for a clear visionary reason.

Shirley Whelpton asked if there was any reason he was considering fencing the whole yard, and Mr. Kueppers said he never did things half way; it had to be first class all the way.

Shirley said that if he set it back further, it might well eliminate the problems that a snow plow would cause, i.e., damage to the fence, etc.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval of modified application. Conditions as follows:

1. The fence must be installed according to the specifications of the Chili Zoning Board (drawing rendered). It must be inside the easement and not in front of the house.
8. Application of Ralph Szweda, owner, 1015 Cross Bow Dr., Rochester, N.Y. 14624 for variance to erect a wood utility shed to be 3.5' from side lot line (8' req.) and 4' from rear lot line (8' req.) at property located at above address in R-1-15 zone.

Mr. Szweca is present to represent this application. He explains that he is requesting a variance for a shed that is already up. He explains that 15-16 months ago he called the Town Hall and was given misleading information. The present place where the shed is is the only place it can go. He says that in order to meet the set back requirement, he would have to relocate two fruit trees if he was required to move the shed.

Mr. Szweca submitted to the board two letters of support from immediate neighbors, Ross Cirri of 8 Cross Bow Rd. and Robert Dunning of 27 Hyde Tree Lane, as well as a petition that had been signed by 19 neighbors who had no objection to the present location of his shed.

Tom Ward said he did not know who he might have spoken to at the Town Hall, but that the present application was this board's consideration.

Tom Ward asked if the applicant's property sloped, and Mr. Szweca said that it did slope and that if he had to move it, he had the problem of what to put underneath it to keep the thing level. He said he would also have the problem of one or two trees that would have to go.

Tom Ward asked if there was a fence adjacent to the shed and Mr. Szweca said there is a fence and he is 4' from the fence. Tom Ward asked if the shed was just for the storage of equipment, and Mr. Szweca said, "yes."

Tom Ward asked if there was an easement on the property, and Mr. Szweca said, "none to my knowledge."

Ron Hall of 9 Crossbow Drive spoke in favor of the applicant's proposal.

No one spoke in opposition to the application.

DECISION: Unanimously approved by a vote of five.

9. Application of Susan Belding, owner, 11 Amanda Drive, Rochester, N.Y. 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-12 zone.

Susan Belding is here to represent this application. She says that she wants to do hair part-time in her home. She is expecting a child, she says, and wants to be home to care for the child. She says that she knows of another home in the neighborhood that does the same thing and she knows of no problems with that business. She submits a petition of neighborhood support (45 signatures).

Tom Ward explains that this application was originally denied due to neighborhood opposition. It is being reheard because of new evidence.

Mrs. Belding said that she had talked to the "Building Department" and would be willing to comply with any of their regulations.

Dan Melville asked what her hours of operation would be, and she said they would be part-time hours, only a few hours a day, and not on Saturdays.

Carlene Titus of 21 Algiers St. asked what length of time she might be given this conditional use permit. She was told it would be for one year if granted, unless the board decided otherwise.

QUESTIONS OR OBJECTIONS FROM THE AUDIENCE:

Frank Martone - 19 Algier Drive

He submitted to Tom Ward a petition opposing the application. (15 signatures) He also explained that the petition was initiated by Stewart Stumpf, who lives across the street from Mrs. Belding. He said that he is speaking in behalf of Mr. and Mrs. Charles Doerr, who were unable to attend the meeting. They too are opposed to this application. He says that he wants questions and answers from this board. He presents to Mr. Ward a letter from Mr. and Mrs. Doerr of 15 Amanda Drive.

Tom Ward reads the letter to the board. Reasons for opposition to Mrs. Belding's application are as follows: 1) It will increase the traffic flow in the neighborhood, 2) It will destroy the present atmosphere of a fine family neighborhood, 3) It will lower property values in the neighborhood.

Tom Ward reads the petition, which states the same objections to the application as those stated in the letter from Mr. and Mrs. Doerr.

Frank Martone asks how many times they can appeal this thing. Tom Ward asks Mr. Martone if he has other objections than the above, and Mr. Martone says he has questions that need answers. He wants to know on what basis this application is being heard again. Tom Ward explains that the original denial was on the basis of opposition, but that there seems to be a substantial change in evidence.

Frank Martone then says that this whole thing will lead to a realtors hay day. He says they will be selling property as something that can go commercial any time. He says there are 3 beauty shops in the neighborhood and they don't need another one. "Enough is enough."

Mrs. Stump of 12 Amanda Drive protests to the application of Mrs. Belding and claims that she was badly treated with profanity by Mrs. Belding.

Tom Ward immediately restores order by explaining that the purpose of this board meeting is not to air personal grievances or to resort to name calling. He said that the board would not tolerate this type of behavior.

Mr. Martone said this whole thing is going to snowball into something that will rob us of the opportunity to sell our property for a fair price. He explained that he cared about the price of his property and felt that he should be able to protect that. "They were told that they could not open a business when they bought that property, I'm sure." "Realtors are going to have a ball now."

Dan Melville said that in the petition they had claimed that a beauty shop in the neighborhood would lower property values. "What evidence do you have of that? Do you have a realtor's statement to that effect?"

Mr. Martone says that everyone knows it would lower property values.

Stewart Stumpf

He says that he lives across the street from the applicant and he is concerned about parking and traffic on the street. He says that in the winter parking must be in the drive and not on the street.

Arlene Titus - 21 Algier Drive

She says that she is also concerned about property values. This would set a precedent, she says, and she objects to that.

Fred Nilsen - 13 Nyby Road

He says that he lives behind the applicant. He says that he objects to anyone opening another shop. He says there are parking problems with the other shops.

Mrs. Belding said that she spoke to a realtor, who told her that property values would not go down as long as she did not employ other beauticians, advertise on the property, or park more than 2 cars on the property at one time. She stated that she planned to do none of the above.

Mr. Stumpf said there have already been cars on the street there.

THOSE WHO SPOKE IN FAVOR OF APPLICATION:

Marian Free - 9 Amanda Drive

She says the presence of a beauty shop in the neighborhood does not really effect the property value. As evidence she volunteers that she and her husband bought their property knowing of a beauty shop in the neighborhood. She says she has absolutely no objection to Mrs. Belding's conditional permit.

Willard Farrell - 10 Amanda Drive

He lives right across the street and sees no problem with this application.

Tom Minochi - 1898 Amanda Drive

He says that he has seen the shop and that she would only have room for two or three people anyway. He says he has no objection whatsoever.

DECISION:

Approved by a vote of four; one vote of abstentia;
Shirley Whelpton

Conditions as follows:

1. No on-street parking
2. No more than 2 cars in the driveway at any time.
3. No outdoor advertising
4. No addition employees
5. One year conditional permit
6. No business transacted after 9 p.m. or on Sunday
7. Applicant must comply with the building and fire codes.

10. Application of William Davids, owner, 202 Morgan Road, Scottsville, N.Y. 14546 for variance to erect a 20' x 30' detached garage to be 5' from side lot line (50' req.) and 4' from house (50' req.) at property located at above address in RA-20 & FPO zone.

Mr. Davids is present to represent this application. He explains that he wants to demolish a large barn next to his house, since the wind has already blown part of it down. He says that he cannot put it where the old barn is because there is a basement in the old barn. He further states that he has talked to neighbors and they have no complaints with his proposal.

Tom Ward asks him if the old barn is to be completely removed, and Mr. Davids says that it is and that he will actually be improving the condition, since the old barn is only 30' from the center of the road--a violation of today's zoning regulation.

Ralph Wehner asks what he plans to do with the hole that will remain when the old barn is removed. Mr. Davids said he will fill it.

No one spoke in favor or in opposition to the application.

DECISION:

Unanimously approved by a vote of five.

Conditions: Barn must be removed within one year and the resulting hole filled.

11. Application of Perna Homes, owner, 849 Paul Road, Rochester, N.Y. 14624 for variance to allow a house to be 8.59' from side lot line (10' req.) and to be placed 1.41' onto an easement at property located at 10 Woodruff Glen in R-1-15 zone.

James Valerio, one of the principals of Perna Homes, is present to represent this application. He states that unfortunately a field error was made, and only after completion of the house and final closing was it discovered. He said the house was staked out in February or March, and that somehow a stake must have gotten moved to create this violation.

Tom Ward said that he noted that they had 32' to the other side of the lot line. He therefore wondered why they had placed the house so near to the sanitary easement in the first place. Mr. Valerio said that they were trying to save trees on the lot. He said that if they shifted the house to one side, it would save a few trees on the property. He said furthermore that the house did not look out of place because it followed the natural curve of the cul-de-sac there.

Tom Ward said, "this isn't the first time this has happened with Perna Homes, is it, Mr. Valerio?" He answered that it was not the first time, and was about the third time. Mr. Ward confirmed that there had been three previous applications and he questioned what Perna Homes was going to do to address this problem.

Mr. Valerio said that there was no excuse for the mistake, but that they could not get an engineer to come out and check the stake out twice. He said that when the property was staked there was snow on the ground and the mistake may have resulted from those conditions. More likely was the possibility that a neighborhood child had moved the stake, he said.

Tom Ward reminded Mr. Valerio that this appeared to be a frequent problem with Perna Homes. He further stated that this board is not here to rectify your mistakes.

Susan Brooks asked Mr. Valerio if they were still using the same engineer, the one who had also been responsible for the last two mistakes. The applicant said that they were, but that they did not really blame the engineer. He said that Perna Homes had been satisfied with him in all other ways, and that this was an error that may well have been the fault of someone other than the consulting engineer.

Tom Ward said that Perna Homes has a high record of mistakes and that somewhere there is a problem that needs to be corrected. He said it will save Perna Homes time and money if they will take the time to get to the root of the problem.

Mr. Valerio said that they are now double checking all stakes. He said that since this house is on an easement, they are seeking a release from the Gates-Chili Sewer Agency.

DECISION: Disapproved by a vote of 3:2
Negative votes cast by Dan Melville and Tom Ward

12. Application of Pam Dickson, Nothnagle Realtors, 2170 Chili Ave., Rochester, N.Y. 14624, property owner - Forest Creek Equity Corp.; for variance to erect two 8' x 1' additions to existing freestanding signs at property located at 844 Paul Road in RM zone.

Pam Dickson is present to represent this application, which had been denied previously, but the application was altered and is now being reheard. Ms. Dickson says that a sign with the name of the realtor is necessary. She says that she is requesting that the name of the real estate company and the realtor who is handling the sale be permitted to appear on the sign.

Tom Ward asked if the sign was to be illuminated and Ms. Dickson said that it would not be.

Tom Ward asked if she knew whether the original signs had been moved back to a minimum of 20' from the right of way, as was requested at the last hearing. He was told that the freestanding signs are now in compliance with the original conditions.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval of five with following condition:
the "Sales By" and "Sales Manager" must be deleted from the sign.

- 13. Application of Townline Deli, 2575 Chili Ave., Rochester, N.Y. 14624, property owner - Charles Cutaia; for variance to erect a 5' x 5' double faced free standing sign at property located at above address in NB zone.

Charles Cutaia is present to represent this application.

Dan Melville asks Mr. Cutaia if the sign is to be illuminated and he is told that it will be. Dan then asks where the sign is to be placed, and Mr. Cutaia says it will be placed on the pole that is already there. He says that he had a sign like this for the Cutaia Farm Market.

Dan Melville says he understands that the sign is to be provided by Canada Dry. He wonders if the sign is damaged whether Canada Dry will either repair or replace it. Mr. Cutaia says he is sure that they will.

Tom Ward says, "then you are actually replacing an existing sign?" and Mr. Cutaia answers "yes."

DECISION: Unanimous approval by a vote of five with the following condition:

If the sign becomes damaged, it must be removed or repaired within 30 days.

- 14. Application of Philip Schuler Jr., owner, 1300 Scottsville Rd., Rochester, N.Y. 14624 for variance to allow a 1' front setback for a boat pond at property located at 1350 Scottsville Road in GB zone.

Both Jeff Wright from the firm of Nixon-Hargrave and Mr. Philip Schuler are present to represent this application. Mr. Wright explains that Phil is applying for variance from the front set back restrictions on Scottsville Road so that he can install a small 60' x 60' bumper boat pond. He said that this bumper boat pond would be no closer to Scottsville Road than the present Go-Kart track that is there now. He said that in 1969 the owner applied to the board for a variance to install a Go-Kart Track, had his application approved, and in 1981 applied for an extension, which was also approved.

Mr. Wright submits to the board the site plan, as well as a drawing that Mr. Schuler's uncle prepared, showing the completed project. He explains that it would be enclosed by a chain link fence, and he proceeds to explain the drawing. He says that the bumper boats would have 2 hp motors with a maximum speed of 4-5 mph. They are encased with a large plastic structure that looks like an inner tube. He claims that they are designed as such for safety. According to Mr. Wright, Mr. Schuler will improve the property by removing the gravel edge and asphaltting it. Mr. Wright also says that Mr. Schuler is applying for the variance on the basis of the economics of the situation. He said there is essentially no other place on the property where he might put in this bumper boat pond.

Tom Ward asked if he was still the owner of the rest of Olympic property, and Mr. Wright said that Phil's property runs up to and includes the game room, the Go-Kart track and the surrounding area. He indicates on the map where the property line is, and says that his father owns other olympic recreational land.

Mr. Wright explains that what he is proposing is simply an ancillary to the existing entertainment use there. He says there would no additional burden on traffic in the area, utilities, or other considerations, such as parking.

Tom Ward asks what the distance of the pavement from the boat pond is. He is told that it is 28½' from the right of way of the road.

Tom Ward said that he would only be concerned about the town's liability.

Ralph Wehner asked what the age limit was for patrons of the boat pond. He is told that age is not a limiting factor, but rather it is based on the child's height.

Tom Ward asked if these boats could be secured at night, and Mr. Wright said that they would be chain locked at night. Tom then asked if the pool had a filter and was told yes.

Dan Melville asked Mr. Wright if there would be signs in the area identifying the boat pond and was told that signs would be posted near the Go-Kart Track.

Shirley Whelpton asked if there would be a specific dock area for boarding the boats. She said her concern would be for the safety of children who are getting into the boats. Mr. Wright indicates to her where the docking will be and what precautions will be taken to assure safety.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval by a vote of five with the following conditions:

1. Applicant must obtain written approval from the N.Y. State Dept. of Transportation.
2. Applicant must comply with all the applicable rules that apply to swimming pools in the Town of Chili.

OLD BUSINESS:

1. Application of Roma DeSiato, 11 Stal Mar Circle, Rochester, N.Y. 14624, property owner - Chili Associates; for variance to allow 2 wall signs, each being 15' x 3' and to include logos at property located at 3240 Chili Avenue (Chili-Paul Plaza) in GB zone.

Tony DeSiato is present to represent this application. He says that the signs are already there and he plans to simply replace those that are already there.

Tom Ward asks if he will use the same frames and he says he will.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval by a vote of five.

2. Application of Al Brown, 55 Canterbury Road, Rochester, N.Y. 14607, property owner - Harry Burdick; for variance to allow a warehouse to be 30' from west side lot line (40' req.), 20' from east side lot line (40' req.), 54' from rear lot line (80' req.), variance to allow front parking for 9 vehicles at property located at 271 Paul Road in LI & FPO zone.

Mr. Gary Sylvester of SKS Associates and 47 Steele St. is present to represent this application and the Burdick family. He said that there is an 8200 sq. ft. building on the property, which needs side and rear set back variances. He also says that his office has represented three different families who failed to enter into purchase agreements because of the set back restrictions. He explains that the property is residential in size but because of the zoning, it can hardly be used as residential property. He said the proposal has been presented to the Planning Board and final set plan approval is contingent upon wet lands determination and approval by the Town Engineer.

Shirley Whelpton asked what kind of business he has, and he says that Shipco is a courier service, delivering local mail. Shirley then asks if they have room for truck parking on the premises, and Mr. Sylvester says trucks are parked in the rear.

Tom Ward asks Mr. Sylvester if they have received permission from the NYDOT for a road cut, and Mr. Sylvesters says that they have submitted drawings for the curb cut.

Shirley Whelpton asked if this is to be strictly a warehouse, and she is assured that it is.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval by a vote of five.
Application subject to approval of NYDOT and Town Engineering approval.

3. Application of Joseph Yankanich, Surveyor, 1726 Long Pond Road, Rochester, N.Y. 14606, property owner - Dar Investors; for variance to erect a single family dwelling to be 40' from front lot line (100' req.), 40' from rear lot line (50' req.) and 7' from side lot lines (50' req.) at property located at 35 Harold Avenue in RA-20 & FPO zone.

Joseph Yankanich is present to represent this application. He says that this is part of the Riverview Gardens. It is a pre-existing lot that has been filed in Monroe County Clerk's Office. He said that he is requesting

the stated variances to make the lot legal.

Tom Ward asks how this will be graded, and he is told that it will be 7' from each side lot line.

Mr. Yankanich said that they had taken the application to the Planning Board and that site plan approval is pending at this time. He said that the Town Engineer had asked for greater detail on the drainage in the area and on the proposed building plan.

Dan Melville says that one of his primary concerns in this case would be the drainage problems in the area, i.e., a neighbor who lives on land that is lower than this might sustain greater problems as a result of this construction. He said that it is a two-sided problem with this house needing to be built up to comply with the flood plain regulations.

Tom Ward asked how long Dar Investors had owned the land and was told that they had owned it for 5 years.

QUESTION FROM THE AUDIENCE:

Jerry Brixner - 14 Hartom Road - Councilman for the Town of Chili

He asked if this issue had been raised before the board before. He was told that it had been raised last month. He said he wanted it known that he objected on the basis of the lot size.

No one spoke in favor and no one else spoke in opposition to this issue.

DECISION: Tabled pending the Planning Board's final decision.

NEW BUSINESS:

Tom Ward read a letter from the Grace Covenant Church, in which they requested permission to extend their firewood operation until the end of 1985. It was agreed upon by all board members present that they must formally apply for an extension.

Reverend Jones from Grace Covenant Church is requesting a relocation of the church sign. It was agreed that he must apply to the Building Inspector for permission to do this.

Minutes from the April and May 1985 meetings were approved.

This meeting was dismissed by Chairperson Tom Ward at 10:40.

ZONING BOARD

July 23, 1985

A 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 July 23, 1985. The meeting was called to order by Chairperson Thomas Ward at 7:30 P.M.

PRESENT: Thomas Ward, Chairperson, Daniel Melville, Susan Brooks, William Cates, Ralph Wehner, and Shirley Wheipton.

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

1. Application of Shirley Easton, owner, 27 Sand Pebble Drive, Rochester, NY 14624 for renewal of conditional use permit for an electrolysis business in home at property located at above address in R-1-15 zone.

Ms. Easton was present and stated she would like to renew the permit to operate a part-time electrolysis business at that address. Mr. Ward asked if she had been in before and was told last week. Mr. Ward asked if the first time they granted the application and was told yes. Mr. Ward stated the Building Inspector is out because of surgery - were there any problems from the neighbors? Ms. Easton stated she hasn't heard of any. Mr. Ward read the original stipulations and stated the application was granted for one year. Ms. Easton stated she would like to change the day, Wednesday is better, take off Friday. Mr. Ward asked if it was strictly during the afternoons and was told that is correct. Mr. Ward asked the latest appointment and was told 4:15 P.M. Mr. Ward asked if there was anything going on after 9:00 P.M. and Ms. Easton answered definitely not. Ms. Brooks asked how many clients per week and was told maybe 10.

No one spoke in favor or opposition.

DECISION: Unanimously approved with following conditions:

1. No on-street parking.
 2. No signs on premises.
 3. No on-site advertising.
 4. Hours of operation: Tues., Thurs., and Fri. afternoons and one evening per week.
 5. Application granted for three years.
2. Application of Marcia Havens, owner, 28 Woodside Drive, Rochester, NY 14624 for renewal of conditional use permit to allow an office in home, including an 8" x 14" sign under mailbox at property located at above address in R-1-15 zone.

Ms. Havens was present and stated she is seeking a three year renewal of the conditional use permit granted last year. She would also like to continue using the sign that was permitted which is hanging on the mailbox and is 8" x 14" white sign with black lettering. Practice is very small, general practice, basically real estate, matrimonials, wills, etc. No injurious or detrimental effect on neighbors. Office hours by appointment only - four or five clients on a a real busy day, lot of business on the telephone. Traffic generated not much more than others in the neighborhood, especially those with teenagers. There has been no visual change to the outside of the house, no complaints from the neighbors - lot of support and encouragement from them. Hard work and money have gone into establishing this business.

Mr. Ward stated one of the reasons she wanted the office was because of her children. Ms. Havens stated they are 6 and 8 and it is working out well for her family.

No one spoke in favor or opposition.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *7-17-85*

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

GATES-CHILI NEWS

Issue Dated... *7-17-85*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19*87*

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 July 28, 1965 at 7:30 p.m. to hear and consider the following applications:

1. Application of Shirley Easton, owner; 27 Sand Pebble Drive, Rochester, New York 14624 for renewal of conditional use permit for an electrolysis business in home at property located at above address in R-1-15 zone.
2. Application of Marcia Havens, owner; 28 Woodside Drive, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home, including an 8"x4" sign under mailbox at property located at above address in R-1-15 zone.
3. Application of Dale Roberts, owner; 93 Emerald Point, Rochester, New York 14624 for variance to erect a 12'x12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed) and to be 2' from garage (8' req.) at property located at above address in R-1-15 zone.
4. Application of Jacob Seldowitz, owner; 2021 Scottsville Road, Rochester, New York 14623 for variance to erect a 3'2½ double faced freestanding sign at property located at address in RA-20 & FPO zone.
5. Application of Universal Joint Sales, care of Nichols (3), 170 Mt. Read Blvd., Rochester, New York 14611, property owner - R. Wirth & A. Marshall; for variance to allow front parking for 17 vehicles at property located at 1437 Scottsville Road in GI zone.
6. Application of Pearce Memorial Church, owner care of Alfred Morton, 2301 Westside Drive, Rochester, New York 14624 for variance to erect an addition to house to be 32' from rear lot line (40' req.) and 41.5' from front lot line (60' req.) at property located at 6 College Drive in R-1-15 zone.
7. Application of Gullwing Motor Car, owner; 1288 Scottsville Road, Rochester, New York 14624 for variance to erect a 4'x6' double faced freestanding sign to be placed on lot line (20' req.) at property located at above address in GB zone.
8. Application of Henry VerSluys, owner; 40 Jensen Drive, Rochester, New York 14624 for variance to erect a 9'x8' enclosed porch to be 52' from front lot line (60' req.) at property located at above address in R-1-11 zone.
9. Application of Kathleen Salerno, owner; 102 Attridge Road, Churchville, New York 14428 for conditional use permit to allow a dressmaker's business in home at property located at above address in R-1-15 zone.
10. Application of Marcel Fournier, 1350 Scottsville Road, Rochester, New York 14624, property owner-Olympic Amusement; for variance to allow two pictorial signs each being 25'x20' on existing bowling hall at property located at above address in GB zone.
11. Application of Richard Fellows, owner; 585 Chestnut Ridge Rd., Rochester, New York 14624 for variance to erect a 24'x24' addition to garage to make a total of 1,152 sq. ft. (900 sq. ft. allowed), and to be 35' from rear lot line (90' req.) at property located at above address in R-1-20 zone.
12. Application of Leo Heiler, owner; 15 Chestnut Drive, Rochester, New York 14624 for variance to create 2 lots - Lot 1 to allow house to be 27' from rear lot line (30' req.) and Lot 2 to allow house to be 28' from front lot line (60' req.) and not to abut a street (40' req.) at property located at 15 & 17 Chestnut Drive in R-1-12 zone.
13. Application of Barb Czerkas, owner; 146 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 6' high fence where 3' is allowed at property located at above address in R-1-12 zone.
14. Application of Barb Czerkas, 146 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 12' satellite dish to be a 30' from front lot line (55' req.) at property located at above address in R-1-12 zone.
15. Application of Robert Byer, owner; 925 Paul Road, Rochester, New York 14624 for renewal of conditional use permit for an office in home at property located at above address in R-1-15 zone.
16. Application of Mark Drexler, 235 East Lake Road, Honeoye, New York 14471, property owner Dorothy Wing; for variance to erect a house to be 80' from front lot line (100' req.) and 47½' from both side lot lines (50' req.) at property located at 50 Morgan Road in RA-20 & FPO zone.
17. Application of Alexander Eadie, owner; 1807 Scottsville Road, Rochester, New York 14623 for variance to allow 2 road cuts on property located at above address in RA-20 & FPO zone.
18. Application of Perla Homes, 849 Paul Road, Rochester, New York 14624 for variance to allow a house to be 8.59' from side lot line (10' req.) and to be placed 1.44' onto an easement at property located at 10 Woodruff Glen 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. R. Thomas Ward, Chairman Chili Zoning Board of Appeals

DECISION: Approved (5 yes, 1 abstention) with following conditions:

1. Sign be no greater than 8" x 14".
 2. No on-street parking.
 3. Application granted for three years.
3. Application of Dale Roberts, owner, 93 Emerald Point, Rochester, NY 14624 for variance to erect a 12'x12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed) and to be 2' from garage (8' required) at property located at above address in R-1-15 zone.

Mr. Charles Mulley, Jr., 93 Emerald Point., appeared on behalf of his son-in-law, Dale Roberts, the applicant. He stated the shed is needed for more room for tools and equipment. It is a raised ranch and does not have a basement and it limits storage. Mr. Ward stated one of the reasons they require that the tool shed be kept away from the house is fire safety - gas cans and flammable materials. Any reason why it can't be pulled back 6' from the garage? Mr. Mulley stated he is building it right on the patio. Mr. Ward asked if the patio exists and was told it is not existing but is ready to go, ready to pour. He is constructing the patio off the back of the garage. Mr. Ward asked if there were any trees blocking and was told one about 4' away from the patio. Mr. Ward asked if it was pre-fab and was told they are going to build it themselves. Mr. Melville asked how large the cement slab is and Mr. Mulley answered 14x32. Mr. Ward asked if the Building Department required it, would he be adverse to putting in a fire protection and Mr. Mulley stated no problem.

No one spoke in favor or opposition.

DECISION: Approved (5 yes, 1 no) (Building Permit required)

4. Application of Jacob Seldowitz, owner, 2021 Scottsville Road, Rochester, NY 14623 for variance to erect a 3'x2½' double faced freestanding sign at property located at above address in RA-20 and FPO zone.

Mr. Jacob Seldowitz was present and stated he is a real estate broker and they have a 40 acre site at the above location. He would like to have an identification sign on the property to identify real estate activities. Requirement of the State for anyone passing through the door to know that there is a real estate broker residing and conducting business there. Mr. Ward asked if he had already been before this Board or the Planning Board for approval and was told no. He made application at the Building Department and inquired before putting up a sign and they didn't tell him he would need a variance. He is in the process of remodeling and putting in an addition. When the office is complete, if the town requires a permit, then he would meet whatever is required. Mr. Cates stated they can't approve a sign for business that is not approved. Mr. Ward asked if he recently purchased the property. Mr. Seldowitz stated about 1½ years ago. Hopefully expect to complete it this fall. He is residing at the property now although there is no office presently at the property. Mr. Ward stated the only reason he is asking is that the town requires what it calls a conditional use permit to operate offices out of residential dwellings and that may pose some difficulty in granting a sign variance tonight before the conditional use permit. Did the Building Department mention that at all? Mr. Seldowitz stated they have a zoning application for a change to a RH multiple family use of the property and they have received favorable recommendations from the county and a letter from the Planning Board stating they would look favorably towards this request. He believes he should have a sign on the property because he is conducting business from there. He has not other offices. The nature of the business is personal. Mr. Ward stated the town laws can get pretty confusing and sometimes there is a lot of red tape to cut through but he will probably have to make an application to conduct the business even though it was rezoned. Mr. Seldowitz stated when you construct or build a multiple family project, usually as part of the construction you have a sales office and you have to have a sign. Mr. Ward asked if his real estate brokerage be confined strictly to that property or would he be representing clients outside the property? Mr. Seldowitz answered probably. Mr. Ward stated so it wouldn't be strictly confined to the 40 acres. Mr. Seldowitz replied no. Mr. Melville stated that since the town

misguided him, he might want to modify the application or else postpone it. Mr. Ward stated the Building Inspector has been out from surgery and someone else might have been taking his place. Mr. Seldowitz stated the property has an overlay of an LI designation which is right here (referring to map). Mr. Cates stated the problem is we cannot give you a variance without a conditional use permit. Mr. Seldowitz stated he does not have a business in the home now. He is just trying to identify his activity as a real estate broker. Mr. Ward asked if it would be a problem if they tabled this and was told no problem.

No one spoke in favor or opposition.

DECISION: Tabled unanimously.

5. Application of Universal Joint Sales, c/o Nichols (3), 170 Mt. Read Blvd., Rochester, NY 14611, property owner - R. Wirth & A. Marshall, for variance to allow front parking for 17 vehicles at property located at 1437 Scottsville Road in GI zone.

Mr. James Nichols was present representing the applicant. He stated that as the Board knows, they are the exclusive agents for Scott Industrial Park. Planning Board on July 9 waived the preliminary and gave the final subdivision approval.

Mr. Bruce Bonke from Sear Brown, 1437 Scottsville Road, was also present and stated the proposal is for and 11,000 square foot building on 1.5 acres. The property is zoned General Industrial. Plan conforms in number to parking requirements. Square footage would allow 28 parking spots, 17 of those proposed to be in front. Hardships that create that are the large 70' setback from Scottsville Road property on the corner and the need for a loading dock facility. Precedent is there for parking in the front of buildings and they feel this would be one of the better applications. Aesthetics no problem.

Mr. Ward asked if the 28 parking spaces were more or less included in this plan for the wn's zoning requirements or for the use of the building? Mr. Bonke stated it was compensation on what is a comfortable figure for the building. Mr. Ward asked how many employees and was told approximately 10. Generally speaking screened in front and side. Combined retail facility as well as some minor machining in there. Employees will generally do machining inside. Mr. Nichols stated this is a requirement of the Town as far as this particular operation is concerned. Because it is a combined operation, this is what the Town asked for. They have no way of knowing what the future will bring but based on past experience, there will never be a total number parking spaces used. Mr. Ward asked if they expect customers to go in and out. Mr. Nichols stated the business is transmissions, etc. Approximately 5,000 square feet is a shop where to do repairs, another 6,000 set aside for warehouse storage and the rest are offices. Mr. Ward asked if they brought in used vehicles or anything and Mr. Nichols answered no, never. Mr. Ward stated this has been reviewed by the Monroe County Department of Planning and declared a matter for local determination. Mr. Wehner asked why the handicapped parking is so far away. Mr. Nichols stated it was the configuration of the grading on the side. Ramping on the sidewalk is more convenient plus frequency of use. Mr. Cates asked if the Planning Board got into the matter of shrubbery? Mr. Nichols stated the landscaping plans were a part of the plan with the Planning Board and approved.

No one spoke in favor or opposition.

DECISION: Approved. (5 yes - 1 abstention)

6. Application of Pearce Memorial Church, owner c/o Alfred Morton, 2301 Westside Drive, Rochester, NY 14624 for variance to erect an addition to house to be 32' from rear lot line (40' required) and 41.5' from front lot line (60' required) at property located at 6 College Drive in R-1-15 zone.

Mr. Alfred Morton was present and stated there is a new pastor coming and they want to put an addition on the parsonage to put new kitchen

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and family room. The way the house sits on the corner lot because it faces Springbrook, it is a rear lot. Neighbor said he would write a letter stating no objections. Mr. Ward stated he has a letter from David Robinson. Mr. Morton stated it is his side yard of his home. Mr. Ward asked if he was on Springbrook and was told yes and that they have another lot on College adjoining. Mr. Ward asked if the addition is two stories or one and was told one. Mr. Ward asked if it would be strictly for one family, not to be rented out or subdivided into apartments. Mr. Morton stated it was strictly family and kitchen.

No one spoke in favor or opposition.

DECISION: Unanimously approved with condition that the dwelling continue to be used as a single-family residence only.

7. Application of Gullwing Motor Car, owner, 1288 Scottsville Road, Rochester, NY 14624 for variance to erect a 4'x6' double faced freestanding sign to be placed on lot line (20' req.) at property located at above address in GB zone.

Mr. Patrick Evans, President of Gullwing, was present and stated that in 1984 they transformed this into this (referring to pictures) and now they have a problem identifying it. They propose to hang a sign. Mr. Ward asked if there is a sign there presently and was told no. There is a sign that is in close proximity but it isn't theirs. It is blank. Mr. Ward asked if the business has been in before? Mr. Evans stated originally in 1983 to get approvals for the use and to remodel the building. Mr. Ward asked if the sign would be wood and was told actually steel brackets that come up and go around the steel posts already installed on the ground. It will be lighted, 6' this and 4' this way. Mr. Ward asked if it would be internally illuminated and was told yes. Mr. Ward stated the Monroe County Planning stated this was a matter for local determination.

No one spoke in favor or opposition.

DECISION" Unanimously approved.

8. Application of Henry VerSluys, owner, 40 Jensen Drive, Rochester, NY 14624 for variance to erect a 9'x8' enclosed porch to be 52' from front lot line (60' req.) at property located at above address in R-1-12 zone.

Mr. Henry VerSluys was present and stated that actually it is not a porch, it is a front entranceway, just 9'x8'. It will match the present house, shingle wise. Roof will not be quite so high. It will match the lines of the present use. Two windows, a doorway, and front steps. Mr. Ward asked if there were any other houses on the street that has these and Mr. VerSluys stated he couldn't answer that, he never paid any attention. Mr. Ward asked if there were existing homes on both sides and was told yes.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

9. Application of Kathleen Salerno, owner, 102 Attridge Road, Churchville, NY 14428 for conditional use permit to allow a dressmaker's business in home at property located at above address in R-1-15 zone.

No one present to represent this application.

DECISION: Tabled.

10. Application of Marcel Fournier, 1350 Scottsville Road, Rochester, NY 14624, property owner - Olympic Amusement, for variance to allow two pictorial signs each being 25'x20' on existing bowling hall at property located at above address in GB zone.

Mr. Marcel Fournier was present and stated as a part of their conditional improvement, they want to build the building and add the pictorial sign. Trademark in their tournament business. Used

on shirts and jackets and letterhead, etc. It would be the appropriate size to look in balance. Not saying any words, just the ball and pin. Mr. Ward asked if it would just be their logo and was told yes. It would be white with two tones of purple. Mr. Ward asked if there would be anything advertising the lilac tournament. Mr. Fournier stated that is on the front sign. There used to be words on the side of the building and that now is showing through as the paint is starting to fade. Mr. Ward asked how many years the lilac tournament has been held there and was told 17 years. Mr. Ward asked if there are any existing signs or letters on the building now. Mr. Fournier stated they are not removing any lettering. There is a small sign in the front entranceway. Mr. Ward stated the Monroe County Department of Planning found this to be a matter of local determination. Ms. Brooks stated her concern about the color lilac, hoping it wouldn't be garish.

No one spoke in favor or opposition.

DECISION: Unanimously approved.

11. Application of Richard Fellows, owner, 585 Chestnut Ridge Rd., Rochester, NY 14624 for variance to erect a 24'x24' addition to garage to make a total of 1,152 sq. ft. (900 sq. ft. allowed), and to be 35' from rear lot line (90' req.) at property located at above address.

Mr. Richard Fellows was present and stated he wants to put up another garage adjoining the rear of the one already existing. Mr. Ward asked why he feels he needs another one? Mr. Fellows answered he has three cars of his own and his son has two of his own plus a tractor that sits outside all year long. One classic car and his own car. When he wants to work on them, he can't. The garage adjoining the house - he would like to screen and in and sit out there. Mr. Ward asked if this is going to be used for any kind of commercial or auto repair shop and was told no. Mr. Fellows stated he has an odd shaped lot. There is nothing north of him but a house up near the railroad. All farm land east of him and farm land south of that except for his father-in-law's house. Visible only from the bridge.

Mr. Fred Stoffel, 580 Chestnut Ridge Road, a neighbor, was present and stated that if the Board approves this garage addition, he wants it stated clearly to Mr. Fellows that it cannot be used for any commercial activity as this property is zoned residential only. A member of Mr. Fellows family is a body and fender man plus spray painter. Mr. Stoffel will not accept any noise from that type of activity. Mr. Ward stated that is perfectly understandable and that is why they made sure it is not to be used commercially.

No one spoke in favor.

DECISION: Unanimously approved based on the condition that this garage be used for owner's private use only and that there be no commercial repairs.

12. Application of Leo Heiler, owner, 15 Chestnut Drive, Rochester, NY 14624, for variance to create two lots - lot 1 to allow house to be 27' from rear lot line (30' req.) and lot 2 to allow house to be 28' from front lot line (60' req.) and not to about a street (40' req.) at property located at 15 and 17 Chestnut Drive in R1-1-12 zone.

Mr. Leo Heiler was present and stated the lot he owns has two single family houses and he would like to sell one of them. Mr. Ward asked if the Building Department referred him to the Planning Board for subdivision and Mr. Heiler answered yes. Mr. Ward asked that in creating the subdivision, was he going to be creating what he needs a variance as far as setbacks? This Board can consider setbacks but it does not have the power to do subdivision approvals. Mr. Heiler stated he was told he would have to appear before the Zoning and Planning Boards. Mr. Ward asked if he currently owns both parcels as one large lot and Mr. Heiler answered that is correct. Mr. Ward asked if the wetlands up at the west end on his

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property and was told yes. Mr. Ward asked that it was not to be a dedicated street or Town road and Mr. Heiler stated right. They will have to give an easement to the other house for use of the driveway. Mr. Cates stated it is pre-existing, there is not much you can do.

Mr. James Donald, 38 Alger Drive, was present and stated he is the realtor. From what he just heard, they thought that if they brought the plan to this Board and they would approve it, then the Planning Board would approve their part, is that correct or is there something else involved? Mr. Ward stated the Planning Board has to give their approval. The Zoning Board can give approval contingent upon their approval of the subdivision.

Mr. William Hochreiter, 23 Chestnut Drive, was present and stated he is a neighbor. He wants to make sure they are not setting a precedent to make more lots on that property. He has a similar piece of land next door with two acres and he might be interested in doing something. He is concerned about the water and sewage rights. Where do you run the lines if one person wated it and the other didn't? What affect would it have on the wetlands if you didn't hook up sewage lines? Mr. Ward stated it is noted on Mr. Jeiler's plans that both of these existing houses are on septic systems. Requirements by the County these days is that the owner tie into the sewer. If there is enough room for another legal building lot under today's zoning requirements, that option is available also. You would have to go before the Planning Board for subdivision approval though. The possibility exists. Mr. Ward asked if he had any plans for subdividing and Mr. Heiler stated he has no plans, he plans to stay in one of the houses.

Mr. Donald Rickter asked if that driveway is going to serve the two houses and Mr. Heiler answered yes. Mr. Rickter asked about the lot line, is it along the ditch and was told it is between the houses. Mr. Ward stated it is a privately-owned driveway which only services the two houses. Mr. Rickter stated the only improvement he would make is to bring more stone or gravel to level it out. Right now he has his son's motor vehicle driving up and down making noise.

No one spoke in favor.

DECISION: Unanimously approved subject to Planning Board approval.

13. Application of Barb Czerkas, owner, 146 Chestnut Ridge Rd., Rochester, NY 14624 for variance to erect a 6' high fence where 3' is allowed at property located at above address in R-1-12 zone.

and

14. Application of Barb Czerkas, 146 Chestnut Ridge Rd., Rochester, NY 14624 for variance to erect a 12' satellite dish to be 30' from front lot line (55' req.) at property located at above address in R-1-12 zone.

Mr. James Czerkas was present on behalf of his wife, Barb Czerkas. He stated they called the Town Building Inspector and he said they could run a 6' fence only to the edge of their house. Mr. Czerkas feels it would look better to run it along their neighbor's fence. Variance for 12'. Corner of his garage and the corner of his lot in the back but he has to stop where his house ends. If he stops where he is supposed to, there will be 12' of his fence. Mr. Ward asked what type of fence and was told 6' stockade. Mr. Ward said his only words of advice were before they put up a fence, they should have it surveyed for their own protection.

Kathleen Metz, 150 Chestnut Ridge Road, was present in favor of this application. They need privacy. The neighbors know what they doing 24 hours a day.

No one spoke in opposition.

DECISION: Unanimously approved.

Mr. James Czerkas stated the problem with the satellite dish is the trees. Mr. Mike Dana from Satellite Company was present and stated

it is unfortunate that Mr. Czerkas has no rear or side yard. He is only about 8' from being legal - around 40' from the road. Mr. Ward stated the way he interprets the ordinance as far as front setback is that two streets is a corner lot. Mr. Dana stated the way the ordinance reads is no front yard. Mr. Czerkas has no front yard, though. It is going to be visible from wherever they put it. Mr. Ward asked if they faced south and was told yes. Mr. Ward asked what is adjacent and was told the neighbor's driveway. Mr. Ward asked what about an angle, couldn't it be placed over here (referring to the map). Mr. Dana answered no, it would be behind willow trees. The only other place would be behind the house and go for a 3' variance. Ms. Brooks asked why couldn't they put it behind the garage? Mr. Dana answered it wouldn't work, too many trees. Mr. Ward asked how far away the trees have to be and Mr. Dana stated they had a similar one on the corner of Golden Road. Mr. Cates stated he would rather see it jacked up 3' in the backyard. Mr. Wehner asked if they presently own the dish. Mr. Czerkas stated that when his wife first called the Building Department and was told there was no problem, he went out and bought the dish. Everything is pending.

Kathleen Metz, 150 Chestnut Ridge Road, a neighbor was present in favor and stated if she could afford to cut down the trees in front of her house, she would but she doesn't have the \$4,000 and she doesn't think the dish would bother anybody. The Czerkas have only been in the house for two months and they have done a lot of work improving it.

Mr. Robert Hermantz stated it would be a visual pollutant.

Mrs. Gloria Stuhlmiller, 133 Chestnut Ridge Road, stated she and her husband have lived there for 25 years and the neighborhood has been upgraded including this property. She did some research to see if her feelings were the same as some of the rest of her neighbors. Out of 15, she found only one person who didn't care. She presented the Board with a petition with 11 signatures in opposition. The consensus is that a 12' satellite dish is huge, larger than most. Mr. Czerkas stated his wife today talked to two people and they said they have no problem on the right and behind. Mrs. Stuhlmiller lives four doors down and everyone who signed the petition is more than 500' down the road. I stood in her driveway and you cannot see it from their driveway. They would have to stand in the center of Chestnut Ridge Road to see it.

Mr. Ward asked if the dish proposed is to be screened. Mr. Dana stated the tree will be the backdrop for the dish. Mr. Czerkas stated the poplar tree is 8'. Mr. Cates asked what would be the cost to jack it up and put it in the back? Mr. Dana stated by putting it in the back, he would lose three satellites. Ms. Whelpton asked how many satellites will he receive and was told 14. Ms. Whelpton asked isn't 11 enough and Mr. Czerkas replied there is no sense going for less. Mr. Dana stated the trees are blocking the signal. To get every advantage, you go about 25'.

Ms. Diane Mau was present and stated if we are so concerned and we have arrived at a zoning decision, why so quick to grant a variance. Think the Board ought to give careful consideration to giving a variance already. Mr. Ward stated it is a legal right for the Czerkas to make an application for a variance to protect their rights as well as others.

DECISION: Denied (5 no, 1 yes). No hardship presented.

15. Application of Robert Byer, 925 Paul Road, Rochester, NY 14624 for renewal of conditional use permit for an office in home at property located at above address in R-1-15 zone.

Mr. Robert Byer was present and stated he would like to apply for renewal of his permit for use of the offices in his home. It is an office coffee service listed in the telephone book. Businesses around town call up and they deliver coffee whenever it is needed. His wife picks up the product from the wholesaler, no products kept in the house. They have an answering machine. Mr. Ward asked if it was a van type of service to construction areas and was told no, offices only. Mr. Ward asked if there was servicing or rental of anything and was told no, just coffee. Mr. Ward asked if the

customers go to their house and was told no. There are no signs on the house or the vehicles.

No one spoke in favor or opposition.

DECISION: Unanimously approved, with 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 three years, owner is responsible for renewal application.

16. Application of Mark Drexler, 235 East Lake Rd., Honeoye, NY 14471, property owner, Dorothy Wing, for variance to erect a house to be 80' from front lot line (100' req.) and 47½' from both side lot lines (50' req.) at property located at 50 Morgan Road in RA-20 and FPO zones.

Mr. Mark Drexler was present and stated they want the variance to keep in line with the other three houses west of his. Mr. Ward asked if it was an existing lot. Mr. Drexler stated it is contingent upon a subdivision by the Planning Board. It will be on August 13. Due to time constraints, that is why he is here. Mr. Ward asked if the three houses to the west have the same setback and was told more. Mr. Ward asked what is to the east and was told a vacant lot, corner lot. Mr. Ward asked if he was a formal licenses engineer and was told yes. Mr. Ward asked if it had been before the Monroe County Health Department and Mr. Drecler stated they had a perc test and a septic system desinged. He wasn't sure if it was variance or subdivision first. Mr. Ward asked if it was the same property that was in for another variance and was told yes. Mr. Ward asked if it wasn't possible to shorten the house up a little and was told they already cut off another 10-40'.

No one spoke in favor or opposition.

DECISION: Unanimously granted.

17. Application of Alexander Eadie, owner, 1807 Scottsville Road, Rochester, NY 14623 for variance to allow two road cuts on property located at above address in RA-20 and FPO zones.

Mrs. Mary Eadie was present and stated they would like permission to make extension of their driveway with cut back to Jemison Road. No parking for company, no pulling off side of the road with ditches. To be used by family only. Mr. Ward asked how much will be paved and was told all of it, 36'. Mr. Ward asked if it will be connected to the road or will there be a loop? Mrs. Eadie stated there will be a loop, grass and planted. Mr. Ward stated the Monroe County Department of Planning stated this was a matter of local determination.

No one spoke in favor or opposition.

DECISION: Unanimously approved, with a condition that a permit be obtained from the Chili Highway Department.

18. Application of Perna Homes, 849 Paul Road, Rochester, NY 14624 for variance to allow a house to be 8.59' from side lot line (10' req.) and to be placed 1.44' onto an easement at property located at 10 Woodruff Glenn in R-1-15 zone.

Mr. Ward stated it is the same application as last month's. Under the advice of counsel, because there were only five members with a 3 in favor, 2 in opposition vote, counsel recommedned it be re-heard. Mr. Melville asked bacuse it wasn't a full board and was told yes, more than four votes required to carry it. Mr. Melville stated Town Counsel has never advised us to do otherwise in the past.

Mr. Bernard Iacovangelo was present on behalf of Perna Homes. The property encroaces 1.51' into a sewer easement dedicated to the Gates-

Chili sewer easement. Only 1.51' encroachment to the front and 3.81' encroachment onto the side portion of the garage. Construction began in February this year and as a result of the conditions of snow, etc., stakes had been knocked down and the builders were trying to preserve some large tree areas on the lot. Unable to obtain actual location of the house on the lot. Not discovered until the closing. Immediately thereafter, he talked to the Building Inspector and made application for a variance with the Zoning Board. As a result of this, his client has undertaken some new procedures to insure that this will not happen again. To correct it, all the side and front setbacks will be staked out by an engineer, and the location of the homes established from these stakes. After the location has been established, the basement will be dug, an inch of concrete will be poured and an engineer will come back and pin the corners into the footers and certify that the setbacks have been maintained. This will insure in the future that all setback requirements have been maintained. Checking in the beginning with the setback locations and then again before any of the foundation goes up. Another item is the fact that since this property is within a sewer easement, we are seeking a sewer easement from Gates-Chili Sewer District. Been working with them diligently. They have got an easement agreement and a hold harmless agreement. Gene LaBue's office said he has approved it and Joe Suppone will probably be signing it tomorrow along with a release. Will release a portion of their easement for the property conditioned upon obtaining a hold harmless agreement from our client which they have agreed to do. Mr. Ward stated they wouldn't be able to close without that, would they? Mr. Iacovangelo stated this closing has taken place with title insurance. Reason why is because of the secondary mortgage. Market does not lend itself to any extensions. Affirmative title insurance and guarantee to the title company that they would obtain the release and secure whatever documents necessary to bond insurance. Requesting a variance on this property and the easement. Situation that should not have occurred and speaking for my clients, they don't like these things to happen. However, in the construction trade, this happens. We are doing constructive things to insure that stakes are not moved again.

Mr. Melville asked if the stakes were moved or were they trying to save some trees. Mr. Iacovangelo replies in this situation, they are trying to save some trees. During February, they lost the location of the setback marks and thought they were well within the marks. They weren't. Mr. Melville asked if kids moved the stakes and you build, would this house be a different size? Mr. Iacovangelo stated they work off the setback lines and they stake out their house. When they lay it out for the hole to be dug, if the stakes have been moved too drastically, they find out. Sometimes it happens when they discover it too late.

With the new procedure, it will be eliminated. Mr. Melville stated the Board feels uneasy about granting an easement on a variance. Mr. Iacovangelo stated there was affirmative action to safeguard this in the future. Mr. Ward asked about considering going one step further - an instrument survey when constructed to the Building Department. Mr. Iacovangelo stated two surveys would be needed. Bay or anything on the property. Three engineer service charges. Haven't had any problems now because once they are pinned, masons go to the marks. Mr. Ward asked if they would have a reliable land surveyor and Mr. Iacovangelo stated he can assure the Board his client has taken very affirmative actions.

Mr. Melville stated he had a problem with this coming up again. There is no evidence of any changes. Section 115-68 states a one year wait or show conditions have changed. No conditions have changed - why is it here? Mr. Ward stated there were three votes in favor, two in opposition. The motion doesn't pass under town law. It is reasonable to expect a full Board at the meetings. Two members not present penalized the applicant. The applicant is in a position to take it to court. The judge would send it back to the full Board. Rather than go to court, it was readvertised at the applicant's expense.

Mr. Wehner asked the distance for the home at #12. Mr. James Perna answered 27' between the two houses.

No spoke in favor or opposition.

CONTINUATION OF 7/23/85 ZONING
BOARD MINUTES AT THE END OF MINUTES
OF 8/27/85

DECISION: Unanimously approved, subject to implementation of new procedures as outlined at hearing including having applicant's engineer pin the corners of the dwellings at their footing prior to further construction.

The Zoning Board hearing was closed at 10:20 P.M.

Thomas Ward
Zoning Board Chairman

/dh

CHILI ZONING BOARD

August 27, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on August 27, 1985 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Tom Ward, Chairperson; Shirley Whelpton, Billy Gates, Dan Melville, Susan Brooks, Ralph Wehner

ALSO PRESENT: Dan Miller, Deputy Town Attorney; Bob Connolly, Building Inspector

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

- 1. Application of Universal Joint Sales, c/o Nichols (3), 170 Mt. Read Blvd., Rochester, New York 14611, property owner: John Sharley, III and John Sharkey, Jr.: for variance to allow a warehouse to be 70' from front lot line (75' req.) at property located at 1437 Scottsville Road in GI zone.

John Nichols is present or represent this application, and he explains that he is an agent for the Sharleys, owners of the Universal Joint Sales. He said that the reason for the variance was that the filed subdivision map showed a set back from Scottsville Road to be 70' from the front lot line. The engineer who was retained by Sharkeys to develop the scheme used that information, and consequently, they are 5' short of the required 75' set back.

Tom Ward said that he understood that they had received approvals from the Planning Board, and Mr. Nichols said they had. Mr. Ward then asked if the building could be moved back 5' without any great hardship, and Mr. Nichols explained that the building was already under construction and that it would be an extreme hardship to move it back.

Mr. Ward asked if there were any questions from the Board. There were none.

No one in the audience spoke either in favor or opposed to the application.

DECISION: Application approved by a vote of five. Tom Ward abstains from voting.

- 2. Application of Kathleen Salerno, owner, 102 Attridge Rd., Churchville, New York 14428 for conditional use permit to allow a dressmaker's business in home at property located at above address in R-1-15 zone.

No one is present to represent the application, so it was denied without prejudice. Tom Ward suggested that the applicant could reapply within one year.

DECISION: Reapplication within one year approved by vote of six.

- 3. Application of Vanda Meyer, 2738 Chili Avenue, Rochester, New York 14624, property owner: Mr. & Mrs. Ralph Weber; for Land Use Variance to allow a beauty shop in existing building at property located at 2675 Chili Avenue in R-1-15 zone.

Present to represent this application are Vanda Meyer and her husband, Dr. Jim Meyer. They explain that they wish to purchase an existing beauty shop and building and continue the same kind of business. They also explain that the business has been approved earlier but that the applicant who was the purchase vendee did not follow through with the sale.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date..... 8/21/85.....

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

GATES-CHILI NEWS

Issue Dated..... 8/21/85.....

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, 1989

Legal Notices

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 27, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Application of Universal Joint Sales, c/o Nichols (3), 170 Mt. Read Blvd., Rochester, New York 14611, property owner: John Sharkey III and John Sharkey Jr.; for variance to allow a warehouse to be 70' from front lot line (75' req.) at property located at 1437 Scottsville Road in GI zone.

2. Application of Kathleen Salerno, owner, 102 Altridge Road, Churchville, New York 14428 for conditional use permit to allow a dressmaker's business in home at property located at above address in R-1-15 zone.

3. Application of Vanda Meyer, 2738 Chili Avenue, Rochester, New York 14624, property owner: Mr./Mrs. Ralph Weber; for Land Use Variance to allow a beauty shop in existing building at property located at 2875 Chili Avenue in R-1-15 zone.

4. Application of Earl Phillips, owner, 11 Lester Street, Rochester, New York 14623 for variance to allow a house to be 40' from front lot line (45' req. in prior variance) and 9.9' from side lot line (10' req. in prior variance) at property located at above address in RA-20 and FPO zone.

5. Application of John Hunt, owner, 486 Stottle

Road, Scottsville, New York 14546 for variance to erect a 20' x 10' enclosed porch to be 30' from side lot line (50' req.) at property located at above address in RA-20 zone.

6. Application of Michael Weber, 647 Beahan Road, Rochester, New York 14624, property owner: Carl Impellitier; for Land Use Variance to erect a 32' x 40' machine shop at property located at 960 Morgan Road in RA-20 zone.

7. Application of Pride Mark Development, owner, 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect a house to be 70.3' from rear lot line (90' req.) at property located at 31 Woodbriar Lane in R-1-20 zone.

8. Application of Pride Mark Development, owner, 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect a house to be 88.4' from rear lot line (90' req.) at property located at 1115 Pixley Road in R-1-20 zone.

9. Application of Richard Lagiewski, owner, 82 Hallock Road, Rochester, New York 14624 for conditional use permit to allow an office in home at property located at above address in R-1-20 zone.

10. Application of Dario Marchioni, owner, 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to allow a house to be 59.69' from front lot line (60' req.) and 66.1' from rear lot line (70' req. in prior variance) at property located at 110 Old Chili Scottsville Road in R-1-20 zone.

11. Application of Pizza Villa, 3313 Chili Avenue, Rochester, New York 14624,

12. Application of Joseph DeFalco, owner, 8 Woodruff Glen, Rochester, New York 14624 for variance to erect an 8' x 12' wood utility shed to be 10' high (8' allowed) and to be placed on lot line (8' req.) at property located at above address in R-1-15 zone.

13. Application of Michael Lodato, owner, 14 Wheat Hill, Rochester, New York 14624 for variance to erect a 16'8" wide gazebo to be 36½' from side lot line (55' req. on corner lot) and to be 15' high (8' req.) 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.

R. Thomas Ward, Chairman
Chili Zoning Board of Appeals

Henry Board
Aug 1985

Tom Ward then read a letter, which clarified that the land use variance had been granted to a particular applicant. He asked the applicant if they planned to change the structure any or expand the hours.

The applicants stated that they would not change the structure and would request hours to be 8:30 A.M. to 5:00 P.M. Monday, Tuesday, Wednesday and Saturday, and 8:30 A.M. to 7:00 P.M. on Thursday and Friday.

Tom Ward asked if they would have Sunday hours and they said no. He also asked if they would be putting a sign out front, and they said they would be using the existing one, but not adding an additional one.

Tom Ward then asked how many employees they would have, and they said the maximum number would be five.

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval with a vote of six.

CONDITIONS: Same as previously established in May of 1985:

1. No on-street parking
2. Permission limited to this applicant only, so long as she is the operator of the business.
3. The hours of operation are limited to those mentioned above.
4. Application of Earl Phillips, owner, 11 Lester Street, Rochester, New York 14623 for variance to allow a house to be 40' from front lot line (45' req. in prior variance) and 9.9' from side lot line (10' req. in prior variance) at property located at above address in RA-20 and FPO zone.

Jean Phillips, wife of Earl Phillips is present to represent this application. She said that when they had an estimate survey done, they found out that on the north side, they were 9/10 of a foot short. She says that they do not know how this happened, but that it is a very odd shaped lot. She said they had measured the neighbors home and their own was right in line with it. She said further that the house was built closer to the pump station.

Tom Ward asked why they had built it so close the pump station, and she said they did it to ease the drainage for the neighbors.

Tom Was then asked if they owned the residence, and she said that they did and had built it as their retirement home.

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval by a vote of six.

5. Application of John Hunt, owner, 486 Stottle Road, Scottsville, New York 14546 for variance to erect a 20' x 10' enclosed porch to be 30' from side lot line (50' req.) at property located at above address in RA-20 zone.

Gerald D. Roy, the contractor, is present to represent this application. He said that they wanted to add on to the back part of the garage, but did not know they had had a variance to start with.

Tom Ward asked if the addition was to affect the front part of the existing house; he was told that it would be entirely on the back of the house and was to be used strictly as an enclosed porch.

No one spoke in favor or in opposition to the application.

DECISION: Unanimously approved by a vote of six.

6. Application of Michael Weber, 647 Beahan Road, Rochester, New York 14624, property owner: Carl Impellitier; for Land Use Variance to erect a 32' x 40' machine shop at property located at 960 Morgan Road in RA-20 zone.

According to Bob Connolly, Building Inspector for the Town of Chili, this application was withdrawn.

7. Application of Pride Mark Development, owner, 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect a house to be 70.3' from rear lot line (90' req.) at property located at 31 Woodbriar Lane in R-1-20 zone.

Jim Barbato is present to represent this application. He says that what they have is a pie shaped lot on a cul-de-sac, and that the house they want to construct is very deep. He said they are trying to position the house to take advantage of the wooded lot. If the house has to be turned, he said it would overlook the house and the street behind it, rather than the wooded area. He said that the house exceeds the requirements for an R-1-20- zone. He said that it should be noted that they had dedicated some of the house's lot to the town for a turn around.

Tom Ward asked if they planned to position the house to the east, and if so, if they could maintain the 90' requirement. Mr. Barbato said it would be difficult, and that the house had been designed specifically for the buyers, Edward and Doris Carey.

Ralph Wehner asked Mr. Barbato what he would do about the drainage. He was told that they would set the grade elevation high enough to establish run-off that was away from the house.

Mr. & Mrs. Edward Carey of 270 Stonewood Avenue in Greece spoke in favor of the application. They explained that they have lived in Greece for 28 years, while attending and remaining active in a Chili Church. They said they now looked forward to living in the community where their Church was. They said they had started this whole thing in May, had gotten the house just planned, and then the Town came in and wanted a turn around. They said they had only realized the problem one month ago when they noticed that they were too close in the back.

DECISION: Unanimous approval by a vote of six.

8. Application of Pride Mark Development, owner, 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect a house to be 86.4' from rear lot line (90' req.) at property located at 1115 Pixley Road in R-1-20 zone.

Jim Barbato is present to represent this application. He explains that the house is in violation in one corner. He said he speculates that the foreman, in attempting to preserve the trees on the lot, moved the house over, only discovering the violation after the basement walls were up. He said that if they had moved it over to the south, they would not have been in violation. "It is the severe angle of the lot that is the problem," he said.

Tom Ward asked if there were any questions from the Board: no one spoke.

John McCue, Virginia Lane said he wished to speak opposed to the application. He said he wanted to know why no one had asked for an opinion until the foundation for the house was in. He asked if the Board voted against such an application if the house might be moved at this late date. Tom Ward told him that something like that is indeed a possibility. Mr. McCue said that the people on Virginia Lane wanted no more houses in there because they get all of the drainage. He said that four yards were flooded last evening as a result of the rain. He said the water that flows across their property is muddy. He said the town needs to clear up the drainage problems before they develop these lands any further. He said that although he had received the proper notice of the construction, the foundation was already in.

DECISION: Unanimous approval by a vote of six.

9. Application of Richard Lagiewski, owner, 82 Hallock Road, Rochester, New York 14624 for conditional use permit to allow an office in home at property located at above address in R-1-20 zone.

Mr. Lagiewski is present to represent this application. He said he is seeking the permit to place a one man operation in the basement of his home. His only equipment will be an AB Dick duplicator.

Dan Melville asked what the scope of his business would be. Mr. Lagiewski said it would consist of printing and copy making, and that the business would primarily entail his traveling to the client.

The Board expressed concern over the noise level of such an operation. Mr. Lagiewski said that it would not be any noisier than operating a washing machine in your basement.

Tom Ward asked what flammables he would be storing in his basement, and he said it would primarily be inks.

Dan Melville asked if it would be a full-time business and he was told yes.

Tom Ward asked what the nature of his business would be, letterheads, flyers, invitations, envelopes, etc? He was told yes. Tom then asked if it would be a multi-color press, and he was told that it would be a single color press.

Susan Brooks asked how he would get the supplies into his basement, and he told her he would carry them himself because the volume would not be great.

Shirely Whelpton asked how long before he would be going into a commercial setting, and Mr. Lagiewski said he had no idea.

Tom Ward explained that this was not a usual type of request for a home-based business. He said that his concern was for the storage of papers, inks, and etc. He asked Mr. Lagiewski if he would find it a hardship to have it somewhere other than in his home. Mr. Lagiewski explained that it would be. He said he has been out of work for 4 months.

Tom Ward expressed concern for the quantity of flammable liquids that he might find necessary to keep in his basement. Mr. Lagiewski said it would only be a small amount of solvent and ink.

DECISION: Unanimous approval by a vote of six with the following conditions:

1. Conditional Use Permit for one year only.
 2. Noise level not to be offensive to neighbors.
 3. No signs allowed without a variance or permit.
 4. No on-street parking.
 5. All refuse is to be put into closed containers.
 6. No more than one other employee.
10. Application of Dario Marchioni, owner, 120 Old Chili Scottsville Road, Churchville, New York 14428 for variance to allow a house to be 59.69' from front lot line (60' req.) and 66.1' from rear lot line (70' req. in prior variance) at property located at 110 Old Chili Scottsville Road in R-1-20 zone.

Mr. Marchioni is present to represent this application. He says that the house is 3' too close in front but only on one corner, and it is 4' at the back right corner. He says they had a prior variance on this application, but that he does not know why or how the house got built in variance from the original plan. Mr. Marchioni said he laid it out. It is an unusual shaped lot, he said. The engineer said it was 66'.

Tom Ward asked the Board if they had any other questions. No one spoke.

Mrs. Earl Phillips of 11 Lester Street spoke in favor of the application.

DECISION: Unanimous approval by a vote of six.

11. Application of Pizza Villa, 3313 Chili Ave., Rochester, NY 14624, property owner, DeCrose and Kuhs; for variance to erect a 23' x 23' wall sign to be 69 sq. feet (45 sq. ft. allowed) and to include a logo, variance to erect a 9'8" x 4' addition to free-standing sign at property located at above address in GB zone.

ZONING BOARD

February 26, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administration Office, 3235 Chili Avenue, Rochester, New York 14624 on February 26, 1985 at 7:30 P.M. The Meeting was called to order by Vice-Chairperson Tom Ward.

PRESENT: Tom Ward, Vice-Chairperson; Shirley Whelpton, Dan Melville, Bill Cates and Cliff D'Heron

ALSO PRESENT: Bob Connolly, Building Inspector

Mr. Ward stated this to be a legally constituted meeting of the Chili Zoning Board and that notice of the meeting was advertised in the Gates-Chili News and also posted on the Town Clerk's bulletin board.

1. Application of Lloyd Curtice, 201 Ballantyne Road, Rochester, New York 14623 for variance to erect a 40' x 60' barn to have a floor elevation of 524 (526' req.) at property located at above address in RA-20 & FPO zone.

Mr. Lloyd Curtice is present and states the elevation is the only problem here but I hope not to bad.

Mr. Ward asks any flooding and is told I had water in the cellar once. Mr. Ward asks is this still an active farm and is told yes. Mr. Ward asks is that the purpose of the barn and is told yes. Mr. Ward asks what kind of exterior and is told Texture III. Mr. Ward states Bergmann Associates outlined the floor elevation at 525. Mr. Curtice states we could raise the floor a foot.

No one spoke in favor or in opposition.

DECISION: Approved by a vote of 5 yes.

Please contact the Town of Chili's Building Department for requirements to obtain a building permit.

2. Application of Edward Kowalski, 465 Pinnacle Road, Rochester, New York 14623 for variance to create an undersized lot to be 10.33 acres (20 acres req.) with a lot width of 660.90' (700' req.) at property located at 844 Chili Scottsville Road and 569 Morgan Road in RA-2- zone.

Mr. Ward asks didn't we review an application for this about a year ago and is told no about 3 months ago.

Mr. Don Avery states the property was going to be incorporated then there was a legal right of refusal. Mr. Kowalski changed this side and we had to come back because we are under .173 acres. Mr. Ward asks if the original application had frontage on Morgan Road and Chili Scottsville Road and is told yes, it still does. Mr. Ward asks is there an intention to subdividing and is told not right now. Mr. Ward asks has this been before the Planning Board and is told yes, subject to the variances and the Health Department.

No one spoke in favor or in opposition.

DECISION: Approved by a vote of 5 yes.

3. Application of Earthborn Builders, 169 Maplewood Avenue, Spencerport, New York 14559 for variance to allow a house to be 9.29' from side lot line (10' req.) at property located at 14 Slate Drive in R-1-12 zone.

Mr. Dan Schum with offices in Spencerport is present. This house can't fit on this lot regardless of where it was put. The mason framed it that way. The problem was compounded. The 1/10 of a foot will not change the neighborhood. The mistake was not caught until the tape location map was made and then it was almost complete. We have held

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *1-16-85*

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

GATES-CHILI NEWS

Issue Dated... *1-16-85*

..... *John M. Robortella*

Notary

JOHN M. ROBORTELLA
NOTARY PUBLIC, State of N. Y. Monroe County
My Commission Expires March 30, 19 *86*

Patricia M. Smith

Patricia M. Smith
Publisher

*This meeting
Cancelled due to
snow storms*

*Zoning Book
Jan 22, 1985*

Legal Notice

CHILI ZONING BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on January 22, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Application of Lloyd Curtice, 201 Ballantyne Road, Rochester, New York 14623 for variance to erect a 40' x 60' barn to have a floor elevation of 524 (526 req.) at property located at above address in RA-20 & FPO zone.

2. Application of John Sibbald Sr., 2660 Chili Avenue, Rochester, New York 14624 for variance to create an undersized lot to be 8.21 acres (20 req.) with lot width of 275' (700' req.) at property located at 3948 Union St. in PRD zone.

3. Application of Edward Kowalski, 465 Pinnacle Road, Rochester, New York 14623 for variance to create an undersized lot to be 10.33 acres (20 req.) with a lot width of 669.90' (700' req.) at property located at 844 Chili Scottsville Road and 569 Morgan Road in RA-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

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *2-20-85*

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

GATES-CHILI NEWS

Issue Dated... *2-20-85*

.....
John M. Robortella
.....

Notary

JOHN M. ROBORTELLA

NOTARY PUBLIC, State of N. Y. Monroe County

My Commission Expires March 30, 19*86*

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

Patricia M. Smith

Publisher

Zoning Book 2/85

Legal Notice Town of Chili

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 26, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Application of Lloyd Curtice, 201 Ballantyne Road, Rochester, New York 14623 for variance to erect a 40' x 60' barn to have a floor elevation of 524 (526 req.) at property located at above address in RA-20 & FPO zone.

2. Application of Edward Kowalski, 465 Pinnacle Road, Rochester, New York 14623 for variance to create an undersized lot to be 10.33 acres (20 acres req.) with a lot width of 669.90' (700' req.) at property located at 844 Chili Scottsville Road and 569 Morgan Road in RA-20 zone.

3. Application of Earthborn Builders, 169 Maplewood

Avenue, Spencerport, New York 14559 for variance to allow a house to be 9.29' from side lot line (10' req.) at property located at 14 Slate Drive in R-1-12 zone.

4. Application of David Markle, 2 Ronald Drive, Spencerport, New York 14559 for variance to create an undersized lot to be 6.697 acres (20 acres req.) with a lot width of 511.25' (700' req.) at property located at 3948 Union Street in PRD zone.

5. Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, New York 14624 for land use variance to allow the splitting, storing, and selling of firewood at property located at 210 Chestnut Ridge Road in R-1-20 zone.

6. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 for variance to erect a Life Fitness Center to be 59' from front lot line (75' req.) at property located at above address in R-1-15 zone.

7. Application of Victor Tifone, 34 Parkway View Drive, Hilton, New York 14468 for variance to erect a house to be 55' from rear lot line (90' req.) at property located at 374 Chestnut Ridge Road in R-1-20 zone.

8. Application of Edna Monroe, 36 Ballantyne Road, Rochester, New York 14623 for land use variance to convert existing single family dwelling to a two family dwelling at property located at above address in RA-20 & FPO zone.

9. Application of Kaddis Manufacturing, c/o Empire Sign Co., 101 Louise St., Rochester, New York 14606 for variance to erect a 12' x 4' double faced freestanding sign at property located at 1100 Beahan Road in GI 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

up the closing until we came before the Board. We don't think it will change the neighborhood.

Mr. Ward asks was the lot property staked out and is told you'll see 10.53 and 10.58 but it was not caught. It is a builder's error.

Mr. Melville asks what did the plans call for and is told the plan called for a 38' house and it is a 39' house.

No one spoke in favor or in opposition.

DECISION: Approved by a vote of 5 yes.

4. Application of David Markle, 2 Ronald Drive, Spencerport, NY 14559 for variance to create an undersized lot to be 6.697 acres (20 acres req.) with a lot width of 511.25' (700' req.) along Bowen Road and a lot width of 503' along Union Street (700; req.) at property located at 3948 Union Street in PRD zone.

Mr. Herman Klingenger of 1350 Buffalo Road is present. It is proposed to put a single family residence on the lot. We received approval from the Planning Board pending on tonight's meeting of the Zoning Board. We are talking about 6.7 acres and 544 if measured on the center line. Copies of the tax map as you see our parcel is outlined in red. The surrounding parcels in the neighborhood run from 1 acre to 3 acres. We are asking for 6.7 or twice the amount of the surrounding lots.

Mr. Ward asks is this being subdivided from the total property as it exists and is told 273 acres in the whole parcel. Mr. Ward asks any particular reason for not getting 20 acres and is told affordability. Mr. Ward asks you have been for preliminary before the Planning Board and is told we have received final and have Health Dept. approval. Mr. Ward stated you are showing quite a swale off the back and is told it goes into the tributary of the stream that goes along the southend of the property. Mr. Ward asks is there anything on the larger parcel and is told no, not that I know of.

No one spoke in favor or in opposition.

DECISION: Approved by a vote of 5 yes.

5. Application of Grace Covenant Church, 224 Chestnut Ridge Road, Rochester, NY 14624 for land use variance to allow the splitting, storing and selling of firewood at property located at 210 Chestnut Ridge Road in R-1-20 zone.

Rodney Jones of 122 Old Chili Scottsville Road. We are asking for 300 face cords of firewood, Taking wood out of Allegany property and disposing of it in this property. We started by going down with our own trucks and have it shifted to our State. We have it hauled to us and then we split it and it is hauled out. Once it is done it is done.

Mr. Ward asks how much longer do you think this activity would go on and is told if it gets cold it will gone if not it goes into next season. Mr. Ward asks is the remainder on the property and it told 3 or 4 face cords.

Mr. Melville asks are you currently splitting wood now and is told yes.

Mr. Ward states you submitted a letter but this is not considered a normal church activity. Mr. Ward states you say no chain saw activity and is told we do have a splitter but it is no louder than a lawn mower. Mr. Ward asks when is this done and is told people held after work hours.

Mr. D'Heron asks would you be opposed to restriction of hours and it told I think there has been some done after dark in the winter.

Mr. Ward asks is all delivery done by the congregation and it told yes, we have an old Ford and a van. Mr. Ward asks do you have an idea of the maximum number of trips in a day, on a good Saturday and it told 2 loads on a Saturday or in a week.

Bob Ammendola. I have a question in regard to the time it would be cut,

where and how many people and the loads brought in and out of there. Along my side there are younger people, and I know some people work trick work and they need their sleep. I don't know if it belongs in the neighborhood.

Mr. Jones states we are hoping for 2 loads a week probably Monday and Thursday. They come in on a flat truck or a dump truck. The bigger truck has come in once, the middle size one once and the dump truck twice since we have been operating at the Church. We are hoping to take out 20 cords. How many loads go out depends on how many orders we get. As far as people it is on volume basis. I don't think more than 5 or 6 at one time. As far as hours there was some done after dark in the winter. We prefer not to split into the evening hours at all. Mr. Ammendola states I have seen 10 or 20 tons on the truck and where will the splitter be and is told 500' from Chestnut Ridge Road and backing up almost to the property to the east.

Mr. Ward states this Board can stipulate certain conditions and one of those things would be hours of operation.

Theresa Donovan. Why do you want to change that what happens if someone gets hurt. What about rodent control and is told as far as safety they are our people and we are going to be using a chain saw. I don't know about rodents.

IN OPPOSITION. Bud Harris, 217 Chestnut Ridge Road, I don't feel it is right for the neighborhood and it is an eyesore. I'm opposed. We have a firewood operation in Chili and it is a mess. I don't feel it belongs in a residential area. I'm opposed.

Mr. Ward asks how many trucks have been there including all deliveries and is told 4. Mr. Ward asks how many face cords and it told 80.

Mr. Ammendola asks is the white house at 210 owned by the Church. I don't want the wood hanging around next year. Mr. Jones states we would like the Board to set a time for when we can't have it there.

Ms. Donovan states my only day off is Saturday. I don't want to hear a log splitter. Who is to say what is a good time. Mr. Ward states normal hours would be from 8 to 5 at night, Monday thru Thursday. Ms. Donovan asks why was this started anyway and it told it was started by mistake.

Mr. Ammendola asks how will we know how you ruled and it told we'll come back and vote. Mr. Ammendola states if you want to stagger the days that would be good. I'm opposed to this continuing but as long as it is here lets make the best of it.

William Entress of DaVinci Drive. I'm not against it totally but I want to go on record as being opposed if it continues. I don't want to see it go on a year.

Mr. D'Heron asks how much time do you think you need and is told it depends on when it comes. You set a definite time and we have to move it out by that date.

Mr. Gates asks what do you think is a reasonable time limit and is told we thought 6 months would be O.K. but since then the wood has not come in and we were hoping to be done in May. It looks like it might go into the next season. We would like to have it done in a few months but it could be 7 or 8.

Mr. D'Heron asks are you saying you don't split the wood unless you have a need for it and is told no, we split it as it comes in.

No one spoke in favor.

DECISION: Approved by a vote of 5 yes, with the following conditions.

1. The approval of this variance expires after June 1, 1985.
2. No chain saw operation permitted and:
3. Splitting of the wood will be permitted only between the hours of 10:00 A.M. and 8:00 P.M. Monday thru Saturday only.

6. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, NY 14624 for variance to erect a Life Fitness Center to be 59' from front lot line (75' req.) at property located at above address in R-1-15 zone.

James Beardsley is present and states this project has been in the making for ten years. It has been named the Life Fitness Center. The location has been chosen because it is near to the fields, good elevation and is near to the campus and creates a low profile. The mid-point of the building from Westside Drive - the ground floor area is over an acre in area probably over 50,000 sq. ft. We are requesting a variance for 256 sq. ft. The problem is it just fits in between the running track and the right of way on Westside Dr. Nearly all of the building will be 75' south of the right of way except that one area. In terms of appearances there are 2 other interesting factors. The College owns all of the property to this point and as you walk or stand on Westside Drive and looking toward this point of the building you will be looking down about 10'. It will give a visual impression of being farther away.

Mr. Ward asks has this been before the Planning Board and is told they have approved it. Mr. Ward asks do you have final and is told preliminary site plan. We have submitted final plans with all the details.

No one spoke in favor or in opposition.

DECISION: Approved by a vote of 5 yes.

7. Application of Victor Tifone, 34 Parkway View Drive, Hilton, NY 14468 for variance to erect a house to be 55' from rear lot line (90' req.) at property located at 374 Chestnut Ridge Road in R-1-20 zone.

I'm applying for a variance for lot #2. It was approved in 1966 but since then the zoning has changed to R-1-20 and so I would like to get a variance for 55' setback.

Mr. Ward asks are you the present owner of the property and is told yes. Mr. Ward asks is this a corner lot and is told by Bob Connolly a future street. There was a variance for 20' in 1966. Mr. Ward asks is there a dwelling on the property and is told no.

Mrs. Jean Trott of 101 Golden Road. Why are you trying to sell a lot you know you can't get a house on. Why not put it on the other 20 or 30 acres and is told that is a different parcel. Mrs. Trott asks is there going to be a swale and is told your question should be directed to the Planning Board, we don't hear drainage problems.

Bill Anering asks why are you switching it from 90' to 55' and is told the lot is only 150'.

Mr. Connolly states when a lot is left behind and it is a legal lot, the only thing it has to comply with are the setback because they have changed.

No one spoke in favor.

DECISION: Approved by a vote of 5 yes.

8. Application of Edna Monroe, 36 Ballantyne Road, Rochester, NY 14623 for land use variance to convert existing single family dwelling to a two family dwelling at property located at above address in RA-20 and FPO zone.

Mr. John Monroe is present and states the variance is being made by my mother. She wants to increase the value of the house and provide a live-in residence for a second person until she arranged to move to Arizona in about a year.

Mr. Ward asks is there a particular hardship we should be aware of in granting this variance and is told she is 81 and doesn't want to be left alone for the year. Mr. Ward asks what is the size of the house and is told 1800 sq. ft. The division would be 2/3 to 1/3 or 1200 to 600.

Mr. Melville asks is that a corner lot and is told 1.6 acres.

Mr. Ward states normally requests come in for an in-law apartment and the stipulation is that it reverts back to single family when vacated. Legally we can't consider a variance that will financially benefit an individual. Mr Monroe states her reason for that was that she is on a fixed income.

No one spoke in favor or in opposition.

DECISION: Denied by a vote of 4 no and 1 abstention for the following reasons:

1. The majority of homes in the immediate area are single family homes and;
 2. No substantial hardship as defined in the Town of Chili Zoning Ordinance was established.
8. Application of Kaddis Manufacturing, c/o Empire Sign Co., 101 Louise Street, Rochester, NY 14606 for variance to erect a 12' x 4' double faced freestanding sign at property located at 1100 Beahan Road in CI zone. Amended to include logo.

David Condlin. We are here for a variance for a non-illuminated sign 12' x 4'. Sign to be all aluminum construction. This was necessary because of the sign coming down in the storm. The original sign was closer to the road. We are taking the letters of the original sign and putting them in the new one.

Mr. Ward asks were they are on the sign that blew down and is told right. Mr. Condlin states there are two roads coming into the project, this will address both sides.

Mr. Connolly asks is this logo going to be on there and is told yes. I want to amend this to include this logo.

Mr. Ward asks if this is non-illuminated and is told right. Mr. Ward asks what are the posts and is told aluminum.

No one spoke in favor or in opposition.

DECISION: Approved by a vote of 5 yes. Please note that a sign permit will be required.

ZONING BOARD

March 26, 1985

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 March 26, 1985 at 7:30 P.M. The meeting was called to order by Chairperson Ralph Barbaro.

PRESENT: Ralph Barbaro, Chairperson; Shirley Whelpton, Dan Melville, Susan Brooks and Tom Ward.

ALSO PRESENT: Bob Connolly, Building Inspector; and Dan Miller, Town Attorney.

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

1. Application of Bernard Ginegaw, 9 Flint Lock Circle, Rochester, New York 14624 for variance to erect a 6' high fence where 3' is allowed at property located at above address in R-1-15 zone.

Mr. Ginegaw is present and states you will see we are on a corner. We have quite abit of problems with people cutting across the lawn and we tried to keep everyone off of it. We also have problems with the animals. Quite abit of it is from the people next door. Their dog is big and we have problems with the fecus and urine. The dog is ruining our plants. I think that a fence like this will put a stop to most of this in my opinion. It will rectify some of the illls we have.

Mr. Barbaro asks what kind of a fence and is told stockade. Mr. Barbaro states from the easement from the rear of the property down the westside all the way to the road right of way and is told yes. Mr. Barbaro asks does it go across the front or the back and is told no. Mr. Barbaro asks is there a fence now and is told yes, an existing one 6' high from the rear to the rear easement. Mr. Barbaro asks are you requesting for rear to the front of the right of way and is told yes. Mr. Barbaro asks when people cut across where do they do that and is told the front remains well travelled. Mr. Barbaro asks what is to prevent them from doing that after and it told hopefully it will discourage them. They ride their bikes thru and also I would like to put a fence parallel at 3'. Mr. Barbaro asks would that be a stockade and is told picket. Mr. Barbaro asks why won't you put them on the westside and is told I didn't think of it. Mr. Barbaro states the stockade aill cut off the view in both directions but a 3' one would look better.

Mr. Ward states my concern is visibility with traffic coming, with a 6' fence you are limiting the visibility. You're cutting off 50' where they can see traffic. Mr. Ginegaw asks what if I had a 6' hedge. Mr. Ward states only 3' in the front. Mr. Connolly states if there were trees they would have to be trimmed.

No one spoke in favor.

In opposition: Nick Czubara, 7 Florentine Way. There are 19 homes on the circle and all have children ranging from 3 to 16. The prospect of a hazard concerns me. I'm sure there is a little cut through on the property that I have noticed. We have discouraged our children from doign that. I have told people coming from my house not to cut through. Safety is my concern.

DECISION: Denied by a vote of unanimous.

2. Application of Susan Belding, 11 Amanda Drive, Rochester, New York 14624 for conditional use permit to allow a a beauty shop in home at property located at above address in R-1-12 zone.

Ms. Belding is present. Mr. Barbaro reads a letter from the applicant. See attached. Ms. Belding states I'll be having a baby in September so I would like to stay home and raise my children. We both have to work to keep our home. Customers would call for an appointment. I don't think it would interfere with the neighbors.

Mr. Melville asks do you have just one exit from the basement and is told I was told to put a bigger window in the vasesment - a certain size.

Mr. Ward asks do you own the house and is told yes, since September. Mr. Ward asks did you know it was in a residential zone and is told yes, but the lady down the street does it parttime. So I came to apply. Mr. Ward asks where do you think most of your customers will come from and is told from within the neighborhood. Most of my customers are from Chestnut Ridge Road or Coldwater Road area.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *3-20-85*

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

GATES-CHILI NEWS

Issue Dated... *3-20-85*

John M. Robortella

Notary

JOHN M. ROBERTELLA

NOTARY PUBLIC, State of N. Y. Monroe County

My Commission Expires March 30, 19 *86*

Patricia M. Smith

Patricia M. Smith
Publisher

Spring Board - March 1985

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 26, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Application of Bernard Ginegaw, 9 Flint Lock Circle, Rochester, New York 14624 for variance to erect a 6' high fence where 3' is allowed at property located at above address in R-1-15 zone.

2. Application of Susan Belding, 11 Amanda Drive, Rochester, New York 14624 for conditional use permit to allow a beauty shop in home at property located at above address in R-1-12 zone.

3. Application of Eugene Nowack, 926 Chili Ctr. Coldwater Road, Rochester, New York 14624 for conditional use permit to allow an office in home at property located at above address in R-1-12 zone.

4. Application of Chestnut Ridge Builders, 52 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a house to be 20' from

rear lot line (40' req.) at property located at 24 Blue Ridge Trail in R-1-15 zone.

5. Application of Jim Dougherty, c/o Patio Enclosures, 6 Wolfe Trapp, Pittsford, New York 14534 for variance to erect a 12' x 12' enclosed porch to be 28' from rear lot line (40' req.) at property located at 13 Weatherwood Lane in R-1-15 zone.

6. Application of G. William LaDue, 224 Fairport Village Landing, Fairport, New York 14450 for variance to erect a professional office building to be 58' high (35' allowed) at property located at 1204 Scottsville Road in GB zone.

7. Application of Robert Gonyo, 17 Dakota Street, Rochester, New York 14611 for Land Use Variance to allow a landscaping business with the storage of tractors & equipment at property located at 903 Chili Scottsville Road in RA-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. Barbaro asks where do you work now and is told Buffalo Road, I rent a chair. My boss doesn't allow parttimers. Mr. Barbaro asks did you anticipate this when you bought this home and is told I really didn't think about it.

Mr. Ward asks do you have a license and everything and is told yes.

In Favor: Robert Hodben of 9 Amanda Drive. The entrance she is talking about is on the north side of the property. I am executor of the property next door. I can see no problem with this as she states it. I think she should be given the opportunity to try this.

Mr. Faso asks are you a relative and is told no.

In opposition: Charles Doerr, 15 Amanda Drive. I have a letter and petition that I would like to have read. It contains 15 to 20 names citing the reasons we recommend disapproval of this. See attached.

Frank Martone of 19 Alger Drive. When I bought into the neighborhood my purpose was R-1-12. There maybe another shop but I don't know about it. She could work part-time. I'm not concerned about the traffic but when I sell my property that is going to down grade it.

Ms. Belding states the way into Amanda Drive would not go by all those streets. You wouldn't know there was a hop in the area and that is the way mine would be.

Mr. Melville asks how many customers per day do you plan on taking care of and it told it would vary. I had five customers today. Saturday is a little busier.

DECISION: Denied by a vote of 2 no and 2 yes and 1 abstention for the following reason.

1. There appears to be significant opposition from the surrounding residential neighborhood as evidenced by testimony and petition. There was no one speaking or appearing in favor of the applicant who actually resided in the neighborhood.
3. Application of Eugene Nowack 926 Chili Center Coldwater Road, Rochester, New York 14624 for conditional use permit to allow an office in home at property located at above address in R-1-12 zone.

Mr. Nowack is present and states I would like an office in my home. I would like to have town approval to be an itinerant vehicle collector. I need town approval to pick up junk vehicles and scrap them.

Mr. Barbaro reads a letter from the applicant.

Mr. Miller asks you don't plan on dragging the vehicles to your house and is told that is right.

Ms. Brooks asks where do you pick up the cars and is told I advertise in the Gates-Chili news. Ms. Brooks asks are you affiliated with any salvage yard or under contract with any company and is told no.

Mr. Ward asks all the cars are taken for scrap, you don't resell them and it told no, I can't do that. I have to keep records of when I pick them up, where I pick them up and all that. That is why I need the office to keep the records.

Mr. Barbaro asks do you ever take the motors out and sell them and then scrap the car and is told yes, I did before.

DECISION: Approved by a vote of 4 yes and 1 no with the following conditions:

1. For a period of one year after which the applicant may apply for and extension.
2. No vehicles or parts kept on the premises.
3. No dismantling on the premises.
4. No signs on the premises.
4. Application of Chestnut Ridge Builders, 52 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a house to be 20' from the rear lot line (40' req.) at property located at 24 Blue Ridge Trail in R-1-15 zone.

Mr. Robert Michaels is present and states I have purchased this lot contingent on obtaining a variance so a 24' by 50' 2 story structure would be placed upon the lot. I am not sure of the zoning on a pie-shaped lot. I am here for clarification on zoning for that type of lot. I think you have a copy of the tape map.

Mr. Ward asks is this an existing lot and is told yes, subdivided in 1977.

Mr. Barbaro states I don't know is this is a rear setback or sideline setback. If you take a line perpendicular from the rear of the house and go straight back you would intersect the lot line but further back.

Mr. Connolly reads from the zoning book page 11651.

Mr. Ward states I don't see a problem. It was created by the Board and there shouldn't be any problem with the closing if we approve.

DECISION: Granted by a vote of 4 yes and 1 abstention.

5. Application of Jim Dougherty, c/o Patio Enclosures, 6 Wolfe Trapp, Pittsford, New York 14534 for variance to erect a 12' x 12' enclosed porch to be 28' from the rear lot line (40' req.) at property located at 13 Weatherwood Lane in R-1-15 zone.

Tom Cruwisha is present and states with patio enclosures what we propose to do is put a glass and screen enclosure, a porch type of affair, no heating and no plumbing. The woman is very allergic to bees and wants to stay outside longer. Ms. Brooks asks I don't see how you can have a room like this and have no electricity and is told there are outlets on the outside wall already.

No one spoke in favor or in opposition.

DECISION: Granted by a vote of unanimous.

6. Application of G. William LaDue, 224 Fairport Village Landing, Fairport, New York 14450 for variance to erect a professional office building to be 58' high (35' allowed) at property located at 1204 Scottsville Road in GR zone.

Bill LaDue is present and states I am representing Elliot Press for this variance. Mr. Press has constructed on building on the site. We are here tonight to obtain a variance for the second. The building will be located on the site plan I believe you have this before you. It is indicated as building #3 - southwest portion of the site. The proposal is to construct the same footprint that exists there now - 16,000 sq. ft. on the ground floor. Mr. Press has developed an unusual concept for and office park calling it the Towers Office Park. To make it financially viable each building will be required to be the same height and footprint. The building will be four stories. To the top of the parapet will be approximately 53' and the other 5' will be stairs that go to the roof. That brings it to 58'.

Mr. Barbaro asks is that the height of the other building and is told yes.

Mr. Miller asks did you get approval from the Monroe County with regard to the airport and is told yes we did.

Mr. Melville asks is this behind the other building and is told yes, it will be the second building.

No one spoke in favor or in opposition.

DECISION: Granted by a vote of unanimous.

7. Application of Robert Gonyo, 17 Dakota Street, Rochester, New York 14611 for Land Use Variance to allow landscaping business with the storage of tractors and equipment at property located at 903 Chili Scottsville Road on RA-20 zone. (Altered to Conditional Use Permit).

Mr. Gonyo is present and states I submitted a letter. Mr. Barbaro reads the letter. We have our equipment at the land and are storing the stuff at the land. Mr. Barbaro asks where is 903 and is told south of Morgan Road. Mr. Barbaro asks did you know it was rural agriculture not commercial when you bought it and is told yes. Mr. Barbaro asks what is most of your business and is told lawns.

Mr. Barbaro asks where di you park your equipment before and is tol in Henrietta. Mr. Barbaro asks what kind of equipment and is told dump trucks, etc.

Mr. Ward asks weren't you at Logn Pond before and is told yes.

Mr. Miller asks do you do any landscaping from that property and is told yes, we leave about 7:30 A.M. and come back about 5:30 P.M. and leave them for the night.

Mr. Barbaro asks you said you intend to build a home and is told yes, our home.

Ms. Brooks asks how many employees and is told we have 3 to 4 parttime and the rest of the people meet on the job site. They are college kids and meet at the site and drive home from there.

Mr. Barbaro asks how long has the equipment been there on the land and is told since January. Mr. Barbaro asks can he park them there and is told by Mr. Miller yes, as long as they are licensed that is his land. Mr. Miller asks have you a shed or barn to put some of this equipment in and is told I have applied for some permits to house 85% of it.

Mr. Ward asks will there be any sales on this property and is told no. Mr. Ward states you are doing more blacktop then. This is asking for one thing and is told that is my letter of intent. The business is now divided between concrete and driveways and landscaping.

Mr. Barbaro states you don't need a permit to plant a nursery stock just to run a business and is told I just want permission to park the vehicles. Mr. Barbaro asks what vehicles don't have licenses and is told 2 old trucks.

No one spoke in favor.

In opposition: Martha Yates. I live at 891 Chili Scottsville Road, directly next door to the property. I have some pictures regarding the trucks and dumping of concrete 15' off my property.

Mr. Barbaro asks was the driveway there or just put in and is told in January. Mr. Barbaro asks was there a road cut approval and is told yes.

Ms. Yates states I think what we are looking for is some assurances that the property will be kept clean. We want assurances about the chemicals. Mr. Barbaro states we can't give you assurances that the water will always be pure. Ms. Yates states when we bought this property four years ago it was zoned agricultural. We have nothing but fields since that time. Now that we have the potential of having a business next to us we want to see if we can have visual protection from his property. We are interested in a stockade fence and shrubbing being put around so we don't have to look at this mess all the time.

Mr. Melville asks then you are not opposed buty just want to be visually protected and is told no, my problem is looking at this mess. I don't think we are asking a whole lot. I want to be blocked as much as possible and from the noise.

Mr. Don Yates states I wasn't aware a business was going in the area. There has been a tractor 1 or 2 feet off our yard, my main concern is the probems associated with having a business next door. This will make it hard for us to sell our home in the future. If this is maintained, I don't mind.

Mr. Bartle, 4230 Union Street. If there is going to be a business in my back yard this would definitely curtail my target shooting on my own property. You can't discharge a fire arm within a 100' of a building you don't own.

Peter Widener of 4280 Union Street. This man has put a lot of money in the land and my farm backs up to his land if he develops it the way he plans to I am supportive but if he runs out of money it maybe an eyesore. If I am not mistaken there is another landscaping business across the street. There are alot of vehicles going in and out of there. I support this.

Mr. Conyo states as far as trucks being an eyesore, 85% of this equipment will be housed in a barn. Mr. Barbaro asks is a land use variance permanent and is told right it runs with the land. Mr. Barbaro states then there has to be a hardship and is told a hardship that runs with the land. He doesn't need a variance for the nursery stock as far as equipment he won't need a variance for the vehicles used for stock and licensed vehicles.

Mr. Barbaro states my understanding is that he would have to show a hardship running to the land to establish a business function at that location. I see he bought the land knowing it was agricultural, made some improvement to the land. Mr. Miller states you might grant him a permit use to run a landscaping business. You can give him a permit for landscaping.

DECISION: Granted by a vote of unanimous with the following conditions:

1. Approved for a period of 3 years.
2. Applicant will construct and maintain a stockade fence or equivalent privacy fence at least 6' in height along the property line of the adjoining residence on the north from the front line of their garage back to the rear property line by June 30, 1985.
3. Erects a barn for the storage of vehicles, equipment and supplies, used in the landscaping and paving business. Barn to be completed by September 30, 1986. Permit for construction does not in any way extend the conditional use permit.
4. Re-issuance of a conditional use permit for an extended period is conditional on the applicants performance in substantially complying with the restrictions placed herein.
5. No dumping of any materials whatsoever on the premises. This includes dirt, stone, mulch or other materials.
6. No storage of inoperable equipment on premises unless screened or garaged.
7. No parking of equipment behind the west property line of abutting property on the north.
8. No on street parking. No parking of employees cars within front setback line of adjoining residence on the north.

Ralph Barbaro
Zoning Board Chairman

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CHILI ZONING BOARD
April 23, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Offices, 3235 Chili Avenue, Rochester, New York 14624 on April 23, 1985 at 7:30 p.m. The meeting was called to order by Vice-Chairperson Tom Ward.

PRESENT: Tom Ward, Vice-Chairperson, Shirley Whelpton, Dan Melville
Bill Cates and Susan Brooks.

ALSO PRESENT: Dan Miller, Deputy Town Attorney

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Gary Alton, owner, 23 Charles Avenue, Rochester New York 14623 for variance to erect a 24' x 30' detached garage to be 1' from front lot line (100' req.), 27' from side lot line (50' req.) with a floor elevation of 520 (525 req.) at property located at above address in RA-20 & FPO zone.

Mr. Alton is present and states that he wishes to construct this garage 1' from the front lot line in order to maintain as much of his lawn space as possible, and to preserve the use of his existing driveway.

Mr. Ward asks applicant if he would have to widen the existing drive, and the applicant answers "yes."

Mr. Ward asks if it is necessary to build a garage this size, and if it could be built behind the shed on the property. Applicant says that he needs this amount of space to store his "junk," and that locating it behind the shed would require relocating the present driveway.

Mr. Ward states that this is a 99% variance requested in an area where lots are considered small. Asked again by Mr. Ward if it could be pulled back from the house further and shortened up a bit, the applicant answers that he could move it back some, but wants to maintain 15' between the proposed garage and the back corner of the house.

Mr. Ward asks if this would be far enough back so as to not block traffic on Theron Road, and applicant states that there are two houses between his own and Theron Road, and this this is actually 12' from the edge of the pavement.

Mr. Ward reminds applicant that one other consideration is the snow plowing on the street that could be a problem if the structure were built on the proposed site.

Mr. Cates asks what the smallest garage is that he could accept. He answers that would be "24 x 24," and I could move it back 10' if I had to." He further stated that there had been no objections from his neighbors.

DECISION: Application unanimously denied.

AMENDED: Garage 24' x 30', detached, built with a 10' set back from the front property line, which is actually 22' from the middle of the road.

DECISION: Approved by a vote of four; opposing vote cast by Mr. Ward.

2. Application of Robert Gonyo, owner, 17 Dakota Street, Rochester New York 14611 for variance to allow a lot width of 623.06 for lot A (700' req.) and 539.50 for lot B (700' req.) at properties located at 903 and 925 Chili Scottsville Road in RA-20 zone.

No representative is present for this application, so the application is tabled for one month. A letter will be written to the applicant advising on the need to appear at the May meeting or the application will be denied.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... *4-17-85*

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

GATES-CHILI NEWS

Issue Dated... *4-17-85*

John M. Robortella
.....

Notary

JOHN M. ROBOORTELLA

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

My Commission Expires March 30, 19*89*

Patricia M. Smith
.....

**Patricia M. Smith
Publisher**

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 April 23, 1986 at 7:30 p.m. to hear and consider the following applications:

1. Application of Gary Alton, owner, 23 Charles Avenue, Rochester, New York 14623 for variance to erect a 24' x 30' detached garage to be 1' from front lot line (100' req.), 27' from side lot line (50' req.) with a floor elevation of 520 (525 req.) at property located at above address in RA-20 & FPO zone.

2. Application of Robert Gonyo, owner, 17 Dakota Street, Rochester, New York 14611 for variance to allow a lot width of 623.06 for lot A (700' req.) and 539.50 for lot B (700' req.) at properties located at 903 & 925 Chili Scottsville Road in RA-20 zone.

3. Application of Nicholas Tufano, owner, 40 Fenton Road, Rochester, New York 14624 for variance to erect an above ground swimming pool to be 4' from side lot line (10' req.) at property located at above address in R-1-20 zone.

4. Application of Chili American Legion Club Inc., owner, 450 Chili Scottsville Road, Scottsville, New York 14546 for variance to create an under-sized lot to be 2.5 acres (20 acres req.) with a lot width of 253.16 (700' req.) at property located at above address in PRD zone.

5. Application of Delight Stacey, owner, 3467 Chili Avenue, Rochester, New York 14624 for variance to erect an addition to house to be 60' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

6. Application of Union Community Greenhouse, owner, 57 Blue Pond Manor, Scottsville, New York 14546 for variance to allow front parking for 15 vehicles at property located at 3309 Union Street in GB zone.

7. Application of Elizabeth Batt, owner, 99 Names Road, Rochester, New York 14623 for variance to erect a 30' x 24' attached garage to be 7' from side lot line (50' req.) with a floor elevation of 523 (525 req.) at property located at above address in RA-20 & FPO zone.

8. Application of Pamela Dickson of Nothnagle Realtors, 2170 Chili Avenue, Rochester, New York 14624,

owner of property-Forest Creek Equity Corp., for variance to erect an 8' x 3' addition to freestanding sign at property located at 844 Paul Road in RM zone.

9. Application of Frank Burns, owner, 530 Chili Scottsville Road, Scottsville, New York 14546 for variance to allow a house to be 71.3' from front lot line (100' req.) at property located at above address in RA-20 zone.

10. Application of John Anderson, occupant, 5 Milewood Road, Scottsville, New York 14546, owner of property - John Sharpe, for variance to erect a 25' x 22' attached garage to be 20' from side lot line (50' req.) with a floor elevation of 525.09 (529 req.) at property located at above address in RA-20, FPO, FW zone.

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

R. Thomas Ward,
Vice Chairman
Chili Zoning
Board of Appeals

Printing Book for April 23

3. Application of Nicholas Tufano, owner, 40 Fenton Road, Rochester New York 14624 for variance to erect an above ground swimming pool to be 4' from side lot line (10' req.) at property located at above address in R-1-20 zone.

Nicholas Tufano is present and states that he is requesting the variance in order to preserve his back yard, as well as keep the view intact.

Mr. Ward asks if the pool is to be above ground. Applicant answers "yes." Mr. Ward asks if it will be behind the garage, and again the applicant says, "yes, the yard is already fenced in there."

No one spoke in favor or in opposition to the proposal.

DECISION: Approved by a unanimous vote of five.

4. Application of Chili American Legion Club, inc., owner, 450 Chili Scottsville Road, Scottsville, New York 14546 for variance to create an undersized lot to be 2.5 acres (20 acres req.) with a lot width of 253.16 (700' req.) at property located at above address in PRD zone.

Mr. Steve Wasko, 595 Stqitel Road, is here, representing the Chili American Legion, Inc. He explains that the Legion wants to purchase 1.9 acres from Mr. Stryker in order to expand their parking lot. The Legion was represented before the Planning Board last week in this pursuit. Mr. Ward asks if the Legion has plans to expand a building, and Mr. Wasko says they only intend to expand the parking lot.

Mr. Ward asks if they would retain the single driveway. Mr. Wasko says that they would, unless they could get the state to fence the area and open an entrance off Rt. 386.

No one spoke in favor or in opposition to the proposal.

DECISION: Approved by a unanimous vote of five.

5. Application of Delight Stacey, owner, 3467 Chili Avenue, Rochester, New York 14624 for variance to erect an addition to house to be 60' from rear lot line (90' req.) at property located at above address in PRD zone.

Douglas and Delight Stacey are present to represent their application. Mrs. Stacey explains that they want to add more living space to their Cape Cod home.

Ms. Brooks asks if the addition is to be a family room. The applicants reply that it is to be that and will provide easy access to their back yard.

Mr. Cates asks if the above ground pool has been removed, and they answer that it has been.

Mr. Ward asks if this addition would be any closer to the side lot line, to which the applicants answer that the lot is at an angle and is 75' at the back of the lot.

Mr. Ward reminds them that to go closer than 2½' would necessitate another variance.

No one spoke in favor or in opposition to the proposal.

DECISION: Approved by a unanimous vote of five.

6. Application of Union Community Greenhouse, owner, 57 Blue Pond Manor, Scottsville, New York 14546 for variance to allow front parking for 15 vehicles at property located at 3309 Union Street in GB zone.

Randy Ciaccia, a general partner in Union Community Greenhouse, is present, representing this application. He explains that his business wants to put a parking lot across the front of the lot to facilitate parking for 15 vehicles. Presently there is parking for 7 cars.

Mr. Ward asks if Union Community has appeared before the Planning Board and the applicant answers, "yes."

Ms. Brooks asks if his business is affiliated with the business next door. Applicant answers that the lot belongs to his partner.

Mr. Cates asks if the portable greenhouse in the front of the adjacent lot belongs to him. Applicant says that it belongs to his partner, as do the other things on that lot.

Ms. Brooks says, "but it is your partner, and therefore it is yours too." Applicant agrees.

Mr. Ward asks why parking cannot be located in the rear. Applicant answers that many trees would have to be removed.

Mr. Cates asks if there is a lot on the north. Applicant answers that the DePaul Clinic is located on the north and the only home is located at 3311 Union Street.

Mr. Ward asks if the business planned to use the other 2 parcels in the future, to which the applicant answers that the land is used as a fill and they would try to get it rezoned this summer. In time, he says, they will try to get it rezoned as a single property.

Mr. Ward asked if the state had reviewed this. Applicant answers that the area was under Fairport for a while, but had been state approved when Glidden owned it.

Mr. Cates asked if the present greenhouse was to remain, and the applicant said it would.

Mr. Melville asked if 18' was wide enough for the driveway, and applicant said it could be wider. Mr. Melville said it seemed to be tight.

Mr. Ward asked if the business could relocate the present front parking spaces, and the applicant answered that the business was new, that an asphalt drive was expensive, and that they would consider paving it later if the business permitted the expense. He said that they were considering planting shrubs and trees as a buffer zone.

No one spoke in favor or in opposition.

FIRST DECISION: Application unanimously denied.

AMENDED: (Contingent upon the Planning Board's approval.)

1. The seven to eight parking places in front are to be relocated.
2. No on-street parking is allowed.
3. No portable stands or trailers are to be parked in front of the adjacent lot.
4. The area between the road and the business must be maintained.

2nd DECISION: Approved by a unanimous vote of five.

7. Application of Elizabeth Batt, owner, 99 Names Road, Rochester New York 14623 for variance to erect a 30' x 24' attached garage to be 7' from side lot line (50' req.) with a floor elevation of 523 (525 req.) at property located at above address in RA-20 & FPO zone.

Elizabeth Batt was present, representing her own variance application. She states that she has no garage and needs one.

Mr. Ward asks why she needs a 30' x 24' garage and she tells him that the dimensions include a 12' breezeway and a 19' garage. This reduces the garage dimension to 18' x 24'.

No one spoke in favor or in opposition.

DECISION: Approved by a unanimous vote of five.

8. Application of Pamela Dickson of Nothnagle Realtors, 2170 Chili Avenue, Rochester, New York 14624, owner of property - Forest Creek Equity Corp., for variance to erect an 8' x 3' addition to free-standing sign at property located at 844 Paul Road in RM zone.

Pamela Dickson of Nothnagle Realty Co. and David Gutmann from the law firm of Gallo and Iacovangelo are present, representing this application. Let it be known that a violation notice has prompted this present application.

According to Miss Dickson, Nothnagle hired a sign company to erect two 8' x 3' signs. No one advised that a variance was necessary

Phillip Abrams, manager of Pizza Villa, is present to represent the application. He says he feels that the signs would help business.

Tom Ward asked how long the business had been there, and Mr. Abrams said for 9 years. Tom then said he felt that the signs were fairly visible from the road. Mr. Abrams said that there were none near the road. Tom asked if the sign would be the same as the Chili Center Lanes as far as the coloring. Mr. Abrams said they would probably use red print. Tom asked if there would be other things advertised on the sign, such as subs or beer. Mr. Abrams said that there would be simply advertising for pizza and the air conditioned dining room.

Dan Melville asked if there would be a coke sign, and Mr. Abrams said they were renovating the front of the sign, and would be putting up a new over-the-door coke sign.

DECISION: Unanimous approval by vote of six with condition that existing signs be removed when new ones are placed.

12. Application of Joseph DeFalco, owner, 8 Woodruff Glen, Rochester, New York 14624 for variance to erect an 8' x 12' wood utility shed to be 10' high (8' allowed) and to be placed on lot line (8' req.) at property located at above address in R-1-15 zone.

Mr. Joe DeFalco is present to represent this application. He says that he wants to locate an 8' x 12' shed on the rear lot line. He says that it is the best utilization of the rest of the space, and is also an open area. He says the land is sloping to the rear and there would be no interference with the adjacent land. He says that he has built four of these sheds. He would construct it so that the wood would blend in with the rest of the neighborhood.

Tom Ward asked if there was a dedicated easement where the swale goes, and Mr. De Falco said "yes, it has a concrete bottom." Tom asked if the shed would be on the easement in the back, and he was told no. Tom said that for maintenance purposes, the shed should be kept 4' from the rear lot line. Mr. De Falco said this could be done.

DECISION: Unanimous approval by a vote of six.
Amended: to be 4' from rear lot line.

13. Application of Michael Lodato, owner, 14 Wheat Hill, Rochester, New York 14624 for variance to erect a 16'8" wide gazebo to be 36½' from side lot line (55' req. on corner lot) and to be 15' high (8' req.) at property located at above address in R-1-15 zone.

Mr. Michael Lodato is present to represent this application. He said that he built the gazebo and deck, but did not think he needed a variance or building permit. He explained that this was a free-standing unit.

Tom Ward said that he had noticed that it did not interfere with traffic visibility or anything. He did suggest that Mr. Lodato check with the building department before he builds anything else.

Mr. Lodato submitted a petition with 27 signatures indicating that those who signed did not object to the addition.

Jean Phillips of 11 Lester Street spoke in favor of the application.

DECISION: Unanimous approval by a vote of six.

OLD BUSINESS:

1. Application of Jacob Seldowitz, 2021 Scottsville Road, Rochester, New York 14623 for variance to erect a 3' x 2½' double faced free-standing sign at property located at above address in RA-20 and FPO zone.

Mr. Jacob Seldowitz is present to represent this application. He said that this is to be a real estate office and he believes that it is permitted use as a customary home occupation.

129 G

Zoning Board

8/27/85

Bob Connolly said that if the sign significantly changes the character of the neighborhood, it requires a conditional use permit. He said that in a rural agricultural area, it is a permitted use.

Dan Melville said the neighbors to the north and south are businesses, and a real estate office is not really out of line.

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval by a vote of six.

This meeting was adjourned by Tom Ward at 9:15 P.M.

CHILI ZONING BOARD
September 24, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, N.Y. 14624 on September 24, 1985 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Tom Ward, Chairperson; Ralph Wehner, Bill Cates, Dan Melville, Susan Brooks.

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

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Robert Warmus, Owner; 35 Sunderland Trail, Rochester, NY 14624 for conditional use permit to allow an Amway business out of home at property located at above address in R-1-15 zone.

Mr. Robert Warmus is present to represent this application. He says that all he is requesting is permission for people to pick up their orders on Thursday from 4:00 - 8:30 p.m. He says that as an Amway distributor with approximately 10 people selling for him, he has need to allow these people to pick up orders on a weekly basis. He said that one small van delivering 15 boxes of Amway products arrives each Thursday a.m. He does not have more than 2 or 3 people at any one time during the hours above picking up orders. He said he has substantial parking. He said these people need to pick up orders after work.

Tom Ward asked if his house was one of the private drives off Sunderland, or if it was right on Sunderland. Mr. Warmus said it was on Sunderland.

Susan Brooks asked Mr. Warmus if this represented a full-time job for him, and he told her no and that he was a Kodak employee full-time. Susan then stated that this was the time that most children came home from school.

Tom Ward asked if he had been in business long, and he said, "yes, nine years. Tom asked him if he had ever had any complaints and the applicant said no.

Bob Connolly stated that this is how he had become aware of a business operating out of the home: he had had a recent complaint.

Susan Brooks asked what size the van was that made the delivery. She was told that it was the size of a UPS truck--a step van.

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval by vote of five.

- Conditions:
1. No on-street parking
 2. No outdoor advertising.
 3. No outdoor storage of products.
 4. Approved for a period of 3 years.

2. Application of Virginia Kinney, owner; 26 Charles Avenue, Rochester, NY 14623 for variance to erect an enclosed stairway to be 31' from side lot line (50' req.) at property located at above address in RA-20 & FPO zone.

Mr. David House is present to represent the application. He says that Mrs. Kinney's son is handicapped and needs an external stairway in case of an emergency.

Tom Ward asks if this is to be located in the back of the existing house, and he is told yes.

Bob Connolly asks Mr. House what his connection with this case is, and Mr. House says that he is Mrs. Kinney's son-in-law.

Susan Brooks asks if the stairway is to one of the existing bedrooms, and Mr. House explains that the stairway is to a hallway off the son's bedroom.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date... 9-18-85

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

GATES-CHILI NEWS

Issue Dated... 9-18-85

*Homeing Book
Sept. 1985*

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 31, 19... 87

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 September 24, 1985 at 7:30 p.m. to hear and consider the following applications:

1. Applications of Robert Warmus, owner; 35 Sunderland Trail, Rochester, New York 14624 for conditional use permit to allow an Amway business out of home at property located at above address in R-1-15 zone.

2. Application of Virginia Kinney, owner; 26 Charles Avenue, Rochester, New York 14623 for variance to erect an enclosed stairway to be 31' from side lot line (50' req.) at property located at above address in RA-20 & FPO zone.

3. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14614 for variance to erect 12 removable sales flags at property located at 844 Paul Road in RM zone.

4. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, New York 14614 for variance to erect a 12' high privacy fence (6' allowed) at property located at 844 Paul Road in RM zone.

5. Application of Forest Creek Equity Corp., owner; 80 W. Main Street,

Rochester, New York 14614 for variance to erect 2-8' x 4' temporary real estate development signs at property located at 844 Paul Road in RM zone.

6. Application of Granger Wilson Sign Co.; 28 Saginaw Drive, Rochester, New York 14623, property owner; Forest Creek Equity Corp.; for variance to erect 2-8' x 1' additions to existing temporary freestanding sign at property located at 844 Paul Road in RM zone.

7. Application of Francine Beck, owner; 415 Fisher Road, Rochester, New York 14624 for variance to erect a 23' x 25' attached garage to be 59½' from front lot line (75' req.) at property located at above address in R-1-12 zone.

8. Application of Robert Crawford, owner; 61 Alger Drive, Rochester, New York 14624 for variance to allow an existing house to be 9.3' from side lot line (10' req.) at property located at above address in R-1-12 zone.

9. Application of Gary Leo, owner; 161 Morgan Road, Scottsville, New York 14546 for variance to erect an addition to house to be 27' from side lot line (50' req.) at property located at above address in RA-20 zone.

10. Application of Thomas Carpenter, 85 Westfield Street, Rochester, New York 14611, owner; for land use variance to refurbish existing house as a single family dwelling at property located at 60 King Road in LI zone.

11. Application of Playcare, owner; 420 Lyell Avenue, Rochester, New York 14606 for variance to allow a 4' x 3' wall sign to include a pictorial design at property located at 4479 Buffalo Road in R-1-15 zone.

12. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for variance to erect a 6' x 8' temporary double faced freestanding sign to be a total of 96 sq. ft. at property located at above address in R-1-15 zone.

13. Application of Walter Gudsalak, owner; 52 Brasser Drive, Rochester, New York 14624 for variance to erect an inground swimming pool to be 30' from front lot line (55' req.) at property located at above address in R-1-15 zone.

14. Application of Herman Yahn, owner; 396 Chili Scottsville Road, Churchville, New York 14428 for variance to erect a 22' x 24' addition to garage to be 47' from side lot line (50' req.) at property located at above address in PRD zone.

15. Application of Daniel Lincoln Miller, owner; 569 Thurston Road, Rochester, New York 14619 for variance to erect a 5½' x 2' wall sign at property located at 2648 Chili 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.

R. Thomas Ward, Chairman
Chili Zoning Board of Appeals

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval by a vote of five.

3. Application of Forest Creek Equity Corp., owner; 80 west Main Street, Rochester, NY 14614 for variance to erect 12 removable sales flags at property located at 844 Paul Road in RM zone.

Bernard Iacovangelo, attorney for Forest Creek Equity Co. is present to represent this application. He begins by explaining that real estate agents have been using flags at the site to signal that the real estate staff is on duty. Neighbor boys are paid to put them up and take them down. The Building inspector informed them that this was a violation and advised them to make application to continue their use. Mr. Iacovangelo cites several sections of the town code to make his point that the flags are legal use of advertising by real estate developers. He says that the flags have served two purposes: 1) shown people when the sales staff are there, and 2) given advance warning of the entrance to Pumpkin Hill.

Tom Ward suggests that they have imposed their own interpretation on the town code. He says they should have checked with a zoning official. He then reads the particular town code that applies to signs in the town and tells the applicant that this has not given them permission for the flags. He said the Board has already given variances on the property for signs. He reminds them that the purpose of the Board is to protect the town from unnecessary signs.

Mr. Iacovangelo says, "are you saying that you are not concerned about the development in the town." Mr. Ward explains that of course he is concerned, but that he is just as concerned about things that detract from the town, while benefitting only a few people.

Mr. Iacovangelo says that the flags have had special purpose, and that they are needed for multiple sales. He says the marketing plans must be successful on a project of this scope. He says it requires a different merchandizing effort than other developments.

Bob Connolly directs a question to Mr. Dan Miller on his interpretation of the town code and the legality of the flags. Mr. Miller says they are a banner and therefore not permitted. He says it is up to the Board whether to allow them or not.

Ralph Wehner asks Mr. Iacovangelo if they have any immediate plans to move the signs to Chili-Coldwater Road. He is told no.

QUESTIONS FROM THE AUDIENCE:

Steve Hallet - 116 Stover Road

He says it is a question of intent, not interpretation. If the Board's intent is to protect the town from oversigning, then this is what the Board needs to act on. He says, in general, signs are not an accepted way of saying that a business is open.

Pam Dixon, real estate sale's manager for Nothnagle Homes, says she feels that the majority of town home buyers have bought there because of the flags. She says she pays to have the flags put up out of her own money because the A-frame signs fall down all the time. This type of buyer, she explains, is a spur-of-the-moment buyer.

No one spoke in favor or in opposition to the application.

DECISION: Approved by vote of four
One negative vote cast by Tom Ward.

4. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, NY 14614 for variance to erect a 12' high privacy fence (6' allowed) at property located at 844 Paul Road in RM zone.

Mr. Iacovangelo is present to represent this application. He shows on the map where this fence is to be located. He then discusses the various phases of the project and explains the cluster plan. In the present phase, there is limited marketability, he explains, because the development looks toward the back of a shopping plaza where there are delivery trucks, dumpsters, etc. He says the visual presence that is unattractive has detracted buyers; therefore, they are proposing a 12' high fence to screen the view. He says it will be an attractive fence--decorative in nature.

He said that a lot of trees have been planted as a buffer, but that it will take years for them to grow. He says a fence will protect the integrity of the development.

Tom Ward asked if the condition hadn't existed when they purchased the property. Mr. Iacovangelo said it had, but that they had thought they could screen off this bad view with trees, but that they were ineffective. He said they had bought many 8-12' trees, but they were still not enough.

Dan Melville asked if they planned to take the fence out when the trees were large enough. Mr. Iacovangelo said the fence would probably be permanent.

Dan Melville then asked who would maintain the fence. He was told that it would be maintained by the Homeowners Association of Pumpkin Hill.

Tom Ward asked what the actual location of the fence was. Mr. Iacovangelo said it was along the property line, and that they have a license agreement with the people who own the shopping center property. He said the fence would be located on the property line, on top of the berm.

Tom Ward reminded him that if the fence were to be a few feet inside the line, it would be easier to maintain because space would be there to get around it and pick up the trash and debris from the shopping area.

Tom Ward then asked if there was any drainage easement there, and Mr. Iacovangelo said no.

QUESTIONS FROM THE AUDIENCE:

Tom Tallman 114 Stover Road

Asked what will happen when I come into the Board to ask for the same kind of variance. He said that all of Stover Road from section 3 up may come in to complain.

Pam Dixon -

She said that this fence will add to the aesthetic view of the town. She said the homes going in there will sell for \$95,000 - \$120,000.

Steve Hallet - 116 Stover Road

He said he thought it would be a problem in the beginning. Now, after a thorough marketing research, they want to build a fence.

James Perna - 849 Paul Road

He says that they are doing it for the good of the town. He said if K-Mart's trees had grown, they wouldn't have to be asking for a fence. He says it was his own idea for a fence.

Tim Payna - 16 Elderbush

He says he wants a fence. He says he also has a view of K-Mart and he hates it. He says he would also like a sound barrier.

No one spoke in favor or in opposition.

DECISION: Approval by a vote of four.
Ralph Wehner abstains.

5. Application of Forest Creek Equity Corp., owner; 80 W. Main Street, Rochester, NY 14614 for variance to erect 2-8'x4' temporary real estate development signs at property located at 844 Paul Road in RM zone.

Mr. Iacovangelo is present to represent this application, and he explains that they want to renew the previous application to allow 2 signs to remain there.

Tom Ward asks if there are to be any alterations, deletions, etc. Mr. Iacovangelo says that the next application is to add to those signs and they are requesting a renewal. Tom then asks Mr. Iacovangelo if the sign has been set back from the road-right-of-way as originally requested. He is told that it has been.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval with two year renewal granted.

6. Application of Granger Wilson Sign Co.; 26 Saginaw Drive, Rochester, NY 14623, property owner: Forest Creek Equity Corp.; for variance to erect 2 - 8' x 1' additions to existing temporary freestanding sign at property located at 844 Paul Road in RM zone.

Mary Jo Turpsa of Passero Associates is here representing this application. She explains that the signs will be in keeping with the same color scheme as what is already there. She says further that the best advertising an architect or engineer can do is advertise on the work that he has already done. She says that Mr. Passero, who is here tonight, would like the Board's approval to have his name on the sign to advertise that he is associated with the project.

Bill Cates asks Bob Connolly if there are other developments in the area where signs have names of other professionals on them.

Tom Ward says that Mr. Passero has the right to be proud of his association with developments like this, but that they must draw the line somewhere. He says further than many times the architect or engineer is listed on any advertising brochures or sales information.

No one spoke in favor or in opposition to the application.

DECISION: Disapproved by unanimous vote of five.

7. Application of Francine Beck, owner; 416 Fisher Road, Rochester, NY 14624 for variance to erect a 23' x 25' attached garage to be 59½' from front lot line (75' req.) at property located at above address in R-1-12 Zone.

Francine Beck is present to represent this application.

Tom Ward asks her why she wants this addition, and she tells him that there are two reasons: 1) for aesthetics--to make her house look larger, and 2) she needs a garage for her two cars.

Tom Ward asked how long she has owned the home, and she said 15 years.

QUESTION FROM AUDIENCE:

Don Sterner - 412 Fisher Road

He asks her where the garage will be in relation to the front door, and she shows him on the map. He says he would like to speak in opposition to her application for the following reasons:

- 1) The street has nice homes with lovely trees in a straight line and he does not want to see a garage in the front yard.
- 2) In the winter, there are high snow drifts already there and he can foresee greater drifting.
- 3) He has a flower garden on her side of the house and he can see that he will have to move it because of the run-off that her garage will cause.

Tom Ward asks if his house is directly north of hers, and he says yes.

Ms. Beck says there will be no greater shade as a result of her garage and that he will not have to move his flowers. She then explained how the water would be channeled along the property line, rather than on him.

No one spoke in favor of the application.

DECISION: Unanimous disapproval by vote of five.

8. Application of Robert Crawford, owner; 61 Alger Drive, Rochester, NY 14624 for variance to allow an existing house to be 9.3' from side lot line (10' req.) at property located at above address in R-1-12 Zone.

Mr. Crawford is present and explains that the house is off 4' in front and on the side. He said when he bought the house, a tape location map was done, but that there was no instrument survey done.

No one spoke in favor or in opposition to this application.

DECISION: Unanimous approval by vote of five.

9. Application of Gary Leo, owner; 161 Morgan Road, Scottsville, NY 14546 for variance to erect an addition to a house to be 27' from side lot line (50' req.) at property located at above address in RA-20 zone.

Mr. Leo is present. He says there is a family room on the west side of the house, which is 27' from the lot line. He said they need more space and would like to add a 27' x 14' addition in an L-shape that will circle the back of the house.

Tom Ward asked if it is to remain a single family residence and is told yes. Mr. Ward asks if there is a neighbor to the west, and Mr. Leo says that there is one 20' off his property line and with 50' between them.

Tom Ward asks if there are any drainage problems and is told no.

Ralph Wehner asks if he plans to put a garage in and he says no.

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval by vote of five.

10. Application of Thomas Carpenter, 85 Westfield St., Rochester NY 14611, owner; for land use variance to refurbish existing house as a single family dwelling at property located at 60 King Road in Li zone.

Mr. Carpenter is present and says that he wants a land use variance for an existing house. He says the house was built at the turn of the century and he would like to continue its use as a residential property. He says the house pre-existed the zoning laws.

Susan Brooks asked if he owned the property, and he said the sale was pending the outcome of tonight's decision.

Ralph Wehner asked if he would use his own dumpster, or if he would be putting out rubbish for the town to pick up. Mr. Carpenter said he would contract for his own disposal.

No one spoke in favor or in opposition.

DECISION: Unanimous approval by vote of five.

11. Application of Playcare, owner; 420 Lyell Avenue, Rochester, NY 14606 for variance to allow a 4' x 3' wall sign to include a pictorial design at property located at 4479 Buffalo Rd. in R-1-15 zone.

Bonnie Travaline is present and is seeking permission to have a lgo for Playcare placed on their sign. She shows the logo to the Board.

Tom Ward asks if they have received Planning Board approval and she says yes.

No one spoke in favor or in opposition.

DECISION: Unanimous approval by vote of five.

12. Application of Roberts Wesleyan College, owner; 2301 West-side Dive, Rochester, NY 14624 for variance to erect a 6' x 8' temporary double faced freestanding sign to be a total of 96 sq. ft. at property located at above address in R-1-15 zone.

No one is present to represent this application. Tabled for one month.

13. Application of Walter Gudselak, owner; 52 Brassier Drive, Rochester, NY 14624 for variance to erect an inground swimming pool to be 30' from front lot line (55' req.) at property located at above address in R-1-15 zone.

Mr. Gudselak is present and explains that most of his property lies to the side. He says there is not enough room in the back for a pool.

Tom Ward asks if he would comply with the fencing and electrical requirements and he says yes.

No one spoke in favor or in opposition.

DECISION: Unanimous approval by vote of five.

14. Application of Herman Yahn, owner; 396 Chili Scottsville Road, Churchville, New York 14428 for variance to erect a 22' x 24' addition to garage to be 47' from side lot line (50' req.) at property located at above address in PRD zone.

Mr. Yahn is present to represent this application. He states that he wants to add a 22' x 24' garage to the existing 19' x 20' one.

Tom Ward asks why he needs so much space, and he says the present garage is not big enough to park in and he needs storage space.

Tom then asks if it is for his own personal use. He says yes and that he does not plan to do auto repairs there.

Susan Brooks asks how many vehicles are registered to him, and he says 4. He says he has one unregistered vehicle at his parent's home.

No one spoke in favor or in opposition.

DECISION: Unanimous approval by vote of five.

15. Application of Daniel Lincoln Miller, owner; 569 Thurston Rd., Rochester, NY 14619 for variance to erect a 5½' x 2' wall sign at property located at 2648 Chili Avenue in R-1-15 zone.

Mr. Miller is present to represent this application. He explains that the Planning Board gave permission for him to develop a law office at 2648 Chili Avenue. He wants to place a property sign of the east side of the building, which will only be visible to those going west on Chili Avenue. He says it will help identify the house as a law office. He further states that he would like it lit at night for easier visibility and would like permission to make it 3' x 5', rather than 5½' x 2'. The sign, he says, would be white with black lettering and would bear his name, attorney at law, and address. It is to be mounted on the wall.

Tom Ward said the Board must look at the precedence it might set, and he then asks Mr. Miller why it needs to be so large..

Mr. Miller explains that the area has high tension poles, along with numerous other signs, and his own office has a short visual distance because of all these distractions. He wants a larger sign so it can be noticed by passing automobiles.

OPPOSITION FROM THE AUDIENCE:

Mr. Arthur Spuck - Chili Avenue

He says he is opposed to the size of the sign because he thinks there are enough signs there at that corner. He says he has a letter from Helen Copeland, his neighbor, who also objects.

Mrs. Arthur Spuck -

She says it was a residential neighborhood when they moved in. Apartments have now been built against their will, drainage problems have not been corrected despite many complaints, and now Mr. Miller wants a 3' x 5' sign on his office. "This is ridiculous," she says.

DECISION: Denied by vote of 3:2
Negative votes cast by Dan Melville, Susan Brooks and Ralph Wehner.

Minutes from the 7/23 meeting were approved, as were minutes from the 8/27 meeting.

Tom Ward adjourned the meeting at 10:20 p.m.

CHILI ZONING BOARD
October 22, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on October 22, 1985 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Tom Ward, Chairperson; Shirley Whelpton, Bill Cates, Dan Melville, Jack Hallaby, Marsha Havens

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Charles LaRocca, owner 1079 Paul Road, Churchville, New York 14428, for variance to allow a wood utility shed to be 3' from garage (8' req.) at property located at above address in R-1-20 zone.
2. Application of Charles LaRocca, owner, 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.

These two applications were heard concurrently. Mr. Charles LaRocca and Mr. Howard Stark were present to represent the application. Mr. Stark explained that he was with the Iacovangelo law firm and was representing Mr. LaRocca in his present application. He said that the shed had been constructed just 3' from the garage due to a lack of knowledge of requirements, and that the shed's construction cost \$500. He said further that the location of the garage as it exists today is not injurious to any of the neighbors to the property or to the Town of Chili Zoning Board. He said a variance was needed to preserve his property right to use the shed. He said that a 5' differential was a minimal variance.

Tom Ward asked what the purpose of the shed was, and he was told that it was for storage. He then asked Bob Connolly if there were any problems with the Building Code, and Bob told him no.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mr. Baumeister said he lives to the west of the property and the addition is a nice one; he is in favor of the application.

Mrs. Baumeister agrees that it is a nice addition and she too favors it.

DECISION ON APPLICATION 1: Unanimous approval by vote of six.

Mr. Stark explains that Mr. LaRocca wants a conditional use permit for a real estate office in his home. He says that he is presently situated in business in Gates, New York, and hopes to use his den in the home as a real estate office, from which he would mostly make phone calls. He says that Mr. LaRocca has off street parking for seven vehicles, two employees in the business, and only 3 clients in any particular month. Mr. Stark said that Mr. LaRocca has been a good neighbor and will not utilize the property to the jeopardy of the health, safety or welfare of his neighbors. He submits to the Board a petition from the neighbors, as well as a list of other businesses in the vicinity which are operating out of homes. He says that Mr. LaRocca wants to primarily establish a business presence in the Town of Chili.

Tom Ward said that the same application was heard a year ago, voted down, and yet the business has continued to operate.

Mr. Stark said he has only been receiving phone calls in his home, the same as he would have been doing had he not had a business office. Mr. Ward said that he did not see anything significantly different than the conditions at the time of the original presentation. Bill Cates said that he now has an office elsewhere and that us different. Mr. LaRocca explained that when he first made application he was just beginning the real estate business.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date *10-16-85*

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

GATES-CHILI NEWS

Issue Dated *10-16-85*

Geraldine C. Snyder
Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 19 *87*

Patricia M. Smith
Patricia M. Smith
Publisher

LEGAL NOTICE

CHILIZONING

BOARD OF APPEALS

Pursuant to Section 267 of Town Law, a public hearing will be held by the Chili Zoning Board of Appeals at the Chili Town Offices, 3235 Chili Avenue, Rochester, New York 14624 on October 22, 1985 at 7:30PM to hear and consider the following applications:

1. Application to Charles LaRocca, owner, 1079 Paul Road, Churchville, New York 14428 for variance to allow a wood utility shed to be 3' from garage (8' req.) at property located at above address in R-1-20 zone.

2. Application of Charles LaRocca, owner, 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.

3. Application of Marc

Odrobina, owner, 13 Slate Drive, North Chili, New York 14514 for variance to allow an above ground swimming pool to be 1' from side lot line (10' req.) at property located at above address in R-1-15 zone.

4. Application of Chili Doll Hospital & Museum, 4332 Buffalo Road, North Chili, New York 14514, property owner: M/M Frederick Greenfield; for variance to erect a 4 1/2' x 3' double faced projecting sign to include a logo at property located at above address in R-1-15 zone.

5. Application of Paul Suhr, owner, 165 King Road, Churchville, New York 14428 for variance to erect a 14' x 12' wood utility shed to be 168 sq. ft. (120 sq. ft. allowed) and to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

6. Application of Nicholas

Desiderio, D.D.S., 12 Baymon Drive, Rochester, New York 14624, property owner: Iacovangelo's; for Land Use Variance to allow a dental office in existing dwelling at property located at 2674 Chili Avenue in R-1-20 zone.

7. Application of Nicholas Desiderio, D.D.S., 12 Baymon Drive, Rochester, New York 14624, property owner: Iacovangelo's; for variance to create an undersized lot to be 14,345 sq. ft. (20,000 sq. ft. req.), variance to allow dwelling to be 65' from rear lot line (90' req.) variance to allow a lot width of 95' at building line (100' req.), variance to enclose front porch to be 20' from front lot line (75' req.) at property located at 2674 Chili Avenue in R-1-20 zone.

8. Application of Ilze Bullwinkle, owner, 24 Clifton Road, Clifton, New York 14431 for variance to allow 1-2 horses on property with 3.98

acres (5 acres req.), variance to allow barn housing horses to be 80' from rear lot line (100' req.) at property located at above address in RA-1 zone.

9. Application of the Estate of John Kozlowsky, c/o Frank Kozlowsky, 415 Stottle Road, Scottsville, New York 14546 for variance to create an undersized lot to be 14.2 acres (20 acres req.) with a lot width of 690' (700' req.) at property located at above address in RA-20 zone.

10. Application of Arthur Reinagel, owner, 2988 Chili Avenue, Rochester, New York 14624 for variance to erect a 20' x 5' enclosed stairway to be 15.3' from side lot line (40' req.) at property located at above address in NB zone.

11. Application of Jere Rentzel, owner, 368 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 25' x 24' attached

garage to be 45' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

12. Application of Granger-Wilson Sign Co., 28 Saginaw Drive, Rochester, New York 14623, property owner: Oliver Perry; for variance to erect, 2 wall signs (16 x 4' ea.) to be a total of 128 sq. ft. (100 sq. ft. allowed) and to include a logo on each sign at property located at 4390 Buffalo Road in GB zone.

13. Application of Herbert Lindsay, owner, 28 Clay Hill, Rochester, New York 14624 for variance to place fill 4 1/2' into an easement at property located at above address in R-1-15 zone.

14. Application of Union Community Greenhouse, owner, 57 Blue Pond Manor, Scottsville, New York 14546 for variance to erect a greenhouse to be 15' from side lot line (40' req.) at property located at 3309

Union Street in GB zone.

15. Application of Daniel Lincoln Miller, owner, 78 Archer Road, Rochester, New York 14624 for variance to erect a 3' x 1 1/2' double faced freestanding sign, variance for sign to be 15' from front lot line (20' req.) at property located at 2648 Chili Ave. in R-1-15 zone.

Old Business:

1. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 for variance to erect a 6' x 8' temporary double faced freestanding sign to be a total of 96 sq. ft. 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.

R. Thomas Ward, Chairman
Chili Zoning Board of Appeals

Shirley Whelpton asked Mr. LaRocca if he could forsee a future when he might vacate the Gates office and move entirely into the Chili office. Mr. LaRocca said that he would not do that because he had employees in the Gates office.

Bill Cates asked what kind of sign he intended to use, and he was told that it would be a small shingle type, and it was required that he have a sign if he has a real estate license.

Mr. Stark said that Mr. LaRocca's business would not be a thriving business in Chili; but simply a way of establishing a business presence in the town.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mr. Baumeister said he feels the business in the home is a good idea and he has no objections. He says that there is a lot of traffic along Chili, but he does not think that Mr. LaRocca's office in his home will add anything to it.

DECISION: Approved by vote of 5:1; Bill Cates cast the negative vote.

Conditions:

1. No on-street parking
2. Ancillary office use only
3. Business to be operated by family with only 1 outside employee.
4. Must apply to the Building Dept. for any signage.
5. Permit is granted for a one year period.

3. Application of Marc Odrobina, Owner, 13 Slate Drive, North Chili, New York 14514 for variance to allow an above ground swimming pool to be 1' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Mr. Odrobina was present to represent the application. He said he went ahead and put the pool up after his wife called the town and was misinformed in that she was told that a building permit was not necessary. He said his neighbors had pitched in and helped and then he had received a notice that he was in violation. He said that because of the slope of the land, he had to excavate.

Tom Ward asked if the pool was above ground entirely, and Mr. Odrobina said that it was 3' above ground.

Bill Cates asked what size pool it was, and he was told that it is a 24' round pool.

Bob Connolly asked if there had been anyone at lot 413 when they put the pool up and Mr. Odrobina said that they had helped him too.

No one spoke in favor or in opposition to the application.

DECISION: Unanimously approved by a vote of six.

Conditions:

1. Variance is approved for the present pool only.
2. Applicant must obtain a building permit from the building department.

4. Application of Chili Doll Hospital and Museum, 4332 Buffalo Road, North Chili, NY 14514, property owner: M.M. Frederick Greenfield; for variance to erect a 4½' x 3' double faced projecting sign to include a logo at property located at above address in R-1-15 zone.

Mrs. Betty Greenfield is present to represent the application. She says the museum was bought sixteen years ago and much has been done to beautify it and to offer a service to the Town of Chili. She says that the museum draws many people from far away places and the little sign in the front of the museum is inadequate. She says they are in need of a double faced sign with a logo on it and that it will not be illuminated.

Jack Hallaby asked how high it would be mounted on the building, and she told him it would be above the door.

DECISION: Unanimous approval by a vote of six.

5. Application of Paul Suhr, Owner, 165 King Road, Churchville, NY 14428 for variance to erect a 14' x 12' wood utility shed to be 168 sq. ft. (120 sq. ft. allowed) and to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

Paul Suhr is present to represent the application. He said that there was an

old shed there that became all rusted out. He said the replacement will be a new wood shed, 10'x 8'x 8'.

Tom Ward asked if the old shed was gone and he was told ys. He said that the new shed would simply replace the old one. Mr. Suhr agreed and said that it would be used strictly for storage of tractors and lawn equipment.

DECISION: Unanimous approval by vote of six.

6. Application of Nicholas Desiderio, D.D.S., 12 Baymon Drive, Rochester, NY 14624, property owner: Iacovangelo's; for Land Use Variance to allow a dental office in existing dwelling at property located at 2674 Chili Avenue in R-1-20 zone.

Mr. Bernie Iacavangelo is present to represent the application. He explained that Mr. and Mrs. Desiderio are contract vendees for 2674 Chili Avenue. He says that this property was purchased by his brother and himself some time ago and that it has not been saleable as a residential property. He said that it would be ideal as a dental office and would be made into a second floor apartment as well. He says this would be an excellent use of both floors. He said it has a 25' drive and room for 9 vehicles to park. He says there is adequate turn-around space and that he plans to place a hand-capped ramp in the rear of the building. He says that the entry to the dental office will be from the rear. He submits to the Board photographs of the house and of the neighborhood. He says that the traffic along Chili will not be substantially increased as a result of the development of the office building. Furthermore, he adds that the neighborhood is already mixed. He said there would be 20-24 clients a day and 2-4 per hour. Office hours are 8-6 Monday through Friday and 8-1 on Saturday. He said that Dr. Desiderio has been a resident of Chili for many years and that he has had a practice on Beahan Road for 10 years. He feels that the development of this property into a dental office would be beneficial to the neighborhood.

Tom Ward asked how long ago he purchased the property, and he said it was just this past April or May.

Dan Melville asked Mr. Iacavangelo if he intended to amend his application to include an upstairs apartment. Mr. Iacavangelo said yes and that while they were doing the work on the office, they wanted to also take care of the upstairs apartment.. Mr. Melville asked if it would be a single family apartment and Mr. Iacovangelo said it would be a one bedroom.

Tom Ward asked if the property had been listed for sale as a residential property and if it was multiply listed. He was told yes and that it would not sell. He was also told by Mr. Iacavangelo that it was purchased from an estate and bought to improve the site along Chili and to protect the integrity of the Lexington Manor Apartments.

Tom Ward asked if the property was more saleable as a commercial property, rather than a residential one, and Mr. Iacavangelo said "definitely." Mr. Ward then asked when they listed it with Nothnagle, and Mr. Iacavangelo said it was listed in April. He said that they were not asking more than they paid for it, but were asking the same.

Dan Melville said that since they were asking for a land use variance, he wondered what hardships they were claiming. Mr. Iacavangelo said the hardship was that it could not be sold as a residential property because of the traffic and main thoroughfare that Chili Avenue has become. He said they could not get a reasonable rate of return on their investment. Mr. Melville said that he should realize that if the variance was granted, it would restrict the property to that kind of business.

Tom Ward asked if the application had gone before the Planning Board. Mr. Iacavangelo said he had talked to Don Faso and was told that they probably would not have to do that. Mr. Ward answered that the Planning Board had more experience dealing with drainage problems and with the black topping a large area, he felt that it should go before the Planning Board. Mr. Iacavangelo said that if the Zoning Board wanted it to be contingent upon a Planning Board decision, he had no objections.

Tom Ward said that they may have to check with the NYDOT also in order to widen the drive.

Marsha Havens asked if there was a residence to the west. She was told yes. She then asked if there was screening there now and was told yes. She asked if they had spoken to the immediate neighbors to get their opinion. She was told no.

Mr. Iacavangelo said there would be no addition to the home; they would simply reconstruct the existing porch.

Marsha Havens asked if they intended to put up a sign, and she was told that they would request a 1' x 2' dental shingle type sign.

Bob Connolly asked if it would be free standing. He was told yes, and then told the applicants that they would then need a variance.

DECISION: Unanimous approval by vote of six.

Condition: Site plan approval must be sought through the Chili Planning Board.

7. Application of Nicholas Desiderio, D.D.S., 12 Baymon Drive, Rochester, NY 14624, owner: Iacavangelo's; for variance to create an undersized lot to be 14,345 sq. ft. (20,000 sq. ft. req.), variance to allow dwelling to be 65' from rear lot line (90' req.) variance to allow a lot width of 95' at building line (100' req.).

DECISION: Unanimous approval by vote of six.
No conditions.

8. Application of Ilze Bullwinkle, owner, 24 Clifton Road, Clifton, NY 14431 for variance to allow 1-2 horses on property with 3.98 acres (5 acres req.), variance to allow barn housing horses to be 80' from rear lot line (100' req.) at property located at above address in RA-1 zone.

Ilze Bullwinkle is present to represent this application.

Tom Ward asked her if she had recently purchased the property, and she told him it was in January. She explained that she wanted only a barn and turn-out corral, and said she wouldn't be fencing any of it.

Tom Ward said, "it's a rural area, isn't it?" She said that it was and that Mr. Iacovangelo owned the property behind her. She says she does not have a horse yet but wanted to get one.

COMMENTS FROM THE AUDIENCE:

Ms. Kathy Correy spoke in favor of the application.

Ms. Joan Lenhardt - Wheatland Center Road - She also spoke in favor of Ms. Bullwinkle's application and said there were already many horses in the area. She saw no problem with another horse in the neighborhood.

No one spoke against the application.

DECISION: Approved by a unanimous vote of six.

9. Application of the Estate of John Kozlowsky, c/o Frank Kozlowsky 415 Stottle Road, Scottsville, NY 14546 for variance to create an undersized lot to be 14.2 acres (20 acres req.) with a lot width of 690' (700 req.) at property located at above address in RA-20 zone.

Mr. Frank Kozlowsky is present to represent the application and speak on behalf of his family. He says that his mother has been living there for 40 years, but is now going into Seneca Towers. He says the total parcel is 80 acres, but that they have abandoned the idea of selling the whole thing at this time. He said that his father had bought the place in 1941, at which time the land was used to grow potatoes and cabbage. He said that the family had decided that now was a bad time to sell the land and they would like to sell only 14 acres from the 84 acre estate. In addition to selling the 14 acres, they would also sell the buildings, and as a result, his mother would receive 1/3 of the value of the land.

Marsha Havens ask him what would happen to the remainder of the acreage, and he told her that it would remain in use by Lee Liebeck, who is presently using it for dairy farming. He said the family had no urgency to sell the land and would prefer to wait until the farm would bring a good market price. He said the reason they need to sell less than 20 acres is that the land locks in the land

behind it.

Tom Ward asked if he had gone before the Planning Board yet, and he told him that he had been told that it was a Zoning Board Decision. Dan Miller informed him that he would have to go before the Planning Board as well.

No one spoke either in favor or opposed to the application.

DECISION: Unanimous approval by vote of six.
No conditions.

10. Application of Arthur Reinagel, Owner, 2958 Chili Avenue, Rochester, NY 14624 for variance to erect a 20' x 5' enclosed stairway to be 15.3' from side lot line (40' req.) at property located at above address in NB zone.

Mr. Arthur Reinagel is present to represent the application. He commented that although it sounds like a new structure, it is, in fact, an old one and that the stairway has been there since the building was built. He said that it is necessary to enclose the stairway because in the winter, he cannot use the stairway because it fills up with snow. He said it is for safety reasons that he needs to cover it. For the time being, he says he has put a plastic cover over it.

Tom Ward asked if the construction will match the existing building, and Mr. Reinagel said it would and would be at the same height as the original railing that was there.

Tom Ward asked if he used the stairway often, and he told him that he uses it every time he needs to carry something out of the basement. Tom then said that it was a fire exit then, and he said yes.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mrs. Josephine Pagliuco - 2970 Chili Avenue
She asked Mr. Reinagel if he covered it how he would get out. He told her that he would be putting in a standard doorway. She said, "if the door is on the outside, wouldn't it be even harder to get out. Mr. Reinagel told her that the door would face the Wilson Farm Market. Tom Ward told her that if the application is approved, he will permanently cover it later. Mrs. Pagliuco asked why he didn't just do it now.

Mr. Art Felucka - 126 Hidden Valley Road
He says he is in favor of the application.

Ms. Nancy Felucka - 125 Hidden Valley Road
She says she is also in favor of the application.

Mrs. Josephine Pagliuco
She said that when the house was built she was told that she would get a buffer. She said she has not gotten it and wants it now.

Bob Connolly said that he has never seen where she was supposed to have a buffer he said that only when the porch is enclosed would he need a variance. Mrs. Pagliuco protested, saying that the building was commercial and not a resident, and that she wanted a buffer right now.

DECISION: Approved by vote of five; one abstention
No conditions.

11. Application of ^{Dr.}Jeffe Rentzel, Owner, 368 Chestnut Ridge Road, Rochester, NY 14624 for variance to erect a 25' x 24' attached garage to be 45' from rear lot line (90' req.) at property located at above address in R-1-20 zone.

Mrs. Rentzel is present to represent the application. She said that she is requesting a garage because there is presently no garage there. There is a shed but it is not large enough for a garage.

Tom Ward asked if she would be tearing it down, and she said no and that it would be used for storage. Tom Ward asked if the lots in the neighborhood are all similar to hers, and she told him yes.

No one spoke in favor or in opposition to the application.

DECISION: Approved by a unanimous vote of six.
No conditions.

12. Application of Granger-Wilson Sign Co., 26 Saginaw Drive, Rochester, NY 14623, property owner: Oliver Perry; for variance to erect 2 wall signs (16' x 4' each) to be a total of 128 sq. ft. (100 sq. ft. allowed) and to include a logo on each sign at property located at 4390 Buffalo Road in GI zone.

Mary Jo Turpotra is present to represent the application. She said the signs are proposed as replacement signs and that the logo is requested because of the name change to Chase Lincoln.

Tom Ward asked if she was requesting this size sign for a good reason. She said it was the smallest rectangular sign that the manufacturer made.

COMMENT FROM THE AUDIENCE:

Mrs. Frederick Greenfield - 4332 Buffalo Road

She said that she is in favor of the application and wishes that the Town Plaza Restaurant would put up a sign. She said many visitors to Chili stop and ask where they can find a restaurant. She said she knows how important signs are to businesses.

DECISION: Unanimous approval by vote of six.
Sign permit must be obtained.

13. Application of Herbert Lindsay, owner, 28 Clay Hill, Rochester NY 14624 for variation to place fill 4½' into an easement at property located at above address in R-1-15 zone.

Herbert Lindsay is present to represent the application and explains that he just had an inground pool put in. He adds further that no building permit was obtained. He said he had raised up the area around the pool by 3½' and in the process of filling, the fill went into the 10' easement in the back. He said he knew that raising the land above 4' was a violation. He said he had talked to Ken Avery and was told that he had to move it back 5½' from the back wall. He said that this would still leave 4½' on the easement.

Dan Melville asked if it was an above ground or an inground pool. Mr. Lindsay said that it was an inground.

The applicant submitted a petition with 25 signatures on it, stating that they had no objection to the pool. Signers of the petition were from Clay Hill, Barnswallow Lane and Woodridge Court.

Tom Ward reported that he had a letter from the Town Engineer, who stated that the drainage flow would not be impeded from the amount of drainage that would come down there.

Mr. Lindsay showed on a map how the shrubs would be planted around the pool and indicated that he had a timber wall planned for behind the pool.

Bob Connolly asked if there would be any shrubs planted into the easement and Mr. Lindsay answered no.

Dan Melville asked how far it was from the house to the pool and Mr. Lindsay said it was 15' 5".

QUESTIONS OF COMMENTS FROM THE AUDIENCE:

Bill Felucka - 12 Barnswallow Lane

He asked Mr. Lindsay what kind of shrubs he would be planting. He also said that he and Mr. Lindsay share a drainage problem in the back. He also asked if the shrubs would be in the easement, like the pool is. Mr. Lindsay answered that the shrubs would be above the easement.

Tom Ward said that if the retaining wall was going to be in the easement, there would be a real problem. Mr. Felucka asked if the neighbors who signed the petition have lots that back up to his. Mr. Felucka submitted photographs to the Board showing the present situation. Mr. Felucka said he wanted the Board to know that he objects for the following reasons:

1. physical reasons; the engineer who drew up the lands originally said there would be no drainage problems, and yet they have had them all along.
2. the principal of the thing; Mr. Lindsay went about this is the wrong way. He just put the pool in and then went to see what he needed to do.

Mr. Felucka said he wants all the dirt removed; he said it is not needed to support the pool, but supports the concrete around it.

Joyce Felucka - 12 Barnswallow Lane

She said she is also opposed. She said she called Shore Hill Pools today and the secretary there told her that they always tell callers that they will need a pool permit and that it is up to them to obtain it.

She said Mr. Lindsay went about this project all wrong. She said that when she looks out her back windows, all she sees is this massive mud slide, about 7-8 tons of dirt.

Tom Ward said that in all fairness, we should acknowledge that we do not know what transpired between Shore Hill Pool Company and Mr. Lindsay.

Joyce Frigno - 30 Clay Hill

She said she is in favor of the pool application and the dirt slopes toward her yard too. She said there is no real problem on her side even in the rain. She said that Herbert Lindsay has said that he would take care of the landscaping and she is sure he will.

Donald Sexton - 31 Clay Hill Road

He says that if the engineer approves it, he feels it should be approved by the Board. He says that if Herbert is spending a lot of money making these changes he feels that it is a good idea.

Mr. Bill Felucka

He wants to know if Mr. Lindsay is going to replace the grass in the yard. He says he has a lot of Mr. Lindsay's dirt in his yard.

Dean Swift - 10 Barnswallow Lane

He said Mr. Felucka had come over to talk to him recently. He said that he agrees with him in many ways. He said that he had signed Mr. Lindsay's petition because Mr. Lindsay admitted that it looked terrible now and he had assured him that he would be putting in a retaining wall and shrubs to improve the situation.

Mr. Bill Felucka said he wanted to know what the laws were regarding the planting of shrubs and trees. He wanted to know how far from the lot line they had to be. He was informed that this was regulated by the Planning Board, but that the restriction was on the height, rather than on distance from the lot line. He was told that 6' was the maximum allowed for shrubs or a hedge.

Bob Connolly said they could never be planted in the easement, and so long as they were not closer than 10' to the lot line, they were not in violation.

Mr. Bill Felucka said he still does not understand the mud pile in the easement. He said that Mr. Lindsay has 8 tons of dirt and it's 1 foot from the lot line. He said he wants to know how this is different than trees. He says that he wants to see all the dirt removed.

Mr. Lindsay said the wall had been recommended by the engineer and that as far as he knows, the company is ready to begin with the construction. He said he welcomes Mr. Felucka's ideas and will do all he can to make this pool attractive.

Tom Ward said if the pool is approved, he would suggest that they get a landscape architect. He said he would also hope that a neighborhood meeting could be arranged and that the neighbors could work together in resolving this matter.

DECISION:

Approved by vote of five; negative vote cast by Dan Melville. Subject to the following conditions:

1. Variance granted for this pool only.
2. Maximum encroachment into the easement will be 5.5'.
3. Retaining wall must be installed by R.M. Landscapers within 60 days, and under the supervision of the Town Engineer.
4. Landscaping must be done (including the shrubs) by no later than June 1, 1986.

14. Application of Union Community Greenhouse, owner, 57 Blue Pond Manor, Scottsville, NY 14545 for variance to erect a greenhouse to be 15' from side lot line (40 req.) at property located at 3309 Union Street in GB zone.

Mr. David Nagle was present to represent the application. He said that he had gone before the Planning Board. He said that instead of a 40' setback, there would be only 15'.

Tom Ward asked if they were requesting additional parking, and Mr. Nagle told him that there would be no parking at that spot. He said that it drops off behind.

Bob Connolly asked what kind of structure they were proposing. Mr. Nagle said it would be a galvanized greenhouse with a polyethylene covering.

No one spoke in favor or in opposition to the proposal.

DECISION: Approved by unanimous vote of six.
No conditions.

15. Application of Daniel Lincoln Miller, owner, 78 Archer Road, Rochester, NY 14624 for variance to erect a 3' x 1½' double faced freestanding sign, variance for sign to be 15' from front lot line (20' req.) at property located at 2648 Chili Avenue in R-1-15 zone.

Mr. Miller was present to represent the application. He said that in July of 1985 he acquired the parcel of land at 2648 Chili Avenue. He said that he had obtained a conditional use permit from the Planning Board to operate a law office and house a one bedroom apartment. He said that the sign he is requesting is to be a freestanding, 2 post sign that is 36" long and 18" high. He said that he wants to use his full name on the sign and needs a full 36" for it. He said that there are 6 other signs there, within 50' of his land. He said that to distinguish and mark his law business, he needs a relatively large sign. He said that the required 20' setback would make the sign invisible to passersby who would be traveling east.

Bob Connolly asked if the sign would be illuminated and Mr. Miller said that it would not be.

COMMENTS FROM THE AUDIENCE:

Mr. Dale Elder - 2 Bellmore Drive

He asked Mr. Miller what color the sign would be. He said that he was in favor of Mr. Miller's application.

DECISION: Unanimous approval by vote of six.
No conditions.

OLD BUSINESS:

1. Application of Roberts Wesleyan College, 2301 Westside Drive, Rochester, NY 14624 for variance to erect a 6' x 8' temporary double faced freestanding sign to be a total of 96 sq. ft. at property located at above address in R-1-15 zone.

Mr. George Ford was present to represent this application. He said that they were requesting a 16' x 8' freestanding sign to identify the Life Fitness Center. He said that he is a representative of Roberts Wesleyan College and an officer of the institution.

Tom Ward asked what material the sign would be made of, and Mr. Ford told him that it would be plywood and would be painted with the Life Fitness Center on it.

No one spoke in favor or in opposition to the application.

DECISION: Unanimous approval by vote of six.
CONDITIONS: The sign must be removed when the building is completed.

The meeting was adjourned by Mr. Ward at 10:35 p.m.

CHILI ZONING BOARD
November 25, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York on November 25, 1985 at 7:30 p.m. The meeting was called to order by Acting Chairperson, Dan Melville.

PRESENT: Dan Melville, Acting Chairperson; Shirley Whelpton, Billy Cates, Susan Brooks, Marcia Havens, John Helleby

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney.

Mr. Melville declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of John Fallon, owner; 2 Hunt Point, Rochester, New York 14624 for variance to allow a 12' x 16' wood utility shed to be 192 sq. ft. (120 sq. ft. allowed), variance to allow shed to be 12' high (8' allowed), and to be 3' from side lot line and rear lot line (8' req.) at property located at above address in R-1-15 zone.

Mr. John Fallon is present to represent the application and he states that he needs a variance for the shed as stated on his application. He said that there is a mistake in the application: the shed is to be 12' x 16' x 9' in height.

Mr. Melville asked him why he needed the shed, and he answered that he needed storage space for 2 lawnmowers, 5 bikes, 1 wheelbarrow, rakes and shovels.

Marcia Havens asked why he was putting it in this particular location, and he told her that he was trying to keep the gasoline mowers away from the house.

Marcia Havens then asked if the shed was to be on a concrete foundation, and he told her that it would be sitting on blocks.

No one spoke for or against the application.

DECISION: Approved by a vote of five; one negative vote cast by Marcia Havens.

2. Application of Karen Kobel, owner, 33 Emerald Point, Rochester, New York 14624 for conditional use permit to allow a word processing business in home at property located at above address in R-1-15 zone.

Karen Kobel was present to represent the application. She said that she is seeking a conditional use permit to operate a word processing business. She explained that she wanted to operate this business in her home so she can be home with her children. This would afford her the flexibility that she needs with a 7 and a 9 year old at home.

Dan Melville read the County Comments, which listed this application as a matter for local determination.

Ms. Kobel submitted photographs to the Board members.

Dan Melville asked if she would have any retail people coming to her home. She said that she would be picking up and delivering the work, so she expected very few to come to her home with business.

Dan Melville asked if she would be altering the interior of the house, and she told him that she would simply be putting in some shelves, and possibly paneling the room in the future.

Marcia Havens asked if she would be using a sign on the premises, and she said she would not.

Susan Brooks asked if she would be hiring any employees and she said no.

No one spoke in favor or against the application.

Ms. Kobel submitted a letter from her neighbor, which was then read by Dan Melville. The letter was in support of her business and was sent by Michael Carletta of 30 Emerald Point.

DECISION: Unanimous approval by vote of six.
Conditions: 1. Permit is granted for two years.
 2. There will be no signs on the property.
 3. There will be no on-street parking.

3. Application of Ronad Laesser, owner; 101 Stover Road, Rochester, N.Y. 14624 for variance to erect a satellite antenna in a drainage easement, variance for antenna to project within 5' of side lot line (10' req.), variance for antenna to be 18' high (15' allowed) at property located at above address in R-1-15 zone.

Mr. Laesser was present to represent the application. He said he was applying for the variance late because the dish was already in. He said there had been a mismeasurement; the installer had measured from the road rather than from the lot line. He said that it was not his original intent to install the dish in the easement. He said he also understands that if the town needed to get an easement, they would remove the dish at his expense. Mr. Laesser submitted a petition from seven of his neighbors expressing support for his antenna dish.

Mr. Ralph Wehner spoke in favor of the application. He said that Mr. Laesser had improved the property since he moved in. He also said that the easement is off a private drive.

Ms. Judy Davanni - 105 Stover Road

She said that she is opposed to the application because she lives behind the property on which it has been installed, and the satellite dish is in her front yard. She said that she has nothing against Mr. Laesser, but she knows that he ignored the "stop order" that was issued when the town found out it was in the easement.

Mr. Mark Davanni - 105 Stover Road

He says that he is also opposed for similar reasons to those that his wife just gave. He says the dish is big, ugly, and sits in the front yard.

Mr. Harold Allen - 103 Stover

He says that he has to pass this dish everytime he pulls out of his driveway. He says that he objects to the height of the dish because it is probably 8' tall. He also wants to know why a variance was not obtained before the dish was installed.

Mr. Greg Schrier

He says he talked to the installers at the time a stop order was issued. They informed him that Mr. Laesser said to continue the installation. He says the petition that Mr. Laesser submitted to the Board has signatures of neighbors who do not have to look at the dish. He also says that Mr. Laesser's improvements are not so great. He says that the satellite dish is not beneficial to anyone except Mr. Laesser and his enjoyment. He says it is kind of like a toy--like the 40' motor home that sits in his driveway.

Mr. Laesser said the discussion should not center around how he enjoys life. He said the construction was completed by the time the stop work order was issued. He said that the only permanent part of the installation is the concrete and steel posts that the dish hangs on. He said it could be removed and that the dish itself is not a part of the permanent construction.

Mr. Schrier said he will admit that the question on the easement violation is confusing, but that the height of the dish is certainly clear-cut.

Mr. Laesser said the dish is not 18', but more like 15'.

Bob Connolly said it is not in violation and 15' is allowed.

DECISION: Rejected by 4:2; D. Melville and B. Cates voting yes.
Reasons: 1. Concrete base in the easement can obstruct water flow.
 2. Visual pollution in its present location.
 3. No testimony to prove how much signal would be lost.
 4. Neighborhood opposition to the application.

4. Application of PKG Equipment Inc., 1185 Scottsville Road, Rochester, NY 14624, property owner: Samuel Pontarelli; for variance to erect a 24' x 80' two story warehouse and office addition to be 45.9' from front lot line (75' req.) and 6' from side lot line (35' req.) at property located at above address in GI zone.

Mr. Sam Pontarelli is present to represent the application. He says that he is seeking a variance to demolish the corner section of the building and erect an addition in the same area to the building. It will be the same height as the old structure. He presented the plans to the Board and said

he wanted to raise the metal section to the same height as the back of the building. He said he wanted to put in an overhead door in the front. He said it would occupy the same concrete base as the present structure does.

Dan Melville asked what the construction would be made of, and he told him it was to be metal.

Marcia Havens asked why the remodeling was necessary, and Mr. Pontarelli explained that the side property was owned by the County and sooner or later they would be taking it, leaving PKG without access to their own building.

John Helleby asked if they occupy the whole building, and Mr. Pontarelli said that PKG uses 15,000 sq. ft., while another tenant occupies 20,000 sq. ft. He said the other tenant will be out in 2-3 years, and at that time PKG may be able to expand into the other end.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approval by vote of six.

5. Application of Antonio Filippone, 3205 Chili Avenue, Rochester, NY 14624, property owner: Joseph Pascarella; for variance to allow an 8' x 4' double faced freestanding sign on existing pole at property located at above address in GB zone.

Mr. Antonio Filippone is present to represent the application. He says it is the first time that he has come before the Board. He says he needs a sign for his Italian restaurant.

Dan Melville asked if it was to go on the existing pole, and Mr. Filippone said yes. Mr. Melville asked if it was to be lit and was told yes.

Mr. Howard Whelpton - 3187 Chili Avenue

He said that Mr. Pontarelli just wants to change the faces on the sign that is already there. He said he is in favor of Mr. Pontarelli's sign.

No one spoke against the application.

DECISION: Unanimous approval by vote of six.
No conditions.

6. Application of Hair Designs by Lauren, 3183 Chili Avenue, Rochester, NY 14624, property owner: M/M George Engels; for variance to erect sign to be 1' from front lot line. Variance for sign to be 1' from front lot line (20' req.) at property located at above address in GB zone.

Bob Connolly announced that the application had been withdrawn.

7. Application of James Godette, owner, 690 Morgan Road, Scottsville, New York 14524 for renewal of land use variance for a machine shop, including the addition of a 50' x 100' barn at property located at above address in RA-20 zone.

Mr. James Godette is present to represent the application. He says that he has been at this location for 18 years. He is requesting a renewal of the land use variance. He says the machine shop was at the same location before he took over. He said he has had no particular problems and no complaints. He said he had never bothered to renew the variance, and only found out that he needed to when he came in for an application to put up a pole barn. He says that he sells to the building contractors around Rochester. He says that his main product is fireplace doors, shower doors, ornamental ironwork and sky lights. He says that 90% of his business is with building contractors. There is no sign at the property and he says he does not need one. Most of his work is done by phone and he only has occasional deliveries. He says that he does not have to worry about parking since he has only one customer at a time and then very infrequently. He says he has one employee in the shop and one on the road.

Bob Connolly said he is asking for a 90' setback where 100' is required.

CHILI ZONING BOARD
December 17, 1985

The meeting of the Zoning Board of the Town of Chili was held in the Chili Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on December 17, 1985 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Billy Cates, Dan Melville, Chairperson, Tom Ward; Susan Brooks, Marcia Havens and John Hellaby.

ALSO PRESENT: Bob Connolly, Building Inspector; Dan Miller, Deputy Town Attorney.

Mr. Ward declared this to be a legally constituted meeting of the Chili Zoning Board. He further stated that notice of the meeting had been advertised in the Gates-Chili News, as well as posted on the Town Clerk's bulletin board.

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Lyell Metals, owner, 1515 Scottsville Road, Rochester, New York 14624 for variance to erect a 135' x 80' and 35' x 40' warehouse addition to be 5' from side lot line (35' req.) at property located at above address in G.I. zone.

No one was present to represent the application. The Board unanimously voted to table the application until the January meeting.

2. Application of John Sharpe, owner, 1707 Parma Hilton Road, Spencerport, New York 14559 for variance to erect an addition to house to be 16' from side lot line (50' req.) and to have a floor elevation of 524.29 (529 req.) at property located at 4 Milewood Road in RA-20, FPO,FW zone.

John Sharpe is present to represent the application. He explains that he bought the property with the idea that he would move there when he retires. He says he wants to extend the house by 12'.

Tom Ward asked Mr. Sharpe if it was to remain a family residence and what the additional space would be. Mr. Sharpe answered that it would be 2 bedrooms, a living room, kitchen and utility room. He said he had been in to see the Planning Board last week. He said he had received a letter from the Planning Board, which informed him that they would be contacting someone concerning town flood insurance. His application before the Planning Board was tabled until this information was obtained by the Town Attorney.

Tom Ward told Mr. Sharpe that he could have difficulty obtaining flood insurance, and Mr. Sharpe said he was aware of that. Mr. Ward then asked how many other homes were closer to the river than Mr. Sharpe's house. He said that at least half of the houses there were as close or closer.

Tom Ward read the County Comments, which designated this as a matter for local determination.

DECISION: Unanimously approved subject to the approval of the Chili Planning Board.

3. Application of Monroe Tree Surgeons, c/o Tom Curtin, 195 Norris Drive, Rochester, NY 14610, property owner: Thomas Terry; for variance to extend a non-conforming use to erect a 240' x 60' addition, variance to allow a floor elevation of 523.2 (526.5 req.) at property located at 225 Ballantyne Road in RA-20 & FPO zone.

Tom Curtin was present to represent the application. He said that he hopes to be the general contractor for Monroe Tree Surgeons. He said that in 1981 a variance had been granted for an addition, and he would be connecting to that same floor elevation. He said the cost of the addition would be \$30,000.

Tom Ward asked if any additional work had been done on the site, and Mr. Curtin said there was no excess material that couldn't be moved. He said they would need bank-run gravel. He said that the addition is needed for vehicle storage. He explained that they customize their own vehicles by buying base trucks and then equipping them.

Gates-NEWS-Chili

1269 CHILI AVENUE • ROCHESTER, NEW YORK 14624

Date.....

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

GATES-CHILI NEWS

Issue Dated.....

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, 1987

Index Book 12/1985

**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 December 17, 1985 at 7:30PM to hear and consider the following applications:

1. Applications of Lyell Metals, owner, 1515 Scottsville Road, Rochester, New York 14624 for variance to erect a 135' x 80' and 35' x 40' warehouse addition to be five feet from side lot line (35' req.) at property located at above address in G.I. zone.
2. Application of John Sharpe, owner, 1707 Parma Hilton Road, Spencerport, New York 14559 for variance to erect an addition to house to be 16' from side lot line (50' req.) and to have a floor elevation of 524.29 (529 req.) at property located at 4 Milewood Road in RA-20, FPO, FW zone.
3. Application of Monroe Tree Surgeons, c/o Tom Curtin, 195 Norris Drive, Rochester, New York 14610, property owner: Thomas Terry; for variance to extend a non-conforming use to erect a 240' x 60' addition, variance to allow a floor elevation of 523.2 (526.5 req.), at property located at 225 Ballantyne Road in RA-20 & FPO zone.
4. Application of Universal Joint Sales, c/o Nichols (S), 170 Mt. Read Blvd., Rochester, New York 14611, property owner: John Sharkey; for variance to erect a 14' x 3½' wall sign to include a logo at property located at 1437 Scottsville Road in G.I. zone.
5. Application of Larry White, owner, 24 Harold Avenue, Rochester, New York 14623 for variance to allow a 36' x 5' wood storage shed to be 180 sq. ft. (120 sq. ft. allowed), variance for shed to be 10' high (8' allowed), and to be 7' from house (8' req.) at property located at above address in RA-20 & FPO zone.
6. Application of Robert C. Bennett, 3187 Chili Avenue, Rochester, New York 14624, property owner: M/M Howard Whelpton; for variance to erect a 6' x 4' double faced freestanding sign to include a logo, variance for sign to be 4.3' from front lot line (20' req.) at property located at above address in GB zone.
7. Application of Jerry Stinaro, 259 Bonnie Brae Avenue, Rochester, New York 14618, property owner: M/M John Walrath; for land use variance to convert existing dwelling into a beauty shop at property located at 2351 Chili Avenue in R-1-15 zone.
8. Application of Ben Bendross, owner, 154 Hillary Drive, Rochester, New York 14624 for variance to erect a 12' diameter satellite antenna to be 20' high (15' allowed) at property located at above address in R-1-15 zone.

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

R. Thomas Ward
Chairman
Chili Zoning
Board of Appeals

Tom Ward asked if any hazardous chemicals were stored there. Mr. Curtin said there were some in the single story part of the building where they fill the trucks. He said that they have a 3' high retaining basin to prevent spills.

Susan Brooks asked if the addition was to be for a repair shop, rebuilding of these trucks or for storage. Mr. Curtin explained that it was a big building (14,400 square feet) and that it would be used for both purposes.

No one spoke in favor or against the proposal.

DECISION: Unanimous approval by a vote of six.

4. Application of Universal Joint Sales, c/o Nichols (3), 170 Mt. Read Blvd., Rochester, New York 14611, property owner: John Sharkey; for variance to erect a 14' x 3½' wall sign to include a logo at property located at 1437 Scottsville Road in G.I. zone.

John Nichols from Nichols III, Inc. is present to represent the application. He says he is the general contractor who built Universal Joint Sales. He says his client has recently embarked on a marketing campaign, in which he has changed all of the logos. Because he wants to keep his name and logo closely associated, he is seeking the variance for the wall sign.

Tom Ward asked if it would be illuminated and the applicant said it would not be. He said that some flood lights that were attached to the building would light the sign. Mr. Ward then asked if there were any other signs on the property and the applicant said no.

No one in favor or opposed to the application spoke.

DECISION: Unanimously approved by a vote of six.

5. Application of Larry White, owner, 24 Harold Avenue, Rochester, New York 14623 for variance to allow a 36' x 5' wood storage shed to be 180 sq. ft. (120 sq. ft. allowed), variance for shed to be 10' high (8' allowed), and to be 7' from house (8' req.) and to be placed on the side and rear lot line (8' req.) at property located at above address in RA-20 & FPO zone.

Larry White is present to represent the application. He explains that he heats his home with wood and uses 20 cords in a winter.

Mr. Ward asked if there was any reason the shed had to be on the line to get the 20 cords in. Mr. White said it had to be on the line because of the closeness of the neighbors.

Marcia Havens asked if the shed was on concrete. Mr. Larry White said no and that it was pressure-treated lumber from Chase Pitkin

Tom Ward asked if it would stay up all year and he was told yes.

John Hellaby asked how long he had lived there and he told him 6 years. Mr. Hellaby then asked if he had always piled it up and he was told yes. He said the neighbors had complained about it and this is why he wanted to build the shed. He said he did not know his neighbors and wish they would leave him alone.

DECISION: Application was denied by a vote of 3:3
Tom Ward, Marcia Havens and John Hellaby cast negative votes; Billy Cates, Dan Melville and Susan Brooks voted affirmatively.

Reason for Denial: Variances were too great.

6. Application of Robert C. Bennett, 3187 Chili Avenue, Rochester, New York 14624, property owner: M/M Howard Whelpton; for variance to erect a 6' x 4' double faced freestanding sign to include a logo, variance for sign to be 4.3' from front lot line (20' req.) at property located at above address in GB zone.

Mr. Bennett is present and says his business is insurance. He has been in the Chili-Paul Plaza for 10 years, but has now moved to 3187 Chili Avenue and needs a sign to advertise.

Tom Ward asked if there was any hardship in locating the sign back from the property line. Mr. Bennett said he was only following along the lines of the existing signs. He said that the particular area also has a short space between the edge of the road and the beginning of the building. He said that there was no other place that the sign would be appropriately placed.

Tom Ward said that the sign would be approximately 10-12' from the actual shoulder of the road and that the sign would be back further than that of Chili Carpet and the Italian restaurant located there. Mr. Ward then asked Mr. Bennett if the intensity of illumination would be intense. Mr. Bennett said that it would be fluorescent and would not be too bright.

Jim Meyer - 2738 Chili Avenue - spoke in favor of the application.

Howard Whelpton, property owner, spoke in favor of the application.

DECISION: Unanimously approved by a vote of six.

7. Application of Jerry Stinardo, 259 Bonnie Brae Avenue, Rochester, New York 14618, property owner: M/M John Walrath; for land use variance to convert existing dwelling into a beauty shop at property located at 2651 Chili Avenue in R-1-15 zone.

Mr. Jerry Stinardo is present to represent the application. He says that he wants to purchase the land but needs a variance to put his business in.

Tom Ward asked what hardship existed that he needed to turn the residence into a business. Mr. Stinardo said the house would not sell as a residence since it is located on Chili Avenue. He said Century 21 had listed the house for two months. The drawbacks were that the house was too large (2700 square feet) and it had a church parking lot in its back yard. He said that there was commercial property all around it, with two properties across the street having just been granted commercial variances. He said the house should sell for \$120,000.

Dan Miller said that two months was not a very long time to have a piece of property listed, especially in this price range. He then asked Mr. Stinardo what the asking price had been. He was told that \$139,000 was how it had been listed.

Tom Ward asked how many employees there would be, and he was told 7. Mr. Ward then commented that the business would seem to be more intense than other businesses in the area.

Susan Brooks asked what the name of the establishment was. She was told that it is the Kremper Studio.

Tom Ward asked what other businesses were immediately nearby. He was told that there is a church next door and an apartment complex across the street.

OPPOSITION FROM THE AUDIENCE:

Stanley Klemmick - 10 Lexington Parkway
He says he is opposed to more commercial property along Chili Avenue.

Jim Meyer - 2738 Chili Avenue
He said he lives 1½ block from the proposed shop. He said that at one time he had a real estate license. He does not believe that 2 months is a very long time to list such a house. He says he also believes that the house is overpriced. He has a large house on Chili Avenue (2300 square feet) and he does not feel that his own house would ever sell for that. His concerns are as follows:

1. The area is already too commercialized.
2. The traffic flow will be adversely affected. He says this is already an area where there are traffic back-ups.
3. There is only 570' between this house and his wife's beauty shop business.

Mr. Meyer submitted to the Board a petition from neighbors. His petition includes signatures from 26 neighbors opposed to the idea of another beauty shop at the proposed location.

Mrs. Ray Reed - 5 Lexington Parkway
She said she is speaking for Marge Grossman, whose home is next door. Mrs. Grossman already has drainage problems and does not want the additional drainage problems that a new paved parking area would create. She submits a letter of opposition from Mr. Grossman.

Charles Hall - 11 Lexington Parkway

He says he is also opposed and wants to keep the neighborhood as little commercialized as possible because of the traffic hazards.

Joe Stinaro - brother of Jerry Stinaro

He spoke in favor of the application.

Jan Brango - Realtor for Century 21

She said that the house was listed for \$139,000, but they would have come down in the asking price to \$120,000. She felt that the house would be appraised at \$120,000.

Dan Melville asked if the house had been appraised yet. He was told no.

Tom Ward said that the listed price should not be an issue here tonight, and that the real issue was whether to grant the land use variance.

DECISION:

Application unanimously denied by a vote of six.

Reasons for Denial:

1. Neighborhood opposition;
 2. No hardship on the property proven.
 3. Intensity of proposed use too great for neighborhood.
 4. Saleability of the property not adequately tested.
 5. Potential traffic problems.
8. Application of Ben Bendross, owner, 154 Hilary Drive, Rochester, New York 14624 for variance to erect a 12' diameter satellite antenna to be 20' high (15' allowed) at property located at above address in R-1-15 zone.

Mr. Bendross is present to represent the application. He said that he needs to raise the satellite dish 5' to get it up over the house, which is blocking his signal. He said he had originally applied to put the satellite dish on his roof, but it was voted down.

Tom Ward asked if it would remain in the same location, and he was told that it would. Mr. Ward read a letter from Don Faso of 134 Hillary Drive, stating that he was not opposed to Mr. Bendross raising the dish 5'. (Originally, Mr. Faso was opposed to placement of the dish on the roof.)

DECISION:

Unanimously approved by a vote of six.

OLD BUSINESS:

September minutes approved.

Correction to November 25th minutes and then they were approved.