

CHILI ZONING BOARD
January 28, 1986

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 January 28, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Billy Cates, Dan Melville, Susan Brooks, John Hellaby, Shirley Whelpton and Tom Ward, Chairperson.

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

Mr. Ward declared the meeting 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 Trison Development, 1 Exchange Street, Rochester, New York 14614 for variance to allow a 4' x 3' double faced freestanding real estate development sign to contain more than the project name at property located at the private drive of 2 & 4 Towpath Trail in an R-1-15 zone.

Mark Buttarazzi from Trison Development is present to represent the application. He says that it is a 5-lot subdivision and very private, so they need a sign for people passing by and for suppliers. He says the sign would be two sided sign on Coldwater Road that would describe the homes, would name the developer, and would give a phone number. He said that two of the homes were sold already. They plan to take the sign down when the other properties sell. He said the sign would be 20' back from Coldwater Road.

Tom Ward asked how long he felt that the sign would be up. He said, "maybe 3 months." He said it could possibly be the middle of the summer. Tom Ward asked if the sign would be illuminated, and Mr. Buttarazzi said it would not be lit.

DECISION: Unanimously approved by a vote of six.

Conditions: 1. Sign granted for no longer than one year or until all lots are developed, whichever comes first.

2. Application of Leo Bean, Owner, 2771 Chili Avenue, Rochester, New York 14624 for variance to erect a 6' x 4' double faced freestanding sign at property located at above address in R-1-15 zone.

Mr. Leo Bean is present to represent the application. He says he is requesting that he be allowed to change the existing sign to one with new wording. He said it will be 1' wider and 6" higher. It will be lit from within and will be on a timer.

Tom Ward read the County Comments, which designated the matter one for local determination.

Dan Melville asked where the sign would be. He was told it would be in the same existing spot as the old sign.

DECISION: Unanimous approval by a vote of six.
No conditions.

3. Application of Nicholas Desiderio, owner, 12 Baymon Drive, Rochester, New York 14624 for variance to erect a 3' x 1 1/2' double faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at 2674 Chili Avenue in R-1-20 zone.

David Gutman, attorney, is present to represent Mr. Desiderio's application. He said that he needs a sign to allow his customers to know where his office is. He said the requested variance is for a 5' setback, and that the building is 20' from the right of way of the road.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date...*1/22-86*.....

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

GATES-CHILI NEWS

Issue Dated...*1/22/86*.....

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**

1986

Zoning Book - Jan 1986

**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 28, 1986 at 7:30PM to hear and consider the following applications:

1. Application of Trison Development, One Exchange Street, Rochester, New York 14614 for variance to allow a 4' x 3' double faced freestanding real estate development sign to contain more than the project name at property located at the private drive of 2 and 4 Towpath Trail in R-1-15 zone.

2. Application of Leo Bean, owner, 2771 Chili Avenue, Rochester, New York 14624 for variance to erect a 6' x 4' double faced freestanding sign at property located at above address in R-1-15 zone.

3. Application of Pride Mark Development, owner, 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect a house to be 12' from

front lot line (60' req.) at property located at 19 Cardinal Drive in R-1-20 zone.

5. Application of Herman Klingenger, Surveyor, 1350 Buffalo Road, Rochester, New York 14624, property owner: Dominic Stello; for variance to erect a single family dwelling to be 40' from front lot line (100' req.), 10' from both side lot lines (50' req.), with a floor elevation of 520.0 (525.0 req.) at property located at 47 Harold Avenue in RA-20 and FPO 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 Lyell Metals, 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' required) at property located at above address in G1 zone.

He said that the property is landscaped in the front.

Tom Ward asked if the sign was to be illuminated, and Mr. Gutman said that it would not be.

DECISION: Unanimous approval by vote of six.
No conditions.

4. Application of Pride Mark Development, owner, 2024 W. Henrietta Road, Rochester, New York 14623 for variance to erect a house to be 12' from front lot line (60' req.) at property located at 19 Cardinal Drive in R-1-20 zone.)

James Barbato from Pride Mark Development is present to represent the applicant. He said they are requesting a variance for a 12' setback of the house. He said the problem is that the town holds a 100' easement there and if they held to the 60', it would push this house back too far. He said that a 12' setback puts the house in line with neighboring homes.

Tom Ward asked if the easement was to remain with the town. Mr. Barbato said "yes."

DECISION: Unanimous approval by a vote of six
No conditions.

5. Application of Herman Klingenberger, Surveyor, 1350 Buffalo Road, Rochester, New York 14524, property owner: Dominic Stello; for variance to erect a single family dwelling to be 40' from front lot line (100' req.), 10' from both side lot lines (50' req.) with a floor elevation of 520.0 (525.0 req.) at property located at 47 Harold Avenue in RA-20 & FPO zone.

Mr. Herman Klingenberger is present to represent Mr. Dominic Stello. He explains that it is a single family house in an RA-20 zone. He said they are requesting a variance from the front set back to 40', rather than the required 100'. He said the variance would place the house at the same set back as the neighboring homes. He said on the side it would be 10' rather than 50'. He said they also need a variance for the floor elevation. He said they would have no architectural openings below 525'. He said that if he had to comply with the flood plain regulations, he would have to raise the house above the surrounding houses.

Tom Ward asked if 523' was the 100 year flood elevation. Mr. Klingenberger told him that the lower floor was at 520', and that there would be no basement. Tom then asked if the applicant planned to appear before the Planning Board. He was told that they were on schedule for next month. Tom asked if the house has been sold and he was told no.

Bob Connolly told the board that he had met with the National Flood Insurance representative. He said that if the Board granted a variance on this, they should put in writing why they have granted it, stating the hardship the applicant had specified.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mr. Steinmetz of Harold Drive - He said that he has a ranch house next door and has water problems already. He says his sump pump runs continuously. He said that one neighbor's house is 3' higher than his, and now this one is to be 5' higher. He says he wonders what he is going to do with all the water.

Mr. Klingenberger said that his proposal would not place the house at 5' above, but rather at 1'.

Tom Ward asked if there was enough of an elevation to put a swale in and make it effective. Mr. Klingenberger said the land was pretty flat, but he could look into putting in a lower grate.

Tom Ward asked if this would aggravate the storm water runoff. Mr. Klingenberger said he did not think so. Tom then asked if the down spouts on the house would be directed toward the swale. Mr. Klingenberger said yes. Tom then asked if it would be possible to use a pipe and tie into the catch basin. Mr. Klingenberger said it would be.

Tom Ward read the County Comments, which designated the matter one for local determination..

DECISION: Unanimous approval by vote of six.
Conditions:

1. Subject to Planning Board approval.
2. Applicant should consider drainage piping on side lot lines to catch basin as well as swale.
3. No architectural openings below 525.0 elevation.

Reasons for Approval:

1. Hardship was established in that this is a pre-existing non-conforming lot.
2. To construct a dwelling at the elevating required by the ordinance would be detrimental to adjacent properties and would not be practical.
3. The variances requested are not significant in respect to the existing structures and lots in that area.

OLD BUSINESS:

1. Application of Lyell Metals, 1515 Scottsville Road, Rochester, New York 14624 for variance to erect a 135' x 80' & 35' x 40' warehouse addition to be 5' from the side lot line (35' req.) at property located at above address in GI zone.

Mr. Bill LaDue is present to represent the application. He submits a site plan to the Board and explains that the business has grown and they need an addition to the existing building on the site.

Tom Ward said he understood that he had been before the Planning Board. Mr. LaDue said he certainly had been. He said he was to return to the Planning Board after the damaged berm had been replaced and after the trucks were removed from the site.

DECISION: Unanimously approved subject to Planning Board approval.

Minutes from the December 17, 1985 meeting were approved.

Mr. Dan Melville was appointed as acting Vice-Chairperson of the Zoning Board whenever Chairperson Tom Ward is absent.

CHILI ZONING BOARD
February 25, 1986

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 February 25, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Susan Brooks, Shirley Whelpton, Marcia Havens, Jack Hellaby and Chairperson Tom Ward.

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 Thomas Herbert, 263 Mallock Road, Churchville, New York 14428, property owner: Florine Sand, etal; for variance to erect an undersized lot to be 4.84 acres, variance to allow a lot width of 250' (700' required) at property located at 3948 Union Street (parcel to front on Stottle Road) in PRD zone.

Thomas Herbert is present to represent the application. He explains that he is seeking a variance for 250' to build a single family residence on Stottle Road.

Tom Ward asked how big the parcel was that it was being subdivided from and was told that it's 100 acres and fronts on Union Street and Stottle Road. Tom then asked if the land was serviced by public utilities or water. Mr. Herbert told him it was not. Tom asked if perks had been done and was told that they would be done in the future.

Bob Connolly said that there is now new criteria in the town for a lot without services. He said you have to have at least one acre if it perks well.

Tom Ward said they would have to go to the Planning Board. Mr. Herbert said that they were scheduled for April.

Bob Connolly asked if they had contacted the engineer and he was told yes.

Tom Ward asked if there weren't several adjacent parcels that were much smaller than his own, and he was told yes.

Marcia Havens asked what is directly to the south of the lot and was told it was all vacant land.

DECISION: Unanimous approval by a vote of five, subjecto to Planning Board approval.

2. Application of Kenneth Kummer, owner, 24 Indian Hill Road, Rochester, New York 14624 for variance to erect a 16' x 24' wood utility shed to be 384 sq. ft. (120 sq. ft. allowed) at property located at above address in R-1-15 zone.

Kenneth Kummer is present to represent the application. He explained that he needs a storage shed to store vehicles in. He said he presently has 2 metal sheds that are rusted out. He plans to get rid of them. The new one would be a few feet back from the other sheds. He said he has a motorcycle and 3 garden tractors to store.

Tom Ward asked if he would use the shed for repairs, and Mr. Kummer said he would only repair his own equipment there. He assured Mr. Ward that it would not be a business.

Dan Miller asked Mr. Kummer how tall the shed would be, and he was told that it would be 12' at the peak, and that it would be 8-10 feet from the line.

Mr. Kummer introduced his neighbor, who had accompanied him to the Board meeting. He said that Peter Trenton lived at 20 Indian Hills.

Susan Brooks asked what the foundation would be made of and she was told that it would be concrete. Tom Ward asked what the siding would be, and he was told it would be Texture III and would be painted the same as the house. He said the existing garage will remain as part of the house.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... 2-19-86

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

GATES-CHILI NEWS

Issue Dated... 2-19-86

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

*Meeting Board
Book 2/86*

**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 February 25, 1986 at 7:30PM to hear and consider the following applications:

1. Application of Thomas

Herbert, 263 Mallock Road, Churchville, New York 14428, property owner: Florine Sand, etal; for variance to create an undersized lot to be 4.84 acres, variance to allow a lot width of 250' (700' required) at property located at 3948 Union Street (parcel to front on Stottle Road) in PRD zone.

2. Application of Kenneth Kummer, owner, 24 Indian Hill Road, Rochester, New York

14624 for variance to erect a 16' x 24' wood utility shed to be 384 sq. ft. (120 sq. ft. 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

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Tony Wesbrooks - 20 Indian Hills Drive

He said he questions the need for so large a shed and thinks it will not add to the other property values. Tom Ward asked him where his property was located, and he said directly to the south.

Tom Ward asked the size of the two existing sheds. He was told they are 10' x 12' and 8'-x-10'.

DECISIONS: Unanimously approved by a vote of five.

Condition: The shed is not to be used for any commercial activity and/or repair of any type of motor vehicles other than the owners personal vehicles.

Tom Ward announced to the Board that Susan Brooks and Billy Cates were resigning from the Zoning Board.

The meeting was adjourned at 8:30.

CHILI ZONING BOARD
March 25, 1986

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 March 25, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Dan Melville, Susan Brooks, Marcia Havens, Shirley Whelpton and Tom Ward, Chairperson.

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 Steven O'Neil, owner; 6 Woodruff Glen, Rochester, N.Y. 14624 for variance to erect an 8 x 12 wood utility shed to be 10' high (8' allowed) and to be 4' from side lot line (8' req.) at property located at above address in R-1-15 zone.

Steven O'Neil was present to represent the application. He said his intention was to erect a wood utility shed that would be 8' x 12', 10' high and 4' from the side lot line. He said he needed the lot line variance because of tree roots in the ground that prevented him from complying with the required standard.

Tom Ward asked if he could bring it nearer to the house, and Mr. O'Neil said it would mean losing several pines and maple trees.

Tom Ward then asked if there was a house on the side where the shed would be built. Mr. O'Neil said there was and that he had talked to his neighbor, who had no problem with his proposal. Tom then asked if the shed was for the storage of his own tools and supplies. Mr. O'Neil said yes.

DECISION: Unanimous approval by a vote of five.

2. Application of Jasper Green, Owner; 66 Battle Green Drive, Rochester, New York 14624 for renewal of conditional use permit for a driving school office in home at property located at above address in R-1-15 zone.

Mrs. Linda Green was present to represent the application. She said they wished to continue using the property for general office purposes.

Tom Ward asked how long the conditional use permit had been granted for. He was told that it had been for one year, and that everything would remain the same.

Tom Ward asked Bob Connolly if he had heard any complaints on the property. Bob said no, but that he had been told that there were a couple of unlicensed cars on the property. Mrs. Green said they would be moved soon.

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

1. Approval is granted for five years.
2. There is to be no on-street parking, or no more than four cars in the driveway at any one time.
3. There are to be no signs on the premises related to the conditional use.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date.....*3-19-86*.....

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

GATES-CHILI NEWS

Issue Dated.....*3-19-86*.....

Geraldine C. Snyder
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Notary

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

Patricia M. Smith
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Patricia M. Smith
Publisher

*Joining Book
3-19-86*

**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 25, 1986 at 7:30 P.M. to hear and consider the following applications:

1. Application of Steven O'Neil, owner; 6 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 4' from side lot line (8' req.) at property located at above address in R-1-15 zone.
2. Application of Jasper Green, owner; 66 Battle Green Drive, Rochester, New York 14624 for renewal of conditional use permit for a

driving school office in home at property located at above address in R-1-15 zone.

3. Application of Universal Joint Sales, c/o Electro Ad Sign Systems, 26 Saginaw Drive, Rochester, New York 14623, property owner: J. Sharkey Jr. & J. Sharkey III; for variance to erect a second wall sign to be 36' x 2', variance to allow total signage on property to be 121 sq. ft. (100 sq. ft. allowed) at property located at 1437 Scottsville Road in G1 zone.
4. Application of Bargain Harold, c/o Laura Donovan, Empire Sign Company, 101 Louise Street, Rochester, New York 14606, property owner: Chili Associates; for variance to erect a 28' x 3 1/2' wall sign to include two pictorial designs at property located at 3240 Chili Avenue in GB zone.

5. Application of Mark Drexler, owner; 235 East Lake Road, Honeoye, New York 14471 for variance to erect a house to be 40' from both side lot lines (50' req.) at property located at 131 Morgan Road in RA-20 zone.

6. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, New York 14624, property owner: M/M Reid Copeland; for variance to allow front parking for five vehicles at property located at 2652 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

- 3. Application of Universal Joint Sales, c/o Electro Ad Sign Systems, 26 Saginaw Drive, Rochester, New York 14623, property owner; J. Sharkey Jr. & J. Sharkey III; for variance to erect a second wall sign to be 36' x 2', variance to allow total signage on property to be 121 sq. ft. (100 sq. ft. allowed) at property located at 1437 Scottsville Road in GI zone.

Frank Cleere is present to represent the application. He said he understands that the owner is doing three locations. This is to be a second wall sign on this property and is oversized, therefore requiring a variance. He said the sign is all ready to go up.

Tom Ward asked if he had represented the first sign there, and Mr. Cleere said that the general contractor had. Tom Ward then said that in the original application they were asked whether there would be any additional signs. He said he wondered what had changed to necessitate a second sign and also whether they could show hardship. Mr. Cleere said it is a long building on a corner and that the present sign cannot be read. He said that the sign also has dark letters, and the new one is to have white letters.

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

- 4. Application of Bargain Harold, c/o Laura Donovan, Empire Sign Company, 101 Louise Street, Rochester, N.Y. 14606, property owner: Chili Associates; for variance to erect a 28' x 3½' wall sign to include two pictorial designs at property located at 3240 Chili Avenue in GB zone.

Laura Donovan is present to represent the application. She says that they want to install the sign on the building with the Bargain Harold logo on it. She said that it was their trademark and that it would be internally lit.

Discussion ensued regarding the logos in the plaza and whether this would be in character for the neighborhood.

DECISION: Denied by a vote of 3:2; negative votes cast by Tom Ward, Susan Brooks and Dan Melville.

- Reason for Denial:
- 1. Not consistent with other signs in plaza.
 - 2. No practical difficult shown or proved.
 - 3. Does not improve community aesthetics.
 - 4. Logo has no direct relationship to merchandise which will be marketed on premises.

- 5. Application of Mark Drexler, owner; 235 East Lake Road, Honeoye, New York 14461 for variance to erect a house to be 40' from both side lot lines (50' req.) at property located at 131 Morgan Road in RA-20 zone.

Mark Drexler was present to represent the application. He explained that he needed the variance in order to accommodate an 80' house and for the stake allowances.

Tom Ward asked if he had been here before and he told him he had. At his previous visit, he said he was seeking front to back variance.

Tom Ward asked if he had begun construction and Mr. Drexler said he had not. He said the house would stay the same as in the original application.

DECISION: Unanimous approval by a vote of five.

- 6. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, New York 14624, property owner: M/M Reid Copeland; for variance to allow front parking for 5 vehicles at property located at 2652 Chili Avenue in R-1-15 zone.

Maria Gomes was present to represent the application in her husband's absence. She explained that this was an insurance and real estate office. She said it was a one-man operation and 3-5 parking spaces were needed in the front. Tom Ward asked why they could not park the vehicles to the rear. She explained that there was a one bedroom apartment back there and if they

3/25/86

parked behind that, it would be front parking on Westside Drive.

Bob Connolly said they had already gone before the Planning Board and had gotten permission. He said the only condition imposed by the Planning Board was that they receive permission from the Zoning Board.

Dan Melville asked how far off Chili Road these cars would be parked. Bob Connolly told him it would be about 22' from the curb.

Sharon Brooks asked if they would have only day hours. She was told yes.

Bob Connolly said that if there was to be another road cut, they would have to get state approval.

DECISION: Approved by a vote of four; negative vote cast by Marcia Havens. Application is subject and contingent upon State approval for a road cut.

The February minutes were approved and the meeting was adjourned at 8:30 p.m.

CHILI ZONING BOARD

April 22, 1986

9

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 April 22, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Chairperson Tom Ward, Dan Melville, Shirley Whelpton, Marcia Havens, Jack 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 Electro-Ad Sign Systems, P.O. Box 22898, Rochester, New York 14692, property owner: Panorama Car Wash; for variance to erect a 4' x 9' addition to double faced freestanding sign, variance for total signage of sign to be 164 sq. ft. (128 sq. ft. allowed) at property located at 1210 Scottsville Road in GB zone.

Mary Jo Turpstra is present to represent the application. She said they want to put an addition on the already existing Mobil Oil sign at 1210 Scottsville Road. She explained that the addition is necessary to advertise the price of gasoline and the car wash. She said the sign would be made of aluminum cabinets with a lexicon face and would be internally lit.

Tom Ward read the County Comments, which designated this to be a matter for local determination.

Tom Ward asked why the numbers had to be the size shown. Ms. Turpstra said that this was the normal size furnished by Mobil. The letters, she said are 12" high. She also said that the numbers could change from week to week.

Tom Ward asked if they had considered other alternatives to more signs, such as the news media. She explained that most people do not look for gas prices in the news media and that the competitors had similar signs. She said in order to compete, they really must have this kind of signage.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approval with the following condition:
Price sign approved, but lower sign (car wash) not approved.

2. Application of Olympic Bowl, 1350 Scottsville Road, Rochester, New York 14624, property owner: Olympic Amusement; for variance to allow an 6' x 7' double faced freestanding sign to be placed on lot line (20' req.) at property located at above address in GB zone.

Gary Lamberton of 98 Meadowbrook Farms is present to represent the application. Tom Brian, General Contractor, of 296 Judy Ann Drive, Rochester, New York is also present. Mr. Lamberton explained that they wanted to relocate the existing sign. It is presently in the driveway, he said, and is hazardous for several reasons: 1) It is an obstacle to emergency or fire vehicles that might need to get into the property. 2) It blocks the access both in entering and leaving the property, and 3) The sign can be struck in either the summer or winter. He said they would like to locate the sign in a lawn area.

Tom Ward read the County Comments, which designated the matter one for local determination.

Marcia Havens asked how far the sign would be located from Scottsville Road. She was told it would be 40' from the center line of the road.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *4-16-86*

THIS IS TO CERTIFY THAT THE ATTACHED LEGAL NOTICE(S) WERE
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GATES-CHILI NEWS

Issue Dated... *4-16-86*

Geraldine C. Snyder
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Notary

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

Patricia M. Smith
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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 April 22, 1986 at 7:30P.M. to hear and consider the following applications:

1. Application of Electro-Ad Sign Systems, P.O. Box 22698, Rochester, New York 14692, property owner: Panorama Car Wash; for variance to erect a 4' x 9' addition to double faced freestanding sign, variance for total signage of sign to be 164 sq. ft. (128 sq. ft. allowed) at property located at 1210 Scottsville Road in GB zone.
2. Application of Olympic Bowl, 1350 Scottsville Road, Rochester, New York 14624, property owner: Olympic Amusement; for variance to allow an 8' x 7' double faced freestanding sign to be placed on lot line (20' req.) at property located at above address in GB zone.
3. Application of James Brown, 55 Hitree Lane, Rochester, New York 14624, property owner: Humble Oil & Refining; for Land Use Variance to allow a used car dealership with automotive repairs, including front parking for a maximum of 30 vehicles, at property located at 3610 Union Street in R-1-15 zone.
4. Application of Marion Sweeting, owner, 442 Paul Road, Rochester, New York 14624 for variance to erect a 12' x 16' wood utility shed to be 192 sq. ft. (120 sq. ft. allowed), variance for shed to be placed on rear lot line (8' req.) at property located at above address in R-1-15 zone.
5. Application of Trison Development, owner, One Exchange Street, Rochester, New York 14614 for variance to erect a 6' stockade fence where 3' is allowed at property located at One Towpath Trail in R-1-15 zone.
6. Application of C. Moody Johnson, owner, 68 Archer Road, Rochester, New York 14624 for variance to erect a 17' x 32' inground pool to be 45' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.
7. Application of Richard Goole, owner, 2965 Westside Drive, Rochester, New York 14624 for variance to allow the total square footage of two garages to be 932 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-15 zone.
8. Application of Alexander Tulloch, owner, 48 Jenkins Road, Churchville, New York 14428 for variance to erect a 60' x 45' commercial storage barn on a property with a pre-existing use (single family dwelling) at property located at 4362 Buffalo Road in GB zone.
9. Application of Harold McMann, owner, 14 Fenton Road, Rochester, New York 14624 for variance to allow a house to be 9.81' from side lot line (10' req.) at property located at above address in R-1-20 zone.
10. Application of Peter Pettinato, owner, 10 Woodruff Glen, Rochester, New York 14624 for variance to erect a 15' x 24' above ground pool to be 5' from rear lot line (10' req.) at property located at above address in R-1-15 zone.
11. Application of Robert Fallone, owner, 237 Fisher Road, Rochester, New York 14624 for variance to erect a house to be 8' from side lot line (10' req.) at property located at 12 West Forest Drive 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

*Zoning Book
4-86*

Tom Ward asked if it would be anchored in concrete and she told him yes. He said if it is to be illuminated, they would need an electrical inspection. No one spoke in favor or opposed to the application.

DECISION: Unanimous approval by a vote of five.

3. Application of James Brown, 55 Hitree Lane, Rochester, N&W York 14624, property owner: Humble Oil & Refining; for land use variance to allow a used car dealership with automotive repairs, including front parking for a maximum of 30 vehicles, at property located at 3610 Union Street in R-1-15 zone.

James Brown is present to represent the application. He said he is planning to buy the property, but has operated a similar shop just north of there. He said he felt there would be no additional traffic in the area because of his move. He also said he planned to plant new shrubs and flowers, repair the broken glass and blacktop the area that he plans to use. He said that he has been improving the property over the last month. It is, he said, in a bad state of disrepair and has been a dumping ground for old used parts. His hours of operation would be Monday and Friday from 7:30 to 5:00 p.m. and Tuesday, Wednesday and Thursday until 8:30 p.m. Saturday the shop would be open from 9:00 a.m. until 3:00 p.m.

Tom Ward read the county comments which made the following recommendations:

1. One road cut should be eliminated.
2. The Board should encourage the applicant to use landscaping to screen the property to the north.
3. The Board should request that the applicant account for the 1000 gallon storage tanks in the yard and either fill them with sand or remove them from the property.
4. The cars on the property and the parking should be limited by the Board.

Mr. Brown explained that Donald Ball had been the original applicant. He said that he had a vested interest in the present business, but would not in this new business. Mr. Brown said he only intended to have twelve vehicles on the new property, at least for a period of time. He said that the storage tanks had already been removed, and as far as he knew, the only tanks remaining were fuel oil tanks, which were in the ground.

Tom Ward asked about the old septic tank in the back of the building. He said he knew that the asphalt was all broken up; there was a lot of mud; and it may not be operating properly. He then asked Mr. Brown if he would be able to correct the septic system if it were found to be defective. Mr. Brown said he would have to handle it.

Tom Ward asked if he would be willing to screen the residential areas on Paul Road and Union Street if the Board required it. Mr. Brown said he would prefer to use bushes so as to not hide his cars, but if necessary he would plant trees.

Bob Connolly reminded the board that the rear of this particular property cannot be used for anything since there was a court order on it. He said that until sewers are put in, it cannot be used at all.

Marcia Havens asked how long the property had been for sale. Mr. Brown said it had been vacant for three years.

Bob Turner, broker, of 760 Long Pond Road said he had dealt with Exxon in the past on this property and they just couldn't move it. He said there had been no interest at all other than Mr. Brown's. He said that making an offer to Exxon involved a lot of stipulations, i.e., cash on the line, no contingencies, etc.

Bob Connolly asked if they were buying the whole parcel. He was told yes, but that they only intended to use a portion of it.

Mr. Brown said that there had been one offer that came in after his. Marcia Havens asked if he knew the intended use with that offer. Mr. Brown said he did not know. Bob Connolly said that if it was Mr. Oliver, the intended use was probably the same.

Mr. Brown said that he didn't feel this kind of business would draw the traffic that a gas station would.

Tom Ward asked who owned the property to the south. He was told that it was the expressway.

QUESTIONS AND COMMENTS FROM THE AUDIENCE:

Clarence Willy - 3611 Union Street

He says that he lives across the street from the proposed business. He asked Mr. Brown how many acres in this parcel, and Mr. Brown answered, "7.4 acres." He then asked Mr. Brown how much of the land he intended to use. Mr. Brown said he would use only the blacktopped area.

Ronald Steffler - 1379 Paul Road

He said he had seen surveyors there. He asked what the red plastic markers on the trees signified. Mr. Brown said he did not know. Mr. Steffler said some of them were on his trees. He also asked Mr. Brown if he had a business up the street, why he intended to move? Mr. Brown explained that he did not own that business and was opening his own in the new location.

Clarence Willy

He said it is residential property and it seems to him that the real issue is whether the property can be changed from residential to commercial. He submitted to the Board a petition with 43 names of people opposed to a change in the zoning in this area. He said neighbors were very angry at the Town of Chili for failing to maintain this property. He said there had been many requests from neighbors to have the town mow the grass and cut the weeds on the property and all to no avail. He said visual delinquent properties were debasing the whole town. He said people in the neighborhood are not satisfied with the property now and blame the Town of Chili for the mess that is there.

Tom Ward gave a historic account of the property, stating that the Town had the property court ordered in 1967. He said they had granted a use variance to operate a service station on the property. He said he knew that the property had not been an attractive one and felt that some consideration should be given to whether the property might be better maintained if it were not left vacant.

Mr. Willy asked how that could be true when the Town could not even enforce maintenance when the land was vacant. He said nothing had been done there. Bob Connolly said that "that was not true."

Tom Ward said that there would be conditions imposed as a part of the use variance. Dan Melville said it is easier to control the property while it is occupied.

Clarence Willy asked what would happen if the station would again close. He said the Board needs to look cautiously at this if they care about the Town of Chili.

Tom Ward reminded Mr. Willy that the Board's responsibility was to look at this particular application and consider whether the property might be compatible with improvement if the application were granted.

Ronald Steffler -

He said that when the gas station was there, it operated very well, but he had to call the police about once a month because kids broke in and stole things. He said he became the night guard, and often the kids threw various things into his yard. He asked how the town could guarantee that this wouldn't happen again.

Tom Ward said that the Board was concerned about both security and appearance. He said he personally would like to see a stockade fence around the property.

Edward Cornwall - 1635 Chili Avenue

He said he is President of the Chili Historic Society and he objects to any visual pollution. He said the area is largely residential and he speaks for approximately 150 people when he says he does not want to see this property go commercial.

James Brown

He said if the property is not used as a car lot, he would like to see it torn down.

Jane Brown

She said she is the mother of the applicant and knows her son well. "If he says he will maintain it, plant trees and shrubs, or abide by certain regulation he will do it." She said that her son keeps his word. In addition, he has a family in Chili that would be very supportive and help him do what had to be done.

DECISION: Denied by a vote of 3:2 with negative votes cast by Shirley Whelpton and Marcia Havens.

Reasons for Denial: 1. Subject property is currently zoned R-1-15.
2. Applicant failed to prove that other lesser uses

would not be more suitable or economically feasible for the property.

3. The proposed use is out of character with the surrounding residential properties.
4. Considerable objections were raised by immediate neighbors.

4. Application of Marion Sweeting, owner, 442 Paul Road, Rochester New York 14624 for variance to erect a 12' x 16' wood utility shed to be 192 sq. ft. (120 sq. ft. allowed), variance for shed to be placed on rear lot line (8' req.) at property located at above address in R-1-15 zone.

Marion Sweeting is present to represent the application. He explains that the old shed has rotted out and he wants to replace it.

Tom Ward asked if the old shed was to be removed and Mr. Sweeting answered "yes."

Marcia Havens asked why it had to be right on the property line, instead of 8' away. Mr. Sweeting told her that he owns all the property to the right anyway.

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

DECISION: Unanimous approval by a vote of five.

5. Application of Trison Development, owner, 1 Exchange Street, Rochester, New York 14614 for variance to erect a 6' stockade fence where 3' is allowed at property located at 1 Towpath Trail in R-1-15 zone.

Mark Butteraci is present. He says that he wants a 6' stockade fence on the East lot line to replace a 6' chicken wire fence that is presently there. He said he has talked to his neighbors and they have even given him permission to put it on their property. He is asking for the variance so he can put it on his own property.

Shaun Amos - 1027 Chili-Coldwater Road

He asked Mr. Butteraci how far back the fence would go. Mr. Butteraci said it would go just beyond the rear end of the house and would not even go to Mr. Amos' house or property. Mr. Amos asked if it would have to be 6' high. Mr. Butteraci said that since his neighbors fence is that high he felt it would look best.

DECISION: Denied by a vote of 3:2 with negative votes cast by Dan Melville and Jack Hellaby.

6. Application of C. Moody Johnson, owner, 68 Archer Road, Rochester, New York 14624 for variance to erect a 17' x 32' inground pool to be 45' from side lot line (55' req.) on corner lot at property located at above address in R-1-15 zone.

Mr. Johnson is present to represent the application. He said he needs a variance because of the shape of his lot, which is a corner lot. He submitted to the Board a layout of his plans and explained how far the pool would be from the road, from the rear lot line, from his neighbors house, from his own house.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approval by a vote of five.

7. Application of Richard Goole, owner, 2065 Westside Drive Rochester, New York 14624 for variance to allow the total square footage of 2 garages to be 932 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-15 zone.

Mr. Goole is present to represent the application. He said he has had a one car garage, but would like a garage behind it to store his vintage vehicles in. He says he presently rents a garage to store the three vehicles in.

Tom Ward asked how he would get the vehicles out there, and Mr. Goole said he would drive through the carport and garage out to the second garage.

Marcia Havens asked if he presently had a drive between the carport and the garage. He told her he would be extending it and would gravel it this year and pave it next year.

Tom Ward asked if the recreational vehicle would still be parked in the carport. Mr. Goole said he planned to put it either in front of the new garage or inside it.

Jack Hellaby asked if he would have to cut down any of the pines there and Mr. Goole said "no."

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

DECISION: Unanimous approval by a vote of five.
Condition: No repair of motor vehicles other than property owners own.

8. Application of Alexander Tulloch, owner, 48 Jenkins Road, Churchville, New York 14428 for variance to erect a 60' x 45' commercial storage barn on a property with a pre-existing use (single family dwelling) at property located at 4362 Buffalo Road in GB zone.

Sam Tulloch is present to represent the application. He says he operates a small business, which has outgrown its present storage and he needs more room. He says the addition would be in line with the rear building. His business, he said, is a small plumbing supply business.

Tom Ward asked if each was a separate property there, and Mr. Tulloch said that technically it was three properties. Tom asked if he had any proposal to use this as a showroom. Mr. Tulloch said he did not.

Tom Ward asked how many employees he has, and Mr. Tulloch said he has nine. Tom then asked if he stored any flammable products, and Mr. Tulloch said he did not.

Bob Connolly asked if the old shed was coming down and Mr. Tulloch said "yes."

Tom Ward asked Bob Connolly if this would be going to the Planning Board and Bob answered that Mr. Tulloch has an application in now.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approved by a vote of five.
No conditions.

9. Application of Harold McMann, owner, 14 Fenton Road, Rochester, New York 14624 for variance to allow a house to be 9.81' from side lot line (10' req.) at property located at above address in R-1-20 zone.

Mr. McMann is present to represent the application. He said that when he closed on the house, he noticed that he needed a variance on the corner of the garage.

Tom Ward asked what year the house was built. Mr. McMann said it was about 27 years old.

Bob Connolly said it comes under the zoning laws that were in effect at that time.

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

10. Application of Peter Pettinato, owner, 10 Woodruff Glen, Rochester, New York 14624 for variance to erect a 15' x 24' above ground pool to be 5' from rear lot line (10' req.) at property located at above address in R-1-15 zone.

Mr. Pettinato is present to represent the application. He said he is putting in an above ground pool and needs a variance because it is a heavily treed lot and he would hate to lose the six large pines that are there. He said he needs about 3' to put the pool in.

Tom Ward asked if there was a concrete swale behind the house and Mr. Pettinato said there is. Tom asked if there was also an easement there, and Mr. Pettinato said it was 20' away on his neighbors land.

Tom Ward asked if he would need to use fill. Mr. Pettinato said "no."

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

11. Application of Robert Fallone, owner, 237 Fisher Road, Rochester, New York 14624 for variance to erect a house to be 8' from side lot line (10' req.) at property located at 12 West Forest Drive in R-1-15 zone.

Mr. Norrie Fallone, brother of the applicant, is present to represent the application. He said that the application is amended to 7.5', instead of 8'. He said that most of the houses there have a 7.5' setback

Bob Connolly explained that he had originally asked to put the chimney in the easement, but he advised him to go for the 8' variance instead.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approval by a vote of five
Amended application for a 7.5' setback.

The minutes of March 25, 1986 were approved.

CHILI ZONING BOARD
May 27, 1986

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 May 27, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: John Hellaby, Marcia Havens, Dan Melville, Shirley Whelpton, Ralph Wehner, Ron Popovich and Chairperson Tom Ward.

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 Frank Presciutti, owner, 65 Hallock Road, Rochester, New York 14624 for variance to erect a 6' high stockade fence where 3' is allowed at property located at above address in R-1-20 zone.

Mr. Frank Presciutti is present to represent the application. He said he is proposing a 6' fence that will face Marshall Road.

Tom Ward asked why the fence needed to be 6' and Mr. Presciutti said that children in the area who come to play in the yard are destructive. He does not want to see them climb on the rock fence and get hurt, so he is seeking a variance to erect a higher stockade fence. He says that he enjoys children, but not when they are destructive and undisciplined.

Tom Ward asked if there would be any vision problems along Marshall Road. The applicant told him that it is a dead-end, turn around road. He could foresee no problems with site distance there.

Bob Schmidt - 67 Hallock Road
He asked if it would be necessary to have it surveyed prior to erecting the fence. Tom Ward advised that if he did not do this and the fence was later found to be on someone else's property, it would be the owner of the fence who would have to pay to have it moved. Mr. Presciutti said he would have the line surveyed again.

Ralph Wehner asked if this would start at the drainage easement. He was told that it would.

DECISION: Unanimous approval by a vote of seven.

2. Application of Joseph Drogosz, owner, 4 Woodruff Glen, Rochester, New York 14624 for variance to erect a 95 sq. ft. gazebo to be 5' from house (8' req.) and to be 12' high (8' req.) at property located at above address in R-1-15 zone.

Mr. Don Paul is representing the applicant, who is at this time out of town. Mr. Paul explains that he is a neighbor and lives at 7 Woodruff Glen. He submits to the Board sketches of the proposed gazebo. He said it is to be situated to the left rear of Mr. Drogosz's home.

Tom Ward asked if it were to be enclosed or if it would be used for storage. Mr. Paul said it would be open and would have lattice work around it. He also said it would be permanently fastened and would have a concrete foundation. No one spoke in favor or opposed to the application.

DECISION: Unanimously approved by a vote of seven.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... 5/21/86

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

GATES-CHILI NEWS

Issue Dated... 5/21/86

Geraldine C. Snyder

Notary

GERALDINE C. SNYDER
NOTARY PUBLIC, State of N. Y. Monroe Co.
My Commission Expires March 30, 1987

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 May 27, 1986 at 7:30P.M. to hear and consider the following applications:

1. Application of Frank Presciutti, owner, 65 Hallock Road, Rochester, New York 14624 for variance to erect a 6' high stockade fence where 3' is allowed at property located at above address in R-1-20 zone.

2. Application of Joseph Drogosz, owner, 4 Woodruff Glen, Rochester, New York 14624 for variance to erect a 95 sq. ft. gazebo to be 5' from house (8' req.) and to be 12' high (8' req.) at property located at above address in R-1-15 zone.

3. Application of Irene Ward, owner, 49 Spicewood Lane, Rochester, New York 14624 for variance to erect a 4' high fence where 3' is allowed at property located at above address in R-1-15 zone.

4. Application of Earth: ing Builders, owner, 3258 Union Street, North Chili, New York 14514 for variance to erect an 8' x 4' double faced real estate development sign to contain more than the project name, variance for sign to be a total of 64 sq. ft. (32 sq. ft. allowed) at property located at 1 Haverhill Drive in R-1-12 zone.

5. Application of Howarth Builders, 3258 Union Street, North Chili, New York 14514 for variance to erect a 4' x 6' double faced freestanding sign at property located at above address in GB zone.

6. Application of Debra Sciolino, owner, 92 Parkway, North Chili, New York 14514 for renewal of conditional use permit for a beauty shop in home at property located at above address in R-1-15 zone.

7. Application of Harry Taft, owner, 10 College Drive, North Chili, New York 14514 for variance to erect a 15½' x 12' addition to garage to be 5.5' from side lot line at property located at above address in R-1-15 zone.

8. Application of Michael

Carter, owner, 5 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

9. Application of Bruce Butcher, owner, 3 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

10. Application of Norcross Construction, 1260 Scottsville Road, Rochester, New York 14624 property owner: Ronald DiChario; for variance to erect a 6' x 8' double faced freestanding sign at property located at 1220 Scottsville Road in GB zone.

11. Application of Anthony Mignano, owner, 2316 Edgemere Drive, Rochester, New York 14612 for variance to erect a 6' x 4' real estate development sign to contain more than the project name at property located at 372 Chestnut Ridge Road in R-1-20 zone.

12. Application of Anthony Comunale, owner, 51 King Road, Churchville, New York 14428 for variance to erect a 20' x 16' addition to house to be 40' from rear lot line (80' req.) at property located at above address in LI zone.

13. Application of Robert Getsinger, owner, 35 Hilltop Drive, North Chili, New York 14514 for variance to erect a 12' x 16' wood utility shed to be 192 sq. ft. (120 sq. ft. allowed) and to be 12' high (8' allowed) at property located at above address in R-1-15 zone.

14. Application of James Brown, 55 Hitree Lane, Rocheser, New York 14624, property owner: Humble Oil; for Land Use Variance to allow a used car dealership with automotive repairs, including front parking for 30 vehicles at property located at 3610 Union Street 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

Opening Board May 1986

3. Application of Irene Ward, owner, 49 Spicewood Lane, Rochester New York 14624 for variance to erect a 4' high fence where 3' is allowed at property located at above address in R-1-15 zone.

Irene Ward is present to represent the application. She explains that she has already put up a 4' fence. She says her dog will jump over the fence is she lowers it.

Dan Melville asked if it was a chain link type and she said yes.

No one spoke in favor or opposed to the application.

DECISION: Unanimously approved by a vote of seven.

4. Application of Earthborn Builders, owner, 3258 Union Street, North Chili, New York 14514 for variance to erect an 8' x 4' double faced real estate development sign to contain more than the project name, variance for sign to be a total of 64 sq. ft. (32 sq. ft. allowed) at property located at 1 Havenhill Drive in R-1-12 zone.

Mr. Jim Howarth is present to represent the application. He submits to the Board pictures of the proposed sign. He says that it is a standard sign for all the subdivisions and that it does not present any traffic hazard.

Tom Ward asked if the sign was already up and Mr. Howarth told him that it is not already up, but that it is ready to put up. Tom then asked if it is illuminated and was told no. Mr. Howarth said it is to be mounted on 4 x 4's and is to be moved at the end of the project. He said he presumed that would be about one year.

Ron Popovich asked how high it would be and was told that it would be 6' high and 2' off the ground. Ralph Wehner asked how far off Chili Avenue it would be and was told that it was 40' from the right of way of that road.

No one spoke in favor or opposed to the application.

DECISION: unanimously approved by a vote of seven.

5. Application of Howarth Builders, 3528 Union Street, North Chili New York 14514 for variance to erect a 4' x 5' double faced free standing sign at property located at above address in GB zone.

Mr. Jim Howarth is present to represent the application. He explains that there is a new office building on this site, which has recently been remodeled. He submits to the Board a drawing of the proposed sign. He said that Century 21 is in the lower apartment, and he has an office there as well. He said the sign will be the same color as the house.

Tom Ward asked if the sign was to be permanent and he was told yes.

Mr. Ron Wright - 3240 Union Street

He questioned the size of the sign and said he would hate to see the sign take over the whole front of the building. Mr. Howarth explained the dimensions of both the Century 21 sign and that of Howarth Builders.

DECISION: Unanimously approved by a vote of seven.

6. Application of Debbie Sciolino, owner, 92 Parkway, North Chili, New York 14514 for renewal of conditional use permit for a beauty shop in home at property located at above address in R-1-15 zone.

Peter and Debbie Sciolino are present to represent the application. They explain that they have had a shop there for four years and have not had any problems. The shop operates part-time with Mrs. Sciolino as the sole operator. This permits her to supervise their two small children and they are requesting a renewal of the existing permit.

Tom Ward asked Bob Connolly if he had had any complaints and Mr. Connolly said "none."

The Board said that if they were to grant a renewal, the applicants would have to abide by the previous set conditions. The applicants agreed to do this.

DECISION: Unanimously approved by a vote of seven.

7. Application of Barry Taft, owner, 10 College Drive, North Chili, New York 14514 for variance to erect a 15½ x 12' addition to garage to be 5.5' from side lot line at property located at above address in R-1-15 zone.

Mr. Barry Taft is present to represent the application. He said he needs space for two compact cars.

Tom Ward asked if the garage was to be any closer to the lot line than the existing garage is. Mr. Taft said it would not be. Tom also asked if this was to be strictly for residential use. Mr. Taft assured him that it would be.

Ron Popovich asked if the exterior would be the same as the house, and the applicant said it would be stained grey like the house.

David Robbins - 54 Springbrook Drive
He said the addition would be closer to him than 10'. He said it would be that close at his corner lot line. He said it would have to be enlarged length-wise. Mr. Taft said he could compromise and go just 10', so it would not end at his back lot line.

DECISION: Unanimously approved by a vote of seven.

8. Application of Michael Carter, owner, 3 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' high fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

No one was present to represent the application. The application was tabled for one month. Applicant will be advised by letter to appear before the next Board meeting.

9. Application of Bruce Butcher, owner, 3 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

No one is present to represent the application. The application is therefore tabled for one month. Applicant will be advised by letter to appear before the next Board meeting.

10. Application of Norcross Construction, 1260 Scottsville Road Rochester, New York 14624 property owner: Ronald DiChario; for variance to erect a 6' x 8' double faced freestanding sign at property located at 1220 Scottsville Road in GB zone.

Mr. Ron DiChario is present to represent the application. He says he is applying for a new sign where an existing sign is already. He said the location will be the same. Tom Ward asked how long the sign would be necessary and Mr. DiChario said for about one year or less.

DECISION: Unanimously approved by a vote of seven.

11. Application of Anthony Mignano, owner, 2315 Edgemere Drive Rochester, New York 14612 for variance to erect a 6' x 4' real estate development sign to contain more than the project name at property located at 372 Chestnut Ridge Road in R-1-20 zone.

No one is present to represent the application. The application is therefore tabled for one month.

12. Application of Anthony Comunale, owner, 51 King Road, Churchville, New York 14428 for variance to erect a 20' x 16' addition to house to be 40' from rear lot line (90' req.) at property located at above address in LI zone.

Mr. Anthony Comunale is present to represent the application. He presents to the Board drawings of the proposed addition. He said it is an older house to which he is adding a family room and bedroom.

Dan Miller asked if it was to be a single story addition. Mr. Comunale said it was to be 2 stories. He said he is extending the second floor by 8' and adding 20' to the first floor.

Tom Ward asked if this was to be for his own personal use and he said yes.

No one spoke in favor or opposed to the application.

DECISION: Unanimously approved by a vote of seven.

13. Application of Robert Getsinger, owner, 35 Hilltop Drive, North Chili, New York 14514 for variance to erect a 12' x 16' wood utility shed to be 192 sq. ft. (120 sq ft allowed) and to be 12' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Robert Getsinger is present to represent the application. He said he is amending his application to read 8½' high instead of 12'. He said it is to be used for storage, his own personal tractors and things.

He shows via the drawing he has submitted to the Board just where it will be located.

No one spoke in favor or opposed to the application.

DECISION: Unanimously approved by a vote of seven.

14. Application of James Brown, 55 Hitree Lane, Rochester, New York 14624, property owner: Humble Oil; for Land Use Variance to allow a used car dealership with automotive repairs, including front parking for 30 vehicles at property located at 3510 Union Street in R-1-15 zone.

Mr. James Brown is present to represent the application, as is his attorney Dick Mayberry. Tom Ward explained to members of the Board and to the audience that this application was heard last month, at which time there were two vacancies on the Board. The Board's decision at that time was 3 in favor of the application and two opposed. Because of the vacancies on the Board that night and less than four Board members favoring or opposing the application, the decision in question constitutes a nullified vote. Consequently, the Board is rehearing the application tonight.

Mr. Bob Turner, real estate agent, is also present to discuss the history of the property on the real estate market.

Mr. Mayberry submits to the Board a sketch of the proposed business. He explains that Humble went out of business in the area after having a retail service station at the site. The station was closed three years ago and the property was offered for sale for at least six months, with an original asking price of \$200,000. He said the asking price in 1985 was \$192,000. His client, at this time, has proposed a retail used car sales on the site and has a contract with Humble for \$80,000 with favorable terms. He said that he understood there was currently a court order that prohibited this property from being developed as residential because there are no sewers in the area. He said the character of the neighborhood is unique; the property fronts on Rt. 259. He said there has not been any residential development there in a long time. Immediately adjacent to the property, he said, is I-490. The market price of property in the area is now \$10,000 per acre. He said the traffic flow there now amounts to approximately 6000 vehicles a day and 750 per design hour. He said his client's intent is to use only the frontage property and leave the rear of the property fallow. He said there are approximately 20 homes on Paul Road in the

immediate area, and he believes there will be no major impact on their property values with this proposed business. He said the property would be buffered from the couple homes that presently have a view of the site.

Mr. Mayberry submits to the Board a petition of 15 neighbors (Union St., Davis Rd., Paul Rd, and Chili Avenue) who have signed a statement saying that they have no objections to the proposed application.

Mr. Mayberry proceeds by offering a profile of the neighborhood. He says there is a mixture of 37 uses with the character of the neighborhood ranging from mixed industrial, commercial and residential. He said it will actually improve the neighborhood to a far greater extent than another retail gas station because there will be less traffic than a retail use business; less lighting will be necessary; and there will be fewer environmental concerns.

The maximum number of vehicles that Mr. Brown will offer for sale will be 30. Maintenance will be done for only the vehicles he has for sale. There will be none of the signage that a normal retail operation requires, he said. He said it is his client's intent to close off one access drive and use the one that is closer to I-490. He said the property is unique because of the permitted commercial development on it, and also in the fact that it abuts to a state highway and to I-490. It is further unique he explained in its size and topography. He said it is not visible from various sites around it. He said he feels that with the Board's consent, he feels it can fit well into that particular neighborhood. He said Humble has been trying to sell it for three years and the hardship is the Humble is not making a profit. With regards to his client, Mr. James Brown, he says he has been in business in the neighborhood for over two years. His proposed hours of operation are 6 days a week as follows: Monday through Friday, three evenings and Saturday until 3:00 p.m. He said his client is willing to accept any reasonable conditions. He said to his knowledge this development is consistent with the master plan of the Town of Chili.

Ron Popovich asked Mr. Mayberry how he could get 30 cars in the front area as shown on the drawing. Mr. Mayberry said some would be parked a little more to the side or parallel with the back of the building. He reiterated that the back portion of the property would not be used.

Tom Ward asked if the one curb-cut would be eliminated. He was told it would be and that it would be curbed. Mr. Mayberry also said that he understood security had been a concern at last month's meeting. He said they were proposing a security fence along the side with lights under the eaves, which would be left on all night. He said there would be one security light to shine directly on the cars.

Ralph Wehner asked if all the tanks on the site had been removed, and he was told all had been with the exception of one on the left side that would be used for fuel oil.

Ron Popovich asked about the auto repair shop. He wanted to know how many cars Mr. Brown presently works on per day. Mr. Brown said he averages two per day and they are primarily family type cars.

Tom Ward asked if they would have any problems with a ban on outside storage. Mr. Brown said "none." He said there would be no wrecks, hulks, etc. stored on the property. He said that Union Processing will take his wrecks.

Marcia Havens asked how they would advertise prices. She was told "with yellow stickers on the windshields of the cars."

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Kathy Borsillerri - 1376 Paul Road

She said they were lead to believe that any development could not take place there until sewers were installed. Tom Ward said he did not believe there was a court order or any other legal action pending with regard to the property. He said they would have to do more research on it.

Clarence Willey - 3611 Union Street

He said he recalls the same statement regarding sewers and development as a part of the application. He said no one seems to be able to find out if a court order is relevant to this site.

Dan Miller interjected that he was not aware of any such court order barring residential development of the site.

Edward Cornwell - 1565 Paul Road

He said he does not see why the petition with 35 signatures submitted tonight is important when the one with 40 signatures submitted last month is not.

Richard Horowitz, attorney, representing Clarence Willey

He questions who actually owns the property at this time. Mr. Mayberry informs him that Mr. Brown has closed on the property and has taken title within the last two weeks. He then asks what they plan to do with the remaining five acres. Mr. Mayberry tells him that they will be happy to buffer it and leave it fallow and undeveloped.

Mr. Ward informs the Board and audience that the applicants are asking for a land use variance that is specific for a used car sales business. He said that would be strictly for this particular business, and the Board could limit the land use variance to 1½ acres. He further explained that it is presently one tax parcel. With a land use variance, he said, they have the power to impose restrictions.

Ron Steffler - 1379 Paul Road

He questions whether any reasonable man would buy a commercial property and then go to the Board for permission to use it. Tom Ward said this situation is unique because the property has been used as commercial property before.

Mr. Richard Horowitz said a used car sales business is permitted only in and industrial zone. "Is that correct?" He is told it is and that it is not permitted in a general commercial zone. He asks Mr. Mayberry about the terms of the contract and also the efforts to sell the property as a residential property. Mr. Mayberry said that his client had agreed to a purchase price of \$80,000 with \$5600 as a down payment. He said that without a determination on use of the property had he not closed, he would have forfeited \$6000. He understands that he is at risk, accepts it, and has been made no promises. With regard to the efforts to sell the land prior to this, Mr. Mayberry explains that Mr. Bob Turner, the broker who was involved, has said that it was up for sale for 3 years. It was listed with Burlough and Exxon and although they received a call from Exxon, there was no interest in the property.

Edward Cornwell - 1565 Paul Road

He said he had a short conversation with the applicant's mother following last month's meeting. She told him that she had been promised this would go through quickly, he said.

Tom Ward denied that she had been told any such thing. The applicant's mother also denied it, saying there had not been any such conversation. Tom Ward told Mr. Cornwell that he was out of place making such accusations and warned him to act in an orderly manner.

Kathy Borzilleri - 1376 Paul Road

She says that residents in the area had been wronger in 1970 when a Supreme Court decision allowed a gas station to go in. She said she is opposed to this new action and is submitting a letter to the Board from Miles L. Woodcock Realtor Association that attests to such a development lowering her market value for her home.

Margaret Scott - 1371 Paul Road

She said this lot is adjacent to her property. She submits to the Board a letter from Floyd C. Sterner from Nothnagle Real Estate Agency, stating that her property will likely decrease in value by 25-30% if the application of Mr. Brown is approved. She said she purchased the home 19 years ago, and she strongly resents that a development like this can cost her so much.

Mr. Ronald Steffler - 1379 Paul Road

He submits to the Board a similar letter from Mr. Floyd C. Sterner of Nothnagle stating that his market value on his home will decrease by 23-25%

Richard Taylor - 1373 Paul Road

His property, he says, is adjacent, and he does not want his property devalued.

Bernice Wilcox

She says she is opposed. She feels it is a poor introduction to the Town of Chili off the western expressway. She says it will ruin the historic homes in the area.

Karen Richardson - 1374 Paul Road

She says she is opposed because of the number of cars, the state of repairs in a residential area and the general appearance of such a business.

Agnes Cornwell - 1365 Paul Road

She says she is opposed because it will devalue her property.

Mr. Steinline -

He says he has lived in the area for a long time, and he is opposed to a junk yard business in his neighborhood.

William Wilcox - Stuart Road

He said it should not be zoned the way it is. He says it should be left as it is.

Richard Horowitz, Attorney

He offers to the Board a petition of 21 names who are opposed to the application. This he said should be appended to last month's opposing list. He also submits a letter from Mr. Jim Coumalne retracting his support for the application. Mr. Horowitz said the property has been zoned as R-1-15 since 1981. He said as such the only permitted use is single family homes. He said the property south of the Conrail area is zoned as R-1-15. He said the proposed development is detrimental to the whole area in general. He said that all the letters from the realtors show that this would alter the character and value of neighboring properties. He said that the property is 7.4 acres and it has not been proven that it could not be developed residential. He said that Mr. Brown is a sophisticated businessman, that he undoubtedly bought it with his eyes open. He said he does not feel that a hardship has been demonstrated. He submits to the Board a letter from Jim Coumalne, which states that Leonard J. Assessi from ERA has offered his opinion that the properties will be devalued. Mr. Horowitz says that with this last petition the number of opposed parties who have signed petitions totals 60.

THOSE WHO SPOKE IN FAVOR OF THE APPLICATION:Jack Shermer - 53 Hightree Lane

He describes himself as Jim Brown's neighbor. He is in favor of Mr. Brown's proposed business in Chili.

Mr. Sam Polizzi - 696 Paul Road

He said he has a business in Gates, and he does Mr. Brown's mechanical work. He says Mr. Brown runs a good business.

Roger Delbridge - 3501 Union Street

He says he is in favor of the application. He said it is not a noisy operation. He resides across from the site. He said that Jim Brown is one of the most honest people, the kind of neighbor that most people would appreciate. He said he feels that the town should take a more legal approach. He said the abandoned building was a problem and that Mr. Brown has already spruced the property up. He said he feels that a couple of people have gotten a lot of others on the bandwagon to oppose this application on general principle.

Bob Turner - 760 Long Pond Road

He said there is a used car lot across from Bright Oaks and none of the properties there have gone down in value.

Mr. Dan Miller offered the following history of the property: The property was rezoned by the town Board in 1970 as commercial. Humble Oil came before the Zoning Board and was turned down. They appealed to the Supreme Court and the Zoning Board decision was overturned. Consequently, a variance was given to Humble Oil to operate a gasoline station on the site. In 1981 the Town rezoned the property to R-1-15 residential. The gas station was a non-conforming pre-existing business site. It is now residential. Mr. Miller offered his opinion that the Supreme Court would not make the applicant tear down the building. Mr. Miller also advised the Board that whichever way the decision went, they should have a finding of fact to justify their decision.

This application has been reviewed by the Monroe County Planning Board and has been found to be a matter of local determination. It has also been declared to be a Type IV unlisted action under the SEQOR law with no significant environmental impact. The Zoning Board of Appeals concurs with this decision.

DECISION: Approved by a vote of 4:2 with one abstention vote. Negative votes were cast by Marcia Havens and Ron Popovich; Shirley Whelpton abstained.

CONDITIONS: The conditions of approval are herewith set forth:
1. This land use variance for a used car sales is to be limited to the existing improved building

site to a point no more than 125 feet east and parallel to the rear building line (approximately 1.5 acres). The intent of this condition is to prohibit storage and/or display of automobiles or other auxillary miscellaneous items related to a used car business on the remainder of the 7.62 acres.

2. The existing northerly road cut shall be eliminated, curbed and landscaped.
3. The maximum number of vehicles offered for sale, displayed or being repaired shall not exceed more than a total of 30 at any one time.
4. There shall be no outside storage of junked or abandoned vehicles at any time.
5. All debris and discarded automotive parts shall be disposed of in an enclosed type dumpster, adequately screened so as to not be visible from Union Street or by adjacent residential properties.
6. The display of vehicles is limited to the existing paved areas only.
7. There shall be no outside storage of dismantled automobiles or automobile parts (i.e., engines, tires, etc.).
8. Applicant shall submit a detailed landscaping plan to this Board on or before June 23rd, 1986 for review and approval.
9. Hours of operation shall be limited to the following:
Monday through Saturday - 8:00 a.m. to 9:00 p.m.
No hours on Sunday
10. Exterior lighting shall not cause severe glare to the residential properties north and west of the site. It is the Boards understanding that the number of existing exterior lighting fixtures will be reduced.
11. This land use variance shall expire upon the sale or conveyance of the property and/or business to any other party/parties or corporation other than Mr. James Brown, residing at 55 Hitree Lane, Rochester, N.Y. 14624.

Finding of Facts:

1. The subject parcel is located at the northwest quadrant of the intersection of New York State Route 259 and I-490.
 - a. Both of these highways are heavily traveled routes and are major arterial highways; and
 - b. Because of I-490, there are no immediate neighbors to the south of this parcel; and
 - c. This unique location may make the property undesirable for development of a residential nature.
2. The property is currently improved with a one story concrete block and brick structure, formerly utilized as a 3 bay gasoline service station. Humble Oil Corporation has owned the property for approximately 16 years and has operated an Exxon gasoline service center at this site for the first 13 years. The property and building have been vacant since August of 1983.
3. Rt. 259 currently consists of other mixed uses between Buffalo Road (Rt. 33) to the north and Chili Avenue (Rt. 33 A) to the south, consisting of industrial, commercial and residential properties.

4. The existing contour of the land, as well as the existing shrubbery, trees and hedgerows, provide a natural buffer (screen) to several of the adjacent residential properties.
5. There will not be significant increase in the current traffic load on Rt. 259, as the applicant is presently operating a used car dealership at a rented/leased site on Rt. 259.
6. The use of the property as a used car dealership and the elimination of one road cut onto Rt. 259 should be a less intense use than the previous gasoline service station.

The meeting was adjourned at 12:20 a.m.



CHILI ZONING BOARD

June 24, 1986

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 June 24, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Chairperson Tom Ward, John Hellaby, Dan Melville, Shirley Whelpton, Ron Popovich and Ralph Wehner

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 Anthony Mignano, 2316 Edgemere Drive, Rochester, New York 14612 for variance to erect a 6' x 4' real estate development sign to contain more than the project name at property located at 372 Chestnut Ridge Road in R-1-20 zone.

Mr. Tony Mignano is present to represent the application. He said the development is at Sunset Hills on Chestnut Ridge Road. He needs a sign to designate the property's development. On this sign, he would like to include the realtors' names.

Tom Ward asked if it would be temporary, and Mr. Mignano said that it would be necessary for about 1½ years. He said he would be happy to comply with the town regulations that state it must be 20' from the road right-of-way.

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

1. Approval is for one year.
 2. The minimum setback is 20' from the right of way.
2. Application of Michael Carter, 5 Giload Road, North Chili, New York 14514 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

Mr. Carter is present to represent the application. He said he wants a 6' high fence around his back yard. The part over the easement will be removable in case the town needs to come in and do work there. He said that with the apartments behind him, he feels he needs privacy.

Tom Ward asked why he didn't use a chain link fence. He also said that they do not like anything placed on a drainage easement, nor do they like to see a stockade fence used because it impedes the flow of water. Mr. Carter said he planned to leave the ditch open.

Tom Ward read a letter from Steve Chudyk, Commissioner of Public Works, that advised against placing fences on an easement.

Dan Melville asked if there was any reason it had to be on the easement. Mr. Carter said he bought the lot because of the hedgerow and the easement just happens to go right through there.

Shirley Whelpton asked if the fence would be coming down on both sides. Mr. Carter said it would and that it would be 6' all the way around.

Tom Ward asked what the feelings of the town engineer were. Mr. Carter said that he told him he would approve it.

Mr. Carter said he was also representing Susan Russell in her application for the same fencing around her property. See application # 4.

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

1. Fence posts must be installed in sleeves for removal.
2. The owner must remove the fence in the easement area at his own expense if so directed by the Town, or the Town will remove it at the owner's expense.

3. Application of Bruce Butcher, 5 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

Mr. Butcher is present to represent the application. He explains that drainage does not flow where the easement is. He said the drainage goes to the middle of the yards, 30-40' from the property line. He said he has a corner lot and gets all the traffic of kids cutting through his yard. He said he had talked to the engineer who will approve it if it is removable.

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

1. Fence posts must be installed with sleeves for removal.
 2. Owner must remove at own expense if necessary.
 3. Drain inlet must be readily accessible to the Town.
4. Application of Susan Russel, 7 Gilead Hill Road, North Chili, New York 14514 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

DECISION: Unanimously approved by a vote of six with the following conditions: (See Application # 2 above.)

1. Fence posts must be installed in sleeves for removal.
 2. Fence must be removed at owner's expense if necessary.
5. Application of Charles Percey, 14 Greyson Road, Rochester, New York 14623 for variance to erect a 12' x 16' wood utility shed to be 192 sq. ft. (120 sq ft allowed), variance to have shed be 12' high (8' allowed) and to be 3.3' from side lot line and 7' from rear lot line (8' req.) at property located at above address in RA-20 zone.

Bob Connolly represented Mr Percey because he is deaf and could not effectively represent himself. Bob explains that Mr. Percey had a pre-existing, nonconforming shed, which he is removing. He wants to replace it with a smaller one, but has to apply for the setbacks that are consistent with today's zoning laws.

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

6. Application of Union Community Greenhouse, 57 Blue Pond Manor, Scottsville, New York 14546 for variance to erect a 4' x 6' double faced freestanding sign at property located at 3309 Union Street in GB zone.

Mr. Dave Nagle is present to represent the application. He said he needs a free standing sign for visibility. He said a town official gave him permission to put the sign up, so it is already up.

Heard concurrently with this application was the following:

7. Application of Union Community Greenhouse, 57 Blue Pond Manor, Scottsville, New York 14546 for variance to allow a 20' x 48' temporary greenhouse to be 33' from the side lot line (40' buffer req.) at property located at 3309 Union Street in GB zone

Mr. Nagle said the greenhouse would not be permanent and would have no foundation or use of concrete.

Dan Melville asked if the sign would be permanent and Mr. Nagle said it would not be. They plan to use a mail box with the name on it in the future.

Ralph Wehner said it appeared to be close to the road and he wondered if it obscured vision. Mr. Nagle said it was not closer than 20'.

Tom Ward asked if there was any need for the smaller sign posted to the larger sign. Mr. Nagle said it is necessary because it states that the greenhouses are closed on Sunday. He said it was a removable sign that would be used more during the selling season.

Tom Ward asked if the greenhouse would need Planning Board approval. Mr. Nagle said yes.

DECISION: Application 6: Unanimous approval by vote of six.
Conditions: 1. Sign must be minimum of 20' from road right of way.

- 2. Sign is to be removed when the business is closed for the season.

DECISION: Application # 7: Unanimously approved with no conditions.

- 8. Application of Charles Manley, 3465 Chili Avenue, Rochester, New York 14624 for variance to erect a 12' x 20' wood utility shed to be 240 sq. ft. (120 sq. ft. allowed) at property located at above address in R-1-20 zone.

Mr. Manley is present to represent the application. He said he wants to take down 2 old rusted metal sheds and erect a 12' x 20' wood shed for his tractor, lawn carts, etc.

Tom Ward asked if this was to be for his own personal use only. He answered "yes."

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

- 9. Application of Susan Saylor, 21 Lonran Drive, Rochester, New York 14624 for variance to erect a 4' high fence adjacent to a road (3' allowed) at property located at above address in R-1-12 zone.

Ms. Saylor is present to represent the application. She said she had a variance in 1980, but just found that it is illegal. She would like to leave the fence as it is, 5' from the road right of way. She said that Bob Connolly had refused to take her application. She said she wanted to put it right on the property line, but has amended the application to have it be 6' off the road right of way.

Tom Ward asked why the original variance had not been complied with. She said the contractor had done it wrong and they had just left it as he put it up.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Mr. Robert Miano - 31 Westway Drive
He said he protests any deviation from the original variance. He said she had sued 2 drivers, one his daughter, for damaginc the fence in the past. He said the fence creates a hazard to drivers in the area.

DECISION: Unanimously approved by vote of six with the following conditions:
1. Fence must be removed from the road right of way and placed on the applicant's property line.

- 10. Application of Louise Noga, 121 Knights Trail, Rochester, New York 14624 for variance to erect a 6' high stockade fence to be placed on a drainage easement at property located at above address in R-1-15 zone.

Ms. Noga is present to represent the application. She said the fence would be placed on the storm drainage, but is necessary because of an expensive Bonsai collection. She said they have had theft in the past and the insurance company will only insure if the property is adequately protected. Mr. Joe Noga is also present and says much of the plant material is very rare. Although the fence will be on as easement, there is no drainage there and the pipe is buried 6-8' under ground. He said there will be a 10' gate on the west side to give access to the back yard.

Dan Melville told them it would have to be easily removed for any Town maintenance.

DECISION: Unanimously approved by vote of six with following conditions:
1. Fence posts must be installed in sleeves for easy removal.
2. Fence to be removed at owner's expense if necessary.

11. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614 for variance to erect a 12' high stockade fence along south and east property line (6' allowed) at property located at 844 Paul Road in RM zone.

Mark Valario, Associate of the Iacovangelo Law Firm, is present to represent the application. He said the original variance was granted in September of 1985. He said the site superintendant exceeded the variance by 150'. He said he feels the fence is important to the success of the project to block K-Mart from the project. He said they are seeking a variance to extend it along the whole boundary of the project.

Dan Melville asked if they would be able to get on the K-Mart side of it to maintain it. Mr. Valario said there was a gate along the south side of Pumpkin Hill. Dan Melville then asked if it was being maintained now. Mr. Valario said there was graffiti there and Dan Melville said he could tell you it was not being maintained.

Shirley Whelpton asked if there would be a gate so that people of Pumpkin Hill could lock it. Mr. Valario said he was not sure about a key.

Ralph Wehner said they had originally agreed to plant beautiful trees there as a buffer, trees to be 10' or higher. Mr. Valario said they need the fence to define the residential area from the commercial area.

John Hellaby asked if it was to run up to the right of way on Coldwater Road. Mr. Valario said they would add 550' to what was originally granted. He said the fence probably goes close to that.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Howard Whelpton

He said the fence will hide the parking lot and a lot of noise. He said the fence will not be ugly looking and is definitely needed.

Dr. Vito DiPalma - 100 Stover Road

He said he objects to the fence for the following reasons:

1. It is not mechanically sound because the posts are not cemented in place.
2. It is a hazard.
3. A natural buffer was originally promised, and he feels trees should be there in place of the fence.
4. It is a collecting place for more graffiti.

DECISION: Denied by a vote of 4:2 with negative votes cast by Dan Melville, Tom Ward, Ralph Wehner, and Ron Popovich.

Reasons for Denial: (Finding of Fact)

1. A 12' high fence would be a potential safety hazard.
2. The fence would create visual pollution.
3. It could impede emergency crews from fire and ambulance services in the time of emergency.
4. Original site plan called for planting of trees, which has not been complied with by the applicant.

12. Application of Gary Hudson, 191 Hillary Drive, Rochester, New York 14624 for variance to erect a 12' x 12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed) and to be 11' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Hudson is present to represent the application. He said he needs an additional 2' on the building and on the height.

Tom Ward asked if it was to be for his own personal use. He said yes.

DECISION: Unanimously approved by a vote of six.

13. Application of Norman Thurley, 744 Paul Road, Rochester, New York 14624 for variance to erect a 24' x 32' garage to be 7.9' from side lot line (10' req.) at property located at above address in R-1-12 zone.

Mr. Thurley is present and says his garage needs to be 7'9" from the property line.

Tom Ward asks if there is a hardship in this case, and Mr. Thurley says he wants his door in the center of the existing drive. Tom then asked why it had to be 24'. Mr. Thurley said that was the size the kit came in and he needs the storage.

Tom Ward then asked if it was to be for his own personal use and he said yes.

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

14. Application of Amateur Sports, 53 Hay Market Road, Rochester, New York 14624 for variance to allow an 8' fence adjacent to a road (3' req.) and 8' around ball fields (6' req.) at property located at 525 Ballantyne Road in RA-20 & FPO zone.

Don Asland is present to represent the application. He said he had a mini-golf course installed in May and has had a lot of vandalism. He feels he needs an 8' fence around the ball fields. He said he bought the fencing from Grossman's and was not aware that it was 8' high. He said he would also like to advertise signs on the inside of the ball field. He said they would be 4' x 8' multiples and would be directed to the patrol of the ball park.

DECISION: Approval by a vote of 4:1, with one abstention
Negative vote cast by Ron Popovich; Jack Hellaby abstained.

15. Application of Wendy Ford, 720 Chili Avenue Extension, Churchville, New York 14428 for variance to erect a 96' x 100' barn housing livestock to be 100' from east side lot line and 135' from west side lot line (200' req.) at property located at above address in R-1-20 zone.

Ms. Ford is present to represent the application. She says it is to be a livestock barn with an inside arena under one roof. The stable area is to be 34' x 100'. She said it will meet all building codes and is for breeding and raising Arabian horses. It is to be constructed of wood and metal. She submits to the Board a picture of the proposed barn.

Tom Ward asked if she would be boarding other horses on the property and she said no. Tom then asked what the total acreage was and he was told 9.51. When asked how long she had lived there, she answered since November of 1985.

Tom Ward said that it was a rural atmosphere, but residential zoning. He said the Board would view it a little differently if she were to operate a business there, rather than use it for her own personal pleasure.

Tom Ward asked if there would be any hardship if she were not permitted to house horses on the property. He asked if she knew it was residential when she purchased it. She said she was aware of that.

Bob Connolly said that a resident of Chili could have livestock if they had at least 5 acres, and that the housing for livestock must be 200' from the lot line.

Ms. Ford submitted to the Board a petition with six signatures, who stated that they were unopposed to the application. Signees of the petition were adjacent neighbors, bordering on the East, West and South-east.

Tom Ward asked who the nearest neighbor was and Ms. Ford said it was her mother, who lives at 700 Chili Avenue Extension to the west.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:Dorothy Borgus - 31 Stewart Road

She said she owns 100 acres directly south. She requests to see a map of the proposed building.

William Wilcox - Stewart Road

He questions the construction. He said he is one of the closest neighbors and is in favor of the application. He said he owns property across the street from the site. He said to the east is the new subdivision on Chili; to the north is the expressway; and to the west is Riga.

Ann Leach - 30 Stewart Road

She says she is the second closest neighbor and has no objections to the application.

Betty Brussler - 720 Chili Avenue

She lives right next door and is in favor of it.

Mr. Ford, husband of the applicant is also present. He says he is the one paying for it, and he is also in favor of it.

Dorothy Borgus - 31 Stewart Road

She has the farm directly across the street. She questions why the barn must be so large, whether she will board the horses of others. She said she cannot see a horse barn next to a church. She also states that people near the Riga Town Line were not notified of this application. She said this area in Chili is part of a historic site, and she does not think a Morton barn belongs in this spot. She says that Ms. Ford knew the restrictions on the property when she bought it. She says that this is the second time the Fords' have applied for a variance, the first being at the time they built Ms. Ford's mothers house. Ms. Ford denied this.

Ralph Wehner asked how far the barn was from the back of the house. He was told 200' from the house and 350' from the road.

Mrs. Borgus said she suspected the area would not stay rural very long. She said she has plans to subdivide her 107 acres in the future.

FINDING OF FACT:

1. Property has 9.1 acres, with only 335' frontage.
2. Immediate area is presently rural in nature, with other types of livestock in immediate vicinity.
3. Minimum setback shall be over 500' from the road right of way.
4. A petition of 6 signatures from neighboring properties indicating approval of application was submitted to the Board.

DECISION:

Conditions:

Unanimously approved by a vote of six.

1. No commercial boarding, riding academy, or other similar commercial uses.
 2. Permission granted for applicant's personal usage only.
16. Application of Finn Donaldson, Jr., 770 Marshall Road, Rochester, New York 14624 for variance to erect a 20' x 24' detached garage to be 10' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

Mr. Donaldson is present. He said he wants a 20' x 24' garage in order for it to be in line with his driveway.

Ralph Wehner asked if he would leave the trees there and he said yes. Mrs. Donaldson said they have no attic or basement and need the extra space for storage.

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

Tom Ward informed the Board that the policy for Board members was to vote on each application, unless they had a real conflict of interest, in which case they must state to the Board their reason for abstaining. Such a decision must be approved by the other Board members. This policy was put before the Zoning Board for a vote. It was unanimously approved and therefore becomes the policy of the Chili Zoning Board.

CHILI ZONING BOARD
July 22, 1986

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 July 22, 1986 at 7:30 p.m. The meeting was called to order by Vice-Chair person Dan Melville.

PRESENT: Ron Popovich, Ralph Wehner, Shirley Whelpton, Marcia Havens, John Hellaby, and Vice Chairperson Dan Melville.

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 Chili American Legion, owner, 450 Chili Scottsville Road, Scottsville, New York 14546 for variance to erect a 10'x12' wood utility shed to be 10' high (8' allowed), to be 4.5' from existing building (8' req.) and to be placed on side lot line (55' req. on corner lot) at property located at above address in PRD zone.

Mr. Bob Connolly of 10 Fenton Road is present to represent the application. He explained that 1½ years ago the American Legion got a variance for this 16' x 22' addition. It was erected, but has been found to be in violation of the ordinances. He said they do not want to have to move it.

Dan Melville asked if it is on the lot line. Mr. Connolly said it is actually in the road right of way, but that it may have been there before the road was built.

DECISION: Unanimous approval by vote of six.

CONDITIONS: None

2. Application of Anne Popovich, owner, 3 Amanda Drive, Rochester, New York 14624 for renewal of conditional use permit to allow a beauty shop in home at property located at above address in R-1-12 zone.

Anne Popovich is present to represent the application. She said she is seeking a renewal for her conditional permit to operate a beauty shop in her home. She does it part-time and has been operating for four years.

Dan Melville asked Bob Connolly if he had had any complaints with this business. Bob said he had had none.

Marian and Tom Free of 9 Amanda Drive spoke in favor of the application.

Bob and Sue Belding also spoke in favor.

DECISION: Approval by vote of five; one abstention
Ron Popovich abstained stating a conflict of interest, since he lives in the applicant's home.

CONDITIONS: Granted for five years
No signs on property
No on-street parking
Mrs. Popovich is the sole owner

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

Susan Belding is present to represent the application. She said she wants to renew her permit for part-time operation of a beauty shop. She submits to the Board a petition, signed by 35 neighbors, in favor of her application.

Anne Popovich spoke in favor of the application.

Marian and Tom Free spoke in favor.

DECISION: Unanimous approval by vote of six

CONDITIONS: No signs on property
No on-street parking
Granted for three years

4. Application of Norcross Construction, 1260 Scottsville Road, Rochester, New York 14624 for variance to allow front parking for 151 vehicles at property located at 1220 Scottsville Road in GB zone.

Mr. Ron DiChario is present to represent the application. He said he is requesting frontal parking for Norcross Construction. He said this would be consistent with other developed properties nearby. He said it would lend continuity to the appearance and accessibility of the business sites along Scottsville Road. He submitted plans to the Board and indicated where the buffer would be. He said he is talking to the state to get approval for an entrance and exit on the east part of the property.

Dan Melville said that County Comments had been received and had deemed this application a matter for local determination.

DECISION: Unanimous approval by a vote of six. No conditions.

5. Application of John Choromanskis, owner, 63 Hallock Road, Rochester, New York 14624 for variance to erect a house to be 60' from rear lot line (65' req. in prior variance) at property located at 679 Marshall Road in R-1-20 zone.

Mr. John Choromanskis is present to represent the application. He said that he came before the Board on December 26, 1985 for a variance to have his lot approved. Since that time he has chosen plans for the house he intends to build and needs an extra 5' in the back.

No one spoke in favor or opposed to the application.

DECISION: Unanimous approval by a vote of six. No conditions

6. Application of Anthony Masi, owner, 8 Dauntion Drive, Rochester, New York 14624 for variance to erect an 8'x22' addition to garage to be 2.8' from side lot line (10' req.) at property located at above address in R-1-15 zone.

Anthony Masi is present to represent the application. He said he needs a variance to add to his existing garage. He said at the west corner, it is 2½' from the property line.

Dan Melville asked if it was to be for his own personal use. Mr. Masi said yes. Mr. Melville also asked if the exterior would be the same as the house and he said it would be.

Mr. Melville said the application had been approved by the Monroe County Department of Planning.

DECISION: Unanimous approval by a vote of six. No conditions

7. Application of John Cumbo, owner, 33 Marcia Lane, 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 10½' high (8' allowed), at property located at above address in R-1-12 zone.

Mr. John Cumbo is present to represent the application. He said he needs a variance to erect a 12' x 12' utility shed for the storage of his lawn equipment.

Marcia Havens asked what it would be mad of and Mr. Cumbo said "T-111".

DECISION: Unanimous approval by a vote of six. No conditions.

8. Application of Robert Bell, owner, 16 Old Ivy Circle, Rochester, New York 14624 for variance to erect a 10'x14' wood utility shed to be 140 sq. ft. (120 sq. ft. allowed), variance for shed to be placed on a drainage easement at property located at above address in R-1-15 zone.

Robert Bell is present to represent the application. He said he needs a variance to erect a wood utility shed for garden tools, but that it will be on a drainage easement.

Dan Melville asked why it must be on the easement, and Mr. Bell explained that he has a wooded lot, and he would have to remove 3 forty foot ash trees if he did not put it on the easement. He said he also wants it close to the patio and garage.

Marcia Havens asked if there weren't some other place he could put the shed without taking down trees. He said there was a place way in the corner of his back yard, but it would be inconvenient to place it there.

Dan Melville asked if it was already up. Mr. Bell said he had already poured the concrete before he realized he needed a permit.

Dan Miller asked how many feet it would protrude into the easement. He was told 7'.

Bob Connolly said he did not understand why the easement was there since it is already high there.

FINDING OF FACTS: 1. Shed would be 8' onto a 10' easement.
2. Shed would obstruct maintenance vehicles.
3. There are other suitable areas on the property.

DECISION: Denied by a vote of 3:3, with negative votes cast by Ralph Wehner, Marcia Havens, and John Hellaby.

9. Application of the The Taylor Kids, owner, 1415 Scottsville Road, Rochester, New York 14624 for variance to erect a 3'x6' double faced freestanding sign, variance for sign to be placed on lot line (20' req.) at property located at above address in GI zone.

Elmer Taylor is present to represent the application. He said he is the operator of a gas station at 1415 Scottsville Road and needs a sign advertising the price of gasoline. This is necessary, he says, to be able to compete, since most other stations do have a price sign. He said he would put it right in front of the freestanding sign that is already there.

Dan Melville asked if it would be lit and he was told no. Dan asked if it would be wood, and Mr. Taylor said it would be metal.

DECISION: Application was approved by a vote of five; Ron Popovich cast the negative vote.

10. Application of Francis Pickens & Angelo Sanfratello, 328 Caroline Street, Rochester, New York 14620, property owner: M/M Jan Stein; for land use variance to erect a 60'x26' duplex home at property located at 1192 Paul Road in LI zone.

Francis Pickens Angelo Sanfratello were both present to represent the application, Ms. Pickens explained that they have purchased the lot at 1192 Paul Road and want to construct a duplex raised ranch house. She and her brother will occupy it, and in the future will apply for permission to convert one part of her own to an in-law apartment. She said they know it is zoned commercial and that there are only 3 houses on the road.

Dan Melville asked why they needed a two family home. Ms. Pickens said each needed to maintain the privacy they were accustomed to having.

Ron Popovich asked if they intended to build a garage on each end. She said that they would and that they would either have two drives or a circular drive.

Marcia Havens asked when they would be building the in-law apartment. Ms. Dickens said perhaps in the spring, but it would not entail any change to the exterior of the house. It would be in her basement.

Dan Melville said Count Comments deemed the matter one for local determination.

QUESTIONS FROM THE AUDIENCE:

Don Vogler - 1250 Paul Road
He said he is negotiating to buy the property right across the street. He said it may be developed some day. He said his concern is that he may have a difficult time in the future when he wants to develop his own land into a commercial property.

Tony Comminelli - 51 King Road

He said he has 4 acres there that he may also develop commercially. He said he does not want to contend with opposition when he decides to develop it.

Dan Miller explained that if it is zoned light industrial, an owner cannot be prevented from developing it as such. He said the only way they would have trouble developing it as commercial is if the area was to be rezoned residential.

DECISION: Unanimous approval by vote of six. No conditions.

11. Application of Joseph Heath, owner, c/o David Trojanski, 181 North Street, Caledonia, New York 14423 for variance to erect a house to be 13.19' from north side line (50' req.), 25.74' from south side line (50' req.) and 60.16' from front lot line (100' req.) at property located at 2582 Scottsville Road in RA-20 & FPO zone.

David Trojanski is present to represent the application. He said they are seeking permission to rebuild a house that burned down last January or February. He said they want to rebuild on the same footers.

Bob Connolly said it is a pre-existing and nonconforming structure. He also said it would have to comply with the existing ordinances of today.

Dan Melville said the Monroe County Department of Planning had deemed this a matter for local determination.

DECISION: Unanimous approval by vote of six. No conditions.

12. Application of Steven Yates, owner, 535 Bahan Road, Rochester, New York 14624 for variance to erect a 12'x16' garage addition to be 53' from front lot line (100' req.) and 6'9" from side line (50' req.) at property located at above address in RA-10 & FPO zone.

Ms. June Yates is present to represent her son in this application. She submits a map to the Board, as well as a letter from Mr. James Ramsell stating that he has no objections to the application of Mr. Yates. He said he wanted to amend the application to read "12' x 6'".

Dan Melville asked what it would be used for, and Ms. Yates said her son has some heavy woodworking equipment, which he wants to keep in the garage. Presently he is keeping it at a friend's house. Dan asked if he used this in his business, and Ms. Yates said he used it for personal projects.

Dan Melville said the Monroe County Department of Planning had deemed this a matter for local determination.

DECISION: Unanimous approval by a vote of six. No conditions.

13. Application of John Blake, 859 Chili Ctr. Coldwater Road, Rochester, New York 14624 for variance to erect a 12'x20' 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-1-15 zone.

John Blake is present to represent the application. He said the shed he wants to build is a pre-fabricated kit from Coldwater Lumber. He said it will have T-111 siding. He will use it to store garden tools.

Dan Melville asked why it needed to be so big. Mr. Blake said he did not consider it large, considering he had snowmobiles, a boat, tractors, and etc.

Hans Struss - 867 Coldwater Road
He said he is in favor of the application and knows that Mr. Blake needs it.

DECISION: Unanimous approval by a vote of six. No conditions.

14. Application of Raymond Merrow, owner, 15 Lester Street, Rochester, New York 14623 for variance to erect an 8'3"x23'8" addition to house to have a floor elevation of 523.64 (525 req.) at property located at above address in RA-20 & FPO zone.

Raymond Merrow is present to represent the application. He said he wants to add 2 rooms on the front of the house. He submits a drawing to the Board. He said the rooms will be a dining room and a bedroom.

Dan Melville asked if they would have a basement under them. He was told they would not.

Marcia Havens asked if the floor elevation would be the same as the existing house. She was told yes.

Dan Melville said the County Department of Planning deemed the matter to be a decision for local determination.

DECISION: Unanimous approval by a vote of six. No conditions.

CHILI ZONING BOARD

August 27, 1986

The meeting of the Zoning Board of the Town of Chili was held in the 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: Shirley Whelpton, Ralph Wehner, Dan Melville, Marcia Havens, Ron Popovich, Jack Hellaby and Chairperson Tom Ward.

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

APPLICATIONS BEFORE THIS BOARD WERE AS FOLLOWS:

1. Application of Roger James, 2465 Westside Drive, North Chili, New York 14514 for variance to erect an above ground swimming pool to be 18' from side lot line (55' req. on corner lot) at property at above address in R-1-15 zone.

Mr. James is present and explains that the property is 75' wide and he wants to put in a pool that is 20' in width. He says that he cannot put it at the required distance from the lot line. He says it will be fully fenced with a wire fence. He says he will use a stockade fence in the future.

Tom Ward asks if it is to be 18' from the actual property line. Mr. James said that is correct. Tom then asks if it could be more than 18', and Mr. James said it could be, but would be shaded by the trees.

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

2. Application of Larry White, 24 Harold Avenue, Rochester, New York 14623 for variance to erect a 20' x 4' wood storage shed to be placed on side and rear lot lines (8' req.) at property located at above address in RA-20 & FPO zone.

Application was tabled by a unanimous vote because no one was present to represent the application. Applicant was to be advised that he must appear at the next meeting of the Zoning Board or the application would be denied.

3. Application of Mitchell Phillips, 53 Black Creek Road, Rochester, New York 14623 for variance to erect an 18' x 12' utility shed to be 216 sq. ft. (120 sq. ft. allowed), variance for shed to be 4' from side and rear lot lines (8' req.) at property located at above address in RA-20 & FPO zone.

Mr. Mitchell Phillips is present to represent the application. He says he wants to build a storage shed for his lawn equipment.

Tom Ward asked if there was a particular reason for this location. Mr. Phillips said he needed it there because he was going to build a garage and wanted the shed located behind it.

Dan Melville asked if the shed is up now. Mr. Phillips said that it is.

Tom Ward asked if it was on a concrete foundation, and Mr. Phillips said that it was just on piers.

Tom read County Comments, which were necessary because the proposed site is in a flood zone. County Comments were that there was no reason why it needed to be located within the rear and side setbacks.

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

4. Application of Joseph Berardicurti, 196 Hillary Drive, Rochester, New York 14623 for variance to allow a recreational vehicle to be stored in front setback area (rear setback req.) at property located at above address in R-1-15 zone.

Mr. Berardicurti is present to represent the application. He explains that the present place is the only place he can park the trailer because it would otherwise be on a hill. He said there is no way to lock the brakes, and it could roll down the hill and endanger someone. He said there is no room to get the trailer to the rear of the property.

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date.....*8/20/86*.....

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

GATES-CHILI NEWS

Issue Dated.....*8/20/86*.....

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
.....
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 August 26, 1986 at 7:30PM to hear and consider the following applications:

1. Application of Roger James, 2465 Westside Drive, North Chili, NY 14514 for variance to erect an above ground swimming pool to be 18' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

2. Application of Larry White, 24 Harold Avenue, Rochester, NY 14623 for variance to erect a 20' x 4' wood storage shed to be placed on side and rear lot lines (8' req.) at property located at above address in RA-20 and FPO zone.

3. Application of Mitchell Phillips, 53 Black Creek Road, Rochester, NY 14623 for variance to erect an 18' x 12' utility shed to be 216 sq. ft. (120 sq. ft. allowed), variance for shed to be 4' from side and rear lot lines (8' req.) at property located at above address in RA-20 and FPO zone.

4. Application of Joseph Berardicurti, 196 Hillary Drive, Rochester, NY 14624 for variance to allow a recreational vehicle to be stored in front setback area (rear setback req.) at property located at above address in R-1-15 zone.

5. Application of Olean Signs, 120 East Avenue, Olean, NY 14760 for variance to erect a 23' x 7' wall sign to be 161 sq. ft. (100 sq. ft. allowed) and to include a logo at property located at 4390 Buffalo Road in GB zone.

6. Application of Khym Kaupelis, 3162 Brighton-Henrietta TL Road, Rochester, New York 14623 for land use variance to convert existing dwelling into a two family dwelling at property located at 110 King Road in RA-10 zone.

7. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, NY 14624 for variance to erect a 4' x 2 1/2' double faced freestanding sign, variance for sign to be 5' from front lot line (20' req.) at property located at 2652 Chili Avenue in R-1-15 zone.

8. Application of Robert Maynard, 175 Dean Road, Spencerport, NY 14559 for variance to allow a house to be 36' from rear lot line (40' req.) at property located at 2 Glenlivet Drive in R-1-15 zone.

9. Application of Steven Bicker, 875 Chili Ctr. Coldwater Road, Rochester, New York 14624 for variance to erect a 16' x 8' utility shed to be 128 sq. ft. (120 sq. ft. allowed) and to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

10. Application of Instant Photo, 2771 W. Henrietta Road, Rochester, NY 14623 for variance to erect two wall signs to be a total of 120 sq. ft. (100 sq. ft. allowed) at property located at 3240 Chili Avenue in GB zone.

11. Application of Menis Varnvakitis, c/o Runaway Sketches, 1140 Canistraga Road, Dansville, NY 14437 for variance to erect a 4' x 18' wall sign to include a logo at property located at 1132 Scottsville Road in GB zone.

12. Application of John Szkolnik, 10 Ramblewood Drive, North Chili, NY 14514 for variance to erect an 8' x 12' utility shed to be 2' from side lot line (8' req.) at property located at above address in R-1-15 zone.

13. Application of Baron's Air Park Rest., 1260 Scottsville Road, Rochester, New York 14624 for variance to erect an 8' x 4' double faced freestanding sign at property located at above address in GB zone.

14. Application of Robert Bell, 16 Old Ivy Circle, Rochester, NY 14624 for variance to erect a 10' x 12' utility shed to be 10' high (8' allowed) and to be placed on a drainage easement at property located at above address in R-1-15 zone.

15. Application of Michael Sullivan, 30 Winbourne Road, Rochester, NY 14611 for variance to erect a house to be 50' from front lot line (100' req.) and 15' from side lot lines (50' req.) at property located at 920 Morgan Road in RA-20 zone.

16. Application of Covie Duncan, 31 Tarrytown Drive, Rochester, NY 14624 for variance to erect a 12' x 20' 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-

1-12 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

*Joining Book
8-26-86*

Dan Melville asked if the storage site was temporary and he was told that it is permanent for now.

Tom Ward asked if there was room for it alongside the garage. He was told no because of a tree there and the same slope. Tom then asked if he had looked into placing it in storage, and he was told that he had not looked into that.

Tom Ward was handed a petition with 51 signatures of people opposed to the present location of the trailer.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Don Wilsha - 180 Hillary Drive

He questions under what conditions this particular ordinance can be waived. He is told that the Zoning Board can waive the requirements by deciding to do so. He is also informed that the decision of the Zoning Board can be appealed to the State Supreme Court.

Mrs. Joseph Berardicurti - 196 Hillary Drive

She said they have just moved in, but prior to moving in she called the Town Hall regarding parking the trailer in the front yard. She said she was told that it would not be a problem.

Carol McKern - 187 Hillary Drive

She said that there are many storage sheds for these RV trailers.

Ruth Ryan @ 17 Baylor Drive

She said they were warned over a month ago, so have had time to make other arrangements. She also said that the braking problem would be the same whether the trailer was parked on the grass or in the drive.

Nick Desiderio - 12 Bayman Drive

He said that he is also in opposition to the trailer being parked in the front.

Don Wilsha - 186 Hillary Drive

He said he urges the Board to deny this application. He wants to keep the neighborhood looking respectable.

Fred Dial - 135 Hillary Drive

He said he lives across the street and does not want a 25' trailer across from his house.

Tom Ward asked the applicant how far off the ground the trailer was. He was told that it is 12' and has a bunk over the cab.

Shirley Whelpton asked if it was hooked up to the house, and if they ever use it in its present location. She also asked if they planned to keep it there all winter. The applicant said they only use it for camping and that they will plan to keep it right there unless they find an alternative.

FINDINGS OF FACT:

1. There is a potential hazard with the recreational vehicle parked on a slant.
2. Neighbors objection was overwhelming, and there is no hardship shown to the land.
3. The trailer in its present location is visually unpleasing.
4. There was no proof that the applicant did make an effort to place the vehicle elsewhere.

DECISION: Denied by a vote of six to one; Jack Hellaby cast the vote in favor.

5. Application of Olean Signs, 120 East Ave., Olean, NY 14670 for variance to erect a 23' x 7' wall sign to be 161 sq. ft. (100 sq. ft. allowed) and to include a logo at property located at 4390 Buffalo Road in GB zone.

Mr. Doug Kreager is present to represent the application. He says they want to replace a 220 sq. ft. sign that is 9' x 27' with a 23' x 7' sign with a logo. He said they had applied for a variance through the Town and were told that it was o.k. He said they then proceeded with the fabrication of the sign, but subsequently received a phone call saying that the sign did not meet the Town ordinance. He said the sign is presently in the

one with a flashing light.
The County Comments,

6. Application of Khym Kaupelis, 3162 Brighton-Henrietta TL Road, Rochester, New York 14623 for land use variance to convert existing dwelling into a two family dwelling into a two family dwelling at property located at 110 King Road in RA-10 zone.

Mr. Kaupelis is present to represent the application. He said he is a new resident of Chili. The home he has bought is an existing two family home. The previous owner lived there for 7 years. He said the building inspector has looked it over and found it to be a two family home. It has two kitchens, 3 bedrooms. It is, he said a 4000 sq. ft. house on four acres and has a U-shaped drive. He said the previous owners did have permission to collect rent monies, but the right was given up when they failed to rent it.

Tom Ward asked if he lived there, and Mr. Kaupelis said he did.

Bob Connolly said the history was that it was a double, but was taken off the rolls and listed as a single. He said they now need a land use variance.

Dan Melville asked if this variance would apply only to him. Dan Miller informed the Board that such a variance runs with the land.

Audrey Peru - Present owner of the property
She spoke in favor of the application, and said that it had always been a 2 family home.

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

7. Application of Joseph Gomes, 15 Bright Oaks Drive, Rochester, NY 14624 for variance to erect a 4' x 2½' double faced, freestanding sign, variance for sign to be 4' from front lot line (20' req.) at property located at 2652 Chili Avenue in R-1-15 zone.

Mr. Gomes is present to represent the application. He said it is a business sign for a real estate/insurance business. He said it is in line with what's in the area now, and that there is no significant change.

Dan Melville asked if it would be lit. He was told no.

Tom Ward asked how far off the edge of the road it would be. He was told 5'.

DECISION: Unanimous approval with a vote of seven with no conditions.

8. Application of Robert Maynard, 175 Dean Road, Spencerport, NY 14559 for variance to allow a house to be 36' from rear lot line (40' req.) at property located at 2 Glenlivet Drive in R-1-15 zone.

Mr. Maynard is present to represent the application. He said that he builds new homes, and that Tony Perotta subdivides for him. He said that he had just had a stone road put in, and that in March he had the lot staked. He said that instead of giving him a 61' setback, it was made 66'. It's now a little close to the back lot line, he explained.

Tom Ward asked how many lots were in the subdivision. He was told that there is a total of 16, and that there are 7 left to do. Tom read the County Comments, which designated this a matter for local determination.

DECISION: Unanimous approval with a vote of seven. No conditions.

9. Application of Steven Bicker, 875 Chili Center, Coldwater Road, Rochester, NY 14624 for variance to erect a 16' x 8' utility shed to be 128 sq. ft. (120 sq. ft. allowed and to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Bicker is present to represent the application. He explains that he needs storage space for his own equipment. He said that the kit comes in 10' height. Tom Ward asked if this was for his own use. He said it was.

DECISION: Unanimous approval by vote of seven with no conditions.

10. Application of Instant Photo, 2771 W. Henrietta Road, Rochester, NY 14623 for variance to erect two wall signs to be a total of 120 sq. ft. (100 sq. ft. allowed) at property located at 3240 Chili Avenue in GB zone.

Frank Davis, owner, is present to represent the application. He said this is a new store in the Chili-Paul Plaza. There were two signs there, and he is just putting new faces on them. He was told that he was in violation in terms of the square footage on the signs.

Tom Ward asked if they were the original frames and was told yes.

Bob Connolly explained that the owner before them had gotten the variance, but that it was granted to only them.

Tom Ward asked if they had any idea of painting colorful letters of picture on them, like the store in Henrietta. Mr. Davis said no because this was leased property.

DECISION: Unanimous approval by vote of seven with no conditions.

11. Application of Menis Vamvakitis, c/o Runaway Sketches, 1140 Road, Dansville, NY 14437 for variance to erect a 4' x 18' wall sign to include a logo at property located at 1132 Scottsville Road in GB zone.

No one is present to represent the application. Tabled for one month by unanimous vote of seven. Applicant must appear next month, or application will be denied.

12. Application of John Szkolnik, 10 Ramblewood Drive, North Chili, NY 14514 for variance to erect an 8' x 12' utility shed to be 2' from side lot line (8' req.) at property located at above address in R-1-15 zone.

Mr. Szkolnik is present to represent the application. He said the south side of the lot has full grown 10' - 12' trees. The lot is a triangular shape and if he complied with the required 8', the shed would extend far into the back yard.

Dan Melville asked if there was an old shed in the back. Mr. Szkolnik said he would be tearing it down.

Tom Ward asked if there were any easements along the side lot line and was told no. He was also told that there were no underground cables or anything. Tom asked if the shed would be built on a concrete slab. He was told it would be on timbers.

DECISION: Unanimous approval by a vote of seven. No conditions.

13. Application of Baron's Air Park Rest., 1260 Scottsville Road, Rochester, NY 14624 for variance to erect an 8' x 4' double faced, freestanding sign at property located at above address in GB zone.

Mr. Ron DiChario is present to represent the application. He said there is a sign at the site, and he needs a variance to change the letters on the sign. The base and size will remain the same.

Tom Ward asked if the sign would just have the name of the restaurant on it. Mr. DiChario said yes.

Tom Ward read the County Comments, which designated this for local determination.

DECISION: Unanimous approval by a vote of seven. No conditions.

14. Application of Robert Bell, 16 Old Ivy Circle, Rochester, NY 14624 for variance to erect a 10' x 12' utility shed to be 10' high (8' allowed) & to be placed on a drainage easement at property located at above address in R-1-15 zone.

Mr. Bell is present and says he wants to build a shed that will be on the easement. Bob Connolly amends the application to read 3' from the rear lot line.

Tom Ward explains that this application was heard last month and was denied by a 3:3 vote. He said it was being heard again because of significant change in the application.

Mr. Bell explained that it was denied because it was felt that vehicles could not get in to maintain the ditch. He said he would have to take down large trees in order to put the shed in another place.

Dan Melville asked if there were trees in the easement. He was told yes.

Tom Ward asked who owned the white fence in the back. He said the people he bought from had put it up, but that the neighbors in the back said it belonged to them.

Tom Ward read a letter from the Commissioner of Public Works (Steven Chudyk), which stated that the Department did not recommend construction of any fixed building over the side lot line easement. Tom also read a letter from the Chili Drainage Committee (Larry Curtis) stating that if the storm swale were to become plugged, the neighbors to the rear would suffer. Mr. Bell says that he doubts that they ever looked at the drainage ditch.

Marcia Havens said that she had asked last month if there was another place he could place the shed without cutting down trees. At that time he had said yes, but now says there is now there is no other place. Mr. Bell said he has the foundation and slab poured already.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Joseph O'Donnell - 26 Old Ivy Circle
He says he cannot see any drainage problem. He said it would be impossible for Mr. Bell to get a vehicle back there.

Mr. Jerry Dambrell - 14 Old Ivy Circle
He said he lives next door and sees no problem.

Dick Ferone - 8 Old Ivy Circle
He said he sees no problem and is in favor of the application.

Janice Last - Bright Oaks
She said she lives behind him and she is opposed. If he had removed only one tree, she says, he could have put it off of the easement. She submits a petition from Bright Oaks neighbors who object to his application. The petition has 14 signatures on it.

Kay Allard - Drainage Committee member
She said that once they start setting a precedent for building on the easement, many people will want to do the same. She is opposed.

William Ford - 22 Bright Oaks
He says he bought in 1964. He is also opposed and says it took 30 days to remove the bridges in the 1974-75 storm. He said the building is only 3' from his lot line. He said the building also blocks his view.

Larry Curtis - Chairman of Drainage Committee
He said he is opposed because the trees in the easement are already one plug. The shed will further impede flow of water, and this variance sets a bad precedent.

DECISION: Application was tabled for one month pending the opinion of the Town Engineer. Tabling was passed by a vote of 5:2; negative votes cast by Ralph Wehner and Jack Hellaby.

15. Application of Michael Sullivan, 30 Winbourne Road, Rochester, NY 14611 for variance to erect a house to be 50' from front lot line (100' req.) and 15' from side lot lines (50' req.) at property located at 920 Morgan Road in RA-20 zone.

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Mr. Arnold Carmichael, Licensed Engineer, is present. He said the lot was created when the county bought the parcel around it. He said that there is a county park system on two sides of the lot. He said there was a single family home there, which is now gone. He said that because of the lot size, they could not abide by the front and side setbacks that are required. He said it is a pre-existing lot so does not have to go before the Planning Board.

DECISION: Unanimous approval by vote of seven. No conditions.

16. Application of Covie Duncan, 31 Tarrytown Drive, Rochester NY 14624 for variance to erect a 12' x 20' 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-1-12 zone.

Covie Duncan is present to represent the application. He said the shed is to be for additional storage and will be sided the same as the house. The shed will house only his own equipment.

Ron Popovich asked if it would also store the car that is in the back yard. Mr. Duncan said he would be selling that. He said it is licensed and insured.

Mr. Ken Vanhoven - Tarry town Drive
He said it is closest to his lot line, and He is in favor of the shed.

DECISION: Unanimous approval by a vote of seven. No conditions.

July minutes were approved with minor corrections.

CHILI ZONING BOARD
September 23, 1986

The meeting of the Zoning Board of the Town of Chili was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on September 23, 1986 at 7:30 p.m. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Ralph Wehner, Dan Melville, Shirley Whelpton, Marcia Havens, Jack Hellaby, Ron Popovich and Tom Ward, Chairperson.

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

Chairperson Tom 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 Russell Corrado, 3464 Chili Avenue, Rochester, New York 14624 for variance to erect a 13' x 28' addition to garage to be 1' from side lot line (10' req.) and 70' from rear lot line (90' req.), variance to allow total square footage of garage area to be 924 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-20 zone.

Russell Corrado was present to represent the application. He said he needed additional space to house equipment. He said the lot line is close to the garage, so he wants to take it over 13'. He said the property right-of-way goes through the wetland that is behind him. He submitted to the Board site photos.

Tom Ward asked about the existing garage. Mr. Corrado said there is a show car stored in there at present. Tom then asked if there were not another place in the back yard for the garage. Mr. Corrado said it would be a hardship, since there is only 14' on the side property. He said it would cost too much to build back there. Tom then said that he had noticed a lot of cars on the property. He asked Mr. Corrado if he repaired cars there. Mr. Corrado said he did not and that he owns four vehicles, some of which were very valuable collector's cars.

Dan Melville asked who owned the property beside him. Mr. Corrado said it was owned by Rosemary Linder, who lives in the state of Washington. He said he had contacted her attorney and had been given permission to do anything necessary to clean up the property. It was brought up that the vacant parcel may serve as a right-of-way to the property in the rear.

Bob Connolly informed Mr. Corrado and the Board that even if they gave him a variance tonight, he would have to apply to the State Building Code Office.

Tom Ward asked the width of the proposed garage. Mr. Corrado said the dimensions were to be 13' x 28'. Tom informed the applicant that if it was built closer than 4' from the lot line, he would have to appeal it to the State Building Code Commission.

Marcia Havens asked how he planned to side the garage. Mr. Corrado said it would be like the house, clapboard.

Donna Corrado, 3464 Chili Avenue, spoke in favor of the addition.

DECISION: Approved by a vote of 6:1; Tom Ward cast the negative vote.
Conditions: 1. The addition must be no closer than 4' from side lot line.
2. Garage is restricted to residential use only.

2. Application of Richard Heffron, 4358 Buffalo Road, North Chili, New York 14514 for variance to erect a 2' x 4' double faced freestanding sign at property located at above address in GB zone.

Don Avery is present to represent the application. He submits to the Board a copy of the sign. He said it is in North Chili and is close to

Gates-NEWS-Chili

1635 BROOKS AVENUE, SUITE 2, WEST BLDG. ● ROCHESTER, NEW YORK 14624

Date... *9/17/86*.....

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

GATES-CHILI NEWS

Issue Dated... *9/17/86*.....

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

*Zoning Book
9-23-86*

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

1. Application of Russell Corrado, 3464 Chili Avenue, Rochester, New York 14624 for variance to erect a 13' x 28' addition to garage to be 1' from side lot line (10' req.) and 70' from rear lot line (90' req.), variance to allow total square footage of garage area to be 924 sq. ft. (900 sq. ft. allowed) at property located at above address in R-1-20 zone.

2. Application of Richard Heffron, 4358 Buffalo Road, North Chili, New York 14514 for variance to erect a 2' x 4' double faced freestanding sign at property located at above

address in GB zone.

3. Application of John Kemp, 2143 Westside Drive, North Chili, New York 14514 for variance to erect a 12' x 28' wood utility shed to be 336 sq. ft. (120 sq. ft. allowed), to be 10' high (8' allowed), and to be 10' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

4. Application of Robert Barrett, 7 Musket Lane, Rochester, New York 14624 for variance to erect a 6' stockade fence in a drainage easement at property located at above address in R-1-15 zone.

5. Application of Empire Sign Company, 101 Louise Street, Rochester, New York 14606 for variance to erect a 5' x 5' double faced freestanding sign to be placed on lot line (20' req.) at property located at 1204 Scottsville Road in GB zone.

6. Application of James Stotts, 12 Woodruff Glen, Rochester,

New York 14624 for variance to erect a 10' x 12' wood utility shed to be 12' high (8' allowed) at property located at above address in R-1-15 zone.

7. Application of Pumpkin Hill Homeowner's Assoc. & Forest Creek Equity Corp., 80 W. Main St., Rochester, New York 14614 for variance to erect a 12' high stockade fence where 6' is allowed at property located at 80 Sleepy Hollow in RM zone.

8. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614 for renewal of variance to allow 12 - 3' x 4' removable sales flags at property located at 844 Paul Road in RM zone.

9. Application of Forest Creek Equity Corp., 80 W. Main Street, Rochester, New York 14614 for variance to erect a 4' x 8' double faced real estate construction sign to be 64 sq. ft. (32 sq. ft. allowed), variance for sign to contain more than the project name at property

located at 3505 Chili Avenue in R-1-20 & FPO zone.

10. Application of Stephen Ellis, 34 Ronnie Lane, North Chili, New York 14514 for variance to erect a 12' x 18' wood utility shed to be 216 sq. ft. (120 sq. ft. allowed), variance for shed to be 12' high (8' allowed) and to be 20' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

11. Application of Case-Hoyt, c/o Frank Hagelberg, Atty., 700 Midtown Tower, Rochester, New York 14604 for variance to allow front parking for 20 vehicles at property located at 100 Beaver Road in LI 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 9/17

the corner. He said the applicant is moving to a new lot with more space for cars to pull off. He said the sign by the road is to be lit from the ground. He said the business is open until 11:00 or 12:00, at which time the lights go off.

Bob Connolly called to the Board's attention that the applicant wanted to amend his application to include a 6½ x 5' freestanding two sided sign with pictorial signs. Dan Melville said he felt that the applicant should come back in to apply for the other sign and the logos.

John Kemp of 2143 Westside Drive, said he felt Mr. Heffron needed this kind of signage because it is hard to find after dark.

DECISION: Original application approved unanimously.
Amendments proposed at 9/23/86 meeting are to be handled as re-application for public hearing.

3. Application of John Kemp, 2143 Westside Drive, North Chili, New York 14514 for variance to erect a 12' x 28' wood utility shed to be 336 sq. ft. (120 sq. ft. allowed), to be 10' high (8' allowed), and to be 10' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

Mr. Kemp was present and explained that he needed the proposed size to store seven bikes, riding mower, snow blower, radial arm saw, and various other pieces of equipment. He said he also needed the garage for the car because his wife has knee problems and has to be able to pull into the existing garage. He said that existing trees would almost hide the shed from the neighbors. He said his present garage overlaps this new structure. He said he plans to paint it white with black trim and to ultimately redo the outside of the house to match. He said he is in the bike business and uses the bikes in parages.

Tom Ward read into the minutes one letter of objection from William Hargather of 14 Brentwood Drive. He stated that he could see no reason for the utility shed to be that size.

Marcia Havens asked if there was already a fence there, and if he intended to leave it. Mr. Kemp said part of it would be removed to allow the shed to protrude.

Ron Popovich asked if there was already a shed there. Mr. Kemp said that he planned to get rid of it if this application is approved.

Mr. Kemp told the Board that he had a letter from his neighbors, Sharon and Scott Perry of Brently Drive. He said they were originally opposed and were concerned about it being used commercially. He said they do not object at this time as long as it is for residential use.

Tom Ward read the County Comments, which deemed this matter one for local determination.

DECISION: Application approved by a vote of 4:3; negative votes cast by Ron Popovich, Marcia Havens and Tom Ward.

Conditions:

1. Existing shed must be removed within six months from the time the new shed is constructed.
2. The shed must be used for residential use only.

4. Application of Robert Barrett, 7 Musket Lane, Rochester, New York 14624 for variance to erect a 6' stockade fence in a drainage easement at property located at above address in R-1-15 zone.

No one was present to represent the application. Bob Connolly informed the Board that he had learned through a conversation with the Town Engineer that the application had been withdrawn.

5. Application of Empire Sign Company, 101 Louise Street, Rochester, New York 14606 for variance to erect a 5' x 5' double faced freestanding sign to be placed on lot line (20' req.) at property located at 1204 Scottsville Road in GB zone.

Bob David from Empire Sign Company is present to represent the application. He said he wanted to amend the application to be 50' east of the drive. He said there were no plans for further development, so it was best to change sides.

Tom Ward asked if it would still be on the property line and he was told yes.

Mr. David said it would be a redwood sign and would be mounted on a pile to blend in with the architecture of the building. He said it would not be illuminated, except from the ground. He said it was not advertising signage, but rather the sign for the building.

Tom Ward informed Mr. David that the Department of Planning of Monroe County reviews all signs that are to be illuminated. He said if it were to be approved, it would be subject to the County's approval as well.

Elliott Press, 555 Bonnie Brae, said there is no traffic light there. This is the reason a sign is needed there, to identify the project.

Tom Ward asked the distance from the north face of the sign to Scottsville Road. He is told it is 20'.

Bob Connolly said it is 50' where the property starts from Scottsville Road. Tom Ward said he was just concerned about visibility there.

Dan Miller said that sometimes the center line of any road is not necessarily the centerline of the road right of way.

Mr. David said he would have it surveyed. He said the actual value of the sign is \$3000.

- DECISION: Unanimous approval by a vote of seven.
 Conditions: 1. Applicant must present a certification from a licensed land surveyor stating that the sign will not encroach upon the Scottsville road Right of way.
6. Application of James Stotts, 12 Woodruff Glen, Rochester, New York 14624 for variance to erect a 10' x 12' wood utility shed to be 12' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Stotts is present and explains that 8' x 10' is standard.

Tom Ward asked if this was to be for personal storage only. Mr. Stotts said, "yes."

Dan Melvilles asked if it would be a prefab kit. Mr. Stotts said it would not be. He will build it himself.

DECISION: Unanimous approval by vote of seven with no conditions

7. Application of Pumpkin Hill Homeowner's Association and Forest Creek Equity Corp., 80 W. Main St., Rochester, New York 14614 for variance to erect a 12' high stockade fence where 6' is allowed at property located at 20 Sleepy Hollow in RM zone.

Bernard Iacovangelo is present and thanks the Board for the opportunity to speak again on this issue. He addressed the previous concerns of the Board. He said they had actually gone beyond the Board's earlier recommendations by planting more trees than they would have had to. He said that Passero Associates had checked the fence and found it very sound. He also said there was ample room for emergency vehicles to get around. He said that the people living in this area were just as concerned about visual pollution. He said that Mr. Elkins, Manager of the Bell's Market had presented him with a letter saying that the fence would help reduce the kids cutting through. He said that such a fence would protect the residents from thoroughfare traffic.

Tom Ward asked who would be responsible for maintenance of the fence. He was told it would be the Homeowner's Association. Tom asked if there would be any problem with a stipulation that it would require reapplication in one year. Mr. Iacovangelo said he felt that five years would be more reasonable. Tom said he needed assurance that it would be maintained. Mr. Iacovangelo said the Board could stipulate that those areas exposed to view must be kept free of graffiti.

Ron Popovich asked what kind of gate it would have and if it would be kept locked. He was told it would be a wooden gate with a latch.

Ralph Wehner asked if it would be permanent. He was told yes.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Vito DePalmer - 100 Stover

He questioned what would keep them from coming back to get the same thing along Coldwater Road.

Al Marshall - 836 Paul Road

He said that the fence would force the kids to come across his property instead. He said he does not want that kind of problem.

Lois Barbado - 25 Ravenwood

She said she is directly behind the fence and would welcome the safety protection.

Vito DePalmer

He said the fence is a safety hazard, an aid to snow build up, and an unsafe structure. He said he is opposed to this application. He said his alternative is to have them place it 6' on top of the berm where Bell's and K-Mart is.

May Ross - 23 Ravenwood

She is in favor because of the added security.

Jack Calabreeze - 33 Ravenwood

He said he is 100% in favor.

Nancy Nooley - Salewoman for Forest Creek

She said it is a positive feature in selling the property.

Peter D'Eramo - 31 Ravenwood

He said he is in favor of the fence.

Tom Ward questioned the management at present of the Homeowner's Association. Mr. Iacovangelo said that when the project is 75% occupied, it will be turned over to the homeowners. He said it would be approximately one year until that occupancy is reached. It is now at 40-45%. Tom Ward asked what they could do to help M. Marshall out. Mr. Iacovangelo said they would work with him to alleviate his problems. Tom asked if they could put a return at the end of the fence, at both ends.

Howard Whelpton requested a show of hands of those in favor of the fence. The following people said they were in favor of the application:

Michael Grastof, 40 Pumpkin Hill
 Les Stube, 11 Pumpkin Hill
 Elizabeth Jardens, 6 Alderbush
 Dominica Bianchi, 18 Ravenwood
 Clara Calabreeze, 31 Ravenwood
 Margaret Mead, 47 Pumpkin Hill
 Gladys Loftis, 17 Ravenwood
 Donald Barker, 21 Alderbush
 Bernice Ryan, 22 Pumpkin Hill
 Pam Dixon
 Jean Schnitzler, 16 Sleepy Hollow

DECISION: Approved by a vote of 5:2; negative votes cast by Jack Hellaby and Ron Popovich.

- CONDITIONS:**
1. Graffiti must be kept off the fence where it is visible to the public. All maintenance must be completed within 30 days of occurrence and/or upon receipt of written notice from the town of Chili.
 2. Fence shall not be beyond a minimum of 75' setback from the westerly right-of-way limits of Chili Center Coldwater Road.
 3. A tee configuration at the southerly termination point of the fence shall be constructed.
 4. Application granted for five years, after which time re-application must be made.

8. Application of Forest Creek Equity Corp, 80 W. Main Street, Rochester, New York 14614 for renewal of variance to allow 12 - 3' x 4' removable sales flags at property located at

at 844 Paul Road in RM zone.

Bernard Iacovangelo is present and says they need to renew their application for sale signs. He said they are used only when someone is on duty in the sales office. He said they help with the visibility. They are seeking another year.

Tom Ward asked Bob Connolly if they had had any complaints of problems. Bob said they had not.

Ralph Wehner asked if the project would be done in a year. He was told it would be two years.

Pam Dixson, real estate sales person
She spoke in favor of the signs and the renewal.

Jack Calabreeze
He said if the signs help sell units, he is also in favor of them.

DECISION: Unanimous approval by a vote of seven
Approval granted for two years.

9. Application of Forest Creek Equity Corp., 80 W. Main St., Rochester, New York 14614 for variance to erect a 4' x 8' double faced sign to be 64 sq. ft. (32 sq. ft. allowed), variance for sign to contain more than the project name at property located at 3505 Chili Avenue in R-1-20 zone and FPO zone.

Mr. Iacovangelo said this is an exclusive subdivision made up of 28 lots, each on 3/4 to 6 1/2 acres. He said the houses sell for \$200,00 and up and are all 2500 sq. ft. approximately. He said they want a temporary sign. He submits to the Board a plan for the sign.

Tom Ward asks if it will be illuminated and he is told no.

Pam Dixson spoke in favor of the application.

DECISION: Unanimously approved by a vote of seven.
Approval granted for two years.

10. Application of Stephen Ellis, 34 Ronnie Lane, North Chili, New York 14514 for variance to erect a 12' x 18' wood utility shed to be 216 sq. ft. (120 sq. ft. allowed), variance for shed to be 12' high (8' allowed) and to be 20' from side lot line (55' req. on corner lot) at property located at above address in R-1-15 zone.

Mr. Ellis is present and explains that he needs this for storage of lawn equipment, bikes, etc.

Tom Ward asked why it had to be so close to Keith Terrace, and why it couldn't be located in the back corner. Mr. Ellis said there were pine trees in the back and this would allow him more room.

DECISION: Unanimous approval by a vote of seven.
Conditions: The shed must be no closer than 27.18' from Keith Terrace right-of-way (in line with existing garage).

11. Application of Case-Hoyt, c/o Frank Hagelberg, Atty., 700 Midtown Tower, Rochester, New York 14604 for variance to allow front parking for 20 vehicles at property located at 100 Beaver Road in LI zone.

Lisa Knych, atty., is present to represent the application. She submits to the Board a site plan. She said that her client needs additional parking because of the construction that will be taking place on the site.

Tom Ward asked if the temporary parking area would be paved. Ken Avery said it would be gravel. Tom then asked what the setback from Beaver Road right-of-way to the back side of the parking lot would be. He was told it would be 3-400'.

DECISION: Unanimous approval by a vote of seven.

OLD BUSINESS:

1. Menis Vamvakitis, c/o Runaway Sketches, 1140 Canistraga Road, Dansville, New York 14437 for variance to erect a 4' x 18' wall sign to include a logo a property located at 1132 Scottsville Road.

Mr. Vamvakitis is present. He says the business is to be called Crystal Palace. A log with a palace is to be included on the sign and the colors will be very low key.

Tom Ward asked if it would be a freestanding sign. He was told yes.

DECISION: Unanimous approval by a vote of seven.
No conditions.

2. Application of Larry White, 24 Harold Avenue, Rochester, New York 14624 for variance to erect a 20' x 4' wood storage shed to be placed on side and rear lot line (8' req.) at property located at above address.

Mr. White is present and amends his application from the original 20 x 8'. He says he heats his home with 20 cords of wood a year.

Tom Ward said that he had received letters from his neighbors stating that they had no objection to the new shed.

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

3. Application of Robert Bell of 16 Old Ivy, Rochester, NY for variance to erect a 10' x 12' utility shed to be 10' high (8' allowed), to be 3' from rear lot line (8' req.) and to be placed on a drainage easement at property located at above address in R-1-15 zone.

Mr. Bell is present and says that the Town Engineer visited the site and now approves his application. He said that Joseph Lu, Engineer, sent a letter to the Board stating the conditions at the site. Mr. Lu's recommendation was that an agreement could be filed as a deed restriction to preserve the Town's interest, should the ownership of the property change.

DECISION: Approved by a vote of six; single negative vote by J. Hellaby
Conditions: The portion of the structure that encroaches on the easement must be removed upon proper notification of the Town, if work is required within the easement. This will be done at the applicant's expense.

CHILI ZONING BOARD
October 28, 1986

The meeting of the Zoning Board of the Town of Chili was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on October 28, 1986 at 7:30 p.m. The meeting was called to order by Vice Chairperson Dan Melville.

PRESENT: Shirley Whelpton, Ron Popovich, Ralph Wehner, John Hellaby, Marcia Havens and Vice Chairperson Dan Melville.

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

Dan 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 Alan Chisek, 614 Chestnut Ridge Road, Rochester, New York 14624 for variance to erect a 12' x 16' barn to be 192 sq. ft. (120 sq. ft. allowed), variance for barn to be 12' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Chisek is present to represent the application. He said he needs a barn for storage of equipment and vehicles. The barn is larger than what is allowed, but will have vinyl siding to match the house. He said because of the terrain of the yard, the barn will look smaller. The back yard is much lower than the land the house is on.

Dan Melville asked if it would be on a concrete slab. Mr. Chisek said it would.

Dan Melville read County Comments, which deemed the matter for local determination.

DECISION: Unanimously approved with no conditions.

2. Application of Barbara Want, 396 Chestnut Ridge Road, Rochester, New York 14624 for conditional use permit to request the use of two bedrooms for occasional paying guests at property located at above address in R-1-20 zone.

Barbara Want is present to represent the application. She explains to the Board that she has a large 4 bedroom home, but her three sons are no longer at home. She said one bedroom is in use, but that she would like to use the other three to generate income from the property. She said there would be no change to the house itself, the grounds, nor would there be any advertising. There is, she said, ample off street parking. She said that it is a very expensive property to maintain, and she feels a Breakfast Club would be non-offensive, yet would provide the opportunity to afford maintenance of the property. She said she would allow no pets and no smoking. Guests would be covered by her own homeowner's policy, and that the structure is well within the fire codes, but they would be installing smoke alarms in all the bedrooms.

Dan Melville asked how they would rent rooms if they did not advertise. Mrs. Want said they were joining a Bed and Breakfast Association, which would have its own means of advertising, i.e., through Student Affairs and Alumni Associations of Colleges.

Dan then asked what hours people would be coming and going. He was told it would be late afternoon and early evening.

Shirley Whelpton asked if they would serve breakfast. She was told yes. Mrs. Want then explained to the Board what the concept of Bed and Breakfast implied and how popular they were becoming.

Ralph Wehner asked what type of clientele she expected to have, and she said it would be parent of college students, visiting friends, etc. Mrs. Want said it would be by reservation only.

Marcia Havens asked how many were presently living in the house. Mrs. Mrs. Want said there were only two. Marcia asked how many cars they had and she was told two. Mrs. Want said there is plenty of parking, probably room for 10.

John Hellaby asked what the maximum number of guests would be. He was told four at any given time.

COMMENT FROM THE AUDIENCE:

Mr. Don Hayes - 396 Chestnut Ridge Road

He said he lives across the road and sees no problem with the idea.

Dan Melville read County Comments, which deemed the matter one for local determination.

FINDING OF FACTS:

1. The project would generate more transient and motor vehicle traffic.
2. This would constitute commercial business in a residential zone.
3. The applicant failed to establish and prove a hardship and/or practical difficulties.

DECISION: Application denied by a vote of 3:3
Affirmative votes cast by Shirley Whelpton, Ron Popovich and John Hellaby

3. Application of William Heffron, 4358 Buffalo Road, North Chili, New York 14514 for variance to erect a 14' x 3' wall sign to be 42 sq. ft. (33 sq. ft. allowed) and to include two logo's, variance to erect a 6½' x 4' double faced freestanding sign to include two logo's at property located at above address in GB zone.

Mr. Heffron is present and states that he owns the land and would like to put these signs up.

Dan Melville asked why they needed to be so large and the applicant said his pizza place is 170' from the road, so signs are essential.

Dan Melville asked what kind of construction they would be. He was told they would be aluminum with a plastic facing.

Dan Miller asked why the sign with the coke ad on it was so large. Mr. Heffron said they wanted 25% of the space, and that they would not reduce it.

Ron Popovich asked if the freestanding sign would be lit. He was told it would be lit from the ground.

Shirley Whelpton asked if the the sign would be lexon or plain plastic. She said that the plastic signs were frequently the target of vandals. She questioned who would maintain it if it should get broken.

Dan Melville read County Comments, which deemed the matter one for local determination.

DECISION: Approved by a vote of 4:2
Negative votes cast by Ralph Wehner and Marcia Havens.

4. Application of Anthony Porretta, 124 Knights Trail, Rochester, New York 14624 for variance to erect a 12' x 12' wood utility shed to be 144 sq. ft. (120 sq. ft. allowed), and to be 10' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Porretta is present and explains that he wants a barn because the existing one is deteriorating and he needs more room.

Dan Melville asked if he was just replacing the existing one. He was told yes, but that this one would set further back in the yard. The old one is attached to the house. Dan asked what type of construction, and he was told it would be T-1-11 siding with asphalt shingles set upon patio blocks.

Ralph Whener asked if it was partially up now. He was told yes.

OBJECTIONS FROM THE AUDIENCE:

Mr. Anthony Stagliano - Lexington Avenue

He said he is opposed because of the size and location and also because it faces his back yard. It is also too near the property line, he said. He said it is only 25' from his pool and 40' from his back door. With all the yard that Mr. Porretta has, it seems he could find another place, Mr. Stagliano said.

Dan Melville questioned how far it is from the lot line. Mr. Perrotta said that it is 9'3" on the side and 12' 3" in the back.

Dan Melville read County Comments, which deemed the matter one for local determination.

DECISION: Unanimously approved with no conditions

5. Application of Antonio Rodriguez, 45 Harold Avenue, Rochester, New York 14623 for variance to erect a satellite antenna to be placed in the front yard (rear yard required) at property located at above address in RA-20 & FPO zone.

Mr. Edward Morse is present to represent Mr. Rodriguez. He says that Mr. Rodriguez has difficulty with the language, but that he wants to leave an existing antenna at the front of the property. He received a letter of violation in September. He has, however, had no complaints from neighbors. The size and height of the dish is not in violation; it is of quality construction and partially hidden by a pine tree. If it is moved back, Mr. Morse said, it will result in poor reception. Because of existing trees, it would not be practical to move it too.

John Hellaby asked when it had been installed. He was told about a year ago. John then asked Bob Connolly if he had had any complaints. Mr. Connolly said no.

Dan Melville asked if he had installed it himself. Mr. Morse said he had installed it with another electronics fellow.

Dan Melville read County Comments, which deemed it a matter for local determination.

FINDING OF FACTS:

1. Leaving it in the front yard will create visual pollution.
2. The applicant failed to establish and prove a hardship and/or practical difficulties.

DECISION: Denied by a vote of 5:1
Affirmative vote cast by Shirley Whelpton

6. Application of Steven Yates, 635 Beshan Road, Rochester, New York 14624 for variance to erect a 20' x 18' addition to house to be 20' from side lot line (50' req.) at property located at above address in RA-10 & FPO zone.

Ms. June Yates, mother of the applicant is present. She says the addition is to be a family room. She said they got a variance in July for the garage.

Dan Melville asked if it would be the same as the house. He was told that the whole house would be sided at the same time they do the addition.

Ralph Wehner asked if it would be a single story. He was told yes and that it would be 20' x 17'.

Dan Melville read County Comments which deemed the matter for local determination.

DECISION: Unanimous approval with no conditions.

7. Application of Manis Vamvakitis, 1132 Scottsville Road, Rochester, New York 14624 for variance to erect a 6' x 3' double faced freestanding sign on existing pole at property located at above address in GB zone.

Bob Connolly is representing the applicant. He explains to the Board that Mr. Vamvakitis simply wants to put a new face on an existing sign, which is free standing.

DECISION: Unanimous approval with the following conditions:
 1. Applicant must finish painting the sign pole and frame.
 2. The sign must be repaired as necessary.

8. Application of B.R. DeWitt, P.O. Box 95, Pavilion, New York 14525 for variance to enclose existing aggregate bins to be 50' high (35' allowed) at property located 1533 Scottsville Road in GI & FPO zone.

Mr. Paul Bolin, Attorney, is present and explains that a variance is necessary because of the height limitation. He said the enclosing structure will not be higher than the existing buildings on the property. He said they are applying for this variance because they need to protect the raw materials that are in the bins and they wish to improve the property environment by controlling dust and noise.

John Hellaby asked if there would be any signage on these. He was told no.

Bob Connolly said they would be coming before the Planning Board for site plan approval.

Dan Melville read County Comments which deemed the matter for local determination.

DECISION: Unanimous approval with no conditions.

9. Application of Frank Acito, 230 Golden Road, Rochester, New York 14624 for variance to erect a 10' x 12' wood utility shed to be 9' high (8' allowed) at property located at above address in R-1-15 zone.

No one is present to represent the application.

DECISION: Application tabled for one month. To be denied if applicant does not show up at the November 25th meeting.

10. Application of Clarence Claxton, 5 Lexington Parkway, Rochester, New York 14624 for variance to erect an 8' x 12' wood utility shed to be 33' from side lot line (55' re on corner lot) at property located at above address in R-1-15 zone.

Mr. Claxton is present and explains that he wants to build an 8' x 12' x 8' shed to store tools and equipment in. He explained that he had moved from a 10 room house to a 5 room house and needed space. He submitted a picture of the kit he intended to use. He said it would be a pressure treated base and would be painted to match the house. He said trees would partially obscure the structure. He said it would be 26' from the neighbor's property and 33' from the edge of the road.

DECISION: Unanimous approval with no conditions.

Minutes from August and September were not approved and will be held until the Chairperson, Tom Ward, returns.

CHILI ZONING BOARD

November 25, 1986

The meeting of the Zoning Board of the Town of Chili was held in the Administration Office 3235 Chili Avenue, Rochester, New York 14624 on November 25, 1986 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Shirley Whelpton, Dan Melville, Ralph Wehner, Ron Popovich, John Hellaby, Marcia Havens, and Chairperson Tom Ward.

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

Chairperson, Tom 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 Frank Acito, owner; 230 Golden Road, Rochester, New York 14624 for variance to erect a 10' x 12' wood utility shed to be 9' high (8' allowed) at property located at above address in R-1-15 zone.

Mr. Frank Acito is present and says that he needs this utility shed for storage of lawn mowers, garden tools, children's bikes, etc.

Tom Ward asked if this was just for residential use and if all he needed was a variance for the height of the building. Mr. Acito answered yes to both questions.

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

2. Application of Chili Heights Apartments, 3611 Chili Avenue, Rochester, New York 14624 for variance to erect 4-5' x 3' removable flags, variance for flags to be placed on lot line (20' req.) at property located at above address in RM & FPO zone.

Mr. John Meyers, Resident Manager of the complex, is present to represent the application. He said the flags requested are a marketing tool and are needed to provide a higher degree of visibility. He said they would be used only during office hours and would be constructed of wood poles on fixtures in the ground.

Tom Ward asked if this would be a new market tactic and they really thought it would bring more people in. Mr. Meyers said they thought so. Tom then asked how they would feel if they lived in one of the houses across from the project. Mr. Meyers said the flags were not unattractive and they would try to keep them neat. Tom said they were being used in Florida and were not very attractive. He said he was concerned about everyone else wanting to use the same. Mr. Meyers said they had figured that about 15% of their rentals come in through drive-bys. Tom Ward said he had noticed that the applicant does advertise in newspapers and has had smaller unobtrusive signs. Dan Melville agreed with Mr. Ward and said he felt flags would not be necessary.

Marcia Havens asked what the usual vacancy rate was and she was told there are 15-30 vacancies at this time of the year. Mr. Meyers said they need to increase the visibility in order to fill these vacancies.

FINDING OF FACT: 1. The signage is excessive for the advertising need.
2. No hardship was demonstrated.

DECISION: Unanimously denied by a vote of seven.

3. Application of Kenneth Teeter, owner; 42 Black Creek Road, Rochester, New York 14623 for variance to combine two lots into one undersized lot to be .50 acres (20 acres req.), variance to allow a lot width of 92.52' (700' req.) at property located at 40 & 42 Black Creek Road in RA-20 FPO, FW zone.

Mrs. Teeter is present. She said that years ago the house at 40 Black Creek had burned down and since that time it had been kept as two lots. She said they have always wanted it as one parcel, and that furthermore the bank had almost denied financing when they bought it because it was two lots. She said that they are paying sewers, taxes, etc. on a lot that they do not use.

Tom Ward asked if they planned to put a second home on it. She said no, but they might put up a garage sometime in the future.

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

4. Application of Lithochrome Corp., 291 Weidner Road, Rochester, New York 14624, property owner: N. Lewandowski; for variance to allow front parking for 12 vehicles at property located at above address in G.I. zone.

Present to represent the application are Jim Nichols, General Contractor; John Page, Architect; and Clarence Flemming from Lozier's Engineering Firm. Mr. Nichols said they had received unanimous preliminary and final site plan approval, but now needed a variance for front parking. He said they want to be able to enter the new building from Milstead Way instead of Weidner Road. He said the existing drive is off Weidner. He showed via the site plan where the loading area was and said they would need to relocate it. He said they are asking for a total of 12 spaces only. He showed the entrance to the offices, conference rooms, etc.

Dan Miller asked where the employees park. Mr. Nichols said that would remain the same and indicated on the map. He said they have more than adequate parking there.

Tom Ward asked if there were any other drives in the immediate vicinity, on either side of the street. Bob Connolly said there were none across the street until you get to Gillette Tool, which is about 1500'.

Dan Miller asked if they were going to shield the parking with a berm, and if so, how high would it be. He was told that they would and that it would be 2'. Dan ~~McLuille~~ said this would shield most automobiles too, and Mr. Meyers said it would.

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

5. Application of Joseph Battisti, owner; 2575 Chili Avenue, Rochester, New York 14624 for variance to erect a 10' x 4' double faced free-standing sign to be 80 sq. ft. at property located at above address in N.B. zone.

Mr. Battisti was present. Tom Ward asked if there were other signs on the property that were permanent. Mr. Battisti said the one on the roof is permanent, but the one on the road is temporary.

Tom Ward asked if these were to be the only signs. He was told yes. Tom Ward then asked if they would be pole mounted. He was told yes.

Dan Miller asked how high the top of the sign would be. He was told it would be 14-16'. Dan also asked how many feet it would be from the road right-of-way. Mr. Battisti said they would put it wherever Bob Connolly wanted it.

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

6. Application of Nick's Imports & Meat Market, 3240 Chili Avenue, Rochester, New York 14624, property owner: N. Bellone; for variance to allow front parking for 19 vehicles at property located at 1098 Chili Ctr.-Coldwater Road in G.B. zone.

Don Avery is present to represent the application. He said the property is located north of the gas station at Chili and Coldwater Road. He said the applicant wants to add on to the house so he can have a meat market and take-out store. He said it is in a GB zone. The application went before the Planning Board for preliminary and final and was unanimously approved.

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Tom Ward asked if it had received NYDOT approval and Dan Avery said they had not received an answer, but had not heard of any problem.

Dan Melville said that he felt that with front parking there, it would become a more dangerous intersection. He said pulling out would be particularly bad there. He also said there was some talk of the State improving the road there.

Ralph Wehner asked what they would do if the State comes in and widens the road there.

Tom Ward asked what the setback was from the edge of the pavement to the road right-of-way. He was told it was 10' from the right-of-way to where the shoulder starts.

Tom Ward asked what type of operation it would be. He was told it would be both a retail and regular meat market. Tom also asked if they really needed this much parking and he was told that they had put in the number of parking spaces required by the code. Tom asked if there would be a hardship if the parking was restricted to 11 spots. Don Avery said he could not really speak for Mr. Bellone, but that he would be here before long. Tom when asked what the total square footage on the building would be. He was told that it would be approximately 2000 sq. ft. Tom asked about the landscaping and was told that a plan had been submitted.

Nick Bellone - 3240 Chili Avenue - arrived and submitted to the Board a landscape plan. He also said it would be a hardship if he could only have parking for 11 vehicles. He said he needs the extra space during holiday seasons.

Tom Ward told Mr. Bellone that there was a possibility that the State would come in and make Coldwater a four lane highway. Mr. Bellone said he understood that, but would have to take his chances.

Ralph Wehner asked how many parking spaces were used by employees. Mr. Bellone said a maximum of four.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

Jerome Widzinski - 1080 Coldwater Road.
He said he bought his home 25 years ago under the premise that Coldwater was to be widened. He said he had to have his trees cut down for this, and then it was never widened. He said he was concerned about the safety factor there and said that accidents are frequent. He said that because of the hill on Coldwater, there is diminished visibility. One more business with access would create more hazardous conditions. He said a two lane highway there is not adequate for the businesses in the area. He says he is therefore, opposed to this application.

Tom Ward explained the position of the Zoning Board and pointed out that this had been approved by the Planning Board. He said that the NYDOT still needs to approve the road cut, and that he felt they would take all this into consideration.

Shirley Whelpton asked if there were any chance that they could have the parking on the side instead. Don Avery told her that they had to add a dry well over there, and he would rather not have parking on top of it.

Dan Melville asked if they had to drain the water to the back. Don Avery told him that the water flows to the south.

Ron Popovich asked where deliveries would be made. He was told to the side door.

Opposition to the application from the audience: 2 (Mr. & Mrs. Widzinski)

DECISION: Approved by a vote of 5:2; Negative votes cast by Dan Melville and Ralph Wehner.

7. Application of Jim Krause, 184 Wakeman Road, Fairport, New York 14550, property owner: Edmund Fredette; for variance to erect a 14' x 12' addition to house to be 48' from front lot line (100' req.) and 6' from side lot line (50' req.) at property located at 32 Alfred Avenue in RA-20 & FPO zone.

Mr. Jim Krause is present. He is the builder for the Fredettes'. He said they want to add a dining room on the south side of the house. He said they applied for a side setback when the house was built. He said the addition will conform with the existing roof line. Tom Ward asked if it was to be a one story addition. He was told yes.

Mr. Krause said they had hired an engineer to study the flood plain and it was 2' higher than what was required for the flood plain.

Tom Ward asked if they planned to match the exterior and was told yes. Mr. Krause said they planned to paint the whole thing in the spring.

John Hellaby asked if there was to be a full basement under it. He was told no, just a crawl space.

Mr. Fredette spoke in favor of the application.

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

8. Application of Fran Schrader, 3300 Chili Avenue, Rochester, New York 14624, property owner: Stop 'N' Go Foods; for variance to create a lot depth of 76' on the west side lot line (250' req.) and 155' on the east side lot line (250' req.) at property located at 3215 Chili Avenue in G.B. zone.

Geoffrey Alan, Architect, is present to represent the application. He said that his client wanted to purchase the parcel behind the property from Sun Oil Company in order to access the parcel. He said there is limited parking here because of the narrow frontage. He said the parcel is in disrepair and the second story is vacant. On the first floor is a bar and a fish market, he said. He said that the owner has a real hardship because of all of this because he cannot attract tenants. He said if they could annex the rear area to the property, they could create some parking. He said it would also allow access and would enable them to upgrade the rear of the property. He said he did not feel it would jeopardize Chili Avenue, but rather would integrate this into the other neighborhood business.

Tom Ward asked if they had contacted the attorneys representing Sun Oil and if they were aware that they were making this particular application. Mr. Alan said that they were and that a purchase offer has been made.

Tom Ward asked if it would all be black-topped. He was told yes. Tom Ward then asked Bob Connolly if it had been to the Planning Board. Bob said it all depended on whether they could get more parking, so he recommended that they come before the Zoning Board first.

Ralph Wehner asked if they planned to add to the building. He was told no.

QUESTIONS OR COMMENTS FROM THE AUDIENCE:

David Skelly - representing the Chili Fire Department. He said the fire department was planning to use the drive next to the Stop-N-Go. He said they have a 1957 easement with Sun Oil, which gives them easement through that drive. He also said they are in the planning stage of adding to the fire station and will need to use that easement.

Tom Ward asked if the easement on the property was solely for the use of the Fire Department. He was told yes. Mr. Alan said an easement could be granted which would allow access to all three parties, and that they would need to create another drive anyway.

Bill O'Neil - 2181 Chili Avenue. He said he owns adjacent property. He said there is 30' from the edge of the fence to his property that Sun Oil has never maintained. He said the gate in the back is welded shut. He said he is in favor of the application.

DECISION: Unanimously approved by a vote of seven with the following condition:
Recommendation will be made to the Planning Board that a 30' wide permanent access easement be granted to the Chili Fire Department at the proposed 30' wide westerly egress point.

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9. Application of Fantastfoods, Inc., 3209 Chili Avenue, Rochester, New York 14624 property owner: M. Truisi; for variance to erect a 4' x 2' double faced addition to freestanding sign at property located at above address in G.B. zone.

No one was present to represent the application. Application was tabled by a vote of 6:1; negative vote cast by Ron Popovich.

10. Application of Francis Hallett, owner; 17 Indian Hill Drive, Rochester, New York 14624 for variance to allow a 9' x 12' utility shed to be 180 sq. ft. (120 sq. ft. allowed), variance for shed to 10' high (8' allowed), and to be placed on side lot line (8' req.) at property located at above address in R-1-15 zone.

Mr. Hallett is present and says that he bought his property in 1969. There was a steel utility shed there, which disintegrated and he put up another shed. He said there is a 5' strip of land in the backyard which is at the heart of the controversy. He said he moved the shed once and would now like to have permission to leave it where it is now. Application 11, which follows, was heard concurrently with this one.

11. Application of Francis Hallett, owner: 17 Indian Hill Drive, Rochester, New York 14624 for variance to allow a house to be 5.9' from south side lot line (10' req.) and 9.9' from north side lot line (10' req.) at property located at above address in R-1-15 zone.

He said he is applying for a variance at the suggestion of Bob Connolly. He said the house has been there since 1958. There was a variance granted to build the house on an 87' lot. He said he has lived there for 17 years and always thought this 5' strip belonged to him.

Dallas Davis, owner of the 5' strip to the rear of Mr. Hallett's property is present. He says he owns the land. He said this was brought to his attention recently when he had it surveyed. He said he had received complaints over a wall which was built of railroad ties on his property. He said another neighbor had complained when the railroad times began to fall over on her property. He said he owns the 5' and has a 5' easement, which he wants to run lines into the rear property. He said he is asking that any buildings or trees be removed from his property.

Tom Ward questioned the type of easement he has and was told it was an easement he reserved when he sold the property. Tom questioned whether it was an easement dedicated to the Town. He was told no. Tom said, "then it's a restriction you had put on the deed when you subdivided it?" He was told yes. Tom explained that since it was not town dedicated or to any public utility, the Town would have no responsibility to enforce that no one builds on it.

Dallas Davis said that he wanted to run utilities into the back property now. He says he has four acres.

Dan Melville asked him if he maintained that 5' strip of land that he claims to own. Mr. Davis said he did not. He said the point was that Mr. Hallett had built within his 10'.

Tom Ward reminded Mr. Davis that the town has no jurisdiction over that land. Mr. Davis said he wanted to have the Board require that he set his building back 10' from the lot line.

Tom Ward asked Bob Connolly if he had seen this wall that is falling over. Bob said that he had seen it and that he, Mr. Davis, Mr. Hallett and Mr. Miller had a meeting, but little was resolved.

Robin Lattabush - 15 Indian Hill Drive.

She introduced herself as the neighbor who had the problem with the railroad times. She said she complained years ago, but nothing was ever done. She said Mr. Davis was to clean it up. She said that there are shrubs and wild stuff grown all over the fence.

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- DECISION: Approved by a vote of 4:3; negative votes cast by Ron Popovich, Dan Melville and Tom Ward. Conditions as follows:
1. No on-street parking.
 2. Hours of operation limited to Monday thru Friday 10:00 a.m. to 2:00 p.m.
 3. No more than 2 dogs groomed daily.
 4. No outdoor signage.
 5. All dogs must be a leash, carried in the arms, or in a cage, or otherwise confined when brought to the business, and must be kept confined while on the dwelling premises.
 6. Granted for a period of one year.
14. Application of Richard Tytler, owner; 486 Chili-Riga TL Road, Churchville, New York 14428 for variance to erect an enclosed porch to be 41' from side lot line (50' req.) at property located at above address in RA-20 zone.

Mr. Tytler was present to represent the application. He said he needs a 9' variance for an enclosed porch, which is between a pool and lot line. He said he has lived there for 22 years and has found the corner of this is in violation.

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

CHILI ZONING BOARD

December 23, 1986

The meeting of the Zoning Board of the Town of Chili was held in the Administrative Office, 3235 Chili Avenue, Rochester, New York 14624 on December 23, 1986 at 7:30 P.M. The meeting was called to order by Chairperson Tom Ward.

PRESENT: Randy Allen, Ralph Wehner, Dan Melville, John Hellaby, Marcia Havens, Ron Popovich and Chairperson Tom Ward.

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

Chairperson Tom 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 Millard Lakes Metal Service Center, P.O. Box 0, 116 Lunquist Drive, Braintree, Mass. 02184, property owner: J. Millard; for variance to erect a warehouse and office building to be 30' high (25' allowed) at property located at 27 Jet View Drive in L.I. zone.

The following were present to represent the application: Mr. Rick Mitchell from F.L. Mitchell Corporation; George Baker, Licensed Architect; and Jim Briggs, President of the Company making application. Mr. Mitchell addressed the Board, asking that the application be amended to read 35' high. The Board unanimously agreed to the amended application. Mr. Mitchell explained that Millard Lakes Metal is located outside of Boston.

Tom Ward asked why the warehouse had to be so high, and Mr. Briggs explained this as necessary in order to store the metal and to use equipment to lift it and lower it. He said they need to be able to compete with the existing service center areas, which maintain the same height on their facilities. Tom explained that one reason there is a limitation on height in Chili is the airport consideration.

Mr. Briggs submitted to the Board sketches of the equipment that is used. Tom then asked if that height is just for the warehouse. He was told yes. Tom also asked if they had been before the Planning Board and he was told that they had been and had received preliminary approval. Mr. Mitchell added that the warehouse is closer to 22,000 sq. ft. than 18,000, as discussed before the Planning Board. Tom Ward asked if all materials would be stored in the warehouse. He was told yes.

Randy Allen asked if they did not get approval for 35', if they would be unable to stay in business. Mr. Mitchell answered yes.

DECISION: Unanimously approved by vote of 7 with the following condition:

1. Subject to receiving approval from the Monroe County Planning Department.

2. Application of Gary Squires, owner, 54 Archer Road, Rochester, New York 14624 for variance to erect an 18' x 36' inground swimming pool to be 8' from house (15' req.) at property located at 105 Stottle Road in PRD, FPO & FW zones.

Mr. Squires is present and explains that the pool is already in. He said that due to an oversight on the part of the builder, the pool was installed too close to the house and without a pool permit. He said there is a natural swale that runs along the south side of the house, and to put the pool in there would have required tree removal. He said the pool is fenced.

Ralph Wehner asked if the pool end nearest the house was the deep or shallow end. He was told it is the shallow end.

DECISION: Unanimous approval, subject to a building permit and electrical inspection.

3. Application of Charles LaRocca, owner, 1079 Paul Road, Churchville, New York 14428 for renewal of conditional use permit to allow a real estate office in home at property located at above address in R-1-20 zone.

No one was present to represent the application. Dan Melville moved that the application be denied without prejudice. Ralph Wehner seconded the motion, motion passed. Marcia Havens cast the only negative vote.

4. Application of Earthborn Builders, owner, 3258 Union Street, North Chili, New York 14514 for variance to allow a house to be 74.3' from side lot line (75' req. on corner lot) at property located at 1 Haverhill Drive (corner Chili Avenue) in R-1-12 zone.

Dan Schum was present to represent the application. He submitted to the Board an instrument survey report. He said an 8" variance was required. He said the house had been constructed and was already occupied, and as far as he could see, there was no adverse consequences to the neighboring homes. He said unless a variance is given, they would have to chop the front edge off the garage.

Tom Ward asked what the setback to the property to the east was. Mr. Schum said it was closer to the road than this property, probably 20' closer than this, but it was pre-existing.

Tom Ward asked why, and Mr. Schum said it was a mason error, discovered after the house was framed.

DECISION: Unanimously approved by vote of 7. No conditions.

5. Application of Earthborn Builders, owner, 3258 Union Street, North Chili, New York 14514 for variance to erect a single family dwelling to be 22' from rear lot line (30' req.) at property located at 5 Haverhill Drive in R-1-12 zone.

Dan Schum was present and presents the plot line of the proposed home to the Board. He explains that there is a jog in the rear lot line, which makes the rear setback impossible to maintain if they also maintain the front setback. He said he has tried flipping the house on the lot, but this would only gain them 6". He said they also have to maintain the side setbacks, and because of the uniqueness of the lot, this is a problem.

Tom Ward asked how wide the porch out front is. Mr. Schum said it was 4'. Tom then asked if the house is under construction. He was told no. Tom then asked if they could eliminate the porch. Mr. Schum said it wouldn't meet the size requirements then. He said the lot has been sold and the owner has requested this style of home to be built on it.

DECISION: Unanimous approval. No conditions.

6. Application of Elliott Press, owner, 1200-A Scottsville Road, Rochester, New York 14624 for variance to erect a 16' x 8' double faced real estate development sign to be 256 sq. ft. (32 sq. ft. allowed) and to contain more than the project name at property located at 1204 Scottsville Road in G.B. zone.

Mr. Elliott Press is present and explains that he is wanting the same size sign in the same location, but wants to turn it and face it on two sides. He said he had checked with the NYDOT and with the County, which deemed the matter for local determination. The sign is to be beige and brown, he said, and will not be illuminated.

Tom Ward said, "then you are basically adding to a temporary advertising sign". Mr. Press said, "that's right". Tom asked how long he would need the sign. Mr. Press said for 3-4 years. Tom asked if the other sign was to be removed. Mr. Press said yes.

DECISION: Approved by a vote of 5:2; Negative votes cast by Ralph Wehner and *Tom Ward*

7. Application of John & Jeanine Rocchio, 6363 Woodland Drive, East Amberst, New York 14051, property owner: Mr./Mrs. J. Meyer; for Land Use Variance to convert existing dwelling into professional offices at property located at 2738 Chili Avenue in R-1-12 zone.

John Rocchio is present and says he is representing Duplicating Consultants. He says he would like a variance to allow himself and his wife to use this as a business office. He said Duplicating Consultants sell Office products, and they are located in Tonawanda. He said they have 4 sales people and 3 service people, all of whom do repairs on the customer's premises. He said they have two Watt lines to Buffalo, and this would basically be a sales office. He said shipping is done from the warehouse in Buffalo, and the office is just for the convenience of the sales staff. The business is, he said, a phone business primarily. He said it is allow key operation and that they have been in Chili for six years. He further explained that the property is within 100-150' of a small plaza. The hours of this business would be 8:30 to 5:00 p.m. Monday through Friday. There will be no secretary on the premises. He says they will need to add additional parking, however, for the sales staff. He said they would leave most of the front green and any changes would be sheerly cosmetic. He added that he thought it would complement the community.

Tom Ward asked Bob Connolly: "A land use variance was applied for because a conditional use doesn't apply?" Bob Connolly said yes, Bob Connolly said they would be converting from a single family home to a business establishment.

Tom Ward asked Mr. Rocchio why they were moving from the Chili-Paul Plaza. Mr. Rocchio said the cost of staying there has increased. Tom then asked why they were interested in this particular property, and Mr. Rocchio answered that they are looking at a long-term situation. He added that the cost of this house is right and it would involve minimal change for the customers, since it is in the same general area. Tom asked if they had looked at other commercial properties, and Mr. Rocchio said they had not. Tom Ward asked about truck traffic, and Mr. Rocchio said they would handle no merchandise here since the warehouse is in Buffalo. He said all merchandise is shipped directly to their customers. He said they only have a pick-up truck to bring equipment inonce or twice a month. He said it is a step van. Tom Ward asked if they would be doing any repair work, and Mr. Rocchio said only in their customer's offices.

Ralph Wehner questioned the parking. He was told that they need additional parking because there could be 4-5 people there at any one time.

Marcia Havens asked how long the house had been on the market. She was told it was on the market one year. She was also told that their offer was a contingency on getting approval.

Ron Popovich asked how large the copiers are. Mr. Rocchio said the largest ones are like the one in the Court Room. Ron also asked if they would have any rooms as a showroom. Mr. Rocchio said they would. Bob Connolly asked if the home was to be used only for business. He was told yes.

Ralph Wehner asked if they would use any chemical toners, or papers with powder toners. He was told that they would use powder toners. Ralph then asked if they would have any large quantities stored there, and he was told no.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Dallas Benedict - 8 Hillcrest Drive.
He expressed concern that it would become commercial and then be sold to another business enterprise. Dan Miller explained the land use variance concept to Mr. Benedict.

Edna Crandall
She said it would create a precedent. Mr. Rocchio argued that it is no different than what is already going on there. He said that Chili Avenue is becoming all commercialized. The audience reacted to this comment with sounds of protect.

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Mr. Masters

He says he owns the house next door. He said the parking lot there will already accomodate 10 cars.

Mr. Grant Ott

He says there are no other commercial properties there, only a gas station.

Tom Ward asked Mr. Ott if any homes had sold between Cardinal Drive and Marsh Road. Mr. Ott said yes.

Bill Davis - 2726 Chili Avenue.

He said the property has been subdivided for the past 20 years and has track restrictions on it. Tom Ward told him this would have to be reinforced by the Neighborhood Association, not the Zoning Board.

Joan Wyland - 11 Cardinal Drive.

She comments on the road in front of the hill, which she said is often icy and would be a hazard with the additional traffic. She also questioned whether there is any town restriction on a commercial property that stands vacant from 8:00 to 5:00 P.M. She was told no.

Paul Skelly - 761 Maple Street, Rochester.

He questioned track restrictions for commercial properties. Dan Miller told him that if granted, there would be limited use only for professional offices.

Howard Schriell - 7 Cardinal Drive.

He said it is adjacent to his property and he objects. It would, he said, drain on his property. He added that it is a residential area.

Tom Ward asked how many in the audience were in favor; there were none. He then asked how many were opposed; the following people expressed an objection:

1. Eric Rule - 2470 Chili Avenue - on the grounds of traffic problems. safety of children in the area and visual pollution.
2. Ray Masters - 2736 Chili Avenue - on the grounds of traffic.
3. Chas. Adams - 2727 Chili Avenue - on the grounds of traffic.
4. Frank Siebert - 2726 Chili Avenue - on the basis of the residential area.
5. Grant Ott - On the grounds that the area is residential.
6. Dallas Benedict - 8 Hillcrest Drive - on the basis of all the above.
7. Jim Riefsteck - Opposed.
8. Jim Kozlowski - 2739 Chili Avenue - on the grounds that the application has not met any of the conditions of the Chili Code.
9. Don Weiland - On the grounds that it imposes an economic disadvantage to the neighbors.

Mr. Rocchio countered with the suggestion that a traffic signal could be placed there, and that should the house sell to a family with teens, there could be greater traffic there than this business would generate.

Tom Ward read County Comments, which deemed the matter for local determination.

FINDING OF FACTS:

1. No hardship was shown or proven that was unique to the land.
2. Proposed use may present a potential traffic hazard by users due to a limited site line westerly on Chili Avenue.
3. Residential nature of surrounding neighborhood.
4. Potential for visual pollution with future additional front parking.
5. Recent properties in the area have been sold as residential.
6. Strong neighborhood opposition to proposed use of the land.
7. Approval would encourage "spot-zoning", since proposed occupancy would become primarily commercial by granting this land use variance in an area that is primarily residential.

DECISION:

Unanimous denial of application by a vote of 7.

8. Application of Perna Homes, 849 Paul Road, Rochester, New York 14624, property owner: The Pikuets; for variance to erect a 6' x 4' double faced real estate development sign to be 48 sq. ft. (32' sq. ft. allowed) and to contain more than the project name at property located at 1034 Paul Road in PRD zone.

No one was present to represent the application. Randy Allen moved that the application be denied without prejudice; Ralph Wehner seconded the motion.

Motion passed: Marcia Havens cast one negative vote; Dan Melville abstained from voting.

9. Application of Rufus Hucks, owner; 57 Lester Street, Rochester, New York 14623 for variance to erect a 24' x 24' shed to be 576 sq. ft. (120 sq. ft. allowed) and to be 12' high (8' allowed) at property located at 59 Lester Street in RA-20 & FPO zone.

Mr. Hucks was present to represent the application. He explained that he is a trainer of dogs and bought this property one year ago to breed and train German Shepherds. It is a country setting and is surrounded by woods. It is all enclosed and there would be no noise. The kennels are 120 sq. ft. and 6' high.

Tom Ward asked if he was breeding dogs to sell, and Mr. Hucks said he was. Bob Connolly told the Board that this is a rural agricultural area. Marcia Havens asked what the maximum number of dogs he would have. He said he would like to have at least three females. Marcia then asked if they would have outdoor runs. She was told no, but that there would be an exercise area outside. Mr. Huck said there was also enough space indoors to make something for the puppies.

Tom Ward read County Comments, which deemed the matter for local determination.

DECISION: Unanimous approval by vote of 7.

10. Application of Fantastfoods, Inc., 3209 Chili Avenue, Rochester, New York 14624, property owner: M. Truisci; for variance to erect a 4' x 2' double faced addition to freestanding sign at property located at above address in G.B. zone.

No one was present to represent the application. The Board discussed the procedure for handling applications when no one appears to represent the application.

DECISION: Application was denied by a vote of 5:2 because the applicant failed to appear for two consecutive meetings.

Tom Ward, Chairperson
Chili Zoning Board